

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 16 judgments on Tuesday 8 October 2024 and 68 judgments and / or decisions on Thursday 10 October 2024.

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 October 2024

[Aghajanyan v. Armenia \(application no. 41675/12\)](#)

The applicant, Ishkhan Aghajanyan, is an Armenian national who was born in 1951 and lives in Yerevan.

The case concerns his dismissal from his employment in a private factory on the grounds that he had disclosed sensitive information concerning his employer in an interview with a journalist.

The applicant complains that his dismissal, as a result of that interview, breached his right to freedom of expression as provided for in Article 10 of the European Convention on Human Rights.

[M.A. and Z.R. v. Cyprus \(no. 39090/20\)](#)

The applicants, M.A. and Z.R., are Syrian nationals who were born in 1983 in Idlib, Syria, and live in Lebanon. They fled Idlib in early 2016 because of the war, the targeting of civilians and the destruction of their homes. After spending four years in a refugee camp in Lebanon, they decided to seek asylum in Cyprus in 2020.

The case concerns their interception at sea by the Cypriot authorities and their immediate return to Lebanon.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security) and 13 (right to an effective remedy) of the European Convention and of Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) to the Convention, the applicants complain that the Cypriot authorities refused to allow them access to an asylum procedure and returned them to Lebanon as part of a collective measure without an examination of their asylum claim or of their individual circumstances.

[Zavridou v. Cyprus \(no. 14680/22\)](#)

The applicant, Evangelia Zavridou, is a Cypriot national who was born in 1970 and lives in Nicosia.

The case concerns an alleged failure by the national authorities to secure the applicant's custodial rights and to enforce domestic decisions in that respect.

Relying principally on Article 8 (right to respect for private and family life) of the Convention, the applicant complains that the Cypriot authorities did not swiftly and diligently enforce the Family Court's orders awarding her custody and care of her children, and did not make all necessary efforts to reunite her with her children.

[S.F. v. Finland \(no. 35276/20\)](#)

The applicant, S.F., is an Eritrean national who was born in 1982 and lives in Vantaa (Finland).

Ms S.F. and her three children were granted asylum in Finland in 2016. The case concerns S.F.'s application for family reunification so as to allow her husband, an Eritrean citizen who had been granted asylum in Uganda, to move to Finland. The Immigration Service stated that they should have had at least 2,900 euros (EUR) per month and EUR 34,800 per year at their disposal to provide for her husband in Finland. The Finnish courts, who also examined the children's best interests, refused to grant a derogation from that maintenance requirement.

Relying on Article 8 (right to respect for private and family life), Ms S.F. complains of the denial of her application for family reunification.

[Micha and Others v. Greece \(no. 13991/20\)](#)

The applicants, Eleni Micha, Athina Micha and Maria Liapi, are Greek nationals who were born in 1965, 1970 and 1936, respectively, and live in Athens. They own two plots of land of 250 sq. m each, located in a group of houses in the Kontopefko district of the municipality of Agia Paraskevi.

The case concerns the restraint on the applicants' use of their land since 24 March 2003 on account of a proposed amendment to the urban development plan under which it would be turned into a green belt and the administration's refusal to comply with the judgments delivered by the administrative courts in that connection.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the applicants complain about the national authorities' refusal to comply with the Supreme Administrative Court's judgment and about their alleged inability, as a result, to have the restraint on their properties lifted. Relying on Article 13 (right to an effective remedy) in conjunction with Article 1 of Protocol No. 1 (protection of property), they complain that there was no effective remedy available to them by which to challenge the national authorities' refusal to release their properties, in spite of the Supreme Administrative Court's judgment in their favour and the decisions of the three-member committee responsible for supervising the enforcement of that court's judgments.

[Cosovan v. the Republic of Moldova \(no. 36013/13\)](#)

The applicant, Serghei Cosovan, is a Moldovan national who was born in 1971 and lived in Chişinău.

The case concerns a special confiscation order, issued by prosecutors, of 116,428 Moldovan lei (about 7,080 euros) after criminal proceedings in respect of the applicant had been discontinued as time-barred. Mr Cosovan was being investigated at the time for illegal commercial activity, specifically for running an unauthorised public carpark.

