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 19 judgments on Tuesday 20 October 2020 and 82 judgments and / or decisions on Thursday 22 October 2020.

*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 October 2020

Suur v. Estonia (application no. 41736/18)

The applicant, Tarvo Suur, is an Estonian national who was born in 1986 and lives in Viljandimaa (Estonia).

The case concerns a dispute over custody and contact rights in respect of his son, R.S., who was born in 2008.

R.S. lived with his mother after his parents' relationship ended in 2009.

In 2015 the mother asked the courts to grant her full custody. The applicant opposed the request and lodged a counter-application for contact arrangements to be set. The courts initially tried to guide the parties towards a compromise, and the applicant, the mother and R.S. participated in counselling. However, the sessions were stopped on the advice of the family therapist who had noted that they caused the child great stress.

After two and a half years of proceedings at three levels of jurisdiction, the courts ultimately decided to end joint custody and to grant full custody to the mother. Considering that the attempts to revive the relationship had not been as hoped, the courts dismissed the applicant's request to fix contact arrangements, allowing him to meet his son only with the mother's knowledge and consent. After hearing all the parties, including the local authorities, therapist and the child's representative, they ruled that it would be in the child's best interests given that he did not wish to maintain contact and forcing him could be counterproductive. Furthermore, while the mother had raised the child, the applicant had lost contact since 2011.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Suur complains about the decisions to grant full custody of R.S. to his mother and to restrict his contact rights.

Felix Guţu v. the Republic of Moldova (no. 13112/07)

The applicant, Mr Felix Guţu, is a Moldovan national who was born in 1966 and lives in Chișinău. The case concerns his dismissal after criminal proceedings were brought against him for embezzlement. He complains that the principle of the presumption of innocence has been infringed.

On 26 August 2003 the public prosecutor's office brought proceedings against Mr Guţu on suspicion of embezzling funds belonging to the State-owned corporation M.

On 2 December 2003 the public prosecutor issued a decision terminating the criminal proceedings. The investigation had established that Mr Guţu, in order to receive an undue reimbursement from his employer, had submitted an expense account with a fake hotel bill when he had only paid half the amount stated on the account. The prosecutor concluded that the offence of embezzlement was not made out, as Mr Guţu had, immediately after the company's accounting department rejected his

expense claim, requested that the undue expenses be deducted from his salary. Furthermore, the amount indicated in the expense account did not exceed the maximum amount to which Mr Guţu was entitled under the rules in order to cover his travel expenses.

On 23 March 2005 the Deputy Principal Public Prosecutor cancelled the decision to terminate the proceedings and ordered further investigation. On 20 May 2005 the public prosecutor discontinued the criminal proceedings for a second time on the ground that the charges fell within the amnesty law of 16 July 2004.

On 18 August 2005 the corporation M. dismissed Mr Guţu for theft, stating that the criminal investigation had established a misappropriation of funds.

Mr Guţu appealed against his dismissal. He objected that no court decision had established that he had misappropriated funds. The court rejected his claim, noting that although Mr Guţu had returned the money voluntarily, he had, by accepting the application of the amnesty to his case, acknowledged in substance that he had taken the money from his workplace and that therefore the dismissal was lawful. Mr Guţu appealed against this judgment and the Court of Appeal upheld his action.

The Court of Appeal found that Mr Guţu's dismissal breached Article 86 § 1 (j) of the Labour Code and ordered his reinstatement. It ordered his employer to pay him a monthly salary covering the nine months of forced absence and an additional month's salary for non-pecuniary damage.

The Supreme Court of Justice quashed the decision of the Court of Appeal on the appeal of corporation M. and upheld the first-instance judgment.

Relying on Article 6 § 2 (presumption of innocence) of the European Convention, the applicant alleged that the reasoning adopted by the civil courts to uphold his dismissal had breached his right to be presumed innocent.

Bădulescu v. Portugal (no. 33729/18)

The applicant, Ionuţ-Marian Bădulescu, is a Romanian national who was born in 1981. He is currently imprisoned in Tulcea (Romania).

Mr Bădulescu complains about the conditions of his detention in a Portuguese prison, specifically Oporto prison, where he was held between October 2012 and March 2019.

