

## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 16 judgments on Tuesday 9 May 2023 and 65 judgments and / or decisions on Thursday 11 May 2023.

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 9 May 2023

#### [Supergrav Albania Shpk v. Albania \(application no. 20702/18\)](#)

The applicant, Supergrav Albania Shpk, is a company based in Burrel (Albania).

The case concerns the rejection of the applicant company's complaint to the Constitutional Court due to its having fallen outside the four-month time-limit. The case had concerned a civil suit against the police in Mat for alleged dismantling of the applicant company's machinery.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, the applicant company complains of the time-limit set by that court.

#### [Horion v. Belgium \(no. 37928/20\)](#)

The applicant, Freddy André Horion, is a Belgian national who was born in 1947. He is currently detained in Hasselt Prison (Belgium).

In this case the applicant, who has been in prison since 1979 and was sentenced to life imprisonment in 1981 for the murder of five people in connection with a robbery, complains that his life sentence is *de facto* irreducible.

He alleges, in particular, that despite the experts and the domestic courts having noted that the extension of his detention in prison is no longer appropriate, he has no practical possibility of rehabilitation as those same courts refuse to release him until he has spent a period of detention in a forensic psychiatric unit. However, he cannot be transferred to such an institution owing to his status as a convicted person, which is distinct from that of a person in compulsory confinement.

In the proceedings before the European Court, the applicant relies on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention.

#### [Jehovah's Witnesses v. Finland \(no. 31172/19\)](#)

The applicants are a Finnish religious community of over 19,000 Jehovah's Witnesses (*Jehovan todistajat*), based in Vantaa (Finland).

The case concerns the finding by the national authorities that the collecting and processing of personal data by individual Jehovah's Witnesses during their door-to-door preaching without explicit consent was incompatible with data protection rules.

Relying on Articles 6 (right to a fair hearing), 8 (right to respect for private life), 9 (freedom of thought, conscience and religion), 10 (freedom of expression), and Article 14 (prohibition of discrimination) read in conjunction with Articles 8, 9, 10 of the Convention and Article 1 of Protocol No. 12 (general prohibition of discrimination) to the Convention, the religious community complains that there was no oral hearing in the national proceedings and that the ban on them taking notes for

their personal use without the explicit consent of the person(s) concerned in their door-to-door preaching activities violated its Convention rights under those Articles.

#### [Kitanovska and Barbulovski v. North Macedonia \(nos. 53030/19 and 31378/20\)](#)

The applicants, Nadezhda Kitanovska and Dimitar Barbulovski, are Macedonians/citizens of North Macedonia, who were born in 1944 and 1945, respectively, and live in Skopje.

The case concerns proceedings brought by the applicants objecting against payment orders issued by public notaries. The applicants' objections were rejected because they were not submitted via a lawyer.

Relying principally on Article 6 § 1 (right to a fair hearing), the applicants complain that their objections were rejected without being examined on the merits.

#### [Ghadamian v. Switzerland \(no. 21768/19\)](#)

The applicant, Mansur Ghadamian, is an Iranian national who was born in 1940 in Iran and lives in Aarau (Switzerland).

The case concerns the order for the applicant's expulsion from Switzerland following the Federal Supreme Court's refusal in 2018 to grant him a residence permit for pensioners, on the grounds that he had been unlawfully resident in the country since 2002 and had a number of convictions.

Relying on Article 8 (right to respect for private and family life), the applicant complains that the order for his expulsion following the Federal Supreme Court's refusal to grant him a residence permit for pensioners infringed his right to private and family life. Under Article 13 (right to an effective remedy) taken in conjunction with Article 8, he alleges that he did not have an effective remedy by which to complain of the violation of his right to respect for his private and family life.

#### [Korkut et Amnesty International Türkiye v. Türkiye \(no. 61177/09\)](#)

The applicants are Amnesty International Türkiye, an association under Turkish law, and Mr Yakup Levent Korkut, a Turkish national who was the chair of the applicant association at the relevant time.

