



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 11 judgments on Tuesday 16 June 2020 and 62 judgments and / or decisions on Thursday 18 June 2020.

*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 June 2020

[Covalenco v. the Republic of Moldova \(application no. 72164/14\)](#)

The applicant, Dumitru Covalenco, is a Moldovan national who was born in 1983 and lives in Chişinău.

The case concerns the reversal by the Supreme Court of two judgments before the lower courts in favour of the applicant in a dispute with an insurance company following a car accident.

In 2009 the applicant's car was severely damaged when his wife was involved in an accident while driving it. The applicant wrote many letters to his insurance company requesting to be paid the insurance indemnity, to no avail.

He brought civil proceedings against the insurance company in 2012. The courts found in his favour at first and second instance, ordering the company to pay the full value of the car.

However, in 2014 the Supreme Court of Justice quashed the lower courts' judgments and dismissed the applicant's action, holding in particular that the applicant's wife had not been covered to drive the car by his insurance policy. It also accepted the insurance company's argument that it had had no access to the damaged car. It did not respond to the applicant's counter-argument that the car had been in the company's possession and had been assessed by an expert appointed by it.

Relying on Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, and on Article 1 of Protocol No. 1 (protection of property) to the European Convention, Mr Covalenco complains that the Supreme Court of Justice examined the appeal on points of law without the participation of the parties and that completely new arguments which had not been a matter of debate before the lower courts served as a basis for its decision.

[George-Laviniu Ghiurău v. Romania \(no. 15549/16\)](#)

The applicant, George-Laviniu Ghiurău, is a Romanian national who was born in 1987 and lives in Oradea. The case concerns his complaint regarding the length and the alleged unfairness of the criminal proceedings against him on account of a lack of impartiality of the judicial formation which heard his appeal and a failure to take evidence from a witness against him. The applicant also complains about his conditions of detention in Oradea Prison.

On 12 August 2010 a criminal complaint was lodged against Mr Ghiurău by an individual whom he had struck and injured. On 18 November 2010 the public prosecutor's office decided to institute criminal proceedings and carried out a number of investigative steps.

In an indictment of 16 July 2013 the applicant was committed to stand trial on a charge of inflicting grievous bodily harm.

On 26 March 2015 the court found that the applicant had struck the victim, causing injuries that had necessitated 70 days' medical treatment and had resulted in a permanent physical disability.

The court sentenced Mr Ghiurău to two years and eight months' imprisonment for grievous bodily harm and ordered him to pay damages to the victim. Mr Ghiurău appealed. On 27 May 2015 Judge S.L. requested leave to withdraw from the case, stating that she knew the son of the civil party and that the latter's lawyer had represented her in civil proceedings. The request to withdraw was examined by a formation of the Court of Appeal, which rejected it on the grounds that Judge S.L.'s situation did not correspond to any of the situations of incompatibility provided for by the Code of Criminal Procedure and that it had not been demonstrated that she had an interest in the case at hand.

Mr Ghiurău requested that evidence be taken from a witness whom it had not been possible to question at first instance. A warrant to appear was issued on 24 June 2015 but the witness could not be traced.

On 15 September 2015 the Court of Appeal allowed the applicant's appeal in part and reduced his sentence to two years' imprisonment. It upheld the trial court's establishment of the facts and the applicant's conviction. Mr Ghiurău was detained in Oradea Prison from 16 September 2015 to 29 November 2016.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains that the living space allocated to him in Oradea Prison was inadequate and that his conditions of detention there were poor. Under Article 6 §§ 1 and 3 (d) (right to a fair trial/right to have witnesses against him examined), he complains of the length of the criminal proceedings against him; he also alleges that the bench of the Court of Appeal lacked impartiality, and criticises the courts hearing the case for not taking evidence from one witness and not taking the necessary steps to secure the attendance of that witness for the purpose of giving evidence.

[Boljević v. Serbia \(no. 47443/14\)](#)

The applicant, Peđa Boljević, is a Serbian national who was born in 1969 and lives in Ečka (Serbia).

The case concerns paternity proceedings.

Up until 2011/12, the applicant considered it undisputed that a certain Mr A was his biological father.

