



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 16 judgments on Tuesday 13 December 2022 and 130 judgments and / or decisions on Thursday 15 December 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](http://www.echr.coe.int))*

### Tuesday 13 December 2022

[Nikëhasani v. Albania \(application no. 58997/18\)](#)

[Sevdari v. Albania \(no. 40662/19\)](#)

These cases concern two prosecutors who were dismissed from their posts after Albania embarked on far-reaching reform of the justice system in 2016, involving an exceptional re-evaluation of all serving judges and prosecutors – otherwise known as “vetting proceedings”.

The applicants are Besa Nikëhasani and Antoneta Sevdari, two Albanian nationals who were born in 1971 and 1976, respectively. They both live in Tirana.

Ms Nikëhasani was appointed to the post of prosecutor in 1993. She was dismissed in 2018 as a result of the vetting process. The relevant bodies found, among other things, that there had been a disparity between her and her family's lawful income and their expenditure.

Ms Sevdari started serving as a prosecutor from 2003. She was dismissed in 2019 when a vetting body concluded, on appeal, that she had not been able to prove that her husband had paid tax on income earned abroad, which had been used to acquire flats the couple owned in Tirana and other property.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, both applicants complain that their dismissal and lifetime ban on their practising law were not in accordance with Albanian law, damaged their reputations and careers and stigmatised them.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention, they also bring complaints of the unfairness of the vetting process and lack of independence and impartiality of the vetting bodies which examined their cases.

Lastly, the applicants allege under Article 13 (right to an effective remedy) that they did not have an effective remedy in respect of their complaints.

[RTBF v. Belgium \(no. 2\) \(no. 417/15\)](#)

The applicant company, Radio-télévision belge de la communauté française (RTBF), is a Belgian public-service corporation which has its headquarters in Brussels.

The case concerns a civil judgment against RTBF by the Belgian courts for having breached the right to respect for private life and the right to the presumption of innocence, following a report – broadcast during the “Questions à la Une” programme in January 2006 – about allegedly suspicious acts by a couple, involving possible sexual abuse of children.

Relying on Article 10 (freedom of expression) of the Convention, RTBF considers that the civil judgment against it was an unjustified interference with its right to freedom of expression.

### Test-Achats v. Belgium (no. 77039/12)

The applicant, Test-Achats, is an association registered in Belgium. Its aim, as stated in its articles of association, is to defend and represent the interests of consumers and to safeguard human rights in general, and to combat all forms of discrimination. In 2004 Test-Achats brought a civil action against an insurance company, seeking the cessation of practices that it considered discriminatory on account of the insured persons' age. In 2010 the court of appeal dismissed its claim, finding that the difference in treatment by the insurance company was based on an objective and reasonable justification.

In this case, Test-Achats challenges the neutrality of the expert appointed (in 2008) by the Brussels Court of Appeal. In particular, it submits that while its case was pending before the court of appeal, a partnership was concluded in 2009 between the opposing party and a university institute chaired by the court-appointed expert. Relying on Article 6 § 1 of the Convention, Test-Achats alleges that there has been a violation of the principle of equality of arms and of the adversarial principle and, in consequence, of its right to a fair hearing.

### Tonchev and Others v. Bulgaria (no. 56862/15)

The applicants are three individuals – ministers of the Evangelical Church in Burgas – and three Evangelical religious associations – the Bulgarian Good News Christian Church, the First Evangelical Church and the Evangelical Pentecostal Church of Philadelphia. The three religious associations are registered under the Religions Act and are based in Burgas (Bulgaria).

