



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing nine judgments on Tuesday 20 June 2023 and 56 judgments and / or decisions on Thursday 22 June 2023.

*Press releases and texts of the judgments and decisions will be available at 10 a.m. (local time) on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int)).*

### Tuesday 20 June 2023

#### [Yengibaryan and Simonyan v. Armenia \(application no. 2186/12\)](#)

The applicants, Sergey Yengibaryan and Anzhela Simonyan, are Armenian nationals who were born in 1952 and 1983 respectively and live in Yerevan.

The case concerns the fatal shooting of Arman Yengibaryan – son of Sergey Yengibaryan and husband of Ms Simonyan – by a police officer during a police chase.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, the applicants complain of Arman Yengibaryan's killing, of the subsequent investigation, of the authorities' refusal to recognise Sergey Yengibaryan as a victim and the refusal to address Ms Simonyan's application to be a party to the proceedings. They also complain under Article 6 § 2 (presumption of innocence) that the public statements of the chief of police violated Arman Yengibaryan's right to presumption of innocence.

#### [Margari v. Greece \(no. 36705/16\)](#)

The applicant, Eleni Margari, is a Greek national who was born in 1978 and lives in Athens.

In 2015 Ms Margari was arrested in connection with offences related to fraud and forgery. The case concerns the authorisation by the public prosecutor of the Athens Court of First Instance of the publication of the photos and personal details of seven of the accused – including Ms Margari – in the press and online for a period of six months following their indictment.

Relying on Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) of the European Convention, Ms Margari complains of the publication of her photo and personal data in the press following her being charged.

#### [Karaca v. Türkiye \(no. 25285/15\)](#)

The applicant, Hidayet Karaca, is a Turkish national who was born in 1963 and is currently detained in Istanbul. He has been a professional journalist since 1994 and, at the relevant time, had been working as the general coordinator of the Samanyolu TV television channel since 1999. He was also the director of the Samanyolu media group, which owned 14 television channels, nine radio stations, an Internet news site and two weekly periodicals.

The case concerns the applicant's arrest and detention pending trial for having broadcast a television series on one of the Samanyolu media group's channels, owned by the Gülenists, with the aim of defaming, by presenting them as terrorists, the members of another Islamist group, known as *Tahşiyeciler* ("the Annotators"), whose views are purported to be generally opposed to those of the Gülenists.

Relying on Article 5 § 1 (right to liberty and security) of the Convention, the applicant submits that there is no solid evidence of there being plausible reasons to suspect him of having committed a criminal offence. Relying on Article 5 §§ 1 and 4 (right to speedy review of the lawfulness of his detention), he complains that he was not afforded the opportunity to challenge the lawfulness of his detention in an effective manner before an independent, impartial judicial authority. Relying on Article 5 § 3 (right to be tried within a reasonable time or to be released pending trial), he complains of the length of his detention pending trial. Lastly, relying on Article 10 (freedom of expression), he complains that his arrest and detention on the grounds of having allegedly founded and headed a terrorist organisation – an accusation he claims rests solely on his having authorised the broadcast of a television series in his capacity as director of the Samanyolu media group – constituted in and of themselves an infringement of his freedom of expression.

#### [Kaymak and Others v. Türkiye \(no. 62239/12\)](#)

The applicants, Muammer Kaymak, Mete Kaan Kaynar, Cihan Turan, and Göksu Uğurlu are Turkish nationals who were born in 1975, 1972, 1963 and 1986 respectively and live in Ankara.

The case concerns the disciplinary measure of “non-punitive warning” taken against the applicants, who are civil servants, for having set up a promotional stand for a trade union at Hacettepe University (Ankara) in order to distribute leaflets.

At the relevant time, applicants Muammer Kaymak, Mete Kaan Kaynar and Göksu Uğurlu were lecturers at Hacettepe University, and applicant Cihan Turan worked there as an IT operator. They were all members of the Eğitim-Sen association (trade-union for workers in education and the sciences). According to the official report drawn up by the Hacettepe University security personnel, at around 12.15 p.m. on 2 November 2010 a group of 15 people, including the applicants, turned up at the university’s Beytepe campus and informed security that, after submitting a request to the university administration, they wished to set up an Eğitim-Sen stand in front of the library to inform civil servants and recruit union members. On 9 and 11 March 2011 the administration of the university took disciplinary measures against each applicant in the form of a “non-punitive warning”. On 9 May 2011 the applicants lodged an action with the Ankara Administrative Court to set aside those measures. On different dates, various divisions of the Administrative Court dismissed their applications to set aside. Mr Mete Kaan Kaynar and Mr Göksu Uğurlu applied to the Supreme Administrative Court. In two separate judgments delivered on 13 December 2011, the Supreme Administrative Court upheld the judgments against them, finding their reasoning both legally and procedurally sound.

