



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 22 judgments on Tuesday 16 November 2021 and 121 judgments and / or decisions on Thursday 18 November 2021.

*Press releases and texts of the judgments and decisions will be available at 10 a.m. (local time) on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int))*

### Tuesday 16 November 2021

#### [Vasil Vasilev v. Bulgaria \(application no. 7610/15\)](#)

The applicant, Vasil Tonchev Vasilev, is a Bulgarian national who was born in 1958 and lives in Sofia. He is a lawyer.

The case concerns the interception, recording and transcription of a telephone conversation in 2010 between the applicant and one of his clients, a former Minister of Defence, who was being covertly monitored in connection with a criminal case. Mr Vasilev complained to the prosecuting authorities and brought a claim for damages, arguing that the conversation was covered by lawyer-client privilege and that its recording and transcript should have been destroyed. Both actions were to no avail.

Relying on Article 8 (right to respect for private, family life and the home), Mr Vasilev complains that the covert recording and transcription of the telephone conversation with his client was unlawful and unnecessary. He argues in particular that Bulgarian law did not have sufficiently clear rules on the destruction of accidentally intercepted lawyer-client communications.

Also relying on Article 6 § 1 (right to a fair trial), he complains that the proceedings for damages were classified because the evidence admitted had been obtained via secret surveillance. The public was therefore excluded from hearings in the case and the ensuing judgments were not delivered publicly.

#### [Särgava v. Estonia \(no. 698/19\)](#)

The applicant, Viktor Särgava, is an Estonian national who was born in 1982 and lives in Tallinn. He is a lawyer.

The case concerns legislation on lawyer-client confidentiality.

Mr Särgava was suspected of belonging to a criminal organisation and in 2018 the authorities authorised a search of his law firm, home and car. In the context of the criminal proceedings brought against him he unsuccessfully argued that the seizure of his laptop and mobile phone during the searches was unlawful. The proceedings against him are still ongoing.

Relying on Article 8 (right to respect for private, family life and the home) of the European Convention, the applicant submits that the information contained on his laptop and telephone was covered by legal professional privilege, and that its seizure was therefore unlawful.

#### [Kikabidze v. Georgia \(no. 57642/12\)](#)

The applicant, Levan Kikabidze, is a Georgian national who was born in 1974. He is currently detained in Tbilisi.

The case concerns the applicant's complaint that his jury trial was unfair in proceedings brought against him for the aggravated murder of another prisoner while serving a sentence for drugs offences in 2011. He was convicted as charged and his sentence was set at just over 22 years imprisonment, including the unserved part of his previous sentence.

Relying on Article 6 §§ 1 and 3 (b) and (d) (right to a fair trial/right to adequate time and facilities for preparation of defence/right to obtain attendance and examination of witnesses), the applicant complains of belated access to evidence at the pre-trial stage, the decisions regarding inadmissibility of evidence and the unreasoned refusal to grant him leave to appeal on points of law against a jury verdict.

#### [Mikeladze and Others v. Georgia \(no. 54217/16\)](#)

The applicants, Teimuraz Mikeladze, Otar Mikeladze, Malkhaz Beridze and Gocha Beridze are Georgian nationals who belong to the Muslim minority in Georgia.

The case concerns the police's alleged excessive use of force and discriminatory language during the applicants' arrest and detention. They were arrested on 22 October 2014 at a gathering by the local Muslim community against the conversion of an ancient mosque into a library. They were released the next day. The police alleged that the applicants had resisted their lawful orders, and denied making any derogatory comments, while the applicants brought complaints of ill-treatment against the police officers. The investigation into the applicants' allegations has not yet produced any conclusive findings.

Relying on Article 3 (prohibition of inhuman and degrading treatment), both alone and in conjunction with Article 14 (prohibition of discrimination), the applicants complain that they were physically and verbally assaulted during their arrests and/or detention; that the police assaulted them because of their discriminatory attitude towards the Muslim faith; and, that the ongoing criminal investigation into the related complaints was ineffective. They also allege a breach of their rights under Articles 8 (right to respect for private and family life), 11 (freedom of association) and 13 (right to an effective remedy).