In this case the applicants complain of the information about their religion circulated to schools in Burgas in 2008 by the city's municipal authorities, which they consider to be hostile and defamatory. Before the Bulgarian courts they alleged, in particular, that the circular letter of 9 April 2008 concerning them contained defamatory claims and judgments about their beliefs, such that its distribution among schools had infringed their freedom of religion and breached the principle of separation of Church and State, the State's duty of neutrality and the principle of equal treatment of religions. They also maintained that the circulation of the letter had sparked a hostile media campaign, and requested the Bulgarian courts to find that there had been illegal discrimination, to order the Burgas municipal authority and the regional internal affairs directorate to take restorative action, and to impose a fine on those authorities and order them to pay compensation to the applicants for the alleged non-pecuniary damage. Their claims were dismissed.

In the European Court proceedings, the applicants rely on Article 9 (freedom of thought, conscience and religion), taken alone and in conjunction with Article 14 (prohibition of discrimination) of the Convention.

### V.Y.R. and A.V.R. v. Bulgaria (no. 48321/20)

The applicants, Ms V.Y.R. and Ms A.V.R. are Bulgarian nationals who were born in 1983 and 2015, respectively. Ms V.Y.R. is Ms A.V.R.'s biological mother. She was a drug addict and participated in a methadone programme from 2016 to 2019.

The case concerns the putting up of Ms V.Y.R.'s daughter for adoption without her consent. Her daughter was taken into care aged four months when social services were contacted with concerns about the baby not having enough to eat. After four years in public care, the authorities decided to put her up for adoption, the main reasons being Ms V.Y.R.'s loss of interest in her daughter and it being in the child's best interests to be adopted at an early age as she would adapt more easily to a new family. Ms A.V.R. was eventually adopted in 2020.

Relying on Article 8 (right to respect for private and family life), the applicants complain that the authorities put Ms A.V.R. up for adoption against the will of her biological mother, without trying to

maintain the bond between mother and child, and without helping Ms V.Y.R. to improve her parenting skills.

#### [Bjerg v. Denmark \(no. 11227/21\)](#)

The applicant, Rasmus Ardan Bjerg, is a Danish national who was born in 1990 and lives in Holstebro (Denmark).

Mr Bjerg was found guilty of making threats and witness tampering in November 2013 and sentenced to treatment in a psychiatric facility. He was discharged in January 2014. The case concerns his complaint that he could not obtain judicial review of three decisions in 2018 to place him in psychiatric care again.

Relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), Mr Bjerg complains that the chief physician of the psychiatric facility and the Department of Prisons and Probation were responsible for the decisions to return him to psychiatric care, and that his request for judicial review of their decisions was dismissed.

#### [G.T. v. Greece \(no. 37830/16\)](#)

The applicant, Mr G.T., is a Greek national who was born in November 1990.

The case concerns, firstly, the refusal to grant the applicant's requests for prison leave, initially in order to visit his mother while she was in hospital and subsequently in order to attend her funeral, and, secondly, the conditions of his detention.

Relying on Article 3 (prohibition of inhuman and degrading treatment), the applicant complains of the conditions in which he was detained in Grevena and Korydallos Prisons. Relying on Article 8 (right to respect for private and family life), he alleges that the authorities' refusal to grant his requests for urgent leave to visit his mother while she was in hospital and, subsequently, to attend her funeral breached his right to respect for his private and family life. Relying on Article 13 (right to an effective remedy) taken together with Article 3, and also on Article 13 taken together with Article 8, he alleges that he had no effective remedy under domestic law either to complain about his conditions of detention or to challenge the refusals to grant him prison leave.

#### [Elmazova and Others v. North Macedonia \(nos. 11811/20 and 13550/20\)](#)

The applicants, 87 Macedonians/citizens of the Republic of North Macedonia were born between 1958 and 2013 and live in Bitola and Shtip (North Macedonia). They are of Roma origin.

The case concerns the alleged segregation of Roma pupils in two State-run schools. The applicants were placed in an allegedly Roma-only primary school in Bitola (no. 11811/20) and in Roma-only classes in a school in Shtip (no. 13550/20).

Relying on Article 1 of Protocol No. 12 (general prohibition of discrimination) and Article 14 (prohibition of discrimination), the applicants complain that there was no objective and reasonable justification for the children to be placed in segregated schools or classes.

