



## Judgments and decisions of 4 November 2021

The European Court of Human Rights has today notified in writing four judgments<sup>1</sup> and 23 decisions<sup>2</sup>: three Chamber judgments are summarised below;

a separate press release has been issued for one decision in the case of *Dragnea v. Romania* (application no. 75317/17);

one Committee judgment, concerning issues which have already been examined by the Court, and the 22 other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

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

### Khojoyan and Vardazaryan v. Azerbaijan (application no. 62161/14)

The applicants, Hasmik Khojoyan, Heghine Vardazaryan and Haykaz Khojoyan (now deceased), are three Armenian nationals who were born in 1964, 1967 and 1959, respectively.

The case concerns the captivity and alleged ill-treatment of the applicants' father, Mamikon Khojoyan, in Azerbaijan in early 2014. The applicants' father left his home in Armenia, close to the border with Azerbaijan on the morning of 28 January 2014. It was reported in the Azerbaijani news two days later that he was an armed guide of an Armenian sabotage group and was being detained. He was handed over to the Armenian authorities on 4 March 2014 and died at home ten weeks later.

Relying on Article 2 (right to life), Article 3 (prohibition of torture), Article 5 (right to liberty and security), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights, the applicants allege that their father was tortured during his captivity, including severe beatings, being burnt with incandescent metal and drug injections, which had posed a danger to his life and which had not been investigated, that he was unlawfully deprived of his liberty, that they did not have an effective legal remedy and that the alleged violations occurred as a result of discrimination based on ethnic origin.

**Violation of Article 2** (right to life) in respect of Mamikon Khojoyan

**Violation of Article 2** (investigation) in respect of Mamikon Khojoyan

**Violation of Article 3** (prohibition of torture) on account of Mamikon Khojoyan's torture

**No violation of Article 3** in respect of the applicants

**Violation of Article 5** in respect of Mamikon Khojoyan

#### **Just satisfaction:**

non-pecuniary damage: 40,000 euros (EUR) jointly to the applicants

costs and expenses: the Court rejected the applicants' claim for costs and expenses

<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).

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

## Petrosyan v. Azerbaijan (no. 32427/16)

The applicant, Artush Petrosyan, is an Armenian national who was born in 1957 and lives in Chinari (Armenia).

His son, Karen Petrosyan, born in 1981, lived with him in Chinari, close to the border with Azerbaijan. On 7 August 2014 his son crossed the border into Azerbaijan and was captured by the Azerbaijani armed forces. He died while in captivity.

Relying on Article 2 (right to life), Article 3 (prohibition of torture), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) of the European Convention, the applicant complains that his son was tortured and killed in illegal detention, that his body was not repatriated in a timely manner, that there was no effective investigation and that the alleged violations occurred as a result of discrimination based on ethnic origin.

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

**Violation of Article 3** in respect of Karen Petrosyan

**Violation of Article 3** in respect of the applicant

**Just satisfaction:**

non-pecuniary damage: EUR 40,000

costs and expenses: EUR 8,37

## Shabelnik v. Ukraine (no. 54806/18) (no. 3)

The applicant, Dmitriy Grigoryevich Shabelnik, is a Ukrainian national who was born in 1979. He is currently serving a life sentence in Zhytomyr, Ukraine.

The case concerns the domestic judicial review of his previous conviction for two murders, following judgments by the European Court on his case. In particular following the European Court's second judgment in relation to the criminal proceedings against Mr Shabelnik, the Supreme Court quashed his conviction in respect of one of the murders, as it involved breaches of his Convention rights, but reaffirmed his life imprisonment in respect of the other, as it had not been concerned by the European Court's finding of violations of his rights.

Relying on Article 6 (right to a fair trial) and Article 7 (no punishment without law) of the Convention, the applicant complains that the Supreme Court of Ukraine imposed a new punishment on him for a crime committed 17 years earlier, despite the fact that under domestic law, if somebody is sentenced for an offence that is punishable by a life sentence more than 15 years after the crime was committed, the sentence given cannot be longer than 15 years. He also complains that the Supreme Court ignored the issue and did not analyse the applicability of the statute of limitation in respect of his criminal case.

**No violation of Article 7**

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

### Press contacts

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

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.