



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing ten judgments on Tuesday 20 July 2021 and 89 judgments and / or decisions on Thursday 22 July 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 20 July 2021

[Avanesyan v. Armenia \(application no. 12999/15\)](#)

The applicant, Artur Avanesyan, is an Armenian national who was born in 1995 and lives in Masis (Armenia).

The case concerns the applicant's refusal to perform military service because, as a Jehovah's Witness, his conscience did not allow him to serve in the army. He was convicted of draft evasion and sentenced to two years and six months' imprisonment.

Relying on Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights, he complains about his arrest and subsequent detention, prosecution and conviction for conscientious objection, despite having requested to do alternative civilian service.

[Polat v. Austria \(no. 12886/16\)](#)

The applicant, Leyla Polat, is an Austrian national who was born in 1974 and lives in Bregenz (Austria).

The case concerns a post-mortem examination of the applicant's son carried out against her will and against her expressed religious convictions. The applicant submits that the state of her son's corpse was discovered during the funeral rites in Turkey where she had taken it for interment. This led to her son being buried in another village without the religious ritual washing and Islamic ceremony.

Relying on Articles 8 (right to respect for private and family life), 9 (freedom of thought, conscience and religion) and 13 (right to an effective remedy) of the European Convention, the applicant complains, in particular, that the post-mortem on her son was carried out without her consent, that the domestic courts did not balance the issues at stake correctly, and that the hospital failed to comply with its duty to inform her of the extent of the post-mortem and the removal of the inner organs of her deceased son.

[Loquifer v. Belgium \(nos. 79089/13, 13805/14, and 54534/14\)](#)

The applicant, Michèle Loquifer, is a Belgian national who was born in 1952 and lives in Feluy (Belgium).

The case concerns the alleged lack of a remedy by which to challenge the decisions taken by the High Judicial Council (CSJ) suspending the applicant from all her duties within that body.

Relying on Article 6 § 1 (right of access to a court) of the Convention, Ms Loquifer alleges that the disciplinary sanction in disguise to which she was made subject was imposed by a non-judicial body and that there was no means of challenging the measure in question.

Under Article 6 § 1 (right to a fair trial), she also complains of the lack of a public hearing and of the refusal to give her access to the minutes of the CSJ's general meeting.

[D v. Bulgaria \(no. 29447/17\)](#)

The applicant, D., is a Turkish national who was born in 1985. He is a journalist.

The case concerns the applicant's removal to Turkey approximately three months after the attempted coup in that country in 2016. The applicant alleges that the risks he faced in Turkey were not examined by the Bulgarian authorities and that he was deprived of an effective remedy that could have prevented his removal. He relies in particular on Articles 3 (prohibition of torture and inhuman or degrading treatment), 6 (right to a fair trial) and 13 (right to an effective remedy) of the Convention, and Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) to the Convention.

D. is currently detained in Kandıra Prison (Kocaeli, Turkey).

[Stoyan Nikolov v. Bulgaria \(no. 68504/11\)](#)

The applicant, Stoyan Nikolov, is a Bulgarian national who was born in 1960. He died in April 2015. His widow and children expressed the wish to continue the proceedings before the Court.

In this case the applicant complained about administrative proceedings resulting in an order for him to pay an administrative fine and in the confiscation in full of a sum of money (34,300 euros) which he had not declared to the Bulgarian customs authorities. The events took place in February 2009 and the administrative proceedings ended in April 2011 with a final judgment of the Sofia Administrative Court.

Relying on Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) of the Convention, and on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant complained of the penalties imposed on him in the administrative proceedings. He alleged that the Sofia Administrative Court had not addressed an important argument which he had raised in the proceedings challenging the penalties. He also complained of the lack of a domestic remedy by which to obtain redress for the alleged breach of his right to peaceful enjoyment of his possessions.

[Polgar v. Romania \(no. 39412/19\)](#)

The applicant, Tibor Polgar, is a Romanian national who was born in 1962 and lives in Alba-Iulia (Romania).

The case concerns allegations of inadequate conditions of detention during Mr Polgar's incarceration in various Romanian prisons between 2012 and 2015. It also concerns the effectiveness of a remedy (an action in tort) by which Mr Polgar received compensation in respect of the non-pecuniary damage sustained as a result of the poor conditions of detention. The court found that the action brought by Mr Polgar in respect of the period prior to 21 April 2014 was time-barred and awarded him 500 euros as compensation for his poor conditions of detention from 22 April 2014.

Mr Polgar relies on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy).

[Y.B. v. Russia \(no. 71155/17\)](#)

The applicant, Mr Y.B., is a French national who was born in 1978 and lives in France.

