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 ten judgments on Tuesday 14 November 2017 and 60 judgments and / or decisions on Thursday 16 November 2017.

*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 14 November 2017

Kunić and Others v. Bosnia and Herzegovina (application nos. 68955/12 and 15 others)
Spahić and Others v. Bosnia and Herzegovina (nos. 20514/15 and 15 others)

Both cases concern 32 citizens of Bosnia and Herzegovina who complain about non-enforcement of final domestic judgments in their favour. They rely on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (protection of property) to the Convention.

In these cases two of the ten cantons of the Federation of Bosnia and Herzegovina were ordered to pay the applicants different sums for unpaid work-related benefits. In the first case, the judgments became final between more than seven and almost 11 years ago; and in the second case, between four and more than seven years ago.

Most of the applicants complained about the non-enforcement to the Constitutional Court of Bosnia and Herzegovina, which has since ordered general measures in judgments of 2011, 2014 and 2015. In particular the cantonal governments concerned were told to identify the exact number of unenforced judgments, as well as the amount of debt, and to set up a centralised database to enforce a time-frame and avoid abuse of the enforcement procedure.

To date, however, the judgments in the applicants' favour remain unenforced.

There are currently more than 400 similar applications pending before the European Court of Human Rights.

Okan Güven and Others v. Turkey (no. 13476/05)

The applicants, Emine Çavuşoğlu, Fatma Burakreis, Okan Güven, Orhun Güven and Mehmet Güven, are Turkish nationals who were born in 1938, 1943, 1946, 1937 and 1941 respectively and live in Istanbul and Ünye (Turkey).

The case concerns land adjacent to two plots (nos. 479 and 658) owned by the applicants and located along the Black Sea. The applicants allege that the land in question should have formed part of plots nos. 479 and 658, but that because of an error it had not been shown on the sketches drawn during the land surveying work carried out in 1952.

In July 1987 the Treasury appealed to the Ünye Regional Court (RC) seeking the discontinuation of the unlawful occupation by Orhun Güven of a piece of land consisting of a sandbank located to the north of plots nos. 479 and 658. On 1 March 1988 the RC dismissed that action on the grounds that the unlawful occupation of the land in question had not been established.

In October 1990 the applicants lodged with the Ünye RC an action against the Treasury seeking the registration on the land register of the land in issue in their name, pursuant to adverse possession,

submitting that it had been in their family's possession for over 70 years. In November 1993 the RC acceded to their request, but the Court of Cassation set aside that judgment in June 1995. It asked the RC to implement a number of measures, including verifying whether the land in question was the same as that which Orhun Güven had claimed, during the 1987 dispute, belonged to the Treasury and drawing a map showing the section of shoreline.

In June 1998 the RC once again acceded to the applicants' request, noting that the preconditions for adverse possession were all satisfied. The Court of Cassation set that judgment aside on the grounds, among other things, that regard should be had to the principles set out in its case-law harmonisation judgment of 28 November 1997 in delimiting the stretch of shoreline and that, having regard to Orhun Güven's statements during the 1987 dispute to the effect that the applicants had not used the land because it belonged to the Treasury, the RC should have consulted the relevant 1987 case-file before adjudicating.

On 20 December 1999, in the light of the facts gathered by fresh expert assessments, the RC dismissed the applicants' request concerning the sections of the land earmarked for expropriation and decided to register the rest of the land in question in the applicants' names. In May 2000 the Court of Cassation quashed that judgment on the grounds that according to the case-law harmonisation judgment of 28 November 1997, if the authorities had drawn definite boundaries around the stretch of shoreline in question, those boundaries had to be taken into consideration, that one of the experts who had been involved during the 1987 dispute had pointed out in his report that the land in question was located along the coastline, and that it considered that the land concerned by the 1987 dispute was the same as that concerned by the case before it.

On 30 March 2001 the RC finally concluded that the land in question could not be the subject of adverse possession because, according to the map of the shoreline drawn up by the authorities, it was located on the coast. The applicants appealed on points of law, submitting that the map of the stretch of coastline drawn up by the authorities had since been annulled by the administrative courts and the new land registrations had rectified the mistakes in the old survey sketches. In March 2004 the Court of Cassation dismissed the applicants' appeal on the grounds, in particular, that it could attach no importance to the map of the coastline drawn by the authorities in view of the findings of the Ünye RC's 1987 judgment, the statements by the appellant Orhun Güven in the framework of the 1987 dispute, the fact that the previous Cassation Court judgment, which had become final and with which the RC had complied, constituted an acquired procedural right, and the fact that the land in question was designated as Black Sea sand in the land register.

