



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing three judgments on Tuesday 13 September 2022 and 119 judgments and / or decisions on Thursday 15 September 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 13 September 2022

[Gilanov v. the Republic of Moldova \(application no. 44719/10\)](#)

The applicant, Michael Gilanov, is a Georgian national who was born in 1959 and is currently under the supervision of the courts in Chişinău.

Mr Gilanov came to Moldova in 2000 and obtained a residence permit, officially leaving in 2006. In 2007 an investigation was opened into his alleged fraud and his detention was ordered. The case concerns his extradition from Belarus and detention.

Relying on Article 5 § 1 (right to liberty and security), Article 5 § 3 (right to liberty and security), and Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) of the European Convention on Human Rights, Mr Gilanov complains, in particular, that his detention was carried out on the basis of an expired court order, that the order was not adequately reasoned, and it was decided without a lawyer of his own choosing being present.

[Timur Sharipov v. Russia \(no. 15758/13\)](#)

The applicant, Timur Rustambekovich Sharipov, is a Russian national who was born in 1982 and lives in Moscow.

The case concerns Mr Sharipov's removal from a polling station where he was working as an election observer during the parliamentary elections of 2011. The decision to remove had been on the basis of his conduct while filming in the polling station, and was later adjudged to have been well-founded by the domestic courts.

He relies on Article 10 (freedom of expression) of the European Convention and Article 3 of Protocol No. 1 (right to free elections).

[Başer and Özçelik v. Türkiye \(nos. 30694/15 and 30803/15\)](#)

The applicants, Mustafa Başer and Metin Özçelik, are Turkish nationals who were born in 1969 and 1970 respectively.

At the time of the events in question, the applicants were judges in the criminal courts in Istanbul. The case concerns their pre-trial detention while being held on suspicion of, among other charges, attempting to overthrow the Government and membership of an illegal armed organisation. They had been involved in the decisions to release suspects allegedly connected to the Fetullahist Terrorist Organisation/Parallel State Structure (*Fetullahçı Terör Örgütü / Paralel Devlet Yapılanması*). The applicants were ultimately found guilty of membership of an armed terrorist organisation and abuse of power only in 2017.

Relying on Article 5 §§ 1 and 3 (right to liberty and security), Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), Article 7 (no punishment without law), and Article 10

(freedom of expression) of the Convention, the applicants complain, in particular, that their pre-trial detention was in breach of the law and was not adequately justified by the courts, that their challenge to that decision was hindered by lack of access to the case files, that their detention was overly long, and that the courts failed to respond to their arguments and interpreted the law in an arbitrary manner.

Thursday 15 September 2022

[Rabczewska v. Poland \(no. 8257/13\)](#)

The applicant, Dorota Rabczewska, is a Polish national who was born in 1984 and lives in Ciechanów (Poland). She is a popular singer in Poland, performing under the name Doda.

The case concerns comments she made about the Bible in an interview in 2009 which the courts decided were blasphemous. In particular the Warsaw District Court ruled that her statements suggesting that the Bible's authors had written under the influence of alcohol and narcotics were deliberately insulting and showed contempt for believers.

Relying on Article 10 (freedom of expression), the applicant complains that the use of the criminal law in her case was not necessary as her statements did not amount to hate speech and that the fine – amounting to 50 times the minimum provided for by law – was particularly severe.

[Anatoliy Yeremenko v. Ukraine \(no. 22287/08\)](#)

The applicant, Anatoliy Vasylyovych Yeremenko, is a Ukrainian national who was born in 1949 and lives in Kyiv. He is a journalist.

The case concerns defamation proceedings and an injunction against the applicant which resulted from an article written by him in the weekly publication *Dzerkalo Tyzhnya*. The article concerned alleged judicial corruption, in particular a judgment delivered in Donetsk on the basis of a forged copy of a document.

Relying on Article 10 (freedom of expression), Article 6 § 1 (right to a fair trial) and Article 14 (prohibition of discrimination), and Article 1 of Protocol No. 1 (protection of property), the applicant complains, in particular, of the order to remove the article from the newspaper website, of his being held liable for it, of a violation of his intellectual property, and of professional discrimination.

[Kaganovskyy v. Ukraine \(no. 2809/18\)](#)

The applicant, Volodymyr Volodymyrovych Kaganovskyy, is a Ukrainian national who was born in 1958.

The case concerns Mr Kaganovskyy's confinement in the "enhanced (intensive) supervision unit" of the Kyiv Psychoneurological Residential Institution (KPRI) for a period of ten days in 2017, which in his opinion was an isolation ward. He had been voluntarily admitted to the KPRI in 2014.

He relies on Article 5 §§ 1, 4 and 5 (right to liberty and security) and Article 3 (prohibition of inhuman or degrading treatment).

[Makovetskyy v. Ukraine \(no. 50824/21\)](#)

The applicant, Oleg Yuriyovych Makovetskyy, is a Ukrainian national who was born in 1985 and lives in Roylyanka (Odessa Region, Ukraine).

