

## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 11 judgments on Tuesday 14 September 2021 and 40 judgments and / or decisions on Thursday 16 September 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 14 September 2021

#### [Brus v. Belgium \(application no. 18779/15\)](#)

The applicant, Karel Brus, is a Netherlands national who was born in 1949 and lives in Zaventem.

The case concerns criminal proceedings which resulted in the applicant – who had been involved in corruption – being sentenced to prison.

Relying on Article 6 §§ 1 and 3 (right to a fair trial/right of access to a lawyer) of the European Convention on Human Rights, the applicant alleges that he was deprived of the right of access to a lawyer during his pre-trial detention and during the hearings and interviews conducted during the preliminary phase of the trial. He also alleges that the length of the proceedings in question was incompatible with the “reasonable time” requirement.

#### [Abdi v. Denmark \(no. 41643/19\)](#)

The applicant, Mohamed Hassan Abdi, is a Somali national who was born in 1993 and lives in Ringe (Denmark).

The case concerns the Danish authorities' decision in 2018 to expel the applicant, with a permanent ban on his re-entry to the country, following his conviction for possession of a firearm.

Relying on Article 8 (right to respect for private and family life) of the Convention, the applicant submits that, in their decisions, the Danish courts failed to weigh in the balance that he did not have a significant criminal past, that he had never been issued with a warning that he might be expelled, and that he had strong ties to Denmark where he has lived with his family since he was four years old.

#### [Moldoveanu v. the Republic of Moldova \(no. 53660/15\)](#)

The applicant, Nelli Moldoveanu, is a Moldovan national who was born in 1969 and lives in Chişinău.

The case concerns the applicant's complaint that she was remanded in custody for 40 days in 2015 following her failure to repay a debt to another person. That person had brought criminal proceedings against her for fraud, arguing that she had never intended to repay the debt and that she had known repayment would be impossible. The criminal proceedings are still pending, while the civil courts, in a final decision handed down in April 2015, found against the applicant and ordered her to pay the debt with interest.

Relying on Article 5 §§ 1 and 3 (right to liberty and security), the applicant alleges in particular that the dispute was purely civil and that she was therefore remanded in custody in the absence of a reasonable suspicion that she had committed an offence. She also alleges that she was deprived of her liberty on the grounds of her inability to fulfil a contractual obligation, in breach of Article 1 of Protocol No. 4 (prohibition of imprisonment for debt).

### [Petrenco and Others v. the Republic of Moldova \(no. 6345/16 and six other applications\)](#)

The applicants are seven Moldovan nationals, Grigore Petrenco, Alexandr Roșco, Mihail Amerberg, Oleg Buznea, Pavel Grigoriuc, Andrei Druzi and Vladimir Jurat. They were born between 1974 and 1990 and live in Chișinău, except for three of the applicants, who live in Baden-Baden (Germany), Cahul and Mereni (both in Moldova). At the time they were members and sympathisers of an opposition party, Casa noastră - Moldova.

The case concerns the applicants' organisation of and participation in a demonstration on 6 September 2015 in central Chișinău, calling for the Prosecutor General's resignation. They were arrested during the demonstration and released under house arrest in February 2016. The house arrest was changed to provisional release under judicial control in April 2016. The criminal proceedings against them for participating in mass disorder are still ongoing.

Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security), the applicants complain that the deprivation of their liberty was arbitrary and unlawful, arguing in particular that there was no evidence to support the accusation against them that their demonstration had been violent. Relying on Article 11 (freedom of assembly), they also complain that they were prohibited from participating in public gatherings after their provisional release in April 2016.

### [M.D. and Others v. Russia \(no. 71321/17 and nine other applications\)](#)

The applicants are 11 Syrian nationals.

