



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 14 judgments on Tuesday 30 June 2020 and 48 judgments and/ or decisions on Thursday 2 July 2020.

*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 June 2020

### Muhammad Saqawat v. Belgium (application no. 54962/18)

The applicant, Hossain Muhammad Saqawat, is a Bangladeshi national who was born in 1986 and lives in Liège (Belgium).

The case concerns the detention for several months of an asylum-seeker pending his removal from Belgian territory. The applicant contests the lawfulness of his detention.

Mr Saqawat arrived at Zaventem airport in December 2017 and lodged an initial asylum request. On the same day the Aliens Office decided to refuse him entry and to retain him in a specified location. Mr Saqawat was then placed in detention in a transit centre near the airport. A few weeks later his asylum request was rejected. Subsequently, he submitted further asylum requests, which were also rejected. Meanwhile Mr Saqawat had been the subject of several successive detention orders, which he unsuccessfully contested. He was released in April 2018 following a judgment delivered by the Indictments Division.

Relying on Article 5 (right to liberty and security) of the European Convention on Human Rights, Mr Saqawat alleges that his detention was incompatible with that Article and complains that he had no access to an effective remedy to contest that detention.

### Mîțu v. the Republic of Moldova (no. 23524/14)

The applicant, Ana Mîțu, is a Moldovan national who was born in 1983 and lives in Chișinău (Republic of Moldova).

The case concerns an allegation of police brutality during a raid.

In May 2013 the police, including a special forces unit, raided the flat occupied by the applicant and her husband as part of an investigation into the husband's alleged theft of electric switches, detergents and alcoholic beverages.

On the same day as the raid the applicant lodged a complaint of excessive use of force by the police. A medical report the following day recorded violet-blue bruises on her back, left forearm, and knee. It concluded that the injuries had probably been caused in circumstances as described by the applicant, which included her arms being twisted behind her back, being handcuffed and being forced to the ground. Her T-shirt with a boot print on the back of it was retained as evidence.

In June 2013 the applicant was acknowledged as a victim but later the same month the Botanica prosecutor's office refused to initiate a criminal investigation. It found that the actions of the officers of the Special Forces unit involved in the raid had been taken while stopping the applicant and her husband from deliberately opposing the lawful orders of the police in the form of a search and preventing them from destroying stolen items.

An appeal by the applicant, relying on Article 3 of the Convention, was rejected by a higher ranking prosecutor in August 2013. The investigating judge of the Botanica District Court dismissed the applicant's further appeal in October 2013.

The applicant complains under Article 3 (prohibition of inhuman or degrading treatment) of the European Convention that the police used unjustified, excessive force against her and that there was no effective investigation of her allegation.

### [Bocu v. Romania \(no. 58240/14\)](#)

The applicant, Mr Octaviean Bocu, is a Romanian national who was born in 1947 and lives in Braşov.

The case concerns the lack of a review of a final judgment declaring him the father of B.A.M., even though he had, with the latter's agreement, secured scientific proof that he was not his biological father.

On 2 February 1972 the mother of B.A.M., who had been born on 18 September 1971, instituted court proceedings to establish Mr Bocu's paternity. By a judgment of 6 November 1972, Mr Bocu was declared to be the child's father. That judgment was based on witness statements and forensic blood grouping. This judgment was confirmed by a final judgment on March 23, 1973.

In 2012 Mr Bocu brought a court action to annul the declaration of paternity. He requested the court to order a DNA analysis. The court dismissed his action and Mr Bocu appealed. By a judgment of 3 December 2012 the County Court dismissed the appeal and ruled that an action to annul the declaration of paternity could only be filed by a husband of a woman who had given birth to a child within wedlock.

In 2013 Mr Bocu obtained the consent of B.A.M., who had since come of age, to out-of-court forensic testing on both of them in order to determine whether or not he was the biological father.

Following genetic testing, an expert assessment established that Mr Bocu was not B.A.M.'s biological father.

