



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 20 judgments on Tuesday 7 December 2021 and 22 judgments and / or decisions on Thursday 9 December 2021.

*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](http://www.echr.coe.int))*

### Tuesday 7 December 2021

#### [Standard Verlagsgesellschaft mbH v. Austria \(no. 3\) \(application no. 39378/15\)](#)

The applicant, Standard Verlagsgesellschaft mbH is a limited liability company based in Vienna. It publishes *Der Standard*, a newspaper, and runs an online news portal carrying articles and discussion forums on [derStandard.at](http://derStandard.at).

The case concerns a court order for the applicant company to reveal the sign-up information of registered users who had posted comments on the website. This followed comments allegedly linking politicians to, among other things, corruption or neo-Nazis, which the applicant company had removed but had refused to reveal the information of the commenters.

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights the applicant company complains of the order to disclose the data of users on its news portal.

#### [Stoyanov and Tabakov \(II\) v. Bulgaria \(no. 2\) \(no. 64387/14\)](#)

The applicants, Valeri Stoyanov Stoyanov and Valentin Stoyanov Tabakov, are Bulgarian nationals who were born in 1962 and 1960 respectively and live in Pazardzhik (Bulgaria).

The case concerns the attempted purchase of an office from Pazardzhik Municipal Council and complaints about lack of implementation of the related subsequent domestic-court judgments. The Court found in the applicants' favour in 2013, stating that the authorities "had not only failed to undertake the necessary steps to enforce the final judgments in the applicants' favour, but had demonstrated a particular unwillingness to do so".

Relying on Article 6 § 1 (right to a fair trial), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy) of the European Convention, the applicants complain, in particular, of the lack of enforcement of the final judgments in their favour, which had also been in breach of the Court's 2013 [judgment](#).

#### [Ghrenassia v. Luxembourg \(no. 27160/19\)](#)

The applicant, Gaston Ghrenassia, is a French national who was born in 1938 and lives in Paris (France).

The applicant in this case alleges that the Luxembourg Court of Cassation displayed excessive formalism in declaring inadmissible a ground of appeal he had submitted in a dispute with a bank that had been placed in compulsory liquidation. In the context of those proceedings he had requested that questions be referred to the CJEU for a preliminary ruling.

Relying on Article 6 § 1 (right of access to a court), the applicant criticises the Court of Cassation for displaying excessive formalism.

### [Filat v. the Republic of Moldova \(no. 11657/16\)](#)

The applicant, Vladimir Filat, is a Moldovan national who was born in 1969 and lives in Chişinău. Between 2009 and 2013 he was Prime Minister of the Republic of Moldova. From 2014, he was a member of parliament and leader of a party which formed part of the ruling coalition.

The case concerns criminal proceedings which led to the applicant being sentenced in 2016 to nine years' imprisonment for accepting bribes and for influence peddling.

Relying on Article 5 § 4 (right to speedy review of the lawfulness of detention), the applicant complains that he was unable to have reviewed the lawfulness of his pre-trial detention, ordered following his conviction at first instance.

Relying on Article 6 § 2 (presumption of innocence), he complains about statements made by officials when his parliamentary immunity was lifted.

### [Daneş and Others v. Romania \(nos. 44332/16, 44829/16, and 44839/16\)](#)

The applicants (Mihai Daneş, Liviu Harbuz and Viorel Andronie) are three Romanian nationals.

The case concerns the refusal of civil claims brought by the applicants, members of the governing board of the National Order of Veterinary Surgeons of Romania (C.M.V.R.), against a journalist and a local weekly newspaper, with a view to securing protection of their reputation following the publication of an article containing criticisms of them.

The article was published in the 18-24 March 2013 edition of *Bihoreanul* (a local weekly newspaper) and on that newspaper's Internet site. The headline read: "*Poisoned meat. As the scandal over meat contaminated with antibiotics rages, a Bihor vet points the finger: the governing body of the C.M.V.R. is responsible*". It addressed, among other topics, the dangers of the sale and use, without a prescription, of veterinary antibiotics and, in particular, criticised the applicants for involvement in the national trade in veterinary medicines and for taking steps to ensure that an order aimed at strengthening the monitoring of the sale of such drugs was set aside.

