



Judgments of 3 December 2024

The European Court of Human Rights has today notified in writing 12 judgments¹:

five Chamber judgments are summarised below;

separate press releases have been issued for three other Chamber judgments in the *cases of Svrtan v. Croatia* (application no. 57507/19), *Espírito Santo Silva Salgado v. Portugal* (no. 30970/19), and *M.Ş.D. v. Romania* (no. 28935/21);

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

[Giannakopoulos v. Greece](#) (application no. 20503/20)

The applicant, Georgios Giannakopoulos, is a Greek national who was born in 1965 and lives in Rhodes (Greece).

The case concerns the custody proceedings between Mr Giannakopoulos and his ex-wife E.B., a German national. They had two children together, a girl born in 2010 and a boy born in 2012. Separate proceedings were taken in Greece and in Germany. In 2017, the Dodecanese Court of Appeal declined to hear Mr Giannakopoulos's appeal. In particular, the Greek courts had no jurisdiction as, crucially, the children had already been habitually resident in Germany for a period of over a year. The Court of Cassation confirmed that decision.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Giannakopoulos complains of the rejection of his application for custody of his children.

No violation of Article 8

[Yevstifeyev and Others v. Russia](#) (nos. 226/18, 236/18, 2027/18, and 22327/22)

The applicants are four Russian nationals, Aleksey Borisovich Yevstifeyev, Ruslan Alfatovich Miniakhmetov, Daniil Sergeyevich Grachev and Andrey Aleksandrovich Petrov. They were born in 1991, 1986, 1993 and 1984, respectively. The first three applicants live in St Petersburg, while the fourth lives in Moscow.

All four applicants are LGBTI (lesbian, gay, bisexual, transgender and intersex)-rights activists. Their applications concern allegations of the State's inadequate response to incidents of homophobic speech.

¹ 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

In 2015 the first three applicants lodged a series of unsuccessful complaints criminal, administrative-offence and civil – against a well-known politician who, they alleged, had shouted insults and threats at them at a rally they had taken part in in St Petersburg. The applicants complained in particular that the politician had called the participants in the anti-hatred rally “perverts”, “scumbags”, “Aids-ridden” and “paedophiles”. He had also apparently said that the applicants should be “liquidated” and “crushed with tanks and tractors”.

In 2020 Mr Petrov, the fourth applicant, also lodged unsuccessful complaints concerning a video of a father and his son hunting gay men in a forest published on Instagram by a well-known comic actor and television presenter. The “gay hunt”, set in 2035, was a parody of another video published shortly before a national referendum on amendments to the Russian Constitution, which had called in particular on the public to vote for an amendment defining marriage as a relationship between a man and a woman.

Relying on Articles 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention, the applicants allege that the Russian authorities failed to comply with their duty under the Convention to protect them from discrimination based on their sexual orientation.

Violation of Article 14 in conjunction with Article 8 in applications 226/18, 236/18, and 2027/18

Just satisfaction:

Non-pecuniary damage: 7,500 euros (EUR) to Aleksey Borisovich Yevstifeyev, Ruslan Alfatovich Miniakhmetov, and Daniil Sergeevich Grachev, each

[Catak and Others v. Türkiye](#) (no. 33189/21)*

The applicants are four Turkish nationals who were born between 1944 and 1974. They owned a property located in Bursa (Türkiye), part of which was expropriated under the urgent expropriation procedure as part of a road-construction project.

The case concerns the allegation to the effect that the expropriating authorities took advantage of a loophole in the urgent expropriation legislation to delay full payment of the applicants’ compensation. The applicants rely on Article 1 of Protocol No. 1 (protection of property) to the Convention and on Article 6 (right to a fair hearing) of the Convention.

Violation of Article 1 of Protocol No. 1

Just satisfaction:

jointly to the applicants

pecuniary damage: EUR 10,962

non-pecuniary damage: EUR 4,160

costs and expenses: EUR 115

[Ceyhan v. Türkiye](#) (no. 5576/19)*

The applicant, Kadri Ceyhan, is a Turkish national who was born in 1990 and lives in Diyarbakır (Türkiye).

The case concerns the circumstances surrounding the explosion of a shell that had gone astray during a military exercise near the village where the applicant lived, resulting in the loss of his right hand, and the effectiveness of the ensuing criminal proceedings.

Relying on Article 2, the applicant complains of an infringement of his right to life, pointing out that it was purely by chance that he survived his injury.

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 pecuniary and non-pecuniary damage was concerned was not ready for decision and reserved it for examination at a later date; the Court also held that the respondent State was to pay the applicant EUR 5,665 for costs and expenses.

Kasım Özdemir and Mehmet Özdemir v. Türkiye (no. 18980/20)

The applicants, Mehmet and Kasım Özdemir, father and son, are two Turkish nationals who were born in 1956 and 1984, respectively. They live in Kilis (Türkiye).

The case concerns the applicants' complaint that a gendarme had shot them in the legs on 10 November 2014 during an incident in their village. A gendarme patrol had been chasing a suspect vehicle and had entered the applicants' village, Deliosman. According to the applicants the commanding officer had started to shoot at random, while the gendarmes alleged that they had found themselves in an ambush, with villagers throwing stones at them. The commanding officer stated that he had only fired at the applicants' legs after firing warning shots and when Kasım Özdemir had attempted to grab his rifle.

The ensuing investigation into the applicants' shooting resulted in a decision not to prosecute. Following another investigation, the applicants were found guilty for resisting the gendarmes but their sentences were not pronounced by the domestic court.

Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination), the applicants allege that the gendarme's use of force against them was not justified and caused them serious injuries, and that the authorities' investigation into the shooting was ineffective.

No violation of Article 3 (investigation)

No violation of Article 3 (ill treatment)

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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.