



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing ten judgments on Tuesday 17 September 2019 and 96 judgments and/ or decisions on Thursday 19 September 2019.

*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](http://www.echr.coe.int))*

### Tuesday 17 September 2019

#### [Iovcev and Others v. the Republic of Moldova and Russia \(application no. 40942/14\)](#)

The applicants are 18 Moldovan nationals. The events took place in an area under the control of the authorities of the self-proclaimed "Moldavian Republic of Transdniestria" (the "MRT").

The case concerns four Romanian/Moldovan-language schools in the Transdniestria region that use Latin script and follow a curriculum approved by the Moldovan Ministry of Education with which they are registered.

The applicants (five pupils, three parents of pupils and 10 members of staff from the schools) allege that they were subjected to pressure by the "MRT" authorities as part of a campaign of harassment and intimidation against the schools in 2013-2014.

Relying on Article 2 of Protocol No. 1 (right to education) to the European Convention on Human Rights, eight of the applicants (five pupils and three parents of pupils) complain that measures were taken to harass and intimidate them because of their choice to pursue their or their children's education at Romanian/Moldovan-language schools.

Relying on Article 8 (right to respect for private life) of the Convention, 10 of the applicants (members of staff from the schools) also complain that they were subjected to harassment because of their choice to use Romanian/Moldovan, and that their right to cultural identity was thereby infringed.

Relying on Article 5 § 1 (right to liberty and security), three of the applicants (members of staff) complain that they were unlawfully deprived of their liberty. Relying in addition on Article 8 (right to respect for private life), these three applicants complain of searches and seizures of their possessions.

Under Article 13 (right to an effective remedy), all the applicants complain that they did not have an effective remedy by which to assert their rights under the Convention.

#### [Akdağ v. Turkey \(no. 75460/10\)](#)

The case essentially concerns access to a lawyer in police custody.

The applicant, Hamdiye Akdağ, is a Turkish national who was born in 1974. When bringing her application she was serving a sentence for being a member of an illegal organisation, the PKK/KADEK (the Workers' Party of Kurdistan).

Ms Akdağ was arrested near her home in November 2003 and was held in police custody for four days for questioning. During this time she admitted her membership of the PKK/KADEK, giving a detailed statement of her involvement and training in the illegal organisation. She was not assisted by a lawyer, having indicated "no lawyer sought" with a printed "X" on her statement form.

However, she immediately retracted her statements to the police when brought before the public prosecutor and investigating judge at the end of her custody and was given access to a lawyer. She was also examined by a doctor and told him that the police had hit her on the head, and had threatened to rape and kill her.

She maintained that position before the trial court, alleging that she had been forced into signing her statements to the police and was, in any case, illiterate. She was ultimately found guilty of membership of a terrorist organisation in 2009 and sentenced to six years and three months' imprisonment. The court based its decision on her statements to the police. The Court of Cassation upheld the conviction in 2010.

In the meantime, Ms Akdağ had lodged a formal complaint about police ill-treatment, but the prosecuting authorities decided not to prosecute owing to lack of evidence.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial/access to a lawyer), Ms Akdağ complains that the proceedings against her were unfair because she was denied access to a lawyer in police custody. She further alleges that she was then convicted on the basis of the statements she had made under duress and without the assistance of a lawyer.

#### [Avşar and Tekin v. Turkey \(nos. 19302/09 and 49089/12\)](#)

The applicants, Abdülkerim Avşar and Abdülkerim Tekin, are Turkish nationals who were born in 1973 and 1967 respectively. After being sentenced to life imprisonment for terrorist offences and attempted territorial separatism respectively, they each asked to be transferred to a prison nearer their family home.

At the time of lodging his application, Mr Avşar was being held in the F-type prison in Kırıkkale, whereas his family lived in Diyarbakır. His mother, who was suffering from Parkinson's disease, was unable to travel. In June 2008 Mr Avşar's lawyer asked the Ankara Directorate General of Prisons to transfer his client to a prison in the province of Diyarbakır. Mr Avşar twice applied to the Directorate General of Prisons attached to the Ministry of Justice for the same purpose. The Ministry of Justice refused his requests. In December 2008 Mr Avşar wrote to the Kırıkkale post-sentencing judge challenging the Directorate General's refusal to allow his request for a transfer. The judge rejected his application on the grounds that he did not have jurisdiction to rule on the matter. Mr Avşar appealed against the judge's decision. The Kırıkkale Assize Court dismissed the appeal and decided to refer the request to the Ministry of Justice. On 25 May 2018 Mr Avşar was transferred to Diyarbakır T-type prison.