Relying on Article 11 (freedom of assembly and association), the applicants complain of an infringement of their right to freedom of association and to trade-union freedom.

#### [Alkan v. Türkiye \(no. 24492/21\)](#)

The applicant, Oktay Alkan, is a Turkish national who was born in 1992 and lives in Ankara.

The case concerns the refusal by the Council of Judges and Prosecutors (HSK) to confirm Mr Alkan’s appointment as a judge, even though he had recently completed his training.

Relying on Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), and Article 13 (right to an effective remedy), the applicant complains that there was no court by which to challenge the HSK decision, which moreover contained no reasons for the refusal to appoint him, and that questions had been put to him on his private life following that decision.

Thursday 22 June 2023

[Kubát and Others v. the Czech Republic \(nos. 61721/19, 5496/20, 21318/20, 33522/20, 43039/20, and 55448/20\)](#)

The applicants, Ondřej Kubát, Robert Ožvald, Alena Makovcová, Adriana Pilařová, Soňa Biskupová Fišerová and Miroslav Pečený, are six Czech nationals. They live in various parts of the Czech Republic. They are judges.

In the period 2011-14 judges' salaries were reduced in line with amendments to the Salaries Act. The amendments were later found to be unconstitutional by the Constitutional Court but without retroactive effect. The case concerns the denial of the retroactive payment of the difference in their salaries, not the reduction of the applicants' salaries themselves.

They rely on Articles 6 § 1 (right to a fair trial) and 14 (prohibition of discrimination), and Article 1 of Protocol No. 1 (protection of property).

[R.K. v. Hungary \(no. 54006/20\)](#)

The applicant, R.K., is a Hungarian national who was born in 2000 and lives in Diósd (Hungary).

The case concerns R.K.'s attempts to have his gender changed on his birth certificate. His request was rejected by the Budapest High Court in June 2020, with reference to the legislative lacuna regulating the requisite documents supporting the applicant's request, the absence of a supporting expert medical opinion and an official notification in the applicant's file.

Relying on Article 8 (right to respect for private and family life), R.K. alleges a lack of a regulatory framework for the legal recognition of his gender identity.

[X and Others v. Ireland \(nos. 23851/20 and 24360/20\)](#)

The applicants, X, E, Y, and M, are two mothers and their separate children. X is a Nigerian national who was born in 1987 and is the mother of E, who is an Irish national and was born in 2014. Y is an Afghan national, and is the mother of M, who was born in 2013.

The case concerns the rule that the payment of child benefit in Ireland can only be made to claimants who are lawfully resident in the State.

Relying on Article 8 (right to respect for private and family life), and Article 1 of Protocol No. 1 (protection of property), read in conjunction with Article 14 (prohibition of discrimination), the applicants complain that the child-benefit policy discriminates against families in which the parents, although lawfully present in the State, are in the immigration process.

[Giuliano Germano v. Italy \(no. 10794/12\)](#)

The applicant, Giuliano Germano, is an Italian national who was born in 1956 and lives in Savona (Italy).

The case concerns a police caution (*ammonimento*) issued against Mr Germano at his wife's request in 2009 after she had left him; she complained that he was harassing and intimidating her. The caution invited the applicant to "behave in accordance with the law" and not to repeat the behaviour which led to the adoption of the measure. Any breach of the obligations set out in the caution would make it possible to prosecute Mr Germano for the crime of stalking even in the absence of a criminal complaint (*querela*) on the part of the victim. He appealed against the measure, in vain.

Relying in particular on Article 8 (right to respect for private and family life), the applicant alleges that the law regulating such cautions had not been clear enough for him to understand what behaviour on his part would lead to the caution being issued or what he had to do to once it had

been issued and did not provide for sufficient procedural safeguards, that he could not defend his interests as he had not been allowed to take part in the decision-making process, that the authorities did not sufficiently justify the measure and that the review of the decision to issue the caution was inadequate.

#### [Poklikayew v. Poland \(no. 1103/16\)](#)

The applicant, Oleg Poklikayew, is a Belarusian national who was born in 1980 and lives in Belarus. He moved to Poland in 2006, where he was granted a permanent residence permit in view of his Polish origins.

