



## Judgments of 23 November 2021

The European Court of Human Rights has today notified in writing eight judgments<sup>1</sup>:

five Chamber judgments are summarised below;

separate press releases have been issued for three other Chamber judgments in the cases of *Corley and Others v. Russia* (application nos. 292/06 and 43490/06), *Kooperativ Neptun Servis v. Russia* (no. 40444/17), and *S.N. and M.B.N. v. Switzerland* (no. 12937/20);

*The judgment in French below is indicated with an asterisk (\*)*.

### Tarvydas v. Lithuania (application no. 36098/19)

The applicant, Jeronimas Tarvydas, is a Lithuanian national who was born in 1964 and lives in Lendimai, in the Kretinga region (Lithuania).

The case concerns domestic court decisions finding that the applicant had unlawfully demolished a protected building, namely a dilapidated wooden house in Benaičiai in the Kretinga region, and ordering him to restore it to its former state.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, Mr Tarvydas complains that the courts did not address his arguments that restoring a dilapidated building was impossible.

#### Violation of Article 6 § 1

##### Just satisfaction:

non-pecuniary damage: the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant

costs and expenses: 1,210 euros (EUR)

### Abdullin v. Russia (no. 37677/16)\*

The applicant, Ildar Abdullin, is a Russian national who was born in 1954. He is imprisoned in Kazan (Russia).

The case concerns the prolonged seizure of the applicant's real estate after his conviction for fraud and the fairness of the criminal proceedings against him.

In 2014 a criminal investigation for fraud was opened into the circumstances surrounding the award of public procurement contracts by Kazan City Technical University concerning the purchase of equipment for one of its laboratories. In the same year, the applicant, who was deputy head of the University at the time, was charged in this investigation and the provisional seizure of his property was ordered.

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

In 2015 the Moskovskiy District Court of Kazan found the applicant guilty of fraud and sentenced him to six years and six months' imprisonment. The court also ordered that the seizure of the applicant's property be maintained on the grounds that the representative of the victim (the University) had expressed an intention to file a civil suit to claim compensation for the damage caused by the offence.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicant complains about the prolonged seizure of his property after his conviction.

Relying on Article 6 § 1 (right to a fair trial) of the Convention, the applicant complains that the criminal proceedings against him were unfair.

#### **Violation of Article 1 of Protocol No. 1**

##### **Just satisfaction:**

non-pecuniary damage: EUR 1,300

costs and expenses: EUR 850

### **Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia (no. 37477/11)**

The applicants are the Centre of Societies for Krishna Consciousness, a religious organisation under Russian law based in Moscow, and a Russian national Mikhail Aleksandrovich Frolov.

The case concerns the applicants' attempts to challenge hostile descriptions of the Krishna movement and the refusal of permission to hold public religious events promoting the teachings of Vaishnavism.

Relying on Article 9 (freedom of thought, conscience and religion), taken alone and in conjunction with Article 14 (prohibition of discrimination), the applicant organisation complains in particular that a brochure "Watch out for cults!" produced by the Ulyanovsk Region described the Krishna movement as a "totalitarian cult", accusing it of "psychological manipulation" and "zombification" of the youth. It alleges that such descriptions breached the regional authority's duty of neutrality and impartiality towards the Krishna movement, an officially registered religious organisation.

Mr Frolov complains that the authorities' refusals to let him hold meetings, because promoting Vaishnavism did not correspond to the purposes of a public event under the relevant law and was incompatible with respect for the religious beliefs of others, breached his rights under Article 9 and Article 11 (freedom of assembly and association).

**Violation of Article 9** in respect of the applicant organisation

**Violation of Article 11 interpreted in the light of Article 9** in respect of Mr Frolov

##### **Just satisfaction:**

non-pecuniary damage: EUR 7,500 to each applicant

costs and expenses: EUR 2,000 to the applicants jointly

### **Tapayeva and Others v. Russia (no. 24757/18)**

The applicants are five Russian nationals, Luisa Tapayeva and her four daughters, on whose behalf she lodged the application. Ms Tappayeva was born in 1988 and her daughters between 2008 and 2013. They live in Goyty, Chechen Republic, Russia.

The case concerns Ms Tapayeva's attempts to have the State ensure that she be reunited with her daughters. Following the children's father's death while on military duty, they were allegedly

kidnapped by their paternal grandparents in April 2016. Ms Tapayeva asserts that she has been prevented from seeing them since.

They rely on Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination).

**Violation of Article 8** in respect of all applicants

**Violation of Article 14 taken in conjunction with Article 8** in respect of the first applicant

**Just satisfaction:**

non-pecuniary damage: EUR 16,250 to the first applicant. As to the remaining applicants, the Court considers that the finding of a violation provides sufficient just satisfaction for any non-pecuniary damage they may have suffered as a result of the violation of their rights under Article 8 of the Convention

costs and expenses: EUR 9,196 to the first applicant

### Turan v. Turkey (no. 75805/16 and 426 other applications)

The applicants are 427 Turkish nationals, all members of the Court of Cassation or the Supreme Administrative Court, or judges in lower courts or prosecutors at the time of the events giving rise to the applications.

The case concerns the arrest and pre-trial detention of the applicants, all of whom were sitting as judges or prosecutors at the time, in the aftermath of the military coup attempt of 15 July 2016, on suspicion of being members of an organisation described by the Turkish authorities as the “Fetullahist Terrorist Organisation / Parallel State Structure” (Fetullahçı Terör Örgütü / Paralel Devlet Yapılanması).

Relying on Article 5 § 1 (right to liberty and security), the applicants complain that they were placed in pre-trial detention in breach of the domestic law governing the arrest and pre-trial detention of the members of the judiciary. They contest the allegation that the facts of the case precluded them from the procedural safeguards afforded to all judges and prosecutors and complain that the magistrates’ courts did not have the competence and territorial jurisdiction to detain them.

Some of the applicants also complain under Article 5 §§ 1 (c) and 3 (liberty and security) that they were placed in pre-trial detention without relevant and sufficient reasons, and that the length of that detention was excessive. Some applicants further complain under Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) that the reviews conducted by the domestic courts into their detention did not comply with certain procedural safeguards, and/or under Article 5 § 5 (enforceable right to compensation) that there were no effective domestic remedies to allow them to obtain compensation for the alleged breaches of their rights.

**Violation of Article 5 § 1** on account of the unlawfulness of the initial pre-trial detention of the applicants who were ordinary judges and prosecutors at the time of their detention

**Violation of Article 5 § 1** on account of the unlawfulness of the initial pre-trial detention of the applicants who were members of the Court of Cassation or the Supreme Administrative Court at the time of their detention

**Just satisfaction:**

EUR 5,000 in respect of non-pecuniary damage and costs and expenses to each of the applicants

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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.