



Judgments of 26 October 2021

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

four Chamber judgments are summarised below;

separate press releases have been issued for four other Chamber judgments in the cases of *Donev v. Bulgaria* (application no. 72437/11), *Šaltinytė v. Lithuania* (no. 32934/19), *A.P. v. the Republic of Moldova* (no. 41086/12), and *Leon Madrid v. Spain* (no. 30306/13);

The judgments summarised below are available only in English.

Kindlhofer v. Austria (application no. 20962/15)

The applicant, Manfred Kindlhofer, is an Austrian national who was born in 1963 and lives in Graz (Austria).

In 2012 Mr Kindlhofer was issued with a penalty notice for failing to inform the police of a minor traffic accident he had been involved in, having caused material damage only. The case concerns the court proceedings that followed, in particular the Regional Administrative Court's holding that, pursuant to section 25(a) of the Administrative Court Act, its decision was not amenable to appeal before the Supreme Administrative Court.

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights and Article 2 of Protocol No. 7 (right of appeal in criminal matters) to the European Convention, the applicant complains, in particular, of not being able to appeal the judgment to the Supreme Administrative Court and of a lack of equality of arms in that it had been open to the State to lodge such as appeal.

No violation of Article 2 of Protocol No. 7

O.P. v. the Republic of Moldova (no. 33418/17)

The applicant, O.P., is a Moldovan national who was born in 1972 and lives in Chişinău.

The case concerns O.P.'s arrest and subsequent detention in 2017. She had been arrested for the presentation of false payment orders to a court from 2013-16 while an employee of a bank on that institution's behalf.

Relying on Article 5 §§ 1 (right to liberty and security), 3 (right to be brought promptly before a judge) and 4 (right to have lawfulness of detention decided speedily by a court) of the Convention, the applicant complains that her detention was not based on a reasonable suspicion or on sufficient reasons, and of the length of time it took to have that detention decided by a judge.

Violation of Article 5 § 1

Violation of Article 5 § 4

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

Just satisfaction:

non-pecuniary damage: EUR 9,750

costs and expenses: EUR 1,500

Toplak and Mrak v. Slovenia (nos. 34591/19 and 42545/19)

The applicants, Franc Toplak and Iztok Mrak, are Slovenian nationals who were born in 1937 and 1983 respectively. Mr Toplak, now deceased, lived in Maribor and Mr Mrak lives in Ljubljana.

The case concerns the alleged lack of adequate measures to allow the applicants, who had muscular dystrophy, to vote in the 2019 elections to the European Parliament and in a 2015 national referendum, and the alleged lack of effective remedies in this regard.

Relying on Article 13 (right to an effective remedy), Article 14 (prohibition of discrimination), Article 3 of Protocol No. 1 (right to free elections) and Article 1 of Protocol No. 12 (general prohibition of discrimination), the applicants complain of the lack of effective judicial means by which they could have requested an accessible polling station in advance. They also complain of the lack of any effective remedy by which to claim compensation for being discriminated against in exercising their right to vote.

Violation of Article 13 taken together with Article 1 of Protocol No. 12 as regards the participation at the 2015 Referendum with respect to both applicants

No violation of Article 13 taken together with Article 14 and Article 3 of Protocol No. 1 as regards the 2019 EP Elections with respect to both applicants

No violation of Article 1 of Protocol No. 12 as regards the 2015 Referendum with respect to both applicants

No violation of Article 14 in conjunction with Article 3 of Protocol No. 1 as regards the first applicant's lack of participation in the 2019 EP Elections

Just satisfaction:

non-pecuniary damage: EUR 3,200 to the second applicant and EUR 1,600 to each of the first applicant's daughters

costs and expenses: EUR 1,500 to the second applicant and EUR 1,500 jointly to the first applicant's daughters

Serrano Contreras v. Spain (no. 2) (no. 2236/19)

The applicant, Bernardo Serrano Contreras, is a Spanish national who was born in 1953 and lives in Fernán Núñez (Córdoba, Spain).

The case concerns the revision of the applicant's criminal conviction, after the European Court's finding of a violation of Article 6 § 1 (right to a fair trial) in its judgment of 20 March 2012. In the revision proceedings, the Supreme Court quashed the applicant's conviction in respect of one of the offences, but dismissed the application for revision in respect of his conviction for the other two offences.

Relying on Article 6 § 1, the applicant complains that the Supreme Court had not made a reasonable interpretation of the European Court's judgment and that, as a result, the conclusion reached in its new judgment had not accorded with the Court's findings, in breach of his fair-trial rights.

Violation of Article 6 § 1**Just satisfaction:**

non-pecuniary damage: EUR 9,600

costs and expenses: EUR 6,452

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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.