



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 21 judgments on Tuesday 18 May 2021 and 65 judgments and/ or decisions on Thursday 20 May 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 18 May 2021

#### Manzano Diaz v. Belgium (no. 26402/17)

The applicant, Edmundo Manzano Diaz, is a Spanish national who was born in 1957. Three orders for his compulsory confinement were issued by the relevant courts in June and December 2004 and October 2007. He has been in detention continuously since the most recent order.

The case concerns the proceedings brought by Mr Manzano Diaz in the Court of Cassation challenging the decision to extend his compulsory confinement adopted by the Higher Social Protection Board (*Commission supérieure de défense sociale* – “the CSDS”).

In 2016 Mr Manzano Diaz, alleging irregularities in the proceedings leading to the successive compulsory confinement orders, requested the Social Protection Board (*Commission de défense sociale* – “the CDS”) to make an urgent ruling that his detention was unlawful and to order his immediate discharge. In the alternative, he sought permission to go on outings. The CDS held that it did not have authority to examine the lawfulness or appropriateness of the compulsory confinement orders, and extended the applicant's detention. That decision was upheld on appeal. Mr Manzano Diaz lodged an appeal on points of law, alleging a violation of Article 6 § 1 of the Convention among other provisions. The appeal was dismissed.

Mr Manzano Diaz alleges, in particular, a breach of the equality-of-arms principle and the adversarial principle in the proceedings before the Court of Cassation, on account of the notification of the reporting judge's draft decision to the advocate-general but not to the applicant and of exchanges between the advocate-general and the Court of Cassation, or at least the reporting judge. He relies in that connection on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights.

#### Valdís Fjölnisdóttir and Others v. Iceland (no. 71552/17)

The applicants, Valdís Glódís Fjölnisdóttir, Eydís Rós Glódís Agnarsdóttir and X, are Icelandic nationals who were born in 1978, 1977 and 2013 respectively and live in Kópavogur (Iceland). The third applicant's application was lodged on the authority of his legal guardian, M.

The case concerns the refusal to recognise a parental link between Ms Fjölnisdóttir and Ms Agnarsdóttir and X. The latter was born to them via a surrogate mother in the United States, but neither of the first two applicants is biologically related to him. They have not been recognised as the child's parents in Iceland, where surrogacy is illegal.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) in conjunction with Article 8 of the European Convention, the applicants complain, in particular, that the refusal by the authorities to register the first and second applicants as the third applicant's parents amounted to an interference with their rights.

### [M.K. v. Luxembourg \(no. 51746/18\)](#)

The applicant, M.K., is a national of Luxembourg who was born in 1931 and lives in that State.

The case concerns the applicant's placement under ordinary supervision by the Luxembourg courts.

In 2017 the Court of Appeal decided that administrative acts carried out with regard to the applicant's real-estate property required the agreement of a supervisor. That decision was upheld by the Court of Cassation in May 2018.

The applicant considers that her placement under supervision amounts to an interference with her right to respect for private life within the meaning of Article 8 of the Convention.

### [Berestov v. Russia \(no. 17342/13\)](#)

The applicant, Mr Yevgeniy Yuryevich Berestov, is a Russian national who was born in 1986 and lives in Samara (Russia).

The case concerns the domestic courts' alleged failure to adequately ensure that proceedings were served on the applicant in civil proceedings against him following an accident in which a pedestrian had been knocked over by the car he had been driving. The applicant's application to the first-instance court to have the decision that had been made in his absence quashed was dismissed, as was a later appeal.

The applicant complains under Article 6 § 1 (right to a fair trial) that he was not duly informed of hearings in civil proceedings against him.

### [OOO Informatsionnoye Agentstvo Tambov-Inform v. Russia \(no. 43351/12\)](#)

The applicant, OOO Informatsionnoye Agentstvo Tambov-Inform, is a limited-liability company incorporated in 2001 in Tambov (Russia).

The case concerns the publication of articles and an online poll on the applicant company's website during an election campaign to the State Duma, the lower chamber of the national parliament, in 2011. Convictions followed, with the articles being classified, in particular, as "pre-election campaigning" in breach of the relevant Russian law.

Relying on Article 10 (freedom of expression), the applicant complains, in particular, of the classification of the information on its website as electoral campaigning and the fines imposed.