On 4 June 2013 Mr Bocu applied to the County Court for a review of the 23 March 1973 judgment. The court declared the application for a review inadmissible on the grounds that it did not satisfy the admissibility conditions laid down in Article 322 of the former Code of Civil Procedure.

Relying on Article 8 (right to private and family life), the applicant complains that he was not able to obtain judicial recognition of the fact that he is not B.A.M.'s father, despite the fact that the expert assessment conducted with the consent of B.A.M., on the latter's majority, had ruled out his paternity.

### [Maria Mihalache v. Romania \(no. 68851/16\)](#)

The applicant, Maria Mihalache, is a Romanian national who was born in 1970 and lives in Straja (Romania).

The case concerns the Romanian authorities' failure to enforce a final judgment in the applicant's favour finding that she was not liable to pay damages for tax evasion when criminal proceedings against her for cigarette smuggling were dropped.

Criminal proceedings were initiated against the applicant and her husband in 2013 after the police raided their property and found 5,450 packets of cigarettes with Ukrainian tax stamps in an outbuilding.

The prosecutor decided to terminate the proceedings in 2014 for lack of evidence.

In the meantime, the tax authorities had issued a decision against the applicant for payment of the damage caused by evasion of customs charges for the smuggled goods, amounting to 61,780

Romanian lei (approximately 13,730 euros). They subsequently requested that a mortgage be placed on three plots of land owned by the applicant as enforcement of that decision.

In 2015 and 2016 courts at two levels partly accepted the applicant's claims challenging the enforcement measures against her, considering that she could not be obliged to cover damage for tax evasion in the absence of any criminal liability.

However, the judgment of 2016 in her favour has still not been enforced and the tax authorities have maintained their position that the applicant has to pay the debt.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complains, on the one hand, that the mortgage placed on her property has not been lifted, and, on the other hand, that the tax authorities have completely disregarded the domestic courts' judgments in her favour.

### [Petro Carbo Chem S.E. v. Roumanie \(no. 21768/12\)](#)

The applicant company, Petro Carbo Chem S.E., was established in 2007. It is based in Duisburg (Germany). It owns many industrial sites in Europe, including a chemicals factory in Poland. In 2007 it became the main shareholder in the Romanian company Oltchim S.A. Râmnicu Vâlcea, a listed company which owned the largest chemicals factory in Romania and in which the Romanian State was the majority shareholder (54% of the share capital).

The case concerns the dismissal of a civil action which the applicant company brought against the Chief Executive Officer (CEO) of Oltchim for injury to his reputation, in the framework of a media dispute in 2008 and 2009, mainly concerning the CEO's management of the company.

In 2009, following a media battle, the applicant company brought an action for damages before the Romanian courts against the CEO of the Oltchim company, alleging that he had stated in the local and national press that it was responsible for that company's insecure state, that it had tried to block the conversion of debts into shares in favour of the State, and that it was trying to disparage the firm's business activities. The applicant company argued that the CEO's allegations had been false and defamatory and had damaged its reputation and image.

The CEO brought an action against the applicant company, claiming that several statements made by its representatives had damaged his honour and reputation.

In 2010 the County Court dismissed the applicant company's action and allowed the Oltchim CEO's action. It ordered the applicant company to pay him the symbolic sum of 1 Romanian leu (about 0.23 euros) in respect of non-pecuniary damage stemming from a breach of his right to respect for his reputation. The court also ordered the publication of the judgment in two successive issues of the national newspaper.

According to the court, the applicant company had conducted a media war against the interests of the Oltchim company and its management, implicitly targeting the CEO, a public figure of some renown in the business world. It also ruled that all the applicant company's actions had been dictated by a spirit of unfair competition and a lack of loyalty. It further held that the statements made by the applicant company's representatives had transmitted a negative image of Oltchim and its CEO to the general public and had created uneasiness among the company's business partners. Lastly, the court held that the statements by the CEO had been geared to calming and pacifying the business partners and restoring their confidence.

