



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 14 judgments and / or decisions on Tuesday 15 March 2022 and 63 judgments and / or decisions on Thursday 17 March 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)

Tuesday 15 March 2022

[Bjarki H. Diego v. Iceland \(application no. 30965/17\)](#)

The applicant, Bjarki H Diego, is an Icelandic national who was born in 1968 and lives in Reykjavik.

The case concerns the trial of Mr Diego – a former Kaupþing bank official – for fraud by abuse of position following the 2008 financial crisis. He was questioned as a witness while being the subject of wiretapping by the prosecution. Details of one of the judge's (V.M.M.) shareholdings in Kaupþing were revealed only following the final judgment in his case.

Relying on Article 6 § 1 and 3 (a) and (c) (right to a fair trial) of the European Convention on Human Rights, the applicant complains that by having Justice V.M.M. on the bench in his case his right to a fair trial by an independent and impartial tribunal was violated, and that he gave witness statements to a prosecutor without knowing he was effectively a suspect and so without being able to avail of his defence rights.

[Gonçalves Monteiro v. Portugal \(no. 65666/16\)](#)

The applicant, Luís Armando Gonçalves Monteiro, is a Portuguese national who was born in 1953 and lives in Valadares (Portugal).

The case concerns the disappearance of Mr Gonçalves Monteiro's daughter and the alleged absence of an effective investigation to locate the missing person and establish the facts.

Relying on Article 2 (right to life), Article 5 (right to liberty) and Article 13 (right to an effective remedy) of the European Convention, Mr Gonçalves Monteiro complains that the authorities failed to order an urgent and effective search for his daughter, which meant that they failed duly to protect her right to life, physical integrity and liberty. Under those provisions, he also complains that the investigation initiated in order to determine the circumstances of the disappearance was ineffective.

[Lidiya Nikitina v. Russia \(no. 8051/20\)](#)

The applicant, Lidiya Aleksandrovna Nikitina, is a Russian national who was born in 1954 and lives in St Petersburg (Russia).

The case concerns the annulment without compensation of the applicant's title deed over an apartment which she had purchased, and the restoration of municipal ownership of the apartment as an unclaimed asset.

In March 2017 the applicant had bought an apartment from L. and registered her title deed. A few months later she drew up a contract of resale of that apartment. The authority responsible for registering the sale informed the applicant and the purchaser that it could not be registered because in fact L. had died heirless in October 2016. The City of St Petersburg brought an action against the

applicant and the purchaser claiming the apartment as an unclaimed asset. The domestic courts allowed the City's action and ordered the annulment of the applicant's title deed.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant complains that she was deprived of her property without compensation.

[Olkhovik v. Russia \(nos. 11279/17, 76983/17, and 4597/20\)](#)

The applicants, Olga Vasilyevna Olkhovik, Galina Viktorovna Kirillova and Lena Radionovna Reykhert are Russian nationals who were born in 1962, 1958 and 1969 respectively and live in Moscow and Sertolovo (Russia).

The case concerns the annulment without compensation of the applicants' title deeds over apartments which they had purchased and the restoration of municipal ownership of the apartments as unclaimed assets.

The applicants had bought apartments from private individuals. It had subsequently transpired that the original owners of the apartments had died heirless. The respective municipalities had brought claims against the applicants and the respective sellers, which had been allowed by the domestic courts. The latter had restored municipal ownership of the apartments and annulled, without compensation, the applicants' title deeds.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain that they were deprived of their real property without compensation.

[OOO Memo v. Russia \(no. 2840/10\)](#)

The applicant, OOO Memo, is the founder of an Internet media outlet, *Kavkazskiy Uzel* («Кавказский узел», "The Knot of the Caucasus"), which focuses on the political and human rights situation in the south of Russia, including the Volgograd Region.

The case concerns civil defamation proceedings brought against *Kavkazskiy Uzel* by the executive authority of the Volgograd Region for publishing an interview in 2008 containing allegations that it had suspended subsidies to the municipal authorities as revenge for a lost call of tender to buy buses. The domestic courts subsequently found that the article tarnished the executive's business reputation and ordered the media outlet to retract certain statements.

Relying on Article 10 (freedom of expression), the applicant company alleges that only a legal entity, not a body of the executive, could have a "business reputation" under the relevant domestic law and that therefore the proceedings against it were not "prescribed by law".

[Communauté genevoise d'action syndicale \(CGAS\) v. Switzerland \(no. 21881/20\)](#)

The applicant, *Communauté genevoise d'action syndicale* (CGAS), is an association set up under Swiss law based in Geneva. The statutory aim of the association is to defend workers' interests and those of its member organisations, particularly in the sphere of trade union and democratic freedoms. It points out that every year it organises and participates in dozens of events and demonstrations in the Canton of Geneva.

In this case, the applicant association complains that it was deprived of the right to organise public rallies and to participate in such gatherings as a result of the Government's anti-coronavirus measures via the relevant order issued in March 2020 by the Federal Council. In that regard it relies on Article 11 (freedom of assembly and association).

Thursday 17 March 2022

[Fu Quan, s. r. o. v. the Czech Republic \(no. 24827/14\)](#)

The applicant, Fu Quan, s.r.o., is a Czech limited liability company based in Prague.

The case concerns the seizure of property amounting to nearly 2.4 million euros belonging to the applicant company in the course of a tax evasion investigation and trial. It was held for five years.

Relying on Article 1 of Protocol No. 1 (protection of property), Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy), the applicant company claims that it was wrongfully deprived of its property, and that the State Liability Act was interpreted in an excessively formalistic way.

