



Judgments of 20 June 2023

The European Court of Human Rights has today notified in writing nine judgments¹; five Chamber judgments are summarised below; four 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 judgments in French below are indicated with an asterisk ().*

[Yengibaryan and Simonyan v. Armenia](#) (application no. 2186/12)

The applicants, Sergey Yengibaryan and Anzhela Simonyan, are Armenian nationals who were born in 1952 and 1983 respectively and live in Yerevan.

The case concerns the fatal shooting of Arman Yengibaryan – son of Sergey Yengibaryan and husband of Ms Simonyan – by a police officer during a police chase.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, the applicants complain of Arman Yengibaryan's killing, of the subsequent investigation, of the authorities' refusal to recognise Sergey Yengibaryan as a victim and the refusal to address Ms Simonyan's application to be a party to the proceedings. They also complain under Article 6 § 2 (presumption of innocence) that the public statements of the chief of police violated Arman Yengibaryan's right to presumption of innocence.

Violation of Article 2 (right to life and investigation) in respect of Arman Yengibaryan's death

Just satisfaction:

non-pecuniary damage: 39,000euros (EUR)

[Margari v. Greece](#) (no. 36705/16)

The applicant, Eleni Margari, is a Greek national who was born in 1978 and lives in Athens.

In 2015 Ms Margari was arrested in connection with offences related to fraud and forgery. The case concerns the authorisation by the public prosecutor of the Athens Court of First Instance of the publication of the photos and personal details of seven of the accused – including Ms Margari – in the press and online for a period of six months following their indictment.

Relying on Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) of the European Convention, Ms Margari complains of the publication of her photo and personal data in the press following her being charged.

Violation of Article 8

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a 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

Just satisfaction: the Court held that the finding of a violation constitutes in itself sufficient just satisfaction sustained by the applicant

[Karaca v. Türkiye \(no. 25285/15\)*](#)

The applicant, Hidayet Karaca, is a Turkish national who was born in 1963 and is currently detained in Istanbul. He has been a professional journalist since 1994 and, at the relevant time, had been working as the general coordinator of the Samanyolu TV television channel since 1999. He was also the director of the Samanyolu media group, which owned 14 television channels, nine radio stations, an Internet news site and two weekly periodicals.

The case concerns the applicant's arrest and detention pending trial for having broadcast a television series on one of the Samanyolu media group's channels, owned by the Gülenists, with the aim of defaming, by presenting them as terrorists, the members of another Islamist group, known as *Tahşiyeciler* ("the Annotators"), whose views are purported to be generally opposed to those of the Gülenists.

Relying on Article 5 § 1 (right to liberty and security) of the Convention, the applicant submits that there is no solid evidence of there being plausible reasons to suspect him of having committed a criminal offence. Relying on Article 5 §§ 1 and 4 (right to speedy review of the lawfulness of his detention), he complains that he was not afforded the opportunity to challenge the lawfulness of his detention in an effective manner before an independent, impartial judicial authority. Relying on Article 5 § 3 (right to be tried within a reasonable time or to be released pending trial), he complains of the length of his detention pending trial. Lastly, relying on Article 10 (freedom of expression), he complains that his arrest and detention on the grounds of having allegedly founded and headed a terrorist organisation – an accusation he claims rests solely on his having authorised the broadcast of a television series in his capacity as director of the Samanyolu media group – constituted in and of themselves an infringement of his freedom of expression.

No violation of Article 5 § 1: in connection with the alleged lack of plausible reasons to suspect the applicant of having committed a criminal offence

Violation of Article 5 § 1: owing to the unlawful continuation of the applicant's pre-trial detention by order of magistrates he had challenged

Violation of Article 5 § 4: lack of sufficient guarantees that the continuation of his pre-trial detention had been decided by an "independent and impartial tribunal"

Violation of Article 5 § 3: owing to the excessive length of the applicant's pre-trial detention

Just satisfaction:

non-pecuniary damage: EUR 12,000

costs and expenses: EUR 6,000

[Kaymak and Others v. Türkiye \(no. 62239/12\)*](#)

The applicants, Muammer Kaymak, Mete Kaan Kaynar, Cihan Turan, and Göksu Uğurlu are Turkish nationals who were born in 1975, 1972, 1963 and 1986 respectively and live in Ankara.

The case concerns the disciplinary measure of "non-punitive warning" taken against the applicants, who are civil servants, for having set up a promotional stand for a trade union at Hacettepe University (Ankara) in order to distribute leaflets.

At the relevant time, applicants Muammer Kaymak, Mete Kaan Kaynar and Göksu Uğurlu were lecturers at Hacettepe University, and applicant Cihan Turan worked there as an IT operator. They were all members of the Eğitim-Sen association (trade-union for workers in education and the sciences). According to the official report drawn up by the Hacettepe University security personnel, at around 12.15 p.m. on 2 November 2010 a group of 15 people, including the applicants, turned up

at the university's Beytepe campus and informed security that, after submitting a request to the university administration, they wished to set up an Eğitim-Sen stand in front of the library to inform civil servants and recruit union members. On 9 and 11 March 2011 the administration of the university took disciplinary measures against each applicant in the form of a "non-punitive warning". On 9 May 2011 the applicants lodged an action with the Ankara Administrative Court to set aside those measures. On different dates, various divisions of the Administrative Court dismissed their applications to set aside. Mr Mete Kaan Kaynar and Mr Göksu Uğurlu applied to the Supreme Administrative Court. In two separate judgments delivered on 13 December 2011, the Supreme Administrative Court upheld the judgments against them, finding their reasoning both legally and procedurally sound.

Relying on Article 11 (freedom of assembly and association), the applicants complain of an infringement of their right to freedom of association and to trade-union freedom.

Violation of Article 11 in respect of Muammer Kaymak, Mete Kaan Kaynar, and Cihan Turan,

Just satisfaction:

non-pecuniary damage: EUR 1,500 to Cihan Turan

The Court also held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by Muammer Kaymak and Mete Kaan Kaynar

costs and expenses: EUR 1,160 jointly to Cihan Turan, Muammer Kaymak and Mete Kaan Kaynar

Oktay Alkan v. Türkiye (no. 24492/21)

The applicant, Oktay Alkan, is a Turkish national who was born in 1992 and lives in Ankara.

The case concerns the refusal by the Council of Judges and Prosecutors (HSK) to confirm Mr Alkan's appointment as a judge, even though he had recently completed his training.

Relying on Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), and Article 13 (right to an effective remedy), the applicant complains that there was no court by which to challenge the HSK decision, which moreover contained no reasons for the refusal to appoint him, and that questions had been put to him on his private life following that decision.

Violation of Article 6 § 1

Just satisfaction:

no request for just satisfaction made

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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.