



Judgments of 14 December 2021

The European Court of Human Rights has today notified in writing 30 judgments¹:

Six Chamber judgments are summarised below;

Separate press releases have been issued for three other Chamber judgments in the cases of *Tunikova and Others v. Russia* (application no. 55974/16 and 3 others), *Melgarejo Martinez de Abellanosa v. Spain* (no. 11200/19), and *Ilıcak v. Turkey (no. 2)* (no. 1210/17);

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

The judgment in French below is indicated with an asterisk ().*

D.I. v. Bulgaria (application no. 32006/20)*

The applicant is a businessman. He was born in 1992 in Kyrgyzstan and is a national of that country. He is the chief executive officer of two limited-liability companies under Kyrgyz law. He currently lives in Bulgaria.

The case concerns the extradition proceedings brought against the applicant, on conclusion of which the Bulgarian courts authorised his handover to the Kyrgyz authorities.

Between February and December 2019 the chief directorate of the Ministry of the Interior in Bishkek received five criminal complaints against the applicant, with three different entrepreneurs complaining of being defrauded by him. Several sets of criminal proceedings were instituted against him. In December 2019 he was charged in his absence with several counts of fraud and misappropriation of corporate assets. He was accused, in his capacity as the manager of two companies, of entering into contracts with other partner companies for the supply of metal bars, appropriating the corresponding sums and not honouring his commitments, and also of appropriating the funds of one of the companies he managed. According to the investigating bodies' estimates, the damage caused to the victims amounted to several million euros.

In July 2020 the European Court decided to apply an interim measure under Rule 39 of the Rules of Court, indicating to the Bulgarian Government that it should not extradite the applicant to Kyrgyzstan for the duration of the proceedings before it.

In the proceedings before the Court the applicant alleges that the enforcement of the order for his extradition would entail a violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the European Convention on Human Rights.

No violation of Article 3 in case of the extradition of the applicant

Interim measure (Rule 39 of the Rules of Court): still in force until the present judgment becomes final or until further notice

¹ 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: www.coe.int/t/dghl/monitoring/execution

Gražulevičiūtė v. Lithuania (no. 53176/17)

The applicant, Edita Gražulevičiūtė, is a Lithuanian national who was born in 1971 and lives in Vilnius.

Ms Gražulevičiūtė is a rheumatologist and researcher. She was suspended in January 2012 after one of her patients died during a clinical trial she was carrying out on tocilizumab, a drug. The case concerns the proceedings the applicant brought to challenge her subsequent suspension and to claim compensation.

She notably complains that the final court decision regarding her suspension in December 2013, which exculpated her, was overturned, in breach of the principle of legal certainty under Article 6 § 1 (right to a fair trial) of the European Convention. Relying on Article 8 (right to respect for private life) to the Convention, she also complains that she was not compensated for the damage she sustained for being suspended for nearly two years.

Violation of Article 6 § 1

Just satisfaction:

non-pecuniary damage: 10,000 euros (EUR)

costs and expenses: EUR 2,086

Genderdoc-M and M.D. v. the Republic of Moldova (no. 23914/15)

The applicants are Asociația Obștească Centrul de Informații Genderdoc-M, an association registered in Chișinău, and a Moldovan national, M.D., who was born in 1998 and lives in Bălți (Moldova).

The case concerns homophobic statements by a certain M. which led to court proceedings involving the applicant association, and the subsequent ill-treatment of M.D., including being attacked in the street and verbally abused, and the reaction of the authorities.

The applicant association relies on Article 10 (freedom of expression) and Article 14 (prohibition of discrimination) of the Convention, while M.D. relies on Article 3 (prohibition of inhuman and degrading treatment), Article 8 (right to respect for private and family life) and Article 14.

Violation of Article 3 taken in conjunction with Article 14 in respect of the second applicant

Just satisfaction:

non-pecuniary damage: EUR 7,500 to the second applicant

costs and expenses: EUR 1,500 to the second applicant

Mukhametov and Others v. Russia (no. 53404/18 and 3 others)

The applicants are four Russian nationals who were defendants in criminal proceedings and detained in remand prison SIZO-1 in Kazan.

The case principally concerns the restrictions on family visits in pre-trial detention.

All the applicants had asked to see members of their family for a short-term visit, but their requests were refused under section 18 of the Defendants' Detention Act, which provides that defendants may have no more than two visits per month from family members and other persons.

Relying on Article 8 (right to respect for private and family life), the applicants complain of the refusals to grant them family visits and the ineffectiveness of the related judicial review proceedings. They also complain under Article 6 § 1 (right to a fair hearing) that appeal hearings in those proceedings were held in their absence.

Mr Mukhametov further alleges under Article 5 § 3 (right to liberty and security) that the length of his pre-trial detention – over one and a half years – was excessive.

Violation of Article 8

Violation of Article 5 § 3 in respect of Mr Mukhametov

Just satisfaction: The Court awarded amounts for pecuniary and non-pecuniary damage, as well as costs and expenses. Details are appended to the judgment.

Mukhin v. Russia (no. 3642/10)

The applicant, Yuriy Ignatyevich Mukhin, is a Russian national who was born in 1949 and lives in Moscow.

The case concerns two controversial articles that Mr Mukhin published while editor of *Duel* (Дуэль), a newspaper, which included political, anti-Semitic and violent references, including the phrase “Death to Russia!”, and the reaction of the authorities that followed.

Relying on Article 10 (freedom of expression), the applicant complains of his criminal conviction on the basis of editorial choices, of the classification of one of the articles as extremist, and of the ending of the newspaper’s “mass-media status”.

Violation of Article 10 on account of the applicant’s criminal conviction

Violation of Article 10 on account of the termination of the newspaper’s media-outlet status

Just satisfaction:

non-pecuniary damage: EUR 10,000

costs and expenses: EUR 6,000

Samoylova v. Russia (no. 49108/11)

The applicant, Marina Anatolyevna Samoylova, is a Russian national who was born in 1961 and lives in Moscow.

Ms Samoylova’s husband – a former prosecutor – was arrested in 2007 on embezzlement charges. The case concerns a television programme broadcast in 2009 which dealt with the trial of Mr Samoylov and which allegedly contained private information about the couple, and the civil proceedings initiated by the Samoylovs that followed.

Relying on Article 6 § 1 (right to a fair trial) and Article 8 (right to respect for private and family life), the applicant complains that part of her civil suit remained unexamined by the courts, and that the television report had been an interference with her privacy, and that the courts did not strike a fair balance between her right to respect for (her) private life and the journalists’ freedom of expression.

Violation of Article 6 § 1

Violation of Article 8 in relation to the showing of the applicant’s exact residential address, her taxpayer identification number and the images of the interior of the country house

No violation of Article 8 in relation to the alleged defamation and the showing of data presented as the applicant’s declared income

Just satisfaction:

non-pecuniary damage: EUR 6,000

costs and expenses: EUR 3,000

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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.