Scan of communicated cases

Cases covered from 17 November 2025 until 28 November 2025.

The final case included is: Dincă v. Romania (application no. 16158/24).

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Gjini and Others v. Albania (application no. 17108/24)

Article 34 – Article 6 § 1 – Article 8 – Article 14 – Article 2 of Protocol No. 1 - Victim status - Lack of adversarial proceedings - Refusal of discrimination complaint - Restriction of right to private life and professional activities - Discrimination of students in less favourable economic situations

Subject matter

The applicants are 36 students enrolled at the Tirana Medical University (TMU), a public institution.

The application concerns the obligation, introduced by Law 60/2023, of TMU medical students to either sign an agreement committing them to work as medical practitioners in the national health system for a number of years upon completion of their studies, or otherwise pay the 'full cost of their studies' – a more substantial amount than ordinary tuition fees. The law also envisages that the diplomas of the medical students who have entered into such agreements are to be withheld (by their employer) until the completion of their in-country employment term. These provisions are to be applied from the 2025/26 academic year to the 2029/2030 academic year.

On 26 February 2024, the national Constitutional Court struck down certain provisions of Law 60/2023, in particular by reducing the maximum term of required in-country employment from five to three years. It considered that the contested provisions had impermissibly restricted the constitutional right of free choice of work and to secure one's means of livelihood. It accepted that the interference had pursued a legitimate aim, namely securing the proper functioning and needed professional resources for the public health system, at a time when allegedly large numbers of TMU graduates sought work abroad shortly after graduation. At the same time, the Constitutional Court found an absence of sufficient correlation between the measures taken – notably the in-country employment for periods of two to five years, depending on the student's year of enrollment – with the legitimate aim pursued. Accordingly, it held that the contested scheme had amounted to a retroactive denial of the full freedom of choice of workplace for students already enrolled in or seeking access to medical studies. The Constitutional Court directed that the said terms be set to a maximum of three, two and one years, respectively.

On 19 September 2024, Parliament amended Law 60/2023 to bring it into compliance with the Constitutional Court judgment. TMU medical students are required to either accept in-country employment terms of three, two or one years (depending on their year of enrollment), or commit to pay the full cost of their (remaining) medical education. The retention of diplomas until completion of such employment (if so agreed) also appears to remain in place.

The applicants complain under Article 6 § 1 of the Convention about the lack of reasons provided by the Constitutional Court in refusing their discrimination complaint and as regards the proportionality of the amended terms of in-country employment. They also complain about the lack of adversarial proceedings before the Constitutional Court.

In addition, the applicants complain under Article 8 of the Convention about the restriction of their right to private life and professional activities, alleging that the interference does not pursue a legitimate aim and is not necessary in a democratic society. The applicants also complain under Article 2 of Protocol No. 1 to the Convention about the retention of their diplomas upon completion of their studies, as well as the lack of foreseeability in having their study costs significantly increased.

Lastly, the applicants complain under Article 14 of the Convention, in conjunction with Articles 8 and 2 of Protocol No. 1, about discrimination of stude

Questions to the parties

1. Do the applicants have victim status under Article 34 of the Convention (see *Roman Zakharov v. Russia* [GC], no. 47143/06, § 164, ECHR 2015)? Are they currently enrolled in the study programme of the Tirana Medical University (Faculty) and, if so, in which academic year?

2. What are the modalities of payment of the "full costs of studies"? In particular, are currently enrolled students who refuse in-country employment upon graduation required to pay the full costs for the entire duration of their studies?

3. Has there been a violation of the applicants' right to a fair trial, contrary to Article 6 of the Convention? Were the proceedings before the Constitutional Court adversarial, in particular as regards the ability of the applicants to comment on the submissions of the opposing party (see *Janáček v. the Czech Republic*, no. 9634/17, § 46, 2 February 2023)?

4. Has there been a violation of the applicants' right to respect for their private life, contrary to Article 8 of the Convention? In particular:

(a) Was the interference prescribed by law and did it pursue a legitimate aim under the second paragraph of Article 8 (see *Vavřička and Others v. the Czech Republic* [GC], nos. 47621/13 and 5 others, § 265-66, 8 April 2021)? Was the relevant law formulated with sufficient precision and adequately accessible?

(b) Was the interference necessary in a democratic society (see *Vavřička and Others v. the Czech Republic* [GC], cited above, § 273)? In particular, does the application of the relevant legal scheme to currently enrolled medical students impose a disproportionate burden on their freedom to choose their future employment? Is the retention of the diplomas for the duration of the in-country employment term proportionate to the aim pursued?

The parties are invited to submit any materials on the legislative history of Law 60/2023, as amended, including any comparative models or materials that may have been considered in the process.

Ruli v. Albania and 1 other application (application nos. 26717/24 and 11956/25)

Article 5 §§ 1 (c) and 3 - Remand in custody and house arrest on suspicion of having committed the criminal offences of abuse of public office and obstruction of execution of court judgments - Insufficient reasons given by domestic courts

Subject matter

The applications concern the applicant's remand in custody and house arrest on suspicion of having committed the criminal offences of abuse of public office and obstruction of execution of court judgments, and the allegedly insufficient reasons given by the domestic courts.

A. The applicant's placement in custody and criminal proceedings

On 11 January 2023 the Tirana District Court remanded the applicant in custody. On 2 February 2023 the Court of Appeal replaced the applicant's remand in custody with house arrest as a more suitable measure and in conformity with security needs.

On 15 December 2023 the applicant was found guilty as charged and sentenced to one year and two months' imprisonment. On 29 February 2024 the Court of Appeal lifted the applicant's house arrest since its total duration had exceeded the imposed sentence. On 28 March 2024 the Court of Appeal acquitted the applicant of all charges.

B. Proceedings for lifting the house arrest (application no. 26717/24)

On 29 June 2023 the Tirana District Court dismissed the request for the termination of the house arrest. On 18 July 2023 the Court of Appeal upheld that decision and on 31 October 2023 the Supreme Court dismissed the applicant's cassation appeal. On 10 May 2024 the Constitutional Court dismissed the applicant's constitutional complaint.

C. Proceedings for the replacement of house arrest (application no. 11956/25)

On 2 October 2023 the Tirana District Court dismissed the applicant's request for the replacement of house arrest with a more lenient measure, despite the prosecution having supported such a change since the investigation had been finalised and the case sent for trial. On 1 November 2023 the Court of Appeal upheld that decision and on 21 May 2024 the Supreme Court dismissed the applicant's cassation appeal. On 10 December 2024 the Constitutional Court dismissed the applicant's constitutional complaint.

The applicant complains under Article 5 §§ 1 (c) and 3 of the Convention about his remand in custody and house arrest:

Questions to the parties

Did the applicant's remand in custody and subsequent house arrest comply with the requirements of Article 5 §§ 1 (c) and 3 of the Convention? In particular:

(a) Did the domestic courts' decisions give relevant and sufficient grounds justifying the applicant's remand in custody and house arrest (see, amongst other authorities, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, §§ 87-88, 5 July 2016, *Merabishvili v. Georgia* [GC], no. 72508/13, § 222, 28 November 2017, and *Hysa v. Albania*, no. 52048/16, §§ 61-85, 21 February 2023)?

(b) Did the domestic courts' decisions contain references to the specific facts and the applicant's personal circumstances justifying the security measures in consideration (see *Aleksanyan v. Russia*, no. 46468/06, § 179, 22 December 2008)? In particular, did they duly assess the risk of the applicant's flight, tampering with evidence or that the applicant would reoffend (see *Merabishvili*, cited above, §§ 222-23)? Did the domestic courts consider alternative, less stringent, measures of restraint to address these risks (see *Jablonski v. Poland*, no. 33492/96, § 83, 21 December 2000)?

TURGUT OZAL EDUCATION SHA v. Albania (application no. 24979/24)

Article 6 § 1 - Access to court

Subject matter

The application concerns the applicant's right of access to court.

The applicant is a legal person that operates in various levels of the education sector in Albania. Following the termination of licence for one of its educational establishments, kindergarten "Zubeyde Hanim", the applicant initiated injunction proceedings.

On 26 September 2022 and 27 February 2023, the applicant's request for an injunction was dismissed by the First Instance and Appeal Court respectively. The applicant alleges that the Appeal Court decision was served on it by tracked postal service on 27 March 2023 and that the 5 day time-limit for lodging a cassation appeal expired on 3 April 2023.

On 3 April 2023 the applicant lodged a cassation appeal.

On 12 October 2023 the Supreme Court dismissed the appeal as lodged out of time. It considered that the Appeal Court's decision had been served on the applicant on 24 March 2023 and that the 5 day time-limit for lodging a cassation appeal had therefore expired on 29 March 2023.

On 5 April 2024 the Constitutional Court dismissed the applicant's constitutional complaint for lack of jurisdiction.

Questions to the parties

1. Was Article 6 § 1 of the Convention under its civil head applicable to the interim proceedings in the present case (see *Micallef v. Malta* [GC], no. 17056/06, §§ 83-86, ECHR 2009)?

2. If so, did the applicant have access to the Supreme Court, for the determination of its civil rights and obligations, in accordance with Article 6 § 1 of the Convention (see *Zubac v. Croatia* [GC], no. 40160/12, §§ 76-99, 5 April 2018; and *Patricolo and Others v. Italy*, nos. 37943/17 and 2 others, §§ 67-70, 23 May 2024)?

In particular, when was the Appeal Court's judgment served on the applicant and when did the deadline for lodging a cassation appeal with the Supreme Court expire?

Abrahamyan v. Armenia (application no. 33289/19)

Article 8 § 1 – Article 6 § 1 – Unlawful search warrant

Subject matter

The application concerns the complaints raised by the applicant, who is a former high-ranking official, in relation to the alleged arbitrary and unlawful search of his residential premises.

On 3 August 2018, upon the investigator's application, the Yerevan Court of General Jurisdiction issued a search warrant in the scope of the criminal case concerning the deaths of demonstrators during the post-election protest rally of 1 March 2008 when the applicant was the Deputy Prime Minister. Later a case against several former high-ranking officials on account of alleged overthrowing of the constitutional order in the context of the same events was initiated and joined to the first case (for details see *Kocharyan v. Armenia*, no. 52996/18 and 6 others, communicated on 12 September 2024).

The investigator's application was based on a letter from the National Security Service ("the NSS") informing the investigative body about the results of operative and intelligence measures which had shown that the applicant illegally possessed weapons and ammunition. The letter further alleged that during the events of 1 March 2008 the applicant had ordered the recruitment and arming of several dozen individuals. The court authorised a search in the applicant's two properties in Yerevan and in a

house in his hometown. The search warrant referred to the operative information from the NSS, as cited in the investigator's application, and stated as follows:

"(...) the investigator's application to restrict [the applicant's] right to private life is legitimate; it is necessary for fulfilling the investigative body's obligation to detect the alleged crime, is provided for by law and should be granted".

As far as the scope of the warrant is concerned, the court authorised the search "in order to find and seize items and objects of evidentiary value for the criminal case".

It appears that the searches were carried out on 7 and 8 August 2018. The applicant appealed against the search warrant complaining of lack of sufficient reasons for authorising the searches as well as of the broad scope of the warrant. By a decision of 4 October 2018 the Criminal Court of Appeal dismissed his appeal finding that the authorisation of the search had been based not only on the "operative information" from the NSS but also on the context of the newly-initiated criminal proceedings related to the overthrow of the constitutional order, in which several former officials – including the Minister of Defence at the material time – had been charged. The court concluded that the investigative body could have reasonably assumed that the applicant had been involved in the imputed offence and that he could hide weapons and ammunition in his properties.

The applicant lodged an appeal on points of law which the Court of Cassation declared inadmissible for lack of merit on 10 December 2018. The decision was served on the applicant on 13 December 2018.

The applicant complains under Article 8 of the Convention that the searches conducted on 7 and 8 August 2018 were arbitrary and unlawful. He alleges, in particular, that the judicial warrant of 3 August 2018 lacked relevant and sufficient reasons to justify his homes being searched because it was solely based on information received from un unknown source. He also invokes Article 6 § 1 of the Convention in relation to the manner in which the Yerevan Court of General Jurisdiction examined the investigator's application seeking authorisation for the search.

Questions to the parties

1. Has there been an interference with the applicant's right to respect for his home, within the meaning of Article 8 § 1 of the Convention, on account of the searches of 7 and 8 August 2018? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see *Buck v. Germany*, no. 41604/98, § 45, ECHR 2005-IV; *Smirnov v. Russia*, no. 71362/01, § 44, ECHR 2007-VII; and *Avanesyan v. Russia*, no. 41152/06, §§ 42-44, 18 September 2014)? In particular:

(a) were "relevant" and "sufficient" reasons adduced in the search warrant of 3 August 2018 to justify the searches?

(b) were appropriate limits set out to confine the impact of the searches to reasonable bounds?

(c) did the Armenian legislation and practice afford individuals adequate and effective safeguards against abuse?

2. Was the applicant's right to a reasoned decision as guaranteed under Article 6 § 1 of the Convention violated as regards the search warrant issued on 3 August 2018?

Ait Oud v. Belgium and Simon v. Belgium* (application nos. 28310/25 and 28399/25)

Article 3 – Article 13 – Article 35 § 1 – Detention conditions - Absence of effective remedy - Exhaustion of domestic remedies

Subject matter

The applications concern the applicants' conditions of detention in Lantin Prison.

Relying on Article 3 of the Convention, the applicant in application no. 28310/25 alleges that he is held in a 6-square-metre cell with another inmate for 23 hours a day. He complains of the general lack of hygiene and the absence of access to showers and basic hygiene products.

Also under Article 3, the applicant in application no. 28399/25 claims that he is detained in a 10-square-metre cell with another inmate for 23 hours a day. He complains of insufficient hygiene conditions in the toilets and showers, as well as the absence of hot water in the latter.

Both applicants further complain of a lack of privacy in their cells, exposure to passive smoking and the circulation of drugs, poor quality and insufficient food, inadequate medical care including the lack of psychological follow up, a lack of out-of-cell activities, and limited access to religious practice.