Relying on Article 6 (right to a fair trial), Mr Cosovan alleges that the confiscation order (a criminal sanction) was imposed on him in the absence of a fair trial by a court of law and contrary to the principle of presumption of innocence.

[Jesus Pinhal v. Portugal \(nos. 48047/15 and 2276/20\)](#)

The applicant, Filipe de Jesus Pinhal, is a Portuguese national who was born in 1946 and lives in Portugal.

The case concerns three sets of proceedings brought against the applicant by the criminal-law authorities, the Securities Market Commission and the Bank of Portugal, respectively, for criminal and administrative offences committed while he was Vice-Chairman of the Board of Directors of a private bank, Banco Comercial Português, S.A.

The applicant complains that he was prosecuted three times for the same acts. He relies in this connection on Article 4 of Protocol No. 7 (right not to be tried or punished twice) and Articles 6 (right to a fair trial) and 7 (no punishment without law).

[Severin v. Romania \(no. 20440/18\)](#)

The applicant, Adrian Severin, is a Romanian national who was born in 1954 and lives in Romania. At the relevant time he was a Member of the European Parliament (MEP).

The case concerns the fairness of criminal proceedings against Mr Severin for allegedly taking bribes when he was an MEP.

The proceedings in question were connected to an investigation conducted in 2011 by two British journalists from *The Sunday Times* who had posed as lobbyists and had offered the applicant money to support certain legislative amendments put before the European Parliament. Statements and recordings made by the journalists were used in the criminal proceedings before the Romanian courts.

Relying on Article 6 (right to a fair trial / right to examine witnesses), the applicant complains that the criminal proceedings against him were unfair, in particular on account of the use of recordings made by the journalists and the fact that the latter were examined in circumstances he claims were unfavourable to the defence.

[Kajganić v. Serbia \(no. 27958/16\)](#)

The applicant, Biljana Kajganić, is a Serbian national who was born in 1951 and lives in Belgrade. She is a lawyer. At the relevant time she was representing a certain X in criminal proceedings relating to the assassination of the Serbian Prime Minister, Zoran Đinđić, on 12 March 2003.

In 2004 the magazine *Vreme* published an article called “Associates, lawyers and old buddies”, in which it was alleged, alongside a photo of Ms Kajganić, that she had secured the status of cooperating witness for her client through “her old buddies”, who were “the two most powerful men in the country”, the Minister of the Interior and the Director of the Security Intelligence Agency at the time (*Bezbednosno-informativna agencija*). The article alleged that there were tapes of Ms Kajganić making these statements, recorded by the Directorate for the Fight against Organised Crime. The case concerns the proceedings that followed.

Relying on Articles 6 § 1 (right to a fair trial), 8 (right to respect for private and family life) and 13 (right to an effective remedy), Ms Kajganić complains, in particular that the State failed to protect her right to reputation, of the length of proceedings, and that there was no effective remedy for her complaints.

[İşik v. Türkiye \(no. 42202/20\)](#)

The applicant, Şehmus İşik, is a Turkish national who was born in 1988 and lives in Van (Türkiye).

In 2014 police moved to break up a fracas involving some 30 people in the centre of Van. Mr İşik, who asserts that he was just passing by, was shot with plastic bullets and arrested, and had to be taken to hospital owing to his injuries.

An investigation was opened into his allegations on this matter. No prosecution was initiated as stones and bottles had been thrown at the police officers who had intervened, and the accused officer in question had used plastic bullets in accordance with the law. Furthermore, although he had injured Mr İşik, his life had not been at risk.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr İşik alleges ill-treatment by the police and an inadequate investigation into that allegation by the Turkish authorities.

Thursday 10 October 2024

[Bagirova v. Azerbaijan \(no. 9375/20\)](#)

The applicant, Aynur Islam gizi Bagirova, is an Azerbaijani national, who was born in 1976 and lives in Ganja (Azerbaijan).

The case concerns the killing of her brother, who was a wanted person, during an operation conducted by agents of the State Security Service to arrest him in Baku in July 2018.

Relying on Articles 2 (right to life) and 13 (right to an effective remedy), the applicant complains that her brother was deliberately killed by State agents and that the domestic authorities failed to conduct an effective investigation into the circumstances surrounding his death.

