

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 15 judgments on Tuesday 12 September 2023 and 32 judgments and / or decisions on Thursday 14 September 2023.

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).

Tuesday 12 September 2023

[Eigirdas and VĮ "Demokratijos plėtros fondas" v. Lithuania \(applications nos. 84048/17 and 84051/17\)](#)

The applicants are Eduardas Eigirdas, a Lithuanian national who was born in 1970 and lives in Vilnius, and VĮ Demokratijos plėtros fondas, a Lithuanian non-profit organisation that publishes the magazine *Valstybė*, for which Mr Eigirdas is a regular opinion writer.

The case concerns two articles published in *Valstybė*, one of which discussed, among other individuals, a prominent businessman and politician, V.M., and the other, in particular, his son. They alleged media influence in connection with the forthcoming elections on V.M.'s part. Following complaints, decisions against the applicants were delivered by the Public Information Ethics Commission concerning these articles, and subsequent court proceedings also went against them.

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights, the applicants complain of the requirement to publish the Public Information Ethics Commission's decision in *Valstybė*.

[Lapunov v. Russia \(no. 28834/19\)](#)

The applicant, Maksim Grigoryevich Lapunov, is a Russian national who was born in 1987 and lives in Sargatskoye (Omsk Region, Russia). He is an openly gay man.

The case concerns the alleged taking of Mr Lapunov from his place of work in Grozny to the local police headquarters, where he was, along with other men, badly beaten and threatened seriously by police officers because of his sexual orientation. Those allegations are against a background of a reported "purge" of homosexual or presumed homosexual people in the Chechen Republic by the authorities there.

Relying on Articles 3 (prohibition of torture), 14 (prohibition of discrimination) and 5 (right to liberty and security) of the European Convention the applicant alleges he was tortured and unlawfully detained by Chechen police officers on account of his sexual orientation, and that the investigation into this matter was not effective.

[N.F. and Others v. Russia \(no. 3537/15 and 8 other applications\)](#)

The applicants are nine Russian nationals. They live in various parts of Russia.

The applicants were all either convicted in criminal proceedings, or had their criminal proceedings against them discontinued for various reasons such as being given amnesty. The case concerns the processing by the Ministry of the Interior of the applicants' personal data in respect of discontinued criminal proceedings or criminal convictions that have been lifted or became spent. In particular, after their convictions were spent or were lifted by the court, or proceedings against them were

discontinued. They received certificates “on the existence/absence of convictions, the existence/absence of a criminal prosecution or the discontinuation of a criminal prosecution”, which contained information regarding the criminal proceedings against them. This information allegedly had deleterious effects on their lives.

Relying, in particular, on Article 8 (right to respect for private life) of the Convention, the applicants complain that the processing by the authorities of their personal data concerning discontinued criminal proceedings or lifted or spent criminal convictions was in breach of their rights.

[Romanov and Others v. Russia \(no. 58358/14 and 5 other applications\)](#)

The applicants are 11 Russia nationals who were born between 1974 and 1992 and live in St Petersburg, Voronezh and Chalmyk (all Russia). They are all members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community.

The case concerns the alleged verbal and physical attacks suffered by the applicants as a result of their sexual orientation, the investigation into these allegations, and the behaviour of the police *vis-à-vis* pro-LGBTI protests that they were taking part in.

All the applicants bar one, relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life), taken alone and together with Articles 13 (right to an effective remedy) and 14 (prohibition of discrimination), complain that the Russian authorities failed to protect them from verbal attacks and physical violence motivated by their sexual orientation and that the investigation into a possible homophobic motive on the part of the attackers was ineffective.

Relying on Article 38 (obligation to furnish the necessary facilities for the examination of the case), One of the applicants alleges that the Government failed to provide copies of the documents requested by the Court.

Relying on Article 5 § 1 (right to liberty and security) and Article 11 (freedom of assembly and association), taken alone or together with Article 14, three of the applicants complain, in particular, that they were detained unlawfully at a protest because of their support for LGBTI rights, while under Article 11, taken alone and together with Article 14, eight of the applicants complain of a failure by the authorities to safely facilitate the LGBTI protests they were attending.

