EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing eight judgments on Tuesday 12 May 2020 and 19 judgments and / or decisions on Thursday 14 May 2020.

*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 12 May 2020

Sudita Keita v. Hungary (application no. 42321/15)

The applicant, Michael Sudita Keita, is a stateless person (of Somali and Nigerian descent) who was born in 1985 and lives in Budapest.

The case concerns the difficulties in regularising his legal situation in Hungary over a period of 15 years.

Mr Sudita Keita arrived in Hungary in 2002, submitting a request for recognition as a refugee. The immigration authorities rejected it the same year.

He has continued to live in the country without any legal status, apart from one period from 2006 to 2008 when he was granted a humanitarian residence permit as an exile because he could not be returned to Somalia while the civil war was ongoing and the Nigerian embassy in Budapest had refused to recognise him as one of its citizens.

The authorities reviewed his exile status in 2008 and ordered his deportation in 2009, but it was not enforced.

Ultimately, in 2017, the Hungarian courts recognised him as a stateless person. His request had at first been refused because he did not meet the requirement under the relevant domestic law of "lawful stay in the country". That requirement was, however, found unconstitutional in 2015.

He submits that he has been living with his Hungarian girlfriend since 2009 and completed a heavy-machinery operator training course in 2010.

Relying in particular on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Sudita Keita complains about the authorities' protracted reluctance to regularise his situation, alleging that it has had adverse repercussions on his access to healthcare and employment and his right to marry.

Danciu and Others v. Romania (no. 48395/16)

The applicants are a Romanian family, a mother, Sava Danciu, her two sons, Dumitru Danciu and Ionuc Danciu, and daughter, Lupa Timiș. They were born in 1954, 1975, 1986 and 1974 respectively and live in Borșa (Romania), San Giuliano Milanese and Como (Italy).

The case concerns the alleged attempt to murder their relative.

In September 2008 the local Borșa police were called to an altercation outside a restaurant involving the applicants' relative (husband and father, respectively), but by the time they arrived he had already been taken to hospital with an open head injury and concussion. When questioned there he stated that he had been sprayed with tear gas and attacked with a wooden bat.

The applicants' relative filed a criminal complaint in November 2008, naming five people as his attackers. The prosecutor heard the victim in February 2009 and, after he complained about the protracted length of the proceedings, questioned the five suspects in May 2009 and, a few months later, the witnesses indicated by the parties.

One of the suspects was eventually indicted in 2010 for hitting the applicants' relative and other forms of violence, as well as with causing a serious disturbance of public order. That legal classification was subsequently changed during the criminal case before the courts to attempted first-degree murder.

The criminal proceedings ended, however, in 2016 with an acquittal because of lack of incriminating evidence.

The applicants' relative had died in 2011 while the proceedings were still ongoing. A medical report concluded that there was no causal link between his death and the cranial injury he had sustained during the attack.

Relying on Article 2 (right to life) of the European Convention, the applicants mainly complain that the authorities failed to carry out an effective and speedy investigation into the alleged attempt to murder their relative.

Korostelev v. Russia (no. 29290/10)

The applicant, Anton Korostelev, is a Russian national who was born in 1987 and is detained in penal colony IK-18 in the settlement of Kharp (Yamalo-Nenetskiy Region, Russia).

The case concerns his complaint about a violation of his religious rights after he was reprimanded for praying during the prison's obligatory night-time sleeping period.

Mr Korostelev was sentenced to life imprisonment in June 2009. He is a practising Muslim and believes that it is his religious duty to perform acts of worship at least five times a day, including night-time.

In July 2012 and May 2013, while being held in remand prison no. 1 in the town of Syktyvkar, Republic of Komi ("IZ-1"), prison guards observed him saying prayers in the early hours. They ordered him to return to his sleeping place, but he refused.

The guards reported him to the prison governor for failing to observe the prison's daily schedule, which stated that a prisoner had to sleep at night between 10 p.m. and 6 a.m. After looking into the matter, including statements by the applicant, the governor in August 2012 and May 2013 formally reprimanded him for a breach of the Pre-trial Detention Act.

