EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 20 judgments on Tuesday 19 January 2021 and 108 judgments and / or decisions on Thursday 21 January 2021.

*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 19 January 2021

Keskin v. the Netherlands (application no. 2205/16)

The applicant, Vahap Keskin, is a dual Turkish and Dutch national who was born in 1972 and lives in Hengelo (the Netherlands).

The case concerns criminal proceedings against the applicant in which he was prevented from cross-examining witnesses.

On 30 July 2013 the applicant was convicted *in absentia* of fraud committed via a company on the basis of, among other things, the statements of six witnesses. He was sentenced to nine months' imprisonment, which was partially suspended, and ordered to pay 59,300.42 euros in damages.

He appealed, arguing that he had not directed the fraud, asking to cross-examine the six witnesses mentioned above along with a seventh witness who had also made statements against him. Despite the support of the prosecution, the request to cross-examine was rejected, by the Arnhem-Leeuwarden Court of Appeal, which stated that the interests of the applicant were unsubstantiated. His conviction and the damages order were upheld, but the court reduced his prison sentence to six months.

On 8 September 2015 a cassation appeal by the applicant, claiming a failure to ensure a fair trial, was declared inadmissible by the Supreme Court.

Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial) of the European Convention on Human Rights the applicant complains of being denied a fair hearing owing to his inability to put questions to witnesses.

X v. Romania and Y v. Romania (nos. 2145/16 and 20607/16)

The case concerns the situation of two transgender persons whose requests for recognition of their gender identity and for the relevant administrative corrections to be made were refused on the grounds that persons making such requests had to furnish proof that they had undergone gender reassignment surgery.

The applicants, X and Y, are Romanian nationals who were born in 1976 and 1982 respectively and live in the United Kingdom and Bucharest (Romania). At the time their applications were lodged they were entered in the civil-status records as female.

On 21 July 2013 X (application no. 2145/16) brought an action in the District Court against the local council for the first district of Bucharest, requesting the court to authorise a change of legal gender from female to male and a change of forename and personal digital identity code, and to order the district council to make the necessary changes in the civil-status register and issue a birth certificate indicating the applicant's new forename and male gender. He produced three medical certificates in support of his request, noting and confirming that he suffered from a gender identity disorder.

The court entered an objection of inadmissibility of its own motion in respect of the first request and a further objection to the effect that the other requests were premature. In his observations X argued that the purpose of the action was not to obtain authorisation for gender reassignment treatment, still less surgery – which, in his view, constituted serious interference with an individual's physical integrity – but rather to obtain permission to have the civil-status records amended. He added that no doctor in Romania was prepared to carry out gender reassignment surgery without a court order authorising it. As to the allegedly premature nature of the other requests, he argued that requiring proof of gender reassignment surgery before authorising changes to the civil-status records amounted to unjustified interference with the exercise of sexual autonomy and with respect for the individual's physical integrity.

On 12 June 2014 the District Court dismissed the action. X lodged an appeal. On 9 March 2015 the Bucharest County Court dismissed the appeal, endorsing the District Court's findings in full. In August 2014 X moved to the United Kingdom and in April 2015 obtained male forenames by deed poll. He maintains that he has suffered constant inconvenience owing to the mismatch between the female identifiers on the papers issued by the Romanian authorities and the male identifiers on the various documents obtained in the United Kingdom.

On 14 December 2011 Y (application no. 20607/16) brought an action in the District Court against the local council for the third district of Bucharest, seeking authorisation to undergo female-to-male gender reassignment surgery, a change of forename on the relevant administrative documents and a change of personal digital identity code. Y requested the court to instruct the local council to make the necessary amendments to the civil-status register and to issue a new birth certificate giving the applicant's new forename and indicating his gender as male.

On 23 May 2013 the court stated that once the gender reassignment surgery had been performed the applicant would be entitled to apply to the administrative authorities for a change of forename. On 3 July 2014 Y brought another action similar to the first but without requesting authorisation for gender reassignment surgery. The District Court dismissed the action on the ground that no gender reassignment surgery had been performed. Y appealed to the County Court, which dismissed the appeal.

In June 2017 Y underwent surgery to remove the internal female reproductive organs. This was followed on 17 October 2017 by an operation to construct male external genitalia. On 7 August 2017 he brought a further action in the courts. On 21 November 2017 the District Court allowed the action, authorised the change of gender on the applicant's identity papers, the change of forename and the amendment of the applicant' digital identity code. Lastly, it ordered the local council to make the necessary alterations to the civil-status records and to issue a new birth certificate. The court also noted that the applicant, who had been diagnosed by doctors as transgender, had undergone gender reassignment surgery. On 3 May 2018 Y was issued with a new identity card indicating a male forename and digital identity code and showing his gender as male. On 6 June 2018 he obtained a new birth certificate matching the details on his new identity card.

