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 15 judgments on Tuesday 19 July 2016 and 116 judgments and / or decisions on Thursday 21 July 2016.

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 July 2016

Flores Quiros v. Spain (application no. 75183/10)

The applicant, Juana Flores Quiros, is a Spanish national. The case concerns the non-enforcement of a judgment cancelling the auctioning of commercial premises which she jointly owned with her former husband.

In order to recover debts from M.B.M., Ms Flores Quiros's former husband, the Social Security Department (*TGSS*) instigated judicial enforcement proceedings and, in September 2003, auctioned the couple's commercial premises. After the auction the premises were purchased by a third person, but Ms Flores Quiros and her former husband brought separate administrative proceedings to contest the lawfulness of the auction. Ms Flores Quiros, for her part, instigated proceedings before the Madrid Administrative Disputes Court No. 25, which set aside the sale in a judgment of 8 May 2006, pinpointing a procedural flaw, that is to say a failure to notify the selling price set for the premises. That judgment was upheld on appeal on 15 December 2006, and became final. On 23 March 2007 the Madrid Administrative Disputes Court No. 25 ordered the enforcement of the judgment within ten days. Ms Flores Quiros's former husband also appealed to the Madrid Administrative Disputes Court No. 1, but his appeal was dismissed by a judgment of 31 July 2006 on the grounds that the auction had been lawful *vis-à-vis* M.B.M and that it was incumbent on Ms Flores Quiros to lodge the relevant appeals against the procedural flaw which had been prejudicial to her interests.

On 4 June 2007 Ms Flores Quiros requested the enforcement of the 8 May 2006 judgment, but the *TGSS* objected on the basis of the 31 July 2006 judgment delivered by the Madrid Administrative Disputes Court No. 1 declaring the auction lawful. By a decision of 9 October 2007 the Madrid Administrative Disputes Court No. 25 dismissed as inappropriate Ms Flores Quiros's request for enforcement of the judgment, pointing out that the *TGSS* would be able to continue the enforcement proceedings. Ms Flores Quiros appealed and also lodged an *amparo* appeal, unsuccessfully.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, Ms Flores Quiros complains of the non-enforcement of the judgment of 8 May 2006, which has become final, cancelling the auctioning of the commercial premises at issue.

Dorota Kania v. Poland (no. 49132/11)

The applicant, Dorota Kania, is a Polish national who was born in 1963 and lives in Warsaw.

The case concerns Ms Kania's conviction on charges of defamation after publishing an article in a national weekly.

In June 2007 Ms Kania, together with another co-author, published an article entitled "The Godmother" in the national weekly *Wprost* positing that the communist secret police had created the Polish mafia and protected it throughout the 1980s. The article also claimed that State officials, who became members of the police services under the democratic regime post-1989, had continued to protect their former colleagues still involved in the thriving world of organised crime.

R.B., a former colonel with the Internal Security Agency targeted by the article in question, lodged an official complaint, and in August 2010 Ms Kania was fined 3,500 euros (EUR) and ordered to pay various charities an amount equivalent to three months' wages, as the Warsaw District Court considered that two of the applicant's claims had been untruthful. That decision was upheld on appeal on 1 February 2011, but the amounts of the fine and the sum to be paid to charities were reduced in the light, in particular, of the applicant's family situation and income. The sums were subsequently paid by a foundation, the *Fundacja Niezalezne Media*.

Relying on Article 10 (freedom of expression), Ms Kania alleged that her sentence had violated her right to freedom of expression.

G.N. v. Poland (no. 2171/14)

The applicant, Mr G.N., is a dual Polish and Canadian national who was born in 1961 and lives in Mississauga (Canada). The case concerns his complaint that the Polish courts refused to order the return of his child to Canada.

In 2009 G.N. married a Polish national, E.N., in Canada, where the couple continued living and where their son was born in September 2010. While they were in Poland on holiday in May 2011 they split up, and E.N. refused to return to Canada with the child. G.N. went back to Canada alone. In October 2011 he lodged an application with the Polish courts to have his child returned under the Hague Convention on the Civil Aspects of International Child Abduction ("the Hague Convention"). In January 2013 the competent district court dismissed the application. While the court held that the child had been wrongfully retained in Poland by the mother, within the meaning of the Hague Convention, it concluded – relying in particular on an expert report which found that the child had a strong emotional bond with his mother, did not remember his father and did not perceive him as a parent – that returning the child to Canada would pose a threat to his emotional and social development. The court also considered that interim orders issued in the meantime by the Canadian courts, granting G.N. full custody of the child, were irrelevant to the application at hand. The decision was upheld on appeal in July 2013.

In parallel, in 2012, G.N. lodged an application with the Polish court for arrangements to secure his right of contact with the child. The competent district court returned the application as unsubstantiated, finding that G.N. had not demonstrated that the child's mother had obstructed his contact with the child.

Divorce proceedings brought by E.N. are pending before the Polish courts.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, G.N. complains of the dismissal of his Hague Convention request. In particular, he alleges that the Polish courts misapplied the Hague Convention and allowed the child to become alienated from him by failing to decide the case speedily. He also maintains, in particular, that the Polish courts erred in entertaining E.N.'s divorce petition. Finally, he complains that the Polish courts failed to secure the effective exercise of his right of contact during the Hague Convention proceedings.

