



Judgments and decisions of 7 April 2022

The European Court of Human Rights has today given notification in writing of six judgments¹ and 11 decisions²:

two Chamber judgments are summarised below;

four separate press releases have been issued for Chamber judgments in the cases of *Miklić v. Croatia* (application no. 41023/19), *A. L. v. France* (no. 13344/20), *Callamand v. France* (no. 2338/20), and *Landi v. Italy* (no. 10929/19);

a separate press release has also been issued for one decision in the case of *Povilonis v. Lithuania* (no. 81624/17);

the ten other decisions can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments summarised below are available only in English.

Fatullayev v. Azerbaijan (no. 2) (application no. 32734/11)

The applicant, Eynulla Fatullayev, is an Azerbaijani national who was born in 1976 and lives in Baku. He is a journalist and was the founder and chief editor of the newspapers *Gündalik Azərbaycan* and *Realniy Azerbaijan*.

The case concerns the alleged unfairness of the criminal proceedings against the applicant for illegal possession of drugs while serving a prison sentence. That sentence was the subject of an earlier case before the Court – *Fatullayev v. Azerbaijan* (no. 40984/07).

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, the applicant complains that the criminal proceedings against him were unfair because he was convicted on the basis of planted and fabricated evidence, and because he was not given an opportunity to effectively challenge that evidence or to put forward evidence in his favour. The applicant also complains that the seizure of his case file from the office of his lawyer was in breach of his right of individual application under Article 34 of the Convention.

Violation of Article 6 § 1

Violation of Article 34

Just satisfaction:

non-pecuniary damage: 4,000 euros (EUR)

the Court rejected the applicant's claim for costs and expenses

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.

Gloveli v. Georgia (no. 18952/18)

The case concerns the right of access to a court to challenge decisions relating to judicial appointments.

The applicant, Marina Gloveli, is a Georgian national, who was born in 1958 and lives in Tbilisi. She is a practising lawyer in Georgia. Between 1999 and 2005 she also served as a judge in the Tbilisi Court of Appeal. Subsequently, she participated in competitions for vacant judicial positions six times, most recently in October 2017. All of her applications were unsuccessful.

Relying on Article 6 § 1 (right of access to court) of the European Convention, she complains that she was not able to contest the allegedly arbitrary refusal to appoint her to a judicial post in her latest unsuccessful application.

Violation of Article 6 § 1

Just satisfaction:

non-pecuniary damage: EUR 3,600

the Court rejected the applicant's claim for costs and expenses

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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.