Subsequently, the applicant company appealed against that judgment, but its appeal was dismissed. An appeal to the High Court of Cassation and Justice was also dismissed.

Relying on Article 8 (right to respect for private life) and Article 10 (freedom of expression) of the Convention, the applicant company complains that it was ordered to pay damages and alleges that the Romanian courts failed to protect its reputation.

### [Ilya Lyapin v. Russia \(no. 70879/11\)](#)

The applicant, Ilya Viktorovich Lyapin, is a Russian national who was born in 1980 and lives in Arkhangelsk.

The case concerns the withdrawal of the applicant's parental authority over his son.

In May 2011 a district court deprived the applicant of his parental authority over his son, V., born in 2001. The court found that he had not lived with V. since April 2003, when he had divorced his former wife, Ms A.K.; that he had not participated in his son's upbringing since 2004; and that he had only occasionally provided the boy with financial support.

The court went on to conclude that the family ties between the applicant and V. had been lost, and that the boy perceived a third person, Mr M.K., his former wife's new husband, as his father. In the circumstances the court found that it was in V.'s best interests to deprive the applicant of his parental authority over his son and leave the boy under the full custody of A.K.

The applicant appealed against the court decision, but in June 2011 the Arkhangelsk Regional Court upheld the first-instance judgment. Attempts by the applicant to have the court decisions reviewed in a supervisory review procedure were unsuccessful.

Relying on Article 8 (right to respect for private and family life), the applicant complains of the arbitrary removal of his parental authority over his son.

### [Satybalova and Others v. Russia \(no. 79947/12\)](#)

The case concerns a family's complaint that their relative, Marat Satybalov, died as a result of severe ill-treatment by the police.

The applicants are Madina Satybalova, Luiza Satybalova and Taisa Nartayeva who were born in 1961, 1968 and 1940. They are respectively the sister, wife and mother of Marat Satybalov, who was born in 1974. The first applicant lives in Khasavyurt and the other applicants in Aksay, the Khasavyurt district, Dagestan.

Mr Satybalov and two friends, Mr M.Sh. and Mr M.G., were apprehended by the police on 2 May 2010 after stopping to buy painkillers from a pharmacist. The police dragged the three men out of their car and hit them with the butts of their machine guns. They were then taken to the local district police station where the beatings continued, while they were repeatedly asked why they had long beards.

Four other friends, who had gone to the station looking for Mr Satybalov, Mr M.Sh. and Mr M.G., were also subjected to beatings. They were released when a relative who was a law-enforcement officer intervened on their behalf.

Mr Satybalov, Mr M.Sh. and Mr M.G. were held overnight in the police station, and released the next day after being brought before a judge and fined for an administrative offence, namely failing to obey the lawful orders of the police.

The applicants noticed that all three men had injuries on their release. Mr Satybalov in particular could not stand up, was covered in scratches and bruises and part of his beard had been pulled out. His state of health worsened and his family took him to hospital where he died on 7 May 2010 after suffering extensive internal bleeding.

Mr Satybalov's mother immediately complained to the Dagestan prosecutor's office, requesting the prosecution of those responsible for her son's ill-treatment and death. Mr Satybalov's friends were interviewed, describing in detail the beatings they had all been subjected to. An internal police inquiry confirmed the use of force against Mr Satybalov and recommended that disciplinary measures be taken against certain officers. It also found that the officers implicated in the incident had given false information when questioned about Mr Satybalov's detention.

However, the investigation, suspended five times between 2010 and 2015 for failure to identify those responsible for the ill-treatment, is currently still ongoing. The supervisory bodies have repeatedly ordered that urgent measures be taken, such as examining the crime scene and identifying those officers on duty on the day of the incident, without success.

Relying on Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 13 (right to an effective remedy), the applicants allege that their relative died as a result of severe ill-treatment by the police and that the domestic authorities failed to effectively investigate their allegations. Also relying on Article 5 (right to liberty and security), they allege that his detention at the police station between 2 and 3 May 2010 was unlawful and arbitrary.

