

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments on Tuesday 27 August 2024 and 19 judgments and / or decisions on Thursday 29 August 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 27 August 2024

[Hrachya Harutyunyan v. Armenia \(application no. 15028/16\)](#)

The applicant, Hrachya Harutyunyan, is an Armenian national who was born in 1953 and lives in Yerevan.

The case concerns the sending in March 2012 by Mr Harutyunyan of a report to the management of his former employer which he had just left, the Electric Networks of Armenia. He alleged corruption on the part of a colleague who was still employed at the company. Later, Mr Harutyunyan's report was disclosed to his former colleague, who sued him successfully for defamation and insult.

Electric Networks of Armenia was at the time the monopoly electricity supplier in the State and was Russian-owned.

Relying on Articles 6 (right to a fair trial) and 10 (freedom of expression) of the European Convention on Human Rights, Mr Harutyunyan complains that he had acted as a whistle-blower when reporting his former colleague, whereas the domestic courts treated the case as a simple defamation case and imposed on him a substantial sum in damages for his report, which had been made in private.

[Bielau v. Austria \(no. 20007/22\)](#)

The applicant, Klaus Bielau, is an Austrian national who was born in 1955 and lives in Graz (Austria). He is a general practice doctor who also has interests in "holistic medicine" and homeopathy.

The case concerns a disciplinary sanction imposed on the applicant for certain statements he had published on his website regarding the effectiveness of vaccines. In 2017 he was found guilty of disciplinary offences by the Styria and Carinthia Disciplinary Council (*Disziplinarrat*) of the Austrian Medical Association (*Österreichische Ärztekammer*), which held that he had denied the existence of pathogenic viruses and claimed that vaccinations never protected against diseases, that nature knew no diseases and that not a single disease had disappeared through vaccination. He was unsuccessful in having this decision overturned by the Austrian courts.

Relying on Article 10 (freedom of expression) of the European Convention, the applicant complains of the disciplinary sanction.

[B.D. v. Belgium \(no. 50058/12\)](#)

The case concerns a Belgian national who was born in 1980. He complains that he was placed in compulsory confinement in the psychiatric wings of various prisons in Belgium.

In 1999, finding that he had not been criminally responsible for his acts, the Belgian judicial authorities ordered the applicant's compulsory confinement for burglary and attempted theft. At various times from 1999 to 2009 and from 2010 to 2015 he was placed in the psychiatric wing of Ghent Prison and in the social protection unit of Merksplas Prison, pending placement in an

institution designated by the Social Protection Board. Subsequently, in 2015, he was admitted to the Ghent forensic psychiatry centre, where he stayed until his discharge on probation on 8 June 2020.

Relying on Article 5 §§ 1 and 4 (right to liberty and security/right to a speedy decision on the lawfulness of detention) of the Convention, the applicant complains of his compulsory confinement. He complains that he did not receive suitable therapeutic treatment for his mental health or effective legal assistance in obtaining a decision on the lawfulness of his detention.

[W.R. v. the Netherlands \(no. 989/18\)](#)

The applicant, W.R., is a Dutch national who was born in 1974. He was detained in Middleburg (the Netherlands) when he lodged this application.

The case concerns W.R.'s conviction for the murder of a Ms C.O., and in particular the investigation proceedings carried out by the police, including interviews and other investigative steps.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), Mr W.R. alleges he had no legal assistance during the initial police interviews and on-site visits, rendering his trial unfair.

[İ.G. v. Türkiye \(no. 32887/19\)](#)

The applicant, İ.G., is a Turkish national who was born in 1984 and lives in Bursa (Türkiye). He suffers from intellectual and physical disabilities.

The case concerns several occasions of violent rape in 2002 of Mr İ.G. by four children. One of the children was 17 years old and would die during the proceedings. Concerning the youngest child, who was less than 12 years old at the time, the courts did not give a decision as to criminal responsibility. Regarding the other two, the charges were ultimately set aside in 2015 as the statutory limitation period had expired following a retrial.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr İ.G. complains that the time-barring of the convictions of his attackers had resulted in their impunity, and the compensation he received at the domestic level was inadequate.

[Namık Yüksel v. Türkiye \(no. 28791/10\)](#)

The applicant, Namık Yüksel, is a Turkish national who was born in 1966 and lives in Istanbul.

In August 2006 Mr Yüksel and his wife were convicted of aiding and abetting a terrorist organisation and were given prison sentences. In November 2009 Mr Yüksel was transferred to the same prison where his wife was serving her sentence. Mr Yüksel's four-year-old son was staying in his mother's cell. The case concerns the attempts by Mr Yüksel to spend time with his child while in the same facility.

Relying on Article 8 (right to respect for private and family life), Mr Yüksel complains that the authorities did not allow him to spend sufficient time with his son while in prison.

