



Judgments and decisions of 26 March 2020

The European Court of Human Rights has today notified in writing 18 judgments¹ and 59 decisions²: four Chamber judgments are summarised below; a separate press release has been issued for one other Chamber judgment in the case of *Tête v. France* (application no. 59636/16);

13 Committee judgments, concerning questions already examined by the Court, and the 59 decisions can be consulted on [Hudoc](#) and do not appear in this press release.

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

Pendov v. Bulgaria (application no. 44229/11)

The applicant, Lazar Pendov, is a Bulgarian national who was born in 1986 and lives in Plovdiv (Bulgaria).

The case concerned the police's seizure and retention of a server hosting websites.

In June 2010 the police seized a server which partially hosted a website which had allegedly uploaded a book to the Internet, in breach of copyright. The server also hosted a website dedicated to Japanese anime culture, which was owned and administered by the applicant.

The applicant made repeated requests for the return of the server, complaining that his website could not function without the data on it and stating that he had suffered "significant damage". The Chief Public Prosecutor's Office ultimately made enquiries into his complaints and the server was returned to him in February 2011. The server had not been examined by experts or in any other way used for the purposes of the criminal investigation.

The applicant complained about the seizure and retention of his server under in particular Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights and Article 10 (freedom of expression) of the Convention.

Violation of Article 1 of Protocol No. 1

Violation of Article 10

Just satisfaction: 5,200 euros (EUR) (non-pecuniary damage) and EUR 1,800 (costs and expenses)

Nikoloudakis v. Greece (no. 35322/12)

The applicants, Georgios Iakovos Nikoloudakis and Emmanouil Nikoloudakis, are Greek nationals who were born in 1939 and 1946 respectively. They live in Chania in Crete (Greece).

The applicants complained of the failure to execute judgments delivered by the civil and administrative courts recognising their ascendants as the owners of a plot of land in Sfakia (Greece)

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: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

and ordering eight persons unlawfully occupying the plot to vacate it and demolish the buildings erected there.

They relied in particular on Article 6 (right to a fair trial).

Violation of Article 6 § 1

Just satisfaction: EUR 12,000 (non-pecuniary damage) to the applicants jointly

Bilalova and Others v. Poland (no. 23685/14)*

The applicants are Ms Dagmara Bilalova, who was born in 1982, and her five children Zalina Bilalova, Zuhra Bilalova, Akhiad Bilalov, Akhmed Bilalov, and Liana Bilalova. At the material time the children were between three and nine years old. They are currently living in Kurchaloi in the Chechen Republic (Russia).

The case concerned the placement and retention of Ms Dagmara and her five children in a closed centre for aliens pending the outcome of their application for refugee status.

In June 2013 Ms Bilalova's husband lodged with the Aliens' Office an application for refugee status for the whole family, who were in Polish territory at the time. The family then left for Germany, without awaiting the outcome of their request.

In November 2013 the applicants were handed over to the Polish authorities by their German counterparts, in accordance with the provisions of the Dublin II Regulation³. The next day, during a hearing attended by Ms Bilalova, with the assistance of an interpreter, the District Court ordered the applicants' detention in a closed centre for aliens, for an initial period of 60 days, which was subsequently extended. The applicant unsuccessfully contested the decision to continue the family's detention in the closed centre.

In January 2014 the Aliens' Office dismissed the request for refugee status, refused to grant the family subsidiary protection and ordered their expulsion.

In March 2014 the applicant submitted a fresh application for refugee status, pleading domestic violence. That application too was dismissed. Subsequently the applicants were expelled.

Relying in particular on Article 5 § 1 (f) (right to liberty and security), the applicants complained about their placement and retention in the closed centre for aliens, alleging, *inter alia*, that they were illegal.

Violation of Article 5 § 1 f) – in respect of the applicant children, concerning their retention in the closed centre

Just satisfaction: EUR 10,700 (non-pecuniary damage) to the applicant children jointly

Centre for Democracy and the Rule of Law v. Ukraine (no. 10090/16)

The applicant organisation, the Centre for Democracy and the Rule of Law, is a Ukrainian NGO with its offices in Kyiv.

The case concerned the applicant organisation's request for copies of CVs of politicians who headed the lists of parties which won the 2014 parliament elections.

In November 2014 the applicant organisation asked the Central Election Commission to provide it with copies of the CVs submitted by candidates to elections the previous month who had topped the

³ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

six party lists which had won places in parliament. Five of the six had held public office before, such as former Prime Minister Yulia Tymoshenko, the mayor of Kyiv, Vitali Klitschko, and the then Prime Minister, Arseniy Yatsenyuk.

The Commission refused to provide the CVs, giving only extracts from the documents which had previously appeared on its website. The applicant organisation challenged the decision in court, but was unsuccessful at first-instance and on appeal.

The first-instance court held among other things that according to the law (the Information Act) the information in the CVs was confidential and could only be disclosed where specifically provided for. The applicant organisation had failed to show that the information it had sought had been necessary for voters to exercise their right to vote effectively. The candidates had only provided their consent for the disclosure of such information as was required by law.

The higher courts upheld the first-instance judgment in August and September 2015.

The applicant organisation complained that the authorities had denied it access to information which it needed for the effective exercise of its rights under Article 10 (freedom of expression).

Violation of Article 10 – on account of the decision to deny the applicant organisation access to the information about the education and work history of political leaders contained in their CVs filed with the election authorities

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary sustained by the applicant organisation.

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

Journalists can continue to contact the Press Unit via echrpress@echr.coe.int

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.