



FLASH NEWS

10/19

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 10/06 to 28/06/2019

EL AND OTHERS / SH.D. AND OTHERS v. GREECE AND 6 OTHER STATES

Prohibition of inhuman and degrading treatment - Right to liberty and security - Unaccompanied migrant minors - Conditions not suitable to their age and situation

Violation of article 3 (prohibition of torture and inhuman or degrading treatment) and article 5 § 1 (right to liberty and security) of the ECHR, by Greece.

Inadmissibility of the complaints raised under articles 3 and 5 § 1 of the ECHR, directed against the 6 other States, on account of their manifestly ill-founded nature [article 35 §§ 3 a) and 4 of the ECHR].

The applicants, five Afghan unaccompanied minors entered Greece in 2016, when they were between the ages of 14 to 17 years. They complained about their conditions of detention at the police stations, where they had been placed under "protective custody", and their living conditions in a makeshift camp set up by migrants.

Ruling of 13.06.2019 (application no. 14165/16) ([FR](#))

TR / AKTAŞ AND ASLANISKENDER v. TURKEY

Right to respect for private and family life - Positive obligations - Change of name on civil status

Violation of article 8 (right to respect for private and family life) of the ECHR.

The applicants, one with dual nationality, Turkish and Swiss, and the other with Turkish nationality, complained about not having been able to obtain the change of their foreign family names in the civil status register, for a name that is not in the Turkish language.

Ruling of 25.06.2019 (application nos. 18684/07 and 21101/07) ([FR](#))
Press release ([FR](#) / [EN](#))

IT / MARCELLO VIOLA v. ITALY (no. 2)

Prohibition of inhuman or degrading treatment - Sentence - Whole life imprisonment

Violation of article 3 (prohibition of inhuman or degrading treatment and torture) of the ECHR.

The applicant, an Italian national, had been sentenced to life imprisonment for facts relating to mafia-type criminal activities. He condemned the sentence imposed on him, on the grounds that it could not be reduced and that it gave him no possibility of availing of conditional release, in the absence of collaboration with the legal authority. He also complained about an incompatibility of the prison system with the objective of reformation and social reintegration of the prisoners.

Ruling of 13.06.2019 (application no. 77633/16) ([FR](#))
Press release ([FR](#) / [EN](#))

BA / AL HUSIN v. BOSNIA AND HERZEGOVINA (no. 2)

Right to liberty and security - Detention in a centre for foreigners - No reception by a safe third country

Violation of article 5 § 1 (right to liberty and security) of the ECHR concerning the detention of the applicant during the period from August 2014 to February 2016.

Non-violation of article 5 § 1 of the ECHR concerning other periods of detention.

The case involves a man, born in Syria, who was detained at a centre for foreigners pending a possible expulsion for several long periods between 2008 and 2016, while the authorities sought a safe third country that could host him. In August 2014, a total of 38 countries had refused to host him.

Ruling of 25.06.2019 (application no. 10112/16) ([EN](#))
Press release ([FR](#) / [EN](#))

UA / SVIT ROZVAG, TOV V. UKRAINE

Right to a fair hearing - Protection of property - Respect for property - Prohibition of gambling

Violation of article 1 of Protocol no. 1 (protection of property) to the ECHR, on the part of the Ukrainian national, owing to the suspension of her licence.

Violation of article 1 of Protocol no. 1 to the ECHR, owing to the manner in which the licences of the applicants have been revoked.

Non-violation of article 6 § 1 (right to a fair hearing) of the ECHR on the part of one of the applicant companies.

The case pertained to the prohibition of gambling decreed in Ukraine in 2009. The applicants are two Ukrainian companies, which operate gambling activities, as well as a Ukrainian national, who had obtained a licence shortly before the prohibition and thus had not been able to start her activity. All the applicants complained about the revocation of their gambling licences without compensation. The Ukrainian national also condemned the suspension of her licence in May 2009.

Ruling of 27.06.2019 (application nos. 13290/11, 62600/12 and 49432/16) ([EN](#))
Press release ([FR](#) / [EN](#))

UA / COSMOS MARITIME TRADING AND SHIPPING AGENCY V. UKRAINE

Right to a fair hearing - Right to an impartial court - Bankruptcy proceedings - Acknowledgement of claims - Duration of the procedure

Violation of article 6 § 1 (right to a fair hearing) of the ECHR.

The applicant, a company whose registered office is located in Istanbul, had undertaken steps to have its claims acknowledged in the context of bankruptcy proceedings directed against a public Ukrainian shipping company, which was also one of the biggest global shipping companies till the end of the 1980's, before encountering legal and financial difficulties. The applicant held that the internal courts had lacked impartiality and that the procedure for acknowledgement of its claims had been too long.

Ruling of 27.06.2019 (application no. 53427/09) ([EN](#))
Press release ([FR](#) / [EN](#))