



Judgments of 12 September 2023

The European Court of Human Rights has today given notification in writing of 15 judgments¹:

five Chamber judgments are summarised below;

separate press releases have been issued for three other Chamber judgments in the cases of *Eigirdas and VJ "Demokratijos plėtros fondas" v. Lithuania* (applications nos. 84048/17 and 84051/17), *Lapunov v. Russia* (no. 28834/19), and *Romanov and Others v. Russia* (no. 58358/14 and 5 other applications);

seven 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 ().*

N.F. and Others v. Russia (application no. 3537/15 and 8 other applications)

The applicants are nine Russian nationals. They live in various parts of Russia.

The applicants were all either convicted in criminal proceedings, or had their criminal proceedings against them discontinued for various reasons such as being given amnesty. The case concerns the processing by the Ministry of the Interior of the applicants' personal data in respect of discontinued criminal proceedings or criminal convictions that have been lifted or became spent. In particular, after their convictions were spent or were lifted by the court, or proceedings against them were discontinued. They received certificates "on the existence/absence of convictions, the existence/absence of a criminal prosecution or the discontinuation of a criminal prosecution", which contained information regarding the criminal proceedings against them. This information allegedly had deleterious effects on their lives.

Relying, in particular, on Article 8 (right to respect for private life) of the European Convention on Human Rights, the applicants complain that the processing by the authorities of their personal data concerning discontinued criminal proceedings or lifted or spent criminal convictions was in breach of their rights.

Violation of Article 8

Just satisfaction:

to each applicant, except for the ninth applicant:

non-pecuniary damage: 7,500 euros (EUR)

costs and expenses: EUR 1,800

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.

Revision

[Dickinson v. Turkey](#) (no. 25200/11)*

The applicant, Michael Dickinson, is a British national who was born in 1950.

In that case, the Court found that there had been a violation of Article 10 (freedom of expression) of the European Convention as a result of Mr Dickinson's criminal conviction and sentencing to a fine, with a conditional stay of judgment, for a "collage" caricaturing the then Prime Minister in the form of a dog to protest against his foreign policy. The Court awarded the applicant EUR 2,000 in respect of non-pecuniary damage.

On 1 November 2022 the Government informed the Court that the applicant had died on 2 July 2020 and requested that the judgment be revised, within the meaning of Rule 80 of the Rules of Court, and that the case be struck out of the Court's list.

In its judgment today the Court decided to revise its judgment of 2 February 2021 and to strike the application out of its list of cases.

[Geylani and Others v. Türkiye](#) (no. 10443/12)

The applicants, Hamit Geylani, Sevaahir Bayındır and Hasip Kaplan, are three Turkish nationals who were born in 1947, 1969 and 1954. They live in Ankara, Hamburg (Germany) and Istanbul respectively.

The case concerns the dispersal by the police of a demonstration in Silopi, a town near the border with Iraq, during which Ms Bayındır sustained injuries. The demonstration was organised by the Peace and Democracy Party, a pro-Kurdish political party.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 (right to a fair trial) of the Convention, Ms Bayındır alleges ill-treatment on the part of the police and a lack of an effective investigation into that allegation. The three applicants complain of the dispersal of the demonstration, relying on Article 10 (freedom of expression) and Article 11 (freedom of assembly and association).

Violation of Article 3 (ill-treatment and investigation) in respect of the second applicant

Violation of Article 11 in respect of all applicants

Just satisfaction:

non-pecuniary damage: EUR 26,000 to the second applicant

The Court dismissed the remainder of the applicants' claims for just satisfaction.

[Yaşaroğlu v. Türkiye](#) (no. 78661/11)*

The applicant, Cevdet Yaşaroğlu, is a Turkish national who was born in 1965 and lives in Istanbul.

The case concerns the confiscation of 25 kg of gold jewellery brought into Türkiye by the applicant upon his return from the United States of America without declaring it to customs.

In 2003 the applicant was charged with a smuggling offence (*délit de contrebande*) by the public prosecutor but was acquitted the following year by the trial court, which held that importing gold jewellery was not subject to any authorisation, licence or other restriction and that the offence with which the applicant had been charged had not been made out. In 2005 the Court of Cassation quashed the judgment, finding that the applicant had attempted to bring the merchandise into Türkiye without carrying out the necessary customs formalities. In 2007 the trial court found the applicant guilty of smuggling and sentenced him to payment of a fine. However, in 2011 the Court of

Cassation overturned that judgment on the grounds that the proceedings had been time-barred. It nevertheless ordered that the merchandise be confiscated.

Relying on Article 1 of Protocol No. 1 (protection of property) and on Article 6 § 2 (presumption of innocence), the applicant complains that his jewellery was confiscated in the absence of a final court decision finding him guilty of smuggling. He argues that this measure infringed his right to peaceful enjoyment of his possessions and his right to be presumed innocent.

Violation of Article 1 of Protocol No. 1

Just satisfaction:

pecuniary damage: EUR 172,000

Wieder and Guarnieri v. the United Kingdom (nos. 64371/16 and 64407/16)

The applicants, Joshua Wieder and Claudio Guarnieri, are a United States and an Italian national who were born in 1984 and 1987 respectively. Mr Wieder lives in Cloud Lake (Florida, US) and Mr Guarnieri lives in Berlin (Germany).

Mr Wieder is an IT professional and an independent researcher who has worked with data and news organisations. Mr Guarnieri is a privacy and security researcher and has researched and published extensively on privacy and surveillance, including with *Der Spiegel* and *The Intercept*.

The case concerns the possible interception, extraction, filtering, storage, analysis and dissemination by the United Kingdom intelligence agencies of their communications. Both applicants were based outside of British territory.

They rely on Article 8 (right to respect for private and family life), Article 10 (freedom of expression), and Article 13 (right to an effective remedy).

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. It further held that the respondent State was to pay the applicants EUR 33,155 for costs and expenses.

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Press contacts

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

We would encourage journalists to send their enquiries via email.

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.