



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 23 judgments on Tuesday 18 January 2022 and 39 judgments and / or decisions on Thursday 20 January 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](http://www.echr.coe.int))*

### Tuesday 18 January 2022

#### [Adomaitis v. Lithuania \(application no. 14833/18\)](#)

The applicant, Virginijus Adomaitis, is a Lithuanian national who was born in 1968 and lives in the Vilkaviškis region of Lithuania. He was the governor of Kybartai prison.

The case concerns a criminal investigation opened into him on suspicion that he had provided, for pay, better conditions for inmates while they were serving their sentences, and that he had also awarded them incentives. For one year, his telephone communications were monitored and intercepted, after which the criminal intelligence investigation was discontinued for lack of incriminating evidence. Nevertheless, the use of the collected information was permitted in disciplinary proceedings, which ultimately led to his dismissal.

Relying on Article 6 § 1 (right to a fair trial), Article 13 and Article 8 (right to respect of private life) of the European Convention on Human Rights, the applicant complains that he did not have access to the material from the secret surveillance, that there was a lack of a precise legal framework indicating how information gathered via covert operations could be used and its lawfulness contested, and he complains of a breach of his right to privacy.

#### [Karuyev v. Russia \(no. 4161/13\)](#)

The applicant, Dmitriy Sergeyevich Karuyev, is a Russian national who was born in 1992 and lives in Cheboksary (Russia).

The case concerns the applicant's conviction for spitting on a portrait of the President of Russia. He spat on the portrait during a performance outside a public reception centre in Cheboksary on 6 May 2012, in the wake of President Putin's re-election. He was arrested four hours later, and subsequently convicted of a minor breach of public order and sentenced to 15 days of detention.

Relying on Article 10 (freedom of expression) of the European Convention, Mr Karuyev alleges that the real purpose of his conviction was to suppress any criticism of President Putin.

#### [Khudoroshko v. Russia \(no. 3959/14\)](#)

The applicant, Yekaterina Ivanovna Khudoroshko, is a Russian national who was born in 1973 and lives in Ust-Tarka (Russia).

The case concerns the applicant's son's suicide as a result of being subjected to hazing practices and extortion in the Russian Navy.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicant complains of her son's ill-treatment and death during his compulsory military service. Under Article 13 (right to an effective remedy) in conjunction with Articles 2 and 3,

she complains that the domestic courts had dismissed her claim against the State for compensation for non-pecuniary damage.

#### [Lyubov Vasilyeva v. Russia \(no. 62080/09\)](#)

The applicant, Lyubov Mikhaylovna Vasilyeva, is a Russian national who was born in 1960 and lives in Tyrgatuy (Russia).

The case concerns the suicide of the applicant's son during his compulsory military service whilst being transferred to a new military unit after bouts of hazing, and the subsequent investigation into his death. In his suicide letter, he explained that he knew what senior conscripts in his new unit would do to him for having reported the hazing, so he had decided to kill himself before his name and honour were sullied.

Relying on Article 2 (right to life), the applicant complains that the State failed to protect the life of her son and to carry out an effective investigation into the circumstances of his death; she complains in particular of the alleged negligence on the part of her son's military superiors and of the psychologists.

#### [Nevzlin v. Russia \(no. 26679/08\)](#)

The applicant, Leonid Borisovich Nevzlin, is an Israeli and Russian national who was born in 1959 and lives in the city of Herzliya (Israel).

The case concerns Mr Nevzlin's trial *in absentia* and conviction for three counts of murder, one of aggravated robbery, and three of attempted murder, for which he received a life sentence.

Relying on Article 6 § 1 (right to a fair trial), Article 6 § 2 (presumption of innocence), and Article 6 § 3 (a) (right to be informed promptly of an accusation), (b) (right to adequate time and facilities for preparation of defence) and (d) (right to obtain attendance and examination of witnesses), the applicant complains, in particular, that he was not notified of the charges against him, that the trial court relied on evidence that came from other trials, and that the judge denied him time to prepare his defence and the opportunity to call witnesses. He complains that the judge implied that he was guilty of murder during the trial.

Relying on Articles 6, Article 14 (prohibition of discrimination) and Article 18 (limitation on use of restrictions of rights), the applicant complains, in particular, that his prosecution was part of a politically motivated discriminatory campaign of persecution against Yukos shareholders.

#### [Atristain Gorosabel v. Spain \(no. 15508/15\)](#)

The applicant, Javier Atristain Gorosabel, is a Spanish national who was born in 1970. He is currently serving a seventeen-year prison sentence for membership of a terrorist group (ETA) and possession of explosives.

The case concerns the applicant's pre-trial detention *incommunicado*, during which he was denied access to a lawyer of his own choosing, and the fact that he was questioned by the police without a lawyer present, making self-incriminating statements. Those statements formed part of the reasons for his conviction.

