



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 11 judgments on Tuesday 8 March 2022 and three judgments and / or decisions on Thursday 10 March 2022.

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 8 March 2022

[Sabani v. Belgium \(application no. 53069/15\)](#)

The applicant, Aferdita Sabani, is a Serbian national who was born in 1958 and lives in Preshevo (Serbia).

The case concerns the applicant's arrest by the police at her home address. The applicant had been served with an order to leave the country, accompanied by a decision to keep her in a designated place. The Belgian police had gone to the applicant's place of residence at the request of the Aliens Office in order to verify her compliance with the expulsion order and, if necessary, to arrest her. Noting that the applicant had not complied with the order to leave the country, the police arrested her, handcuffing her in order to take her to the Bruges closed centre.

Relying on Article 8 (right to respect for her home) of the European Convention on Human Rights, the applicant submits that her administrative arrest had amounted to an unjustified interference with her right to respect for her home, and that the use of handcuffs had not been necessary.

Relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) of the European Convention, the applicant states that she had been unable to obtain a prompt, effective review of the lawfulness of her detention on account of the length of the judicial proceedings.

[Tonkov v. Belgium \(no. 41115/14\)](#)

The applicant, Tonislav Tonkov, is a Bulgarian national who was born in 1983 and is detained in Hasselt (Belgium).

The case concerns criminal proceedings in which the applicant was found guilty, with another co-accused, of premeditated, intentional murder, and sentenced to life imprisonment.

Relying on Article 6 (right to a fair trial) of the Convention, the applicant complains that he was deprived of his right of access to a lawyer during his police custody, without adequate information on his right to remain silent and not to incriminate himself, as well as the absence of any lawyer during the hearings, interviews and other investigative measures. He also complains that his conviction was partly based on statements made by a co-accused without the assistance of a lawyer.

[Y.Y. and Y.Y. v. Russia \(no. 43229/18\)](#)

The applicants, Y.Y. and Y.Y., are Russian nationals who were born in 1983 and 2011 respectively and live in St Petersburg. They are mother and son.

The case concerns court proceedings concerning the determination of the second applicant's place of residence, and the enforcement of the subsequent order that he should live with his mother. The first applicant's marriage with the child's father ended in 2014, after which the latter collected the child from school and refused to return him to his mother.

Relying on Article 8 (right to respect for private and family life), the applicants complain of a failure on the part of the domestic authorities to enforce the domestic court decision regarding their family situation.

[Zakharova and Others v. Russia \(no. 12736/10\)](#)

The applicants, Yekaterina Vasilyevna Zakharova, Lina Ivanovna Krauze and Svetlana Ivanovna Andreyeva, are Russian nationals who were born in 1966, 1963 and 1966 respectively and live in Ostrov (Pskov Region, Russia).

The case concerns the applicants' harassment at and ultimately dismissal from a municipal educational institution in Ostrov. All three were active trade union members. It also concerns the proceedings that followed.

Relying on Article 14 (prohibition of discrimination), Article 11 (freedom of assembly and association), Article 6 (right to a fair trial) and Article 13 (right to an effective remedy), the applicants complain, in particular, that they were discriminated against on the grounds of trade union membership and that the authorities did not protect their rights.

[Reyes Jimenez v. Spain \(no. 57020/18\)](#)

The applicant, Luis Reyes Jimenez, is a Spanish national who was born on 15 July 2002 and lives in Los Dolores, Cartagena (Murcia, Spain).

The case concerns the severe deterioration in the state of physical and neurological health of Mr Reyes Jimenez, who was underage at the relevant time, and who is in a state of complete dependence and disability following three operations to remove a brain tumour. He is represented by his father before the Court.

Relying on Article 8 (right to respect for private and family life), the applicant's parents submit that they did not receive full and adequate information regarding the surgical procedures carried out on their son, and that they were therefore unable to give their free and enlightened consent to those operations.

[Ekrem Can and Others v. Turkey \(no. 10613/10\)](#)

The applicants are 15 Turkish nationals who were born between 1978 and 1985 and live in Istanbul, Tekirdağ, Edirne and Kocaeli.

The case concerns their conviction for having staged a protest in a courthouse, during which they chanted slogans, displayed a banner, threw leaflets around, and locked themselves in one of its corridors, thereby impeding hearings that were taking place.

Relying on Articles 10 (freedom of expression) and 11 (freedom of assembly and association), the applicants complain that they were intimidated for exercising their right to freedom of peaceful assembly and for making a press statement. They also complain under Article 6 (right to a fair trial) that they were not allowed to benefit from legal assistance when being questioned by the police during the preliminary investigation stage.

[Elif Nazan Şeker v. Turkey \(no. 41954/10\)](#)

The applicant, Elif Nazan Şeker, is a Turkish national who was born in 1978.

The case concerns the criminal proceedings that followed Ms Şeker's arrest for membership of an illegal organisation, Ekim. The case was retried, and from court records it transpired that she was being represented by a lawyer other than the one she had chosen for herself during those proceedings.

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (c) (right to legal assistance of own choosing), the applicant complains, in particular, of the court appointing a lawyer to represent her without informing her or her counsel.

[Rüşan Uysal v. Turkey \(no. 44502/14\)](#)

The applicant, Rüşan Uysal, is a Turkish national who was born in 1959 and lives in Istanbul (Turkey).

The case concerns the classification of the transfer to the authorities of ownership of part of a plot of land belonging to the applicant and the failure to award compensation.

In 2005 the Turkish authorities decided to expropriate a number of plots of land, including a section of that belonging to the applicant, for road-building purposes. Following negotiations on the selling price, the applicant agreed to sell his property for 10 Turkish lira (TRY) (about 5 euros (EUR)), even though the value of the impugned plots of land had been estimated at TRY 2,401,664 (about EUR 1,400,000 at the time). The applicant stated that he had agreed to the transfer for a token price in exchange for a municipal undertaking to amend the urban planning scheme to enable him to build a petrol station on the remainder of his property. The proposed amendment to the planning scheme had ultimately been rejected, and the applicant applied to the courts seeking either the return of his property or appropriate compensation. The courts dismissed his application.

Relying on Article 1 of Protocol No. 1 to the Convention (protection of property), the applicant submits that the transfer to the authorities of ownership of part of the land belonging to him without compensation infringes his right to the peaceful enjoyment of his possessions.

Thursday 10 March 2022

[Shenturk and Others v. Azerbaijan \(nos. 41326/17, 8098/18, 8147/18 and 8384/18\)](#)

The applicants, Taci Shenturk, Isa Ozdemir, Ayhan Seferoglu and Erdogan Taylan, are Turkish nationals who were born between 1971 and 1976 and are currently in custody in Turkey.

The case concerns the arrest, detention and expulsion of the applicants from Azerbaijan to Turkey. All four had worked as teachers in private schools associated with the Gülen movement.

Relying on Article 5 § 1 (right to liberty and security) and § 4 (right to have lawfulness of detention decided speedily by a court), Article 3 (prohibition of inhuman and degrading treatment), and Article 13 (right to an effective remedy), the applicants complain, in particular, that their detention was unlawful, that their removal to Turkey exposed them to a real risk of ill-treatment, and of a lack of an effective remedy for their complaints.

[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 8 March 2022

Name	Main application number
Negulyayev v. Russia	49330/16
OOO Truzhenik-89 and OOO Firma Moaz v. Russia	34336/10
Uspenskiy v. Russia	50734/12

Thursday 10 March 2022

Name	Main application number
F.T. and Rakhmanov v. Russia	16473/19
Shukurov v. Russia	44938/18

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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.