Călin and Others v. Romania (nos. 25057/11, 34739/11 and 20316/12)

The applicants, Dumitru Leonard Călin, Antonia Miruna Moldovan and Andrei Marian Mihalcea, are Romanian nationals who were born in 1967, 2003 and 1989 and live in Iaşi, Ulies and Curtea de Argeş (Romania), respectively.

The case concerns the inability of the three applicants, who were born out of wedlock, to bring paternity actions on the grounds that the relevant limitation periods have expired.

When Mr Călin, Mr Mihalcea and Ms Moldovan were born, the Family Code laid down that paternity actions in respect of children born out of wedlock had to be brought within one year from the child's date of birth or, where the child's mother had been living with the presumed father, from the date on which the couple had ceased to live together. Such an action could be brought on the child's behalf by the mother or the child's legal representative. In the three applicants' case, their mothers had failed to bring valid actions within the legal time limit. Their actions were therefore dismissed by the domestic courts.

On 8 November 2007 Law No. 288/2007, amending the Family Code, came into force. This Code provided that the child's right to bring a paternity action was not subject to statutory limitation; section II of that Law also laid down that its provisions applied to children born out of wedlock before its entry into force. On different dates Mr Călin, Mr Mihalcea and Ms Moldovan relied on the provisions of the said new Law before the trial courts, which dismissed their actions on the basis of the 9 December 2008 decision of the Constitutional Court declaring section II of the new Law unconstitutional on the ground that the principle of non-retroactivity of civil law ruled out the applicability of the provisions of Law No. 288/2007 to individuals born before its entry into force.

Relying, in particular, on Article 8 (right to respect for private and family life), the three applicants complain that their inability to establish their affiliation because of the statutory limitation argument advanced by the domestic authorities infringed their right to respect for their private life.

E.S. v. Romania and Bulgaria (no. 60281/11)

The applicant, E.S., is a Romanian national who was born in 1981 and lives in Hotarele, Vâlcea County (Romania). The case concerns her complaint about the authorities' unsatisfactory response to her daughter's kidnapping in Romania and her being illegally kept by her paternal grandparents in Bulgaria.

Ms E.S. lived with her partner, a Bulgarian national, R.E.N., in Spain, where she gave birth to their daughter in November 2004. In 2008 the couple split up. From January 2007 until March 2008 the child lived with her paternal grandparents in Bulgaria. After the child had again lived in Spain with her parents for three months, E.S. took her to Romania with R.E.N.'s consent for what was meant to be a short stay with the child's maternal grandmother. E.S. then remained with her daughter in Romania until September 2008 and subsequently returned to Spain to work, leaving the child with her maternal grandmother. In November 2008 the child's paternal grandparents visited the child in Romania. On that occasion, after taking the child to town with the maternal grandmother's consent, the paternal grandparents never returned the child but instead took her to Bulgaria without the knowledge and consent of E.S. or her family. The child has been living in Bulgaria with her paternal grandparents ever since.

In July 2008 E.S. lodged a request for full custody of the child with the Romanian courts. In January 2009 she was awarded custody. However, the judgment was subsequently quashed on the ground that R.E.N. had not been legally summoned to appear. In November 2010 E.S. was again awarded custody. However, on appeal by R.E.N. – who had in the meantime relocated to Bulgaria where he lived with his parents and the child – and after having heard the child, the county court granted custody to R.E.N. in October 2011 on the grounds that the child was already integrated into her environment in Bulgaria. That decision was in turn quashed by the appeal court and eventually the

decision to grant custody to E.S. was upheld in January 2012. E.S.'s application for temporary custody of her daughter pending the outcome of the custody proceedings was rejected by the Romanian courts in 2011.

Following recognition, in 2009, by the Bulgarian courts of the Romanian courts' first-instance decision granting E.S. custody, a first attempt to enforce that decision was unsuccessful. The enforcement proceedings in Bulgaria were then suspended in 2011 on request by R.E.N. Eventually the Bulgarian courts again recognised the decision granting custody to E.S. by a final decision of May 2014. E.S. subsequently brought new enforcement proceedings, which were then also suspended, in July 2014, having regard to the fact that R.E.N. had in the meantime brought proceedings in Bulgaria for a change of custody in his favour, and in view of the fact that a sudden change in the child's environment would not be in her interest.

In 2011, on advice by the Romanian Ministry of Justice, E.S. also brought proceedings under the Hague Convention on the Civil Aspects of International Child Abduction ("the Hague Convention") for the return of her daughter. However, the request was refused by the Bulgarian authorities, as the Hague Convention had not entered into force between Romania and Bulgaria.

Relying on Article 8 (right to respect for family life), E.S. complains about: the rupture of her family ties with her daughter caused by the lack of a prompt reaction from the Romanian and Bulgarian authorities in respect of the return of the child; the length of the custody proceedings in Romania; and the enforcement of her custody rights over the child.

Mircea Pop v. Romania (no. 43885/13)

The applicant, Mircea Pop, is a Romanian national who was born in 1960 and lives in Constanţa (Romania).