Relying on Article 8 (right to respect for private and family life) and, in the case of X, on Article 3 (prohibition of inhuman or degrading treatment), the applicants complain that the Romanian State has not established a clear legal framework for the legal recognition of gender reassignment. In their view, the requirement for them to undergo gender reassignment surgery – with the attendant risk of sterilisation – as a prerequisite for a change in their civil status breached their right to respect for their private life. They contend that this requirement amounts to interference without any legal basis which does not pursue a legitimate am and is not necessary in a democratic society. Under Article 6 (right to a fair hearing), X argues that the reclassification of his action by the national courts amounted to a denial of justice. Relying on Article 13 (right to an effective remedy), he maintains that he did not have an effective remedy by which to complain of the alleged violations of Articles 3 and 8 of the Convention. Under Article 14 (prohibition of discrimination), he alleges that requiring transgender

persons to undergo gender reassignment surgery in order to have their civil-status documents amended constitutes discrimination based on gender identity compared with individuals whose gender identity matches their assigned gender and whose gender was legally recognised at birth without any further conditions being imposed. He regards this as a breach of his right to equal recognition before the law. Lastly, he alleges a violation of his rights under Article 12 (right to marry), in view of the sterilising effect of the surgery required by the authorities.

Shlykov and Others v. Russia (nos. 78638/11, 6086/14, 11402/17, and 82420/17)

The applicants, Vladislav Yuryevich Shlykov, Aleksandr Livonovich Kerekesha, Aleksey Aleksandrovich Pulyalin and Anton Alekseyevich Korostelev, are Russian nationals who were born in 1973, 1976, 1986 and 1987 and are in prison in Solikamsk, Khabarovsk, Ukhta and Kharp (all Russia) respectively.

The case concerns the applicants' being handcuffed every time they left their prison cells. It also concerns the conditions of the prison regime applied to one applicant, and access to civil proceedings to complain of their handcuffing for another two of the applicants.

The applicants were convicted of various crimes and sentenced to life imprisonment. They were held in correctional colonies and remand prisons and were routinely handcuffed when leaving their cells as they had committed violent crimes or were considered to be dangerous prisoners. They were handcuffed for all purposes, including ablutions and meeting with their lawyers.

Mr Shlykov and Mr Kerekesha did not complain of their handcuffing to the domestic courts because they believed that the then remedies had been ineffective. Mr Pulyalin and Mr Korostelev did lodge complaints with the domestic courts, which were dismissed.

Mr Shyklov also gave details of the conditions of his prison regime, arguing that they had been inadequate.

It is unclear how often the handcuffing regime in respect of the applicants was reviewed.

Relying on Article 3 (prohibition of inhuman and degrading treatment) and Article 6 § 1 (right to a fair trial), the applicants complain that their handcuffing every time they left their cells breached their rights, in Mr Shyklov's case that the conditions of his detention regime were inadequate, and in Mr Pulyalin's and Mr Korostelev's cases that they were unable to attend civil proceedings concerning their handcuffing regime.

Timofeyev and Postupkin v. Russia (nos. 45431/14 and 22769/15)

The applicants, Vasiliy Timofeyev and Arkadiy Postupkin, are Russian nationals who were born in 1965. They live in Vladimir and Rybinsk (Russia) respectively.

The case concerns their placement under administrative surveillance on completion of their prison sentences.

Mr Timofeyev

In October 2003 Mr Timofeyev was found guilty of murder and was sentenced to 11 years, six months and 10 days' imprisonment.

In September 2013 the management of the prison colony where he was serving his sentence requested the District Court to place him under administrative surveillance under Law no. 64-FZ on administrative surveillance of persons released from prison. The prison management cited as reasons for the request the fact that Mr Timofeyev had been convicted of an offence qualifying as dangerous recidivism, that he had not complied with the prison rules and that 27 disciplinary punishments had been imposed on him, seven of which had not yet been served.

In November 2013 the District Court ordered Mr Timofeyev's placement under administrative surveillance. During the proceedings the applicant requested that a lawyer be appointed to represent him, pleading a lack of funds. The judge refused the request.

In January 2014 Mr Timofeyev lodged an appeal. During the proceedings he applied for free legal aid. A lawyer studied his file but in February 2014 informed the court hearing the appeal that he could not represent Mr Timofeyev without a legal-aid agreement.

On 14 March 2014 the court suspended the hearing to allow Mr Timofeyev and his lawyer to draw up a legal-aid agreement. On resumption of the hearing Mr Timofeyev informed the court that the agreement had not been drawn up as the lawyer was unavailable. On the same day the court dismissed the applicant's appeal, finding that he had had sufficient time to prepare for the hearing of his case and to find a representative.

