



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 11 judgments on Tuesday 20 February 2024 and 77 judgments and / or decisions on Thursday 22 February 2024.

*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 20 February 2024

#### [M.G. v. Lithuania \(application no. 6406/21\)](#)

The applicant, Mr M.G., is a Lithuanian national who was born in 1996 and lives in Kaunas (Lithuania).

The case concerns the applicant's complaint about the proceedings brought against his aunt's live-in partner who had hit him and threatened him with rape in 2014 when he was 17 years old. The perpetrator was convicted of attempted sexual assault of a minor in 2019 and given a three-year suspended prison sentence. This decision was upheld by the Supreme Court in 2020.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, the applicant alleges that the length of the domestic proceedings, lasting almost six years, was excessive and that his aggressor's punishment was too lenient.

#### [Lypovchenko and Halabudenco v. the Republic of Moldova and Russia \(nos. 40926/16 and 73942/17\)](#)

The applicants are Oleksandr Lypovchenko, a Ukrainian national, and Oleg Halabudenco, a Moldovan national. They were born in 1979 and 1969, respectively, and live in Dnestrovsk and Chişinău.

The case concerns the applicants' allegations of various breaches of their rights in the self-proclaimed "Moldovan Republic of Transnistria" (a separatist administration on the territory of the Republic of Moldova – the "MRT").

Mr Lypovchenko was arrested in 2015 by the *de facto* "MRT" authorities for criticising the "MRT" on social media. He was convicted in 2016 of incitement to extremism and sentenced to three and a half years' imprisonment; he served the sentence in full in an "MRT" prison.

Mr Halabudenco, a part-time lecturer at a university in Tiraspol (a city in the "MRT"), was apprehended in 2016 and remanded in custody on charges of taking a bribe from a student. He was released after posting bail. However, the *de facto* "Tiraspol City Court" subsequently rescinded the decision to release the applicant on bail and issued an arrest warrant. The bail he had previously posted was later forfeited and paid into the "MRT treasury". He had in the meantime left the Transnistrian region.

Relying on Articles 5 (right to liberty and security) and 6 (right to a fair trial) of the European Convention, Mr Lypovchenko complains that his arrest and conviction were unlawful. He also relies on Article 3 (prohibition of inhuman or degrading treatment) to complain that his detention conditions were inadequate, principally because of overcrowding, lack of medical care and being forced to have psychiatric treatment when he went on hunger strike. He also alleges that the *de facto* "MRT" authorities prevented him from properly communicating with the European Court, in breach of Article 34 (right of individual petition).

Relying on Article 8 (right to respect for private life) and Article 2 of Protocol No. 4 (freedom of movement) to the Convention, Mr Halabudenco complains that he could no longer travel to the Transnistria region of the Republic of Moldova because of the arrest warrant against him or continue his professional activities there. He also alleges a breach of Article 1 of Protocol No. 1 (protection of property) because of the forfeiture of the amount that he had posted as bail.

Both applicants complain under Article 13 (right to an effective remedy) that they had no effective remedies in respect of their complaints.

#### [Danileț v. Romania \(no. 16915/21\)](#)

The applicant, Vasilică-Cristi Danileț, is a Romanian national who was born in 1975 and lives in Cluj-Napoca (Romania). At the relevant time he was a judge at Cluj County Court. He was known for actively taking part in debates and enjoyed a certain renown at the national level.

The case concerns a disciplinary penalty imposed on a judge – a two-month, 5% pay cut – by the National Judicial and Legal Service Commission for having posted two messages on his Facebook account, which had roughly 50,000 followers.

Relying on Article 8 (right to respect for private life) of the Convention, the applicant complains that his reputation has been damaged.

Relying on Article 10 (freedom of expression) of the Convention, the applicant complains of an interference with his right to freedom of expression.

#### [Diaconeasa v. Romania \(no. 53162/21\)](#)

The applicant, Angelica Diaconeasa, is a Romanian national who was born in 1953 and lives in Lupeni (Romania).

Ms Diaconeasa had a stroke in 2013 which left her unable to move or talk. The case concerns the authorities' decision in 2017 to no longer provide her with a home care assistant.

Relying on Article 8 (right to respect for private life), Ms Diaconeasa complains that nothing had changed in her situation since 2016 to justify reducing the level of care provided to her and that that decision forced her into isolation and deprived her of her autonomy.

#### [I.L. v. Switzerland \(no. 2\) \(no. 36609/16\)](#)

The applicant, I.L., is a Swiss national who was born in 1988 and lives in Ostermundigen (Switzerland).

