



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 11 judgments on Tuesday 25 June 2019 and 64 judgments and / or decisions on Thursday 27 June 2019.

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 25 June 2019

[Al Husin v. Bosnia and Herzegovina \(no. 2\) \(application no. 10112/16\)](#)

The applicant, Imad Al Husin, is a Syrian national who was born in 1963 and lives in Ilidža, Sarajevo Canton (Bosnia and Herzegovina).

The case concerns the applicant being held for several years in detention while the authorities tried to remove him to a third country after ordering his expulsion.

Mr Al Husin, who was born in Syria but studied in the former Yugoslavia in the 1980s, fought as part of a foreign mujahedin unit on the Bosnian side during the civil war. At some point he obtained citizenship of Bosnia and Herzegovina, but this was revoked in 2007. He was placed in an immigration detention centre in October 2008 as a threat to national security. He claimed asylum, but this was dismissed and a deportation order was issued in February 2011.

The applicant lodged a first application with the Court in January 2008 and in February 2012 it found that he faced a violation of his rights under Article 3 (prohibition of torture) if he was deported to Syria and that his detention between October 2008 and the end of January 2011 had violated Article 5 § 1 (right to liberty and security) as there had been no deportation order during that period.

The authorities issued a new deportation order in March 2012 and proceeded over the following years to extend his detention on national security grounds, despite appeals by the applicant in which, among other things, he denied being a security risk. In February 2016 he was released from detention subject to restrictions, such as a ban on leaving his area of residence and having to report regularly to the police.

The measures were to be in place until he left the country voluntarily or was removed to a safe third country.

The authorities asked many countries in Europe and the Middle East to accept the applicant, but they all refused.

The applicant raises complaints about his detention under Article 5 § 1 (right to liberty and security), Article 5 § 4 (proceedings on lawfulness of detention) and Article 5 § 5 (enforceable right to compensation) of the European Convention on Human Rights. He also alleges that his conditions of detention violated Article 3 (prohibition of torture and inhuman or degrading punishment or treatment).

[Just Satisfaction](#)

[Beinarovič and Others v. Lithuania \(nos. 70520/10, 21920/10, and 41876/11\)](#)

The case concerns the question of just satisfaction with regard to the annulment of property rights to land covered by forests of national importance.

In its [principal judgment](#) of 12 June 2018 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights in respect of three of the applicants.

The Court further held that the question of just satisfaction in respect of pecuniary damage was not ready for decision and reserved it for examination at a later date.

The Court will deal with this question in its judgment of 25 June 2018.

[Bădoiu v. Romania \(no. 5365/16\)](#)

The applicant, George Vichente Bădoiu, is a Romanian national who was born in 1983 and lives in Arad (Romania).

The case concerns allegations of police violence. Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Bădoiu complains that he sustained ill-treatment during an ID check carried out by a police patrol on the public highway in November 2010. He also considers that the Romanian authorities failed to conduct an effective investigation into his allegations.

[Stoian v. Romania \(no. 289/14\)](#)

The applicants, Ștefan-Moshe Stoian and Luminița Stoian, are Romanian nationals who were born in 2001 and 1967 respectively and live in Bucharest. They are a son and his mother.

The case concerns the applicants' complaints that the authorities did not make proper accommodation for the first applicant so that he could attend school.

Mr Stoian has spastic quadriplegia, which affects the functions of his limbs but not his mental faculties. He relies on devices such as electric wheelchairs, mopeds and tricycles to get around. He has been wheelchair-bound since a spinal operation in 2011.

The authorities decided in 2007 that he should attend mainstream schools. However, the applicants allege that two schools which Mr Stoian attended from 2007 to 2013, School No. 131, and from 2015 to 2017, the Mihail Eminescu High School, were not adapted for his use.

In particular, the first school did not have proper toilet facilities for disabled people and had no access ramps. His mother often had to carry him and his walking devices to the upper floors, help him to go to the toilet and do his physiotherapy exercises.

Similar problems existed in the second school, where a lack of access meant his mother had to carry him around. The school also failed to provide for his basic needs, such as personal and intimate care, eating and moving around. The second school's curriculum was also not adapted to his needs.

The Government states that both schools had facilities for the first applicant and that the authorities took steps to improve and adapt them over time.

The first applicant benefited from some educational support in both of the schools as well as physiotherapy and occupational therapy. In 2011 Ms Stoian asked for a personal assistant for her son and in July of that year a court ordered that one be appointed. The authorities arranged interviews and he had such assistance for short periods in 2014 and 2015.

