

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 12 judgments on Tuesday 11 October 2022 and 134 judgments and / or decisions on Thursday 13 October 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 11 October 2022

[Ashot Malkhasyan v. Armenia \(application no. 35814/14\)](#)

The applicant, Ashot Malkhasyan, is an Armenian national who was born in 1946 and lives in Yerevan.

The case concerns the death of the applicant's son at the age of 22, ten days after being drafted into the army, following the military authorities' decision that he was fit to undergo compulsory military service despite significant health problems.

Relying on Articles 2 (right to life) and 13 (right to an effective remedy) of the European Convention on Human Rights, the applicant complains about the death of his son during military service, and the failure of the authorities to carry out an effective investigation into the matter.

[Theo National Construct S.R.L. v. the Republic of Moldova \(no. 72783/11\)](#)

The applicant, Theo National Construct S.R.L., is a road construction company incorporated in Romania. In 2007 it agreed with a Moldovan businessman and leader of a political party, Mr. Ş., to enter the Moldovan market of road construction, and was admitted as partner in a company with a 50 percent participation in the statutory capital.

The case concerns the hostile takeover of that company in 2011 by one of the other partners who was controlled by Mr. Ş., and the alleged illegal seizure of the applicant company's goods with the assistance of courts and law-enforcement agencies, i.e. a "raider attack".

Relying on Article 1 of Protocol No. 1 to the European Convention (protection of property), the applicant company complains that, as a result of being ousted from the company through arbitrary judicial proceedings and unlawful actions of the State Registration Chamber, it was deprived of its possessions, including among other things road construction equipment and its chief executive officer's house.

[Deme v. Romania \(no. 7624/18\)](#)

The applicant, Gyula Deme, is a Romanian national who was born in 1974 and lives in Oituz, Romania.

The case concerns the death of the applicant's son, aged 17, in his room at the boarding facilities of a State secondary school on 15 May 2014 and the domestic authorities' investigation into the circumstances. While in the company of other students, the applicant's son became unwell. The other students alerted the supervisory staff, who called the emergency services. Despite the care given at the scene, he died. The police officers dispatched to the boarding house took the decision to initiate an investigation that day. On 10 May 2016 the case was closed without charges. The public prosecutor concluded that the applicant's son had died as a consequence of cardiorespiratory failure

brought on by a congenital illness which had gone undetected during his lifetime. The applicant appealed against the decision to close the case without charges, but the appeal was dismissed.

Relying on Article 2 (right to life), the applicant alleges that the domestic authorities breached their duty to protect his son's life and complains that the investigation into the circumstances of his death was not effective.

[Constantin-Lucian Spînu v. Romania \(no. 29443/20\)](#)

The applicant, Constantin-Lucian Spînu, is a Romanian national who was born in 1973. He has been a prisoner at Jilava Prison in Romania since June 2019.

The case concerns the national authorities' refusal, on grounds of measures taken in response to the COVID-19 pandemic, to allow him to attend religious services outside Jilava Prison.

Mr Spînu states that he is a member of the Seventh-Day Adventist Church. From June 2019 to February 2020 he was allowed to leave the prison to attend Adventist Church services. In July 2020 he applied to the prison authorities for permission to attend a Sabbath service every Saturday at an adventist church in Sector 6 of Bucharest. The prison governor denied his request. The applicant challenged that decision in the national courts, where his claim was dismissed on the basis of the COVID-19 Pandemic Prevention and Response Act (Law no. 55/2020). The courts reasoned that the permitted scope for extramural activities was limited by the public health situation arising from the COVID-19 pandemic.

The applicant relies on his freedom of religion under Article 9 (right to freedom of thought, conscience and religion).

[Kotov and Others v. Russia \(no. 6142/18 and 13 other applications\)](#)

The case concerns pollution from a landfill site at a quarry near the town of Klin, Moscow Region.

The applicants are ten Russian nationals who live in or near Klin, and near the Aleksinskiy quarry. The first applicant, Aleksey Nikolayevich Kotov, brought a civil claim against Kombinat LLC, the waste management company operating at the quarry, and the local authorities, which was examined and rejected in 2017 for lack of evidence. In those proceedings Mr Kotov and witnesses testified that there had been a strong foul odour emanating from the Aleksinskiy quarry since 2015.

A group of residents from Klin, including all but three of the applicants, also brought civil proceedings against Kombinat LLC which were dismissed in 2019 on similar grounds. The applicants allege that they lodged cassation appeals unsuccessfully.

Kombinat was found liable for violating sanitary, epidemiological and environmental regulations in 16 separate rounds of administrative proceedings between 2015 and 2018, after which a large-scale multi-level waste recycling and processing plant was set up at the quarry. It has been operating since the end of 2019.