The applicants brought civil proceedings against the newspaper and the journalist who had written the article, but their claims were rejected by the Romanian courts, which held that a fair balance had been struck between the two competing rights in the case, namely: the applicants' right to protection of their reputation and the right to freedom of expression of the journalist and the newspaper.

Before the European Court, the applicants rely on Article 8 (right to respect for private life), arguing that the national authorities failed to protect their reputation.

### [Danilenko v. Russia \(nos. 7000/17 and 81319/17\)](#)

The applicants, Sergey Vasilyevich Danilenko and Leyla Davudovna Danilenko, are Russian nationals who were born in 1968 and 1987 respectively and live in Novochoerkassk (Russia). They are husband and wife.

The case concerns the pre-trial detention, legal proceedings and detention in respect of the first applicant following his arrest on suspicion of fraud.

Relying on Article 5 § 3 (right to liberty and security), Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), Article 8 (right to respect for private and family life) the applicants complain, in particular, of the length of the pre-trial detention, the speed of the proceedings, and of the limitations on family visits while in detention.

### [Godlevskaya v. Russia \(no. 58176/18\)](#)

The applicant, Lyudmila Godlevskaya, is a Russian national who was born in 1963 and lives in Moscow.

The case concerns the seizure and sale (*обращение взыскания по приговору*) of the applicant's immovable property, ordered by the courts following the criminal conviction of her former husband.

In 1996 the applicant married G., with whom she contracted a marriage contract in 2000. Between 2011 and 2014 the applicant purchased two flats and one other property. In 2015 the couple divorced.

In the meantime, a criminal investigation was opened in 2011 into embezzlement at a factory where G. had been a director since 2006. In 2015 he was placed under investigation in that case. The following year, at the request of the factory, which had joined the proceedings as a civil party, the court authorised the interim seizure of the applicant's properties, finding that there were plausible grounds to believe that those assets had been obtained through G.'s criminal conduct. That decision was upheld by the regional court.

In 2017 G. was given a suspended two-year prison sentence for two offences of embezzlement committed between 2007 and 2009. Noting that the buildings in question had been purchased in the applicant's name during G.'s marriage, the court ordered that they be seized and sold, and held that the proceeds were to be handed over to the factory. An appeal and an appeal on points of law, lodged by the applicant, were rejected. She then applied three times to the civil courts for the seizure order to be lifted, but these applications were also rejected. In 2020 G. died.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complains about the seizure and sale of her immovable property, imposed on account of her former husband's conviction.

### [Yakut Republican Trade-Union Federation v. Russia \(no. 29582/09\)](#)

The applicant, the Yakut Republican Trade-Union Federation, is a non-governmental organisation set up in 1991 in the Republic of Sakha, Yakutia (Russia).

The case concerns legislation in Russia banning prisoners from setting up or joining trade unions.

Relying on Articles 6 (right to a fair trial) and 11 (freedom of association), the applicant federation complains that, under the statutory ban, it was ordered to expel a trade union set up in 2006 by inmates in a high-security prison located in Yakutsk. The inmates work in the colony's sawmill and in prison maintenance jobs.

### [Yefimov and Youth Human Rights Group v. Russia \(nos. 12385/15 and 51619/15\)](#)

The applicants, Maksim Mikhaylovich Yefimov, and Youth Human Rights Group, are a Russian national and a Russian non-governmental organisation respectively. Mr Yefimov was born in 1976 and he founded Youth Human Rights Group in 2000 in Petrozavodsk (Republic of Karelia, Russia).

The case concerns the law in Russia providing that an association may be dissolved if it refuses to expel a member who has been suspected of an extremist offence.

In 2011 Mr Yefimov was charged with an extremist offence of hate speech in connection with his publication in which he criticised the influence of the Russian Orthodox Church in public life. Two years later, the Youth Human Rights Group was liquidated for failure to expel from its ranks Mr Yefimov, who had been charged with an extremism offence.

Relying on Article 10 (freedom of expression), Mr Yefimov complains of his prosecution for expressing his views. Relying on Article 11 (freedom of association) the applicants complain of the

order to expel the first applicant from Youth Human Rights Group and the order to dissolve the latter.

