



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 15 judgments on Tuesday 14 November 2023 and 65 judgments and / or decisions on Thursday 16 November 2023.

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 2023

[Nika v. Albania \(application no. 1049/17\)](#)

The applicants, Rajmonda, Amelia and Mentila Nika, are Albanian nationals who were born in 1984, 2009 and 2010, respectively, and live in Lezhë (Albania).

The case concerns the death of the applicants' husband and father after he had been shot in the head in 2011 during a demonstration in front of the Albanian Prime Minister's office. The protest had led to confrontations between demonstrators and the authorities, resulting in four deaths and many injured, including 45 civilians, 82 officers of the National Guard and 27 police officers.

Relying in particular on Article 2 (right to life/investigation) of the European Convention on Human Rights, the applicants allege that the authorities' use of force during the protest was excessive and that the investigation into their relative's death was ineffective. They allege in particular that the commander-in-chief of the National Guard, in charge of protecting the Prime Minister's office, had ordered his men to open fire on the protestors.

[C.Y. v. Belgium \(no. 19961/17\)](#)

The applicant, C.Y., is a Belgian national who was born in 1965 and lives in Belgium, where he is a self-employed nurse who performs home-care services.

The case concerns the imposition of an administrative fine on the applicant for having claimed payment from the compulsory health insurance and benefits scheme, in 2005 and 2006, for care services he had failed to provide or that had not been in compliance with Belgian law.

Criminal proceedings were brought against the applicant in which he was tried for forgery, using forged documents with intent to defraud and fraud. Following those proceedings, the Brussels Court of Appeal acquitted him in 2015, finding that his intent to defraud, fraudulent practices or use of false qualifications had not been made out. Administrative proceedings were also brought against him, which resulted in his being ordered to repay 113,048.48 euros for wrongly paid-out claims and a fine totalling 1,200 euros.

Relying on Article 4 of Protocol No. 7 (right not to be tried or punished twice) to the European Convention, the applicant alleges that he was the victim of a violation of the *ne bis in idem* principle as a result of being ordered to reimburse the undue payments and to pay an administrative fine despite his having been acquitted of criminal charges by the Brussels Court of Appeal.

[Vukušić v. Croatia \(no. 37522/16\)](#)

The applicant, Zoran Vukušić, is a Croatian national who was born in 1979 and lives in Zagreb.

The case notably concerns the applicant's complaints about his confinement in a so-called "rubber cell" (*gumenjara*) in Split Prison, for two periods in 2012 amounting in total to 17 days. A *gumenjara* is a specially secured cell, padded with rubber or other soft material to prevent self-harm.

He relies on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, alleging in particular that prison guards had placed him in the specially secured cell both times naked and with the lights on at all times, and the second time also with handcuffs and belts restraining his hands and ankles.

Also relying on Article 3 he makes complaints about the conditions of his detention between 2011 and 2013 in Zagreb and Split Prisons, particularly on account of overcrowding.

[Janakieski v. North Macedonia \(nos. 57325/19 and 16291/20\)](#)

The applicant, Mile Janakieski, is a Macedonian /citizen of the Republic of North Macedonia who was born in 1978 and lives in Skopje. He is a former Minister of Transport.

The case concerns two sets of criminal proceedings against Mr Janakieski, the first for terrorist threat to constitutional order and security, and the second for abuse of office, during which he was deprived of liberty by decisions of the domestic courts.

Relying on Article 5 (right to liberty and security), Mr Janakieski complains of alleged unlawfulness and arbitrariness, lack of relevant and sufficient reasons and lack of a speedy review of his deprivation of liberty.

[Canavcı and Others v. Türkiye \(nos. 24074/19, 44839/19, and 9077/20\)](#)

The case concerns lawyer-client confidentiality in the aftermath of the attempted *coup d'état* of 15 July 2016.

The applicants are three Turkish nationals: Mehmet Ali Canavcı, Ramazan Çaylı and Harun Altun.

