



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing five judgments on Tuesday 13 April 2021 and 102 judgments and / or decisions on Thursday 15 April 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)

Tuesday 13 April 2021

[E.G. v. Republic of Moldova \(application no. 37882/13\)](#)

The applicant, E.G., is a Romanian national who was born in 1977 and lives in Chisinau (Romania). She has dual Romanian and Moldovan nationality.

The case concerns a sexual assault on the applicant in February 2008, and in particular the failure to enforce the sentence imposed on one of her three attackers.

On the night of 9-10 February 2008 E.G. was sexually assaulted by three individuals, who were charged by the public prosecutor's office following a complaint filed by the applicant.

In June 2009 a court found the three defendants guilty of sexual assault committed jointly and sentenced them to suspended prison terms. E.G. appealed.

In December 2009 the Chişinău Court of Appeal upheld the lower court's findings, found two of the individuals guilty of committing the offence of gang rape and sentenced them to prison terms of six and five and a half years respectively. It sentenced the third individual to five years' imprisonment for indecent assault. The first two individuals were arrested on the day of the trial. The third was not present at the trial and a wanted notice was issued for his arrest.

In April 2011 the third offender, through his lawyer, applied for a discharge from his sentence under an amnesty law of 2008. His application was granted in May 2012 and then annulled in November 2013.

Subsequently, E.G. sought to find out whether her third attacker was serving his sentence. She was informed that no wanted notice had been issued for his arrest and that no measures had been taken to find him because neither the public prosecutor's office nor the Court of Appeal had ordered a search for him.

In February 2014 the police issued a wanted notice within the member States of the Commonwealth of Independent States. In April 2015 they issued an international wanted notice. According to the information in the file, the third offender had still not been traced by March 2020.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private life) of the Convention, E.G. alleges that the State has not fulfilled its positive obligations to ensure the effective enforcement of the sentence imposed on her third attacker. In particular she complains of the decision to grant him an amnesty, and in respect of the periods where he did not benefit from the amnesty, of a failure by the authorities to conduct an effective search for him.

[Scripnic v. Republic of Moldova \(no. 63789/13\)](#)

The applicants, Sergiu Scripnic and Maia Scripnic, are two Moldovan nationals who were born in 1974 and 1977 respectively. They are husband and wife and live in Ciorescu (Republic of Moldova).

The case concerns an alleged case of medical negligence resulting in the death of a new-born child.

In 2003 Maia Scripnic was admitted to the maternity ward of a hospital in Chişinău. There she gave birth to a baby girl who died the day after the birth. The couple filed a complaint the same year, asking the prosecutor's office to establish the criminal responsibility of those allegedly involved in their daughter's death. In 2009 a doctor was indicted. Then, in the same year, a court discontinued the criminal proceedings against this doctor because his criminal liability had become time-barred. This judgment became final.

In 2010 the applicants also brought a civil action for damages against the doctor in question and the hospital. In 2011 a court partly upheld their action, awarding them approximately EUR 3,700 for non-pecuniary damage and for costs and expenses. In 2012 the Court of Appeal awarded them, in addition, a sum corresponding to the costs of the child's burial, and upheld the rest of the first-instance judgment. In 2013 the Supreme Court of Justice upheld this ruling.

Relying in substance on Article 2 (right to life) and Article 6 (right to a fair hearing) of the European Convention, the applicants allege that they did not obtain appropriate relief in relation to their daughter's death, which they claim was caused by medical negligence. They also complain that the civil courts did not give sufficient reasons for their decisions.

[Istrate v. Romania \(no. 44546/13\)](#)

The applicant, Mr Vlad Istrate, is a Romanian national who was born in 1984 and lives in Oravita (Romania).

The case concerns the applicant's allegation of a breach of his right to be presumed innocent. Having been dismissed from his job for misconduct after a criminal investigation against him for drunk driving, the applicant's dismissal was subsequently maintained even though a court discontinued the proceedings on the grounds that one of the elements of the offence was lacking.

Relying on Article 6 § 2 (presumption of innocence), the applicant complains that the disciplinary sanction against him was maintained even after the criminal proceedings were discontinued.

[Murat Aksoy v. Turkey \(no. 80/17\)](#)

The applicant, Murat Aksoy, is a Turkish national who was born in 1968 and lives in Istanbul (Turkey).

The case concerns the pre-trial detention of a journalist because of articles and publications he had written for newspapers or social media in which he criticised the government. Mr Aksoy was taken into custody a few weeks after the attempted coup of 15 July 2016 and the subsequent declaration of a state of emergency.