Invoking Article 13 of the Convention, the applicants also allege the absence of an effective remedy capable of putting an end to the conditions of detention they experience.

Questions to the parties

1. Do the applicants' conditions of detention in Lantin Prison amount to treatment contrary to Article 3 of the Convention? See, in particular, *Muršić v. Croatia* (GC), no. 7334/13, 20 October 2016; *Vasilescu v. Belgium*, no. 64682/12, 25 November 2014; and *Sylla and Nollomont v. Belgium*, nos. 37768/13 and 36467/14, 16 May 2017.

   The Government is invited to provide detailed information on the applicants' conditions of detention, including the surface area of the cells, the number of inmates per cell, bedding, sanitary facilities, hygiene, out-of-cell activities, smoking, and other relevant aspects.

2. Do the applicants have an effective remedy for complaints concerning the material conditions of their detention, as required by Article 13 of the Convention, as interpreted in *Vasilescu*? If so, have they exhausted domestic remedies in accordance with Article 35 paragraph 1 of the Convention?

   The Government is invited to present the relevant legislation and case law.

Deswaef v. Belgium* (application no. 3385/25)

Article 35 § 1 – Article 3 - Article 5 § 1 – Article 6 § 1 – Article 11 § 1 – Use of disproportionate and humiliating force during police arrest – Unlawful arrest and detention – Access to court – Excessive formalism - Right to peaceful assembly

Subject matter

The application concerns the administrative arrest of the applicant, a lawyer and president of a human rights association, on 2 April 2016 in Brussels during a peaceful gathering.

Following a complaint with civil-party application lodged by the applicant, alleging in particular his arrest and administrative detention, the use of handcuffs and an interference with his freedom of assembly, the Brussels Court of First Instance sitting in the council chamber decided not to proceed with the case. The indictment division of the Brussels Court of Appeal upheld that decision. The applicant's appeal on points of law against that judgment was declared inadmissible by the Court of Cassation on 25 September 2024 on the ground that he had failed to serve his appeal on the parties against whom it was directed. In the same judgment, the Court of Cassation dismissed the appeal introduced by two human rights associations, the Ligue des Droits Humains, of which the applicant was president, and the International Federation for Human Rights, which had also joined the criminal proceedings as civil parties. The applicant states that he made a clerical error by filing at the registry of the Court of Cassation the proof of service relating to the appeal introduced by the associations rather than the proof of service of his own appeal, which raised the same grounds of complaint.

Relying on Article 3 of the Convention, the applicant complains that the police used disproportionate and humiliating force during his arrest on 2 April 2016, in that he was handcuffed and taken away in a police vehicle in the presence of a crowd and journalists, although in his view there was no security risk that could justify such measures.

Relying on Article 5 paragraph 1 (b) of the Convention, the applicant complains that he was unlawfully arrested and detained for what he describes as a punitive purpose.

Relying on Article 6 paragraph 1 of the Convention, the applicant complains that he had no access to a court since the Court of Cassation declared his appeal inadmissible on the basis of what he considers to be excessive formalism.

Relying on Article 11 paragraph 2 of the Convention, the applicant complains that his right to peaceful assembly was infringed.

Questions to the parties

1. Has the applicant exhausted domestic remedies as required by Article 35 paragraph 1 of the Convention, given in particular that his appeal on points of law was declared inadmissible?

2. Was the applicant subjected to treatment contrary to Article 3 of the Convention during the gathering of 2 April 2016 (Bouyid v. Belgium [GC], no. 23380/09, paragraphs 100 to 101, 2015)?

3. Was the applicant deprived of his liberty in breach of Article 5 paragraph 1 of the Convention (Bogay and Others v. Ukraine, no. 38283/18, paragraphs 40 to 41, 3 April 2025)? In particular, does the deprivation of liberty to which he was subjected on 2 April 2016 fall within the scope of subparagraph (b) of that provision?

4. Did the inadmissibility of the applicant's appeal on points of law amount to a breach of his right of access to a court under Article 6 paragraph 1 of the Convention? In particular, did the Court of Cassation apply the rules governing appeals on points of law in an excessively formalistic manner (compare Justine v. France, no. 78664/17, paragraphs 32 to 51, 21 November 2024)?

5. Was there an interference with the applicant's freedom of assembly within the meaning of Article 11 paragraph 1 of the Convention? If so, was that interference necessary within the meaning of

Article 11 paragraph 2 of the Convention (Navalnyy v. Russia [GC], nos. 29580/12 and four others, paragraph 128, 15 November 2018)?

S.I. v. Bulgaria* (application no. 18529/24)

Article 8 - Absence of legislative regulation regarding sex reassignment - Refusal of courts to recognise sex reassignment

Subject matter

The application concerns the refusal by the Bulgarian authorities to legally recognise the applicant's change of sex, a transgender person, civilly recognised as female, as recorded in their birth certificate.

The applicant explains that they became aware, from the beginning of adolescence, that their psychological sex was male and did not correspond to their anatomical sex. After beginning hormone treatments in 2022 for the purpose of sex reassignment, they submitted a request to amend their civil status, in particular regarding the entries of their surname, given name, and sex, before the district court, alleging that they were male. By a decision of 25 July 2023, that court dismissed the request, relying on the interpretative decision of the plenary assembly of the civil chambers of the Supreme Court of Cassation of 20 February 2023, according to which Bulgarian law does not allow the modification of civil status at the request of transgender persons. On the applicant's appeal, on 6 March 2024, the regional court confirmed the first-instance decision.

The applicant complains, under Article 8, of the impossibility of obtaining legal recognition of the sex to which they consider themselves to belong and for which they have undertaken medical treatments.

Questions to the parties

Does the alleged absence of legislative regulation regarding sex reassignment, and the refusal of the courts to recognise the applicant's sex reassignment, constitute a violation of their right to respect for private life under Article 8 of the Convention (see Christine Goodwin v. the United Kingdom [GC], no. 28957/95, ECHR 2002-VI; Hämäläinen v. Finland [GC], no. 37359/09, §§ 65-67, ECHR 2014; and A.P., Garçon and Nicot v. France)?

A.M. v. Bulgaria (application no. 23441/25)

Article 3 – Refusal of application for international protection – Removal order – Risk of ill-treatment

Subject matter

1. The applicant is an Uzbek national who arrived in Bulgaria in August 2022 and applied for international protection. The State Agency for Refugees refused his application, and the competent administrative court upheld that refusal. A subsequent application for international protection by the applicant was not admitted for examination, and the competent administrative court upheld that decision. The applicant then lodged a second subsequent application for international protection. At first, it was likewise not admitted for examination, but that decision was quashed following a judicial review claim by the applicant. The State Agency for Refugees then refused the application, and the administrative courts upheld the refusal.

2. In February 2023, following the dismissal of the claim for judicial review of the refusal of the applicant's initial application for international protection, the migration authorities made an order for his removal to Uzbekistan. His claim for judicial review of that order was dismissed with final effect in July 2025.

3. The applicant has for the time being not been removed to Uzbekistan. Since June 2025 he has been in immigration detention.

4. He complains under Article 3 of the Convention that the Bulgarian authorities and courts did not properly assess whether he would be at risk of treatment contrary to that Article if removed to Uzbekistan, and that, since that risk is real, such removal would be in breach of that Article.

Questions to the parties

1. In the light of the applicant's assertions and the documents which have been submitted, does he face a real risk of being subjected to treatment contrary to Article 3 of the Convention if removed to Uzbekistan?

2. Did the examination of the applicant's applications for international protection comply with the requirements flowing from the Court's case-law (see, in general, *F.G. v. Sweden* [GC], no. 43611/11, §§ 119-27, 23 March 2016, and *J.K. and Others v. Sweden* [GC], no. 59166/12, §§ 85-105, 23 August 2016)? In particular, did the Bulgarian authorities and courts comply with their procedural obligation under Article 3 of the Convention to assess adequately and rigorously, before removing the applicant to Uzbekistan, the risk that he might be subjected to treatment contrary to that provision in that country (compare, *mutatis mutandis*, *M.D. and M.A. v. Belgium*, no. 58689/12, §§ 56, 57, 64-65, 19 January 2016; *M.S. v. Slovakia and Ukraine*, no. 17189/11, §§ 121 and 127, 11 June 2020; *T.K. and Others v. Lithuania*, no. 55978/20, §§ 70, 80-82, 85 and 89, 22 March 2022; *M.A.M. v. Switzerland*, no. 29836/20, §§ 74 and 78, 26 April 2022; *S.H. v. Malta*, no. 37241/21, §§ 79, 84-87 and 94-96, 20 December 2022; *A.M.A. v. the Netherlands*, no. 23048/19, §§ 70, 72, 75-78, 24 October 2023; *J.A. and A.A. v. Türkiye*, no. 80206/17, §§ 61, 65 and 74, 6 February 2024; and *A.B. and Y.W. v. Malta*, no. 2559/23, §§ 65 and 68-69, 4 February 2025)?

Sàrl Etia v. France* (application no. 29300/24)

Article 6 §1 - Right to a tribunal – Ad hoc representation – Excessive formalism

Subject matter

The application concerns the declaration of inadmissibility of the appeal on points of law lodged on behalf of the applicant company Etia ("the applicant") for failure to comply with the formal requirements laid down in Article 576 of the Code of Criminal Procedure (CPP).

Placed in compulsory liquidation, the applicant directly summoned the company Domino's Pizza France (DPF) before the Criminal Court on the charge of unlawful exercise of the profession of banker.

By a judgment of 28 January 2021, the Criminal Court acquitted DPF and declared the applicant's civil-party application inadmissible.

The latter, represented by its ad hoc representative, Mr X. L., appointed by order of the President of the Commercial Court, appealed against the civil aspects of that judgment.

By a judgment of 21 November 2022, the Caen Court of Appeal declared the applicant's civil action admissible and held that DPF had not committed any civil fault.

On 24 November 2022, the lawyer of the ad hoc representative, Mr M-G, a lawyer at the Caen Bar, lodged an appeal on points of law against that judgment. He attached to the notice of appeal a special power of attorney granted by the ad hoc representative, Mr X. L., authorising him to lodge the said appeal on behalf of the applicant.

Having been seized on 6 December 2022, the President of the Commercial Court designated Mr X. L., by order of 14 December 2022, to "represent SARL Etia in the proceedings before the Court of Cassation, following the notice of appeal dated 24 November 2022".

This order was attached to the pleading on the merits proposing a single ground of appeal.

In his submissions before the Court of Cassation, the Advocate General proposed that the appeal be declared admissible and dismissed on the merits.

In an additional pleading, the applicant's counsel stressed that "given the very short time-limits in such matters, it cannot be required that the [appointment of the ad hoc representative] be made before the notice of appeal, on pain of violating Article 6 § 1 of the Convention".

On 5 June 2024, the Court of Cassation declared the appeal inadmissible on the basis of Article 576 CPP, on the ground that "on the date of the notice of appeal, Mr X. L. had no authority to lodge an appeal on points of law on behalf of the company Etia".

Relying on Article 6 § 1 of the Convention, the company Etia submits that the declaration of inadmissibility of its appeal entails a disproportionate interference with its right of access to a court.

Questions to the parties

Did the inadmissibility of the appeal on points of law lodged on behalf of the company Etia, represented by its ad hoc representative, by the latter's lawyer, interfere with the "right to a tribunal" guaranteed by Article 6 § 1 of the Convention? In particular, was this restriction on access to the Court of Cassation foreseeable or tainted with excessive formalism (see, for a summary of the relevant principles, Zubac v. Croatia [GC], no. 40160/12, §§ 76-99, 5 April 2018; Reichman v. France, no. 50147/11, §§ 27-33, 12 July 2016; and Justine v. France, no. 78664/17, §§ 32-38, 21 November 2024)?

The parties are invited to produce a copy of the special power of attorney annexed to the notice of appeal lodged by Mr M-G.

Garabiol v. France* (application no. 11227/24)

Article 1 of Protocol No. 1 – Rejection of compensation claim - Right to the peaceful enjoyment of possessions

Subject matter

The case concerns the classification of two out of four plots, inherited by the applicant and his sister upon their father's death, as non-buildable natural land and the rejection of his claim for compensation in that regard.

The applicant's father had owned several buildable plots. After his death, the local authorities adopted a new local urban development plan (PLU), classifying 73% of the surface area of the plots at issue as a non-buildable natural zone (zone N). The applicant's action for the annulment of the PLU was dismissed by the Versailles Administrative Court. He did not appeal that judgment but submitted a prior compensation claim to the Grand Paris Seine et Oise urban community for the loss in value of the plots.

Following the implicit rejection of his claim, the applicant brought the matter before the Versailles Administrative Court.

By a judgment of 24 December 2020, the Administrative Court dismissed the applicant's claim. It held that the PLU's classification of undeveloped land as zone N had not altered the pre-existing state of the site, and that the maintenance of the zoning prior to the PLU had not created any vested right for the owners to build on the land. The court noted that the PLU's sustainable development and planning project aimed to preserve the balance between different landscape units and to control urban edges in contact with wooded and agricultural areas. It also observed that an offer to purchase made by a property developer to the applicant had been received when the PLU project was already at a very advanced stage, and that no expenditure had been incurred with a view to constructing on the plots in question. The Administrative Court concluded that the classification of the plots as natural land had not caused the applicant any abnormal or special damage.

In a judgment of 23 March 2023, the Versailles Administrative Court of Appeal endorsed the Administrative Court's conclusions, adding that the passage of time had not created "a right for the owner to the preservation of the buildability of a plot". Referring to the judgment *Malfatto and Mieille v. France* (nos. 40886/06 and 51946/07, §§ 65–66, 6 October 2016) and to Article L. 105-1 of the Urban Planning Code (establishing the principle of non-compensation for urban planning restrictions), it upheld the first-instance judgment.

By a decision of 22 February 2024, the Conseil d'État declared the applicant's appeal inadmissible.