Between 2011 and 2014 the applicants entered the Russian Federation and then overstayed their visas. The case concerns their arrest and detention, the immigration charges brought against them individually, and subsequent orders for their expulsion.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment), the applicants complain that their expulsion to Syria would put them at grave physical risk. Some of the applicants also complain under Article 13 (right to an effective remedy) that they had no effective domestic remedies in respect of their complaints under Articles 2 and 3 that their detention pending removal was arbitrary and the examination of their complaints against detention orders was not speedy.

### [Savenko and Others v. Russia \(no. 13918/06\)](#)

The applicants are five Russian nationals who were born between 1943 and 1981 respectively and who live in various parts of Russia. Mr Savenko has died since the lodging of the application; the proceedings are being pursued by his family members in his stead.

The case concerns the dissolution of the National Bolshevik Party, an inter-regional public association, by the authorities and their refusal to register the National Bolshevik Party as a political party. The applicants were members of the executive managing body of the association.

Relying on Article 11 (freedom of assembly and association), Article 6 § 1 (right to a fair trial), and Article 14 (prohibition of discrimination) in conjunction with Article 11, the applicants complain, in particular, that the dissolution decision was disproportionate and unnecessary in a democratic society, that the quashing through supervisory review of a Supreme Court judgment in their favour was against the principle of legal certainty, and that the decision to refuse to register their political party was not adequately reasoned.

### [Volodina v. Russia \(no. 2\) \(no. 40419/19\)](#)

The applicant, Valeriya Igorevna Volodina, is a Russian national who was born in 1985. She changed her name in 2018, and her new name and address are not disclosed for security reasons.

After Ms Volodina separated from her partner, an Azerbaijani national, in 2015, he became abusive. In a previous judgment, [Volodina v. Russia](#), no. 41261/17, the European Court held that the Russian authorities had failed to protect the applicant from her partner's repeated domestic violence.

This new case concerns the applicant's allegation that the Russian authorities also failed to protect her against repeated acts of cyberharassment.

Relying on Article 8 (right to respect for private life), she alleges in particular that her former partner had used her name, personal details and intimate photographs to create fake social media profiles, that he had planted a GPS tracker in her handbag, that he had sent her death threats via social media; and that the authorities had failed to effectively investigate these allegations.

#### [Pintar and Others v. Slovenia \(no. 49969/14 and four other applications\)](#)

The applicants are seven Slovenian nationals who were born between 1953 and 1974 and who live in various parts of Slovenia.

The case concerns the extraordinary measures taken by the Bank of Slovenia in 2013-14 in respect of several major Slovenian banks resulting in the cancellation of all shares or subordinated bonds held by the applicants. They received no compensation.

Relying on Article 1 of Protocol No. 1 to the Convention (protection of property), the applicants complain, in particular, of a lack of an effective procedure to challenge the central bank's decision and that the measures were unjustified.

#### [Inmobilizados y Gestiones S.L. v. Spain \(no. 79530/17\)](#)

The applicant, Inmobilizados y Gestiones S.L., is a Spanish company.

The case concerns the hearing of two appeals on points of law and the rejection of three other appeals on points of law as inadmissible concerning the same sets of facts. The applications were connected to a property dispute in San Lorenzo del Escorial in the Community of Madrid.

Relying on Article 6 § 1 (right to a fair trial), the applicant company complains of a denial of its right of access to a court.

#### [Tuncer Bakırhan v. Turkey \(no. 31417/19\)](#)

The case concerns the initial and continued detention of a former mayor of Siirt, an urban area in south-east Turkey, on account of his activities and public statements.

The applicant, Tuncer Bakırhan, is a Turkish national who was born in 1970. When he lodged his application he was in prison in Bolu (Turkey). Mr Bakırhan was elected mayor of Siirt as the BDP candidate (*Barış ve Demokrasi Partisi*, the "Peace and Democracy Party") in the local elections of 30 March 2014. Following his placement in pre-trial detention on 16 November 2016, he was removed from this post. He was released on 11 October 2019.