On an unspecified date Mr Bădulescu was sentenced to prison for nine years and six months having been convicted of theft in Portugal. On 19 October 2012 he was arrested and imprisoned in Oporto prison, then released on 6 March 2019. Mr Bădulescu complains that during this period he was held in overcrowded cells with limited personal space; that the cells were insalubrious, too cold in winter and too hot in summer; and that the toilets were not partitioned. He also complains about belated and inadequate dental care and the fact that telephone calls to his family could not exceed five minutes a day.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, Mr Bădulescu complains that the conditions of his detention in Oporto prison were inhuman and degrading. He also complains that the dental care he received was unduly delayed and inadequate, and that the length of his telephone calls to his family was insufficient. The Court will examine the latter complaint under Article 8 (right to respect for private and family life).

Camelia Bogdan v. Romania (no. 36889/18)

The applicant, Camelia Bogdan, is a Romanian national who was born in 1981 and lives in Bucharest.

Ms Bogdan, who is a professional judge, complains about the disciplinary proceedings brought against her in 2016 and the impact on her reputation of the ensuing media coverage.

In June 2016 the head of the judicial inspectorate brought disciplinary proceedings against Ms Bogdan before the High Council of the Judiciary (CSM) for breaching the rules applicable to judges concerning incompatible and prohibited activities. She was accused in particular of sitting in a case in which one of the parties was the Ministry of Agriculture, despite having trained several officials from that Ministry in 2014.

In February 2017 the CSM, sitting in plenary session, found Ms Bogdan's conduct to be incompatible with her judicial duties and ordered her removal from judicial office. She was suspended from her duties and her salary was stopped. In addition, her social-security contributions were no longer paid.

In March 2017 Ms Bogdan appealed to the High Court of Cassation and Justice, alleging, among other things, that the fact that there was no limitation period for disciplinary offences by judges was incompatible with the principle of legal certainty.

In December 2017 the High Court upheld the CSM's findings as to incompatibility but altered the disciplinary penalty, ordering Ms Bogdan's transfer to a different appellate court for six months. The applicant's salary and unpaid social-security contributions for the period from March to December 2017 were paid retrospectively.

In February and April 2016 the press office of the Court of Appeal received requests for information from journalists concerning the disciplinary proceedings against Ms Bogdan. According to the applicant, a number of articles about her appeared in the press based on that information, which had been confidential and inaccurate. She lodged a complaint with the judicial inspectorate and sought the protection of her professional reputation. Her complaint was dismissed.

Relying on Article 6 § 1 (right to a fair hearing), Ms Bogdan alleges that the proceedings against her were incompatible with the principle of legal certainty because the Romanian legislation did not lay down any limitation period for judges' disciplinary liability. She further alleges that she was denied a hearing before an independent and impartial tribunal and that the decision suspending her from duty was not open to appeal before the domestic courts.

Under Article 8 (right to respect for private and family life), Ms Bogdan complains of being suspended from her duties and deprived of her salary and social-security contributions and of the possibility of taking up other paid employment. She also alleges that confidential information from her disciplinary file was given to the press and that the CSM refused to protect her professional reputation.

Napotnik v. Romania (no. 33139/13)

The applicant, Oana-Cornelia Napotnik, is a Romanian national who was born in 1972 and lives in Bucharest.

The case concerns the applicant's allegation that she was recalled from her post in the Romanian Embassy in Ljubljana because she was pregnant.

Ms Napotnik, a Romanian diplomat, was posted to Ljubljana in March 2007. She was in charge of consular duties: her work mainly consisted in helping Romanian nationals who found themselves in emergency situations, such as police detention, without identity papers, or hospitalised.

She married a Slovenian national in April 2007 and they had two children together, born in June 2008 and July 2009.

During her first pregnancy, she was absent from the office from November 2007 to February 2008, partly because her obstetrician had ordered bed rest and partly because she took annual leave. The consular services were suspended during that period and requests for assistance were redirected to neighbouring countries. A temporary replacement was found for her when she went on maternity leave in June 2008.

As soon as Ms Napotnik announced her second pregnancy in January 2009, the Ministry of Foreign Affairs ("the MFA") decided to terminate her posting in Ljubljana and recall her to Bucharest. It was considered that she would be unable to carry out her work because of absences for medical appointments and maternity leave.

She immediately requested parental leave and then leave to accompany her husband on a diplomatic posting abroad, resuming her work in Bucharest in September 2015.

