



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 20 judgments on Tuesday 12 October 2021 and 63 judgments and / or decisions on Thursday 14 October 2021.

*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 12 October 2021

#### [Bara and Kola v. Albania \(applications nos. 43391/18 and 17766/19\)](#)

The applicants, Petrit Bara and Eduard Kola, are Albanian nationals who were born in 1953 and 1986 respectively. Mr Bara lives in Tirana. Mr Kola is serving a prison sentence in Albania.

The case concerns proceedings before the domestic courts at a time when judicial reforms were taking place. An election to the post of rector of a university was at issue in Mr Bara's case, while Mr Kola's concerned his trial for murder.

Relying on Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) of the European Convention on Human Rights, the applicants complain of the length of the proceedings before the domestic courts and of a lack of an effective remedy in this regard. Mr Kola also complains that his trial was unfair.

#### [J.C. and Others v. Belgium \(no. 11625/17\)](#)

The applicants are 24 Belgian, French and Netherlands nationals. They allege that, while still children, they were subjected to sexual abuse by Catholic priests.

The case concerns proceedings for compensation brought by the applicants against the Holy See, several leaders of the Belgian Catholic Church and various Catholic associations in respect of the harm caused by the structurally deficient manner in which the Church had dealt with the problem of sexual abuse within its ranks. The Belgian courts ruled that they did not have jurisdiction in respect of the Holy See.

Relying on Article 6 § 1 (right of access to a court), the applicants allege that the fact of applying the principle of jurisdictional immunity of States to the Holy See prevented them from pursuing their civil claims against it before the courts.

#### [Banevi v. Bulgaria \(no. 25658/19\)](#)

The applicants are Nikolay Yordanov Banev and Evgenia Zlateva Baneva, born in 1959 and 1970 respectively, and Maria Nikolova Baneva (Mr Banev's mother). They are Bulgarian nationals and live in Sofia.

Nikolay Banev and Evgenia Baneva were prosecuted in criminal proceedings for participating in a criminal organisation, the main activities of which were misappropriating corporate assets, money laundering and tax evasion.

Relying on Article 5 §§ 1, 3, 4 and 5 (right to liberty and security / right to a speedy decision on the lawfulness of a detention measure), Mr Banev considers that his pre-trial detention was unlawful and excessively long, and that he had no effective remedy to secure his release or any possibility of obtaining compensation. Under Article 8 (right to respect for private life), he complains that he was

monitored by a mobile camera while travelling and within the pre-trial detention centre. Relying on Article 6 § 2 (presumption of innocence), Mr Banev and Ms Baneva allege that on several occasions the courts and the prosecution service breached their right to be presumed innocent. They complain about the publication of photographs and of a video showing the inside of their home, their personal effects and objects of value. Lastly, relying on Article 13 (right to an effective remedy), they submit that there were no domestic remedies available to them by which to obtain redress for the alleged violations.

#### [C.N. v. Luxembourg \(no. 59649/18\)](#)

The applicant, C.N., is a national of Luxembourg who was born in 2006.

The case concerns C.N.'s right of access to a court; he had initially been the subject of a temporary placement order. When this measure was lifted, the juvenile court of appeal set out the four conditions under which C.N. could remain in his family environment. C.N. complained on points of law against this decision but his appeal was declared inadmissible on the grounds that he had failed to inform his parents about his written pleadings.

Relying on Article 6 § 1 of the Convention, C.N. complains about the Luxembourg Court of Cassation's decision criticising him for failing to inform his father and mother about the written pleadings, despite the fact that they were his legal representatives and, as such, he was under their authority.

#### [Foyer Assurances S.A. v. Luxembourg \(no. 35245/18\)](#)

The applicant, Foyer Assurances S.A., is an insurance company based in Leudelange (Luxembourg). The case concerns the applicant company's complaint about its right of access to a court.

In the context of a dispute concerning compensation for the victim of a traffic accident, the applicant company criticises the Court of Cassation for being excessively formalistic. That court had declared its appeal on points of law inadmissible on the grounds that the applicant company had not specified, as required by national law, the "grounds for opening on which [they] relied" (that is, the grounds which permit a party to exercise an appeal on points of law).

