



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 26 judgments and / or decisions on Tuesday 17 December 2019 and 79 judgments and / or decisions on Thursday 19 December 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)

Tuesday 17 December 2019

[Khizanishvili and Kandelaki v. Georgia \(application no. 25601/12\)](#)

The applicants, Lali Khizanishvili and Giorgi Kandelaki, Georgian nationals, were born in 1963 and 1955 respectively. Ms Khizanishvili died in 2017 and her application has been pursued by her mother. Mr Kandelaki lives in Tbilisi.

The case concerns their complaint that they did not receive sufficient compensation for the demolition of a building in which they had shares.

The applicants owned shares in a building of commercial premises located in central Tbilisi, near the Gotsiridze metro station. The building was demolished in January 2007 on the orders of the mayor's office. Media coverage indicated that the demolition was part of a campaign to remove buildings which had been unlawfully constructed or which were unsightly.

The courts found that the building had been demolished illegally and that the city had to compensate the applicants. The first-instance court ordered compensation of about 80,000 euros to the first applicant and roughly EUR 62,000 to the second for their share of the building, based on an [expert assessment](#) of market values and excluding the value of the land, which they had retained.

On appeal, the compensation award was reduced to approximately EUR 1,100 for the first applicant and EUR 617 for the second, based on [another expert](#) report. The applicants appealed, arguing that that report had valued the market price of the demolished material rather than the building's. The Supreme Court refused to consider an appeal on points of law by the applicants in September 2011.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, the applicants complain that they were not given sufficient redress for the unlawful demolition of their property.

[A.S. v. Norway \(no. 60371/15\)](#)

The applicant, A.S., is a Polish national who was born in 1968 and lives in O.

The case concerns the authorities' refusal to end foster care for her child, to grant her contact rights, and to let her know his whereabouts.

The applicant had a son by artificial insemination in December 2009. Health visitors expressed concerns about him and the child was placed in emergency foster care in March 2012. In September of that year the Country Social Welfare Board ordered his foster-care placement on what it assumed would be a long-term basis. The City Court upheld the foster-care order in February 2013.

The applicant began proceedings to have her son returned, but in March 2015 the City Court found that she would not be able to provide him with proper care, either then or in the future, and rejected her request.

The City Court found, among other things, that when the son had been placed in foster care he had had developmental issues due to his mother's inadequate care but that his development had improved after his placement. The applicant had acknowledged that the 2012 care order had been justified but that the situation had changed for the better, in particular she had taken courses to improve her parenting skills, which had been found wanting by the authorities.

However, the City Court questioned whether she acknowledged her neglect of the child, it could not see that the measures she had taken had had much effect on her parenting skills, and observed that contact sessions with her son had shown that she could not see his perspectives and needs.

The City Court also found that he had become so attached to his foster family that he would be harmed if he was moved; it denied contact rights to the applicant, and said the foster family's address should be withheld from her. She was denied leave to appeal by both the High Court and the Supreme Court, whose decision was delivered in July 2015.

The applicant complains that the decisions refusing to terminate her child's foster-care placement, the refusal of contact, and the withholding of his address constituted a violation of Article 8 (right to respect for private and family life) of the European Convention.

[Abdi Ibrahim v. Norway \(no. 15379/16\)](#)

The applicant, Mariya Abdi Ibrahim, is a Somali national who was born in 1993. She lives in Norway.

The applicant had a son in November 2009 in Kenya and travelled to Norway in February 2010, where she was granted a temporary residence permit with refugee status.

In September 2010 a parent-child institution notified the child welfare services that it was concerned that the child risked harm in the applicant's care. He was placed in emergency foster care and in December 2010 the Country Social Welfare Board issued a care order. He was subsequently placed with a Christian family, while the applicant had argued that he go to either her cousins or to a Somali or Muslim family.

The District Court upheld the care order in September 2011, allowing the applicant contact for one hour six times a year and expressing uncertainty as to whether the care order would be long-term.

In March 2014 the Country Social Welfare Board granted a request from the child welfare services for the applicant's parental responsibilities to be withdrawn and for the child to be adopted by the foster family. The applicant ultimately appealed to the High Court.

She did not ask for the child's return given that he had spent so long in the care of foster parents to whom he had become attached. However, she argued that it could not be concluded that contact with her in the future would not be in the child's best interests, particularly given his need to keep in touch with his cultural and religious roots. The High Court ruled in May 2015 to allow the adoption.