The applicant alleges that the rejection of his compensation claim amounted to a violation of Article 1 of Protocol No. 1 to the Convention.

Questions to the parties

In the light, in particular, of the judgment *Malfatto and Mieille v. France* (nos. 40886/06 and 51946/07, 6 October 2016), did the rejection of the applicant's compensation claim interfere with his right to the peaceful enjoyment of his possessions protected by Article 1 of Protocol No. 1 to the Convention?

The applicant is invited to indicate whether, and if so in what manner, the plots at issue were used before being classified as non-buildable land.

RYANAIR DESIGNATED ACTIVITY COMPANY v. France and AIRPORT MARKETING SERVICES LIMITED v. France* (application nos. 4357/24 and 4439/24)

Article 6 § 1 – Article 1 of Protocol No. 1 - Right to the enforcement of judicial decisions - Refusal by domestic courts to grant exequatur to arbitral awards

Subject matter

The applications concern the refusal by the French courts to grant exequatur to two arbitral awards rendered in favour of the applicants by the London Court of International Arbitration (LCIA) in a dispute with a public entity.

The first applicant, Ryanair Designated Activity Company, is an airline. The second applicant, Airport Marketing Services Limited, is its marketing subsidiary. Both are Irish companies.

In February 2008, the Charente Airports Joint Association (SMAC), the public entity owning Angoulême Airport, concluded an airport services agreement with the first applicant to develop a route between Angoulême and London. On the same day, it signed a marketing services agreement with the second applicant to promote the Charente region as a tourist destination. Both agreements were governed by French law and contained arbitration clauses designating the LCIA.

In February 2010, the first applicant notified SMAC of its decision to discontinue the air route for reasons of significantly reduced profitability. The marketing agreement consequently also came to an end.

On 30 December 2010, the applicants asked the LCIA to declare the termination of both agreements valid and free from contractual fault. In an award of 22 July 2011, the LCIA declared itself competent, and in a second award of 18 June 2012 it held that the first applicant had lawfully terminated the airport services agreement. It also formally terminated the marketing agreement and ordered SMAC to pay the applicants 200,000 GBP and 100,000 EUR for legal costs, and 53,038 GBP for arbitration costs.

On 19 April 2013, the Conseil d'État declared that it lacked jurisdiction to examine SMAC's applications for annulment of the awards, since they had been rendered by a foreign tribunal.

On 20 June 2013, the Poitiers Administrative Court declared that it lacked jurisdiction to hear SMAC's earlier action for damages relating to the allegedly wrongful termination of the agreements, in view of the arbitration clauses and the referral to the LCIA. The Bordeaux Administrative Court of Appeal dismissed the appeal on 12 July 2016, and no further appeal was lodged.

By two orders of 21 May and 5 September 2012, the delegated judge of the Paris Tribunal de grande instance granted exequatur to the LCIA awards.

Hearing SMAC's appeal against the exequatur order concerning the merits award, the Paris Court of Appeal referred the matter to the Tribunal des conflits, which held that the administrative courts had jurisdiction to rule on exequatur.

On 4 February 2019, the applicants applied to the Poitiers Administrative Court for exequatur of the LCIA awards.

By judgment of 15 December 2020, the Administrative Court rejected the request, finding the arbitration clauses unlawful.

On 29 March 2022, the Bordeaux Administrative Court of Appeal dismissed the appeal.

On 17 October 2023, the Conseil d'État rejected the applicants' appeal, holding that Article V of the 1958 New York Convention allows refusal of exequatur where the dispute is not arbitrable, that public-law entities are in principle prohibited from resorting to arbitration under general principles of French administrative law, and that the derogatory provisions of the 1961 European Convention on International Commercial Arbitration did not apply. It concluded that the arbitration clauses conferring

jurisdiction on the LCIA were unlawful. It further held that, since the dispute was not arbitrable, the applicants could not rely on any right to enforcement of the LCIA awards.

Invoking Article 6 of the Convention and Article 1 of Protocol No. 1, the applicants complain of the refusal of the domestic courts to grant exequatur to the awards rendered in their favour, particularly in light of the consistent case law of the Court of Cassation recognising the arbitrability of the dispute, as well as earlier decisions in the same proceedings by the administrative courts which had also accepted arbitrability.

Questions to the parties

Has there been a violation of the applicants' right to the enforcement of judicial decisions under Article 6 paragraph 1 of the Convention and, or, their right to the peaceful enjoyment of their possessions under Article 1 of Protocol No. 1, as a result of the refusal by the domestic courts to grant exequatur to the arbitral awards of 22 July 2011 and 18 June 2012? See *Stran Greek Refineries and Stratis Andreadis v. Greece*, no. 13427/87, 9 December 1994, paragraphs 58 to 75; *Bourdov v. Russia*, no. 59498/00, paragraphs 34 to 42; and *BTS Holding, a.s. v. Slovakia*, no. 55617/17, paragraphs 64 to 71, 30 June 2022.

Grychowski v. France* (application no. 12720/24)

Article 35 § 1 – Article 1 of Protocol No. 1 – Exhaustion of domestic remedies – Unlawful expropriation - Domestic court's review of expropriation

Subject matter

The application concerns the expropriation of two apartments belonging to the applicant in Marseille.

The applicant owned two apartments in multi-unit buildings that he had partially renovated with public subsidies in order to rent them out. In the 2000s, local authorities launched an urban renewal project in the area concerned, withdrew the subsidies and instructed the applicant to stop renting the apartments.

On 11 July and 27 November 2017, the Prefect of Bouches-du-Rhône issued two decrees declaring the development works in the relevant area to be of public utility and declaring the buildings containing the applicant's apartments transferable. The decrees specified that the project sought to address substandard housing within a broader urban redevelopment programme in Marseille.

The expropriation order was issued on 19 December 2017. The applicant does not specify whether he lodged an appeal on points of law against that order under Article L. 223-1 of the Code of Expropriation for Public Utility, and he provides no information on the amount of the compensation awarded.

On 14 September 2018, the applicant brought an application before the administrative courts seeking the annulment of the prefectural decrees, arguing in particular that his apartments were not substandard.

By judgment of 31 July 2020, the Marseille Administrative Court dismissed his application. On 8 November 2022, the Marseille Administrative Court of Appeal annulled that judgment for procedural defects, examined the case on its merits and dismissed the applicant's claims. It held that the planned operation, which concerned the redevelopment of degraded buildings, the construction of social rental housing and the urban renewal of the district, constituted a redevelopment operation rather than a

specific operation to eliminate substandard housing. It found the project lawful and rejected the applicant's allegation of misuse of power.

Regarding the assessment of public utility, the Court of Appeal held that the project pursued an objective of general interest, since it aimed at demolition and reconstruction of housing, improvement of the district, enlargement of green spaces and the development of public squares. It also held that nothing in the file suggested that the operation served only the interest of the public company in charge of it or that other land available to the city of Marseille would have allowed the implementation of the project under equivalent conditions without resorting to expropriation. It added that neither the estimated cost of the project nor its possible social or economic disadvantages were capable of depriving it of its public utility character. Finally, it observed that the operation was not aimed at combating substandard housing and that the applicant benefited from the safeguards of the ordinary expropriation procedure, which is more protective than the special procedure applicable to the expropriation of substandard buildings.

By a decision of 28 December 2023, the Conseil d'État declared the applicant's appeal inadmissible.

Relying on Article 1 of Protocol No. 1, the applicant alleges a violation of his right to the peaceful enjoyment of his possessions. He argues that the expropriation was neither lawful nor pursued a legitimate public interest and complains that the administrative courts failed to assess the impact of the measure on his property rights and the excessive burden it imposed on him.

Questions to the parties

1. Has the applicant exhausted domestic remedies as required by Article 35 paragraph 1 of the Convention?

2. Did the expropriation and the domestic courts' review of it interfere with the applicant's right to the peaceful enjoyment of his possessions under Article 1 of Protocol No. 1? In particular, was the expropriation based on a public interest, was it carried out in accordance with the conditions provided for by law within the meaning of Article 1 of Protocol No. 1, and did it impose an excessive burden on the applicant?

The applicant is invited to produce prefectural decree no. 2017-47 of 27 November 2017, the expropriation order of 19 December 2017 issued by the Marseille Tribunal de grande instance, and any judgment determining the compensation for expropriation.

Silgir v. Germany (application no. 22234/25)

Article 6 § 1 – Article 6 § 3 (c) - Article 8 § 1 - Illegally obtained private communication data as main evidence for conviction – Monitoring of written correspondence with legal counsel

Subject matter

The application concerns the applicant's criminal proceedings, his conviction for drug trafficking as a member of a gang and the use of EncroChat user data by the German courts as main evidence.

From 2018 onwards the French authorities investigated EncroChat, an encrypted mobile-phone telecommunications tool which operated as a closed network. The investigation culminated in the remote retrieval of EncroChat user data, including text messages, by the French authorities from 1

April to 2 June 2020 (for further details regarding the French investigation see *A.L. and E.J. v. France* (dec.), nos. 44715/20 and 47930/21, §§ 4-34, 24 September 2024).

Pursuant to a European Investigation Order issued by the Frankfurt am Main Chief Public Prosecutor's Office the French authorities transferred the data to the prosecutor's office via the German Federal Office for Criminal Investigation, in so far as they concerned alleged criminal acts committed in Germany. The German investigative authorities decrypted and sifted through the transferred data and conducted further investigative measures to identify the senders and recipients of the text messages exchanged over EncroChat.

On 16 September 2020 the applicant was arrested. During his pre-trial detention all his written correspondence, including letters to and from his legal counsel, was opened by the prison administration and forwarded to the competent public prosecutor's office for monitoring.

On 27 July 2021 the Bremen Regional Court convicted the applicant for drug trafficking as a member of a gang in 26 instances and sentenced him to a prison sentence of twelve years and six months. The court based the conviction mainly on messages exchanged over EncroChat.

The applicant's subsequent appeal on points of law was rejected by the Federal Court of Justice on 7 December 2022, and on 28 April 2025 the Federal Constitutional Court declined to admit the applicant's constitutional complaint for adjudication (2 BvR 64/23).

Invoking Articles 6 § 1 and 8 of the Convention, the applicant complained that the German courts had used the illegally obtained private communication data as main evidence for his conviction and that the technical details of the retrieval of EncroChat user data were not shared with him. The applicant further complained under Article 6 § 3 (c) of the Convention that his written correspondence with his legal counsel was monitored, while he was in pre-trial detention.

Questions to the parties

1. Has there been an interference with the applicant's right to respect for his private life or correspondence, within the meaning of Article 8 § 1 of the Convention (compare *Big Brother Watch and Others v. the United Kingdom* [GC], nos. 58170/13 and 2 others, §§ 495-496, 25 May 2021; *Van Vondel v. the Netherlands*, no. 38258/03, § 49, 25 October 2007; *Copland v. the United Kingdom*, no. 62617/00, § 43, ECHR 2007-I; and *Malone v. the United Kingdom*, 2 August 1984, § 64, Series A no. 82)?

In particular, did the use of the EncroChat user data by the German courts and authorities in the criminal proceedings constitute an interference with the applicant's right to respect for his private life or correspondence?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 of the Convention?

2. In view of the use of the EncroChat user data by the German courts and authorities in the criminal proceedings, did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 § 1 of the Convention and did he have a possibility to examine the authenticity and quality of the electronic evidence (compare *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, §§ 302-308, 344-345, 26 September 2023)?

3. Was the applicant able to communicate confidentially with his lawyer as required by Article 6 § 3 (c) of the Convention (compare *S. v. Switzerland*, 28 November 1991, § 48, Series A no. 220; *Rybacki v. Poland*, no. 52479/99, § 56, 13 January 2009; *Khodorkovskiy and Lebedev v. Russia*,

nos. 11082/06 and 13772/05, §§ 635-647, 25 July 2013; and *Moroz v. Ukraine*, no. 5187/07, § 69, 2 March 2017)?

LTD NARIKALA v. Georgia (application no. 32118/23)

Article 1 of Protocol No. 1 – Unlawful and disproportionate deprivation of land

Subject matter

The application concerns the recognition of the applicant company's title to a plot of land in Tbilisi in 2009, and its subsequent partial revocation in 2020. The first-instance and appeal courts considered that the initial recognition of the title was erroneous and that the public interest in protecting the designated land outweighed the applicant's private property interests. Without providing any further reasoning or considering alternatives, such as providing the applicant with an alternative plot of land or compensation, they upheld the revocation decision. On 22 February 2023 the Supreme Court dismissed the applicant's appeal on points of law as inadmissible. The decision was served on the applicant company on 12 April 2023.

The applicant company complained under Article 1 of Protocol No. 1 to the Convention that it had been unlawfully and disproportionately deprived of the land.

Questions to the parties

1. Has there been an interference with the applicant company's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1?

2. If so, was that interference in the public interest, in accordance with the conditions provided for by law, and did it impose an excessive individual burden on the applicant company, within the meaning of that provision (see *Zela v. Albania*, no. 33164/11, § 95, 11 June 2024; *Romankevič v. Lithuania*, no. 25747/07, §§ 38-39, 2 December 2014; *Rysovskyy v. Ukraine*, no. 29979/04, §§ 70-71, 20 October 2011; *Eka Mikeladze and Others v. Georgia* [Committee], nos. 29385/11, 19372/12, 29533/13, and 73699/13, 25 November 2021; and *Khundadzeebi v. Georgia* [Committee], no. 12549/11, 14 December 2023)?

Chitaia v. Georgia (application no. 25631/24)

Article 6 § 1 - Excessive length of proceedings

Subject matter

The application concerns the length of the administrative-legal proceedings initiated by the applicant on 7 March 2017 regarding his registration as homeless and the provision of shelter in Tbilisi. After seven years of examination at three levels of jurisdiction, the case was remitted back to the relevant administrative authorities. It appears that no final decision has been taken to date.

The applicant complains under Article 6 § 1 of the Convention about the excessive length of the proceedings.