The case concerns the death of Mr Pop's son in a work accident, and the subsequent investigation into the circumstances surrounding the fatal accident.

In September 2005 Mr Pop's son, who was 18 years old at the time, was found dead in an enclosed compartment in the hold of a ship which was under construction. He had been sent, alone, to work on the vessel by the company U., his employer. He was holding an electric lamp connected to the mains in his right hand. The forensic medical officer concluded that Mr Pop's son had died a violent death by electrocution.

Mr Pop lodged a criminal complaint against the foreman in charge and the company managers, submitting that they had been responsible for his son's death and had infringed the health and safety legislation by sending him to perform work for which he was not qualified and for which he had not been provided with the requisite protective equipment. The expert opinion commissioned by the prosecution confirmed that the death had been caused by the person's contact with the lamp, which had been defective and had not been properly connected to the mains, concluding that the victim had made the mistake of using a lamp plugged into the mains instead of a portable lamp. In November 2005 the labour inspectorate imposed a fine on the company U. on the grounds that the accident had been caused by inappropriate use of the electric lamp, that the victim had not received work safety training and that he had not been provided with the appropriate security equipment.

Mr Pop's criminal complaints were dismissed several times, and each time he contested the decision. At the end of the proceedings on 27 December 2012 the Călăraşi first-instance court delivered a final judgment dismissing Mr Pop's complaint, concluding that his son's death had been caused by the victim's own negligence because, as a trained welder, he should have known about the ban on using the lamp in question in confined spaces and the obligation to work with security equipment, even though had been provided neither with specific training for the tasks assigned to him nor with any protective equipment. The court also confirmed the statutory limitation of criminal

responsibility for breaches of work safety legislation and the discontinuance decision regarding the offence of manslaughter.

Relying on Article 2 (right to life), Mr Pop complains about the investigation conducted into the circumstances of the accident which had led to the death of his son, and also about the length of the investigation.

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.

Mečić v. Croatia (no. 37226/13)
Badretdinov and Others v. Russia (nos. 28682/07, 24101/08, 7288/09, 18211/09, 32285/09, 42339/09, 73440/10, 58920/11, 68901/11, 37207/12, 37214/12, 59283/12, 62167/12, 74207/12, 46366/13, and 56680/13)
Barkov and Others v. Russia (nos. 38054/05, 38092/05, 2178/07, 21770/07, 4708/09, 46303/10, 70688/10, 30537/11, and 43594/11)
Devterov v. Russia (no. 80015/12)
Popov v. Russia (no. 32013/07)
Yevstratov and Rudakov v. Russia (nos. 7243/10 and 15536/10)
Yudin and Others v. Russia (nos. 19065/08, 29609/08, 35850/08, and 10742/09)
Jovanović v. Serbia (nos. 21497/13 and 21907/13)
Majtan v. Slovakia (no. 32273/12)

Thursday 21 July 2016

Bulgarian Helsinki Committee v. Bulgaria (nos. 35653/12 and 66172/12)

The applicant, the Bulgarian Helsinki Committee, is an association specialising in human rights protection which was founded in 1992 and is based in Sofia (Bulgaria). The case concerns the death of two children with mental disabilities in special homes in which they had been placed, and the request submitted to the Court by an association specialising in human rights protection to grant it *locus standi* either as an indirect victim or as the representative of the two deceased adolescents.

In December 2007 a television channel broadcast a BBC documentary denouncing the situation of children with disabilities in a home located in Mogilino, Bulgaria. Further to that broadcast the applicant association sent a letter to the State Prosecutor requesting a criminal investigation into the conditions under which these children were accommodated in homes for children with disabilities and on the deaths in question. The State Prosecutor's Office replied that the relevant investigations were to be carried out. Once completed, the investigations found that there were no grounds for criminal prosecution and the cases were dismissed. In August 2009 the association brought a civil action against the State Prosecutor's Office to establish that the latter's refusal to instigate an investigation constituted discrimination on grounds of the children's disability and general state of health. During the course of 2010 the State Prosecutor's Office inspected various homes for disabled children, in cooperation with the applicant association. The association monitored the criminal investigations and lodged appeals against a number of discontinuance and dismissal decisions.

Aneta Yordanova was born on 16 June 1991 and abandoned at birth. At the age of three she was placed in a home for children with severe mental disabilities. In June and July 2006 she had two surgical operations. Her condition subsequently deteriorated and a doctor diagnosed gastroduodenitis and recommended hospitalisation. She underwent an emergency operation on 2 October 2006. A total mass of some 4 kg of miscellaneous objects was discovered in the girl's

digestive system. The girl died in hospital on 7 October 2006. On 10 October 2006 the Targovishte regional prosecutor's office commenced criminal proceedings against persons unknown for manslaughter. On 10 May 2007, on completion of the investigation requested, the prosecutor decided to dismiss the case. Further to the general campaign conducted by the applicant association *vis-à-vis* the State Prosecutor and the latter's instructions to the regional prosecutors to investigate cases of deaths in the homes in question, the Varna appellate prosecutor's office conducted an official review of the investigation conducted, and by order of 8 July 2008, upheld the dismissal decision. In May 2012, in the wake of a fresh campaign conducted by the applicant association, the prosecutor with the Supreme Court of Cassation ordered an official review of the investigation conducted into Aneta's death. The prosecution set aside the 8 July 2008 order and ordered the continuation of proceedings, indicating a number of additional investigative measures to be conducted. On completion of the investigation the Targovishte regional prosecutor's office issued another discontinuance decision. The Government stated that the home where Aneta Yordanova had been accommodated had been closed down since 1 January 2015 as part of a national reform geared to improving conditions for children placed in special institutions.