Among other things, the High Court considered the risks faced by the child, who was vulnerable and had special care needs, and that he had suffered neglect in the applicant's care, even if that neglect could have been due to her own life situation during the pregnancy, birth and post-natal period. It also examined the issues arising from the fact that he was to be adopted by a Christian family, such as ethnicity, culture and religion.

The majority of the High Court's bench found that there were particularly compelling reasons to allow the adoption and dismissed the applicant's appeal. She was also refused leave to appeal to the Supreme Court in September 2015.

The applicant complains about the withdrawal of her parental rights and about the authorisation for adoption under Article 8 (right to respect for private and family life) and Article 9 (freedom of thought, conscience and religion).

[Maltsev and Others v. Russia \(nos. 77335/14, 77417/14, and 77421/14\)](#)

The applicants, Mr Anton Yevgenyevich Maltsev and Mr Igor Viktorovich Karpetov and Ms Tansylu Vazirovna Safina, are Russian nationals who, respectively, were born in 1986, 1985 and 1956 and live in Tumen, Arsinski and Magnitogorsk. The case concerns the annulment of their registration as owners of farmland that they had acquired in 2013.

In 1995 the administration of the former collective farm Jeltinski, in the Tcheliabinsk region, assigned to its members proprietary interests representing plots of land of 7.8 hectares from the farm's estate.

In April 2013 eight owners of proprietary interests initiated a procedure to convert their interests into 10 plots of land and gave power of attorney for that purpose to a representative. The latter chose the plots and a surveyor divided up the land accordingly. The plots were then registered at the State land registry as farmland. In September 2013 the applicants purchased the 10 plots and were registered as owners.

In October 2013 the land registry noticed that there was a partial overlap between those plots and another large plot which the local authorities had been leasing out to the metallurgy company MMK since 2009, when the land in question had been surveyed and registered.

The applicants brought proceedings against the competent authorities and MMK. The District Court dismissed all their claims. The applicants, the authorities and MMK appealed. The Regional Court partly annulled the District Court judgment. It concluded that the plots in question were not part of the land belonging jointly to the members of the Jeltinskoye farming company (successor to the Jeltinski collective farm) and that the conversion of the proprietary interests had thus been irregular. The registration at the land registry had been the result of a technical error, due a failure to comply with the registration procedure which predated the introduction of the centralised land registry. The Regional Court found that the contracts of sale were thus null and void and that the right of the former owners to the proprietary interests, as they stood before their conversion into plots, were restored. The Regional Court annulled the applicants' title to the plots of land and ordered that the relevant entries be deleted from the land register. The applicants appealed on points of law but were unsuccessful.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain that they have been deprived of their property.

[OOO SK Stroykompleks and Others v. Russia \(nos. 7896/15 and 48168/17\)](#)

The applicants are 19 Russian limited companies and a Russian-Israeli national, Ms Yelena Shapiro, who was born in 1960 and lives in Petah Tikva (Israel).

In application no. 48168/17, the applicant Ms Shapiro is the single or majority shareholder of the 19 applicant companies. The case concerns proceedings for the lifting of restraint measures applied against the property of the applicant companies in connection with criminal proceedings brought against Ms Shapiro, among others.

In April 2007 Ms Shapiro, who in the meantime had left Russia for Israel, was charged in her absence with aggravated fraud, aggravated embezzlement, and complicity in aggravated embezzlement and abuse of authority, for a total of some 125 million Russian roubles. Searches were made during the investigation and documents and other items were seized on the premises of the applicant companies OOO SK Stroykompleks and OOO Signal (application no. 7896/15); in addition, orders were issued for the seizure of property belonging to all the applicant companies.

The criminal investigation is currently pending as Ms Shapiro and other accused persons have absconded.

In spite of a number of requests to the investigators from the applicants for the release of their property, the restraint measures were not lifted. That was despite the fact that court decisions had declared the restraint measures to be excessively lengthy, disproportionate to the alleged damage and irrelevant, and to impose an unjustified burden on those concerned. They had also instructed the prosecuting authorities to remedy those breaches.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants allege that the restraint measures in respect of their property, which have been in place for many years, and the retention of certain items by the authorities, have breached their right to respect for the enjoyment of their possessions. Relying on Article 6 § 1 (right of access to a court) and Article 13 (right to an effective remedy), the applicants also complain of the continuing failure to enforce the judicial decisions and the lack of an effective domestic remedy by which to recover the retained property and to obtain the lifting of the restraint measures.

[Zakharchuk v. Russia \(no. 2967/12\)](#)

The applicant, Yan Zakharchuk, is a Polish national who was born in 1980 and lives in Bialystok, Poland).