Relying on Article 8 (right to respect for private and family life and the home) and Article 13 (right to an effective remedy), the applicants allege that large amounts of waste are deposited daily at the landfill site, and that the authorities have failed to take measures against the resulting foul odour, air pollution and groundwater contamination. They also allege that there is no effective remedy with which they could raise their complaints.

Relying on Article 11 (freedom of assembly), all but one of the applicants also complain that they were arrested, taken to a police station and later convicted of various administrative offences in relation to protests they had started organising in 2018 at the landfill site. Mr Kotov also complains under this article about the official refusals to authorise four of his requests to hold public events at the site.

[Pavlov and Others v. Russia \(no. 31612/09\)](#)

The case concerns industrial air pollution in Lipetsk, a city of more than half a million people situated about 500 km south-east of Moscow.

The applicants are 22 Russian nationals whose homes are located near large industrial plants, including steelworks and a cement factory, in Lipetsk. They brought proceedings in the courts against 14 government agencies for failing to regulate effectively industrial activity in the area and in particular to create buffer zones (“sanitary protection zones”) around the main plants and factories. In January 2009 the Sovetskiy District Court of Lipetsk examined the applicants’ claim, and ruled that the levels of air pollution in Lipetsk were high but found that the local authorities had been taking measures since 2004-05 to reduce air pollution in the city.

Relying on Article 8 (right to respect for private and family life and home), the applicants complain that severe industrial pollution in Lipetsk has endangered their health and impaired their quality of life and that the State has failed to take effective measures to tackle the problem.

[S.F.K. v. Russia \(no. 5578/12\)](#)

The applicant, Ms S.F.K., was born in 1989 and lives in the Republic of Bashkortostan (Russia).

The case concerns her complaint that in 2010 she was forced to have an abortion by her parents, even though she had made it clear to them and at the public hospital where the intervention took place that she wanted to continue with the five-week pregnancy. The parents were opposed to her relationship with the would-be father, who was the suspect in a violent crime and had been arrested.

She lodged a number of complaints against her parents and the medical personnel, but no criminal proceedings were ever instituted as the relevant authorities found that no elements of a crime could be established and that her parents “had acted in the best interests of their child”.

She has since had two miscarriages and was declared infertile in 2017.

Relying on Article 3 (prohibition of inhuman or degrading treatment), she complains that the forced abortion, and inadequate medical care before and afterwards, amounted to inhuman and degrading treatment and a breach of her right to respect for her private life.

[Garrido Herrero v. Spain \(no. 61019/19\)](#)

The applicant, María Isabel Garrido Herrero, was born in 1960 and lives in Orihuela (Spain).

The case concerns the authorities’ investigation into the death of the applicant’s six-year-old daughter in 2013 because of a faulty medical ventilator. She had been left in need of assisted ventilation following a car accident in 2010.

The investigation lasted five years and was ultimately discontinued in 2019 because the time-limit for ascertaining the cause of the death (and as a result, whether someone could be held criminally liable) eventually ran out.

Relying on Article 2 (right to life), the applicant complains that the domestic courts failed to sufficiently investigate the causes of her daughter’s death following the injuries caused by the allegedly faulty ventilator.

[Çoçelli and Others v. Türkiye \(no. 81415/12\)](#)

The applicants, Memik Çoçelli, Hüseyin Sığlam and Salman Akdeniz, are Turkish nationals who live in Kahramanmaraş (Turkey).

The case concerns administrative proceedings brought by the applicants against the Ministry of Environment and Forests concerning the construction of two cement factories near their

homeplaces and the potential impact. An expert panel produced a report which was used in evidence by the Gaziantep Administrative Court in dismissing their cases.

Relying on Article 6 (right to a fair trial), the applicants complain that the administrative proceedings were unfair, in particular that they did not have enough time to challenge the panel's assertions, the report was biased, and the courts refused to address their concerns in that connection.

[Coventry v. the United Kingdom \(no. 6016/16\)](#)

The applicant, David Michael Coventry, is a British national who was born in 1954 and lives in Romford (the United Kingdom).

The case concerns a judgment against Mr Coventry in a nuisance claim, which the plaintiffs had funded through a conditional-fee arrangement (CFA) and after-the-event (ATE) insurance. Mr Coventry was ordered to pay the plaintiffs' costs including the "success fees" payable to their lawyers under the CFA and the ATE premiums. The plaintiffs were awarded damages of 20,000 British pounds (GBP); the costs for which the applicant and a co-defendant are liable exceed GBP 800,000, with the plaintiffs' costs before the Supreme Court yet to be assessed. More than half of the assessed costs represent success fees and ATE insurance premiums.

Relying on Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property), Mr Coventry complains, in particular, that the recovery of the success fees and ATE premiums constituted a disproportionate interference with his rights.