In January 2005 the applicants lodged, unsuccessfully, a request to reopen the proceedings before the Ünye RC.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants allege that they were deprived of their property, without compensation, owing to a mistake in the land register. They further submit that the proceedings conducted were unfair and violated their right to a hearing within a reasonable time.

Işıkırık v. Turkey (no. 41226/09)

The applicant, Murat Işıkırık, is a Turkish national who was born in 1984 and lives in Mardin (Turkey). The case concerns his criminal conviction for participating in a funeral of four members of the PKK (Kurdish Workers' Party, an illegal organisation) and in a demonstration.

Mr Işıkırık, who was a student at Dicle University at the time, was arrested in March 2007 and questioned at the anti-terror branch of the Diyarbakır police headquarters in connection with two events: On 28 March 2006 a funeral of four members of the PKK, who had been killed by the security forces, had taken place in Diyarbakır. According to police reports, after the burial ceremony had been completed, about 1,000 people had participated in an illegal demonstration, with demonstrators throwing stones at police officers and causing damage to buildings. On 5 March 2007

a demonstration had been held on the campus of Dicle University. A group of 40 people had entered the university building and had asked students to leave. They had held a press conference and chanted slogans in favour of the PKK and its leader Abdullah Öcalan.

Mr Işıkırık initially denied having taken part in the two events. After he had been shown photographs of himself taken at the events, he stated that he had attended the funeral as a religious duty, as one of the activists who had been killed was a relative of a friend of his, but that he had not attacked the police. He also maintained that he had stood in front of the university on 5 March 2007 but that he had not chanted any slogans. On the day of his questioning he was remanded in custody, and in May 2007 he was charged with membership in an illegal organisation and with disseminating propaganda in support of the PKK. In November 2007 he was convicted of both offences, for which he received a sentence of six years and three months and a sentence of one year and eight months, respectively. His conviction of disseminating propaganda in support of the PKK was subsequently quashed on procedural grounds and the proceedings in respect of that offence were eventually suspended in December 2012 for three years. He was released from detention in November 2011 after having served four years and eight months of his sentence.

In the meantime, Mr Işıkırık was expelled from university because he had failed to complete his degree within the maximum period of time.

Relying on Article 10 (freedom of expression) and Article 11 (freedom of assembly and association), Mr Işıkırık complains about his conviction and alleges that the sentences imposed on him were disproportionate. He further relies on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) and Article 6 § 1 (right to a fair trial within a reasonable time), complaining that his detention on remand and the criminal proceedings against him were unreasonably long. Finally, he relies on Article 14 (prohibition if discrimination), alleging that he was tried and convicted on account of his Kurdish origin.

Mehmet Hidayet Altun and Others v. Turkey (no. 48756/11)

The applicants, Mehmet Hidayet Altunn, Murat Altun, Özgür Altun, Zübeyde Altun and Fatma Altun, are Turkish nationals who were born in 1949, 1989, 1977, 1951 and 1999 respectively and live in Istanbul. The case concerns the death of their relative, Resul Altun, during his compulsory military service. The applicants are the deceased's father, brothers, mother and sister, respectively.

On 13 April 2008 Resul Altun, who belonged to the 5th infantry squadron, was twice examined by the military doctor following anxiety attacks and fainting fits. The doctor requested his transfer to the psychiatric service of Girne hospital for the following day on the grounds of his anxiety disorders. The next day Resul Altun lost consciousness following a fresh attack. Diagnosing epilepsy, the doctor transferred him urgently to Girne hospital, where his state deteriorated, despite intensive care. On 15 April 2008 he was transferred to the GATA military hospital in Ankara, where he died on 30 April 2008 of complications related to epilepsy.

