



FLASH NEWS

9/20

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 15/09 TO 15/10/2020

FI / KOTILAINEN AND OTHERS v FINLAND

Right to life - Shooting in a school - Duty of care of public authorities having knowledge of messages published on the Internet

Infringement of Article 2 (right to life) of the ECHR (material aspect).

Non-infringement of Article 2 (right to life) of the ECHR (procedural aspect).

The applicants, 19 Finnish nationals, who were relatives of the victims of a shooting at a school, alleged that the police had been aware or should have been aware of the imminent risk posed by the perpetrator, but had not taken any steps to prevent the shooting and thus to protect the lives of their relatives. The police had questioned the perpetrator the day before the shooting about messages he had posted on the Internet, with a view to determining whether to confiscate his weapon, which they did not consider necessary.

Judgment of 17/09/2020 (application No 62439/12) ([EN](#))
Press release ([FR](#) / [EN](#))

RU / AGAPOV v RUSSIA

Right to a fair trial - Presumption of innocence - Liquidation of a company following tax fraud proceedings

Infringement of Article 6 § 2 (presumption of innocence) of the ECHR.

Infringement of Article 1 of Protocol No 1 (protection of property) to the ECHR.

The applicant, the managing director of a company, alleged that he had never been convicted of tax fraud, and that the civil courts had therefore wrongly considered him guilty of such an offence. In addition, he argued that the decision holding him liable for his company's tax arrears amounted to an illegal infringement of his property rights.

Judgment of 6/10/2020 (application No 52464/15) ([EN](#))
Press release ([FR](#) / [EN](#))

CH / JECKER v SWITZERLAND

Freedom of expression - Duty to disclose journalistic sources - Duty justified only by an overriding public interest requirement

Infringement of Article 10 (freedom of expression) of the ECHR.

The applicant, a Swiss journalist, had published an article about a drug dealer whom she had visited in his flat. Following the publication of that article, an investigation had been opened into a qualified offence under the Narcotics Act and the applicant had been invited to testify. Citing Article 10 of the ECHR, the applicant complained of unjustified interference with the exercise of her right, as a journalist, not to reveal her journalistic sources.

Judgment of 6/10/2020 (application No 35449/14) ([FR](#))
Press release ([FR](#) / [EN](#))

HR / GOGIĆ v CROATIA

Right to a fair trial - Right of access to a court - Non-enforcement of a sentence of the Arbitration Court of the Croatian Basketball Federation

Infringement of Article 6 §1 (right to a fair trial) of the ECHR.

The claimant, a Croatian professional basketball player, complained that he had been denied access to a court after his basketball club had failed to pay the sums it owed him under an award of the Arbitration Court of the Croatian Basketball Federation. He argued, in particular, that, as a result of errors made by the national courts in the course of the proceedings which he had brought in respect of the non-enforcement of the arbitral award, he had been deprived of the possibility of having his case examined on the merits.

Judgment of 8/10/2020 (application No 1605/14) ([EN](#))
Press release ([FR](#) / [EN](#))

UA / GORYAYNOVA v UKRAINE

Freedom of expression - Dismissal due to criticism of national authorities expressed in an open letter published on the Internet

Infringement of Article 10 (freedom of expression) of the ECHR.

The applicant, a Ukrainian national, had been dismissed from her position as public prosecutor after having published an open letter. She alleged that her dismissal violated her right to express her views on the situation in her workplace and argued that she had no other means of reporting any wrongdoing she may have witnessed. The applicant argued that she had tried on several occasions to raise her concerns with her superiors without getting a response and that she had therefore had no choice but to turn to the media.

Judgment of 8/10/2020 (application No 41752/09) ([EN](#))
Press release ([FR](#) / [EN](#))

OTHER INFORMATION

The European Court of Human Rights has published a new fact sheet on the independence of the judiciary

On the occasion of a conference to mark the 70th anniversary of the ECHR, the European Court of Human Rights published a new fact sheet on its case law on the independence of the judiciary.

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

FR / AYOUB AND OTHERS v FRANCE

Freedom of association - Dissolution of extreme right-wing paramilitary organisations - Prohibition of abuse of rights

Non-infringement of Article 11 (freedom of assembly and association) of the ECHR, read in the light of Article 10 (freedom of expression) of the ECHR in application No 77400/14.

Inadmissibility of applications Nos 34532/15 and 34550/15 on grounds of abuse of rights (Article 17 of the ECHR).

The cases concern the administrative dissolution of a de facto group (the association Troisième Voie and its security service) and two extreme right-wing associations (l'Œuvre française and Jeunesses nationalistes) following violence and disturbances of public order committed by their members. The applicants, presidents of these associations, alleged that the dissolution measures constituted unjustified interference with the exercise of their rights to freedom of association and freedom of expression.

Judgment of 8/10/2020 (applications Nos 77400/14, 34532/15, 34550/15) ([FR](#))
Press release ([FR](#) / [EN](#))