



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 30 judgments on Tuesday 14 December 2021 and 127 judgments and / or decisions on Thursday 16 December 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)

Tuesday 14 December 2021

[D.I. v. Bulgaria \(application no. 32006/20\)](#)

The applicant is a businessman. He was born in 1992 in Kyrgyzstan and is a national of that country. He is the chief executive officer of two limited-liability companies under Kyrgyz law. He currently lives in Bulgaria.

The case concerns the extradition proceedings brought against the applicant, on conclusion of which the Bulgarian courts authorised his handover to the Kyrgyz authorities.

Between February and December 2019 the chief directorate of the Ministry of the Interior in Bishkek received five criminal complaints against the applicant, with three different entrepreneurs complaining of being defrauded by him. Several sets of criminal proceedings were instituted against him. In December 2019 he was charged in his absence with several counts of fraud and misappropriation of corporate assets. He was accused, in his capacity as the manager of two companies, of entering into contracts with other partner companies for the supply of metal bars, appropriating the corresponding sums and not honouring his commitments, and also of appropriating the funds of one of the companies he managed. According to the investigating bodies' estimates, the damage caused to the victims amounted to several million euros.

In July 2020 the European Court decided to apply an interim measure under Rule 39 of the Rules of Court, indicating to the Bulgarian Government that it should not extradite the applicant to Kyrgyzstan for the duration of the proceedings before it.

In the proceedings before the Court the applicant alleges that the enforcement of the order for his extradition would entail a violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the European Convention on Human Rights.

[Gražulevičiūtė v. Lithuania \(no. 53176/17\)](#)

The applicant, Edita Gražulevičiūtė, is a Lithuanian national who was born in 1971 and lives in Vilnius.

Ms Gražulevičiūtė is a rheumatologist and researcher. She was suspended in January 2012 after one of her patient's died during a clinical trial she was carrying out on tocilizumab, a drug. The case concerns the proceedings the applicant brought to challenge her subsequent suspension and to claim compensation.

She notably complains that the final court decision regarding her suspension in December 2013, which exculpated her, was overturned, in breach of the principle of legal certainty under Article 6 § 1 (right to a fair trial) of the European Convention. Relying on Article 8 (right to respect for private life) to the Convention, she also complains that she was not compensated for the damage she sustained for being suspended for nearly two years.

[Genderdoc-M and M.D. v. the Republic of Moldova \(no. 23914/15\)](#)

The applicants are Asociația Obștească Centrul de Informații Genderdoc-M, an association registered in Chișinău, and a Moldovan national, M.D., who was born in 1998 and lives in Bălți (Moldova).

The case concerns homophobic statements by a certain M. which led to court proceedings involving the applicant association, and the subsequent ill-treatment of M.D., including being attacked in the street and verbally abused, and the reaction of the authorities.

The applicant association relies on Article 10 (freedom of expression) and Article 14 (prohibition of discrimination), while M.D. relies on Article 3 (prohibition of inhuman and degrading treatment), Article 8 (right to respect for private and family life) and Article 14.

[Mukhametov and Others v. Russia \(no. 53404/18 and 3 others\)](#)

The applicants are four Russian nationals who were defendants in criminal proceedings and detained in remand prison SIZO-1 in Kazan.

The case principally concerns the restrictions on family visits in pre-trial detention.

All the applicants had asked to see members of their family for a short-term visit, but their requests were refused under section 18 of the Defendants' Detention Act, which provides that defendants may have no more than two visits per month from family members and other persons.

Relying on Article 8 (right to respect for private and family life), the applicants complain of the refusals to grant them family visits and the ineffectiveness of the related judicial review proceedings. They also complain under Article 6 § 1 (right to a fair hearing) that appeal hearings in those proceedings were held in their absence.

Mr Mukhametov further alleges under Article 5 § 3 (right to liberty and security) that the length of his pre-trial detention – over one and a half years – was excessive.

[Mukhin v. Russia \(no. 3642/10\)](#)

The applicant, Yuriy Ignatyevich Mukhin, is a Russian national who was born in 1949 and lives in Moscow.

The case concerns two controversial articles that Mr Mukhin published while editor of *Duel* (Дуэль), a newspaper, which included political, anti-Semitic and violent references, including the phrase "Death to Russia!", and the reaction of the authorities that followed.

Relying on Article 10 (freedom of expression), the applicant complains of his criminal conviction on the basis of editorial choices, of the classification of one of the articles as extremist, and of the ending of the newspaper's "mass-media status".