[Revision](#)

[Dickinson v. Turkey \(no. 25200/11\)](#)

The applicant, Michael Dickinson, is a British national who was born in 1950.

The Court will rule on the application lodged by the Turkish Government to revise the judgment it delivered on 2 February 2021 in the case of *Dickinson v. Turkey* (no. 25200/11).

In that case, the Court found that there had been a violation of Article 10 (freedom of expression) of the Convention as a result of Mr Dickinson’s criminal conviction and sentencing to a fine, with a conditional stay of judgment, for a “collage” caricaturing the then Prime Minister in the form of a dog to protest against his foreign policy. The Court awarded the applicant 2,000 euros (EUR) in respect of non-pecuniary damage.

On 1 November 2022 the Government informed the Court that the applicant had died on 2 July 2020 and requested that the judgment be revised, within the meaning of Rule 80 of the Rules of Court, and that the case be struck out of the Court’s list.

[Geylani and Others v. Türkiye \(no. 10443/12\)](#)

The applicants, Hamit Geylani, Sevahir Bayındır and Hasip Kaplan, are three Turkish nationals who were born in 1947, 1969 and 1954. They live in Ankara, Hamburg (Germany) and Istanbul respectively.

The case concerns the dispersal by the police of a demonstration in Silopi, a town near the border with Iraq, during which Ms Bayındır sustained injuries. The demonstration was organised by the Peace and Democracy Party, a pro-Kurdish political party.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 (right to a fair trial), Ms Bayındır alleges ill-treatment on the part of the police and a lack of an effective investigation into that allegation. The three applicants complain of the dispersal of the demonstration, relying on Article 10 (freedom of expression) and Article 11 (freedom of assembly and association).

[Yaşaroğlu v. Türkiye \(no. 78661/11\)](#)

The applicant, Cevdet Yaşaroğlu, is a Turkish national who was born in 1965 and lives in Istanbul.

The case concerns the confiscation of 25 kg of gold jewellery brought into Türkiye by the applicant upon his return from the United States of America without declaring it to customs.

In 2003 the applicant was charged with a smuggling offence (*délit de contrebande*) by the public prosecutor but was acquitted the following year by the trial court, which held that importing gold jewellery was not subject to any authorisation, licence or other restriction and that the offence with which the applicant had been charged had not been made out. In 2005 the Court of Cassation quashed the judgment, finding that the applicant had attempted to bring the merchandise into Türkiye without carrying out the necessary customs formalities. In 2007 the trial court found the applicant guilty of smuggling and sentenced him to payment of a fine. However, in 2011 the Court of Cassation overturned that judgment on the grounds that the proceedings had been time-barred. It nevertheless ordered that the merchandise be confiscated.

Relying on Article 1 of Protocol No. 1 (protection of property) of the Convention and on Article 6 § 2 (presumption of innocence), the applicant complains that his jewellery was confiscated in the absence of a final court decision finding him guilty of smuggling. He argues that this measure infringed his right to peaceful enjoyment of his possessions and his right to be presumed innocent.

[Wieder and Guarnieri v. the United Kingdom \(nos. 64371/16 and 64407/16\)](#)

The applicants, Joshua Wieder and Claudio Guarnieri, are a United States and an Italian national who were born in 1984 and 1987 respectively. Mr Wieder lives in Cloud Lake (Florida, US) and Mr Guarnieri lives in Berlin (Germany).

Mr Wieder is an IT professional and an independent researcher who has worked with data and news organisations. Mr Guarnieri is a privacy and security researcher and has researched and published extensively on privacy and surveillance, including with *Der Spiegel* and *The Intercept*.

The case concerns the possible interception, extraction, filtering, storage, analysis and dissemination by the United Kingdom intelligence agencies of their communications. Both applicants were based outside of British territory.

They rely on Article 8 (right to respect for private and family life), Article 10 (freedom of expression), and Article 13 (right to an effective remedy).

Thursday 14 September 2023

[Baret and Caballero v. France \(nos. 22296/20 and 37138/20\)](#)

The applicants, Ms Baret and Ms Caballero, are French nationals who were born in 1992 and live in Saint-Raphaël and Langolen respectively.

The case concerns the domestic authorities' refusal to export to Spain – where posthumous conception is authorised – the sperm of the first applicant's late husband and the embryos of the second applicant and her late husband.

