

Judgments of 9 Avril 2024

The European Court of Human Rights has today given notification in writing of 13 judgments¹:

Five Chamber judgments are summarised below;

Three separate press releases have been issued for four judgments in the cases of *E.L. v. Lithuania* (application no. 12471/20), *Lazăr v. Romania* (no. 20183/21) and *Matthews and Johnson v. Romania* (nos. 19124/21 and 20085/21), and *Georgia v. Russia* (IV) (no. 39611/18);

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 judgment in French below is indicated with an asterisk ().*

[Nguyen v. Denmark](#) (application no. 2116/21)

The applicant, Thi Kim Oanh Nguyen, is a Vietnamese national who was born in 1974 and lives in Copenhagen. She is the caregiver for a minor daughter and an adult daughter with health problems.

Ms Nguyen came to Denmark in 1989 at the age of 13 and became a permanent resident in 1994. The case concerns Ms Nguyen's conviction in 2019 for involvement in growing a considerable number of cannabis plants with the intention of manufacturing hashish for sale and distribution. She received an 18-month prison sentence. Following her conviction, the national courts ordered her expulsion from the State and issued a 12-year re-entry ban. The expulsion order has not yet been enforced.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Ms Nguyen complains of her threatened expulsion from Denmark and of the re-entry ban imposed on her.

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 applicant. It further held that the respondent State was to pay the applicant 5,400 euros (EUR) for costs and expenses.

[Sarac v. Denmark](#) (no. 19866/21)

The applicant, Safet Sarac, is a national of Bosnia and Herzegovina who was born in 1986 and lives in Bosnia and Herzegovina.

Mr Sarac came to Denmark in 1993 at the age of seven and became a permanent resident in 1995. He has an extensive criminal record, including convictions for drugs offences. The case concerns his conviction in February 2020 for drugs and firearms offences. He was sentenced to two years'

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.

imprisonment. The national courts ordered his expulsion from the State and issued a lifelong re-entry ban.

Relying on Article 8 (right to respect for private and family life) of the European Convention, Mr Sarac complains of the decision to expel him and of the re-entry ban imposed on him.

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 applicant. It further held that the respondent State was to pay the applicant 5,400 euros (EUR) for costs and expenses.

Wangthan v. Denmark (no. 51301/22)

The applicant, Karnchana Wangthan, is a Thai national who was born in 1980 and lives in Sakskøbing (Denmark).

Ms Wangthan entered Denmark at the age of 37 with her two children. Following her marriage to a Danish national, she was granted a residence permit. The case concerns her conviction in 2021 for attempting to stab her husband and threatening to kill him, and for violence against her son. She was given a six-month prison sentence and her expulsion from the State was ordered, with a re-entry ban of six years imposed. It is not known if the expulsion has been carried out.

Relying on Article 8 (right to respect for private and family life) of the Convention, Ms Wangthan complains of her expulsion from Denmark and of the re-entry ban imposed on her.

No violation of Article 8

Tzioumaka v. Greece (no. 31022/20)

The applicant, Chrysovalanto Tzioumaka, is a Greek national who was born in 1992 and lives in Didymoteicho Evrou (Greece).

The case concerns the alleged non-enforcement of Greek court decisions granting custody to Ms Tzioumaka of her two children and ordering their father to return them to her. He had taken them in April 2016 on the pretext that they were going to a playground, and then had kept them in his parents' house. The latter had allegedly been aggressive towards her when she tried to have her children returned to her, and, with the assistance of members of his family, had obstructed her from picking up her children, despite the relevant domestic decisions.

Relying on Article 8 (right to respect for private and family life), Ms Tzioumaka complains of non-enforcement of the decisions awarding her custody.

Violation of Article 8

Just satisfaction:

non-pecuniary damage: EUR 15,000

costs and expenses: EUR 1,000

Sözen v. Türkiye (no. 73532/16)*

The applicant, Bekir Sözen, is a Turkish national who was born in 1964 and lives in Ankara.

At the relevant time, Mr Sözen was a judge of the administrative courts. He sat as a member of the Supreme Administrative Court, an office to which he had been appointed in 2011 by the High Council of Judges and Prosecutors (*Hakimler ve Savcılar Yüksek Kurulu* – HSYK; renamed as the Council of Judges and Prosecutors in 2017). Following the entry into force of Law no. 6723 on 23 July

2016 the term of office of every member of the Supreme Administrative Court was terminated, including that of Mr Sözen. The HSYK subsequently appointed some of the judges whose terms of office had been terminated pursuant to Law no. 6723 as new members of that court. Mr Sözen was not re-appointed as a new member of the Supreme Administrative Court but was instead assigned to the office of judicial investigator at the court.

The case concerns the early termination of the applicant's term of office as a member of the Supreme Administrative Court following the entry into force of Law no. 6723, without termination of his duties as a judge.

Relying on Articles 6 (right to a fair hearing) and 13 (right to an effective remedy), Mr Sözen complains that it was impossible for him to seek judicial review of the measure complained of.

Violation of Article 6 § 1

Just satisfaction:

non-pecuniary damage: EUR 7,800

costs and expenses: EUR 1,000

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Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

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.