EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
issued by the Registrar of the Court

ECHR 037 (2021)
05.02.2021

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 16 judgments on Tuesday 9 February 2021 and 82 judgments and / or decisions on Thursday 11 February 2021.

*Press releases and texts of the judgments and decisions will be available at **10 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Tuesday 9 February 2021

Xhoxhaj v. Albania (application no. 15227/19)

The applicant, Altina Xhoxhaj, is an Albanian national who was born in 1970 and lives in New York (United States).

The case concerns a Constitutional Court judge who was dismissed from office following the outcome of vetting proceedings commenced in relation to her, as part of an exceptional process for the re-evaluation of suitability for office of all judges and prosecutors in the country, otherwise known as the vetting process.

In 1995 the applicant was appointed as a judge at the Tirana District Court and in 2010 she was elected a judge at the Constitutional Court for a nine-year term. From 2003, she and her partner, who was also a public official, declared their assets annually. In 2016 she filed three separate vetting declarations – a declaration of assets, an integrity and background declaration and a professional self-appraisal form, in accordance with the law.

In November 2017 an investigation was launched in respect of the applicant's vetting declarations owing to her status as a Constitutional Court judge. In March 2018 the applicant was informed of its preliminary findings, pointing to among other things, inconsistencies identified in relation to some of the applicant's assets and her allegedly unjustified liquid assets in certain years. Also, a member of the public complained of a conflict of interest involving her and her father, as a result of which she did not recuse herself from the examination of a constitutional petition lodged by that individual. The applicant submitted extensive written and oral arguments at a public hearing to justify her assets.

On 4 June 2018 the first-instance vetting body found that it had not been proven that the applicant and her partner had had sufficient lawful income to acquire a flat measuring 101 sq. m. Also, she had failed to disclose truthfully the source of income used to acquire it and had failed to disclose that asset over a number of years in her assets declarations, among many other findings. Lastly, she had failed to disclose her conflict of interest and recuse herself from the constitutional proceedings of which a member of the public had complained. Her dismissal from judicial office was ordered owing to these breaches.

The applicant appealed to the Special Appeal Chamber, submitting extensive arguments, in particular that her dismissal had been disproportionate and that the vetting proceedings had been, among other things, unfair, impartial and in breach of the law. As regards the evaluation of assets, the Special Appeal Chamber overturned some of the IQC's findings in respect of some of them, but upheld the finding that the applicant and her partner had not had sufficient income to buy the flat measuring 101 sq. m and that she had made a false declaration and concealed that asset for a number of years, among other findings against the applicant. Lastly, as regards the evaluation of professional competence, the applicant's failure to recuse herself from the constitutional

proceedings, of which the member of the public had complained, was found to have undermined public trust in the justice system. The decision to dismiss the applicant from office was upheld and it became final.

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, the applicant complains that the vetting bodies lacked independence and impartiality, in particular its members' lacking the requisite professionalism and experience, having been appointed without any involvement of the judiciary; and the bodies framed the "accusation" and decided on the merits of the "accusation". She also complains, under Article 6 § 1 of the Convention, of the unfairness of the proceedings in her case for a number of reasons.

Relying on Article 8 (right to respect for private and family life) of the Convention, the applicant complains that her dismissal was arbitrary.

Veronica Ciobanu v. the Republic of Moldova (no. 69829/11)

The applicant, Veronica Ciobanu, is a Moldovan national who was born in 1974 and lives in Strășeni (the Republic of Moldova).

The case concerns the drowning of the applicant's son while he was staying at a holiday camp.

Relying on Articles 2 (right to life) and 6 (right to a fair hearing) of the Convention, the applicant alleges a violation of her son's right to life on account of his drowning while staying at the holiday camp in Sulina (Romania). Under Article 13 (right to an effective remedy) taken together with Article 2, she complains of a lack of an effective domestic remedy.

Hasselbaink v. the Netherlands (no. 73329/16)

The applicant, Frederik Egbert Hasselbaink, is a Dutch national who was born in 1984 and lives in Vlaardingen (the Netherlands).

The case concerns the criminal proceedings against the applicant for a series of violent crimes.

On 31 March 2016 the applicant was arrested and placed in police custody on suspicion of hostage-taking, illegal restraint and extortion. On 5 April 2016, the investigating judge ordered his placement in initial detention for fourteen days. Mr Hasselbaink's detention was extended for thirty days three times. The applicant did not appeal against those decisions.

