EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 17 judgments on Tuesday 7 July 2020 and 30 judgments and/ or decisions on Thursday 9 July 2020.

*Press releases and texts of the judgments and decisions will be available at **10 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Tuesday 7 July 2020

Dimo Dimov and Others v. Bulgaria (no. 30044/10)

The applicants, Mr Dimo Mitev Dimov, Mr Kostadin Donchev Donchev, Mr Nacho Ivanov Yanakiev and Mr Rumen Bonchev Boyukliev, are four Bulgarian nationals who were born in 1976, 1981, 1979 and 1969 respectively and live in Stara Zagora. At the relevant time the first three applicants were police officers based at the Stara Zagora police station. The fourth applicant is a businessman in the same city. The case concerns the applicants' placement in pre-trial detention and the national courts' review of the lawfulness of that detention.

On 9 November 2009 the four applicants were placed under investigation for conspiracy, three charges of extortion and one charge of interfering with evidence in criminal proceedings. In particular, they were accused of having persuaded, using threat, several owners of nightclubs in Stara Zagora to enter into a contract with a security company based in the same city.

On 16 November 2009 the Stara Zagora Regional Court decided to place all of the applicants in pre-trial detention. The Plovdiv Court of Appeal upheld the regional court's decision.

In January 2010 the four applicants submitted requests for release through the Sofia City Prosecutor's Office.

On 1 February 2010 the Stara Zagora Regional Court dismissed the four applicants' request.

On 9 February 2010 the Plovdiv Court of Appeal dismissed an appeal by the applicants against the decision of 1 February 2010. The four applicants submitted further requests for release.

By a decision of 12 April 2010, the Stara Zagora Regional Court dismissed the applicants' requests. It considered that the evidence in the case file provided sufficient grounds for reasonable suspicions against the four applicants.

On 20 April 2010 the Plovdiv Court of Appeal examined and dismissed an appeal lodged by the applicants against the decision of 12 April 2010.

On 20 July 2010 the Plovdiv Regional Court dismissed the applicants' new requests for release. The Plovdiv Court of Appeal dismissed an appeal by the applicants against the Plovdiv Regional Court's decision.

On 16 November 2010 the third applicant was released by a court decision of 15 November 2010.

On 17 November 2010 the first, second and fourth applicants were also released following an order by the prosecutor, on the grounds that the maximum pre-trial detention period allowed by law had expired.

The case was subsequently examined by the courts. Following several adjournments during which the case was sent back to the prosecutor's office for further investigation, on 8 August 2014 the specialised criminal court terminated the criminal proceedings against the applicants.

Relying on Article 5 § 3 (right to liberty and security) of the European Convention on Human Rights, the applicants complain about the length of their detention, which they consider excessive. Relying on Article 5 § 4 (right to a speedy decision on the lawfulness of detention), they submit that there was no effective review by the national courts of the lawfulness and necessity of their detention and that their requests for release were not examined promptly. Relying on Article 5 § 5 (right to liberty and security), they also complain that they were not entitled to compensation for the alleged violations of their rights.

Pósa v. Hungary (no. 40885/16)

The applicant, István Pósa, is a Hungarian national born in 1975 who lives in Sátoraljaújhely.

The case concerns alleged police ill-treatment when the applicant was arrested.

In October 2011 a unit of the Anti-Terrorism Task Force ("TEK") arrived at the applicant's home in order to arrest him as part of an investigation into robbery.

The applicant submitted that he had been dragged along the ground, kicked and beaten during his arrest. Subsequent medical examinations showed he had bruises on his arms and back and abrasions on his back and left knee. Based on those findings, the National Investigation Office began an investigation into possible ill-treatment but in September 2012 the prosecutor closed the case.

The prosecutor found that although the applicant had suffered injuries during his arrest, it could not be established that they had resulted from a deliberate offence rather than from a police operation carried out lawfully. He also noted that a full video-recording of the arrest, made by the police at the time, was no longer available as it had been destroyed following the statutory 30-day period.

A complaint by the applicant about the decision to discontinue the investigation was dismissed with final effect in November 2012 by the Pest County Chief Public Prosecutor's Office.

