



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing eight judgments on Tuesday 23 November 2021 and 19 judgments and / or decisions on Thursday 25 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 23 November 2021

#### [Tarvydas v. Lithuania \(application no. 36098/19\)](#)

The applicant, Jeronimas Tarvydas, is a Lithuanian national who was born in 1964 and lives in Lendimai, in the Kretinga region (Lithuania).

The case concerns domestic court decisions finding that the applicant had unlawfully demolished a protected building, namely a dilapidated wooden house in Benaičiai in the Kretinga region, and ordering him to restore it to its former state.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, Mr Tarvydas complains that the courts did not address his arguments that restoring a dilapidated building was impossible.

#### [Abdullin v. Russia \(no. 37677/16\)](#)

The applicant, Ildar Abdullin, is a Russian national who was born in 1954. He is imprisoned in Kazan (Russia).

The case concerns the prolonged seizure of the applicant's real estate after his conviction for fraud and the fairness of the criminal proceedings against him.

In 2014 a criminal investigation for fraud was opened into the circumstances surrounding the award of public procurement contracts by Kazan City Technical University concerning the purchase of equipment for one of its laboratories. In the same year, the applicant, who was deputy head of the University at the time, was charged in this investigation and the provisional seizure of his property was ordered.

In 2015 the Moskovskiy District Court of Kazan found the applicant guilty of fraud and sentenced him to six years and six months' imprisonment. The court also ordered that the seizure of the applicant's property be maintained on the grounds that the representative of the victim (the University) had expressed an intention to file a civil suit to claim compensation for the damage caused by the offence.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicant complains about the prolonged seizure of his property after his conviction.

Relying on Article 6 § 1 (right to a fair trial), the applicant complains that the criminal proceedings against him were unfair.

#### [Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia \(no. 37477/11\)](#)

The applicants are the Centre of Societies for Krishna Consciousness, a religious organisation under Russian law based in Moscow, and a Russian national Mikhail Aleksandrovich Frolov.

The case concerns the applicants' attempts to challenge hostile descriptions of the Krishna movement and the refusal of permission to hold public religious events promoting the teachings of Vaishnavism.

Relying on Article 9 (freedom of thought, conscience and religion), taken alone and in conjunction with Article 14 (prohibition of discrimination), the applicant organisation complains in particular that a brochure "Watch out for cults!" produced by the Ulyanovsk Region described the Krishna movement as a "totalitarian cult", accusing it of "psychological manipulation" and "zombification" of the youth. It alleges that such descriptions breached the regional authority's duty of neutrality and impartiality towards the Krishna movement, an officially registered religious organisation.

Mr Frolov complains that the authorities' refusals to let him hold meetings, because promoting Vaishnavism did not correspond to the purposes of a public event under the relevant law and was incompatible with respect for the religious beliefs of others, breached his rights under Article 9 and Article 11 (freedom of assembly and association).

### [Corley and Others v. Russia \(nos. 292/06 and 43490/06\)](#)

The applicants are two missionaries of the Unification Church, a religious movement founded by Rev. Sun Myung Moon, and their families. Mr John Corley, his wife Renée and their son Nikolai are American nationals and now live in Irvington, NY. Mr Shuji Igarashi, his wife Toshiko and their daughter Hanae, are Japanese nationals and now live in Kawasaki. For around 15 years, Mr Corley and Mr Igarashi worked in Russia as missionaries.

The case concerns Mr Corley's and Mr Igarashi's sudden and enforced expulsion from Russia – ostensibly for violating residence regulations – without being able to exercise their procedural rights.

Relying on Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) and Article 9 (freedom of thought, conscience and religion), the applicants complain that the measures were not carried out lawfully and that their enforced departure from Russia was part of a pattern of expulsions of the Unification Church's missionaries aimed at stifling the spread of the Church in Russia. They also allege under Article 8 (right to respect for private and family life) that their enforced departure from Russia interfered with their family lives. In addition, Mr Igarashi complains under Article 2 of Protocol No. 4 (freedom of movement) and Article 3 (prohibition of inhuman or degrading treatment) about the circumstances of his arrest and the conditions of his detention. Relying on Article 5 §§ 1 (f) and 5 (right to liberty and security) he alleges that he was unlawfully detained but had no right to compensation for wrongful imprisonment.

### [Kooperativ Neptun Servis v. Russia \(no. 40444/17\)](#)

The case concerns a Moscow-based private company whose property (a shopping mall) was built in Moscow in the 1990s and was subsequently classified by the Moscow authorities as an "unlawful construction".

