



## Judgments and decisions of 22 July 2021

The European Court of Human Rights has today notified in writing 40 judgments<sup>1</sup> and 49 decisions<sup>2</sup>: four Chamber judgments are summarised below;

separate press releases have been issued for four Chamber judgments in the cases of *E.H. v. France* (no. 39126/18), *M.D. and A.D. v. France* (no. 57035/18), *Reczkowicz v. Poland* (no. 43447/19), and *Gumenyuk and Others v. Ukraine* (no. 11423/19);

32 Committee judgments, concerning issues which have already been submitted to the Court, and the 49 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgments in French are indicated with an asterisk (\*).*

### Azer Ahmadov v. Azerbaijan (application no. 3409/10)

The applicant, Azer Gudrat oglu Ahmadov, is an Azerbaijani national who was born in 1962 and lives in Baku.

The applicant is a journalist. He was the editor-in-chief of the opposition-oriented newspaper *Azadliq*. The case concerns the tapping of his telephone in the context of a criminal investigation into the stabbing of one of his colleagues.

Relying on Article 8 (right to respect for private life and correspondence) and Article 10 (freedom of expression) of the European Convention on Human Rights, the applicant alleges that the interception of his telephone conversations was unlawful. He complains in particular that the secret surveillance order did not specifically contain his name and the measure was only authorised in respect of his colleague.

He also raises complaints under Article 6 § 1 (right of access to court) and Article 13 (right to an effective remedy) of the European Convention with regard to the domestic courts' examination of his appeal in the criminal proceedings concerning his colleague.

#### Violation of Article 8

##### Just satisfaction:

non-pecuniary damage: 4,500 euros (EUR)

costs and expenses: EUR 2,500

### Badalyan v. Azerbaijan (no. 51295/11)

The applicant, Artur Badalyan, is an Armenian national who was born in 1978 and lives in Haghartsin in the Tavush region of Armenia.

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution).

<sup>2</sup> Inadmissibility and strike-out decisions are final.

The case concerns the applicant's complaint that the Azerbaijani forces arrested him near the border between Armenia and Azerbaijan and held him captive for 22 months.

Relying on Article 3 (prohibition of inhuman and degrading treatment) of the Convention, Mr Badalyan alleges that he was ill-treated during his detention, leaving him with serious mental-health issues upon his release.

Also relying on Article 5 (right to liberty and security), he alleges that his detention was unlawful. He argues in particular that as a civilian and not a prisoner of war he should have been immediately released or informed of the reasons for his detention in a language that he understood, brought before a judge and given the possibility to challenge the lawfulness of his detention.

### **Violation Article 3**

### **Violation of Article 5**

#### **Just satisfaction:**

non-pecuniary damage: EUR 30,000

## **Karimov and Others v. Azerbaijan (nos. 24219/16, 56908/16, and 60139/16)\***

The applicants, Vahid Turab oglu Karimov (Vahid Turab oğlu Kərimov), Mahir Nasraddin oglu Abbasov (Mahir Nəsrəddin oğlu Abbasov) and Mubariz Isakhan oglu Bayramov (Mübariz İsaxan oğlu Bayramov) are Azerbaijani nationals who were born in 1987, 1965 and 1977 respectively and live in Baku, Goykol and Baku respectively.

The case concerns the administrative detention imposed on the applicants for failing to reimburse debts.

Relying on Article 6 (right to a fair hearing) and Article 1 of Protocol No. 4 (prohibition of imprisonment for debt), the applicants allege that the sentences imposed for non-execution of judgments ordering them to reimburse debts to private creditors entailed a violation of their rights under those Articles of the Convention.

### **Violation of Article 6 § 1**

#### **Just satisfaction:**

non-pecuniary damage: EUR 3,600 to each applicant

## **Gachechiladze v. Georgia (no. 2591/19)**

The applicant, Ani Gachechiladze, is a Georgian national who was born in 1995 and lives in Tbilisi.

The case concerns administrative-offence proceedings against the applicant, an entrepreneur, for her advertising of condoms.

The domestic courts found that four of the designs she had used in the social media and on the packaging for the condoms she produced under the name Aisa, meaning "that thing", were unethical. They were banned from future use.

Relying on Article 10 (freedom of expression), the applicant submits that her brand promoted the use of condoms and safe intercourse in a society in which sex and sex education are, according to her, considered taboo, and complains about the proceedings against her and the ban on using the four designs.

### **Violation of Article 10**

#### **Just satisfaction:**

no request for just satisfaction made

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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.