



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 12 judgments and / or decisions on Tuesday 30 March 2021 and 68 judgments and / or decisions on Thursday 1 April 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 30 March 2021

#### [D.C. v. Belgium \(application no. 82087/17\)](#)

The applicant, D.C., is a Belgian national who was born in 1987. At the time the application was lodged he was being detained in Leuven Prison.

The case concerns the lawfulness of the applicant's placement in compulsory confinement, and alleged shortcomings in the proceedings leading to his placement. In particular, D.C. alleges that his detention, ordered by the investigating judicial authorities, was unlawful as it was based on a report produced by a psychiatrist who had never met him and a psychological report written over a year and a half previously. He also complains of the refusal of the investigating judicial authorities to call certain witnesses and experts and the fact that the hearings were not conducted in public, and alleges that the Indictment Division lacked impartiality.

In August 2015 D.C. attacked an individual with a knife and was arrested by the police the same day. The following day he was charged with attempted murder and detained in Lantini Prison. In September 2015 a psychologist issued a diagnosis of paranoid schizophrenia, taking the view that the applicant posed a danger to himself and to society. In June 2016 the Committals Division ordered his compulsory confinement. The Indictment Division upheld that decision in February 2017. An appeal on points of law by the applicant was dismissed in May 2017. The Social Protection Division ordered the applicant's release for a trial period as of 22 March 2018 with a view to his admission to a psychiatric hospital.

D.C. relies on Articles 5 §§ 1 and 4 (right to liberty and security/right to a speedy decision on the lawfulness of detention) and Article 6 (right to a fair trial) of the European Convention on Human Rights.

#### [Ribcheva and Others v. Bulgaria \(nos. 37801/16, 39549/16, and 40658/16\)](#)

The applicants, Vanya Petkova Ribcheva, Milena Georgieva Ivanova-Sharkova and Teodora Emilova Sharkova, are Bulgarian nationals who were born in 1949, 1975 and 1999 respectively and live in Sofia. The applicants are the mother, widow and daughter of Emil Sharkov, an officer of the anti-terrorist squad of the Ministry of Internal Affairs.

The case concerns Mr Sharkov's killing in the course of an anti-terrorist operation by the person that he was trying to arrest and the ensuing investigations.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy) of the European Convention, the applicants complain that the authorities did not properly investigate whether there had been negligence in the planning and conduct of the operation in which their relative had been killed. The applicants also complain that the authorities did not do enough to protect his life.

### [Fenech v. Malta \(no. 19090/20\)](#)

The applicant, Yorgen Fenech, is a Maltese national who was born in 1981 and lives in St Julian's (Malta).

The case concerns the aftermath of the applicant's arrest in 2019 on suspicion of involvement in the murder of Daphne Caruana Galizia, a noted Maltese journalist who was assassinated in 2017. In particular it involves his pre-trial detention during the Covid public-health emergency, precautions around his state of health as a detainee (he has one kidney) and the resulting proceedings before the authorities, in particular their length. The proceedings are ongoing. Relying on Articles 2 (right to life), 3 (prohibition of inhuman and degrading treatment) and 5 §§ 1, 3 and 4 (right to liberty and security), and 6 § 1 (right to a fair trial within a reasonable time) the applicant complains, in particular, of his conditions of detention, the State's alleged failure to protect his health, and the lawfulness of his detention and the inadequacy of the domestic remedies used in that connection.

### [Gasangusenov v. Russia \(no. 78019/17\)](#)

The applicant, Murtazaali Magomedovich Gasangusenov, is a Russian national who was born in 1970 and lives in Goor-Khindakh, Dagestan (Russia).

The case concerns the killing of the applicant's two sons, who worked as shepherds, during a special operation carried out by State agents in August 2016 in Goor-Khindakh.

Relying on Article 2 (right to life), Article 13 (right to an effective remedy) and Article 46 (binding force and execution of judgments), the applicant asserts that State agents killed his sons to pass them off as members of illegal armed groups operating in the area and that the authorities failed to effectively investigate the matter.

### [Oorzhak v. Russia \(no. 4830/18\)](#)

The applicant, Orlan Dazhiyevich Oorzhak, is a Russian national who was born in 1974 and lives in Kyzyl (Republic of Tyva, Russia).

The case concerns the applicant's access to the cassation court, namely the Supreme Court of the Republic of Tyva.

