



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF AKSOY v. SERBIA

(Application no. 4320/15)

JUDGMENT

Art 1 P1 • Control of the use of property • Fine and confiscation of entire amount of undeclared cash carried across the border in excess of statutory threshold • Domestic courts' failure to carry out an assessment of the necessity of the confiscation • Individual and excessive burden on applicant

Prepared by the Registry. Does not bind the Court.

STRASBOURG

20 October 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Aksoy v. Serbia,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Ioannis Ktistakis, *President*,

Peeter Roosma,

Darian Pavli,

Úna Ní Raifeartaigh,

Mateja Đurović,

Canòlic Mingorance Cairat,

Vasilka Sancin, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 4320/15) against the Republic of Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Turkish national, Mr Mehmet Alı Aksoy (“the applicant”), on 26 December 2014;

the decision to give notice of the application to the Serbian Government (“the Government”);

the decision to invite the Turkish Government to inform the Court if they wished to exercise their right to intervene (Article 36 § 1 of the Convention) and their decision not to avail themselves of that right;

the parties’ observations;

Having deliberated in private on 29 September 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The present case concerns the confiscation of cash exceeding 10,000 euros (EUR) which the applicant had been carrying while transiting through Serbia, in breach of the regulations concerning the physical transfer of cash across the Serbian border. The applicant complained under Article 1 of Protocol No. 1 to the Convention that the confiscation, in addition to the imposition of a fine, had constituted an unlawful and disproportionate interference with his right to the peaceful enjoyment of his property.

THE FACTS

2. The applicant was born in 1966 and lives in Stade (Germany). He was represented by Mr S. Mutić, a lawyer practising in Belgrade.

3. The Government were represented by their Agents, Ms V. Rodić and subsequently Ms N. Plavšić.

4. The facts of the case may be summarised as follows.

5. On 2 December 2012 the applicant and his travel companion were approached by customs officers of the respondent State while exiting Serbia

at the Gradina border crossing with Bulgaria, on a journey from Germany to Türkiye. When asked whether they had anything to declare, the applicant stated that he was carrying money. He was taken to the customs office, where he took out EUR 61,000 in cash from his jacket. The customs authorities permitted the applicant to keep the amount of cash that could legally be carried across the border without being declared – that is, EUR 10,000 – and temporarily seized (*zaplenili su*) the remaining amount. On the same day, they also instituted misdemeanour proceedings (*prekršajni postupak*) against the applicant for failing to comply with his obligations concerning the physical transfer of cash across the Serbian border, which was defined as a misdemeanour (*devizni prekršaj*) under the legislation regulating foreign-currency transactions. The customs authorities argued that the applicant had committed a misdemeanour by failing to declare the cash before entering the customs territory of Serbia and before proceeding with customs controls when exiting the country.

6. During the hearing held that same day, the applicant, in the presence of an interpreter and without legal representation, informed the misdemeanour judge that the money in question had belonged to a company based in Hamburg, which had entrusted him with the money to purchase certain machines in Türkiye on its behalf. He further clarified that he had not been carrying a certificate attesting to the origin of the cash, nor had he obtained an entry declaration for excess cash, which he was supposed to have obtained at the border and to have had stamped by the customs authorities on entering Serbia. Lastly, he expressed his regret for failing to familiarise himself with his obligations in accordance with the law.

7. Following the remittal of the case on 14 December 2012 on various procedural and substantive matters, on 24 December 2012 the Pirot Misdemeanour Court (Dimitrovgrad unit) found the applicant guilty of failing to declare the cash at the border on entering Serbian territory and failing to obtain a written declaration for excess cash on entry, which he was supposed to present to customs officers when exiting the country under the applicable legislation, committed through negligence. The court clarified that the *actus reus* of the misdemeanour in question had been established by virtue of the applicant's failing to declare the amount of cash he was carrying to the customs authorities either at the point of entry to, or exit from, the country. It was irrelevant whether the applicant had hidden the cash or reported it to the authorities. The latter eventuality could only be taken into account as a mitigating circumstance relevant for the determination of the sanction.

