



## Judgments of 17 April 2018

The European Court of Human Rights has today notified in writing 12 judgments<sup>1</sup>:

five Chamber judgments are summarised below; separate press releases have been issued for four other Chamber judgment in the cases of *Paci v. Belgium* (application no. 45597/09); *Pirozzi v. Belgium* (no. 21055/11); *Karachentsev v. Russia* (no. 23229/11); *Uche v. Switzerland* (no. 12211/09);

three Committee judgments, concerning issues which have already been submitted to 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 (\*)*.

### Guliyev and Sheina v. Russia (application no. 29790/14)

The applicants, Natig Yakhyia-Ogly Guliyev, an Azerbaijani national, and Yulia Sheina, a Russian national, were born in 1975 and 1988 respectively. They are a married couple. Ms Sheina lives in Perm (Russia), which is where Mr Guliyev also lived prior to his expulsion in March 2014.

The case concerned Mr Guliyev's removal from Russia despite his argument that he had a family life there.

Mr Guliyev and Ms Sheina began living together in 2004 and later had two children. They concluded a marriage in a mosque in August 2012 after Mr Guliyev had arrived back in Russia under a visa-free agreement. He had permission to stay until early November 2012 and was arrested in December 2013 for failure to renew the permission. He pointed out that he had been injured in a shooting and had not been able to carry out that procedure, but the courts subsequently ordered his expulsion, which was took place in March 2014. A third child was born in July 2014 with a heart condition. The European Court of Human Rights refused in August 2014 to grant the applicants' request for an interim measure to allow Mr Guliyev to return to Russia to visit the child.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicants complained about Mr Guliyev's expulsion and the five-year re-entry ban that had been imposed on him.

#### Violation of Article 8

**Just satisfaction:** 7,500 euros (EUR) jointly to Mr Mr Guliyev and Ms Sheina in respect of non-pecuniary damage

### Just Satisfaction

### Kirillova v. Russia (no. 50775/13)

The case concerned the question of just satisfaction with regard to the loss of property title to a flat in Moscow by Natalya Kirillova, a Russian national.

<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)

In its [principal judgment](#) of 13 September 2016 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention.

Today's judgment concerned the question of just satisfaction in so far as pecuniary damage was concerned.

In today's judgment, finding that Ms Kirillova may be regarded as no longer wishing to pursue her application, within the meaning of Article 37 § 1 (a) of the Convention, the Court [decided to strike](#) the application [out of its list of cases](#) in so far as it concerned the question of just satisfaction in respect of pecuniary damage.

### Cihangir Yıldız v. Turkey (no. 39407/03)\*

The applicant, Cihangir Yıldız, is a Turkish national who was born in 1947 and lives in Ankara.

The case concerned proceedings relating to the possibility of the allocation of State land to shanty-town ("gecekondu") residents, subject to certain conditions. In 1999, Mr Yıldız, who had been living since 1983 in a house built without planning permission on land belonging to the State in a shanty-town, applied to the municipality of Çankaya (Ankara) for a certificate of allocation of property, pointing out that he had correctly submitted a similar such request in 1983. His application was rejected. He contested that decision before the administrative courts, which dismissed his appeal on the grounds that he had failed to submit documents attesting his application for allocation of property to the authorities in 1983. Mr Yıldız, who had submitted the said documents for the first time at the appeal stage, alleges that the Supreme Administrative Court disregarded them.

Relying in particular on Article 6 § 1 (right to a fair trial), Mr Yıldız submitted that the proceedings which he had brought against the authorities' refusal to allocate land to him had been unfair.

#### [Violation of Article 6 § 1](#)

**Just satisfaction:** EUR 4,000 (non-pecuniary damage)

### Ergündoğan v. Turkey (no. 48979/10)\*

The applicant, Yalçın Ergündoğan, is a Turkish national who was born in 1953 and lives in Istanbul (Turkey).

The case concerned Mr Ergündoğan's criminal conviction, under which he had been ordered to pay a fine of just over 1,005 euros, with suspended delivery of the judgment, for an article which he had published in the *Birgün* daily newspaper, where he was employed as a columnist at the relevant time (2005).

In 2010 the Beyoğlu Criminal Court found Mr Ergündoğan guilty of insult via the press, holding that the article had overstepped the bounds of criticism and had infringed, as a whole, the honour, dignity and reputation of the complainants (four individuals, including the President of the BTP party (*For an Independent Turkey*), photos of whom had been published and who had lodged complaints with the public prosecutor's office).

Relying on Article 10 (freedom of expression), Mr Ergündoğan complained of his criminal conviction.

#### [Violation of Article 10](#)

**Just satisfaction:** The Court held that the finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage sustained by Mr Ergündoğan.

## Lazoriva v. Ukraine (no. 6878/14)

The applicant, Nataliya Lazoriva, is a Russian national who was born in 1966 and lives in Magadan (Russia).

The case concerned the applicant's nephew being adopted by another family, allegedly without due consideration of her wish to become his guardian.

Ms Lazirova was appointed guardian to her sister's daughter, in 2007. In March of that year, the sister had another child, a son. He was eventually placed in care in March 2012 by a court in the Ukrainian town of Chernivtsi, where he lived, and was put up for adoption in July.

Ms Lazirova made telephone calls to the Ukrainian authorities informing them that she wanted to become her nephew's guardian. The authorities in Magadan, where she lived, also sent an official letter to the authorities in Chernivtsi to that end. However, proceedings to adopt the nephew had already been initiated and in October 2012 a court in Chernivtsi placed him with a couple. Ms Lazirova's appeals against the adoption were rejected by the Ukrainian courts.

Ms Lazirova complained in particular about the adoption under Article 8 (right to respect for private and family life).

### Violation of Article 8

**Just satisfaction:** The Court held that the finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage sustained by Ms Lazoriva. It awarded her EUR 215 in respect of cost 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.