[Samoylova v. Russia \(no. 49108/11\)](#)

The applicant, Marina Anatolyevna Samoylova, is a Russian national who was born in 1961 and lives in Moscow.

Ms Samoylova's husband – a former prosecutor – was arrested in 2007 on embezzlement charges. The case concerns a television programme broadcast in 2009 which dealt with the trial of Mr Samoylov and which allegedly contained private information about the couple, and the civil proceedings initiated by the Samoylovs that followed.

Relying on Article 6 § 1 (right to a fair trial) and Article 8 (right to respect for private and family life), the applicant complains that part of her civil suit remained unexamined by the courts, and that the television report had been an interference with her privacy, and that the courts did not strike a fair balance between her right to respect for (her) private life and the journalists' freedom of expression.

[Tunikova and Others v. Russia \(no. 55974/16 and 3 others\)](#)

The applicants, Natalya Tunikova (born 1972), Yelena Gershman (born 1978), Irina Petrakova (born 1980) and Margarita Gracheva (born 1992), are Russian nationals who live in Moscow or the Moscow Region.

The case concerns acts of domestic violence, including threats of death and injuries, perpetrated on the applicants at the hands of their former partners or husbands, and the domestic authorities allegedly failing to establish a legal framework for combating acts of domestic violence and bringing the perpetrators of such acts to account.

Relying on Article 3 (prohibition on inhuman and degrading treatment), Article 13 (right to an effective remedy) and Article 14 (prohibition on discrimination), the applicants complain, in particular, of a failure on the part of the State to protect them from domestic violence, of a lack of remedies in that regard, and that the general failure to combat gender violence had amounted to discrimination against women.

[Melgarejo Martinez de Abellanos v. Spain \(no. 11200/19\)](#)

The applicant, Francisco Javier Melgarejo Martinez de Abellanos, is a Spanish national who was born in 1965 and lives in Seville (Spain).

The case concerns administrative proceedings in which the applicant, after paying a tax debt of 296,031 euros (EUR) that included, in addition to the main debt, a surcharge for late payment and default interest, lodged two separate applications for undue payment, one in respect of the main debt and the other in respect of the surcharge and interest. The one in respect of the main debt was allowed, while the one in respect of the surcharge and interest was dismissed. The applicant appealed to the *Audiencia Nacional*. In the ensuing judgment no reply was provided to the applicant's allegation that the surcharge and interest should be declared null and void as a result of the annulment of the main debt. By contrast, two months later, the *Audiencia Nacional* allowed his siblings' appeals, who had been subject to similar and parallel tax claims, precisely under that argument.

Relying on Article 6 § 1 (right to a fair hearing), the applicant complains of the *Audiencia Nacional's* failure to provide a reasoned reply in its judgment concerning the surcharge and interest. Additionally, he submits that the dismissal of his appeal, while his siblings' appeals in the same circumstances had been allowed, implied a breach of legal certainty.

[Ilicak v. Turkey \(no. 2\) \(no. 1210/17\)](#)

The applicant, Nazlı Ilicak, is a Turkish national who was born in 1944. She lives in Bodrum and Istanbul (Turkey).

The case concerns the arrest and prolonged pre-trial detention of Ms Ilicak following the attempted coup of 15 July 2016. Ms Ilicak is a famous journalist, columnist and editorial writer. She was also a member of parliament for Fazilet Partisi (the Virtue Party), a political party that was dissolved in 2001 by the Turkish Constitutional Court.

The domestic authorities suspected Ms Ilicak of being a member of a terrorist organisation and/or of having participated in the attempted coup of 15 July 2016, on the grounds that she was working at that time in media outlets considered close to the Gülenist movement and had posted tweets on 15 and 16 July 2016 questioning which groups might have been behind the coup and expressing doubts that it could be the Gülenist movement, which was later branded as a terrorist organisation (the FETÖ/PDY).

Ms Ilicak was arrested in Bodrum on 26 July 2016 and remanded in custody on 29 July 2016. Her pre-trial detention was extended several times. Then, on 4 November 2019, the Assize Court ordered her release under judicial supervision. The criminal proceedings against her are still pending.

Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security / right to a prompt decision on the lawfulness of one's detention) together with Article 10 (freedom of expression), Ms Ilicak complains of having been remanded in custody and held in pre-trial detention for an extended period.