8. Consequently, the court fined the applicant 50,000 Serbian dinars (RSD – approximately EUR 460 at the material time) – an amount between the minimum and maximum fines of RSD 5,000 and RSD 150,000 – and charged costs in the amount of RSD 1,000 (approximately EUR 9 at the time). When imposing the fine, the court took into account, on the one hand, the amount of undeclared money and, on the other, several mitigating circumstances,

such as: (i) the fact that the applicant had declared the cash in response to the customs officers' questions; (ii) the applicant's lack of intent, as the cash was not hidden; (iii) his unawareness of the obligation to declare the cash; (iv) his sincere conduct in the proceedings and his personal financial circumstances; and (v) his lack of any previous record of offences. No aggravating circumstances were identified. If the applicant failed to pay the fine within the time-limit set, the fine would be converted into a term of imprisonment of a minimum of 50 days. The applicant paid the fine.

9. The court further imposed a protective measure of confiscation of the object of the offence (*zaštitna mera oduzimanja predmeta prekršaja*) – namely, the sum of EUR 51,000, representing the entire amount of cash in excess of EUR 10,000. It referred to Article 64 § 1 of the Foreign Currency Transactions Act and to the applicant's failure to submit any evidence in due time which could have established grounds for applying Article 64 § 2, allowing for partial confiscation.

10. On appeal, the applicant, represented by a Serbian lawyer of his own choosing, submitted that the confiscation of the entire amount of the seized cash had been disproportionate, in view of the particular circumstances of the case. With regard to the origin of the money in issue, the applicant argued that it had belonged to a company based in Hamburg (Abatek GmbH), whose owner was his son. He referred to a certificate from a bank in Hamburg attesting to the withdrawal of EUR 68,191.86 by the company in question, which, according to him, certified the company's ownership of the cash and its lawful origin, thus justifying partial confiscation of the seized cash.

11. By a decision of 5 March 2013, the Belgrade High Misdemeanour Court (Niš unit) upheld the first-instance decision in its entirety, finding that the applicant's failure to declare the significant amount of cash he had been carrying upon his entry to, and exit from, Serbia had warranted full confiscation. Moreover, the applicant had been required to carry with him a certificate attesting to the lawful origin of the money entrusted to him when crossing Serbia's borders. Furthermore, the court rejected the argument that the money had belonged to the company, given that the bank certificate had been presented to the court out of time and had not been translated into Serbian by the applicant, as required by law. In any event, according to the court, those documents would not have constituted sufficient evidence to prove or permit further verification that the cash found in the applicant's possession was the same as the funds withdrawn from the account, nor would they have established its lawful origin or intended destination. The court emphasised that it was unclear why the company had chosen to pay for its international transactions by having cash physically carried instead of using regular cashless payment methods and corresponding bank services. In any event, it was the applicant who had committed the misdemeanour, thus warranting full confiscation of the seized cash, regardless of who it belonged to and whether or not it had been hidden.

12. On 15 April 2014 the applicant lodged a constitutional complaint, claiming a violation of his right to the peaceful enjoyment of property as guaranteed by Article 58 of the Constitution. The applicant complained that the confiscation of the entire amount of money exceeding the statutory threshold had been unnecessary and disproportionate, given (i) the lawful origin of the money; (ii) the fact that he had only been transiting through Serbia and no damage to the State had been caused; (iii) his lack of previous convictions for any offence; and (iv) the fact that the fine paid would have had sufficient deterrent effect to protect the public interest.

13. In support of his claims about the ownership and lawful origin of the cash, he submitted the following documents: (i) a written certificate issued by the company on 30 November 2012, confirming that the confiscated sum belonged to the company and that it had been handed to him in cash to rent business premises and purchase machinery in Türkiye on the company's behalf; and (ii) bank statements dated 15 October and 22 November 2012 from a German bank attesting to the withdrawal of EUR 26,000 on 1 October, EUR 35,000 on 21 November, and EUR 25,500 on 23 November 2012 from the company's account, and the payment of a deposit of EUR 500 on 23 November 2012 to a certain Y.H. in respect of various purchases in Türkiye.

