



Judgments and decisions of 2 March 2023

The European Court of Human Rights has today given notification in writing of 34 judgments¹ and 57 decisions²:

four Chamber judgments are summarised below;

a separate press release has been issued for a decision in the case of *Thierry v. France* (application no. 37058/19);

30 Committee judgments, concerning issues which have already been examined by the Court, and the 56 other decisions can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments summarised below are available only in English.

Ayyubzade v. Azerbaijan (application no. 6180/15)

The applicant, Orkhan Ibrahimajdar oglu Ayyubzade, is an Azerbaijani national who was born in 1994. He used to live in Baku.

The case concerns the arrest and pre-trial detention of the applicant, an opposition activist. He served sentences of administrative detention in 2013 and 2014 for being involved in anti-government demonstrations. At the end of his sentence in 2014 he was supposed to be released, but was instead arrested again on charges of “resistance to or violence against a public official”. He was convicted as charged and sentenced to two years’ imprisonment. He was ultimately released in 2015 following a presidential pardon.

Relying on Article 5 (right to liberty and security) and Article 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights, he complains that his arrest and detention were not based on a reasonable suspicion that he had committed a criminal offence and that the charges against him had been fabricated.

Violation of Article 5 § 1

Just satisfaction:

non-pecuniary damage: 7,500 euros (EUR)

costs and expenses: EUR 1,700

Croatian Radio-Television v. Croatia (no. 52132/19 and 19 other applications)

The applicant is a public broadcasting organisation, Croatian Radio-Television, which is based in Zagreb.

The case concerns divergent decisions of the domestic courts in 20 sets of civil proceedings instituted in 2010 and 2011 by Croatian Radio-Television regarding unjust enrichment. The applicant

¹ 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.

² Inadmissibility and strike-out decisions are final.

organisation had instituted those proceedings against various individuals seeking to retrieve fees which an employee of its finance department had paid them for work they had never carried out.

Relying in particular on Article 6 § 1 (right to a fair trial) of the European Convention, the applicant organisation submits that in those 20 sets of proceedings the Zagreb County Court or the Pula County Court had ruled against it, while in a number of other cases arising from the same set of facts other county courts had ruled in its favour. It adds that the Supreme Court, instead of harmonising the case-law of the lower courts, had declared inadmissible or dismissed its extraordinary appeals on points of law in those 20 sets of proceedings, while allowing such appeals lodged in other similar cases.

No violation of Article 6 § 1

Dzerkorashvili and Others v. Georgia (no. 70572/16)

The applicants are seven Georgian nationals who were born between 1977 and 1991 and live in Tbilisi.

The case concerns the applicants' arrest on 17 May 2016 at the main building of the Patriarchate of the Georgian Orthodox Church on suspicion of having put a graffiti on that building and their subsequent detention and treatment. It also relates to the applicants' alleged inability to hold a public event to mark the International Day against Homophobia, Transphobia and Biphobia.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life), Article 11 (freedom of assembly and association), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) of the Convention, the applicants complain, in particular, of physical ill-treatment, stress and verbal abuse at the hands of the police; that their being detained had been unlawful and arbitrary; that the authorities had failed to communicate a clear security strategy, leading to their being unable to hold the public event at issue; and of a lack of an effective remedy for their complaints.

Violation of Article 5 § 1

Just satisfaction:

non-pecuniary damage: EUR 2,000 to each applicant

Just satisfaction

BTS Holding, a.s. v. Slovakia (no. 55617/17)

The applicant, BTS Holding, is a joint-stock company based in Slovakia.

The case concerns the question of just satisfaction with regard to the non-enforcement in Slovakia of an arbitral award made by the International Court of Arbitration of the International Chamber of Commerce in Paris in the applicant company's favour. In 2006 BTS Holding had successfully bid for the purchase agreement of a large shareholding in Bratislava Airport during its privatisation process. The agreement had subsequently been rescinded by the National Property Fund of Slovakia and the amount of the purchase price had been returned to the applicant. However, a dispute had arisen as to any interest to be paid to the applicant company, and this had been resolved by an award in its favour following arbitration, the enforcement of which was then denied.

In its [principal judgment](#) of 30 June 2022 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights. The Court further held that the question of just satisfaction in so far as pecuniary damage was concerned was not ready for decision and reserved it for examination at a later date.

In today's judgment, the Court took note of the friendly settlement reached between the parties and of the Government's declaration and undertaking concerning the question of taxation, and decided to strike the application out of its list of cases.

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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.