



## Judgments and decisions of 24 March 2016

The European Court of Human Rights has today notified in writing four judgments<sup>1</sup> and 38 decisions<sup>2</sup> :

one Chamber judgment is summarised below; for three others, in the cases of *Sakir v. Greece* (no. 48475/09), *Zherebin v. Russia* (no. 51445/09), and *Korneykova and Korneykov v. Ukraine* (no. 56660/12), separate press releases have been issued;

for one decision, in the case of *Tabbane v. Switzerland* (no. 41069/12), a separate press releases has also been issued;

the remaining 37 decisions can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgment below is available only in English.*

### Sharma v. Latvia (application no. 28026/05)

The applicant, Pradeep Sharma, is an Indian national who was born in 1973 and lives in New Delhi (India). The case concerned his expulsion from Latvia to India.

After having previously studied in the country, Mr Sharma arrived in Latvia in 1999. In the same year, he married a Latvian woman, with whom he has two children. In 1999 and 2000 he was issued temporary residence permits, the latter being valid for four years. In November 2004 a permanent residence permit, valid until 2010, was issued for him. In December 2004 his wife reported a domestic conflict to the police and applied to the migration authorities with a view to withdrawing his permanent residence permit and expelling him from Latvia on the grounds that he presented a threat to her and their children. The Ministry of the Interior decided to include Mr Sharma on a list of persons prohibited from entering Latvia (“the blacklist”) in January 2005, on the ground that he constituted a threat to public order and safety. Although his wife informed the Ministry, in April 2005, that her relationship with her husband had improved and she wished for him to stay in the country, the Ministry eventually decided, in June 2005, that he was to remain on the blacklist. It relied in particular on a letter from the security police which had confirmed that he constituted a threat.

In February 2005 the migration authorities withdrew Mr Sharma’s permanent residence permit on the grounds that he had been included on the blacklist. While his appeal against that decision was pending before the courts, in June 2005, he was placed in detention, and an expulsion order was issued against him. In July 2005 his appeal against the expulsion order was dismissed and he was expelled to India.

Mr Sharma alleged in particular that his expulsion had been carried out in violation of Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) to the European Convention on Human Rights. Relying further on Article 5 § 2 (right to be informed promptly of the reasons for

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

<sup>2</sup> Inadmissibility and strike-out decisions are final.

arrest) of the Convention, he complained that he had not been informed promptly of the reasons for his arrest in June 2005. Finally, he relied on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), complaining that he had been unable to have the lawfulness of his arrest reviewed by a court.

**Violation of Article 1 of Protocol No. 7**

**No violation of Article 5 § 2**

**Violation of Article 5 § 4**

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

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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.