The trial proceedings against Mr Hasselbaink started on 7 July 2016 before the Rotterdam Regional Court. That day, his applications to lift or suspend his pre-trial detention were dismissed and proceedings were adjourned.

On 13 July 2016, Mr Hasselbaink lodged a fresh application with the Regional Court to lift or suspend his pre-trial detention. Referring to statements made before the investigating judge, he argued that everyone, apart from the victim, had stated that there had been no coercion or threats from the side of the applicant, only talk about a debt. Therefore, the serious suspicions and reasons which had led to the order for his pre-trial detention no longer existed. It took several weeks before the Regional Court examined the applicant's requests. Ultimately, they were dismissed and the applicant remained in pre-trial detention. Mr Hasselbaink's appeal against that decision was dismissed on 1 September 2016.

On the same day, the trial proceedings before the Regional Court were resumed and the applicant's pre-trial detention lifted as of 2 September 2016 because there was a serious prospect that the applicant would not be given a custodial sentence or that any custodial sentence imposed would be shorter than the pre-trial detention. However, it was not until 15 September 2016 that the applicant was actually released.

In its judgment of 15 September 2016, the Regional Court acquitted the applicant of all charges brought against him. On 13 April 2017, Mr Hasselbaink was also compensated for his pre-trial detention.

Relying on Article 5 §§ 1 and 3 (right to liberty and security) of the Convention, Mr Hasselbaink complains that his pre-trial detention lacked adequate justification or, in the alternative, that the decisions taken by the Regional Court on 4 August 2016 and by the Court of Appeal on 1 September 2016 lacked sufficient reasons. He further complained of those domestic courts' lack of promptness in deciding his application to lift his pre-trial detention.

Maassen v. the Netherlands (no. 10982/15)

The applicant, Marlon Maassen, is a Dutch national who was born in 1991. At the time of the introduction of the application, he was detained in Baarn (the Netherlands).

The case concerns the criminal proceedings against the applicant in connection with human trafficking and pimping.

In July 2014 the television programme *Undercover in Nederland* conducted an investigation into abuse in prostitution. Footage of someone helping a 15-year-old girl to sell sexual services on the Internet was passed on to the police. The ensuing criminal investigation resulted in a number of people, Mr Maassen among them, being suspected of human trafficking, particularly of exploiting an underage prostitute.

Mr Maassen was arrested and placed in police custody on 2 December 2014. Three days later, he was taken into initial detention on remand for fourteen days by order of an investigating judge of the Central Netherlands Regional Court sitting in Utrecht. On 19 December 2014, his detention was extended for ninety days. The applicant's appeal against that decision was dismissed.

The trial proceedings against Mr Maassen started on 17 March 2015 before the Regional Court. It dismissed Mr Maassen's applications to lift or suspend his pre-trial detention and adjourned the proceedings until 9 June 2015. The Arnhem-Leeuwarden Court of Appeal upheld that decision following Mr Maassen's appeal against it. At the public trial hearing of 9 June 2015, the counsel for the applicant's request that his pre-trial detention be either lifted or suspended was once more dismissed.

In a judgment of 15 September 2015, the Regional Court convicted Mr Maassen of human-trafficking for having brought a 15-year-old girl into and profiting from her prostitution for a period of about three weeks. The applicant was sentenced to eighteen months' imprisonment less the time spent in pre-trial detention and six months that were suspended pending a probation period of two years. This judgment became final on 29 September 2015.

Relying on Article 5 §§ 1 and 3 (right to liberty and security) of the Convention, Mr Maassen complained that his pre-trial detention from 19 December 2014 onwards had lacked adequate justification, or in the alternative, that the respective decisions taken by the domestic courts had lacked sufficient reasons.

Zohlandt v. the Netherlands (no. 69491/16)

The applicant, Ferdinand Gerardus Zohlandt, is a Dutch national who was born in 1961 and lives in Uden (the Netherlands).

The case concerns the criminal proceedings against the applicant in connection with a series of violent crimes.

After a criminal complaint was lodged against Mr Zohlandt for attempted murder, aggravated assault and destruction of property, he was arrested and placed in police custody on suspicion of attempted premeditated aggravated assault and illegal possession of a firearm, ammunition and a

knuckleduster. On 16 June 2016, he was taken into initial detention on remand for fourteen days by order of an investigating judge of the Oost-Brabant Regional Court.

