



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 16 judgments on Tuesday 16 January 2018 and 35 judgments and / or decisions on Thursday 18 January 2018.

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 16 January 2018

Just Satisfaction

[Hunguest Zrt v. Hungary \(application no. 66209/10\)](#)

The case concerns the question of just satisfaction with regard to the applicant company's complaint about being ordered to pay more than one million euros as a security deposit pending the outcome of a property claim against it lasting almost ten years.

In its [principal judgment](#) of 30 August 2016 the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights and a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention.

The Court further held that the question of just satisfaction was not ready for decision and reserved it for examination at a later date.

The Court will deal with this question in its judgment of 16 January 2018.

[Ciocodeică v. Romania \(no. 27413/09\)](#)

The applicant, Maria Ciocodeică, is a Romanian national who was born in 1969 and lives in Timișoara (Romania).

The case concerns Ms Ciocodeică's unsuccessful attempts to enforce a 2004 final court ruling against a company, which was previously her employer, which in particular awarded her damages in the form of unpaid salary. She took her case to the domestic courts, but the matter became time-barred in 2005, with the bailiffs referring to a lack of activity on her part.

Ms Ciocodeică relies on Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), and Article 1 of Protocol No. 1 (protection of property).

[Nedescu v. Romania \(no. 70035/10\)](#)

The applicants, Daniela Nedescu and Călin Nedescu, are Romanian nationals who were both born in 1976 and live in Bucharest. They are a married couple.

The case concerns the couple's complaint that they have not been able to recover embryos that were seized by the prosecuting authorities in 2009 and that they have been prevented from having another child. The couple won court orders in their favour to retrieve the embryos, but they were not able to fulfil them.

Relying on Article 8 (right to respect for private and family life), Mr and Mrs Nedescu complain of a disproportionate interference which has lasted more than six years.

Just Satisfaction

[Andrey Medvedev v. Russia \(application no. 75737/13\)](#)

The applicant, Andrey Medvedev, is a Russian national who was born in 1980 and lives in Moscow. The case concerns the question of just satisfaction in a judgment on the revocation of the applicant's title to a flat in favour of the Moscow municipal authorities and his eviction.

In its [principal judgment](#) of 13 September 2016 the Court held that there had been a violation of both Article 1 of Protocol No. 1 (protection of property) and of Article 8 (right to respect for private and family life).

The Court awarded EUR 9,000 to Mr Medvedev in respect of non-pecuniary damage and EUR 3,200 in respect of costs and expenses. It further held that the question of just satisfaction in respect of pecuniary damage was not ready for decision and reserved it for examination at a later date.

The Court will deal with this question in its judgment of 16 January 2018.

[Čeferin v. Slovenia \(no. 40975/08\)](#)

The applicant, Peter Čeferin, is a Slovenian national who was born in 1938 and lives in Grosuplje (Slovenia).

Mr Čeferin is a defence lawyer and the case concerns his complaint about being fined twice for contempt of court for making critical statements about, in particular, expert witnesses during the trial of man he was defending in a murder trial.

Relying on Article 10 (freedom of expression), Mr Čeferin complains about the two fines, saying that his statements remained within the bounds of fair criticism. He also complains under Article 6 § 1 (right to a fair hearing) of a lack of impartiality in the second set of contempt proceedings.

[Cuenca Zarzoso v. Spain \(no. 23383/12\)](#)

The applicant, Miguel Cuenca Zarzoso, is a Spanish national who was born in 1930 and lives in Valencia (Spain).

The case concerns Mr Zarzoso's complaint that the local authorities in Valencia failed to take measures to stop noise coming from bars, pubs and discotheques in the district where he lives. In the domestic proceedings arguments were raised that the circumstances of the case were similar to those of *Moreno Gomez v. Spain*, however, the Spanish Constitutional Court disagreed.

Mr Zarzoso relies on Article 8 (right to respect for private and family life), complaining of a lack of action by the local authorities, in particular Valencia City Council, to stop the noise, and that it failed to fulfill its positive obligation in that regard.

[Adem Serkan Gündoğdu v. Turkey \(no. 67696/11\)](#)

The applicant, Mr Adem Serkan Gündoğdu, is a Turkish national who was born in 1977. He is detained in Tekirdağ (Turkey).

The case concerns the length of the applicant's pre-trial detention and the lack of an effective remedy to challenge his continued detention and to obtain compensation. On 8 September 2006 he was arrested by the Istanbul police on suspicion of being a senior leader in an illegal organisation. He was then brought before a judge, who ordered his detention pending trial.