The applicant appealed to the Syktyvkar Town Court, which dismissed his appeal in November 2012. The court found that his conduct – absence from his sleeping place at the time set for uninterrupted night-time sleep – had violated the daily prison schedule and the legislative rules on prison discipline. The Supreme Court of the Republic of Komi dismissed an appeal by him in February 2013.

The applicant also submitted that he had been reprimanded in IK-18 in March 2018 for an act of worship performed during the daytime.

The applicant complains about the disciplinary proceedings under Article 9 (freedom of thought, conscience, and religion). Under Article 13 (right to an effective remedy), he also complains that he has not been afforded an effective domestic remedy by which to raise his complaint under Article 9.

Nechayeva v. Russia (no. 18921/15)

The applicant, Ms Yelena Yuryevna Nechayeva, is a Russian national who was born in 1978 and lives in Moscow. Married and the mother of four children, she worked, from 2002 to 2015, as a federal civil servant in the Department of Labour and Employment. The case concerns the application of a

mechanism for the reduction of an allowance that she was granted to help with the purchase of housing.

At the relevant time Ms Nechayeva was living with her family in a room in a communal flat. She owned that room and one room in another flat, with a total area of 66.37 sq. m. In December 2010 she asked the head of her Department to place her on the list of civil servants eligible for housing assistance. In a decision of 18 March 2011 the head of the Department of Labour granted that request, pursuant to Government Decree no. 63 of 29 January 2009 and to a decision of 15 February 2011 by a committee of that Department set up to examine grants of allowances to civil servants. In December 2013 the committee determined which civil servants were eligible for assistance and decided to apply a reduction coefficient to the amount granted to candidates working in Moscow "in view of limited budgetary resources". It selected thirteen officials, including the applicant, who were eligible for the grant, and fixed the reduction coefficient.

On 23 December 2013 the head of the Department of Labour granted the applicant assistance for the purchase of housing in the amount of 4,353,927 roubles (RUB). In September 2014 Ms Nechayeva entered into a contract for the purchase of a flat in Moscow with a surface area of 26.5 sq. m. On 9 October 2014 the sum of RUB 4,353,927 was transferred to her bank account.

In April 2014 Ms Nechayeva filed an administrative appeal challenging the amount granted to her. In particular, she considered that she was entitled to RUB 24,486,105. She argued that by applying a coefficient not provided for under Russian law the committee had overstepped its powers.

On 4 July 2014 the Moscow Simonovsky District Court handed down its judgment. It validated the committee's calculation of the allowance. As to the reduction coefficient, the court noted that the committee had justified its application on the grounds of insufficient funds. It found that, in these circumstances, the decision to apply a reduction mechanism was "legal and justified". It therefore dismissed Ms Nechayeva's appeal.

On 16 October 2014 the Moscow court upheld the District Court's judgment on appeal. Ms Nechayeva appealed to the Supreme Court of Russia, which, on 6 July 2015, ruling in a single judge formation, refused to refer the appeal to its civil division for consideration.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant argues that the application of the reduction coefficient to the amount of the allowance that she was entitled to receive was an arbitrary measure incompatible with the requirements of that Article.

Thursday 14 May 2020

Kostov and Others v. Bulgaria (no. 66581/12 and 25054/15)

The applicants are three Bulgarian nationals, Nedyalko Kostov, Severina Popova and Boris Velichkov. They were born in 1971, 1951 and 1944, respectively, and live in Sofia.

The case concerns the applicants' complaints that they were awarded disproportionately low amounts of compensation when property they owned on the outskirts of Sofia was expropriated by the State for the construction of roads.

The first applicant's land was expropriated in 2011 to build a junction on the Sofia-Varna motorway, while the second and third applicants' land was expropriated in 2013 to build the ring road around Sofia. The first applicant was awarded an average of 0.22 Bulgarian levs (BGN, equivalent to 0.11 euros (EUR)) per square metre as compensation for his land, and the second and third applicants were awarded BGN 0.84 (EUR 0.43) per square metre.

