



Judgments of 3 October 2023

The European Court of Human Rights has today notified in writing seven Chamber judgments¹; five judgments are summarised below;

separate press releases have been issued for two other judgments in the cases of *El-Asmar v. Denmark* (application no. 27753/19) and *Durukan and Birol v. Türkiye* (nos. 14879/20 and 13440/21);

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

[Repeșco and Repeșcu v. the Republic of Moldova](#) (application no. 39272/15)*

The applicants, Adrian Repeșcu and Constantin Repeșco, are two Moldovan nationals who were born in 1979 and 1987 respectively and live in Chișinău.

They submit that they were convicted on the basis of incriminating statements that were extracted by the police using unlawful methods. Their complaint, which was lodged under Article 3 of the European Convention, was the subject of a previous application to the Court, which struck it out of its list following a unilateral declaration by the Government that was accepted by the applicants. In the present case, they criticise the national courts' refusal of a retrial, notwithstanding the implicit friendly settlement reached in that previous case.

Relying on Articles 6 § 1 (right to a fair trial) and 46 (binding force and execution of judgments) of the European Convention on Human Rights, the applicants allege that their conviction was based on evidence obtained by way of ill-treatment. They complain about the Supreme Court of Justice's refusal of a retrial, despite the Court's decision in their previous case, which they claim confirmed the ill-treatment in question.

Violation of Article 6 § 1

Just satisfaction :

non-pecuniary damage: 3,600 euros (EUR) to each applicant

costs and expenses: EUR 2,500 jointly to the applicants

[Vasile Sorin Marin v. Romania](#) (no. 17412/16)

The applicant, Vasile Sorin Marin, is a Romanian national who was born in 1981 and lives in Bacău (Romania).

The case concerns the applicant being fined and then criminally convicted of disorderly and violent conduct during an event in a shopping-centre nightclub in Bacău in September 2011.

The applicant complains that he was tried and convicted twice for the same offence in breach of his rights protected by Article 4 of Protocol No. 7 to the European Convention.

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

Violation of Article 4 of Protocol No. 7

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

A.A.K. v. Türkiye (no. 56578/11)*

The applicant, A.A.K., is a Turkish national who was born in 1955 and lives in Yenipazar (Aydın, Türkiye).

The case concerns the decision to make the applicant a ward of court following proceedings in which it was found that she suffered from a mental disorder that impeded her legal capacity to act.

Complaining that she was declared to be lacking in legal capacity without valid reasons and without legal assistance, the applicant alleges, in particular, that the domestic courts failed to take the necessary steps to secure the presence of an officially assigned lawyer and to reply to her objections to the medical reports on the basis of which her wardship was decided.

Relying on Articles 6 § 1 (right to a fair hearing) and 8 (right to respect for private life), taken separately and in conjunction with Article 13 (right to an effective remedy) of the Convention, the applicant alleges that her rights were infringed.

No violation of Article 8

Efgan Çetin and Others v. Türkiye (no. 14684/18)

The applicants, Efgan Çetin, Şermin Çetin, Ayşe Çetin, Hasanali Çetin and Şerife Yıldız, are five Turkish nationals who were born between 1945 and 1974. The first applicant lives in Istanbul and the others live in Aydın (Turkey).

The case concerns the construction of a geothermal plant in the vicinity of the first applicant's olive grove and the remaining applicants' residences, and the fact that the administrative decision allowing the construction did not require the commissioning of an environmental impact assessment (EIA), and that that decision was not made public even though it should have been according to the national legislation.

Relying on Articles 6 (access to court) and 8 (right to respect for private and family life), the applicants complain that they were not able to challenge the decision in court.

Violation of Article 6 § 1

Just satisfaction: The applicants did not submit a claim for just satisfaction or for costs and expenses

Midyat Saint Gabriel's Syriac Monastery Foundation(no. 13176/13)*

The applicant, the Midyat Saint Gabriel's Syriac Monastery Foundation (*Midyat Süryani Deyrulumur Mor Gabriel Manastırı Vakfı*), a foundation established under Turkish law, is a religious institution that was created during the Ottoman Empire. Its status is currently governed by Law no. 2762 of 13 June 1935, under which it is a legal entity. In particular, the Foundation manages Saint Gabriel's Monastery (*Mor Gabriel Manastırı*), one of the oldest monasteries in the world, which is located in Midyat, Mardin province, where it was built in the fourth century.

The case concerns the judicial authorities' refusal to order the registration, in the applicant foundation's name, of land that it claims has been in its possession without interruption for a long period of time and is part of the cemetery of the Syriac community.

The applicant foundation submits that the national authorities' refusal to grant its request to have plot 15 – which it alleges is an integral part of the cemetery of the Syriac community – entered in the land register in its name constituted a violation of its rights under Article 1 of Protocol No. 1 (protection of property) and under Article 9 (right to freedom of thought, conscience and religion).

Violation of Article 1 of Protocol No. 1

Just satisfaction:

non-pecuniary damage: EUR 5,000

costs and expenses: EUR 7,000

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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.