Relying on Article 6 § 1 (right of access to a court), the applicant alleges that the grounds on which the cassation court rejected his appeal without examining it were excessively formalistic.

### [Thompson v. Russia \(no. 36048/17\)](#)

The applicants, Edward Michael Thompson, a British national, and his daughter, a dual Russian and British national, were born in 1973 and 2013 respectively. They live in Seville (Spain) and St Petersburg (Russia) respectively.

The case concerns the refusal by the Russian courts to return Mr Thompson's daughter to Spain from Russia, where she had been taken by her mother without his permission.

Relying on Article 8 (right to respect for private and family life) in conjunction with Article 5 of Protocol No. 7 (equality between spouses) to the Convention, the applicants complain of the authorities' refusal to return the second applicant to Spain under the Hague Convention.

### [Saraç and Others v. Turkey \(no. 23189/09\)](#)

The application was lodged by five Turkish nationals who complain primarily of the reduction of the compensation awarded to them for the damage caused to their building by a private company contracted by the administrative authorities to demolish buildings which had been damaged by the earthquake of 17 August 1999 in Turkey and which were dangerous.

Following the earthquake of 17 August 1999 the administrative authorities decided to contract private companies to demolish the buildings that had been substantially damaged. Although the applicants' building (a five-storey building in Yalova comprising flats and commercial premises) was not on the list of buildings to be demolished, one of the companies concerned began demolition work on it. Alerted by neighbours, the applicants succeeded in halting the demolition, but the structural damage to the building meant that it was permanently unfit for use. In October 1999 the applicants brought an action for damages and obtained compensation. However, the domestic courts applied a discretionary reduction of 25 per cent to the amount awarded. The applicants lodged appeals against that decision, without success.

Relying on Article 1 of Protocol No. 1 to the Convention (protection of property), the applicants complain about the reduction of their compensation award and the rate of interest applied to their claim. They also allege a breach of their right to a fair hearing.

#### [D.S. v. the United Kingdom \(no. 70988/12\)](#)

The applicant, D.S., is a British national who was born in 1964 and lives in Croydon (U.K.).

The case concerns the past disclosure of the applicant's criminal record information and the amended disclosure regime which entered into force law after this Court's judgment in *M.M. v. the United Kingdom* (no. 24029/07).

Relying on Article 8 (right to respect for private life), the applicant complains that the mandatory disclosure until 2013 of her 1990 conditional discharge and the post-2013 disclosure regime violated her rights.

#### [M.C. v. the United Kingdom \(no. 51220/13\)](#)

The applicant, M.C., is a British national who was born in 1955 and lives in Solihull (U.K.).

The case concerns the past disclosure of the applicant's criminal record information and the amended disclosure regime which entered into force law after this Court's judgment in *M.M. v. the United Kingdom* (no. 24029/07).

Relying on Article 8 (right to respect for private life), the applicant complains that the mandatory disclosure until 2018 of her conviction in 2007 infringed her rights under this Article.

Thursday 1 April 2021

#### [A.I. v. Italy \(no. 70896/17\)](#)

The applicant, A.I., is a Nigerian national who was born in 1981 and lives in Rome.

The case concerns the inability of the applicant, a mother of two children, to exercise her contact rights owing to a prohibition on contact ordered by the District Court, in a situation where the proceedings concerning the children's eligibility for adoption have remained pending for over three years.

Relying on Article 8 (right to respect for family life), the applicant complains of the automatic cessation of her contact rights following the District Court judgment finding that the children had been abandoned and were thus eligible for adoption, in a situation where the proceedings have remained pending for over three years. She also complains of the fact that the children were separated with a view to their adoption by different families.

#### [M.V. v. Poland \(no. 16202/14\)](#)

The applicant, M.V., is an Italian national who was born in 1976.

The case concerns the Hague Convention proceedings in respect of the alleged international abduction of the applicant's son by the boy's mother and his being taken to Poland from Italy.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination), the applicant complains, in particular, of the unreasonable length of the proceedings and bias against him in those proceedings on account of his being a foreigner.

#### [M.B. and Others v. Slovakia \(no. 45322/17\)](#)

The applicants, M.B., I.K. and T. Ž., are Slovak nationals who were born in 1992, 1995 and 1993 respectively and live in Košice (Slovakia).