In the meantime, she had lodged a civil action against the MFA in September 2009, alleging that the termination of her posting abroad was discriminatory because the only reason for it had been her pregnancies. The courts dismissed her action, in a final judgment of November 2012, ruling that the decision to terminate her posting had not been a disciplinary measure and had been taken with a view to ensuring the functioning of the Ljubljana Embassy's consular section.

Relying on Article 1 of Protocol No. 12 (general prohibition of discrimination), Ms Napotnik alleges that she was discriminated against at work, arguing that the sequence of events clearly indicate that her diplomatic posting was terminated because she was pregnant.

Perovy v. Russia (no. 47429/09)

The case concerns the Russian Orthodox rite of blessing a classroom.

The applicants are a married couple and their son, Galina Perova, Aleksey Perov and David Perov. They are Russian nationals and belong to the Church of the Community of Christ.

On 3 September 2007, the Russian Orthodox rite of blessing (*освящение*) was performed at the municipal school where the third applicant, seven years old at the time, was starting his new school year. It had been organised by some of the pupils' parents and, lasting around 20 minutes before the start of lessons, took place in the third applicant's classroom. It was administered by a priest in his religious garments, the father of one of the pupils, who distributed small paper icons and sang prayers before inviting the children to kiss the crucifix.

The applicants had not been advised of the upcoming rite. They submit that it caused their son profound distress, alleging that the other children had put pressure on him to kiss the crucifix and had beaten him up for not making the sign of the cross as per the Russian Orthodox tradition.

The second applicant complained about the incident the same day to the prosecuting authorities, and requested that a criminal investigation be opened into the alleged beating.

The authorities immediately instituted an inquiry and found that the first and second applicants' rights had been violated because the rite had been performed without parental consent. They further ordered that disciplinary proceedings be instituted against the teacher who had been present during the rite. The local department of education officially reprimanded the school principal for breaching a pupil's constitutional right to freedom of religion.

The applicants also brought civil proceedings in the courts requesting compensation for damages from the school. After hearing all of the relevant participants in the events, the courts dismissed the claims. They found that the rite had taken place outside of school hours at the initiative of the Orthodox parents and had essentially been an error of assessment by the school teacher.

All three applicants allege that the rite breached their rights under Article 9 (freedom of religion), while the first and second applicants complain of a violation of their right under Article 2 of Protocol No. 1 (right to education) as parents to ensure the education of their son in conformity with their own religious convictions.

Pasquini v. San Marino (no. 2) (no. 23349/17)

The applicant, Enrico Maria Pasquini, is an Italian national who was born in 1948 and lives in San Marino.

The case concerns Mr Pasquini's complaint that he was ordered to pay damages to a fiduciary company operating in San Marino, S.M.I., on the basis of his criminal responsibility for embezzlement, even though this charge against him had been discontinued in the criminal proceedings.

After an inspection in 2011 by the Central Bank of San Marino, criminal proceedings were instituted against Mr Pasquini on suspicion of financial crimes, in particular embezzlement to the detriment of company S.M.I.. At the time the applicant was the chairman and sole shareholder of S.M.I..

He was found guilty as charged in 2014, sentenced to four years' imprisonment and ordered to compensate S.M.I. a sum of money to be quantified in separate civil proceedings. The first-instance court ruled in particular that the applicant had created multiple foreign companies via which he had misappropriated S.M.I. funds.

However, on appeal, the Judge of Criminal Appeals acquitted Mr Pasquini of most of the charges, while discontinuing the remaining charges, including that of aggravated embezzlement, because they were time-barred. The judge upheld the compensation order.

In deciding on compensation, the Judge of Criminal Appeals found that the applicant's behaviour had amounted to the acts of deliberate misappropriation of funds. He was made to pay damages accordingly.

Relying on Article 6 § 2 (presumption of innocence), Mr Pasquini complains that the judgment on appeal reflected the judge's conviction that he had committed the offence of embezzlement, even though that charge had been discontinued and there had therefore ultimately been no finding of guilt in the criminal proceedings.

B. v. Switzerland (no. 78630/12)

The applicant, B., is a Swiss national, who was born in 1953. The father of two children, he raised them alone after losing his wife in an accident when one child was aged one year and nine months and the other four years old. The case concerns the widower's pension to which he has no longer been entitled since his younger daughter reached adulthood. The Federal Law on Old-Age and Survivors' Insurance provides that entitlement to the widower's pension ends when the youngest child reaches the age of 18, whereas this is not the case for a widow.

