



Judgments of 27 March 2018

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

Six Chamber judgments are summarised below;

one Committee judgment, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and does not appear in this press release.

The judgments in French below are indicated with an asterisk ().*

Aleksandr Aleksandrov v. Russia (application no. 14431/06)

The applicant, Aleksandr Aleksandrov, is a Russian national who was born in 1983 and lives in Cheboksary (Russia).

The case concerned his prison sentence for kicking a police officer.

In 2005 Mr Aleksandrov was found guilty of a drunken assault on a police officer and sentenced to one year's imprisonment. The trial court refused to impose a non-custodial sentence because, among other things, he had no permanent residence within the Moscow Region where the offence had been committed and the sentence pronounced. Mr Aleksandrov appealed, unsuccessfully.

Relying on Article 14 (prohibition of discrimination) of the European Convention on Human Rights, Mr Aleksandrov alleged that the only reason he had been given a custodial sentence had been because he had not had a permanent place of residence in the region in which he had been tried and that this had been discriminatory. The case was also examined under Article 5 (right to liberty and security).

Violation of Article 14 taken in conjunction with Article 5

Just satisfaction: 10,000 euros (EUR) (non-pecuniary damage)

Berkovich and Others v. Russia (nos. 5871/07, 61948/08, 25025/10, 19971/12, 46965/12, 75561/12, 73574/13, 504/14, 31941/14, and 45416/14)

The case concerned Russian nationals who had been prevented from going abroad on the grounds that they had previously had access to State secrets during their employment.

The applicants were born between 1950 and 1987 and live in Russia.

Following the termination of their employment, the authorities refused to issue them with or return their travel passports. They were told that their right to leave Russia would be restricted for the following five years. They all challenged these refusals in court, without success.

Relying on Article 2 of Protocol No. 4 (freedom of movement) to the European Convention, the applicants complained about the Russian authorities' refusal to issue them with a passport allowing

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

them to leave Russia. They alleged that the restriction on their right to travel abroad had been unnecessary and disproportionate, especially in view of the fact that they had been allowed to travel during their employment, some on official business, others on holiday, and another to visit his parents.

Violation of Article 2 of Protocol No. 4

Just satisfaction: EUR 5,000 each to Mr Berkovich, Mr Ilchenko, Mr Litavrin, Mr Lytin, Mr Yenin, and Mr Garkusha, EUR 3,538 to Mr Burnayev, and EUR 4,000 to Mr Samasadkin in respect of non-pecuniary damage; EUR 5,000 to Mr Ilchenko, EUR 106 to Mr Lytin, EUR 850 to Mr Litavrin, EUR 137 to Mr Yenin, EUR 2,500 to Mr Garkusha, EUR 64 to Mr Burnayev, and EUR 42 to Mr Samasadkin in respect of costs and expenses

İbrahim Keskin v. Turkey (no. 10491/12)*

The applicant, İbrahim Keskin, is a Turkish national who was born in 1972 and lives in Sivas (Turkey).

The case concerned allegations of medical negligence committed by a hospital during the birth of a child.

In January 2001 Mr Keskin's wife gave birth to a daughter. Following a subsequent examination it transpired that the child was suffering from an obstetrical paralysis of the right brachial plexus. Four surgical operations were carried out and, according to a medical report of 2014, the child was declared 60% disabled. Mr Keskin brought criminal and civil proceedings but was unsuccessful.

Relying in particular on Articles 8 (right to respect for private and family life), the applicant argued that his daughter had been prevented from leading a normal life on account of medical negligence by the staff of the social security hospital in Sivas at the time of her birth.

Violation of Article 8

Just satisfaction: EUR 7,500 (non-pecuniary damage)

Özgün Öztunç v. Turkey (no. 5839/09)*

The applicant, Özgün Öztunç, is a Turkish national who was born in 1974 and lives in Istanbul.

The case concerned a search and seizure in a lawyer's office.

On 13 January 2004, on suspicion of being involved in a white-collar criminal organisation, a number of individuals had their homes and offices searched. Mr Öztunç was thus arrested at the office where he practised as a lawyer and the premises were searched by the police. On 10 May 2005 the Assize Court partially acquitted him. In January 2005 Mr Öztunç applied for compensation from the Ministry of Justice but his request was denied. Mr Öztunç then brought proceedings before the Administrative Court, which found that it did not have jurisdiction. The Supreme Administrative Court dismissed his appeal.

