EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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Judgments and decisions of 1 September 2022

The European Court of Human Rights has today given notification in writing of seven judgments[1] and 16 decisions[2]:

three Chamber judgments are summarised below;

two separate press releases have been issued for Chamber judgments in the cases of *P.C. v. Ireland* (application no. 26922/19), and *Thörn v. Sweden* (no. 24547/18);

a separate press release has also been issued for one decision in the case of *Piperea v. Romania* (no. 24183/21);

two Committee judgments, concerning issues which have already been examined by the Court, and the 15 other decisions can be consulted on *Hudoc* and do not appear in this press release.

The judgments summarised below are available only in English.

Safarov v. Azerbaijan (application no. 885/12)

The applicant, Rafig Firuz oglu Safarov, is an Azerbaijani national who was born in 1959 and lives in Baku. He is the author of a book, published in 2009, on the history of Azerbaijan.

The case concerns the alleged infringement of the applicant's copyright on account of the unauthorised reproduction of his book and its online publication by a private party without his authorisation or paying him any royalties. His subsequent civil claim was dismissed, as was ultimately his cassation appeal.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights and Article 6 (right to a fair hearing) of the European Convention, the applicant complains of the State's failure to protect his intellectual property interests and that the domestic courts' judgments in his case had not been reasoned.

Violation of Article 1 of Protocol No. 1

Just satisfaction:
pecuniary and non-pecuniary damage: 5,000 euros (EUR)

Z. v. Croatia (no. 21347/21)

The applicant, Z, is a Croatian national who was born in 1982 and lives in Oroslavje (Croatia).

In December 2018, the applicant, with the consent of his former partner and mother of his children, moved with the four children to Germany, but seven months later the mother revoked her consent to the applicant's having care of the children, and retained the children in Croatia after the summer

[1] 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.

[2] Inadmissibility and strike-out decisions are final.

holidays. The case concerns proceedings for the return of children under the Hague Convention on the Civil Aspects of International Child Abduction in which the domestic courts refused to order the return of the applicant's four children to Germany.

The applicant complains that by refusing to order the return of his children to Germany, the domestic courts violated his right to respect for his family life under Article 8 of the Convention.

Violation of Article 8

Just satisfaction:
non-pecuniary damage: EUR 11,000
costs and expenses: EUR 1,100

Makarashvili and Others v. Georgia (nos. 23158/20, 31365/20, and 32525/20)

The applicants, Giorgi Makarashvili, Irakli Katcharava and Zurab Berdzenishvili, are Georgian nationals who were born in 1985, 1978 and 1991 respectively and live in Tbilisi and Kutaisi (Georgia).

The case concerns the applicants' arrest at a demonstration in 2019 in which all entrances to the Georgian Parliament building were blocked in protest against the Parliament's failure to pass reforms to the electoral system. It also concerns the subsequent administrative-offence proceedings, in which the applicants were ultimately found guilty and given custodial sentences ranging between four and twelve days.

Relying on Article 6 (right to a fair trial) and Article 11 (freedom of assembly and association), the applicants complain, in particular, that the courts gave too much weight to the police officers' statements, unfairly placed the burden of proof on them, and that in the absence of a prosecutor in the administrative-offence proceedings the trial judge assumed the latter's functions and so was partial. Furthermore, they allege they did not have enough time to prepare their defence, and that they were unable to secure witness attendance on the same terms as the prosecution. Lastly, they complain that their arrest and conviction violated their right to peaceful assembly.

No violation of Article 6 § 1 in respect of the first and third applicants
Violation of Article 6 § 1 in respect of the second applicant
No violation of Article 11 in respect of the first and third applicants
Violation of Article 11 in respect of the second applicant

Just satisfaction:
non-pecuniary damage: EUR 1,600 to the second applicant

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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.