All three applicants were placed in pre-trial detention in 2016: the first two for membership of the FETÖ/PDY and for attempting to overthrow the Government of the Republic of Türkiye or preventing it wholly or partly from performing its duties; and, the third for membership of an armed terrorist organisation.

Relying on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy), the applicants complain about the monitoring and recording of their meetings with their lawyers while they were in prison, pursuant to a legislative decree which had been adopted under the state of emergency declared in the aftermath of the attempted *coup d'état*.

[Cangı and Others v. Türkiye \(no. 48173/18\)](#)

The applicants are six Turkish nationals who were born between 1939 and 1964.

The case concerns a court-appointed expert examination procedure within administrative proceedings taken by the applicants, concerning the extraction of gold using cyanide leaching at a mine situated in the city of Uşak.

Relying on Article 6 (right to a fair trial) the applicants complain of, within the proceedings, not being able to put their own questions to experts, that the documents assessed by those experts, including other expert opinions, had not been forwarded to them for comments, and that the national courts had not responded to their arguments around those expert opinions.

Thursday 16 November 2023

[A.E. and Others v. Italy \(nos. 18911/17, 18941/17, and 18959/17\)](#)

[W.A. and Others v. Italy \(no. 18787/17\)](#)

These two cases concern nine Sudanese nationals who arrived in Italy in the summer of 2016 and their attempted or actual removal by the authorities.

The four applicants in the first case were born between 1980 and 1994. They all live in Turin (Italy), except for one who lives in Germany.

The applicants in the second case were born between 1989 and 1996. One lives in Egypt, one in Niger and three in Sudan.

After their arrival in Italy, all nine applicants eventually ended up in Ventimiglia at the Red cross centre. The applicants in the first case allege that they were subsequently arrested and transferred to Taranto where they were issued with refusal-of-entry orders. They were then taken back to Ventimiglia until an attempt was made to put them on a flight from Turin to Sudan on 24 August 2016. As there were not enough seats on the aircraft, their removal was postponed. They were transferred to a centre in Turin and issued with detention orders. Those applicants have since been granted international protection, while the applicants in the second case claim that they were part of a group of about 40 migrants for whom seats were found on the plane on 24 August 2016 and were repatriated to Khartoum the same day.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), the applicants in both cases allege that the authorities failed to examine the risks they would be exposed to if returned to Sudan.

The applicants in the first case also make a number of other complaints under Article 3. All four allege degrading treatment in their arrest, transportation and detention in Italy, while one alleges that he was beaten during another attempt to remove him. They also all allege under Article 5 (right to liberty and security) that their deprivation of liberty from their arrest until they were issued with detention orders was unlawful.

[Džibuti and Others v. Latvia \(nos. 225/20, 11642/20, and 21815/20\)](#)

The applicants are five Latvian nationals who were born between 1970 and 2010 and live in various parts of Latvia. They are parents and children who identify themselves as belonging to the Russian-speaking minority in that State.

The case concerns the increase of the use of Latvian as the language of instruction in private schools pursuant to a 2018 change in the law, with a consequent reduction in the use of the Russian language.

The applicants rely on Articles 8 (right to respect for private and family life), Article 2 of Protocol No. 1 (right to education) and Article 14 (prohibition of discrimination).

[G.T.B. v. Spain \(no. 3041/19\)](#)

The applicant, G.T.B., is a Spanish national who was born in 1985 and lives in Santa Cruz de Tenerife (Spain).

The case concerns attempts in Spain to register G.T.B.'s birth, which had taken place in Mexico.

Relying on Article 8 (right to respect for private and family life), the applicant complains about the delay and the obstacles faced in the procedure to have his birth registered to be able to obtain an ID card.

Figurka v. Ukraine (no. 28232/22)

The applicant, Bogdan Romanovych Figurka, is a Ukrainian national who was born in 1964 and lives in Ternopil (Ukraine).

