

SCAN OF COMMUNICATED CASES

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59 cases

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ZAIDAN V. SPAIN (24554/25)

Art. 3 – inhuman treatment – alleged degrading treatment by police during detention; effective remedy – lack of adequate investigation into police conduct

SUBJECT MATTER OF THE CASE

The application concerns the alleged degrading treatment suffered by the applicant at the hands of police officers while he was detained in the Zona Franca Centre for the Internment of Foreign Nationals (Centro de Internamiento de Extranjeros (CIE)) in Barcelona on 12 January 2020.

The applicant submits that on that day, following an argument, a police officer followed him up on the stairs while he was going to his room, and allegedly punched him in the neck, which made him fall. Subsequently, he dragged the applicant down the stairs. He then put his knee over the applicant's neck, to immobilise him. With the help of other officers, they carried the applicant to the infirmary where he was administered Diazepam and was afterwards sent back to his room. Later that evening, the applicant attempted to commit suicide with a shoelace. Other detainees alerted the police officers. He was taken to the infirmary and later placed in isolation.

A medical report issued on the same day diagnosed the applicant with an abstinence syndrome from cocaine and a mild erythema (leve eritema) on the neck.

On 20 January 2020 the applicant's lawyer submitted a written report of the events to the duty judge, with a request for several investigating and interim measures. The applicant was expelled from Spain on 23 January without having been heard by the duty judge.

On 3 March 2020 the investigating judge who received the case contacted the CIE authorities, who informed him that the applicant had been removed. Subsequently he discontinued the proceedings for lack of sufficient evidence. In June 2020 the applicant's lawyer submitted a complaint about the lack of a sufficient investigation and asked for the reopening.

On 19 November 2020 the investigating judge reopened the proceedings to hear the applicant's testimony as it appears that he was back in Spain. He was heard on 11 February 2021.

On 7 March 2021 the investigating judge required the submission of a copy of the video-footage of the security cameras at CIE. Subsequently, additional investigating measures were ordered.

During 2023 and the beginning of 2024 there was an exchange between the applicant, the judge and the Ministry of the Interior upon the applicant's complaint that the police had not submitted all the video footages that had been initially requested.

On 7 June 2024 the criminal investigating judge discontinued the proceedings and decided not to commit the police officers for trial because the commission of any act of criminal relevance did not appear to be sufficiently justified. He held that the thorough investigation did not raise even minimal reasonable indications (indicios) that could justify the opening of the next phase of the proceedings.

The judge found that although the specific reason why the applicant had fallen from the stairs was not clear – as the video-footages of the cameras available did not cover that specific area – the conduct of the police officers was compatible with their statements to the effect that they were trying to calm down the applicant, who had climbed the stairs shouting and banging the stairs banister, and had not touched him at any moment. Moreover, after the incident they had taken him to the infirmary because he was showing signs of a clear agitation.

On 19 November 2024 the Audiencia Provincial rejected the applicant's appeal and upheld the discontinuation of the case.

The applicant brought an amparo appeal against the decision. On 10 April 2025 he was served with the decision of inadmissibility of the amparo appeal for lack of constitutional significance.

The applicant complains that these events amounted to inhuman and degrading treatment which was not adequately investigated. He relies on Articles 3 and 13 of the Convention.

QUESTIONS TO THE PARTIES

1. Has the applicant been subjected to degrading treatment, in breach of Article 3 of the Convention (see *Bouyid v. Belgium* [GC], no. 23380/09, §§ 81-90, ECHR 2015)?
2. Having regard to the procedural protection from inhuman or degrading treatment (see *Labita v. Italy* [GC], no. 26772/95, §131, ECHR 2000-IV), was the investigation in the present case by the domestic authorities in breach of Article 3 of the Convention? In particular, have the domestic courts submitted to scrupulous examination the elements of the investigation before reaching the conclusion that led to the discontinuation of proceedings (see *Cestaro v. Italy* , no. 6884/11, § 206, 7 April 2015)?
3. The parties are requested to provide a copy of the complete video footage incorporated to the investigating proceedings.
4. The respondent Government is required to provide information about the anti-violence strategy implemented in the Zona Franca CIE in Barcelona, on what measures were implemented in the CIE to eradicate physical ill-treatment and on the training in inter-cultural communication, physical techniques of restraint and prevention of ill-treatment received by the police officers that worked at the CIE and were involved in the events of 12 January 2020.

OPPERHUIZEN V. THE NETHERLANDS (8717/24)

Art. 5;5-1 – right to liberty – refusal to suspend remand detention pending appeal against ISD measure; unlawful detention – failure to consider individual circumstances

SUBJECT MATTER OF THE CASE

The application concerns the refusal by judicial authorities to suspend the applicant's detention on remand, pending his appeal of a conviction to an ISD measure (ISD-maatregel, plaatsing in een inrichting voor stelselmatige daders), in order to execute prior final convictions.

An ISD measure entails placement of repeat offenders in a special facility for up to two years, starting from the date the judgment becomes final. During this period, individuals may receive tailored mental health care, support, and behavioural programmes aimed at reducing the risk of reoffending.

The applicant was placed in pre-trial detention on 7 July 2023 on suspicion of theft, an offence of which he had previously been repeatedly convicted. On 4 October 2023 the Regional Court of Amsterdam convicted the applicant, in three joined cases, to an ISD measure for a period of two years.

The applicant lodged an appeal. Pending appeal, the applicant sought suspension of his remand detention to serve previously imposed final sentences, on the ground that such detention is generally not deducted from the duration of the ISD measure in order not to undermine its rehabilitative purpose. He also referred to the difference in detention regime. The advocate - general argued against this request by referring to a national agreement not to suspend remand detention to execute other sentences, in view of the legal order of execution and the difference in detention regimes.

On 28 November 2023 the Amsterdam Court of Appeal rejected the applicant's suspension request, citing complex issues concerning the execution of sentences and differing detention regimes.

The applicant complains under Article 5 of the Convention that the authorities should have suspended his remand detention to enable him to serve previously imposed final sentences, as this would have constituted the least intrusive means of securing his detention and resulted in a shorter overall period under a less restrictive regime, given that remand detention is generally not deducted from an ISD measure. He further complains that the Court of Appeal failed to adequately assess his individual circumstances.

QUESTION TO THE PARTIES

Has the applicant been deprived of his liberty in breach of Article 5 § 1 of the Convention? In particular, was the applicant's remand detention, pending his appeal against the imposition of an ISD measure, lawful and not arbitrary, given the refusal to allow him to serve prior convictions in lieu of such detention, even though that period of remand detention would not be deducted from the duration of the measure imposed?

D. V. THE REPUBLIC OF MOLDOVA (30062/19)

Art. 8;8-2 – private life – refusal to amend civil-status documents for transgender identity; personal data – publication of applicant's information in court judgments

SUBJECT MATTER OF THE CASE

The application concerns the refusal of domestic authorities to amend the applicant's civil-status data (birth certificate and identity documents) to reflect her transgender identity and the failure to protect her identity in public documents.

The applicant is a transgender person (male to female) who underwent hormone therapy. In 2012 she obtained a medical certificate issued by the Ministry of Health attesting to her transgender identity. In 2015 she sought to have her civil-status documents amended – namely, to have her gender marker changed from male to female and her first name changed from a typically male name to a female one. Her request was rejected by the civil status authority.

In 2016 she initiated court proceedings, reiterating the same requests. Along with her statement of claim, the applicant requested that the proceedings take place in camera, that the court refer to her as “she/her” and that court documents use initials instead of her full name. On 18 February 2016 the first-instance court upheld her claims concerning the amendment of the civil-status documents but never ruled on her procedural requests. On 3 May 2016 the full text of the judgment was published on the court's website.

The civil status authority appealed against that judgment, arguing that it had been impossible to amend the applicant's civil-status documents because she was married to a woman. On 9 November 2016 the appellate court ordered a rehearing of the case, and the full text of the appellate judgment was published on the court's website.

On 19 October 2017 the first-instance court again upheld the applicant's claims, omitted to rule on her procedural requests and published the text of the judgment – which included the applicant's personal data – on the court's website. Several media outlets accessed the court judgment and published news items about the applicant's case, using her personal data. The applicant sought the removal of her personal data from the court's website, but to no avail.

The Public Services Agency (the legal successor of the civil status authority) appealed against that judgment, relying on the applicant's marriage as grounds to refuse the amendment of her civil-status documents. Before the appellate court, the applicant sought protection of her private life and personal data. On 17 May 2018 the appellate court reversed the first-instance judgment and cited the applicant's marriage to another woman as grounds to reject the amendment of her civil-status documents.

The applicant lodged an appeal on points of law with the Supreme Court of Justice, submitting a copy of her divorce certificate dated 14 November 2018. The Supreme Court of Justice dismissed the appeal as inadmissible on 5 December 2018.

The applicant complains about the refusal of the domestic authorities to amend her civil-status documents (birth certificate and identity documents) and the publication of her personal data in the full text of the judgments in her case. She relies on Article 8 of the Convention.

QUESTION TO THE PARTIES

Has there been a violation of the applicant's right to respect for her private life, contrary to Article 8 of the Convention? In particular, was the domestic authorities' refusal to amend the applicant's civil-status documents (birth certificate and identity documents) in accordance with the law and necessary in terms of Article 8 § 2 (see principles in *Hämäläinen v. Finland* [GC], no. 37359/09, §§ 65-68, ECHR ; *X v. the former Yugoslav Republic of Macedonia*, no. 29683/16, §§ 63-71, 17 January 2019)? In addition, was the applicant's personal data made public and were there legal safeguards concerning the recording, storage and release of such information (see *Negru v. the Republic of Moldova*, no. 7336/11, 27 June 2023, and *A.P. v. Armenia*, no. 58737/14, 18 June 2024)?

PREVOST V. THE REPUBLIC OF MOLDOVA (37268/25)

Art. 6;6-1;8;8-1 – family life – refusal to return child under Hague Convention; fair trial – lack of justification for court decisions

SUBJECT MATTER OF THE CASE

The application concerns an alleged international abduction of the applicant's child.

The applicant, a French national, resided in France with his partner C.L., who is a Moldovan national. On 26 October 2021 they had a daughter.

They separated and subsequently initiated court proceedings in France concerning custody rights. On 14 March 2023 a French court set up provisional shared custody of the child and temporarily, established the child's habitual residence with the mother until the examination of the merits of the case. In April 2023 C.L. took the child to Moldova and refused to return.

The applicant complained before the Moldovan courts that C.L. had taken their child to Moldova despite ongoing custody proceedings in France and sought her return to France under the Hague Convention on the Civil Aspects of International Child Abduction. On 1 December 2023 the Chişinău Court of Appeal held that although it appeared that the child was being unlawfully kept in Moldova without the applicant's consent, the child's entry into the country had been lawful and therefore her return was not warranted.

The applicant applied to the Supreme Court of Justice, which on 15 August 2025 dismissed his request with final effect, concluding that C.L. did not need the applicant's consent to leave France together with the child. The court also held that the child had been living in Moldova and had settled in a new, safe environment and that her return to France was not warranted.

The applicant complains under Articles 6 and 8 of the Convention of the Moldovan authorities' failure to order the return of his child to her habitual residence in France and to sufficiently justify their decisions.

QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicant's right to respect for his family life, contrary to Article 8 of the Convention, owing to the refusal of the Moldovan courts to have his child returned to France? In particular, have the domestic courts correctly evaluated the best interests of the child in the light of the exceptions provided for by the Hague Convention on the Civil Aspects of International Child Abduction (see *X v. Latvia* [GC], no. 27853/09, §§ 92-108, ECHR 2013; *Michnea v. Romania*, no. 10395/19, §§ 35-39, 7 July 2020; and *Viotto v. Republic of Moldova* [Committee], no. 12083/20, § 16, 13 June 2023)?

2. Did the applicant have a fair hearing in the proceedings concerning the return of his child to France, in accordance with Article 6 § 1 of the Convention?

MENTEŞ SIRÇA V. TÜRKİYE (10901/24)

Art. 8;8-1;P1-1 – private life – unlawful searches of judge's premises; property rights – seizure and retention of personal belongings

SUBJECT MATTER OF THE CASE

The application concerns the searches conducted in the applicant's house and office, as well as seizure of her property, in the aftermath of the attempted coup d'état of 15 July 2016, while the applicant was serving as a judge.

Acting on the instructions of the Ankara public prosecutor's office, the regional and provincial prosecutors' offices initiated criminal investigations in respect of individuals suspected of being involved in the attempted coup and in respect of other individuals, such as the applicant in the present case, who were not directly involved in the attempt but were alleged to have links to the "Fetullahist Terror Organisation / Parallel State Structure" (Fetullahçı Terör Örgütü / Paralel Devlet Yapılanması), which was considered by the authorities to be behind the coup attempt.

Relying on Article 8 of the Convention, the applicant complains about the searches conducted in her house and office claiming that they had been contrary to section 88 of Law no. 2802, which prohibits searches of judges' houses or persons, except in cases of the discovery of an offence in flagrante delicto within the jurisdiction of the assize courts.

The applicant also complained that the seizure and retention of her mobile phone and pistol constituted a violation of her right to peaceful enjoyment of possessions under Article 1 of Protocol No. 1 of the Convention.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's right to respect for private life, within the meaning of Article 8 § 1 of the Convention, on account of the searches conducted in her house and office? If so, was the interference in accordance with the law in terms of Article 8 § 2? In particular, were the searches carried out in accordance with the relevant legislation (see *Tercan v. Turkey* , no. 6158/18, §§ 196-202, 29 June 2021)?

2. Has there been an interference with the applicant's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention, on account of the seizure of her mobile phone and pistol? If so, was that interference necessary to control the use of property in accordance with the general interest? In particular, did that interference impose an excessive individual burden on the applicant (see *Immobiliare Saffi v. Italy* , [GC], no. 22774/93, § 59, ECHR 1999-V)?

EVREN V. TÜRKİYE (19411/19)

Art. 8;8-1;8-2 – privacy – monitoring of prisoner's correspondence with private persons and public institutions; fair trial – insufficient reasoning in judicial decisions

SUBJECT MATTER OF THE CASE

The application concerns the monitoring of the applicant's letters by the prison authorities.

At the time of the events, the applicant was detained in Tekirdağ Closed Prison, awaiting trial on terrorism-related charges in connection with the attempted coup of 15 July 2016.

On 5 June 2018 he filed a petition with the Tekirdağ enforcement judge, complaining that his letters to and from private persons and public institutions had been opened and read by the prison authorities. In his petition, he also stated that a letter he had sent to the Registry of the European Court of Human Rights, containing his further submissions regarding a pending application he had formerly introduced before the Court, had also been opened.

On 26 June 2018 the enforcement judge dismissed his complaint in accordance with Section 68 of Law No. 5275 on the Execution of Sentences and Preventive Measures, which stipulates that letters sent or received by prisoners shall be monitored by a reading committee.

On 13 August 2018 the Tekirdağ Assize Court dismissed the applicant's objection to that decision.

On 27 August 2018 the applicant lodged an individual application with the Constitutional Court, complaining about the opening of his letters by the prison authorities and the alleged lack of reasonings of the judicial authorities' decisions, referring to Articles 8 and 6 of the Convention, respectively.

On 19 December 2018 the Constitutional Court declared the applicant's both complaints inadmissible for being manifestly ill founded in a summary decision.

The applicant complains, under Article 8 of the Convention, about the prison authorities' opening and reading of his letters to and/or from private persons, public institutions, and the Registry of the European Court of Human Rights, and, invoking Article 6 of the Convention, about the domestic courts' decisions being insufficiently reasoned.

QUESTION TO THE PARTIES

Has there been an interference with the applicant's right to respect for his correspondence, within the meaning of Article 8 § 1 of the Convention, on account of the monitoring of his letters to and/or from private persons, public institutions, and the Registry of the European Court of Human Rights?

If so, can that interference be considered to have been in accordance with the law and necessary in terms of Article 8 § 2, in the light of the Court's case-law (see, *Idalov v. Russia* [GC], no. 5826/03, §§ 197-202, 22 May 2012; *A.V. v. Switzerland*, no. 37639/19, §§ 30-40, 6 November 2025; *Valašinas v.*

Lithuania, no. 44558/98, §§ 128-30, 24 July 2001; and Campbell v. the United Kingdom, no. 13590/88, 25 March 1992, §§ 55-64, Series A no. 233)?

GENÇ V. TÜRKİYE (22458/24)

Art. 6;6-1;6-3-d – fair trial – inability to confront witnesses; fair trial – lack of physical presence in courtroom; fair trial – ineffective review by Constitutional Court

SUBJECT MATTER OF THE CASE

The application concerns, under Article 6 §§ 1 and 3 (d) of the Convention, the alleged unfairness of criminal proceedings against the applicant on account of his inability to confront and examine absent witnesses and to be present in the courtroom, as well as the absence of an effective review by the Constitutional Court.

On 3 October 2012 a criminal investigation was initiated on the basis of three witness statements and photographic evidence incriminating the applicant as the person who had extorted three civilians.

He was subsequently committed to stand trial before the Hatay Assize Court. During the proceedings, a total of thirty-eight hearings were held between 30 October 2017 and 14 July 2020. At the conclusion of the trial, the applicant was convicted of aggravated robbery, false imprisonment and unlawful possession of hazardous materials and a firearm, and was sentenced to a term of imprisonment and a judicial fine. The conviction was based mainly on the aforementioned witness statements.

On 7 April 2022 the Court of Cassation upheld the applicant's conviction with final effect. On 5 March 2024 the Constitutional Court declared the applicant's complaint concerning the right to be present in the courtroom inadmissible on the ground that he had failed to raise the relevant arguments before the domestic courts, while declaring the remainder of his complaints concerning the overall fairness of the proceedings, the principle of equality of arms and the right to a reasoned judgment inadmissible as manifestly ill - founded.

Relying on Article 6 §§ 1 and 3 (d) of the Convention, the applicant complained that he had not received a fair hearing on account of the trial court's failure (i) to secure his physical presence in the courtroom, as, despite his requests, he had only been able to participate in the proceedings via videoconference, and (ii) to allow him to confront and examine witnesses who were absent from the trial, and (iii) the Constitutional Court's failure to conduct a sufficient review of his complaints.

QUESTIONS TO THE PARTIES

Did the applicant have a fair trial in the determination of the criminal charge against him, in accordance with Article 6 § 1 of the Convention? In particular,

i. Was the use of a video link in the present case compatible with the notion of a fair hearing? Did its use pursue a legitimate aim (see *Marcello Viola v. Italy*, no. 45106/04, §§ 49-62 and 67, ECHR 2006-XI (extracts), and *Asciutto v. Italy*, no. 35795/02, §§ 57-72, 27 November 2007)?

ii. Was the non-examination of the witnesses at the trial compatible with Article 6 § 3 (d) taken in conjunction with Article 6 § 1 of the Convention (see *Al-Khawaja and Tahery v. the United Kingdom*

[GC], nos. 26766/05 and 22228/06, §§ 118-47, ECHR 2011, and Schatschaschwili v. Germany [GC], no. 9154/10, §§ 100-31, ECHR 2015)?

iii. Did the manner in which the Constitutional Court examined the applicant's complaints concerning the right to examine witnesses and the right to be present in the courtroom deprive the applicant of effective access to the Constitutional Court (see Zubac v. Croatia [GC], no. 40160/12, §§ 76 - 80, 5 April 2018)?

TINIK V. TÜRKİYE (2696/21)

Art. 5;5-1-c;5-3;8;8-1 – right to liberty – unlawful pre-trial detention of a judge; respect for private life – unlawful searches of judge's premises

SUBJECT MATTER OF THE CASE

The application concerns the searches conducted in the applicant's house and office in the aftermath of the attempted coup d'état of 15 July 2016, while the applicant was serving as a judge, as well as her pre-trial detention on suspicion of membership of an illegal organisation.

Acting on the instructions of the Ankara public prosecutor's office, the regional and provincial prosecutors' offices initiated criminal investigations in respect of individuals suspected of being involved in the attempted coup. and in respect of other individuals, such as the applicant in the present case, who were not directly involved in the coup attempt but were alleged to have links to the "Fetullahist Terror Organisation / Parallel State Structure" (Fetullahçı Terör Örgütü / Paralel Devlet Yapılanması).

Relying on Article 5 §§ 1 and 3 of the Convention, the applicant complains that her pre-trial detention between 13 and 20 October 2016 breached section 88 of Law no. 2802 and Article 91 of Law no. 5271. She argues that there had not been discovery in flagrante delicto in her case, and that the authorities were required to follow the specific procedure set out in the above-mentioned law provisions for judges' pre-trial detention. She further criticised the lack of sufficient reasons of her pre-trial detention order and of the decisions extending it.

