



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 14 judgments on Tuesday 24 March 2020 and 77 judgments and / or decisions on Thursday 26 March 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 24 March 2020

[Cantaragiu v. the Republic of Moldova \(application no. 13013/11\)](#)

The applicant, Vasile Cantaragiu, is a Moldovan national who was born in 1986 and, according to the latest information available, was detained in Cahul.

The case concerns his complaints that he and his brother were ill-treated while in detention, which led to his brother's death.

Mr Cantaragiu and his brother were arrested on suspicion of murder in April 2005 and placed in pre-trial detention. Their father was also later arrested on the same charge.

Mr Cantaragiu was taken to hospital in November 2005 and subsequently complained that he had been ill-treated by the police. Prosecutors discontinued their criminal investigation into his allegations in 2007, finding that no offence had been committed.

Mr Cantaragiu's brother, 21 and a former junior judo champion, complained to prison staff on 30 October 2005 of pains in his stomach and headaches. He died in hospital on 3 November.

Prosecutors opened a criminal investigation but suspended it in September 2008, finding that it was not possible to determine the cause of the rupture of the duodenum. Complaints by Mr Cantaragiu and his father about the prosecutor's decisions were rejected.

The courts, including the Supreme Court of Justice in February 2008, found Mr Cantaragiu and his father guilty of murder. The brother was also found guilty, but proceedings against him were suspended. In December 2010 the Supreme Court of Justice quashed the convictions, finding that the three men had been ill-treated during their detention.

After fresh consideration, the courts again found the men guilty, rulings which were upheld by the Supreme Court in April 2013. Nevertheless, it found it proved that the applicant, his brother and father had suffered ill-treatment, that there had been no effective investigation of that matter, and that their self-incriminating statements could not be relied on in the proceedings against them.

Relying on Article 2 (right to life) and Article 3 (prohibition of torture and of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Cantaragiu complains about his brother's ill-treatment and death in detention and of the subsequent ineffective investigation.

He also raises a complaint under Article 6 (right to a fair trial) of the European Convention essentially about his own ill-treatment and of an ineffective investigation into his allegations. He furthermore complains under Article 13 (right to an effective remedy).

[Cegolea v. Romania \(no. 25560/13\)](#)

The applicant, Gabriela Cegolea, is a Romanian and Italian national. She was born in 1948 and lives in Cernica (Romania).

Ms Cegolea alleges that she suffered discrimination with regard to her right to stand in 2012 parliamentary elections on behalf of a foundation representing the Italian minority.

Relying on Article 3 (right to free elections) of Protocol No. 1 to the European Convention read in conjunction with Article 14 (prohibition of discrimination), Ms Cegolea alleges that her candidature was accompanied by additional conditions when compared with the candidate who was already representing the Italian minority in the Romanian Parliament, putting her at a disadvantage.

[Marius Alexandru and Marinela Ștefan v. Romania \(no. 78643/11\)](#)

The applicants, Alexandru and Marinela Ștefan, are Romanian nationals who were born in 1983 and 1985 respectively. They are married and live in Bucharest.

The applicants complain of a failure by the State to protect their lives and those of their relatives after an uprooted tree fell on their car in August 2007. The applicants, who were both in the car, suffered multiple injuries; their parents and Ms Ștefan's young brother died.

Mr and Mrs Ștefan rely on Article 2 (right to life). Furthermore, under Article 6 (right to a fair trial within a reasonable time), they complain of the lack of an effective investigation to identify and punish those responsible for the accident, as well as of the length of the proceedings.

[Abiyev and Palko v. Russia \(no. 77681/14\)](#)

The applicants, Mayrbek Kharonovich Abiyev and Nadezhda Nikolayevna Palko, are Russian nationals who were born in 1959 and 1970 respectively. They live in Argun (Chechen Republic). Mr Abiyev died in 2016, and Ms Palko wished to continue the proceedings before the Court on his behalf.

The case concerns the demolition of the applicants' property and the taking of their land for the purposes of the reconstruction of the town of Argun, as well as the dismissal by the courts of their action for damages.

The complaints concern Article 1 of Protocol No. 1 (protection of property) and Article 8 of the Convention (right to respect for private and family life).

[Asady and Others v. Slovakia \(no. 24917/15\)](#)

The applicants in this case are 19 Afghan nationals born on various dates between 1980 and 1999.

