



## Judgments and decisions of 6 June 2024

The European Court of Human Rights has today notified in writing 32 judgments<sup>1</sup> and 55 decisions<sup>2</sup>: three Chamber judgments are summarised below;

a separate press release has been issued for a Chamber judgment in the case of *Bersheda and Rybolovlev v. Monaco* (applications nos. 36559/19 and 36570/19);

28 Committee judgments, concerning issues which have already been examined by the Court, and the 55 decisions, can be consulted on [Hudoc](#) and does not appear in this press release.

*The judgment in French below is indicated with an asterisk (\*)*.

### [Abbasali Ahmadov and Others v. Azerbaijan](#) (application nos. 46579/14, 46596/14, and 58873/14)

The applicants are 16 Azerbaijani nationals who all live in Azerbaijan, either in Shirvan or Baku.

The case mainly concerns the applicants' complaints that they could not recover savings they had deposited in a private bank in Baku before 2008 which had been embezzled by the head of the bank and other staff members. The bank was subsequently liquidated.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicants allege that the domestic courts' examination of the cases seeking to recover their money was unfair, in particular because they held that only the individuals who had been convicted in the embezzlement proceedings were liable to repay the deposits, and not the bank.

#### Violation of Article 6 § 1

##### Just satisfaction:

non-pecuniary damage: 4,000 euros (EUR) to each applicant

costs and expenses: EUR 2,000 to the applicants jointly

### [Cramesteter v. Italy](#) (no. 19358/17)\*

The applicant, Fabio Cramesteter, is an Italian national who was born in 1970. He is currently in detention in Florence Prison (Italy) for offences unrelated to the present case.

He complains that he was kept in a psychiatric facility beyond the time-limits allowed under a domestic law that was enacted after the measure imposed on him had been decided.

<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.

In 2003 the applicant was convicted at first instance on charges of illegal possession of weapons and handling stolen goods. Subsequently, in 2004, the Court of Appeal acquitted him on the grounds that, at the time when the offences were committed, he was incapable of understanding the wrongful nature of his acts and of forming the intent to commit them. Since it considered him dangerous, the court nevertheless placed him in preventive detention for an initial term of two years. This measure was extended until 26 October 2016, at which time the Florence District Court, acting as sentence-execution judge, found that the maximum term set by Law no. 81/2014 had elapsed and ordered the applicant's immediate release. This law, which came into force on 1 June 2014, provides that the maximum term for preventive measures involving a restriction of personal liberty is equal to the maximum term of the sentence applicable in the event of conviction.

Relying on Article 5 §§ 1 and 3 (right to liberty and security) of the Convention, the applicant complains that he was unlawfully imprisoned as of 28 February 2015, the date that he alleges corresponded, in his case, to the expiry of the maximum term for preventive detention measures introduced by Law no. 81/2014. He further complains that he was unable to obtain redress for the unlawful detention to which he claims he was subjected, despite having brought an action in the domestic courts on the basis of Article 314 of the Code of Criminal Procedure, which the courts dismissed.

#### **Violation of Article 5 § 1**

#### **Violation of Article 5 § 5**

#### **Just satisfaction:**

non-pecuniary damage: EUR 8,000

### **L.T. v. Ukraine** (no. 13459/15)

The applicant, Ms L.T., is a Ukrainian national who was born in 1982 and lives in Poltava (Ukraine).

The case concerns criminal proceedings against Ms L.T. which led to a decision to commit her to a psychiatric facility. In particular, she was accused of assaulting a woman in the street. The courts convicted her in July 2014 of inflicting bodily harm, but found that she was not responsible for the offence and ordered her involuntary medical treatment.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial/right to legal assistance), Ms L.T. alleges that the criminal proceedings against her were unfair because she had been excluded from her trial and denied access to the case file and the State-appointed lawyers who had represented her had been manifestly passive, with one of them openly supporting the prosecutor's position. She alleges moreover that, as a person subject to court-ordered medical treatment, the only possibility for her to appeal the ruling of the criminal against her had been through her defence counsel, who had failed to do so.

She also relies on Article 5 (right to liberty and security) and Article 2 of Protocol No. 7 (right of appeal in criminal matters).

#### **Violation of Article 6 §§ 1 and 3 (c)**

#### **Just satisfaction:**

non-pecuniary damage: EUR 5,400

costs and expenses: EUR 3,800

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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.