



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing three judgments on Tuesday 21 May 2024 and 17 judgments and / or decisions on Thursday 23 May 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).

Tuesday 21 May 2024

[Mandev and Others v. Bulgaria \(applications nos. 57002/11, 61872/11, 46024/12, 6430/13, and 67333/13\)](#)

The applicants are 11 Bulgarian nationals born between 1940 and 1978 who live in Sliven, Plovdiv, Shumen and Pernik (all Bulgaria), and three Bulgarian companies based in Plovdiv.

The case concerns the forfeiture of the applicants' assets as proceeds of crime. It also concerns the allegedly excessive court fees that they had to pay in the forfeiture proceedings.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights and Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) of the European Convention, the applicants complain that the forfeiture of their assets was unfair and unjustified, and that the court fees in the forfeiture proceedings were too high.

Thursday 23 May 2024

[Amar v. France \(no. 4028/23\)](#)

The applicant, Patrice Amar, is a French national who lives in Paris. As First Deputy Prosecutor at the National Public Prosecutor's Office for Financial Offences ("PNF"), Mr Amar worked on several cases concerning former French President Nicolas Sarkozy and his lawyer T.H., more specifically in proceedings against Mr Sarkozy on a charge of bribing a member of the Court of Cassation.

After the investigating judges in those proceedings ordered telephone tapping, police officers at the Central Anti-Corruption Office noticed that Mr Sarkozy was using a phone line set up by T.H. under an assumed name, Paul Bismuth. That phone line was also placed under surveillance and, on the basis of the intercepted conversations, the police became convinced that Mr Sarkozy had been informed of the tapping. The PNF therefore opened a preliminary investigation to determine whether someone had breached professional secrecy. A list of judicial figures and lawyers potentially involved was drawn up and their phone bills checked, but the results were inconclusive. One such lawyer, Éric Dupond-Moretti, lodged a criminal complaint on 30 June 2020 for breach of professional secrecy.

On 1 July 2020 Nicole Belloubet, the then Minister of Justice, instructed the General Inspectorate of the Justice System to conduct an inquiry into how the preliminary investigation had been run. Ms Belloubet was replaced by Mr Dupond-Moretti as Minister of Justice on 6 July 2020. In that capacity, on 15 September 2020, Mr Dupond-Moretti was presented with the report of the General Inspectorate, which found that there had been no operational shortcomings or professional misconduct.

On 18 September 2020 the director of Mr Dupond-Moretti's private office instructed the General Inspectorate to carry out an administrative inquiry into the conduct of three PNF prosecutors, namely the applicant, one of his colleagues and his former official superior, the then head of the PNF.

In a decree of 23 October 2020 the Prime Minister took over responsibility for those proceedings on account of a conflict of interest in respect of the Minister of Justice, Mr Dupond-Moretti. On 21 April 2021 the Prime Minister referred the matter to the disciplinary panel of the Judicial Service Commission ("CSM"), notably criticising the applicant for his accusations against the former head of the PNF, his official superior.

The Judicial Service Commission delivered a reasoned opinion on 19 October 2022, finding that the applicant had committed no disciplinary offence and that, accordingly, no sanction was called for.

On 28 October 2022 the Director of Judicial Services wrote to inform the applicant and his lawyers that the Prime Minister had taken note of the CSM's opinion. The letter specified that the applicant could request to have the documents concerning the proceedings removed from his record as of right because they had been discontinued without a sanction being imposed.

Relying on Article 6 § 1 (right to a fair hearing) of the Convention, the applicant submits that the CSM did not address his arguments, specifically those concerning his allegations of "retaliation" against him, the unlawfulness of the proceedings, and his requests for a preliminary reference on constitutionality (*question prioritaire de constitutionnalité*). He also complains of the lack of a decision subsequent to the CSM's finding, which in his view was merely an opinion.

Relying on Article 8 (right to respect for private and family life), Article 10 (freedom of expression) and Article 13 (right to an effective remedy), the applicant also submits, in particular, that by finding that he had acted unethically the CSM infringed his right to moral integrity and his right to freedom of expression. He was unable to complain of those interferences subsequently, he argues, because there was no decision by the Prime Minister.

[M.M. v. France \(no. 13303/21\)](#)

The applicant, M.M., is an Egyptian national who was born in 1992 and lives in the United States.

He claims to have been seriously injured when a projectile fired by an officer in the Egyptian army hit him in the eye. The events took place in Cairo during a crackdown on protests against the *coup d'état* of 3 July 2013.

The case before the Court concerns the French courts' refusal to open an investigation into a criminal complaint (with an application for civil-party status) which was lodged by the applicant against the Egyptian President, Abdel Fattah al-Sisi, for torture and acts of barbarity, while Mr Sisi was on an official visit to France in 2014.

Relying on Article 3 (prohibition of inhuman and degrading treatment) under its procedural limb, the applicant submits that, by refusing to look into his complaint and civil-party application, the French authorities breached their obligation to investigate allegations of acts of torture. Relying on Article 6 § 1 (right of access to a court), he argues that that refusal also infringed his right of access to a court.

