



## Judgments of 14 September 2021

The European Court of Human Rights has today notified in writing 11 judgments<sup>1</sup>:

nine Chamber judgments are summarised below;

separate press releases have been issued for two Chamber judgments in the cases of: *Volodina v. Russia (no. 2)* (application no. 40419/19) and *Tuncer Bakırhan v. Turkey* (no. 31417/19);

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

### Brus v. Belgium (application no. 18779/15)\*

The applicant, Karel Brus, is a Netherlands national who was born in 1949 and lives in Zaventem (Belgium).

The case concerns criminal proceedings which resulted in the applicant – who had been involved in corruption – being sentenced to prison.

Relying on Article 6 §§ 1 and 3 (right to a fair trial/right of access to a lawyer) of the European Convention on Human Rights, the applicant alleges that he was deprived of the right of access to a lawyer during his pre-trial detention and during the hearings and interviews conducted during the preliminary phase of the trial. He also alleges that the length of the proceedings in question was incompatible with the “reasonable time” requirement.

**Violation of Article 6 §§ 1 and 3 (c)** (fair trial)

**Violation of Article 6 § 1** (length of the proceedings)

**Just satisfaction:**

non-pecuniary damage: 14,000 euros (EUR)

### Abdi v. Denmark (no. 41643/19)

The applicant, Mohamed Hassan Abdi, is a Somali national who was born in 1993 and lives in Ringe (Denmark).

The case concerns the Danish authorities’ decision in 2018 to expel the applicant, with a permanent ban on his re-entry to the country, following his conviction for possession of a firearm.

Relying on Article 8 (right to respect for private and family life) of the European Convention, the applicant submits that, in their decisions, the Danish courts failed to weigh in the balance that he did not have a significant criminal past, that he had never been issued with a warning that he might be expelled, and that he had strong ties to Denmark where he has lived with his family since he was four years old.

**Violation of Article 8**

<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>

no request for just satisfaction made

### Moldoveanu v. the Republic of Moldova (no. 53660/15)

The applicant, Nelli Moldoveanu, is a Moldovan national who was born in 1969 and lives in Chişinău.

The case concerns the applicant's complaint that she was remanded in custody for 40 days in 2015 following her failure to repay a debt to another person. That person had brought criminal proceedings against her for fraud, arguing that she had never intended to repay the debt and that she had known repayment would be impossible. The criminal proceedings are still pending, while the civil courts, in a final decision handed down in April 2015, found against the applicant and ordered her to pay the debt with interest.

Relying on Article 5 §§ 1 and 3 (right to liberty and security) of the Convention, the applicant alleges in particular that the dispute was purely civil and that she was therefore remanded in custody in the absence of a reasonable suspicion that she had committed an offence. She also alleges that she was deprived of her liberty on the grounds of her inability to fulfil a contractual obligation, in breach of Article 1 of Protocol No. 4 (prohibition of imprisonment for debt).

#### Violation of Article 5 § 1

**Just satisfaction:**

non-pecuniary damage: EUR 7,500

costs and expenses: EUR 2,000

### Petrenco and Others v. the Republic of Moldova (no. 6345/16 and six other applications)

The applicants are seven Moldovan nationals, Grigore Petrenco, Alexandr Roşco, Mihail Amerberg, Oleg Buznea, Pavel Grigoriuc, Andrei Druzi and Vladimir Jurat. They were born between 1974 and 1990 and live in Chişinău, except for three of the applicants, who live in Baden-Baden (Germany), Cahul and Mereni (both in Moldova). At the time they were members and sympathisers of an opposition party, Casa noastră - Moldova.

The case concerns the applicants' organisation of and participation in a demonstration on 6 September 2015 in central Chişinău, calling for the Prosecutor General's resignation. They were arrested during the demonstration and released under house arrest in February 2016. The house arrest was changed to provisional release under judicial control in April 2016. The criminal proceedings against them for participating in mass disorder are still ongoing.

Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security), the applicants complain that the deprivation of their liberty was arbitrary and unlawful, arguing in particular that there was no evidence to support the accusation against them that their demonstration had been violent. Relying on Article 11 (right to freedom of assembly), they also complain that they were prohibited from participating in public gatherings after their provisional release in April 2016.

#### Violation of Article 5 § 1

#### Violation of Article 11 (in respect of all but the first and the fourth applicants)

**Just satisfaction:**

non-pecuniary damage: EUR 7,500 to each Mr Petrenco and Mr Buznea, and EUR 9,750 to each of the other applicants

costs and expenses: EUR 4,000 to the applicants jointly

## M.D. and Others v. Russia (no. 71321/17 and nine other applications)

The applicants are 11 Syrian nationals.