### [Popović and Others v. Serbia \(nos. 26944/13, 14616/16, 14619/16 and 22233/16\)](#)

The applicants, Dejan Popović, Josip Vlček, Miroslav Homa, and Zvonko Nikolić are Serbian nationals who was born respectively in 1983, 1947, 1959 and 1977. They live in Novi Sad (Serbia). They are all paraplegics and are reliant on wheelchairs.

The case concerns the applicants' complaint that the domestic legislation on disability benefits for paraplegics was discriminatory.

The applicants became paraplegic after sustaining injuries following an accident. Mr Popović sustained his injury after a five-metre fall. Mr Vlček and Mr Homa were involved in traffic accidents and Mr Nikolić in a shooting incident. They were diagnosed as being 100% disabled and were granted benefits, in particular an allowance to receive assistance from another person.

They all brought civil discrimination claims against the Ministry of Labour, Employment and Social Policy, to complain that paraplegic civilians such as themselves were awarded fewer benefits than war veterans with the same disability. Mr Popović brought his claim in 2008, while the other applicants brought their claims in 2007.

Their claims were ultimately unsuccessful, the courts essentially finding that granting different benefits to different categories of disabled persons did not amount to discrimination, particularly given a State's discretion to decide on matters involving social policy.

Relying on Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property), the applicants allege that the total amount of their benefits, as civilians with paraplegia, was up to five times lower than the amount granted to war veterans with the same disability and that they were not entitled to a personal disability or an orthopaedic allowance.

They also raise a complaint under Article 6 § 1 (right to a fair trial) about the Constitutional Court's decisions on their cases in 2012 and 2015 refusing to consider the constitutionality of the legislation in question.

### [Cimperšek v. Slovenia \(no. 58512/16\)](#)

The applicant, Jernej Cimperšek, was born in 1960 and lives in Ptuj (Slovenia).

The case concerns the dismissal of Mr Cimperšek's application for the title of court expert owing to his lack of personal qualities, essentially because of the content of his blog and his complaints about the work of the Ministry of Justice.

In 2013 he applied for the title of court expert. He passed the test and was waiting to take oath in 2014, when the Minister of Justice refused his application because he did not have the personal qualities required to be an expert under the relevant Court Act. The Minister found in particular that comments he had made in his blog and in emails to other candidates about delays in the oath ceremony had been offensive and incompatible with the work of a court expert.

Mr Cimperšek contested this decision in the courts, alleging that it breached his freedom of expression. He also argued that the assessment of his personal qualities should not be limited to his

emails and blog and requested that the court hear witnesses who could testify to his moral character and to the fact that the blog was read only by his friends.

The Administrative Court dismissed his claim in 2015, upholding the Minister's conclusion that he did not have the requisite personal qualities. It also refused the applicant's request for a hearing, essentially referring to the Administrative Disputes Act setting out the rule that new facts and evidence were not relevant for the decision.

The Supreme Court subsequently rejected his appeal on points of law, and ultimately, in 2016, the Constitutional Court decided not to accept his constitutional complaint for consideration.

Relying on Article 6 § 1 (right to a fair hearing), Mr Cimperšek complains about the lack of an oral hearing on his case before the first-instance court. Also relying on Article 10 (freedom of expression), he alleges that he was sanctioned for expressing his critical opinion by writing a blog and complaining about the work of the Ministry.

### [Saquetti Iglesias v. Spain \(no. 50514/13\)](#)

The applicant, Martin Saquetti Iglesias, is a Spanish national who was born in 1948. He lives alternately in Madrid (Spain) and Buenos Aires (Argentina).

Mr Saquetti Iglesias complains that the higher courts refused to review an administrative decision penalising him for failing to declare a sum of money while going through customs at Madrid-Barajas airport.

In March 2011 the customs and excise department checked Mr Saquetti Iglesias's luggage before boarding a flight from Spain to Buenos Aires. They discovered a sum of 154,800 euros (EUR), all but EUR 1,000 of which they confiscated.