14. On 23 September 2014 the Constitutional Court (*Ustavni sud*) summarily dismissed the applicant's constitutional appeal as being manifestly ill-founded (Už-2931/2013). In a very brief statement of reasons, the court held that, having regard to the mandatory nature of the sanction of confiscation of undeclared cash and the reasons provided as to why partial confiscation had not been justified, the applicant's assertions could not be linked to the right to the peaceful enjoyment of his property, enshrined in Article 58 of the Constitution.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

15. The relevant domestic and international law and practice is set out in a comprehensive manner in *Aksüngür and Others v. Serbia* (nos. 69080/13 and 4 others, §§ 24-71, 24 June 2025) and *Prenča v. Serbia* (no. 48725/12, §§ 25-43, 7 October 2025).

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

16. The applicant complained that the confiscation in full of lawfully acquired cash, following his failure to declare it to the Serbian customs authorities while transiting through Serbia, had been a disproportionate and

unjustified measure in breach of Article 1 of Protocol No. 1 to the Convention, which reads as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. Admissibility

17. The Government did not raise any objection as regards the admissibility of the applicant’s complaint.

18. However, the fact that the applicant complained about the confiscation of cash that, by his own admission, belonged to his son’s company calls for the Court to address the issue of his victim status of its own motion, as a matter that goes to its own jurisdiction, notwithstanding the absence of any objection by the Government under this head (see, for example, *Sejdić and Finci v. Bosnia and Herzegovina* [GC], nos. 27996/06 and 34836/06, § 27, ECHR 2009; *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, §§ 89 and 93, 27 June 2017; *Jakovljević v. Serbia* (dec.), no 5158/12, § 29, 13 October 2020; and *Yaylalı v. Serbia*, no. 15887/15, § 28, 17 September 2024).

19. The Court reiterates that, in order to be able to rely on Article 34 of the Convention, an applicant must meet two conditions: he or she must fall into one of the categories of petitioners listed in that Article and must be able to make out a case that he or she is the victim of a violation of the Convention (see *Vallianatos and Others v. Greece* [GC], nos. 29381/09 and 32684/09, § 47, ECHR 2013 (extracts)). There must, however, be a sufficiently direct link between the applicant and the harm that he or she considers he or she has sustained on account of the alleged violation (see *Gorraiz Lizarraga and Others v. Spain*, no. 62543/00, § 35, ECHR 2004-III). The Court interprets the concept of “victim” autonomously and irrespective of domestic concepts such as those concerning an interest or capacity to act, although it should have regard to the fact that an applicant had been a party to the domestic proceedings. Any excessively formalistic, mechanical and inflexible interpretation of that autonomous concept would make the protection of the rights guaranteed by the Convention ineffectual and illusory (see, in general, *Verein Klimaseniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, § 460-66, 9 April 2024, with further references, and *Micallef v. Malta* [GC], no. 17056/06, § 45, ECHR 2009).

20. Furthermore, an applicant can allege a violation of Article 1 of Protocol No. 1 only in so far as the impugned decisions concerned his or her “possessions” within the meaning of this provision (see, as regards compatibility *ratione materiae*, *Von Maltzan and Others v. Germany* (dec.) [GC], nos. 71916/01 and two others, § 74(c), ECHR 2005-V). A person in possession of an item must be presumed to have a property right over it until proof to the contrary is adduced (see *Imeri v. Croatia*, no. 77668/14, § 53, 24 June 2021, with further references; and *Aksüngür and Others v. Serbia*, nos. 69080/13 and 4 others, § 92, 24 June 2025). Accordingly, while the Court is not bound by the conclusions reached by the national authorities, this is nonetheless a factor that it takes into account to determine whether a person has been directly affected by confiscation of items in situations of disputed possession (see, for example, *Yaylalı*, §§ 30-33, cited above).

21. In a number of previous cases, the Court has declared property-related complaints inadmissible for lack of victim status where the applicants did not claim or provide evidence that the confiscated assets belonged to them (see, for example, for the application of the relevant principles to confiscation of cash belonging to a company or family members, *Eliseev and Ruski Elitni Klub v. Serbia* (dec.), no. 8144/07, §§ 32-36, 10 July 2018, and *Dagostin v. Croatia* (dec.) [Committee], no. 67644/12, §§ 23-26, 23 May 2017). In other cases, the Court has recognised applicants as victims, taking into consideration the specific circumstances of the case (see *Yaylalı*, §§ 28-33, and *Imeri*, § 53, both cited above). Moreover, a confiscation or seizure measure may affect not only the owner of the seized or confiscated property, but also, in some circumstances, the addressee of the measure (see, for example, *Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland* [GC], no. 45036/98, § 137, ECHR 2005-VI).