Mr Timofeyev was released in March 2014 and placed under administrative surveillance. The restrictions imposed on him were subsequently eased to enable him to travel for work. However, his application to have the administrative surveillance measure lifted early was refused in August 2015.

Mr Postupkin

In April 2007 Mr Postupkin was sentenced to seven years and six months' imprisonment for drug trafficking.

In November 2013 the management of the prison colony where he was serving his sentence requested the Town Court to place the applicant under administrative surveillance, citing as reasons the fact that he had been convicted of an offence qualifying as dangerous recidivism, that he had not complied with the prison rules and that 23 disciplinary penalties had been imposed on him.

In December 2013 the court ordered Mr Postupkin's placement under administrative surveillance. The applicant appealed, alleging that this amounted to a double punishment and that the obligations imposed on him were too harsh. He also lodged a cassation appeal. Both appeals were unsuccessful.

Relying on Article 7 (no punishment without law), Mr Timofeyev alleges that the administrative surveillance measures imposed on him amounted to a penalty that did not exist at the time he committed the offence of which he was convicted.

Under Article 6 (right to a fair trial), Mr Timofeyev complains about the refusal of his application for free legal aid.

Relying on Article 2 of Protocol No. 4 (freedom of movement) to the Convention, Mr Postupkin alleges a violation of his right to freedom of movement and to choose his residence freely, on account of the restrictions imposed on him in the context of his administrative surveillance.

Aktiva DOO v. Serbia (no. 23079/11)

The applicant, Activa DOO, is a company based in Belgrade.

The case concerns seizure and sale by the State of goods owned by the applicant company.

In late 2004 the applicant company legally imported about 650 tonnes of smooth iron rods and 252 tonnes of corrugated iron rods for use in reinforced concrete. They were stored at other companies' warehouses.

In January 2005 the warehouses were inspected. The authorities found record-keeping breaches amounting to a misdemeanour. The seizure of the applicant company's goods was ordered in separate decisions of 28 and 31 January 2005.

The decision of 28 January was upheld by the relevant Government ministry. The applicant company sought judicial review before the Supreme Court, which annulled the initial decisions. A new seizure of the goods was ordered and upheld by the Supreme Court. The applicant company lodged an appeal

with the Constitutional Court, which asked the applicant company to state "clear legal reasons under the constitution for its complaint". The appeal was rejected, with the Constitutional Court finding that the applicant company had merely reiterated its original appeal grounds.

The decision of 31 January went through a similar process before the lower courts. However, the Constitutional Court on 15 May 2014 quashed the earlier decisions and ordered a fresh examination. The Administrative Court ordered that the applicant company's goods be returned to it on 31 January 2015, with the value being paid back in enforcement proceedings. The authorities launched an appeal on points of law, which resulted in reinitiated proceedings, which are still pending.

Misdemeanour proceedings were initiated against the applicant company and its managing director for the book-keeping breaches. Before the matter could be finalised, the alleged offence became time-barred.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant company complains that the seizure and sale of its goods violated its rights.

Lăcătuş v. Switzerland (no. 14065/15)

The applicant, Violeta-Sibianca Lăcătuş, is a Romanian national who was born in 1992 and belongs to the Roma community.

The case concerns the order for the applicant to pay a fine of 500 Swiss francs (CHF) (approximately 464 euros (EUR)) for begging on the streets of Geneva, and her detention in a remand prison for five days for failure to pay the fine.

In 2011 Ms Lăcătuş, who was unable to find work, began asking for charity in Geneva. On 22 July 2011 she was ordered to pay an initial fine of CHF 100 (approximately EUR 93) under section 11A of the Geneva Criminal Law Act, which makes it an offence to beg in public places. A sum of CHF 16.75 (approximately EUR 15.50) was confiscated from her on that occasion after a body search by the police. Over the next two years Ms Lăcătuş was issued with summary penalty orders requiring her to pay eight further fines of the same amount, and was twice taken into police custody for three hours. Each of the fines could be replaced by a one-day custodial sentence in the event of non-payment.

Ms Lăcătuş appealed against the penalty orders. In a judgment of 14 January 2014 the Police Court of the Canton of Geneva found her guilty of begging. The court ordered her to pay a fine of CHF 500, to be replaced by a five-day custodial sentence in the event of non-payment, and upheld the confiscation of CHF 16.75. An appeal lodged by the applicant with the Criminal Appeals and Review Division of the Court of Justice of the Canton of Geneva was dismissed on 4 April 2014. Ms Lăcătuş appealed to the Federal Court against that decision, but her appeal was dismissed on 10 September 2014.

