EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
issued by the Registrar of the Court

ECHR 233 (2019)
25.06.2019

Judgments of 25 June 2019

The European Court of Human Rights has today notified in writing 11 judgments[1]:

four Chamber judgments are summarised below; separate press releases have been issued for two other Chamber judgments in the cases of *Al Husin v. Bosnia and Herzegovina (no. 2)* (application no. 10112/16) and *Ulusoy v. Turkey* (no. 54969/09);

separate press releases have also been issued for two Committee judgments in the cases of *Bădoiu v. Romania* (no. 5365/16) and *Stoian v. Romania* (no. 289/14);

three other 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

Beinarovič and Others v. Lithuania (applications nos. 70520/10, 21920/10, and 41876/11)

The case concerned the question of just satisfaction with regard to the annulment of property rights to land covered by forests of national importance.

In its principal judgment of 12 June 2018 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights in respect of three of the applicants.

Today's judment concerned the question of just satisfaction in respect of pecuniary damage.

The Court **decided** to strike out of its list of cases application no. 70520/10 regarding the question of just satisfaction in respect of pecuniary damage in respect of the first and second applicants. It further held that Lithuania was to pay the third applicant 1,500 euros (EUR) for pecuniary damage.

Blyudik v. Russia (no. 46401/08)

The applicant, Aleksandr Blyudik, is a Russian national who was born in 1955 and lives in Makhachkala, Republic of Dagestan (Russia).

The case concerned Mr Blyudik's complaint that his 15-year-old daughter had been placed in a closed educational institution 2,500 km from home.

Mr Blyudik had two daughters, Kr. and K., in 1991 and 1992 and, when he separated from their mother in 2002, they continued living with him.

In 2007 K. was placed in a temporary centre for juvenile offenders at the request of her mother, when she allegedly stole jewellery from her.

[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

In February 2008 the district court ordered K.'s placement in a closed educational institution for minors for two years and five months. The court found that K. had stopped attending school, frequently ran away from home and led an "anti-social and immoral lifestyle". She was sent to an institution located in Pokrov, Vladimir Region, 2,500 km from Makhachkala.

However, following proceedings brought by Mr Blyudik, the Presidium of the Supreme Court of the Republic of Dagestan quashed the placement decision by way of supervisory review, finding it unlawful and unjustified. His daughter was released and returned home in September 2008.

Mr Blyudik complained about his daughter's placement under Article 5 § 1 (d) (right to liberty and security) and Article 8 (right to respect for private and family life, the home and correspondence), emphasising the considerable distance between the institution and her home, which had prevented them from seeing one another. The Court also looked at this complaint under Article 5 § 5 (right to compensation).

Violation of Article 5 § 1 (d)
Violation of Article 5 § 5
Violation of Article 8 – in respect of Mr Blyudik and his daughter

Just satisfaction: Mr Blyudik did not submit a claim for just satisfaction.

Aktaş and Aslaniskender v. Turkey (nos. 18684/07 and 21101/07)*

The first applicant, Nuri Aktaş, has Turkish and Swiss dual nationality, was born in 1969 and lives in St Gallen (Switzerland). The second applicant, Padmapani Aslaniskender, is a Turkish national who was born in 1953 and lives in İzmir. The case concerned a name change in the civil status register.

Mr Aktaş, who belongs to the Assyrian ethnic group, obtained Swiss nationality in 1995, stating his surname as "Amno" (an Assyrian name). He was issued with a Swiss passport under that surname. As from 1995, therefore, he has held two passports under two different names. On 24 October 2005 Mr Aktaş applied to the Midyat Regional Court to change his surname from "Aktaş" to "Amno". That court rejected the application on the grounds that "Amno" was not a Turkish surname, pointing out that pursuant to Law no. 2525, foreign names could not be chosen as surnames. Furthermore, Article 5 of the Regulations on surnames provided that only Turkish-language names could be adopted as surnames. Mr Aktaş unsuccessfully appealed on points of law.

Mr Aslaniskender is a Buddhist, who had the "religion" entry on his identity card changed from "Islam" to "Buddhism". On 21 March 2002 he applied to the Ankara Regional Court to change his forename and surname. He submitted that the forename and surname "Padmapanys Leonalexandros" would be more appropriate to his religious beliefs. That court dismissed the application on the grounds that it was inconsistent with Law no. 403 on Turkish nationality. The applicant appealed on points of law. The Court of Cassation quashed the decision on grounds of procedural defect. The Ankara Regional Court resumed the proceedings. A professor of Indology, who had been appointed as an expert for the case, established that Padmapani was a Sanskrit name which was important in terms of Buddhism, while Leonalexandros, a name which had been translated from Turkish into Greek, was not. The applicant subsequently applied to the court to change his forename and surname to the Sanskrit name "Padmapani Paramabindu". By decision of 10 June 2004, the court allowed the request. The representative of the Civil Status Registry and the Ankara Public Prosecutor appealed on points of law. The Court of Cassation upheld the request concerning the change of forename but set aside the 10 June 2004 decision on the grounds that it was unlawful to choose foreign names as surnames. On 29 September 2005 the Ankara Regional Court decided to change the forename in question to "Padmapani" but dismissed the request for a change of surname. The Court of Cassation dismissed the applicant's request for rectification of the judgment.

Relying, in particular, on Article 8 (right to respect for private and family life), the applicants complained that they had not been allowed to change their surnames on the civil status register.

Violation of Article 8

Just satisfaction: EUR 1,500 each to Mr Aktaş and Mr Aslaniskender for non-pecuniary damage, and EUR 3,390 to Mr Aktaş and EUR 1,000 to Mr Aslaniskender for costs and expenses

Revision

Halime Kılıç v. Turkey (no. 63034/11)*

The case concerned a request for revision of a judgment by the European Court of Human Rights relating to a complaint put forward by Mrs Halime Kılıç, a Turkish national, about a violation of the right to life of her daughter, Fatma Babatlı, a mother of seven children, who had been killed by her husband despite four complaints and three protection orders and injunctions.

In a judgment delivered on 28 June 2016, the Court concluded that there had been a violation of Article 2 (right to life) and Article 14 (prohibition of discrimination), read in conjunction with Article 2.

The Court decided to award a sum of EUR 65,000 to the applicant in respect of non-pecuniary damage.

On 11 January 2017 the applicant's representative informed the Court of the applicant's death. Consequently, he requested revision of the judgment pursuant to Rule 80 of the Rules of Court.

In its judgment today the Court **decided to revise** its judgment of 28 June 2016. It held that Turkey was to pay, for non-pecuniary damage, to Mrs Kılıç's heirs, namely Rıdvan Babatlı, Kadriye Babatlı, Yağmur Babatlı, Muhammed Ali Babatlı, Halime Babatlı, Şeyhmus Babatlı and Şükrü Babatlı, EUR 7,000 each and, to the remaining heirs, namely Süleyman Kılıç, Meral Karadağ, Hamide Can, Şükran Yılmaz, Remziye Kaya, Sıdıka Kılıç, Saliha Kılıç, Neşe Taş, Şeyhmus Kılıç and Bahar Yılmaz, EUR 16,000 jointly.

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