The case concerns his complaint that he was unable to appeal against his conviction in Russia for production and distribution of pornography and child pornography and for child molestation. He was convicted in his absence and sentenced to 15 years' imprisonment.

Relying on Article 2 of Protocol No. 7 (right of appeal in criminal matters) to the Convention, the applicant complains that the Russian courts refused to accept and examine his statement of appeal, noting that conviction *in absentia* was not amenable to appeal.

[Yartsev v. Russia \(no. 16683/17\)](#)

The applicant, Dmitriy Sergeyeovich Yartsev, is a Russian national who was born in 1988 and lives in Moscow.

The case concerns the applicant's conviction for shouting the slogans "Stop abuse by cops" and "Down with the police State" during a labour-rights march.

Relying on Article 10 (freedom of expression), Article 11 (freedom of assembly and association) and Article 6 (right to a fair trial), the applicant complains that he was convicted and fined for shouting slogans that did not correspond to the declared aims of the lawful public event in which he had participated.

[Zoltán Varga v. Slovakia \(nos. 58361/12, 25592/16, and 27176/16\)](#)

The applicant, Zoltán Varga, is a Slovak national who was born in 1966 and lives in Bratislava.

The case concerns a surveillance operation, code-named "Gorilla", carried out in 2005-06 by the Slovak Intelligence Service on the applicant, a former police officer working with an influential finance group, and a flat owned by him. Various public figures and others were said to have been meeting in the flat to coordinate high-level corruption. Material allegedly from the operation and posted anonymously on the Internet led to a number of investigations and extensive litigation, which had widespread political implications.

Mr Varga brings a number of complaints under Article 8 (right to respect for private life and correspondence) with regard to implementation of the three warrants authorising the surveillance operation, the material collected and retained and the alleged lack of adequate safeguards.

[Akgün v. Turkey \(no. 19699/18\)](#)

The applicant, Tekin Akgün, is a Turkish national who was born in 1979 and lives in Ankara (Turkey).

The case concerns the applicant's placement in pre-trial detention on the grounds that he was suspected of belonging to an organisation referred to by the Turkish authorities as "FETÖ/PDY" ("Gülenist Terror Organisation/ Parallel State Structure").

Relying on Article 5 (right to liberty and security), the applicant complains that he was placed in pre-trial detention in the absence of evidence giving rise to a strong suspicion that he had committed the alleged offence, namely membership of an illegal organisation. He submits that no good reasons were put forward for the decision to remand him in custody, which he criticises. In his view, this decision contained no concrete evidence that there existed a strong suspicion, or any factual information confirming the grounds for detention cited by the judge.

Thursday 22 July 2021

[Azer Ahmadov v. Azerbaijan \(no. 3409/10\)](#)

The applicant, Azer Gudrat oglu Ahmadov, is an Azerbaijani national who was born in 1962 and lives in Baku.

The applicant is a journalist. He was the editor-in-chief of the opposition-oriented newspaper *Azadlıq*. The case concerns the tapping of his telephone in the context of a criminal investigation into the stabbing of one of his colleagues.

Relying on Article 8 (right to respect for private life and correspondence) and Article 10 (freedom of expression), the applicant alleges that the interception of his telephone conversations was unlawful. He complains in particular that the secret surveillance order did not specifically contain his name and the measure was only authorised in respect of his colleague.

He also raises complaints under Article 6 § 1 (right of access to court) and Article 13 (right to an effective remedy) with regard to the domestic courts' examination of his appeal in the criminal proceedings concerning his colleague.

[Badalyan v. Azerbaijan \(no. 51295/11\)](#)

The applicant, Artur Badalyan, is an Armenian national who was born in 1978 and lives in Haghartsin in the Tavush region of Armenia.

The case concerns the applicant's complaint that the Azerbaijani forces arrested him near the border between Armenia and Azerbaijan and held him captive for 22 months.

Relying on Article 3 (prohibition of inhuman and degrading treatment), Mr Badalyan alleges that he was ill-treated during his detention, leaving him with serious mental-health issues upon his release.

Also relying on Article 5 (right to liberty and security), he alleges that his detention was unlawful. He argues in particular that as a civilian and not a prisoner of war he should have been immediately released or informed of the reasons for his detention in a language that he understood, brought before a judge and given the possibility to challenge the lawfulness of his detention.

[Karimov and Others v. Azerbaijan \(nos. 24219/16, 56908/16, and 60139/16\)](#)

The applicants, Vahid Turab oğlu Karimov (Vahid Turab oğlu Kərimov), Mahir Nasraddin oğlu Abbasov (Mahir Nəsrəddin oğlu Abbasov) and Mubariz Isakhan oğlu Bayramov (Mübariz İsakhan oğlu Bayramov) are Azerbaijani nationals who were born in 1987, 1965 and 1977 respectively and live in Baku, Goykol and Baku respectively.