Relying on Article 5 § 3 (right to liberty and security), the applicant complains about the length of the pre-trial detention. Relying on Article 5 § 4 (right to have lawfulness of detention decided speedily), he alleges that his appeal and the procedure for having the detention measure automatically reviewed were ineffective, on account of the decision not to hold a hearing and the failure to provide him with a copy of the public prosecutor's opinion. Lastly, relying on Article 5 § 5 (right to

liberty and security), he complains that there is no compensatory remedy available to him to obtain redress for the alleged violation.

[Dinçer v. Turkey \(no. 17843/11\)](#)

The applicant, Mr Süleyman Dinçer, is a Turkish national who was born in 1960 and lives in Sinop (Turkey).

The case concerns an administrative fine imposed on the applicant, a civil servant who is an active trade unionist, for having taken part on 15 June 2010 in making a public statement to the press in front of the premises of the ruling party, the AKP (the Justice and Development Party), and was thus organised in a location that had not been authorised by the governor.

Relying in substance on Article 11 (freedom of assembly and association), the applicant complains of an interference with his rights.

[Saygılı and Karataş v. Turkey \(no. 6875/05\)](#)

The applicants, Fevzi Saygılı and Ali Karataş, are Turkish nationals who were born in 1966 and 1976 respectively and live in Istanbul (Turkey). They were the owner and editor-in-chief of a newspaper.

The case concerns the applicants' complaint about the temporary closure of the newspaper, *Yeni Evrensel*, in 2001 and their being fined after the domestic courts found them guilty of an act punishable under anti-terrorism legislation.

The men were found guilty of breaching the legislation after publishing the names of two State security officials in an article in 2000 on the fourth anniversary of the beating to death of a journalist, Metin Göktepe, in police detention. Prosecutors alleged that they had revealed the names of officers involved in the fight against terrorism, making them targets for terrorist organisations. The applicants' lawyer argued that the names had already been made public.

The applicants rely on Article 10 (freedom of expression) and Article 6 (right to a fair hearing).

[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.

Lisoaia v. the Republic of Moldova (no. 16908/09)

Akbal v. Turkey (no. 43190/05)

Aydın v. Turkey (nos. 43641/05, 41892/06, and 41893/06)

Bektaşoğlu v. Turkey (no. 27810/09)

Çabuk v. Turkey (no. 7886/08)

Gedikli v. Turkey (no. 42413/09)

Müslüm Yalçınkaya and Others v. Turkey (no. 51497/09)

Thursday 18 January 2018

[‘Fédération nationale des syndicats sportifs \(FNASS\)’ and Others v. France \(nos. 48151/11 and 77769/13\)](#)

In application no. 48151/11, the applicants are the Fédération Nationale des Syndicats Sportifs (FNASS), the Syndicat National des Joueurs de Rugby (Provale), the Union Nationale des Footballeurs Professionnels (UNFP), the Association des Joueurs Professionnels de Handball (AJPH), and the Syndicat National des Basketteurs (SNB). The ninety-nine other applicants are professional handball,

football, rugby and basketball players. The applicant in application no. 77769/13 is Jeannie Longo, a French cyclist who was born in 1958.

The case concerns the whereabouts requirement imposed on targeted athletes for the purpose of unannounced anti-doping controls.

Relying on Article 8 the applicants allege that the ruling requiring them to file complete quarterly information on their whereabouts and, for each day, indicate a sixty-minute time-slot during which they are available for a test, amounts to an unjustified interference with their right to respect for their private and family life and their home. Ms Longo alleges that her inclusion in the target group since 2008 amounts to a serious and repeated violation of her privacy. Relying on Article 2 of Protocol No. 4, the applicants submit that the whereabouts requirement is contrary to their freedom of movement.

[Hallier and Others v. France \(no. 46386/10\)](#)

The applicants, Karine Hallier and Elodie Lucas, are French nationals who were born in 1975 and 1976 respectively and live in Arthon en Retz (France). In addition, Ms Hallier acts as the legal representative of her son (V.), who was born in 2004 and is also an applicant before the Court.

The case concerns the fact that it was impossible for a lesbian woman (Ms Lucas) to obtain paternity leave following the birth of her partner's child. Ms Hallier and Ms Lucas have lived together as a couple for many years and have entered into a civil partnership (PACS).

Relying on Article 14 (prohibition of discrimination) taken together with Article 8 (right to respect for private and family life), Ms Hallier and Ms Lucas complain about the refusal to grant the request for paternity leave submitted by Ms Lucas after V.'s birth. They allege that this refusal resulted from discrimination based on their sex and sexual orientation.

