



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing two judgments on Tuesday 28 February 2023 and 91 judgments and / or decisions on Thursday 2 March 2023.

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 28 February 2023

[Căpățină v. Romania \(application no. 911/16\)](#)

The applicant, Daniela Căpățină, is a Romanian national who was born in 1968 and lives in Rădăuți (Romania).

In 2011 criminal proceedings were opened against over 60 border police officers and customs officers, including the applicant, on suspicion of organised crime and bribe-taking. They were accused of trafficking in cigarettes, diesel and alcohol from Ukraine. The applicant was ultimately convicted and given a two-year suspended prison sentence. The case concerns the seizure, confiscation and subsequent return of some of her assets during the criminal proceedings.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, the applicant complains in particular that the sums seized from her were disproportionately high, alleges that she provided evidence that the assets had been lawfully obtained and contests the method used to calculate the proceeds of crime confiscated from her following her criminal conviction.

[Stoenescu v. Romania \(no. 14166/19\)](#)

The applicant, Vlad Stoenescu, is a Romanian national who was born in 1966 and lives in Bucharest.

Following the applicant's divorce from his wife, he lodged an action before the Bucharest District Court for the division of property they owned jointly. Before the first hearing in 2018, he and his wife signed an agreement on the division of that property. The case concerns his claims for the reimbursement of and/or exemption from the payment of full court fees in view of the fact that they reached an out-of-court settlement.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention, the applicant complains that the proceedings concerning his claims were unfair as there were conflicting decisions in the domestic courts on the reimbursement of court fees. Also relying on Article 1 of Protocol No. 1 (protection of property), he alleges that he was obliged to pay the court fees in full, even though the proceedings in respect of his case had been terminated at the first hearing as devoid of any purpose following the out-of-court settlement.

Thursday 2 March 2023

[Ayyubzade v. Azerbaijan \(no. 6180/15\)](#)

The applicant, Orkhan Ibrahimajdar oglu Ayyubzade, is an Azerbaijani national who was born in 1994. He used to live in Baku.

The case concerns the arrest and pre-trial detention of the applicant, an opposition activist. He served sentences of administrative detention in 2013 and 2014 for being involved in anti-government demonstrations. At the end of his sentence in 2014 he was supposed to be released, but was instead arrested again on charges of “resistance to or violence against a public official”. He was convicted as charged and sentenced to two years’ imprisonment. He was ultimately released in 2015 following a presidential pardon.

Relying on Article 5 (right to liberty and security) and Article 18 (limitation on use of restrictions on rights), he complains that his arrest and detention were not based on a reasonable suspicion that he had committed a criminal offence and that the charges against him had been fabricated.

[Croatian Radio-Television v. Croatia \(no. 52132/19 and 19 other applications\)](#)

The applicant is a public broadcasting organisation, Croatian Radio-Television, which is based in Zagreb.

The case concerns divergent decisions of the domestic courts in 20 sets of civil proceedings instituted in 2010 and 2011 by Croatian Radio-Television regarding unjust enrichment. The applicant organisation had instituted those proceedings against various individuals seeking to retrieve fees which an employee of its finance department had paid them for work they had never carried out.

Relying in particular on Article 6 § 1 (right to a fair trial), the applicant organisation submits that in those 20 sets of proceedings the Zagreb County Court or the Pula County Court had ruled against it, while in a number of other cases arising from the same set of facts other county courts had ruled in its favour. It adds that the Supreme Court, instead of harmonising the case-law of the lower courts, had declared inadmissible or dismissed its extraordinary appeals on points of law in those 20 sets of proceedings, while allowing such appeals lodged in other similar cases.

[Thierry v. France \(no. 37058/19\)](#)

The applicant, François Thierry, is a French national who was born in 1968 and lives in Paris.

The case concerns a set of disciplinary proceedings against the applicant, who at the time was a chief superintendent in charge of the Central Office for the Prevention of Drug Trafficking (OCRTIS), resulting in his suspension from his duties as a senior police officer.

Relying on Article 6 § 1 (right to a fair hearing), the applicant alleges that, owing to their status, principal public prosecutors do not satisfy the requirement of independence; that there was a breach of the impartiality requirement due to the fact that the principal public prosecutor in the proceedings concerning him – which he regards as criminal rather than disciplinary – combined the functions of prosecution, investigation and judgment; and, lastly, that the principle of equality of arms and the adversarial principle were infringed. Relying on Article 6 § 2 (presumption of innocence), the applicant alleges a breach of his right to be presumed innocent in that the disciplinary proceedings were instituted on the basis of evidence from the criminal proceedings against him, which were still pending at the time the application was lodged.

[Dzerkorashvili and Others v. Georgia \(no. 70572/16\)](#)

The applicants are seven Georgian nationals who were born between 1977 and 1991 and live in Tbilisi.

The case concerns the applicants’ arrest on 17 May 2016 at the main building of the Patriarchate of the Georgian Orthodox Church on suspicion of having put a graffiti on that building and their subsequent detention and treatment. It also relates to the applicants’ alleged inability to hold a public event to mark the International Day against Homophobia, Transphobia and Biphobia.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life), Article 11 (freedom of assembly and

association), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination), the applicants complain, in particular, of physical ill-treatment, stress and verbal abuse at the hands of the police; that their being detained had been unlawful and arbitrary; that the authorities had failed to communicate a clear security strategy, leading to their being unable to hold the public event at issue; and of a lack of an effective remedy for their complaints.