### [Bişar Ayhan and Others v. Turkey \(nos. 42329/11 and 47319 /11\)](#)

The applicants are ten Turkish nationals born between 1956 and 2009 who live in Van (Turkey).

The case concerns an incident in March 2009 when, following recent reports of terrorist groups illegally crossing from Iran into Turkey, soldiers fired mortars on a group of people on horseback who were illegally crossing the border into Turkey in what had recently been designated as a prohibited military zone. The first applicant, Mr Bişar Ayhan, was seriously injured and Mr Murat Yılmaz, who was a relative of the remaining applicants, died.

Relying, in particular, on Article 2 (right to life), the applicants complain that the authorities used excessive force and failed to conduct an effective investigation into the wounding of the first applicant (application no. 42329/11) and the death of the relative of the remaining applicants (application no. 47319/11). The applicants in the latter application further allege that their relative died due to the negligence of the authorities in not promptly transferring him to a hospital.

[Doğan v. Turkey \(no. 48909/14\)](#)

[Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey \(no. 48924/16\)](#)

[Tokmak v. Turkey \(no. 54540/16\)](#)

The applicant in the first case, Mr Sedat Doğan, is a Turkish national who was born in 1971 and lives in Istanbul. At the relevant time he was a member of the board of directors of the Galatasaray football club.

The applicants in the second case are Mr Deniz Naki, a Turkish national who was born in 1989 and lived in Diyarbakır when the application was lodged, and *Amed Sportif Faaliyetler Kulübü Derneği*, a Turkish association which operates as a sports club. Mr Naki, a professional footballer, was employed at the relevant time by the applicant club, which competed in the first division of the Turkish professional league (Süper Lig).

The applicant in the third case, Mr İbrahim Tokmak, is a Turkish national who was born in 1981 and lives in Istanbul. He was a football referee at the time of the events in question.

The three cases concern the sports sanctions and financial penalties imposed on the applicants by the Arbitration Committee of the Turkish Football Federation (TFF) on account of statements to the media or messages published or transmitted on social media.

Relying on Article 6 § 1 (right to a fair hearing), all the applicants call into question the independence and impartiality of the arbitration committee, from both an organisational and a financial perspective. In this connection, Mr Doğan argues that the members of this Committee are appointed by the president of the TFF and that their term of office is limited to the latter's term of office. Relying on Article 10 (freedom of expression), all the applicants allege that the sanctions imposed on them breached their right to freedom of expression. In addition, relying on Article 7 (no punishment without law), Mr Doğan claims to have been subjected to arbitrary proceedings. Under Article 13 (right to an effective remedy), he complains that he was unable to submit the decisions of the disciplinary board and the Arbitration Committee to judicial review.

[Öğreten and Kanaat v. Turkey \(nos. 42201/17 and 42212/17\)](#)

The applicants, Tunca İlker Öğreten and Mahir Kanaat, are Turkish nationals who were born in 1981 and 1978 respectively. They live in Istanbul (Turkey).

The case concerns the pre-trial detention of two journalists who were known for their critical attitude towards the government's policies. Prior to their arrest Mr Öğreten worked for *www.diken.com.tr*, an Internet news outlet, and Mr Kanaat was employed by the national daily newspaper *Birgün*.

In 2016 a group named "RedHack" announced that it had copies of the personal emails of Mr Berat Albayrak, the then Turkish Minister of Energy, who was also the son-in-law of the President of Turkey. In December 2016 the Wikileaks website published more than 50,000 emails, presented as having been sent from the address of the Minister in question, covering the period from 2000 to 2016. The applicants published some of those emails in the press entities in which they worked. That same year the Istanbul public prosecutor's office opened a criminal investigation into those facts.

The applicants were taken into police custody in December 2016 on suspicion of belonging to a terrorist organisation, then placed in pre-trial detention in January 2017. An indictment was filed with an assize court in Istanbul in their connection in June 2017. The applicants were released in December 2017, at the close of a hearing held before the assize court. Their individual applications to the Constitutional Court were dismissed on different dates.

Relying on Article 5 §§ 1 and 3 (right to liberty and security) of the Convention, and referring to their right to freedom of expression, the applicants allege that their pre-trial detention was arbitrary and that there were no plausible reasons for suspecting them of having committed a criminal offence.

