

Grand Chamber to examine cases concerning seclusion of patients in psychiatric hospitals

The Chamber of the European Court of Human Rights to which the cases **Ahmad v. Denmark and Makki v. Denmark** (application nos. 5712/24 and 24292/24) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

These cases concern the seclusion of patients detained in psychiatric hospitals.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

Principal facts

The applicants, Liibaan Cali Ahmad and Abdeelhadi Abbas Makki, are Somali and Danish nationals, who were born in 1987 and 1995 respectively.

Denmark has one High-Security Psychiatric Unit, where extraordinarily dangerous patients are treated under the Mental Health Act. The seclusion of a mentally ill patient is only permitted at this unit.

Mr Ahmad suffers from paranoid schizophrenia. In March 2015 he was convicted of crimes of a violent nature, including violence and threats of violence against staff at a psychiatric hospital. An order was made that he be placed at the High-Security Psychiatric Unit. However, as there was no bed available, he was placed at the Department of Forensic Psychiatry. He was confined to his room there for eight months, between 26 October 2015 and 8 July 2016, by a bookcase being placed in front of his door. Mr Ahmad was moved to the High-Security Psychiatric Unit in July 2016 when a bed became available.

Mr Makki suffers from schizophrenia and a mild intellectual disability. In June 2016 he violently assaulted a psychiatric nurse. In February 2019 he was placed at the High-Security Psychiatric Unit. He was secluded in his room for three years and seven months between 4 March 2019 and 18 October 2022.

Mr Ahmad and Mr Makki both complained about their seclusion to the Psychiatric Patients' Complaints Board, which dismissed their complaints. They both then brought court proceedings.

In November 2022, the High Court found that Mr Ahmad's confinement had been lawful. In October 2023, following an appeal, the Supreme Court found that, although the seclusion measure in his case had lacked authority under the Mental Health Act, it had not contravened the Convention.

In November 2023, the High Court found that Mr Makki's seclusion had been lawful, except for the period between 2 and 25 September 2020, for which he was granted compensation. Leave to appeal to the Supreme Court was refused.

Complaints and procedure

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicants complain about their seclusion in psychiatric hospitals.

¹ Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

The applications were lodged with the European Court of Human Rights on 20 February 2024 and 16 August 2024.

On [18 March 2024](#) and [29 August 2024](#), the Danish Government was given notice² of the applications, with questions from the Court.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 28 April 2026.

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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.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges or the President of the Section may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.