At the time of lodging his application, Mr Tekin was being held in the F-type prison in Kırıkkale, whereas his family lived in a village near Siirt. In November 2011 Mr Tekin applied to the Ministry of Justice to be transferred closer to his family. The Ministry refused his application on the grounds that the prisons to which he had asked to be transferred had reached full capacity. Mr Tekin applied to the Kırıkkale post-sentencing judge challenging that decision. In April 2012 the judge found that the refusal by the Ministry had not been unlawful. Mr Tekin appealed to the Kırıkkale Assize Court, which dismissed his appeal. On 22 August 2016 Mr Tekin informed the Court's Registry that he had been transferred to a prison some 1,500 km away from Siirt.

Relying on Article 8 (right to respect for private and family life), the applicants complain that their requests to be transferred to a prison closer to their family home were rejected.

Thursday 19 September 2019

#### [Akif Hasanov v. Azerbaijan \(no. 7268/10\)](#)

The applicant, Akif Hasanov, is an Azerbaijani national who was born in 1955 and lives in Baku.

The case concerns proceedings brought against Mr Hasanov for allegedly insulting his brother and neighbour in the street.

He was found guilty of minor hooliganism in November 2007 and sentenced to five days' administrative detention. He was immediately detained and served his sentence.

After his release he appealed, arguing that he had been in hospital at the time of the alleged offence and that he had a disability which should have precluded his detention. His appeal was dismissed in December 2007. He alleges that he only received a copy of this decision in August 2009, despite repeated complaints with the judicial and executive authorities.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), Mr Hasanov alleges that the domestic court decisions were not adequately reasoned and that he was not informed of the time or place of the appeal hearing on his case. He also relies on Article 7 § 1 (no punishment without law) to complain that, as a person with a second degree disability, it was contrary to domestic law to sentence him to administrative detention. Lastly, he complains under Article 34 (right of individual petition) that his entire case file relating to his application before the European Court was seized from his lawyer's office in 2014 when proceedings were brought against the latter for, among other things, tax evasion.

#### [Andersena v. Latvia \(no. 79441/17\)](#)

The applicant, Kerija Andersena, is a Latvian national who was born in 1970 and lives in Riga.

The case concerns Latvian court orders [in proceedings under the Hague Convention](#) that the applicant's daughter should be returned to Norway where her father lives.

Ms Andersena married a Norwegian citizen in 2013 and the couple had a daughter the same year. They all lived in Norway, however, the relationship deteriorated and the husband moved out of the family home in 2017. The applicant returned to Latvia in July of that year, taking the child with her.

The husband began proceedings to have the child returned to Norway under the Hague Convention on the Civil Aspects of International Child Abduction and he won an order to that effect from the Latvian courts. They ruled that Norway had been the child's habitual place of residence, that the parents had had joint custody and that the applicant had taken her to Latvia without the father's consent. They dismissed the applicant's allegations about physical and psychological violence in the family as unestablished and rejected her claim that the daughter's return to Norway would expose her to harm.

Relying on Article 6 § 1 (right to a fair hearing) and Article 8 (right to respect for family life), the applicant complains that the Latvian courts did not take proper account of her objections to the child being returned to Norway and failed to provide proper reasoning. She also complains that the proceedings were flawed, in particular because she did not take part in the hearings at first instance and was not represented by an authorised representative; that her request for an oral hearing during her appeal (ancillary-complaint proceedings) was refused; and because she was not informed of the other party's observations in [the](#) appeal proceedings.

[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 17 September 2019

Name	Main application number
Babchin v. the Republic of Moldova and Russia	55698/14

Name	Main application number
Berzan v. the Republic of Moldova and Russia	56618/08
Filin v. the Republic of Moldova and Russia	48841/11
Istratiy v. the Republic of Moldova and Russia	15956/11
Matcenco v. the Republic of Moldova and Russia	10094/10
Negruța v. Russia and the Republic of Moldova	3445/13
Untilov v. the Republic of Moldova and Russia	80882/13