Relying on Article 8, the applicant further complains about the searches conducted in her house and office, claiming that they had been contrary to section 88 of Law no. 2802, which prohibits searches of judges' houses or persons, except in cases of the discovery of an offence in flagrante delicto within the jurisdiction of the assize courts.

QUESTIONS TO THE PARTIES

1. Was the applicant deprived of her liberty in breach of Article 5 § 1 of the Convention? Was the applicant's pre-trial detention "in accordance with a procedure prescribed by law", considering the procedural guarantees provided to judges under domestic law? Can the applicant be considered to have been detained on the basis of a reasonable suspicion that she had committed an offence? Moreover, was the length of the applicant's pre-trial detention in breach of the reasonable time requirement under Article 5 § 3 of the Convention (see *Baş v. Turkey*, no. 66448/17, §§ 145-158 and 170 - 195, 3 March 2020, and *Turan and Others v. Turkey*, nos. 75805/16 and 426 others, §§ 79-92, 23 November 2021)?

2. Has there been an interference with the applicant's right to respect for private life, within the meaning of Article 8 § 1 of the Convention, on account of the searches conducted in her house and office? If so, was the interference in accordance with the law in terms of Article 8 § 2? In particular,

were the searches carried out in accordance with the relevant legislation (see *Tercan v. Turkey* , no. 6158/18, §§ 196-202, 29 June 2021)?

BAŞLI V. TÜRKİYE (30312/24)

Art. 6;6-1;6-3-d – fair trial – reliance on retracted witness testimony in conviction for insulting the President; freedom of expression – criminalization of political speech

SUBJECT MATTER OF THE CASE

The application concerns the alleged unfairness of criminal proceedings brought against the applicant, who was convicted of insulting the President.

On 3 March 2017 the Inspection Board of the High Council of Judges and Prosecutors (Hakimler ve Savcılar Yüksek Kurulu – “HSYK”), subsequently renamed as the Council of Judges and Prosecutors (“HSK”), lodged a criminal complaint against the applicant on the basis of statements made by two anonymous witnesses in the context of a disciplinary investigation. The witnesses alleged that the applicant had engaged in political propaganda against the President and had insulted him. The applicant was subsequently committed to stand trial.

During the proceedings, the applicant denied the charges and stated that he knew the identities of the witnesses, identifying them as O.İ. and M.Ö.

On 25 May 2018 the Twenty-fourth Division of the Ankara Criminal Court of First Instance (“the trial court”) heard the witnesses. M.Ö. stated that he had learned of the incident only from O.İ. On the other hand, O.İ. retracted his earlier allegations concerning the alleged political propaganda but maintained that he had heard the applicant insult the President. When questioned, he stated that there were no pending criminal investigations against him.

On 16 October 2018 the trial court convicted the applicant of insulting the President primarily on the ground of the allegedly mutually consistent testimonies of O.İ. and M.Ö.

On 21 November 2018 the applicant appealed, arguing, among other things, that O.İ. had retracted similar allegations made against another individual and that criminal proceedings for perjury were pending against O.İ.

On 23 May 2019 O.İ. submitted a handwritten petition to the Regional Court of Appeal (“the Court of Appeal”), retracting his previous statements, denying that he had heard the applicant insult the President, and requesting to be heard again.

On 19 June 2019 the Court of Appeal upheld the conviction with final effect, without holding a hearing.

On 12 July 2019 the Chief Public Prosecutor at the Court of Appeal lodged an objection as an extraordinary legal remedy provided for in Article 308/A of the Code of Criminal Procedure, relying on O.İ.’s retraction and his perjury conviction for similar allegations made against another individual, and asking the Court of Appeal to, inter alia , set aside its decision of 19 June 2019 and to deliver a fresh decision in the light of the outcome of the proceedings against O.İ.

On 23 September 2019 the Court of Appeal, without holding a hearing, rejected the prosecutor's request relying extensively on the statements made by O.İ., which it assessed as credible.

On 24 October 2019 Law no. 7188 entered into force, rendering the judgment of 19 June 2019 amenable to cassation review. The applicant accordingly appealed. On 1 March 2023 the Court of Cassation upheld the judgment with final effect.

On 28 May 2024 the Constitutional Court declared the applicant's individual application inadmissible.

Relying on Article 6 §§ 1 and 3 (d) of the Convention, the applicant complains of, inter alia, the domestic courts' failure to provide sufficient reasoning for their decisions and the Court of Appeal's failure to hold a hearing following O.İ.'s withdrawal of his earlier statements incriminating the applicant, thereby infringing his right to examine that witness in light of this new development. The applicant further complains under Article 13 of the Convention that, in the extraordinary review proceedings, his case was examined by the same panel of the Court of Appeal that had adjudicated the proceedings subject to the review.

QUESTIONS TO THE PARTIES

1. Did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 of the Convention? In particular,

a. Did the domestic courts provide sufficient reasoning for their decision to convict the applicant for insulting the president, having particular regard to the main arguments of the applicant (see, for general principles, *Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, §§ 83-84, 11 July 2017)?

b. Did the absence of a hearing before the Regional Appeal Court entail a breach of Article 6 § 1 of the Convention, having regard to the petition submitted by O.İ. to that court, retracting his prior statements, denying having heard the applicant insult the President, and requesting to be heard again (see *Deliktaş v. Türkiye*, no. 25852/18, §§ 40-44, 12 December 2023)?

c. Was the applicant able to examine the witness against him, namely O.İ., as required by Article 6 §§ 1 and 3 (d) of the Convention following the retraction of his statements at the appeal stage and in view of the applicant's argument that O.İ., had been found guilty of perjury for similar accusations against another individual (see *Al - Khawaja and Tahery v. the United Kingdom* [GC], nos. 26766/05 and 22228/06, ECHR 2011; *Schatschaschwili v. Germany* [GC], no. 9154/10, ECHR 2015; and *Orhan Çaçan v. Turkey*, no. 26437/04, § 41, 23 March 2010)?

2. Did the extraordinary judicial review carried out by the Court of Appeal following the objection lodged by the Chief Public Prosecutor under Article 308/A of the Code of Criminal Procedure fall within the ambit of the criminal limb of Article 6 of the Convention? (see *Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, 11 July 2017, §§ 60-67)? In the affirmative, did the Fourth Criminal Division of the Ankara Regional Court of Appeal satisfy the requirement of impartiality under Article 6 § 1 of the Convention given that it examined its own judgment (see, *mutatis mutandis*, *Fazlı Aslaner v. Turkey*, no. 36073/04, §§ 30-43, 4 March 2014)?

ASLAN V. TÜRKİYE (45023/22)

Art. 8;8-1;8-2 – fair trial – failure to examine all evidence; right to an effective remedy – lack of judicial scrutiny of allegations

SUBJECT MATTER OF THE CASE

and findings contained in those materials? In particular, did the courts examine other pieces of evidence to confirm or refute the allegations against the applicant?

QUESTIONS TO THE PARTIES

1. Did the applicant duly exhaust all effective domestic remedies, as required by Article 35 § 1 of the Convention, in respect of his complaint under Article 8? In particular, was the applicant's grievance regarding his right to respect for private and family life raised in substance before the domestic authorities (see *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, §§ 171-72, 1 June 2023 and the case-law cited therein)? In this connection, the Government are requested to clarify the scope of the Constitutional Court's review concerning the parties' respective submissions dated 7 April and 22 April 2021 – which specifically addressed the complaint regarding the right to respect for private and family life?
2. Did the restriction imposed on the applicant constitute an interference with the applicant's right to respect for his private and family life within the meaning of Article 8 § 1 of the Convention (see *Savran v. Denmark* [GC], no. 57467/15, §§ 172-79, 7 December 2021)? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 of the Convention (see, *mutatis mutandis*, *Üner v. the Netherlands* [GC], no. 46410/99, §§ 54-67, ECHR 2006-XII; *Maslov v. Austria* [GC], no. 1638/03, §§ 61-101, ECHR 2008; and *Dzhurayev and Shalkova v. Russia*, no. 1056/15, §§ 30-45, 25 October 2016)?
3. a. What was the scope of review of the Istanbul Administrative Court which examined the applicant's complaints in connection with the impugned restriction?
b. Was the judicial review limited to ascertaining that the restriction had been imposed in accordance with the procedure prescribed by law and, in particular, that the materials which formed the basis for the restriction had been issued based on the assessment conducted by the Istanbul Security Directorate's Anti-Terrorism Branch? In this respect, did the courts conduct a balancing exercise between the need to protect national security and the applicant's right to respect for family life?
c. Were the classified materials disclosed to the applicant or his representative? Was the applicant given a fair and reasonable opportunity to refute the facts and findings contained in those materials? In particular, did the courts examine other pieces of evidence to confirm or refute the allegations against the applicant?

BURENKOV V. UKRAINE (21503/16)

Art. 3;13 – inhuman treatment – torture and ill-treatment by armed individuals; right to an effective remedy – lack of follow-up on criminal investigation

SUBJECT MATTER OF THE CASE

The application emanates from the armed conflict in the east of Ukraine.

The applicant, a civilian, states that on 11 September 2014 two members of the Ukrainian volunteer battalion “Pravyi Sector”, dressed in military uniform, came to his home in Pisky, Donetsk region, and forced him into a vehicle.

He was taken to a local factory in Pisky where more people in military uniform were present, and was ordered to disassemble the factory equipment. When the applicant refused, the two men beat him on his head and upper body with their feet, fists and rifle stocks. Then a third person in a military uniform opened fire at the applicant’s legs from a machine gun. Three bullets hit the applicant’s legs.

The applicant states that a person who appeared to be a commander of the people in military uniform then came over, put him in a military vehicle with no registration plates and took him to hospital in Selydove, Donetsk region.

The applicant underwent a surgery and remained hospitalised until 2 October 2014. Nevertheless, one bullet remained in the applicant’s leg as the medical personnel were unable to remove it. The applicant spent the following six months in a wheelchair and continued to struggle with mobility issues due to his injuries.

Domestic remedies attempted by the applicant

On 11 September 2014 the applicant was visited and interviewed by local police officers while in Selydove hospital. A respective criminal investigation into his allegations was initiated on the same day; however, the applicant was never contacted by

QUESTIONS TO THE PARTIES

1. Has the applicant complied with the requirements set forth in Article 35 § 1 of the Convention as in force on the date of introduction of his application?
2. Has the applicant been subjected to ill-treatment within the meaning of Article 3 of the Convention on account of having been shot at and injured on his leg, as alleged by him? Also, can the actions allegedly taken by the Ukrainian volunteer military battalion “Pravyi Sector” toward the applicant be imputed to the Ukrainian authorities (see *Ilașcu and Others v. Moldova and Russia* [GC], no. 48787/99, §§ 318-19, ECHR 2004-VII, and *Avşar v. Turkey*, no. 25657/94, §§ 413 - 16, ECHR 2001 - VII)?

3. Having regard to the procedural protection from inhuman and degrading treatment, has an effective investigation been conducted by the Ukrainian authorities into the alleged ill-treatment, as required by Article 3 in conjunction with Article 13 of the Convention?

MANAYEV V. UKRAINE (3457/20)

Art. 3;5;5-1;13 – inhuman treatment – unlawful detention and torture by state agents; right to liberty – forced disappearance and lack of access to legal assistance

SUBJECT MATTER OF THE CASE

The application emanates from the armed conflict in the east of Ukraine.

The applicant, a civilian, states that in the morning of 6 February 2015 two members of the Ukrainian special police force “Kyiv-2”, dressed in military uniform with insignia and armed with guns, came to his place of work in Donske, Donetsk region, and forced him into a military vehicle. The incident was video recorded by the surveillance cameras at the applicant’s place of work.

According to the applicant, he was taken to the building of a Ukrainian military checkpoint in Buhas, Donetsk region. There, the people in military uniform handcuffed him to a radiator, asserted pressure onto his neck, and beat him on numerous occasions. He remained detained for around 24 hours. He did not receive food or water and was allowed to use the sanitary facilities only once.

The applicant states that while he was in detention, the representatives of the Ukrainian special police force “Kyiv-2” repeatedly called his mother, S.N., and requested that she hand over a vehicle that the applicant had allegedly been in possession of illegally. S.N. was threatened that she would “receive her son’s dead body in a parcel” should she disobey the order.

According to the applicant, in the afternoon of 6 February 2015 S.N. arrived at the Ukrainian military checkpoint in Buhas, where she received an oral confirmation that her son was being held at the location. S.N. was not allowed to see or contact the applicant.

The applicant states that at around 9 a.m. on 7 February 2015 people in military uniform blindfolded him, placed him into a vehicle and transferred him to a local quarry in Donske where they beat him with their fists and kicked him on the head, back and stomach. They also cut the skin on his back with a razor. When the applicant lost consciousness, they left him near the quarry and departed.

After the applicant had regained consciousness, he walked to his house in Donske and requested medical aid. He was diagnosed with a concussion, an incised wound on his back, an eye haemorrhage and multiple bruises.

Domestic remedies attempted by the applicant and S.N.

On 6 February 2015 S.N. reported the applicant’s apprehension to the Volnovakha district police office. A criminal investigation was initiated on the same day.

On 7 February 2015 a separate criminal investigation was initiated following the applicant’s request for medical aid. The two investigations were subsequently merged.

QUESTIONS TO THE PARTIES

1. Has the applicant complied with the requirements set forth in Article 35 § 1 of the Convention as in force on the date of introduction of his application? In particular, has he complied with the requirements of diligence and expedition in pursuing domestic remedies and in bringing his case to the Court (*Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, §§ 263-69, ECHR 2014 (extracts); and *Melnichuk and Others v. Romania* , nos. 35279/10 and 34782/10, §§ 80-83, 5 May 2015)?
2. Has the applicant been subjected to torture or inhuman and degrading treatment by Ukrainian law enforcement officers, contrary to Article 3 of the Convention?
3. Was the applicant deprived of his liberty in breach of Article 5 § 1 of the Convention?
4. Having regard to the procedural protection from torture, inhuman and degrading treatment, has an effective investigation been conducted by the Ukrainian authorities into the alleged ill-treatment, as required by Article 3 in conjunction with Article 13 of the Convention?

The parties are requested to submit updated information about all developments in the criminal investigations.

VYKHOR V. UKRAINE (28597/19)

*Art. P1-1 – property rights – unlawful impoundment of property during pending criminal proceedings;
fair trial – lack of access to challenge impoundment decision*

SUBJECT MATTER OF THE CASE

In May 2013 criminal proceedings were instituted against the applicant on suspicion of incitement to give a bribe to a judge in an amount then equivalent to about 1,100 euros (EUR) and attempted fraudulent misappropriation of a sum equivalent to about EUR 1,000. Given that, in addition to imprisonment, the applicable provision of the Criminal Code provided for confiscation of property as a non-mandatory additional penalty for bribery of a public official holding a responsible position, on 27 September 2013 the Donetsk Leniniskyy District Court ordered, in particular, the impoundment of the applicant's car (a 2007 Peugeot) and flat (a two-room flat of about 44 sq. m). On 16 October 2013 the Donetsk Regional Court of Appeal upheld that order.

The criminal proceedings in question remain pending before the first-instance court. According to the applicant, his numerous requests for lifting the impoundment have been disregarded.

The applicant alleges that the circumstances of his case disclose a violation of Article 1 of Protocol No. 1.

QUESTIONS TO THE PARTIES

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

If so, was that interference necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties?

In particular, did that interference impose an excessive individual burden on the applicant (see, for example, *JGK Statyba Ltd and Guselnikovas v. Lithuania*, no. 3330/12, 5 November 2013, and *Džinić v. Croatia*, no. 38359/13, 17 May 2016)?

STEBLEVA V. ARMENIA (15762/25)

Art. 6;6-1;8;8-1;13 – family life – refusal to return children under Hague Convention; fair trial – improper application of procedural rules in custody case

SUBJECT MATTER OF THE CASE

The application concerns the applicant's request for the return of her children, M.M., born in 2013 and G.M., born in 2021, to their habitual place of residence (Russia) under the Hague Convention on the Civil Aspects of International Child Abduction ("the Hague Convention").

On 25 June 2023 the father of the children, S.M., travelled to Armenia with M.M., with the applicant's consent, allegedly with the intention of returning shortly thereafter. On 23 August 2023 he relocated G.M. to Armenia as well. Their stay was extended with the applicant's consent until 26 October 2023 when S.M. refused to return the children to Russia.

On 16 January 2024 the applicant applied to the Central Authority under the Hague Convention – the Ministry of Justice – seeking the return of the children.

On 8 February 2024 the applicant instituted judicial proceedings to the same end. On 12 February 2024 the Kotayk Regional Court admitted the application for examination under Chapter 23 of the Code of Civil Procedure ("the CCP"), a chapter specifically governing proceedings concerning applications lodged under the Hague Convention. Pursuant to that chapter, the court was required to deliver its judgment within ten days following the expiry of the time-limit for submission of a response to the application. The relevant provisions also provided for written procedure. The Central Authority was involved as a third party to the proceedings and submitted that the children should be returned to their habitual place of residence in Russia.

On 8 April 2024 the Kotayk Regional Court granted the applicant's application and ordered the children's return to Russia.

S.M. appealed against that judgment claiming that the Kotayk Regional Court had erred in examining the case under Chapter 23 of the CCP as it was intended specifically for the applications lodged by the Central Authority.

On 5 June 2024 the Civil Court of Appeal granted S.M.'s appeal and quashed the above judgment. Relying on the Court of Cassation's precedent of 24 April 2024, it concluded, in particular, that Chapter 23 of the CCP did not apply to applications lodged by parents, but only to those submitted by the Central Authority. The first instance court should therefore have examined the case under Chapter 22 of the CCP ("Procedure for Family Cases"), which implied compliance with the ordinary procedural rules, including the holding of proper court hearings, the preparation of the case for examination and the distribution of the burden of proof, while at the same time having due regard to the principle of expedition required by the Hague Convention. The appeal court further noted that the only hearing conducted by the Kotayk Regional Court had been the one during which M.M.'s views had been heard. However, that examination had been carried out in breach of the applicable

procedural rules, as the first instance court had failed to secure the participation of a psychologist or other relevant specialist. As regards G.M., he had not been heard by the court on account of his young age. Nevertheless, in order to ensure his right to be heard, the court ought to have assessed the expert report prepared by a psychological centre concerning his emotional state and the nature of his relationship with his parents.

The applicant lodged an appeal on points of law before the Court of Cassation which declared it inadmissible for lack of merit on 13 February 2025. The proceedings thus remain pending before the first instance court.

The applicant complains under Article 8 of the Convention of the excessive length of the impugned proceedings alleging that the retroactive application by the appeal court of the Court of Cassation's new case-law to her pending case had been unforeseeable and caused significant delays in the proceedings. She further complains under Article 13 that she did not have at her disposal an effective remedy in respect of her complaint under Article 8.

QUESTIONS TO THE PARTIES

1. Have the proceedings under the Hague Convention been conducted expeditiously, as required by Article 8 of the Convention (see, among other authorities, *Adžić v. Croatia* , no. 22643/14, §§ 94-95, 12 March 2015; *G.S. v. Georgia* , no. 2361/13, §§ 63-64, 21 July 2015; and *G.N. v. Poland*, no. 2171/14, §§ 66-68, 19 July 2016)?
2. Did the applicant have at her disposal an effective remedy to complain about the length of the impugned proceedings, as required by Article 13 of the Convention?

NAZARYAN V. ARMENIA (6481/25)

Art. 1;8;8-1;13;17;P7-5 – family life – failure to enforce parental contact rights; best interests of the child – influence of mother on child's wishes

SUBJECT MATTER OF THE CASE

The case concerns the State's alleged failure to enforce the applicant's parental rights in respect of his son, raising, in substance, an issue under Article 8 of the Convention.

In 2011 the applicant married A.N., and in 2012 they had a son, A. The couple later divorced, although the date of their divorce is unclear.

In early 2020 the applicant lodged a civil claim with the Lori Regional Court against A.N., seeking to restrict her parental rights.

On 14 February 2020, at the applicant's request, the Lori Regional Court applied a provisional measure pending the outcome of the proceedings, ordering A.N., *inter alia*, not to obstruct the applicant and A. from living together, provided that the child so wished.

Subsequently, the Compulsory Enforcement Service ("the CES") initiated enforcement proceedings to enforce the Lori Regional Court's provisional order. It appears that, during those enforcement proceedings, A. expressed a wish to remain with his mother.

On 5 March 2020 the bailiff at the CES ordered an expert examination concerning the child's psychological state, his emotional ties with his parents, possible external influence on the expression of his wishes, and his best interests.