The case concerns the administrative detention imposed on the applicants for failing to reimburse debts.

Relying on Article 6 (right to a fair hearing) and Article 1 of Protocol No. 4 (prohibition of imprisonment for debt), the applicants allege that the sentences imposed for non-execution of judgments ordering them to reimburse debts to private creditors entailed a violation of their rights under those Articles of the Convention.

[E.H. v. France \(no. 39126/18\)](#)

The applicant, E.H., is a Moroccan national of Sahrawi origin who was born in 1993 and lives at the home of his representative in Paris.

The case concerns the applicant's return to Morocco. He alleges that the risks to which he was exposed in that country stemmed from his Sahrawi origins and his activism on behalf of the Sahrawi cause.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant alleges that the enforcement of the order for his removal to Morocco was apt to put him at risk of treatment contrary to that Article. He also asserts that the treatment contrary to Article 3 of the Convention to which he was subjected before fleeing Morocco was repeated on his return to that country following his removal by the French authorities. Relying on Article 13, he also alleges a breach of his right to an effective remedy by which to assert his complaints under Article 3 of the Convention.

[M.D. and A.D. v. France \(no. 57035/18\)](#)

The applicants, Ms M.D. and Ms A.D., are Malian nationals who were born in 1995 and 2018 respectively and live in France.

The case concerns the administrative detention of a mother and her daughter, who was four months old at the time, in the Mesnil-Amelot no. 2 administrative detention centre pending their transfer to Italy.

Relying on Article 3 (prohibition of inhuman and degrading treatment), the applicants complain that their administrative detention amounts to inhuman and degrading treatment. They submit that the child's detention is in breach of Article 5 § 1 (right to liberty and security). Relying on Article 5 § 4 (right to a speedy decision on the lawfulness of detention), they complain that the second applicant did not have an effective remedy by which to challenge the lawfulness of her initial and continued administrative detention. Relying on Article 8 (right to respect for family life), they also submit that their detention runs counter to that Article of the Convention.

[Gachechiladze v. Georgia \(no. 2591/19\)](#)

The applicant, Ani Gachechiladze, is a Georgian national who was born in 1995 and lives in Tbilisi.

The case concerns administrative-offence proceedings against the applicant, an entrepreneur, for her advertising of condoms.

The domestic courts found that four of the designs she had used in the social media and on the packaging for the condoms she produced under the name Aiisa, meaning "that thing", were unethical. They were banned from future use.

Relying on Article 10 (freedom of expression), the applicant submits that her brand promoted the use of condoms and safe intercourse in a society in which sex and sex education are, according to her, considered taboo, and complains about the proceedings against her and the ban on using the four designs.

[Reczkowicz v. Poland \(no. 43447/19\)](#)

The applicant, Joanna Reczkowicz, is a Polish national, who was born in 1980 and lives in Gdynia.

The case concerns a complaint brought by a barrister that the Disciplinary Chamber of the Polish Supreme Court, which had decided a case concerning her, had not been a "tribunal established by law".

Relying on Article 6 (right to a fair trial), she complains in particular that the judges of the Disciplinary Chamber, one of two newly created chambers of the Supreme Court, had been appointed by the President of Poland upon the recommendation of the National Council of the Judiciary in breach of the domestic law and the principles of the rule of law, separation of powers and independence of the judiciary.

[Gumenyuk and Others v. Ukraine \(no. 11423/19\)](#)

The applicants are eight Ukrainian nationals who were born between 1954 and 1963 and live in Kyiv. Between 1994 and 2008, they were all elected to posts of judges of the Supreme Court of Ukraine for an indefinite length of time.

The case concerns their being prevented from exercising their judicial functions, without ever having been formally dismissed, because of judicial reform and legislative amendments that took place in 2016.

Relying on Article 6 § 1 (right of access to court), the applicants complain in particular that they could not challenge their being prevented from exercising their judicial functions as a result of the 2016 legislative amendments.

Under Article 8 (right to private life), they also complain that not being able to exercise their judicial functions as judges of the Supreme Court amounted to an unlawful and groundless interference with their right to respect for private life.

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.