However, during the inheritance proceedings following Mr A's death, the applicant became aware of a final judgment dating to the 1970s which concluded that he could not have been his biological father. The courts had essentially reached that conclusion on the basis of witness testimony as to when the applicant's mother and Mr A had met.

In January 2012 the applicant and his mother requested the reopening of the paternity proceedings. They argued in particular that the applicant had only just found out about the 1970 judgments, and that, while DNA testing had not been possible at that time, such a test could now be carried out on the basis of a court order. Moreover, Mr A had always been recognised as the applicant's father in the official register of births.

The courts at first and second instance refused the request, finding that it was time-barred. In particular, requests for reopening on the basis of new facts or evidence had to be lodged within five years of the final decision in the case, meaning that the applicant would have had to lodge his request in 1977. The Court of Appeal also added that the applicant's argument that he had only recently been informed of the 1970 judgments was irrelevant since his rights had been properly secured in the original proceedings through a legal guardian.

The Constitutional Court also ruled against the applicant in 2014.

Relying on Article 8 (right to respect for private and family life), Mr Boljević complains about being denied the opportunity to prove that Mr A was his biological father by means of a DNA test.

Thursday 18 June 2020

[Antia and Khupenia v. Georgia \(no. 7523/10\)](#)

The applicants, Marina Antia and Nana Khupenia, are Georgian nationals who were born in 1964 and 1960 respectively and live in Zugdidi (Georgia).

The case concerns the applicants' complaint about their conviction for neglect of official duties.

In October 2006 the applicants were charged with neglect of official duties during their employment as inspectors at the Unified State Social Insurance Fund ("the Fund"), between 1995 and 2004, which had allegedly resulted in employed people unlawfully receiving pensions from the Fund. They were convicted in 2008 and fined.

On appeal, they argued, among other things, that their conviction had not been foreseeable as Fund staff members had only fallen within the personal scope of the offence of neglect of official duties since 2006 amendments to Article 342 § 1 of the Criminal Code. Furthermore, neglect of official duties was a minor offence with a two-year statute of limitations, which had expired in October 2006 as the charges had concerned offences allegedly committed before January 2004. In November 2008 the Kutaisi Court of Appeal dismissed the applicants' arguments and upheld the lower court's judgment in full.

The Supreme Court in May 2009 ultimately upheld the applicants' conviction, finding that they had been covered by the offence of official misconduct as they had worked for a public-law legal entity. However, it agreed that the two-year statute of limitations had expired, quashing their fines and expunging their criminal record.

The applicants sought damages from the Social Services Agency, the Fund's legal successor, for the termination of their contracts in 2006. However, the courts, including the Supreme Court, dismissed their claims, noting their convictions and finding that the termination had had a valid legal basis.

Relying on Article 7 (no punishment without law), the applicants complain that their conviction for neglect of official duties was time-barred, and that it was not foreseeable in view of the limited personal scope of the domestic criminal provision on the basis of which they had been prosecuted.

[Safonov and Safonova v. Ukraine \(no. 24391/10\)](#)

The applicants, Eduard Safonov and Natalya Safonova, are Ukrainian nationals who were born in 1973 and 1976 respectively and live in Moscow.

The case concerns the applicants' dispute with the local authorities and private companies over a flat and a building in Yalta, Crimea.

Under court and administrative decisions from 2001 to 2005 the applicants became co-owners of a building and owners of a flat within it. In October 2007 the Autonomous Republic of Crimea Court of Appeal cancelled the applicants' title to their flat and ordered the Inventory Bureau to register the company Sanatoriy im. Kirova Ltd ("Company 1") as the owner of the building, which it sold in January 2008 to another company, Topaz-K Ltd ("Company 2").

After proceedings initiated by the applicants, the Supreme Court in June 2009 ultimately upheld the applicants' title to the flat. In September 2009 Company 2 sold the building to Selbilliar Ltd ("Company 3"). On 4 November 2009 the Yalta Court ordered the Inventory Bureau to register the applicants' property rights to the flat. The judgment became final but remained unenforced.

In January 2010 the Inventory Bureau told the applicants that it could not enforce the judgment as their flat and others in the building had been registered as Company 3's property. The applicants began proceedings and on 16 February 2010 the court ordered the Inventory Bureau to renew the registration of their ownership of the flat. The judgment became final but remained unenforced.