On 26 July 2020 a group of three experts, having conducted supervised meetings with the applicant, A. and A.N., delivered their report. They observed, *inter alia*, that the meeting between the child and his father took place in a relaxed and positive atmosphere, and that the child expressed that he had missed his father and wished to meet him more often. However, the mother reacted aggressively in connection with that meeting, started shouting at the child and blaming him for accepting gifts from the father, repeatedly reproaching him and creating a psychologically harmful and pedagogically inappropriate environment. The child was frightened by her aggressive and confrontational behaviour. The report further noted that the child's best interests required maintaining contact with both parents, but that he was deprived of such contact due to the mother's psychological influence.

On 2 April 2021 the Yerevan Court of General Jurisdiction ("the Yerevan Court"), within the scope of another civil dispute between the applicant and A.N. concerning custody and child support, applied another provisional measure. It ordered A.N. not to obstruct the contact between the applicant and his son and granted the applicant contact every Saturday from 2 p.m. until Sunday at 6 p.m., without A.N.'s presence. The court further required A.N. not to obstruct regular telephone contact between the applicant and his son. The CES initiated proceedings for the enforcement of that order. However, it appears that it was unable to secure contact between the applicant and his son.

On 11 April, 12 July and 12 August 2022 investigators at the Investigative Committee initiated criminal proceedings in connection with an alleged obstruction by A.N. of the applicant's contact rights under the Yerevan Court's order, as well as an alleged official negligence of the bailiffs in enforcing the Lori Regional Court's order and addressing the issues identified in the expert report of 26 July 2020.

It appears that, at the time of lodging the present application, both the enforcement proceedings and the criminal proceedings were still pending.

The applicant complains, in substance, that the provisional orders of the Lori Regional Court and the Yerevan Court concerning his parental rights have not been enforced and that, for several years, he has been deprived of contact with his son. He refers to Article 6 § 1 of the Convention and Article 5 of Protocol No. 7 to the Convention. The applicant further complains under Article 13 of the Convention of a lack of effective remedies.

QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicant's right to respect for his family life, contrary to Article 8 of the Convention? In particular:

a) Have the domestic authorities taken all necessary steps that could reasonably be demanded in the specific circumstances to enforce the applicant's parental rights and to facilitate contact between him and his son (see *K.B. and Others v. Croatia* , no. 36216/13, §§ 142-44, 14 March 2017; *E.K. v. Latvia* , no. 25942/20, §§ 72-77, 13 April 2023; and *Anagnostakis v. Greece* , no. 26504/20, §§ 55-58, 10 October 2023).

b) Does the domestic legal system provide adequate and effective mechanisms, including appropriate sanctions, to ensure compliance with the State's positive obligations under Article 8 of the Convention in the event of a lack of cooperation or manifestly unlawful behaviour by the persons with whom the child is living (see , for example, *Maire v. Portugal* , no. 48206/99, § 76, ECHR 2003-VII, and *Sévère v. Austria* , no. 53661/15, § 98, 21 September 2017)? If so, have these mechanisms been effectively applied in the present case?

2. Have there been any other violations of the Convention, as alleged by the applicant?

The Government are requested to provide information on the specific measures taken by the CES to secure compliance with the court orders, together with copies of the relevant materials from the enforcement proceedings. They are further requested to provide up-to-date information on the current status of the criminal proceedings.

The applicant is requested to provide up-to-date information on the current status of the main proceedings before the Lori Regional Court and the Yerevan Court, as well as copies of the decisions by which, according to the applicant, those courts refused A.N.'s requests to lift the provisional orders.

ISMAYILOV V. AZERBAIJAN (10598/21)

Art. 10;10-1;18 – freedom of expression – criminal conviction for publishing critical articles; abuse of rights – ulterior motive to suppress journalistic activity

SUBJECT MATTER OF THE CASE

The applicant, who describes himself as an independent journalist, was the founder and sole operator of a news website teref.info. The application concerns his criminal conviction for dissemination of allegedly false and unverified information in two articles published on that website. By the Supreme Court's final decision of 16 June 2020 (sent to the applicant on 16 July 2020), the applicant was convicted under Articles 309.1 (abuse of official authority) and 313 (forgery by an official) of the Criminal Code and given a suspended sentence of three years' imprisonment, conditional on two years' probation, and a two years' ban on holding public office.

The applicant complains under Article 10 of the Convention that his criminal conviction constituted a violation of his right to freedom of expression, and under Article 18 of the Convention, taken in conjunction with Article 10, that his conviction pursued the ulterior purpose of preventing him from publishing articles criticising public officials.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's freedom of expression, in particular his right to impart information and ideas, within the meaning of Article 10 § 1 of the Convention? If so, was that interference prescribed by law and necessary in a democratic society in pursuit of a legitimate aim, in terms of Article 10 § 2?

2. Were the restrictions imposed by the State in the present case, purportedly permitted under Article 10 of the Convention, applied for a purpose other than those envisaged by that provision, contrary to Article 18 of the Convention?

In support of their submissions, the parties are requested to provide any evidence and documents relating to the criminal proceedings against the applicant that are not already included in the case file, as well as the translation into English or French of the articles published by the applicant which led to his conviction.

ASLANZADE V. AZERBAIJAN (18253/22)

Art. 5;5-1-c;5-2;6;6-1;6-3-c;10;10-1 – fair trial – lack of opportunity to contest evidence; freedom of expression – conviction for criticizing public officials' inaction

SUBJECT MATTER OF THE CASE

The application concerns administrative proceedings brought against the applicant under Article 510 (minor hooliganism) of the Code of Administrative Offences.

The applicant's brother, a journalist, had been convicted of high treason and was serving a prison sentence in a penal facility, where he was on a hunger strike at the material time. The applicant further states that he repeatedly called the Ombudsperson's Office call centre, requesting that they visit his brother as his situation was deteriorating. Observing what he perceived as an indifferent attitude on their part, he criticised the call - centre employees for their inactivity during his final call.

According to the material in the case file, on an unspecified date the applicant called the Ombudsperson's Office and insulted its employees, using offensive language. Following a complaint lodged with the Ministry of Internal Affairs (presumably by the Ombudsperson's Office), the Ministry instructed the Baku City Main Police Department to examine the matter. On 26 August 2021 the police arrested the applicant and drew up an administrative - offence report under Article 510 of the Code of Administrative Offences.

By a judgment of 26 August 2021, the Narimanov District Court found the applicant guilty as charged and sentenced him to five days' administrative imprisonment. The court relied on the administrative - offence report, the applicant's alleged admission of the charge, and other evidence. On appeal, the applicant argued that he had not admitted to insulting the call - centre employees and that he had merely criticised their inaction regarding his brother's situation. He asked the court to summon the person he had allegedly insulted and to obtain the recording of his call. By a final decision of 15 September 2021, the Baku Court of Appeal upheld the lower court's judgment, without addressing the applicant's arguments. The decision was served on the applicant on 17 September 2021.

Relying on Articles 6 and 10 of the Convention, the applicant complains of the alleged unfairness of the domestic proceedings and a violation of his right to freedom of expression.

QUESTIONS TO THE PARTIES

1. 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? In particular, was the principle of equality of arms respected and was the applicant's right to a reasoned judgment respected? Was the applicant able to defend himself through legal assistance of his own choosing, as required by Article 6 § 3 (c) of the Convention?

2. Has there been an interference with the applicant's freedom of expression, within the meaning of Article 10 § 1 of the Convention? If so, was that interference prescribed by law and necessary in terms of Article 10 § 2?

The parties are requested to submit evidence in support of their submissions (copies of documents related to the applicant's arrest, the administrative-offence report, audio recording of the applicant's call to the call centre, if available, and so on), as well as the translation into English or French of the applicant's allegedly insulting statements which led to his administrative imprisonment.

HASANOV V. AZERBAIJAN AND 1 OTHER APPLICATION (39527/23;41959/23)

Art. 3;5;5-1;11;11-1;13;18 – inhuman treatment – ill-treatment during arrest; right to liberty – unlawful detention during peaceful assembly; effective remedy – lack of investigation into complaints

SUBJECT MATTER OF THE CASE

The applications concern the applicants' alleged ill-treatment and unlawful deprivation of liberty for their participation in a peaceful assembly.

According to the applicants, they were arrested on 30 September 2022 and 30 March 2023, respectively, while participating in peaceful assemblies, detained for several hours at police stations and subsequently released. They further allege that they were also subjected to ill-treatment by the police during their arrest and/or detention.

On various dates the applicants lodged criminal complaints with the prosecuting authorities concerning the alleged violations of their rights. As regards the applicant in application no. 39527/23, the prosecuting authorities refused to institute the criminal proceedings on the basis of his complaints. The applicant in application no. 41959/23, however, did not receive any response to her complaints. Subsequent challenges before the domestic courts were unsuccessful: in the former case, the courts upheld the prosecuting authorities' decision, while in the latter, they declared the applicant's complaint about the inaction of the prosecuting authorities inadmissible.

The applicants complain under Articles 3, 5 and 11 of the Convention and Article 13 of the Convention in conjunction with Articles 3 and 5 of the Convention that they were unlawfully deprived of their liberty, that their right to freedom of peaceful assembly was violated, that they were subjected to ill-treatment by the police and the domestic authorities failed to conduct an effective investigation in that regard, and that there was no effective domestic remedy in respect of their complaints under Articles 3 and 5 of the Convention.

QUESTIONS TO THE PARTIES

1. Have the applicants been subjected to torture, inhuman or degrading treatment, in breach of Article 3 of the Convention (see *Labita v. Italy* [GC], no. 26772/95, § 119, ECHR 2000-IV, and *Mustafa Hajili v. Azerbaijan*, no. 42119/12, §§ 34-37, 24 November 2016)?
2. Having regard to the procedural protection from torture, inhuman or degrading treatment (see *Labita*, cited above, § 131, and *Mustafa Hajili*, cited above, §§ 47-48), were the investigations in the present cases in breach of Article 3 of the Convention?
3. Were the applicants arrested and deprived of their liberty in breach of Article 5 § 1 of the Convention? In particular, did their deprivation of liberty fall within one of the sub-paragraphs of this provision? Were the applicants' arrests and detentions in accordance with a procedure "prescribed by law" (see *Mammadov and Abbasov v. Azerbaijan*, no. 1172/12, §§ 42-54, 8 July 2021)?

4. Has there been an interference with the applicants' freedom of peaceful assembly, within the meaning of Article 11 § 1 of the Convention? If so, was this interference prescribed by law and necessary in terms of Article 11 § 2 (see *Gafgaz Mammadov v. Azerbaijan*, no. 60259/11, §§ 50-68, 15 October 2015)?

5. Did the applicants have at their disposal an effective domestic remedy for their complaints under Articles 3 and 5 of the Convention as required by Article 13 of the Convention?

GERMANENKO V. UKRAINE (31682/19)

Art. 14;P1-1 – discrimination – refusal of disability compensation linked to military service; property rights – denial of financial support for veterans

SUBJECT MATTER OF THE CASE

The application concerns the refusal to grant the applicant a one-time disability compensation payment. It raises issues under Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1.

On 28 February 2018 a medical commission established that the applicant, who had performed compulsory military service and had participated in combat operations in Afghanistan in 1987-1989, suffered from second-group disability for life as a result of a disease connected with the performance of military-service duties in a combat zone.

In April 2018 the applicant applied for a one-time disability compensation payment under the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families”. By a decision of 25 May 2018, the Ministry of Defence rejected his request on the ground that his disability had been established more than three months after his discharge from military service.

On 11 October and 26 December 2018 respectively, the first-instance court and the court of appeal upheld that decision. They held, in particular, that the right to a one-time disability payment arose only upon the formal establishment of a disability connected with military service and that, accordingly, the legally relevant date for assessing the applicant’s eligibility for such payment was 28 February 2018, when his disability was officially recognised as service-related. The legislation in force on that date was therefore applicable to his claim.

The courts further found that the applicable legislation – section 16 of the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” – treated conscript servicemen differently from other servicemen as regards the time-limits relevant for entitlement to the payment. In particular, under sub-section 5 servicemen other than conscript servicemen, as well as persons discharged from military service, could obtain the payment even after expiry of the three-month period following discharge where the disability resulted from an illness or accident connected with military service, whereas sub-section 6 confined entitlement of conscript servicemen to cases where disability had been established during military service or within three months following discharge. The courts concluded that, since the applicant’s disability had been established long after his discharge from military service performed as a conscript in 1989, he had no entitlement to the payment.

By ruling of 13 February 2019, the Supreme Court refused to open cassation proceedings, finding that the case was one of minor complexity and that the impugned judgment was therefore not amenable to cassation review.

Relying on Article 14 of the Convention, in substance taken in conjunction with Article 1 of Protocol No. 1, the applicant complains that he was denied access to a statutory disability compensation scheme on discriminatory grounds related to the type of military service previously performed by him.

QUESTION TO THE PARTIES

Was the applicant a victim of discrimination contrary to Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1, in that, as a former conscript serviceman, he was excluded from entitlement to a one-time disability payment because his service-related disability had been established more than three months after discharge from military service, whereas different entitlement conditions applied to other former servicemen?

GASPARYAN V. UKRAINE (47847/22)

Art. 6;6-1 – fair trial – inconsistent judicial decisions affecting the validity of a civil agreement; legal certainty – lack of res judicata effect in civil proceedings

SUBJECT MATTER OF THE CASE

The case concerns two civil disputes between applicant and Mr K. over their agreement on cooperation in acquisition of land. The agreement provided that the parties would cooperate in acquisition of some land and K. would transfer half of it to the applicant once certain limitations on transfer of that land would be lifted.

In the first set of proceedings, K. sought to have the agreement declared invalid, arguing that it was in fact a preliminary land-transfer agreement which, under domestic law, required notarisation but had not been notarised. The courts dismissed the claim, finding that the agreement was not a land-transfer agreement and, therefore, did not require notarisation. Final decision: Supreme Court, 20 December 2021.

In the second set of proceedings, on 8 April 2021 the Kyivskiy Court of Appeal rejected the applicant's claim for compensation under the agreement. It found that, in view of the findings in the first set of proceedings, the agreement did not require notarisation and was valid. However, the court held that the conditions for payment of the compensation were not yet met since the agreement provided that compensation was payable only after all land covered by the agreement was released from transfer limitations, a condition that had not been satisfied at the time the applicant lodged his claim for compensation.

In a final decision, on 25 May 2022 the Supreme Court, sitting in a differently constituted panel, overturned the decision of the Court of Appeal in the second set of proceedings and held that the agreement was invalid, as it was in essence a land-transfer agreement which required notarisation, which had not been carried out. The Supreme Court panel further held that the findings of the courts in the first set of proceedings, including those of the Supreme Court, were not binding on it. It explained that, under the Code of Civil Procedure, only findings of fact in previous proceedings involving the same parties have res judicata effect, whereas the matter before it concerned not factual findings but rather their legal interpretation.

QUESTIONS TO THE PARTIES

Did the applicant have a fair hearing in the determination of his civil rights and obligations, in accordance with Article 6 § 1 of the Convention? In particular, did the Supreme Court in the second set of proceedings give adequate reasons for its decision, and was the principle of legal certainty breached on account of that decision (see *Bochan v. Ukraine* (no. 2) [GC], no. 22251/08, §§ 61 - 64, ECHR 2015; *Yushchenko and Others v. Ukraine*, nos. 73990/01 and 3 others, §§ 60-65, 15 July 2010; *Esertas v. Lithuania*, no. 50208/06, §§ 20-32, 31 May 2012; *Gražulevičiūtė v. Lithuania*, no. 53176/17,

§§ 72-83, 14 December 2021; Melgarejo Martinez de Abellanos v. Spain , no. 11200/19, §§ 33-44, 14 December 2021; Latorre Atance v. Spain , no. 33818/22, §§ 55-59, 18 December 2025)?

FLEISZAR V. UKRAINE (56072/19)

Art. 6;6-1;13 – fair trial – excessive length of criminal proceedings; right to liberty – unlawful wanted status without evidence of absconding

SUBJECT MATTER OF THE CASE

The application concerns the allegedly excessive length of the criminal proceedings against the applicant, a Polish citizen, which were instituted in Ukraine in December 2012 on suspicion of several episodes of large-scale fraud and which are apparently still ongoing at the stage of a pre-trial investigation. The applicant invokes Articles 6 § 1 and 13 of the Convention.

On 30 January 2014 the applicant was put on the wanted list in Ukraine. On 30 April 2014 he was put on the international wanted list. Starting from 8 March 2017, the Interpol excluded the applicant from its wanted list, after the Ukrainian authorities had failed to respond to its enquiries.

According to the applicant, he has never been absconding, and the Ukrainian investigating authorities were duly informed of his whereabouts in Poland. The applicant's lawyer has kept regular contact with the investigating authorities, has been requesting various investigating measures, has consistently complained about the excessive length of the investigation and has sought, on many occasions, its discontinuation.

As known from the publicly available online State register of judicial decisions, on 9 March 2018 the investigator once again declared the applicant wanted by the police and stayed the investigation on those grounds. On 9 July 2020 the Kyiv Shevchenkivskyy District Court ("the Shevchenkivskyy Court") allowed a complaint lodged by the applicant's lawyer against that decision and quashed it as unfounded. It was observed that the investigating authorities had neither relied on any evidence suggesting that the applicant was absconding nor taken any measures for summoning him. While the above judicial ruling was final and not amenable to appeal, on the same date, 9 July 2020 the investigator issued another, virtually identical decision. On 5 May 2022 the Shevchenkivskyy Court also quashed it for similar reasons as before.

QUESTIONS TO THE PARTIES

1. Was the length of the criminal proceedings in the present case in breach of the "reasonable time" requirement of Article 6 § 1 of the Convention?
2. Did the applicant have at his disposal an effective domestic remedy for the above complaint, as required by Article 13 of the Convention?

WINGMAN MEDIA APS V. DENMARK AND 1 OTHER APPLICATION (13586/26;13566/26)

Art. 10;10-1 – freedom of expression – compelled disclosure of journalistic materials; fair trial – impact of disclosure on the right to a fair trial

SUBJECT MATTER OF THE CASE

The applicants, a media company and a national television station in Denmark, produced a television series, initially with five episodes, described as a documentary, called “The Black Swan”, which was broadcast for the first time in May 2024. The producers had hired a lawyer, SA, with ties to the criminal underworld to become a mole. For a long period of time, with a set up office, hidden cameras and audio recordings, SA exposed the collaborations between various criminals, lawyers, and businesspeople. The programme was seen by numerous viewers, in Denmark and abroad, and created a vivid public debate.

Subsequently, a lawyer, LR, was charged with inter alia, money laundering.

By a High Court decision of 3 October 2025, which became final on 10 December 2025, at the request of the police, adhered to by LR, by virtue of section 804(1) of the Administration of Justice Act, the applicant television station, which apparently was not under any suspicion, was ordered to hand over (edition) raw material where LR was seen or mentioned, and to hand over correspondence between the producers of the documentary and SA, in so far as it concerned LR, provided that it had evidential value to four specific counts in the indictment against LR, and it was not covered by section 172(2) of the said Act (that is, if the participants had been promised that they could participate without the possibility of being identified).

The applicant companies complained that the High Court’s decision of 3 October 2025 breached their rights under Articles 6 and 10 of the Convention.

QUESTIONS TO THE PARTIES

1. In relation to the production and broadcast of “The Black Swan”, were the applicants suspected of or charged with any criminal offences? If so, when? And if so, did the High Court’s decision of 3 October 2025 respect the applicants’ right under Article 6 § 1 of the Convention not to incriminate themselves?
2. Has there been an interference with the applicants’ freedom of expression within the meaning of Article 10 § 1 of the Convention (see for example, *Nordisk Film & TV A/S v. Denmark* ((dec.)), no. 40485/02, ECHR 2005 - XIII)?
3. If so, was the interference necessary in terms of Article 10 § 2 (see, among others, *Becker v. Norway* (application no. 21272/12) 5/10 2017)?

TORMA V. HUNGARY (5832/25)

Art. 8;8-1;13 – family life – ban on contact with long-time friend and godfather of child; unlawful interference – refusal to register contact person

SUBJECT MATTER OF THE CASE

The applicant has been detained at Szombathely Prison since 2016. The application concerns a ban on the applicant's right to receive visits from, and to contact, A., his friend of 25 years and the godfather of his child, using means of communication otherwise permitted (phone calls, Skype, letters). A. is a celebrity with a criminal record known for his successful rehabilitation.

In 2019, after years of regular contact kept with A. during prison visits and through correspondence, A. was removed from the list of persons whom the applicant had the right to maintain contact with. In his report AJB-1262-29/2023, the Commissioner for Fundamental Rights established, inter alia, the apparent unlawfulness of the administrative practice underlying the prison authorities' refusals to record prospective contact persons.

