



## Judgments of 17 October 2023

The European Court of Human Rights has today given notification in writing of eight judgments<sup>1</sup>: four Chamber judgments are summarised below;

a separate press release has also been issued for two other Chamber judgments in the cases of *Bîzdîga v. the Republic of Moldova* (application no. 15646/18) and *Luca v. the Republic of Moldova* (no. 55351/17);

two Committee judgments, concerning issues which have already been examined by the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgment in French below is indicated with an asterisk (\*).*

### [Dimaksyan v. Armenia](#) (application no. 29906/14)

The applicant, Aleksandr Dimaksyan, is an Armenian national who was born in 1965 and lives in the village of Vahagni (Armenia).

The case concerns the death of the applicant's 18-year-old son during his compulsory military service. He was allegedly accidentally shot on 5 February 2012 by a fellow serviceman while on watch. He died on his way to hospital.

Relying on Article 2 (right to life) of the European Convention on Human Rights, the applicant complains about the death of his son and the authorities' failure to carry out an effective investigation into the matter. He argues in particular that the military authorities failed to ensure gun safety through proper training and supervision and that the emergency medical assistance during his transfer to hospital was inadequate.

**Violation of Article 2** (right to life and investigation)

**Violation of Article 13** on account of the lack of a legal possibility to claim compensation for non-pecuniary damage

**Just satisfaction:**

non-pecuniary damage: 30,000 euros (EUR)

costs and expenses: the applicant was granted legal aid by the Court and did not seek to be reimbursed for any additional costs or expenses

### [Hovhannisyan and Karapetyan v. Armenia](#) (no. 67351/13)

The applicants, Mikayel Hovhannisyan and Svetlana Karapetyan, are Armenian nationals who were born in 1967 and 1957 and live in Vanadzor and Yerevan respectively.

<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).

The case concerns the death of the applicants' sons, R. Hovhannisyan and A. Sargsyan, in July 2010 while they were carrying out their compulsory military service in the "Republic of Nagorno-Karabakh".

Relying on Articles 2 (right to life) and 13 (right to an effective remedy) of the European Convention, the applicants complain about the death of their sons, that the authorities failed to carry out an effective investigation into the matter, and that there was no possibility for them to claim compensation from the State for their loss.

**Violation of Article 2** (right to life and investigation)

**Violation of Article 13** on account of the lack of a legal possibility to claim compensation for non-pecuniary damage

**Just satisfaction:**

non-pecuniary damage: EUR 30,000 to each applicant

costs and expenses: the applicants were granted legal aid by the Court and did not seek to be reimbursed for any additional costs or expenses

### [A.D. v. Malta](#) (no. 12427/22)

The applicant, A.D., is an Ivoirian national, who was allegedly born in 2004 and was at the time of the submission of the application detained in Safi detention centre (Malta).

A.D. arrived in Malta irregularly on 24 November 2021. The case concerns his being held in different detention centres over the next few months despite his being allegedly a minor and suffering from health problems.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 § 1 (right to liberty and security) and 13 (right to an effective remedy) of the Convention, the applicant alleges that his conditions of detention were either inadequate and unlawful or inadequate and arbitrary, and that he had no access to an effective remedy.

**Violation of Article 3**

**Violation of Article 5 § 1** in relation to the period between 10 December 2021 until 10 February 2022

**Violation of Article 5 § 1** in relation to the period between 10 February 2022 until July 2022

**Violation of Article 13 in conjunction with Article 3**

**Just satisfaction:**

non-pecuniary damage: EUR 25,000

costs and expenses: EUR 3,000

### [Avcıoğlu v. Türkiye](#) (no. 59564/16)\*

The applicant, Mustafa Avcıoğlu, is a Turkish national who was born in 1972. He lives in the United Kingdom, where he was granted asylum on 10 February 2004, then British citizenship on 10 March 2004.

The case concerns the applicant's allegations of ill-treatment while being held in police custody in 2003, at the premises of the Yayladere gendarmerie (Türkiye). He complains, in particular, about the investigation carried out by the Turkish authorities in this respect.

On 30 May 2003 the applicant, who was suspected of assistance to and membership of an armed terrorist organisation, was placed in police custody. The following day, he was placed in pre-trial detention. The applicant alleges that, throughout this two-day period, he was threatened with death by firearm and was struck violently. He was also allegedly subjected to *falaka* (beating of the soles of

the feet) and electric shocks. The complaint lodged by the applicant with the Turkish authorities in 2012 ended in a decision to discontinue the proceedings, the latter having considered that there was no evidence, apart from the applicant's allegations and statements, capable of leading to the institution of criminal proceedings against the persons allegedly responsible for the acts complained of.

The applicant, who was released in July 2003, was acquitted two months later.

Relying on Articles 3 (prohibition of inhuman and degrading treatment) and 13 (right to an effective remedy), the applicant considers that the investigation into his allegations did not comply with the requirements under Article 3.

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

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

non-pecuniary damage: EUR 10,000

costs and expenses: the applicant did not make a claim for costs and expenses

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#### **Press contacts**

[echrpresse@echr.coe.int](mailto:echrpresse@echr.coe.int) | tel.: +33 3 90 21 42 08

#### **We would encourage journalists to send their enquiries via email.**

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

**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.