[Koureas and Others v. Greece \(no. 30030/15\)](#)

The applicants are 28 individuals of various nationalities who are or were held in Grevena Prison (Greece), an establishment for long-term prisoners, from 2008.

The case concerns the applicants' complaints with regard to their conditions of detention, particularly overcrowding, the quality and quantity of the food, inadequate hygiene and heating, the arrangements for visits and communication with their lawyers, and access to employment or education programmes.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicants complain about their general conditions of detention. One applicant also complains of a lack of appropriate medical treatment for the psychological problems from which he suffered. A second applicant alleges that his placement for six months in a disciplinary cell amounted to a violation of Article 3 (prohibition of torture and inhuman or degrading treatment) and of Article 2 of Protocol No. 1 (right to education), in that he was prevented from attending lessons at the prison's "second-chance school". Lastly, relying on Article 13 (right to an effective remedy) taken together with Article 3, all the applicants allege that they had no effective remedy enabling them to complain of their conditions of detention.

[Oller Kamińska v. Poland \(no. 28481/12\)](#)

The applicant, Anita Oller Kamińska, is a Polish national who was born in 1973 and lives in Galway, the Republic of Ireland.

The case concerns her complaint that the domestic courts in Poland failed promptly to return her daughter to her after the child's father took her away in 2009, despite two Irish court orders in her favour. The applicant eventually took the child back to Ireland in 2012.

Ms Kamińska relies on Article 8 (right to respect for private and family life).

[A.R. and L.R. v. Switzerland \(no. 22338/15\)](#)

The applicants, Ms A.R. and her daughter Ms L.R., are Swiss nationals who were born in 1970 and 2003 respectively and live in Basle.

The case concerns the refusal by a Basle primary school to grant Ms A.R.'s request that her daughter, then aged seven and about to move up to the 2nd year of primary school, be exempted from sex education lessons.

Relying on Article 8 § 1 (right to respect for private and family life), Ms A.R. and Ms L.R. allege that there has been a violation of Ms A.R.'s right to respect for private and family life, and consider that L.R. was subjected to an unjustified interference with the exercise of her right to respect for her private life. They also complain of an infringement of their right to freedom of religion and conscience (Article 9 § 1 of the Convention), and of a breach of the prohibition on discrimination (Article 14) taken together with Articles 8 and 9.

[I.K. v. Switzerland \(no. 21417/17\)](#)

The applicant, I.K., is a Sierra Leone national who was born in 1988 and lives in the Canton of St Gallen. Having entered Switzerland in November 2012, he requested asylum on grounds related to his sexual orientation. His asylum application and appeals were rejected on account of a lack of credibility in his allegations.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant alleges that a return to Sierra Leone would expose him to a risk of treatment contrary to that provision on account of his sexual orientation.

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Gulmammadov v. Azerbaijan (no. 33234/08)

Mushfig Huseynov v. Azerbaijan (no. 3899/08)

Ndayambaje v. Belgium (no. 25019/13)

SA Transports Iwan Wertz v. Belgium (no. 37216/17)

Delina v. Bulgaria (no. 66742/11)

Gavrilov v. Bulgaria (no. 44452/10)

Klimat Inkom V & Co OOD and Others v. Bulgaria (no. 61324/09)

Shehova v. Bulgaria (no. 68185/11)

I.S. v. France (no. 54612/16)

Healy v. Ireland (no. 27291/16)

Chimirciuc v. the Republic of Moldova (no. 56580/09)

Acar and Others v. Turkey (nos. 26878/07 and 32446/07)

Baran v. Turkey (no. 18947/09)

Baysal v. Turkey (no. 53424/09)

Bilsel v. Turkey (no. 21815/08)

Cansızoğlu and Others v. Turkey (no. 12256/07)

Gökçen v. Turkey (no. 18481/09)

Güney v. Turkey (no. 38143/08)

Gürbüz v. Turkey (no. 33496/09)

Kansu v. Turkey (no. 71403/12)

Konak and Others v. Turkey (nos. 21383/07, 2318/08, 29526/08, 37870/08, 44628/08, and 46042/08)

Kulga v. Turkey (no. 19466/08)

Onar v. Turkey (no. 8176/07)

Sanayi ve Ticaret Limited Şirketi v. Turkey (no. 52126/09)

Şenlik and Others v. Turkey (nos. 13336/09, 17901/09, 17907/09, 18977/09, 18978/09, and 23496/09)

Tüm Emekliler Sendikası v. Turkey (no. 40903/06)

Yıldırım and Others v. Turkey (no. 9639/07)

Yıldız and Erdem v. Turkey (nos. 38832/09 and 53027/09)

Nedilenko and Others v. Ukraine (no. 43104/04)

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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.