Thursday 16 December 2021

[Budimir v. Croatia \(no. 44691/14\)](#)

The applicant, Jovan Budimir, is a Croatian national who was born in 1951 and lives in Beli Manastir (Croatia).

The applicant is a car mechanic. The case concerns the revocation of his licence to work as a motor-vehicle inspector. The Ministry of the Interior revoked his licence in 1999 pending criminal proceedings against him for allegedly falsifying a tractor's inspection record. His employer immediately dismissed him. He was acquitted of all charges in 2001, owing to insufficient evidence. His licence was ultimately returned to him in 2004 at the end of administrative proceedings he brought to challenge the revocation of his licence. He unsuccessfully claimed compensation for damage against the State.

Relying on Article 8 (right to respect for private and family life), the applicant complains that he was left unemployed for some five years because of the unlawful decision to revoke his licence and that he was not able to obtain compensation for damage.

[Grbac v. Croatia \(no. 64795/19\)](#)

The applicant, Milutin Grbac, is a Croatian national who was born in 1949 and lives in Rijeka (Croatia).

The case concerns a property dispute between the applicant and the local authorities. In 2006 the Rijeka authorities notified the applicant that he was unlawfully occupying two plots of land adjoining his house. In 2007 they brought civil proceedings asking the courts to order the applicant to surrender the disputed plots. The applicant brought a counterclaim, arguing that he had acquired ownership by adverse possession as he and his legal predecessors had possessed the plots for more than 80 years. His claim was dismissed in 2019.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complains of the domestic courts' decisions dismissing his claim in the property dispute. He alleges in particular that before 2006 no one had contested his right to possess the two plots of land or called into question his good faith and the continuous nature of the possession.

[Zaklan v. Croatia \(no. 57239/13\)](#)

The applicant, Đorđe Zaklan, is a Croatian national who was born in 1944 and lives in Pakrac (Croatia).

The case concerns attempts by the applicant to recover foreign currency seized by the authorities in 1991 in Croatia when that State was still part of Yugoslavia.

Relying on Article 1 of Protocol No. 1 to the Convention (protection of property), the applicant complains of the refusal of the court to order the return of the money that was seized from him.

[Alami v. France \(no. 43084/19\)](#)

The applicant, Karim Alami, is a Moroccan national who was born in 1974 and lives in Rognonas (France).

Relying on Article 8, the applicant alleges that his removal from France would interfere with his private and family life, particularly with regard to his children.

[Alves de Oliveira v. France \(no. 23612/20\)](#)

The applicant, Antonio Hilario Alves de Oliveira, is a Portuguese national who was born 1957 and is currently in prison in Lyon.

The case concerns the combination of criminal sanctions and tax penalties applicable under domestic law for the offence of assisting or benefiting from prostitution, together with laundering of the proceeds therefrom, and the proportionality of these different sanctions and measures.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complains that he has been dispossessed of “all” his flats and that the quantum of the confiscation is disproportionate to the proceeds in question, while stating that he would have preferred to pay a fine. Under Article 4 of Protocol No. 7 (right not to be tried or punished twice), the applicant submits that he has been punished several times for more or less the same acts, complaining that, in addition to being sentenced to four years’ imprisonment, he has had the sum of 100,000 euros (EUR) confiscated from his bank accounts and has been subjected to a tax reassessment “in accordance with the accounting procedures of the justice system”. Lastly, under Article 1 of Protocol No. 12 (prohibition of discrimination), the applicant complains that he has been discriminated against because of his foreign nationality and his wealth.

[Tenenbaum v. France \(no. 68260/17\)](#)

The applicant, Yaniv Tenenbaum, is a French national who was born 1984 and lives in Nice.

The case concerns acts of violence that the applicant allegedly sustained during his arrest by gendarmes, together with allegations of bias and other defects in the ensuing investigation.

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment) and 6 (right to a fair hearing) of the Convention, the applicant complains about alleged acts of violence during his arrest and also alleges bias and other defects in the investigation into those acts.

[Women’s Initiatives Supporting Group and Others v. Georgia \(nos. 73204/13 and 74959/13\)](#)

The applicants are 35 Georgian nationals and two non-governmental organisations, Women’s Initiatives Supporting Group and Identoba, set up to promote and protect the rights of lesbian, gay, bisexual and transgender (LGBT) people in Georgia. The individual applicants are either staff members of the applicant NGOs or members and supporters of the LGBT community.