On 9 September 2010, after establishing that the applicant's younger daughter was about to reach the age of 18, the Compensation Office of the Canton of Appenzell Ausserrhoden terminated the payment of the applicant's widower's pension. He lodged an appeal, invoking the principle of gender equality laid down in the Swiss Constitution, an argument which the Office rejected. He then appealed to the Cantonal Court, arguing that there was no reason to place him at a disadvantage in relation to the situation of a widow. That court dismissed the appeal, noting that the legislature had been aware of the unequal treatment of widows and widowers when drafting and amending the Law but that it had taken the view that widowers could be expected to return to work when their obligation to take care of their children ceased, while this could not reasonably be required of women in the same circumstances.

The applicant's appeal before the Federal Court was dismissed in a judgment of 4 May 2012.

Relying on Article 14 (prohibition of discrimination) taken together with Article 8 (right to respect for private and family life), the applicant complains that he has been the victim of discrimination in relation to widowed mothers looking after their children on their own.

İşçi and Others v. Turkey (no. 67483/12)

The applicants, Osman İşçi, Mehmet Sıddık Akın, Fikret Çalağan and Erdal Turan, are Turkish nationals who were born in 1983, 1973, 1974 and 1974 respectively. They live in Ankara. At the

relevant time Mr İşçi was a member of the Education and Scientific Research Union (Eğitim-Sen) attached to the Confederation of Public Service Workers' Unions. The other three applicants were members and officers of the health and social services union attached to the same Confederation.

The case concerns the applicants' detention on remand on suspicion of being members of an illegal organisation (the Union of Kurdish Communities, Koma Civakên Kurdistan (KCK)).

In June 2012, during operations against the KCK, the applicants were arrested and taken into custody. The prosecutor's office questioned them in particular about their trade union activities and their participation in demonstrations. A few days later they were remanded in custody on the grounds that the offence with which they were charged was one of those provided for in Article 100 § 3 of the Code of Criminal Procedure and that a custodial measure was justified in cases of strong suspicions.

The applicants subsequently submitted various applications for release, which were rejected until they were finally released in February 2013 (Mr Akın) and April 2013 (the other three applicants). Their appeal to the Constitutional Court was dismissed in December 2014.

Criminal proceedings are currently pending against them before the Ankara Assize Court on charges of belonging to a terrorist organisation.

Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security / right to a speedy decision on the lawfulness of detention), the applicants allege that there were no plausible grounds to suspect them of committing a criminal offence or to place them in pre-trial detention; they also complain about the length of that detention and allege that they had no opportunity to effectively challenge its lawfulness as a result of a restriction on access to the investigation file. They also complain that the national courts examined their appeals on the basis of the file without hearing them or their lawyers.

Relying specifically on Article 11 (freedom of assembly and association), Mr İşçi further alleges that he was placed and kept in pre-trial detention mainly on account of his union activities.

Kaboğlu and Oran v. Turkey (no. 36944/07)

The applicants, İbrahim Özden Kaboğlu and Baskın Oran, who were born in 1950 and 1945 respectively, are Turkish nationals. They reside in Istanbul (Turkey). They are university professors.

In the present case, the applicants complain that the national authorities failed to protect their rights to respect for their private life and to freedom of expression in connection with the reactions they received following the publication of a report on minority and cultural rights prepared by a public body in which they held positions of responsibility.

In 2003 Mr Kaboğlu and Mr Oran were respectively elected Chair of the Advisory Council for Human Rights (a public body under the Prime Minister, responsible for providing the Government with opinions, recommendations, proposals and reports on any issue related to the promotion and protection of human rights) and Chair of the Working Group on minority and cultural rights issues within this Advisory Council.

In 2004 the general assembly of the Advisory Council adopted a report on minority and cultural rights, which identified problems related to the protection of minorities in Turkey. Subsequently, a number of articles describing the report and criticising the applicants were published in various newspapers. Several politicians and senior officials also criticised the report and its authors. In this context, Mr Kaboğlu and Mr Oran received death threats from ultra-nationalist groups and individuals.

In the same year, a member of parliament (S.S.) gave a speech in the National Assembly in which he described the applicants using expressions such as "intellectual turncoats", "those who drool poisoned spit", "those who receive instructions from abroad" and "traitors". Mr Kaboğlu and

Mr Oran brought a private prosecution and civil proceedings against S.S., alleging infringement of their personality rights. These actions were unsuccessful.

