



Judgments of 29 October 2019

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

four Chamber judgments are summarised below; separate press releases have been issued for three other Chamber judgments in the cases of *Baraliija v. Bosnia and Herzegovina* (application no. 30100/18), *Stankūnaitė v. Lithuania* (no. 67068/11) and *Hatice Çoban v. Turkey* (no. 36226/11);

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 in French are indicated with an asterisk ().*

Pisică v. the Republic of Moldova (application no. 23641/17)

The applicant, Nelea Pisică, is a Moldovan national who was born in 1981 and lives in Ialoveni (Republic of Moldova).

The case concerned her complaint that the authorities had failed to ensure that she had access to her three children who had been taken from her by her ex-husband against her wishes.

Ms Pisică had three sons with P., in 2003 and 2007. In 2012 P. started being aggressive and she left the family home with the children.

During proceedings for custody of the children, between July 2013 and November 2015, Ms Pisică complained nine times to various authorities that P. was manipulating the children and turning them against her. Despite several protection orders issued in the course of those proceedings, barring P. from contacting the children, he took them to his home and refused to return them to their mother.

Several psychological reports were drawn up in 2014, showing that the children's attitude to their mother had changed and finding that P.'s alienation of the children from their mother constituted emotional abuse. The local welfare authorities' recommended that the children be separated temporarily from both parents for psychological assistance, but there was never any follow up.

Ms Pisică was eventually awarded custody of her two younger sons in June 2015. However, the judgment could not be enforced because of strong opposition from the children.

There were new custody proceedings in 2018 and the courts decided that the two younger children were to live with P. The courts found that the change of custody was in the children's best interests because of their strong ties to their father.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Ms Pisică complained that the authorities had failed to reunite her with her children, despite the judgment in her favour, or to take any action against the father's emotional abuse.

Violation of Article 8

Just satisfaction: 12,000 euros (EUR) (non-pecuniary damage) and EUR 2,000 (costs and expenses)

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

Akvardar v. Turkey (no. 48171/10)*

The applicant, Rifat Namık Akvardar, is a Turkish national who was born in 1940 and lives in Istanbul (Turkey).

The case concerned a dispute concerning the expropriation of plots of land located in Bahçelievler (Antalya) which had belonged to deceased relatives of Mr Akvardar, at a time when legal proceedings concerning title to that land had still been pending.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, Mr Akvardar complained, in particular, that he had not been able to obtain the compensation due to him for the expropriation. He also argued that the expropriation had not pursued a public-interest aim, as hotels had been built on the land in question.

Violation of Article 1 of Protocol No. 1

Just satisfaction: Mr Akvardar did not submit a claim for just satisfaction in the time allocated.

Just Satisfaction**Dürrü Mazhar Çevik and Münire Asuman Çevik Dağdelen v. Turkey (no. 2705/05)***

The applicants, Dürrü Mazhar Çevik and Münire Asuman Çevik Dağdelen, are Turkish nationals.

The case concerned the annulment of the applicants' title deeds. In its [judgment](#) on the merits of 14 April 2015, 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: The Court decided to strike out the application in so far as pecuniary and non-pecuniary damage was concerned. It held that Turkey was to pay the applicants jointly EUR 1,880 for costs and expenses.

Just Satisfaction**Silahyürekli v. Turkey (no. 16150/06)***

The applicant, Ahmet Emin Silahyürekli, is a Turkish national who was born in 1957 and lives in Nişantaşı (Istanbul). The case concerned his acquisition of about 15 hectares of land on the island of Aşırılı. He had the land registered under his name in the land register. In April 2003 the Treasury brought proceedings to annul Mr Silahyürekli's title to the land and have it registered as belonging to it. In June 2004 the court found in favour of the Treasury. Relying on Article 1 of Protocol No. 1 (protection of property), Mr Silahyürekli complained that the confiscation of his land in this way had violated his right under that Article to the peaceful enjoyment of his possessions.

In its [judgment](#) of 26 November 2013 the Court found a violation of Article 1 of Protocol No. 1.

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

Just satisfaction: The Court decided to strike out the application in so far as the question of just satisfaction was concerned.

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 www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_Press](https://twitter.com/ECHR_Press).

Press contacts

echrpess@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)

Patrick Lannin (tel: + 33 3 90 21 44 18)

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.