



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 15 judgments on Tuesday 14 June 2022 and 15 judgments and / or decisions on Thursday 16 June 2022.

*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 14 June 2022

#### [Stoyanova v. Bulgaria \(application no. 56070/18\)](#)

The applicant, Hristina Ivanova Stoyanova, is a Bulgarian national who was born in 1951 and lives in Sofia.

The case concerns the homophobic murder in 2008 of the applicant's 26-year-old son. His attackers, secondary-school students, singled him out for assault because they thought he looked like a homosexual. Two of the attackers were subsequently found guilty of aggravated murder, but were acquitted of the additional charge that their homophobic motive for the murder had constituted a hooligan motive, and given sentences which were below the statutory minimum after the courts took into account mitigating factors such as their young age and clean criminal records.

Relying on Article 14 (prohibition of discrimination), taken together with Article 2 (right to life) of the European Convention on Human Rights, Ms Stoyanova alleges that the Bulgarian authorities' legal response to the homophobic motive underlying the murder of her son was inadequate – in particular, because of the lack of statutory provisions making such a motive an aggravating factor for the crime of murder.

#### [Algirdas Butkevičius v. Lithuania \(no. 70489/17\)](#)

The applicant, Algirdas Butkevičius, is a Lithuanian national who was born in 1958 and lives in Vilnius. He is a long-standing politician and, at the time of the events, was the Prime Minister of Lithuania.

The case concerns his telephone conversation with the mayor of a resort town that was secretly recorded during a pre-trial investigation and was made public at a hearing of the Seimas's (the Lithuanian Parliament's) Anti-Corruption Commission.

The applicant alleges, in particular, that the release into the public domain of transcripts of the intercepted telephone call amounted to a breach of Article 8 (right to respect for private and family life) of the Convention.

#### [L.B. v. Lithuania \(no. 38121/20\)](#)

The applicant, L.B., is a Russian national who was born in 1974 and lives in Vilnius.

The case concerns the Lithuanian authorities' refusal to issue a travel document to the applicant, a permanent resident previously granted subsidiary protection, on the grounds that he could request such a document from the authorities of his country of origin.

The applicant complains that this violated his rights under Article 8 (right to respect for private and family life) and Article 2 of Protocol No. 4 (freedom of movement) to the Convention.

### Alexandru-Radu Luca v. Romania (no. 20837/18)

The applicant, Alexandru-Radu Luca, is a Romanian national who was born in 1978 and lives in Bucharest.

The case concerns the applicant's complaint around a judge's handling of a criminal case against him at the pre-trial stage, alleging that his ensuing trial was prejudiced as a result. He was ultimately convicted in 2017 of accessory to fraud while he was working as a loans broker and sentenced to three years and six months' imprisonment.

Relying on Article 6 (right to a fair trial), Mr Luca alleges that the criminal proceedings brought against him were unfair because: the pre-trial proceedings took place in chambers and, in the absence of the parties, were not adversarial; and, he was not given the opportunity to challenge the pre-trial judge's decision to send his case to trial.

### Ponta v. Romania (no. 44652/18)

The applicant, Victor-Viorel Ponta, is a Romanian national who was born in 1972 and lives in Bucharest.

The case concerns an award of damages against Mr Ponta, a former politician, for posting comments on Facebook which the domestic courts found to be defamatory of the claimant.

Relying on Article 10 (freedom of expression), the applicant submits that the award against him amounted to an interference with his right to freedom of expression which was not necessary in a democratic society.

### Ecodefence and Others v. Russia (no. 9988/13 and 60 other applications)

The applicants are 73 Russian non-Governmental organisations and, in some cases, their directors. They are involved in the areas of civil-society issues, human rights, protection of the environment and cultural heritage, education, social security, and migration. They include some of the oldest and most established Russian organisations such as the Memorial Human Rights Centre, the Moscow Helsinki Group, LGBT organisation Coming Out, the Agora Association and the Committee against Torture.