22. Having regard to the circumstances of the present case, the Court observes that, from the outset of the customs control and the temporary seizure of the cash, the applicant consistently maintained that the money belonged to his son’s company and not to him personally. As to its purported destination, the applicant stated that he had been transporting the money through Serbia on his way from Germany to Türkiye, where he intended to rent certain premises for and on behalf of that company (see paragraph 6 above). In support of those statements before the second-instance court and the Constitutional Court, he produced, *inter alia*, documents confirming the withdrawal of the cash by the company, a statement issued by the company attesting to the fact that he had been entrusted with the funds, and evidence relating to a deposit allegedly paid in connection with the intended transactions in Türkiye (see paragraphs 10 and 13 above).

23. The domestic courts considered, however, that those documents could not establish a sufficiently direct connection between the cash withdrawal relied on by the applicant and the actual banknotes seized at the border. They therefore declined to accept them as proof of the origin of the confiscated

funds and continued to treat the money as belonging to the applicant (see paragraph 11 above). The Constitutional Court did not address the issue, finding that it fell outside the scope of protection afforded by Article 58 of the Constitution (see paragraph 14 above; contrast *Yaylali*, cited above, § 31). Furthermore, the Government did not dispute before the Court the domestic courts' finding that the cash had constituted the applicant's "possession" (contrast *Imeri*, cited above, §§ 50-51).

24. The Court acknowledges certain difficulties associated with the examination of the present case, owing to somewhat contradictory information submitted by the parties and the analysis carried out by the domestic authorities. However, having regard to its subsidiary role and its limited power to review the facts established by the domestic authorities (see *Savran v. Denmark* [GC], no. 57467/15, § 189, 7 December 2021, and the authorities cited therein), the Court cannot disregard the fact that the applicant was in possession of the cash, that the domestic authorities treated him throughout the proceedings as the person to whom it belonged, and that he was the addressee of the confiscation measure. Those considerations alone are sufficient to establish that he was personally and directly affected by the confiscation measure.

25. In any event, even accepting the applicant's submissions that the cash belonged to his son's company, the Court does not consider the question of legal ownership to be decisive for the assessment of the applicant's victim status. The fact that the applicant did not claim that the cash belonged to him, but rather that his role had been limited to the physical transfer of it should not, *ipso facto*, preclude him from claiming to have been personally and directly affected by an interference with that property. The decisive question is whether there exists a sufficiently direct link between the applicant and the alleged harm sustained on account of the interference. The Court considers that such a link clearly existed in the present case, for the following reasons.

26. Firstly, under the Foreign Currency Transactions Act, undeclared cash carried in breach of the relevant regulations is to be confiscated from the perpetrator as the object of the misdemeanour in question, regardless of the lawful origin of the cash or whether or not the perpetrator was its owner. In particular, notwithstanding the initial temporary seizure of the cash and the enquiry into its origin, the confiscation of the assets did not stem from their unlawful origin (whether as instruments or proceeds of a criminal offence (see, for example, *Phillips v. the United Kingdom*, no. 41087/98, § 52, ECHR 2001-VII), or their intended use in illegal activities, or the activities of organised crime (see *Butler v. the United Kingdom* (dec.), no. 41661/98, ECHR 2002-VI, and *Ulemek v. Serbia* (dec.), no. 41680/13, § 65, 2 February 2021)). The confiscation and conclusive transfer of the seized cash to the State's budget in the present case followed a decision of the authorities taken against the applicant only, as the sole person to whom the impugned measures were applied and the only party to the misdemeanour proceedings. Moreover,

the confiscation resulted directly from the applicant's own (mis)conduct, which, for the purpose of the offence with which he was charged, was not the illegal transportation of the unlawfully acquired money or assets, but the failure to comply with the requirement that cash be declared and certified to the customs authorities. Accordingly, the applicant was the sole addressee of the measures, regardless of the fact that they may have adversely affected the alleged owner of the assets (his son's company), which was, however, neither a party to the proceedings, nor could participate in them in any way (compare, *Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi*, cited above, § 137, albeit in a different context, in which the Court held that, given that the applicant company was the addressee of the confiscation measure implemented following a decision by the Irish authorities to confiscate a leased aircraft, the application was compatible *ratione loci, personae* and *materiae* with the provisions of the Convention and the Protocols thereto, even though the applicant company was not the owner of the aircraft, but merely its lessee).