The case concerns the alleged ill-treatment of the applicants in a police car after their arrest on suspicion of assault and robbery, with the subsequent developments at a police station where the applicants were brought the subject of a separate application before the Court (no. 63962/19).

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 14 (prohibition of discrimination) and Article 13 (right to an effective remedy), the applicants complain of their ill-treatment by the police and deficiencies in the subsequent investigation into it.

#### [Sedletska v. Ukraine \(no. 42634/18\)](#)

The applicant, Nataliya Yuriyivna Sedletska, is a Ukrainian national who was born in 1987 and lives in Kyiv.

The case concerns judicial authorisation of the accessing of the phone data of the applicant, a journalist with Radio Free Europe/Radio Liberty, by the investigating authorities, which threatened the protection of her journalistic sources.

Relying on Article 10 (freedom of expression) and Article 13 (right to an effective remedy), the applicant complains, in particular, of an unjustified interference with the right to protection of journalistic sources.

[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 30 March 2021

Name	Main application number
Romanova and Others v. Russia	21080/09
Y.S. v. Russia	28131/19
Zhirkova and Others v. Russia	16203/13

### Thursday 1 April 2021

Name	Main application number
Piloyan v. Armenia	44092/15
Wögerer v. Austria	68977/17
Bećirbegović and Others v. Bosnia and Herzegovina	57137/19
Orahovac v. Bosnia and Herzegovina	57611/19
Delchev v. Bulgaria	59782/13

Name	Main application number
Gelkova and Others v. Bulgaria	53274/13
Kocijan v. Croatia	20206/15
L.P. and Others v. France	10512/18
Sylla and Others v. France	23423/18
Jakab and Others v. Hungary	26999/20
Repetto Visentini v. Italy	42081/10
Sarain v. Italy	23079/16
Berezovs v. Latvia	33012/13
Tomai-Vinex S.A. v. the Republic of Moldova	41719/13
Sorochin v. the Republic of Moldova	23708/12
Martinović v. Montenegro	44993/18
Mohammed Ahmed v. the Netherlands	23244/19
Shipovikj v. North Macedonia	77805/14
Stojanovski and Others v. North Macedonia	14961/16
Trajkovski and Others v. North Macedonia	34016/17
Transkop Ad Bitola v. North Macedonia	48057/12
Ślania and Others v. Poland	47812/17
Walczyk and Others v. Poland	73350/16
Beucă v. Portugal	15374/18
Brandão Freitas Lobato v. Portugal	14296/14
Carvalho Soares v. Portugal	52781/18
de Sousa Magalhães and Others v. Portugal	37715/13
Gotalimpa, Lda. v. Portugal	14914/17
Andriescu and Others v. Romania	5165/16
Baia and Others v. Romania	16731/05
Chircu v. Romania	66381/16
Cîrstea v. Romania	47762/18
Coravu and Others v. Romania	39590/16
Dumitru v. Romania	2494/16
Hurduc v. Romania	18180/16
Limbide and Niculescu v. Romania	8725/06
Porumbescu and Others v. Romania	7459/16
Roşu and Others v. Romania	36283/16
Săpătoru v. Romania	49886/16
Speriuşi and Others v. Romania	1276/16
Kim and Others v. Russia	10682/18
Klishchenko v. Russia	30452/09
Klochkov v. Russia	4546/10
Marushenko v. Russia	29240/19
Ostapenko and Kostina v. Russia	18306/11
Semochkin v. Russia	58518/14
Solovyev v. Russia	3785/18
Tulupov v. Russia	28117/11

Name	Main application number
Kohútová Bérešová v. Slovakia	28614/19
Büyükmert et Maraşlı v. Turkey	18578/19
Gültekin v. Turkey	34161/19
Kayalar v. Turkey	9507/19
Byelikov v. Ukraine	57291/19
Chayka v. Ukraine	43800/15
Farziyev and Others v. Ukraine	63747/14
Karakutsa v. Ukraine	2814/20
Khamrayev v. Ukraine	8967/17
Mamedov v. Ukraine	45567/19
Millyer and Benedyk v. Ukraine	57287/19
Pastrama v. Ukraine	54476/14
Pesotsky v. Ukraine	40766/09
Rusandu v. Ukraine	23047/20
Zolotaryov v. Ukraine	13399/19
Al-Waheed v. the United Kingdom	27557/18

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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.