The case concerns an attack by a mob on LGBT demonstrators on 17 May 2013 – the International Day Against Homophobia – in central Tbilisi.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 14 (prohibition of discrimination), 27 of the individual applicants allege that: the authorities failed to protect them from the mob, despite being aware of the extreme homophobia prevailing in the country; there was clearly State connivance in the counter-demonstrators’ hostility towards the event; and, the ensuing investigation into the incident was ineffective.

Both NGOs and all the applicants also complain in particular, under Article 11 (freedom of association) taken in conjunction with Article 14, that the police failed to take measures to prevent the homophobic and transphobic aggression against them and the disruption of their peaceful rally.

Karpenko v. Ukraine (no. 45397/13)

The applicant, Ivan Ivanovych Karpenko, is a Ukrainian national who was born in 1973 and is imprisoned in Romny Prison no. 56 (Ukraine). He has been serving a life sentence since 2004.

The case concerns the regime – a ban on talking to prisoners from other cells – in which Mr Karpenko was held while serving his time.

Relying on Article 3 (prohibition of inhuman and degrading treatment) and Article 13 (right to an effective remedy) in conjunction with Article 3, Article 8 (right to respect for private life) and Article 6 § 1 (right to a fair trial), the applicant complains of the permanent prohibition on his having contact with inmates from other cells, and that there was no effective remedy for his complaint.

Yakhymovych v. Ukraine (no. 23476/15)

The applicant, Oleg Ignatiovych Yakhymovych, is a Ukrainian national who was born in 1954 and is currently detained in Lozivskyy.

The case concerns the applicant's prosecution and conviction for ordering the contract killing of a Mr S., who had allegedly defrauded the applicant of property. The murder was falsely "carried out" by a person the applicant found through a friend, following which the applicant paid.

Relying on Article 6 (right to a fair trial), the applicant complains of allegedly having been a victim of police entrapment and of his having been unable to examine a key witness at trial.

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 December 2021

Name	Main application number
Savvides v. Cyprus	14195/15
Bogaticov v. the Republic of Moldova	48833/16
Cimpoeș v. the Republic of Moldova	12030/13
Crețoi v. the Republic of Moldova	49960/19
Dubalari v. the Republic of Moldova	56180/15
Durleșteanu v. the Republic of Moldova	25953/12
E.B. v. the Republic of Moldova	41542/13
Moglan v. the Republic of Moldova	53502/19
Munteanu v. the Republic of Moldova	522/13
Talambuța and Iașcinina v. the Republic of Moldova	23151/09
A.A. and Others v. Russia	37008/19
Church of Scientology Moscow and Others v. Russia	37508/12
Idrisov and Others v. Russia	19498/11
Novaya Gazeta and Others v. Russia	11971/10
Paliy v. Russia	42267/15
Sklyadnev v. Russia	31826/14
Troitskaya-Mirkovich and Others v. Russia	38874/05
Tsentr Prosvetitelnykh i Issledovatel'skikh Programm v. Russia	61214/08
Canan v. Turkey	29443/14

Name	Main application number
Ersoy v. Turkey	13761/17
Sisligün v. Turkey	23897/12

Thursday 16 December 2021

Name	Main application number
Davtyan v. Armenia	41320/13
Asgarov v. Azerbaijan	52482/10
Mirzabayov and Others v. Azerbaijan	14123/19
Shirinli and Amrah v. Azerbaijan	1308/12
Stojanović and Jusufović v. Bosnia and Herzegovina	11207/20
Žarić v. Bosnia and Herzegovina	24377/20
Hrkaločić and Narančić v. Croatia	80573/12
M.S. v. France	44521/18
A.B. v. Greece	19614/20
Bantis and Others v. Greece	26438/20
Karafantalos v. Greece	50651/13
Persidis v. Greece	45375/14
Azizi v. Hungary	49231/18
György and Others v. Hungary	54518/20
Campanale and Others v. Italy	57194/16
Croce and Others v. Italy	17607/08
D'Addona v. Italy	43887/04
Ferrara and Others v. Italy	70617/13
Gruppo Cosiac S.P.A. and Sestito Antonio & C. S.A.S. v. Italy	26363/14
Guiso Gallisai and Others v. Italy	10212/05
Guiso Gallisai v. Italy	38580/06
Mambelli and Others v. Italy	25120/20
Bejenar v. the Republic of Moldova	45460/13
Moțpan v. the Republic of Moldova	600/13
Zagrebelnii v. the Republic of Moldova	34181/11
Djafer v. North Macedonia	4378/20
Strzałkowski v. Poland	18169/20
Waszecki v. Poland	44745/19
Buzdugan and Others v. Portugal	57569/18
Cucicea v. Portugal	41636/18
Băiculescu and Others v. Romania	28347/16
Băncilă and Others v. Romania	35045/16
Bartic and Others v. Romania	19388/16
Biserică and Others v. Romania	31928/16
Bonescu and Others v. Romania	7757/17
Constantin and Others v. Romania	38836/16
Crăciun v. Romania	36060/16
Diaconu and Others v. Romania	21225/16
Făiniș and Others v. Romania	24192/16