In 1994 the applicant company entered into a lease agreement with Moscow City Council, valid until 30 June 2019, which stipulated in particular that the land in question would be let to the applicant company for the purpose of completing the construction of a three-storey building for subsequent use as an entertainment centre.

From 2006 onwards the Moscow authorities repeatedly pointed out that the construction was unlawful, being built above the sewage system. However, the courts before which the authorities brought the case rejected their claims as time-barred.

In 2015 the Moscow City Council issued Order no. 899-PP for the demolition of about 100 "unlawful constructions". These properties, identified by the Moscow authorities, had to be demolished by their owners. As the owners refused to demolish the properties, the authorities cleared the relevant buildings in February 2016.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company complains that its property was included in the list of unlawful constructions for demolition appended to Order no. 829-PP made on 8 December 2015 by Moscow City Council. Under Article 6 § 1 (right of access to a court), it complains that it had no access to a court.

#### [Tapayeva and Others v. Russia \(no. 24757/18\)](#)

The applicants are five Russian nationals, Luisa Tapayeva and her four daughters, on whose behalf she lodged the application. Ms Tappayeva was born in 1988 and her daughters between 2008 and 2013. They live in Goyty, Chechen Republic, Russia.

The case concerns Ms Tapayeva's attempts to have the State ensure that she be reunited with her daughters. Following the children's father's death while on military duty, they were allegedly kidnapped by their paternal grandparents in April 2016. Ms Tapayeva asserts that she has been prevented from seeing them since.

They rely on Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination).

#### [S.N. and M.B.N. v. Switzerland \(no. 12937/20\)](#)

The applicants, S.N. and M.B.N., are two Swiss nationals who were born in 1971 and 2012 respectively. They live in Switzerland. The first applicant is the mother of the second.

The case concerns the return of the daughter (M.B.N.) to Thailand, as ordered by the Swiss courts in an international child abduction dispute.

Mother and child allege that there has been a violation of Article 8 (right to respect for private and family life) of the Convention. They claim in particular that the Swiss courts have not effectively examined whether there would be a serious risk for the child on her return.

#### [Turan v. Turkey \(no. 75805/16 and 426 other applications\)](#)

The applicants are 427 Turkish nationals, all members of the Court of Cassation or the Supreme Administrative Court, or judges in lower courts or prosecutors at the time of the events giving rise to the applications.

The case concerns the arrest and pre-trial detention of the applicants, all of whom were sitting as judges or prosecutors at the time, in the aftermath of the military coup attempt of 15 July 2016, on suspicion of being members of an organisation described by the Turkish authorities as the "Fetullahist Terrorist Organisation / Parallel State Structure" (*Fetullahçı Terör Örgütü / Paralel Devlet Yapılanması*).

Relying on Article 5 § 1 (right to liberty and security), the applicants complain that they were placed in pre-trial detention in breach of the domestic law governing the arrest and pre-trial detention of the members of the judiciary. They contest the allegation that the facts of the case precluded them from the procedural safeguards afforded to all judges and prosecutors and complain that the magistrates' courts did not have the competence and territorial jurisdiction to detain them.

Some of the applicants also complain under Article 5 §§ 1 (c) and 3 (liberty and security) that they were placed in pre-trial detention without relevant and sufficient reasons, and that the length of that detention was excessive. Some applicants further complain under Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) that the reviews conducted by the domestic courts into their detention did not comply with certain procedural safeguards, and/or under Article 5 § 5 (enforceable right to compensation) that there were no effective domestic remedies to allow them to obtain compensation for the alleged breaches of their rights.

Thursday 25 November 2021

#### [Baljak and Others v. Croatia \(no. 41295/19\)](#)

The applicants, Milan Baljak, Draginja Baljak, Stana Baljak and Dušanka Tripunović, are Croatian nationals who were born in 1943, 1924, 1940 and 1974 respectively. The first three live in Petrovaradin (Serbia), while the fourth lives in Banja Luka (Bosnia and Herzegovina).

The case concerns civil proceedings the applicants instituted against the State seeking damages for the death of their relative who had been detained by Croatian soldiers on 5 August 1995 and taken to an unknown location, with his body being found years later in a grave, with a gunshot wound to his head, together with the bodies of several other men taken with him.

Relying on Article 6 § 1 (right to a fair hearing), the applicants complain that the domestic courts' decisions dismissing their claim for compensation were arbitrary or manifestly unreasonable.

#### [Melouli v. France \(no. 42011/19\)](#)

The applicant, Farouk Melouli, is an Algerian national who was born in 1968 and lives in Wittenheim.

The case concerns a refusal to grant the applicant a permit to reside in France together with an order to leave the country.