[Saakashvili v. Georgia \(nos. 6232/20 and 22394/20\)](#)

The applicant, Mikheil Saakashvili, born in 1967, was President of Georgia from 2004 to 2013. He surrendered his Georgian nationality in 2013 to become a naturalised Ukrainian national. He was convicted in 2018 in two separate sets of criminal proceedings against him, and was given a combined prison sentence of six years.

The first set of proceedings against Mr Saakashvili concerned an attack in July 2005 on a member of parliament, while the second set concerned his granting a pardon in 2008 to four former high-ranking officers of the Ministry of the Interior who had been convicted of murder. Both sets of proceedings took place following a change of Government in Georgia in 2012.

Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial/right to obtain attendance and examination of witnesses), Mr Saakashvili alleges that there were breaches of his defence rights in the proceedings against him. He argues in particular that his convictions in 2018 were based on untested hearsay evidence from two witnesses for the prosecution and that their statements had not been reliable because they were his political opponents. He additionally complains that the judge who had examined the second case against him was neither impartial nor independent.

He also complains under Article 7 (no punishment without law) that he could not have possibly foreseen that he would have been held criminally liable for exercising the power of presidential clemency, which was absolute under domestic law.

Lastly, he alleges that there was an ulterior motive – political persecution – behind the criminal cases against him, in breach of Article 18 (limitation on use of restrictions on rights).

[Contrada v. Italy \(no. 4\) \(no. 2507/19\)](#)

The applicant, Bruno Contrada, is an Italian national who was born in 1931 and lives in Palermo (Italy).

The case concerns the lawfulness of the interception of the applicant's telephone conversations and the search of his home and other properties. Those measures were ordered as part of a murder trial in which the applicant was not directly involved.

Mr Contrada is a former senior police officer and Deputy Director of the Civil Secret Service ("SISDE"). Following criminal proceedings launched in 1996, he was convicted in a final judgment for supporting a mafia-type organisation. The domestic courts found, in particular, that between 1979 and 1988, in his capacity as police officer and then as Principal Private Secretary to the Anti-Mafia High Commission and Deputy Director of the SISDE, he had systematically contributed to the activities and to the achievement of the criminal aims of the mafia-type organisation referred to as "Cosa Nostra". Specifically, he had supplied certain members of that organisation with confidential information on police investigations and operations concerning them as well as other members. Mr Contrada's conviction became final on 8 January 2008. The events associated with the criminal proceedings against the applicant gave rise to the cases *Contrada v. Italy* (24 August 1998, *Reports of Judgments and Decisions* 1998-V), *Contrada v. Italy (no. 2)* (no. 7509/08, 11 February 2014) and *Contrada v. Italy (no. 3)* (no. 66655/13, 14 April 2015).

Before the Court, the applicant complains of an unjustified interference with his rights under Article 8 (right to respect for private life, home and correspondence) and the lack of effective judicial scrutiny of the measures in issue, which were ordered in the course of proceedings to which he was not a party. In that regard, he claims to be a victim of a violation of Article 6 (right to a fair hearing), Article 8 and Article 13 (right to an effective remedy) of the Convention.

[Patricolo and Others v. Italy \(nos. 37943/17, 54009/18, and 20655/19\)](#)

The applicants are four Italian nationals born between 1945 and 1953 who live in Caprino Veronese, Lazise and San Lazzaro di Savena, and an Italian limited liability company based in Casarile.

The case concerns inadmissibility decisions handed down by the Court of Cassation in the applicants' appeals on points of law for their failure to comply with the formal requirements originally designed by the law for paper-based proceedings and adapted by those court decisions to the context of documents filed electronically before the lower courts.

Relying on Article 6 § 1 (access to court), the applicants complain that the decisions of the Court of Cassation to declare their appeals on points of law inadmissible amounted to excessive formalism and unjustifiably restricted their right of access to a court.

[Rytikov v. Ukraine \(no. 52855/19\)](#)

The applicant, Mykhaylo Sergiyovych Rytikov, is a Ukrainian national who was born in 1987 and lives in Kryzhanivka (Ukraine).

The case concerns the applicant's arrest without a prior court order in the framework of a criminal investigation into unauthorised interference with communication systems and the creation, storage and dissemination of malicious software and pornographic material.

Relying on Articles 5 § 1 (right to liberty and security), 5 § 5 (enforceable right to compensation/unlawful arrest and detention) and 6 § 2 (presumption of innocence), the applicant complains that his arrest without a prior court order was unlawful, that he did not have an enforceable right to compensation, and that his right to be presumed innocent had been breached.

[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 21 May 2024

Name	Main application number
Bartnik v. Belgium	27915/18
Mafalani v. Croatia	3646/17

Thursday 23 May 2024

Name	Main application number
Jelić v. Croatia	80852/17
Lukić v. Croatia	65180/17
N.O. v. Croatia	3745/18
V v. France	48932/20
W.S. v. Greece	65275/19
A.D. and Others v. Norway	56464/21
I.O. and R.A. v. Norway	29789/21
Tankovic v. Poland	78575/16
A and Others v. Serbia	37478/16
Ferenc v. Slovakia	35015/20
Gönen and Others v. Türkiye	80669/12

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on X (Twitter) [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

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.