In 2005 the Ankara public prosecutor's office charged Mr Kaboğlu and Mr Oran with inciting hatred and hostility and denigrating the State's judicial bodies by the content of the report. The following year, the Ankara Criminal Court decided to strike the case out of its list as to the charge of denigrating State judicial bodies. Subsequently, the applicants were acquitted on the charge of inciting hatred and hostility, as the court considered that they had expressed personal opinions covered by the right to freedom of expression. This judgment was upheld by the Plenary Criminal Divisions of the Court of Cassation in 2008.

Relying on Article 8 (right to respect for private and family life), Mr Kaboğlu and Mr Oran complain that their reputation has been tarnished by the statements of the MP S.S.

Under Article 10 (freedom of expression), Mr Kaboğlu and Mr Oran complain about the proceedings against them. They also allege that the authorities took no preventive measures to counter the death threats and aggressive criticisms against them and participated in the intimidation campaign.

Thursday 22 October 2020

Artashes Antonyan v. Armenia (no. 24313/10)

The applicant, Artashes Antonyan, is an Armenian national who was born in 1954 and lives in Kajaran (Armenia).

The case concerns the applicant's complaint about the fine imposed on him for a breach of customs regulations.

On 30 July 2008, following an inspection of the company for whom the applicant was working, the customs authorities issued a document stating that he had filed inaccurate declarations as regards the price of certain imported goods. He was as a result fined in administrative proceedings initiated against him on 17 October 2008.

He contested the decision in the administrative courts, arguing that it was in breach of Article 37 of the Code of Administrative Offences (CAO) which provided that a penalty for a breach of customs regulations had to be imposed within two months of the date on which the offence had been discovered. As the inspection had been carried out in July 2008, the deadline for imposing the fine had expired at the end of September 2008.

The Administrative Court dismissed his claim in August 2009, ruling that his offence had been discovered on 17 October 2008, namely the date when the record of the breach of customs regulations had been drawn up. The applicant's appeal on points of law was subsequently declared inadmissible for lack of merit.

In the enforcement proceedings the applicant's employer withheld 50% of his salary from June 2011 to April 2012, and several flats he owned were seized and sold by the authorities.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complains that the imposition of the fine was unlawful, in particular because it was in breach of the two-month prescription period set down in the CAO.

Ghavalyan v. Armenia (no 50423/08)

The applicant, Anush Ghavalyan, now deceased, was an Armenian national who was born in 1972 and lived in Yerevan.

The case concerns several complaints related to her detention on tax evasion charges.

The applicant, who worked as a cashier at a catering company, was arrested in March 2008 on suspicion of tax evasion and taken into custody. The courts first ordered her detention for 20 days, then – despite her appeals – repeatedly extended it, essentially because of the risk of her absconding or obstructing the investigation. She was ultimately released on bail in November 2008 during the trial court's examination of her case.

Relying on Article 5 § 3 (right to liberty and security), the applicant complains that the courts failed to properly justify her continued detention. She also raises several complaints under Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), alleging: that the Criminal Court of Appeal failed to examine speedily one of her appeals, dated 13 June 2008, against a court order extending her detention and eventually refused to examine it, leaving it to the trial court to decide; that her lawyers were not notified of two hearings to examine the extension of her detention in April 2008, in breach of the principle of equality of arms; and, that the Court of Cassation failed to speedily examine her appeals on points of law against decisions extending her detention, eventually refusing to examine her appeal of April 2008.

Norik Poghosyan v. Armenia (no. 63106/12)

The applicant, Norik Poghosyan, is an Armenian national who was born in 1983 and lives in the village of Metsavan (Armenia).

The case concerns the right to compensation under Armenian law for unlawful detention.

Mr Poghosyan was detained from October 2008 on drug-related charges. He was found guilty as charged in October 2009 and sentenced to three years' imprisonment. He was released in April 2010 after serving his sentence.

In the meantime, however, the judgments convicting him had been quashed, the appeal court ruling that the evidence used against the applicant had been obtained in breach of his right to defence. The case was remitted for fresh examination and the applicant was acquitted in October 2010.

He lodged a civil claim for compensation in July 2011, arguing that his acquittal rendered unlawful the time he had spent in detention. The civil courts allowed his claim for pecuniary damage, but not for non-pecuniary damage because such compensation was not provided for under domestic law.

Relying on Article 5 § 5 (enforceable right to compensation), Mr Poghosyan complains that he was denied compensation for non-pecuniary damage for his unlawful detention.