### [Yasin Özdemir v. Turkey \(no. 14606/18\)](#)

The applicant, Yasin Özdemir, is a Turkish national who was born in 1980 and lives in Adana (Turkey).

The case concerns the criminal conviction of the applicant, a teacher, for praising crime and criminals, on account of comments published by him on social media in April 2015, in support of the “Fetullahist” organisation and its leader (Fethullah Gülen).

In June 2016 the public prosecutor’s office ordered the police to conduct research on social media (Facebook, Twitter and Instagram) to identify Internet users who belonged to terrorist organisations.

In the same month, the Isparta Security Directorate prepared a report, classified as secret, on the comments posted by the applicant on Facebook in reaction to articles or news about the “Fetullahist” organisation by the pro-government newspaper *Yenişafak*.

In July 2016 the applicant was dismissed, pursuant to Legislative Decree no. 667 (adopted by the Council of Ministers during the state of emergency imposed following the attempted coup of 15 July 2016), on the grounds that he had previously been employed in a private school affiliated to the “FETÖ/PYD terrorist organisation”, which had been closed down pursuant to the same Legislative Decree.

In August 2016 the applicant was placed in police custody, then in pre-trial detention, as the authorities suspected him of being a member of the FETÖ/PYD organisation or of disseminating propaganda in its favour.

In November 2016 the Isparta Assize Court sentenced the applicant to seven months and 15 days’ imprisonment, in application of Article 215 § 1 of the Turkish Criminal Code, finding that the applicant’s actions fell within the offence of praising crime and criminals. The assize court also decided to suspend the delivery of the judgment convicting the applicant (meaning that it would be set aside if he was not convicted of any offence of the same type for a period of five years).

In its judgment, the assize court drew attention to the FETÖ/PYD’s organisational structures and operating methods, and held that it was an armed organisation, in that it had carried out several attacks in Turkey through its members who were employees of the armed forces or the police. As to the condition provided for in Article 215 § 1 of the Criminal Code, under which statements considered as praising crime and criminals had to present a clear and present danger to public order, the assize court considered that the attempted coup of July 2016 amounted to such a danger.

An appeal lodged by the applicant and an individual application to the Turkish Constitutional Court were dismissed.

Relying on Article 10 of the Convention (freedom of expression), the applicant complains about his conviction, arguing that at the time he published the contested comments, the organisation in question was not known as a terrorist organisation.

Thursday 9 December 2021

### [Rovshan Hajiyev v. Azerbaijan \(nos. 19925/12 and 47532/13\)](#)

The applicant, Rovshan Bahadur oglu Hajiyev, is an Azerbaijani national who was born in 1961 and lives in Baku.

The case concerns the seeking of information by the applicant on a Soviet military early-warning radar located in the Gabala region of Azerbaijan, and the authorities’ response.

Relying on Article 10 (freedom of expression) and Article 6 (right to a fair trial), the applicant complains, in particular, of the authorities' refusal to give him access to information of public interest, and that the court judgments in this connection were not adequately reasoned.

#### [Hamzagić v. Croatia \(no. 68437/13\)](#)

The applicant, Meho Hamzagić, is a national of Bosnia and Herzegovina who was born in 1951 and lives in Marburg (Germany).

During the war in Bosnia and Herzegovina Mr Hamzagić spent three months in a prison camp. The German authorities granted him a disability pension primarily on the basis of his post-traumatic stress disorder related to the war. Proceedings for entitlement to a proportional part of a disability pension ensued in Croatia.

Relying on Article 6 (right to a fair trial), the applicant complains that the proceedings in Croatia were unfair in that they were decided on the basis of the findings of the experts who lacked the relevant competence and neutrality to assess his condition.

#### [G.M. v. France \(no. 25075/18\)](#)

The applicant, G.M. is a Kirghiz national. She was born in 1978 and lives in Bourg-la-Reine.

The case concerns the placement of the applicant's child, who was then very young, in the care of the child welfare services and the limitation on the mother's contact rights.

Relying on Article 8 (right to respect for family life), the applicant submits that her child's placement in care and the limitation on her contact rights were in breach of this provision of the Convention.

