



## FLASH NEWS

12/18

# EUROPEAN COURT OF HUMAN RIGHTS

### OVERVIEW FROM 02/07 TO 13/07/2018

#### FR/ MEDJAOURI vs. FRANCE

##### **Prohibition of inhuman or degrading treatment - Right to respect for private and family life - Deportation judgement of 1997**

**Inadmissibility** of the application owing to its clearly unfounded nature [article 35 §§ 3 a) and 4 of the ECHR].

The applicant, an Algerian national, diabetic and suffering from a heart condition, was still subject to the deportation order of 1997. Relying on Article 3 (prohibition of inhuman or degrading treatment), he claimed that the execution of this order would have serious consequences on his health. Moreover, relying on Article 8 (right to respect for private and family life), he alleged that the refusal of the French authorities to rescind the said order deprived him of the right to remain on the territory and placed him in an unsafe situation.

Decision communicated on 05.07.2018  
(Application no. 45196/15) ([FR](#))  
Press release ([FR](#) / [EN](#))

#### BG/ BOYADZHIEVA AND GLORIA INTERNATIONAL LIMITED FOOD vs. BULGARIA

##### **Protection of property - Insolvency proceedings - Obligation to repay the sums received in the insolvent company assets**

**Violation** of Article 1 of Protocol no. 1 (Protection of property) of the ECHR.

The applicants, a Bulgarian national and a Bulgarian company, had received payments from a company that was subsequently declared insolvent, this insolvency having been regarded as prior to those payments. They challenged the order to return the money they had received, without any proof of bad faith and without any assessment of whether the payments had adversely affected the interests of the company's creditors. Moreover, they also alleged that they had no reasonable chance of recovering the money by joining the insolvency proceedings.

Judgement of 05.07.2018  
(application nos. 41299/09 and 11132/10) ([EN](#))  
Press release ([FR](#) / [EN](#))

#### NL/X vs. NETHERLANDS

##### **Prohibition of torture and inhuman or degrading treatment - Deportation of a person convicted for acts of terrorism**

**Non-violation** of article 3 (prohibition of inhuman or degrading treatment and torture) of the ECHR, in the event of deportation of Mr X.

The applicant, a Moroccan national, claimed that he would be at risk of being tortured and ill-treated if he were removed to Morocco where he was considered a terror suspect. This removal was ordered following his conviction for planning terrorist attacks and the dismissal of his request for asylum in the Netherlands. According to the applicant, the suspicions of the Moroccan authorities were based on the said conviction and on their non-compliance with the *ne bis in idem* principle.

Judgement of 10.07.2018 (application no. 14319/17)  
([EN](#))  
Press release ([FR](#) / [EN](#))  
*In this regard, also refer to the X judgement vs. Sweden of 09.01.2018 (Flash News ECHR no. 1/18).*

#### BG/ KAMENOVA vs. BULGARIA

##### **Right to access a court - Compensation for extra-patrimonial damage suffered as a result of the death of a child - Late application**

**Non-violation** of Article 6 § 1 (right to access a court) of the ECHR.

The applicant, a Bulgarian national, alleged the lack of any decision by the national court on her request for compensation for the death of her daughter in a road traffic accident. This request had been made for the first time in the course of second set of criminal proceedings against the driver responsible for the accident, but had been considered late. It had also been brought in a civil suit but had been dismissed on the grounds that the action was time-barred.

Judgement of 12.07.2018 (application no. 62784/09)  
([EN](#))  
Press release ([FR](#) / [EN](#))