



Judgments and decisions of 5 December 2023

The European Court of Human Rights has today notified in writing five judgments¹ and one decision²: four Chamber judgments are summarised below;

a separate press release has been issued for the decision in the case of *Sorasio and Others v. Italy* (applications nos. 56888/16, 57121/16, 57145/16, and 57679/16);

one Committee judgment, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and does not appear in this press release.

The judgment below is only available in English.

[F.S. v. Croatia](#) (application no. 8857/16)

The applicant, F.S., was born in 1991 in Rome and his current residence is unknown.

The case concerns the national authorities' decisions to expel the applicant from Croatia on national-security grounds. According to the applicant, he had lived in Croatia with family since 1998 after his parents had died when he was a child. He applied for Croatian citizenship in 2011 but was informed that he was a security risk by the national intelligence agency. This led to his citizenship application being denied, and subsequently also triggered the termination of his permanent residence status and ultimately the decision to expel him. He left Croatia voluntarily in 2016.

Relying on Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) to the European Convention on Human Rights, the applicant complains that he was not informed of the reasons why he was said to pose a threat to national security, meaning he could not argue against his expulsion.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security) of the European Convention, the applicant also complains about his detention after he was arrested in 2015 when attempting to illegally cross the border from Croatia into Slovenia, and makes a number of other complaints under Articles 8 (right to respect for private and family life), 13 (right to an effective remedy) and 2 of Protocol No. 4 (freedom of movement) to the Convention.

Violation of Article 1 of Protocol No. 7

Just satisfaction:

non-pecuniary damage: 5,000 euros (EUR)

costs and expenses: EUR 5,000

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.

[Țîmpău v. Romania](#) (no. 70267/17)

The applicant, Doina Țîmpău, was born in 1964 and lives in Câmpulung Moldovenesc, Suceava County (Romania). She worked for 20 years as a lay teacher of Orthodox religion in a public school.

The case concerns the Archbishop of Suceava's withdrawal of his endorsement (*binecuvântarea*) of Ms Țîmpău to teach religion, alleging unprofessional conduct and a failure to confirm that she was a true preacher of the word of God. Ms Țîmpău went to court, but the national courts ultimately held that she could not make her case against the Archbishop's decision before secular courts.

Relying on Article 6 (right to a fair trial), Article 9 (freedom of thought, conscience and religion) and in substance Article 8 (right to respect for private and family life) of the Convention, Ms Țîmpău complains of the courts' refusal to hear her case.

No violation of Article 8

[İlçerde and Others v. Türkiye](#) (no. 35614/19)

The applicants are 11 Turkish nationals who are or were detained in closed penal institutions, either awaiting trial or pending appeal proceedings on terrorism-related offences in connection with the attempted coup of 15 July 2016.

The case concerns the surge in the prison population in Turkey after the attempted *coup d'état*. The applicants complained to the courts about their prison conditions, without success; the Constitutional Court in particular declared their complaints inadmissible in summary judgments.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants allege inadequate conditions of detention, in particular because of overcrowding.

Two of the applicants also complain, under Article 8 (right to respect for private and family life), that they were held in remote facilities, which resulted in fewer visits from their families.

Violation of Article 3 in respect of the eight of the applicants

No violation of Article 3

Violation of Article 8 in respect of one applicant

Just satisfaction:

non-pecuniary damage: between EUR 2,300 and EUR 10,900

costs and expenses: EUR 1,000 to five of the applicants

For more details, please see judgment.

[H.A. v. the United Kingdom](#) (no. 30919/20)

The applicant, Mr H.A., is a stateless person of Palestinian origin who was born in 1998 and lives in Swansea.

He was born and raised in the Ein El-Hilweh refugee camp in Lebanon. He left the camp in 2017 for the UK where he requested asylum and humanitarian protection. He relied on several grounds, one of which was that he was at risk of harm if he refused attempts to recruit him to extremist armed groups in the camp. The UK courts accepted that extremist armed groups would attempt to recruit him but found that he had not shown that he or his family were at any risk of harm if he refused.

The case concerns his allegation that his expulsion to the Ein El-Hilweh refugee camp would put him at risk of mistreatment because of attempts to recruit him to extremist armed factions operating there. He referred, among other things, to a report describing fighting in the Lebanese camp between Fatah and Jund Al-Sham.

He relies on Article 3 (prohibition of inhuman or degrading treatment) in respect of the alleged risk he would face if returned and further alleges that the UK courts failed to address the merits of his claim of future risk.

No violation of Article 3 should the applicant be deported to Lebanon

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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.