The applicant brought substitute private prosecution proceedings against the two TEK officers involved and in February 2015 the Budapest Surroundings High Court acquitted the defendants.

The court noted that the police medical report sheet that was normally filled in when suspects were apprehended was missing from the file and that the full version of the video-recording was no longer available. It found that the applicant had not been ill-treated and that the minor injuries he had sustained had been caused accidentally. That judgment was upheld on appeal in February 2016.

Relying on Article 3 (prohibition of torture) of the European Convention on Human Rights, the applicant complains of police brutality and that the investigation into his allegations was ineffective.

Scerri v. Malta (no. 36318/18)

The four applicants are Maltese nationals, Nikolina Scerri, born in 1936, Joseph Scerri, born in 1972, Mario Scerri, born in 1977, and Raphael Scerri, born in 1968.

The case concerns a dispute with the authorities over compensation for expropriated land.

In 2003 the applicants were offered approximately 3,471 euros (EUR) in compensation for land which had been expropriated in 1961 and which the Government made use of in 1993 for the construction of a school and grounds.

The applicants objected to the valuation as they considered it too low and based on a wrong premise: they argued that it had been categorised as agricultural land, as was the case in 1961, whereas by 2003, when they had been offered compensation, it had become developable. Furthermore, much higher sums had been awarded for other property nearby. In 2009 the Land

Arbitration Board raised the compensation sum to EUR 20,134, still classifying the land as agricultural. The LAB's decision was upheld on appeal in November 2013.

In May 2013 the applicants raised a constitutional complaint, relying on Article 1 of Protocol No. 1 to the European Convention, alone and in conjunction with Article 14 and Article 6. At first instance, the Civil Court (First Hall) in its constitutional competence upheld the complaints in October 2016, ordering much higher compensation and making an award for non-pecuniary damage.

On appeal, the Constitutional Court in January 2018 confirmed the Article 6 violation and awarded EUR 7,500 for non-pecuniary damage in relation to the delay in offering compensation, but revoked the rest of the judgment, albeit adjusting the compensation to EUR 26,093 based on the guidelines in *Schembri and Others v. Malta* (just satisfaction).

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicants complain about the compensation awarded to them.

Under Article 6 § 1 (right to a fair trial), they complain about the Constitutional Court bench being composed of the same three judges who had decided their civil case on appeal in November 2013. Relying on Article 14 (prohibition of discrimination), the applicants complain of being discriminated against when compared with the owners of other property in similar circumstances.

Michnea v. Romania (no. 10395/19)

The applicant, Gheorghe Michnea, is a Romanian national who was born in 1974 and lives in Bresso, Italy.

The case concerns his complaint about Romanian courts in a child custody dispute.

The applicant married another Romanian national, X, in 2016, who moved to be with him in Italy, where he had lived and worked since 2006. They had a daughter, Y, in March 2017. They all lived together in Italy, with the parents exercising joint authority over Y from birth. In August 2017 X took the child to Romania without the applicant's consent.

In February 2018 the applicant lodged an action with Bucharest County Court under the provisions of the Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ("the Hague Convention"), seeking the return of the child to Italy.

In April 2018 the County Court allowed the request, but in June of the same year the Bucharest Court of Appeal quashed the decision and found that the child should stay in Romania, which was where she was habitually resident. Among other things, it found that the lawful residence of the applicant and his wife was still in Romania and that their flat in Italy had been rented temporarily.

In May 2018 a court granted the couple a divorce, giving the mother sole parental responsibility.

The applicant complains under Article 8 (right to respect for private and family life) of the Convention about the refusal of the Romanian courts to order the return of his child to Italy.

Voica v. Romania (no. 9256/19)

The applicant, Alexandra-Livia Voica, is a French and Romanian national born in 1982 who lives in Bucharest.

The case concerns the applicant's complaint about Romanian court decisions ordering her to return her children to joint parental authority in France.

In September 2016 a French court granted the applicant and her former husband, X, joint parental authority over their two children. It established the children's residence as being with the applicant, who at that time was living in France, while the former partner was granted contact rights.

In 2017 she moved to Romania with the children after receiving a job offer and X subsequently began proceedings for the return of the children under the Hague Convention, lodging an action with Bucharest County Court in March 2018, which upheld his request.