From 24 to 28 March 2015 Ms Lăcătuş was detained in Champ-Dollon Remand Prison for failure to pay the fine.

Relying on Article 8 (right to respect for private and family life, home and correspondence), the applicant alleges that the prohibition on begging in public places constituted unacceptable interference with her private life as it deprived her of her means of subsistence. Under Article 10 (freedom of expression), she maintains that the prohibition on begging prevented her from conveying her plight by asking for charity. Relying on Article 14 (prohibition of discrimination) read in conjunction with Article 8, the applicant alleges that she was the victim of discrimination on account of her social and financial situation and her origins.

Atilla Taş v. Turkey (no. 72/17)

The applicant, Atilla Taş, is a Turkish national who was born in 1971. He lives in Istanbul (Turkey). Mr Taş, who is a well-known singer, was also a columnist for the daily newspaper *Meydan* prior to the

attempted military coup of 15 July 2016. The newspaper was closed down following the enactment of Legislative Decree no. 668 on 27 July 2016.

The case concerns Mr Taş's pre-trial detention because of tweets which he posted on his Twitter account and articles and columns which he wrote in the newspaper *Meydan*.

During the years preceding the attempted coup of 15 July 2016 Mr Taş had become known for his critical stance towards the policies of the government of the day. In that context he had posted a number of tweets on his Twitter account.

On 30 August 2016, when he was in Bursa, he learned through the media that he was a suspect in a criminal investigation concerning alleged members of FETÖ/PDY ("Fethullahist Terror Organisation/Parallel State Structure"). The following day he was arrested and taken into police custody at the premises of the counter-terrorism branch of the Istanbul police, where he was questioned by police officers. He was then brought before the Istanbul public prosecutor.

On 3 September 2016 Mr Taş appeared before the Istanbul 1st Magistrate's Court on suspicion of knowingly and intentionally assisting a terrorist organisation. The magistrate remanded him in custody.

On 18 January 2017 the Istanbul public prosecutor's office charged 29 people, including Mr Taş, with belonging to a terrorist organisation. The applicant was accused of lending support to a television station which allegedly had links to FETÖ/PDY, of criticising the investigations into alleged members of that organisation with a view to discrediting the investigations, and of making accusations against the President of the Republic similar to those made by the members of that organisation.

On 31 March 2017, following a hearing before the 25th Assize Court, the public prosecutor sought the release of several of the defendants including Mr Taş. On the same day the Assize Court ordered the release of Mr Taş and some of his co-defendants.

A few hours after this decision the Istanbul public prosecutor's office commenced a fresh investigation concerning Mr Taş. The applicant was taken into police custody again, this time on suspicion of attempting to overthrow the constitutional order and the government by force and violence.

On 3 April 2017 the High Council of Judges and Prosecutors ordered the three-month suspension of the judges of the Istanbul 25th Assize Court who had ordered the release of Mr Taş and other defendants and the public prosecutor who had sought their release.

A few days later, on 14 April 2017, the Istanbul 2nd Magistrate's Court ordered that Mr Taş and 11 other defendants be returned to detention. On 5 June 2017 the Istanbul public prosecutor's office filed a fresh bill of indictment against Mr Taş for attempting to overthrow the constitutional order and the government by force and violence. The public prosecutor argued that Mr Taş had repeatedly attempted in the past to manipulate public opinion through the press and that he had taken part in operations designed to manipulate opinion under the orders of FETÖ/PDY.

Mr Taş was released on 24 October 2017, and on 8 March 2018 was sentenced to three years, one month and 15 days' imprisonment for lending assistance to a terrorist organisation without being a member of it. However, the Court of Cassation overturned his conviction in March 2020 and the criminal proceedings are still pending.

Lastly, Mr Taş lodged three individual applications with the Constitutional Court, which examined them together from the standpoint of the lawfulness of Mr Taş's pre-trial detention in the light of Article 19 § 3 of the Constitution. On 29 May 2019 the Constitutional Court, finding that the applicant had been placed in pre-trial detention twice, held that there had been no breach of Article 19 § 3 of the Constitution with regard to his initial detention. The court went on to find that the second period of detention (starting on 14 April 2017) had lacked any legal basis. It dismissed the applicant's remaining complaints and made an award in respect of non-pecuniary damage and costs and expenses.

Relying on Article 5 §§ 1 and 3 (right to liberty and security), Mr Taş complains about his pre-trial detention, arguing that there was no evidence grounding a reasonable suspicion that he had committed a criminal offence. He further contends that the facts giving rise to his detention fell within the scope of his freedom of expression and that the reasons given for the decisions concerning his pre-trial detention were insufficient.

Relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), Mr Taş complains of his inability to consult the investigation file in his case, preventing him from effectively challenging his placement in pre-trial detention. Under the same Article he also complains of the length of the proceedings before the Constitutional Court.

Relying on Article 10 (freedom of expression), he alleges a breach of his right to freedom of expression.

Under Article 18 (limitation on use of restrictions on rights), the applicant contends that he was detained for expressing critical opinions.

Mehdi Tanrıkulu v. Turkey (no. 33374/10)

The applicant, Mehdi Tanrıkulu, is a Turkish national who was born in 1965. He lives in Diyarbakır. At the relevant time he was the editor-in-chief of *Azadiya Welat*, a daily newspaper published in Kurdish in Turkey.

The case concerns Mr Tanrıkulu's placement in detention on account of articles published in the newspaper *Azadiya Welat* in January and March 2010, and the subsequent criminal proceedings.

In February 2010 the public prosecutor charged Mr Tanrıkulu with disseminating propaganda in favour of the PKK (Kurdistan Workers' Party, an illegal armed organisation) on account of articles published on 23 and 24 January 2010. The Assize Court remanded the applicant in custody in April 2010.

The public prosecutor subsequently questioned Mr Tanrıkulu in the context of a second set of criminal proceedings, concerning four articles published on 6, 7, 27 and 28 March 2010. The Assize Court also ordered his pre-trial detention in connection with this second set of proceedings. The two sets of proceedings were subsequently joined.

In October 2010 Mr Tanrıkulu was found guilty of the offence of disseminating propaganda in favour of a terrorist organisation under Articles 220 § 6 and 314 of the Criminal Code. The Assize Court held that the offence in question had been committed on six occasions, in the articles of 23 and 24 January and those of 6, 7, 27 and 28 March 2010, in that the head of the PKK had been depicted as the "leader of the Kurdish people" and the members of that organisation had been described as "pioneers", "heroes", "martyrs", "guerrilla fighters" and "stalwarts". The court also found that the articles in question, whose authors were unknown, had presented a real danger to public order, on the grounds that they disseminated hatred and called for or promoted violence. Mr Tanrıkulu was sentenced to a total of seven years and six months' imprisonment.

In January 2013 the Court of Cassation overturned the Assize Court judgment, finding that the case should be re-examined in the light of provisional section 1 of Law no. 6352 which provided, among other things, for the suspension of criminal proceedings and sentences in cases concerning offences committed through the press and the media. In March 2013, taking note of the entry into force of the new Law, the Assize Court stayed execution of Mr Tanrıkulu's sentence for three years.

Relying on Article 5 (right to liberty and security) and Article 10 (freedom of expression) of the Convention, Mr Tanrıkulu complains of his pre-trial detention and of the criminal proceedings brought against him on account of the publication of the articles in question in the newspaper of which he was editor-in-chief.

Thursday 21 January 2021

Trivkanović v. Croatia (no. 2) (no. 54916/16)

The applicant, Stoja Trivkanović, was a Croatian national who was born in 1950 and lived in Sisak (Croatia). The applicant died on 15 December 2019. Her grandsons continued the application in her stead.

The case concerns a refusal to reopen civil proceedings despite new evidence having emerged.

On 25 August 1991 the Sisak police entered the applicant's son's house and seized him, her other son and her ex-husband. Her ex-husband was found shot dead in the River Sava; her sons were never seen again. On 21 November 2005 they were declared legally dead.

The applicant brought a civil action for damages against the State in 2006. It was rejected as time-barred, as the domestic court found that longer time-limits could only apply where a criminal court found an offence had been committed.

On 16 December 2011 a man was accused of being the leader of a unit that had committed crimes against the civilian population, including the applicant's sons, and was indicted for war crimes. He was found guilty by the courts and given a prison sentence. Relying on that conviction, the applicant applied for the reopening of the civil proceedings on 1 August 2014.

The Sisak Municipal Court dismissed her application, holding that the man in question had been convicted for the applicant's sons' disappearance, not deaths, a decision that was upheld on appeal. A constitutional complaint was declared inadmissible by the Constitutional Court.

Relying on Article 6 § 1 (right to a fair trial), the applicant complains that she was denied fair access to a court.

Dubovtsev and Others v. Ukraine (no. 21429/14 and nine other applications)

The applicants are 14 Ukrainian nationals.

The case concerns events around the Maidan protests, which took place in 2013-14.

The applicants were arrested in Dnipro on 26 January 2014 following protestor clashes with police and *titushky*. They were held on suspicion of mass disorder, with nearly identical arrest notifications being used. The applicants were released between 31 January and 12 February 2014, with house arrest being ordered in some of the cases. The investigations were ultimately discontinued owing to lack of evidence of a crime.