27. Furthermore, the Constitutional Court considered the confiscation measure to be mandatory and lawful (see paragraph 14 above; see also, for a similar approach, *Aksüngür and Others*, cited above, § 46). Moreover, the Government did not suggest, let alone demonstrate, that the applicant's son and/or his company could have availed themselves of any legal avenue, including a separate constitutional appeal, or would have had any prospect of success in pursuing any such avenue in order to challenge, in their own capacity, the confiscation of the cash in the proceedings under review in the present case (see *Yaylalı*, cited above, § 33; also, compare and contrast *Çobantur Turizm Ticaret ve Nakliyat Ltd. Şti. v. Serbia* [Committee], no. 32398/19, 24 June 2025, in which the Court found that, despite being a *bona fide* owner of the vehicle, participating, as an injured third party, in the criminal proceedings brought against the driver, and having no involvement in the offence of human trafficking for which the vehicle had been used, the applicant company had no effective or realistic opportunity to challenge the confiscation measure and to secure the return of its vehicle, since the domestic authorities treated confiscation as an automatic and mandatory consequence of the offence, irrespective of the company's good faith or degree of fault). Accordingly, the Court considers that, in the specific circumstances of the present case, it would be excessively formalistic to deny the applicant victim status and find that he did not have a clear and legitimate interest in challenging a measure that was addressed to him personally, was imposed as a consequence of his own (mis)conduct, and was capable of adversely affecting his financial situation or his liability towards third parties.

28. Having regard to all the foregoing considerations, the Court concludes that the applicant can be regarded as a "victim", within the meaning of Article 34 of the Convention, of the confiscation of the sum of EUR 51,000, which constitutes his "possession" in the present case.

29. Lastly, the Court notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' observations

30. The applicant reiterated his complaint and the arguments raised in the domestic proceedings (see paragraphs 6, 10, 12 and 13 above).

31. The Government acknowledged that there had been an interference with the applicant's rights under Article 1 of Protocol No. 1 to the Convention when the domestic authorities had confiscated the impugned cash, even though its lawful origin had not been established. However, they submitted that the interference had been lawful, had pursued a legitimate aim and had been proportionate.

32. The Government further submitted that the applicant had been found guilty in misdemeanour proceedings of a deliberate failure to declare a large sum of money, which had been several times higher than the sum of EUR 10,000 which could be freely carried out of the country. He had not proved the lawful origin of the money or its intended purpose.

33. Furthermore, the measure of confiscation, in addition to a fine, had been imposed as a mandatory sanction, which was not subject to discretionary assessment by the courts. However, the nature of the offence and the above-mentioned circumstances of the case had been taken into account when imposing the sanctions. There had been no mitigating circumstances which would have justified confiscating only part of the amount (under Article 64 § 2 of the Foreign Currency Transactions Act). Accordingly, no excessive burden had been placed on the applicant.

34. Lastly, the Constitutional Court had rejected the applicant's constitutional appeal, concluding that no link between his assertions and the right guaranteed by Article 58 of the Constitution could be established, given the applicant's failure to prove the lawful origin of the carried cash (see paragraph 14 above).

2. The Court's assessment

35. The Court observes that the applicant was found by the domestic courts to have failed to comply with the declaration and/or certification requirements in respect of the cash he had been carrying across the border while transiting through Serbia (see paragraphs 5, 9 and 11 above). The purpose of the initial temporary seizure of the cash was to enable the domestic authorities to enquire about its provenance and intended destination in order to determine, *inter alia*, whether he had committed a misdemeanour or a more serious criminal offence, such as smuggling, money laundering, tax evasion

or drug trafficking. Following the domestic proceedings, the applicant was found guilty only of a misdemeanour, on account of his failure to comply with the declaration and certification requirements. The misdemeanour courts decided that, in addition to a fine, the confiscation of the entire amount that the applicant had carried across the border without declaring it had been necessary. The Constitutional Court found no link to the protection of the right to peaceful enjoyment of the property (see paragraph 14 above).

