



## Judgments of 5 April 2022

The European Court of Human Rights has today given notification in writing of 11 judgments<sup>1</sup>:  
five Chamber judgments are summarised below;

a separate press release has been issued for another Chamber judgment in the case of *Assemblée chrétienne des Témoins de Jéhovah d'Anderlecht and Others v. Belgium* (application no. 20165/20);

five 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.*

### Nana Muradyan v. Armenia (application no. 69517/11)

The applicant, Nana Muradyan, is an Armenian national, who was born in 1972 and lives in Armavir (Armenia).

The case concerns the death of the applicant's 18-year-old son during his compulsory military service on the territory of the unrecognised Nagorno Karabakh Republic. On 15 March 2010 he was found hanging from a metal pole behind the officers' room of his military unit. The ensuing investigation has been stayed three times and is still ongoing. According to the findings thus far, the applicant's son committed suicide because of harassment.

Relying on Article 2 (right to life) of the European Convention on Human Rights, Ms Muradyan disputes that her son committed suicide, alleging that he was murdered because he had witnessed a theft in his military unit. She also complains that the authorities' investigation into her son's death was ineffective.

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

**Violation of Article 2** (investigation)

#### Just satisfaction:

non-pecuniary damage: 20,000 euros (EUR)

costs and expenses: EUR 16

### A.A. and Others v. North Macedonia (no. 55798/16 and four other applications)

The applicants are five Syrian nationals, two Iraqi nationals, and one Afghan national.

The case concerns the applicants' allegation of a pushback to Greece by the police and army after they illegally crossed into the territory of North Macedonia, against the background of the migrant crisis in 2016. They were part of two large groups of refugees who had left a camp in the border

<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)

town of Idomeni, Greece, on 14 March 2016 to join what became known as “the March of Hope”, wading across a river to enter the territory of North Macedonia.

Relying on Article 4 of Protocol No. 4 (prohibition of collective expulsion) and Article 13 (right to an effective remedy) of the European Convention, the applicants complain of their summary deportation, without an individual assessment of their cases or opportunity to oppose it.

**No violation of Article 4 of Protocol No. 4**

**No violation of Article 13 taken in conjunction with Article 4 of Protocol No. 4**

### Călin v. Romania (no. 54491/14)

The applicant, Oprea Călin, is a Romanian national who was born in 1937 and lives in Bucharest.

The case concerns the seizure of the applicant’s apartment, cars and money in the context of a criminal investigation against him in April 2003 for unlawfully approving bank loans. The applicant was a member of the board of directors of the bank in question and was charged with dereliction of duty. Those charges were dropped in January 2014.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant complains that the duration of the seizure of his assets was excessive, alleging that the title deeds to his apartment and registration documents for his cars have still not been returned to him, and that he did not have the possibility to contest the measure in court. He further complains, under Article 6 § 1 (right to a fair trial within a reasonable time), that the length of the criminal proceedings against him, which lasted over ten years, was also excessive.

**Violation of Article 6 § 1**

**Violation of Article 1 of Protocol No. 1**

**Just satisfaction:**

pecuniary damage: the Court dismissed the applicant’s claim for pecuniary damage

non-pecuniary damage: EUR 15,000

no request for just satisfaction made in respect of costs and expenses

### Teslenko and Others v. Russia (no. 49588/12 and three other applications)

The applicants are four Russian nationals: Andrey Yuryevich Teslenko, who was born in 1981 and lives in Hudson (the United States of America); Valeriy Nikolayevich Lyutarevich, who was born in 1958 and lives in Rodniki (Russia); Nikolay Yuryevich Dyachkov, who was born in 1991 and lives in Ivanovo (Russia); and, Bulat Nurlanovich Nigmatullin, who was born in 1987 and lives in Gloucester (the United Kingdom).

The case essentially concerns the applicants’ prosecution for administrative offences for calling people not to vote for the United Russia political party or to boycott entirely the parliamentary and presidential elections in 2011, 2012 and 2018.

Mr Teslenko had been spotted in 2011 by police officers posting leaflets on a wall which said “United Russia is a party of crooks and thieves”. Around the same time, Mr Lyutarevich had written a similar inscription on the rear window of his car. Mr Dyachkov and Mr Nigmatullin had been involved in the “Voters’ Strike” campaign in Ivanovo and Naberezhnyye Chelny in 2018, and had also posted leaflets on walls.

Relying on Article 5 (right to liberty and security), Mr Teslenko and Mr Nigmatullin both complain that they were escorted to and held in police stations for several hours following their posting of leaflets. All four applicants also complain that their prosecution for administrative offences breached their freedom of expression under Article 10.

**Violation of Article 5 § 1** in respect of Mr Teslenko and Mr Nigmatullin.

**Violation of Article 10** in respect of all applicants

**Just satisfaction:**

pecuniary damage: EUR 14 to Mr Nigmatullin

non-pecuniary damage: EUR 3,000 to Mr Lyutarevich and Mr Dyachkov each, and EUR 3,300 to Mr Teslenko and to Mr Nigmatullin each

costs and expenses: EUR 1,000 to Mr. Teslenko and to Mr Lyutarevich each, and EUR 1,500 to Mr Nigmatullin

## Benkharbouche and Janah v. the United Kingdom (nos. 19059/18 and 19725/18)

The applicants, Fatima Benkharbouche and Mina Janah, born in 1964 and 1967, respectively, are Moroccan nationals who live in London. They were formerly employed as domestic workers at sovereign embassies in the United Kingdom.

The case concerns employment claims they brought before the English courts against their former employers, the Republic of Sudan and the State of Libya, respectively, after being dismissed in 2010 and 2012.

Relying on Article 6 § 1 (right of access to court), read alone and in conjunction with Article 14 (prohibition of discrimination), the applicants complain that their former employers were entitled to immunity from the jurisdiction of the domestic courts by virtue of the State Immunity Act 1978.

**Violation of Article 6 § 1** in respect of Ms Benkharbouche

**Violation Article 6 § 1 read alone and together with Article 14** in respect of Ms Janah

**Just satisfaction:**

pecuniary damage: EUR 50,000 to each of the applicants

non-pecuniary damage: EUR 5,000 to Ms Benkharbouche and EUR 6,500 to Ms Janah

costs and expenses: EUR 12,500 to each of the applicants

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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.