



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 17 judgments on Tuesday 29 June 2021 and 27 judgments and / or decisions on Thursday 1 July 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](http://www.echr.coe.int))*

### Tuesday 29 June 2021

#### [Monir Lotfy v. Cyprus \(application no. 37139/13\)](#)

The applicant, Nashat Monir Lotfy, is an Egyptian national who was born in 1963 and lives in Egypt.

The case concerns his detention with a view to his deportation and the conditions while being held.

He relies on Articles 3 (prohibition of inhuman or degrading treatment), 5 § 1 (right to liberty and security), and 5 § 4 (right to have lawfulness of detention decided speedily by a court) of the European Convention on Human Rights.

#### [A.O. Falun Dafa and Others v. the Republic of Moldova \(no. 29458/15\)](#)

The applicants are A.O. Falun Dafa, A.O. Qigong Falun Gong Moldova, Tatiana Chiriac and Dumitru Roman. The first two are organisations registered in the Republic of Moldova. The last two are Moldovan and Romanian nationals who were born in 1970 and 1965 respectively and live in Chişinău. They are the presidents and founders of the first two applicant organisations.

The case concerns the banning of the applicant organisations' symbols, which resemble a swastika, followed by their dissolution.

The applicants rely on Articles 9 (freedom of thought, consciences and religion) and 11 (freedom of assembly and association).

#### [Broda and Bojara v. Poland \(nos. 26691/18 and 27367/18\)](#)

The applicants, Mariusz Broda and Alina Bojara, are Polish nationals who were born in 1969 and 1960 and live in Kielce.

The case concerns their complaint that they did not have any remedy by which to challenge the decisions of the Minister of Justice to put a premature end to their term of office as vice-president of the Kielce Regional Court.

Relying on Article 6 § 1 (right of access to a court), the applicants complain that they were dismissed from their posts as vice-president of a court, alleging that their dismissal had been unlawful and arbitrary and that there had been no specific judicial remedy enabling them to challenge the decision.

#### [Yezhov and Others v. Russia \(no. 22051/05\)](#)

The applicants, Sergey Aleksandrovich Yezhov, Oleg Aleksandrovich Bespalov and Grigoriy Anatolyevich Tishin, are Russian nationals who were born in 1985, 1977 and 1986 respectively.

The case concerns the applicants' prosecution and conviction for a gross breach of public order committed by an organised group.

They rely on Articles 10 (freedom of expression) and 11 (freedom of assembly and association).

#### [Tercan v. Turkey \(no. 6158/18\)](#)

The case concerns the remanding in custody of a former judge of the Turkish Constitutional Court and the maintaining of that measure, together with a search of his home, in the aftermath of the attempted coup of 15 July 2016.

The applicant, Erdal Tercan, is a Turkish national who was born in 1961. He is currently being held in custody. While serving as a professor at the Law Faculty of Akdeniz University, Mr Tercan was appointed as a judge of the Constitutional Court by the President of the Republic on 7 January 2011, until termination of service at the age of 65.

Relying on Article 5 § 1 (right to liberty and security), Mr Tercan complains that he was arrested and remanded in custody arbitrarily, in breach of Law no. 6216 on the establishment of the Constitutional Court and the procedure before it.

Under Article 5 § 1 (right to liberty and security), he also alleges that there was no concrete evidence of any reasonable grounds for suspecting him of having committed a criminal offence which necessitated remanding him in custody.

Under Article 5 § 3 (right to liberty and security), he further complains about the length of his detention and the failure to give reasons for the decisions to extend the measure. He also complains that no alternatives to custody had been considered.

Relying on Article 8 (right to respect for one's private and family life and home), Mr Tercan complains that the search of his home was unlawful, as the search warrant had been issued without the prior authorisation of the Constitutional Court, contrary to the specific provisions concerning judges of that court. He also complains of a lack of effective review of this measure.

Relying on Article 6 (right to a fair trial), Mr Tercan complains of a lack of impartiality and independence of the magistrate's courts, together with an infringement of the principle of equality of arms due to a restriction of access to the investigation file.

Thursday 1 July 2021

#### [Matijašić v. Croatia \(no. 38771/15\)](#)

The applicant, Darko Matijašić, is a Croatian national who was born in 1963 and lives in Motovun (Croatia).

The case concerns the applicant's driving ban on account of the number of penalty points he collected.

He relies on Article 4 of Protocol No. 7 (right not to be tried or punished twice).

#### [Association BURESTOP 55 and Others v. France \(nos. 56176/18, 56189/18, 56232/18, 56236/18, 56241/18, and 56247/18\)](#)

The applicants are the following environmental protection associations: *Burestop 55* and *MIRABEL-LNE*, with their head office in Bar-le-Duc (Meuse department); *ASODEDRA*, with its head office in Grand (Vosges department); *CEDRA 52*, with its head office in Saint Dizier (Haute-Marne department); *Les Habitants vigilants du Canton de Gondrecourt*, with its head office in Gondrecourt-le-Château (Meuse department); and *Fédération Réseau sortir du Nucléaire*, with its head office in Lyon.

The case concerns environmental protection associations opposed to the planned industrial geological storage centre known as "Cigéo" on the Bure site along the boundaries of the Meuse,

Haute-Marne and Vosges departments, in the Grand Est administrative region. The centre is designed for the storage in deep geological repositories of high-level and long-life radioactive waste.

