



## Judgments of 30 January 2024

The European Court of Human Rights has today notified in writing five judgments<sup>1</sup>:

two Chamber judgments are summarised below;

a separate press release has been issued for another Chamber judgment in the case of *Cherrier v. France* (application no. 18843/20).

two Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on Hudoc and do not appear in this press release.

*The judgments summarised below are available only in English.*

### [Bernotas v. Lithuania](#) (application no. 59065/21)

The applicant, Jurgis Bernotas, is a Lithuanian national who was born in 1957 and lives in Klaipėda (Lithuania).

In January 2010 the applicant accidentally shot someone while cleaning his rifle after a hunt, causing him serious injuries. He was convicted in criminal proceedings and paid compensation to the victim. The case concerns the applicant's complaint that since 2011 the courts have regularly granted claims against him brought by the social-security authorities to reimburse the pension paid to the victim for lost earnings.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, the applicant complains that the obligation on him to reimburse the pension paid to the victim was unjust and disproportionate.

**No violation of Article 1 of Protocol No. 1**

### [Akhmednabiyev and Kamalov v. Russia](#) (nos. 34358/16 and 58535/16)

The case concerns the murders of two journalists, Akhmednabi Akhmednabiyev and Khadzhimurad Kamalov, in Dagestan.

They are, respectively, the father and nephew of the applicants in the case, Mutaalum Akhmednabiyevich Akhmednabiyev and Ali Akhmedovich Kamalov who are Russian nationals.

Mr Akhmednabiyev was shot dead in his car on 9 July 2013 in the village of Semeder. Mr Kamalov was shot dead on 15 December 2011 in Makhachkala near the entrance of the building in which he worked. Both men had been the target of death threats in leaflets distributed in 2009 in Makhachkala. Mr Akhmednabiyev had previously survived a similar attempt on his life.

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

The investigation into Mr Akhmednabiyev's assassination, which has been suspended and resumed five times, is according to most recent information still ongoing, while four men were eventually convicted in July 2022 for commissioning and carrying out the murder of Mr Kamalov.

Relying on Article 2 (right to life) of the European Convention, the applicants complain that the authorities failed to protect their relatives' lives and that the investigations into the circumstances of their deaths were ineffective.

**Violation of Article 2** (investigation) in respect of both applicants

**Violation of Article 2** (right to life) in respect of the first applicant's father

**No-violation of Article 2** (right to life) in respect of the second applicant's nephew

**Just satisfaction:**

non-pecuniary damage: 26,000 euros (EUR) to the first applicant and EUR 20,000 to the second applicant

costs and expenses: The applicants did not submit claims under this heading.

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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.