

## Judgments of 19 March 2024

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

three Chamber judgments are summarised below;

separate press releases have been issued for two Chamber judgments in the cases of *Almeida Arroja v. Portugal* (application no. 47238/19) and *K.J. and Others v. Russia* (nos. 27584/20 and 39768/20);

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

### [B.T. v. Russia](#) (application no. 15284/19)

The applicant, B.T., is a Russian national who was born in 1982 and lives in Vladikavkaz (Russia).

At the time of the events in question B.T. was a police officer. The case concerns the refusal to grant him parental leave after the birth of his daughter in 2017. The child's mother, who was hospitalised, refused to bring up the child and so he was left as the only parent responsible. Parental leave was denied as under the law it could be granted to male-employee fathers only if they were bringing up children on their own because there were objective reasons as to why the mother could not take care of the child.

Relying on Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) of the European Convention on Human Rights B.T. complains that the refusal to grant him parental leave amounted to sexual discrimination.

#### **Violation of Article 14 taken in conjunction with Article 8**

**Just satisfaction:** The applicant did not submit any claim for just satisfaction.

### [Kural v. Türkiye](#) (no. 84388/17)

The applicant, Suat Kural, is a Turkish national who was born in 1965 and lives in Bolu (Türkiye).

Mr Kural was a deputy chief of police in Eskişehir when the authorities decided to transfer him to the Samsun Police Academy. The case mainly concerns the stay of execution ordered by the national courts in respect of that decision, following Mr Kural's taking a case against the transfer. The authorities nevertheless reissued the transfer order.

Relying on Article 6 (right to a fair trial) of the European Convention Mr Kural alleges a failure to comply with the Administrative Court's stay-of-execution decision.

#### **Violation of Article 6 § 1**

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<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)

**Just satisfaction:**

non-pecuniary damage: 1,950 euros (EUR)

costs and expenses: EUR 1,000

**[Parıldak v. Türkiye](#) (no. 66375/17)\***

The case concerns the decisions to place and keep a journalist in pre-trial detention on suspicion of belonging to an organisation known by the Turkish authorities as “FETÖ/PDY” (Fetullahist Terror Organisation/Parallel State Structure).

The applicant, Ayşenur Parıldak, is a Turkish national who was born in 1990. At the relevant time, she was a student at the Ankara University Faculty of Law. Between 2012 and 2016 she had worked as a legal columnist for the daily newspaper *Zaman*, which was viewed as the principal publication medium of the “Gülenist” network. *Zaman* was closed down following the adoption of Legislative Decree no. 668, issued on 27 July 2016 in connection with the state of emergency.

In August 2016 the Ankara Security Directorate received an anonymous tip-off stating: “Ayşenur Parıldak, who gives information to Fuat Avni and is followed by that account on Twitter, has her bags packed at the Ankara University Faculty of Law and is going to flee after her last exam”. The following day Ms Parıldak was arrested and taken into police custody. After police questioning, she was brought before the Ankara First Magistrate’s Court, which placed her in pre-trial detention on 11 August 2016. The applicant’s appeals against the decisions to place and keep her in pre-trial detention were dismissed by the domestic courts.

In November 2017 the Ankara Assize Court sentenced Ms Parıldak to seven years and six months’ imprisonment for membership of an armed terrorist organisation. It based its decision on the applicant’s use of the ByLock application, her social media posts and the fact that she had exchanged private messages with the owner of the “fuatavni” account, which followed her on Twitter. The Assize Court also ordered that the applicant remain in prison. The applicant’s conviction became final in December 2018. Her individual application to the Constitutional Court was declared inadmissible.

Ms Parıldak has complained to the Court about being placed and kept in pre-trial detention, relying in particular on Articles 5 (right to liberty and security) and 10 (freedom of expression) of the Convention.

**Violation of Article 5 § 1 (c)****Violation of Article 5 § 3****No violation of Article 5 § 4****Violation of Article 10****Just satisfaction:**

non-pecuniary damage: EUR 16,000

costs and expenses: EUR 6,000

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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.