In two separate decisions taken on 29 June 2016, the Regional Court dismissed Mr Zohlandt's request to suspend his pre-trial detention and decided to extend it for ninety days.

On 29 July 2016, Mr Zohlandt lodged a new application for his release or the suspension of his pre-trial detention, which was dismissed by the Regional Court on 3 August 2016. The Court of Appeal dismissed Mr Zohlandt's appeal on 18 August 2016 and upheld the impugned decision.

On 23 September 2016, the trial started in the Regional Court. Mr Zohlandt's pre-trial detention was suspended, with a restraining order being issued, and the proceedings were adjourned.

In a judgment of 3 March 2017, Mr Zohlandt was convicted of attempted premeditated aggravated assault and several offences under the Weapons and Ammunition Act and sentenced to ten months' imprisonment less the time spent in pre-trial detention.

Relying on Article 5 §§ 1 and 3 (right to liberty and security) of the Convention, the applicant complains that his pre-trial detention lacked adequate justification, or in the alternative, that the Court of Appeals' decision on 18 August 2016 lacked sufficient reasons.

Laptev v. Russia (no. 36480/13)

The applicant, Oleg Anatolyevich Laptev, is a Russian national who was born in 1982 and lives in in the village of Yubileynyy, in the Medvedovskiy District of the Republic of Mariy El (Russia).

The case concerns the applicant's complaints about the events surrounding the death of his brother in custody and the quality of the subsequent domestic investigation into the matter.

On 4 January 2011, the applicant's brother, Mr Sergey Laptev, who at the time worked as a policeman, was arrested on suspicion of rape and detained in a temporary detention centre pending criminal proceedings. He was placed in a cell with Ch., an undercover police agent who was posing as a suspect in another criminal case. According to the applicant, Ch. may have had the task of convincing or coercing his brother to confess.

The applicant also alleges that on 5 January, when Sergey Laptev had two interviews with an investigator, one of which was conducted in the presence of his lawyer, he complained of the pressure exerted on him by the police to make him confess, including the threat that they would arrange for him to be raped by other inmates.

At 6.40 a.m. on 6 January, Sergey Laptev was found dead in his cell by three guards. The autopsy report compiled on the same day established mechanical asphyxiation as the cause of death.

On 7 January, the detention centre, acting of its own motion, conducted an internal investigation into the death. Camera footage showed that no guards had been present between 3.19 a.m. and 6.10 a.m. on the night of January 6. Various measures were taken against the guards and their superiors for this breach of security.

In parallel, a preliminary inquiry into the events, instituted by a local branch of the Investigative Committee of Russia, concluded on 4 July 2011 that Sergey Laptev's death had been suicide and that the injuries detected on his body during the autopsy had resulted from a proportionate use of physical force during his arrest. The applicant appealed against that decision in court, pointing to various inconsistencies in the statements of the officials and the conclusions and deploring the decision's overall poor quality.

On 19 April 2012, the Yoshkar Ola Town Court allowed the applicant's appeal and quashed the decision of 4 July 2011. The Yoshkar Ola Supreme Court confirmed the Town Court's decision on appeal.

Ultimately, however, the investigation into the events was recommenced, leading to the version of events set out in the decision of 4 July 2011. The authorities admitted shortcomings in the supervision of Sergey Laptev, notably in respect of the security breach, but dismissed any allegations of exerting pressure on him and insisted that his death had been suicide and had been unrelated to these shortcomings.

The investigation was discontinued on 25 October 2012. That decision was upheld by the Town Court of Yoshkar Ola at first instance and on appeal.

Relying on Article 2 (right to life) of the Convention, the applicant complains that the State failed to protect the deceased's life and that the ensuing investigation into his death was not effective.

N.Ç. v. Turkey (no. 40591/11)

The applicant, N.Ç., is a Turkish national who was born on 2 January 1990 and lives in Istanbul (Turkey).

The case concerns shortcomings in criminal proceedings relating to the prostitution of a fourteen-year old child.

In July 2002 two women forced N.Ç. to work as a prostitute with them. On 8 January 2003 N.Ç. lodged a complaint against both women, and against the men with whom she had had sexual relations. The Mardin public prosecutor opened a criminal investigation. The police identified twenty-eight suspects. N.Ç. underwent several medical examinations.