The applicant's attempt to have A. registered again was unsuccessful. The prison manager and the Prison Governor both justified their refusals by the number of his contact persons and the media attention on A.'s criminal activity in the past. The Vas County Public Prosecutor's Office tasked with ensuring the control over the lawful operation of Szombathely Prison refused the applicant's appeal on account of the discretionary power the prison services hold in the subject matter and, in another decision, his request for access to information underlying the prosecutor's decision. The applicant's complaint against this decision was rejected by the Attorney General on 27 September 2024 and served on the applicant's lawyer on 17 October 2024.

The applicant complains that the refusal to register A. was an unlawful and disproportionate measure adopted in a decision-making process that was not fair. He relies on Articles 8 and 13 of the Convention.

QUESTION TO THE PARTIES

Has there been an interference with the applicant's right to respect for his private life and his correspondence, within the meaning of Article 8 § 1 of the Convention by the prison authorities' refusal to register A. as the applicant's contact person, as upheld by the prosecution service? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see *István Gábor Kovács v. Hungary*, no. 15707/10, §§ 33-39, 17 January 2012, *Hagyó v. Hungary*, §§ 84-86, no. 52624/10, 23 April 2013; *Kyriacou Tsiakkourmas and Others v. Turkey*, no. 13320/02, §§ 303-304, 2 June 2015, *Lebois v. Bulgaria*, no. 67482/14, §§ 61-66, 19 October 2017 and *Gullotti v. Italy*, no. 64753/14, §§ 24-27, 10 July 2025)? Was the applicant involved in the decision-making process to a degree sufficient to provide him with the requisite protection of his interests?

KAMIENIOWSKA V. POLAND (12135/25)

Art. 6;6-1 – right to a fair trial – lack of independent tribunal due to contested judicial appointments; effective remedy – inadequate review of judges' independence

SUBJECT MATTER OF THE CASE

The application concerns a ruling by an ordinary court in the applicant's criminal case sitting in a formation including a judge appointed to that court by the President of Poland pursuant to the recommendation of the National Council of the Judiciary (Krajowa Rada Sądownictwa , "the NCJ"), as established under the Act of 8 December 2017 Amending the Act on the NCJ and Certain Other Acts (ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa oraz niektórych innych ustaw ; "the 2017 Amending Act"). At the domestic level the applicant raised an allegation regarding the right to a "tribunal established by law" but it was examined by a court comprising a judge appointed in the same procedure involving the recomposed NCJ.

On 19 June 2023 the Warsaw Regional Court convicted the applicant of tax fraud. The applicant appealed.

On 26 March 2024 by the Warsaw Court of Appeal partly dismissed and partly granted his appeal, sitting in a formation of three judges including Dariusz Drajewicz, appointed by the President on recommendation of the NCJ (resolution no. 1668/2021 of 15 December 2021).

The applicant lodged a cassation appeal in which she raised the complaint that her case had not been examined by an independent and impartial "tribunal established by law." She also requested "an assessment of the requirements of independence and impartiality" of that judge.

Once informed of the judge assigned to her case at the Supreme Court, the applicant requested the recusal of judge Marek Siwek on the grounds that he had also been appointed in the contested procedure involving the NCJ. On 3 October 2024 the Supreme Court rejected the recusal request sitting as a single judge, Zbigniew Kapiński, appointed in the same procedure (NCJ resolution no. 1286/2021 of 22 September 2021).

On 5 December 2024 (served on 23 January 2025) the Supreme Court dismissed the applicant's cassation appeal. It sat as a single judge, Marek Siwek, who was appointed by the President on the recommendation of the NCJ (resolution no. Nr 331/2018 of 28 August 2018). The Supreme Court dismissed the applicant's complaint about the composition of the second-instance court based on the case-law of the Constitutional Court but also on the resolution of three joined Chambers of the Supreme Court of 23 January 2020.

Relying on Article 6 § 1 of the Convention the applicant complains that her appeal and cassation appeal were not examined by an independent and impartial "tribunal established by law". She also complains that there was no effective review of the appointments of judges because her allegations were examined by the Supreme Court which itself was not a "tribunal established by law" and her

request for recusal of the Supreme Court's judge had been examined by a judge appointed in the same procedure.

QUESTIONS TO THE PARTIES

1 . Was the second-instance court which dealt with the applicant's case an independent and impartial "tribunal established by law" as required by Article 6 § 1 of the Convention? Reference is made to the fact that the applicant's appeal was examined by the Warsaw Court of Appeal sitting in a formation including judge Dariusz Drajewicz who was appointed in the procedure established by the Law of 8 December 2017 Amending the Act on the National Council of the Judiciary.

In particular, was the allegation regarding the right to a "tribunal established by law" with respect to the ordinary court indicated above effectively reviewed and remedied by the Supreme Court as required by the third step of the *Ástráðsson* test (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 273-286, 1 December 2020)?

2. Was the formation of the Supreme Court which dealt with the applicant's cassation appeal on 5 December 2024 an independent and impartial "tribunal established by law" as required by Article 6 § 1 of the Convention?

3. Was the court which dealt with the applicant's request for the recusal of the Supreme Court's judge on 3 October 2024 an independent and impartial "tribunal established by law", as required by Article 6 § 1 of the Convention?

In their replies to the above questions, the parties are asked to refer to the Court's judgments in *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 205-290, 1 December 2020; *Wałęsa v. Poland* , no. 50849/21, 23 November 2023; and *Advance Pharma sp. z o.o v. Poland* , no. 1469/20, 3 February 2022.

KOMSTA V. POLAND (21563/25)

Art. 6;6-1 – right to a tribunal established by law – lack of independence and impartiality in judicial appointments; effective remedy – inadequate review of judges' appointments

SUBJECT MATTER OF THE CASE

The application concerns a ruling by an ordinary court in the applicant's criminal case composed of three judges appointed to that court by the President of Poland pursuant to the recommendation of the National Council of the Judiciary (Krajowa Rada Sądownictwa , "the NCJ"), as established under the Act of 8 December 2017 Amending the Act on the NCJ and Certain Other Acts (ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa oraz niektórych innych ustaw ; "the 2017 Amending Act"). At the domestic level the applicant raised an allegation regarding the right to a "tribunal established by law" but it was examined by a court comprising a judge appointed in the same procedure involving the recomposed NCJ.

On 13 February 2018 the Warsaw Regional Court convicted the applicant of bribery and fraud. The applicant appealed.

On 12 February 2024 the Warsaw Court of Appeal dismissed his appeal sitting in a formation of three judges:

- Przemysław Filipkowski, who was appointed by the President on recommendation of the NCJ (resolution no. 738/2020 of 11 September 2020);
- Dorota Radlińska, who was appointed by the President on recommendation of the NCJ (resolution no. 981/2019 of 8 November 2019);
- Sławomir Machnio who was appointed by the President on recommendation of the NCJ (resolution no. 183/2022 of 2 March 2022).

The applicant lodged a cassation appeal in which he raised the complaint that his case had not been examined by an independent and impartial "tribunal established by law" owing to the illegal appointment of all judges of the Court of Appeal. He also requested "an assessment of the requirements of independence and impartiality" of the judges.

During the proceedings before the Supreme Court the applicant requested the recusal of judge Małgorzata Bednarek appointed to the case on the ground that she had also been appointed in the invalid procedure involving the NCJ. On 12 February 2025 the Criminal Chamber of the Supreme Court rejected the recusal request sitting in a single judge formation of judge Paweł Kołodziejski, appointed in the same procedure (NCJ resolution no. 786/2021 of 25 June 2021).

On 26 February 2025 (served on 11 March 2025) the Supreme Court (Criminal Chamber) dismissed the applicant's cassation appeal sitting as a single judge, Małgorzata Bednarek, who was appointed by the President on the recommendation of the NCJ (resolution no. 317/2018 of 23/08/2018). The court dismissed the complaint about the composition of the second instance court relying on the case-law of the Constitutional Court.

Relying on Article 6 § 1 of the Convention the applicant complains that his appeal and cassation appeal were not examined by an independent and impartial “tribunal established by law”. He also complains that there was no effective review of the appointments of judges as the cassation appeal and the request for recusal had been examined by judges appointed in the same procedure.

QUESTIONS TO THE PARTIES

1. Was the second-instance court which dealt with the applicant’s case an independent and impartial “tribunal established by law” as required by Article 6 § 1 of the Convention? Reference is made to the fact that the applicant’s appeal was examined by the Warsaw Court of Appeal sitting in a formation of three judges who were all appointed in the procedure established by the Law of 8 December 2017 Amending the Act on the National Council of the Judiciary.

In particular, was the allegation regarding the right to a “tribunal established by law” with respect to second-instance court effectively reviewed and remedied by the Supreme Court as required by the third step of the *Ástráðsson* test (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 273-286, 1 December 2020)?

2. Was the formation of the Supreme Court which dealt with the applicant’s cassation appeal on 26 February 2025 an “independent and impartial tribunal established by law” as required by Article 6 § 1 of the Convention?

3. Was the court which dealt with the applicant’s request for the recusal of the Supreme Court’s judge on 12 February 2025 an “independent and impartial tribunal established by law”, as required by Article 6 § 1 of the Convention?

In their replies to the above questions, the parties are asked to refer to the Court’s judgments in *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 205-290, 1 December 2020; *Wałęsa v. Poland*, no. 50849/21, 23 November 2023; and *Advance Pharma sp. z o.o v. Poland*, no. 1469/20, 3 February 2022.

DEREVYANKIN V. UKRAINE (49331/20)

Art. 6;6-1;6-3-d – fair trial – lack of disclosure of evidence; fair trial – inability to cross-examine key witness

SUBJECT MATTER OF THE CASE

The applicant, a drug addict undergoing a replacement therapy at a local hospital, was convicted for drug dealing on account of two isolated episodes of selling some methadone and cannabis to another drug addict (T.), who had been acting at the instructions of the police and who had allegedly incited the applicant by persistently appealing to his compassion through mentioning withdrawal symptoms and being in pain. Neither the judicial rulings authorising the covert investigative measures involving the applicant nor the materials, on the basis of which they had been adopted, were disclosed to the defence. It also appears that the defence was not provided with the possibility to cross-examine the key prosecution witness T.

The applicant alleges that his trial did not comply with the requirements enshrined in Article 6 §§ 1 and 3 (b) and (d) of the Convention.

QUESTIONS TO THE PARTIES

1. 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? In particular:

(a) Was there a clear and foreseeable procedure for authorising, implementing and supervising the covert investigative measures involving the applicant?

(b) Did the authorities have good reasons for mounting the covert operations? Before the applicant was approached by the police informant T., had the investigative authorities possessed preliminary information concerning the applicant's pre-existing criminal intent? Did that information come from a verifiable source unconnected with the individual involved in the undercover operations?

(c) Did T. exert such an influence on the applicant as to incite the commission of the offences that would otherwise not have been committed?

(d) Was the applicant afforded adequate procedural safeguards enabling him to raise a complaint about entrapment before the national courts?

(e) Was the issue of entrapment examined in an adversarial, thorough and comprehensive manner? Was all relevant information put openly before the trial court or tested in an adversarial manner? Did the courts assess the reasons for mounting the operations, the extent of the police's involvement in the offences and the nature of any incitement or pressure to which the applicant had been subjected?

2. Was the applicant able to examine the witness for the prosecution T. or to obtain the examination of that witness on his behalf, as required by Article 6 § 3 (d) of the Convention?

KOWALIK V. POLAND (23591/25)

Art. 6;6-1 – right to a tribunal established by law – lack of impartiality in judicial appointments and proceedings

SUBJECT MATTER OF THE CASE

The application concerns a ruling by an ordinary court in the applicant's civil case sitting in a formation including a judge appointed to that court by the President of Poland pursuant to the recommendation of the National Council of the Judiciary (Krajowa Rada Sądownictwa , “the NCJ”), as established under the Act of 8 December 2017 Amending the Act on the NCJ and Certain Other Acts (ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa oraz niektórych innych ustaw ; “the 2017 Amending Act”). At the domestic level the applicant raised an allegation regarding the right to a “tribunal established by law” but it was examined by a court comprising a judge appointed in the same procedure involving the recomposed NCJ.

The applicant's claim for compensation was examined at first instance by the Warsaw Regional Court on 4 July 2022. The applicant appealed.

At the appellate stage the applicant applied for the recusal of judge Sławomir Machnio who had been appointed to the case, challenging the legality of his appointment in the procedure involving the NCJ.

On 5 January 2024 the Warsaw Court of Appeal sitting as a single judge, Michał Lasota, appointed by the President in the same procedure involving the NCJ (resolution no. 535/2023 of 20 June 2023) dismissed his recusal request based primarily on the rulings of the Constitutional Court.

The applicant's appeal against the judgment of 4 July 2022 was dismissed on 2 February 2024 by the Warsaw Court of Appeal sitting in a formation of three judges including Sławomir Machnio (NCJ resolution no. 183/2022 of 2 March 2022).

The applicant lodged a cassation appeal in which he raised the complaint that his case had not been examined by an independent and impartial “tribunal established by law.”

During the proceedings before the Supreme Court the applicant successfully obtained the recusal of judge Stanisław Stankiewicz assigned to the case. It appears that subsequently another judge, Anna Dziergawka, was assigned to deal with the case whom the applicant did not challenge.

The applicant's cassation appeal was dismissed as manifestly ill-founded by the Supreme Court on 27 March 2025 sitting in single judge formation of Anna Dziergawka (NCJ resolution no. 48/2023 of 20 January 2023).

Relying on Article 6 § 1 of the Convention the applicant complains that his appeal and cassation appeal were not examined by an independent and impartial “tribunal established by law”. He also complains that there was no effective review of the appointments of judges because his allegations and applications for the recusal were examined by the Warsaw Court of Appeal and the Supreme Court, both sitting in formations including judges appointed in the same procedure.

QUESTIONS TO THE PARTIES

1. Was the second-instance court which dealt with the applicant's case an independent and impartial "tribunal established by law" as required by Article 6 § 1 of the Convention? Reference is made to the fact that the applicant's appeal was examined by the Warsaw Court of Appeal sitting in a formation including judge Sławomir Machnio who was appointed in the procedure established by the Law of 8 December 2017 Amending the Act on the National Council of the Judiciary.

In particular, was the allegation regarding the right to a "tribunal established by law" with respect to second-instance court effectively reviewed and remedied by the domestic courts as required by the third step of the Ástráðsson test (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 273-286, 1 December 2020)? Reference is made to the fact that his application for the recusal of the judge had been examined on 5 January 2024 the Warsaw Court of Appeal and his cassation appeal was dismissed by the Supreme Court.

2. Was the formation of the Supreme Court which dealt with the applicant's cassation appeal on 27 March 2025 an independent and impartial "tribunal established by law" as required by Article 6 § 1 of the Convention?

3. Was the court which dealt with the applicant's request for the recusal of the Court of Appeal's judge on 5 January 2024 an independent and impartial "tribunal established by law", as required by Article 6 § 1 of the Convention?

In their replies to the above questions, the parties are asked to refer to the Court's judgment in *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 205-290, 1 December 2020; *Wałęsa v. Poland*, no. 50849/21, 23 November 2023; and *Advance Pharma sp. z o.o v. Poland*, no. 1469/20, 3 February 2022.

ROŻAŃSKI V. POLAND (25348/25)

Art. 6;6-1 – right to a tribunal established by law – lack of impartiality in judicial appointments; fair trial – ineffective review of judicial composition

SUBJECT MATTER OF THE CASE

The application concerns a ruling by an ordinary court in the applicant's criminal case sitting in a formation including a judge appointed to that court by the President of Poland pursuant to the recommendation of the National Council of the Judiciary (Krajowa Rada Sądownictwa , "the NCJ"), as established under the Act of 8 December 2017 Amending the Act on the NCJ and Certain Other Acts (ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa oraz niektórych innych ustaw ; "the 2017 Amending Act"). At the domestic level the applicant raised an allegation regarding the right to a "tribunal established by law" but it was examined by a court comprising a judge appointed in the same procedure involving the recomposed NCJ.

On 10 March 2022 the Warsaw Regional Court convicted the applicant of homicide. It sat in composition including judge Agnieszka Brygidyr–Dorosz (NCJ resolution no. 782/2019 of 26 July 2019). The applicant appealed.

On 9 November 2023 the Warsaw Court of Appeal upheld the appeal. One member of the panel, judge Dorota Tyrała, submitted a dissenting opinion in which she concluded that the first instance court had not been properly constituted in violation of the domestic law and that defect constituted an absolute ground of appeal which had to be examined by the court ex officio (Article 439 § 1 of the Code of Criminal Procedure). The applicant lodged a cassation appeal in which he raised the complaint about the composition of the first-instance court.

On 4 June 2025 the Supreme Court dismissed the cassation appeal. It sat in a single judge formation of judge Adam Roch, who was appointed by the President on the recommendation of the recomposed NCJ (resolution no. 317/2018 of 23 August 2018).

Relying on Article 6 § 1 of the Convention the applicant complains that his case at the first instance and cassation stages were not examined by an independent and impartial "tribunal established by law". He also complains that there has not been an effective review of the appointments of judges as the Warsaw Court of Appeal had not quashed the first-instance judgment ex officio, and his cassation appeal had been examined by a judge appointed in the same procedure.

QUESTIONS TO THE PARTIES

1. Was the first-instance court which dealt with the applicant's case an independent and impartial "tribunal established by law" as required by Article 6 § 1 of the Convention? Reference is made to the fact that the applicant's case was examined at the Warsaw Regional Court sitting in a formation including judge Agnieszka Brygidyr–Dorosz who was appointed in the procedure established by the

2017 Amending Act and whose procedure for appointment was examined by the Supreme Court, *inter alia* , on 5 March 2024 (II KK 35/23) and 10 April 2024 (II KO 13/24).

In particular, was the allegation regarding the right to a “tribunal established by law” with respect to first-instance court effectively reviewed and remedied by the Warsaw Court of Appeal and the Supreme Court as required by the third step of the *Ástráðsson* test (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 273-286, 1 December 2020)?

2. Was the formation of the Supreme Court which dealt with the applicant’s cassation appeal on 4 June 2025 an independent and impartial “tribunal established by law” as required by Article 6 § 1 of the Convention?

In their replies to the above questions, the parties are asked to refer to the Court’s judgments in *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 205-290, 1 December 2020; *Wałęsa v. Poland* , no. 50849/21, 23 November 2023; and *Advance Pharma sp. z o.o v. Poland* , no. 1469/20, 3 February 2022.

DUBROWSKI V. POLAND (37817/25)

Art. 6;6-1;6-3-c – fair trial – challenge to judges' independence due to appointment by the recomposed National Council of the Judiciary

SUBJECT MATTER OF THE CASE

The application concerns a ruling by an ordinary court in the applicant's civil case sitting in a formation including a judge appointed to that court by the President of Poland pursuant to the recommendation of the National Council of the Judiciary (Krajowa Rada Sądownictwa , "the NCJ"), as established under the Act of 8 December 2017 Amending the Act on the NCJ and Certain Other Acts (ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa oraz niektórych innych ustaw ; "the 2017 Amending Act"). At the domestic level the applicant raised an allegation regarding the right to a "tribunal established by law" but it was examined by a court comprising a judge appointed in the same procedure involving the recomposed NCJ.

On 16 March 2023 the Katowice Regional Court ruled, at first instance, on the applicant's civil claims for a pension and compensation. The applicant appealed.

At the appellate stage before the Katowice Court of Appeal the applicant applied for the recusal of two judges who had been assigned to hear his case, (i) Małgorzata Andrzejewska (appointed on the basis of the NCJ resolution no. 522/2020 of 8 July 2020) and (ii) Patrycja Bogacińska-Piątek (NCJ resolution no. 362/2021, 13 April 2021), challenging their appointment in the procedure involving the recomposed NCJ.

Concerning the first judge challenged by the applicant, on 18 September 2023 the Chamber of Extraordinary Review and Public Affairs ("the CERPA") of the Supreme Court sitting as a single judge, Aleksander Stępkowski (NCJ resolution no. 331/2018 of 28 August 2018), dismissed the applicant's request for the recusal of judge Małgorzata Andrzejewska of the Katowice Court of Appeal. The CERPA considered that the applicant failed to provide sufficient justification that the concerned judge lacked independence or impartiality and relied on the judgments of the Constitutional Court.

Concerning the second judge challenged by the applicant, on 6 February 2024 the CERPA, sitting as a single judge, Paweł Księżak (NCJ resolution no. 331/2018 of 28 August 2018), decided that the request for the recusal of judge Patrycja Bogacińska-Piątek be examined by the Katowice Court of Appeal. The CERPA considered that in order to implement the Court of Justice of the European Union's judgment of 5 June 2023 (case C-204/21) the recusal request should be transferred to another court (than the CERPA) and the domestic provisions that give the CERPA sole competence to examine it should be disapplied.