On the same date the military prosecutor instigated an investigation. An expert assessment was carried out establishing that ResulAltun had no known history of epilepsy and that he had died of the after-effects of a single, severe epileptic fit. The report found that no negligence could be imputed to the doctors involved or to the military authorities. On 27 November 2008 the prosecution gave a discontinuance decision, but Resul Altun's father objected, alleging that his son had not benefited from a proper medical examination before joining the army and that the military doctor's diagnosis had breached the medical rules. On 6 February 2009 the Military Court dismissed the father's appeal. The deceased's family lodged a claim for compensation with the High Military Administrative Court for the pecuniary and non-pecuniary damage sustained, but that claim was dismissed. Their request for a rectification of the judgment was also rejected.

Relying on Article 2 (right to life vie) and Article 6 (right to a fair trial), the Altun family complain of an infringement of their relative's right to life owing to the fact that his illness was not diagnosed

when he was drafted into the army and that there were delays in his hospitalisation. They also complain that the High Court which assessed their appeal was not independent and impartial owing to the presence of two military officers on the bench.

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.

Timofeyev v. Russia (no. 16887/07)
Delibaş v. Turkey (no. 34764/07)
Uğurlu and Others v. Turkey (nos. 26437/08, 14954/09, 53137/09, and 60300/10)
Ünal and Others v. Turkey (nos. 61981/09, 57632/10, and 48915/11)
Yivli v. Turkey (no. 12723/11)

Thursday 16 November 2017

Movsesyan v. Armenia (no. 27524/09)

The applicant, Albert Movsesyan, is an Armenian national who was born in 1948 and lives in Yerevan. The case concerns his complaint that the investigation into the death of his daughter – allegedly as a result of medical negligence – was inadequate.

Mr Movsesyan's daughter, K.M., born in 1985, was in the early weeks of pregnancy when, in the evening of 7 September 2007, she fainted and began to have convulsions while at home with her parents and husband. An ambulance was called, which arrived around 40 minutes later. The ambulance doctor found K.M. nearly unconscious, with impaired breathing and low blood pressure. The doctor gave her an injection of relanium and one of magnesium and took her to hospital. K.M. died in hospital on 14 September 2007 without having regained consciousness.

On the same day, the district prosecutor's office launched an inquiry into her death and ordered an autopsy, which was also carried out on that day. According to the autopsy report, K.M. had died from general intoxication of the organism, caused by an impairment of vital brain function, which in turn had been caused by extensive and diffuse thrombosis of neuro-vessels. In the course of the inquiry, the investigator questioned the medical personnel who had provided assistance to K.M. and ordered a forensic medical investigation, which found that the injection of relanium and magnesium had been correct. In February 2008, the investigator decided to reject the institution of criminal proceedings.

Mr Movsesyan subsequently applied to the district prosecutor's office, seeking a new forensic medical examination in which he would be allowed to participate. He claimed that his daughter had died as a result of negligence by the ambulance doctor, who had given her two injections of substances whose administration was contra-indicated given K.M.'s pregnancy, impaired breathing and low blood pressure. Moreover, the ambulance had arrived late and the doctor had not sat beside the patient during the journey to the hospital. The prosecutor's office quashed the decision of February 2008 and remitted the case for further inquiry. An additional forensic medical report was delivered by a panel of experts in April 2008. It found, in particular: that the injection of relanium and magnesium had been correct in the circumstances; that the medical assistance provided by the ambulance crew had been appropriate and sufficient; and that a speedier transfer to hospital could not have prevented K.M.'s death. The investigator again decided to reject the institution of criminal proceedings.

Mr Movsesyan challenged that decision before the district court, maintaining that the panel of experts had not taken due account of his arguments. His complaint was dismissed in May 2008. The court referred to the forensic medical report and, concerning the late arrival of the ambulance and the doctor's failure to sit beside the patient, pointed out that in the meantime the doctor had been reprimanded for poor performance of her duties. Mr Movsesyan's appeals were dismissed.

Relying in substance on Article 2 (right to life), Mr Movsesyan complains that the authorities failed to conduct an effective investigation into his daughter's death.

Ceesay v. Austria (no. 72126/14)

The applicant, Lamin Ceesay, is a Gambian national who was born in 1969 and lives in Hamburg (Germany). The case concerns the death of his brother in detention pending his expulsion from Austria.