The case concerns the applicant's expulsion from Russia for eight years after he was convicted of grievous bodily harm.

Mr Zakharchuk was born in Leningrad in the former Soviet Union to a mother who was a Soviet citizen and a father who was Polish. He has had Polish nationality since 1980 and lived for most of his life in the former Soviet Union and then Russia, apart from a short period when he lived in Poland as a small child. His residence in Russia was based on five-year residence permits.

In December 2004 the St Petersburg Military Garrison Court found him guilty of causing grievous bodily harm to a military officer in a group attack and sentenced him to six years in jail.

He was released on parole in May 2010 and in August of the same year the Justice Ministry ordered that he be excluded from the country as an undesirable until December 2018, citing his conviction for a particularly serious crime and his representing a threat to public order.

He appealed against the order, arguing that expulsion would interfere with his right to respect for his private and family life as he had lived all his life in Russia; that it would affect his relationship with his mother, who lived in Russia; and that he had never lived in Poland. All his appeals were rejected and he was deported in July 2011. The expulsion term expired in December 2018.

The applicant complains that his eight-year exclusion violated his right to respect for his private and family life with his mother under Article 8 (right to respect for private and family life).

[Just Satisfaction](#)

[Hüseyin Kaplan v. Turkey \(no. 24508/09\)](#)

The applicant, Hüseyin Kaplan, is a Turkish national who was born in 1949 and lives in Kırıkkale (Turkey).

The case concerns proceedings in respect of Mr Kaplan's property rights. He alleged a breach of Article 1 of Protocol No. 1 (protection of property) to the Convention.

In its judgment on the merits of 1 October 2013, the Court found that the designation of his land for public use since 1982, without compensation, constituted an individual and excessive burden upsetting the fair balance between the requirements of the general interest and the safeguarding of his right to the enjoyment of his possessions. The Court held that the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision and reserved it. It will rule on this question in its judgment of 17 December 2019.

Thursday 19 December 2019

[Zarubin and Others v. Lithuania \(nos. 69111/17, 69112/17, 69113/17, and 69114/17\)](#)

The applicants, Pavel Zarubin, Alexander Makarov, Andrey Melnikov, and Alexey Kazakov, are Russian nationals who were born in 1981, 1988, 1966, and 1978 respectively and live in Moscow.

The case concerns their expulsion from Lithuania as threats to national security.

The applicants are all employed by Russian state-owned broadcaster Rossiya-24. They are respectively a reporter, sound operator, cameraman and a chief editor.

In March 2016 they were sent to Lithuania to cover the Vilnius Russia Forum, which dealt with various issues on Russia and included Russian opposition activists. The applicants did not have accreditation and Lithuanian media reported that they had caused incidents and disruption.

The Migration Department issued decisions to expel the applicants and to ban their re-entry for one year. The decisions cited information from the Lithuanian State Security Department that the men, representatives of television channel Rossiya-24, could represent a threat to national security. It also referred to “attacks” during the Forum, as reported by local media and recorded by the police.

The applicants left Lithuania but appealed against the expulsion decisions. They argued that they had been going about their journalistic work peacefully, seeking to interview and film Forum participants, but that they had been attacked by some of the organisers and conference attendees. In particular, they had been prevented from interviewing well-known activist Garry Kasparov.

The applicants’ appeals were rejected by both the Vilnius Regional Administrative Court and, in March 2017, the Supreme Administrative Court.

The Supreme Administrative Court found in particular that the crew had arrived without accreditation and had gained access to the Forum venue by deception, which had caused conflict with the security guards. In the incident with Mr Kasparov, the applicants had used mobile telephones rather than professional equipment, showing that their intention had not been to gather information but to carry out provocative actions.

Furthermore, international reports had shown that there was a strong link between the Russian Government and Russian State media. The court therefore considered that publicly available information, together with classified information from the State Security Department, gave sufficient grounds to believe that the applicants posed a threat to national security. The court also held that freedom of expression was not an unlimited right and could be restricted to protect other important interests.

The applicants raise complaints about the expulsion decision and attendant administrative and court proceedings under Article 6 § 1 (right to a fair trial), Article 10 (freedom of expression), Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens), Article 13 (right to an effective remedy), Article 14 (prohibition of discrimination), and Article 18 (limitation on use of restrictions on rights).