Afterwards, on 23 May 2024, the Katowice Court of Appeal sitting as a single judge, Grzegorz Tyrka (NCJ resolution no. 126/2022 of 16 February 2022) dismissed the request for the recusal of judge Patrycja Bogacińska-Piątek.

The applicant's appeal against the first-instance judgment of 16 March 2023 was dismissed by the Katowice Court of Appeal on 29 May 2025 in a composition including both judges challenged by the applicant, that is Małgorzata Andrzejewska and Patrycja Bogacińska-Piątek. This judgment was notified to the applicant on 22 July 2025.

On 14 August 2025 the applicant's court-appointed lawyer submitted an opinion that a cassation appeal lacked any prospect of success and refused to prepare it on the applicant's behalf.

Relying on Article 6 § 1 of the Convention the applicant complains that his appeal was not examined by an independent and impartial "tribunal established by law" and that his requests for the recusal of judges of the Katowice Court of Appeal were examined by a Court of Appeal judge appointed in the same procedure and by the CERPA of the Supreme Court which may not be considered an independent and impartial "tribunal established by law".

QUESTIONS TO THE PARTIES

1. Was the second-instance court which dealt with the applicant's case an independent and impartial "tribunal established by law" as required by Article 6 § 1 of the Convention? Reference is made to the fact that the applicant's appeal was examined by the Katowice Court of Appeal sitting in a formation including judges (i) Małgorzata Andrzejewska and (ii) Patrycja Bogacińska-Piątek who were appointed in the procedure established by the 2017 Amending Act.

In particular, was the allegation regarding the right to a "tribunal established by law" with respect to the second-instance court effectively reviewed and remedied by the domestic courts as required by the third step of the Ástráðsson test (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 273-286, 1 December 2020)? Reference is made to the fact that his applications for the recusal of the concerned judges had been examined, respectively, (i) on 18 September 2023 by the CERPA (see *Dolińska-Ficek and Ozimek v. Poland*, nos. 49868/19 and 57511/19, 8 November 2021), and (ii) on 23 May 2024 by the Katowice Court of Appeal.

2. Was the CERPA of the Supreme Court which dealt on 18 September 2023 with the applicant's first request for the recusal of an appellate court judge an independent and impartial "tribunal established by law" as required by Article 6 § 1 of the Convention?

3. Was the Katowice Court of Appeal's formation which dealt on 23 May 2024 with the second request for the recusal an independent and impartial "tribunal established by law", as required by Article 6 § 1 of the Convention?

In their replies to the above questions, the parties are asked to refer to the Court's judgment in *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 205-290, 1 December 2020; *Wałęsa v. Poland* , no. 50849/21, 23 November 2023; and *Advance Pharma sp. z o.o v. Poland* , no. 1469/20, 3 February 2022.

KOBYLIVSKYY AND OTHERS V. RUSSIA AND UKRAINE (43852/22)

Art. 3;4;4-2;5;5-1;5-5;8;8-1;13;34 – right to liberty – unlawful detention and lack of effective remedy; private life – interference due to unauthorized blood sampling

SUBJECT MATTER OF THE CASE

5. Was the first applicant deprived of his liberty in breach of Article 5 § 1 of the Convention (see *Ukraine and the Netherlands v. Russia*, cited above, §§ 1113 - 18)? Did he have an effective and enforceable right to compensation for his detention in alleged contravention of Article 5 § 1, as required by Article 5 § 5 of the Convention? Have any investigations been carried out in the Russian Federation into his allegation of unlawful detention (see *El - Masri v. “the former Yugoslav Republic of Macedonia”* [GC], no. 39630/09, §§ 242-43, 13 December 2012)?

6. Was there an interference with the first applicant’s right to respect for his private life within the meaning of Article 8 § 1 of the Convention on account of the alleged taking of a blood sample from him (see *D.H. and Others v. North Macedonia*, no. 44033/17, § 49, 18 July 2023)? If so, was that interference in accordance with

QUESTIONS TO THE PARTIES

1. Have the applicants complied with the admissibility requirements set forth in Article 35 § 1 of the Convention?

2. Having regard to the circumstances of the first applicant’s detention, was he subjected to torture or inhuman or degrading treatment, in breach of Article 3 of the Convention (see *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 1076, 9 July 2025)? Having regard to the procedural obligation under Article 3, has an effective investigation been carried out by the Russian authorities into his allegation of a violation of Article 3 of the Convention, as required by that provision (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, §§ 315 - 26, ECHR 2014 (extracts))?

3. Were the second, third and fourth applicants subjected to inhuman or degrading treatment by the Russian Federation, in breach of Article 3 of the Convention, in respect of their suffering due to the uncertainty surrounding the fate of the first applicant, the indifference allegedly demonstrated by the Russian authorities in that regard and their alleged failure to conduct an effective investigation into the matter (see *Orhan v. Turkey*, no. 25656/94, §§ 359-60, 18 June 2002 and *Ukraine and the Netherlands v. Russia*, cited above, § 1081)?

4. Do the facts complained of by the first applicant amount to a violation of Article 4 of the Convention (see *Ukraine and the Netherlands v. Russia*, cited above, §§ 1093-99)?

5. Was the first applicant deprived of his liberty in breach of Article 5 § 1 of the Convention (see *Ukraine and the Netherlands v. Russia*, cited above, §§ 1113 - 18)? Did he have an effective and enforceable right to compensation for his detention in alleged contravention of Article 5 § 1, as

required by Article 5 § 5 of the Convention? Have any investigations been carried out in the Russian Federation into his allegation of unlawful detention (see *El - Masri v. “the former Yugoslav Republic of Macedonia”* [GC], no. 39630/09, §§ 242-43, 13 December 2012)?

6. Was there an interference with the first applicant’s right to respect for his private life within the meaning of Article 8 § 1 of the Convention on account of the alleged taking of a blood sample from him (see *D.H. and Others v. North Macedonia* , no. 44033/17, § 49, 18 July 2023)? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

7. With regard to the complaint of relocation raised by the second and third applicants, has there been an interference with their right to respect for their home within the meaning of Article 8 § 1 of the Convention? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see *Chiragov and Others v. Armenia* [GC], no. 13216/05, §§ 206 - 08, ECHR 2015)?

8. Did the applicants have at their disposal an effective domestic remedy in respect of their complaints under Articles 3, 4, 5 and 8, as required by Article 13 of the Convention (see *Ukraine and the Netherlands v. Russia* , cited above, §§ 1617-22)?

9. Have the Government of the Russian Federation complied with the interim measure indicated on 15 September 2022 under Rule 39 of the Rules of Court? If the answer is in the negative, was there a hindrance by the Russian Government with the effective exercise of the first applicant’s right of individual application, as ensured by Article 34 of the Convention (see *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, §§ 128-29, ECHR 2005-I)?

PUNTUS V. UKRAINE (62878/19)

Art. 6;6-1;6-3-a;6-3-b – fair trial – reclassification of charges and lack of fair hearing in criminal proceedings

SUBJECT MATTER OF THE CASE

The application concerns the alleged breach of Article 6 §§ 1 and 3 (a) and (b) of the Convention in the criminal proceedings against the applicant. As a former mayor, he was charged with abuse of office and was acquitted by the first-instance court. Although the prosecutor maintained that charge on appeal and the appellate court upheld the first-instance court's findings in that respect, it nevertheless quashed the judgment and delivered a new one, reclassifying the offence as negligence in office on the basis of the same facts and finding the applicant guilty. The cassation court dismissed the applicant's cassation appeal, finding no issues under the domestic law or Article 6 of the Convention.

QUESTION TO THE PARTIES

Did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 §§ 1 and 3 (a) and (b) of the Convention, regard being had, in particular, to the reclassification of the charge against him by the appellate court?

VIDOSAVLJEVIĆ V. SERBIA (54693/21;36195/25)

Art. 3;8;8-1;13 – inhuman treatment – conditions of detention and transfers to medical facilities; lack of effective remedy – inadequate domestic response to complaints

SUBJECT MATTER OF THE CASE

The applications concern the conditions of the applicant's transfers to medical facilities outside the prison, as well as the allegedly inadequate conditions of his detention. They also concern an alleged lack of an effective domestic remedy in respect of those complaints.

In 2015 he was, on three separate occasions, transferred to civilian medical facilities. Each time he was escorted by armed police officers and transported while handcuffed, shackled, and wearing a distinct prison uniform. During one of the medical procedures he remained restrained.

The applicant's complaints to the prison governor concerning those events were dismissed as unfounded. His criminal complaints alleging ill-treatment on the part of several officials and employees of the Ministry of Justice and the Belgrade Penitentiary in connection with those events were likewise rejected.

In 2017 the applicant lodged two constitutional appeals relating to those events and to the allegedly poor detention conditions in Belgrade Penitentiary (Kazneno - popravni zavod u Beogradu), where he had been held for a period of two years and two months. He complained, in particular, of restricted access to out - of - cell activities, including time in the open air, and limited opportunities for social interaction. On 21 January 2021 the Constitutional Court dismissed his first appeal as unfounded. The proceedings concerning the second appeal are still ongoing.

Relying on Article 3 of the Convention the applicant complains about the conditions of his transfers to medical facilities and prison conditions in Belgrade Penitentiary. He further complains, under Article 13 of the Convention, that he did not have at his disposal an effective domestic remedy in respect of the grievances raised in his second constitutional appeal, in view of the Constitutional Court's failure to determine that appeal to date.

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?

2. Has the applicant been subjected to inhuman or degrading treatment during his visits to medical facilities outside of prison, in breach of Article 3 and/or of Article 8 of the Convention (see A.T. v. Estonia , no. 23183/15, § 54 and 55, 13 November 2018, and the authorities cited therein)? In particular:

(a) Was the handcuffing and the shackling of the applicant necessary having regard to the risk of absconding, causing injury or damage, and in view of his health condition and age? Did those measures have any adverse consequences for his health?

(b) Was the applicant handcuffed and shackled during medical examinations and interventions and, if so, was he under the supervision of the prison officers escorting him, and for what duration?

(c) Was the applicant exposed to the public while wearing restraints and prison clothing and, if so, for how long? Did the escorting officers carry their firearms in a particularly demonstrative manner (compare *Giszczak v. Poland* , no. 40195/08, §§ 36-41, 29 November 2011)?

(d) Was there a possibility for the applicant to request permission to wear his own clothing during medical visits and, if so, did he make such a request and what decision was taken by the authorities in that regard?

3. Did the material conditions of the applicant's detention in Belgrade Penitentiary, in particular the alleged lack of access to out - of - cell activities, including time in the open air, and the limited opportunities for social interaction, amount to inhuman or degrading treatment in breach of Article 3 of the Convention?

4. Did the applicant have at his disposal an effective domestic remedy for his Convention complaints, as required by Article 13 of the Convention (see *Volodya Avetisyan v. Armenia* , no. 39087/15, § 29, 3 May 2022)? Can the constitutional appeal be considered effective in the circumstances of the applicant's case, having regard to the duration of constitutional proceedings instated by the applicant's second constitutional appeal?

JOVANOVIĆ V. SERBIA (42060/23)

Art. 6;6-1;7;7-1;14;P1-1 – fair trial – absence of crucial documents in rehabilitation proceedings affecting the determination of civil rights

SUBJECT MATTER OF THE CASE

The application concerns the rehabilitation proceedings brought by the applicant as regards her deceased relative's conviction and the confiscation of his property by the Yugoslav communist authorities in the aftermath of World War II.

The applicant, as her relative's successor, complains, under Article 6 of the Convention, of the unfairness of the said rehabilitation proceedings, and in particular the decision ultimately rendered against her because of the absence, in the rehabilitation case file, of the actual judgments and files resulting in her relative's conviction. The applicant attempted to obtain this documentation, but to no avail. At the same time, various other documents regarding her relative's conviction, as well as the confiscation of his property, were in fact provided or obtained in the course of the rehabilitation proceedings. Furthermore, the applicant contends that, having regard to the applicable national legislation, it was incumbent upon the domestic courts to obtain, *proprio motu*, the judgments and files pertaining to her relative's conviction. While the national courts apparently tried to do so, in the end, they were not successful.

The applicant lastly maintains that it was therefore impossible for her to demonstrate conclusively either the existence of a judgment on the basis of which her relative had been convicted or, conversely, to prove that no such conviction had ever been imposed.

QUESTION TO THE PARTIES

Did the applicant have a fair hearing in the determination of her civil rights and obligations in accordance with Article 6 § 1 of the Convention? In particular, was, in the specific circumstances of the present case, the general principle of procedural fairness respected when it came to the national courts' ultimate decision to rule against the applicant based on the absence, in the rehabilitation case file, of the actual judgments and files resulting in her relative's conviction (see, *mutatis mutandis*, *McGinley and Egan v. the United Kingdom*, 9 June 1998, § 86, Reports of Judgments and Decisions 1998-III, and *Regner v. the Czech Republic* [GC], no. 35289/11, §§ 146 and 149, 19 September 2017, with further references)?

STOILOVA ET BOGDANOVA C. BULGARIE (43833/22)

Art. 8;8-1;14 – private life – disclosure of minor's image without parental consent; right to an effective remedy – rejection of damages claim for privacy violation

SUBJECT MATTER OF THE CASE

The application concerns the respect for the private life of the applicants, Mrs. Stoilova (the first applicant) and Mrs. Bogdanova (the second applicant), who are mother and daughter. The second applicant was diagnosed with autism. At the time of the events, she was a minor and attended a specialized center for educational assistance for autistic children. In 2018, as part of her activities at the specialized center, she was filmed during a learning session using the alternative communication method "Makaton." This video was shown at a conference dedicated to alternative communication, held on November 14, 2018, in Sofia. On April 22, 2019, the first applicant, acting in her own name and as the legal representative of her minor daughter, filed a claim for damages against three associations – the one managing the specialized center and the two associations that used the video during their presentation at the conference on November 14, 2018, claiming 15,000 Bulgarian leva (approximately 7,500 euros) for the harm suffered as a result of the recording of her daughter and the disclosure of her image without parental consent. The claim was examined and subsequently rejected by both the district court and the city court of Sofia. Both courts concluded that the actions of the defendant associations were not unlawful: the mother had given her consent to the specialized center to film her daughter, and even in the absence of parental consent for the use of the video during the conference in question, the case fell under the exception provided for in Article 9 § 2, point h) of Regulation EU 2016/679 (the GDPR), which allowed the use of personal data of third parties to improve social services. The appeal in cassation by the first applicant was rejected by the Supreme Court of Cassation in a final decision dated May 10, 2022. Invoking Article 8 of the Convention, the applicants allege that the rejection of the claim for damages constitutes a violation of their right to respect for their private life.

QUESTIONS TO THE PARTIES

1. Was there a violation of the applicants' right to respect for their private life, within the meaning of Article 8 of the Convention, in the present case?
2. Did the State fulfill its positive obligation to protect the applicants' right to respect for their private life, guaranteed by Article 8? In particular, was the manner in which the domestic courts ruled on the claim for damages brought by the applicants compatible with the requirements of Article 8 of the Convention (see *Bogomolova v. Russia*, no. 13812/09, §§ 51-58, June 20, 2017, and *I.V.T. v. Romania*, no. 35582/15, §§ 45-63, March 1, 2022)?

AGRIPLANET OOD V. BULGARIA (40689/22)

Art. P1-1 – property rights – lack of procedural safeguards in tax proceedings; effective remedy – reliance on prior judgment without applicant's participation

SUBJECT MATTER OF THE CASE

The application concerns procedural guarantees in tax proceedings.

The applicant company, a vegetable producer, states that in 2015 it purchased agricultural chemicals from company I. The chemicals were delivered and used, and the applicant received a State subsidy covering the purchase price. After reporting the transaction, the company also benefited from a value-added tax (“VAT”) credit.

However, in early 2016 company I. cancelled the invoices it had issued to the applicant. It informed the tax authorities that no actual supplies had taken place and requested a refund of the VAT it had already paid. The tax authorities rejected the request, finding no grounds to cancel the invoices. Company I. sought judicial review, and on 28 November 2018 the Supreme Administrative Court (“the SAC”) quashed the tax authorities’ decision. The SAC found it proven that company I. had not supplied agricultural chemicals to the applicant company, and that the payments made were merely advance payments. It further found, based on the evidence in that case, that the supplies had not occurred because the competent State body had refused to grant the applicant company a subsidy.

Following that judgment, in 2020 the tax authorities revoked the applicant company’s previously recognised VAT credit and ordered it to repay approximately 270,000 Bulgarian leva (BGN), equivalent to about 138,000 euros (EUR), plus about BGN 130,000 (EUR 67,000) in interest. Relying on the SAC’s earlier findings, the authorities concluded that the supplies declared by the applicant had not taken place.

The applicant company sought judicial review. It submitted evidence concerning the transport and delivery of the chemicals and argued that its own accounting records had never been examined in the proceedings against company I. Such an examination, it claimed, would have demonstrated that the supplies were real. The applicant also submitted evidence regarding the State subsidy and the utilisation of the chemicals. It pointed out that it had not been a party to the earlier proceedings and was therefore not bound by the judgment of 28 November 2018.

The first - instance Plovdiv Administrative Court accepted the applicant’s arguments and annulled the tax authorities’ order. However, in a final judgment of 13 April 2022, the SAC reversed that decision. It held that it was required to follow its earlier finding that the supplies had not occurred, noting that although the parties in the earlier case were different, the proceedings concerned the same underlying supplies.

The applicant company complains under Article 1 of Protocol No. 1, relying also on Article 13 of the Convention, that the SAC upheld the tax authorities’ order against it without examining the

arguments it had raised, and by relying on findings made in proceedings in which the applicant had not participated.

QUESTIONS TO THE PARTIES

Has there been an interference with the applicant company's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1? If so, was such interference in accordance with the requirements of Article 1 of Protocol No. 1? In particular, was the interference accompanied by procedural guarantees affording the applicant company a reasonable opportunity of presenting its case for the purpose of effectively challenging the measures against it (see, for such requirements, AGOSI v. the United Kingdom , 24 October 1986, § 55, Series A no. 108; Microintelect OOD v. Bulgaria , no. 34129/03, § 44, 4 March 2014; B.K.M. Lojistik Tasimacilik Ticaret Limited Sirketi v. Slovenia , no. 42079/12, § 43, 17 January 2017; Project-Trade d.o.o. v. Croatia , no. 1920/14, § 82, 19 November 2020)?

AGO AND OTHERS V. SERBIA (18110/25)

Art. 8;8-1;10;10-1;P1-1 – private life; freedom of expression; property – salary reduction for professors participating in student protests

SUBJECT MATTER OF THE CASE

The application concerns the alleged infringement of the applicants' rights to private life, freedom of expression and property. The applicants are a group of university professors from Serbia. In late 2024 and early 2025 they supported ongoing student protests in Serbia by refusing to hold lectures. In response, on 24 March 2025, the Serbian government adopted a regulation whereby the salaries of the professors who participated in the protests by not holding lectures were reduced. The applicants are relying on Articles 8 and 10 of the Convention, as well as Article 1 of Protocol No. 1 to the Convention.

QUESTIONS TO THE PARTIES

1. Have the applicants exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?

2. Assuming that domestic remedies have been exhausted:

2.1 Has there been an interference with the applicants' right to respect for their private life, within the meaning of Article 8 § 1 of the Convention (see *Denisov v. Ukraine* [GC], no. 76639/11, §§ 100-102, 25 September 2018)? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

2.2 Has there been an interference with the applicants' freedom of expression, within the meaning of Article 10 § 1 of the Convention? If so, was that interference prescribed by law and necessary in terms of Article 10 § 2?

2.3 Has there been a violation of Article 1 of Protocol No. 1 to the Convention?

DIMITROV C. BULGARIE (24960/23)

Art. 6;6-1;8;8-1 – right to an effective remedy – denial of compensation for alleged violations of EU data protection law; right to privacy – refusal to delete personal data from public register

SUBJECT MATTER OF THE CASE

The application concerns, in terms of Articles 6 and 8 of the Convention, a procedure in which the applicant sought to hold the Bulgarian State liable for violations of European Union law ("EU").

In 2019, the applicant requested the Agency for Registration (hereinafter "the Agency") to delete personal data concerning him, which appeared in the articles of association of a company and had been published in the register. By letter dated October 31, 2019, the Agency informed him that it could not proceed with such deletion and that it was up to the concerned individuals to provide, for this purpose, a copy of the articles of association in which the personal data whose publication was not mandatory would be redacted.