[Eldar Hasanov v. Azerbaijan \(no. 12058/21\)](#)

The applicant, Eldar Humbat oglu Hasanov, is an Azerbaijani national who was born in 1955 and is serving a prison sentence in Baku. He is a former Prosecutor General (1995 to 2000) and former Ambassador of Azerbaijan (2001 to 2020).

The case concerns his arrest and pre-trial detention for abuse of official authority, use of State funds otherwise than for their designated purpose, money laundering, embezzlement and forgery committed in the Azerbaijani Embassy in Serbia.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 §§ 1, 3 and 4 (right to liberty and security/right to have lawfulness of detention decided speedily by a court), and 18 (limitation on use of restrictions on rights) the applicant complains that there were no reasonable grounds for his arrest and pre-trial detention, that the judicial review of his pre-trial detention was inadequate and that he was not provided with adequate medical treatment while in custody. Relying on Article 34, he complains that the Azerbaijani Government failed to comply with interim measures indicated by the Court under Rule 39, in violation of his right of individual petition.

[Machalický v. the Czech Republic \(no. 42760/16\)](#)

The applicant, Oldřich Machalický, is a Czech national who was born in 1954 and lives in Roztoky (Czech Republic).

In 2003 criminal proceedings were opened against Mr Machalický for alleged fraud while in the position of bank manager in the mid-1990s. The trial was ultimately discontinued owing to the limitation period. The case concerns the dismissal of a compensation claim by Mr Machalický against the Ministry of Justice for the above trial. The Supreme Court held that under the State Liability Act, compensation could be granted to a person whose criminal prosecution had been discontinued on the grounds that he or she had not committed the offence, only (a) when there was no doubt that the act had not occurred, (b) when the act did not constitute an offence, or (c) when it was not established that the act had been committed by the prosecuted person), but that the trial in question had been discontinued with the understanding that Mr Machalický had committed a reprehensible act amounting to a criminal offence.

Relying on Article 6 § 2 (presumption of innocence), Mr Machalický complains that by dismissing his action for damages in relation to his criminal prosecution, the Czech civil courts considered that he had committed a criminal offence, even though the criminal proceedings against him had been discontinued as being time barred.

Just Satisfaction

[Legros and Koulla v. France \(nos. 72173/17 and 31317/20\)](#)

The applicants are 16 French nationals and two Algerian nationals. On 13 July 2016 a new time-limit for lodging claims with the administrative courts was enshrined by the *Conseil d'État* in its *Czabaj*

decision. As the proceedings they had brought before the French administrative courts were pending, the 18 applicants saw the new time-limit retrospectively applied to their applications. Relying on Article 6 § 1 (right of access to a court), the applicants complained of the immediate application of the new “reasonable time” requirement for the lodging of applications with the administrative courts while the proceedings in their cases were ongoing. Relying on Article 1 of Protocol No. 1 (protection of property), Mr Legros (application no. 72173/17) complained of unjustified interference with his right to peaceful enjoyment of his possessions, in particular owing to the domestic courts’ rejection of his application as out of time.

The Court delivered its [Legros and Others v. France](#) (nos. 72173/17 and 17 others) judgment on 9 November 2023. It found a violation of Article 6 § 1 (right of access to a court) of the European Convention on Human Rights and a violation of Article 1 of Protocol No. 1 (protection of property) in respect of Mr Legros (application no. 72173/17).

As to the question of just satisfaction (Article 41 of the Convention), the Court held that France was to pay Ms Koulla, Ms Baclet, Mr Meynier and Mr Maillard 3,000 euros (EUR) each in respect of non-pecuniary damage, Mr Maillard EUR 9,240 in respect of costs and expenses, and that, as to the sum to be awarded to Mr Legros and to Ms Koulla in respect of pecuniary damage, the question of the application of Article 41 was not ready for decision and, accordingly, should be reserved in whole. The Court will deliver its judgment on this point on Thursday 10 October 2024.

[Validity Foundation on behalf of T.J. v. Hungary \(no. 31970/20\)](#)

The applicant, Validity Foundation, is a Hungarian non-governmental organisation based in Budapest. It advocates for the rights of persons with disabilities. It lodged the application on behalf of Ms T.J., born in 1973 and now deceased.

