



Judgments of 22 October 2019

The European Court of Human Rights has today notified in writing 14 judgments¹:

two Chamber judgments are summarised below; separate press releases have been issued for two other Chamber judgments in the cases of *Venet v. Belgium* (application no. 27703/16) and *Deli v. the Republic of Moldova* (no. 42010/06);

the ten 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 ().*

Just satisfaction

KIPS DOO and Drekalović v. Montenegro (application no. 28766/06)

The case concerned the question of just satisfaction with regard to the authorities' refusal to issue the applicants a building permit for a shopping centre.

In its [principal judgment](#) of 26 June 2018 the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing within a reasonable time) and of Article 13 (right to an effective remedy) of the European Convention on Human Rights taken together with Article 6 § 1, and a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention and made awards in respect of non-pecuniary damage and costs and expenses.

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

Just satisfaction: The Court held that Montenegro was to pay the KIPS DOO company 4,535,595.20 euros (EUR) in respect of pecuniary damage.

Just satisfaction – Strike out

Yaşar Holding A.Ş. v. Turkey (no. 48642/07)

The case concerned the transfer of management of Yaşarbank to the Deposit Guarantee Fund and the transfer of the bank's shares to that Fund.

Between 1994 and 1999 Yaşarbank was audited several times; the ensuing reports mentioned its financial difficulties and recommended a series of measures to improve and consolidate its situation. An auditor submitted a report on the bank's situation as of 30 September 1999, noting that continuing its banking activities would present a risk to the rights and interest of investors and savers and to the reliability and stability of the financial system; she considered that the bank's financial situation could no longer be consolidated.

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

The Council of Ministers decided to transfer the management of Yaşarbank and all its share options to the Guarantee Fund (apart from dividends). It further ordered the transfer of ownership of the shares to the Fund. On the date of the transfer 48.48 % of the shares in Yaşarbank were held by the applicant company.

The applicant company complained about the transfer of management of Yaşarbank and of its shares to the Guarantee Fund.

In its [principal judgment](#) of 4 April 2017, the Court found that there had been a violation of Article 1 of Protocol No. 1 (protection of property).

Today's judgment concerned the question of the application of Article 41 (just satisfaction) of the Convention.

Just satisfaction: Taking note of the friendly settlement reached between the Turkish Government and the Yaşar Holding A.Ş. company, the Court decided to strike the application out of its list of cases insofar as the just satisfaction procedure was concerned.

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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.