Faller and Steinmetz v. France (nos. 59389/16 and 59392/16)

The applicants, Bernard Faller, who was born in 1953 and lives in Colmar, and Michel Steinmetz, who was born in 1950 and lives in La Couarde Sur Mer (both in France), both French nationals, are doctors specialising in functional rehabilitation. They are partners in a practice in Colmar and set their own fees. They complain that they were convicted by the criminal court for fraud on account of acts for which they had already been punished.

Upon analysing requests for reimbursements and the findings of investigations carried out in the applicants' surgery between February and July 2007, the Primary Health Insurance Office of Colmar (CPAM) found that the applicants had billed undue fees. Moreover, in April 2008, an inspection of the surgery by the Nuclear Safety Authority (ASN) revealed that the X-rays were being carried out on the premises by staff who did not hold official qualifications.

The chief medical officer for Colmar filed a complaint against the applicants with the Medical Association's Regional Council for Alsace.

In two decisions handed down on 28 November 2008, the social-security insurance division of the Alsace Regional Council banned the applicants from treating patients covered by social security for 24 months, 12 of which were suspended.

The applicants appealed to the social-security division of the National Council of the Medical Association. In two decisions handed down on 15 October 2009 the decisions of 28 November 2008 were partly quashed and the duration of the ban was set at four months, two of which were suspended. The chief medical officer for Colmar appealed on points of law before the *Conseil d'État*, which on 9 September 2019 declared the appeal inadmissible.

In the meantime, on 17 April 2008, the CPAM of Colmar filed a complaint against the applicants with the public prosecutor of Colmar. The CPAMs of Sélestat and Mulhouse filed similar complaints on 26 September 2008 and 19 January 2009. A judicial investigation was opened on 25 March 2009 on a charge of fraud.

On 21 March 2014 the Criminal Court of Colmar acquitted the applicants on the charge of double invoicing. However, it found them guilty of fraud, illegal practice of the profession of medical X-ray operator and deception as to the nature, quality or regime of a service provided. It sentenced each of them to a suspended term of four months' imprisonment and a fine of 25,000 euros (EUR).

On 28 May 2015 the Colmar Court of Appeal upheld the judgment of 21 March 2014 in so far as it found the applicants guilty of illegal X-ray operation and of deception as to the nature, quality or origin of a service. It also found them guilty of having, in Colmar, deceived the health insurance office, which constituted the offence of fraud. The Court of Appeal sentenced each of the applicants to a suspended term of eighteen months' imprisonment, a fine of EUR 25,000 and a ban on medical practice for one year. It also ordered them jointly and severally to pay the civil parties (the CPAMs of Haut-Rhin and Bas-Rhin and the Alsace social agricultural mutual insurance scheme) a total of EUR 674,184.75 in damages and EUR 8,000 in costs.

The claimants appealed on points of law to the Court of Cassation.

The Court of Cassation dismissed the appeal in a judgment of 3 May 2016.

Relying on Article 4 of Protocol No. 7 to the Convention, the applicants complain that they were convicted before a criminal court of fraud on the basis of acts for which they had already been punished.

Bokhonko v. Georgia (no. 6739/11)

The applicant, Orest Bokhonko, is a Ukrainian national who is currently serving a 23-year prison sentence in Georgia for drugs offences.

The case concerns his allegation that he was subjected to police abuse during his arrest, in particular a strip search and anal inspections.

According to the official version of events, Mr Bokhonko was arrested on 27 September 2008 at Tbilisi airport following a police tip off that he was attempting to transport illegal drugs into the country. A body search was conducted and a yellow balloon containing a white substance, later identified as methadone, was extracted from his anus.

He was subsequently formally charged with unlawful possession and transportation of a large quantity of drugs and a judge ordered his pre-trial detention.

On being questioned by the investigating authorities and throughout the ensuing proceedings, the applicant protested his innocence, alleging that the drugs had been planted by the police. He submitted that he had been beaten, forced to strip naked and do sit ups, while the officers filmed him with their mobile phones. He also alleged that he had been subjected to two anal inspections by a police officer and had been told that drugs had been found on him when regaining consciousness after fainting during the second anal inspection.