In November 2014 the applicants were found hidden in a truck by the Slovak Border and Foreigners Police near the border with Ukraine. The applicants were part of a group of 32 people who were subsequently taken to the border police station in Petrovce to establish their identities.

The police subsequently issued individual decisions on the administrative expulsion of each applicant with a three-year ban on re-entry. They were removed to Ukraine late in the evening of the same day they had been apprehended and were placed in temporary detention in the town of Chop. Twelve people apprehended at the same time as the applicants applied for asylum and were taken to a reception centre for asylum-seekers.

The first four applicants appealed against the Slovakian administrative expulsion decisions, alleging violations of Article 13 (right to an effective remedy), taken in conjunction with Article 3 (prohibition of torture and inhuman and degrading treatment), and Article 4 (prohibition of collective expulsion of aliens) of Protocol No. 4. The Slovak border police directorate dismissed their appeals in January 2015.

In their case before the European Court, the applicants complain about their expulsion under Article 4 of Protocol No. 4 and Article 13.

[Elif Kızıl v. Turkey \(no. 4601/06\)](#)

The applicant, Elif Kızıl, was a Turkish national who was born in 1934. She lived in Kırşehir (Turkey) until her death. Ms Kızıl's four heirs wished to continue the application before the Court.

The case concerns the loss of ownership of a property which Ms Kızıl purchased in 1973 following a revision of the land register in 1974.

In 1973 Ms Kızıl bought a piece of real estate. She was issued with a document of title registered in the Land Registry. The following year, during the revision of the land register, the property was entered for the benefit of the Treasury on the grounds that the name of the owner had not been traced. At the time Ms Kızıl was living in Germany with her husband. She was allegedly not informed of the situation until 2002, when the authorities asked her to pay compensation for occupation. Up until that date, according to the applicant herself and also to the Court of First Instance (CFI), she had retained her peaceful enjoyment of her property.

In 2003 Ms Kızıl lodged an action to cancel the registration for the benefit of the Treasury, and requested the re-registration of the property as belonging to her, pointing out that she had never been informed of the revision of the land register and had only been apprised of the outcome of the revision at the Land Registry in 2002. The CFI allowed her action.

In 2004 the Court of Cassation quashed the first-instance judgment on the grounds that Ms Kızıl's action had been intended to change the outcome of the Land Registry revision in 1974 and that it had been lodged after the 10-year time-limit laid down in the Land Registry Act which had come into force in 1987. The CFI complied with that judgment and dismissed Ms Kızıl's action. The judgment became final in 2005.

Relying on Article 1 of Protocol No. 1 (protection of property), Ms Kızıl complained that it had not been possible to object to the loss of her property as she had not been informed of it until 2002.

Thursday 26 March 2020

[Pendov v. Bulgaria \(no. 44229/11\)](#)

The applicant, Lazar Pendov, is a Bulgarian national who was born in 1986 and lives in Plovdiv (Bulgaria).

The case concerns the police's seizure and retention of a server hosting websites.

In June 2010 the police seized a server which partially hosted a website which had allegedly uploaded a book to the Internet, in breach of copyright. The server also hosted a website dedicated to Japanese anime culture, which was owned and administered by the applicant.

The applicant made repeated requests for the return of the server, complaining that his website could not function without the data on it and stating that he had suffered "significant damage". The Chief Public Prosecutor's Office ultimately made enquiries into his complaints and the server was returned to him in February 2011. [The server had not been examined by experts or in any other way used for the purposes of the criminal investigation.](#)

The applicant complains about the seizure and retention of his server under Article 1 of Protocol No. 1 (protection of property), Article 8 (right to respect for private and family life, the home, and the correspondence), and Article 10 (freedom of expression).

[Tête v. France \(no. 59636/16\)](#)

The applicant, Etienne Tête, is a French national who was born in 1956 and lives in Lyon (France). He is a lawyer and a municipal councillor in that city.

The case concerns a finding against Mr Tête for malicious falsehood on account of an open letter which he addressed to the President of the French Financial Markets Authority (AMF), in which he accused the Olympique Lyonnais Groupe (“the OL Groupe”) and its CEO of providing false and misleading information during the company’s flotation.