Relying on Article 5 § 4 (right to have lawful detention decided speedily by a court), they complain that it was impossible to obtain access to the investigation file and about the length of the proceedings before the Constitutional Court.

Relying on Article 10 (freedom of expression), they consider that their right to freedom of expression was infringed as a result of their pre-trial detention.

Lastly, they allege a breach of their right as protected by Article 18 (limitation on use of restrictions on rights) taken together with Article 5 of the Convention.

Thursday 20 May 2021

#### [Lapshin v. Azerbaijan \(no. 13527/18\)](#)

The applicant, Alexander Valeryevich Lapshin, is an Israeli, Russian and Ukrainian national who was born in 1976 and lives in Haifa (Israel).

The case concerns an incident during the applicant's imprisonment in Azerbaijan in 2017 for having crossed the State border outside the checkpoints during journeys to Nagorno-Karabakh, and the ensuing inquiry by the prosecutor's office into the incident. The authorities asserted that the incident had been a suicide attempt, while the applicant alleges it was attempted murder.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment), the applicant complains that an attempt was made on his life while in prison and that the domestic authorities failed to investigate the circumstances of the case. He also complains of ill-treatment and humiliation during his transfer to and his time in prison in Azerbaijan, and alleges that he was kept in solitary confinement for a period of seven months.

#### [Amaghlobeli and Others v. Georgia \(no. 41192/11\)](#)

Two of the applicants, Mzia Amaghlobeli and Eter Turadze, are Georgian nationals who were born in 1975 and 1972 respectively and live in Batumi (Georgia). The third applicant is a legal entity established under Georgian law, the Batumelebi publishing house.

The case concerns the scope of journalistic freedom to engage in news-gathering activities in the customs-control zone of a border checkpoint. Two of the applicants entered such a zone, interviewed travellers and took photographs, and refused to leave when requested to do so by customs officials, thus incurring a fine.

Relying on Article 10 (freedom of expression), the applicants complain that being fined for engaging in news-gathering activities in the customs-control zone of a border checkpoint constituted an interference with their rights. They argue that the size of the fine is a deterrent to investigative journalism.

#### [Beg S.p.a. v. Italy \(no. 5312/11\)](#)

The applicant, Beg S.p.a., is a company registered in Italy which operates in the sector of the construction and management of hydroelectric power plants and the installation of renewable energy plants.

The case concerns the arbitration of a dispute involving a hydroelectric-power agreement for power generation in Albania involving the applicant company and ENELPOWER, a company which had been spun off from ENEL, the former State power company. It relates to, in particular, the impartiality of the arbitration panel, as one of its members (N.I.) had been on the board of ENEL and had worked as that company's lawyer.

Relying on Article 6 (right to a fair trial), the applicant complains that the arbitrator N.I. was not impartial owing to his professional links with ENEL, impinging on its rights.

### [Asanović v. Montenegro \(no. 52415/18\)](#)

The applicant, Mr Nebojša Asanović, is a Montenegrin national who was born in 1965 and lives in Podgorica.

The case concerns the serving, in September 2017, of a summons on the applicant, a practising lawyer and long-standing representative of an opposition media outlet, outside the court where he was about to plead in two hearings, by four officers, the summons specifying that if he did not comply at once, he would be brought in by force. The applicant was suspected of tax evasion. Two days later, the applicant lodged a constitutional appeal, claiming unlawful deprivation of liberty and alleging that there had been no legal grounds for it, given that none of the reasons for detention had been indicated, that there was no related criminal case-file and no relevant court decision.

Various claims followed, including prosecutorial and civil proceedings involving the applicant, the State Tax Administration, the Ministry of Interior, the Police Department and the State Prosecution Office.

Relying on Article 5 § 1 (right to liberty and security) and Article 13 (right to an effective remedy), the applicant complained that he had been unlawfully *de facto* deprived of liberty and that he had had no effective domestic remedy in that regard.

### [Terhes v. Romania \(no. 49933/20\)](#)

The applicant, Cristian-Vasile Terheş, is a Romanian national who was born in 1978 and lives in Zalău. Mr Terheş was elected as a member of the European Parliament in 2019 on the list of the Romanian Social Democratic Party. He was in Romania at the time of the events.

The case concerns the lockdown which was ordered by the Romanian government from 24 March to 14 May 2020 to tackle the COVID-19 pandemic and which entailed restrictions on leaving one's home.