He was convicted as charged in June 2009, a decision which was upheld on appeal in February 2010. The courts essentially relied on the drugs seized and the witness statements of the three police

officers and the interpreter present during the search. They confirmed their pre-trial statements denying any ill-treatment, adding that an officer had been able to retrieve the yellow balloon by pulling on a piece of string which had emerged during a sit up. The courts dismissed the applicant's allegations of ill-treatment and procedural irregularities as unsubstantiated.

In the meantime, the applicant's requests to the investigating and prison authorities to have a medical examination had been refused, while his request to the prosecutor's office to initiate criminal proceedings against the arresting police officers had been rejected on 17 October 2008.

An investigation for abuse of power, launched in 2013 by the prosecutor's office, is currently ongoing.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 §§ 1 and 3 (e) (right to a fair trial), the applicant complains in particular about the manner in which he was arrested and strip searched; the failure of the authorities to conduct an investigation in that regard; the unfairness of the criminal proceedings conducted against him owing to the domestic courts' use of evidence obtained as a result of ill-treatment and/or planted evidence; and the failure to provide him with adequate interpreting services throughout the criminal proceedings.

Roth v. Germany (nos. 6780/18 and 30776/18)

The applicant, Peter Roth, is a German national who was born in 1960 and is currently serving a sentence in Straubing Prison (Germany).

The case concerns the applicant's complaint about repeated random strip searches in prison and the domestic courts' refusal to grant him compensation for non-pecuniary damage.

Random searches used to be carried out in Straubing Prison of one in five prisoners, without exception, before or after their receiving visitors. Such searches involved prisoners having to completely undress, and bend down for an inspection of their anus. In November 2016 the Federal Constitutional Court ruled that the practice was unconstitutional.

Mr Roth brought several sets of proceedings in the criminal courts about strip searches he had had to undergo. In 2016 and 2017 the courts acknowledged that certain searches had been unlawful.

However, when he requested legal aid in order to bring official liability proceedings, the courts considered that the decisions finding the searches unlawful constituted sufficient redress, making monetary compensation unnecessary. They therefore found that bringing liability proceedings would not have sufficient prospects of success and dismissed his requests for legal aid.

Mr Roth complains that the repeated strip searches breached his rights under Articles 3 (prohibition of inhuman or degrading treatment), 6 (right of access to court) and 13 (right to an effective remedy).

Mariş v. Romania (no. 58208/14)

The applicant, Valeriu Mariş, is a Romanian national. He was born in 1968 and lives in Braşov (Romania). From 2002, he served a prison sentence in various Romanian facilities.

The case concerns the refusal of the Romanian authorities to amend, on a simple declaration by Mr Mariş, the entry relating to his religious affiliation in the prison registers.

Mr Mariş is Jewish, according to his statement to the Court. He also stated that in 2013, while held in Miercurea-Ciuc prison, he realised that he had been wrongly listed in the prison registers as an Orthodox Christian. He asked for the entry relating to his religion to be corrected, but the prison administration replied that he had to produce a certificate issued by the representatives of the religious denomination or association to which he claimed to belong.

Mr Mariş challenged this decision before the judge responsible for enforcing custodial sentences, who granted his request. The judge considered in particular that an ordinary declaration was sufficient to prove his religion. The prison administration appealed. In 2014 the court of first instance rejected Mr Mariş's application.

Relying on Articles 9 (freedom of thought, conscience and religion), 14 (prohibition of discrimination) and Article 1 of Protocol No. 12 (general prohibition of discrimination), Mr Mariş complains of the prison authority's refusal to correct the entry recording his religion in his personal file. He also complains about having to take administrative action, involving certain costs, in order to prove his religious affiliation.

Melnikov v. Ukraine (no. 66753/11)

The applicant, Valeriy Melnikov, was born in 1967 and is currently serving a life sentence.

The case concerns criminal proceedings brought against him in connection with organised crime.

He was arrested in June 2002 on suspicion of kidnapping for ransom and a number of other offences. Eventually some of the charges against him were severed in a separate set of criminal proceedings. In May 2010 the applicant was found guilty of, among other things, double murder for profit and kidnapping. That judgment was upheld in April 2011. Subsequently, in January 2012, he was also found guilty in another set of criminal proceedings of banditry, eleven counts of murder for profit and numerous counts of kidnapping for ransom, extortion, robbery, theft, police impersonation and illegal arms possession.

