



Judgments and decisions of 10 December 2024

The European Court of Human Rights has today notified in writing 11 judgments¹ and one decision²: two Chamber judgments are summarised below;

separate press releases have been issued for two other Chamber judgments in the *cases of Ramaj v. Albania* (application no. 17758/06) and *F.M. and Others v. Russia* (nos. 71671/16 and 40190/18);

a separate press release has also been issued for the Chamber judgment in the case *Martinez Alvarado v. the Netherlands* (no. 4470/21) and the decision *Kumari v. the Netherlands* (no. 44051/20);

six 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 below are only available in French.

M.T.S. and M.J.S. v. Portugal (application no. 39848/19)

The applicants, M.T.S. and M.J.S., are a daughter and mother who were born in 1962 and 1921 respectively; they live in Lisbon.

The case concerns guardianship (*interdição*) proceedings brought by the first applicant (M.T.S.) in respect of the second applicant (M.J.S.) in the Lisbon Court, at the close of which J., the latter's eldest son, was appointed as her guardian.

M.J.S. has been a widow since 2007. She has four children: J. (the eldest), E., A. and her youngest daughter (M.T.S., the first applicant). On 30 January 2012, at the L. Hospital in Lisbon, the second applicant gave power of attorney to her daughter M.T.S., authorising her to manage her bank accounts and to act on her behalf before all private or public bodies. On the same day, in a separate notarised document at the same hospital, she declared that she was able to live alone and autonomously, and that if she were to lose that autonomy or her decision-making capacity, she did not wish any of her children to move in with her. She also indicated that she wished the first applicant, M.T.S., to be responsible for any decisions on medical treatment she might need and for the management of her personal affairs and bank accounts.

Relying on Article 6 § 1 (right to a fair hearing), the first applicant submits on behalf of the second applicant that the civil proceedings declaring M.J.S. to be legally incapacitated and appointing J. as her guardian violated her mother's right to a fair hearing; she complains in that connection that the domestic courts failed to hear the second applicant and did not take into account her wishes as expressed in the notarised document concerning her choice of guardian. The first applicant, again on behalf of the second, considers that appointing J. as her guardian violated their right to respect for

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.

their private and family life under Article 8 (right to respect for private and family life) of the Convention.

Under Article 6 § 1 of the Convention, the first applicant complains in her own name of a lack of fairness in the civil proceedings, citing the same procedural shortcomings as those put forward in respect of the second applicant. Thus, she complains that the second applicant was not heard during the proceedings and that her wishes, as expressed in the notarised document of 30 January 2012, were not taken into account.

Under Article 14 of the Convention, the first applicant submits that her brother's appointment as guardian amounted to discriminatory treatment against her on grounds of age.

Violation of Article 8 in respect of the second applicant

Just satisfaction:

non-pecuniary damage: 5,200 euros (EUR)

costs and expenses: EUR 2,230 EUR

Karadeniz and Others v. Türkiye (no. 35922/20)*

The applicants, Feyyaz Karadeniz, Nuryavuz Talan and Tasia Çelik, are Turkish nationals who were born in 1993, 1989 and 1973 respectively and live in Van.

The case concerns the death of Nurettin Karakoç, the son of Mr Karadeniz and brother of Ms Talan and Ms Çelik, and the serious gunshot injury inflicted on Mr Karadeniz by soldiers while the applicants were attempting to enter Türkiye illegally from Iran.

Relying on Articles 2 (right to life) and 6 (right to a fair trial), the applicants complain that the State agents used lethal force in the absence of any absolute necessity. They also submit that no adequate and effective judicial investigation was conducted into the circumstances surrounding those events.

Violation of Article 2 (right to life and investigation)

Just satisfaction: The Court held that the question of the application of Article 41 (just satisfaction) in so far as the non-pecuniary damage was concerned was not ready for decision and reserved it for examination at a later date.

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

Press contacts

echrpress@echr.coe.int | tel : +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Neil Connolly (tel : + 33 3 90 21 48 05)

Jane Swift (tel : + 33 3 88 41 29 04)

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.