The case concerns his expulsion from Poland in 2012 on the grounds of national security. The applicant complains that the reasons for the revocation of his residence permit and for his expulsion were never disclosed to him in detail.

Relying on Articles 6 (right to a fair trial) and 13 (right to an effective remedy), the applicant complains that he was not afforded sufficient procedural safeguards in the expulsion proceedings and therefore was not able to defend himself effectively. More specifically he alleges that he was not notified of the actual accusations against him, that neither he nor his lawyer were granted access to the case file and that the decision to expel him was enforced immediately.

#### [Lorenzo Bragado and Others v. Spain \(nos. 53193/21, 53707/21, 53848/21, 54582/21, 54703/21, and 54731/21\)](#)

The applicants are six Spanish nationals.

The case concerns the appointment process for membership of the General Council of the Judiciary ("the GCJ"), the governing body of the judiciary in Spain. Members' terms are renewed every five years by Parliament.

In 2018, the GCJ composition came up for renewal and the applicants, at the time Spanish judges, were candidates. The final list of candidates, including the applicants, was made public in September 2018. Parliament has still not however agreed on who should be appointed. In 2020 the applicants lodged an *amparo* appeal with the Constitutional Court to complain about Parliament's failure to follow through with the appointment process, but it was ruled inadmissible in 2021 as outside the statutory time-limit.

Relying on Article 6 § 1 (right to a fair trial/access to court), the applicants allege that the Constitutional Court's ruling was arbitrary and lacked reasoning.

[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 June 2023

Name	Main application number
Lazaris v. Albania	48806/06
Zajmi v. Albania	83907/17
Krashias and Others v. Cyprus	52551/18
Temeşan v. Romania	37113/17

Thursday 22 June 2023

Name	Main application number
2001 SH.P.K. v. Albania	56080/19
Haka v. Albania	34712/18
Zeço and Seat SH.P.K. v. Albania	61445/12
Yevlakh Avtovagzal Open Type Joint Stock Company v. Azerbaïdjan	42480/13
Timotei Motors EOOD v. Bulgaria	27026/16
Matijević and Stojaković v. Croatia	54199/20
A.R. and Others v. the Czech Republic	15215/20
Konečný v. the Czech Republic	25775/15
A.N. v. France	27666/22
Lohmann v. Germany	58994/16
Kovács and Others v. Hungary	52672/22
Répai and Others v. Hungary	6908/22
Bonzano and Others v. Italy	10810/20
Mastromonaco v. Italy	11946/06
Modanese and Others v. Italy	59054/19
Nuti and Others v. Italy	47998/20
Rizzelli and Frassaniti v. Italy	21461/05
Stasi v. Italy	30903/22
Gerter v. Poland	51846/19
Synówka v. Poland	36276/15
Bănescu v. Portugal	11730/21
Frutuoso da Costa v. Portugal	31878/18
Lourenço and Gomes v. Portugal	10536/21
Maciel Júnior v. Portugal	42589/21
Martins Ferreira Pinto Basto v. Portugal	26022/20
Nazaré Martins v. Portugal	83098/17
Ramos Nunes de Carvalho e Sá and Morgado Gonçalves Ribeiro v. Portugal	389/19
Rocha Gonçalves v. Portugal	53821/21
Rodrigues Russo v. Portugal	29358/18
Árus v. Romania	11655/15
Árus v. Romania	39647/21
Maier v. Romania	47351/17
Stanciu and Others v. Romania	46518/16
2. Maj DOO Novi Pazar v. Serbia	55012/22
Baša v. Serbia	20874/18
Đokić v. Serbia	25879/20
Pavlović v. Serbia	40782/22
Sokolović v. Serbia	40350/22
Tomašević and Others v. Serbia	33236/22
Vulko doo v. Serbia	39571/20
BPT LEASING, a.s. v. Slovakia	50053/22
BPT LEASING, a.s. v. Slovakia	56585/22
Kurian v. Slovakia	55290/22
Iskra v. Ukraine	12489/17

Name	Main application number
Kadryayeva v. Ukraine	50893/21
Komar and Others v. Ukraine	68786/14
Kruglov and Others v. Ukraine	25946/19
Maselko v. Ukraine	52086/13
Nechiporenko v. Ukraine	20852/13
Neshcheret v. Ukraine	41395/19

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.