The authorities accused Mr Bakırhan of disseminating propaganda in favour of a terrorist organisation (PKK, the Kurdistan Workers' Party; an illegal armed organisation) and of being a member of that organisation. In October 2019 he was sentenced to 10 years and 18 days' imprisonment by the Siirt Assize Court. The criminal proceedings against him are still pending.

Relying on Article 5 §§ 1 and 3 (right to liberty and security), Mr Bakırhan complains about his pre-trial detention, which he considers to have been arbitrary. He argues that there was no evidence grounding a reasonable suspicion that he had committed a criminal offence necessitating his pre-trial detention. He also complains of insufficient or non-existent reasoning in the decisions imposing and extending his placement in pre-trial detention and the duration of that detention.

Relying on Article 10 (freedom of expression), he complains that his initial and continued pre-trial detention was imposed on account of his public statements or because he attended certain public meetings.

Mr Bakırhan also relies on Article 18 (limitation on use of restrictions on rights).

#### [Yavuz Özden v. Turkey \(no. 21371/10\)](#)

The applicant, Yavuz Özden, is a Turkish national who was born in 1970 and lives in Erzurum.

The case concerns the taking of possession by the authorities of a plot of land measuring 7,480 sq. m belonging to the applicant in Oltu (Erzurum).

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant alleges a breach of his right to the peaceful enjoyment of his possessions; he submits that the authorities took possession of his land without paying him compensation and without conducting the required expropriation proceedings.

Thursday 16 September 2021

#### [X. v. Poland \(no. 20741/10\)](#)

The applicant, Ms X, is a Polish national who was born in 1970.

The case concerns proceedings the applicant brought to contest the removal of her youngest child from her custody after her former husband obtained a change in the custody arrangements ordered in the divorce judgment. She alleges that the courts acted in his favour because of her relationship with another woman.

Relying on Article 14 (prohibition of discrimination) taken in conjunction with Article 8 (right to respect for private and family life), the applicant complains that the domestic courts refused to grant her custody of her child on the grounds of her sexual orientation.

[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 16 September 2021

Name	Main application number
Hovakimyan v. Armenia	19046/12
Abbasli v. Azerbaijan	65240/13
Vasilev v. Bulgaria	41511/20
Bezjak and Others v. Croatia	45904/17
Lipovac v. Croatia	42592/20
Balachev v. Greece	51213/19
Farooq and Others v. Greece	4412/18
Kamarinos v. Greece	39252/13
Roïdakis v. Greece	16776/19
Yosifov and Others v. Greece	76468/17
Ingólfur Helgason v. Iceland	30750/17
Ciaffardini v. Italy	51623/19

Name	Main application number
Cordova v. Italy	54136/20
De Riso and Capiabi v. Italy	13022/08
Jarach Borsatto and Others v. Italy	43641/13
Lanzillo and Others v. Italy	55527/17
Marzi and Others v. Italy	43692/13
Jokubauskas v. Lithuania	5203/20
Mishkovski and Others v. North Macedonia	70176/17
Sajkoski v. North Macedonia	5960/19
Gałęziowska v. Poland	61817/19
Syroka v. Poland	35606/19
Petrukhin v. Russia	28486/20
Zuyev v. Russia	63112/19
Çiçek and Others v. Turkey	47978/18
Fesli and Ardiç v. Turkey	10531/18
Tekmenüray v. Turkey	5794/20
Alizada and Others v. Ukraine	1100/14
Bas and Others v. Ukraine	21865/20
Gerashchenko and Others v. Ukraine	9219/20
Kochura and Others v. Ukraine	7925/20
Kordonchik v. Ukraine	47924/13
Kot v. Ukraine	54217/14
Lutayenko and Others v. Ukraine	1781/14
Makarenko and Others v. Ukraine	53747/09
Marenko v. Ukraine	57633/19
Podyapolsky and Sulyma v. Ukraine	38946/20
Polishchuk and Others v. Ukraine	6648/14
Yeryomenko and Others v. Ukraine	59600/19

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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.