Between 2011 and 2014 the applicants entered the Russian Federation and then overstayed their visas. The case concerns their arrest and detention, the immigration charges brought against them individually, and subsequent orders for their expulsion.

Relying on Article 2 (right to life) and Article 3 (prohibition on inhuman or degrading treatment), the applicants complain that their expulsion to Syria would put them at grave physical risk. Some of the applicants also complain under Article 13 (right to an effective remedy) that they had no effective domestic remedies in respect of their complaints under Articles 2 and 3 that their detention pending removal was arbitrary and the examination of their complaints against detention orders was not speedy.

**Violation of Articles 2 and 3** (in the event of the expulsion of eight of the applicants to Syria)

**Violation of Article 5 § 1** (in respect of two of the applicants)

**No violation of Article 5 § 1** (in respect of three of the applicants)

**Violation of Article 5 § 4** (in respect of two of the applicants)

**Interim measure** (Rule 39 of the Rules of Court): still in force until the present judgment becomes final or until further notice as regard eight of the applicants.

**Just satisfaction:** for details of the amounts awarded please see the operative part and the appendix to the judgment

## Savenko and Others v. Russia (no. 13918/06)

The applicants are five Russian nationals who were born between 1943 and 1981 respectively and who live in various parts of Russia. Mr Savenko has died since the lodging of the application; the proceedings are being pursued by his family members in his stead.

The case concerns the dissolution of the National Bolshevik Party, an inter-regional public association, by the authorities and their refusal to register the National Bolshevik Party as a political party. The applicants were members of the executive managing body of the association.

Relying on Article 11 (freedom of assembly and association), Article 6 § 1 (right to a fair trial), and Article 14 (prohibition of discrimination) in conjunction with Article 11, the applicants complain, in particular, that the dissolution decision was disproportionate and unnecessary in a democratic society, that the quashing through supervisory review of a Supreme Court judgment in their favour was against the principle of legal certainty, and that the decision to refuse to register their political party was not adequately reasoned.

**Violation of Article 11** (on account of the dissolution of the NBP association)

**Violation of Article 11** (on account of the refusal of registration of the NBP political party)

**Just satisfaction:**

non-pecuniary damage: EUR 10,000 jointly to the applicants

## Pintar and Others v. Slovenia (no. 49969/14 and four other applications)

The applicants are seven Slovenian nationals who were born between 1953 and 1974 and who live in various parts of Slovenia.

The case concerns the extraordinary measures taken by the Bank of Slovenia in 2013-14 in respect of several major Slovenian banks resulting in the cancellation of all shares or subordinated bonds held by the applicants. They received no compensation.

Relying on Article 1 of Protocol No. 1 to the Convention (protection of property), the applicants complain, in particular, of a lack of an effective procedure to challenge the central bank's decision and that the measures were unjustified.

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

**Just satisfaction:** for details of the amounts awarded please see the operative part and the appendix to the judgment

### Inmobilizados y Gestiones S.L. v. Spain (no. 79530/17)

The applicant, Inmobilizados y Gestiones S.L., is a Spanish company.

The case concerns the hearing of two appeals on points of law and the rejection of three other appeals on points of law as inadmissible concerning the same sets of facts. The applications were connected to a property dispute in San Lorenzo del Escorial in the Community of Madrid.

Relying on Article 6 § 1 (right to a fair trial), the applicant company complains of a denial of its right of access to a court.

#### Violation of Article 6 § 1

**Just satisfaction:** The applicant company did not claim any sum in respect of damage but stated that it would request the reopening of the proceedings. The Court considers that in the present case the most appropriate form of redress would be the reopening of the proceedings, as the applicant company has indicated. It furthermore made an award of EUR 16,600 for costs and expenses.

### Yavuz Özden v. Turkey (no. 21371/10)\*

The applicant, Yavuz Özden, is a Turkish national who was born in 1970 and lives in Erzurum (Turkey).

The case concerns the taking of possession by the authorities of a plot of land measuring 7,480 sq. m belonging to the applicant in Oltu (Erzurum).

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant alleges a breach of his right to the peaceful enjoyment of his possessions; he submits that the authorities took possession of his land without paying him compensation and without conducting the required expropriation proceedings.

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

**Just satisfaction:**

The Court considers that the remedy provided under domestic law before the compensation board is an appropriate means of redressing the violation found and therefore decides to strike out of its list of cases the part of the application concerning the request under Article 41 of the Convention for pecuniary and non-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.