#### [Jarrand v. France \(no. 56138/16\)](#)

The applicant, Daniel Jarrand, is a French national who was born in 1954 and lives in Fontaine.

The case concerns the intrusion by police into the home of Mr Jarrand, who was then living with his mother, his arrest and his detention in a police station.

Relying on Articles 5 § 1 (right to liberty and security) and 8 (right to respect for private and family life), the applicant submits that there was no legal basis for his arrest and deprivation of liberty and that the police officers, acting without a court order or right, had violated his right to respect for his home. Relying on Article 5 § 5, the applicant also alleges that he did not have a remedy by which to seek redress for that detention, which had been contrary to Article 5 § 1.

#### [R.M. v. Latvia \(no. 53487/13\)](#)

The applicant, Ms R.M., is a Latvian national who was born in 1964.

The case essentially concerns the applicant's complaint about the decision to suspend her parental authority over her 12-year-old son.

Her son was placed in public care in February 2013, after he had been found by the police in the street in his pyjamas, claiming to have had a fight with his mother. Parental authority was restored in November 2014.

Relying on Article 8 (right to respect for private and family life), she complains that the measures against her were not justified, and that the subsequent refusals to restore her parental authority were to punish her for going into hiding with her son from May 2013.

The applicant also complains under Article 2 of Protocol No. 1 (right to education) that her son was deprived of the possibility to have compulsory primary education and to attend music school when her parental authority was suspended.

[S - H v. Poland \(nos. 56846/15 and 56849/15\)](#)

The applicants, S. and M. S.-H., are dual Israeli and United States nationals who were both born in 2010 and live in Ramat-Gan (Israel).

The applicants' parents are a same-sex couple who in 2010 had their children conceived via a surrogacy agreement. The applicants were confirmed as children of their parents by the Superior Court of California. The case concerns their application for Polish citizenship (one of their parents is a Polish national).

They rely on Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination).

[Wojczuk v. Poland \(no. 52969/13\)](#)

The applicant, Ireneusz Wojczuk, is a Polish national who was born in 1967 and lives in Warsaw. He is an art historian.

Between 1997 and 2008 Mr Wojczuk was employed by the Museum of Hunting and Horse-riding. The case concerns his conviction in 2012 for libel against the museum for four anonymous letters allegedly sent by him which were critical of the museum's management.

Relying on Article 10 (freedom of expression), the applicant complains that his criminal conviction was disproportionate and unjustified.

[Yaremychuk and Others v. Ukraine \(no. 2720/13 and six other applications\)](#)

The applicants are six Ukrainian nationals and one Russian national who live in Russia, the United States and Ukraine.

The case concerns the sanctions imposed on the applicants for their failure to declare cash they were carrying (sums which exceeded 10,000 euros) to the customs authorities.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain that the measure was disproportionate.

[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 December 2021

Name	Main application number
Danilin v. Russia	39703/07
Kishkarev and Others v. Russia	24317/09
Konstantinov and Others v. Russia	15364/11
Lashun v. Russia	16390/17
Pronyakin and Others v. Russia	74389/10
Pugoyeva v. Russia	43479/14
Pukhachev v. Russia	24344/17
Shchepetov v. Russia	34635/17
Sporykhin and Others v. Russia	40930/06
Tewelde and Others v. Russia	48352/19

Thursday 9 December 2021

Name	Main application number
Zaharia v. Albania	45022/16
Petroudi v. Cyprus	35686/16
I.A. v. Hungary	38297/17
Lorini v. Italy	1874/07
Apap Bologna v. Malta	47505/19
Hyzler and Others v. Malta	45720/19
Gerguri v. North Macedonia	54953/16
Ananiyevy v. Russia	47495/11
Sovet Greenpeace v. Russia	1424/17
Tekhnologii XXI Veka v. Russia	39011/11
Tumanov v. Russia	30973/11
Bryg-A, TOV v. Ukraine	75237/10
Mitsopoulos v. Ukraine	62006/09
Slobodyan v. Ukraine	2511/16

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

#### Press contacts

[echrpres@echr.coe.int](mailto:echrpres@echr.coe.int) | tel.: +33 3 90 21 42 08

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.