



Judgments and decisions of 25 July 2019

The European Court of Human Rights has today notified in writing 20 judgments¹ and six decisions²: two Chamber judgments are summarised below; separate press releases have been issued for two other Chamber judgments in the cases of *Jafarov and Others v. Azerbaijan* (application no. 27309/14) and *Rook v. Germany* (no. 1586/15); a separate press release has been issued for one Committee judgment in the case of *Brzeziński v. Poland* (no. 47542/07); separate press releases have also been issued for two decisions in the cases of *Shala v. Switzerland* (no. 63896/12) and *Miller v. the United Kingdom* (no. 32001/18); the 15 remaining Committee judgments, concerning issues which have already been submitted to the Court, and the four remaining decisions can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments summarized below are available only in English.

Just satisfaction

Vardanyan v. Armenia (application no. 8001/07)

The applicant is Yuri Vardanyan, an Armenian national, who was born in 1936 and lives in Yerevan. The case concerned the question of just satisfaction with regard to the deprivation of his house and plot of land and the related civil proceedings.

In its [principal judgment](#) of 27 October 2016 the European Court of Human Rights held that there had been a violation of Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights and a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention.

Today's judgment concerned the question of just satisfaction.

Just satisfaction: 1,602,000 euros (EUR) (pecuniary damage), and EUR 6,000 (non-pecuniary damage)

Svanidze v. Georgia (no. 37809/08)

The applicant, Tina Svanidze, is a Georgian national who was born in 1935 and lives in Tbilisi.

The case concerned her complaint about being convicted of the offence of medical negligence.

At the time of the events the applicant was head of the gynaecological department at Mtskheta Hospital. After the death of a patient, G.M., she was prosecuted for medical negligence. After the trial court had finished examining the evidence, the single judge trying the case was substituted by

¹ 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

² Inadmissibility and strike-out decisions are final.

another judge. The applicant's request to restart the examination of the case was dismissed and the substitute issued a judgment based on the case file material in March 2007. The applicant was convicted of medical negligence and sentenced to three years' imprisonment and fined 15,000 Georgian laris (GEL). The trial court found that she had, without "good reason", failed to provide G.M. with treatment she had urgently required.

G.M. had died in September 2005 after going to the hospital complaining of severe abdominal pain. The applicant had examined her and had her moved to an intensive care unit. It was later decided that she needed an urgent operation, however, she died before it could take place. The post mortem found acute anaemia owing to a ruptured fallopian tube caused by an ectopic pregnancy.

The trial court found that an ultrasound examination of G.M. had not been organised promptly, and more importantly, despite noting liquid in the patient's abdominal cavity, something which, along with other symptoms, was indicative of a critical condition, the applicant had failed to carry out an urgent medical intervention.

On appeal, she argued that she had not been able to organise the operation because no anaesthesiologist had been available. She also raised a procedural objection about the trial judge being replaced with a substitute judge, with the defence arguing that all the evidence had to be heard again. However, her appeal failed.

In January 2008 the Supreme Court amended the applicant's sentence, while confirming her guilt. In particular, she was given an amnesty and discharged from serving her prison sentence. The Supreme Court also dismissed her argument about the composition of the first-instance court being unlawful and that the substitute judge should have re-heard the evidence.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention, the applicant complained that the involvement of a substitute judge in her trial had made it unlawful and that the substitute judge had convicted her without participating in the oral examination of the expert and witness evidence. She also complained that her conviction had lacked sufficient reasoning as her argument that she had not been able to start the operation with an anaesthesiologist was left unanswered.

Violation of Article 6 § 1 – on account of the breach of the principle of immediacy

Just satisfaction: 3,500 euros (EUR) (non-pecuniary damage)

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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.