



Judgments and decisions of 8 July 2021

The European Court of Human Rights has today notified in writing 16 judgments¹ and 38 decisions²: five Chamber judgments are summarised below;

two separate press releases have been issued for two Chamber judgments in the cases of *Tkheldidze v. Georgia* (application no. 33056/17) and *Shahzad v. Hungary* (no. 12625/17);

nine Committee judgments, concerning issues which have already been submitted to the Court, and the 38 other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments and decisions in French are indicated with an asterisk ().*

Mammadov and Abbasov v. Azerbaijan (application no. 1172/12)

The applicants, Elnur Akif oğlu Mammadov and İdrak Telman oğlu Abbasov are Azerbaijani nationals who were born in 1984 and 1976 respectively and at the relevant time lived in Baku.

The case concerns a police operation at the premises of the *Milli Yol* newspaper.

Relying in particular on Article 10 (freedom of expression) of the European Convention on Human Rights, the applicants, reporters for a Baku-based non-governmental organisation specialised in the protection of journalist's rights, allege that the police seized their camera equipment when they went to report on the ongoing operation, preventing them from recording. Also relying on Article 5 (right to liberty and security) of the European Convention, the first applicant alleges that he was unlawfully arrested during the operation and detained for one hour.

Violation of Article 5 § 1 in respect of the first applicant

Violation of Article 10 in respect of both applicants

Just satisfaction:

non-pecuniary damage: 6,000 euros (EUR) to the first applicant and EUR 4,500 to the second applicant

costs and expenses: EUR 1,000 to each applicant

Maestri and Others v. Italy (nos. 20903/15, 20973/15, 20980/15 and 24505/15)*

The applicants are seven Italian nationals, Cristina Maestri, Giovanni Robusti, Denis Maero, Francesco Robastro, Antonino Bedino, Celestino Giletta and Gianfranco Taricco, who were born between 1946 and 1972 and live in Viadana, Torre de Picenardi, Saluces, Moretta, Scarnafigi, Cavallerleone and Fossano respectively.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

² Inadmissibility and strike-out decisions are final.

The applicants were involved with other persons in criminal proceedings concerning abuse of the milk-quota system introduced under Regulation (EEC) No. 856/84.

Relying on Article 6 § 1 (right to a fair trial) of the Convention, the applicants complain that the appellate court failed to order a fresh hearing of the prosecution witnesses and had not heard them before overturning the acquittal verdict given in their favour at first instance.

Violation of Article 6 § 1

Just satisfaction:

non-pecuniary damage: EUR 6,500 to each applicant

D.A. and Others v. Poland (no. 51246/17)

The applicants, D.A., M.A. and S.K., were born in 1987, 1992 and 1993 respectively. They are Syrian nationals who currently reside in Belarus.

The case concerns alleged pushbacks of the applicants at the Polish-Belarusian border.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) and Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens), the applicants allege that the Polish authorities repeatedly denied them the possibility of lodging applications for international protection, that their situation was not reviewed individually and that they were victims of a general policy followed by the Polish authorities aiming at reducing the number of asylum applications registered in Poland. Relying on Article 13 (right to an effective remedy), they allege that lodging an appeal against a decision denying someone entry into Poland did not constitute an effective remedy for asylum-seekers as it would have no suspensive effect. Moreover, they complain under Article 34 (individual applications) that the Polish authorities returned them to Belarus, despite the European Court's interim measure to the Government indicating that they should not be removed.

Violation of Article 3

Violation of Article 4 of Protocol No. 4

Violation of Article 13 in conjunction with Article 3 and Article 4 of Protocol 4

Violation of Article 34

Interim measure (Rule 39 of the Rules of Court): still in force until the present judgment becomes final or until further notice;

Just satisfaction:

non-pecuniary damage: EUR 10,000 to each applicant.

Berlizev v. Ukraine (no. 43571/12)

The applicant, Vadym Yaroslavovych Berlizev, is a Ukrainian national who was born in 1978 and lives in Zboriv (Ukraine).

The case concerns the applicant's criminal conviction on a charge of taking a bribe following alleged police incitement and planting of marked cash in his office.

Relying on Article 8 (right to respect for private and family life) and Article 6 § 1 (right to a fair hearing), the applicant complains that the police unlawfully recorded him and that his conviction was based on unlawfully obtained evidence.

Violation of Article 8

Just satisfaction:

non-pecuniary damage: EUR 4,500

costs and expenses: EUR 1,500

Sili v. Ukraine (no. 42903/14)

The applicant, Nikolay Yevdokimovich Sili, is a Ukrainian national who was born in 1958 and is serving a life sentence in Ukraine.

The case concerns the conditions of the applicant's detention in prison and his unsuccessful attempts to obtain a disability pension.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 1 of Protocol No. 1 (protection of property), the applicant complains that he was detained in appalling conditions, in particular owing to overcrowding, and alleges that the prison administration ignored his requests to help him with the formalities to receive a disability pension.

Violation of Article 3

Just satisfaction:

non-pecuniary damage: EUR 10,000

costs and expenses: EUR 1,450

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpres@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Neil Connolly (tel: + 33 3 90 21 48 05)

Jane Swift (tel: + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.