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (c) (right to a legal assistance of own choosing) of the Convention, the applicant complains that while being held in detention *incommunicado* he was denied access to a lawyer of his own choosing during police questioning.

#### [Akpaz limited liability company v. Turkey \(no. 6800/09\)](#)

The applicant, the Akpaz limited liability company (*Akpaz Dayanıklı Tüketim Malları Sanayi ve Ticaret Limited Şirketi*), is a company set up under Turkish law based in İzmir.

In June 1995 was informed that the applicant company had committed a customs offence by deliberately altering a number of declarations of imported goods in the port of İzmir. Following this notification, the customs officers searched the company's warehouses and seized the goods in respect of which the company had drawn up the declarations in question. On 30 June 2004 the Customs Department ordered the return of the goods.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company complained about the seizure of the goods and their belated return, submitting, *inter alia*, that the value of the seized goods had fallen sharply during the period of their confiscation.

#### [Faysal Pamuk v. Turkey \(no. 430/13\)](#)

The applicant, Faysal Pamuk, is a Turkish national who was born in 1978 and was detained in Amasya E-type Prison at the time of application.

The case concerns Mr Pamuk's trial on terrorism-related charges, in particular the use of evidence that was given in other jurisdictions in the absence of Mr Pamuk or his counsel following letters of request (*talimat*).

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (d) (right to obtain attendance and examination of witnesses), the applicant complains that he did not have a fair trial as he was prevented from confronting certain witnesses in person.

#### [İpek limited liability company v. Turkey \(no. 29214/09\)](#)

The applicant company, *İpek Dayanıklı Tüketim Malları Sanayi ve Ticaret Limited Şirketi* (İpek), is a Turkish limited liability company based in İzmir.

The case concerns the seizure of the applicant company's property and the damage it sustained on account of the time lapse between the seizure and the return of the property.

In June 1995 the İzmir Customs Department was informed of a suspected customs offence committed by the İpek company, by allegedly forging a number of declarations with a view to conducting fraudulent customs procedures in respect of imported goods. Following this notification, the customs officers searched the company's warehouses and seized the goods, which were returned on 29 June 2004.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company complains of the seizure of the goods and their belated return. It submits, *inter alia*, that the value of the seized goods had fallen sharply during the period of their confiscation.

#### [Mehmet Çiftçi and Suat İncedere v. Turkey \(nos. 21266/19 and 21774/19\)](#)

The applicants, Mehmet Çiftçi and Suat İncedere, are Turkish nationals who were born in 1952 and 1971 respectively. At the material time they were detained in Edirne Prison.

The case concerns a sanction of one month's deprivation of means of communication imposed on the applicants by the prison authorities for having sung anthems and read out poems (in December 2016) in memory of the prisoners who had lost their lives during the "Return to life" operation conducted by the authorities in prisons in December 2000.

Relying on Article 10 (freedom of expression), the applicants complain about the sanction imposed on them by the authorities.

Thursday 20 January 2022

[Drača v. Croatia \(no. 55724/19\)](#)

The applicant, Milan Drača, is a Croatian national who was born in 1975 and lives in Zadar (Croatia).

The case concerns the trial of Mr Drača for the offence of threatening a public official, for which he received a six-month prison sentence, suspended for two years.

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (c) (right to legal assistance of own choosing), the applicant complains, in particular, that the session of the appeal panel in his case was held in his absence.

[Milanković v. Croatia \(no. 33351/20\)](#)

The applicant, Vladimir Milanković, is a Croatian national who was born in 1962 and lives in Sisak (Croatia).

The case concerns the applicant's conviction, on the basis of command responsibility, for war crimes against the Serbian civilian population and a prisoner of war, perpetrated in the territory of Croatia in the period between mid-August 1991 and mid-June 1992 by the police units under his command.

Relying on Article 7 § 1 (no punishment without law), the applicant complains that in order to convict him for those crimes the domestic courts applied the First Protocol Additional to the Geneva Conventions, which provides for responsibility of commanders, although that Protocol was applicable only to international armed conflicts and the events had taken place before Croatian independence and thus during a non-international armed conflict. The applicant also complains that he was convicted despite his not being an army commander but a police commander.

[Edzgveradze v. Georgia \(no. 59333/16\)](#)

The applicant, Zizi Edzgveradze, is a Georgian national who was born in 1982 and lives in Tbilisi.

The case concerns the suicide of the applicant's husband, after questioning by the police as a witness after one of his friends had been arrested on suspicion of possessing cannabis. Prior to committing suicide, he had alleged that he had been beaten by the police officers, who, according to him had forced him to give a statement incriminating his friend.

Relying on Article 2 (right to life), the applicant complains that the authorities failed to prevent her husband's suicide, and that no effective investigation was carried out into the suicide.