In August 2011 the Directorate General of Treasury and Financial Policy of the Ministry of the Economy imposed a fine on Mr Saquetti Iglesias equivalent to the total amount confiscated.

In October 2011 Mr Saquetti Iglesias lodged an administrative appeal, which was dismissed by the Madrid Higher Court of Justice. The Higher Court's judgment stated that the case was not open to appeal on points of law because of a recent amendment to the Administrative Court Act, increasing the minimum amount for appeals on points of law from EUR 150,000 to EUR 600,000. Mr Saquetti Iglesias lodged an *amparo* appeal, which was dismissed by the Constitutional Court on the grounds that the applicant had not provided sufficient justification of the "particular constitutional importance" of his appeal.

Relying on Article 2 of Protocol No. 7 (right of appeal in criminal matters) of the European Convention, Mr Saquetti Iglesias complains that he was unable to obtain a review by a higher court of the judgment of the Madrid Higher Court of Justice.

### [S.F. v. Switzerland \(no. 23405/16\)](#)

The applicant, Ms S.F., is a Swiss national who was born in 1956 and lives in Berikon.

The case concerns the alleged failure of the State in its obligation to protect the life of the applicant's son, who committed suicide in a police cell, as well as in its duty to conduct an effective investigation into the circumstances of the death.

On Sunday 28 September 2014, at around 9 p.m., in Birmensdorf (Zurich Canton), the applicant's son, D.F., aged forty, caused a road accident while driving a car belonging to his employer. He was under the influence of alcohol and medication. He sustained no serious injuries and caused no third-party damage.

In order to draw up their report, the police officers sent to the scene of the accident decided to involve in the proceedings the applicant, who had been called by her son and had meanwhile also arrived on the scene.



It was deemed necessary to obtain blood and urine samples from D.F. for evidentiary purposes. The two police officers took D.F. to a hospital, where they were joined by the applicant, who had followed them in her own car. At the hospital, after he had been informed of the need to conduct further examinations, D.F. began to be much more agitated.

At around 10.50 p.m. a police officer called the Zurich Cantonal Police Traffic Management Centre from the hospital, informing it that a doctor had to be sent to the Urdorf motorway police station because D.F., who was to be taken there, had voiced suicidal intentions.

At about 11.15 p.m. D.F. arrived at the Urdorf motorway police station with the two police officers and the applicant.

At the centre the police officers decided to take D.F. to a cell located in the basement of the police station. D.F. began to protest violently about his placement in the cell and attempted to run away. After D.F. had been taken back to his cell by the police officers by force, the latter finally managed to persuade him to stay there until the doctor arrived.

At around 00.35 a.m. the doctor who had been called out arrived at the motorway police station. He decided to postpone his visit to D.F.'s cell until police reinforcements had arrived.

At 01.05 a.m., when the other police officers had arrived at the police station, the doctor went with them to D.F.'s cell, where they found him hanging from a ventilation grid.

The police officers and the doctors were questioned as part of the preliminary police investigation,

By a decision of 30 April 2015, the Cantonal Supreme Court refused to instigate judicial proceedings in the absence of suspicion of a criminal offence. The court considered that there was no circumstantial evidence to suggest that the officers involved in the events leading to D.F.'s suicide had acted in breach of their official duties.

The applicant appealed to the Federal Court against that decision.

The Federal Court dismissed the appeal. It did not consider that any negligence had been demonstrated with regard to D.F.'s transfer to the motorway police station. It further considered that the decision to place D.F. in the cell had been justifiable in view of his aggressiveness and recalcitrance. The court took the view that the lower court had not been in breach of Federal law in refusing to initiate a criminal investigation against the police officers for manslaughter.

Relying on Article 2 (right to life), the applicant submits that the authorities failed in their positive obligation to take preventive measures to protect her son from himself. She considers that the investigations conducted by the authorities did not fulfil the requirements of Article 2.