Name	Main application number
Găvruta and Others v. Romania	781/16
Geladin v. Romania	40852/17
Ghiță and Others v. Romania	39708/18
Giurgiev and Others v. Romania	6536/16
Grancea and Others v. Romania	24693/16
Iulian and Others v. Romania	29349/16
Masliuc and Others v. Romania	35115/16
Merfu v. Romania	10783/18
Moldovan Marius-Dănuț and Others v. Romania	46753/16
Mucălău and Others v. Romania	39040/16
Mureșan and Amarie v. Romania	4613/17
Paul and Others v. Romania	10374/16
Popa and Others v. Romania	23681/16
Ruseti and Others v. Romania	67616/16
Sandu and Others v. Romania	27855/17
Stanciu and Others v. Romania	58704/16
Tache and Others v. Romania	52964/15
Vagner v. Romania	19944/17
Abramov v. Russia	10093/12
Akimov v. Russia	71446/11
Alenkin v. Russia	30741/19
Andreyeva v. Russia	53623/15
Church of Scientology St Petersburg and Others v. Russia	47871/17
Ergashev v. Russia	13251/16
Foksha v. Russia	60398/15
Isupov v. Russia	68401/14
Maksimov v. Russia	6267/13
Mileshin v. Russia	71399/17
Mosin v. Russia	79376/17
Nagibin v. Russia	55410/13
Polyak v. Russia	27294/14
Shamayev and Others v. Russia	10250/06
Suchkov and Others v. Russia	50166/13
Tikhomirov v. Russia	24651/06
Valiullin and the Association of Mosques of Russia v. Russia	30112/08
Yarkov v. Russia	69746/14
Anđelković and Others v. Serbia	50405/20
Bajkić and Živković v. Serbia	30141/19
Čeković and Others v. Serbia	15270/21
Damjanić-Lazić and Others v. Serbia	1928/21
Dinić and Others v. Serbia	58207/19
Gajić and Others v. Serbia	34582/20
Gračanin v. Serbia	22262/21
Ilić and Others v. Serbia	45131/20
Ivanović and Others v. Serbia	50165/20

Name	Main application number
Jaćimović and Others v. Serbia	25883/20
Jerger and Others v. Serbia	36690/20
Jovanović and Others v. Serbia	31649/20
Jović and Others v. Serbia	9014/21
Kavržić and Others v. Serbia	42801/20
Marinković and Others v. Serbia	35987/20
Marković and Others v. Serbia	34122/20
Mijailović and Others v. Serbia	49990/20
Milošević and Others v. Serbia	47686/20
Nikolić v. Serbia	28709/20
Pavlović and Others v. Serbia	25940/20
Petrović and Others v. Serbia	34636/20
Popović and Others v. Serbia	31634/20
Sinadinović and Others v. Serbia	36740/20
Tončić and Others v. Serbia	17921/21
Balogh and Others v. Slovakia	7918/19
GPA Kováč, s.r.o. v. Slovakia	15052/21
Arneskans v. Sweden	46544/19
Akbaba v. Turkey	57344/19
Akça and Others v. Turkey	64778/12
Arıkan v. Turkey	11669/20
Dağcı v. Turkey	31898/11
Emvak Konut Yapı Kooperatifi v. Turkey	58945/12
F.G. and M.S.G v. Turkey	65471/12
Gülen v. Turkey	54555/19
Pirinçcioğlu v. Turkey	6482/20
Saydam and Others v. Turkey	77230/14
Yeşilbaş and Others v. Turkey	7681/19
Fedota v. Ukraine	22628/20
Golovatyuk and Others v. Ukraine	28662/20
Isakov v. Ukraine	16553/17
Kyslitsky and Others v. Ukraine	44065/15
Minayev and Korzh v. Ukraine	82724/17
G.S. v. the United Kingdom	7604/19

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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.