The case concerns the administrative fine imposed on the chair of the Turkish section of Amnesty International for failure to comply with a statutory provision requiring associations to declare funds received from abroad to the administrative authorities before making use of them.

Relying on Article 6 § 1 (right to a fair trial), the applicants allege that the proceedings in which Mr Korkut was found guilty of an administrative offence did not comply with the guarantees of a fair trial, and in particular the principles of equality of arms and adversarial proceedings. They complain in particular of a lack of reasons for the judicial decisions, failure to disclose the documents and observations added to the file by the opposing party, and failure to hold a hearing. Relying on Article 11 (freedom of assembly and association), they maintain that the order for the chair of the Turkish section of Amnesty International to pay an administrative fine was in breach of that Article. Under Article 14 (prohibition of discrimination) read in conjunction with Article 11, they allege that they were discriminated against in the exercise of their right to freedom of association. Relying on Article 1 of Protocol No. 1 (protection of property), they complain of an infringement of their right to the peaceful enjoyment of their possessions.

Thursday 11 May 2023

#### [Chkhartishvili v. Georgia \(no. 31349/20\)](#)

The applicant, Lasha Chkhartishvili, is a Georgian national who was born in 1980 and lives in Tbilisi. He is a civil-society activist and member of the Georgian Labour Party.

The case concerns the applicant's arrest in 2019 at a demonstration for disobeying police orders to move away from the road and throwing beans at them, stating that beans used to be "gruel for slaves". The demonstration was held in front of the public library in Tbilisi and was part of a series of protests about Parliament's failure to approve electoral reform. He was brought before a judge and found guilty of insulting and disobeying the lawful orders of the police. He was sentenced to eight days' administrative detention.

Relying principally on Article 10 (freedom of expression) and Article 11 (freedom of assembly), the applicant complains that his arrest and the custodial sentence amounted to an unjustified interference with his rights.

#### [Sàrl Gator v. Monaco \(no. 18287/18\)](#)

The applicant, Sàrl Gator, is a limited liability company under Monegasque law which is engaged in the retail sale of clothing and accessories.

The case concerns the removal by the domestic courts of allegedly defamatory remarks contained in the written appeal submissions of the applicant company's lawyer, in the context of a dispute between the applicant company and a professional partnership with which it had entered into a two-year lease agreement for the use of business premises in Monaco.

The applicant company alleges that the removal by the domestic courts of a passage from its written appeal submissions breached its right to freedom of expression under Article 10 (freedom of expression) of the Convention.

#### [Lalik v. Poland \(no. 47834/19\)](#)

The applicant, Przemysław Lalik, is a Polish national who was born in 1995 and is currently serving a prison sentence at Zamość Prison (Poland).

In January 2016, while drunk, the applicant set fire to his friend's jacket, with his friend dying as a result. He was convicted of aggravated murder and sentenced to 25 years' imprisonment. The judgments of the national domestic courts contained explicit references to the applicant's statements from his informal questioning which had taken place before he had seen a lawyer and allegedly whilst still under the effect of alcohol. The case concerns his defence rights and the privilege against self-incrimination.

The applicant complains under Article 6 § 3 (c) (right to legal assistance of own choosing) that his conviction was largely based on his informal statements, which were taken without ensuring basic procedural guarantees for his defence. He submits that the police officers who informally questioned him after his arrest did not inform him of his rights, nor did they offer him the possibility to consult a lawyer.

#### [Revision](#)

#### [Wyszyński v. Poland \(no. 66/12\)](#)

The applicant, Antoni Wyszyński, is a Polish national who was born in 1946 and lived in Poznań (Poland).

In a judgment of 24 March 2022 the European Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention because of the domestic authorities' refusal to grant the applicant compensation for a tenant who had occupied his flat illegally. The Polish Government have requested revision of this judgment under Rule 80 of the Rules of Court as the applicant has died.

The Court will rule on the request for revision on 11 May 2023.

**Zaghini v. San Marino (no. 3405/21)**

The applicant, Gianluca Zaghini, is an Italian national who was born in 1966 and lives in Munich (Germany).

