



Judgments of 25 April 2017

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

three Chamber judgments are summarised below; separate press releases have been issued for two other Chamber judgments in the cases of *Magyarországi Evangéliumi Testvérközösség v. Hungary* (application no. 54977/12) (just satisfaction) and *Rezmiveş and Others v. Romania* (nos. 61467/12, 39516/13, 48231/13, and 68191/13);

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 summarized below are available in English only.

Krasniqi v. Austria (application no. 41697/12)

The applicant, Agron Krasniqi, is a national of Kosovo who was born in 1974. The case concerned his expulsion from Austria to Kosovo, where he now lives.

Mr Krasniqi moved to Austria when he was 19, returning to Kosovo in 1997, age 22, when his asylum claim was dismissed. He returned to Austria one year later and claimed asylum again. The claim was dismissed, but he and his family were granted subsidiary protection and a temporary residence permit. He lived and worked in Austria for the next 14 and half years with his wife, who is of Montenegrin origin, and their three children; he also has a fourth child from an extra-marital relationship with an Austrian citizen. His parents and siblings also all live in Austria, although his father continues to own land and three shops in Kosovo, which are run by relatives.

Between 2003 and 2012 Mr Krasniqi was convicted on nine separate occasions of various crimes, including bodily harm, burglary, drugs offences and aggravated threat. As a result of his criminal record, he was issued in 2007 with a ban prohibiting his return to Austria for ten years. However, the ban remained without effect as long as he had subsidiary protection. His subsidiary protection was thus withdrawn in 2010, the asylum authorities finding that the security situation in Kosovo had significantly improved, and his expulsion was declared admissible. The asylum courts subsequently confirmed this decision; they essentially concluded that the public interest in expelling Mr Krasniqi and in preventing crime outweighed his personal interest in maintaining his strong private and family ties in Austria.

In 2011 the Constitutional Court refused to deal with the case and, following a period of pre-trial detention (in relation to one of his criminal convictions) and then detention pending expulsion, Mr Krasniqi was expelled to Kosovo in January 2013.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Krasniqi complained about the withdrawal of his subsidiary protection and his subsequent expulsion to Kosovo.

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

No violation of Article 8

OOO Izdatelskiy Tsentri Kvartirnyy Ryad v. Russia (no. 39748/05)

The applicant company, OOO Izdatelskiy Tsentri Kvartirnyy Ryad, is a publishing company incorporated under Russian law based in Moscow. At the relevant time it was the publisher of Kvartirnyy Ryad, a newspaper covering the housing market in the Moscow area. The company complained that its freedom of expression had been violated when it was made liable for defamation in 2004. The newspaper had published an article about the administration of a large commonhold association, Bluebird. It reported that local residents had brought complaints against the head of the association, T. It also asked whether T.'s role as the deputy head of a district council was compatible with his commercial business activity. T. successfully sued the company for defamation, and it was ordered to pay damages of 10,000 Russian roubles (around 270 euros). The company appealed, but it was unsuccessful. It relied on Article 10 (freedom of expression) to complain that the judgments had unduly restricted its right to freedom of expression, arguing that the article had contributed to a debate of public interest and that the interference had been disproportionate in the circumstances.

Violation of Article 10

Just satisfaction: The applicant company did not submit a claim for just satisfaction.

Vaskrsić v. Slovenia (no. 31371/12)

The applicant, Zoran Vaskrsić, is a Slovenian national who was born in 1980 and lives in Kresnice (Slovenia). Relying in particular on Article 1 of Protocol No. 1 (protection of property), he complained that the sale of his home at public auction had involved a disproportionate interference with his property rights. He alleged that the property had been sold for 50% of its market value, in the course of debt enforcement proceedings arising from a principal debt of only 124 euros.

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 77,000 (pecuniary damage), EUR 3,000 (non-pecuniary damage) and EUR 5,000 (costs and expenses)

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Press contacts

echrp@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)

George Stafford (tel: + 33 3 90 21 41 71)

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.