Questions to the parties

1. Is Article 6 § 1 of the Convention under its civil head applicable to the proceedings in the present case (see *Fazia Ali v. the United Kingdom*, no. 40378/10, §§ 53-55, 20 October 2015, and *Đurić v. Serbia*, no. 24989/17, §§ 51-55, 6 February 2024)?

2. Has the length of the administrative proceedings in the present case been in breach of the "reasonable time" requirement of Article 6 § 1 of the Convention (see, for instance, *Kharitonashvili v. Georgia*, no. 41957/04, § 39, 10 February 2009)?

Katsaliros and Syndesmos A.E. v. Greece and 7 other applications (application nos. 4864/20, 4523/21, 12162/21, 12164/21, 12166/21, 58459/21, 5838/22, 10805/22)

Article 6 § 1 - Article 4 § 1 of Protocol No. 7 – Two trials for the same offences – Access to court - Lack of *locus standi* - Excessive formalism

Subject matter

The applications concern the applicants' allegations that they had been tried and convicted twice for smuggling, both in criminal and in administrative proceedings, and that the presumption of innocence stemming from criminal acquittals had not been respected in the subsequent administrative proceedings. Smuggling fines were imposed by the administrative authorities, which the applicants challenged unsuccessfully before the administrative courts. The applicants' data, representatives, and information relating to their cases are set out in the appendix.

The applicants complain of violations of Article 4 § 1 of Protocol No. 7 to the Convention and Article 6 § 2 of the Convention.

In applications nos. 12162/21, 12164/21, 12166/21 and 58459/21 applicants also complain that the Supreme Administrative Court ("SAC") raised, of its own motion and for the first time, the issue of the inadmissibility of their pleas concerning the criminal acquittal, despite the fact that the lower courts had not questioned their admissibility and the State had not raised any relevant objections. They argue that by holding that it did not result from the file that the acquittals had become final, the SAC substituted the reasoning of the lower courts and deprived them of the opportunity to present their arguments.

Further, relying on Article 6 § 1 of the Convention (in applications nos. 4523/21 and 5838/22), the applicants complain that rejecting as inadmissible the relevant grounds for appeal on points of law regarding the acquittal judgments or their additional observations, the SAC deprived them of access to a court and this amounted to excessive formalism.

Questions to the parties

1. Have the applicants been tried twice for the same offences, as prohibited by Article 4 § 1 of Protocol No. 7 (see, for instance, *Sismanidis and Sitaridis v. Greece*, nos. 66602/09 and 71879/12, §§ 40-47, 9 June 2016, and *Kapetanios and Others v. Greece*, nos. 3453/12 and 2 others, §§ 62-73, 30 April 2015)?

2. Was the presumption of innocence, guaranteed by Article 6 § 2 of the Convention, respected in the present cases (see, for instance, *Sismanidis and Sitaridis v. Greece*, nos. 66602/09 and 71879/12, §§ 55-58, 9 June 2016, and *Kapetanios and Others v. Greece*, nos. 3453/12 and 2 others, §§ 82-88, 30 April 2015)?

3. In application no. 4523/21, did the manner in which the Supreme Administrative Court declare inadmissible the first ground for appeal on points of law violate the applicant's right of access to a court, guaranteed under Article 6 § 1 of the Convention? Did the Supreme Administrative Court's finding amount to "excessive formalism" (see, for instance, *Zubac v. Croatia* [GC], no. 40160/12, §§ 80-82, 87-89 and 96-99, 5 April 2018, and *Tsiolis v. Greece*, no. 51774/17, §§ 57-60, 19 November 2024)?

4. In application no. 5838/22, did the manner in which the Supreme Administrative Court declare inadmissible the fourth ground for appeal on points of law for lack of *locus standi* and the additional observations violate the applicants' right of access to a court, guaranteed under Article 6 § 1 of the Convention? Did the Supreme Administrative Court's finding amount to "excessive formalism" (see, for instance, *Zubac v. Croatia* [GC], no. 40160/12, §§ 80-82, 87-89 and 96-99, 5 April 2018, and *Efstathiou and Others v. Greece*, no. 36998/02, §§ 28-35, 27 July 2006)?

HOLY GREAT MONASTERY OF VATOPEDI v. Greece* (application no. 7930/21)

Article 6 § 1 – Article 1 of Protocol No. 1 – Action for recognition of ownership - Tribunal not independent, impartial, and established by law

Subject matter

The application concerns a dispute between the applicant, an Orthodox monastery, and the State, regarding the ownership of a single plot of land located in the Xanthi region, comprising the whole of Lake Vistonida, its riparian areas, and three islets (Ada Bourou, as well as two other islets on which the churches of Saint Nicholas and Panagia Pantanassa are located).

By its opinions nos. 26/1998, 17/2002, and 46/2002, the Advisory Council on Public and Exchangeable Property considered that the State should not claim ownership of the land in question. These opinions were approved by the Secretary of State for Economy and Finance on 5 February 1999, 5 August 2002, and 4 June 2003 respectively. Under two handover protocols adopted on 11 December 2002 and 25 June 2003, the State transferred certain parcels of the disputed land to the applicant.

On 21 January 2003, the applicant brought an action before the Rhodope Court of First Instance (sitting as a panel of three judges) against the State for recognition of ownership of the said land.

On 5 November 2003, the Rhodope Court of First Instance held a hearing on the case.

On 21 April 2004, the said court deliberated, during which the majority (judges M.G. and G.S., reporting judge) expressed the view that the action should be partially upheld, while the president of the court, M.P., considered that the action was well-founded in its entirety.

Seized by local actors contesting the applicant's property titles, by opinion no. 26/2004 of 20 May 2004, the Advisory Council on Public and Exchangeable Land held that, in the absence of new elements, there was no need to re-examine its three aforementioned opinions. On 7 June 2004, the Secretary of State for Economy and Finance approved this opinion.

On 25 June 2004, both parties to the proceedings, the applicant and the State, submitted to the Rhodope Court of First Instance a joint statement indicating that they did not wish a decision to be rendered on the action brought on 21 January 2003.

On the same day, the said court deliberated on three ancillary intervention requests filed by local deputies and local authorities (including the municipality and the Xanthi prefecture) in favour of the State in the dispute. On 14 July 2004, by its decisions nos. 86, 87, and 88/2004, it dismissed these requests as inadmissible on the grounds that, following the parties' joint statement of 25 June 2004, there were no longer any pending proceedings on the principal action.

Subsequently, at unspecified dates, the applicant and the State concluded property exchange agreements. In particular, the applicant transferred to the State the entirety of Lake Vistonida and the surrounding lands, and the State transferred real estate in other regions of Greece to the applicant.

In September 2008, these exchanges triggered major political unrest, questioning the responsibility of certain ministers.

On 3 October 2008, the Secretary of State for Economy and Finance revoked the decisions approving opinions nos. 26/1998, 17/2002, and 46/2002 of the Advisory Council on Public Land for the following reasons:

"1. The comparison and verification of the content of the aforementioned decisions, opinions, and protocols do not allow a conclusion of the absence of State ownership and, consequently, of the monastery of Vatopaidi's ownership of the lands mentioned in the aforementioned decisions, also considering the vagueness and imprecision regarding the exact delimitation of the real estate, their area, boundaries, as well as their nature and in particular whether they are communal, riparian, or coastal lands or lands located on islets of Lake Vistonida. 2. (...) reasons of protection of public property require that acts recognising the absence of any real right of the State, and consequently recognising the rights of third parties over disputed lands, be based on indisputable evidence regarding the absence of State rights, which is not the case here. 3. (...) consequently, there are obvious and serious reasons of public interest that require the revocation of all the aforementioned acts (...)".

On 24 October 2008, the Ministry of Justice published a press release on its website stating:

"It is definitively decided that ownership of Lake Vistonida and the surrounding areas passes to the State by judicial decision, except for the islet of Anta Bourou (...) The court inspector, vice-president of the Court of Cassation, Mr. I.P., within the framework of a disciplinary investigation concerning the non-publication of the decision of the Rhodope Court of First Instance regarding the action brought against the Greek State, examined on 5 November 2003, claiming by the monastery of Vatopaidi the ownership of the lands located on the shore of Lake Vistonida, considered that the proceedings between the State and the monastery had been closed illegally.

I.P. admitted that the president of the court should have published the decision in favour of the State, once the three-judge panel had deliberated (the result was two votes against one against the monastery), considering that there could be no waiver or compromise after the discussion of the case, but only during the discussion.

The vice-president of the Court of Cassation ordered that the decision reinstating the rights the State had over the lands of Lake Vistonida be published now, which means that exchanges with other public properties could not be made subsequently.

The decision should be published in the coming days.

In the operative part of this decision, the monastery's ownership is recognised by the majority only over 172 hectares of the Anta Bourou islet, out of the 2,704 hectares claimed by the monastery.

It is noted that the decision will be published by the Rhodope Court of First Instance with a different judicial composition, as provided by the relevant procedural provisions, since the judges who participated in the hearing and deliberation to render this decision no longer sit in that court."

On 29 October 2008, the court inspector and vice-president of the Court of Cassation I.P. sent a document to M.P. stating:

"(...) given that more than eight months have passed since the hearing of 5 November 2003 on the action (...) and that no decision has yet been published, although, as appears from the preliminary disciplinary investigation we conducted, the members of the judging panel had deliberated at the end of April 2004 and a decision had been made, and while the reporting judge had handed you a draft decision with the case file, and since then the case has been under deliberation, we grant you a deadline to publish the decision (with a different composition) until 10 November 2008, as we also informed you orally."

On 6 November 2008, the Rhodope Court of First Instance delivered its decision no. 87/2008 with a composition different from that which had examined the applicant's action. This decision indicated that it had been "judged and decided in Komotini on 21 April 2004" and "published in Komotini on 6 November 2008", and partially upheld the action, by a majority, recognising the applicant as owner of the three islets (except for 15 hectares on Anta Bourou islet). The dissenting opinion of the president M.P., according to which the action was fully well-founded, was included in the text of the decision.

The applicant and the State appealed this decision.

By judgment no. 197/2015 of 29 December 2015, the Thrace Court of Appeal dismissed the applicant. It rejected the applicant's argument that, following the joint statement of 25 June 2004, the Rhodope Court of First Instance no longer had the power to rule on the action brought on 21 January 2003, and that, therefore, its decision no. 87/2008 was null. Furthermore, it held that the Greek State was the owner of the entire disputed land, including the three islets.

On 21 June 2016, the applicant lodged an appeal in cassation.

By judgment no. 781/2020 of 6 July 2020 (of which the applicant could obtain a certified copy on 18 August 2020), the Court of Cassation dismissed the appeal.

Meanwhile, on 25 November 2008, criminal proceedings were initiated against M.P. for repeated breach of duty due to the prolonged non-publication of the decision taken on 21 April 2004, as well as against the Igumène and a monk of the applicant monastery as moral authors of this offence. On the merits, by judgment no. 966/2012 of 13 June 2012, the Court of Cassation unanimously acquitted the accused. In addition, the persons involved in the exchange contracts (the applicant's representatives, the notary, the lawyers, and public officials) were unanimously acquitted of criminal misappropriation and false certification by a final judgment of the Athens Court of Appeal (no. 1336/2017 of 21 March 2017).

Invoking Article 6 § 1 of the Convention, the applicant alleges that the Rhodope Court of First Instance that ruled on its action for recognition of ownership was not independent, impartial, and established by law. In particular, he maintains that the said court rendered decision no. 87/2008 under pressure from the Ministry of Justice, illustrated notably by the press release of 24 October 2008, by revoking its definitive assessment, made four years earlier, concerning the legal extinction of the proceedings resulting from the joint statement of 25 June 2004.

Invoking Article 1 of Protocol No. 1 to the Convention, the applicant also claims that his right to the peaceful enjoyment of his possessions was violated in the present case.

Questions to the parties

1. Was the applicant's case heard fairly by a tribunal that was independent, impartial, and established by law, in accordance with the requirements of Article 6 § 1 of the Convention?
2. Was there a violation of the applicant's right to the peaceful enjoyment of his possessions within the meaning of Article 1 of Protocol No. 1 to the Convention?

R.C. and Others v. Italy (application no. 33412/17)

Article 3 – Article 8 - Effectiveness of criminal proceedings relating to sexual abuse - Impact of proceedings on applicants' private and family life – Unreasonable delay of investigation and court proceedings

Subject matter

The application concerns the effectiveness of the criminal proceedings relating to sexual abuse of the first applicant and his alleged consequent secondary victimisation, as well as the impact of the proceedings on the applicants' private and family life.

The first applicant, a minor at the time of the facts, was victim of sexual abuse by his seventeen-year-old cousin. The other applicants are his parents and his sister.

Criminal proceedings were instituted on 4 July 2007 and lasted until 19 July 2016, when the Court of Appeal ultimately convicted the accused of sex acts against minors under Article 609-*quater* of the Criminal Code. The case had by then passed through two levels of jurisdiction.

The applicants complain that the investigation and court proceedings were unreasonably delayed and that this delay aggravated the first applicant's trauma and caused him severe and permanent psychological difficulties, while also impacting on all the applicants' private and family life. They invoke Articles 3 and 8 of the Convention.

Questions to the parties

1. Can the second, third and fourth applicants claim to be victims of the alleged violations under Articles 3 and/or 8 of the Convention, within the meaning of Article 34 of the Convention (see *mutatis mutandis Mubilanzila Mayeka and Kaniki Mitunga v. Belgium,* no. 13178/03, § 61, ECHR 2006-XI)?

2. Was the investigation into the first applicant's allegations of sexual abuse and the ensuing criminal proceedings effective as required by the positive obligations inherent in Article 3 and/or Article 8 of the Convention (*X and Others v. Bulgaria* [GC], no. 22457/16, § 192, 2 February 2021, and *L. and Others v. France*, nos. 46949/21 and 2 others, § 201, 24 April 2025)? In particular:

(a) Did the criminal proceedings in the present case comply with the requirement of promptness and reasonable expedition (see, among others, *X and Others v. Bulgaria*, cited above, § 188; *M.G. v. Lithuania*, no. 6406/21, §§ 112-15, 20 February 2024; *Y. v. Slovenia*, no. 41107/10, § 96, ECHR 2015 (extracts); and *D.M.D. v. Romania*, no. 23022/13, § 44, 3 October 2017)?