The second applicant lodged various complaints with the authorities, the National Council against Discrimination, the courts and the prosecutor's office about the failure to provide proper facilities and support for her son to attend school. The Country Court in June 2016 issued an order to the local authorities to take steps to improve Mr Stoian's access to education, including by adapting the curriculum, providing safe surroundings and specialist personnel, and improving access.

The second applicant undertook enforcement proceedings over the lack of a personal assistant and the courts found that the authorities had failed to fully comply with the requirement to appoint one.

In January 2018 the District Court ordered them to pay 200 Romanian leu a day for each day of delay in enforcement.

The applicants complain that the authorities failed to take the necessary measures to comply with their obligations under national law and the European Convention to ensure respect for the first applicant's physical integrity and dignity and to quality education without discrimination. They complain under Article 3 (prohibition of torture), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination). They also rely on Article 2 of Protocol No. 1 (right to education) and Article 1 of Protocol No. 12 (general prohibition of discrimination) to the Convention.

[Blyudik v. Russia \(no. 46401/08\)](#)

The applicant, Aleksandr Blyudik, is a Russian national who was born in 1955 and lives in Makhachkala, Republic of Dagestan (Russia).

The case concerns Mr Blyudik's complaint that his 15-year-old daughter was placed in a closed educational institution 2,500 km from home.

Mr Blyudik had two daughters, Kr. and K., in 1991 and 1992 and, when he separated from their mother in 2002, they continued living with him.

In 2007 K. was placed in a temporary centre for juvenile offenders at the request of her mother, when she allegedly stole jewellery from her.

In February 2008 the district court ordered K.'s placement in a closed educational institution for minors for two years and five months. The court found that K. had stopped attending school, frequently ran away from home and led an "anti-social and immoral lifestyle". She was sent to an institution located in Pokrov, Vladimir Region, 2,500 km from Makhachkala.

However, following proceedings brought by Mr Blyudik, the Presidium of the Supreme Court of the Republic of Dagestan quashed the placement decision by way of supervisory review, finding it unlawful and unjustified. His daughter was released and returned home in September 2008.

Mr Blyudik complains about his daughter's placement under Article 5 § 1 (d) (right to liberty and security) and Article 8 (right to respect for private and family life, the home and correspondence), emphasising the considerable distance between the institution and her home, which prevented them from seeing one another. The Court will also look at this complaint under Article 5 § 5 (right to compensation).

[Aktaş and Aslaniskender v. Turkey \(nos. 18684/07 and 21101/07\)](#)

The first applicant, Nuri Aktaş, has Turkish and Swiss dual nationality, was born in 1969 and lives in St Gallen (Switzerland). The second applicant, Padmapani Aslaniskender, is a Turkish national who was born in 1953 and lives in İzmir. The case concerns a name change in the civil status register.

Mr Aktaş, who belongs to the Assyrian ethnic group, obtained Swiss nationality in 1995, stating his surname as "Amno" (an Assyrian name). He was issued with a Swiss passport under that surname. As from 1995, therefore, he has held two passports under two different names. On 24 October 2005 Mr Aktaş applied to the Midyat Regional Court to change his surname from "Aktaş" to "Amno". That court rejected the application on the grounds that "Amno" was not a Turkish surname, pointing out that pursuant to Law no. 2525, foreign names could not be chosen as surnames. Furthermore, Article 5 of the Regulations on surnames provided that only Turkish-language names could be adopted as surnames. Mr Aktaş unsuccessfully appealed on points of law.

Mr Aslaniskender is a Buddhist, who had the "religion" entry on his identity card changed from "İslam" to "Buddhism". On 21 March 2002 he applied to the Ankara Regional Court to change his forename and surname. He submitted that the forename and surname "Padmapanyas

Leonalexandros” would be more appropriate to his religious beliefs. That court dismissed the application on the grounds that it was inconsistent with Law no. 403 on Turkish nationality. The applicant appealed on points of law. The Court of Cassation quashed the decision on grounds of procedural defect. The Ankara Regional Court resumed the proceedings. A professor of Indology, who had been appointed as an expert for the case, established that Padmapani was a Sanskrit name which was important in terms of Buddhism, while Leonalexandros, a name which had been translated from Turkish into Greek, was not. The applicant subsequently applied to the court to change his forename and surname to the Sanskrit name “Padmapani Paramabindu”. By decision of 10 June 2004, the court allowed the request. The representative of the Civil Status Registry and the Ankara Public Prosecutor appealed on points of law. The Court of Cassation upheld the request concerning the change of forename but set aside the 10 June 2004 decision on the grounds that it was unlawful to choose foreign names as surnames. On 29 September 2005 the Ankara Regional Court decided to change the forename in question to “Padmapani” but dismissed the request for a change of surname. The Court of Cassation dismissed the applicant’s request for rectification of the judgment.