#### [N. v. Romania \(no. 2\) \(no. 38048/18\)](#)

The applicant, Mr N, is a Romanian national who was born in 1959 and lives in Bucharest.

The case concerns proceedings in which the domestic courts, basing their decisions mainly on medical expert opinions, divested the applicant of his legal capacity and placed him under the full authority of a legal guardian. It also concerns the manner in which the domestic authorities subsequently changed his legal guardian.

Relying on Article 6 (right to a fair hearing), Article 8 (right to respect for private life) and Article 14 (prohibition of discrimination), the applicant complains that his privacy was breached, that the authorities changed his legal guardian through proceedings in which he was not involved, and that he was discriminated against on the grounds of his mental illness and social status.

#### [Văcean v. Romania \(no. 47695/14\)](#)

The applicant, Alin Corneliu Văcean, is a Romanian national who was born in 1978. He lives in Arad (Romania).

The case concerns the publication in 2011 of an interview (with video) and several press articles on the websites of four newspapers, alleging that the applicant, a music professor and future director of the Arad Philharmonic Orchestra, had committed a theft in 2008. The material in question was circulating on the Internet at the time when the applicant was due to be appointed as director of the orchestra, having obtained first place in the competitive examination.

In view of the fact that persons with a criminal record were not eligible to apply for the post, the Arad municipal authorities, before confirming the applicant's appointment, asked the police whether the applicant had been implicated in any criminal investigation into a case of theft. The police told the authorities that there was no criminal file in the applicant's name and that he had not been investigated for theft. The applicant was therefore appointed as director of the orchestra.

Relying on Article 8 (right to respect for private and family life), the applicant alleges a breach of his right to respect for his reputation.

#### [Assotsiatsiya NGO Golos and Others v. Russia \(no. 41055/12\)](#)

The applicants are a non-governmental organisation, whose activities involved monitoring electoral campaigns, and two Russian nationals, Liliya Vasilyevna Shibanova and Tatyana Georgiyevna Troynova, who were born in 1952 and 1942, respectively, and live in Moscow.

The case concerns the ban in Russia on publishing certain information or data five days prior to an election.

Amid the electoral campaign to the State Duma in 2011, the applicant organisation published some election-related information on its website and launched a website with an interactive and constantly updated map of Russia showing reports about alleged violations of the electoral legislation. The applicant organisation was subsequently fined in administrative proceedings for breaching the statutory ban. The organisation was dissolved in March 2020.

Relying on Article 10 (freedom of expression), the applicants complain that the proceedings against the applicant organisation interfered with the election monitoring project they had been running. They point out in particular that the material on the websites should not have been covered by the ban as it only gave information on the ongoing election and was not capable of influencing voters.

#### [Kovrov and Others v. Russia \(nos. 42296/09, 71805/11, 75089/13, 1327/16, and 14206/16\)](#)

The case concerns pre-trial detention and house arrest in Russia.

The applicants are five Russian nationals who were arrested on suspicion of various crimes, ranging from fraud to inflicting bodily harm resulting in death. The domestic courts authorised the applicants' detention and house arrest and the extension of these measures on several occasions, based on the gravity of the charges and the possibility of reoffending, influencing witnesses, destroying evidence, or otherwise obstructing the proper course of the proceedings. Their pre-trial detention and/or house arrest lasted for periods from one to four years. They were all subsequently convicted as charged.

Relying on Article 5 § 3 (right to liberty and security), the applicants allege that their pre-trial detention and house arrest was not necessary or properly justified, and was automatically extended without considering alternative measures. Mr Kovrov further relies on Article 5 § 5 (enforceable right to compensation) to complain that it was impossible for him to obtain compensation for the violation of his right to release pending trial.

#### [Mehmet Çiftçi v. Turkey \(no. 53208/19\)](#)

The applicant, Mehmet Çiftçi, is a Turkish national who was born in 1952. At the relevant time he was serving a sentence of aggravated life imprisonment in Edirne high-security prison, having been convicted in 2002 of attempting to change the constitutional order by force.