From 2005 to 2016 Mr Aksoy worked for several national newspapers, including *Taraf*, *Millet* and *Yeni Hayat*. He also wrote articles for the T24 website and had his own website, where he published his articles. In the years leading up to the attempted coup of 15 July 2016, Mr Aksoy had become known for his critical views on the policies of the current government. He was initially remanded in custody on 3 September 2016 for knowingly and intentionally assisting a terrorist organisation. In January 2017 the Istanbul public prosecutor's office filed an indictment with the Istanbul Assize Court against 29 people, including Mr Aksoy, for membership of a terrorist organisation.

In March 2017, after a hearing before the 25th Assize Court, the public prosecutor requested the release of several defendants, including Mr Aksoy. On the same day, the Assize Court ordered the release of Mr Aksoy and others. A few hours after this decision, the Istanbul public prosecutor's

office opened a new investigation against the applicant, who was again taken into police custody and then placed in pre-trial detention, this time on suspicion of having attempted to overthrow both the constitutional order and the government by force and violence. Mr Aksoy was ultimately released on 24 October 2017.

In March 2018 the 25th Istanbul Assize Court sentenced him to a prison term of two years and one month for knowingly and intentionally assisting a terrorist organisation under Article 220 § 7 of the Turkish Criminal Code. This conviction was upheld by the Istanbul Court of Appeal and the Court of Cassation. In November 2016 and May 2017, Mr Aksoy lodged two individual appeals with the Constitutional Court, which awarded him compensation for non-pecuniary damage, finding several violations, including of the right to freedom of expression and to freedom of the press. In a judgment of 2 May 2019, the Constitutional Court found that there had been a violation of Article 19 § 3 and Articles 26 and 28 of the Turkish Constitution.

Relying on Article 5 §§ 1 and 3 (right to liberty and security) of the Convention and Article 10 (freedom of expression), Mr Aksoy complains that his pre-trial detention was arbitrary and that there was no concrete evidence to indicate the existence of plausible grounds to suspect him of having committed a criminal offence.

Mr Aksoy also relies on Article 5 § 4 (right to a speedy decision on the lawfulness of detention), complaining of the length of the proceedings before the Constitutional Court and his inability to gain access to the case file. He also relies on Article 18 (limitation on the use of restrictions on rights) in conjunction with Articles 5 and 10.

[Ahmet Hüsrev Altan v. Turkey \(no. 3252/17\)](#)

The applicant, Ahmet Hüsrev Altan, is a Turkish national who was born in 1950 and lives in Istanbul (Turkey). He is a well-known journalist and author.

The case concerns the pre-trial detention of the applicant, who is a well-known novelist and journalist, following his arrest on suspicion of membership of the Fetullahist Terrorist Organisation/Parallel State Structure. The events took place around the attempted coup d'état in July 2016 and the subsequent state of emergency.

Relying on Articles 5 (right to liberty and security), 10 (freedom of expression), 17 (prohibition of abuse of rights) and 18 (limitation on use of restrictions on rights), the applicant complains, in particular, that the ordering and extension of his pre-trial detention was arbitrary and that he did not have prompt judicial review of those decisions, that he did not have access to the investigation file to prepare his defence, that his right to free expression was breached by his detention, and that his detention was a result of his criticism of the President of Turkey and the Government.

Thursday 15 April 2021

[K.I. v. France \(no. 5560/19\)](#)

The applicant, Mr K.I., is a Russian national of Chechen origin who arrived in France when he was still a minor. After being convicted for acts of terrorism and on the grounds that his presence in France was a serious threat to French society, the refugee status granted to him by the French Office for Refugees and Stateless Persons (OFPRA) was withdrawn with final effect in July 2020 and his deportation to Russia was ordered.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant argues that his deportation to Russia would expose him to treatment in breach of that Article of the Convention.