#### [Florindo de Almeida Vasconcelos Gramaxo v. Portugal \(no. 26968/16\)](#)

The applicant, Fernando Augusto Florindo de Almeida Vasconcelos Gramaxo, is a Portuguese national who was born in 1967 and lives in Vila Real (Portugal).

The case concerns the applicant's dismissal on the basis of data obtained from a Global Positioning System (GPS) fitted in a car which his employer had made available to him for the purpose of carrying out his duties as a medical information officer.

Relying on Article 8 (right to respect for private life), the applicant alleges that the processing of geolocation data obtained from the GPS system installed in his company car, and the use of that

data as the basis for his dismissal, infringed his right to respect for his private life. Relying on Article 6 § 1 (right to a fair hearing), he complains of the unfairness of the proceedings before the domestic courts and alleges a conflict in the case-law at domestic level, undermining the principle of legal certainty.

Thursday 15 December 2022

#### [Savalanli and Others v. Azerbaijan \(nos. 54151/11, 76631/14, 76644/14, and 7683/15\)](#)

The applicants, Jabbar Novruz oglu Savalanli, Faraj Ragif oglu Karimov, Siraj Ragif oglu Karimli and Murad Gulahmad oglu Adilov are Azerbaijani nationals. They live in Sumgayit (Mr Savalanli) and Baku.

The case concerns the arrest and pre-trial detention of the applicants, who are members and activists of opposition political parties (except for Siraj Ragif oglu Karimli, who is the brother of Faraj Ragif oglu Karimov), in connection with possession and trafficking of drugs.

Relying on Articles 5 §§ 1,3 and 4 (right to liberty and security) and Article 18 (limitation on the use of restriction of rights), the applicants complain, in particular, that they were arrested and detained on the basis of planted evidence, and thus without reasonable suspicion, on account of their anti-government activities, and that the courts failed to provide adequate reasons for their pre-trial detention.

#### [Peradze and Others v. Georgia \(no. 5631/16\)](#)

The applicants are seven Georgian nationals, who were born between 1968 and 1993.

The case concerns their arrest during a public demonstration against a construction project called Panorama Tbilisi, which aimed to build four new city areas on Sololaki Hill overlooking Tbilisi Old Town. The project comprised the building of hotels, apartments, offices, exhibition and conference halls, health and leisure centres, roads, cable cars, inclined elevators and numerous parking places. One of the largest contributors to the private equity fund behind the project was a former Prime Minister of Georgia. After the project was announced, opponents including environmental activists, urban planners and architects, started expressing concerns that the construction work could cause irreparable damage to the uniqueness of the Old Town's landscape. They were also concerned about the lack of consultation in the decision-making process.

The applicants complain that their arrest during a public demonstration and their conviction for the administrative offence of disorderly conduct amounted to a violation of their right to freedom of expression (Article 10) and peaceful assembly (Article 11) of the Convention.

#### [Gherardi Martiri v. San Marino \(no. 35511/20\)](#)

The applicant, Maria Cristina Gherardi Martiri, is an Italian national who was born in 1952 and lives in Montelibretti (Italy).

In 2009 Ms Gherardi Martiri became aware that she had been defrauded by her bank, some of its employees, and other persons. The case concerns criminal proceedings and civil proceedings taken by Ms Gherardi Martiri in that connection. The criminal proceedings were discontinued as the alleged offences were time-barred. The various civil proceedings did not result in her gaining satisfaction (some appear to be still pending).

Relying on Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property), Ms Gherardi Martiri complains, in particular, that the State failed to protect her property rights, and that the proceedings in her case were too long.

**Vasaráb and Paulus v. Slovakia (nos. 28081/19 and 29664/19)**

The applicants, Ladislav Vasaráb and Roman Paulus, are Slovak nationals who were born in 1971 and 1977 live in Diakovce and Pata (both Slovakia) respectively.

