

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 11 judgments on Tuesday 11 July 2023 and 18 judgments and / or decisions on Thursday 13 July 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).

Tuesday 11 July 2023

[Gaspari v. Armenia \(no. 2\) \(application no. 67783/13\)](#)

The applicant, Vartgez Gaspari, is an Armenian national who was born in 1957 and lives in Yerevan. He is a civic activist.

The case concerns his conviction for shouting, among other things, “hooligan”, “fool” and “scum” at a public official during a small protest in front of the seat of the Government in Yerevan.

The applicant complains that his criminal conviction for the remarks he made during the demonstration violated his right to freedom of expression under Article 10 of the European Convention on Human Rights.

[European Air Transport Leipzig GmbH v. Belgium \(nos. 1269/13, 4377/14, 422/15, 26650/15, and 54846/15\)](#)

The applicant is a company incorporated under German law with a branch in Belgium.

The case concerns administrative fines (of between 12,593 and 122,062.70 euros) imposed on the applicant company for having committed (between April 2000 and October 2006) offences under the rules on combating air-traffic noise in the Brussels-Capital Region. The fines were imposed by the Brussels Institute for Environmental Management. The applicant company appealed unsuccessfully against some of the fines to the Environmental Board (once this remedy had been put in place). On various dates, the applicant company also lodged applications for judicial review in respect of each of the fines to the *Conseil d'État*, but they were all rejected.

Relying on Article 6 (right of access to a court) of the European Convention, the applicant company alleges that an application for judicial review before the *Conseil d'État* does not amount to a remedy before a judicial body with full jurisdiction. It argues, in particular, that the *Conseil d'État* has no power to set aside the contested decisions and that, in the present case, it did not conduct a fresh examination of the facts and evidence submitted to it.

[Nemtsova v. Russia \(no. 43146/15\)](#)

The applicant, Zhanna Borisovna Nemtsova, is a Russian national who was born in 1984 and lived in Moscow at the time of the events.

The case concerns the assassination of the applicant's father, Boris Nemtsov, a prominent politician and opposition leader, who was murdered next to Moscow's Kremlin in 2015.

Relying on Articles 2 (right to life) and 13 (right to an effective remedy), the applicant complains that the Russian authorities failed to conduct an effective domestic investigation into her father's murder.

[S.E. v. Serbia \(no. 61365/16\)](#)

The applicant, Mr S.E., is a Syrian national who was born in 1987. He lived in Belgrade from 2014 until 2022 and was granted refugee status in 2015.

The case concerns the applicant's complaint that he had not been able to travel outside Serbia for many years because his Syrian passport had expired and the Serbian authorities had rejected his request for a travel document for refugees. In particular, there was a legal lacuna given that respective Ministers of the Interior had not enacted regulations governing the content and design of travel documents for refugees since 2008, despite being required to do so by the Asylum Act.

He alleges a breach of his rights under Article 2 of Protocol No. 4 (freedom of movement) to the Convention.

[Semenya v. Switzerland \(no. 10934/21\)](#)

The applicant, Mokgadi Caster Semenya, is a South African national who was born in 1991 and lives in Pretoria (South Africa). She is an international-level athlete, specialising in middle-distance races (800 to 3,000 metres).

She complains about certain Regulations of the International Association of Athletics Federations (now called World Athletics) requiring her to take hormone treatment to decrease her natural testosterone level in order to be able to take part in international competitions within the female classification. Having refused to undergo the treatment, she is no longer able to take part in international competitions. Her legal actions challenging the Regulations in question before the Court of Arbitration for Sport (CAS) and the Federal Supreme Court were rejected.

Before the European Court, the applicant complains of a violation of her rights as guaranteed by Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private life), separately and together with Article 14 (prohibition of discrimination), and Articles 6 (right to a fair hearing) and 13 (right to an effective remedy) of the European Convention on Human Rights.

Thursday 13 July 2023

[Emin Huseynov v. Azerbaijan \(no. 2\) \(no. 1/16\)](#)

The applicant, Emin Rafik oglu Huseynov, was born in 1979 and lives in Geneva (Switzerland).

