



Judgments and decisions of 17 October 2019

The European Court of Human Rights has today notified in writing nine judgments¹ and 57 decisions²: two Chamber judgments are summarised below; separate press releases have been issued for three other Chamber judgments in the cases of *Mushfig Mammadov and Others v. Azerbaijan* (applications nos. 14604/08, 45823/11, 76127/13, and 41792/15), *G.B. and Others v. Turkey* (no. 4633/15), and *Polyakh and Others v. Ukraine* (nos. 58812/15, 53217/16, 59099/16, 23231/18, and 47749/18);

four Committee judgments, concerning issues which have already been submitted to the Court, and the 57 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments below are available only in English.

Hakobyan and Amirkhanyan v. Armenia (application no. 14156/07)

The applicants, Versandik Hakobyan and Heghine Amirkhanyan, are Armenian nationals who were born in 1950 and 1958 respectively and live in Yerevan. They are husband and wife and jointly owned a house and a plot of land in central Yerevan.

The case concerned the expropriation of their property.

In 2000, the Armenian Government approved a town-planning project in Yerevan, which required the applicants' property to be taken for state needs. The applicants argued in the domestic proceedings that the Government had significantly and consistently undervalued the compensation offer for their property. In 2006, their property was expropriated by the State.

Relying in particular on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, the applicant couple complained that they had been deprived of their property without any prevailing public interest on the basis of grossly underestimated valuations. Further, they had not received any compensation for their expropriated property.

Violation of Article 1 of Protocol No. 1

Just satisfaction: 250,000 euros (EUR) (pecuniary damage), EUR 6,000 (non-pecuniary damage) and EUR 3,000 (costs and expenses) jointly to Mr Hakobyan and Ms Amirkhanyan

Oddone and Pecci v. San Marino (nos. 26581/17 and 31024/17)

The applicants, David Oddone and Alessandro Pecci, are Italian nationals who were both born in 1979 and live in Rimini (Italy).

The case concerned their allegation that proceedings against them for car insurance fraud had been unfair.

¹ 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

² Inadmissibility and strike-out decisions are final.

The police found that three car accidents between 2008 and 2011 involving Mr Oddone and on one occasion Mr Pecci were suspicious and they began an investigation. During questioning two of the people involved, G. and L., who knew Mr Oddone and Mr Pecci, admitted that the accidents had been simulated. They had all allegedly participated in the scheme.

In 2014 both applicants as well as G. and L. were indicted of insurance fraud. G. and L. attended a preliminary hearing, but none of those that followed, and admitting the charges, asked the trial court to take this into account as a mitigating circumstance when sentencing them. The applicants did not have the opportunity to cross-examine L. and G.

In 2015 all four were found guilty as charged. Mr Oddone was sentenced to two years and five months' imprisonment, while the others were sentenced to two years' imprisonment. This judgment was upheld on appeal in 2016 in respect of all the accused, except for L. whose case was dismissed as time-barred.

At both first and second instance, the judges found that G. and L.'s statements had been corroborated by other evidence, namely the records of telephone calls between some of the accused before and after the accidents, and the fact that two of the accidents had occurred in the same street and had involved the same driver and passengers.

During these proceedings the applicants requested that the investigation be reopened in order to cross-examine G. and L., without success. In particular, the investigating judge and first-instance judge held that under domestic law, an accused person could not cross-examine a co-accused witness.

Mr Oddone brought revision proceedings before the Judge of Extraordinary Remedies in Criminal Matters, but the request was rejected in 2019.

Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses) of the European Convention, the applicants complained that they had been prevented from cross-examining G. and L. during the investigation and at trial, despite such testimony being decisive for their convictions.

Violation of Article 6 §§ 1 and 3 (d)

Just satisfaction: EUR 8,000 for non-pecuniary damage and EUR 4,000 for costs and expenses to Mr Oddone. Mr Pecci did not submit a claim for just satisfaction.

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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.