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 15 April 2021

Name	Main application number
Muradov and Others v. Azerbaijan	13371/16
Liesmons and Others v. Belgium	14412/12
Crnkić and Others v. Bosnia and Herzegovina	38070/19
Hodžić and Others v. Bosnia and Herzegovina	37991/19
Novak v. Croatia	20737/15
Oškrt Bunjevčević v. Croatia	1789/15
Rempešić v. Croatia	6525/13
Turkalj v. Croatia	55630/14
Ready Reality s.r.o. v. the Czech Republic	49443/12
Altinok v. France	49879/18
Béchis v. France	10611/18
Chevalier v. France	44392/19
Csúcs v. Hungary	75260/17
Eguaveon and Others v. Hungary	9634/20
Kerekes and Others v. Hungary	29343/20
Laurus Invest Hungary Kft and Continental Holding Corporation v. Hungary	28323/18
Porázik v. Hungary	59026/14
Ben Slimen and Others v. Italy	28584/14
Calisti Bruni and D'Angelantonio v. Italy	37197/18
Del Prete and Others v. Italy	51348/09
F.R. and Others v. Italy	22482/15
Braghiș and Others v. the Republic of Moldova	56851/11
Budu v. the Republic of Moldova	49287/17
Business-Investiții pentru Toți S.A. and Lux Edem Consulting S.R.L. v. the Republic of Moldova	70038/14
Daniliuc v. the Republic of Moldova	16137/15
Procop v. the Republic of Moldova	34460/17
Romanenco v. the Republic of Moldova	39107/14
George v. and Others the Netherlands	63169/19
Hoeste v. the Netherlands	71507/16
M.T. v. the Netherlands	46595/19
Makedonija Turist and Others v. North Macedonia	29071/15
Dłużewska v. Poland	39873/18

Name	Main application number
Filas v. Poland	31806/17
Leńczuk v. Poland	47800/17
Sendlak v. Poland	1927/19
Ślawiński v. Poland	61039/16
Szelongiewicz and Others v. Poland	22533/17
Popa v. Portugal	53006/18
Ajidaucei v. Romania	6189/17
Chițoi and Others v. Romania	28068/16
Duca v. Romania	11431/16
Lutsch and Szöcs v. Romania	12990/06
Necolaiciuc and Others v. Romania	18633/15
Necula and Others v. Romania	31913/16
Păun and Others v. Romania	6384/17
Savin and Others v. Romania	37480/16
Stanca and Others v. Romania	46188/16
Văduva and Others v. Romania	7344/15
Vartolomei and Others v. Romania	21335/16
Vîrtopeanu and Others v. Romania	18027/16
Amunts and Others v. Russia	59667/16
Berezhnoy and Others v. Russia	68287/17
Chechin and Others v. Russia	27225/20
Dyakonov v. Russia	67903/17
Filatov v. Russia	36444/20
Kalinina and Others v. Russia	53440/13
Kiselev v. Russia	26114/18
Kuryakov v. Russia	14243/18
Malayev and Others v. Russia	38417/11
Markov and Others v. Russia	57843/13
Mukhtdinov v. Russia	31033/10
Provorov and Arutyunov v. Russia	43169/18
Samolkin v. Russia	23388/08
Shalaginov v. Russia	12428/18
Skorobogatova v. Russia	19004/20
Stupak v. Russia	5251/18
Teterin v. Russia	28142/20
Tikhomirov v. Russia	10787/19
Zaripov v. Russia	72692/16
Čutović and Others v. Serbia	23224/17

Name	Main application number
Davidović v. Serbia	58663/18
Mik and Jovanović v. Serbia	9291/14
Pavlović v. Serbia	58142/18
Radojičić and Others v. Serbia	75330/17
Redžović v. Serbia	10958/19
Spasović and Others v. Serbia	23822/17
Stojanović and Others v. Serbia	10949/19
Bešina v. Slovakia	63770/17
Krátky v. Slovakia	17086/19
Šerifi v. Slovakia	50377/17
Standen and Others v. Slovakia	50090/19
Tomášek v. Slovakia	50067/20
Kara and İbin v. Turkey	4401/09
Berezenko v. Ukraine	29105/20
Borisenko and Others v. Ukraine	19102/20
Burliy v. Ukraine	62229/12
Golovanov v. Ukraine	881/13
Gonchar v. Ukraine	64054/19
Kaydalov v. Ukraine	18202/20
Lavryshyn and Aksyonova v. Ukraine	19061/20
Lyashenko and Syur v. Ukraine	23724/20
Mykhaylov v. Ukraine	54116/19
Nikolishen v. Ukraine	65544/11
Omelchenko and Others v. Ukraine	43764/19
Plachkov v. Ukraine	76250/13
Pryadko and Others v. Ukraine	4595/20
Pyatachenko and Others v. Ukraine	22851/20
Treyd 2008, TOV v. Ukraine	55765/12
Voronin v. Ukraine	6474/20
Voronkin v. Ukraine	19112/20
Zhuk v. Ukraine	64887/13

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During the current public-health crisis, journalists can continue to contact the Press Unit via echrpess@echr.coe.int.

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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.