



Judgments of 27 August 2024

The European Court of Human Rights has today notified in writing seven Chamber judgments¹: six judgments are summarised below;

a separate press release has been issued for the judgment in the case of *Yasak v. Türkiye* (application no. 17389/20).

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

[Hrachya Harutyunyan v. Armenia](#) (application no. 15028/16)

The applicant, Hrachya Harutyunyan, is an Armenian national who was born in 1953 and lives in Yerevan.

The case concerns the sending in March 2012 by Mr Harutyunyan of a report to the management of his former employer which he had just left, the Electric Networks of Armenia. He alleged corruption on the part of a colleague who was still employed at the company. Later, Mr Harutyunyan's report was disclosed to his former colleague, who sued him successfully for defamation and insult.

Electric Networks of Armenia was at the time the monopoly electricity supplier in the State and was Russian-owned.

Relying on Articles 6 (right to a fair trial) and 10 (freedom of expression) of the European Convention on Human Rights, Mr Harutyunyan complains that he had acted as a whistle-blower when reporting his former colleague, whereas the domestic courts treated the case as a simple defamation case and imposed on him a substantial sum in damages for his report, which had been made in private.

Violation of Article 10

Just satisfaction:

pecuniary damage: the question is not ready for decision and has been set aside

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

costs and expenses: EUR 2,000

[Bielau v. Austria](#) (no. 20007/22)

The applicant, Klaus Bielau, is an Austrian national who was born in 1955 and lives in Graz (Austria). He is a general practice doctor who also has interests in "holistic medicine" and homeopathy.

The case concerns a disciplinary sanction imposed on the applicant for certain statements he had published on his website regarding the effectiveness of vaccines. In 2017 he was found guilty of disciplinary offences by the Styria and Carinthia Disciplinary Council (*Disziplinarrat*) of the Austrian Medical Association (*Österreichische Ärztekammer*), which held that he had denied the existence of

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

pathogenic viruses and claimed that vaccinations never protected against diseases, that nature knew no diseases and that not a single disease had disappeared through vaccination. He was unsuccessful in having this decision overturned by the Austrian courts.

Relying on Article 10 (freedom of expression) of the European Convention, the applicant complains of the disciplinary sanction.

No violation of Article 10

B.D. v. Belgium (no. 50058/12)*

The case concerns a Belgian national who was born in 1980. He complains that he was placed in compulsory confinement in the psychiatric wings of various prisons in Belgium.

In 1999, finding that he had not been criminally responsible for his acts, the Belgian judicial authorities ordered the applicant's compulsory confinement for burglary and attempted theft. At various times from 1999 to 2009 and from 2010 to 2015 he was placed in the psychiatric wing of Ghent Prison and in the social protection unit of Merksplas Prison, pending placement in an institution designated by the Social Protection Board. Subsequently, in 2015, he was admitted to the Ghent forensic psychiatry centre, where he stayed until his discharge on probation on 8 June 2020.

Relying on Article 5 §§ 1 and 4 (right to liberty and security/right to a speedy decision on the lawfulness of detention) of the Convention, the applicant complains of his compulsory confinement. He complains that he did not receive suitable therapeutic treatment for his mental health or effective legal assistance in obtaining a decision on the lawfulness of his detention.

Violation of Article 5 § 4

Violation of Article 5 § 1

Just satisfaction:

non-pecuniary damage: EUR 7,300

W.R. v. the Netherlands (no. 989/18)

The applicant, W.R., is a Dutch national who was born in 1974. He was detained in Middleburg (the Netherlands) when he lodged this application.

The case concerns W.R.'s conviction for the murder of a Ms C.O., and in particular the investigation proceedings carried out by the police, including interviews and other investigative steps.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), Mr W.R. alleges he had no legal assistance during the initial police interviews and on-site visits, rendering his trial unfair.

No violation of Article 6 §§ 1 and 3 (c)

İ.G. v. Türkiye (no. 32887/19)

The applicant, İ.G., is a Turkish national who was born in 1984 and lives in Bursa (Türkiye). He suffers from intellectual and physical disabilities.

The case concerns several occasions of violent rape in 2002 of Mr İ.G. by four children. One of the children was 17 years old and would die during the proceedings. Concerning the youngest child, who was less than 12 years old at the time, the courts did not give a decision as to criminal responsibility. Regarding the other two, the charges were ultimately set aside in 2015 as the statutory limitation period had expired following a retrial.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr İ.G. complains that the time-barring of the convictions of his attackers had resulted in their impunity, and the compensation he received at the domestic level was inadequate.

Violation of Article 3

Just satisfaction: The applicant did not submit a quantified claim for just satisfaction.

Namık Yüksel v. Türkiye (no. 28791/10)

The applicant, Namık Yüksel, is a Turkish national who was born in 1966 and lives in Istanbul.

In August 2006 Mr Yüksel and his wife were convicted of aiding and abetting a terrorist organisation and were given prison sentences. In November 2009 Mr Yüksel was transferred to the same prison where his wife was serving her sentence. Mr Yüksel's four-year-old son was staying in his mother's cell. The case concerns the attempts by Mr Yüksel to spend time with his child while in the same facility.

Relying on Article 8 (right to respect for private and family life), Mr Yüksel complains that the authorities did not allow him to spend sufficient time with his son while in prison.

No violation of Article 8

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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.