Nikolina Kutsarova was born on 8 February 1988. She was abandoned shortly after her birth and placed in a home. A developmental delay was noted at the age of six months. She was placed in a home for children with mental disabilities when she was six years old and became a ward of court at the age of fourteen. Nikolina started refusing to eat in July 2007. She was admitted to hospital, and died on 31 October 2007. No investigation was ever conducted into her death. On 24 September 2010, following the campaign conducted by the applicant association *vis-à-vis* the State Prosecutor, the Targovishte regional prosecutor's office commenced criminal proceedings against persons unknown for manslaughter. The investigator completed the investigation on 21 March 2011, concluding that the facts had not constituted a criminal offence. The Varna appellate prosecutor's office upheld the discontinuance decision. On 2 February 2012 the association intervened in the criminal proceedings relating to Nikolina's death by challenging that decision before the prosecutor's office with the Supreme Court of Cassation. On 6 April 2012 the latter court upheld the discontinuance decisions. Finally, by order of 14 June 2013, the regional prosecutor's office found, on the basis of a fresh expert opinion, that the death had not been due to a lack of treatment and that there was no reason to continue proceedings.

Relying on Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination), in relation to Aneta Yordanova and Nikolina Kutsarova, the applicant association invited the Court to grant it *locus standi* either as an indirect victim or as the representative of the two deceased adolescents.

Just Satisfaction

Dimitrovi v. Bulgaria (no. 12655/09)

The applicants, Angelina Dimitrova and Konstantin Dimitrov, mother and son, are Bulgarian nationals who were born in 1973 and 2004 respectively and live in Sofia. Their case concerned the seizure of some of their assets by the state.

Angelina Dimitrova and Konstantin Dimitrov are the widow and the son of Konstantin Dimitrov who died in 2003. In 2001 the Sofia regional public prosecutor opened a first set of proceedings against Ms Dimitrova and her husband under Chapter 3 of the Citizen's Property Act. Chapter 3 of this Act covered the "forfeiture of unlawful or non-work related income received by citizens". Although most of the Act was repealed in 1990, Chapter 3 remained in force until 2005. The investigation examined the couple's income between 1990 and 2001, but in 2002 the prosecutor decided to discontinue proceedings. At a later date the Sofia regional public prosecutor decided to open new proceedings, once more looking at their income over the same period. In 2004 the prosecutor brought a case against Ms Dimitrova and her son under Chapter 3 of the Citizen's Property Act, demanding the

forfeiture of two flats, an office, some land, a holiday house and a car. Following an appeal, the State seized the flats, the office and the land in 2010 and obliged Ms Dimitrova and her son to pay the State the equivalent value of the holiday house and the car which had been transferred to other people during the course of the proceedings.

Relying in particular on Article 1 of Protocol No. 1 (protection of property), Ms Dimitrova and her son argued that the forfeiture of their properties had been unfair, alleging that the relevant law was flawed both in principle and in the way it had been applied in their case. Notably, the law provided for no time limits, meaning that the forfeiture proceedings could be opened, closed and reopened at any point, and placed a disproportionate burden on the defendants, there being no reliable method of calculating income and expenditure over a lengthy period of time which, in their case, had been marked by economic transition and galloping inflation. They also argued that the law served no particular purpose as cases related to tax evasion or criminal behaviour were specifically excluded; indeed, the applicants alleged that they had never been charged with, prosecuted for or convicted of a criminal offence.

In its principal judgment of 3 March 2015 the Court found a violation of Article 1 of Protocol No. 1 and reserved for subsequent decision the question of the application of Article 41 (just satisfaction) of the European Convention as far as pecuniary damage was concerned.

The Court will deal with this question in its judgment of 21 July 2016.

Kulinski and Sabev v. Bulgaria (no. 63849/09)

The applicants, Krum Kulinski and Asen Sabev, are Bulgarian nationals who were born in 1970 and 1977 respectively. The case concerns the ban on prisoners' voting rights in Bulgaria.

Convicted of hooliganism, Mr Kulinski served his sentence between 6 November 2008 and 30 December 2009, when he was released. Convicted of robbery and murder in 2003, Mr Sabev is currently serving a life sentence, with the possibility of commutation. While both applicants were serving their sentences, elections to the European Parliament and to the Bulgarian Parliament took place in June and July 2009 respectively. In accordance with the relevant legislation, which did not allow sentenced prisoners to vote, no polling station was set up in the prison where the applicants were held. Subsequently, Mr Sabev was not allowed to vote in the elections to the Bulgarian Parliament in May 2013 and October 2014, nor in the European Parliament election in May 2014.