36. The Court reiterates that in order to be proportionate, an interference should correspond to the severity of the infringement, and the sanction to the gravity of the offence it is designed to punish – that is, in the instant case, the failure to declare the cash to the customs authorities – rather than to the gravity of any presumed infringement which has not actually been established or even argued in the present case, such as an offence of money laundering or evasion of customs duties (see *Ismayilov v. Russia*, no. 30352/03, § 38, 6 November 2008; *Grifhorst v. France*, no. 28336/02, § 102, 26 February 2009; and *Boljević v. Croatia*, no. 43492/11, § 44, 31 January 2017).

37. The Court has already found violations of Article 1 of Protocol No. 1 to the Convention in cases raising similar issues to those raised in the present case (see, for example, *Gabrić v. Croatia*, no. 9702/04, 5 February 2009; *Gyrlyan v. Russia*, no. 35943/15, 9 October 2018; *Sadocha v. Ukraine*, no. 77508/11, 11 July 2019; *Imeri*, cited above; and *Yaremiychuk and Others v. Ukraine*, nos. 2720/13 and 6 others, 9 December 2021; see also, in the Serbian context, *Aksüngür and Others* and *Yaylalı*, both cited above, and *Prenča v. Serbia*, no. 48725/12, 7 October 2025). In particular, the Court found in *Aksüngür and Others*, on the basis of comprehensive reasoning, that the broad and imprecise legislative framework, coupled with the narrow scope of the review carried out by the domestic courts, could not have ensured the requisite fair balance between the requirements of the general interest and the protection of the applicants' right to the peaceful enjoyment of their property under Article 1 of Protocol No. 1 to the Convention. In carrying out this review, the Serbian courts had failed to engage in a meaningful analysis as to what sanctions had been necessary in each case, in view of whether the applicants had acted with intent to commit the offence in question, the origin of the money and other relevant factors, as well as to clarify the rules of proof that applied (*ibid.*, §§ 82-104).

38. In the present case, the domestic court expressly found that (i) the applicant had acted negligently; (ii) he had not concealed the cash; (iii) he had no previous record of offences; and (iv) there were no aggravating circumstances. It nevertheless ordered the confiscation of the entire amount of money exceeding the statutory threshold, in addition to the imposition of a fine, without carrying out an assessment capable of demonstrating why such confiscation of the entire amount was necessary in the particular circumstances.

39. Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or argument capable of persuading it to reach any other conclusion in the present case than that the confiscation of the entire amount of cash in the above-mentioned circumstances placed an individual and excessive burden on the applicant, as the person who was directly affected by the confiscation. This finding is without prejudice to any further domestic proceedings concerning the ownership of the confiscated asset, if any.

40. Accordingly, the Court finds that there has been a breach of Article 1 of Protocol No. 1 to the Convention in the present case.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

41. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

42. The applicant claimed a total of 51,000 euros (EUR) in respect of pecuniary damage, representing the sum confiscated from him.

43. The Government contested that claim.

44. Having regard to its finding above, the Court cannot speculate as to whether the confiscation of only part of the sum in question would have been justified and, if so, in what amount. The Court awards the applicant under this head the sum of EUR 51,000, which corresponds to the amount of money in his possession when confiscated from him in breach of Article 1 of Protocol No. 1 to the Convention, plus any tax that may be chargeable (see the above-cited cases of *Aksüngür and Others*, § 128; *Yaremychuk and Others*, § 46; *Gabrić*, § 48; and *Gyrlyan*, § 36).

B. Costs and expenses

45. The applicant also claimed EUR 2,000 for costs and expenses incurred before the domestic courts and the Court, a sum that had already been paid to his representative on the basis of an agreement which he appended to his claim.

46. The Government contested that claim.

47. According to the Court’s case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award

the sum of EUR 2,000 for costs and expenses incurred in the domestic proceedings and before the Court.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
 - (i) EUR 51,000 (fifty-one thousand euros), plus any tax that may be chargeable, in respect of pecuniary damage;
 - (ii) EUR 2,000 (two thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 20 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Ioannis Ktistakis
President