The applicants brought judicial-review proceedings complaining that the compensation was too low, and in breach of the domestic law which, in the event of expropriation, provided for the award of compensation equivalent to the market value of comparable properties.

In the proceedings a plot of land sold for BGN 225 (EUR 115) per square metre was identified as comparable to the first applicant's property and a plot sold for BGN 25 (EUR 13) per square metre as comparable to the second and third applicants' property.

In judgments handed down in 2012 and 2014, the Supreme Administrative Court found however that one comparable property was not sufficient to establish the market value of the expropriated land. The amount of compensation therefore had to be calculated on the basis of Government-adopted formulas set out in a regulation under the domestic law, which led to the amounts of compensation awarded during the expropriation.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain that the compensation awarded to them bore no relation to the market value of their land, the second and third applicants pointing out in particular that other owners of expropriated land in the same area had received much higher awards.

Mraović v. Croatia (no. 30373/13)

The applicant, Josip Mraović, is a Croatian national who was born in 1948 and lives in Gospić (Croatia).

The case concerns the balancing of the applicant's right to a public hearing in proceedings against him on charges of rape and the victim's right to the protection of her private life.

In 2005 a local basketball player reported to the police that the applicant had sexually assaulted her. He was immediately arrested on suspicion of rape.

He was acquitted by the first-instance court later in the year following proceedings which, at his request, were closed to the public.

However, following a retrial, he was found guilty of rape in 2008 and sentenced to three years' imprisonment.

During those proceedings he twice requested that the case be heard in open court so as to ensure more objective reporting, arguing that the victim had given interviews to the media, while he had been stigmatised. The court dismissed his requests as it considered that exclusion of the public was necessary for the protection of the victim's private life.

The decision to allow the trial to be held in camera was subsequently reviewed on appeal by the Supreme Court, which concluded that there had been no breach of the applicant's rights in the criminal proceedings.

A constitutional court appeal by the applicant was dismissed as ill-founded in 2012.

Relying on Article 6 § 1 (right to a fair trial/public hearing), Mr Mraović complains that the domestic courts justified excluding the public from the hearing of his case merely by the need to protect the victim's private life, without balancing this against his right to a public hearing. Nor did the domestic courts ever explain why it was necessary to exclude the public from the entire proceedings, instead of just from certain hearings.

Romić and Others v. Croatia (nos. 22238/13, 30334/13, 38246/13, 57701/13, 62634/14, 52172/15, and 17642/15)

The applicants in this case are seven Croatian nationals, Josip Romić, Ivan Romić, Željko Vlaškalić, Želimir Radonić, Zvonimir Dumančić, Željko Severec, and Josip Topalović, who were born in 1960,

1958, 1955, 1960, 1961, 1959, 1981 respectively, and one national of Bosnia and Herzegovina, Darko Domazet, who was born in 1963. They live in Croatia and Bosnia and Herzegovina.

The case concerns their allegations of unfairness in criminal proceedings brought against them.

All eight applicants were found guilty between 2010 and 2014 of crimes varying from fraud to attempted murder and given sentences.

When the domestic courts dismissed their appeals and upheld their convictions, they lodged constitutional complaints. They argued that during the appeal proceedings the submissions of the State Attorney's Office in their cases had never been served on the defence and/or that they had not been given the opportunity to be present at sessions of the appeal panel.

The first and second applicants' constitutional complaints were dismissed because domestic law did not require appeal courts to forward State Attorney's Office submissions to the defence, while all the other applicants' complaints were dismissed as unfounded.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), the first, second, fourth, fifth, sixth, seventh and eighth applicants allege that the principle of equality of arms was breached in the proceedings against them because the State Attorney submissions had never been forwarded to them. The third, fourth, sixth, seventh and eighth applicants complain about the holding of sessions of the appeal panel in their absence.

Astruc v. France (no. 5499/15)

The applicant, Cyril Astruc, is a French national who was born in 1973 and was held in Fresnes Prison. The case concerns his complaint that he was kept in solitary confinement, while imprisoned on remand, after hospital treatment.

