



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing two judgments on Tuesday 23 March 2021 and 17 judgments and / or decisions on Thursday 25 March 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 23 March 2021

[Kotenok v. Russia \(application no. 50636/11\)](#)

The applicants, Galina Kotenok, Irina Kotenok, and Andrey Kotenok, are Russian nationals who were born in 1965, 1991 and 1988 respectively. They live in Naberezhnye Chelny, Republic of Tatarstan.

The case concerns the death of a close relative of the applicants in a police station cell.

In March 2009 V.K., the first applicant's former husband and father of the other two applicants, caused a scene at home while in a drunken state. The second applicant called the police, who took V.K. to the police station, where he was put in a cell for holding administrative offenders. About half-an-hour later he was found dead on the floor with elastic from his trousers tied around his neck. The authorities conducted an investigation, which led to a discontinuance decision in March 2011. They considered that they had no information to suggest that any offences of murder, violence or incitement to suicide had been committed. The applicants also brought a civil action to claim compensation for the non-pecuniary damage which they claimed they had sustained. The action was dismissed in June 2010 as manifestly ill-founded.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, the applicants submit that the Russian authorities failed to take all the requisite action to protect V.K.'s life and that the investigation conducted after his death had been ineffective.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the European Convention, they allege that V.K. was beaten by the police officers and complain of the lack of an effective investigation on that matter.

[Ghailan and Others v. Spain \(no. 36366/14\)](#)

The applicants, Abdelilah Ghailan, Fatima Zahra Alami Wahabi and their two minor children, are Moroccan nationals who were born in 1977, 1984, 2004 and 2007 respectively and live in the Cañada Real Galiana in Madrid.

The case concerns the applicants' eviction and the demolition of their home by the authorities.

Relying on Article 8 (right to respect for private and family life and home) of the Convention the applicants complain that the demolition of their home after decades of tolerance on the part of the authorities had infringed their rights.

Thursday 25 March 2021

[Smiljanić v. Croatia \(no. 35983/14\)](#)

The applicants, Milenko Smiljanić, Ljiljanka Smiljanić and Saša Smiljanić, are Croatian nationals who were born in 1952 (the first two applicants) and 1981 (Saša Smiljanić) respectively and live in Zagreb.

The case concerns an alleged failure on the part of the Croatian authorities to enforce the road-traffic regulations in respect of a driver who had caused a road traffic collision – while under the influence of alcohol, speeding and not obeying road signs – in which the applicants' relative had died.

Relying on Article 2 (right to life), the applicants claim that the failure to enforce the road-traffic regulations infringed this Article.

[Bivolaru and Moldovan v. France \(nos. 40324/16 and 12623/17\)](#)

The applicants, Gregorian Bivolaru and Codrut Moldovan, are two Romanian nationals who were born in 1952 and 1971 respectively.

The cases concern the applicants' surrender by France to the Romanian authorities under European Arrest Warrants (EAWs), for the purposes of enforcing prison sentences.

Mr Bivolaru, the leader of a spiritual yoga movement, was the subject of criminal proceedings in Romania in 2004. In 2005 he travelled to Sweden, where he applied for political asylum and was issued with a refugee's permanent residence permit, with which he was allowed to travel as from 2007. In a judgment of 14 June 2013 the High Court of Cassation and Justice of Romania sentenced him *in absentia* to six years' imprisonment on charges of sexual relations with a minor. On 17 June 2013 the Sibiu County Court issued an EAW in order to enforce that sentence. Mr Bivolaru, who was arrested in Paris in February 2016, was transferred to Romania in July 2016 pursuant to the EAW.

In June 2015 Mr Moldovan was sentenced by the Mures District Court (Romania) to seven years six months' imprisonment for human trafficking offences committed in 2010 in Romania and France. He returned to France after his trial. On 29 April 2016 the Romanian authorities issued an EAW in respect of Mr Moldovan for the purposes of enforcing that prison sentence. On 26 August 2016 the French authorities surrendered Mr Moldovan to the Romanian authorities pursuant to that EAW.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants submit that their surrender to the Romanian authorities under the EAWs had amounted to a violation of that provision on account both of their conditions of detention in Romania and, in Mr Bivolaru's case, of his refugee status.

[Matalas v. Greece \(no. 1864/18\)](#)

The applicant, Theodoros Matalas, is a Greek national who was born in 1968 and lives in Kifissia (Greece).

The case concerns the applicant's conviction for slanderous defamation for comments he made in his capacity as CEO of a company about the company's former legal adviser, in particular concerning her work, in the course of an employment dispute involving them.

Relying on Article 10 (freedom of expression), the applicant complains that his criminal conviction for slanderous defamation violated his rights.

[Mehmood v. Greece \(no. 77238/16\)](#)

The applicant, Qaiser Mehmood, is a Pakistani national who was born in 1973 and lives in Athens.

The case concerns the applicant's wife's death in a public maternity ward a few days after she had given birth. The applicant submits that this was due to medical negligence.