The applicant filed an appeal against this decision and sought compensation for moral damages. Initially, the Sofia Administrative Court upheld his appeal and awarded him the equivalent of 250 euros in damages. However, by a judgment dated August 19, 2021, the Bulgarian Supreme Administrative Court (hereinafter "the SAC") annulled this judgment and declared the applicant's appeal inadmissible, considering that the Agency's response did not constitute an administrative act subject to appeal but a mere letter indicating the procedure to follow.

The applicant then brought an action based on Article 2c of the Law on State and Municipal Liability for Damage against the Agency and the SAC, seeking compensation for several alleged violations of EU law related to the procedure described above. He particularly invoked the violation of Articles 17 (right to erasure) and 79 (right to an effective judicial remedy) of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ("GDPR"), as well as Article 267 of the Treaty on the Functioning of the EU due to the SAC's refusal to refer a preliminary question to the Court of Justice of the EU ("CJEU").

His request was rejected by the Administrative Court and then, on appeal, by a judgment of the SAC dated February 23, 2023, rendered by a different panel from that which ruled in the first procedure. According to this judgment, the Agency could not be held liable, as the arguments put forward by the applicant only concerned the SAC's decision and not the Agency's actions. Regarding the liability of the SAC, the judgment found that some of the provisions of the GDPR invoked by the applicant did not confer rights and that others were not related to the judgment of August 19, 2021, so that the jurisdiction's liability could not be engaged on this basis. Concerning the right to an effective judicial remedy guaranteed by the GDPR, the judgment considered that the applicant had indeed had access to judicial proceedings, even if his appeal had been deemed inadmissible under domestic law. Furthermore, since the SAC had not examined the applicant's appeal on the merits, the judgment concluded that the refusal of the higher court to refer a preliminary question did not violate EU law.

The applicant also requested the referral of a preliminary question to the CJEU in the liability proceedings, and the SAC's judgment simply stated that the criteria of the case law were not met for the preliminary question formulated by the applicant.

Invoking Article 6 § 1 of the Convention, the applicant complains of the insufficient reasoning of the SAC's judgment of February 23, 2023, which allegedly only superficially addressed his substantive arguments and did not justify its refusal to refer a preliminary question to the CJEU. From the perspective of Article 8, he argues that the refusal to delete his personal data from the company register constitutes an unlawful and disproportionate interference with his right to respect for private life.

QUESTIONS TO THE PARTIES

1. Did the domestic courts that examined the applicant's action for State liability sufficiently justify their decisions, as required by Article 6 § 1 of the Convention (see, among others, *Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, § 84, July 11, 2017)?

2. Did the refusal of the Supreme Administrative Court, in this procedure, to refer to the Court of Justice of the EU for a preliminary ruling on the questions concerning the interpretation of EU law raised by the applicant satisfy the obligation of reasoning arising from Article 6 § 1 of the Convention (see *Gondert v. Germany*, no. 34701/21, §§ 35-39, December 16, 2025, and *Sanofi Pasteur v. France*, no. 25137/16, §§ 68-71, February 13, 2020)?

3. Was there a violation of the applicant's right to respect for his private life, within the meaning of Article 8 of the Convention, due to the refusal of the domestic authorities to delete the personal data concerning him that appeared in the company register and whose publication was not mandatory?

In this regard, did the applicant's action for State liability for a serious violation of EU law constitute an internal remedy that needed to be exhausted for the purposes of Article 35 § 1 of the Convention, which should be taken into account for the calculation of the four-month time limit provided for by that provision?

ONOABHAGBE AND OTHERS V. DENMARK (28417/25)

Art. 8;8-1 – family life – refusal of residence permit based on insufficient individual ties to Denmark; best interests of the child – assessment of formative years

SUBJECT MATTER OF THE CASE

The application concerns the refusal by the Danish authorities to grant the applicants a residence permit.

The applicants are a father and his four children, all Nigerian nationals.

On 10 May 2010 the applicant father was granted a temporary residence permit to work in Denmark. He and his wife entered the country in April 2011.

Their oldest child, G1, was born in Denmark on 14 September 2011. He was granted a temporary residence permit on 29 October 2013.

The spouses had three more children.

The family's residence permits were prolonged several times, most recently until 1 July 2018.

Subsequently, the family requested a residence permit on the basis of G1's individual ties to Denmark. Their request was refused by the immigration authorities by a final decision of 1 April 2019.

The applicants re-applied for a residence permit in March 2020, when G1 was eight and a half years old. The immigration authorities refused their request on 10 February 2021, finding that G1. did not have sufficient individual ties to Denmark as required under section 9c(1) of the Aliens Act. In this respect, they concluded, among other things, that although G1 had lived lawfully in the country since his birth, only the period from 29 October 2013 until 1 July 2018, that is less than five years, could be taken into account when calculating the length of G1's lawful residence permit in Denmark.

Moreover, when assessing G1's ties to Denmark, only the "formative years" could be taken into account. In general, those commenced when a child starts in school, approximately at the age of seven.

The applicants brought the case before the courts relying on Article 8 of the Convention.

The family left Denmark on 21 April 2021.

By a final judgment of 7 May 2025, the Supreme Court found against the applicants.

QUESTION TO THE PARTIES

Did the reasons adduced by the immigration authorities to refuse to grant the applicants a residence permit, confirmed by the Supreme Court in its judgment of 7 May 2025, fulfil the fair balance assessment that has to be struck between the competing interests of, on one hand, the individual, including the best interest of the child, and, on the other hand, the community as a whole, as required by Article 8 of the Convention?

GALCHENKO V. RUSSIA AND 32 OTHER APPLICATIONS

(30793/24;31025/24;31179/24;31196/24;31229/24;31266/24;31460/24;31540/24;31544/24;31588/24;31656/24;31875/24;32397/24;32407/24;32409/24;32496/24;32511/24;32532/24;32779/24;32858/24;33202/24;35011/24;35134/24;35287/24;35477/24;35484/24;35906/24;37008/24;37174/24;37256/24;37293/24;37307/24;5947/25)

Art. 8;8-1;13;P1-1;P1-1-1 – property rights – destruction of property due to armed conflict; effective remedy – lack of domestic recourse for property damage

PROCEDURAL INFORMATION

Following a preliminary examination of the admissibility of the applications on 4 June 2026, the Court decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the applications should be given to the Government of Russia. It is to be noted that the issue of jurisdiction over the area where the incidents giving rise to the complaints allegedly took place has been examined and decided by the Grand Chamber of the Court in the case of *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, §§ 327-66, 9 July 2025). The Grand Chamber’s finding will then be applied in these individual cases.

In some applications, other complaints were raised. Their examination has been adjourned, or they have been struck out of the Court’s list of cases or declared inadmissible by the Court, sitting in a single-judge formation, assisted by a rapporteur as provided for in Article 24 § 2 of the Convention.

In the enclosed table, whenever an applicant is referred to using initials, this indicates that the Court has authorised anonymity for that person, whose identity will not be disclosed to the public (Rule 47 § 4).

For further information on the procedure following communication of an application brought against Russia, subject of well-established case law of the Court, please refer to the Court’s Internet Site.

SUBJECT MATTER OF THE CASE

The applications concern complaints raised under Article 1 of Protocol No. 1 and Article 13 of the Convention relating to damage, destruction and/or continuous lack of access to property arising from the conflict between Russia and Ukraine and the lack of any effective remedy in domestic law which are the subject of well-established case law of the Court (see *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, §§ 768-72 and 1622, 9 July 2025).

MENSEITOV V. RUSSIA AND 11 OTHER APPLICATIONS

(66987/17;70146/17;70376/17;10546/18;13885/18;11204/19;45771/19;51995/19;31785/20;32100/20;19524/21;12981/22)

Art. 5;5-1;13 – right to liberty – unlawful detention under Russian law in Crimea; lack of effective remedy – no compensation for unlawful detention

PROCEDURAL INFORMATION

Following a preliminary examination of the admissibility of the applications on 4 June 2026, the Court decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the applications should be given to the Government of Russia.

In some applications, other complaints were raised. Their examination has been adjourned, or they have been struck out of the Court's list of cases or declared inadmissible by the Court, sitting in a single-judge formation, assisted by a rapporteur as provided for in Article 24 § 2 of the Convention.

For further information on the procedure following communication of an application brought against Russia, subject of well-established case law of the Court, please refer to the Court's Internet Site.

SUBJECT MATTER OF THE CASE

The applications concern complaints raised under Article 5 § 1 of the Convention relating to unlawful detention (deprivation of liberty) in Crimea, which are the subject of well-established case law of the Court (see *Ukraine v. Russia (re Crimea)* [GC], nos. 20958/14 and 38334/18, 25 June 2024, and *Fortalnov and Others v. Russia*, nos. 7077/06 and 12 others, 26 June 2018).

KURETS AND OTHERS V. RUSSIA AND 29 OTHER APPLICATIONS

(54568/22;54992/22;55642/22;1868/23;24440/24;25688/24;26597/24;28659/24;29067/24;29079/24;29117/24;29124/24;29183/24;30197/24;30294/24;30462/24;30874/24;30934/24;31478/24;31542/24;31845/24;32312/24;32929/24;33345/24;33617/24;34331/24;34486/24;35071/24;35253/24;35647/24)

Art. 3;8;8-1;13;P1-1 – property rights – destruction and lack of access to property due to armed conflict; effective remedy – absence of domestic legal recourse

PROCEDURAL INFORMATION

Following a preliminary examination of the admissibility of the applications on 4 June 2026, the Court decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the applications should be given to the Government of Russia. It is to be noted that the issue of jurisdiction over the area where the incidents giving rise to the complaints allegedly took place has been examined and decided by the Grand Chamber of the Court in the case of *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, §§ 327-66, 9 July 2025). The Grand Chamber’s finding will then be applied in these individual cases.

In some applications, other complaints were raised. Their examination has been adjourned, or they have been struck out of the Court’s list of cases or declared inadmissible by the Court, sitting in a single-judge formation, assisted by a rapporteur as provided for in Article 24 § 2 of the Convention.

In the enclosed table, whenever an applicant is referred to using initials, this indicates that the Court has authorised anonymity for that person, whose identity will not be disclosed to the public (Rule 47 § 4).

For further information on the procedure following communication of an application brought against Russia, subject of well-established case law of the Court, please refer to the Court’s Internet Site.

SUBJECT MATTER OF THE CASE

The applications concern complaints raised under Article 1 of Protocol No. 1 and Article 13 of the Convention relating to damage, destruction and/or continuous lack of access to property arising from the conflict between Russia and Ukraine and the lack of any effective remedy in domestic law which are the subject of well-established case law of the Court (see *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, §§ 768-72 and 1622, 9 July 2025).

ZHYLKA V. RUSSIA AND 27 OTHER APPLICATIONS

(18788/24;20448/24;20656/24;20689/24;21713/24;21926/24;22414/24;22584/24;23547/24;23818/24;23891/24;23915/24;24249/24;24435/24;24462/24;26264/24;27991/24;28051/24;28157/24;28381/24;28814/24;28975/24;29224/24;29628/24;29996/24;31356/24;31482/24;1237/25)

Art. 8;8-1;13;P1-1 – property rights – destruction of property due to armed conflict; effective remedy – lack of domestic recourse for property damage

PROCEDURAL INFORMATION

Following a preliminary examination of the admissibility of the applications on 4 June 2026, the Court decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the applications should be given to the Government of Russia. It is to be noted that the issue of jurisdiction over the area where the incidents giving rise to the complaints allegedly took place has been examined and decided by the Grand Chamber of the Court in the case of *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, §§ 327-66, 9 July 2025). The Grand Chamber’s finding will then be applied in these individual cases.

In some applications, other complaints were raised. Their examination has been adjourned, or they have been struck out of the Court’s list of cases or declared inadmissible by the Court, sitting in a single-judge formation, assisted by a rapporteur as provided for in Article 24 § 2 of the Convention.

In the enclosed table, whenever an applicant is referred to using initials, this indicates that the Court has authorised anonymity for that person, whose identity will not be disclosed to the public (Rule 47 § 4).

For further information on the procedure following communication of an application brought against Russia, subject of well-established case law of the Court, please refer to the Court’s Internet Site.

SUBJECT MATTER OF THE CASE

The applications concern complaints raised under Article 1 of Protocol No. 1 and Article 13 of the Convention relating to damage, destruction and/or continuous lack of access to property arising from the conflict between Russia and Ukraine and the lack of any effective remedy in domestic law which are the subject of well-established case law of the Court (see *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, §§ 768-72 and 1622, 9 July 2025).

GRAMSHI V. ALBANIA (36927/23)

Art. 8;8-1 – right to respect for private life – dismissal from judiciary based on financial declarations and vetting process

SUBJECT MATTER OF THE CASE

The application concerns the applicant's vetting by the Independent Qualification Commission (IQC) and the Special Appeal Chamber (SAC) (see *Xhoxhaj v. Albania*, no. 15227/19, 9 February 2021, and *Sevdari v. Albania*, no. 40662/19, 13 December 2022).

Having started his judicial career in 1999, the applicant moved to the United States of America (USA) in 2003. He returned to Albania and rejoined the judiciary in 2014. Before the dismissal, he served as a judge of the Tirana District Court.

On 25 March 2022 he was confirmed in office by the IQC.

On 2 March 2023 the SAC reversed that judgment and, by a three to two majority, dismissed the applicant.

The SAC found that in 2012 the applicant had bought a home in the USA and in 2014 he had made incorrect declarations in Albania in respect of the part of the purchase price paid through his own funds as opposed to the part paid through a bank loan.

In addition, the SAC identified a shortfall of 37,800 US dollars (USD) between the applicant's income and estimated expenses during 2003-2015.

The SAC rejected the applicant's plea that his rent expenses in the USA during 2003-2012 had been counted twice, once as declared by him and a second time under the calculation of his overall living expenses.

The dissenting judges argued that the applicant's honest mistakes in declaring the breakdown of payments for the US home were insufficient to warrant his dismissal. They further argued that the applicant had been charged twice for rent expenses and that, absent such duplication, there would have been no significant shortfall between his income and expenses.

The SAC's judgment was served to the applicant on 26 June 2023.

The applicant invokes Article 8 of the Convention.

QUESTIONS TO THE PARTIES

Has there been a violation of Article 8 of the Convention on account of the applicant's dismissal from office (see, for applicable principles, *Xhoxhaj v. Albania*, no. 15227/19, §§ 359-413, 9 February 2021, and *Sevdari v. Albania*, no. 40662/19, §§ 83-97, 13 December 2022)? Was the applicant's dismissal "necessary in a democratic society" and proportionate as required by Article 8 § 2 of the Convention?

In particular:

- (i) Did the methodology applied by the SAC for estimating the applicant's living expenses in the USA include housing costs?
- (ii) On what basis did the SAC calculate the 37,800 USD shortfall for the 2003-2015 period? What elements of the applicant's income and expenses did it assess differently from the IQC or the applicant?
- (iii) Was it justified and proportionate for the SAC to apply the same requirements for asset and income justification as regards the 10-year period during which the applicant lived abroad, did not serve as a judge in Albania and was therefore not subject to national asset declaration laws?

GUINEBERT C. FRANCE (23774/25)

*Art. 8;8-1 – family life – refusal to return children under Hague Convention due to risk of harm;
parental rights – exclusive authority granted to mother*

SUBJECT MATTER OF THE CASE

The application concerns the refusal of the French courts to order the return of the applicant's children to Mauritius under the Hague Convention of October 25, 1980 on the Civil Aspects of International Child Abduction.

The applicant is the father of three daughters, L. born in 2010, T. born in 2012, and B. born in 2014, from his union with C.H. In 2014, the family settled in Mauritius.

In June 2019, the couple separated, and C.H. relocated to France, with the daughters remaining with the applicant. While they were visiting their mother for the end-of-year holidays in 2019, she opposed their return to Mauritius and enrolled them in school in France.

Following the applicant's referral to the Mauritian central authority for a request for the return of the children, the public prosecutor of the judicial court of Amiens referred the matter to the family judge (the "JAF", hereinafter) on July 10, 2020, for this purpose. The applicant voluntarily intervened in the proceedings.

On July 31, 2020, the JAF found that the non-return of the children to Mauritius was unlawful but rejected the request for return on the grounds that there was a serious risk that such a return would expose them to physical or psychological danger, or otherwise place them in an intolerable situation, considering it likely that the applicant had committed acts of violence against C.H. and the children, who were psychologically fragile.

On August 7, 2020, the public prosecutor appealed the JAF's order. The applicant filed a cross-appeal.

On June 3, 2021, the Amiens Court of Appeal declared the main appeal filed by the public prosecutor on August 7, 2020, inadmissible.

By a judgment of July 13, 2022, the JAF of Beauvais, seized by C.H. in January 2020, granted exclusive parental authority to the mother, established the children's habitual residence at her home, and reserved the applicant's right to visit and accommodation, specifying that it was up to him to reapply to the JAF to consider the establishment of a mediated visitation right "when he can, given all his personal constraints, establish himself in France." It also prohibited the children from leaving French territory without the authorization of both parents. The applicant appealed this judgment.

On April 5, 2023, the Court of Cassation annulled the decision of the Amiens Court of Appeal of June 3, 2021, and referred the case to the Rouen Court of Appeal.

On March 28, 2024, after hearing the three children on February 21, 2024, the Rouen Court of Appeal upheld the non-return decision of July 31, 2020, noting in particular the following:

"In this case, it is established that [L., T., and B.], who are aged 14, 12, and 10 years, have been in France for 4 years and that they have all their emotional, friendly, and school references there. It results from their hearings that their memories of Mauritius are very vague or even non-existent, particularly for [B.], who was only 6 years old when she left, and that they have few memories of their father, expressing concern at the thought of seeing him again, even though they are not opposed to resuming contact in a protected setting. [L., T., and B.] have not seen their father for several years.

Even if their statements made during their hearings raise questions about the place that [C.H.] intends to leave for the father and the paternal family (completely severed ties with the father and then with the daughters' half-sister, while they aspire to see her again and discover that their father is taking steps to meet them), it remains certain that ordering their return to Mauritius to a father they no longer know and to unknown places, with a disruption of schooling and loss of their references, would place the girls in an intolerable situation, exposing them to a risk to their mental health."

On March 26, 2025, the Court of Cassation rejected the applicant's appeal by a decision that was not specifically reasoned.

Invoking Article 8 of the Convention, the applicant argues that the domestic courts have violated his right to respect for his family life by refusing to order the return of his children to Mauritius, basing their decision solely on the situation unlawfully created by C.H. to characterize a "serious risk" preventing the return, failing to prevent the severance of the bond between the applicant and his daughters, and conditioning his right of visitation on his establishment in France.

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted domestic remedies, as required by Article 35 § 1 of the Convention, regarding the JAF's decision of July 13, 2022, reserving his right of visitation and accommodation concerning his children?
2. If so, does the contested measure, consisting of the reservation of the applicant's right of visitation and accommodation, constitute a violation of the applicant's right to respect for family life guaranteed by Article 8 of the Convention?
3. Furthermore, does the refusal of the domestic courts to order the return of the applicant's children to Mauritius constitute a violation of Article 8 of the Convention?

In particular, have the domestic courts fulfilled their specific procedural obligation in this matter (*X v. Latvia* [GC], no. 27853/09, §§ 106-107, ECHR 2013) and have they taken all measures that could reasonably be required of them, in the circumstances of the case, to reunite the applicant and his children (*Ignaccolo-Zenide v. Romania*, no. 31679/96, §§ 94-96, ECHR 2000-I)?

The parties are invited to provide the opinion of the Advocate General at the Court of Cassation on the appeal filed by the applicant against the judgment of the Rouen Court of Appeal of March 28, 2024, as well as any domestic court decisions related to the custody rights concerning the applicant's children.

S.B.Y. V. GERMANY AND 5 OTHER APPLICATIONS (2350/26;2697/26;2704/26;2708/26;2711/26;2719/26)

*Art. 8;8-1 – privacy – surveillance of encrypted telecommunications without adequate safeguards;
effective remedy – lack of judicial review of surveillance measures*

SUBJECT MATTER OF THE CASE

The applications concern a regime of surveillance of encrypted telecommunications. To circumvent the encryption the Federal Intelligence Service, the Federal and State Offices for the Protection of the Constitution and the Military Counterintelligence Service are permitted to infiltrate an IT - system of the person concerned to obtain real time access to telecommunications before they are encrypted or after they were decrypted, so called source telecommunication surveillance (Quellen - Telekommunikationsüberwachung). The authorities are also permitted to access telecommunications that have been stored in the IT - system from the time the surveillance had been ordered, so called extended source telecommunication surveillance (erweiterte Quellen - Telekommunikationsüberwachung). The (extended) source telecommunication surveillance is regulated by section 11 § 1a of the Act on restrictions on the secrecy of mail, post and telecommunications (Gesetz zur Beschränkung des Brief-, Post- und Fernmeldegeheimnisses), also called “the G 10 Act”.