Proceedings for damages were commenced by 11 of the applicants. These resulted in some awards for unlawful detention, which were confirmed on appeal. Not all of the awards have been paid.

Following requests by some of the applicants, criminal proceedings were initiated against some of the prosecutors, police officers and other officials involved in the cases, along with two judges. The case against one judge is pending, while the other has been suspended. Disciplinary proceedings were initiated against those judges and several breaches of the law and procedure were found.

Relying on Article 5 (right to liberty and security), the applicants complain that their detention was unlawful.

Kadura and Smaliy v. Ukraine (nos. 42753/14 and 43860/14)

The applicants, Volodymyr Oleksandrovych Kadura and Viktor Mykolayovych Smaliy, are Ukrainian nationals who were born in 1982 and 1976 respectively.

The case concerns events around the Maidan protests, which took place in 2013-14.

At the relevant time, Mr Kadura was an activist in Automaidan, a group supporting the protests. Mr Smaliy was a lawyer representing one of the organisers of Automaidan.

On 5 December 2013, in the course of a traffic stop, Mr Kadura was put in a van by two men in civilian clothes. He alleges that he was beaten there, and then in the courtyard of the investigators' offices in Kyiv. He was examined in hospital and then brought to a police holding cell.

Mr Kadura was brought to court on 6 December 2013. His lawyers alleged ill-treatment orally and in writing, but the courts did not address them. He later complained to a prosecutor several times, to no avail.

Criminal proceedings were commenced on 5 December 2013 in connection with, among other things, hijacking of a vehicle later used in the protests, and the applicant was detained on remand. His car and other property were seized. On 24 January 2014, Mr Kadura was given amnesty and released.

An investigation into the presiding judge was ordered. Irregularities not amounting to a breach of oath were found.

On 6 December 2013 criminal proceedings were opened in respect of Mr Smaliy for verbal abuse and assault of a judge. At 3 p.m. three days later, while representing another client at a police station, he was arrested and subsequently allegedly beaten. His phone and other items were seized. On entry to the holding cell, numerous injuries were found on his body. He was taken to hospital and returned to the cells. He was only allowed to see a lawyer at 11.55 p.m.

A complaint alleging unlawful arrest and detention, and police ill-treatment, among other things, was lodged on Mr Smaliy's behalf on 10 December 2013. It was dismissed. His detention on remand, in conditions which he alleges were inadequate, was ordered. Marks from blunt force trauma on his body were noted in a forensic medical examination. He was declared a "political prisoner" by Parliament, with the criminal investigation later discontinued on those grounds.

A criminal investigation into his ill-treatment was launched on 9 December 2013. According to the Government, that investigation also concerned the unlawful seizure of his property. Police officers were questioned alongside other investigative steps. Although the cases against three of the suspects were terminated for lack of evidence, the investigation is ongoing.

Relying on Article 3 (prohibition of torture, inhuman or degrading treatment), Article 5 (right to liberty and security), Article 18 (limitation on use of restriction on rights), and Article 8 (right to respect for private and family life), the applicants complain, in particular, of police ill-treatment and an inadequate subsequent investigation.

Lutsenko and Verbytskyy v. Ukraine (nos. 12482/14 and 39800/14)

The applicants, Igor Viktorovych Lutsenko and Sergiy Tarasovych Verbytskky, are Ukrainian nationals who were born in 1978 and 1958 and live in Kyiv and Lviv respectively.

The case concerns events around the Maidan protests, which took place in 2013-14, including the abduction and ill-treatment of the first applicant and the second applicant's brother. The latter was allegedly murdered.

Mr Verbytskyy's brother was injured in the protests early on the morning of 21 January 2014 and Mr Lutsenko took him to hospital. They were kidnapped a couple of hours later by *titushky*. They were taken to a remote area, bound and severely ill-treated. Mr Lutsenko was left about 50 km outside Kyiv in freezing temperatures. Mr Verbytskyy's brother's body was found in a forest not far from Kyiv. He had been hit using a blunt object at least 30 times and had died from hypothermia.

Murder and abduction investigations were opened and joined. Suspects were identified and some were notified. The ill-treatment was qualified as "torture". Many other investigative steps were

performed and evidence pointing to the complicity of police officers and their leaders was unearthed, which led to a separate investigation being opened.

The proceedings in these cases are still ongoing.

Relying on Article 2 (right to life), Article 3 (prohibition of torture, inhuman or degrading treatment), Article 5 (right to liberty and security), and Article 11 (freedom of assembly and association), the applicants complain of abduction and the murder of the second applicant's brother.

Shmorgunov and Others v. Ukraine (no. 15367/14 and 13 other applications)

The applicants are 15 Ukrainian nationals and one Armenian national.