Mr Astruc was taken into custody on the basis of five warrants in the context of judicial investigations against him, a number of which concerned carbon tax fraud which had led to the misappropriation of 146 million euros. He was placed in the remand prison in Fresnes on 10 January 2014 in the context of one of those cases.

On 26 March 2014 the prison administration informed the investigating judge that interception of his telephone calls had enabled it to identify outside contacts used by the applicant to obtain services. On 8 April 2014 Mr Astruc was placed in solitary confinement on a provisional basis for having been found in possession of items that could not be bought in prison. On 11 April 2014 the prison governor decided to place him in solitary confinement from 12 April 2014 to 12 July 2014, in order to "prevent any repeat of the fraudulent procurements". On 13 April 2014 Mr Astruc applied to the urgent applications judge of the administrative court seeking a stay of execution of that decision; the judge rejected the application as being devoid of urgency.

On 30 April 2014 Mr Astruc was admitted to the prison hospital's psychiatric unit under a protocol known as medical cell confinement. Two days later he left the unit at his request and was kept in solitary confinement.

On 5 May 2014 Mr Astruc submitted a fresh application for a stay of execution of the decision to place him in confinement. He argued in particular that his state of health had considerably worsened since his previous application and that his possession of personal hygiene and other products did not represent any risk for the prison or for other individuals. On the same day the urgent applications judge dismissed his request in a decision, against which Mr Astruc appealed.

In a letter of 16 June 2014 the prison governor informed the investigating judge that other seizures of prohibited items had been carried out in the cell, that Mr Astruc had been paid numerous visits, had received food parcels and had purchased products in the canteen in such quantities that they had to be stored in another cell. On 17 June 2014 Mr Astruc was given the disciplinary sanction of

confinement in an ordinary cell for seven days after a USB key that could not have been bought inside the prison was found in his cell.

On 23 June 2014, before the scheduled date, the prison governor decided to lift the confinement measure. On 23 July 2014 the *Conseil d'État* declared inadmissible the applicant's appeal against the decision of 5 May 2014.

On 13 September 2017 Mr Astruc was sentenced by the Paris Criminal Court to nine years' imprisonment and a fine of one million euros in the case of carbon tax fraud. On 9 September 2019 the Paris Court of Appeal raised the sentence to ten years. The applicant was not present at either hearing as he had gone missing after being released in 2015.

Relying on Article 3 (prohibition of inhuman and degrading treatment), the applicant alleges that keeping him in solitary confinement after hospitalisation constituted treatment in breach of that provision. He asserts that there were no grounds to justify prolonging the measure at that stage and that the authorities did not take sufficient account of his state of health at the time when they decided to keep him in solitary confinement.

Hirtu and Others v. France (no. 24720/13)

The applicants are seven Romanian nationals who belong to the Roma community: Laurentiu Constantin Hirtu, Stanica Caldaras, Dorina and Paulina Cirpaci, Imbrea and Virgina Istfan, and Angelica Latcu. The case concerns the evacuation of an unauthorised encampment where the applicants had been living for six months.

The applicants state that they have lived in France for many years and that, with one exception, they all hold ten-year residence permits as European Union nationals. At the time of the events, all the school-age children were attending school. On 1 October 2012, after a previous encampment had been dismantled, the applicants, as part of a group of 141 people including around fifty children, moved in 43 caravans to a plot of land in La Courneuve, in the suburbs of Paris.

At the request of the mayor of La Courneuve, the prefect of Seine-Saint-Denis issued an order on 29 March 2013 requiring "the travellers illegally settled on the site at rue Politzer and rue de la Prévôté in the municipality of La Courneuve" to vacate the site within forty-eight hours, failing which they would be forcibly evicted.

Mr Hirtu was the only applicant who succeeded in bringing an action in the Montreuil Administrative Court, which was declared inadmissible. He appealed to the Versailles Administrative Court of Appeal but his appeal was dismissed.

On 5 April 2013 Virginia Istfan, Dorina Cirpaci, Stanica Calderas and another occupant of the site submitted an urgent application for protection of a fundamental freedom to the administrative court, requesting that the eviction be postponed until 1 July 2013 to allow them time to find stable accommodation.