Relying on Article 5 § 1 (right to liberty and security), the applicant contends that the lockdown imposed in Romania from 24 March to 14 May 2020, with which he was required to comply, amounted to a deprivation of liberty.

### [Atima Limited v. Ukraine \(no. 56714/11\)](#)

The applicant, Atima Limited, is a Cypriot company based in Larnaca (Cyprus).

The case concerns transactions for shares in a State construction company in Ukraine between the applicant company and the company N., and involving other companies and Kyiv City Council. The courts annulled the privatisation. Various claims followed, including prosecutorial and civil proceedings involving the applicant company, the Council, and companies K. and N.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair trial), the applicant company complains of the fairness of the prosecutorial proceedings and of being deprived of its shares in the company K. as a result of the prosecutorial proceedings against company N.

[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 18 May 2021

Name	Main application number
Dareskizb Ltd v. Armenia	64004/11
Hovhannisyan and Jhangiryan v. Armenia	8049/10
Investigative Journalists v. Armenia	64023/11
Jhangiryan v. Armenia	44765/08
Trafik Oil - 1 EOOD v. Bulgaria	67437/17
Anastasiu v. Romania	25319/06
Zamfirescu v. Romania	14132/14
A.K. and Others v. Russia	38042/18
Khudyakov v. Russia	54422/08
Reznikov v. Russia	5659/10
E.V. v. Switzerland	77220/16

## Thursday 20 May 2021

Name	Main application number
Armenian National Movement v. Armenia	32568/11
Matevosyan v. Armenia	20409/11
Abdullayev and Others v. Azerbaijan	69466/14
Mammad v. Azerbaijan	11612/10
Mehman Aliyev and Others v. Azerbaijan	46930/10
Duyck v. Belgium	81732/12
E.G. v. Belgium	45848/19
Gana v. Belgium	47715/13
Duvnjak and Others v. Bosnia and Herzegovina	25192/20
Softić and Others v. Bosnia and Herzegovina	48063/20
I.I. and M.S. v. Bulgaria	77370/16
Butin v. France	15750/16
Ibrahima v. France	23123/18
Khoperia v. Georgia	24736/19
Szjij and Others v. Hungary	13217/20
A.S. and Others v. Italy	46382/13
A.Z. v. Italy	40550/16
Cantoni and Others v. Italy	19979/17
E.V. v. Italy	30286/15
R.B. v. Italy	14842/16
Canè and Others v. Malta	24788/17
Mihailiuc v. the Republic of Moldova	6431/14
Bechta v. Poland	39496/17
Grzymała v. Poland	47830/18
Hofman v. Poland	49658/15
Litwin v. Poland	42027/12

Name	Main application number
Napierała and Kubica v. Poland	23925/13
National Trade Union Labour Initiative v. Poland	35673/15
Calçado Cordeiro v. Portugal	36490/17
Bucur v. Romania	48866/16
Dimitrie-Dan Popescu and Others v. Romania	15299/04
Doleanu and Tămaş v. Romania	45625/16
Nichescu v. Romania	28207/18
Rusu and Others v. Romania	40457/16
Vasile and Others v. Romania	33213/15
W v. Romania	33036/18
Anikeyev and Yermakova v. Russia	1311/21
Bespalov v. Russia	48375/18
Ekazhev v. Russia	6490/08
Kovalev and Others v. Russia	53594/12
Makarenko and Others v. Russia	7118/18
Novakovskaya v. Russia	15593/15
T.R. v. Russia	4790/19
Gligorov v. Serbia	23093/18
Stanković and Others v. Serbia	71607/17
Hajdu and Others v. Slovakia	37498/20
Kováčik v. Slovakia	18900/20
Puškášová v. Slovakia	5011/20
Sarkocy v. Slovakia	62753/19
Dzwonek v. the United Kingdom	12870/20
Alkan v. Turkey	31121/11
Gülağacı v. Turkey	40259/07
Topçu v. Turkey	9302/19
Babur v. Ukraine	26983/19
Baranov and Others v. Ukraine	15027/20
Boyko v. Ukraine	45684/19
Dyomin and Others v. Ukraine	32116/15
Kondratenko v. Ukraine	9333/20
Olkhovskaya v. Ukraine	35549/10

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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.