(b) Did the authorities take the necessary measures to conduct the proceedings without unjustified delays and to prevent, to the extent reasonably possible, the aggravation of the first applicant's trauma (see *M.G. v. Lithuania*, cited above, §§ 112-15)?

Knox v. Italy (application no. 24153/25)

Article 46 – Article 6 § 1 – Article 6 § 3 (a) – Upholding of conviction based on memorandum which was not part of the original charge – Equality of arms -

Subject matter

The case concerns the applicant's right to a fair trial under Article 6 §§ 1 and 3 (a) of the Convention, namely in the context of the newly established European revision mechanism. Following a legislative reform of 2022 (*riforma Cartabia*), Article 628-*bis* was introduced in the Code of Criminal Procedure, providing for the possibility of lodging an appeal before the Supreme Court and to request, *inter alia*, the revocation of convictions which were rendered in violation of the Convention.

The present application stems for the previous case *Knox v. Italy* (no. 76577/13, 24 January 2019), where the Court examined the criminal procedure for slander instituted against the applicant and found a violation of: (i) Article 3 of the Convention, under its procedural limb, concerning the lack of an effective investigation concerning the applicant's possible degrading treatment during preliminary investigations, (ii) Article 6 §§ 1 and 3 (c), due to the absence of legal assistance during the applicant's interrogation at 5.45 a.m. of 6 November 2007 ; and (iii) Article 6 §§ 1 and 3 (e), on account of the fact that the applicant's interpreter had also acted as a mediator, trying to establish a personal and emotional connection with the applicant, while she was providing her version of the facts.

Following the legislative reform of 2022, the applicant then lodged an appeal under Article 628-*bis* of the Code of Criminal Procedure seeking a revocation of her conviction.

By judgment no. 47183 of 12 October 2023, the Supreme Court ordered the revocation of the final conviction for slander with regard to the violations found by the Court under Article 6 §§ 1 and 3 (c) and (e) of the Convention, namely concerning the applicant's statements of 6 November 2007. At the same time, the Supreme Court found that a further element should be considered, i.e. the memorandum (*memoriale*) handwritten by the applicant of her own will a few hours after her statements and then brought to the attention of the police. It then remitted the case to the Assize Court of Appeal warranting a new examination of the case in order to assess: (1) whether the said memorandum should be considered as the means for the commission of the offence (*corpo del reato*) or as an element carrying a sole evidential value (2) as to the memorandum's content, whether it should be considered as containing false accusations or as a retraction.

The Assize Court of Appeal upheld the conviction, considering that the memorandum could be used to ground the conviction and contained false accusations.

The applicant appealed on points of law complaining that the Assize Court failed to comply with the instructions given by the Supreme Court and that the case concerned a new charge, different from the one brought against her within the original proceedings. The applicant also relied on judgment no. 395 of 2016 of the Florence District Court by which she was acquitted of slander against the police officers who had interviewed her on 6 November 2007, on the ground of the severe stress experienced owing to the officers' conduct in that context. Against this background, she complained that the

memorandum had been considered as a means to commit the slander without duly assessing the context in which it had been written.

By judgment no. 13512 of 23 January 2025, the Court of Cassation dismissed the applicant's appeal and upheld her conviction.

The applicant complains of a violation of Article 6 §§ 1 and 3 of the Convention in that her conviction was upheld based on the memorandum which was not part of the original charge brought against her within the original proceedings. She also alleged that the authorities failed to duly consider the context in which it was written, also in the light of the conclusions of the Court in the case *Knox v. Italy* (no. 76577/13, 24 January 2019) and of the meaning attributed to the memorandum by the Court in the said judgment. The applicant also claimed that her conviction was pronounced in breach of the principle of equality of arms.

Questions to the parties

1. Does the Court have jurisdiction to deal with the application without encroaching on the Committee of Minister's prerogatives under Article 46? In particular, in relation to *Knox v. Italy* (no. 76577/13, 24 January 2019), does the present application raise a "new issue" (*Moreira Ferreira v. Portugal (no. 2)* [GC], no. 19867/12, § 47, 11 July 2017; *Mehmet Zeki Doğan v. Türkiye (no. 2)*, no. 3324/19, §§ 54 and 56-57, 13 February 2024)?

2. If so, did the applicant have a fair hearing in the determination of the criminal charge against her, in accordance with Article 6 § 1 of the Convention?

In particular, did the domestic authorities duly consider the context in which the memorandum was written, in the light of the issue of the parallel proceeding for slander (judgment no. 395 of 2016 of the Florence District Court), the conclusions of the Court in the case *Knox* (cited above) and of the meaning attributed to the memorandum by the Court within the said judgment?

Has the principle of equality of arms been breached in the present case?

3. Was the applicant informed in sufficient detail of the nature and cause of the accusation against her, as required by Article 6 § 3 (a) of the Convention?

Bradshaw v. Malta (application no. 15237/25)

Article 1 of Protocol No. 1 – Article 13 – Effective remedy - Denial of rent by requisition - No acknowledgment or compensation for breach of property rights

Subject matter

The application concerns the Maltese requisition and rent laws.

The applicant is a part owner (4.3%) of a property in Merchant Street, Valletta. The property was requisitioned in 1955 and until the early 1970s served as an administrative Government building, thereafter it was divided into seven separate units (a store and six flatlets) which were allocated to several people in exchange for a controlled rent. The property was de-requisitioned in 2003. However, the tenants remained in place and continued to pay rent until they either died or until they vacated the property against an agreement, dated 2018, for the payment of 200,000 euros (EUR) by the owners

to them. The different units of the property were vacated on different dates between 2015 and 31 December 2018.

The applicant claimed to have received (together with the other owners) no rent until 1972 and for the subsequent period until 2020 he (together with the other owners) received EUR 20,396.53 *in toto* in rent for the seven dwellings.

In August 2020 the owners (including the applicant) lodged constitutional redress proceedings claiming a breach of their property rights. By a judgment of 18 January 2024, the Civil Court (First Hall) in its constitutional competence found a violation of Article 1 of Protocol No. 1 to the Convention in relation to the period 1955-2003 (bearing in mind that the circumstances constituted a continuous violation which continued after 1987, thus they fell within the competence of the domestic court) and awarded EUR 250,000 in pecuniary damage and EUR 10,000 in non-pecuniary damage. It, however, rejected their complaint for the subsequent period considering that there was no unilaterally imposed lease, and the owners could have proceeded to evict the tenants.

On appeal by both parties, by a judgment of 20 January 2025, the Constitutional Court considered that it only had jurisdiction to assess the facts of the case as of 1987 (date of the introduction of the right to individual petition in domestic law). It however, upheld the owners' argument that the violation only came to an end when the unilaterally imposed lease regulated by Chapter 69 of the Laws of Malta ended following the departure of the tenants. For the violation from 1987 to 2018 it thus awarded EUR 369,550 in pecuniary damage (on the basis of the formula applied in *Cauchi v. Malta*, no. 14013/19, §§ 102-07, 25 March 2021, but bearing in mind that the court-appointed expert report had been based on the property's commercial value not its actual residential use, thus it had to be reduced by 50%, and applying a further reduction of EUR 50,000 which would be required to refurbish the property) and EUR 10,000 in non-pecuniary damage. Part (1/3) costs of the appeal were to be paid by the owners.

The applicant complains under Article 1 of Protocol No. 1 to the Convention alone and in conjunction with Article 13, that he is still a victim of the violation upheld by the domestic court, particularly because there was no acknowledgment or compensation for the period 1967-1987.

Questions to the parties

1. Has there been a violation of Article 1 of Protocol No. 1 to the Convention in respect of the period 1967-1987, particularly bearing in mind that the applicant (together with the other owners) appears to have received no rent whatsoever for the period 1967-1972, and a relatively low rent for the subsequent period until 1987?

2. Did the applicant have an effective remedy under Article 13 in conjunction with Article 1 of Protocol No. 1 to the Convention in relation to the period 1967-1987? The parties are requested to submit relevant case-law in support of their submissions.

M.M. and T.S. v. Moldova* (application no. 12883/19)

Article 3 - Discrimination based on sex and/or disability – Sexual assault during internment

Subject matter

The application concerns the rapes and sexual assaults allegedly suffered by two patients of a psychiatric institution and the investigation conducted in that regard. It raises issues under Articles 3 and 14 of the Convention.

The two applicants have intellectual disabilities and are interned in a specialised public institution in the city of Bălţi. They accused one of the doctors at that institution of raping and sexually assaulting them. The doctor was already being prosecuted for rape and sexual assault of other patients of the institution, and was later convicted for those acts.

As regards the applicants, the competent prosecutor discontinued the proceedings on the grounds that there was no direct evidence supporting their allegations. He noted in particular that the institution's employees who had been questioned were unable to confirm the alleged facts, and that, according to the applicants' psychiatric assessments, they suffered from severe intellectual disabilities, meaning that their statements were not admissible in criminal proceedings.

Following an appeal lodged by the applicants' lawyer, the Bălţi Court of Appeal quashed the discontinuance decision and ordered further investigation. It considered that the investigation had been superficial and biased, and that new psychiatric assessments of the applicants had to be carried out by an independent and impartial institution.

Subsequently, the prosecutor in charge of the case considered it impossible to carry out the new assessments under the conditions requested by the lawyer, namely in Romania, and issued a new decision to discontinue the proceedings similar to the first one. Upon the lawyer's appeal, the Bălţi Court of Appeal again quashed the decision. It found that the investigation was incomplete and that the psychiatric assessment of the applicants abroad could be carried out on the basis of their existing medical documentation. According to the applicants, the investigation has not progressed since then.

Relying on Article 3 of the Convention in conjunction with Article 14, the applicants complain, first, that they were victims of rape and sexual assault while under the control of the authorities and that the State failed in its obligation to protect them, and second, that the investigation into their allegations was ineffective, in particular due to prevailing prejudices against women with intellectual disabilities.

Questions to the parties

1. Were the applicants subjected, in violation of Article 3 of the Convention, to rape and sexual assault during their internment in the Bălţi psychiatric institution? Did the Moldovan authorities know, or ought they to have known, of the risk that the applicants might be subjected to such ill-treatment? If so, did they fail in their positive obligation to take reasonable protective measures to prevent it (X and Others v. Bulgaria [GC], no. 22457/16, §§ 181–83, 2 February 2021)

   Did the investigation conducted by the authorities into the applicants' allegations comply with the requirements of Article 3 of the Convention (ibid., §§ 184–90)?

2. Were the applicants victims of discrimination on the basis of sex and/or disability, contrary to Article 14 of the Convention taken together with Article 3 (I.C. v. Republic of Moldova, no. 36436/22, §§ 213–15 and 222, 27 February 2025)?

Litun v. Moldova* (application no. 22081/18)

Article 6 §1 – Article 1 of Protocol No. 1 - Action already definitively determined in previous proceedings - Procedural safeguards to assert right to the peaceful enjoyment of possessions - Principle of legal certainty

Subject matter

The application concerns the different approach taken by the domestic courts in two separate sets of proceedings even though their subject matter was allegedly similar.

The applicant held 25% of the shares of a limited liability company, the remainder belonging to his co-associate.

Alleging that the applicant had failed to pay his capital contributions for several years, the co-associate lodged, on 1 July 2010, a civil action seeking to have the applicant excluded from the company. By a final decision of 25 March 2015, the Supreme Court of Justice held that the action was time-barred under Article 267 (1) of the Civil Code and dismissed it.

On 21 May 2015, the co-associate brought a second civil action seeking to be recognised as the sole owner of the company, on the ground that the applicant had failed to pay the capital contributions he had undertaken to make. By a final decision of 18 October 2017, the Supreme Court of Justice upheld the claim in full. In response to the applicant's argument that his associate's claim could not be granted because a similar action had already been rejected as time-barred in the first set of proceedings, the courts noted that the second action concerned the dissolution of a community of property and that, under Article 1370 of the Civil Code, such an action was not subject to any limitation period, since the right of property is permanent.

The applicant complains under Article 6 § 1 of the Convention that his right to a fair trial was violated as a result of the admission by the courts of an action that had already been definitively decided in earlier proceedings with the same subject matter. He also alleges, under Article 1 of Protocol No. 1 to the Convention, that by granting the co-associate's second action, the domestic courts deprived him of 25% of his shares, thereby infringing his right to the peaceful enjoyment of his possessions.

Questions to the parties

1. Was there a violation of the applicant's rights under Article 6 § 1 of the Convention, in particular of the principle of legal certainty, owing to the admission on 18 October 2017 by the Supreme Court of Justice of an action already definitively determined in previous proceedings with the same subject matter and between the same parties (*Oleksandr Volkov v. Ukraine*, no. 21722/11, § 137, 9 January 2013; *Brumărescu v. Romania* [GC], no. 28342/95, § 61, ECHR 1999-VII; and *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, § 238, 1 December 2020)?

2. Was there an interference with the applicant's right to the peaceful enjoyment of his possessions, within the meaning of Article 1 of Protocol No. 1 (*Popov v. Moldova (no. 2)*, no. 19960/04, §§ 57-58, 6 December 2005)? In particular, did the domestic proceedings afford the applicant the necessary procedural safeguards to assert his right to the peaceful enjoyment of his possessions (*Anheuser-Busch Inc. v. Portugal* [GC], no. 73049/01, § 83, ECHR 2007-I)?

Kruglova v. Moldova and Russia and 27 other applications (application nos. 31359/18, 35496/18, 35580/18, etc)

Article 3 – Article 5 – Article 1 - Unlawfulness of deprivation of liberty - Inadequacy of material conditions of detention - Jurisdiction

Subject matter

The cases concern the applicants' deprivation of liberty in the self-proclaimed "Moldovan Republic of Transnistria" (the "MRT") on the territory of the Republic of Moldova. Their main complaints concern the unlawfulness of their deprivation of liberty and the inadequacy of the material conditions of detention (Articles 3 and 5 of the Convention). Some applicants also complain about being subjected to ill-treatment, unlawful home searches, property seizures, bans on entering or leaving the "MRT" region, and conviction for various alleged criminal offences by unlawful courts in the "MRT". Their complaints are described in detail in the appended table.