The case concerns the trial of the applicants for a contract murder which had allegedly been carried out by Mr Paulus for Mr Vasaráb. In particular it concerns the courts' refusal to examine witnesses that would have allegedly been able to rebut key evidence that led to their convictions.

Relying on Article 6 §§ 1 and 3 (right to a fair trial), the applicants allege that the authorities' refusal to accept and examine evidence put forward by them was arbitrary.

**Rutar and Rutar Marketing d.o.o. v. Slovenia (no. 21164/20)**

The applicants, Gregor Rutar and Rutar Marketing d.o.o, are an Austrian national and a Ljubljana-based company respectively. Mr Rutar lives in Klagenfurt (Austria).

The case concerns the refusal by the Nova Gorica Local Court to seek a preliminary ruling from the Court of Justice of the European Union (CJEU) as requested by the applicants to clarify whether their actions had been in accordance with EU directives. The proceedings concerned minor violations of the Consumer Protection Act.

Relying on Article 6 § 1 (right to a fair trial), the applicants complain that the failure to consider an application to seek a preliminary ruling from the CJEU violated their rights.

**Olivares Zúñiga v. Spain (no. 11/18)**

The applicant, Mónica Ileana Olivares Zúñiga, is a Mexican national who was born in 1978 and lives in Parla (Spain).

The applicant took proceedings in the Spanish courts after her dismissal as a lawyer in 2013. The case concerns the Constitutional Court's rejection of an *amparo* appeal in her case because she had not used all legal avenues, in particular an action for annulment.

Relying on Article 6 § 1 (right to a fair trial/access to court), the applicant complains that the Constitutional Court's decision was unfair.

**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 13 December 2022**

Name	Main application number
Naddur v. the Republic of Moldova	22939/19
Prigală v. the Republic of Moldova	14426/12
Alecsandrescu v. Romania	51272/16
Oprea and Others v. Romania	16732/15
Ertaşay Madencilik v. Türkiye	72099/10
Güngör and Others v. Türkiye	59639/17

Thursday 15 December 2022

Name	Main application number
Fasko v. Albania	4079/18
Gjinarari v. Albania	52610/19
I.M.S. v. Albania	55799/12
Jahbala v. Albania	6307/12
Vigani v. Albania	81072/17
Alm v. Austria	20921/21
Sager and Others v. Austria	61827/19
Ibrahimov v. Azerbaijan	41055/16
Mammadov v. Azerbaijan	33162/13
Claus and Others v. Belgium	62933/15
Ivanković v. Croatia	14459/22
Vuković and Baotić v. Croatia	12930/22
Mehmet v. Cyprus	49903/19
Khalifa v. the Czech Republic	31767/13
Kudashkin v. the Czech Republic	11062/22
Rautiainen v. Finland	7878/22
Abdi Sulub v. France	60109/19
Al-Bayati v. Germany	12538/19
Faragó and Others v. Hungary	60392/21
Rafael and Others v. Hungary	3940/22
W.A. and Others v. Hungary	64050/16
Amoroso and Others v. Italy	27952/16
De Vincenzo v. Italy	24085/11
H.B. v. Italy	33803/18
H.L. v. Italy	52953/18
Katte Klitsche de La Grange v. Italy	12349/22
Magro and Others v. Italy	4906/21
Manfredi v. Italy	51531/14
Mauriello and Others v. Italy	4752/19
Pasquariello v. Italy	61509/11
Pilia and Others v. Italy	22192/21
Rosano v. Italy	27676/21
Rotondo and Others v. Italy	5977/22
Torresi and Others v. Italy	7622/15
Ugoletti and Others v. Italy	79952/13
Balacci v. the Republic of Moldova	22781/10
Tanasieva v. the Republic of Moldova	11660/17
Z.E. v. the Republic of Moldova	40015/18
Omarova v. the Netherlands	60074/21
Bereza v. Poland	16988/18
D.Ł. v. Poland	38539/18
Gąsiorowski v. Poland	10733/19