[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 December 2019

Name	Main application number
Steponavičius v. Lithuania	6982/18

Name	Main application number
Belikova v. Russia	66812/17
Mamolina v. Russia	57123/16
Shaytilayeva and Dyshneyeva v. Russia	18988/16
Starkov and Tishchenko v. Russia	54424/14
Vakhromeyev and Petrov v. Russia	19813/16
Yakovlev v. Russia	44240/12
Zubenko v. Russia	37397/15
Ataç v. Turkey	70607/12
Ayanoğlu v. Turkey	36660/10
Büyükerşen v. Turkey	69975/12
Azyukovska v. Ukraine	47921/08
Bondar v. Ukraine	7097/18
Burlakov and Lysenko v. Ukraine	19103/11
Kardava v. Ukraine	19886/09
Krasnyuk v. Ukraine	66217/10
Myakotin v. Ukraine	29389/09
Rodzevillo v. Ukraine	6128/12
Tymoshenko and Bolyura v. Ukraine	30944/12

Thursday 19 December 2019

Name	Main application number
Hasanov v. Azerbaijan	73188/14
Beljan v. Bosnia and Herzegovina	81142/17
Brdar v. Croatia	33663/18
Vukres v. Croatia	59230/13
M.A. v. Estonia	46173/18
Diasamidze v. Greece	76217/12
Georgakopoulos and Others v. Greece	24189/11
Imrek and Abulla v. Greece	51335/13
Vasilopoulos and Others v. Greece	47190/12
Boross and Others v. Hungary	17178/19
Pártos and Mihó v. Hungary	7024/18
Sebők v. Hungary	76860/14
Varsányi and Others v. Hungary	38988/18
Canale and Others v. Italy	41107/18
Schievano v. Italy	4277/11
Verri v. Italy	41130/18
Griška and Others v. Lithuania	63748/17
Michno and Dimbinskas v. Lithuania	34179/18
El Khalloufi v. the Netherlands	37164/17
Danielewicz and Others v. Poland	14093/16
Pakieła v. Poland	74683/13
Walkowiak v. Poland	23025/15

Name	Main application number
Matache and Others v. Romania	40312/15
Minea and Others v. Romania	31812/15
Popa and Hârsan v. Romania	23495/16
Racoltea v. Romania	35873/18
Szabó and Curte v. Romania	13885/15
Barinov and Others v. Russia	76622/17
Blenaov v. Russia	84597/17
Dayanova v. Russia	20274/17
Karabulin and Others v. Russia	50796/17
Korotkova v. Russia	51016/15
Mazitov v. Russia	30709/10
Sharapin v. Russia	34080/18
Skrypnikov v. Russia	41785/17
Solovyev and Others v. Russia	57652/16
Tskhomelidze v. Russia	8889/17
Vedernikov and OOO TVBTS v. Russia	27906/17
Voronov and Others v. Russia	66754/13
Yeryshkanov and Others v. Russia	79828/17
Yevdokimov v. Russia	73154/14
Yevgenyev v. Russia	17976/11
Stanković v. Serbia	41285/19
Kapko v. Slovakia	70015/17
Adıgüzel v. Turkey	12115/12
Aktaş and Tarı v. Turkey	53848/09
Akyüz and Others v. Turkey	13912/07
Aydın v. Turkey	77243/11
Beysülen v. Turkey	36824/11
Bulak v. Turkey	2621/13
Çadirci and Kömürcü v. Turkey	75297/11
Cernit v. Turkey	72814/11
Dil v. Turkey	42943/09
Erdil v. Turkey	9329/07
FG Petrol Ürünleri Turizm İnşaat Gıda San. ve Tic. Ltd. Şti. v. Turkey	8123/18
Gayretli v. Turkey	44111/18
Kabakçı v. Turkey	28310/11
Karabulut v. Turkey	50440/17
Kılıç v. Turkey	16558/10
Kinay v. Turkey	32867/09
Koşar v. Turkey	72432/10
Lonca Organizasyon Elektronik Gıda Medya Yayıncılık Sanayi ve Ticaret A.Ş. v. Turkey	54748/09
Orak v. Turkey	16294/08
Özgökçe v. Turkey	29779/09
Özkan v. Turkey	15869/09
Şahin v. Turkey	2074/11
S.B. v. Turkey	12405/15

Name	Main application number
Şen v. Turkey	38061/07
Sevim and Oncel v. Turkey	13874/10
Turan v. Turkey	72446/11
Ülgen v. Turkey	50480/09
Ulu v. Turkey	58089/11
Yaldız and Others v. Turkey	8407/12
Yaşar v. Turkey	72801/11
Bezotecheska v. Ukraine	4287/19
Galeyeva v. Ukraine	43/08
Shcherbak and Others v. Ukraine	44689/10
A and B v. the United Kingdom	80046/17

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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.