Questions to the parties

1. In all applications, do the applicants come within the jurisdiction of the Republic of Moldova and/or Russia within the meaning of Article 1 of the Convention as interpreted by the Court in the cases of *Lypovchenko and Halabudenco v. the Republic of Moldova and Russia* (nos. 40926/16 and 73942/17, §§ 85-87, 20 February 2024), and *Mozer v. the Republic of Moldova and Russia* ([GC], no. 11138/10, §§ 99-111, 23 February 2016), on account of the circumstances of the present cases?

2. In all applications (except nos. 18626/20 and 21775/22), has there been a violation of Article 3 of the Convention? In particular:

(a) Were the relevant applicants detained in inhuman and/or degrading conditions of detention and were they provided with medical assistance required by their state of health (see, *Lypovchenko and Halabudenco*, cited above, §§ 105-111)?

(b) Were the relevant applicants subjected to ill-treatment by the "MRT authorities" (see, *Ilaşcu and Others v. Moldova and Russia* [GC], no. 48787/99, §§ 424-33, ECHR 2004-VII)?

3. In all applications, has there been a breach of Article 5 § 1 of the Convention? In particular:

(a) Were the applicants lawfully deprived of their liberty (see, *Lypovchenko and Halabudenco*, cited above, §§ 119-129)?

(b) In application no. 1190/23, was the applicant's arrest by the "MRT authorities" on Moldovan territory "lawful", within the meaning of Article 5 § 1 of the Convention (see, *Filin v. the Republic of Moldova and Russia* [Committee], no. 48841/11, §§ 43-49, 17 September 2019)? Did the Republic of Moldova fulfil its positive obligation to prevent the alleged abduction of the applicant from the territory under its control (*El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, § 239, ECHR 2012)?

(c) In application no. 44744/20, did the applicant's forced conscription into the "MRT army" constitute a deprivation of liberty within the meaning of Article 5 of the Convention (see, *Golub v. the Republic of Moldova and Russia* [Committee], no. 48020/12, § 47, 30 November 2021)?

4. In respect of application no. 41937/21, did the Russian authorities comply with the interim measure indicated by the Court on 7 January 2022 under Rule 39 of the Rules of Court? If not, did the respondent

Russian Government thereby hinder the effective exercise of the applicants' right of individual application, as guaranteed by Article 34 of the Convention (see *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, §§ 128-29, ECHR 2005-I)?

5. In respect of the remainder of the applicants' complaints, do they disclose a violation of the Convention, as claimed by the applicants?

(a) In the relevant applications, has there been a violation of Article 6 of the Convention (see, *Lypovchenko and Halabudenco*, cited above, §§ 123-129)?

(b) In the relevant applications, has there been a violation of Article 8 of the Convention?

(c) In the relevant applications, has there been a violation of Article 10 of the Convention?

(d) In the relevant applications, has there been a violation of Article 11 of the Convention?

(e) In application no. 41937/21, has there been a violation of Article 1 of Protocol No. 1 to the Convention?

(f) In the relevant applications, has there been a violation of Article 2 of Protocol No. 4 to the Convention?

(g) In all applications, has there been a violation of Article 13 of the Convention read in conjunction with the relevant complaints raised by the applicants?

Janulkoska v. North Macedonia (application no. 2834/21)

Article 6 - Violation of the principle of legal certainty – Conviction based on unlawful evidence – Equality of arms – Impartial judge - Inadequate time and facilities to prepare defence - Presumption of innocence

Subject matter

The application concerns criminal proceedings against the applicant (a former Minister of Interior of the respondent State) for having incited, at the request of the then-Prime Minister (N.G.), an employee of the Ministry of Interior (Gj.P.) to buy an armoured car favouring a certain supplier. The background to the case is similar to that in *Taleski and Others v. North Macedonia* ((dec.), nos. 77796/17 and five other applications, §§ 4-8, 24 January 2023).

In April 2018 the trial court disjoined the criminal proceedings against the applicant from those against N.G. and Gj.P., given that the applicant had a high-risk pregnancy and it could not be anticipated whether she could attend the hearings. In May 2018 a panel of the trial court presided by Judge D.K. convicted N.G. and Gj.P. The judgment stated that the applicant had incited Gj.P. to commit the offence. Judge D.K. publicly pronounced that judgment in the presence of the media, reiterating the finding concerning the applicant.

In the ensuing criminal proceedings against the applicant, the trial court panel (also presided by Judge D.K.) scheduled but subsequently adjourned several hearings, initially due to the applicant's pregnancy and subsequently because she had given birth on 28 June 2018. The trial court held hearings on 29 and 30 August, 4, 5, 10, 14, 17, 18, 26 and 27 September, and on 1 and 3 October 2018, allowing for breaks of one and a half hours during the hearings. The applicant requested that Judge D.K. be recused, *inter alia* on account of the tight scheduling of the hearings, as well as given the trial court's finding in the

judgment convicting N.G. and Gj.P. and Judge D.K.'s statement when pronouncing that judgment. The president of the trial court dismissed the applicant's request, finding that Judge D.K. had been conducting the proceedings lawfully and impartially.

The trial court admitted in evidence *inter alia* eight audio-recordings of intercepted conversations, despite the fact that in previous proceedings against other persons the court had excluded, as inadmissible, such evidence from the case files. The applicant was not given a copy of the audio-recordings and a report of her technical counsel (*технички советник*) concerning their authenticity was not admitted into evidence, as it had been submitted belatedly.

The trial court (composed of Judge D.K., another judge and three lay judges including a certain Z.J.) convicted the applicant of abuse of office. As for the use in evidence of the audio-recordings, it found that, irrespective of how the audio-recordings had been produced, they had been lawfully obtained by the Special Prosecutor's Office ("the SPO"), had been validated as evidence by the Act on the SPO and had not been the sole evidence against the applicant.

The Appeal Court and the Supreme Court confirmed the trial court's judgment. In its judgment adopted in September 2020, the Supreme Court also found that the applicant's addenda to her appeals and to the extraordinary review requests lodged with the Appeal Court and the Supreme Court respectively, enclosing new evidence which she had been unable to submit earlier, had been lodged out of time.

According to the applicant, two of the five judges of the Supreme Court to whom her case was initially assigned were subsequently replaced by other judges. The applicant's requests to inspect the case file, in order to ascertain the circumstances related to that change, apparently remained unanswered.

In August 2025 Z.J. made a written statement before a notary public that he had not participated in the trial court's deliberations (which, according to the information available to him, had never taken place) and had never voted for the trial court's judgment, but that Judge D.K. had given him minutes of deliberations to sign.

Under Article 6 §§ 1 and 3 of the Convention the applicant complains that i) she was convicted, in violation of the principle of legal certainty, on the basis of the audio-recordings which had been obtained unlawfully and were the sole evidence against her, and that she did not have a possibility to challenge them; ii) she did not have access to all the audio-recordings handed over to the SPO, which may have included evidence to her advantage, and there had been no legal procedure in which to challenge the selection of evidence by the SPO; iii) the trial was conducted hastily, despite the applicant's high-risk pregnancy and, subsequently, the fact that she had just given birth; iv) Judge D.K. (who was subsequently appointed as a Constitutional Court judge) had not been impartial; v) the applicant was not convicted by a "tribunal established by law", in view of the manner in which the trial court's judgment was adopted; vi) the composition of the Supreme Court's panel changed without any reason and contrary to the relevant rules of court; and vii) the Appeal and Supreme Court did not consider her addenda to the appeals and the extraordinary review requests. The applicant also complains under Article 6 § 2 of the Convention that Judge D.K. had a preconceived idea as to the applicant's guilt.

Questions to the parties

1. Did the applicant have a fair hearing in the determination of the criminal charge against her in accordance with Article 6 §§ 1 and 3 (b) of the Convention? In particular:

(a) did she have a fair hearing, in view of the circumstances in which the audio-recordings from the allegedly unlawfully intercepted communications, used in evidence in the proceedings, were obtained

and the applicant's alleged lack of opportunity to challenge their authenticity (see for the relevant principles *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, §§ 302-4, 26 September 2023)?

(b) were the principles of the adversarial nature of proceedings and equality of arms observed with regard to the disclosure to the defence of the evidence possessed by the prosecution (ibid., §§ 307-8)?

(c) did Judge D.K.'s statement given when pronouncing the judgment convicting N.G. and Gj.P. and the trial court's finding therein affect the applicant's right to a fair trial in a manner incompatible with the guarantees of Article 6 § 1 of the Convention (see *Navalnyy and Ofitserov v. Russia*, nos. 46632/13 and 28671/14, §§ 102-8, 23 February 2016)? Can Judge D.K. be considered impartial, as required by Article 6 § 1 of the Convention, in view of the trial court's finding in the judgment convicting N.G. and Gj.P. (see *Gorše v. Slovenia*, no. 47186/21, §§ 49-50 and 54-65, 6 March 2025) and bearing in mind Judge D.K.'s subsequent career advancement?

(d) did the applicant have adequate time and facilities to prepare her defence, as required by Article 6 § 3 (b), given the schedule of the hearings in view of the specific personal circumstances of the applicant (see, for example, *Kikabidze v. Georgia*, no. 57642/12, §§ 43-44, 16 November 2021)?

(e) was the applicant convicted by a "tribunal established by law" within the meaning of Article 6 § 1 of the Convention (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 211-17, 1 December 2020; and *Posokhov v. Russia*, no. 63486/00, § 39, ECHR 2003-IV), in view of the allegations concerning the deliberations and voting of the trial court's panel?

(f) has there been a violation of the applicant's right of access to a court or to a fair trial, given that the Appeal and Supreme Courts did not consider the addenda to the applicant's appeals and extraordinary review requests, respectively (see, mutatis mutandis, *Evaggelou v. Greece*, no. 44078/07, §§ 17-19, 13 January 2011; and *Reichman v. France*, no. 50147/11, §§ 27-31, 12 July 2016; see also, mutatis mutandis, *Kikabidze*, cited above, §§ 51 and 56; and, among many similar authorities, *Zayidov v. Azerbaijan* (no. 3), no. 60824/08, § 90, 19 January 2023)?

(g) in view of the alleged changes of the composition of the Supreme Court panel adjudicating the applicant's case, was that panel independent and impartial, as required by Article 6 § 1 of the Convention (see *Moiseyev v. Russia*, no. 62936/00, §§ 172-85, 9 October 2008)? Was the Supreme Court's panel which decided the applicant's case a "tribunal established by law" (see *Guðmundur Andri Ástráðsson*, cited above, §§ 223 and 229; *Kontalexis v. Greece*, no. 59000/08, §§ 38 et seq., 31 May 2011; and *DMD GROUP, a.s., v. Slovakia*, no. 19334/03, §§ 58 et seq., 5 October 2010)?

2. In view of Judge D.K.'s statements and the trial court's finding in the proceedings against N.G. and Gj.P, was the presumption of innocence, guaranteed under Article 6 § 2 of the Convention, respected in the applicant's case (see *Gorše*, cited above, §§ 51-65)?

Dincă v. Romania (application no. 16158/24)

Article 6 § 1 – Article 13 – Failure to conduct an effective investigation into allegations of assault and violence by ex-husband – Domestic violence – Right to life and health

Subject matter

The application concerns allegations of domestic violence. On 31 July 2018, the applicant complained to the authorities that, the day before, her ex-husband, an Omani citizen, had hit her in public and in the presence of their 4-years old son. She produced a forensic certificate to attest that she had sustained a face injury. Before the Court, she alleges that she suffered a deviated septum.

The authorities opened an investigation, and on 6 January 2022, the applicant complained about its duration. On 21 January 2022, the Bucharest First Instance Court allowed her complaint and ordered the investigative authority to finalise the investigation by 1st July 2022.

On 4 October 2022, the applicant's ex-husband was sent for trial on charges of assault or other violence before the Bucharest First Instance Court. On 12 October 2023, this court sentenced him to a criminal fine of 2 000 Romanian lei (RON; approximately 400 euros (EUR)) and it also ordered him to pay the applicant a civil compensation of 3 000 RON (approximately 600 EUR).

All the parties appealed. On 29 January 2024, the Bucharest Court of Appeals held that the criminal responsibility of the applicant's ex-husband had become time barred. At the same time, the Court of Appeals increased the amount of the civil compensation to be paid to the applicant to 15 000 RON (approximately 3 000 EUR).

Relying on Article 8 of the Convention, the applicant complains that the authorities did not protect her right to life and health, and claims that she still suffers from a deviated septum and respiratory problems. Relying on Articles 6 § 1 and 13 of the Convention, she alleges that the investigation was a formality and complains about its lengthy duration.

Questions to the parties

Have the State authorities complied with their positive obligations, stemming from Articles 3 and 8 of the Convention, to conduct an effective investigation into the applicant's allegations of assault and violence by her ex-husband (*Volodina v. Russia*, no. 41261/17, §§ 76-77, 9 July 2019, and *Bălşan v. Romania*, no. 49645/09, §§ 57-58, 23 May 2017)?

In particular, have the authorities taken into account the specific context of domestic violence (*Buturugă v. Romania*, no. 56867/15, § 67, 11 February 2020)? Also, have the authorities conducted a prompt and exhaustive investigation (*De Giorgi v. Italy*, no. 23735/19, § 81, 16 June 2022)?

Tarasenko v. Russia and 3 other applications (application nos. 16484/23, 20583/24, 20692/24, 34928/24)

Article 3 – Article 5 – Article 13 – Article 8 - Article 9 – Article of Protocol No. 1 – Unlawful deprivation of liberty – Detention conditions – Torture by prison authorities – Absolute ban on contact with outside world – Prohibition to practice non-Russian Orthodoc religions – Permanent seizure of personal belongings

Subject matter

A. The circumstances of the cases

The applications concern the alleged ill-treatment and unlawful detention of four Ukrainian nationals who were arrested by Russian forces on Zmiinyi island on 25 February 2022 (see *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 962, 9 July 2025).