Thursday 19 September 2019

Name	Main application number
Bürscher v. Austria	20465/18
Gigerl v. Austria	50848/18
Kilches v. Austria	79457/17
Reichelt-Wenzl v. Austria	81346/17
Vogltreiter v. Austria	21155/18
Aghabayov v. Azerbaijan	62357/15
Azer Mammadov v. Azerbaijan	59117/09
Azimov and Others v. Azerbaijan	41599/12
Damirov v. Azerbaijan	1213/11
Ismayilov v. Azerbaijan	20918/09
Agačević and Others v. Bosnia and Herzegovina	21611/15
Ugarak and Others v. Bosnia and Herzegovina	25941/18
Avtotransserviz AD v. Bulgaria	33859/12
Izgrev AD and TK-Hold AD v. Bulgaria	34655/11
Katsarov v. Bulgaria	24642/11
Petrov v. Bulgaria	32689/12
Targovska baza OOD and Popnikolov v. Bulgaria	25207/11
Begiashevili v. Georgia	2661/12
Beridze v. Georgia	34998/12
Dumbadze v. Georgia	61414/12
Jakeli v. Georgia	35020/12
Veliadze v. Georgia	35038/12
Ioakim and Others v. Greece	9775/15
Bíró and Others v. Hungary	76962/16
Chumakov v. Hungary	52602/17
Kálovics v. Hungary	46030/18
Kobza and Others v. Hungary	36642/17
Molnár and Others v. Hungary	29541/15
Popovics v. Hungary	15611/17
Comensoli v. Italy	36101/18
Mele v. Italy	11646/18
A.A. and Others v. the Netherlands	28190/18
Beris and Association of the Romanian Jews victims of the Holocaust (AERVH) v. Romania	44103/16
Ghiurcă and Others v. Romania	42701/15
Malacu and Others v. Romania	13339/15
Mihail and Others v. Romania	18726/15

Name	Main application number
Nagy and Others v. Romania	9625/16
Oprea and Others v. Romania	2487/16
Panțică v. Romania	43860/16
Șerban v. Romania	1085/16
Stan v. Romania	31712/16
Baksheyev and Others v. Russia	64652/17
Burmistrov and Others v. Russia	8881/18
Kalmuratov v. Russia	23539/15
Kiselev and Others v. Russia	79086/17
Kislykh and Others v. Russia	22223/17
M.B. v. Russia	52688/15
Pakhatinskiy and Others v. Russia	10599/06
Plinokos v. Russia	21411/12
Smirnova v. Russia	16691/06
Tikhonov v. Russia	15014/14
Vladimirov v. Russia	48932/08
Yemelyanov v. Russia	7156/13
Yevgeniy Semenov v. Russia	27719/06
Zubov and Others v. Russia	112/17
Antić v. Serbia	42144/16
Bihorac v. Serbia	33470/16
Horvatović-Vasilić and Horvatović v. Serbia	64188/16
Kolašinac v. Serbia	64233/16
Lazić v. Serbia	76024/16
Maksić and Others v. Serbia	41404/16
Martinović v. Serbia	14074/15
Mladenović and Others v. Serbia	41375/16
Novković v. Serbia	7946/14
Okilj and Others v. Serbia	31901/16
Popov v. Serbia	7736/17
Rodić and Svirčev v. Serbia	17148/16
Sindelić and Others v. Serbia	7129/15
Špoljarić v. Serbia	36709/12
Stojković v. Serbia	22640/16
Živanović and Others v. Serbia	29171/16
Fiťma and Zelenák v. Slovakia	6143/19
Akbıyık and Others v. Turkey	18541/11
Bayram v. Turkey	17038/11
Çarkı v. Turkey	63102/11
Çılgin v. Turkey	25842/17
Eğitim ve Bilim Emekçileri Sendikası v. Turkey	16354/10
Gündoğdu v. Turkey	45467/08
Karaazmak and Others v. Turkey	10202/12
Kartal v. Turkey	47010/10
Kavak v. Turkey	16230/10

Name	Main application number
Kılınçarslan v. Turkey	63821/10
Kyriakides v. Turkey	82604/17
Loonstra v. Turkey	15181/17
Seçgin and Others v. Turkey	33331/10
Sendan v. Turkey	59434/10
Tekdemir v. Turkey	45058/10
Temiz v. Turkey	82054/17
Türk v. Turkey	27573/12
Yıldız v. Turkey	27743/07
Yoluk v. Turkey	10945/07
Adamets v. Ukraine and Russia	68849/14
Grynenko and Portorenko v. Ukraine	16003/18
Lysenko v. Ukraine	38092/18

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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.