The case concerns the prison administration's refusal to hand over to the applicant copies of several editions of the daily newspaper *Atılım* which had been posted to him. The applicant lodged a number of appeals with the domestic courts, without success.

Relying on Article 10 (freedom of expression), the applicant complains of the prison administration's refusal to pass on the newspapers in question. He also alleges that the Constitutional Court, in rejecting his individual application, contradicted its own case-law as established in the judgment in *Recep Bekik and Others*.

Thursday 18 November 2021

#### [Ahmadova v. Azerbaijan \(no. 9437/12\)](#)

The applicant, Sayyara Nemat gizi Ahmadova, is an Azerbaijani national who was born in 1955 and lives in Baku.

The case concerns orders to demolish the applicant's house and evict her and her daughter, without compensation.

The applicant purchased a house in the Sabail District in Baku in 2007. In 2010 the courts upheld a claim brought against the applicant by the subsidiary of a State oil company seeking the house's demolition and her eviction, finding that it was an unauthorised construction built on a State-owned plot of land assigned for oil extraction. The demolition and eviction orders have not yet apparently been enforced and the applicant still lives in the house.

Relying on Article 1 of Protocol No. 1 to the Convention (protection of property) and Article 8 (right to respect for private life and the home), the applicant complains about the demolition and eviction. She alleges in particular that the land was not urgently needed, whereas she and her daughter will become homeless if evicted.

#### [Par and Hyodo v. Azerbaijan \(nos. 54563/11 and 22428/15\)](#)

The applicants are Serpil Par, a Turkish national who was born in 1960 and lives in Istanbul, and Katsunori Hyodo, a Japanese national, who was born in 1973 and lives in Yokohama (Japan).

The case concerns undeclared sums of money seized from the applicants by the customs authorities when they were travelling via Baku's international airport in 2010 and 2011. Criminal proceedings brought against both applicants for smuggling were later dropped when they agreed to transfer the seized amounts to the State budget. They left the country shortly afterwards and brought proceedings asking for the return of their money, to no avail.

Relying mainly on Article 1 of Protocol No. 1 (protection of property), the applicants complain that the domestic authorities unlawfully confiscated their money, arguing that the transfer of their money to the State budget had been made under pressure.

#### [Čolić v. Croatia \(no. 49083/18\)](#)

The applicant, Ljupko Čolić, is a Croatian national who was born in 1939 and lives in Zagreb.

The case concerns civil proceedings for damages brought by the applicant following an assault. The proceedings went in his favour, but he was ordered to pay the defendant's costs in an amount which was approximately double what he had been awarded in damages.

Mr Čolić alleges that the excessive costs awarded to the defendant breached his rights under Article 6 § 1 (right of access to court) and Article 1 of Protocol No. 1 (protection of property).

#### [M.H. and Others v. Croatia \(nos. 15670/18 and 43115/18\)](#)

The applicants are a family of 14 Afghan citizens. They are a man, his two wives, and their 11 children.

The case concerns the death of a six-year-old Afghan child, MAD.H., who was hit by a train after allegedly being denied the opportunity to seek asylum by the Croatian authorities and ordered to return to Serbia via the tracks. It also concerns, in particular, the applicants' detention while seeking international protection.

Relying on Article 2 (right to life), the applicants complain that the State was responsible for the death of their daughter and sister MAD.H., and that the related investigation was ineffective. They complain that their placement in the Tovarnik centre was in breach of Articles 3 (prohibition on inhuman and degrading treatment), 5 (right to liberty and security) and 8 (right to respect for private and family life). Under Article 4 of Protocol No. 4 to the Convention (prohibition of collective expulsions of aliens), they complain that they were subject to summary removals from Croatia to Serbia. Under Article 34 (right of individual petition), they complain of the authorities' failure to comply with a Rule 39 decision of the Court, and the hindrance of the effective exercise of their right of individual application. They also complain of discrimination under Article 14 (prohibition of discrimination) taken in conjunction with Articles 3, 5 and 8 and Article 4 of Protocol No. 4, and Article 1 of Protocol No. 12 (general prohibition on discrimination).