Mr Ceesay's brother, Y.C., also a Gambian national, born in 1987, applied for asylum in Austria in 2004. The application was dismissed in April 2005 and Y.C.'s appeal against the decision was rejected by the Federal Asylum Office. In April 2005 he was convicted of drug trafficking and sentenced to seven months' imprisonment. He started serving his sentence and, on 12 September 2005, was placed in detention with a view to his expulsion to the Gambia, following an order issued by the Linz Federal Police Authority.

On 27 September 2005, Y.C. went on hunger strike, of which he informed the authorities on the following day. On that day he was handed an information pamphlet on hunger strikes. He was also orally informed about the risks involved and subjected to an initial hunger-strike examination. Subsequently health checks were carried out on a daily basis. In the morning of 4 October 2005 he was taken to Linz General Hospital for examination and an assessment of whether he was fit to remain in detention. In its report the hospital noted, in particular: that he had dry lips and kept his eyes closed; that taking his blood had been difficult because he had resisted examination; and that, if his general condition worsened, he would have to be force-fed and taken to a psychiatric ward because he "lashed out from time to time". The treating doctor confirmed that Y.C. was fit to remain in detention. He was subsequently taken back to the detention centre and at around 11 a.m. was placed alone in a security cell in view of his behaviour at the hospital. A police officer checked on him every 15-30 minutes. When he checked at 12.50 p.m., Y.C. was not breathing and had no pulse. At 1.20 p.m., Y.C. was declared dead by an emergency doctor who had immediately been called to the scene.

A criminal investigation into Y.C.'s death was instituted on the same day; an autopsy was conducted on the following day. Mr Ceesay joined the criminal proceedings into his brother's death as a private party. In early January 2006 the forensic expert who had conducted the autopsy submitted his final report. He concluded that the cause of Y.C.'s death had been dehydration combined with the fact that he had been a carrier of sickle cell trait, which had caused a shift in the electrolyte system and had ultimately caused his heart to stop beating. Neither the authorities nor Y.C. himself had been aware that he had been a carrier of sickle cell trait. On 13 January 2006 the public prosecutor decided to discontinue the criminal investigation, as no sufficient evidence could be found to warrant criminal proceedings.

In parallel, in November 2005, Mr Ceesay brought administrative proceedings to review the lawfulness of Y.C.'s detention and lodged a complaint about the conditions of his detention. In February 2006 the Upper Austria Independent Administrative Panel ruled that Y.C.'s detention pending his expulsion had been unlawful and that the conditions of his detention during the hunger strike had been in violation of his rights under Article 3 of the Convention. However, its decision was subsequently quashed on appeal on two occasions. On the first of those occasions the Administrative Court held that Mr Ceesay had no standing to request a review of the lawfulness of his brother's detention under Article 5 of the Convention (right to liberty and security). As regards

the complaint about the conditions of Y.C.'s detention it held that the mere fact that a person was detained did not place any duty on the State to take measures because of the genetic disposition of that person without a manifest outbreak of disease in that person. Eventually the Panel dismissed Mr Ceesay's complaint in July 2012, based on an expert report which had found that the need for testing Y.C.'s blood for sickle cell trait had not been indicated. Mr Ceesay's appeals were unsuccessful.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment), Mr Ceesay complains that there has not been an effective and comprehensive investigation into his brother's death and that the causes of his death have remained unclear. He further maintains that the medical assistance provided to his brother during his hunger strike was not in accordance with the law, in breach of Article 3.

Ilgar Mammadov v. Azerbaijan (no. 2) (no. 919/15)

The case concerns the criminal proceedings brought against a prominent Azerbaijani opposition politician, Ilgar Eldar oglu Mammadov. Mr Mammadov, born in 1970, is currently serving a seven-year prison sentence following his conviction in 2014 of mass disorder.

Mr Mammadov has a history of criticising the Azerbaijani Government and had announced his intention to stand as candidate in the November 2013 presidential elections. However, he was unable to do so because he was arrested and placed in pre-trial detention following protests in the town of Ismayilli on 24 January 2013. He was in particular accused of organising public disorder (subsequently replaced with the charge of mass disorder) and violent resistance to the police, apparently for having told protestors to throw stones at the police.

