



## Judgments of 6 May 2024

The European Court of Human Rights has today notified in writing five judgments<sup>1</sup>:

three Chamber judgments are summarised below;

a separate press release has been issued for another Chamber judgment in the case of *Jewish Community of Thessaloniki v. Greece* (application no. 13959/20);

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

*The judgments summarised below are available only in English.*

### [Bayramov v. Azerbaijan](#) (application no. 45735/21)

The applicant, Bahruz Front oglu Bayramov, is an Azerbaijani national who was born in 1974 and lives in Baku. He is a lawyer.

The case concerns the filming of the applicant by the police in 2018 when he was stopped for alleged drink-driving and taken to a doctor for a blood-alcohol test. The video footage was subsequently published on television channels and websites, with among other headlines: “Well-known advocate arrested drunk”. His subsequent civil action against the police was dismissed by the national courts, which found that he had failed to prove that the police had distributed the video footage to the media.

The administrative-offence proceedings brought against the applicant for driving his car without a seatbelt and while drunk were discontinued in 2020 as time-barred.

Relying in particular on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicant complains about the unlawful filming of him and the subsequent publication of the video footage, as well as the inadequate reasoning in the courts’ decision dismissing his claim against the police.

#### Violation of Article 8

##### Just satisfaction:

non-pecuniary damage: 4,500 euros (EUR)

costs and expenses: EUR 1,000

### [Demirci v. Hungary](#) (no. 48302/21)

The applicants are Orhan, Margit and Nadire Demirci, a married couple and their daughter. Mr Demirci is a Turkish national, while his wife and daughter are Hungarian nationals. They were born in 1953, 1966 and 1995, respectively.

<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)

The case concerns a decision to expel Mr Demirci on national-security grounds and the ensuing separation with his wife and daughter. He arrived in Hungary in 1990. He married the second applicant in 1994 and was subsequently granted permanent residence status. The immigration authorities initiated expulsion proceedings against him following a recommendation in 2020 by the Hungarian specialised intelligence agency that he was a danger to national security. He was removed from Hungary on 25 March 2021.

The applicants complain that Mr Demirci had been expelled from Hungary in breach of Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) to the European Convention, Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) of the Convention. They complain in particular that the expulsion order had been based on classified information that they had had no access to either in the administrative proceedings or ensuing judicial review proceedings in his case.

**Violation of Article 1 of Protocol No. 7** in respect of the first applicant

**Just satisfaction:**

non-pecuniary damage: EUR 6,500 to the first applicant

costs and expenses: EUR 8,200 to the first applicant

### **L.F. and Others v. Italy** (no. 52854/18)

The applicants are 153 Italian nationals who live variously in Baronissi, Pellezzano and Salerno (Italy).

The case concerns pollution allegedly caused by a foundry near the applicants' homes in the municipality of Salerno.

The foundry, Fonderie Pisano, smelts ferrous metals and has been operating in the municipality of Salerno (Campania) since 1960. In 2006 the industrial area where the plant was located was designated for residential use, under the condition that the plant would be relocated. No relocation was carried out, but the area was nonetheless opened for residential development.

The foundry has been the object of numerous inspections and administrative and criminal proceedings, all finding shortcomings in the operation of the plant. From 2016 the authorities took measures, accompanied by monitoring, to minimise the harmful effects of the foundry on the environment and health of the local population.

Relying on Articles 2 (right to life) and 8 (right to respect for private and family life), the applicants allege that the State's allowing residential development around the foundry and failing to take the necessary measures against pollution has caused serious damage to the environment, endangered their lives and health and affected their personal well-being. Several of the applicants specifically submit that they have suffered from cardiovascular, respiratory and neurological diseases. The applicants also complain that the authorities neglected to inform them of the risks of living in the area surrounding the plant and to involve them in the decision-making process for authorising its operation.

Lastly, under Article 46 (binding force and implementation), the applicants have asked the Court to require the national authorities: to monitor the plant and make its continued operation conditional on a positive environmental and health impact assessment; and, to put in place a plan to reduce emissions and decontaminate the areas surrounding the foundry.

**Violation of Article 8**

**Just satisfaction:** The Court held that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants and that the respondent State was to pay them EUR 8,700 for costs and expenses.

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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.