Thursday 13 October 2022

[Fullani v. Albania \(no. 4586/18\)](#)

The applicant, Adrian Fullani, is an Albanian national who was born in 1955 and lives in Tirana.

The case concerns his dismissal in 2014 from office as Governor of the Central Bank of Albania following his arrest on suspicion of abuse of office. He was subsequently acquitted.

Relying on Article 8 (right to respect for private life), Mr Fullani complains that the domestic courts, although finding his dismissal unlawful, refused to reinstate him in office or to award him additional compensation for the harm done to his reputation.

[Hýbkovi v. the Czech Republic \(no. 30879/17\)](#)

The applicants, Ms Lena Jasmína Hýbková and her sons Michael Gabriel Hýbek and Matyas Gabriel Hýbek, are Czech nationals. They were born in 1976, 2005 and 2007, respectively.

The case concerns Ms Hýbková's separation from her sons when they were placed in a children's care home.

Ms Hýbková, who was alcohol-dependent, underwent several detoxification programmes and medication-based treatments beginning in 2009. As a consequence her sons were placed in care for one month in 2012 (at the ages of seven and five) and for six months in 2013.

Relying on Article 8 (right to respect for family life), the applicants complain that the second and third applicants' placements in care were extended by an order of 24 June 2015 on a faulty legal basis. They submit that they were separated for longer than necessary and that their separation did not meet a pressing social need.

[Bouton v. France \(no. 22636/19\)](#)

The applicant, Ms Eloïse Bouton, is a French national who was born in 1983 and lives in Bagnolet, France.

The case concerns the criminal conviction of the applicant, a feminist activist who at the time was a member of Femen, for acts of “sexual exposure” (*exhibition sexuelle*) committed in a church.

Relying on Article 10 (freedom of expression), the applicant complains of her criminal conviction for acts of sexual exposure committed in a church during a protest which she was conducting as a member of Femen. Relying on Article 7 (no punishment without law), she complains of the vagueness and expansive interpretation of the offence of “sexual exposure”.

[Zeggai v. France \(no. 12456/19\)](#)

The applicant, Mr Mohamed Zeggai, was born in 1956 and lives in Le Havre.

The case concerns the rejection of the applicant’s application for a certificate of French nationality. The applicant was born in France, before Algerian independence, to parents who were then French nationals. He has lived continuously in France and has had a French identity card and voter card. His brothers and sisters are French nationals.

Relying on Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life, home and correspondence), the applicant submits that he has been a victim of two counts of discrimination as regards enjoyment of the right to respect for private life: discrimination between persons whose parents were born French in pre-independence Algeria but later lost French nationality and persons whose parents never had French nationality; and discrimination between persons born in France to French-born parents before Algerian independence and their siblings born in France to French-born parents after Algerian independence.

[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 October 2022

Name	Main application number
I.U. and Z.K. v. Russia	12767/20
Verein Gegen Tierfabriken Schweiz (VgT) and Kessler v. Switzerland	21974/16

Thursday 13 October 2022

Name	Main application number
Amirov v. Azerbaijan	79191/17
Malikov and Others v. Azerbaijan	48643/13
H.W. v. Belgium	39619/18
Mali v. Croatia	34499/16
Gvantseladze v. Georgia	32545/20
Diamantidis v. Greece	52657/14
Blonski and Others v. Hungary	12152/16
Juhász and Others v. Hungary	37026/21
Kalocsai and Others v. Hungary	42264/21

Name	Main application number
Kobza and Others v. Hungary	10978/21
Magyar and Others v. Hungary	60947/21
Sándor and Others v. Hungary	29630/21
Virtió v. Hungary	4699/16
Cuschieri and Others v. Malta	36806/21
Czeszel v. Poland	47731/19
Nowak v. Poland	60906/16
T.Z. and Others v. Poland	41764/17
Wysoczański v. Poland	61226/19
Dobrin and Dari v. Portugal	54914/20
Gugunishvili v. Portugal	5726/21
Nunes Andrade v. Portugal	42013/20
Cioban Junc v. Romania	78228/16
Gavrilă and Others v. Romania	31865/16
Iordănescu and Others v. Romania	60214/16
Manea and Iordachev. Romania	9475/17
Oanța and Others v. Romania	75232/16
Pătroi and Others v. Romania	38581/16
Toma and Others v. Romania	54726/16
Agora and Others v. Russia	28539/10
Alekseyev v. Russia	16241/18
Andriyanov v. Russia	9361/18
Ardabyevskiy and Faradzheva v. Russia	73364/17
Arkipov and Others v. Russia	26454/13
Bakanov and Others v. Russia	61929/17
Bakhayev and Others v. Russia	4806/18
Belyanskiy and Others v. Russia	65026/16
Bezrukov v. Russia	76344/12
Bobyryn and Others v. Russia	63819/17
Bondarev and Others v. Russia	5945/18
Breshchanov and Others v. Russia	33120/08
Britvin and Others v. Russia	2113/20
Brovin and Others v. Russia	42504/17
Cherkasov and Bykov v. Russia	5673/21
Chernozub v. Russia	8777/12
Chichin and Others v. Russia	27564/19
Chirkov and Others v. Russia	65077/19
Chistova v. Russia	57830/19

