

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 12 judgments and / or decisions on Tuesday 10 December 2024 and 80 judgments and / or decisions on Thursday 12 December 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 10 December 2024

[Ramaj v. Albania \(application no. 17758/06\)](#)

The applicant, Bashkim Ramaj, was an Albanian national who was born in 1942 and lived in Tirana.

The case concerns a 6,700 sq. m plot of land belonging to Mr Ramaj's father in Uji i Ftohtë in the Vloëra district, which was seized by the communist regime for the establishment of a collective farm. In 1991 use of the plot was returned to his father, and title was restored in 1996. Following his father's death, Mr Ramaj tried to register the plot in his name, as the heir, in 1998. In 2000 title to the land was annulled on the grounds that the applicant's father did not have such rights to the property in question.

The case concerns the proceedings that followed including an April 2004 judgment of the Vloëra Court of Appeal in his favour, quashing the annulment-of-title decision. The land has not been title has not been registered on behalf of Mr Ramaj's family (Mr Ramaj has since passed), with the Property Registration Office (*Zyra e Regjistrimit të Pasurive të Paluajtshme RO*) reiterating its previous argument that Mr Ramaj's title had not been registered because there already were registered titles concerning the plot of land in question.

Relying on Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (protection of property), Mr Ramaj complains, in particular, of the non-enforcement of the Court of Appeal's decision restoring his title to the plot of land.

[Kumari v. the Netherlands \(no. 44051/20\)](#)

[Martinez Alvarado v. the Netherlands \(no. 4470/21\)](#)

These two cases concern complaints about refusals to grant family reunification in the Netherlands.

The applicant in the first case, Usha Kumari, is an Indian national who was born in 1964 and lives in Patna (India). In 2015 she applied for a provisional residence visa to go to the Netherlands so that she could live with her son, who has lived in the Netherlands for a long period and is a Dutch citizen. She argued that her son and his spouse needed her support to cope with the recent death of their prematurely born daughter. She subsequently added that her health was deteriorating and she was dependent on her son.

The applicant in the second case, Wilder Liborio Martinez Alvarado, is a Peruvian national who was born in 1978. He has an intellectual disability, which means he functions at the level of an 8-year-old child, and is looked after in the Netherlands by his four sisters, who are long-term residents of the Netherlands and/or Dutch citizens. He was cared for by his parents in Peru until their deaths in 2015 after which he was taken to the Netherlands by his eldest sister. He applied for a residence permit in 2017, arguing that he was fully dependent on his sisters for his daily care.

In both cases the migration authorities and ultimately the courts – in 2019 and 2020, respectively – rejected the applications. The authorities, essentially, were not convinced that there were additional factors of dependence, other than normal emotional ties, between the applicants, who are adults, and their son / sisters. They therefore found that the applicants had not shown that their relationship had amounted to “family life” within the meaning of the European Convention.

Relying on Article 8 (right to respect for private and family life) of the European Convention, both applicants complain that not allowing them to reside with their son/sisters was contrary to their right to respect for family life. They notably argue that they had shown that they were dependent on their son/sisters and that their relationships should thus have come under the protection of Article 8 of the Convention.

[M.T.S. and M.J.S. v. Portugal \(no. 39848/19\)](#)

The applicants, M.T.S and M.J.S., are a daughter and mother who were born in 1962 and 1921 respectively; they live in Lisbon.

The case concerns guardianship (*interdição*) proceedings brought by the first applicant (M.T.S.) in respect of the second applicant (M.J.S.) in the Lisbon Court, at the close of which J., the latter’s eldest son, was appointed as her guardian.

M.J.S. has been a widow since 2007. She has four children: J. (the eldest), E., A. and her youngest daughter (M.T.S., the first applicant). On 30 January 2012, at the L. Hospital in Lisbon, the second applicant gave power of attorney to her daughter M.T.S., authorising her to manage her bank accounts and to act on her behalf before all private or public bodies. On the same day, in a separate notarised document at the same hospital, she declared that she was able to live alone and autonomously, and that if she were to lose that autonomy or her decision-making capacity, she did not wish any of her children to move in with her. She also indicated that she wished the first applicant, M.T.S., to be responsible for any decisions on medical treatment she might need and for the management of her personal affairs and bank accounts.