In a decision of 10 April 2013, served on the same day, the urgent-applications judge declared the application inadmissible. The applicants lodged an appeal with the urgent-applications judge of the *Conseil d'État*, but withdrew it subsequently on the advice of their lawyer since they had been evicted from the land in the meantime.

On 11 April 2013 the applicants applied to the Court for an interim measure under Rule 39, seeking the suspension of the prefect's order and relying on Articles 3 and 8 of the Convention and on Article 2 of Protocol No. 1 (right to education). On 12 April 2013 their representative, the European Roma Rights Centre (ERRC), informed the Court that the applicants had left of their own accord during the night of 11 April and were staying a few streets away in Bobigny.

No accommodation was offered to the applicants, who stated that they had slept outside or in their car before moving to the settlement known as Coquetiers in Bobigny, where they had to share a caravan with other families or buy a new one.

On 19 August 2014 the municipality issued an order requiring the inhabitants of the Coquetiers encampment to vacate it within forty-eight hours. Several of the inhabitants lodged an urgent application for protection of a fundamental freedom with the administrative court, which rejected it on 25 August 2014. The same day, three of the applicants requested the Court to apply Rule 39 of the Rules of Court, seeking the suspension of the municipality's order.

On 1 September 2014 the duty judge decided not to apply Rule 39, in view of the assurances given by the Government that prior to any eviction the prefect would carry out the social assessment provided for by domestic law and would provide all vulnerable persons with emergency accommodation. On 16 April 2015 the Court declared the application (no. 58553/14) inadmissible.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants submit that the circumstances of their forcible eviction and their subsequent living conditions amount to inhuman and degrading treatment. Under Article 8 (right to respect for private and family life and the home), they complain of a breach of their right to respect for their private and family life and their homes. Relying on Article 13 (right to an effective remedy), they allege that they did not have an effective remedy by which to challenge their forcible eviction.

Kadagishvili v. Georgia (no. 12391/06)

The applicants, Amiran Kadagishvili, Nana Kadagishvili, and Archil Kadagishvili, are Georgian nationals who were born in 1949, 1947, and 1978 respectively, and live in Tbilisi. Amiran and Nana Kadagishvili are husband and wife and Archil is one of their two sons.

The case concerns their allegations that their trial for fraud and money laundering was unfair and that the first and third applicants were held in inadequate conditions of detention.

In July 2004 the first and third applicants were arrested on suspicion of financial crimes, including money laundering related to the activities of Gammabank, established by the first applicant. In September 2004 the second applicant was also arrested as a suspect. Their case was covered by the Rustavi 2 television channel, which in one report had an interview with the investigator, who stated that 10 billion euros (EUR) had been transferred through Gammabank accounts.

The applicants' trial began in 2005, ending with their conviction in April 2006. The court found them guilty of organising money laundering and other illegal acts, involving also employees of Gammabank. The first and third applicants were sentenced to prison while the second applicant was given a suspended prison sentence.

Sixteen Gammabank employees testified, including 10 who had been convicted of the same financial crimes on the basis of plea-bargaining agreements. The court also based its findings on other material, such as financial and other documents, an expert examination apparently carried out in respect of the relevant documents, and a report obtained from the United States Department of the Treasury.

On appeal, the applicants, argued in particular against the first-instance court's reliance on the witnesses who had concluded plea-bargaining agreements. During the proceedings the first applicant was excluded from the final hearing for contempt of court. In October 2006 the appeal court upheld their convictions.

The Supreme Court in February 2007 rejected an appeal on points of law as inadmissible.

The first and third applicants were held at a short-term remand prison; Tbilisi prison no. 5; and Rustavi prison no. 2. Both submit that the conditions of detention in their cells in Tbilisi prison no. 5

were very poor and included over-crowding. They also submit that they received insufficient treatment for their medical problems, which for the first applicant included type II diabetes.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the first and third applicants complain that they did not receive adequate medical care in prison. They also submit that the conditions of their detention violated Convention standards.