The case concerns the lawfulness of the applicant's detention as part of an institutional therapeutic measure ordered in respect of him, his detention conditions and the time taken to examine his application for release.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant complains that he was kept in isolation for almost five years in a high-security ward and was repeatedly transferred during that time to a high-security cell, where he was allegedly chained to the wall with no medical supervision of any kind. Relying on Article 3 together with Article 13 (right to an effective remedy), he complains that he was subjected to inhuman and degrading treatment on account of the compulsory medication he was forced to take and that no effective remedy was available to him in respect of that complaint. Relying on Article 5 § 1 (right to liberty and security), he complains that he had to wait at least from 24 June 2011 to 25 February 2016 before he was transferred to a suitable institution for the necessary medical treatment; that he did not receive adequate medical attention during that time; and that he was not given the opportunity to receive therapy. He therefore argues that his deprivation of liberty was unlawful. Lastly, relying on Article 5

§ 4 (right to a speedy decision on the lawfulness of detention), he complains that his application for conditional release was not examined “speedily”.

#### [Wa Baile v. Switzerland \(nos. 43868/18 and 25883/21\)](#)

The applicant, Mohamed Shee Wa Baile, is a Swiss national who was born in 1974 and lives in Berne.

The case concerns an allegation of racial profiling during an identity check at the Zürich railway station.

In the present case, the applicant alleges, among other things, that he was the victim of discrimination on the grounds of his skin colour, and considers that the Swiss authorities did not determine whether or not he had been the target of racial profiling. He has lodged two applications with the Court in this connection: one concerning the criminal proceedings and the other concerning the administrative proceedings he brought in the domestic courts.

Relying on Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private life), the applicant submits that the identity check and search to which he was subjected – and the fine imposed on him for having refused to submit to them – amounted to discrimination on the ground of his skin colour.

Relying on Article 13 (right to an effective remedy), he submits that no effective remedy was available to him to have his complaint examined under Article 14 in conjunction with Article 8 of the Convention.

#### [Dede v. Türkiye \(no. 48340/20\)](#)

The applicant, Mehmet Tahir Dede, is a Turkish national who was born in 1979 and lives in Maidenhead (United Kingdom).

The case concerns the dismissal of a bank employee for having sent an email to the staff of his company’s human resources department criticising a senior executive’s management methods.

Mr Dede relies on Articles 6 (right to a fair hearing), 8 (right to respect for private life) and 10 (freedom of expression) of the Convention, and on Article 1 of Protocol No. 1 (protection of property) to the Convention.

Thursday 22 February 2024

#### [M.H. and S.B v. Hungary \(nos. 10940/17 and 15977/17\)](#)

The applicants, M.H. and S.B, are an Afghan and a Pakistani national respectively. They were born in 2000 and live in Austria.

The case concerns the asylum detention of the applicants, who were minors at the time. Mr M.H. crossed into Hungary in April 2016, while Mr S.B. entered Hungary in June 2016. The records of the immigration authorities’ interviews indicate that both applicants initially said that they were adults. They soon after stated that they were minors and asked for their age to be assessed. M.H. was detained for about three months, S.B. for about two months.

They rely on Article 5 § 1 (right to liberty and security).

#### [Vlahović v. Montenegro \(no. 62444/10\)](#)

The applicant, Zoran Vlahović, is a Croatian national who was born in 1964 and lives in Split (Croatia).

The case concerns the non-enforcement of a final judgment and administrative decisions in Mr Vlahović’s favour relating to a property dispute. In particular he had brought proceedings against an individual for unlawfully building a sewage collection system and a road in 2005 on land they

co-owned in Herceg Novi. The authorities ordered the co-owner to remove the constructions but this has not yet taken place because of, among other things, ongoing expropriation proceedings.

In 2016 the European Court struck the same application out of its list of cases when the Montenegrin Government agreed to enforce the judgment and decisions in question and provide the applicant with compensation ([unilateral declaration of 22 November 2016](#)). Enforcement is still pending and the Court decided to restore the application to its list of cases in November 2020 at the applicant's request.

Relying on Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property), the applicant complains that the judgment and decisions in his favour dating back to 2010 are still not enforced.

#### [Kaczmarek v. Poland \(no. 16974/14\)](#)

The applicant, Honorata Kaczmarek, is a Polish national who was born in 1960 and lives in Gdynia (Poland). She is the spouse of J.K., who at the time of the events in question was Polish Minister of the Interior.

The case concerns the disclosure by prosecutors at a press conference of private telephone calls of Ms Kaczmarek which had been recorded as part of an investigation connected with the alleged hampering of an anti-corruption sting operation. It also concerns the retention of material relating to Ms Kaczmarek which had been obtained through the secret surveillance operation.

Relying on Articles 8 (right to respect for private and family life/correspondence) and 13 (right to an effective remedy), Ms Kaczmarek complains, in particular, that personal data and surveillance information about her was made public at a press conference, that the surveillance material was retained, and of having no remedy for these complaints.