Name	Main application number
Chudinov and Others v. Russia	71295/17
Danilov and Others v. Russia	28714/18
Gabidullin and Others v. Russia	34253/18
Gilev and Others v. Russia	19504/19
Karimov v. Russia	76451/17
Khalikov and Others v. Russia	33856/17
Khuren-ool and Others v. Russia	77300/17
Kokunov and Others v. Russia	54172/20
Kolbaya and Others v. Russia	75645/14
Kosarev and Others v. Russia	2102/20
Kozhakhmetovy and Others v. Russia	7072/14
Kozlov v. Russia	11649/17
Kudryashov v. Russia	41244/19
Kudryavtsev v. Russia	15407/19
Kuimov v. Russia	1796/20
Kulachinskiy v. Russia	49371/18
Kulakov and Others v. Russia	26200/20
Kurishko v. Russia	12094/19
Laptev and Lukichev v. Russia	56333/18
Magazeyshchikov v. Russia	35651/17
Mastryukov and Others v. Russia	8346/17
Matskevich v. Russia	25622/21
Mayakov v. Russia	28295/20
Meleshchenko and Others v. Russia	2301/19
Mikhalev and Savinov v. Russia	45095/19
Mityanin v. Russia	46915/17
Nikolayev and Others v. Russia	48147/17
Nurislamov and Nagornyykh v. Russia	30733/20
Pavlov and Others v. Russia	39095/17
Pidgurskiy v. Russia	53624/18
Pimenova and Others v. Russia	24963/20
Politayev and Others v. Russia	62123/16
Ponkratenko v. Russia	27314/20
Popov and Others v. Russia	56676/19
Pronenko v. Russia	43916/20
Provizion v. Russia	46948/18
Radeyko and Others v. Russia	7427/18
Romanenko and Smirnov v. Russia	81595/17

Name	Main application number
Saloidy and Others v. Russia	4973/18
Samigulliny and Others v. Russia	61463/14
Samutichev and Others v. Russia	7943/18
Shestakov v. Russia	23537/19
Smetanin and Others v. Russia	54500/18
Sobornov v. Russia	32559/20
Stolbovskikh v. Russia	77444/17
Stugarev and Others v. Russia	72087/17
Tekhnyuk v. Russia	17112/16
Teplov v. Russia	69176/17
Teplyakov and Others v. Russia	31708/16
Titovskiy and Others v. Russia	59250/19
Toshov and Kuptsov v. Russia	14867/18
Ulanin and Others v. Russia	2376/20
Vavilova v. Russia	28495/18
Vinokurov and Others v. Russia	72535/17
Yegorov and Karavayev v. Russia	50194/20
Yusupov v. Russia	11449/18
Zakharov and Others v. Russia	47538/16
Zakharov and Others v. Russia	53570/18
Zaynetdinov and Others v. Russia	3872/18
Almaši and Others v. Serbia	8213/22
Džambas v. Serbia	45973/21
Jašović and Others v. Serbia	18424/22
Jovanović and Others v. Serbia	51612/21
Kocić and Others v. Serbia	34855/21
Kukolj v. Serbia	59202/21
Lazarević and Others v. Serbia	48402/20
Lion DOO Požarevac v. Serbia	60316/21
Milanović and Others v. Serbia	38359/21
Miletić and Others v. Serbia	45385/21
Milićević and Others v. Serbia	35956/21
Popović and Others v. Serbia	34563/21
Ristić and Others v. Serbia	51533/21
Ristić v. Serbia	39274/19
Savović and Kovačević v. Serbia	13640/22
Sojkić v. Serbia	38277/21
Stanić and Others v. Serbia	18132/21

Name	Main application number
Tančić and Others v. Serbia	7829/22
Tuzlak and Others v. Serbia	34195/21
BPT LEASING, a.s. v. Slovakia	14926/22
NOVASTYL s.r.o. v. Slovakia	16123/22
A.T. v. Slovenia	20952/21
Jorge López v. Spain	54140/21
Taher v. Switzerland	41692/16
Pogoryelov v. Ukraine	19062/15
Rybiy v. Ukraine	11899/17
Shanovskyy v. Ukraine	61431/15
Associated Newspapers Limited v. the United Kingdom	72458/17
M.T. v. the United Kingdom	63230/19
MGN Limited v. the United Kingdom	72497/17

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Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

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.