



Judgments of 22 January 2019

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

two Chamber judgments are summarised below; a separate press release has been issued for one other Chamber judgment in the case of *Vazquez and Calleja Delsordo v. Switzerland* (application no. 65048/13);

ten Committee judgments, concerning issues which have already been submitted to the Court, including excessive length of proceedings, can be consulted on [Hudoc](#) and do not appear in this press release.

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

Móry and Benc v. Slovakia (applications nos. 3912/15 and 7675/15)

The applicants, Marek Móry and Matúš Benc, are Slovak nationals who were born in 1973 and 1980 respectively and live in Horná Kráľová and Nitra respectively (both in Slovakia).

The case concerned their complaint of arbitrary pre-trial detention and insufficient compensation.

In March 2014 the Nitra District Court remanded the applicants in custody pending trial after they were arrested for insurance fraud. They appealed against the remand decision, arguing that the District Court had not relied on specific facts. The Regional Court dismissed their appeal, and they complained to the Constitutional Court, which in September 2014 found a violation of their rights.

It held in particular that even though the ordinary courts had referred to specific facts, they had failed to explain them in their decisions. It concluded that the applicants' pre-trial detention had been based on an arbitrary decision lacking proper and sufficient reasoning and awarded them 1,000 euros each in compensation. The men had meanwhile been released on probation in May 2014.

Relying on Article 5 § 1 (c) (right to liberty and security) of the European Convention on Human Rights, the applicants complained that their pre-trial detention had been arbitrary and that they had not been given sufficient redress.

Violation of Article 5 § 1

Just satisfaction: 4,000 euros (EUR) each to Mr Móry and Mr Benc for non-pecuniary damage.

Taşkaya and Ersoy v. Turkey (no. 72068/10)*

The applicants, Ms Kader Taşkaya and Mr Tahsin Emir Ersoy, are two Turkish nationals, who were born in 1964 and 1996 and live in Istanbul. The second applicant is the son of the first. At the material time, Ms Taşkaya was practising as a lawyer. The case concerned a complaint of a breach of the right to respect for their private life on account of an article published in a daily newspaper and of the unfairness of the ensuing proceedings.

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

On 5 June 2006 Ms Taşkaya lodged a criminal complaint against the Consul General of Azerbaijan in Turkey. She alleged that he had threatened and insulted her and had stolen her jewellery. In July 2006 three articles were published in the daily newspaper *Hürriyet* concerning that complaint. In August 2006, the public prosecutor, considering that there was insufficient evidence, dropped the charges. In September 2006 Ms Taşkaya withdrew her appeal against the public prosecutor's decision. On 5 September 2006 the Consul General of Azerbaijan was dismissed from his post. In various newspaper articles, it was alleged that this dismissal was the result of articles and photographs concerning his alleged relationship with Ms Taşkaya. On 12 September 2006 an article about Ms Taşkaya under the heading "it's not just about the Consul" was published by the daily paper *Sabah*. The article's sub-heading was "the lawyer Kader Taşkaya, who caused the dismissal of the Consul General of Azerbaijan, is also accused, in connection with an investigation for extortion, of issuing and trying to cash forged cheques". A rectification drafted by Ms Taşkaya, disputing the allegations concerning her, was published in the newspaper.

On 10 August 2007 Ms Taşkaya brought proceedings, in her own name and on behalf of her son, for an award of damages against the author of the article and the newspaper's editor.

On 17 July 2008 the District Court delivered its judgment, taking the view that the facts reported in the article seemed to be correct. The court concluded that the article was in the public interest and that it had not infringed the applicants' personality rights. The Court of Cassation dismissed an appeal by Ms Taşkaya on points of law.

Relying in particular on Article 8 (right to respect for private life) of the European Convention, the applicants alleged that the article had breached their right to the protection of their reputation.

No violation of Article 8

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Press contacts

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

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)

Patrick Lannin (tel: + 33 3 90 21 44 18)

Somi Nikol (tel: + 33 3 90 21 64 25)

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.