The applicant associations unsuccessfully lodged with the civil courts an action for damages against the National Agency for the Management of Radioactive Waste (ANDRA), which they alleged had, in the framework of its communications on the *Cigéo* project, failed in its legal obligation to provide the public with information on the mode of management of the radioactive waste in question. Their action was declared inadmissible insofar as it had been lodged by the *MIRABEL-LNE* association, on the grounds that its statutory aim was limited to protecting the environment in general terms; and it was dismissed on the merits insofar as it had been lodged by the other applicant associations.

Relying on Article 6 § 1 (right of access to a tribunal) and Article 13 (right to an effective remedy), the association *MIRABEL-LNE* complain of a violation of the rights to a tribunal and to an effective remedy. Relying on Articles 6 § 1, 8, 10 and 13, the applicant associations complain that the domestic courts dismissed their claims without offering any valid reasoning, using ineffective legal arguments, and failed to determine the merits of their claims or to conduct the requisite verifications; that their right to receive information was rendered nugatory by the French courts inasmuch as they failed to check the accuracy of the information communicated by ANDRA, and that those courts thereby breached their right of access to a tribunal; that ANDRA, which is legally required to provide information, issued inaccurate information on environmental risks and dangers, which was tantamount to “failure to provide information”; and that by leaving matters to the unfettered discretion of the trial courts, the Court of Cassation refused to adjudicate on the aforementioned violations of the Convention.

#### [Lesław Wójcik v. Poland \(no. 66424/09\)](#)

The applicant, Lesław Wójcik, is a Polish national.

The case concerns conjugal visits for the applicant during his time in prison.

He relies on Articles 8 (right to respect for private and family life) and 12 (right to marry).

#### [Hájovský v. Slovakia \(no. 7796/16\)](#)

The applicant, Miroslav Hájovský, is a Slovak national who was born in 1941 and lives in Bratislava.

The case concerns an article about the applicant and the use of his photo without his consent in a popular national newspaper and the ensuing court case.

He mainly relies on Article 8 (right to respect for private and family life).

#### [Nechay v. Ukraine \(no. 15360/10\)](#)

The applicant, Oleksiy Oleksandrovych Nechay, is a Ukrainian national who was born in 1978 and lives in Kyiv.

The case concerns the duration of the applicant’s pre-trial detention and the proceedings against him.

He relies on Articles 5 § 3 (right to liberty and security), 6 § 1 (right to a fair trial) and 13 (right to an effective remedy).

#### [El Kodwa Arafat v. France \(no. 82189/17\)](#)

The applicants, Suha El Kodwa Arafat and Zahwa El Kodwa Arafat, are French nationals who were born in 1963 and 1995 respectively.

The case concerns a criminal complaint filed by the applicants, the widow and daughter of Yasser Arafat, who died on 11 November 2004 in France at the Percy Military Hospital where he was being treated, claiming that Mr Arafat had been the victim of premeditated murder.

Relying on Article 6 § 1 (right to a fair hearing), the applicants complain about a refusal to exclude from evidence an additional expert report on the cause of the decline in Mr Arafat's health, as they had requested on account of their doubts concerning the origin and traceability of the sample used for that assessment, the methodology applied and the results, which were contradicted by the results obtained by Swiss experts. They also criticise the refusal to order a fresh expert report on their behalf and to grant their other claims, based on contradictions between the results obtained by the different experts, Swiss and French, from their respective measurements and analyses.

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.

## Tuesday 29 June 2021

Name	Main application number
Badan v. the Republic of Moldova	56405/12
Manole and Postica v. the Republic of Moldova and Russia	4711/07
Midgard Terra S.A. v. the Republic of Moldova	41538/13
Mihailov v. the Republic of Moldova	53209/12
Pojoga v. the Republic of Moldova	39635/08
Şcerbinina v. the Republic of Moldova and Russia	76892/14
Karamovy v. Russia	51952/08
Resin v. Russia	9798/12
Alat v. Turkey	39513/11
Güler and Zarakolu v. Turkey	38767/09
Mehmet Orhan Yücel v. Turkey	56687/16
Uca v. Turkey	45801/12

## Thursday 1 July 2021

Name	Main application number
Van de Cauter v. Belgium	18918/15
Georgallidi v. Greece	73918/14
Grypari v. Greece	50417/13
Milašauskienė v. Lithuania	58179/18
A.O. Falun Dafa v. the Republic of Moldova	17900/14
Sarov v. the Republic of Moldova	53262/12
A.A. v. Norway	59082/19
F.Z. v. Norway	64789/17
K.E. and A.K. v. Norway	57678/18
R.O. v. Norway	49452/18

Name	Main application number
S.P. v. Norway	54419/19
Bobowicz v. Poland	14725/18
Semenova and Ibatova v. Russia	48053/15
Maděrová v. the Czech Republic	32812/13
Atasever v. Turkey	34103/12
Ersoy and Others v. Turkey	12874/07
Irmak and Others v. Turkey	18036/19
Süleymanoğlu v. Turkey	20944/10
Ünsal and Timtik v. Turkey	36331/20
Yılmaz and Others v. Turkey	77747/12
Lyalyuk v. Ukraine	38839/07

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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.