



Judgments of 24 October 2023

The European Court of Human Rights has today given notification in writing of 20 judgments¹:

five Chamber judgments are summarised below;

separate press releases have also been issued for three other Chamber judgments in the cases of *Stoianoglo v. Republic of Moldova* (application no. 19371/22), *A.M.A. v. the Netherlands* (no. 23048/19), and *Pajk and Others v. Poland* (nos. 25226/18, 25805/18, 8378/19, and 43949/19);

12 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 ().*

[Myslihaka v. Albania](#) (applications nos. 68958/17, 68965/17, 68970/17, 68976/17, 68985/17, and 68993/17)

The applicants are six Albanian nationals. They are all former prisoners in the Albanian prison system.

The case concerns the statutory ban on convicted prisoners voting in parliamentary elections.

In 2015 the Albanian Parliament passed the Decriminalisation Act, which, among other effects, barred convicted individuals from voting if, on the date of the election, they were serving a prison sentence imposed by a final court decision for one of the criminal offences set out in that Act. All of the applicants were serving sentences during the 2017 parliamentary elections (four had been convicted before the Act had entered into force, and two afterwards). None of them were included on the electoral roll for the prisons they were being held in.

Relying on Article 3 of Protocol No. 1 (right to free elections) to the European Convention on Human Rights, the applicants complain of their disenfranchisement on the grounds that they were convicted prisoners.

No violation of Article 3 of Protocol No. 1

[Altius Insurance Ltd v. Cyprus](#) (no. 41151/20)

The applicant, Altius Insurance Ltd, is a company incorporated under Cypriot law, and is based in Nicosia.

The case concerns civil proceedings brought against the applicant company in 2004 for breach of contract. The Nicosia District Court dismissed the case in December 2010, but the Supreme Court reversed that decision in 2017 and ordered the applicant company to pay nearly 2 million euros in damages, plus legal costs and expenses.

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.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time) of the European Convention, the applicant company complains that the length of the proceedings, over 13 years and seven months, was excessive. Relying in addition on Article 13 (right to an effective remedy) in conjunction with Article 6 § 1, it complains about the effectiveness of the Law Providing for Effective Remedies for Exceeding the Reasonable Time Requirement for the Determination of Civil Rights and Obligations (Law 2(I)/2010). It also complains that the length of the proceedings resulted in it having to pay excessive amounts of statutory interest, in violation of its rights under Article 1 of Protocol No. 1 (protection of property) to the European Convention.

Violation of Article 6 § 1

Violation of Article 13 in conjunction with Article 6 § 1

Just satisfaction:

non-pecuniary damage: 11,600 euros (EUR)

costs and expenses: EUR 15,250

The Court dismissed the applicant company's claim in respect of pecuniary damage.

Pomul S.R.L. and Subervin S.R.L. v. Republic of Moldova (nos. 14323/13 and 47663/13)*

The applicants, Pomul S.R.L. and Subervin S.R.L., are two limited liability companies incorporated under the laws of Moldova, having their registered offices in Țibirica (Călărași District).

The case concerns State liability for failure to enforce court decisions in favour of the applicant companies against a company of which the State was the majority shareholder.

In 2005 the applicant companies signed two agreements for the sale of goods with Vinuri-Ialoveni S.A., a company limited by shares created in 1996 by the Ministry of Public Property Privatisation and Management, but that party failed to honour the agreed payments. In two judgments the District Economic Court acknowledged the claims held by the applicant companies against Vinuri-Ialoveni S.A. under the 2005 agreements. On 1 October 2010 insolvency proceedings were opened against the debtor company.

In November 2011 the two applicants each lodged separate actions with the domestic courts against the Ministry of Finance seeking compensation from the State for damage caused by the infringement of their right to enforcement of a court decision within a reasonable time.