Just satisfaction

BTS Holding, a.s. v. Slovakia (no. 55617/17)

The applicant, BTS Holding, is a joint-stock company based in Slovakia.

The case concerns the question of just satisfaction with regard to the non-enforcement in Slovakia of an arbitral award made by the International Court of Arbitration of the International Chamber of Commerce in Paris in the applicant company's favour. In 2006 BTS Holding had successfully bid for the purchase agreement of a large shareholding in Bratislava Airport during its privatisation process. The agreement had subsequently been rescinded by the National Property Fund of Slovakia and the amount of the purchase price had been returned to the applicant. However, a dispute had arisen as to any interest to be paid to the applicant company, and this had been resolved by an award in its favour following arbitration, the enforcement of which was then denied.

In its [principal judgment](#) of 30 June 2022 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. The Court further held that the question of just satisfaction in so far as pecuniary damage was concerned 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 2 March 2023.

[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 2 March 2023

Name	Main application number
Manukyan and Ayvazyan v. Armenia	43925/16
Huseynov and Others v. Azerbaijan	37472/18
International Research and Exchange Board v. Azerbaijan	7668/15
Mukhtarli and Aslanli v. Azerbaijan	13509/12
Lyapchev and Others v. Bulgaria	75478/13
Sabouni and Others v. Bulgaria	25795/15
Stoev v. Bulgaria	36820/12
Grabovičkić v. Croatia	45127/21
Jungić v. Croatia	73024/16
Kozina Barišić and Others v. Croatia	12905/22
Lukač v. Croatia	10683/22
Magazin v. Croatia	53925/21
Pavlović v. Croatia	1528/21
A.K. and A.S. v. Greece	45337/20
Bellou v. Greece	30660/22

Name	Main application number
Metaxourgia Soufliou I. Efterpi B. EL. Tzivre Epe v. Greece	34161/14
Miah and Others v. Greece	17215/21
Noe Metal Constructions S.A. v. Greece	66688/14
Gyurcsányi and Others v. Hungary	14449/22
Horváth and Others v. Hungary	12143/16
Keszei and Others v. Hungary	37413/22
Márai and Others v. Hungary	2119/22
Szathmári and Others v. Hungary	31782/21
Abbondanza and Others v. Italy	43639/19
Apa v. Italy	28233/20
Guidi v. Italy	18177/10
Iannucci and Others v. Italy	22986/21
Leoni v. Italy	50338/10
Scavuzzo and Polizzi v. Italy	20144/17
Varricchio v. Italy	38878/19
Chiosa v. the Republic of Moldova	30247/12
Coif S.R.L. v. the Republic of Moldova	9875/16
Dubcenco v. the Republic of Moldova	63875/12
Erhan v. the Republic of Moldova	44909/13
Kuzmanovska and Others v. North Macedonia	25967/18
Salim and Others v. North Macedonia	25782/19
Stańczak and Others v. Poland	53777/20
Wielądek and Guhn v. Poland	52660/20
dos Santos Neves v. Portugal	53415/21
Guedes Rosa and Others v. Portugal	42785/21
Tavares Fernandes and de Brito Sanches v. Portugal	50674/19
Brânda and Baie v. Romania	64351/16
Canalaş v. Romania	12637/19
Csizmadia and Others v. Romania	21299/19
Dumitraş and Others v. Romania	38620/16
Găluţ v. Romania	68609/16
Ganea and Others v. Romania	12914/16
Ghebenei and Others v. Romania	68078/17
Jacotă and Ardelean v. Romania	10849/17
Lăcătuşu and Others v. Romania	19796/16
Macoviciuc v. Romania	38915/16
Mitu v. Romania	75857/16
Moderatu and Trăscăoanu v. Romania	39729/16
Păduraru and Others v. Romania	36812/16
Radu v. Romania	38877/16
Rogojan v. Romania	4617/17
Roşu and Others v. Romania	40112/16
Scafaru v. Romania	13307/18

Name	Main application number
Stănescu v. Romania	56995/16
Szilagyi and Geică v. Romania	48236/17
Velici and Others v. Romania	9302/16
Akayev and Others v. Russia	79252/17
Andreyev and Others v. Russia	35031/13
Blatova and Others v. Russia	81928/12
Byvshev and Others v. Russia	45041/17
Davydov and Others v. Russia	41865/08
Gromovoy and Others v. Russia	58388/14
Sulakadze and Others v. Russia	52527/18
Zaytseva and Others v. Russia	41136/17
Bakić and Bojić v. Serbia	13700/22
Damnjanović and Lučić v. Serbia	4661/22
Radovanov and Marinković v. Serbia	59718/21
Taljat v. Slovenia	35640/19
Ayar v. Türkiye	18523/21
Dyshuk and Others v. Ukraine	40232/19
Glushchenko and Pustovyy v. Ukraine	68073/17
Govorov v. Ukraine	20060/21
Khrus and Others v. Ukraine	38328/14
Klimov and Slyvotskyy v. Ukraine	51100/17
Klymenko v. Ukraine	14301/14
Neugodnikov v. Ukraine	72204/13
Shchegolyev and Kvachan v. Ukraine	60833/15
Sobko v. Ukraine	80524/12
Syvy and Others v. Ukraine	2557/21
Trachuk v. Ukraine	24413/13
Singh v. the United Kingdom	23690/21

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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.