Relying on Article 8 (right to respect for private and family life), the applicant alleges that there has been an excessive interference with his right to respect for his private and family life since the health problems of some members of his family make it necessary for him to remain in France.

#### [Ngumbu Kikoso v. France \(no. 21643/19\)](#)

The applicant, Serge Ngumbu Kikoso, is a Congolese national who was born in 1971 and lives in Paris.

The case concerns an exclusion order banning him from France, imposed in addition to a six-month prison sentence for possessing and using forged administrative documents.

Relying on Article 8 (right to respect for private and family life), the applicant complains that the ten-year exclusion order is disproportionate to the aim pursued by the law and that it is an excessive interference with his right to respect for his private and family life.

#### [Sassi and Benchellali v. France \(nos. 10917/15 and 10941/15\)](#)

The applicants, Nizar Sassi and Mourad Benchellali, are French nationals who were born in 1979 and 1981 and live in Saint Fons and Vénissieux.

The case concerns the fairness of the criminal proceedings in France against the applicants, who were formerly held at the Guantánamo US air base, on account of the alleged use of statements that they made during that period of detention and that are claimed to have been obtained in breach of Article 6 of the European Convention.

Relying on Article 6 (right to a fair trial), the applicants complain that there have been several breaches of their right to a fair trial and of their defence rights. They argue that the way they were interviewed and had their statements taken at Guantánamo breached Article 6 and that the use of those statements has undermined the fairness of the criminal proceedings in France.

#### [Biancardi v. Italy \(no. 77419/16\)](#)

The case concerns "the right to be forgotten".

The applicant, Alessandro Biancardi, is an Italian national who was born in 1972 and lives in Pescara (Italy).

The applicant is an editor-in-chief of an online newspaper. He was found liable in civil proceedings for having kept on his newspaper's website an article reporting on a fight, involving a stabbing, in a restaurant in 2008. The domestic courts ruled that the prolonged and easy access via the Internet to information on the criminal proceedings had breached the plaintiffs' right to reputation and to respect for their private life. They noted in particular that the applicant had failed to de-index the tags to the article and therefore anyone could access the sensitive data by simply inserting the plaintiffs' names in the search engine.

Mr Biancardi alleges that there has been a breach of his right to impart information under Article 10 (freedom of expression) and that the 10,000 euros he was ordered to pay in compensation was excessive.

### Just Satisfaction

#### Mifsud and Others v. Malta (no. 38770/17)

The case concerns the question of just satisfaction with regard to land owned by the applicants in Qajjenza, Birzebbugia (Malta). The land was taken away from them by the Government to serve as an extension for a gas plant, and then was never formally expropriated save for two small parcels of land (within the original perimeter) at a much later date.

In its principal judgment of 13 October 2020 the Court held that there had been two violations of Article 1 of Protocol No. 1 (protection of property) in respect of the taking of applicants' land from 1978 and 1984, respectively, until 2012 without compensation and in respect of the expropriation, in 2012, of the two smaller parcels of the applicants' land.

The Court further held that the question of just satisfaction in so far as it concerned the awards resulting from the violations of the taking of the applicants' two smaller parcels of land and the expropriation of another smaller parcel of land (measuring 509 sq. m) was not ready for decision and reserved it for decision at a later date.

The Court will deal with this question in its judgment of 25 November 2021.

#### Mucha v. Slovakia (no. 63703/19)

The applicant, Pavel Mucha, is a Slovak national who was born in 1979 and currently held in Leopoldov Prison (Slovakia).

The case concerns the applicant's conviction and sentencing to 23 years' imprisonment for various organised-crime activities, including violent offences. Part of the reasoning of the domestic courts was based on testimony by accomplices who had turned State's evidence following plea-bargain agreements. The applicant's conviction was pronounced by the exact same three-judge bench as had adjudicated in the plea-bargain agreement convictions.

Relying on Article 6, the applicant complains that he was denied a hearing by an independent tribunal and denied the right to be presumed innocent.

**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.

Thursday 25 November 2021

Name	Main application number
King and Others v. Azerbaijan	9510/21

Name	Main application number
Eka Mikeladze and Others v. Georgia	29385/11
Athanasίου and Others v. Greece	53576/12
Mallia and Massa v. Malta	20783/20
E.H. v. Norway	39717/19
M.F. v. Norway	5947/19
S.A. v. Norway	26727/19
Petríková v. Slovakia	42149/17
Glazyrin v. Ukraine	19300/12
Semenyutin and Others v. Ukraine	32776/06
Sevastyanov v. Ukraine	37650/13
Tsentr 'Ukrasa' v. Ukraine	2836/10

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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.