Relying on Article 8 (right to respect for private and family life), the applicants submit that the refusals complained of, which were based on the prohibition of posthumous conception laid down by Article L. 2141-2 of the Public Health Code and the prohibition on exporting gametes or embryos for purposes prohibited by French law under Article L. 2141-11-1 of that Code, entailed a violation of their rights.

[Daoudi v. France \(no. 48638/18\)](#)

The applicant, Mr Kamel Daoudi, is an Algerian national who was born in 1974 and has been subjected to a residence restriction since 24 April 2008.

He submits that, on account of its conditions, the residence restriction imposed on him amounts to a detention order and complains of a violation of Article 5 (right to liberty and security). In the alternative, he relies on Article 2 of Protocol No. 4 (freedom of movement) to argue, in substance, that domestic law does not provide sufficient safeguards against arbitrariness. Relying in addition on Articles 8 (right to respect for private and family life), 6 (right to a fair trial) and 13 (right to an effective remedy), he complains that he has been kept apart from his family and questions the fairness of the proceedings he brought before the administrative courts.

[Ainis and Others v. Italy \(no. 2264/12\)](#)

The applicants, Rosalba Ainis, Nancy Calogero, and Giuseppa Dammicela, are three Italian nationals who were born in 1974, 1994 and 1946 respectively and live in Milan.

The case concerns the applicants' relative, C.C., who died from a drug overdose while in police custody in Milan. He had been arrested as part of an anti-drug-trafficking operation. The Italian courts found no liability on the part of the Ministry of the Interior.

The applicants rely on Article 2 (right to life).

[Valiullina and Others v. Latvia \(nos. 56928/19, 7306/20, and 11937/20\)](#)

The applicants are five Latvian nationals and five "permanently resident non-citizens" of Latvia. They are parents and children who identify as part of the Russian-speaking minority in Latvia.

The case concerns changes to the law in 2018 which increased the number of subjects that had to be taught through Latvian – the national language – in public schools, which resulted in a decrease in teaching time through Russian. In 2019 the Constitutional Court ruled on the constitutionality of the relevant amendments, stating, among other findings, that there was no proof that the contested provisions that governed the language of instruction in schools affected the constitutional right to education.

Relying on Article 2 of Protocol No. 1 (right to education) taken alone, and in conjunction with Article 14 (prohibition of discrimination), the applicants complain that the 2018 amendments restricted their access to education, and that the difference in treatment between Russian-speaking and Latvian-speaking pupils amounts to discrimination.

[A.G. and Others v. Norway \(no. 14301/19 and 11 other applications\)](#)

The applicants are Norwegian nationals and one Nigerian, one Polish, one Portuguese, one Russian and one Turkish national.

The case concerns decisions by the authorities in respect of the applicants' children, who were under the care of the State at the time, including over contact, issuing and maintenance of care orders, the replacement of foster care with adoption or otherwise assigning the children to families through adoption, and child welfare.

They rely, in particular, on Article 8 (right to respect for private and family life).

[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 12 September 2023

Name	Main application number
Vassallo v. Malta	52795/20
Zammit and Busuttill v. Malta	55102/20
D.R. and Others v. Norway	63307/17
K.F. and Others v. Norway	39769/17
S.S. and J.H. v. Norway	15784/19
Fellner and Others v. Turkey - <i>Revision</i>	13312/08
Kabar v. Turkey - <i>Revision</i>	38597/14

Thursday 14 September 2023

Name	Main application number
B.Y. v. Bulgaria	29259/21
Association Gong v. Croatia	27790/18
A.A. v. Denmark	6041/23
M.B.K. and Others v. France	50082/19
A.A. v. Hungary	7077/15
M.N. v. Hungary	48139/16
Diakitè v. Italy	44646/17
Psaila v. Malta	33257/20
Abakumets and Others v. Russia	4792/22
Golovachev and Others v. Russia	30389/19
Islamov and Others v. Russia	46020/18
Kozayev and Others v. Russia	27284/17
Kurmayev and Others v. Russia	41670/18
Kushnikova and Others v. Russia	41761/20
Rubanov and Others v. Russia	38099/18
Aksoğan v. Türkiye	11502/22

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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.