Following the introduction of section 11 § 1a to the G 10 Act, the applicants lodged a constitutional complaint challenging, among others, the power to use source telecommunication surveillance. The Federal Constitutional Court refused to admit the applicants’ constitutional complaint for adjudication by decision of 17 September 2025 without providing reasons (1 BvR 1295/22).

The applicants complain under Article 8 of the Convention that the surveillance regime was neither limited to what was ‘necessary in a democratic society’ nor did it include sufficient review mechanisms.

QUESTIONS TO THE PARTIES

1. Have the applicants exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?

Are the persons subjected to (extended) source telecommunication surveillance ((erweiterte) Quellen-Telekommunikationsüberwachung) notified about the surveillance? Are telecommunication partners of the person subjected to surveillance also notified about the surveillance?

Can the complaint before the G 10 Commission be considered an effective remedy (compare Centrum för rättsvisa , cited above, §§ 174, 175, 271-3, 359 - 61)? What are the rules regulating the complaint procedure before the G 10 Commission, who is involved in the proceedings and what are the powers of the G 10 Commission? Does the G 10 Commission issue reasoned decisions?

2. Does the alleged interference of (extended) source telecommunication surveillance ((erweiterte) Quellen-Telekommunikationsüberwachung), which the applicants complain about in the present case, occur within the jurisdiction of Germany?

3. Can the applicants claim to be victims of a violation of the Convention, within the meaning of Article 34 (compare, inter alia , Roman Zakharov v. Russia [GC], no. 47143/06, § 171, ECHR 2015; Centrum för rättvisa v. Sweden [GC], no. 35252/08, § 167, 25 May 2021; and Ekimdzhiev and Others v. Bulgaria , no. 70078/12, § 262, 11 January 2022)?

4. Does the (extended) source telecommunication surveillance by
the Federal Intelligence Service;
the Federal and State Offices for the Protection of the Constitution; and
the Military Counterintelligence Service

constitute a violation of the applicants' right to respect for their private life or correspondence within the meaning of Article 8 of the Convention (compare Roman Zakharov , cited above, §§ 231-4; Big Brother Watch and Others v. the United Kingdom [GC], nos. 58170/13 and 2 others, § 361, 25 May 2021; Centrum för rättvisa , cited above, § 275; and Ekimdzhiev and Others , cited above, §§ 291-3, 298 – 355)?

How are the telecommunications intercepted or acquired? How is access to the IT-system acquired? Is the data stored on the IT-system corrupted and which changes in the IT-systems are undertaken?

Are the surveilled telecommunications limited to person-to-person telecommunications or do they include data stemming from other forms of data transmissions, such as machine-to-machine communications, (automated) backups of applications and documents, cloud storage, use of websites, etc.?

Are there specific rules concerning the storage of the retained data? Are the retained telecommunications protected against unauthorised access and processing? Is access or processing of the data recorded and if so, who has access to these records?

Which risks for the security of the IT-system are entailed in obtaining access to the IT-system? Does source telecommunication surveillance weaken the IT-security of all users? Can the obtained access to the IT-system and a potentially compromised security of the IT - system also be exploited by criminal networks?

REPORTER OHNE GRENZEN E.V. V. GERMANY (27284/25)

Art. 8;8-1;10;10-1;13 – privacy – surveillance of telecommunications by intelligence service; freedom of expression – impact of surveillance on journalistic activities; effective remedy – lack of domestic recourse for rights violations

SUBJECT MATTER OF THE CASE

5. Does the (extended) source telecommunication surveillance by the Federal Intelligence Service constitute a violation of the applicant's right to respect for its private life or correspondence within the meaning of Article 8 of the Convention (compare Roman Zakharov , cited above, §§ 231-4; Big Brother Watch and Others v. the United Kingdom [GC], nos. 58170/13 and 2 others, § 361, 25 May 2021; Centrum för rättvisa , cited above, § 275; and Ekimdzhiev and Others , cited above, §§ 291-3, 298 – 355)?

How are the telecommunications intercepted or acquired? How is access to the IT-system acquired? Is the data stored on the IT-system corrupted and which changes in the IT-systems are undertaken?

Are the surveilled telecommunications limited to person-to-person telecommunications or do they include data stemming from other forms of data transmissions, such as machine-to-machine communications, (automated) backups of applications and documents, cloud storage, use of websites, etc.?

Are there specific rules concerning the storage of the retained data? Are the retained telecommunications protected against unauthorised access and processing? Is access or processing of the data recorded and if so, who has access to these records?

Which risks for the security of the IT-system are entailed in obtaining access to the IT-system? Does source telecommunication surveillance weaken the IT-security of all users? Can the obtained access to the IT-system and a potentially compromised security of the IT - system also be exploited by criminal networks?

6. Does the (extended) source telecommunication surveillance by the Federal Intelligence Service constitute a violation of the applicant's right to freedom of expression within the meaning of Article 10 of the Convention?

7. Did the applicant have at its disposal an effective domestic remedy for its Convention complaints, as required by Article 13 of the Convention?

Did the applicant have an "arguable claim" that there had been a violation of its rights under Article 13, read in conjunction with Articles 8 or 10 of the Convention?

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?

Are the persons subjected to (extended) source telecommunication surveillance ((erweiterte) Quellen-Telekommunikationsüberwachung) notified about the surveillance? Are telecommunication partners of the person subjected to surveillance also notified about the surveillance?

Can the complaint before the G 10 Commission be considered an effective remedy (compare Centrum för rättvisa , cited above, §§ 174, 175, 271-3, 359 - 61)? What are the rules regulating the complaint procedure before the G 10 Commission, who is involved in the proceedings and what are the powers of the G 10 Commission? Does the G 10 Commission issue reasoned decisions?

2. Do the alleged interferences based on the surveillance regime, which the applicant complains about in the present case, occur within the jurisdiction of Germany?

3. Can the applicant claim to be victim of a violation of the Convention, within the meaning of Article 34 (compare, inter alia , Roman Zakharov v. Russia [GC], no. 47143/06, § 171, ECHR 2015; Centrum för rättvisa v. Sweden [GC], no. 35252/08, § 167, 25 May 2021; and Ekimdzhev and Others v. Bulgaria , no. 70078/12, § 262, 11 January 2022)?

4. Is Article 10 of the Convention applicable to the facts of which the applicant complains? In particular, can the applicant, invoke the protection of freedom of the press based on its activities?

5. Does the (extended) source telecommunication surveillance by the Federal Intelligence Service constitute a violation of the applicant's right to respect for its private life or correspondence within the meaning of Article 8 of the Convention (compare Roman Zakharov , cited above, §§ 231-4; Big Brother Watch and Others v. the United Kingdom [GC], nos. 58170/13 and 2 others, § 361, 25 May 2021; Centrum för rättvisa , cited above, § 275; and Ekimdzhev and Others , cited above, §§ 291-3, 298 – 355)?

How are the telecommunications intercepted or acquired? How is access to the IT-system acquired? Is the data stored on the IT-system corrupted and which changes in the IT-systems are undertaken?

Are the surveilled telecommunications limited to person-to-person telecommunications or do they include data stemming from other forms of data transmissions, such as machine-to-machine communications, (automated) backups of applications and documents, cloud storage, use of websites, etc.?

Are there specific rules concerning the storage of the retained data? Are the retained telecommunications protected against unauthorised access and processing? Is access or processing of the data recorded and if so, who has access to these records?

Which risks for the security of the IT-system are entailed in obtaining access to the IT-system? Does source telecommunication surveillance weaken the IT-security of all users? Can the obtained access to the IT-system and a potentially compromised security of the IT - system also be exploited by criminal networks?

6. Does the (extended) source telecommunication surveillance by the Federal Intelligence Service constitute a violation of the applicant's right to freedom of expression within the meaning of Article 10 of the Convention?

7. Did the applicant have at its disposal an effective domestic remedy for its Convention complaints, as required by Article 13 of the Convention?

Did the applicant have an “arguable claim” that there had been a violation of its rights under Article 13, read in conjunction with Articles 8 or 10 of the Convention?

M.S. AND T.S. V. GREECE (81/22)

Art. 8;8-1 – private and family life – excessive length of paternity proceedings affecting legal certainty and family relationships

SUBJECT MATTER OF THE CASE

The application concerns the length of civil proceedings relating to the judicial recognition of the first applicant's paternity and the alleged impact of their duration on the applicants' right to respect for their private and family life.

On 24 February 2015 the second applicant, who is the mother of the first applicant, brought proceedings before the Volos Single - Member Court of First Instance seeking judicial recognition that G.D. was the biological father of the first applicant. In the context of those proceedings, the domestic court ordered genetic testing. The execution of that measure was delayed as a result of the defendant's repeated failure to appear for sampling. The DNA analysis was eventually carried out, and an expert report dated 20 February 2018 established the probability of paternity at greater than 99.9999999%. By judgment no. 132/2018, the Volos Single - Member Court of First Instance recognised G.D. as the father of the first applicant. That judgment was upheld on appeal by the Larissa Single - Member Court of Appeal (judgment no. 137/2020). In parallel, interim measures were adopted ordering the defendant to pay maintenance for the child. On 14 July 2020 the defendant lodged an appeal on points of law with the Court of Cassation. By judgment no. 338/2023, published on 1 March 2023, the Court of Cassation dismissed the appeal, rendering final the recognition of the defendant as the child's father.

Relying on Article 8 of the Convention, the applicants complained that the length of the paternity proceedings and the resulting prolonged uncertainty as to the establishment of the child's filiation had interfered with their right to respect for their private and family life. The first applicant submitted that the excessive duration of the proceedings had left him, for a prolonged period, without legal certainty as to the identity of his father and had affected the development of his family life. The second applicant argued that the absence of a final judicial determination of paternity had interfered with her private and family life, in particular as the alleged father continued to contest his parental responsibilities and to dispute the circumstances of the child's conception.

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 8 of the Convention in respect of the first applicant on account of the length of the paternity proceedings and the resulting prolonged uncertainty as to the establishment of his biological parentage (see, *mutatis mutandis*, *Mikulić v. Croatia*, no. 53176/99, § 46, ECHR 2002-I; *Ebru and Tayfun Engin Çolak v. Turkey*, no. 60176/00, § 97, 30 May 2006; and *Konstantinidis v. Greece*, no. 58809/09, § 43, 3 April 2014)?
2. Has there been a violation of Article 8 of the Convention in respect of the second applicant on account of the impact of the length of the paternity proceedings on her private life and on the

exercise of her parental responsibilities, in particular in view of the prolonged absence of a final judicial determination of the child's filiation (see, *mutatis mutandis* , Ebru and Tayfun Engin Çolak , cited above, § 97)?

ESTREFI V. ITALY (35712/22)

Art. P1-1 – property rights – disproportionate confiscation of assets linked to spouse's criminal conviction; lack of proof of ownership

SUBJECT MATTER OF THE CASE

The application concerns the confiscation of the applicant's assets, which were considered to be equivalent to the proceeds of crime ("confiscation by equivalent means"; *confisca per equivalente*).

The applicant is the wife of a person convicted – following a plea-bargain – of the crime of omission of tax declaration (Article 5 of Legislative Decree no. 74/2000) on 12 December 2019. During the criminal proceedings, the Savona judge for preliminary investigations ordered the preventive seizure of assets, which were deemed to be equivalent to the proceeds of crime. These included certain assets formally owned by the applicant, which were considered to belong, in reality, to her husband, due the marital relationship and the applicant's lack of financial means at the time the assets in question were acquired.

The applicant filed an opposition against the seizure of assets. On 1 April 2021, the Savona District Court ordered the confiscation of the assets in question pursuant to Article 12 bis of Legislative Decree no. 74/2000 and Article 676 of the Code of Criminal Procedure.

The applicant's request for the restitution of assets to the enforcement judge was declared inadmissible, without examining the merits of the complaints regarding the actual ownership of the assets, on 31 May 2021. The applicant's appeal before the Court of Cassation was declared inadmissible on 14 January 2022.

The applicant complains under Article 1 of Protocol No. 1 to the Convention that the confiscation was disproportionate to the aim pursued, arguing that she had acquired the assets and that they were unrelated to the crime committed by her husband.

QUESTION TO THE PARTIES

Was the confiscation of the applicant's assets proportionate to the aim pursued, as required by Article 1 of Protocol No. 1 to the Convention? In particular, did the domestic authorities show that the confiscated assets belonged to the convicted person in a reasonable manner, pointing to at least some specific and objective elements indicating that the confiscated assets had been at the disposal of the applicant's husband, and without relying on mere suspicions or on the mere fact that the applicant had not had sufficient resources to purchase those assets (*Tartamella and Others v. Italy* , nos. 26338/19 and 2 others, § 199, 23 October 2025)?

DEMAKOV V. LATVIA AND 1 OTHER APPLICATION (25914/25;32456/25)

Art. 6;6-1;6-2;6-3-b;6-3-c;6-3-d – fair trial – excessive length of criminal proceedings; right to an effective remedy – lack of compensatory mechanism for delays

SUBJECT MATTER OF THE CASE

The case concerns the length of criminal proceedings.

In application no. 25914/25 criminal proceedings (no. 11824001716, later the applicant's case was separated from the co-accused' case into no. 15890037116) lasted from 27 March 2016 until the final decision by the Senate of the Supreme Court on 15 April 2025.

In application no. 32456/25 criminal proceedings (no. 11515002711) lasted from 8 November 2011 until the final decision by the Senate of the Supreme Court on 25 June 2025.

In both applications, the domestic courts assessed the possibility to apply the compensatory mechanism within the criminal proceedings – which provide for mitigation of sentence – but concluded that nothing in the case files suggested that there had been unjustified delays which would allow to mitigate the sentences.

The applicants complain under Article 6 § 1 of the Convention about the length of criminal proceedings against them.

QUESTION TO THE PARTIES

Was the length of the criminal proceedings in breach of the “reasonable time” requirement of Article 6 § 1 of the Convention?

TOMA V. NORTH MACEDONIA (13119/22)

Art. 6;6-1;P1-1 – fair trial – failure to communicate opposing party's submissions; property rights – potential loss of access to apartment due to sale

SUBJECT MATTER OF THE CASE

The application concerns enforcement proceedings in which the applicant, acting as a third party in the proceedings, objected to a public sale of several properties. She argued, among other things, that one of the properties being sold was a public road and should it be sold to a private owner the access to her apartment could be impeded.

The proceedings concerned the third attempt to sell the property in question after two previous public sales had remained unsuccessful.

Two levels of courts dismissed the applicant's objection as ill-founded and found no irregularities in the conclusion of the sale.

It appears that the response to the applicant's objection and the evidence attached by one of the opposing parties before the first-instance court were never communicated to the applicant for comments. The applicant submits that she became aware of them after she had received the reply to her appeal where the opposing party had relied on the said submissions. The applicant requested that the submissions in question be sent to her before the second-instance court on 6 August 2021, however, the second-instance court had adopted its decision on the same day.

The applicant complains under Article 6 § 1 of the Convention about the infringement of the principle of equality of arms due to the failure to communicate to her the abovementioned submissions by the opposing party.

The applicant further complains under Article 1 of Protocol No. 1 to the Convention that her property rights have been infringed because she might not be able to access her apartment or would have to pay to the new owner for allowing her the access.

QUESTIONS TO THE PARTIES

1. Was the property sold at the third public sale? If the property in question was not sold at the third public sale, did the applicant suffer any significant disadvantage, within the meaning of Article 35 § 3(b) of the Convention, as a result of the failure to communicate to her the submissions made by the opposing party (see *Ladygin v. Russia* (dec.), no. 35365/05, 30 August 2011, and *Martinez Lopez-Puigcerver v. Spain* (dec.), no. 45367/16, §§ 36-43, 20 April 2021)?

2. Did the applicant have a fair hearing in the determination of her civil rights and obligations, in accordance with Article 6 § 1 of the Convention? In particular, were the principles of equality of arms and adversarial hearing respected as regards the alleged lack of communication to the applicant of the response to the objection and the evidence attached before the first-instance court (see *Hudáková and Others v. Slovakia* (no. 23083/05, §§ 25 - 27, 27 April 2010; *Naumoski v. the former*

Yugoslav Republic of Macedonia , no. 25248/05, §§ 25-29, 27 November 2012; and Muncaciu v. Romania , no. 12433/11, § 42, 26 January 2016)?

3. Has there been an interference with the applicant's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention (see Bilyavska v. Ukraine , no. 84568/17, § 39, 27 March 2025)?

STOJANOVA V. NORTH MACEDONIA (32088/22)

Art. 6;6-1 – fair trial – breach of equality of arms due to late delivery of prosecutor's submissions

SUBJECT MATTER OF THE CASE

The case concerns summary criminal proceedings against the applicant for disclosure of an official secret.

On 15 November 2021 at a main hearing, after a remittal, the applicant requested that certain evidence against her be exempted. The trial court dismissed the request, and the applicant appealed against that decision. On 20 December 2021 the higher public prosecutor's office submitted a proposal that the appeal be dismissed.

On 24 December 2021, the Court of Appeal dismissed the applicant's appeal sitting in camera . It pointed out that the submissions of the higher public prosecutor's office had been sent to the applicant.

The applicant complains under Article 6 § 1 of the Convention of a breach of the principle of equality of arms, arguing that the proposal of the higher public prosecutor's office to dismiss her appeal against the trial court's decision had been delivered to her on 28 December 2021, four days after the Court of Appeal had adopted its decision, and that she therefore did not have the opportunity to comment on it.

QUESTION TO THE PARTIES

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, was the principle of equality of arms respected as regards the submissions lodged by the higher public prosecutor's office before the Court of Appeal (see *Zahirović v. Croatia* , no. 58590/11, §§ 42-43, 25 April 2013 ; *Gracia Gonzalez v. Spain* , no. 65107/16, §§ 68, 72-74, 6 October 2020; and *Bajić v. North Macedonia* , no. 2833/13, §§ 54-55, 10 June 2021)?

LYTVYNENKO V. RUSSIA AND UKRAINE (60643/19)

Art. 2;2-1;3 – right to life – alleged killing of civilian during armed conflict; effective investigation – failure to conduct thorough inquiry into death; inhuman treatment – psychological suffering from witnessing son's mutilated body

SUBJECT MATTER OF THE CASE

The complaints in the present application emanate from the armed conflict in the east of Ukraine.

The applicant resided in the village of Novoluhanske in the Donetsk region of Ukraine. She claims that on 18 February 2015 her son, a civilian employed on a farm, was killed by mortar fire while at work. The applicant, who was employed at the same farm, claims that she saw the mutilated body of her son immediately after the incident.

The applicant does not explicitly attribute the killing of her son to either party of the armed conflict. She indicates that between June 2014 and January 2017 Novoluhanske had been a so-called “grey zone” not controlled by either party, until it was returned to the Ukrainian Government control on 4 January 2017.

Resort to domestic legal remedies in Ukraine

On 18 February 2015 the Ukrainian law enforcement authorities initiated a proprio motu investigation into the mortar strike. They inspected the scene of the incident and interviewed two eyewitnesses.

The applicant states that she did not recover from the effects and trauma of the incident until 2018. On 26 December 2018 she filed a criminal complaint regarding the killing of her son. On 4 January 2019 she was informed that her son’s killing had already been the subject of the investigation initiated on 18 February 2015. The applicant was granted a victim status in those proceedings.

In March 2019 the applicant submitted a formal request for an update on the progress of the proceedings and expressed her willingness to be interviewed as a victim. This request was granted and she was subsequently instructed to appear in Mariupol for the interview. The applicant has not informed the Court whether she was eventually interviewed.

Additionally, the applicant requested and was provided with copies of the case records.

Resort to domestic legal remedies in Russia

On 10 September 2019 the applicant filed a criminal complaint concerning the above-mentioned incident with the Investigative Committee of the Russian Federation. On 14 October 2019 she received a response that a request for mutual legal assistance had been sent to the competent bodies of Ukraine in order to verify the information provided by the applicant.

COMPLAINTS

The applicant complains under Article 2 of the Convention against Ukraine and the Russian Federation about the killing of her son as well as the alleged failure to carry out an effective investigation into the incident.

She also invokes the substantive limb of Article 3 of the Convention against Ukraine and the Russian Federation with regard to her own suffering caused by her seeing the mutilated body of her son following the incident.

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted the available and effective domestic remedies in relation to the breaches invoked before the Court, as required by Article 35 § 1 of the Convention?