In March 2014 Mr Mammadov was convicted as charged at first instance. After a series of appeals, his conviction and sentence were eventually upheld in November 2016 by the Supreme Court. In convicting him, the domestic courts essentially relied on statements by witnesses for the prosecution (mainly police officers), letters written by the law-enforcement authorities, video recordings, contemporaneous news coverage, Mr Mammadov's blog posts and social media posts as well as a transcript of an interview with Azadliq Radio. The courts dismissed the statements of all the defence witnesses (most of them journalists) as untruthful, finding that they knew Mr Mammadov personally and therefore wanted to help him. Throughout the proceedings Mr Mammadov repeatedly lodged objections about flawed or misrepresented evidence, which were all dismissed.

Mr Mammadov has lodged a previous application with the European Court of Human Rights to complain about his arrest and pre-trial detention following the Ismayilli riots. In 2014 the Court delivered a judgment, *Ilgar Mammadov v. Azerbaijan* (no. 15172/13), finding that Mr Mammadov had been arrested and detained without any evidence to reasonably suspect him of having committed a criminal offence and concluding that the actual purpose of his detention had been to silence or punish him for criticising the Government. The enforcement of this judgment, in particular with regard to Mr Mammadov's release, is still currently underway before the Committee of Ministers of the Council of Europe.

In the present application, Mr Mammadov complains under Article 6 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy) about a number of defects in the criminal proceedings against him. He alleges in particular: that the judgment against him was ill-reasoned and that his conviction had been based on flawed and manifestly wrongly assessed evidence; that the domestic courts had not duly examined the defence's objections and requests concerning the admission of evidence and conduct of the proceedings; that the defence had not been given proper access to the transcripts of the trial hearings, either before or after the trial, and had not been allowed to use laptop and tablet computers during the trial hearings; and that the entire proceedings had lasted too long. He also makes a number of other complaints under Article 14 (prohibition on discrimination), Article 17 (prohibition of abuse of rights) and Article 18

(limitation on use of restrictions on rights) in conjunction with Article 6, alleging that the proceedings against him had been discriminatory because he is an opposition politician and had been used to remove him from the political stage.

Boukrourou and Others v. France (no. 30059/15)

The applicants, Abdelkader Boukrourou, Samira Boukrourou, Fatiha Boukrourou, Karim Boukrourou, Lahoucin Boukrourou and Yamina Hassioui, are French nationals who were born in 1970, 1977, 1973, 1972, 1938 and 1951, respectively. They live in Mouroux, Massy, Valentigney and Thaulay (France), respectively.

The case concerns the death of one of the applicants' relatives (M.B.) during his arrest by the police. The applicants are M.B.'s brothers, sister, widow, father and mother.

On 12 November 2009 M.B. went to a pharmacy in Valentigney where he usually collected his medication for psychiatric disorders. The pharmacists refused to exchange medication with which M.B. was dissatisfied, and he became angry, raising his voice and making incoherent statements; he told them that he was going to file a complaint and refused to leave the premises. Four police officers arrived on the scene at 4.53 p.m. and asked him several times to exit the pharmacy. Since he continued to refuse, they decided to force him out. They seized him by the arm and leg, but he fell on to the ground at the doorstep to the pharmacy. The police officers then attempted to handcuff him, one of them punching M.B. twice on the solar plexus. He was finally handcuffed and then pushed into the police van, where he continued to struggle before falling face down. The police officers held his shoulders, legs and buttocks, continuing in that position even after he had been fastened to an unmoveable part of the back seat of the van. At 4.58 p.m. the police officers requested the assistance of the fire brigade and the emergency medical service. M.B., who had stopped breathing at one point, was taken charge of by the fire brigade, who had arrived at 5.07 p.m., and who eventually transported him inside the pharmacy. Noting the absence of blood circulation, the fire brigade carried out cardiac massage. An emergency doctor administered specialist cardiopulmonary reanimation, but recorded M.B.'s death at 6.02 p.m.

