



Judgments of 12 October 2021

The European Court of Human Rights has today notified in writing 20 judgments¹:

five Chamber judgments are summarised below;

separate press releases have been issued for three Chamber judgments in the cases of: *Bara and Kola v. Albania* (applications nos. 43391/18 and 17766/19), *J.C. and Others v. Belgium* (no. 11625/17), and *The Association of Investigative Reporters and Editorial Security of Moldova and Sanduța v. the Republic of Moldova* (no. 4358/19);

a separate press release has also been issued for one Committee judgment in the case of *R.D. and I.M.D. v. Romania* (no. 35402/14);

11 Committee judgments, concerning issues which have already been examined by the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

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

Banevi v. Bulgaria (application no. 25658/19)*

The applicants are Nikolay Yordanov Banev and Evgenia Zlateva Baneva, born in 1959 and 1970 respectively, and Maria Nikolova Baneva (Mr Banev's mother). They are Bulgarian nationals and live in Sofia.

Nikolay Banev and Evgenia Baneva were prosecuted in criminal proceedings for participating in a criminal organisation, the main activities of which were misappropriating corporate assets, money laundering and tax evasion.

Relying on Article 5 §§ 1, 3, 4 and 5 (right to liberty and security / right to a speedy decision on the lawfulness of a detention measure) of the European Convention on Human Rights, Mr Banev considers that his pre-trial detention was unlawful and excessively long, and that he had no effective remedy to secure his release or any possibility of obtaining compensation. Under Article 8 (right to respect for private life), he complains that he was monitored by a mobile camera while travelling and within the pre-trial detention centre. Relying on Article 6 § 2 (presumption of innocence) of the European Convention, Mr Banev and Ms Baneva allege that on several occasions the courts and the prosecution service breached their right to be presumed innocent. They complain about the publication of photographs and of a video showing the inside of their home, their personal effects and objects of value. Lastly, relying on Article 13 (right to an effective remedy) of the Convention, they submit that there were no domestic remedies available to them by which to obtain redress for the alleged violations.

Violation of Article 5 § 3

No violation of Article 5 § 5

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber 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: http://www.coe.int/t/dghl/monitoring/execution_-_blank

No violation of Article 6 § 2 (as regards the statements made by the prosecutor on 26 October 2018 and the reasons for the decision rendered by the Court on 11 April 2019)

Violation of Article 6 § 2 (regarding the prosecutors' statements made public on 28 October 2018 and the reasons for the decision rendered by the Court on 7 December 2018)

Violation of Article 13 in conjunction with article 6 § 2

Just satisfaction:

non-pecuniary damage: 7,800 euros (EUR) to Nikolay Banev and EUR 6,000 to Evgenia Baneva

costs and expenses: EUR 6,000 jointly to the applicants

C.N. v. Luxembourg (no. 59649/18)*

The applicant, C.N., is a national of Luxembourg who was born in 2006.

The case concerns C.N.'s right of access to a court; he had initially been the subject of a temporary placement order. When this measure was lifted, the juvenile court of appeal set out the four conditions under which C.N. could remain in his family environment. C.N. complained on points of law against this decision but his appeal was declared inadmissible on the grounds that he had failed to inform his parents about his written pleadings.

Relying on Article 6 § 1 (access to court) of the Convention, C.N. complains about the Luxembourg Court of Cassation's decision criticising him for failing to inform his father and mother about the written pleadings, despite the fact that they were his legal representatives and, as such, he was under their authority.

No violation of Article 6 § 1

Foyer Assurances S.A. v. Luxembourg (no. 35245/18)*

The applicant, Foyer Assurances S.A., is an insurance company based in Leudelange (Luxembourg). The case concerns the applicant company's complaint about its right of access to a court.

In the context of a dispute concerning compensation for the victim of a traffic accident, the applicant company criticises the Court of Cassation for being excessively formalistic. That court had declared its appeal on points of law inadmissible on the grounds that the applicant company had not specified, as required by national law, the "grounds for opening on which [they] relied" (that is, the grounds which permit a party to exercise an appeal on points of law).

Before the European Court, the applicant company relies on Article 6 § 1 (right to a fair hearing) of the Convention and complains about the Court of Cassation's decision.

Violation of Article 6 § 1

Just satisfaction:

no request made in respect of pecuniary damage

costs and expenses: EUR 12,000

Boychenko v. Russia (no. 8663/08)

The applicant, Natalya Vladimirovna Boychenko, is a Russian national who was born in 1960 and lives in Prokhladnyy (Kabardino-Balkariya Republic, Russia).

The case concerns the death of the applicant's son in 2006 during his contractual military service and the subsequent investigation. The official investigation concluded that low morale at being posted so far from home and conflict with two senior officers had led to his alleged suicide.

Relying on Article 2 (right to life) of the Convention, Ms Boychenko alleges that if her son had indeed killed himself because of problems during his military service, the investigation failed to establish the reasons behind it. She also complains about the failure to recognise her victim status and consequently, to secure her procedural rights. She submits that the two-year duration of the investigation was unreasonable and excessive.

Violation of Article 2 (right to life)

Violation of Article 2 (investigation)

Just satisfaction:

non-pecuniary damage: EUR 26,000

the applicant did not submit any claims in respect of costs and expenses

Khabirov v. Russia (no. 69450/10)

The applicant, Saitgaray Mingareyevich Khabirov, is a Russian national who was born in 1956 and lives in Kazan (Republic of Tatarstan, Russia).

The case concerns the death of the applicant's son during his compulsory military service and the subsequent investigation. He was found hanging from a noose in January 2006 in the psychiatric department of a military hospital. He was being considered at that time for military discharge after a number of suicide and desertion attempts.

Relying on Article 2 (right to life) of the Convention, the applicant complains that the State failed to protect the life of his son, and that the investigation into the circumstances leading to his son's death was not efficient. He submits that the authorities knew that his son was a suicide risk but failed to take adequate measures, the system of psychological assessment and assistance in the military forces at the time being inadequate.

No violation of Article 2 (right to life)

Violation of Article 2 (investigation)

Just satisfaction:

non-pecuniary damage: EUR 20,000

costs and expenses: EUR 17,300

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