Thursday 22 July 2021

| Name | Main application number |
|--|-------------------------|
| Nersisyan v. Armenia | 2324/12 |
| Mahmudov and Agazade v. Azerbaijan | 28083/08 |
| Bučuk and Others v. Bosnia and Herzegovina | 25397/20 |
| Jozić v. Bosnia and Herzegovina | 43939/20 |
| Stipić and Jukić v. Bosnia and Herzegovina | 25230/20 |
| Nikolova v. Bulgaria | 55303/16 |
| Jagar Marčik v. Croatia | 16779/19 |
| Balajovi v. the Czech Republic | 50230/20 |
| Dumitru v. France | 40405/19 |
| Sangare v. France | 23425/18 |
| Galó v. Hungary | 7962/20 |
| Gujdi v. Hungary | 40052/20 |
| Kovács and Others v. Hungary | 46522/20 |
| Szólósi v. Hungary | 46382/20 |
| Tóth v. Hungary | 9899/15 |
| Unyi and Others v. Hungary | 36949/20 |
| Stefán Karl Kristjánsson v. Iceland | 49446/15 |
| A.C. and Others v. Italy | 54645/15 |
| A.D. v. Italy | 43285/17 |
| C.A. and Others v. Italy | 40931/15 |
| C.A. v. Italy | 8314/15 |
| Candelise and Others v. Italy | 73277/14 |
| Cirigliano v. Italy | 3204/18 |
| F.M. v. Italy | 39361/18 |
| G.D. v. Italy | 61639/16 |
| G.D. v. Italy | 62997/16 |
| G.T. v. Italy | 49511/18 |
| G.V. and V.M. v. Italy | 56541/16 |
| Marsiglione and Others v. Italy | 38665/15 |
| P.B. and Others v. Italy | 47432/14 |
| C.E. v. Norway | 50286/18 |

| Name | Main application number |
|---|-------------------------|
| M.Z. and Others v. Poland | 79752/16 |
| Wyszkowski v. Poland | 34282/12 |
| Z.E. and Others v. Poland | 4457/18 |
| Albulescu and Others v. Romania | 25290/16 |
| Calotă and Others v. Romania | 8158/16 |
| Fulga and Others v. Romania | 57392/15 |
| Ghiță v. Romania | 4962/20 |
| Oprea and Fotache v. Romania | 28350/16 |
| Sava and Others v. Romania | 57351/16 |
| Savu and Others v. Romania | 36830/15 |
| Slabu and Burghelea v. Romania | 41311/16 |
| A.G. and Y.G. v. Russia | 37532/20 |
| Astashko and Others v. Russia | 33567/19 |
| Dobrynin and Others v. Russia | 56541/17 |
| Goryunova v. Russia | 9720/11 |
| Kazakov and Others v. Russia | 38397/18 |
| Lobanova v. Russia | 28475/18 |
| Milayev v. Russia | 41295/20 |
| Ostrovskiy and Others v. Russia | 49187/19 |
| Polovshikov v. Russia | 43624/19 |
| Raspopin v. Russia | 25626/10 |
| Teterin and Others v. Russia | 44253/08 |
| Ustinov v. Russia | 44320/19 |
| Vasin v. Russia | 34300/20 |
| Zhigayev v. Russia | 75328/16 |
| Dacić v. Serbia | 55695/19 |
| Ivković and Others v. Serbia | 62554/19 |
| Zelenović v. Serbia | 16509/20 |
| MUDr. Vladimír Gergel, s.r.o. v. Slovakia | 48858/20 |
| Okresní hospodářská komora Hodonín v. Slovakia | 48841/20 |
| Bayındır v. Turkey | 9464/10 |
| E-İletişim Hizmetleri Tic. ve San. A. Ş. v. Turkey | 44521/11 |
| Erdil v. Turkey | 51424/11 |
| Taşir İnşaat ve Dış Ticaret Limited Şirketi v. Turkey | 44967/12 |
| Burlytskaya v. Ukraine | 49680/18 |
| Dubil and Others v. Ukraine | 22846/20 |
| Dubovych v. Ukraine | 47821/10 |
| Granitnyy and Others v. Ukraine | 60572/19 |
| Kapustin v. Ukraine | 56745/16 |
| Krupko and Others v. Ukraine | 53152/16 |
| Lebedyev and Others v. Ukraine | 33994/20 |
| Litvina and Others v. Ukraine | 53227/19 |
| Martynenko v. Ukraine | 4582/20 |
| Opanashchuk and Others v. Ukraine | 6426/19 |
| Panchuk v. Ukraine | 14607/16 |

| Name | Main application number |
|-----------------------------------|-------------------------|
| Pletyak and Others v. Ukraine | 11601/19 |
| Shyn v. Ukraine | 74780/12 |
| Tkach and Others v. Ukraine | 13372/20 |
| Zvarych and Marchevska v. Ukraine | 3391/17 |
| A.H. v. the United Kingdom | 8296/13 |

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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.