



## Judgments and decisions of 19 July 2018

The European Court of Human Rights has today notified in writing 11 judgments<sup>1</sup> and 30 decisions<sup>2</sup>: two Chamber judgments are summarised below; separate press releases have been issued for three other Chamber judgments in the cases of *Aleksandar Sabev v. Bulgaria* (application no. 43503/08), *S.M. v. Croatia* (no. 60561/14), and *Sarishvili-Bolkvadze v. Georgia* (no. 58240/08); separate press releases have also been issued for two decisions, in the cases of *Storck v. Germany* (no. 486/14) and *Aielli and Others v. Italy and Arbot and Others v. Italy* (nos. 27166/18 and 27167/18) six Committee judgments, concerning issues which have already been submitted to the Court, including excessive length of proceedings, and the 28 other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgments below are available only in English.*

### Hovhannisyan v. Armenia (application no. 18419/13)

The applicant, Aida Hovhannisyan, is an Armenian national who was born in 1958 and lives in Yerevan. The case concerned her allegation that she had been assaulted at work by her superiors during an argument over her appraisal report.

In January 2012 Ms Hovhannisyan, an inspector for the Ministry of Environmental Protection, reported to the police that her head of division and his deputy had grabbed her hands and insulted her when she had refused to return her appraisal report before adding her objections to it. The police investigator ordered a medical examination, which confirmed that she had bruises on her arms. Her superiors and other colleagues were also questioned, but they denied her version of the incident. The investigator therefore refused to institute criminal proceedings.

Ms Hovhannisyan contested this decision by lodging a complaint with the prosecutor. However, no investigation was ever launched because of a lack of evidence. She then complained to the courts, arguing in particular that the prosecutor had ignored the medical examination. The courts, finding the prosecutor's decision lawful, dismissed her complaint in May 2012 and her further appeals.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Ms Hovhannisyan alleged that her superiors had deliberately ill-treated and humiliated her and that the authorities had failed to carry out an effective investigation into her allegations.

**Violation of Article 3** (investigation)

**No violation of Article 3** (ill-treatment)

**Just satisfaction:** 3,000 euros (EUR) (non-pecuniary damage)

<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)

<sup>2</sup> Inadmissibility and strike-out decisions are final.

## Makraduli v. ‘the former Yugoslav Republic of Macedonia’ (nos. 64659/11 and 24133/13)

The applicant, Jani Makraduli, is a Macedonian national who was born in 1965 and lives in Skopje.

The case concerned the applicant’s complaint about being found guilty of defamation.

The first of the two applications concerns events which began in December 2007. Mr Makraduli, at the time an opposition politician for the party SDMS, raised the question at a press conference of whether S.M., a member of the ruling party and head of the Security and Counter Intelligence Agency, had misused police wiretapping powers to make gains on the stock market. S.M. brought private libel proceedings against the applicant, who was found guilty in November 2009 of defamation and fined 1,500 euros. The decision was upheld on appeal while a constitutional appeal by Mr Makraduli was dismissed in February 2011.

The second application concerns a press conference given by Mr Makraduli in September 2007. He alleged the involvement of the Prime Minister or his cousins in the sale of public land for the construction of a hotel. S.M., who was the Prime Minister’s cousin, brought libel proceedings. The court in February 2011 found that it was clear that the applicant had directed his allegations against S.M., even if he had not named him, but the court found that the accusations were false. It found Mr Makraduli guilty of defamation and fined him 1,000 euros, a decision that was upheld on appeal in May 2011. A constitutional complaint by Mr Makraduli was dismissed in September 2012.

Relying on Article 10 (freedom of expression) of the European Convention, Mr Makraduli complained about his criminal convictions for defamation.

### Violation of Article 10

**Just satisfaction:** EUR 1,500 (non-pecuniary damage) and EUR 1,020 (costs and expenses)

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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.