



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments on Tuesday 18 April 2023 and 27 judgments and / or decisions on Thursday 20 April 2023.

*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 April 2023

#### [N.M. v. Belgium \(application no. 43966/19\)](#)

The applicant is an Algerian national who was born in 1949.

The case concerns the applicant's detention for 31 months in a closed centre for aliens (Vottem, Liège) pending his removal from Belgium on grounds of a risk to public order and national security. It also concerns the review of the lawfulness of that measure and the applicant's conditions of detention in the Vottem closed centre, where he was held from September 2017 to March 2020.

In 1993 the applicant had been sentenced by an Algerian court to 30 months' imprisonment for "acquiring equipment for criminal ends and raising funds for the Islamic Salvation Front", a party of which he had been a member in the 1990s. On his release the applicant left Algeria for Europe, where he lodged several unsuccessful applications for international protection, including in Belgium.

The Belgian authorities issued the applicant with several expulsion orders, including the order of 27 September 2017, which was accompanied by a detention order with a view to removal and a ban on re-entering the country. The detention order – which mentioned, among other things, that the applicant had not possessed a valid residence permit at the time of his arrest and that a warrant for his arrest had been issued in 2015 for his involvement in the activities of a terrorist group – was extended several times. The applicant was eventually released on 20 March 2020.

In the meantime he had been sentenced by the Belgian criminal courts to three years' imprisonment (in 2018) for membership of a terrorist group in Syria, and to eight months' imprisonment (in 2021) for threatening a fellow detainee.

In the European Court proceedings he relies on Article 5 (right to liberty and security/right to a speedy review of the lawfulness of detention) and Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights.

#### [Demiray v. Türkiye \(no. 61380/15\)](#)

The applicant, İsmet Demiray, is a Turkish national who was born in 1950. He lives in Istanbul.

The case concerns the annulment of the sale of a property to the applicant and the alleged inadequacy of the sum repaid to him.

In 1991, under a scheme introduced by the Villages Act (Law no. 442) designed to make it easier for villagers to become property-owners, the applicant purchased from the *mukhtar* of the village of Muallim (Gebze, Türkiye) a property in the centre of the village which belonged to the authorities. He paid a sum in former Turkish lira equivalent to around 1,850 United States dollars. On the relevant form he gave his place of residence as the town of Terme (Samsun).

The sale of the property was subsequently declared invalid by the Turkish civil courts on the grounds that the full requirements for the transfer of the property – and more specifically the requirement to be registered as a resident of the village of Muallim where the property was located – had not been met. The courts also took the view that the applicant was entitled only to repayment of the amount he had paid for the property – which now corresponded to just 3.80 euros – and not to the present-day equivalent, since he was deemed to have acted in bad faith.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention and on Article 6 (fair hearing) of the Convention, the applicant complains that the compensation awarded to him was inadequate.

Thursday 20 April 2023

#### Georgia v. Russia (IV) (no. 39611/18)

This is the fourth Georgia v. Russia inter-State application; it was lodged by the Government of Georgia in August 2018.

It concerns the alleged deterioration of the human rights situation along the administrative boundary lines between Georgian-controlled territory and Abkhazia and South Ossetia, the regions of Georgia which are currently outside the *de facto* control of the Georgian Government.

Relying on Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 8 (right to respect for private and family life), 13 (right to an effective remedy), 14 (prohibition of discrimination) and 18 (limitation on use of restrictions on rights), Articles 1 (protection of property) and 2 (right to education) of Protocol No. 1 and Article 2 (freedom of movement) of Protocol No. 4, the Georgian Government alleges, in particular: (a) that Russia has engaged (and continues to engage) in an administrative practice of harassing, unlawfully arresting and detaining, assaulting, torturing, murdering and intimidating ethnic Georgians attempting to cross, or living next to, the administrative boundary lines that now separate Georgian-controlled territory from Abkhazia and South Ossetia; (b) that Russia has engaged (and continues to engage) in an administrative practice of failing to conduct Convention-compliant investigations in this connection; (c) that Archil Tatunashvili – a Georgian civilian who was abducted while trying to enter South Ossetia – was unlawfully deprived of his liberty, tortured and murdered by persons for whom Russia bears responsibility; and (d) that Russia has failed to conduct a Convention-compliant investigation into his unlawful arrest and murder and into the unlawful arrests and murders of Davit Basharuli and Giga Otkhozoria, two ethnic Georgians arrested by the *de facto* authorities in separate circumstances and killed.

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 April 2023

Name	Main application number
Bosiljevac v. Croatia	3681/16
Debono and Dimech v. Malta	17094/21
Csata v. Romania	65128/19
Sfîrăială v. Romania	30253/20
Uçkan v. Türkiye	67657/17

Thursday 20 April 2023

Name	Main application number
B.M. v. Croatia	24728/15
Gucić and Others v. Croatia	18551/17
Mićić v. Croatia	74272/17
Feliziani and Others v. Italy	65516/10
Gentili v. Italy	444/18
Marzocchella v. Italy	19049/16
Messenì Nemagna and Others v. Italy	23720/08
Ruso and Others v. Italy	24517/07
Urso and Others v. Italy	16681/05
Zemzami v. Italy	13015/20
Tabone v. Malta	23107/20
Bugaj v. Poland	45951/13
Szweblik v. Poland	13266/16
Gonçalves v. Portugal	20053/21
Meo - Serviços de Comunicações e Multimédia S.A. v. Portugal	22936/16
Lara Turism S.R.L. v. Romania	40841/20
Toia v. Romania	79482/17
Vişean v. Romania	2562/19
Chemodanov and Others v. Russia	62902/19
Danilchenko and Others v. Russia	3652/18
Miklashevskaya and Others v. Russia	2107/18
Rodionov and Others v. Russia	579/19
Zhilina and Others v. Russia	10524/20
Pajtić v. Serbia	33776/20
Yiğit v. Türkiye	21184/14
Hafeez v. the United Kingdom	14198/20

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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.