The case concerns administrative-offence proceedings against Mr Makovetskyy for refusal to wear a mask in public buildings and on public transport, although doing so was compulsory as part of measures to restrict the spread of the disease Covid-19. He was fined 170 Ukrainian hryvnias (about 4.90 euros) as a result.

He relies on Article 6 (right to a fair trial) and Article 7 (no punishment without law).

[M.K. v. Ukraine \(no. 24867/13\)](#)

The applicant, M.K. is a Ukrainian national who was born in 1980 and lives in Mykolayiv.

The case concerns an allegedly unlawful blood test for human immunodeficiency virus (HIV) that was carried out on M.K. – then a border guard – in a military hospital, the results of which were conveyed to third parties but were not sent to her. It also concerns the resulting court action.

Relying on Article 8 (right to respect for private life) she complains, in particular, that the test was carried out without her consent, of the hospital's concealing the results, and of its staff disclosing the results to third parties.

[O.M. and D.S. v. Ukraine \(no. 18603/12\)](#)

The applicants, O.M. and D.S., are Kyrgyz nationals who were born in 1968 and 2007 respectively and live in the Netherlands. O.M. is D.S.'s mother.

O.M. – an ethnic Ukrainian – was a journalist and former member of the Kyrgyz Parliament. In 2010, following O.M.'s husband's suspicious death, civil unrest and her having been charged with connected crimes, the applicants fled Kyrgyzstan for Kazakhstan, ultimately electing to move to Europe to seek asylum there. The case concerns their treatment in Kyiv Airport by the authorities when they sought protection on arrival. They were removed to Georgia. They were ultimately given asylum in the Netherlands, allegedly on account of their fear of ill-treatment and an unfair trial if returned to Kyrgyzstan.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security), Article 13 (right to an effective remedy), and Article 34 (right of individual application), the applicants complain, in particular, that their removal to Georgia was in breach of the interim measure indicated by the Court and did not take account of the risk to them of real harm if returned to Kyrgyzstan, of a lack of an effective remedy in that respect, and of unlawful detention by Ukrainian border guards.

[Stanislav Lutsenko \(no. 2\) v. Ukraine \(no. 483/10\)](#)

The applicant, Stanislav Nikolayevich Lutsenko, is a Ukrainian national who was born in 1977 and lives in Makiyivka (Ukraine).

The case concerns Mr Lutsenko's treatment by the prison authorities, in particular alleged reprisals, following a judgment by the Court in his favour (*Lutsenko v. Ukraine*, no. 30663/04) in 2008. The actions included, among other things, transfers to three different prisons and disciplinary sanctions.

Relying on Article 8 (right to respect for private and family life), Article 18 (limitation on use of restrictions of rights), and Article 34 (right of individual petition), Mr Lutsenko complains, in particular, of his life in prison being adversely affected by the authorities' alleged reprisals.

[Vadym Melnyk v. Ukraine \(no. 62209/17\)](#)

The applicant, Vadym Anatoliyovych Melnyk, is a Ukrainian national who was born in 1970 and lives in Vyshenki (Kyiv Region).

Mr Melnyk was arrested in 2017 and charged with serious crimes including organisation of kidnapping and organisation of murder. The case concerns, in particular, his placement in a metal cage in the courtroom during the trial, the lawfulness of his pre-trial detention, and his medical treatment while in detention.

He relies on Article 3 (prohibition of inhuman and degrading treatment) and Article 5 § 1 and 3 (right to liberty and security), and Article 5 § 4 (right to have lawfulness of detention decided speedily by a court).

[Zakarpatska Oblasna Spilka Spozhyvchykh Tovarystv and Others v. Ukraine \(nos. 65719/10, 42520/10 and 54581/10\)](#)

The applicants are an association of consumer cooperatives based in Uzhhorod (Ukraine), Zakarpatska Oblasna Spilka Spozhyvchykh Tovarystv, and two Ukrainian nationals, Neonila Grygoriivna Ageyeva and Svitlana Valentynivna Khlabytova, who were born in 1939 and 1960 and live in Luhansk and Yalta (both Ukraine) respectively.

The case concerns domestic court decisions on commercial disputes, and in particular the Constitutional Court's setting out the competence of the Supreme Court in determining such disputes. This led to the applicants' cassation appeals in such cases not being examined by the Supreme Court but instead being returned to them.

Relying on Article 6 § 1 (right to a fair trial), the applicants complain that they were arbitrarily deprived of access to the Supreme Court.

[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.