Relying, in particular, on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination), the applicants complain that they were not allowed to change their surnames on the civil status register.

[Halime Kılıç v. Turkey \(no. 63034/11\)](#)

The case concerns a request for revision of a judgment by the European Court of Human Rights relating to a complaint put forward by Halime Kılıç, a Turkish national, about a violation of the right to life of her daughter, Fatma Babatlı, a mother of seven children, who had been killed by her husband despite four complaints and three protection orders and injunctions.

In a judgment delivered on 28 June 2016, the Court concluded that there had been a violation of Article 2 (right to life) and Article 14 (prohibition of discrimination), read in conjunction with Article 2.

The Court decided to award a sum of 65,000 euros (EUR) to the applicant in respect of non-pecuniary damages.

On 11 January 2017 the applicant’s representative informed the Court of the applicant’s death. Consequently, he requested revision of the judgment pursuant to Rule 80 of the Rules of Court.

[Ulusoy v. Turkey \(no. 54969/09\)](#)

The applicants, Zeynep Ulusoy and Sebahattin Ulusoy, are Turkish nationals who were born in 1979 and 1970 respectively and live in Malatya (Turkey). They are acting on their own behalf and on that of their son, Mehmet Ulusoy, who was born in 2001 and has been suffering from a psychomotor impairment and a permanent mental deficiency since birth.

The case concerns allegations of medical negligence during the prenatal and delivery phases of Ms Zeynep Ulusoy’s pregnancy.

Relying on Article 1 (obligation to respect human rights), Article 3 (prohibition of inhuman or degrading treatment), Article 6 (right to a fair trial) and Article 17 (prohibition of abuse of rights) of the Convention, the applicants attribute Mehmet Ulusoy’s permanent mental and physical deficiencies to medical negligence. They also complain that the healthcare staff whom they accuse of negligence have never been brought to justice in the absence of any judicial investigations against them.

Thursday 27 June 2019

[Cosmos Maritime Trading and Shipping Agency v. Ukraine \(no. 53427/09\)](#)

The applicant company, Cosmos Maritime and Foreign Trading Ltd., is a Turkish company with its registered office in Istanbul (Turkey).

The case concerns the company's efforts to have claims recognised in bankruptcy proceedings against a Ukrainian State-owned shipping company, the Black Sea Shipping Company ("Blasco"). Blasco was one of the largest shipping companies in the world until the late 1980s when it ran into legal and financial difficulties.

In 2003 the applicant company lodged an application with the Ukrainian commercial courts seeking recognition of a debt of over two million United States dollars owed to it by Blasco for services provided to its vessels. Those claims were recognised in 2012.

However, that decision was quashed in 2013. The courts found that the applicant company and other charterers had presented unsubstantiated bills to Blasco for vessel operating costs, which had in fact been their responsibility.

In their appeals in those proceedings, the applicant company expressed concerns that the courts were not playing an active role in protecting the creditors' interests. They alleged in particular that that could be explained by the fact that the Commercial Court and the Court of Appeal were housed in a building in Odessa that had been transferred from Blasco to the courts in 2005, while the bankruptcy proceedings were pending. In that context, in 2013, the judge presiding over the bankruptcy proceedings dismissed a request for her withdrawal from the case, ruling that she was not affected by the transfer as she had only taken over the case much later, in 2011.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the applicant company complains that the domestic courts which dealt with its case lacked impartiality and that the proceedings concerning the recognition of its claims were too long. It also alleges that the failure to recognise its claims breached its rights under Article 1 of Protocol No. 1 (protection of property).

[Svit Rozvag, TOV v. Ukraine \(nos. 13290/11, 62600/12, and 49432/16\)](#)

The case concerns the ban on gambling introduced in Ukraine in 2009.

The applicants are two Ukrainian companies, Svit Rozvag, TOV, based in Kharkiv, and Igro-Bet, PP, based in Lviv; and one Ukrainian national, Nataliya Stanko, born in 1975 and living in Loza of the Irshavsky District, Zakarpattya Region (all in Ukraine). Two of the applicants operated gambling businesses, while the third (Igro-Bet, PP), who had obtained a licence shortly prior to the ban, was prevented from launching an actual business.

