



## Judgments of 13 June 2023

The European Court of Human Rights has today notified in writing 16 judgments<sup>1</sup>:

three Chamber judgments are summarised below;

three separate press releases have been issued for four other Chamber judgments in the cases of *UAB Ambercore DC and UAB Arcus Novus v. Lithuania* (application no. 56774/18) and *UAB BRAITIN v. Lithuania* (no. 13863/19), *Sperisen v. Switzerland* (no. 22060/20), and *Aktürk and Others v. Türkiye* (no. 16757/21);

nine 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 is indicated with an asterisk (\*).*

### [Badalyan v. Armenia](#) (application no. 28215/11)

The applicant, Nairi Badalyan, is an Armenian and American national who was born in 1968 and lives in North Hollywood (United States of America).

The case concerns the applicant's allegation that he was subjected to repeated torture between November 1999 and June 2000 when detained as a suspect in a high-profile criminal case involving a shooting in the Armenian Parliament. Initial enquiries into his allegations were carried out in 2000, and criminal proceedings were instituted in 2002. The investigation that followed was ultimately discontinued in 2010 because of the expiry of the limitation period.

The criminal case against Mr Badalyan was eventually dropped for lack of evidence.

The applicant complains that the conduct of the criminal proceedings concerning his allegations of ill-treatment entailed numerous violations of his rights, including under Article 6 (right to a fair trial) of the European Convention on Human Rights.

#### **Violation of Article 3** (investigation)

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

non-pecuniary damage: 10,000 euros (EUR)

costs and expenses: EUR 3,500

### [Khokhlov v. Cyprus](#) (no. 53114/20)

The applicant, Iurii Khokhlov, is a Russian national who was born in 1970.

The case concerns the applicant's detention in Cyprus for over two years pending extradition to Russia in connection with an investigation into large-scale fraud. He was stopped in October 2018 when travelling through Larnaca International Airport on the basis of an international arrest warrant

<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)

and placed in detention. His extradition was delayed, among other things, because of the Covid-19 pandemic. He was ultimately extradited in December 2020.

Relying on Article 5 §§ 1 and 4 (right to liberty and security/right to have lawfulness of detention) of the European Convention decided speedily by court liberty) of the European Convention, the applicant alleges that his detention pending extradition was unlawful and unreasonably long, in particular that the appeal proceedings on his case before the Supreme Court were excessively long.

#### **Violation of Article 5 § 4**

#### **Violation of Article 5 § 1**

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

non-pecuniary damage: EUR 26,000

costs and expenses: EUR 4,800

### **Baydemir v. Türkiye (no. 23445/18)\***

The applicant, Osman Baydemir, is a Turkish national who was born in 1971. At the relevant time he was a member of the Turkish Grand National Assembly and of the Peoples' Democratic Party (HDP), a left-wing pro-Kurdish political party.

The case concerns the disciplinary sanction – a ban on attendance for two parliamentary sessions and withholding of two-thirds of his monthly allowance as a member of parliament (around 2,600 euros in total) – imposed on Mr Baydemir by the Turkish Grand National Assembly on account of statements made by him during an Assembly debate in 2017.

Mr Baydemir complains that this penalty amounted to an interference with his right to freedom of expression, protected by Article 10 of the Convention.

#### **Violation of Article 10**

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

pecuniary damage: EUR 1,400

non-pecuniary damage: EUR 9,750

costs and expenses: EUR 5,807.90

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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.