



## Judgments and decisions of 25 November 2021

The European Court of Human Rights has today notified in writing 12 judgments<sup>1</sup> and seven decisions<sup>2</sup>:

one Chamber judgment is summarised below;

separate press releases have been issued for four other Chamber judgments in the cases of *Baljak and Others v. Croatia* (application no. 41295/19), *Sassi and Benchellali v. France* (nos. 10917/15 and 10941/15), *Biancardi v. Italy* (no. 77419/16), and *Mucha v. Slovakia* (no. 63703/19);

two separate press releases have also been issued for decisions in the cases of *Melouli v. France* (no. 42011/19) and *Ngumbu Kikoso v. France* (no. 21643/19);

seven Committee judgments, concerning issues which have already been examined by the Court, and the five other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgment summarised below is available only in English*

### Just Satisfaction

#### Mifsud and Others v. Malta (application no. 38770/17)

The case concerns the question of just satisfaction with regard to land owned by the applicants in Qajjenza, Birzebbugia (Malta). The land was taken away from them by the Government to serve as an extension for a gas plant, and then was never formally expropriated save for two small parcels of land (within the original perimeter) at a much later date.

In its principal judgment of 13 October 2020 the Court held that there had been two violations of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights in respect of the taking of the applicants' land from 1978 and 1984, respectively, until 2012 without compensation and in respect of the expropriation, in 2012, of the two smaller parcels of the applicants' land.

The Court further held that the question of just satisfaction in so far as it concerned the awards resulting from the violations of the taking of the applicants' two smaller parcels of land and the expropriation of another smaller parcel of land (measuring 509 sq. m) was not ready for decision and reserved it for decision at a later date.

Today's judgment concerned the question of the application of Article 41 (just satisfaction) of the European Convention in so far as pecuniary damage resulting from the violation found in respect of the applicants was concerned.

**Just satisfaction:** the Court decided that the respondent State should return the property measuring 509 sq.m. to the applicants within three months from the date on which the judgment becomes final. Should the respondent State fail to comply with the above obligation, it will have to pay the

<sup>1</sup> Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

<sup>2</sup> Inadmissibility and strike-out decisions are final.

applicants, within the same period of three months, 500,000 euros (EUR), in respect of pecuniary damage.

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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.