[D.M. and N. v. Italy \(no. 60083/19\)](#)

The applicant, Ms D.M., is a Cuban national who was born in 1982. She is also acting on behalf of her daughter, N., who was born in 2012. They live in Brescia.

The case concerns a declaration of availability for adoption issued by the authorities *vis-à-vis* the applicant's daughter.

Relying on Article 8 (right to respect for private and family life), the applicants allege that the reasons given by the domestic courts for declaring the daughter available for adoption did not correspond to the "wholly exceptional circumstances" required for severing family ties. They submit that the Italian authorities failed to honour their positive obligations as defined by the Court's case-law.

[A.L. and Others v. Norway \(no. 45889/18\)](#)[E.M. and Others v. Norway \(no. 53471/17\)](#)

The applicants in the first case are Norwegian and Slovak nationals (parents, their child, and the child's grandmother), and those in the second case are Czech nationals (a mother and her children). They reside, variously, in Norway, Slovakia and the Czech Republic.

*A.L. and Others* concerns a care order issued by the Norwegian authorities in respect of the child and the limitations imposed on the parents' contact with that child, following questions around the child's safety in their care.

*E.M. and Others* concerns the refusal by the Norwegian authorities to lift a care order in respect of the two applicant children, an order removing the first applicant's parental responsibilities, and the refusal to grant her contact rights. The authorities had concerns around physical and sexual abuse.

The applicants rely on Article 8 (right to respect for private and family life) (both applications) and Article 6 (right to a fair trial) (*A.L. and Others* only).

[Salmanov v. Slovakia \(no. 40132/16\)](#)

The applicant, Alexander Salmanov, is a Slovak national who was born in 1986 and was at the time the application was lodged serving a prison sentence in Hrnčiarovce nad Parnou (Slovakia).

The case concerns Mr Salmanov's detention pending trial on charges of bribery in 2013, and the court decisions and proceedings that followed. He was finally found guilty in 2015.

Relying on Article 5 §§ 1 (right to liberty and security), 3, 4 (right to have lawfulness of detention decided speedily by a court) and 5, and Article 13 (right to an effective remedy), the applicant complains that his detention was arbitrary and unlawful, of the length of time it took to examine his application for release, and that he did not receive compensation for that violation of his liberty.

[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 18 January 2022

Name	Main application number
Pashinyan v. Armenia	22665/10
Apostolovski and Others v. Bosnia and Herzegovina	28704/11
Lukošin v. Lithuania	25059/20
Denisenko v. the Republic of Moldova and Russia	33842/10
Melega v. the Republic of Moldova	40427/18
Natalia Lungu v. the Republic of Moldova	68490/14
Komaromi and Others v. Romania	30075/03
Kovač v. Serbia	6673/12
Aktaylı and Akvardar v. Turkey	53354/10
Çongar v. Turkey	62013/12
Dilbaş and Others v. Turkey	61310/10
İnal v. Turkey	28359/08
Kaya v. Turkey	80765/17

Thursday 20 January 2022

Name	Main application number
Tsitsernak-8 Ltd v. Armenia	60524/12
Voskerchyan v. Armenia	18945/10
Vural v. Austria	27755/19
Fejzagić v. Bosnia and Herzegovina	28416/19
Jakovljević and Others v. Bosnia and Herzegovina	9544/12
Yordanov v. Bulgaria	79709/13
Topalušić and Others v. Croatia	59030/19
Areteidou and Aresti v. Cyprus	25364/15
M.M. v. France	39131/20
Saure v. Germany	4550/15
Nagy v. Hungary	30777/15
Arbib v. Italy	47267/16
Magiste International S.A. v. Italy	3409/16
Clipa v. the Republic of Moldova	43242/13
Angjelkovikj v. North Macedonia	21664/16
Dedejska and Others v. North Macedonia	43344/18
Barbălată v. Romania	68187/17
Ejnid v. Romania	43469/15
V.B. v. Romania	71569/14
Mumolin v. Russia	60566/10
Surina v. Russia	72376/11
Šoba v. Slovenia	32612/19
Martinez Almagro v. Spain	71585/17
Alan v. Turkey	43710/19
Kaptı v. Turkey	24111/19
M.Ö. v. Turkey	45808/18
Yardımcı v. Turkey	34176/11
Yusufeli İlçesini Güzelleştirme Yaşatma Kültür Varlıklarını Koruma Derneği v. Turkey	37857/14
Gress v. Ukraine	17573/14
Malynovska v. Ukraine	59855/13
Oksanich v. Ukraine	64627/13
Vyelyev v. Ukraine	57211/13

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](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR CEDH](https://twitter.com/ECHR_CEDH).

#### Press contacts

[echrpess@echr.coe.int](mailto: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)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

**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.