Among other things, it found that the children's habitual residence had been in France and that the parents had had joint parental authority. Under French law, the children's residence could only be changed if both parents agreed or, in there was no such agreement, by a court authorisation.

The court also examined the French court decisions on parental authority in the case and considered alleged abusive behaviour by X, but found that it did not constitute the exception of "grave risk" preventing the children's return in accordance with the Hague Convention. The County Court's decision was upheld on appeal in August 2018. The courts also dismissed objections by the applicant to enforcement of the return decision.

In October 2019 the Paris Court of Appeal dismissed an appeal by the applicant against the original custody decision of September 2016. It also established the children's residence as being with their father in France and granted the applicant contact rights only in that country. The parents were required to obtain each other's approval before taking the children abroad.

The applicant raises complaints about the Romanian court decisions in her case under various Articles of the Convention. The Court will deal with them under Article 8 (right to respect for private and family life) alone.

Rashkin v. Russia (no. 69575/10)

The applicant, Valeriy Fedorovich Rashkin, is a Russian national who was born in 1955 and lives in Saratov.

The case concerns his being found guilty of defamation for remarks he had made at a political rally.

In November 2009 the applicant, at the time a Member of Parliament from the opposition Communist Party, made a speech in Saratov for the 92nd anniversary of the Bolshevik Revolution. He accused various politicians of crimes against the nation, including Mr Volodin, a Member of Parliament from the Saratov Region from the ruling United Russia party.

He said, among other things, that, "All these crimes weigh heavily on the powers that were behind the 1991 coup, on the Yeltsins, Volodins, Sliskas, Medvedevs, and Putins. The crimes are on them and can only be washed away with blood. With blood should they wash away the disgrace they have brought upon us".

Mr Volodin brought and won a defamation claim against the applicant, the court in April 2010 granting him damages of one million Russian roubles (25,640 euros). The judgment was upheld on appeal.

The applicant complains under Article 10 (freedom of expression) of the Convention about being found liable for defaming another Member of Parliament.

Gros v. Slovenia (no. 45315/18)

The applicant, Vitomir Gros, is a Slovenian national who was born in 1942 and lives in Kranj (Slovenia).

The case concerns his complaint of being denied access to a court to challenge municipal decisions to classify paths crossing his land as "public roads".

In 2016 the applicant, acting as a trustee for the unidentified heirs of denationalised property, sought to challenge Ordinances adopted by the Municipality of Kranj which had classified roads running over two plots of land as "public roads". The Ordinances, one of which had been in force

since 2004, had led to the annulment in 2016 of decisions to denationalise the plots, which the applicant was managing and alleged to have owned.

In February 2018 the Constitutional Court rejected his application for a review of the Ordinances as having been lodged outside the time-limit of one-year since the Ordinances had entered into force (objective time-limit) or since he had become aware of the adverse impact of the Ordinances (subjective time-limit).

The court reasoned that he should have known about the classification of the roads, which had dated from the early 2000s, and had not explained why he could not have learned of the classification before being served with the annulment decision of 2016. He had thus not met the required time-limit for his application.

An appeal against the annulment decision of 2016 having been granted, the relevant proceedings are still ongoing.

The applicant complains under Article 6 § 1 (right to a fair trial) of the Convention that he was denied the right of access to a court by the Constitutional Court. He also raises a complaint under Article 1 of Protocol No. 1 (right to property) that the plots of land have been renationalised.

K.A. v. Switzerland (no. 62130/15)

The applicant, M. K.A., is a Kosovar national who was born in 1976 and previously lived in Lützelflüh (Switzerland). The application concerns the dismissal of the applicant's request for an extension of his residence permit and the order imposing a temporary prohibition on entry to Switzerland, issued against him following his criminal conviction for a drug-related offence. As a consequence, the applicant was expelled from Switzerland, where his wife and son, both ill, were living.

K.A. lived and received his school education in Kosovo, before moving to Switzerland and applying for asylum there in September 1996. His asylum claim was rejected on 20 December 1996.

Following a period of illegal residence, on 30 April 1999 K.A. married a Bangladeshi national who held a settlement permit for Switzerland. Through the marriage, K.A. received a residence permit on the grounds of family reunion. In 2002 the couple had a son.