The case concerns the measures imposed by virtue of the Foreign Agents Act 2012 on the 73 applicant organisations, including registration as "foreign agents", extraordinary auditing, reporting and labelling requirements, and heavy fines. Many of the organisations have been either forced to dissolve or have been wound up as a result.

Relying on Articles 10 (freedom of expression) and 11 (freedom of assembly and association), the applicants complain about the statutory requirements introduced by the "foreign-agent" legislation.

Relying on Articles 14 and 18 taken in conjunction with Articles 10 and 11, they complain of discrimination on account of their political views, and that their rights had been restricted for purposes other than those allowed by the Convention.

### Aktiva DOO v. Serbia (no. 23079/11)

The applicant, Aktiva DOO, is a company based in Belgrade.

On 19 January 2021 the Court held that there had been a violation of Article 1 (protection of property) of Protocol No. 1, finding that the State's confiscation of the applicant company's goods, namely iron for use in reinforced concrete, had been disproportionate.

The question of just satisfaction as concerned pecuniary damage was reserved for a future date.

That judgment is now final.

Under Article 41 (just satisfaction) of the Convention, the applicant company claims just satisfaction for the pecuniary damage caused to them.

#### [Abdullah Yalçın v. Türkiye \(no 2\) \(no. 34417/10\)](#)

The applicant, Abdullah Yalçın, is a Turkish national who was born in 1973 and lives in Diyarbakır (Turkey).

The case concerns the freedom of collective worship in prison. The applicant, who was serving a sentence for membership of an illegal organisation, Hezbollah, in a high security prison, requested permission in 2010 to hold congregational Friday prayers (*jumuah*), as required by his religion, Islam. The prison authorities rejected his request because of the security risk of collective gatherings and because there was no appropriate room on the premises of the prison that could be utilised.

Relying on Article 9 (freedom of religion), the applicant argues in particular that the prison authorities could have allocated a room for congregational Friday prayers, pointing out that prisoners were able to gather once a week for a sporting activity in a designated place in the prison.

Thursday 16 June 2022

#### [Ramiz Jafarov v. Azerbaijan \(no. 40424/12\)](#)

The applicant, Ramiz Ismayil oglu Jafarov, is an Azerbaijani national who was born in 1954 and lives in Baku.

The case concerns the applicant's complaint about the refusal to grant him a special pension for his years of service with the prosecution authorities. He held various positions (investigator, deputy prosecutor and prosecutor) between 1977 and 2000, before working as a judge from 2000 to 2007. He brought an action in the courts in 2007 against the State Social Protection Fund for dismissing his request for the special pension. His claim was dismissed at all levels, ultimately by the Supreme Court in 2017, because he had not completed the statutory minimum period of service.

Relying on Article 1 of Protocol No. 1 (protection of property) taken alone and in conjunction with Article 14 (prohibition of discrimination), Mr Jafarov complains that the refusal to grant him the special pension breached his property rights and was discriminatory. He also complains, under Article 6 (right to a fair trial within a reasonable time), that the domestic proceedings were excessively lengthy.

#### [Goulandris and Vardinogianni v. Greece \(no. 1735/13\)](#)

The applicants, Georgios Goulandris and Christianna Vardinogianni, are Greek nationals who live in London.

The case concerns their having been fined for building two stone walls on their property without the requisite building permit, and their trial and punishment in criminal proceedings resulting in a sentence of seven months' imprisonment.

The applicants allege an infringement of their right not to be tried and punished twice for the same offence, provided for in Article 4 of Protocol No. 7 to the Convention.

#### [De Giorgi v. Italy \(no. 23735/19\)](#)

The applicant, Silvia De Giorgi, is an Italian national who was born in 1978 and lives in Italy.

She complains that the Italian authorities failed to afford her protection and assistance after she was allegedly domestically abused by her husband, from whom she has been separated since 2013, despite several criminal complaints filed against him.

