



Judgments of 22 October 2024

The European Court of Human Rights has today notified in writing 16 judgments¹:

three Chamber judgments are summarised below;

separate press releases have been issued for two Chamber judgments in the cases of *J.B. and Others v. Malta* (application no. 1766/23), *Kobaliya and Others v. Russia* (no. 39446/16 and 106 other applications);

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

Tasoncom S.R.L. v. the Republic of Moldova (application no. 59627/15)*

The applicant company, Tasoncom S.R.L., is a limited liability company with its registered office in Orhei.

The case concerns two sets of proceedings, tax and criminal, against the applicant company in respect of the same acts. In the tax proceedings, sanctions were imposed on the applicant company, but in the criminal proceedings it was eventually acquitted. Following that acquittal, the applicant company sought the review of the decision in the tax proceedings, but its request was rejected.

Before the Court, the applicant company alleges that the decision to impose tax penalties on it was solely based on its conviction in the criminal proceedings and that after it had been finally acquitted in those proceedings, that decision lacked basis. In that connection, it relies on Article 6 § 1 (right to a fair hearing) of the European Convention, arguing that the refusal to reopen the tax proceedings was not duly reasoned, which in its view infringed the principle of legal certainty. The applicant company also relies on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 6 § 1

Violation of Article 1 of Protocol No.1

Just satisfaction:

pecuniary damage: the question is not ready for decision and has been set aside

non-pecuniary damage: 4,700 euros (EUR)

costs and expenses: EUR 2,500

Y and Others v. Switzerland (no. 9577/21)

The applicants are seven Albanian nationals, who currently live in Switzerland. They are a family.

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 26 November 2019 the applicants applied for asylum in Switzerland, owing to the alleged risk to their lives as a result of threats connected to the first applicant's work related to study and denunciation of the crimes committed by the communist regime. The case concerns the rejection of their applications and potential deportation to Albania.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman and degrading treatment) the applicants complain, in particular, that their removal to Albania would breach their Convention rights under those Articles. They also rely on Article 13 (right to an effective remedy).

No violation of Articles 2 and 3 - in case of the applicants' removal to Albania

Interim measure (Rule 39 of the Rules of Court): still in force until the present judgment becomes final or until further notice.

Yüksek v. Türkiye (no. 4/18)

The applicant, Kamuran Yüksek, is a Turkish national who was born in 1980. He was detained in Diyarbakır at the time of lodging his application.

The case concerns Mr Yüksek's pre-trial detention for four months before his conviction in 2017 for membership of a terrorist organisation. At the time he was co-chair of the Democratic Regions Party (*Demokratik Bölgeler Partisi*), a left-wing pro-Kurdish political party, and had made statements at public meetings and to the media calling for people to struggle against the government's policies. He had also referred to some actions of the public authorities as "political genocide" and the killing of three members of his party as a "war crime".

Relying on Article 5 §§ 1 and 3 (right to liberty and security), Mr Yüksek alleges in particular that there was no evidence to prove that he had committed the offence of which he had stood accused and that his being placed in pre-trial detention was on account of his political opinions. Also relying on Article 10 (freedom of expression), he alleges that the decisions ordering his initial and continued pre-trial detention infringed his freedom to express his opinion as an opposition-party politician. He submits that his speeches had not contained terrorist propaganda or incitement to violence, but had instead been a call for a peaceful and democratic solution to the Kurdish issue.

Violation of Article 10

Violation of Article 5 § 1

Violation of Article 5 § 3

Just satisfaction: The Court decided that finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant and that the respondent State was to pay him EUR 1,500 for costs and expenses.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on <https://www.echr.coe.int/home>. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on X (Twitter) [@ECHR CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

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

We are happy to receive journalists' enquiries via either email or telephone.

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.