Both applicants complain that their disenfranchisement on the ground that they were convicted prisoners violated their rights under Article 3 of Protocol No. 1 (right to free elections).

Relying on Article 13 (right to an effective remedy) taken in conjunction with Article 3 of Protocol No. 1, they also complain that that they did not have effective domestic remedies in respect of their complaint under Article 3 of Protocol No. 1.

Miryana Petrova v. Bulgaria (no. 57148/08)

The applicant, Miryana Petrova, is a Bulgarian national who was born in 1950 and lives in Sofia. The case concerns her complaint of being unable to challenge before the courts her dismissal from the National Security Service.

Ms Petrova had been employed by the Security Service as a system operator since 1981. In 2002 the Classified Information Protection Act entered into force, requiring heads of organisational units to request new security clearance for staff who needed access to classified information. In compliance with that obligation, in 2003, the Director of the National Security Service issued a decision refusing Ms Petrova security clearance allowing access to classified information. The decision did not contain any reasoning apart from referring to the relevant section of the 2002 Act. On appeal, the State Commission for Information Security upheld the refusal. In April 2004 the Director of the National Security Service ordered Ms Petrova's dismissal on the grounds that security clearance was an

indispensable condition of her being able to perform her duties. Ms Petrova challenged her dismissal before the court, but the Sofia District Court rejected her claims on the ground that the refusal to grant her security clearance was a final and valid administrative act which was not open to judicial review. That court's decision was eventually upheld by the Supreme Court of Cassation in June 2008.

Relying in particular on Article 6 § 1 (right to a fair hearing and access to court), Ms Petrova complains that she has been unable to challenge the refusal to grant her security clearance on the basis of which her employment contract was terminated.

Shahanov and Palfreeman v. Bulgaria (nos. 35365/12 and 69125/12)

The applicants, Nikolay Shahanov, a Bulgarian national, and Jock Palfreeman, an Australian national, were born in 1977 and 1986 respectively. Mr Shahanov is serving a life sentence in Plovdiv Prison and Mr Palfreeman is serving a sentence of 20 years' imprisonment in Sofia Prison (both in Bulgaria). The case concerns their disciplinary punishments for complaining to the prison authorities about prison officers.

In October 2011 Mr Shahanov made two written complaints to the Minister of Justice, accusing two prison officers of favouritism towards a prisoner because they were related. In May 2012 Mr Palfreeman wrote to the governor of Sofia Prison, alleging that – unnamed – prison officers had been rude to two journalists who had visited him in prison and had stolen other visitors' personal effects left in lockers during their visit to the prison.

Both men were subsequently found guilty of disciplinary offences for making defamatory statements and false allegations about prison officers. Mr Shahanov was placed in solitary confinement for ten days and Mr Palfreeman was deprived for three months of receiving food parcels. Their legal challenges against these disciplinary punishments were dismissed (in December 2011 and August 2012, respectively), the competent authority finding that the orders against them were lawful and that the sanction corresponded to the seriousness of their offences.

Relying on Article 10 (freedom of expression) and Article 8 (right to respect for private and family life, the home and the correspondence), both applicants allege that their disciplinary punishments breached their right to express criticism of prison officers and were imposed as a reprisal. Mr Shahanov made a further complaint under Article 8 alleging that the prison authorities routinely opened and read his correspondence.

Tomov and Nikolova v. Bulgaria (no. 50506/09)

The applicants, Alexander Tomov and Mariana Nikolova, are Bulgarian nationals who were born in 1950 and 1957 respectively and live in Sofia.

The case concerns a complaint about unfair deprivation of agricultural land as a result of legislation on the restitution of previously nationalised property.

Mr Tomov and Ms Nikolova had bought the land, a plot of 1,000 square metres in the village of Kranevo on the Black Sea coast, in 1993 from a private seller. The seller had acquired the property in 1967 from an agricultural co-operative. Mr Tomov and Ms Nikolova remained in possession of the land until 2003 when they discovered that the plot had been collectivised after 1945 and that the heirs of the man who had owned the land before it was collectivised had instituted proceedings for restitution of the plot in 1991. Ultimately, in December 2008 the Bulgarian Supreme Court of Cassation granted the restitution request based on the Agricultural Land Act of 1991, returning the land to the heirs of the pre-collectivisation owner.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain about the restitution of the plot to the heirs of the pre-collectivisation owners, alleging that they had bought the land in good faith and had had no way of knowing that the property was the subject of a restitution claim.

Foulon and Bouvet v. France (nos. 9063/14 and 10410/14)

The applicants in the first case are Mr Didier Foulon, who was born in 1971 and is a French national, and Ms Emilie Sanja Lauriane Foulon, who was born in Bombay, India, on 31 July 2009 and is Mr Foulon's daughter. The applicants in the second case are Mr Philippe Bouvet, who was born in 1965 and is a French national, and Adrien and Romain Bouvet, who were born in Bombay, India, on 26 April 2010.

In both cases the applicants have been unable to obtain recognition under French law of their biological affiliation as established in India. The French authorities, suspecting recourse to unlawful gestational surrogacy agreements ("*GPA*"), are refusing to transcribe the birth certificates, which were issued in India.