In the framework of its flotation, the OL Groupe prepared “a basic document” in pursuance of Law no. 2006-1770. That document was registered in January 2007. The flotation was aimed at allowing the construction of a projected new football stadium in the suburbs of Lyon, known as “OL Land”. Mr Tête, who was against the project, was the lawyer of other opponents and of persons who had been expropriated in the framework of the implementation of the project.

In January 2010, Mr Tête sent an open letter to the President of the AMF drawing his attention to the circumstances surrounding the flotation, and in particular to the quality of the information provided on the “OL Land” project set out in the basic document. According to the Government, Mr Tête made that letter public during a press conference.

In February 2010 the President of the AMF replied to Mr Tête that the AMF was indeed responsible for dealing with the facts which Mr Tête had brought to his attention. The AMF President, however, pointed out that he could provide no further information since the AMF was bound by strict professional secrecy rules. The AMF took no further administrative or judicial action on the letter.

In April 2010 the OL Group and its CEO lodged a complaint for malicious falsehood against Mr Tête. At first instance, Mr Tête was ordered to pay a fine of 3,000 euros (EUR), as well as to pay a sum of EUR 5,000 for the costs incurred by the civil parties. The court of appeal upheld that judgment, adding EUR 5,000 to be paid for the costs incurred before it by the civil parties.

In April 2016 the Court of Cassation dismissed an appeal on points of law by Mr Tête.

Relying on Article 10 (freedom of expression), Mr Tête complains about the finding against him.

[Nikoloudakis v. Greece \(no. 35322/12\)](#)

The applicants, Georgios Iakovos Nikoloudakis and Emmanouil Nikoloudakis, are Greek nationals who were born in 1939 and 1946 respectively. They live in Chania in Crete (Greece).

The applicants complain of the failure to execute judgments delivered by the civil and administrative courts recognising their ascendants as the owners of a plot of land in Sfakia (Greece) and ordering eight persons unlawfully occupying the plot to vacate it and demolish the buildings erected there.

They rely on Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

[Bilalova and Others v. Poland \(no. 23685/14\)](#)

The applicants are Ms Dagmara Bilalova, who was born in 1982, and her five children Zalina Bilalova, Zukhra Bilalova, Akhiad Bilalov, Akhmed Bilalov, and Liana Bilalova. At the material time the children were between three and nine years old. They are currently living in Kurchaloi in the Chechen Republic (Russia).

The case concerns the placement and retention of Ms Dagmara and her five children in a closed centre for aliens pending the outcome of their application for refugee status.

In June 2013 Ms Bilalova’s husband lodged with the Aliens’ Office an application for refugee status for the whole family, who were in Polish territory at the time. The family then left for Germany, without awaiting the outcome of their request.

In November 2013 the applicants were handed over to the Polish authorities by their German counterparts, in accordance with the provisions of the Dublin II Regulation¹. The next day, during a hearing attended by Ms Bilalova, with the assistance of an interpreter, the District Court ordered the applicants' detention in a closed centre for aliens, for an initial period of 60 days, which was subsequently extended. The applicant unsuccessfully contested the decision to continue the family's detention in the closed centre.

In January 2014 the Aliens' Office dismissed the request for refugee status, refused to grant the family subsidiary protection and ordered their expulsion.

In March 2014 the applicant submitted a fresh application for refugee status, pleading domestic violence. That application too was dismissed. Subsequently the applicants were expelled.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 § 1 (f) (right to liberty and security) and Article 8 (right to respect for private and family life), the applicants complain about their placement and retention in the closed centre for aliens, alleging, *inter alia*, that they were illegal.

[Centre for Democracy and the Rule of Law v. Ukraine \(no. 10090/16\)](#)

The applicant organisation, the Centre for Democracy and the Rule of Law, is a Ukrainian NGO with its offices in Kyiv.

The case concerns the applicant organisation's request for copies of CVs of politicians who headed the lists of parties which won the 2014 parliament elections.

In November 2014 the applicant organisation asked the Central Election Commission to provide it with copies of the CVs submitted by candidates to elections the previous month who had topped the six party lists which had won places in parliament. Five of the six had held public office before, such as former Prime Minister Yulia Tymoshenko, the mayor of Kyiv, Vitali Klitschko, and the then Prime Minister, Arseniy Yatsenyuk.

The Commission refused to provide the CVs, giving only extracts from the documents which had previously appeared on its website. The applicant organisation challenged the decision in court, but was unsuccessful at first-instance and on appeal.

