



Judgments of 13 February 2024

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

four judgments are summarised below;

separate press releases have been issued for three other judgments in the cases of *Executief van de Moslims van België and Others v. Belgium* (application no. 16760/22 and ten other applications), *X v. Greece* (no. 38588/21), and *Jann-Zwicker and Jann v. Switzerland* (no. 4976/20);

The judgments summarised below are available only in English.

Maroslavac v. Croatia (application no. 64806/16)

The applicant, Željka Maroslavac, is a Croatian national who was born in 1958 and lives in Zagreb.

The case concerns the applicant's complaints that a tax audit of her financial affairs was flawed, and that she was ordered to pay taxes for periods for which the right of the State to collect those taxes had become time-barred.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, the applicant complains that the tax audit took into account her financial activities in 2001 and 2002 and that she was consequently ordered to pay profit tax for that period although the statutory limitation period had expired, and that the domestic authorities never properly addressed her complaints in that respect. She also complains that she was unable to participate effectively in the determination of her obligation to pay income tax as the decision extending the tax audit to include her income tax had been served only a day before the tax inspection ended.

No violation of Article 1 of Protocol No. 1

Jakutavičius v. Lithuania (no. 42180/19)

The applicant, Saulius Jakutavičius, is a Lithuanian national who was born in 1973 and lives in Vilnius.

The case concerns the non-reimbursement of costs and expenses incurred by the applicant in administrative-law violation proceedings in which he successfully challenged a fine imposed on him for driving under the influence of alcohol.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention, the applicant complains that the fact that his costs and expenses were not reimbursed violated his right to effectively defend himself.

No violation of Article 6 § 1

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

[Podchasov v. Russia](#) (no. 33696/19)

The applicant, Anton Valeryevich Podchasov, is a Russian national who was born in 1981 and lives in Barnaul (Russia).

Mr Podchasov was a user of Telegram, a messaging application which was listed as an “Internet communications organiser” (*организатор распространения информации в сети Интернет*) by the Russian State. It was therefore obliged by law to store all communications data for a duration of one year and the contents of all communications for a duration of six months and to submit those data to law-enforcement authorities or security services in circumstances specified by law, together with information necessary to decrypt electronic messages if they were encrypted.

Relying on Article 8 (right to respect for correspondence) and Article 13 (right to an effective remedy) of the Convention, Mr Podchasov complains of the legal requirements to store, pass on and decrypt data, and that he did not have an effective remedy for this complaint.

Violation of Article 8

Just satisfaction: The finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant

[Mehmet Zeki Doğan v. Türkiye](#) (no. 2) (no. 3324/19)

The applicant, Mehmet Zeki Doğan, is a Turkish national who was born in 1978 and lives in Edirne (Türkiye).

The case concerns the retrial of the applicant following his conviction for membership of a terrorist organisation and the quashing of that conviction.

Concerning the first trial, on 6 October 2009 the Court delivered its judgment in respect of the applicant in [Mehmet Zeki Doğan v. Turkey](#) (no. 38114/03), finding a violation of Article 6 § 3 (c) (right to legal assistance of own choosing) of the Convention in conjunction with Article 6 § 1 (right to a fair trial) on account of the applicant’s lack of access to legal assistance while in police custody, but declaring inadmissible his complaint concerning the use of his police statements, which he had allegedly made under duress.

A retrial was carried out, which the national courts found had been carried out in accordance with the European Court’s findings in respect of the applicant.

Relying on Article 6 § 1 (right to a fair trial), the applicant complains that the reopened criminal proceedings were not fair in that statements from co-defendants allegedly given under duress without a lawyer present were allowed in evidence.

Violation of Article 6 § 1

Just satisfaction:

non-pecuniary damage: 7,800 euros (EUR)

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Press contacts

echrpess@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.