The applicant companies complain of the failure to enforce the judgments delivered in their favour. They rely on Article 6 § 1 (right of access to a court) and Article 1 of Protocol No. 1 (protection of property), separately and in conjunction with Article 13 (right to an effective remedy) of the Convention.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Violation of Article 13 in conjunction with Article 6 § 1 and Article 1 of Protocol No. 1

Just satisfaction:

pecuniary damage: EUR 36,864 to the first applicant company and EUR 76,160 to the second applicant company

non-pecuniary damage: EUR 1,600 to the first applicant company and EUR 600 to the second applicant company

costs and expenses: EUR 186.20 to each of the applicant companies

[Memedova and Others v. North Macedonia](#) (nos. 42429/16, 8934/18, and 9886/18)

The applicants are five Macedonians/citizens of the Republic of North Macedonia who were born in 1957, 1985, 1972, 1976 and 1979. The first two applicants live respectively in Vinica and Skopje, while the others live in Kriva Palanka (all in North Macedonia).

The case concerns border incidents in 2014 when the applicants, all of Roma ethnicity, were not allowed to leave the country. The incidents took place amid measures taken by the Ministry of the Interior to strengthen border controls of citizens leaving North Macedonia who were potential asylum seekers in the European Union.

Relying in particular on Article 2 of Protocol No. 4 (freedom of movement), taken alone and in conjunction with Article 14 (prohibition of discrimination), the applicants complain that their right to leave the country was breached and that they were singled out by the border police officers owing to their Roma ethnicity.

Violation of Article 2 of Protocol No. 4 in respect of the first, second, third and fourth applicants

Violation of Article 14 taken in conjunction with Article 2 of Protocol No. 4 in respect of the first, second, third and fourth applicants

Just satisfaction:

pecuniary damage: EUR 150 to the first applicant and EUR 180 to the second applicant

non-pecuniary damage: EUR 3,000 to the first applicant, EUR 4,100 to the second applicant and EUR 5,900 to the third and fourth applicants jointly

costs and expenses: EUR 2,350 to the second applicant and EUR 1,435 to the third and fourth applicants jointly

[Israilov v. Russia](#) (nos. 21882/09 and 6189/10)

The applicant, Sharpuddi Elfirovich Israilov, is a Russian national. He is originally from Chechnya (Russian Federation). He left in 2006 and is currently keeping his whereabouts secret for his own safety.

The case concerns the murder of the applicant's son, Umar Israilov, in Austria in 2009 by a commando of men. The Austrian authorities arrested and later convicted three Russian nationals of Chechen origin, who had organised or participated in the criminal commando. The Austrian authorities made a request during the trial for legal cooperation with the Russian authorities, aiming to clarify the extent to which high-ranking officials, including Ramzan Kadyrov, President of the Chechen Republic, had been involved in the crime. Umar Israilov had apparently fled Chechnya in 2004 to avoid having to continue to work for Kadyrov's secret services and, a few months before his murder, had been approached in Austria by a Chechen man who reported to the Austrian police that he had been allegedly assigned to bring Mr Israilov back to Chechnya or to "solve" the "problem".

The case also concerns the applicant's allegation that he was abducted and tortured in 2004-2005 on Kadyrov's orders, to try to make him reveal information about his son's whereabouts and to put pressure on his son to return to Chechnya.

The applicant alleges that the Russian authorities failed to comply with their duty under Article 2 (right to life/investigation), and in particular to assist the Austrian authorities with the investigation into his son's murder as regards witnesses located in Russia.

Relying also on Article 5 (right to liberty and security) and Article 3 (prohibition of inhuman or degrading treatment/torture), the applicant complains that he was arbitrarily detained, tortured and held in inadequate conditions of detention between 27 November 2004 and 4 October 2005 at two

sites used by Kadyrov's secret services. He also alleges that the investigation into his allegations of torture and ill-treatment were ineffective.

Lastly, relying on Article 8 (right to respect for private life and home), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy), he complains about the illegal search of his apartment and seizure of money when he was arrested on 27 November 2004, as well as the lack of an effective investigation into these complaints.

Violation of Article 2 (investigation) on account of the failure of the Russian authorities to cooperate with respect to Umar Israilov's murder

Violation of Article 3 (ill-treatment and investigation) as regards the torture to which the applicant has been subjected, and the lack of an effective investigation in respect thereof

Violation of Article 5 on account of the applicant's arbitrary detention

Just satisfaction:

non-pecuniary damage: EUR 104,000

The applicant did not submit any claim for costs and expenses.

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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.