The case concerns events around the Maidan protests, which took place in 2013-14.

The applicants were involved in the protests. Police officers used force, including stun grenades, tear gas and plastic bullets, among other methods to disperse or control crowds, including the applicants. Several of the applicants were beaten, some even to the point of losing consciousness. One (Mr Zagorovka) allegedly had his head stood on. One (Mr Cherevko) was allegedly taken to a courtyard and beaten for several hours. Mr Poltavets was beaten unconscious and recovered in a police station, where he was arrested, with no charges ultimately being brought. Several other of the applicants were also detained or formally arrested in connection with the protests.

Several of the applicants were examined by doctors soon after these events, others had to wait a day or two. Many different injuries of varying degrees of severity were reported, including traumatic brain injury in the case of Mr Zagorovka (he was taken to hospital but not allowed to remain there). Their injuries were also examined as part of the investigations.

Several criminal investigations were opened into those events, leading to the trials of a number of current and former police officers and the then chair of the Kyiv State Administration. Mr Zagorovka, among other applicants, submitted a video of his alleged beating. Hundreds of officers and many protestors were questioned. Video and photographic evidence was examined, and a reconstruction was carried out. Many of the applicants were questioned, in some cases more than once. Mr Sirenko refused to cooperate with the investigation. The Government alleged that in 2016 five more of the applicants stopped cooperating with the investigators.

Mr Zagorovka and Mr Cherevko lodged criminal complaints regarding police ill-treatment in 2013, which led to one conviction in 2014. The judgment stated that the Maidan protestors had not violated public order. There are still criminal proceedings ongoing. Mr Ratushnyy and Mr Dymenko likewise lodged complaints of police ill-treatment. Three officers were indicted. One absconded but the proceedings against the other two are ongoing. Proceedings concerning a complaint by Mr Poltavets of police ill-treatment are ongoing.

In 2014 Ministry of the Interior internal inquiries twice found in effect some violations of public order on the part of the police on 30 November 2013 and that they had been provoked and attacked later. Separately, it was found that no officer responsible for the ill-treatment of 1 December 2013 could be identified. The inquiry into the events involving Mr Ratushnyy and Mr Dymenko found that the officers in charge had failed to control the use of force and that some other officers and troops had used excessive force.

Disciplinary proceedings were initiated against the judges in the cases and several breaches of the law and procedure were found.

Relying on Article 3 (prohibition of torture, degrading and inhuman treatment), Article 5 (right to liberty and security), and Article 11 (freedom of assembly and association), the applicants complain, in particular, of police torture and ill-treatment and unlawful detention.

Vorontsov and Others v. Ukraine (no. 58925/14 and four other applications)

The applicants are five Ukrainian nationals.

The case concerns events around the Maidan protests, which took place in 2013-14.

All the applicants were present at a Maidan protest outside the Ministry of the Interior academy in central Kharkiv in which all bar Mr Romankov were taking part. They were arrested on suspicion of disobeying the lawful orders of the police, questioned, and charged with that administrative offence. The judge found them guilty, and furthermore that some of them had used obscene language *vis-à-vis* the police, and that Mr Vorontsov had admitted his guilt. However, they were given amnesty and released.

Criminal proceedings were initiated against several of the police officers involved. Disciplinary proceedings were initiated against the judges in the cases and several breaches of the law and procedure were found.

Relying on Article 5 (right to liberty and security), the applicants complain, in particular, that their detention was arbitrary and unlawful.

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 19 January 2021

Name	Main application number
Puišys v. Lithuania	58166/18
Pietriş S.A. and Nastas v. the Republic of Moldova	45379/13
Lima S.R.L. v. the Republic of Moldova	46256/10
Muradu v. the Republic of Moldova	26947/09
Velesco v. the Republic of Moldova	53918/11
Kramarenko and Others v. Russia	21840/13
Kurkin v. Russia	51098/07
Tashuyev v. Russia	12981/15
Gonzalez Etayo v. Spain	20690/17
Klopstra v. Spain	65610/16
Okuyucu v. Turkey	62657/12
Yükseller Ltd. Şti. v. Turkey	27530/09

Thursday 21 January 2021

Name	Main application number
Gozeyan and Others v. Armenia	78080/14
Martirosyan and Others v. Armenia	42115/17
Feldhofer v. Austria	28043/19
Anđelić and Zadro v. Bosnia and Herzegovina	19531/18
Badnjević Alagić and Others v. Bosnia and Herzegovina	54242/18
Fajić and Others v. Bosnia and Herzegovina	38312/19

