



## Judgments of 6 July 2021

The European Court of Human Rights has today notified in writing 13 judgments<sup>1</sup>:

six Chamber judgments are summarised below;

two separate press releases have been issued for two Chamber judgments in the cases of: *A.M. and Others v. Russia* (application no. 47220/19) and *Gruba and Others v. Russia* (no. 66180/09);

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

*The judgments in French below are indicated with an asterisk (\*).*

### Titan Total Group S.R.L. v. the Republic of Moldova (application no. 61458/08)\*

The applicant company, Titan Total Group Ltd., is a limited liability company set up under Romanian law with its main office in Bucharest.

The case primarily concerns the failure to enforce payment of a claim on the part of the applicant company *vis-à-vis* a State enterprise. In the framework of the domestic compensatory remedy, the applicant company had failed to obtain a finding of a violation on account of an excessive waiting period. Before the Court, the company complains about the overall period of non-enforcement, whereby it abstained from using the compensatory remedy again in respect of the period following that examined by the domestic courts because it considered the domestic remedy ineffective.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights and on Article 6 § 1 (right to a fair trial) of the Convention, the applicant company complains of the failure to enforce the final judicial decisions given in its favour on 1 November 2005, 3 November 2008 and 22 June 2010.

Relying on Article 13 (right to an effective remedy), it complains of the lack of an effective remedy to uphold its rights under the aforementioned provisions.

Relying on Article 6 § 1 (right to a fair trial), the applicant company alleges that on 12 January 2009 the Court of Appeal unduly examined an appeal lodged by the State enterprise even though it should have been dismissed as out of time. By thus setting aside the interlocutory judgment which had become final, the Court of Appeal infringed the right to legal certainty.

Under the same Article, the applicant company complains that it had not been notified of the date of the 12 January 2009 hearing before the Court of Appeal, in breach of the right to a public hearing.

**No violation of Article 6 § 1**

**No violation of Article 1 Protocol No. 1**

**No violation of Article 13**

<sup>1</sup> Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber 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: [http://www.coe.int/t/dghl/monitoring/execution\\_-\\_blank](http://www.coe.int/t/dghl/monitoring/execution_-_blank)

### Abdulkhanov v. Russia (no. 35012/10)

The applicant, Rizvan Abdulkhanov, is a Russian national who was born in 1974 and lives in Grozny (Russia).

The case concerns the serious wounding of the applicant by the police and their allegedly obstructing him from receiving medical treatment for his injuries.

Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention, the applicant complains that he was seriously wounded as the result of excessive use of force by the police, that the authorities prevented him from receiving necessary medical treatment and failed to investigate the matter effectively.

**Violation of Article 2** (right to life)

**Violation of Article 2** (investigation)

**Violation of Article 3** (investigation)

**No violation of Article 3** (access to medical assistance)

**Just satisfaction:**

pecuniary damage: 200 euros (EUR)

non-pecuniary damage: EUR 40,000

### Chizhov v. Russia (no. 11536/19)

The applicant, Aleksey Yuryevich Chizhov, is a Russian national who was born in 1968 and lives in Irkutsk (Russia).

The case concerns the decision of the Russian courts to limit the applicant's contact with his son to four hours per month in the presence of the child's mother and daily one-hour telephone calls.

The Court decides to examine the applicant's complaints under Article 8 of the Convention. The applicant complains that the judgment had been taken in breach of his and his son's right to mutual enjoyment of each other's company, that the proceedings leading to the judgment in question had been unfair, and the domestic courts had not taken into account the child's interests in their assessment of the case.

**No violation of Article 8**

### Kasilov v. Russia (no. 2599/18)\*

The applicant, Arkadiy Kasilov, is a Russian national who was born in 1969. He is detained in Yujno-Sakhalinsk (Sakhalin Region, Russia).

The case concerns Mr Kasilov's detention following the delivery, at first instance, of a judgment convicting him in 2017 (five-and-a-half years' imprisonment); the applicant's conditions of detention in a remand prison; and the retention of a security (totalling some 23,590 euros) which he had paid in 2015 for his release on licence during the trial, and which was refunded to him in 2018 following the delivery of the appeal judgment.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Kasilov complains about his conditions of detention in the remand prison, and in particular of the lack of space and the overcrowding in the cell in which he was detained.

Relying on Article 5 § 4 (right to a speedy decision on the lawfulness of detention), Mr Kasilov complains of his inability to appeal against the decision to place him in detention set out in the first-instance judgment convicting him.

Relying on Article 1 of Protocol No. 1 (protection of property), Mr Kasilov complains of the retention of the security between the delivery of the judgment convicting him (2017) and the delivery of the appeal judgment (2018), despite his immediate placement in detention.

Relying on Article 13 (right to an effective remedy) read in conjunction with Article 1 of Protocol No. 1, Mr Kasilov complains that he had had no effective remedy in order to claim the refund of his deposit before the judgment convicting him had become final.

### **Violation of Article 3**

#### **Violation of Article 1 of Protocol No. 1**

#### **Just satisfaction:**

non-pecuniary damage: EUR 6,500

costs and expenses: EUR 1,500

### **Tığrak v. Turkey (no. 70306/10)**

The applicant, Muhsine Rengin Tığrak, is a Turkish national who was born in 1961 and lives in Istanbul.

The case concerns the quashing of a final judgment awarding the applicant severance pay following her voluntary retirement.

Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), the applicant complains that the quashing of the final and binding decision in her favour by means of rectification-of-error proceedings had violated the principle of legal certainty and her right to peaceful enjoyment of her possessions.

### **Violation of Article 6 § 1**

#### **Just satisfaction:**

non-pecuniary damage: EUR 2,500

costs and expenses: EUR 650

### **Norman v. the United Kingdom (no. 41387/17)**

The applicant, Robert Norman, is a British national who was born in 1960 and lives in Dawlish (United Kingdom).

The case concerns a prison officer – the applicant – who, over a number of years, provided information to a journalist in exchange for money. The newspaper subsequently disclosed the applicant's name to the police in the context of an investigation into allegations of inappropriate payments by newspapers to public officials. He was convicted of misconduct in public office.

Relying on Article 7 (no punishment without law) and Article 10 (freedom of expression), the applicant complains that he could not have foreseen that his actions would lead to his criminal prosecution and that his prosecution and conviction violated his right to protection as a journalistic source.

### **No violation of Article 7**

### **No violation of Article 10**

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

**Press contacts**

[echrpress@echr.coe.int](mailto:echrpress@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)

Neil Connolly (tel: + 33 3 90 21 48 05)

Jane Swift (tel: + 33 3 88 41 29 04)

**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.