[Yasak v. Türkiye \(no. 17389/20\)](#)

The applicant, Şaban Yasak, is a Turkish national who was born in 1987 and was a prisoner at Çorum L-Type Prison at the time the present application was lodged.

The case concerns the applicant's detention conditions and his conviction for being a member of the armed terrorist organisation known as "Fetullahist Terror Organisation/Parallel State Structure" (*Fetullahçı Terör Örgütü / Paralel Devlet Yapılanması*).

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains of the conditions in which he was held while in police custody and subsequently at Çorum Prison.

Relying on Article 7 (no punishment without law), he submits that the actions that formed the basis of his conviction were lawful at the relevant time and that, in holding him criminally liable for those acts, the authorities had relied on an extensive and arbitrary interpretation of the relevant laws, in violation of the principle enshrined in Article 7 of the Convention.

Thursday 29 August 2024

[Lefebvre v. France \(no. 12767/21\)](#)

The applicant, Jean-Paul Lefebvre, is a French national who was born in 1956 and lives in Noisy-le-Sec (France).

The application concerns a finding against the applicant – a municipal councillor and president of an opposition group within the municipal council – for defamation on account of statements posted on the “wall” of his Facebook account.

Relying on Article 10 (freedom of expression) of the Convention, the applicant complains that he was found civilly liable in defamation proceedings for remarks posted on the “wall” of his Facebook account. He submits that this constituted an infringement of his right to freedom of expression as a local councillor and leader of the municipal opposition on a topic of public interest concerning the management of municipal affairs. He also complains of the high costs he was required to bear. Under Article 6 § 1 (right to a fair hearing), he further complains that his arguments under Article 10 were not addressed.

[Khachapuridze and Khachidze v. Georgia \(nos. 59464/21 and 13079/22\)](#)

The applicants, Tamar Khachapuridze, Kakhaber Khachidze and Davit Khachidze, are Georgian nationals who were born in 1970, 1969 and 2003 respectively. They are a married couple and their son.

The case concerns the conviction of the first two applicants for hooliganism, following an altercation in August 2016 on Gonio Beach near Batumi between the applicants and Judge G.M., the then President of the Tbilisi City Court. Both parties made complaints against the other to the police.

The case also concerns the criminal investigation opened into the third applicant’s injuries in August 2016. The investigation is ongoing.

Relying on Article 6 (right to a fair trial), the first two applicants complain that they were unable to obtain attendance of witnesses on their behalf, that their conviction was based on evidence of absent witnesses, and of their exclusion from their trial. Relying on Article 3 (prohibition of inhuman and degrading treatment) and Article 8 (right to respect for private and family life), the third applicant complains that the investigation into his injuries was ineffective.

[Tsulukidze and Rusulashvili v. Georgia \(nos. 44681/21 and 17256/22\)](#)

The applicants, Mr Zurab Tsulukidze and Mr Levan Rusulashvili, are Georgian nationals who were born in 1959 and 1973 respectively and live in Tbilisi.

The case concerns the alleged lack of impartiality of a judge who was a member of three-judge panels of the Supreme Court which rejected claims of unfair dismissal brought by the applicants against Telasi, the main electricity distribution company in Tbilisi.

The applicants complain under Article 6 § 1 (right to a fair trial) of the Convention that the Supreme Court’s impartiality was compromised because the judicial assistant of one of the judges on the panel which had examined their cases and rejected them was the daughter of the lawyer representing Telasi in the proceedings. The lawyer was also the company’s in-house lawyer, who had been personally in charge of preparing the decision dismissing the applicants from the company.

Pasquinelli and Others v. San Marino (no. 24622/22)

The applicants are 19 San Marinese nationals, six Italian nationals and one Moldovan national.

The applicants are a group of healthcare workers who refused to be vaccinated against Covid-19. In consequence, they were affected by one or more measures, mainly, related to their employment.

Relying on Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 12 (general prohibition of discrimination), the applicants complain of the obligation on them to get vaccinated, the consequences suffered as a result of that refusal, and that those consequences as well as the alleviation of certain measures for vaccinated individuals amounted to discrimination.

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 29 August 2024

Name	Main application number
Public Association for Assistance to a Free Economy v. Azerbaijan	12759/13
Public Association for Assistance to a Free Economy v. Azerbaijan	27642/13
Mamić and Others v. Croatia	21714/22
Heidmann v. France	28330/23
Novoparc Healthcare International Limited v. France	33015/18
Sci Beau Soleil v. France	24727/20
Lojodice v. Italy	16450/18
Gniazdowska-Sapieha v. Poland	18887/11
Atristain Gorosabel v. Spain	35215/23
Comunidad de Regantes Santa Maria Magdalena v. Spain	47928/21
Trillo-Figueroa Martínez-Conde v. Spain	29801/23
Velasco Nuñez v. Spain	49918/20
Aleksandrov v. Ukraine	43100/16
Ganushchak v. Ukraine	40776/16
Vasylevska v. Ukraine	37919/15

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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.