



## Judgments and decisions of 22 April 2021

The European Court of Human Rights has today notified in writing 21 judgments<sup>1</sup> and 22 decisions<sup>2</sup>: seven Chamber judgments are summarised below;

14 Committee judgments, concerning issues which have already been submitted to the Court, and the 22 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgment in French below is indicated with an asterisk (\*).*

### Avaz Zeynalov v. Azerbaijan (application no. 37816/12)

The applicant, Avaz Tapdig oglu Zeynalov, is an Azerbaijani national who was born in 1970 and lives in Baku.

The case concerned the pre-trial detention and subsequent criminal conviction of the applicant, a journalist and editor-in-chief of a newspaper, for allegedly having received a bribe from a member of the Parliament in return for not publishing compromising information on her.

Relying on Article 5 § 3 (right to liberty and security), Article 6 §§ 1 (right to a fair trial) and 3 (d) (right to obtain attendance and examination of witnesses), Article 6 § 2 (presumption of innocence), Article 8 (right to respect for private and family life) and Article 10 (freedom of expression) of the European Convention on Human Rights, the applicant complained that the domestic courts had failed to justify the need for his pre-trial and continued detention, that his right to the presumption of innocence had been breached with the Court of Appeal's decision, and that his right to respect for private and family life along with his right to the protection of his journalistic sources and freedom of expression had been infringed upon as a result of the searches and the seizures carried out in his home, workplace and vehicle and the interception of his telephone calls and messages.

**Violation of Article 5 § 3**

**Violation of Article 6 § 2**

**Violation of Article 8** (on account of the searches and seizures carried out in the applicant's home, workplace and vehicle)

**Violation of Article 10** (on account of the searches and seizures carried out in the applicant's home, workplace and vehicle)

**Violation of Article 6 §§ 1 and 3 (d)**

#### Just satisfaction:

Non-pecuniary damage: 10,000 euros (EUR)

Costs and expenses: EUR 3,000

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution).

<sup>2</sup> Inadmissibility and strike-out decisions are final.

### F.O. v. Croatia (no. 29555/13)

The applicant, F.O., is a Croatian national who was born in 1993.

The case concerned the applicant's alleged harassment by a teacher in a public school and the failure on the part of the State authorities to respond effectively to his complaints of harassment.

Relying in particular on Article 8 (right to respect for private and family life) of the European Convention, the applicant complained that he had been harassed by a teacher, that that had been condoned by the relevant school authorities.

#### Violation of Article 8

**Just satisfaction:**

Non-pecuniary damage: EUR 7,500

Costs and expenses: EUR 650

### Mirčetić v. Croatia (no. 30669/15)

The applicant, Đorđe Mirčetić, is a Croatian national who was born in 1948 and lives in Zagreb.

The case concerned proceedings against the applicant for rape and his allegedly not having been given an opportunity to be present at his appeal against the judgment and therefore not having been able to challenge the factual and legal grounds for his conviction and sentence.

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (c) (right to legal assistance of own choosing) of the Convention, the applicant complained that he did not have a fair trial. He alleged in particular that the session of the appeal panel had been held in his absence. He submitted that his presence had been necessary as his conviction had been based solely on evidence given by the victim, whose reliability had been questionable, and he should have been allowed to attend the session in order to be able to clarify the relevant facts.

**Violation of Article 6 §§ 1 and 3 (c)** (as regards the applicant's absence from the session of the appeal panel)

**Just satisfaction:**

Non-pecuniary damage: EUR 1,500

Costs and expenses: EUR 1,690

### Zustović v. Croatia (no. 27903/15)

The applicant, Nisveta Zustović, is a Croatian national who was born in 1957 and lives in Kršan (Croatia).

The case concerned administrative and judicial-review proceedings regarding the applicant's disability pension in which the relevant administrative court, while ruling in her favour on the merits, dismissed her claim for costs on the basis of the Administrative Disputes Act, which, at the time, had provided that each party in judicial-review proceedings had had to bear its own costs. That provision had later been invalidated by the Constitutional Court as incompatible with the Constitution.

The applicant relied on Article 6 § 1 (right to a fair trial) and complained that her right to a fair hearing had been violated on account of her inability to obtain reimbursement of the costs of the judicial-review proceedings in which the domestic courts had ruled in her favour.

#### Violation of Article 6 § 1

**Just satisfaction:**

Pecuniary damage: EUR 3,500  
Non-pecuniary damage: EUR 3,000  
Costs and expenses: EUR 2,523

### R.B. and M. v. Italy (no. 41382/19)\*

The applicants, R.B. and M., a father and his son, were born in 1974 and 2009 respectively. The case concerned the father's right of access to his child.

In February 2013 R.B. and his wife, whose child M. had been born in November 2009, separated. A separation agreement approved by the Casale Monferrato Court determined that the child, M., would live with his mother, and granted the father, R.B., a right of access, including overnight visits.

Relying in particular on Article 8 (right to respect for private and family life), the applicants complained of a violation of their right to respect for their family life on account of the first applicant's inability to exercise his visiting rights under the conditions set out by the courts because of the mother's opposition.

#### Violation of Article 8

##### Just satisfaction:

Non-pecuniary damage: EUR 10,000 (to each applicant)  
Costs and expenses: EUR 11,000

### Omdahl v. Norway (no. 46371/18)

The applicant, Olav Omdahl, is a Norwegian national who was born in 1951 and lives in Oslo.

The case concerned the administration and division of a deceased person's estate to his heirs.

The deceased had built up a large business in the shipping industry and the estate was considerable, including a large number of properties, several companies, factories and ships. A trust in the Bahamas came to light halfway through the administration period and a number of dispute proceedings between the heirs were instituted and settled. The administration period lasted 22 years and four months.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the applicant complained that the length of time taken to administer the estate had failed to meet the "reasonable time" requirement of the article.

#### No violation of Article 6 § 1

### Popovych v. Ukraine (no. 44704/11)

The applicant, Vladyslav Mykolayovych Popovych, is a Ukrainian national who was born in 1980 and lives in Nizhyn (Ukraine).

The case concerned the arrest of the applicant on 13 April 2010 on suspicion of extortion and subsequent suspicion of having committed a serious crime, and the trial court's failure to provide reasons for the applicant's continuing detention after expiry of the pre-trial detention order despite requests by the applicant's lawyer for his release. No information about the outcome of the criminal proceedings against the applicant or about his release or continued detention after 7 August 2012 was available.

The applicant complained under Article 5 §§ 1 (right to liberty and security) and 4 (right to have lawfulness of detention decided speedily by a court) of the unlawfulness of his pre-trial detention and the lack of appropriate review of the lawfulness of his detention.

**Violation of Article 5 § 1**

**Violation of Article 5 § 4**

**Just satisfaction:**

Non-pecuniary damage: EUR 5,900

Costs and expenses: EUR 250

---

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](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

### **Press contacts**

During the current public-health crisis, journalists can continue to contact the Press Unit via [echrpess@echr.coe.int](mailto:echrpess@echr.coe.int).

Tracey Turner-Tretz

Denis Lambert

Inci Ertekin

Neil Connolly

Jane Swift

**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.