The case concerns the applicant's complaint about being deprived of his Azerbaijani citizenship in June 2015, making him stateless. At the time he was an independent journalist and the chairman of a non-governmental organisation specialising in the protection of journalists' rights. He had just spent ten months in hiding in the Swiss embassy in Baku as he was on a wanted list in connection with criminal proceedings against his NGO concerning alleged financial irregularities, before leaving on a plane with the Minister of Foreign Affairs for Switzerland where he was granted asylum shortly afterwards.

Relying on Articles 8 (right to respect for private and family life), 10 (freedom of expression), 13 (right to an effective remedy) and 18 (limitation on use of restrictions on rights), he alleges in particular that the domestic authorities' decision to deprive him of his Azerbaijani citizenship by way of a forced renunciation had amounted to a breach of his Convention rights.

He also alleges under Article 34 (right of individual petition) that his brother had been repeatedly harassed by the authorities and arrested on account of the present application and, under Article 38 (obligation to furnish necessary facilities for the examination of the case), that the Government had failed to submit copies of all the relevant documents in his case.

[Carvajal Barrios v. Spain \(no. 13869/22\)](#)

The applicant, Hugo Armando Carvajal Barrios, is a Venezuelan national who was born in 1960 and is in detention in Estremera (Community of Madrid). He was a member of the Venezuelan intelligence agency, including head of counter-espionage, under Venezuelan President Hugo Chávez.

The case concerns the extradition of Mr Carvajal Barrios to the United States, where he is wanted for drug-smuggling offences.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Carvajal Barrios complains that his extradition to the USA would put him at risk of a life sentence without parole.

[A.A. v. Sweden \(no. 4677/20\)](#)

The applicant, Mr A.A., is a Libyan national who was born in 1988 and lives in Gothenburg (Sweden).

The case concerns the refusal of the applicant's 2015 asylum claim and the order to deport him to Libya. His deportation has been stayed pending the proceedings before the European Court.

The applicant complains that his removal to Libya would be in breach of Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) because of the general security situation there and the fact that he personally was at risk of prosecution as he had worked for the Gaddafi regime.

[Golovin v. Ukraine \(no. 47052/18\)](#)

The applicant, Anatoliy Sergiyovych Golovin, is a Ukrainian national who was born in 1952 and who, according to the most recently available information, lives in Kyiv.

In 2006 he was appointed as judge of the Constitutional Court of Ukraine. The case concerns his dismissal as judge from that Court for his participation in a judgment, which the authorities interpreted as an unlawful act restoring a previous version of the Constitution which had led to the usurpation of power by the then President of Ukraine.

Relying on Articles 6 (right to a fair hearing), 8 (right to respect for private and family life), and 18 (limitation on use of restrictions on rights) of the Convention, he complains that his dismissal was unjustified and unlawful, and alleges that there was an ulterior motive behind 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 11 July 2023

| Name | Main application number |
|--------------------------------|-------------------------|
| Muçaj v. Albania | 37814/10 |
| Yzeiraj v. Albania | 70455/10 |
| Anić v. Croatia | 59732/18 |
| Ayvaz and Others v. Türkiye | 14347/17 |
| Baransu and Others v. Türkiye | 68309/16 |
| Kılınçlı and Others v. Türkiye | 27336/17 |

Thursday 13 July 2023

| Name | Main application number |
|--|-------------------------|
| Azzena v. France | 47952/21 |
| Chennouf and Others v. France | 4704/19 |
| J.G. v. France | 55993/20 |
| N v. France | 25355/22 |
| Bódi and Others v. Hungary | 29554/17 |
| Civale v. Italy | 9123/22 |
| Istituto diocesano per il Sostentamento del Clero di Capua and Others v. Italy | 41591/07 |
| Lo Fermo v. Italy | 58977/12 |
| L'Ortofrutticola Societa' Cooperativa v. Italy | 35538/16 |
| Scordino v. Italy (no. 4) | 39118/20 |
| A.J.B. v. Portugal | 53141/19 |
| Asy v. Romania | 60700/21 |
| Tkachova v. Ukraine | 58037/12 |
| Volodymyr Torbich v. Ukraine | 14957/13 |

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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.