Further to the request submitted by Mr Foulon, Ms Foulon's biological father, to transcribe the birth certificate issued in India to the French registers and following the refusal by the Nantes Public Prosecutor to grant that request on account of the suspicion of recourse to a *GPA*, which is prohibited under Article 16-7 of the Civil Code, Mr Foulon and Ms Foulon's mother applied to the Nantes Regional Court to obtain the transcription of the birth certificate to the civil status registers. On 10 June 2010 the Nantes Regional Court ("*TGI*") granted that application. The Public Prosecutor's Office applied, successfully, to the Rennes Court of Appeal to set aside the *TGI*'s judgment. Mr Foulon and Ms Foulon's mother lodged an appeal on points of law, which was dismissed by the Court of Cassation.

The third applicant, Mr Philippe Bouvet, the father of Adrien and Romain Bouvet, applied to the Consulate General of France in Bombay for the transcription of his sons' birth certificates to the French civil status registers. The Nantes Public Prosecutor, suspecting that the biological father had had recourse to a *GPA*, also refused to enter the twins' birth certificates in the French registers, and instructed the French consular authorities in India to suspend the transcription of the children's birth certificates. Mr Bouvet applied, successfully, to the Nantes *TGI* for the registration of the Bouvet twins' birth certificates. The Rennes Court of Appeal upheld the *TGI*'s judgment, noting that the certificates met the requirements of Article 47 of the Civil Code, and that there were no grounds for advancing or prioritising such public-order considerations as the best interests of the child or the inalienability of the human body. The Public Prosecutor with the Rennes Court of Appeal appealed on points of law.

On 13 September 2013 the French Court of Cassation delivered the two separate judgments providing reasons for the refusal to transcribe the civil-status documents of the Foulon and Bouvet children, the main reason being the *fraude à la loi* (evasion of the law) involving the conclusion of a *GPA* agreement, which is contrary to French law.

Relying on Article 8 of the Convention, the applicants allege a breach of their right to respect for their private and family life as a result of the refusal to transcribe the Indian birth certificates of Ms Foulon and of Adrien and Romain Bouvet into the French civil-status registers on the grounds that Mr Didier Foulon and Mr Philippe Bouvet had recourse to a surrogacy agreement.

Mamatas and Others v. Greece (nos. 63066/14, 64297/14 and 66106/14)

The applicants are 6,320 Greek nationals who hold Greek State bonds of amounts ranging from 10,000 euros (EUR) to EUR 1,510,000.

The case concerns the participation by the applicants, who are private individuals, in reducing the Greek public debt by exchanging their bonds for other securities of lesser value.

Between 2009 and 2011 Greece experienced one of its worst ever economic crises; unable to meet its financial obligations, it was forced to borrow from the IMF and various Eurozone States, and also had to seek the assistance of the private sector in reducing public debt. As part of the private sector contribution, the institutional investors, that is to say the banks and other credit organisations,

negotiated a "haircut" on their shares – that is to say a reduction in the nominal value of their shares and an adjusted reimbursement of the remainder – and the compensations they could expect in return. On the other hand, the private individuals holding bonds to a total of some 1% of the overall public debt were not invited to take part in those negotiations, the Greek and European authorities having stated that they were not concerned by the measures.

In December 2011, however, the IMF invited the Greek authorities to involve all their individual creditors as well. Law No. 4050/2012 on the rules amending State emission or guarantee securities was adopted on 23 February 2012, and the Council of Ministers decided which securities were to be used in the exchange programme as from 24 February 2012, including those held by the applicants. The Law provided for activating "collective action clauses" in order to require anyone not wishing to take part in the operation to participate, provided that at least two thirds of the individual bondholders acceded to the agreement. The applicants refused the "haircut" on their bonds and did not respond to the State's invitation to take part in the procedure and exchange their bonds.

In March 2012 the Governor of the Bank of Greece, who had been appointed to manage the procedure, declared that the bondholders had agreed to the proposed amendments and that 91.05% of the outstanding receivables had been covered by the procedure. The Council of Ministers ratified the result, which now involved all the capital constituted by the selected securities, including the applicants' bonds. The old bonds were exchanged for new securities with a nominal value 53.5 % lower. In April 2012 the applicants lodged an action with the Court of Cassation to set that decision aside, arguing, in particular, that it had violated their right to protection of property as secured under Article 1 of Protocol No. 1, but their action was dismissed by the plenary Supreme Administrative Court.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants submit that the exchange of their bonds as required under Law No. 4050/2012 amounted to a *de facto* expropriation which deprived them of their property or, in the alternative, an interference with their right to respect for their property. Under Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1, the applicants in application no. 66106/14 also complain of having suffered discrimination as compared with other creditors, particularly the major creditors holding bonds to a total value of several billion euros.

Petreska v. "the former Yugoslav Republic of Macedonia" (no. 16912/08)

The applicant, Desanka Petreska, is a Macedonian national who was born in 1953 and lives in Skopje. The case concerns her dismissal as an employee of the State Intelligence Agency.

