



Judgments of 29 November 2022

The European Court of Human Rights has today notified in writing five judgments¹:

three Chamber judgments are summarised below;

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 judgments summarised below are available only in English.

Çela v. Albania (application no. 73274/17)

The applicant, Pëllumb Çela, is an Albanian national who was born in 1953 and lives in Tirana.

The case concerns a constitutional complaint lodged by Mr Çela, which was declared inadmissible as having been lodged outside a newly introduced four-month time-limit. The constitutional complaint originated in proceedings taken against the applicant and his company with a view to obtaining an order for him to vacate particular premises.

Relying on Article 6 § 1 (right of access to court) of the European Convention on Human Rights, Mr Çela argues that there were no clear rules concerning the calculation of the time-limit for lodging a constitutional complaint, and alleges that the new time-limit was wrongly applied in his case.

Violation of Article 6 § 1

Just satisfaction: no request for just satisfaction made

Godenau v. Germany (no. 80450/17)

The applicant, Ingeborg Godenau, is a German national who was born in 1954 and lives in Gilserberg (Germany).

She was a secondary school teacher in the Land of Hesse until 2006 when she was dismissed because of significant doubts as to her loyalty to the Constitution. The case concerns her complaint that she has since been included on a list of teachers considered unsuitable for reappointment to a post at public schools in Hesse. Her attempts to have her name deleted from the list were all refused. The domestic courts found that there continued to be doubts over her loyalty, in particular with regard to her active involvement in the Pro Schwalm-Eder Civic Alliance, which had links to far right organisations, and statements at political rallies between 2006 and 2009.

She complains that the refusal to delete her name from the list was based on her political views, in breach of her rights under Article 10 (freedom of expression), 11 (freedom of association) and Article 14 (prohibition of discrimination) of the European Convention.

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

No violation of Article 10

Balan (no. 2) v. the Republic of Moldova (no. 49016/10)

The applicant, Pavel Balan, is a Moldovan national who was born in 1938 and lives in Chişinău.

The case concerns reopened proceedings in the Moldovan courts following a judgment by the European Court in the applicant's favour with regard to a breach of his intellectual property rights (*Balan v. Moldova*, no. 19247/03).

Relying on Article 6 § 1 (right to a fair trial) of the Convention and Article 1 of Protocol No. 1 (protection of property) to the Convention, Mr Balan alleges that in the reopened proceedings the Supreme Court of Justice breached the principle of legal certainty by reducing the sum awarded to him in a final judgment.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Just satisfaction:

non-pecuniary damage: 1,500 euros (EUR)

costs and expenses: EUR 400

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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.