Relying on Article 6 § 1 (right to a fair hearing), the first applicant submits on behalf of the second applicant that the civil proceedings declaring M.J.S. to be legally incapacitated and appointing J. as her guardian violated her mother’s right to a fair hearing; she complains in that connection that the domestic courts failed to hear the second applicant and did not take into account her wishes as expressed in the notarised document concerning her choice of guardian. The first applicant, again on behalf of the second, considers that appointing J. as her guardian violated their right to respect for their private and family life under Article 8 (right to respect for private and family life) of the Convention.

Under Article 6 § 1 of the Convention, the first applicant complains in her own name of a lack of fairness in the civil proceedings, citing the same procedural shortcomings as those put forward in respect of the second applicant. Thus, she complains that the second applicant was not heard during the proceedings and that her wishes, as expressed in the notarised document of 30 January 2012, were not taken into account.

Under Article 14 of the Convention, the first applicant submits that her brother’s appointment as guardian amounted to discriminatory treatment against her on grounds of age.

[F.M. and Others v. Russia \(nos. 71671/16 and 40190/18\)](#)

The applicants, F.M., A.M., N.I., G.N., and B.K. are, respectively, three Kazakh and two Uzbek nationals. They were born between 1978 and 1995 and they live in Kazakhstan bar B.K., who lives in Moscow, and G.N., who lives in Uzbekistan. They are all female.

The case concerns the alleged trafficking and labour exploitation in Moscow shops of the applicants, and the authorities’ alleged failure to protect them.

Relying on Article 4 (prohibition of slavery and forced labour) the applicants allege, in particular, that they were trafficked and subjected to forced labour and/or servitude through coercion and violence, and that the authorities failed to adopt an adequate legislative and administrative framework to penalise and prevent human trafficking for labour exploitation and to protect its victims; that they failed to take operational measures to protect the applicants; and that they had failed to conduct an effective criminal investigation into the crimes committed against them.

The applicants also complain, under Article 14 (prohibition of discrimination), that the Russian authorities' failure to protect them and to investigate the crimes committed against them was a result of discrimination on the grounds of the applicants' gender, ethnicity and status as irregular foreign migrant workers.

[Karadeniz and Others v. Türkiye \(no. 35922/20\)](#)

The applicants, Feyyaz Karadeniz, Nuryavuz Talan and Tasia Çelik, are Turkish nationals who were born in 1993, 1989 and 1973 respectively and live in Van.

The case concerns the death of Nurettin Karakoç, the son of Mr Karadeniz and brother of Ms Talan and Ms Çelik, and the serious gunshot injury inflicted on Mr Karadeniz by soldiers while the applicants were attempting to enter Türkiye illegally from Iran.

Relying on Articles 2 (right to life) and 6 (right to a fair trial), the applicants complain that the State agents used lethal force in the absence of any absolute necessity. They also submit that no adequate and effective judicial investigation was conducted into the circumstances surrounding those events.

Thursday 12 December 2024

[Hasmik Khachatryan v. Armenia \(no. 11829/16\)](#)

The applicant, Hasmik Khachatryan, is an Armenian national who was born in 1986 and lives in Yerevan.

The case concerns severe domestic violence inflicted on Ms Khachatryan by her former common-law husband. After she had brought criminal proceedings against him, and even though she had requested protection from him, he continued to pursue and threaten her, and ended up assaulting her after confronting her in the street. Although he was convicted, he was ultimately exempted from serving his sentence under an amnesty.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life) taken separately and in conjunction with Article 13 (right to an effective remedy), she complains that the Armenian authorities failed to protect her from his violence throughout the criminal proceedings; that they failed to impose a proportionate punishment and make sure it was carried out; and that she had no legal means of claiming compensation for non-pecuniary damage from him.

[Y v. the Czech Republic \(no. 10145/22\)](#)

The applicant is a Czech national who was born in 1984 and lives in Prague.

The case concerns allegations of non-consensual sex between the applicant and a priest, and the ensuing investigation and proceedings.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private life), the applicant complains about the authorities' narrow interpretation of the constituent elements of the offences of rape and sexual abuse set out in Criminal Code no. 140/1961, and the inadequacy of that legal framework for punishing effectively the sexual offences to which she

alleged she had been subjected, as well as the lack of an effective investigation into her allegations of sexual assault.

[Adamčo v. Slovakia \(no. 2\) \(nos. 55792/20, 35253/21, and 41955/22\)](#)

[Ribár v. Slovakia \(no. 56545/21\)](#)

The two cases concern complaints about conditions of detention and the legal avenues available in Slovakia for such complaints.