The first-instance court held among other things that according to the law (the Information Act) the information in the CVs was confidential and could only be disclosed where specifically provided for. The applicant organisation had failed to show that the information it had sought had been necessary for voters to exercise their right to vote effectively. The candidates had only provided their consent for the disclosure of such information as was required by law.

The higher courts upheld the first-instance judgment in August and September 2015.

The applicant organisation complains that the authorities denied it access to information which it needed for the effective exercise of its rights under Article 10 (freedom of expression).

[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.

¹ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

Tuesday 24 March 2020

Name	Main application number
Andrushchenko v. Russia	33938/08
Basok v. Russia	10252/10
Conservative Party of Russia and Others v. Russia	7602/06
Suleymanov and Others v. Russia	35585/08
Tsoroyev v. Russia	13363/11
Kışlakçı and Others v. Turkey	40164/05
Sevinç v. Turkey	57878/10
Yayla v. Turkey	3914/10

Thursday 26 March 2020

Name	Main application number
Gaspari v. Armenia	6822/10
Asgarov and Balakishiyev v. Azerbaijan	12270/16
Asgarov v. Azerbaijan	76774/17
Mammadov and Others v. Azerbaijan	67412/17
Herck v. Belgium	17654/18
Permentier v. Belgium	25262/16
Pringels and Ponet v. Belgium	34083/15
Braco Begović v. Croatia	52204/14
Bulić v. Croatia	67998/13
Vučinić v. Croatia	25946/18
F.O. v. France	45665/18
Amiridze v. Georgia	15351/09
Alexandropoulos v. Greece	51947/13
Antypas and Others v. Greece	41108/17
Barmboutis v. Greece	28772/18
Ibram and Others v. Greece	3934/19
Michalopoulos and Chronopoulos and Others v. Greece	27660/18
Moudaki-Soilentaki v. Greece	9743/12
Spyroudis v. Greece	674/19
Tsaknakis v. Greece	10224/14
Barletta and Farnetano v. Italy	55431/09
Bruni v. Italy	27969/10
De Cicco v. Italy	28841/03
Ghetti and Others v. Italy	24745/03
Matteo v. Italie	24888/03
N.C. v. Italy	37926/16
Sula v. Italy	58956/12
Lisnic v. the Republic of Moldova	17015/07
Raspopović and Others v. Montenegro	58942/11
Nikolov and Djidjev v. North Macedonia	13545/16

Name	Main application number
Karbowniczek v. Poland	29037/15
Knaflewscy v. Poland	59125/10
Kowalski v. Poland	40152/16
Zborowski v. Poland	72950/13
Arkosi v. Romania	12455/03
Botomei and Others v. Romania	60176/15
Manolache and Others v. Romania	39635/17
Petrovici and Others v. Romania	53926/15
Timiş and Others v. Romania	54903/17
Bokov and Others v. Russia	7779/17
Glazkov and Others v. Russia	36741/09
Koreba and Others v. Russia	71909/17
Livadny and Others v. Russia	12233/10
Maznev and Others v. Russia - Revision	48826/08
Orlov and Others v. Russia	7379/11
Sadkov and Others v. Russia	11582/17
Solomatin v. Russia	38536/11
Starikov v. Russia	64761/13
Surman v. Russia	45215/14
Sverdlovsk Regional Branch of Russian Labour Party v. Russia	43724/05
Svinarenko and Others v. Russia	52620/08
Trofimov and Klimenko v. Russia	53617/10
Zverev and Others v. Russia	29658/18
Acar v. Turkey	7540/10
Açıkça and Others v. Turkey	60731/13
Ağamolla v. Turkey	3744/10
Ceylan and Others v. Turkey	38345/12
Doğan v. Turkey	23016/08
Göktaş v. Turkey	59374/10
Karadağ v. Turkey	36588/09
Kayaoğlu v. Turkey	7291/06
Küçük and Others v. Turkey	51893/09
Özcan v. Turkey	46203/11
Özdemir v. Turkey	49523/11
Öztürk v. Turkey	60309/10
Paşalı and Others v. Turkey	26029/11
Sabuncu and Others v. Turkey	23709/07
Şensoy Akbulut v. Turkey	30225/10
Tavacioğlu v. Turkey	6792/10
Yurt v. Turkey	35892/10
Borovinskiy v. Ukraine	40972/09
Centre for Democracy and the Rule of Law v. Ukraine	75865/11

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