Between 14 and 21 January 2003 twenty-seven suspects were placed in pre-trial detention by investigating judges from various courts. On 20 January 2003 the prosecutor filed a bill of indictment against twenty-eight individuals on charges of rape of a girl aged under fifteen, "imprisonment for sexual desires", incitement to prostitution and involvement in imprisonment. Four other persons were charged in the course of the proceedings.

On 24 January 2003 the Mardin Assize Court upheld the decision placing twenty-seven suspects in pre-trial detention and decided to hold a hearing. N.Ç., her parents, and the Child Protection Agency, attached to the Ministry of Family Affairs, joined the criminal proceedings as civil parties.

On 24 February 2003 N.Ç., her father, twenty-eight defendants and the parties' representatives appeared at the hearing before the Mardin Assize Court; given the sensitive nature of the case, the public were excluded from the courtroom.

On the same day the relatives of certain defendants attacked N.Ç. and her representatives as they left the court building after the hearing. No response was given to a request by her lawyers for protection measures.

On 14 May 2003 the assize court dismissed a new request by N.Ç.'s representatives, who had asked that the trial be moved to another region for safety reasons; by a majority, it also decided to release sixteen defendants. On 15 May and 26 June 2003 the remaining defendants were released.

On 28 September 2010, at the close of its thirty-fifth hearing, the Mardin Assize Court acquitted three defendants of the charge of raping a minor, for lack of evidence. With regard to the charge of "forced imprisonment for fulfilment of sexual desires" for each of the locations where N.Ç. was held, the assize court reclassified the offences and held that N.Ç. had consented to remain. Noting further that the maximum statutory limitation period for criminal liability in respect of "consensual imprisonment" had expired, it struck out this part of the charges in respect of all the defendants. It also struck out the charge of incitement to prostitution in respect of three defendants who had cooperated with the two women, E.A. and T.T.

The assize court also held that a sexual act with a child aged under fifteen was prohibited in all cases by Article 414 of the former Criminal Code, applicable to the facts of the case, but that if the victim

had consented, the first paragraph of that provision was to be applied; only the second paragraph was classified as the version which amounted to a crime. In the light of a psychiatric report and certain facts, the assize court considered that N.Ç. had not been "totally unwilling" and that there was no evidence allowing for a conclusion that the defendants had forced her to act as she did.

In consequence, the assize court decided to apply the first paragraph of Article 414, and the minimum sentence set out in that provision, to all of the defendants, with two exceptions, then imposed various prison sentences in application of the different provisions of the above Code.

On 13 March 2003 N.Ç. was placed in a specialised institution for child protection in Malatya; she was then transferred to a similar institution in Adana for psychiatric monitoring, and subsequently moved to Istanbul. This measure was applied until she reached the age of majority.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 6 (right to a fair hearing), 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the Convention, the applicant complains that she received no professional support during the proceedings, that she was humiliated before the defendants and that she was threatened by them, with the knowledge of the judicial authorities. She also complains that two charges were struck out as being time-barred, and that the defendants' sentences were mitigated on the grounds of good conduct at the hearings. She considers that she was not protected during the proceedings, and that those proceedings were ineffective on account both of their length and the outcome. Relying on Article 14 (prohibition of discrimination), she alleges that she was discriminated against on account of her gender.

Ramazan Demir v. Turkey (no. 68550/17)

The applicant, Ramazan Demir, is a Turkish national who was born in 1983 and lives in Istanbul (Turkey). He is a lawyer.

The case concerns the prison authorities' refusal to grant Mr Demir's request for access to certain Internet sites while he was being held in pre-trial detention in Silivri Prison.

Mr Demir, who was suspected of the offences of membership of a terrorist organisation and disseminating propaganda in favour of a terrorist organisation, was placed in pre-trial detention on 6 April 2016 and released on 7 September 2016.

On 12 April 2016 Mr Demir asked the prison authorities to allow him to access the Internet sites of the European Court of Human Rights, the Constitutional Court and the Official Gazette. He wished to obtain legal information so as to monitor his clients' cases as their lawyer before these two courts and to prepare his own defence for a hearing due to be held on 22 June 2016 as part of the criminal proceedings against him.

The prison authorities and the first-instance and appeal courts dismissed his complaints. Mr Demir lodged an individual application with the Constitutional Court, which dismissed it as manifestly ill-founded on 14 April 2017.