The applicant in the first case, Branislav Adamčo, is a Slovak national who was born in 1978. He is currently serving a 24-year prison sentence in Leopoldov (Slovakia) under a maximum-security regime.

The applicant in the second case, Martin Ribár, is a Slovak national who was born in 1977 and currently lives in Bratislava. He is a practising lawyer and was detained on remand from October 2019 to May 2021 on suspicion of being involved in a criminal gang, under the cover of providing legal services to its members. His detention pending trial was based on an order, among things, to prevent him from interfering with the course of justice.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), both applicants complain about various aspects of their respective detention regimes.

Mr Adamčo's complaints essentially concern his systematic strip searches and an incident when he had been at a court hearing and guards had refused to release one of his hands from manacles so that he could use the toilet. Mr Ribár's complaints include his being locked in his cell for 23 hours per day, with not much to occupy him other than reading, writing, watching television, and one hour per day in an outdoor yard on a rooftop surrounded by high concrete walls.

Mr Adamčo also relies on Article 8 (right to respect for correspondence) to complain about the inspection of his documents when conferring with his lawyers.

[Kaya v. Türkiye \(no. 51194/19\)](#)

The applicant is a Turkish national who was born in 1984. She is a teacher.

The case concerns a disciplinary sanction applied to Ms Kaya on account of her participation in a one-day work stoppage – called by the Confederation of Public Workers' Unions, of which she was a member – in protest against the curfew imposed in certain towns in south-east Türkiye.

Under Article 11 (freedom of assembly and association), the applicant alleges an infringement of her right to freedom of association, particularly as regards her trade-union rights and the possibility of taking part in a work-stoppage action.

Relying on Articles 6 (right to a fair hearing) and 14 (prohibition of discrimination), she also submits that the Gaziantep Administrative Court of Appeal upheld the administrative sanction imposed on her in the province of Batman, whereas other courts of appeal had quashed similar sanctions in 22 provinces under their respective jurisdictions.

[Almaz and Others v. Türkiye \(nos. 55789/19, 55896/19, 55931/19, and 56981/19\)](#)

The applicants are Turkish nationals who were born between 1964 and 1977. They are public workers.

The case concerns disciplinary sanctions (warning or reprimand) imposed on the applicants on account of their participation in a one-day work stoppage – called by the Confederation of Public Workers' Unions, to which their trade union belonged – organised in the context of the Gezi Park protests in Istanbul.

Under Article 11 (freedom of assembly and association), the applicants complain of an infringement of their right to freedom of assembly and association, particularly as regards their trade-union rights and the possibility of taking part in a work-stoppage action.

[Borzykh v. Ukraine \(no. 11575/24\)](#)

Yuriy Mykolayovych Borzykh, is a Ukrainian national who was born in 1962 and lives in Kyiv.

The case concerns the prohibition on wearing the St George ribbon in public.

The St George ribbon has two orange and three black parallel stripes and is a component of military honours, particularly in relation to the Soviet era. It was widely used in most former Soviet countries, specifically during events commemorating the victory in the Second World War. Since the 2014 Russian invasion of Ukraine, the red poppy has been adopted in Ukraine as a symbol of commemoration of war deaths. Since 2016 Ukrainian law has banned the production and use of the St George ribbon.

Mr Borzykh, who is from family that served in the Second World War and is himself a former military officer, alleges that he wishes to wear the ribbon on Victory Day (9 May) to show his respect for and pride in his relatives who fought in that war, but can no longer do so owing to the prohibition on wearing the ribbon.

Mr Borzykh relies on Articles 8 (right to respect for private and family life), 10 (freedom of expression) and 14 (prohibition of discrimination) of the Convention and on Article 1 of Protocol No. 12 (general prohibition of discrimination).

[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 10 December 2024

| Name | Main application number |
|------------------------|-------------------------|
| Nikolov v. Bulgaria | 13777/18 |
| Petkov v. Bulgaria | 766/19 |
| Petrova v. Bulgaria | 64543/17 |
| Mathiantonis v. Greece | 56795/15 |
| Papadopoulos v. Greece | 10787/15 |
| Papakyriakou v. Greece | 32241/14 |