Before the European Court, the applicant company relies on Article 6 § 1 (right to a fair hearing) and complains about the Court of Cassation's decision.

#### [The Association of Investigative Reporters and Editorial Security of Moldova and Sanduța v. the Republic of Moldova \(no. 4358/19\)](#)

The applicants are Asociația Reporteri de Investigație și Securitate Editorială din Moldova, a non-governmental organisation based in Moldova, and a journalist, Iurie Sanduța, a Moldovan national born in 1988 and living in Chișinău.

The case concerns defamation proceedings brought against the applicants for their article reporting on the Socialist Party of Moldova's alleged financing by an offshore company with Russian ties ahead of the 2016 Presidential elections. The leader of the Socialist Party, Igor Dodon, was elected President of Moldova in those elections.

Relying on Article 10 (freedom of expression), the applicants complain that their being held liable for defamation of the Socialist Party of Moldova breached their right to impart information.

#### [R.D. and I.M.D. v. Romania \(no. 35402/14\)](#)

The applicants, Mr R.D. and Ms I.M.D., are Romanian nationals who were born in 1967 and 1982 respectively and live in Ștei.

The case concerns the non-voluntary confinement of the applicants in a psychiatric hospital, for the purpose of compelling them to undergo medical treatment, and about the obligation to undergo that medical treatment.

Relying on Articles 5 § 1 (right to liberty and security) and 8 (respect for private and family life), the applicants complain about their confinement, which they consider to have been unjustified and arbitrary.

They also allege that they have been obliged to undergo medical treatment since the start of the non-voluntary confinement.

#### [Boychenko v. Russia \(no. 8663/08\)](#)

The applicant, Natalya Vladimirovna Boychenko, is a Russian national who was born in 1960 and lives in Prokhladnyy (Kabardino-Balkariya Republic, Russia).

The case concerns the death of the applicant's son in 2006 during his contractual military service and the subsequent investigation. The official investigation concluded that low morale at being posted so far from home and conflict with two senior officers had led to his alleged suicide.

Relying on Article 2 (right to life), Ms Boychenko alleges that if her son had indeed killed himself because of problems during his military service, the investigation failed to establish the reasons behind it. She also complains about the failure to recognise her victim status and consequently, to secure her procedural rights. She submits that the two-year duration of the investigation was unreasonable and excessive.

#### [Khabirov v. Russia \(no. 69450/10\)](#)

The applicant, Saitgaray Mingareyevich Khabirov, is a Russian national who was born in 1956 and lives in Kazan (Republic of Tatarstan, Russia).

The case concerns the death of the applicant's son during his compulsory military service and the subsequent investigation. He was found hanging from a noose in January 2006 in the psychiatric department of a military hospital. He was being considered at that time for military discharge after a number of suicide and desertion attempts.

Relying on Article 2 (right to life), the applicant complains that the State failed to protect the life of his son, and that the investigation into the circumstances leading to his son's death was not efficient. He submits that the authorities knew that his son was a suicide risk but failed to take adequate measures, the system of psychological assessment and assistance in the military forces at the time being inadequate.

Thursday 14 October 2021

#### [Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan \(nos. 74288/14 and 64568/16\)](#)

The first applicant is Democracy and Human Rights Resource Centre, a non-governmental organisation specialising in legal education and protection of human rights. The second applicant, Asabali Gurban oglu Mustafayev, an Azerbaijani national, is a lawyer and member of the Azerbaijani Bar Association. He is also the founder and chairman of the first applicant.

The case concerns the applicants' complaints about judicial orders against them pending the investigation into a criminal case brought against a number of non-governmental organisations in 2014 for alleged financial irregularities.

Both applicants complain in particular under Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy) about the freezing of their bank accounts, while Mr

Mustafayev complains under Article 2 of Protocol No. 4 (freedom of movement) about travel bans imposed on him by the prosecuting authorities and by the domestic courts for tax debt.

Lastly, the applicants allege that these measures were politically motivated. According to them, the restrictions were part of a targeted repressive campaign against human-rights defenders and NGO activists in Azerbaijan, and were intended to paralyse their work, in breach of Article 18 (limitation on use of restrictions on rights) taken in conjunction with Article 1 of Protocol No. 1 and Article 2 of Protocol No. 4.