In 2010 Company 3 sold the building to High Tech Group Ltd ("Company 4"). In March of that year the applicants began proceedings against companies 2-4 over ownership of their flat and the building. In particular, in April 2012 the Supreme Court upheld lower court findings that the applicants owned their flat, lived in it and did not therefore require its restitution from Company 4.

A fifth set of proceedings involving Company 4 and the building ended in April 2014.

The applicants complain under Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) and under Article 1 of Protocol No. 1 (right to property) about the failure to enforce the judgments of 4 November 2009 and 16 February 2010, which concerned the registration of their property rights to the flat, and the alleged lack of effective remedies.

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 16 June 2020

Name	Main application number
Aliverdiyev v. Russia	67394/17
Bulatov and Dambegov v. Russia	8306/07
Kazantsev and Others v. Russia	61978/08
Makhmudova and Others v. Russia	22983/10
Polshina v. Russia	65557/14
Tasuyeva and Others v. Russia	19809/11
Zinchenko v. Russia	65697/13
M.R. v. Switzerland	6040/17

Thursday 18 June 2020

Name	Main application number
Petrov v. Bulgaria	38419/13
J. and Others v. Croatia	32343/16
Jedlička v. the Czech Republic	24756/18
Amaliio Ikotrofio Thileon v. Greece	41302/13
Giataganas and Others v. Greece	53014/13
Pierrakos v. Greece	51743/17
Tasios and Others v. Greece	70606/17
Tsakmakis and Others v. Greece	29773/13
Farkas and Others v. Hungary	40844/19
Illés v. Hungary	51378/19
Kevei v. Hungary	24405/17

Press Release

Name	Main application number
Papp and Others v. Hungary	48390/19
Santonicola and Palumbo v. Italy	30589/18
Z.N. v. the Netherlands	71676/14
Jarocka and Żak v. Poland	78986/12
Marut v. Poland	38631/18
Siłkowska v. Poland	36775/14
Borodi v. Romania	42576/16
Küsmödi and Others v. Romania	26514/16
Rotaru v. Romania	54733/16
Agadzhanian v. Russia	25625/14
Bondarenko and Others v. Russia	73048/17
Dashuyeva v. Russia	5725/11
Grachev v. Russia	62838/11
Ikayev and Others v. Russia	46031/17
Katkov and Others v. Russia	70579/13
Kelmukhambetov v. Russia	47400/12
Khrushchev and Others v. Russia	14641/12
Komarova v. Russia	44570/11
Kondyrev and Others v. Russia	4076/14
Kurilov and Others v. Russia	6018/17
Mazur and Others v. Russia	13059/18
Melnikov v. Russia	3724/18
Mochalov v. Russia	77754/14
Morozov and Others v. Russia	22497/18
Shapenkov and Others v. Russia	52151/09
Sokolov and Others v. Russia	23442/18
Immoterra International Denia S.L. v. Spain	60484/16
C.A. and Others v. Switzerland	27159/15
Çerikan v. Turkey	80749/13
Okyaltırık v. Turkey	56274/09
Otyıldız v. Turkey	17473/10
Salur and Others v. Turkey	79602/16
Şeker v. Turkey	46522/13
Söylemez v. Turkey	43101/09
Yalçın and Aykut v. Turkey	45095/18
Yücel v. Turkey	16808/09
Albul and Others v. Ukraine	18899/19
Bazheryan v. Ukraine	51935/12
Dyrnayeve v. Ukraine	22540/11

Press Release

Name	Main application number
Nekrasov v. Ukraine	28024/17
Nur Ahmed and Others v. Ukraine	42779/12
Shebaldina v. Ukraine	75792/11
Sozhod v. Ukraine	41439/11
Tarasov v. Ukraine	26738/12
Tolstenko v. Ukraine	49582/16
Tyuryukov v. Ukraine	35627/10
Vitryak v. Ukraine	31034/18
Volkova v. Ukraine	30698/10
Zavadskiy and Others v. Ukraine	19095/12

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

Journalists can contact the Press Unit via echrpess@echr.coe.int

Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

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.