In response to a fire in May 2009 in a gambling establishment in Dnipro, killing nine people and injuring eleven, Parliament passed into law a bill banning gambling altogether. Just prior to that total ban, the Ministry of Finance had also suspended all gambling licences with immediate effect.

Parliament overrode a veto on the law by the President of Ukraine in June 2009, and it immediately entered into force. All of the applicants' gambling licences were revoked under the new law. They lodged claims for compensation, which were all dismissed.

All the applicants rely on Article 1 of Protocol No. 1 (protection of property) to complain about the revocation of their gambling licences without compensation. Ms Stanko also complains under the same article about the suspension of her licence in May 2009.

Svit Rozvag, TOV and Ms Stanko also bring complaints under Article 6 § 1 (right to a fair hearing) about the proceedings for compensation, alleging in particular that the domestic courts failed to comment on their arguments in support of their claims which relied on the Convention and the

Strasbourg Court's case-law. Ms Stanko and Igro-Bet, PP also rely on Article 13 (right to an effective remedy).

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
Dumitru and Others v. Romania	57162/09
S.S. and Others v. Russia	2236/16
Zatynayko v. Russia	1935/07

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Name	Main application number
Aliverdiyev v. Azerbaijan	3750/12
Gabel v. Azerbaijan	62437/10
Javanshirova v. Azerbaijan	1781/09
Balić and Others v. Bosnia and Herzegovina	44080/16
Hodžić and Sirčo v. Bosnia and Herzegovina	34526/15
Katić and Others v. Bosnia and Herzegovina	50972/16
Popov v. Bulgaria	7541/18
S.A. v. Bulgaria	46517/18
Yuseinova and Others v. Bulgaria	30472/17
Tolić and Others v. Croatia	13482/15
Gogvadze v. Georgia	40009/12
City Invest Kft. and Others v. Hungary	49750/15
Factor Kft. And Others v. Hungary	61673/15
Gerilla Press Lapkiadó és Médiatanácsadó Kft. v. Hungary	43873/16
Grózinger and Others v. Hungary	25349/14
Karsai v. Hungary	22172/14
Kiss v. Hungary	39448/14
Orosz and Székely v. Hungary	8208/17
Pro-Creditor Kft. And Csabaholding Szolgáltató Kft. v. Hungary	55189/15
Vajnai and Others v. Hungary	36358/14
W.K. v. Hungary	14442/18
Efros v. the Republic of Moldova	62380/11
Levinte v. the Republic of Moldova	12591/15
Malancea v. the Republic of Moldova	46372/10
Stratan and Tcaci v. the Republic of Moldova	12744/15
N.K. v. the Netherlands	58572/14
Agheniței v. Romania	64850/13
Csibi v. Romania	16632/12
Gribincia v. Romania	7738/15

Name	Main application number
Ioniță-Ciurez v. Romania	42594/14
Podașcă and Others v. Romania	71008/14
Rusu and Others v. Romania	266/16
Spoială v. Romania	10549/16
Tvigun and Others v. Romania	4248/16
Bibik and Others v. Russia	10602/17
Dolinin and Others v. Russia	39560/08
K.O. v. Russia	28659/18
Khasanov and Others v. Russia	28634/11
Khromova v. Russia	17844/06
Koltsov and Others v. Russia	51498/12
Tseboyev and Others v. Russia	32041/17
Zabolotskiy v. Russia	74750/11
Maletin and Others v. Serbia	11579/17
Milosavljević v. Serbia	18353/12
Nikolić v. Serbia	11578/17
Vegrad Dd v. Serbia	6234/08
Bunc v. Slovenia	52397/17
Kukaj v. Slovenia	49670/13
Sönmez v. Turkey	55763/11
Sürgün v. Turkey	40403/10
Ünal v. Turkey	31707/07
Farzaliyev v. Ukraine	33452/10
Gnatenko v. Ukraine	7899/12
Grytsa and Shadura v. Ukraine	3075/13
Karetskyy v. Ukraine	4829/09
Korkiyaynen v. Ukraine	21258/11
Lyagusha v. Ukraine	16934/12
Pokalchuk v. Ukraine	32135/11
Shevchenko v. Ukraine	55353/09
Solopova v. Ukraine	17278/18
Yeryomina and Others v. Ukraine	30510/18
Zhukov and Others v. Ukraine	45326/12

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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.