Ms Petreska was made redundant on 28 February 2001. She challenged her dismissal in April 2001. The first-instance court dismissed her claim, finding that she had been dismissed on the basis of internal regulations of 27 February 2001 providing for reduced number of employees for posts such as held by Ms Petreska. She appealed, arguing that the regulations could not apply in her case as they had not yet entered in force. This appeal was dismissed as was her subsequent appeal on points of law before the Supreme Court, in a final judgment of January 2008.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), Ms Petreska complains about the excessive length of the proceedings in her case and alleges that the courts' decisions in cases concerning identical situations to hers were contradictory.

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.

S.O. v. Austria (no. 44825/15)

Soltanov and Others v. Azerbaijan (nos. 24357/10, 36844/10, 56514/10, 10528/11, 20631/13, 71844/13, 23680/14, 78696/14 and 5394/15)
Dubinin v. Belgium (no. 74903/13)
Saoudi v. Belgium (no. 56254/09)
Zagorski v. Bulgaria (no. 59546/08)
Borojevic v. Croatia (no. 77903/12)
Simic v. Croatia (no. 38451/13)
N.A. and Others v. Denmark (no. 15636/16)
Zhorzholiani and Others v. Georgia (no. 1838/08)
Dirzou v. Greece (no. 25525/12)
Kapes v. Greece (no. 8673/13)
Tenko v. Greece (no. 7811/15)
Vlastaris and Kyriakidis v. Greece (nos. 28769/12 and 58732/12)
Voivoda and Others v. Greece (no. 62547/09)
Zerva and Others v. Greece (nos. 28025/14, 37998/14, 40142/14, 66253/14, 66276/14, 66277/14 and 12704/15)
Darázsi and Others v. Hungary (nos. 24442/10, 6021/12, 6696/12, 10839/12, 15540/12, 25210/12, 34636/12, 47839/12, 47888/12, 58629/12, 60383/12, 64381/12 and 71459/13)
Altieri and Others v. Italy (no. 37755/08)
Attisani and Others v. Italy (nos. 57853/08, 58566/08, 3896/09, 24414/09, 40246/09, 44840/10 and 44841/10)
Casalino and Polichetti v. Italy (nos. 41245/09 and 64498/11)
Damiano v. Italy (no. 8402/11)
De Rosa and Others v. Italy (no. 46286/07 and 71 other applications)
Florio v. Italy (nos. 33888/09 and 8184/12)
Formisano and Others v. Italy (no. 46326/07 and 34 other applications)
Iannella and Others v. Italy (nos. 2346/10, 12304/11 and 62037/11)
Maresca and Others v. Italy (no. 34970/09 and 34 other applications)
Palma and Others v. Italy (nos. 50633/07, 3906/09, 8483/09, 49965/09, 6301/10, 44869/10, 57175/10, 57188/10, 12150/11, 23370/11, 64499/11, 8448/12 and 15917/12)
Paola and Others v. Italy (nos. 46391/07, 15077/11 and 20324/11)
Patricelli and Others v. Italy (no. 13750/07and 212 other applications)
Pennetta and Others v. Italy (nos. 58575/08, 18/09, 21408/10, 45269/10, 45461/10 and 14762/11)
Navrotki v. the Republic of Moldova (no. 65953/11)
Cabral v. the Netherlands (no. 37617/10)
Bakke v. Norway (no. 43641/14)
Dos Santos and Others v. Portugal (nos. 18608/14, 19121/14, 26013/14, 31528/14, 33891/14, 34998/14, 35872/14, 35874/14, 39860/14 and 41362/14)
Ramos Fetal Ferreira v. Portugal (no. 23928/13)
Anghel v. Romania (no. 16979/12)
Ciulavu v. Romania (no. 15325/08)
Kașai v. Romania (no. 69367/14)
Lungu and Others v. Romania (nos. 21815/14, 5330/15, 8278/15, 16798/15, 26435/15, 29815/15 and 54946/15)
Pop and Others v. Romania (nos. 54734/13, 29196/14, 30989/14, 41055/14 and 8799/15)
Abutalybov v. Russia (no. 59355/10)
Aristov and Others v. Russia (nos. 36101/11, 36831/11, 52683/12, 63745/12, 59337/13, 67679/13, 67943/13, 77397/13, 3251/14, 9694/14, 13257/14, and 19016/14)
Bodrov and Others v. Russia (no. 35264/09)
Brazhnikov and Others v. Russia (nos. 30454/08, 11655/10 and 19871/10)
Chebotarevich and Others v. Russia (nos. 42051/09, 16618/10, 36751/10, and 51093/10)