The applicant in application no. 16484/23 is a doctor, while the remaining three are members of the clergy. The applicant in application no. 20692/24 serves as a chaplain in a Ukrainian military unit, and the other two perform chaplain duties on a voluntary basis.

On 25 February 2022 the applicants joined a rescue mission on board the *Sapfir* vessel, flying the flag of Ukraine, with the aim of retrieving the bodies of Ukrainian soldiers allegedly killed on Zmiinyi island.

Upon reaching the island on 26 February 2022, the applicants and members of the *Sapfir* crew were arrested by Russian forces and detained on board the vessel.

On 27 February 2022 the applicants were taken to Sevastopol, where they were detained in military custody.

On 11 March 2022 they were transferred by military aircraft to Kursk in the Russian Federation, together with approximately 200 Ukrainian prisoners of war. Upon arrival, the applicants were transported in prison vans to a military camp near Shebekino in the Belgorod region of Russia and detained there.

On 16 and 18 March 2022 the applicants were transferred to pre-trial detention facility no. 2 in Staryy Oskol ("Staryy Oskol SIZO no. 2") in the Belgorod region. The applicants in applications nos. 16484/23, 20583/24 and 20692/24 were held in custody in the Staryy Oskol SIZO no. 2 until their release in a prisoner exchange on 9 April 2022, while the applicant in application no. 34928/24 remained there until his release on 5 May 2022.

B. Relevant international material

1. The following Articles of the Third Geneva Convention of 12 August 1949, Relative to the Treatment of Prisoners of War ("the Third Geneva Convention") and the Fourth Geneva Convention of 12 August 1949, Relative to the Protection of Civilian Persons in Time of War ("the Fourth Geneva Convention"), are relevant to the present cases:

Article 33 – Rights and privileges of retained personnel (Third Geneva Convention)

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministration to prisoners of war. ...

Article 36 – Prisoners who are ministers of religion (Third Geneva Convention)

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

Article 42 – Grounds for internment or assigned residence of protected persons. Voluntary internment (Fourth Geneva Convention)

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary ...

Article 78 – Internment and assigned residence in occupied territory (Fourth Geneva Convention)

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

2. The *Report on the human rights situation in Ukraine, 1 February to 31 July* 2022, adopted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 27 September 2022, stated at § 53:

"OHCHR also documented the torture and ill-treatment of a group of four civilians, including two priests who had volunteered to retrieve the bodies of Ukrainian soldiers believed to have been killed on Zmiinyi island on 25 February. Once on the island, the men were arrested by Russian armed forces together with the 17 crewmembers of the rescue ship. Russian forces took the group to Sevastopol (Crimea), and then to Shibekine and Staryi Oskol in Belgorod Region (Russian Federation). In Shibekine, the men were held for six days in unheated military tents, where they were denied medical care and some suffered frostbite. In Staryi Oskol, Russian penitentiary staff repeatedly beat the detainees and frequently subjected them to body searches, including cavity searches, and electric shocks to their genitals. The Russian staff recorded these acts of torture and ill-treatment on video, and threatened to upload the videos online or to send them to the victims' relatives, creating additional psychological distress. The victims were released from detention during an 'exchange of prisoners of war' in May 2022."

C. The applicants' complaints

Relying on Articles 3, 5 and 13 of the Convention, the applicants complain that they were unlawfully deprived of their liberty and detained in inhuman and degrading conditions, and that they were subjected to torture by the Russian authorities, without having any effective remedy in that regard.

They further complain under Article 8 of the Convention that they were subjected by the Russian authorities to an absolute ban on contact with their family members and with the outside world.

The applicants further complain under Article 9 of the Convention that the prison authorities of the Staryy Oskol SIZO no. 2 did not allow them to practice their non-Russian Orthodox religions, which were regarded as "schismatic". The applicants in applications nos. 20583/24, 20692/24 and 34928/24 also complain that they were not permitted to minister their religions to other prisoners and that their religious symbols, including the Bible and crosses, were confiscated.

Lastly, referring to Article 1 of Protocol No. 1 to the Convention, the applicants complain that their personal belongings (a camera, mobile phones, cash, documents, keys) seized during their arrest on 26 February 2022 were never returned to them.

Questions to the parties

1. Have the applicants been subjected to torture or other ill-treatment, in violation of Article 3 of the Convention (see *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, §§ 1068, 1072, 1075-76 and 1082, 9 July 2025)?

Did the material conditions of their detention and transportation amount to inhuman or degrading treatment, within the meaning of Article 3 of the Convention (ibid., § 1080)?

2. Were the applicants deprived of their liberty in breach of Article 5 § 1 of the Convention (see *Hassan v. the United Kingdom* [GC], no. 29750/09, §§ 100-07, 16 September 2014; see also *Ukraine and the Netherlands*, cited above, §§ 1119-23)?

3. Did the applicants have at their disposal an effective domestic remedy for their complaints under Articles 3 and 5, as required by Article 13 of the Convention (see *Ukraine and the Netherlands*, cited above, § 1622)?

4. Has there been a breach of the applicants' rights under Article 8 of the Convention on account of the allegedly absolute ban on their contact with their families (see *Khoroshenko v. Russia* [GC], no. 41418/04, § 106, ECHR 2015, with further references)?

5. Has there been a violation of the applicants' right to freedom of religion, contrary to Article 9 of the Convention (see *Moroz v. Ukraine*, no. 5187/07, § 105, 2 March 2017, and *Korostelev v. Russia*, no. 29290/10, § 59, 12 May 2020)?

6. Have the applicants been deprived of their possessions in accordance with the conditions provided for by law and in accordance with the principles of international law, within the meaning of Article 1 of Protocol No. 1 (see *Ukraine and the Netherlands*, cited above, §§ 1447-49 and 1451-53)?

PONTIFICIA, REAL Y VENERABLE ESCLAVITUD DEL SANTÍSIMO CRISTO DE LA LAGUNA and DIOCESIS DE SAN CRISTOBAL DE LA LAGUNA v. Spain (application no. 7421/25)

Article 9 – Article 11 – Refusal to admit an individual as a member of the religious brotherhood - Interference by domestic court not prescribed by law and contrary to the principle of autonomy of religious communities – Lack of legitimate aim – Disproportionate interference of rights

Subject matter

The first applicant is the religious brotherhood *Pontificia, Real y Venerable Esclavitud del Santísimo Cristo de la Laguna*. It carries out acts of worship, namely religious processions related to the *Cristo de la Laguna* - a religious image of Jesus Christ. It is also the guardian of the sanctuary where the image is worshipped. The second applicant is the Diocese of *San Cristóbal de la Laguna* (Canary Islands).

According to Article 1 of the statutes of the brotherhood, only male members are admitted. Mrs. T.L.S. requested her admission. Considering the lack of response as a refusal, she lodged a civil action on grounds of infringement of the right of equality and no discrimination by gender and the right of association.

The first instance civil court (*Juzgado de Primera Instancia* nº 20 de Santa Cruz de Tenerife) ruled in her favour, namely on the grounds that the principle of autonomy of the religious communities could

not jeopardise the individual right of association unless there was a reasonable justification. In addition, the court, following the case-law of the Constitutional Court, considered that the first applicant held a dominant position within the religious field of the worship of the *Cristo de la Laguna* as it was only by becoming a member that Mrs. T.L.S. would be able to participate in the worship of the image within a brotherhood.

The first applicant lodged an appeal with the *Audiencia Provincial* de Santa Cruz de Tenerife, that upheld the approach of the first instance court by a judgement of 22 December 2020.

Both applicants then lodged an appeal on points of law with the civil chamber of the Supreme Court that overturned the *a quo* judgement on 23 December 2021. The court recalled that, in accordance with the international agreement concluded in 1979 between Spain and the Holy See, religious brotherhoods were governed by canon law, which provided that religious associations were ruled by their own statutes under the ecclesiastical authority. In addition, Law no. 7/1980 on religious freedom granted full autonomy to registered religious communities in order to set their own operating rules. Contrary to the approach held by the first instance court, the Supreme court considered that the applicant did not hold a dominant position as a brotherhood, taking into account that it did not have the monopoly or exclusivity in the organisation of processions and acts of worship of the *Cristo de la Laguna*. Therefore, the principle of religious autonomy should prevail over the individual right of association and the State should refrain from compelling a religious community to admit or exclude an individual as a member.

Mrs. T.L.S. lodged an *amparo* appeal with the Constitutional Court, that on 4 November 2024 concluded into a violation of her right not to be discriminated against on the basis of sex. It held that the interference in the claimant's rights on grounds of protection of religious freedom was not proportionate considering that canon law did not exclude that women could be admitted as members of religious brotherhoods. As far as freedom of association was concerned, the Constitutional court found that the right to admit or exclude an individual was not absolute, in particular considering that the first applicant had a dominant and exclusive position in respect of the worship of the image and a remarkable importance in the social and cultural life of the municipality. Consequently, the principle of autonomy could not prevail over the claimant's individual right of association. In addition, the court recalled that the brotherhood had received financial support from the State for the restoration of the religious image.

The applicants complained under Articles 9 and 11 of the Convention that the Constitutional Court's interference in their rights was not prescribed by law and was contrary to the principle of autonomy of religious communities enshrined in an international treaty and in domestic law. In addition, the applicants submitted that the interference did not pursue a legitimate aim. Ultimately, the applicants argued that the interference was not proportionate as it implied the infringement of their rights and of those of the members of the brotherhood.

Questions to the parties

Did the applicants' refusal to admit an individual as a member of the religious brotherhood constitute a manifestation of their religion within the meaning of Article 9 § 1 of the Convention, interpreted in the light of Article 11 (see *Svyato-Mykhaylivska Parafiya v. Ukraine,* no. 77703/01, 14 June 2007, §§ 146 and 150, and *mutatis mutandis Moscow Branch of the Salvation Army v. Russia,* no. 72881/01, § 58, ECHR 2006-XI)?

If so, has there been an interference with the applicants´ freedom of religion, within the meaning of those provisions? Was it prescribed by law, necessary and proportionate in terms of Article 9 § 2 of

the Convention? In particular, did the domestic authorities strike a fair balance between the rights of the applicants and any competing rights or interests?

E.S. v. Sweden (application no. 26825/25)

Article 2 – Article 3 – Interim measures – Refusal of asylum request – Deportation order – Risk of ill-treatment or death based on religious and political beliefs

Subject matter

The applicant, an Afghan national, requested asylum in Sweden. In several sets of proceedings, during the years from 2015 to 2025, the Swedish authorities refused his requests and ordered his deportation.

The applicant complains that, if he were to be deported, he would face a real risk of being subjected to treatment in breach of Articles 2 and 3 of the Convention mainly owing to his Hazara ethnicity, his apostasy from Islam and conversion to Christianity, his political views, and his so-called "westernisation". He also submits that the domestic authorities' assessments of these risks were flawed and inadequate.

His request for an interim measure under Rule 39 of the Rules of Court was granted by the Court on 10 September 2025.

Questions to the parties

1. In the light of the applicant's claims, the documents which have been submitted and relevant country information, would he face a risk of being subjected to treatment in breach of Articles 2 and 3 of the Convention if he were deported to Afghanistan?

In particular, would he face such a risk on account of his Hazara origin, his religious and political beliefs, and his so-called "westernisation", alone or in combination with any further circumstances, taking into consideration, *inter alia*, country information regarding the situation in Afghanistan for individuals of Hazara ethnicity; individuals considered to have committed apostasy; individuals perceived to have transgressed religious, moral and/or societal norms; and individuals perceived as influenced by foreign values (see, for example, UN High Commissioner for Refugees (UNHCR), *Guidance Note on the International Protection Needs of People Fleeing Afghanistan (Update II)*, September 2025, and European Union Agency for Asylum (EUAA), *Country Guidance: Afghanistan 2024,* May 2024, Common analysis, sections 3.11, 3.12, 3.13 and 3.14.2)?

2. Did the domestic authorities fulfil their procedural obligation to conduct an adequate examination of whether the applicant would face a real risk of death or ill-treatment if he were deported to Afghanistan, as required by Articles 2 and 3 of the Convention?

A.M.R. v. Sweden (application no. 26092/25)

Article 2 – Article 3 – Article 14 – Interim measures - Refusal of asylum request – Deportation order – Risk of ill-treatment or death based on religious and political beliefs - Illiteracy not properly accommodated in domestic proceedings

Subject matter

The applicant, an Afghan national, requested asylum in Sweden. In several sets of proceedings, during the years from 2015 to 2025, the Swedish authorities refused his requests and ordered his deportation.

The applicant complains that, if he were to be deported, he would face a real risk of being subjected to treatment in breach of Articles 2 and 3 of the Convention mainly owing to an earlier conflict in Afghanistan, his Hazara ethnicity, his apostasy from Islam and atheist beliefs, his political views, and his so-called "westernisation". He also submits that the Swedish State failed to fulfil its procedural obligations under those Articles. Moreover, invoking Article 14 of the Convention, he complains that his illiteracy was not properly accommodated in the asylum proceedings, resulting in discriminatory treatment in comparison with asylum seekers without such functional limitations.

His request for an interim measure under Rule 39 of the Rules of Court was granted by the Court on 10 September 2025.

Questions to the parties

1. In the light of the applicant's claims, the documents which have been submitted and relevant country information, would he face a risk of being subjected to treatment in breach of Articles 2 and 3 of the Convention if he were deported to Afghanistan?