He was sentenced to 15 years' imprisonment in the first set of proceedings and life imprisonment in the second set of proceedings. The courts set off the almost eight years he had spent in pre-trial detention against the life sentence, refusing to count it towards his 15-year prison sentence, despite his appeal on points of law in that regard.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains about the conditions of his detention in Kyiv pre-trial detention centre from June 2002 to June 2013. Also relying on Article 6 § 1 (right to a fair trial within a reasonable time), he alleges that the length of the criminal proceedings against him was unreasonable. Lastly, he alleges that the courts' approach in calculating his 15-year sentence was to his disadvantage, in breach of Article 7 (no punishment without law).

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.

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Name	Main application number
Bognár v. Hungary	75757/14
Nasta and Others v. Romania	22023/03
Nistor and Others v. Romania	22039/03
Luca Vasiliu and Others v. Romania	55/04
Kotlyarskiy and Others v. Russia	15024/12
Shneyder and Others v. Russia	19126/11
Mayzuls and Others v. Russia	74602/14

Name	Main application number
Nagibin and Others v. Russia	9685/08
Martinez Ahedo and Others v. Spain	39434/17

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Name	Main application number
Christian Religious Organization of Jehovah's Witnesses v. Armenia	73601/14
Tretter and Others v. Austria	3599/10
Asadullayeva v. Azerbaijan	15342/14
Gridneva v. Azerbaijan	29578/11
Jafarov and Safarov v. Azerbaijan	20187/19
Georgiev v. Bulgaria	50856/16
Horvatin v. Croatia	9869/17
Ivičić v. Croatia	17648/18
L.A. v. Croatia	39963/16
Matković v. Croatia	29612/18
Matozan v. Croatia	75112/14
Mikić v. Croatia	32423/19
Tarabarić v. Croatia	25824/14
Tomac v. Croatia	14703/13
Urukalo v. Croatia	47833/13
Hammami v. France	20871/15
Kovalonoks v. France	19950/17
Ilashvili v. Georgia	62866/19
G.A. Kouris A.E. Ekdotikes Epichirisis v. Greece	77204/13
G.A. Kouris EPE v. Greece	77170/13
M.A. v. Greece	14222/16
Ábrahám and Others v. Hungary	50892/19
Goldmann and Others v. Hungary	47623/19
Kalincsák v. Hungary	62805/19
Kisházi and Others v. Hungary	28814/19
Kiss and Others v. Hungary	32010/18
Miodek and Others v. Hungary	13325/20
Ambrosio v. Italy	47271/16
Spina v. Italy	52/12
Tondo v. Italy	75037/14
M.D. v. Latvia	45475/18
Alijevski v. North Macedonia	39852/16

Name	Main application number
Coneva v. North Macedonia	17795/15
J.M. and A.T. v. North Macedonia	79783/13
A.A. v. Poland	47888/19
Bartoszewski v. Poland	58089/15
Gabrysiak v. Poland	65622/14
Wieczorek v. Poland	61536/15
Albina and Gavaliugov v. Romania	32666/05
Almăşan and Others v. Romania	235/16
Bardelli v. Romania	622/05
Câmpeanu and Others v. Romania	17033/16
Hurezanu v. Romania	19853/17
Kovacs v. Romania	49211/07
Lăzureanu and Others v. Romania	42912/05
Onu v. Romania	37935/16
Parohia Reformată Dej v. Romania	62730/12
Pişcoci and Others v. Romania	19749/16
Buzurtanov and Kotiyev v. Russia	23155/10
Kashin v. Russia	36547/15
Kuznetsov v. Russia	11488/16
Migal v. Russia	26751/19
Nikolayev v. Russia	33505/11
Pankin v. Russia	32746/15
Patenko v. Russia	62728/09
Shindyasov v. Russia	32901/15
Zubkov v. Russia	17749/11
Božić and Othersv. Serbia	20931/17
Lazarević and Others v. Serbia	33702/18
Mladenović v. Serbia	83101/17
Nikolić and Others v. Serbia	14927/17
Stamenković v. Serbia	42827/17
Tanasković and Others v. Serbia	19207/17
Alvarez Juan v. Spain	33799/16
Arslan v. Turkey	3722/11
Damar v. Turkey	59213/10
Kuzu v. Turkey	59491/10
Chernyavskiy v. Ukraine	54141/12
Karapas and Others v. Ukraine	54575/12
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Name	Main application number
Ramishvili v. Ukraine	79912/13
Talalikhina v. Ukraine	13919/12
Vynogradskyy v. Ukraine	43961/19
A.M. v. the United Kingdom	33636/19

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