Relying on Article 10 (freedom of expression), Mr Demir complains about the refusal to grant him access to the Internet sites of the European Court of Human Rights, the Constitutional Court and the Official Gazette during the period he was detained in the prison, and considers that there was an interference with his right to receive information and ideas.

Sağdıç v. Turkey (no. 9142/16)

The applicant, Kadir Sağdıç, is a Turkish national who was born in 1952. He lives in Istanbul. At the relevant time he was a career officer in the armed forces, occupying the position of Vice-Admiral within the Turkish naval command.

Mr Sağdıç alleges a breach of his right to protection of his reputation on account of a series of articles published in the daily newspapers *Taraf* and *Yeni Şafak* in November and December 2009,

accusing him of involvement in an action plan codenamed "Cage", allegedly aimed at creating conditions favourable to the overthrow of the government.

According to the articles in question, the action plan had been discovered by the prosecutors in charge of the *Eregenekon* case at the relevant time. The articles also alleged that the plan had been devised within the Navy by a group of armed forces personnel, including Mr Sağdıç, with the aim of carrying out attacks targeting the country's religious minorities in order to create conditions favourable to the overthrow of the government.

Mr Sağdıç's full name and a photograph of him were published next to the articles, which referred to the applicant as one of the ringleaders of the conspiracy behind the "Cage" plan.

In 2011 Mr Sağdıç brought an action for damages against the newspapers in question, which was dismissed at first instance. He also lodged an individual application with the Constitutional Court, which in April 2015 delivered a judgment finding that there had been no breach of his right to protection of his reputation.

Relying on Articles 6 (right to a fair trial), 8 (right to respect for private and family life) and 13 (right to an effective remedy), Mr Sağdıç maintains that the allegations contained in the articles were unfounded and slanderous. He complains that the judicial authorities did not ensure respect for his right to protection of his reputation.

Société Anonyme Ahmet Nihat Özsan v. Turkey (no. 62318/09)

The applicant, Ahmet Nihat Özsan A.Ş., is a public limited company operating in the construction sector, with its registered office in Istanbul.

The case concerns an alleged inconsistency in the case-law of the Court of Cassation on the subject of additional damage as governed by Article 105 of the Code of Obligations.

Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), the applicant company alleges a lack of consistency in the practice of the courts and the case-law of the Court of Cassation regarding the conditions for the application of Article 105 of the Code of Obligations. Under Article 1 of Protocol No. 1 it complains of a breach of its right to the peaceful enjoyment of its possessions on account of the depreciation of a debt in its favour as a result of inflation, and of the refusal of the domestic courts, as a result of a divergence in the case-law, to award it compensation.

Tokel v. Turkey (no. 23662/08)

The applicant, Mustafa Tokel, is a Turkish national who was born in 1940 and lives in Trabzon (Turkey).

The case concerns the allegedly unauthorised use of the applicant's patented invention – a conveyor-belt system for drying tea – by Caykur, the Directorate General of Tea Enterprises, a State-owned company.

In July 1991, Mr Tokel applied to have his conveyor-belt system certified as his invention. He obtained it in August 1992. In the meantime, in May and June 1991 Caykur installed the same system in one of its factories and made a five-year plan to install it in twenty-five more factories. The Council of Ministers approved Çaykur's investment plan in October 1991, that is to say, following the applicant's patent application.

In March 1993, Caykur brought an action in the Trabzon Civil Court of General Jurisdiction requesting the annulment of the applicant's certificate of invention. It mainly argued that the system was its own original project, thus the applicant had taken copies of Caykur's project, exploiting his contacts among Caykur's staff. The action was dismissed by the Civil Court in May 1994 on the basis of two expert reports finding that the invention had been devised by Mr Tokel. Following an appeal by

Caykur, the Court of Cassation quashed that judgment in January 1995, holding that the first-instance court had to obtain another expert report establishing whether the invention satisfied the novelty requirement.

The new expert reports confirmed that the applicant's invention satisfied the aforementioned requirement and the Civil Court once again dismissed Caykur's action in March 2001. The Court of Cassation upheld that decision in November 2001 and rejected a request lodged by Caykur for rectification of that decision in March 2002.

In a second set of proceedings in 2002, Mr Tokel brought an action before the local civil court claiming compensation and requesting the suspension of Caykur's use of his invention in eight of its factories. He argued that Caykur had used his patented invention in its factories without his permission, given that despite the final judgment in the proceedings brought by Caykur, the company had gone on to use his patented invention unlawfully without making any payment to him.