Name	Main application number
Górecki v. Poland	59272/17
Kinitz and Others v. Poland	5242/20
Kłaput v. Poland	34287/13
Łaba and Others v. Poland	18157/20
Łaciak v. Poland	18592/19
Ojczyk v. Poland	12870/21
Piątkowski v. Poland	18590/18
Płoskonka v. Poland	2637/18
Martins Pereira Penedos v. Portugal	74017/17
Basarabă v. Romania	46216/16
Botorea and Others v. Romania	3970/17
Caia and Others v. Romania	996/18
Carnaru and Others v. Romania	46516/16
Colev v. Romania	7490/20
Frose and Others v. Romania	29823/16
Gheorghiță and Others v. Romania	31880/16
Gorun and Others v. Romania	39346/16
Ignat and Trifu v. Romania	67726/17
Măcărel and Sîrbu v. Romania	51479/16
Matei and Others v. Romania	31149/16
Moldoveanu and Others v. Romania	5562/17
Nichiforel v. Romania	15743/19
Onofraș v. Romania	34088/17
Păilă and Others v. Romania	26096/16
Pichiu and Others v. Romania	26559/16
Radu and Others v. Romania	15604/16
Răducu and Others v. Romania	27613/17
Rîza and Others v. Romania	41997/16
S.M. v. Romania	58000/19
Sebesi and Butean v. Romania	71281/17
Ștefanov and Lakatos v. Romania	39126/16
Udilă and Others v. Romania	34712/16
Vlăsceanu v. Romania	57068/16
Aksenchik and Sedykh v. Russia	34208/17
Alekseyev and Others v. Russia	73639/17
Asoyan and Verbovaya v. Russia	82877/17
Azmatgiriyeve and Menkov v. Russia	26683/18
Boykova v. Russia	17954/19
Chernenkov v. Russia	30440/21
Chumakov v. Russia	6659/20
Finogenov v. Russia	2976/20
Gashkov and Satirov v. Russia	31147/20
Gazikov v. Russia	53331/19

Name	Main application number
Gora v. Russia	30395/18
Gromov and Barbolin v. Russia	1354/19
Gvishiani v. Russia	27766/19
Ikonnikov and Others v. Russia	36668/17
Kadyrov v. Russia	9929/18
Khasavov v. Russia	63440/19
Khutiyev v. Russia	32220/19
Kotov v. Russia	13804/20
Lyufi v. Russia	23540/15
Mikhaelis and Others v. Russia	14128/18
Mokhov v. Russia	6770/19
Raschupkin v. Russia	63954/14
Rasulov and Kim v. Russia	59387/18
Sakharov and Others v. Russia	19264/13
Salnikov v. Russia	39782/15
Sidorets v. Russia	59287/18
Smetanin and Shilyayeva v. Russia	55747/18
Sutyagin and Gavrikov v. Russia	13518/10
Temerkhanov v. Russia	76614/12
Udimov v. Russia	63125/15
Udimov v. Russia	28665/17
Vagner v. Russia	2956/20
Valeyev v. Russia	15278/18
Yusupov v. Russia	46645/19
Zilberg v. Russia	16156/19
Sušić and Others v. Serbia	33365/21
Kurcáb v. Slovakia	20913/21
Magát v. Slovakia	23973/22
Tomášek & partners, s.r.o. and Tomášek v. Slovakia	28236/22
Turk v. Slovenia	32737/21
M.M. v. Switzerland	13735/21
Akbulut v. Türkiye	23143/20
Can v. Türkiye	31994/16
Erol and Others v. Türkiye	68061/12
Karakuş and Others v. Türkiye	46359/20
Keremoğlu and Others v. Türkiye	10096/17
Sarı and Others v. Türkiye	7494/17
A.A. v. Ukraine	79750/16
Olekseychuk v. Ukraine	5765/20

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