Thursday 15 September 2022

Name	Main application number
Bushati and Others v. Albania	11170/09
Habilaj v. Albania	2480/10
Giljanović v. Croatia	47637/21
Papachristos v. Greece	44320/14
Andó and Others v. Hungary	18225/21
Hegedűs and Others v. Hungary	25731/20
Kodela and Others v. Hungary	30000/21
Oláh v. Hungary	40496/21
Való v. Hungary	43373/21
Del Bianco and Others v. Italy	31207/08
Forte v. Italy	37288/21
Perri and Others v. Italy	35063/12
Taurino v. Italy	51079/10
Kornacki v. Poland	4775/18
Agra dos Santos Calado Costa v. Portugal	47925/17
Castro Soares and Others E544v. Portugal	12711/20
Ribeiro dos Santos and Jevdokimovs v. Portugal	28688/20
Abos and Others v. Romania	36002/19
Boca and Others v. Romania	38482/16
Bujoreanu and Others v. Romania	40331/16
Dioszegi v. Romania	21531/20

Name	Main application number
Dobre v. Romania	14224/17
Nae and Others v. Romania	64420/16
Niculae and Others v. Romania	26141/16
Nițu and Others v. Romania	6041/17
Pestrițu v. Romania	16005/17
Pop and Others v. Romania	18417/16
Simeny and Others v. Romania	27264/16
Stroe v. Romania	58253/15
Terna v. Romania	21630/17
Țîrău v. Romania	55814/16
Vasile and Others v. Romania	40750/16
Zătreanu and Others v. Romania	45524/16
A.K. v. Russia	27570/15
Akopyan and Others v. Russia	40783/19
Birlov and Rakhmatullayev v. Russia	6652/20
Bobryshev and Others v. Russia	21205/12
Dichko and Others v. Russia	33724/14
Druzhinina v. Russia	31883/19
Fomin v. Russia	47246/19
Frolov and Others v. Russia	15394/19
Garkovenko and Others v. Russia	33826/17
Golobokov and Others v. Russia	43031/16
Islamov v. Russia	29090/20
Ivanov v. Russia	46132/13
Katasonov and Others v. Russia	48884/19
Kattayev and Others v. Russia	38277/18
Khryapko v. Russia	26190/08
Korablevy and Others v. Russia	32627/17
Kuznetsov and Others v. Russia	43853/18
Litvinov v. Russia	6890/13
Merzlyakov and Others v. Russia	63219/17
Mishura v. Russia	1781/19
Misyun v. Russia	1927/20
Murzina and Averina v. Russia	72855/14
Nechayev and Others v. Russia	25823/17
PAO Promsvyazbank v. Russia	56677/19
Platonov and Others v. Russia	5660/18
Proskurova v. Russia	59760/11
Puzanov v. Russia	26895/14
RODP Yabloko v. Russia	82875/17
Rogozina and Others v. Russia	55690/19
Romanenko and Others v. Russia	20230/18
Rukosuyev and Kleshchenko v. Russia	18748/20

Name	Main application number
Ryzhkov and Degtyarev v. Russia	4115/19
Sayfutdinov and Others v. Russia	22000/18
Selivanova and Others v. Russia	50794/16
Shmarlovskiy v. Russia	10877/14
Skibenko v. Russia	34068/19
Sovetov and Others v. Russia	32992/13
Sultanov and Others v. Russia	11374/18
Sviridov and Others v. Russia	17154/18
Tikhomirov v. Russia	72409/17
Timokhin and Others v. Russia	6510/21
Valikov and Drat v. Russia	166/15
Vasetinskiy and Others v. Russia	37436/18
Vasilevskiy and Others v. Russia	25655/20
Voronin and Others v. Russia	51245/20
Yabloko Rodp (St Petersburg) v. Russia	23105/13
Yumayev v. Russia	10669/18
Ziyabov v. Russia	30850/20
Kryvogub v. Russia and Ukraine	17947/15
Belić Babić and Others v. Serbia	23200/20
Džanković and Others v. Serbia	27025/20
Balogh and Others v. Slovakia	7918/19
Vassová v. Slovakia	25011/20
Lukša and Others v. Slovenia	35594/19
Akbaş and Others v. Türkiye	23242/18
Akyol and Others v. Türkiye	15290/18
Bikbulatova and Others v. Ukraine	47107/14
Cherevko v. Ukraine	53548/17
Dvoretzky v. Ukraine	19848/21
Emirova v. Ukraine	56428/07
Gordychenko v. Ukraine	10132/15
Goryachyy v. Ukraine	43925/18
Grebenyuk v. Ukraine	25580/18
Ivanov v. Ukraine	31524/18
Kotlyarova v. Ukraine	53456/13
Kuzmina v. Ukraine	18694/16
Marchenko v. Ukraine	45368/12
Medvedchuk v. Ukraine	32100/21
Medyanyk v. Ukraine	64557/16
Melnyk v. Ukraine	28324/21
Oliyanyk v. Ukraine	2883/21
Pedenko v. Ukraine	15058/14
Portnov v. Ukraine	34182/20
Pustovyy v. Ukraine	63452/17

Name	Main application number
Sedov v. Ukraine	44305/08
Slobodyanyuk v. Ukraine	45831/12
The Organisation for Environmental Protection and Social Assistance in Stara Zhuchka District v. Ukraine	57257/11
Zbyranyk and Smetanin v. Ukraine	453/21

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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.