Name	Main application number
Jurić and Others v. Bosnia and Herzegovina	33672/18
Malkoč and Others v. Bosnia and Herzegovina	12734/19
Okushko and Others v. Cyprus	59222/18
Bouki v. Greece	75627/13
H.A. v. Greece	59670/19
Marcada v. Greece	43920/20
Panagioteas v. Greece	55033/12
Agárdi and Others v. Hungary	10202/20
Kolompár v. Hungary	37739/20
Kosurnyikov and Others v. Hungary	59017/14
Kremelson Invest Kft and Others v. Hungary	39479/18
Lukács v. Hungary	61924/15
Minda and Barbalics v. Hungary	1872/20
Piros v. Hungary	37149/18
Setét v. Hungary	6205/20
Venustas Kft v. Hungary	63997/19
Gadeikis v. Lithuania	59272/18
Mikočiūnas and Others v. Lithuania	13394/18
Valančius v. Lithuania	28345/18
Borg Busuttil v. Malta	2468/20
Ellis and Scilio v. Malta	48382/17
Jurnal de Chişinău Plus S.R.L. v. the Republic of Moldova	26076/13
L.A. v. the Republic of Moldova	23655/14
N.A. and Others v. the Republic of Moldova	56510/09
Zlatin v. the Republic of Moldova	18072/07
Bozhinoski v. North Macedonia	22715/15
Shagalova and Shagalov v. Norway	19954/20
Hoffman and Others v. Poland	59790/17
Janik v. Poland	48707/14
Jusiak v. Poland	34461/16
Parkitny v. Poland	3529/14
Grace v. Portugal	45309/15
Adam and Others v. Romania	37961/15
Berki and Others v. Romania	9473/16
Boboc and Others v. Romania	28466/16
Burcică and Others v. Romania	29536/16
Cioroianu and Others v. Romania	32385/15
Ciupitu and Others v. Romania	60368/14
Ioniţă and Others v. Romania	58969/15
Irimia and Others v. Romania	62857/15
Mitruț and Others v. Romania	27567/15
Neghină and Others v. Romania	37620/15
Pătruţescu and Others v. Romania	40487/16
Rusu and Others v. Romania	27929/16
Stănică and Others v. Romania	54536/16

Name	Main application number
Vasile and Others v. Romania	42263/15
Antonov and Others v. Russia	57553/16
Bokhonov and Others v. Russia	74883/17
Dzhun and Others v. Russia	54791/18
Eskindarov and Others v. Russia	484/14
Estrina and Others v. Russia	32944/14
Fomin and Others v. Russia	24737/17
Glavatskikh and Others v. Russia	74772/10
Ilyushchenko v. Russia	11275/17
Khadzhikurbanov and Others v. Russia	65292/16
Kozlov v. Russia	4958/18
Krylkov v. Russia	6442/18
Kulibin and Kislitsin v. Russia	43305/19
Latyshev and Others v. Russia	75390/16
Lazarev and Others v. Russia	17719/17
Maltsev (Mozgin) and Others v. Russia	77395/14
Mikhaylov v. Russia	14574/18
Moskvitin v. Russia	29635/19
Naumov and Others v. Russia	957/18
Nikolayev v. Russia	79975/17
Plekhanova and Others v. Russia	12530/19
Podkorytov and Others v. Russia	9867/06
Polyakov and Others v. Russia	72589/12
Rozyyev v. Russia	41917/06
Saidov and Others v. Russia	55829/15
Semenov and Ositnyanko v. Russia	11025/15
Serobyan v. Russia	9371/20
Shigalev v. Russia	56911/14
Sorokin and Others v. Russia	18764/18
Sulzhenko and Shakhrunabiyev v. Russia	17730/18
Timchenko and Shestun v. Russia	24672/18
Vdovin v. Russia	15641/09
Vidyakin v. Russia	3008/18
Yemelyanovy and Others v. Russia	66420/17
Yevdokimova v. Russia	4793/14
Zarubin and Kochugov v. Russia	74270/13
Andonov v. Serbia	53697/14
Đorđević v. Serbia	3936/18
Glavonjić and Others v. Serbia	15946/19
Jovanović and Others v. Serbia	65168/17
Stojanović and Others v. Serbia	37268/19
Stojanović v. Serbia	8150/18
Molnár v. Slovakia	39818/20
K.S. v. Sweden	31827/18
Azikri and Behar v. Turkey	51348/07

Name	Main application number
Başaran v. Turkey	15877/09
Can and Others v. Turkey	59683/12
Güngörmez and Demir v. Turkey	66139/09
Gür v. Turkey	42363/14
Öztürk v. Turkey	30504/15
Leshchenko v. Ukraine	14220/13

Press contacts
During the current public-health crisis, journalists can continue to contact the Press Unit via echrpress@echr.coe.int.

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