#### [Just Satisfaction](#)

#### [Dolenc v. Slovenia \(no. 20256/20\)](#)

The applicant, Vincenc Vinko Dolenc, is a Slovenian national who was born in 1940 and lives in Ljubljana.

The case concerns recognition by the Slovenian courts of judgments issued by the Israeli courts in civil proceedings against Mr Dolenc. In the proceedings in Israel, he was found liable for damage caused to a patient, an Israeli citizen, as a result of surgery performed by Mr Dolenc in Slovenia. The Court found a violation of Article 6 § 1 (right to a fair hearing) in its [judgment of 20 October 2022](#) owing to the failure by the Slovenian courts to duly satisfy themselves that the related trial in Israel had been fair.

The forthcoming judgment in this case concerns the question of just satisfaction in respect of pecuniary damage, which was reserved at the time of the initial judgment on the merits.

[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 20 February 2024

Name	Main application number
Vugdeliija v. Croatia	14692/18
Iljaz v. North Macedonia	53040/19

Name	Main application number
Becali and Cioflină v. Romania	62157/13
İmret v. Türkiye	69539/12

Thursday 22 February 2024

Name	Main application number
Vicktoria Sh.P.K. v. Albania	31018/09
Gemeinnützige Privatstiftung Anas Schakfeh v. Austria	37777/22
Isagov and Others v. Azerbaijan	14962/15
Parvanov v. Bulgaria	45396/18
Staykov v. Bulgaria	19345/15
Vanchev v. Bulgaria	28003/15
Zlatanov v. Bulgaria	53050/21
Hercezi v. Croatia	7732/19
Sučec and Others v. Croatia	45648/18
Adefdromil v. France	20536/17
Riaz v. France	43437/22
Elibashvili v. Georgia	45987/21
T.R. v. Greece	15919/20
Barkóczy and Others v. Hungary	7827/23
Bonum Team Kft and Csurai v. Hungary	13072/23
Csáki and Others v. Hungary	1397/23
Szűcs and Others v. Hungary	8942/23
Odu v. Ireland	31656/22
Bortoluzzi and Carraretto v. Italy	58777/21
Immobiliare Grassabò S.r.l. v. Italy	45147/17
Marzano v. Italy	34963/18
Chifa v. the Republic of Moldova	36162/13
Lapchuk and Likhanov v. the Republic of Moldova	77798/14
Platon v. the Republic of Moldova	25609/18
Antovski and Others v. North Macedonia	20630/20
Karposh Factory AD and Others v. North Macedonia	7307/20
H.B. and Others v. Norway	35858/21
Adamczyk and Others v. Poland	20431/22
Czerski v. Poland	50170/14
Iwankiewicz and Others v. Poland	40408/20
Kraj v. Poland	26109/20
Maksymiuk v. Poland	10768/20
Nagórny v. Poland	13402/19
da Cunha Gonçalves v. Portugal	44561/18
Domingues Romão and Others v. Portugal	20710/22
Marques Ângelo v. Portugal	31516/22
Bîlea v. Romania	40226/16
Burcă and Dancă v. Romania	62846/16
Cadar and Others v. Romania	79490/17

Name	Main application number
Drăgan v. Romania	5559/17
Ghergheșan and Others v. Romania	58527/16
Gora v. Romania	16792/18
Gosav and Others v. Romania	41253/16
Lăcătuș and Lucan v. Romania	47094/16
Marinescu v. Romania	34716/18
Muntean v. Romania	42119/16
Păilă and Zarafim v. Romania	26096/16
Pulpa v. Romania	45278/16
Rostaș and Others v. Romania	8804/21
State and Others v. Romania	44810/16
Teodorescu v. Romania	19150/19
Atamanova and Others v. Russia	45205/22
Gryazev and Others v. Russia	25870/21
Ivanov and Others v. Russia	54470/21
Lukashchuk and Others v. Russia	35012/19
Maksimova and Others v. Russia	47048/21
Nurushev and Others v. Russia	46570/18
Radoshevich and Others v. Russia	53209/17
Sarimova and Others v. Russia	9429/23
Solovyev and Others v. Russia	57580/21
Yermolayeva and Others v. Russia	48029/21
Zinchenko and Others v. Russia	47784/18
Marjanović and Others v. Serbia	56079/22
E.G. v. Switzerland	43908/16
Çelik and Others v. Türkiye	29220/19
Demokratik Sol Parti v. Türkiye	24331/18
Gülmez and Others v. Türkiye	919/20
Halkın Kurtuluş Partisi (HKP) v. Türkiye	50432/17
Halkın Kurtuluş Partisi (HKP) v. Türkiye	53389/18
Gratiun Trety, Tov v. Ukraine	9166/14
Kudryavtseva and Kudryavtsev v. Ukraine	28141/20
Simon v. Ukraine	41877/21
Zholonko and Others v. Ukraine	18371/17

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