An investigation was initiated immediately. Hearings were conducted and an autopsy carried out on 13 November 2009. The forensic doctor concluded that the death had clearly been caused by heart failure brought on by M.B.'s state of stress and agitation. Witnesses were heard and further expert assessments carried out. On 25 November 2011 the Ombudsperson, to whom a member of parliament had submitted the case, submitted his report. In March 2012 the four police officers who had arrested M.B were formally charged with manslaughter consequent upon the manifestly deliberate violation of the legal or statutory duty of caution and security. In December 2012 the investigating judges issued a discontinuance decision, holding, in particular, that the force used by the police officers had been necessary and proportionate. In October 2013 the Investigations Division of the Court of Appeal upheld that decision, and in November 2014 the applicants' appeal on points of law was dismissed.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment), the applicants allege a violation of M.B.'s right to life and complain of the inhuman and degrading treatment inflicted on the latter.

Tsalikidis and Others v. Greece (no. 73974/14)

The applicants, Panagiotis Tsalikidis, Georgia Tsalikidi, and Georgios Tsalikidis are Greek nationals who were born in 1963, 1926, and 1926 respectively. The case concerns the investigation into the death of their brother and son, Costas Tsalikidis, a phone operator employee. Costas was found hanging in his apartment on 9 March 2005. His family allege that he did not commit suicide, as was concluded in an official investigation into his death. They believe that his death is connected to a wiretapping affair in Greece.

The wiretapping affair involved the tapping through spyware of more than 100 mobile phones belonging to members of the Greek Government, including the Prime Minister and many senior members of the Cabinet. A parliamentary investigation revealed in 2006 that the unauthorised spyware had been implanted in software provided to the phone operator for whom Costas Tsalikidis was working by another telecommunications company. Costas was responsible for accepting the software and met regularly with the other company's representatives. The taps had begun sometime near June 2004 and were removed on 8 March 2005, a day before Costas' death. The Prime Minister was informed about the taps on 10 March 2005, the day after Costas' death. The affair assumed large dimensions both within Greece and beyond and was widely reported in the media.

There were two investigations into the death. The first investigation was conducted between 2005 and 2006 and concluded that the cause of death was hanging with a noose. However, following new evidence brought forward by the applicants, the authorities agreed to reopen the case file. The new evidence included two reports prepared at the applicants' request by a British expert and by a coroner identifying a number of inconsistencies, namely: the lack of injuries which would have been caused by crashing against nearby furniture (a common feature of suicide by hanging); contradictions concerning the rope mark on the deceased's neck; and the complexity of the knot in the noose which would have required sailing knowledge (which Costas Tsalikidis did not apparently have). One of the scenarios advanced was sedation/poisoning and hanging after death.

The supplementary investigation was conducted between 2012 and 2014. Following the reopening of the case, an exhumation of the body took place and histology, toxicology and forensic reports were prepared. Although no poison or drugs were found in the body, the histology report found that Costas Tsalikidis' hyoid bone had been broken, a finding consistent with strangulation. The applicants also requested a psychiatric report, which concluded that their relative's personality was not compatible with a suicide profile. Two of the three coroners who prepared the new investigation's reports went on to conclude that the cause of death remained unclarified.

In June 2014 the public prosecutor closed the supplementary investigation, finding that the new reports, considered in conjunction with evidence from the main investigation, were sufficient to allow the case to be archived. The applicants had no remedy available to them to challenge this decision.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy), the applicants complain that both the initial and the supplementary investigation had serious shortcomings and that the authorities had thus failed to clarify the circumstances surrounding their relative's death.

"Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy)" v. "the former Yugoslav Republic of Macedonia" (no. 3532/07)

The applicant, "Orthodox Ohrid Archdiocese", since renamed "Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy", is a non-registered religious association. The case concerns its complaint about the national authorities' refusal to register it.

In 2003 the applicant association constituted its own Holy Synod and appointed a former bishop and member of the Macedonian Orthodox Church, Mr J. Vraniškovski, as its President. Mr Vraniškovski, who had previously publicly announced that he was prepared for canonical union with the Serbian Orthodox Church, had been dismissed for violating his oath to safeguard the Macedonian Church's unity and Constitution. The Serbian Orthodox Church then appointed him exarch of the Peć Archbishop and the Patriach of Serbia.

There ensued two sets of proceedings for registration of the applicant association, the first under the name "Orthodox Ohrid Archdiocese" and the second under the name "Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy". The applicant association specified in these proceedings that it

would operate as an autonomous religious entity under the canonical jurisdiction of the Serbian Orthodox Church.