#### [Milachikj v. North Macedonia \(no. 44773/16\)](#)

The applicant, Zoran Milachikj, is a Macedonian/citizen of the Republic of North Macedonia who was born in 1955 and lives in Ohrid (North Macedonia).

The case concerns compensation proceedings following the impounding of the applicant's car on suspicion that no taxes or customs duties had been paid on it. His car was returned to him after misdemeanour proceedings had been discontinued as time-barred. He brought the compensation claim in respect of the loss of value of the car while impounded.

Relying on Article 6 § 2 (presumption of innocence), the applicant complains that the reasoning provided by the higher civil courts in dismissing his compensation claim referred to subsisting indications of his possible guilt in the misdemeanour proceedings.

#### [Kapa and Others v. Poland \(nos. 75031/13, 75282/13, 75286/13, and 75292/13\)](#)

The applicants, Katarzyna Kapa, Jacek Juszczuk, Mateusz Juszczuk and Barbara Juszczuk, are Polish nationals who were born in 1984, 1958, 1991 and 1959 respectively. They live in Smolice (Poland). They are a family.

The case concerns the rerouting of traffic by the applicants' house during the construction of a motorway, and the applicants' attempts to rectify the situation via the authorities. The traffic increase allegedly led to noise and other forms of pollution.

Relying on Article 8 (right to respect for private and family life), the applicants complain that the routing of traffic from the A2 to the N14 had destroyed their peaceful enjoyment of their home.

#### [M.B. v. Poland \(no. 60157/15\)](#)

The applicant, Mr M.B., is a Polish national who was born in 1985 and lives in Cracow (Poland).

The case concerns the applicant's detention in a psychiatric hospital on the basis of an allegedly outdated medical assessment. After the applicant had attacked his parents with a knife the domestic courts applied a security measure and placed him in a psychiatric hospital.

Under Article 5 § 1 (right to liberty and security), the applicant complains that his detention in a psychiatric hospital was unlawful in that it was not based on recent medical evidence. He submits that he was not reliably shown to have been "of unsound mind".

#### [Staniszewski v. Poland \(no. 20422/15\)](#)

The applicant, Mr Jan Staniszewski, is a Polish national who was born in 1956 and lives in Bulkowo (Poland).

The case concerns the sanctioning of the applicant, the editor of a free monthly newsletter, for having published untrue statements about a candidate in local government elections.

The applicant complains, under Article 6 (right to a fair trial) and Article 10 (freedom of expression), that his right to freedom of expression was violated in the summary proceedings under the Election Code. He emphasises the privileged role that the press occupies in a democratic society, particularly in the context of free elections. Lastly, the applicant alleges that the penalty imposed on him in

summary proceedings under the Election Code was unduly harsh and not proportionate to the offence.

#### [M.L. v. Slovakia \(no. 34159/17\)](#)

The applicant, M.L., is a Slovak national who was born in 1948 and lives in Čierne pole (Slovakia).

The case concerns three 2006 newspaper articles about the applicant's son – a former parish priest – after his passing, and the ensuing court proceedings. The articles combined certain elements from the criminal case files of the applicant's son's convictions with frivolous and unverified statements, in particular around the man's alleged confessions and death.

Relying on Article 8 (right to respect for private and family life), the applicant complains that the dismissal of her action against the newspaper publishers amounted to a violation of her Convention rights.

#### [Lysyuk v. Ukraine \(no. 72531/13\)](#)

The applicant, Leonid Vasylyovych Lysyuk, is a Ukrainian national who was born in 1956 and lives in Radomyshl (Ukraine).

The case concerns the applicant's conviction of bribery in relation to an incident whilst he was head of the State Bailiffs Service in the Radomyshl District.

Relying on Article 6 § 1 (right to a fair trial) and Article 8 (right to respect for private and family life), the applicant complains in particular that covert recordings of his conversations were made unlawfully and subsequently used as evidence in criminal proceedings brought against him.

#### [Samsin v. Ukraine \(no. 38977/19\)](#)

The applicant, Igor Leonovych Samsin, is a Ukrainian national who was born in 1957 and lives in Kyiv (Ukraine).