Ms T.J., who had a severe intellectual disability, was placed at the age of ten in the State-run Topház social-care institution in Göd (Hungary). The case concerns her death on 25 August 2018 and the investigation into the applicant NGO’s criminal complaint alleging that she had died of neglect. The investigators discontinued the proceedings in 2019, finding that Ms T.V. had died of an illness, pneumonia, and that therefore no criminal offence had been committed.

Relying on Articles 2 (right to life), 13 (right to an effective remedy) and 14 (prohibition of discrimination), the applicant NGO alleges that Ms T.V. died of long-term neglect and inadequate care, maintaining that she had been constantly restrained and malnourished, which made her vulnerable to illness. It also alleges that the investigation had focused on the direct cause of her death, without addressing whether it had been the result of inadequate conditions in the Topház institution.

Just Satisfaction

[Varvara v. Italy \(no. 17475/09\)](#)

The applicant, Vincenzo Varvara, is an Italian national who was born in 1943 and lives in Gravina di Puglia. The case concerned planning permission granted by the Cassano delle Murge municipal authorities in 1984 to develop land near a forest, which had then been withdrawn following the enactment of two laws and the presentation of a variation on the project by Mr Varvara in 1993. Proceedings had been brought against him for unlawful land development, following which his land and buildings had been confiscated, even though the proceedings against him had been dropped. Relying on Article 7 (no punishment without law), Mr Varvara complained that his property had been confiscated illegally and that he had been punished without having been found guilty of any offence. Under Article 1 of Protocol No. 1 (protection of property), he complained that the confiscation had been illegal and disproportionate.

The Court delivered its judgment on the merits in [Varvara v. Italy](#) (no. 17475/09) on 29 October 2013. It found a violation of Article 7 (no punishment without law) and a violation of Article 1 of Protocol No. 1 (protection of property).

As to the question of Article 41 (just satisfaction), the Court held that the respondent State was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and that, as to the sum to be awarded in respect of pecuniary damage, the question of the application of Article 41 was not ready for decision and, accordingly, should be reserved in whole. The Court will deliver its judgment on this point on Thursday 10 October 2024.

[T.V. v. Spain \(no. 22512/21\)](#)

The applicant, Ms T.V., is a Nigerian national who lives in Spain. Her date of birth is disputed, ranging between 1981 and 1989.

According to Ms T.V., she was trafficked to Spain from Nigeria in 2003, when she was 14 years old, and forced to work as a prostitute. She managed to escape her alleged traffickers in 2007 and brought a criminal complaint. The case concerns the ensuing investigation which led to the provisional dismissal of her case in 2017.

Relying on Article 4 (prohibition of slavery and forced labour), Ms T.V. alleges, in particular, that the Spanish authorities failed to investigate, prosecute and punish those responsible for subjecting her to human trafficking.

[Alperin v. Ukraine \(no. 41028/20\)](#)

The applicant, Vadym Oleksandrovych Alperin, is a Ukrainian and Israeli national who was born in 1972 and lives in Odesa (Ukraine).

The case concerns Mr Alperin's arrest on 27 November 2019 on suspicion of setting up a smuggling ring involving customs officials for the import of textiles and other consumer goods, and their customs clearance at a lower rate. He was released shortly afterwards on bail. The criminal proceedings against him were terminated in 2023; an appeal against that decision is still ongoing.

Relying on Article 5 §§ 1 and 3 (right to liberty and security), Mr Alperin alleges that his arrest – without a prior court order – was unlawful and that the courts did not sufficiently justify their decisions ordering his detention and set an excessive amount of bail (2,330,000 euros). He also complains that statements by the President of Ukraine referring to him as “one of the godfathers of smuggling” which were widely reported by the media, breached Article 6 § 2 (presumption of innocence). Relying on Article 1 of Protocol No. 1 (protection of property), he complains that he had to forfeit half of the bail he had paid for not complying with the obligation to hand over his Israeli passport, even though he had explained that he had lost the document. Lastly, he alleges under Article 18 (limitation on use of restrictions on rights) that all the breaches of his rights had an ulterior motive, that is to show that the authorities were combatting corruption and organised crime.

[Medvid v. Ukraine \(no. 7453/23\)](#)

The applicant, Maksym Mykolayovych Medvid, is a Ukrainian national who was born in 1984 and is detained in Romny Prison no. 56 in Perekhrestivka (Sumy Region, Ukraine).