Chirskaya v. Russia (no. 46862/07)
Fadin and Oshkina v. Russia (no. 57328/08)
Gladkov and Adodin v. Russia (nos. 44462/13 and 65404/14)
Gorbachev and Others v. Russia (nos. 57877/10, 66367/12 and 24164/13)
Grechkin and Smirnova v. Russia (nos. 23975/06 and 5211/07)
Grishina v. Russia (no. 8998/09)
Gurin v. Russia (no. 29728/06)
Izmaylov v. Russia (no. 75286/12)
Kalashnikov v. Russia (no. 13817/09)
Kern and Anishchenko v. Russia (nos. 49739/10 and 14549/11)
Khanov and Others v. Russia (nos. 15327/05, 20340/06, 20656/06, 24790/06, 40560/06, 44142/06, 47042/06, 1552/07, 21737/07, 32235/07, 3241/08, 23393/08, 28616/08, 42258/08, 15595/09 and 42138/09)
Khaybullayeva and Others v. Russia (nos. 24787/05, 25245/07, 22334/08, 23795/08, 41202/08, and 4045/09)
Kochiyev and Others v. Russia (nos. 4721/06, 6991/06, 10576/06, 32026/06, 48683/06, 1615/07, 5798/07, 27732/07, and 28193/07)
Konovalov v. Russia (no. 5536/09)
Krupskiy v. Russia (no. 51255/07)
Kuznetsov and Others v. Russia (nos. 5076/05, 25573/05, 30076/05, 41335/05, 1399/06, 36533/06, 45149/06, 9564/07, 14928/07, and 44630/08)
Maltsev and Others v. Russia (nos. 4174/06, 9796/06, 13663/06, 26675/06, 36696/06, 10117/07, 4475/08, 30062/08, 40607/08, 56239/08, 61152/08, and 4633/09)
Nagayka v. Russia (no. 44577/10)
Panov v. Russia (no. 61655/11)
Popkov v. Russia (no. 41900/06)
Putenev v. Russia (no. 46958/12)
Ryabchenko and Others v. Russia (nos. 37844/05, 27724/06, 13722/07, 20171/07, 40252/07, 52147/07, 52149/07, 52159/07, 52809/07, 53078/07, 53823/07, 54007/07, 54832/07, 40093/08, 6836/09, and 9321/09)
Ryabkin and Volokitin v. Russia (nos. 52166/08 and 8526/09)
Shamrayev and Others v. Russia (nos. 28625/13, 49945/13, 67302/13 and 43672/14)
Shanskov and Others v. Russia (nos. 33589/05, 22753/06, 26337/06, 2737/07, and 12238/07)
Sirotenko and Others v. Russia (nos. 9550/03, 21253/04, 16057/06, 42125/08, and 26828/09)
Skripiy v. Russia (no. 11362/07)
Stolyarova v. Russia (no. 15658/09)
Syusyura and Ovechkin v. Russia (nos. 24649/10 and 8496/13)
Van and Others v. Russia (nos. 20213/05, 4482/06, 43519/06, 49045/06, 11213/07, 12688/07, 42174/07, and 39347/08)
Voronina and Others v. Russia (nos. 42139/05, 4014/06, 6331/06, 41170/06, 43842/06, and 22926/07)
Walter and Others v. Russia (nos. 58104/14, 12566/15, 13335/15, 15383/15, 18943/15, 21219/15, and 23554/15)
Yegorov v. Russia (no. 30136/11)
Zemlyakov and Others v. Russia (nos. 33703/13, 51131/13, and 7717/15)
Zhdanov and Others v. Russia (nos. 48028/07, 52153/07, 54006/07, 54748/07, 20852/09, 24812/09, 26826/09, 27079/09, 28291/09, 29804/09, 34325/09, 34397/09, 41205/09, 57438/09, 67749/09, and 3220/10)
Zyuban and Others v. Russia (nos. 31666/07, 15615/09, 9546/10, 23667/10, 26372/10, 37048/10, 43419/10, 59771/10, 74851/10, 13678/11, 31980/12, 5494/13, 10172/13, and 50191/13)

Hami v. Slovakia (no. 54888/15)
Jakab v. Slovakia (no. 53963/15)
Janosik v. Slovakia (no. 37839/15)
Juhas v. Slovakia (no. 43096/15)
Kunzo v. Slovakia (no. 57465/11)
Schmutzova and Vittek v. Slovakia (no. 53549/13)
Sefc v. Slovakia (no. 39656/15)
Szijjarto v. Slovakia (no. 54891/15)
Tasino Češmiče Ltd v. "the former Yugoslav Republic of Macedonia" (no. 20158/15)
Ahunbay and Others v. Turkey (no. 6080/06)
Aşili Doğan and Others v. Turkey (nos. 62781/10, 62823/10 and 70647/10)
Atay v. Turkey (no. 39870/11)
Boudraa v. Turkey (no. 1009/16)
Bulut and Others v. Turkey (no. 54849/10 and 22 other applications)
Cancar v. Turkey (no. 45027/05)
Carsancakli and Others v. Turkey (no. 37783/08)
Celebi v. Turkey (no. 4447/08)
Ceran v. Turkey (no. 21733/12)
Demir and Others v. Turkey (no. 40437/06 and 57 other applications)
Eker and Others v. Turkey (nos. 28229/06, 30315/06, 36464/06, 39670/06 and 25532/08)
Eroğlu and Others v. Turkey (no. 42107/04 and 20 other applications)
Gungur v. Turkey (no. 33360/09)
Sakin v. Turkey (no. 20616/13)
Tabar and Akçin v. Turkey (nos. 10667/12 and 24467/12)
Yildiz v. Turkey (no. 12604/12)
Gerbey and Others v. Ukraine (nos. 23265/05, 19017/06, 29820/10, and 48107/10)
Maznenko v. Ukraine (no. 46344/08)

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