Thursday 2 July 2020

[N.H. and others v. France \(nos. 28820/13, 75547/13 and 13114/15\)](#)

The applications concern five isolated adult asylum-seekers in France. They state that they had no access to the material and financial facilities provided for by domestic law, and were therefore forced to sleep in the street under inhuman and degrading conditions for several months.

**Application no. 28820/13 – N.H.**

The applicant, who was born in 1993, is an Afghan national who lives in Paris.

**Application no. 75547/13 – S.G., K.T. and G.I.**

The applicant S.G., who was born in 1987, is a Russian national who lives in Carcassonne. He arrived in France on 15 July 2013.

The applicant G.I., who was born in 1988, is a Georgian national who lives in Carcassonne. He arrived in France on 25 May 2013.

The applicant K.T., who was born in 1990, is a Russian national who lives in Carcassonne. He arrived in France on 7 January 2013.

### **Application no. 13114/15 – A.J.**

The applicant, an Iranian national, was born in 1974 and lives in Paris. He managed to flee Iran and reached France on 9 September 2014.

The applicants all complain of inhuman and degrading treatment and rely on Article 3 of the Convention. The applicants in applications nos. 28820/13 and 13114/15 also complain of an infringement of their right to an effective remedy (Article 13 taken in conjunction with Article 3 of the Convention). In application no. 28820/13, the applicant also complains under Article 8 (right to respect for private and family life), taken alone and in conjunction with Article 13 of the Convention.

[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 July 2020**

<b>Name</b>	<b>Main application number</b>
Ellis and Scilio v. Malta	165/17
Testaferata Bonici and Others v. Malta	41862/18
Karpov v. Russia	53099/10

### **Thursday 2 July 2020**

<b>Name</b>	<b>Main application number</b>
Khlgatyan v. Armenia	28323/15
Schneeberger and Enzenhofer v. Austria	366/18
Mahmudov v. Azerbaijan	71487/16
Bobrovitski v. Estonia	30587/18
Fizgejer v. Estonia	43480/17
Genet v. France	56225/16
Drescher v. Germany	37404/15
Kalfagiannis and Pospert v. Greece	74435/14
Makris v. Greece	29545/14
Fazekas and Others v. Hungary	34358/19
Hudvágner v. Hungary	35821/15
Szilák and Others v. Hungary	56289/16



## Press Release

Name	Main application number
Ademi and Others v. North Macedonia	27678/17
Andreevski v. North Macedonia	45672/17
Holland Farming Makedonija Doo and Dimkovski v. North Macedonia	83901/17
Drugu v. Romania	53345/16
Kutlu v. Romania	43451/16
Lingurar v. Romania	47699/16
Moroianu v. Romania	59689/16
Reznic v. Romania	3311/15
Surdu v. Romania	77948/16
Ananyev and Others v. Russia	52180/17
Bolkarayev v. Russia	2606/11
Drugov and Others v. Russia	64669/16
Gorbunov v. Russia	4831/16
Klimov v. Russia	10487/15
Kondratyuk and Chayka v. Russia	33857/17
Kudryavtsev v. Russia	18142/18
Kutkin and Others v. Russia	60537/17
Moldorotov v. Russia	2801/19
Mukhametzyanov and Katasonov v. Russia	10204/19
R.L. v. Russia	36253/13
Shadyzhev v. Russia	9590/17
Sharkov v. Russia	32132/19
Shikunets and Yezhakov v. Russia	59281/18
Skupeyko v. Russia	51506/17
Sokolova and Others v. Russia	30619/08
Solovyev v. Russia	59071/16
Volchek v. Russia	21056/19
Baran v. Turkey	68041/11
Deniz and Malak v. Turkey	51920/10
İnan v. Turkey	58080/11
Ross Turizm ve Ticaret Ltd. Şti. v. Turkey	38382/14

## Press Release

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Name	Main application number
Tücer v. Turkey	12398/10
Yaşar v. Turkey	9828/12
Dmytrenko and Bezdorozhniy v. Ukraine	59552/11
Mykhalnychenko v. Ukraine	5485/10

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### Press contacts

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

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