In particular, would he face such a risk on account of his Hazara origin, his religious and political beliefs, and his so-called "westernisation", alone or in combination with any further circumstances, taking into consideration, *inter alia*, country information regarding the situation in Afghanistan for individuals of Hazara ethnicity; individuals considered to have committed apostasy; individuals perceived to have transgressed religious, moral and/or societal norms; and individuals perceived as influenced by foreign values (see, for example, UN High Commissioner for Refugees (UNHCR), *Guidance Note on the International Protection Needs of People Fleeing Afghanistan (Update II)*, September 2025, and European Union Agency for Asylum (EUAA), *Country Guidance: Afghanistan 2024,* May 2024, Common analysis, sections 3.11, 3.12, 3.13 and 3.14.2)?

2. Did the domestic authorities fulfil their procedural obligation to conduct an adequate examination of whether the applicant would face a real risk of death or ill-treatment if he were deported to Afghanistan, as required by Articles 2 and 3 of the Convention?

3. Has the applicant suffered discrimination in the enjoyment of his Convention rights, contrary to Article 14 of the Convention read in conjunction with Articles 2 and 3 of the Convention, in particular in view of his claim that his illiteracy was not properly accommodated in the domestic proceedings?

E.H. v. Switzerland* (application no. 10781/24)

Article 8 - Revocation of settlement permit

Subject matter

The application concerns the revocation of the applicant's settlement permit, she being a Turkish national born in 1964, as well as her removal from Switzerland.

She joined her husband in Switzerland in 1983, when she was 19 years old. Their three children were born in 1985, 1989 and 1997. The couple separated in 2006 and divorced in 2011. Since her husband did not pay any maintenance for the children or for her, she received social assistance from 2006 to 2023.

The applicant suffers from mental health disorders. Health professionals agreed that in 2013 she was at least partially unfit for work.

On 5 August 2022, the competent cantonal migration authorities revoked the applicant's settlement permit in Switzerland and ordered her removal to Turkey. By decisions of 8 May 2023 and 27 November 2023, the Cantonal Court and then the Federal Court dismissed the applicant's appeals. The Swiss authorities considered that the conditions for withdrawing a settlement permit were fulfilled, since the applicant had been permanently dependent on social assistance and nothing indicated that she would be able to find employment in the near future, given her lack of training and professional experience. Although the courts noted that she had had to raise her three children alone and had lived in Switzerland for 40 years with her family, they nonetheless held that her private interest had to be relativised in view of her heavy reliance on social assistance.

Since 1 July 2023, the applicant has been working at 80 percent and is no longer dependent on social assistance. In November 2024, she requested a re-examination of her situation from the migration authorities, but withdrew her request once legal aid was refused by the cantonal authorities.

Questions to the parties

1. Did the revocation of the settlement permit by the Swiss authorities amount to an interference with the applicant's right to respect for her private life within the meaning of Article 8 of the Convention (*Gezginci v. Switzerland*, no. 16327/05, § 57, 9 December 2010)? If so, was this interference provided for by law and did it pursue a measure necessary for national security, public safety or the economic well-being of the country?

2. Could the Swiss authorities rely solely on the economic well-being of the country as a legitimate aim to justify the interference with the applicant's right to respect for her private life (*Hasanbasic v. Switzerland*, no. 52166/09, § 59, 11 June 2013)?

3. Could the Swiss authorities revoke the applicant's settlement permit after 40 years of lawful residence without giving a prior warning?

R.J. and Others v. Switzerland* (application no.)

Article 8 – Mandatory expulsion - Right to respect for family life

Subject matter

The applicant R.J., a national of Kosovo, settled in Switzerland in 2002. In 2014, he married the applicant A.J., also originally from Kosovo but a Norwegian citizen. In 2015 and 2020, the couple's two children (applicants I.J. and L.J.) were born. All applicants hold a residence permit in Switzerland.

In 2019, the applicant R.J. was arrested by the police for having sold approximately 150 grams of cocaine to 10–15 people and having consumed 150 grams together with his wife. He was sentenced to a custodial sentence of twenty months, with fourteen months suspended, and "mandatory" expulsion for a period of five years, under Article 66a of the Swiss Criminal Code (CC). Under point o) of that provision, the judge expels from Switzerland a foreign national who, as in the present case, is convicted of an offence under Article 19 § 2 of the Narcotics Act (LStup), for a period of five to fifteen years. According to the second paragraph of Article 66a CC, the judge may exceptionally refrain from ordering expulsion where it would place the foreign national in a serious personal situation and where

the public interests in expulsion do not outweigh the private interest of the foreign national in remaining in Switzerland (see the first decision concerning "mandatory" expulsions, M.M. v. Switzerland, no. 59006/18, 8 December 2020).

Before the Court, the applicants claim that the expulsion of R.J. violates their right to respect for family life, guaranteed by Article 8 of the Convention.

Questions to the parties

1. Have the applicants suffered an interference with their right protected under Article 8 § 1 of the Convention? If so, was that interference justified under § 2 of that provision?
2. Did the domestic courts carefully apply the Court's case-law and duly balance the applicants' individual interests against the public interest of the community in light of the criteria established by the Court (see, in this regard, Boultif v. Switzerland, no. 54273/00, 2 August 2001; Üner v. the Netherlands [GC], no. 46410/99, 18 October 2006; I.M. v. Switzerland, no. 23887/16, § 78, 9 April 2019; and in particular M.M. v. Switzerland, no. 59006/18, § 52, 8 December 2020)?

Oktay v. Türkiye (application no. 40608/16)

Article 1 of Protocol No. 1 - Liability of a member of a bank's board for the approval of fraudulent loans

Subject matter

The Subject matter of the case and Questions to the parties is available in HUDOC.

Questions to the parties

1. In view of the fact that the applicant, as a member of the board, approved all the allegedly fraudulent loans in 1998, whereas Law No. 4389, which was considered the basis for the applicant's liability, only came into force later in 1999, was the interference with the applicant's right to the peaceful enjoyment of her possessions lawful and proportionate, as required by Article 1 of Protocol No. 1 to the Convention (see *Maurice v. France* [GC], no. 11810/03, § 89, ECHR 2005-IX; *Maggio and Others v. Italy*, nos. 46286/09 and 4 others, § 60, 31 May 2011; *Azienda Agricola Silverfunghi S.a.s. and Others v. Italy*, nos. 48357/07 and 3 others, § 104, 24 June 2014; and *Tokel v. Turkey*, no. 23662/08, § 76, 9 February 2021)?

2. What is the legal regime applicable under Turkish law for holding a member of a bank's board responsible for the approval of certain allegedly fraudulent loans, in particular regarding the rules on joint and/or several liability where multiple persons have jointly caused damage? In this connection, was the application of this regime to the applicant consistent with the proportionality requirement under Article 1 of Protocol No. 1 to the Convention? In particular, according to this regime, does the applicant have the possibility to have recourse against the other potentially liable persons under the Law of Obligations or other relevant domestic legislation?

3. In view of the fact that the reports establishing the applicant's responsibility for the approval of the loans were drawn up in 2000, whereas the applicant was only invited to make payment and subsequently ordered to pay the impugned damages in 2011, can the interference with the applicant's right to the peaceful enjoyment of her possessions be regarded as consistent with the proportionality requirement under Article 1 of Protocol No. 1 to the Convention?

Q v. the United Kingdom (application no. 11826/23)

Article 2 of Protocol No. 1 - Article 35 § 1 - Appropriate long-term educational provision for persons special educational needs and/or disabilities

Subject matter

The applicant was born in 2016. He was born prematurely and his early developmental milestones were delayed. He has a number of significant health problems including cerebral palsy, epilepsy and complex respiratory problems. He was known to the local authority (which has responsibility for children's services and education) since the age of two.

In 2020 arrangements were made by the local authority for the applicant to attend a mainstream primary school. The school found it difficult to manage the applicant's behaviour and placed him on a reduced hours timetable from his first day of school on 9 September 2020. It was subsequently decided that it was not suitable for him to continue attending the school. The school therefore made arrangements for the applicant to attend VIP Stop Gap from January 2021. VIP Stop Gap is not a school but an "alternative provision", which falls outside the oversight of the Office for Standards in Education, Children's Services and Skills (Ofsted). The applicant initially attended VIP Stop Gap for 2.5 hours a week, before increasing to 7.5 hours a week. In October 2021 the applicant's "alternative provision" at VIP Stop Gap was increased to 20 hours a week and, in November 2021, to 25 hours a week.

The applicant commenced judicial review proceedings alleging that the local authority had breached its duty under section 19 of the Education Act 1996 to provide him with suitable full-time education and that this amounted to a denial of his right to education under Article 2 of Protocol No. 1 to the Convention. On 8 December 2021 his claim was dismissed. On 6 October 2022 the Court of Appeal refused him permission to appeal.

The applicant complains that between September 2020 and January 2022, when he was given a place at a school specifically established to cater for children with special educational needs and/or disabilities, there was a violation of his right not to be denied education under Article 2 of Protocol No. 1 to the Convention.

Questions to the parties

1. Has the applicant complied with the time-limit laid down in Article 35 § 1 of the Convention? In particular, are there grounds for applying Rule 47 § 6 (b) of the Rules of Court to decide that 31 January 2023 was the date of introduction of the application (see, for example, *Faulkner and McDonagh v. Ireland* (dec.), nos. 30391/18 and 30416/18, § 86, 8 March 2022)?

2. Has the applicant been denied the right to education guaranteed by Article 2 of Protocol No. 1 to the Convention (see, for example, the general principles in *Case "relating to certain aspects of the laws on the use of languages in education in Belgium"* (merits), 23 July 1968, p. 31, §§ 3-5, Series A no. 6, and *Ali v. the United Kingdom*, no. 40385/06, §§ 51-54, 11 January 2011)? The parties are invited to address in particular:

(a) the period prior to September 2020 and the extent of any preparation or assessments undertaken with a view to ensuring suitable educational provision for the applicant from September 2020 in light of his special educational needs and/or disabilities (see, *mutatis mutandis*, *G.L. v. Italy*, no. 59751/15, § 72, 10 September 2020);

(b) the decision-making process leading to the arrangements for the applicant to attend a mainstream primary school from September 2020, including the consideration, organisation and putting in place of any necessary additional support;

(c) the scope of the educational provision afforded to the applicant between September and December 2020, including decisions taken on the number of hours of education to be provided and steps taken to facilitate the applicant's attendance at school, to accommodate and make suitable provision for his special educational needs and/or disabilities, and to ensure his access to appropriate education;

(d) the "alternative provision" afforded to the applicant from January 2021 to December 2021, in particular the content of the provision and the number of hours a week provided;

(e) the steps taken between September 2020 and December 2021 to secure appropriate long-term educational provision for the applicant; and

(f) the impact on the applicant, having regard notably to his special educational needs and/or disabilities, of the delay from September 2020 to January 2022 in his accessing a place in a suitable special school (see, in this respect, *Catan and Others v. the Republic of Moldova and Russia* [GC], nos. 43370/04 and 2 others, § 144, ECHR 2012 (extracts), and *G.L. v. Italy*, cited above, § 71).

CC v. the United Kingdom (application no. 25191/23)

Article 8 – Article 14 - Article 1 of Protocol No. 1 – Article 2 of Protocol No. 1 - Legislation precluding a compensation award - Discrimination on grounds of disability - Physical restraints imposed by school staff

Subject matter

The applicant was born in 2013 and has been diagnosed with autism spectrum disorder, pathological demand avoidance, sensory processing disorder and Ehlers-Danlos Syndrome (Type 3). Between September 2017 and October 2019 he attended a mainstream school ("L School") where he was subjected to sanctions imposed by school staff, including physical restraints.

On 2 October 2019 the applicant commenced proceedings in the First-tier Tribunal (Special Educational Needs and Disability) ("FTT") alleging discrimination on grounds of disability in respect of his treatment at L School. The FTT had exclusive jurisdiction to hear such claims and could make any order it thought fit, but under paragraph 5(3)(b) of Schedule 17 to the Equality Act 2010 had no power to award compensation if unlawful disability discrimination was found to have occurred. The applicant therefore also commenced judicial review proceedings in the High Court arguing that the impugned provision breached his Convention rights as it discriminated against him on grounds of disability compared to school pupils with other protected characteristics and disabled students at further or higher education institutions, all of whom were entitled to claim compensation for unlawful discrimination.

On 12 February 2021 the FTT held that the physical restraints applied to the applicant between September 2017 and December 2018 had been disproportionate and constituted unlawful disability discrimination under the 2010 Act. It ordered L School to apologise to the applicant and to review its behavioural policies.

On 23 June 2022 the High Court dismissed the applicant's judicial review claim in respect of the compatibility of the legislation with the Convention. The Court of Appeal refused permission to appeal on 23 February 2023.

The applicant complains that the legislation precluding a compensation award in his case violates Article 14 taken in conjunction with Article 8 of the Convention and/or Articles 1 and/or 2 of Protocol No. 1 to the Convention.

Questions to the parties

1. Does the applicant's complaint of discrimination as a result of paragraph 5(3)(b) of Schedule 17 to the Equality Act 2010 which precluded a compensation award in his case fall within the ambit of Article 8 of the Convention and/or Articles 1 and/or 2 of Protocol No. 1 to the Convention (see, for example, *T.H. v. Bulgaria*, no. 46519/20, §§ 90-91, 11 April 2023, and *Fabris v. France* [GC], no. 16574/08, §§ 48-55, ECHR 2013 (extracts))?

2. Has the applicant been treated differently from others in an analogous situation (see, for example, *Djeri and Others v. Latvia*, nos. 50942/20 and 2022/21, §§ 138-42, 18 July 2024, and *Stott v. the United Kingdom*, no. 26104/19, §§ 94-95 and 98-105, 31 October 2023)? In particular:

(a) What is/are the appropriate comparator group(s)?

(b) In respect of such group(s), has the applicant established that he enjoys a "status" protected by Article 14?

3. Did any difference in treatment pursue a legitimate aim and did it have a reasonable justification? In so far as applicable, were there "very weighty reasons" for such difference in treatment (see *Alajos Kiss v. Hungary*, no. 38832/06, § 42, 20 May 2010, and *J.D. and A v. the United Kingdom*, nos. 32949/17 and 34614/17, § 97, 24 October 2019)?