



Judgments and decisions of 12 January 2023

The European Court of Human Rights has today given notification in writing of 36 judgments¹ and 87 decisions²:

four Chamber judgments are summarised below;

a separate press release has been issued for a decision in the case of *Cömert and Others v. Türkiye* (application no. 17231/17);

32 Committee judgment, concerning issues which have already been examined by the Court, and the 86 other decisions can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments summarised below are available only in English.

Kılıc v. Austria (application no. 27700/15)

The applicants, Selma Kılıc and Mürsel Kılıc, are Turkish nationals who were born in 1975 and 1974 respectively and live in Vienna.

The case concerns the placement of the applicants' children with foster families following their removal from the applicants' care due to allegations of neglect. The domestic courts ruled, ultimately, that returning the children to their parents would put them in danger.

Relying on Article 8 (right to respect for private and family life) and Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights, the applicants complain of the refusal to return their children to their care and that the children's placement in foster families did not reflect their religious or ethnic background.

No violation of Article 8

Pařízek v. the Czech Republic (no. 76286/14)

The applicant, Josef Pařízek, is a Czech national who was born in 1975 and lives in Olešnice (Czech Republic).

The case concerns the increase of Mr Pařízek's rent on his flat following its sale. He had been living there since 1999 under a rent-control scheme. It also concerns the court proceedings that followed.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention and Article 6 § 1 (right to a fair trial) of the Convention, Mr Pařízek complains, in particular, of the court decisions that led to his rent being increased retroactively, and that the courts did not respond to his arguments concerning the case-law of the Supreme Court in similar cases.

No violation of Article 1 of Protocol No. 1

No violation of Article 6 § 1

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.

² Inadmissibility and strike-out decisions are final.

Potoczka and Adamčo v. Slovakia (no. 7286/16)

The applicants, Anita Potoczka and Branislav Adamčo, are a couple. They are both Slovak nationals and were born in 1980 and 1978, respectively. Ms Potoczka lives in Veľké Kapušany, while Mr Adamčo is detained in Leopoldov (Slovakia).

The case concerns telephone tapping in 2004 in the context of criminal proceedings for extortion against Mr Adamčo. The tapped mobile phone belonged to Ms Potoczka, but was – according to the authorities – being used by Mr Adamčo.

Relying in particular on Articles 8 (right to respect for private life) and 13 (right to an effective remedy) of the Convention, the applicants complain that the court warrant authorising the tapping did not give any reasons; nor did it identify the issuing judge or monitor whether there were continued grounds for the tapping. They also allege under Article 6 (right to a fair trial) that the dismissal of their constitutional complaint was unfair as it had been based on the police's observations without giving them the opportunity to comment.

Violation of Article 8

Violation of Article 13 in conjunction with Article 8

Just satisfaction:

non-pecuniary damage: 5,000 euros (EUR) to each applicant

costs and expenses: EUR 2,500 jointly to the applicants

Ovcharenko and Kolos v. Ukraine (nos. 27276/15 and 33692/15)

The applicants, Vyacheslav Ovcharenko and Mykhaylo Kolos, are two Ukrainian nationals who were born in 1957 and 1953 respectively.

In 2006 they were appointed as judges of the Constitutional Court of Ukraine. The case concerns their dismissal as judges from that Court for their participation in a judgment, which the authorities interpreted as an unlawful act restoring a previous version of the Constitution which had led to the usurpation of power by the then President of Ukraine.

Relying on Articles 6 (right to a fair hearing), 8 (right to respect for private and family life), and 18 (limitation on use of restrictions on rights) of the Convention, they complain that their dismissal was unjustified and allege that there was an ulterior motive behind it.

Violation of Article 8

Violation of Article 6 § 1 as regards the right to an independent and impartial tribunal and the right to a reasoned judgment

Just satisfaction: The Court decided that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by 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.