Both applications for registration were dismissed, essentially on formal grounds. The authorities also cited two other grounds, namely: that the applicant association had been set up by a foreign church or State, making it ineligible for registration; and that its intended names were problematic. In particular the intended names were too similar to the "Macedonian Orthodox-Ohrid Archdiocese" which had the "historical, religious, moral and substantive right" to use the name "Ohrid Archdiocese". Lastly, the authorities concluded that the applicant association had in reality intended to become a parallel religious entity to the Macedonian Orthodox Church.

Founding members of the applicant association lodged constitutional appeals in both sets of proceedings, also without success. In particular, the Constitutional Court found in 2009 that it had no jurisdiction to decide on the appeal and that it had, in any case, been submitted outside the time-limit. Similarly, in 2010 it found that it could not examine the appeal on the merits as the appellant had failed to comply with the formal statutory requirements before the competent courts.

Relying on Article 11 (freedom of assembly and association) read in the light of Article 9 (freedom of thought, conscience, and religion), the applicant association allege that the refusal to register it should be seen in context, in particular the negative campaign in the media following its creation, including statements by the country's political and religious leaders, and the alleged persecution of Mr Vraniškovski. It argues that this revealed an agenda aimed at preventing it from exercising its religious rights. It also alleges under Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 12 (general prohibition of discrimination) that the members of its association are disadvantaged as compared to members of registered religious groups.

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.

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They will not appear in the press release issued on that day.

Duni v. Albania (no. 45934/11)
Khlghatyan v. Armenia (no. 603/10)
Global Car Trade GmbH v. Croatia (no. 42840/12)
Ioannis Anastasiadis v. Greece (no. 51391/09)
Moiras and Fourtziou v. Greece (nos. 42502/16 and 50243/16)
Stamou v. Greece (no. 14123/12)
Approvvigionamento Salorno S.A.C. and Others v. Italy (nos. 8740/09, 8753/09, 8761/09, 8763/09, 8766/09, 8772/09, and 8785/09)
Ceccarelli v. Italy (no. 45821/14)
Ceglie and Others v. Italy (no. 18622/15)
Conti and Lori v. Italy (no. 17527/05)
Leanza and Others v. Italy (no. 18632/15)
Lo Bosco and Others v. Italy (nos. 47095/14, 47102/14, 50464/14, 50648/14, 50901/14, 52485/14, and 52505/14)
Messana v. Italy (no. 37199/05)
Messana v. Italy (no. 30801/06)
Minicillo v. Italy (no. 22990/12)
Nervegna v. Italy (no. 29376/09)
Raffaelli v. Italy (no. 75519/14)
Raia v. Italy (no. 59785/08)
Scervino v. Italy (no. 35488/13)
Tonarelli v. Italy (no. 43267/15)

Verrengia and Others v. Italy (nos. 16050/14, 47118/14, 50641/14, 52208/14, and 52481/14)
Fundația pentru Copii 'Speranța' v. the Republic of Moldova (no. 17891/08)
Dudek and Others v. Poland (no. 13582/13)
Dudek v. Poland (no. 20811/15)
Kordek v. Poland (no. 54056/15)
Wilk v. Poland (no. 64719/09)
Wróblewski v. Poland (no. 36600/13)
Ziembiński v. Poland (no. 8754/10)
Khaykharoyev v. Russia (no. 43815/08)
Larionova v. Russia (no. 12318/16)
Malkhozov v. Russia (no. 72125/14)
Sazhin v. Russia (no. 20439/08)
Camerini v. San Marino (no. 21400/17)
Čelja v. 'the former Yugoslav Republic of Macedonia' (no. 11210/15)
Gerovska Popčevska v. 'the former Yugoslav Republic of Macedonia' (no. 53249/08)
Aliev and Others v. Turkey (no. 33981/05)
Araz v. Turkey (no. 54591/11)
Başbakkal Kara v. Turkey (no. 49752/07)
Büyük v. Turkey (no. 39409/06)
Cüre v. Turkey (no. 32969/11)
Dağtekin v. Turkey (no. 24640/09)
Divrik v. Turkey (no. 28582/05)
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