The applicant's wife, who gave birth to her second child on 5 July 2011, died in hospital on 9 July 2011. Criminal proceedings were commenced in August 2011. On completion of the proceedings, in June 2016, the prosecution reached the conclusion that there had been no circumstantial evidence justifying the prosecution of the gynaecologist who had attended to the applicant's wife in hospital, or of any other doctor, on charges of manslaughter. The hospital also conducted an administrative enquiry, and decided to drop the case in September 2012.

Relying on Article 2 (right to life), Mr Mehmood submits that his wife lost her life owing to medical negligence, adding that the investigation conducted into the circumstances of her death was ineffective.

Relying on Article 6 (right to a fair hearing within a reasonable time), he complains of the length of the investigation.

Relying on Article 8 (right to respect for private and family life), he states that he had to entrust his two children (the new-born baby and a child who was five at the material time) to his parents in Pakistan, and live alone in Greece, since he was unable to look after them.

[Di Martino and Molinari v. Italy \(nos. 15931/15 and 16459/15\)](#)

The applicants, Leonardo Di Martino et Anna Maria Molinari, are Italian nationals who were born in 1958 and 1965 respectively. They live in Lanciano and Gragnano (Italy). They are married.

The case concerns the applicants' conviction, on appeal, in the framework of criminal proceedings against a mafia-type criminal association. The applicants complain that the court of appeal failed to order a further hearing of the prosecution witnesses before overturning the first-instance acquittal verdict.

On an unspecified date the applicants were committed for trial with 15 other individuals. Mr Di Martino was charged with the offences of mafia-type criminal conspiracy, criminal conspiracy for the purposes of drug trafficking, and cultivating Indian hemp. Ms Molinari was charged with the latter two offences. During the hearing they requested a trial under summary procedure, that is to say not under the principles of immediate oral proceedings but on the basis of the evidence included in the prosecution file (Articles 438 to 443 of the Code of Criminal Proceedings). The preliminary hearings judge allowed the applicants' request, specifying that a witness, B.S., would have to be heard. In 2012, Ms Molinari was acquitted by the court of first instance, whereas her husband was convicted solely of the offence of hemp cultivation. In 2013 a court of appeal overturned that judgment, convicting both applicants of all the offences as charged. The applicants appealed on points of law, submitting that the court of appeal had convicted them without ordering a fresh hearing of all the prosecution witnesses. In 2014 the Court of Cassation dismissed that appeal on the grounds that their trial had been conducted, right from the first-instance proceedings, in accordance with the rules of summary procedure. It consequently held that neither the court of first instance nor the court of appeal had had direct access to the prosecution witnesses heard during the preliminary investigations, and that those courts had had "intermediate" contact with those witnesses' statements. As regards B.S., the court of appeal had not called his credibility into question.

The applicants rely on Article 6 § 1 (right to a fair trial).

[Cauchi v. Malta \(no. 14013/19\)](#)

The applicant, Catherine Cauchi, is a Maltese national who was born in 1941 and lives in Valetta.

The case concerns the low amount of rent the applicant received in accordance with the law and her alleged inability to have that situation rectified.

Relying on Article 13 (right to an effective remedy), Article 6 (right to a fair trial), and Article 1 of Protocol No. 1 (protection of property), the applicant complains, in particular, of the low compensation awarded by the domestic courts in respect of the violation of her property rights and, of the lack of an eviction order, which in her view rendered the constitutional redress proceedings ineffective, and that she could not have the judgment in her favour executed.

Stoimenovikj and Miloshevikj v. North Macedonia (no. 59842/14)

The applicants, Nikola Stoimenovikj and Marko Miloshevikj, are Macedonians/citizens of the Republic of North Macedonia who were born in 1965 and 2005 respectively and live in Skopje. They are father and son.

The case concerns civil proceedings involving B.S., the mother of Mr Stoimenovikj and grandmother of Mr Miloshevikj. Those proceedings were determined by a Supreme Court bench that included a judge who had previously adjudicated a closely related criminal matter against her.

Relying on Article 6 § 1 (right to a fair trial), the applicants complain of a lack of impartiality on the part of the Supreme Court panel.

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 25 March 2021

Name	Main application number
Tlashadze and Kakashvili v. Georgia	41674/10
Bijelič v. Slovenia	51282/18
Karlovšek v. Slovenia	62795/17
Bariş Derin v. Turkey	13459/11
Doğan v. Turkey	43806/19
Zeybek and Others v. Turkey	21330/19
Aleksandrovskaia v. Ukraine	38718/16
Avraimov v. Ukraine	71818/17
Labaznikov v. Ukraine	7670/11
Valentyn Ivanov v. Ukraine	9021/11

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 Twitter [@ECHR_CEDH](#).

Press contacts

During the current public-health crisis, journalists can continue to contact the Press Unit via echrpess@echr.coe.int.

Tracey Turner-Tretz

Denis Lambert
Inci Ertekin
Neil Connolly
Jane Swift

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.