



## Judgments of 7 March 2023

The European Court of Human Rights has today given notification in writing of nine judgments<sup>1</sup>: one Chamber judgment is summarised below;

three separate press releases have been issued for Chamber judgments in the cases of *Mamasakhlisi and Others v. Georgia and Russia* (applications nos. 29999/04 and 41424/04), *Kogan and Others v. Russia* (no. 54003/20), and *Ossewaarde v. Russia* (no. 27227/17);

five 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 judgment summarised below is available only in French.*

### Tüzünataç v. Türkiye (application no. 14852/18)

The applicant, Birsen Berrak Tüzünataç, is a Turkish national who was born in 1984 and lives in Istanbul (Türkiye).

The case concerns the broadcasting by a television channel of video footage recorded without the knowledge of the applicant, a well-known actress, in which she and a male actor (Ş.G.), also a public figure, were shown kissing on a terrace at the applicant's home.

In 2010 the applicant brought a civil action against the parent company of the television channel, claiming that she had been filmed without her knowledge, in breach of her right to privacy. In 2013 the Istanbul Regional Court dismissed the applicant's claims, noting that the journalists had filmed her from the street and had not entered her home covertly. The Court of Cassation dismissed an appeal on points of law by the applicant, who then lodged an individual application with the Constitutional Court. In 2017 that court held that there had been no breach of the applicant's right to privacy as she had been filmed from the street. It found that the images in question had not contained any elements liable to cause an unacceptable degree of embarrassment to the persons concerned and that the applicant had not taken adequate precautions or assumed sufficient responsibility for protecting her privacy.

Relying on Articles 6 (right to a fair hearing) and 8 (right to respect for private life) of the European Convention on Human Rights, the applicant complains about the broadcasting of the video footage and maintains that the courts did not respond adequately to the alleged interference with her right to respect for her private life.

### Violation of Article 8

#### Just satisfaction:

Request for just satisfaction not made within the set time-limit

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

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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.