



## FLASH NEWS

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# EUROPEAN COURT OF HUMAN RIGHTS

### OVERVIEW FROM 12/03 TO 23/03/2018

#### CH / NAÏT-LIMAN v. SWITZERLAND [GC]

**Right of access to a court - Compensation for damage suffered following acts of torture - Universal jurisdiction - Forum of necessity**

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

The applicant, a Tunisian who became a naturalised Swiss citizen, complained about the fact that the Swiss courts had declined their jurisdiction as to the substance of the matter of his civil case. This case sought the compensation for non-material damage caused by acts of torture that the applicant claimed to have suffered in Tunisia. It was directed against Tunisia and against an individual, who, according to him, was responsible for these acts.

Ruling of 15.03.2018 (application no. 51357/07) ([FR](#) / [EN](#))

Press release ([FR](#) / [EN](#))

#### EL / A.E.A. v. GREECE

**Asylum applicant - Structural failures - Non-registration of a request for asylum registration for 3 years - Living conditions of the applicant**

**Violation** of article 13 (right to an effective remedy) of the ECHR, combined with article 3 (prohibition of inhuman or degrading treatment) of the ECHR.

The applicant, a Sudanese national, condemned the existence of failures in the system of examination of requests for asylum by the Greek authorities. He mainly complained about the fact that his request for asylum had not been registered for three years and that he, as a result, had ended up living in abject poverty that continued, in spite of the registration of his request.

Ruling of 15.03.2018 (application no. 39034/12) ([FR](#))

Press release ([FR](#) / [EN](#))

#### HR / RADOMILJA AND OTHERS v. CROATIA [GC]

**Protection of property - Acquisition of the ownership of certain assets by usucaption**

**Non-violation** of article 1 of Protocol no. 1 (protection of property) to the ECHR.

The applicants, Croatian nationals, had requested to be declared owners by means of usucaption of land under "social ownership" (managed by public authorities). In the Former Yugoslavia and, subsequently in Croatia, the acquisition by means of acquisitive prescription was, as a rule, prohibited for such assets. The applicants contested the refusal of the courts to recognise them as the owners of the land in question.

Ruling of 20.03.2018 (application nos. 37685/10 and 22768/12) ([FR](#) / [EN](#))

Press release ([FR](#) / [EN](#))

#### IE / IRELAND v. UNITED KINGDOM

**Application for revision of a judgment of 1978 - Interrogation techniques - Degrading and inhuman treatment - Torture**

**Dismissal** of an application for revision of a judgment, filed pursuant to article 80 of the regulations of the Court and pertaining to article 3 (prohibition of inhuman or degrading treatment and torture) of the ECHR.

This application, filed by Ireland, sought for the ECHR to conclude that five interrogation techniques, used by the British authorities against men detained for the Northern Ireland Troubles, constituted not just degrading and inhuman treatment but were also acts of torture. Ireland claimed that new elements had been discovered showing that the effects of these acts had been serious and long-lasting.

Ruling of 20.03.2018 (application no. 5310/71) ([EN](#))

Press release ([FR](#) / [EN](#))

**ES / STERN TAULATS AND ROURA  
CAPELLERA v. SPAIN**

**Freedom of expression - Sentence for having  
burned a photograph of the royal couple -  
Insult to the Crown**

**Violation** of article 10 (freedom of expression) of  
the ECHR.

The applicants, two Spanish nationals, set fire to a  
large-size photograph of the royal couple of Spain,  
during a gathering at a public place during an  
institutional visit. The applicants stated that the  
judgment that declared them guilty of insulting the  
Crown constituted an unjustified violation of their  
right to freedom of expression, as well as their right  
to freedom of thought, conscience and religion.

Ruling of 13.03.2018 (application nos. 51168/15  
and 51186/15) ([FR](#))

Press release ([FR](#) / [EN](#))

**MT / FALZON v. MALTA**

**Freedom of expression - Criticism of a  
Member - Action for defamation of the latter**

**Violation** of article 10 (freedom of expression) of  
the ECHR.

The applicant, a Maltese national, a former  
parliamentarian and minister, complained of having  
been convicted for defamation, after having written  
an opinions column in which he criticised a  
Member. The applicant complained to the national  
courts for not having distinguished between  
statements of fact and value judgments and argued  
that his criticism targeted a politician and pertained  
to a matter of general interest.

Ruling of 20.03.2018 (application no. 45791/13)  
([EN](#))

Press release ([FR](#) / [EN](#))