2. Had the applicant complied with the time-limit laid down in Article 35 § 1 of the Convention as in force on the date of introduction of her application? In particular, has she complied with the requirements of diligence and expedition in pursuing domestic remedies in the respondent States and in bringing her case to the Court (*Melnichuk and Others v. Romania* , nos. 35279/10 and 34782/10, §§ 80-83, 5 May 2015, *Akhvlediani and Others v. Georgia* (dec.), nos. 22026/10 and 9 others, §§ 23-29, 9 April 2013, *M.K. and Others v. Georgia and Russia* [Committee] (dec.), nos. 16053/10 and 19 others, §§ 17-23, 12 March 2024)?

3. Has the right to life of the applicant's son, ensured by Article 2 of the Convention, been breached by the respondent States? In particular, has the use of lethal force been "absolutely necessary" for the achievement of one or more of the purposes set out in sub-paragraphs (a) to (c) of Article 2 of the Convention, and strictly proportionate to the achievement of the permitted aims (*Isayeva v. Russia* , no. 57950/00, § 173, 24 February 2005)? Have the respondent States taken all feasible precautions in the choice of means and methods of military action in order to avoid or at least minimise incidental loss of civilian life (*ibid.*, § 176)?

4. Have the respondent States complied with their procedural obligations to carry out an effective investigation under Article 2 of the Convention (see *Georgia v. Russia (II)* [GC], no. 38263/08, §§ 326 - 37, 21 January 2021; *Güzelyurtlu and Others v. Cyprus and Turkey* [GC], no. 36925/07, §§ 229 - 38, 29 January 2019; *Stomatii v. the Republic of Moldova and Russia* , no. 69528/10, §§ 69-73, 18 September 2018)? Were those investigations capable of establishing the perpetrators of the mortar attack in question? The parties are requested to provide documentary evidence in support of their replies to this question.

5. Has there been a breach of the applicant's own rights protected by Article 3 of the Convention on account of her witnessing the death of her son (*Janowiec and Others v. Russia* [GC], nos. 55508/07 and 29520/09, §§ 179 - 81 and the cases cited therein, ECHR 2013)?

KOSTENKO V. RUSSIA (7686/22)

Art. 8;8-1;12;13;14;18 – private and family life – criminal prosecution preventing return to family in Crimea; discrimination – nationality and political views impacting rights

SUBJECT MATTER OF THE CASE

The case concerns the alleged violation of the applicant's right to respect for his private and family life, arising from his criminal prosecution by the Russian authorities in Crimea over which they have been exercising effective control since of 27 February 2014 (see *Ukraine v. Russia (re Crimea)* (dec.) [GC], nos. 20958/14 and 38334/18, § 335, 16 December 2020).

The applicant, a resident of Crimea, is a former employee of the Ministry of Internal Affairs of Ukraine in Simferopol. In 2013 he moved to Kyiv, where he took part in the Revolution of Dignity. The applicant returned to Crimea at the end of 2014 to visit his family, including his daughter, who had been born in August of that year.

In February 2015 the Russian authorities instituted criminal proceedings against the applicant in relation to his participation in the Revolution of Dignity under Articles 115 § 2 (b) and 222 § 1 of the Criminal Code of the Russian Federation (intentional infliction of light bodily harm to a police officer and illegal possession of firearm components). He was subsequently sentenced to three years and six months' imprisonment by the Russian "courts" in Crimea (for details, see *Ukraine v. Russia (re Crimea)* [GC], nos. 20958/14 and 38334/18, §§ 410-16, 25 June 2024). The applicant's complaints under Articles 3, 5 and 7 of the Convention relating to these facts are being examined by the Court in another pending application (no. 38570/15, *Kostenko v. Russia and Ukraine*).

On 12 July 2018 the Prosecutor of the Kirov Region in Russia issued a "warning" letter to the applicant, referring to his alleged intention to engage in extremist activity and to participate in the activities of the organisation Pravyi Sector , which is banned in the Russian Federation.

The applicant was released on 3 August 2018 after serving his sentence. On the same date, the Investigative Committee of the Russian Federation opened criminal proceedings against members of Pravyi Sector on charges of making threats of violence against representatives of the Russian authorities in retaliation for the applicant's conviction, under Articles 296 and 318 of the Russian Criminal Code.

In August 2018 the applicant left Crimea for mainland Ukraine. His family members remained in Crimea.

On 2 March 2022 the applicant disappeared in Kyiv and his fate remains unknown to date. By a letter of 2 April 2026, the applicant's mother, Ms Olena Petrivna Kostenko, expressed her wish to pursue the application before the Court in respect of the period following his disappearance.

COMPLAINTS

Referring to Article 8 of the Convention, the applicant complains that, as a result of his criminal prosecution by the Russian occupation authorities, he is unable to return to his family and home in

Crimea. He further alleges discrimination on grounds of nationality and his political and pro-Ukrainian views, in breach of Article 14 of the Convention taken in conjunction with Article 8.

Referring to Article 13 of the Convention, the applicant further complains that he did not have at his disposal effective domestic remedies in respect of those complaints. In addition, relying on Article 18 of the Convention in conjunction with Article 8, he alleges that his criminal prosecution by the Russian authorities pursued an ulterior purpose, namely to impose a punitive measure for deterrent purposes.

QUESTIONS TO THE PARTIES

1. Does the applicant's mother, Ms Olena Kostenko, have *locus standi* , for the purposes of Article 34 of the Convention, to pursue the present application on the applicant's behalf in a view of his alleged disappearance? In particular, does the applicant's alleged disappearance allow the Court to continue the examination of his case on the basis of his mother's claim?

The applicant is requested to submit all relevant evidence and materials of the domestic criminal proceedings concerning the exact circumstances of applicant's disappearance and any information about his fate.

2. Has the applicant complied with the admissibility requirements set forth in Article 35 § 1 of the Convention? In particular, did the applicant lodge his complaints with the Court without undue delay (see *Sargsyan v. Azerbaijan (dec.)* [GC], no. 40167/06, §§ 124 - 48, 14 December 2011)?

3. Has there been a violation of the applicant's right to respect for his private and family life and home under Article 8 § 1 of the Convention on account of his fear of criminal prosecution by the Russian authorities (see, *mutatis mutandis*, *Chiragov and Others v. Armenia* [GC], no. 13216/05, §§ 206 - 08, ECHR 2015)?

The parties are requested to submit information supported by relevant evidence regarding any criminal proceedings brought against the applicant by the Russian authorities since 2018.

4. Was the applicant subjected to discrimination on grounds of his Ukrainian nationality and political views in the enjoyment of his rights under Article 8 of the Convention, contrary to Article 14 of the Convention taken in conjunction with Article 8?

5. Did the applicant have at his disposal effective domestic remedies, as required by Article 13 of the Convention, in respect of his complaints?

6. Were the restrictions imposed by the State in the present case, purportedly pursuant to Article 8 of the Convention, applied for a purpose other than those envisaged by that provision, contrary to Article 18 of the Convention?

KONTIĆ V. SERBIA (44190/22)

Art. 5;5-3;5-4 – right to liberty – prolonged pre-trial detention based on risk assessments; fair trial – lack of timely judicial review of detention extensions

SUBJECT MATTER OF THE CASE

The application concerns the applicant's pre-trial detention following his extradition to Serbia. The applicant was arrested in Montenegro on 11 October 2020 and extradited to Serbia on 8 December 2020 on suspicion of serious bodily injury and, subsequently, attempted murder. Upon arrival, he was placed in pre-trial detention. Between 10 December 2020 and 27 July 2022, the applicant's detention was extended seventeen times on the grounds of a risk of absconding, exerting influence on witnesses and/or reoffending, as well as in connection with a possible public disturbance. The applicant repeatedly challenged

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 5 of the Convention?

In particular, was the length of the applicant's pre-trial detention in Serbia and/or the reasoning offered by the domestic courts therefore in breach of Article 5 § 3 of the Convention (see *Labita v. Italy* [GC], no. 26772/95, §§ 152-53, ECHR 2000 - IV; *Stevan Petrović v. Serbia*, nos. 6097/16 and 28999/19, §§ 141-45, 20 April 2021; and *Radonjić and Romić v. Serbia*, no. 43674/16, §§ 61-67, 4 April 2023)?

Moreover, did the domestic authorities adequately consider whether alternative measures, instead of detention, could have ensured the applicant's appearance at trial, in accordance with the requirements of Article 5 § 3 of the Convention (see, for example, *Idalov v. Russia* [GC], no. 5826/03, § 140 in fine, 22 May 2012, with further references)?

Also, was the procedure by which the applicant sought to challenge the lawfulness of his pre-trial detention in conformity with Article 5 § 4 of the Convention? In particular, did the length of the proceedings before the Constitutional Court, by which the applicant sought to challenge the lawfulness of his pre-trial detention, comply with the "speed" requirement of Article 5 § 4 of the Convention (see, for example and *mutatis mutandis*, *Žúbor v. Slovakia*, no. 7711/06, §§ 89-90, 6 December 2011, and *Radonjić and Romić*, cited above, §§ 90-102)?

2. The parties are invited to submit a factual update in respect of the domestic criminal and constitutional proceedings.

M.J.B.D. V. SPAIN (30209/25)

Art. 8;8-1;9;9-1;14 – family life – restriction on parental rights regarding child's religious upbringing; freedom of religion – prohibition of proselytism during contact visits

SUBJECT MATTER OF THE CASE

The applicant and his former partner (P.G.) have a minor child in common. They had shared parental authority and P.G. had full custody. During the periods in which the applicant exercised his contact rights with the child, he took him to an Evangelical church on Sundays, showed him biblical passages on a tablet, and conveyed Evangelical beliefs to him.

In February 2022, P.G. initiated non-contentious proceedings on the grounds of disagreement in the exercise of the parental authority concerning the child's religious upbringing. He was six years old at the time.

The court of first instance granted P.G. the exclusive parental authority to decide the child's religious upbringing until the child would reach the age of 12. Furthermore, it prohibited the applicant from engaging in the Evangelical religious practices he had previously carried out with the child. On 13 January 2023 the court of appeal found that the decision was based on the child's best interest and upheld it.

The applicant brought amparo appeal proceedings. On 27 May 2025 the Constitutional Court dismissed the amparo appeal. It held that the judicial authorities must ensure that the parental authority is exercised in the best interest of the child. The Constitutional Court identified the best interest of the child consisting in the protection of the minor's potential self-determination in religious matters upon reaching maturity.

Moreover, it held that the parents' freedom of religion and their right to convey their beliefs to their children, is limited by the child's freedom of religion and his right not to share his parents' convictions or to be subjected to acts of proselytism.

The applicant complains that the domestic decisions amounted to a violation of his right to respect for his family and private life under Article 8 of the Convention and his freedom of religion under Article 9 of the Convention, both read alone and in conjunction with Article 14 of the Convention.

QUESTIONS TO THE PARTIES

1. Did the decisions of the domestic courts represent an interference with the applicant's rights under Article 8 § 1 and/or Article 9 § 1 of the Convention (see *T.C. v. Italy* , no. 54032/18, § 41, 19 May 2022)?
2. If so, did the decision to prohibit the applicant from instilling his Evangelical faith in his child amount to a violation of his rights under Articles 8 and/or Article 9 of the Convention (see *Ilya Lyapin v. Russia* , no. 70879/11, § 47, 30 June 2020)? In particular, given the case-law of the Court on the right of parents to practice their religion in their family and to educate their children according to

their religious beliefs (see *Vojnity v. Hungary* , no. 29617/07, § 37, 12 February 2013), can the obligation of neutrality of the State in religious matters be equated to an obligation of neutrality of parents in the education of children in their own home? Has an appropriate balance been struck between the interests at stake? Did the domestic decisions contain any assessment as to whether the applicant's religious practices consisting in the reading of psalms of the Bible and to accompany him to the Evangelical religious service on Sundays might have caused physical or psychological harm to the child (see *Vojnity*, cited above, § 38) ?

3. Has the applicant raised in substance a complaint under Article 2 of Protocol No. 1 of the Convention?

4. Is the ruling of the Constitutional Court, according to which parents can be obliged to abstain from the religious education of their children, compatible with the right of parents to ensure "education and teaching in conformity with their own religious and philosophical convictions", within the meaning of Article 2 of Protocol No. 1 (see *Folgerø and Others v. Norway* [GC], no. 15472/02, § 84, ECHR 2007-III, and *Lautsi and Others v Italy* [GC], no. 30814/06, § 63, ECHR 2011 (extracts))?

5. Did the course of action taken by the national authorities amount to discrimination on grounds of religious beliefs prohibited by Article 14 read in conjunction with Article 8 or Article 9 of the Convention or with the Article 2 of Protocol No. 1 (see *Vojnity* , cited above, § 31-32)?

A.A.T. ET AUTRES C. SUISSE (30342/25)

Art. 3 – inhuman treatment – risk of exposure to inhumane living conditions and lack of medical care upon return to Greece

SUBJECT MATTER OF THE CASE

The application concerns the expulsion to Greece of the applicants, a couple of Iraqi nationals (applicants 1 and 2) and their two minor children (applicants 3 and 4).

Applicants 1, 2, and 3 arrived in Greece in November 2019 and submitted an asylum application there. They obtained international protection as well as a Greek residence permit in November 2021. Considering the living conditions in Greece to be inhumane, the applicants and their child (applicant 3) left for the Netherlands, where they submitted an asylum application in April 2022. Their second child (applicant 4) was born in that country. In October 2023, the Dutch authorities rejected their asylum application and ordered their expulsion to Iraq. Following this decision, the applicants left for Greece in January 2024. Upon their return to Greece, they reportedly did not have access to housing, social assistance, or medical care. In light of the difficult living conditions and the medical issues of the applicant and one of the children, the family left Greece and submitted an asylum application in Switzerland in October 2024. The authorities rejected their application and ordered their return to Greece on the grounds that they had obtained refugee status in that country.

The applicants argue that if they were to be returned to Greece, they would be exposed to treatment contrary to Article 3 of the Convention due to the difficult living conditions for recognized refugees and the lack of medical care in that country.

The request for interim measures submitted by the applicants under Article 39 of the Court's Rules was granted on December 9, 2025.

QUESTIONS TO THE PARTIES

In light of the applicants' allegations, the documents submitted, and the relevant information about the country, do the applicants face a risk of being subjected to treatment contrary to Article 3 of the Convention if they are returned to Greece due to the living conditions they would encounter in that country, particularly due to the expiration of their residence permit, their health status, and/or access to adequate medical care (see, for example, *Paposhvili v. Belgium* [GC], no. 41738/10, §§ 183 - 193, December 13, 2016; and *Savran v. Denmark* [GC], no. 57467/15, §§ 124 - 139, December 7, 2021)?

AFTENE V. THE REPUBLIC OF MOLDOVA (14363/19)

Art. 6;6-1 – fair trial – belated appeal by victim without justification; legal certainty – lack of reasoning for accepting out-of-time appeal

SUBJECT MATTER OF THE CASE

The application concerns an examination by the Chişinău Court of Appeal of an appeal on points of law lodged by a victim, in the course of criminal proceedings against the applicant, after the statutory time-limit had expired. That court's decision resulted in the overturning of a lower court's decision to uphold the prosecuting authority's orders to drop all charges against the applicant and discontinue the criminal investigation. The applicant argues that the lower court's decision should have become final after the expiry of that time-limit. The appellate court did not give any reasons in response to the applicant's argument that the victim's appeal was belated.

The applicant, relying on Article 6 § 1 of the Convention, complains that the victim's appeal was lodged outside the statutory time-limit of 15 days and that the court failed to provide any reasons for accepting it, in breach of the principle of legal certainty.

QUESTIONS TO THE PARTIES

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? In particular:

(a) Did the domestic court comply with the principle of legal certainty when it accepted the victim's appeal lodged outside the statutory time-limit and overturned the lower court's decision to uphold the prosecuting authority's orders to drop all charges against the applicant and discontinue the criminal investigation?

(b) Did the court give adequate reasons for its decision in so far as it concerned the applicant's arguments relating to the lodging of an appeal allegedly outside the statutory time-limit, in breach of the principle of legal certainty?

OPAL-04M, TOV V. UKRAINE (13630/20)

*Art. 6;6-1 – property rights – unlawful reclamation of land after expiration of statute of limitations;
fair trial – lack of access to effective legal remedy*

SUBJECT MATTER OF THE CASE

The application concerns the applicant company's complaint that the domestic courts unjustifiably allowed a prosecutor's claim seeking to reclaim the applicant company's land into public ownership, even though the claim was lodged outside of the three-year statute of limitations.

On 3 October 2007 the Berehove town council adopted a decision to grant a plot of land to three individuals ("initial acquirers") free of charge. The State Land Cadastre Agency issued title certificates to the plots of land to them and their ownership rights were registered in the town council's books. On 12 October 2007 the town council approved the town's general planning scheme which, according to the applicant company, showed that the plots of land in question had been allocated to the initial acquirers.

According to the applicant company, at the latest from the moment of the approval of that planning scheme, the land transfer became public knowledge.

In November 2007 Mr B. bought the three plots of land from the initial acquirers, and in December 2007 he sold them to the applicant company. According to domestic courts' decisions, neither Mr B. nor the applicant company registered their ownership rights.

In October 2013 criminal proceedings were initiated. The investigation conducted within that framework supposedly revealed that the plots of land had been transferred to the initial acquirers without observance of the required land allocation procedure and, apparently, without the town council having actually voted for the decision to grant the land to them. In 2015, based on information obtained from that criminal investigation, the prosecutor lodged a claim seeking to annul all titles to and transactions concerning the plots of land as unlawful, and to recover the land from the applicant company into public ownership.

Throughout the proceedings, the State Land Cadastre Agency and the applicant company claimed that the prosecutor had failed to act within the applicable three-year limitation period, which had started to run in October 2007. The applicant company argued that, already in 2007, the town council routinely transmitted all of its decisions to the prosecutor's office on a monthly basis, so that the prosecutor could and should have become aware of the matter earlier. The applicant company also argued that it had openly paid taxes on the plots of land and that the criminal investigation relied upon by the prosecutor as the basis for its knowledge were never completed nor referred to a court. According to the applicant company, an interpretation of the period of limitation whereby time would start to run only from the moment the prosecutor decide to initiate an audit or criminal proceedings, would effectively confer on the prosecutor unfettered discretion to determinate the commencement of the limitation period by choosing when, if ever, to take such procedural steps.

The applicant company invoked Article 6 of the Convention and Article 32 of the Convention and referred to *Stubbings and Others v. the United Kingdom* (22 October 1996, § 51, Reports of Judgments and Decisions 1996-IV), and *OAO Neftyanaya Kompaniya Yukos v. Russia* (no. 14902/04, § 570, 20 September 2011).

Domestic courts found that the period of limitation was to be calculated from the moment the prosecutor learned about the possible breach of

QUESTIONS TO THE PARTIES

Did the applicant company have a fair hearing in the determination of its civil rights and obligations, in accordance with Article 6 § 1 of the Convention? In particular:

- (a) Did the courts give adequate reasons for their decisions concerning the applicant company's case (see *Bochan v. Ukraine* (no. 2) [GC], no. 22251/08, §§ 61 - 64, ECHR 2015)?
- (b) Was the principle of legal certainty breached on account of the domestic courts' approach to the application of the limitation period in the case (see, for example and *mutatis mutandis*, *Baroul Partner-A v. Moldova*, no. 39815/07, § 51, 16 July 2009, *Dacia S.R.L. v. Moldova*, no. 3052/04, §§ 75-78, 18 March 2008)?

ZAYCHENKO V. UKRAINE (23391/19)

Art. 8;8-1;13 – right to respect for private life – unlawful seizure of lawyer's documents and laptop; effective remedy – lack of protection against legal privilege violation

SUBJECT MATTER OF THE CASE

The applicant is, and was at the time of the events, a practising lawyer.

On 5 September 2018 a search was carried out at his home in the context of a criminal investigation into fraudulent misappropriation of property of a municipal water management company, in which the applicant had held a senior legal post in the past. The prosecution officials seized numerous documents and the applicant's laptop allegedly containing private photographs and correspondence, as well as material covered by legal privilege. The applicant and a representative of the local Bar Association, who was present during the search, unsuccessfully objected to that seizure with the reference to, firstly, the partial rejection by the investigating judge of the prosecutor's application for a search warrant in so far as it concerned, in particular, the applicant's laptop, and, secondly, the existing legal safeguards in respect of legal privilege. The domestic courts subsequently ordered impoundment of all the items withheld during the search in question.

In the applicant's view, the circumstances of his case disclose a violation of Articles 8 and 13 of the Convention.

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 8 of the Convention in the present case?
2. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 8 of the Convention, as required by Article 13 of the Convention?