In June 2003 Mr Medvid was sentenced to life imprisonment for a double murder. The case concerns his several applications to have his life sentence commuted to 15 years' imprisonment, and his 2021 application for release on parole, none of which were successful.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Medvid complains that his life sentence was irreducible, and that the new release on parole mechanism for persons sentenced to life imprisonment had not remedied the situation.

Ryaska v. Ukraine (no. 3339/23)

The applicant, Yuriy Yuriyovych Ryaska, is a Ukrainian national who was born in 1960 and lives in Beregove Zakarpattya Region (Ukraine).

The case concerns a judgment in Mr Ryaska's favour ordering the Berehivskyi Interdistrict Department for Water Management to carry out an investigation into an occupational illness he had developed and to issue him with the necessary certificates and compensation. The applicant had been a bulldozer operator with the Department and had allegedly developed his occupational condition through exposure to noise.

Relying on Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) Mr Ryaska complains of the non-enforcement of the decision to investigate.

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 October 2024

Name	Main application number
Stoyanova v. Bulgaria	17157/16
Açıkgoz v. Türkiye	45123/20
Erdoğan and Others v. Türkiye	61243/19
Özlü v. Türkiye	45204/20
Yapıcı v. Türkiye	16743/11
Yorulmaz v. Türkiye	41400/19

Thursday 10 October 2024

Name	Main application number
Jafarova and Others v. Azerbaijan	30155/21
Wagemans v. Belgium	47659/19
Varibopis v. Bulgaria	276/22
Preininger and Fižulić v. Croatia	25234/23
Wegnerová and Others v. the Czech Republic	14025/23
Abo v. Estonia	29295/22
Noël v. Estonia	3882/21
Oolo and Others v. Estonia	45916/21
Trabelsi v. France	13536/23
Vakhtangashvili v. Georgia	36843/23
S.I. v. Greece	48244/20
Danyi and Others v. Hungary	35352/23
Földes-Szabó and Others v. Hungary	36189/22
Keszthelyi and Others v. Hungary	44977/20
Marosi and Others v. Hungary	34266/23
Németh and Others v. Hungary	35415/23
Rinkács and Others v. Hungary	3313/24

Name	Main application number
Tóth and Others v. Hungary	3307/24
Cocozza di Montanara and Others v. Italy	4954/23
D'Alba and Others v. Italy	58442/09
De Maio and Others v. Italy	7872/23
Di Nardo and Alberti v. Italy	17243/20
Katte Klitsche de La Grange v. Italy	41939/19
Longo v. Italy	35875/23
Muratore v. Italy	35264/20
Palermo and Borgonovo v. Italy	291/20
Trevisan v. Italy	56100/19
Borisovas v. Lithuania	10495/21
Laurent v. Luxembourg	15138/23
Alić and Others v. Montenegro	38274/23
Belova and Others v. North Macedonia	32930/23
Madjovski v. North Macedonia	3254/23
Brączek v. Poland	32663/18
Formella and Others v. Poland	2713/22
Kozina v. Poland	56651/19
Leśniewski v. Poland	14896/21
Lewandowska and Leszczak v. Poland	16453/21
Podsiadło v. Poland	6771/16
Sołtys v. Poland	56285/22
Strzałkowski v. Poland	21440/21
Wejer and Others v. Poland	15288/23
Giardi v. San Marino	13935/23
Jaš v. Slovakia	3035/24
Naďová v. Slovakia	704/24
Arda v. Türkiye	20377/21
Demir and Others v. Türkiye	49433/19
Demir v. Türkiye	30615/22
Sezen v. Türkiye	16921/20
Solmaz v. Türkiye	37381/22
Söyler v. Türkiye	16104/22
Blagoveshchenska and Borysenko v. Ukraine	30182/17
Fesenko v. Ukraine	18693/16
Klymukh and Others v. Ukraine	55919/16
Kratov v. Ukraine	36205/15
Malyeyev v. Ukraine	39488/15
Mykhaylyk and Others v. Ukraine	32972/20
Sysoyeva and Others v. Ukraine	19524/13
Torgovyy Dim Kampus Kotton Klab, TOV v. Ukraine	22637/16

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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.