The applicant and her husband have three children. She alleges that he has threatened and harassed her since they separated. Between November 2015 and December 2019 she filed seven complaints against him for conduct including threatening to kill her, hitting her with a motorcycle helmet, placing recording devices in her house, stalking her and tracking her whereabouts, harassing her in front of her home, interfering unlawfully in her private affairs and stealing her mail, failing to pay maintenance and mistreating their children.

The applicant relies on Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect for private and family life) of the Convention.

#### [Skorupa v. Poland \(no. 44153/15\)](#)

The applicant, Ryszard Skorupa, is a Polish national who was born in 1951 and lives in Czerwionka-Leszczyny (Poland).

The case concerns his arrest on his way home from a nearby bar, his being driven to a police station in the same street as his house, and his placement in a sobering-up centre 35 kilometres away.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security), the applicant complains that he was ill-treated during his arrest and at the police station, and that his detention at the sobering-up centre was unlawful.

#### [Żurek v. Poland \(no. 39650/18\)](#)

The applicant, Waldemar Żurek, is a Polish national, who was born in 1970 and lives in Rzeplín (Poland).

Mr Żurek is a judge and was spokesperson for the National Council of the Judiciary (NCJ), the constitutional body in Poland which safeguards the independence of courts and judges. In that capacity, he has been one of the main critics of the changes to the judiciary initiated by the legislative and executive branches of the new Government which came to power in 2015.

The case concerns his removal from the NCJ before his term had ended, and his complaint that there was no legal avenue to contest the loss of his seat. It also concerns his allegation of a campaign to silence him.

Relying on Article 6 § 1 (right of access to court) and Article 13 (right to an effective remedy), Mr Żurek alleges that he was denied access to a tribunal and that there was no procedure, judicial or otherwise, to contest the premature termination of his mandate as member of the NCJ.

Also relying on Article 10 (freedom of expression), he alleges that his dismissal as spokesperson for the NCJ and Cracow Regional Court, combined with the authorities' decisions to audit his financial declarations and to inspect his judicial work, were intended to punish him for expressing criticism of the Government's legislative changes and to warn other judges off of doing the same.

#### [L.F. v. the United Kingdom \(no. 19839/21\)](#)

The applicant, L.F., is a British national who was born in 1991 and lives in London.

L.F. is a single mother with four children, two of whom have been diagnosed with autism spectrum disorder. The case concerns her attempt to access suitable social housing from the London Borough of Hackney. In line with an agreement, the borough was able to nominate potential tenants for properties operated by Agudas Israel Housing Association – a charity which provides housing for members of the Orthodox Jewish community.

Relying on Article 14 (prohibition of discrimination), taken in conjunction with Article 8 (right to respect for private and family life), the applicant alleges that she was discriminated against in terms of housing on the basis of her non-membership of the Orthodox Jewish community.

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 14 June 2022

| Name                            | Main application number |
|---------------------------------|-------------------------|
| Balkasi and Others v. Albania   | 14800/18                |
| Hristova and Others v. Bulgaria | 48411/15                |
| Mihăilă v. Romania              | 54262/14                |
| K.Y. v. Russia                  | 5504/20                 |
| Laytsan v. Russia               | 28882/14                |
| Topal and Others v. Russia      | 61504/10                |
| Cruz Garcia v. Spain            | 43604/18                |

## Thursday 16 June 2022

| Name  | Main application number |
|---|-------------------------|
| GBM Metal EOOD and Norex TK OOD v. Bulgaria | 10843/14                |
| I.B. v. Bulgaria                            | 105/14                  |
| Kehayov v. Bulgaria                         | 31067/15                |
| Ugrinova v. Bulgaria                        | 75025/17                |
| Popa v. Romania                             | 8135/15                 |
| Sava v. Romania                             | 59920/18                |
| A.Y. v. Russia                              | 10586/07                |
| Prilipko v. Russia                          | 8048/18                 |
| Protsenko v. Russia                         | 22514/16                |

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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.