The question of whether Caykur's use of the system at issue constituted prior use was examined and answered by experts. Indeed, Caykur had started using the system in May 1991, two months before the applicant had applied for the certificate of invention. The experts' report concluded that Caykur's use of the system fell within the limits of the reasonable needs of the company and therefore constituted prior use. Before the Civil Court Mr Tokel argued that, assuming that the other conditions for prior use had been satisfied, Caykur's right to prior use concerned only the first factory it had installed the system in. The Civil Court dismissed the applicant's action in October 2005. The Court of Cassation upheld that judgment in May 2007, stating that Caykur's use of the invention could not be restricted to one factory as it was a State-owned enterprise whose investment plans had been approved by the Council of Ministers. The Court of Cassation rejected a request lodged by the applicant for the rectification of that judgment in December of that same year.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complained of a violation of his right to peaceful enjoyment of his possessions.

Thursday 11 February 2021

Antonopoulou v. Greece (no. 46505/19)

The applicant, Xanthi Antonopoulou, is a Greek national who was born in 1957 and lives in Thessaloniki. The case concerns the conclusion of a loan agreement and the repayment of the loan. The applicant complains that she had to repay to the bank an amount in euros that far exceeded the amount she had borrowed in Swiss francs.

In order to buy an apartment, Ms Antonopoulou, who had a small craft business, entered into a loan agreement with the bank Eurobank Ergasias to borrow an amount of 243,225 Swiss francs (CHF) (corresponding to 150,000 euros (EUR) on 10 January 2007, the date of disbursement of the loan) in the form of a mortgage on the apartment. On the advice of the bank she took out the loan in Swiss francs. The agreement made provision for the loan to be converted from Swiss francs into euros. The loan was insured against the applicant's death or total disability. Ms Antonopoulou also took out insurance with the bank against the risk of a change in the exchange rate, and over a period of several years, until 26 February 2015, made the monthly repayments on the loan in euros.

As she was unable to meet her contractual obligations as of 24 August 2011, having lost her sight and ceased work, Ms Antonopoulou successfully requested a covenant to the loan agreement governing the repayment of the loan. In all, she signed four covenants with the bank amending the original loan agreement.

Ms Antonopoulou stressed that, owing to the change in the exchange rate, the amount of capital borrowed had increased from EUR 150,000 to EUR 239,041.76 by 4 February 2015.

On 18 February 2015 Ms Antonopoulou brought proceedings against the bank in the Thessaloniki Court of First Instance, requesting firstly that the court declare invalid, as being unfair, the clause in the loan agreement providing for the debt to be repaid in euros on the basis of the exchange rate with the Swiss franc applicable on the date of repayment. Secondly, she requested that the exchange rate between the two currencies applicable on the date of disbursement of the loan be recognised as the sole basis for the conversion into euros of the amount due in Swiss francs. Lastly, she asked the court to recognise that she no longer owed the bank the additional amounts payable under the loan agreement.

The court rejected the applicant's requests. Ms Antonopoulou did not challenge the judgment in the Court of Appeal, but applied directly to the Court of Cassation. The First Division of that court, taking the view that the case concerned a matter of general interest, referred it to the full court.

The Court of Cassation dismissed the applicant's appeal.

Relying on Article 1 of Protocol No. 1, the applicant complains that she was required to repay to the bank an amount in euros far exceeding the amount she had borrowed in Swiss francs.

Casarin v. Italy (no. 4893/13)

The applicant, Amelia Casarin, is an Italian national who was born in 1950 and lives in Turin.

The case concerns an alleged infringement of the applicant's property rights. Ms Casarin complains about the consequences of an action for the recovery of undue payments (*azione di ripetizione dell'indebito*) requiring her to repay to the administrative authorities a portion of the sums paid to her by way of compensation for a difference in salary.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant alleges that the order for her to repay the sum of 13,288.39 euros to the National Social Security Institute infringed her rights under that Article.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database HUDOC.

They will not appear in the press release issued on that day.

Tuesday 9 February 2021

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Thursday 11 February 2021

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Press contacts
During the current public-health crisis, journalists can continue to contact the Press Unit via echrpress@echr.coe.int.

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Inci Ertekin
Neil Connolly

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.