On 19 November 2010 K.A. was convicted of a serious breach of the Federal Dangerous Drugs Act; he was sentenced to twenty-six months' imprisonment, of which six months were to be served immediately and twenty months were suspended for two years. In addition, eighteen sentence orders were issued against him between 1999 and 2012 and he accrued private debts.

On 6 October 2008 K.A. made an application for an extension of his residence permit. Finding that the permit had lapsed, the cantonal authority dealt with the application as a request for a new residence permit, and on 31 October 2012 refused to issue one. It therefore made an order for K.A.'s removal.

By a judgment of 22 June 2015, the Federal Supreme Court dismissed an appeal by K.A., having taken Article 8 of the Convention into consideration. While acknowledging that the applicant was an important reference person for his wife and son, both of whom were ill, and that his presence with them was therefore important, it noted that he was not the person who was providing them with the necessary care. The long-term prison sentence imposed on him meant that he had lost his entitlement to a residence permit.

On 22 June 2015 the cantonal authority informed K.A. that, in view of the decision of 31 October 2012 and the dismissal of his appeals, he had until 22 July 2015 to leave Swiss territory.

On 8 July 2015 K.A. was refused entry to Switzerland for a period of seven years. The decision referred mainly to the threat that he represented as a result of the offences committed by him.

On 29 July 2015 the applicant filed an appeal with the Federal Administrative Court against the prohibition on entering Switzerland.

On 13 October 2015 the Federal Administrative Court refused, in a final decision, to consider the appeal of 29 July 2015.

Relying on Article 8 (right to respect for private and family life), the applicant complains that the expulsion order and prohibition on entering Switzerland that were imposed following his criminal conviction breached his right to respect for his private and family life.

Thursday 9 July 2020

Y.T. v. Bulgaria (no. 41701/16)

The applicant, Y.T., is a Bulgarian national who was born in 1970 and lives in Stara Zagora (Bulgaria).

The case concerns a transsexual who has taken steps to change his physical appearance. He complains about the refusal by the Bulgarian authorities to amend the entries concerning his sex and his names in the civil status registers. He relies on Article 8 (right to respect for private and family life).

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database HUDOC.

They will not appear in the press release issued on that day.

Tuesday 7 July 2020

Name	Main application number
Balkūnas v. Lithuania	75435/17
Osadcii and Others v. the Republic of Moldova	51662/12
Ali Abbas Yılmaz v. Turkey	41551/11
Alp v. Turkey	8469/12
İlyas Gündüz v. Turkey	64607/11
Kaçar v. Turkey	81532/12
Kerçin v. Turkey	55038/11
Ramazan Taş v. Turkey	42153/11
Şenşafak v. Turkey	5999/13

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Name	Main application number
Van Eekert and Lavrijsen v. Belgium	33262/15
Fartunova and Kolenichev v. Bulgaria	39017/12
Idžanović v. Croatia	67705/14
Latvia v. Denmark	9717/20
Raudsepp v. Estonia	22409/18

Name	Main application number
M.H. v. Finland	42255/18
Tsion v. Georgia	7720/12
Buzi v. Greece	26479/15
Kerasiotis and Xenopoulos v. Greece	59536/13
Zisis and others v. Greece	30794/18
Avellone and Others v. Italy	6561/10
Guiso-Gallisai v. Italy	95/06
Čebelis v. Lithuania	64249/17
Brunner v. Poland	71021/13
Hycki v. Poland	58370/13
K.T. and Z.K. v. Poland	46697/18
Przydatek v. Poland	43081/18
Rechul v. Poland	69143/12
Walczak v. Poland	45564/15
Akkuş v. Turkey	45255/09
Aşkın v. Turkey	19499/10
İnce v. Turkey	52772/08
Küçük and Others v. Turkey	46852/09
Şat and Horuş v. Turkey	30504/10
Sevim v. Turkey	41739/11
Société Anonyme Koç and Hancı v. Turkey	56096/09
Yılmaz v. Turkey	30259/16
Lefter and Others v. Russia and Ukraine	30863/14
Sevruk v. Ukraine	2714/11

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