Thursday 12 December 2024

| Name | Main application number |
|--|-------------------------|
| KE Hidroprojekt SHPK and Others v. Albania | 81066/17 |
| Maho v. Albania | 24908/18 |
| Saraçi v. Albania | 75754/17 |
| G.B.M. v. Austria | 50483/21 |
| Sadigov and Sadigova v. Azerbaijan | 44887/22 |
| Shamuradov v. Azerbaijan | 6979/23 |

| Name | Main application number |
|--|-------------------------|
| Obesnikova v. Bulgaria | 20839/22 |
| Vasilevi v. Bulgaria | 43914/21 |
| Rudnički v. Croatia | 35027/23 |
| Dopravní rozvojové středisko ČR a.s. v. the Czech Republic | 5627/22 |
| Kadlec v. the Czech Republic | 50707/21 |
| BOURIKAS AVEE v. Greece | 78572/17 |
| Konstantellos and Grafodianomiki Dimitrios Konstantellos Monoprosopi Epe v. Greece | 6405/18 |
| Kerti and Others v. Hungary | 9319/24 |
| Kovács and Kremniczky v. Hungary | 26691/23 |
| Rácz and Others v. Hungary | 9209/24 |
| Rafael and Others v. Hungary | 2754/24 |
| A.C. and Others v. Italy | 31983/23 |
| Natale and Altobelli v. Italy | 39585/23 |
| Paldo and Others v. Italy | 25246/23 |
| Previti and Others v. Italy | 15234/23 |
| Vitiello and Others v. Italy | 23729/23 |
| Camilleri v. Malta | 35797/23 |
| Farrugia v. Malta | 3176/21 |
| Zammit and Busuttil v. Malta | 43868/21 |
| Borisova v. the Republic of Moldova | 37190/19 |
| Cristiuc v. the Republic of Moldova | 57353/16 |
| Străisteanu and Straistean v. the Republic of Moldova | 13114/22 |
| Asociația de Coproprietari în Condominiu NR. 55/145 v. the Republic of Moldova | 10557/16 |
| T.J. v. Norway | 38014/22 |
| Kielb v. Poland | 47730/20 |
| Widzyńska and Widzyński v. Poland | 37297/23 |
| Carção and Others v. Portugal | 32345/22 |
| dos Santos Machado and Ninidze v. Portugal | 20346/22 |
| Rentsch v. Portugal | 11625/22 |
| Bodi v. Romania | 9915/21 |
| Iordache v. Romania | 18146/21 |
| Mălăel and Others v. Romania | 6959/20 |
| Micz v. Romania | 22324/21 |
| Pintican and Others v. Romania | 13878/20 |
| Ruse and Others v. Romania | 10289/20 |
| Șerban and Constantin v. Romania | 48937/22 |
| Taraș and Others v. Romania | 8431/07 |
| Ursu and Others v. Romania | 39890/20 |
| BISTRA DOO and Others v. Serbia | 12504/23 |
| Ćulibrk v. Serbia | 40994/21 |
| Đurđević and Petrović v. Serbia | 25742/23 |
| Nešković and Others v. Serbia | 28307/23 |

| Name | Main application number |
|--|-------------------------|
| Transervis and Others v. Serbia | 11602/23 |
| Fükö v. Slovakia | 14530/24 |
| Poláková and Others v. Slovakia | 14941/24 |
| A v. Slovenia | 53790/22 |
| Çetinkaya and Others v. Türkiye | 18518/21 |
| Öztürk and Others v. Türkiye | 30663/23 |
| Anisimova and Others v. Ukraine | 42357/19 |
| Bondarenko and Others v. Ukraine | 15961/23 |
| Didyk and Others v. Ukraine | 8322/22 |
| Dyumin and Others v. Ukraine | 32715/23 |
| Goshovsky and Others v. Ukraine | 6403/17 |
| Kononenko and Others v. Ukraine | 7340/22 |
| Kozhushko and Pashchenko v. Ukraine | 57078/14 |
| Lutsak and Others v. Ukraine | 8317/22 |
| Makarevych v. Ukraine | 33062/23 |
| Nychyporenko and Demidova v. Ukraine | 8278/21 |
| Odeska Buterbrodna Kompaniya, TOV v. Ukraine | 59414/15 |
| Raskin and Others v. Ukraine | 22962/23 |
| Sadovchuk v. Ukraine | 33097/23 |
| Sapitash and Others v. Ukraine | 864/16 |
| Semenenko and Others v. Ukraine | 33426/23 |
| Shchukin and Others v. Ukraine | 23806/13 |
| Shynkarenko and Others v. Ukraine | 22822/23 |
| Sotnikov and Pavelko v. Ukraine | 39110/23 |
| Vitse v. Ukraine | 64351/14 |

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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.