The case concerns the confiscation of nearly 2 million euros in the context of criminal proceedings for money laundering against the applicant's father and other persons, and the applicant's subsequent claim to recover that money.

The applicant who was being tried in Italy in connection with the predicate offences was not a party to the money-laundering proceedings. Following the discontinuance of the criminal proceedings against him, the applicant's attempts to get the money back were unsuccessful as the judgment convicting his father of money laundering and confirming the confiscation had in the meantime become final.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant alleges that the confiscation was not legal or justified and that he had no effective means to contest it.

**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 9 May 2023**

Name	Main application number
A and Others v. Bulgaria	28383/20
Blagajac v. Croatia	50236/16
Cetinja v. Croatia	6959/17
Docevska-Bozhinovska v. North Macedonia	25190/18
Ghadamian v. Switzerland	21768/19
Morales v. Switzerland	69212/17
Çaylı and Serli v. Türkiye	49535/18
Karabulut v. Türkiye	74021/12
Sakaoğlu v. Türkiye	49647/14
Yılmaz v. Türkiye	19202/11

**Thursday 11 May 2023**

Name	Main application number
Bushati v. Albania	11167/09
Kerpaci v. Albania	12957/15
Asgarova v. Azerbaijan	77378/16
Guliyev and Others v. Azerbaijan	81101/17
Hajiyev and Zeynalov v. Azerbaijan	26686/19
Georgievi v. Bulgaria	37273/20
Bošnjak v. Croatia	64579/16

Name	Main application number
Ladan v. Croatia	56787/16
Dohnal v. the Czech Republic	54168/15
Cassime v. France	22835/18
Decoire v. France	17949/22
Noel v. France	54956/19
STEAG GmbH v. Germany	10857/21
Boulmazat and Others v. Greece	20985/20
Demertzis v. Greece	12766/15
Tziotzis and Others v. Greece	9789/20
Csapó and Others v. Hungary	34069/22
Jávoriné Sulák and Others v. Hungary	18365/22
Jeruska and Others v. Hungary	15219/22
Safina v. Italy	24678/03
Adomavičius v. Lithuania	17331/18
Vaikšnoras v. Lithuania	38263/19
Caneva and Others v. North Macedonia	27875/16
Bojar v. Poland	11148/18
Bosowski v. Poland	73929/13
Stefański and Others v. Poland	53844/20
Zygarłowski v. Poland	24392/21
Araújo Ramos and Others v. Portugal	43553/21
Fernandes Martins v. Portugal	21864/14
Maciel da Silva v. Portugal	43683/21
Dorogoi v. the Republic of Moldova	16817/15
Roșca v. the Republic of Moldova	48147/10
Tarnovschi and Others v. the Republic of Moldova	23604/15
BRD - Groupe Société Générale S.A. v. Romania	57886/17
Negoitǎ and Others v. Romania	34097/16
Păcală v. Romania	26768/21
Uța and Others v. Romania	39422/16
Varga and Others v. Romania	16347/16
Belonogiy and Others v. Russia	5106/18
Ionov and Others v. Russia	6991/15
Puzanov and Others v. Russia	3669/18
Razumov and Others v. Russia	27850/18
Sharashkin and Others v. Russia	57223/19
Manojlović v. Serbia	60848/21
Žujević v. Serbia	21001/22

Name	Main application number
Aşık v. Türkiye	56983/21
Dinç and Others v. Türkiye	33368/18
Günay and Others v. Türkiye	76406/17
İnan v. Türkiye	35726/20
Kara and Others v. Türkiye	10638/18
Kılıçalp and Others v. Türkiye	41340/18
Öztürk and Others v. Türkiye	14838/17
Selçuk v. Türkiye	22803/19
Tükenmez and Others v. Türkiye	16941/18
Yapalak and Others v. Türkiye	44192/18
Pavlov and Others v. Ukraine	30722/21
Pryymakov v. Ukraine	34787/13
Verbova and others v. Ukraine	2786/21
Zaikin v. Ukraine	37822/16
Downes v. United Kingdom	41630/22

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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.