The three applicants make various complaints about the criminal proceedings under Article 6 (right to a fair trial). They also raise complaints under Article 7 § 1 (no punishment without law) and Article 1 of Protocol No. 1 (protection of property), stating that their property was confiscated as a result of a retroactive application of a criminal sanction.

Under Article 34 (right of individual petition) the first and third applicants complain that the Government failed to comply with the letter and spirit of an interim measure indicated by the Court under Rule 39. The first applicant also complains that his representatives were twice prevented from entering the prison hospital to finalise a response to the Government's observations in the case.

Papadopoulos v. Greece (no. 78085/12)

The applicant, Mr Efthymios Papadopoulos, is a Greek national who was born in 1965 and lives in Athens. The case concerns, in particular, the use at a hearing of a complaint made against the applicant by his former spouse, who accused him of sexually abusing their son. That statement served as the basis for the applicant's conviction, which was upheld by the Court of Cassation.

Mr Papadopoulos, a judge by profession, divorced his wife in 2001. Parental authority in respect of their son, born in 1998, was awarded to the mother. At an unspecified date he brought proceedings before the Court of First Instance asking that parental authority be awarded to him. The court dismissed the case and authorised Mr Papadopoulos to meet his son during the day and in the mother's presence.

In January 2005, at the public prosecutor's request, the head of the child psychiatry clinic at Evangelismos Hospital interviewed the child. She recommended increasing the number of meetings between father and son, taking the view that the mother was not inclined to allow Mr Papadopoulos to assume his role as father and was seeking to prevent any relationship between father and son.

In April 2005 the Athenian Child Protection Society sent the public prosecutor responsible for the protection of minors a report, as requested by him, which set out the various points of disagreement between the parents and reproduced the mother's allegations that she was trying to protect her son from the physical, sexual and psychological ill-treatment that Mr Papadopoulos would inflict on him.

On 28 December 2005 the mother filed a complaint against her former husband for sexual abuse against their child. The public prosecutor ordered a preliminary investigation and Mr Papadopoulos presented his defence. After the investigation, criminal proceedings for repeated abuse of a minor were opened against Mr Papadopoulos and another person, Th. G.

During the investigation, Mr Papadopoulos, his ex-wife, the child and witnesses were summoned to testify. When examined by the judge on 13 July 2007 the child described a number of sexual acts that the applicant and Th. G. had allegedly inflicted on him. On 5 August 2009 the applicant and Th. G. were committed to stand trial before the Athens Court of Appeal.

In a judgment of 6 April 2011 the Court of Appeal sentenced Mr Papadopoulos to thirteen years' imprisonment for repeated abuse of a minor under ten years old. It also sentenced Th. G. to eleven years' imprisonment. Mr Papadopoulos appealed.

On 19 December 2011 the Court of Appeal upheld the conviction, but reduced the sentence to six years' imprisonment based on mitigating circumstances. It acquitted Th. G.

During the proceedings Mr Papadopoulos asked the Court of Appeal not to read out the statement that his son had made on 13 July 2007, arguing that the statement had been given under the harmful influence of the child's mother. As at first instance, he disputed the accusations against him, portraying them as a form of revenge on the part of his ex-wife.

At the hearing the Court of Appeal read out the impugned statement. It founded Mr Papadopoulos' conviction on the clarity of that statement and the lack of any contradiction in it, on a report drawn up by a social worker who had examined the child, and on the judgment of the Court of First Instance.

Mr Papadopoulos appealed on points of law. The Court of Cassation dismissed the appeal.

Relying in particular on Article 6 §§ 1 and 3 (d) (right to a fair hearing and right to examine witnesses), the applicant complains that his son's statement to the investigating judge, which in his submission was the sole ground of his conviction, was taken in the absence of a specialist and without any audio-visual recording.

Rodina v. Latvia (nos. 48534/10 and 19532/15)

The applicant, Irina Rodina, is a Latvian national who was born in 1954 and lives in Riga.

The case concerns her complaint about violations of her private life by a newspaper article and television programme.

In January 2005 the Russian-language newspaper *Čas* (*Час*) published an article entitled "An apartment sets a family at loggerheads", with the headline "A family drama".