Relying in particular on Articles 8 (right to respect for one's private and family life, home and correspondence), the applicant complained that the search and seizure carried out in the office where he practised as a lawyer had been illegal and unlawful and that he had not had effective legal remedy in that connection.

Violation of Article 8

Just satisfaction: EUR 2,000 (non-pecuniary damage)

Şehmus Ekinci v. Turkey (no. 15930/11)*

The applicant, Şehmus Ekinci, is a Turkish national who was born in 1983 and lives in Batman (Turkey).

The case concerned compulsory military service.

According to a number of medical reports, Mr Ekinci was suffering from psychotic disorders. In February 2008 he underwent a medical examination prior to his conscription into compulsory military service and informed the authorities of his psychiatric problems. The psychiatrist from the military hospital decided that he was fit for service, with the exclusion of serving as a commando. Mr Ekinci challenged the decision but was unsuccessful. He performed his service sporadically before ultimately being exempted. The High Court dismissed his action for damages.

Relying in particular on Article 6 § 1 (right to a fair hearing), the applicant complained of a lack of independence and impartiality on the part of the military administrative High Court which had examined his compensation claim.

Violation of Article 6 § 1

Just satisfaction: EUR 1,500 (non-pecuniary damage) and EUR 500 (costs and expenses)

Voykin and Others v. Ukraine (no. 47889/08)

The applicants, Valeriy Voykin, Marina Voykina, Elleonora Shupnyak, and Valentina Voykina, are Ukrainian nationals who were born in 1978, 1984, 1951, and 1948 respectively and live or lived in Horlivka (Ukraine). Valentina Voykina died in December 2010. Her complaint is being pursued by the first applicant, her son.

The case concerned allegations of assault by an off-duty police officer and the lack of a proper investigation, unjustified detention and unlawful police searches.

The second applicant, Marina Voykina, alleges that she was assaulted in June 2008 by an off-duty police officer who was a colleague of her husband, the first applicant. The police and local and regional prosecutors refused to begin criminal proceedings in relation to the assault, which was denied all along by the alleged perpetrator.

The first applicant's case arose after the prosecutor's office summoned him in September 2008. He failed to attend and was eventually arrested in June 2009 on suspicion of abuse of power, forgery and bribe-taking in his capacity as a law-enforcement official. He was held for a time in pre-trial detention and was ultimately sentenced to six years in jail under an appeal court ruling of December 2013. In connection with the investigation into Mr Voykin, the flats of the third and fourth applicants were also searched, about which they unsuccessfully complained to the authorities.

The applicants relied in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), Article 5 § 1 (right to liberty and security), Article 8 (right to respect for private and family life, the home and the correspondence), and Article 13 (right to an effective remedy) in conjunction with Article 8.

Violation of Article 3 (ill-treatment) – in respect of Marina Voykina

Violation of Article 3 (investigation) – in respect of Marina Voykina

No violation of Article 5 § 1 - in respect of Valeriy Voykin's arrest on 29 June 2009

Violation of Article 5 § 1 - in respect of Valeriy Voykin's detention from 30 June to 3 July 2009

Violation of Article 5 § 1 - in respect of Valeriy Voykin's detention from 3 to 21 July 2009

Violation of Article 8 - in respect of the police search at Elleonora Shupnyak's home on 13 September 2008

Violation of Article 8 - in respect of the police search at Valentina Voykina's home on 16 September 2008

Violation of Article 13 in conjunction with Article 8 – in respect of the searches of the homes of Elleonora Shupnyak and Valentina Voykina

Just satisfaction: EUR 4,000 to Valeriy Voykin, EUR 5,000 to Marina Voykina, EUR 2,000 to Elleonora Shupnyak and EUR 2,000 to the estate of the late Valentina Voykina for non-pecuniary damage and EUR 5,950 jointly to Valeriy Voykin, Marina Voykina, Elleonora Shupnyak, and the estate of the late Valentina Voykina, for costs and expenses

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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.