



## Judgments of 16 January 2024

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

two Chamber judgments are summarised below;

separate press releases have been issued for two other Chamber judgments in the cases of *Alkhatib and Others v. Greece* (application no. 3566/16) and *Al-Hawsawi v. Lithuania* (no. 6383/17);

nine 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 summarised below are available only in English.*

### [Rizzo and Others v. Malta](#) (application no. 36318/21)

The applicants, Vincent John Rizzo, Philip Rizzo and Anne Farrugia, are Maltese nationals who were born in 1950, 1951 and 1954 respectively and live in Trecastagni (Mr Philip Rizzo) and Sliema (Malta).

The applicants together hold the perpetual *utile dominium* of a property in St Julian's. The case concerns the question of the effectiveness of an appeal to the Constitutional Court for the purposes of Article 13 following developments in domestic case-law in the ambit of judgments relating to old rent laws raising issues under Article 1 of Protocol No. 1 to the Convention.

Relying on Article 13 (right to an effective remedy) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicants complain that they do not have an effective remedy to protect their property rights, and that they are still victims of the violation of Article 1 of Protocol No. 1 found by the domestic courts given the low amount of compensation awarded by the first-instance court.

#### **No violation of Article 13 in conjunction with Article 1 of Protocol No. 1 Violation of Article 1 of Protocol No. 1**

##### **Just satisfaction:**

pecuniary damage: 23,000 euros (EUR)

costs and expenses: EUR 3,000

### [Nafornița v. the Republic of Moldova](#) (no. 49066/12)

The applicants, Iurie Nafornița, Albina Nafornița, Alina Nafornița and Andrei Nafornița are Moldovan nationals who were born between 1968 and 1998 and live in Chișinău.

The case concerns the applicants' eviction from an apartment in which they had been living for 11 years and the court proceedings that followed.

<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: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution)

Relying on Article 8 (right to respect for private and family life/home), Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property), the applicants complain, in particular, of their eviction.

### **Violation of Article 8**

#### **Just satisfaction:**

non-pecuniary damage: EUR 4,500

costs and expenses: the Court rejected the applicants claim for costs and expenses since the applicants had not submitted any supporting documents

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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.