Including statements from the applicant's mother and two other family members, the article stated among other things that the applicant had taken her mother to a psychiatric hospital, had sold her mother's apartment and had refused to support her. It was accompanied by a photograph of the family, including the applicant.

In November 2005 the applicant brought proceedings against the newspaper's publisher and two members of the family. The first-instance court dismissed her claim against the family members and partly upheld it in respect of the publisher, finding that the applicant's right to private life had been infringed and that four of the contested statements had violated her right to respect for honour and dignity.

On appeal, the Riga Regional Court quashed the first-instance judgment in May 2009. It concluded that 13 statements impugned by the applicant had not been false and could not damage her honour and dignity. It found likewise for the photograph. The applicant lodged an appeal on points of law, but the Senate of the Supreme Court declined to institute proceedings.

In November 2005 the TV3 television channel broadcast a short feature about the dispute in the applicant's family and the applicant brought a second set of proceedings. The Riga City Zemgale District Court dismissed her claim in September 2008 and the Riga Regional Court in essence upheld the first-instance judgment in June 2010. In July 2011 the Senate of the Supreme Court decided against instituting proceedings on points of law.

Relying on Article 8 (right to respect for private and family life, the home and the correspondence), the applicant complains about the publication of her family story in the newspaper and its subsequent broadcast on television, and alleges that the domestic courts failed to protect her rights in both sets of civil proceedings.

Jablonska v. Poland 24913/1

The applicant, Teresa Jabłońska, is a Polish national who was born in 1954 and lives in Warsaw.

The case concerns the death of her son following an attempt to arrest him during a routine police check.

On 18 June 2013 the applicant's son, D.J., was stopped at a police checkpoint for a random search of his car. The officers found two small packets of white powder and decided to arrest him. When he started to walk away, two officers tried but failed to overpower him and a struggle ensued with six more officers who arrived on the scene. After the officers managed to restrain and handcuff him, they realised that he was not breathing. All resuscitation attempts, by two officers, two passing paramedics and an ambulance crew called to the scene, were unsuccessful, and D.J. was pronounced dead on site.

Criminal proceedings were instituted the next day and the prosecuting authorities took witness statements and collected evidence. The autopsy concluded that the cause of death had been acute cardiorespiratory failure related to a chronic circulatory insufficiency. It noted, however, that neck injuries found on D.J. might also have had an impact on his death.

The Warsaw District Prosecutor discontinued the investigation in September 2014, finding that the police officers' actions had been justified by the reasonable suspicion of a drugs offence and to prevent D.J. from fleeing. The prosecutor dismissed as not credible the witness statements given by the passenger riding in D.J.'s car on the day of the incident and other witnesses alleging that he had been kicked in the head by one of the officers. He further found that D.J.'s neck injuries had no connection to the cardiorespiratory failure, which had resulted from "excited delirium syndrome", a condition related to stress caused by police actions and associated with excessive hormonal stimulation.

Those findings were upheld by the Warsaw District Court in November 2014.

The prosecution services reviewed the case five years later, interviewing more witnesses and requesting another forensic opinion, but they found that the evidence thus obtained did not justify reopening the investigation.

Relying on Article 2 (right to life), Ms Jabłońska complains about the conduct of the police operation, which she alleges involved an excessive use of force, the failure to provide her son with requisite medical care as well as to conduct an effective investigation into his death.

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 12 May 2020

Name	Main application number
Vasilevska and Bartoševič v. Lithuania	38206/11
Canlı v. Turkey	8211/10
Ekinci v. Turkey	25148/07
Güllü v. Turkey	37671/12

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Name	Main application number
Agayev v. Azerbaijan	66917/11
Nikolov and Abbasova v. Azerbaijan	62383/17

Name	Main application number
Bayrakov v. Bulgaria	63397/12
Castraveţ and Musienco v. the Republic of Moldova	29352/09
Arutyunyants v. Russia	9355/13
Ryazhskaya v. Russia	9492/13
Gürbüz and Bayar v. Turkey	71777/11
Gürbüz v. Turkey	71772/11
Braylovska v. Ukraine	14031/09
Webster v. the United Kingdom	32479/16

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