[Normantowicz v. Poland \(no. 65196/16\)](#)

The applicant, Rafał Normantowicz, is a Polish national who was born in 1983. He has a long criminal record and is currently detained in Szczytno Prison.

The case concerns his complaints about inadequate medical care in detention and the authorities' review of whether he was fit for prison given his multiple ailments.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Normantowicz alleges that the authorities failed to ensure that he had surgery for his spinal problems, which led to him being confined to a wheelchair.

Also relying on Article 6 (right to a fair trial within a reasonable time), he complains that it took the authorities more than a year to examine his application for release, despite his being in need of surgery and unfit for detention.

[Voiculescu v. Romania \(no. 493/15\)](#)

[Camelia Rodica Voiculescu and Others v. Romania \(nos. 502/15, 1559/15, 2836/15, and 2839/15\)](#)

The applicant in the first case, Dan Voiculescu, is a Romanian national who was born in 1946 and lives in Bucharest.

The applicants in the second case are two Romanian nationals, Camelia Rodica Voiculescu and Corina Mirela Voiculescu, and two Romanian companies, Compania de Cercetări Aplicative și Investiții S.A. and Grupul Industrial Voiculescu și Compania S.A. The first two applicants were born in 1974 and 1975 and live in Petrești (Romania) and Bucharest respectively. The applicant companies are based in Bucharest.

The cases concern the trial of Dan Voiculescu – a prominent businessman and politician, and the father of the other two applicants and owner of the two applicant companies – for money laundering and the seizing of assets held to have been the proceeds of crime from his daughters and companies he owned.

Relying in particular on Articles 6 § 2 (presumption of innocence) and 18 (limitation on use of restriction of rights) of the Convention in conjunction with Articles 6 § 1 (right to a fair trial) and 1 of Protocol No. 1 (protection of property) to the Convention, Mr Voiculescu complains, in particular, that the State prosecuted him for a political end.

Relying on Articles 6 § 1 and 7 (no punishment without law) and Article 2 of Protocol No. 7 (right not to be punished twice) to the Convention, the remaining applicants complain, in particular, that the trial panel which ordered the seizure of their assets was not impartial, and that the seizure did not have a basis in law, and that the seizure “penalty” was not reviewed by a higher court.

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 15 March 2022

Name	Main application number
Bozhilovi v. Bulgaria	9051/18
Genderdoc-M v. the Republic of Moldova (no. 2)	60377/10
Glușcenco v. the Republic of Moldova	8830/09
Iurcovscaia and Pavlovschi v. the Republic of Moldova	74360/12
Straistă v. the Republic of Moldova	14191/14
Karahasanoğlu v. Turkey	2458/11
Özçelik v. Turkey	73346/11
Tetik and Others v. Turkey	25885/19

Thursday 17 March 2022

Name	Main application number
Ponari v. Albania	945/16
Isgandarov v. Azerbaijan	77612/11
Bosnić v. Bosnia and Herzegovina	32604/20
Guta and Others v. Bosnia and Herzegovina	45848/21
Kapičić v. Bosnia and Herzegovina	1965/19
Klinić and Others v. Bosnia and Herzegovina	43344/21
A.T. and Others v. Croatia	18452/21
Horvat v. Croatia	27702/16
Pergar and Others v. Croatia	49681/16
Pero Marić v. Croatia	29525/15
Pjevač and Others v. Croatia	31646/17
Dostálová v. the Czech Republic	35557/21
Urválek v. the Czech Republic	35562/21
Abdulji v. Denmark	20579/20
Bajrami v. Denmark	24379/20
Hussain v. Denmark	31572/19
Raudsepp v. Estonia	22392/20
Abdulah Awad v. Finland	56179/19
Mádly v. Hungary	6633/20
Mészáros v. Hungary	49281/20
Di Gregorio v. Italy	40242/12
Greco v. Italy	48857/18
Lawyers' association for the protection of human rights v. Italy	7494/12
National nuclear energy generating company 'Energoatom' v. the Republic of Moldova	21129/10
Pancenco v. the Republic of Moldova	50471/11
Tcacenco v. the Republic of Moldova	18693/10

Name	Main application number
Toma v. the Republic of Moldova	64399/11
Milović v. Montenegro	34720/12
Moga v. Poland	80606/17
Smith v. Poland	38923/19
Tavares and Others v. Portugal	28879/20
Bezman and Others v. Romania	50971/16
Bona v. Romania	65145/14
Coman v. Romania	50296/16
Dumitru v. Romania	49444/13
Ghaziri and Others v. Romania	28782/16
Mocanu v. Romania	76888/13
Năstasă and Others v. Romania	26171/16
Necula and Others v. Romania	27451/16
Oiță v. Romania	55682/16
Oltean and Others v. Romania	39605/16
S.C. Mic Petrochim Industrie S.R.L. v. Romania	74120/14
Uzea v. Romania	63662/17
Vese v. Romania	19904/17
Gusenov v. Russia	71460/11
Sarmasin v. Russia	708/18
Popović v. Serbia	38572/17
BPT LEASING, a.s. v. Slovakia	46924/21
Klein v. Slovakia	42497/21
LiNi s.r.o. v. Slovakia	43450/21
Mikolaj v. Slovakia	38558/21
VAŠA Slovensko, s.r.o. v. Slovakia	40925/17
Akkurt v. Turkey	41726/20
Denizci v. Turkey	57031/12
Doğan v. Turkey	43346/20
Tunç v. Turkey	45801/19
Turan and Akyer v. Turkey	83459/17
Uçkun and Others v. Turkey	45942/11
Yıldız and Others v. Turkey	13510/19

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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.