### [Shortall and Others v. Ireland \(no. 50272/18\)](#)

The applicants, Róisín Shortall, John Brady, Fergus Finlay, David McConnell and David Norris, are Irish politicians and members of civil society.

The case concerns the religious language contained in the declarations required under the Irish Constitution (*Bunreacht na hÉireann*) for the office of President of Ireland (*Uachtarán na hÉireann*) and for members of the Council of State.

Relying on Article 9 (freedom of thought, conscience and religion), each of the applicants claim that, owing to their political careers and prominence in public life, they could aspire to election to the Presidency or to be invited to serve on the Council of State, but that the religious elements of the declarations required under Articles 12.8 and 31.4 of the Constitution are contrary to their beliefs, and would either prevent them from taking up these offices or require them to make a religious declaration against their conscience.

### [Marinoni v. Italy \(no. 27801/12\)](#)

The applicant, Nazareno Marinoni, is an Italian national who was born in 1938 and lives in Albinea (Italy).

In this case the applicant complains of the judgment given against him by the Italian courts, which ruled that some of the expressions used in a book written by him ("The courtyard terrace. The events of 28 April 1945 in Rovetta: a child's recollections"), published in 2005, were defamatory.

In his book the applicant, who was six years old at the time of the events, recounted his childhood and the events of the weeks leading up to the fall of the Italian Social Republic (RSI), the State established by the Italian fascists in central and northern Italy between September 1943 and April 1945. Among other things, the book contained a reconstruction of the events preceding the summary execution of 43 RSI prisoners (an episode known as the *strage di Rovetta*). The historical account was overlaid with private and personal recollections centred on the author's family life. In particular, the book devoted a number of pages to the tensions between the author's relatives and family M., who lived in a part of the family house. The conflict stemmed from the differing political views of the applicant's family, who were anti-fascist, and family M., who supported the fascist regime.

Some of the expressions used by the applicant in referring to the members of family M. were perceived as defamatory by their heirs, who lodged a criminal complaint. In 2007, following summary proceedings, the judge acquitted the applicant, finding that the offence was not

punishable. The civil parties appealed, and in 2010 the applicant was ordered to pay them a total of 16,000 euros in damages.

Relying on Article 6 § 2 (presumption of innocence), the applicant alleges a breach of his right to be presumed innocent. Under Article 10 (freedom of expression), he argues that the decisions of the domestic courts finding him civilly liable infringed his right to freedom of expression, and in particular his right to report and comment on historical events.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database [HUDOC](#).

They will not appear in the press release issued on that day.

## Tuesday 16 November 2021

Name	Main application number
Kolev v. Bulgaria	36480/12
Kyazim v. Bulgaria	39356/17
Lazarov and Others v. Bulgaria	27565/14
Stefanov v. Bulgaria	73284/13
Grigorescu and Others v. Romania - Revision	17536/04
Marin v. Romania	31611/18
Moloțiu and Others v. Romania - Revision	30787/03
Nedelcu v. Romania	39290/19
Toma v. Romania	19146/18
El v. Turkey	35952/10
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Öztürk v. Turkey	14402/11
Yıldırım Demir v. Turkey	16363/19

## Thursday 18 November 2021

Name	Main application number
Manukyan v. Armenia	60456/12
Gurbanli v. Azerbaijan	21324/13
Etropolski and Others v. Bulgaria	37086/16
Zhivkov v. Bulgaria	23692/17
Amidžić v. Croatia	17262/20
Beneta v. Croatia	52609/19
Kvesić v. Croatia	47809/20
Maričić v. Croatia	26704/15
Morović v. Croatia	22567/18
Split Ferry Port JSC and Matinac v. Croatia	12099/21
Supan v. Croatia	40181/19
Valenta and Others v. Croatia	22222/18
Žagar v. Croatia	9286/16
Petr v. the Czech Republic	54355/15