The case concerns Mr Figurka's appellate proceedings against a drink-driving judgment against him. The Ternopil Court of Appeal held a hearing with Mr Figurka and his counsel present, but without a prosecutor present. The Court referred to the offence report and the written witness statements and video recordings from the police officers' body cameras, among other things in upholding the first-instance decision.

Relying on Article 6 (right to a fair trial), Mr Figurka alleges that the lack of a prosecutorial party in appellate proceedings meant that the Court of Appeal could not be considered impartial.

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 14 November 2023

Name	Main application Numbers
Çupi v. Albania	27187/08
Abela v. Malta	825/21
Bonnici and Others v. Malta	15217/20
Galea and Borg v. Malta	50473/20
Grima and Others v. Malta	18057/20
J&C Properties Limited v. Malta	16680/21
Martinelli and Others v. Malta	788/21
Robuleț v. the Republic of Moldova	17935/08
Kitanovska and Others v. North Macedonia	71657/17

Thursday 16 November 2023

Name	Main application number
Karimov and Others v. Azerbaijan	1002/21
Najafova and Others v. Azerbaijan	70718/14
Klemm v. Croatia	16272/21
Milat v. Croatia	38757/21
Štefičar and Staničić v. Croatia	53678/22
M v. France	58627/21
M.A.E. v. France	24892/21
Demertzis v. Greece	66/22
Kouniakakis v. Greece	16776/20
Chapó v. Hungary	34077/22
Máté v. Hungary	33460/21

Name	Main application number
Nagy and Others v. Hungary	53348/22
Nagy v. Hungary	14047/23
Bellotto and Others v. Italy	5170/21
Bergonzini v. Italy	54319/22
D'Anna v. Italy	52611/22
Giglio and Perretti v. Italy	20475/22
Gualtieri and Others v. Italy	51336/09
Mazzariol and Others v. Italy	56280/21
Menna and Others v. Italy	25728/16
Poncina v. Italy	10314/22
Sadio v. Italy	3571/17
Scognamiglio and Spanò v. Italy	43468/14
Texel Cooperativa Società Agricola v. Italy	55511/16
Vezza v. Italy	26909/10
Liubenka v. Lithuania	20802/20
Zakarka v. Lithuania	3148/21
Bajčetić v. Montenegro	54009/21
Boczek v. Poland	61364/21
Kłos v. Poland	57134/21
Krystkiewicz v. Poland	34183/20
Rosenowski v. Poland	19187/21
Bica and Others v. Romania	24118/16
Constandeş v. Romania	46758/16
Ignat and Others v. Romania	32415/16
Negurici v. Romania	22611/16
Petrescu and Others v. Romania	38647/16
Sali v. Romania	46719/17
Turcu and Others v. Romania	34405/16
Fond za humanitarno pravo and Others v. Serbia	21360/21
Igrutinović and Others v. Serbia	12755/23
Majstorac and Others v. Serbia	55106/22
Milivojev and Others v. Serbia	55361/22
Momirović and Others v. Serbia	56586/22
Plavšić and Others v. Serbia	623/23
Stoiljković and Cvetković v. Serbia	11268/23
Bočan v. Slovakia	9829/23
Fedorčáková and Fedorčák v. Slovakia	11846/23
Akmatov v. Ukraine	35371/13

Name	Main application number
Bezobrazov v. Ukraine	47320/15
Bulkach and Others v. Ukraine	68847/14
Krasyuk v. Ukraine	61208/21
Malakhov and Kraynyuchenko v. Ukraine	23595/21
Oliynyk and Others v. Ukraine	18431/21
Padalka and Others v. Ukraine	45465/16
Revenko v. Ukraine	61802/13
Romanyuk v. Ukraine	35084/13
Shchurko and Otryshko v. Ukraine	29857/19
Titarchuk v. Ukraine	61073/21
Yakovin and Others v. Ukraine	23361/14

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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.