The case concerns his dismissal as Supreme Court judge under the Government Cleansing (Lustration) Act, which aimed to address corruption in the civil service under the former President of Ukraine and which was applied systematically to specific categories. His resignation request not having been considered, he was deprived of the benefits associated with judicial retirement despite being close to retirement age. He was also banned from employment in the civil service until the end of 2024, and his name was put in a publicly accessible Lustration Register.

The applicant complains that his dismissal and the measures applied to him under the Lustration Act breached his rights under Article 8 (right to respect for private and family life). He also complains, under Article 14 (prohibition of discrimination) taken in conjunction with Article 8, that he was discriminated against *vis-à-vis* persons who had not occupied high-ranking positions during the former president's tenure and *vis-à-vis* another judge who had been in a similar situation to the applicant but who had been allowed to resign.

[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 October 2021

Name	Main application number
Schrader v. Austria	15437/19

Name	Main application number
Baranoschi v. Romania	19928/17
Bognár v. Romania	11646/06
Bojani v. Romania	76393/17
Büttner and Others v. Romania - <i>Revision</i>	31560/04
Luca Vasiliu and Others v. Romania - <i>Revision</i>	55/04
Mutu v. Romania	71434/17
Nasta and Others v. Romania - <i>Revision</i>	22023/03
Wellane Limited v. Romania	9616/14
Bochkareva v. Russia	49973/10
Selipetova v. Russia	7786/15

Thursday 14 October 2021

Name	Main application number
Beqja v. Albania	26512/12
Sheti and Gjashta v. Albania	13514/16
Anabtau and Others v. Bulgaria	66071/14
R.G. and N.G. v. Bulgaria	61717/16
Crnković and Others v. Croatia	48259/18
Ignjatić v. Croatia	53195/16
Salameh v. Croatia	38943/15
Žibrat v. Croatia	38100/15
Henri v. France	45340/17
S.D. and L.J. v. France	14789/19
Piroth v. Germany	3737/17
Riedlinger v. Germany	55368/18
Baranyi and Others v. Hungary	45540/20
Besirovic and Others v. Hungary	35503/20
RFV Panelrekonstrukciós Kft v. Hungary	22441/20
Matteo v. Italy	18773/13
Perini v. Italy	18550/20
Rossi v. Italy	21844/10
Baldacchino and Falzon v. Malta	30806/19
Sutac v. the Republic of Moldova	3372/12
Winiarczyk v. Poland	13774/18
Lutã v. Portugal	14550/18
Martins Pereira Lobo and Others v. Portugal	53930/19
A.G.B. v. Romania	22027/19
Arhire and Others v. Romania	14094/15
Bîlea and Others v. Romania	40226/16
Chirilă v. Romania	23732/18
Dobre v. Romania	55077/16
Erb v. Romania	52222/15
Gavrilă and Others v. Romania	44058/16

Name	Main application number
Hagiveli and Others v. Romania	20046/16
Jurje and Others v. Romania	52613/15
Viziru and Others v. Romania	31075/15
Burtsev v. Russia	10565/16
Kadala and Others v. Russia	62276/16
Vasin and Khramtsov v. Russia	4304/15
Filippini v. San Marino	7025/21
Krivokapić and Others v. Serbia	35173/19
Ristić and Others v. Serbia	20304/20
Rušović and Others v. Serbia	52451/20
Banykó v. Slovakia	28382/20
Akın and Others v. Turkey	39854/11
Ay v. Turkey	7266/19
Yeşilbaş and Others v. Turkey	7681/19
Azovtseva v. Ukraine	64932/12
Bozhenko v. Ukraine	42595/14
Butov and Others v. Ukraine	44272/20
Deshko and Others v. Ukraine	72209/13
Domasenko v. Ukraine	48817/19
Feshchenko v. Ukraine	75394/13
Panchenko and Others v. Ukraine	66179/14
Potapenko v. Ukraine	23606/13
Zaslonov v. Ukraine	4587/20
M.A. v. the United Kingdom	35194/20
M.M. v. the United Kingdom	32953/20

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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.