Name	Main application number
Truffaut v. France	65304/17
Bild GmbH & CO. Kg v. Germany	45994/15
Hedayatzadeh Roudsari v. Germany	4861/17
Saure v. Germany	6106/16
Speer v. Germany	35244/15
Jón Ingi Gíslason v. Iceland	59258/18
Sindri Sveinsson v. Iceland	42672/16
Steinþór Gunnarsson v. Iceland	20486/16
Abbondandolo and Others v. Italy	55247/17
Apetofia v. Italy	60154/19
Auricchio and Others v. Italy	47414/16
Bacary v. Italy	36986/17
Bodiang v. Italy	47523/17
C.L. v. Italy	53788/18
Dansu and Others v. Italy	16030/17
Ekoh v. Italy	43088/18
Fofana v. Italy	3963/17
Guardiani v. Italy	24002/20
Jahid and Others v. Italy	3610/17
M.B. and Others v. Italy	12036/18
M.J. v. Italy	53790/18
M.R. v. Italy	13302/18
Martino and Others v. Italy	28083/16
Mellone v. Italy	57202/17
Montinaro and Others v. Italy	47276/16
Nkontchoua Tchoumbou v. Italy	60161/19
Porcelli and Others v. Italy	29377/16
S.B. and Others v. Italy	12344/18
Spinelli v. Italy	16854/18
Vinci and Others v. Italy	20979/18
Camilleri v. Malta	16101/18
Darmanin v. Malta	56311/19
Zammit and Busuttil v. Malta	37464/21
Aghenie and Others v. the Republic of Moldova	11666/13
C.A. v. the Republic of Moldova	47444/14
M.J. v. the Netherlands	49259/18
Nelissen v. the Netherlands	585/19
Barbulovski v. North Macedonia	41449/16
Bozhinovska v. North Macedonia	41448/16
Erjuz v. North Macedonia	41790/16
Hi Tech Corporation Doo v. North Macedonia	69776/17
One Telecommunications Services Dooel Skopje v. North Macedonia	42879/14
Stolarczyk v. Poland	18451/16

Name	Main application number
Arhire v. Romania	48419/15
Buş v. Romania	46160/19
Georgescu and Others v. Romania	35965/16
Kunze v. Romania	17405/17
Lazăr v. Romania	20097/15
Maghiar and Others v. Romania	1949/17
Meszaroş v. Romania	39410/18
Molnár and Others v. Romania	27309/16
Nica and Others v. Romania	29082/16
Niţă and Others v. Romania	25744/16
Poczo v. Romania	58792/16
Bocharov v. Russia	15258/18
Dukh v. Russia	21061/19
Jioshvili and Others v. Russia	8090/09
Kaplin and Others v. Russia	35674/17
Khudyakov and Others v. Russia	44360/17
Morozov v. Russia	40075/14
Pankov and Grigoryev v. Russia	72665/16
Parushenkov v. Russia	6851/19
Ryazanov v. Russia	44885/06
Ryleyeva v. Russia	59944/17
Sechina v. Russia	5261/16
Sukhin and Others v. Russia	55155/09
Bijorac v. Serbia	44325/20
Matić and Others v. Serbia	22108/21
Stojilković and Others v. Serbia	38067/20
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Oros v. Slovakia	7303/21
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Ali İbrahimagaoglu v. Turkey	37048/19
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İncedere and Yıldız v. Turkey	65227/19
Karacasu v. Turkey	68927/12
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Temizisler Madeni Yag Sanayi Ticaret Limited Sirketi v. Turkey	44159/18
Tokat and Others v. Turkey	39600/10
Turan and Ergün v. Turkey	65283/11



Name	Main application number
Yacan v. Turkey	69750/12
Yilmazer and Others v. Turkey	66263/12
Baranovskyy v. Ukraine	61593/19
Cherney v. Ukraine	26759/13
Dikhtyar and Others v. Ukraine	42470/20
Golubenko v. Ukraine	52920/20
Krupa v. Ukraine	55903/20
Lapikov v. Ukraine	9201/20
Lutchenko and Malchyk v. Ukraine	31725/20
Pizintsali and Others v. Ukraine	42485/20
Steshenko v. Ukraine	73944/14
Sytnevskyy v. Ukraine	84557/17
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Vlasyuk v. Ukraine	3407/20
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