



## FLASH NEWS

11/20

# EUROPEAN COURT OF HUMAN RIGHTS

## OVERVIEW FROM 15/11 TO 15/12/2020

### DE / KLAUS MÜLLER v GERMANY

**Right to respect for private life and correspondence - Professional secrecy between lawyer and client - Refusal to testify**

**Non-infringement** of Article 8 (right to respect for private and family life) of the ECHR.

The applicant, a lawyer, alleged that his obligation to testify in criminal proceedings against the former directors of four companies to which he had provided legal advice had led to a breach of professional secrecy. Although some of these directors had relieved him of his obligation of professional secrecy, the applicant argued that he remained bound by that obligation until all the former directors of those companies had also relieved him of that obligation.

Judgment of 19/11/2020 (application No 24173/18) ([EN](#))

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

### RO / PANIOGLU v ROMANIA

**Freedom of expression - Criticism in the press of the President of the Court of Cassation - Freedom of expression of a judge - Penalty**

**Non-infringement** of Article 10 (freedom of expression) of the ECHR.

The applicant, a judge at the Bucharest Court of Appeal, argued that the fact that she had been prevented from obtaining a promotion because of an opinion she had expressed about the President of the Court of Cassation had infringed her right to freedom of expression. She had published an article in the press that severely criticised the latter's activities when she was a prosecutor under the Communist regime.

Judgment of 8/12/2020 (application No 33794/14) ([EN](#))

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

### IS / GUÐMUNDUR ANDRI ÁSTRÁÐSSON v ICELAND [GC]

**Right to a tribunal established by law - Procedure for the appointment of judges - Irregularities in that procedure - Fundamental principles of the rule of law**

**Infringement** of Article 6 §1 (right to a tribunal established by law) of the ECHR.

The applicant, an Icelandic national, argued that one of the three members of the newly established panel of the Court of Appeal, which had confirmed his criminal conviction, had not been appointed in accordance with the relevant domestic law and that, therefore, the criminal charges against him had not been decided by a tribunal established by law. The applicant also alleged that his right to an independent and impartial tribunal had been violated because of the presence of this judge on the panel of the Court of Appeal, despite the irregularities in the appointment of this judge.

Judgment of 1/12/2020 (application No 26374/18) ([FR](#) / [EN](#))

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

See also, in Flash News No 5/19, judgment of 12/03/2019, Guðmundur Andr Ástráðsson v Iceland, in which the European Court of Human Rights (Second Section) found a violation of Article 6 §1 of the ECHR



### CH / B ET C v SWITZERLAND

#### **Prohibition of inhuman and degrading treatment - Expulsion - Risk of inhuman treatment because of sexual orientation**

**Infringement** of Article 3 (prohibition of inhuman or degrading treatment) of the ECHR.

The applicants, a Gambian national and a Swiss national in a registered partnership, resided together in Switzerland. Following the rejection of an application for family reunification submitted by the Swiss national, the Gambian national was at risk of being returned to The Gambia. In view of the fact that homosexual acts are punishable by law in that State, he alleged that his removal would expose him to a risk of ill-treatment because of his sexual orientation.

Judgment of 17/11/2020 (applications Nos 889/19 and 43987/16) ([EN](#))  
Press release ([FR](#) / [EN](#))

### GB / UNUANE v UNITED KINGDOM

#### **Right to respect for private and family life - Family reunification - Expulsion of the sole father of a family - Best interests of the child**

**Infringement** of Article 8 (right to respect for private and family life) of the ECHR.

The applicant, a Nigerian national, resided with his family in the United Kingdom, where he and his partner had been convicted of a criminal offence. Following a decision ordering the expulsion of the family, his partner's and children's appeals against the expulsion decision were upheld, while his appeal was rejected. The applicant considered that his deportation to Nigeria constituted a disproportionate interference with his right to respect for private and family life.

Judgment of 24/11/2020 (application No 80343/17) ([EN](#)) Press release ([FR](#) / [EN](#))

### SK / SHIKSAITOV v SLOVAKIA

#### **Right to liberty and security - Applicant with refugee status in a Member State - Request for extradition to a third State - Conditions for the examination of an extradition request by another Member State**

**Infringement** of Article 5 §1 (right to liberty and security) and Article 5 §5 (enforceable right to compensation) of the ECHR.

The applicant, a Russian national with refugee status in Sweden, had been arrested during a visit to Slovakia because he was wanted by Interpol. He claimed that his arrest and detention for more than one year and nine months in that Member State, with a view to examining the admissibility of his extradition to Russia, violated his right to liberty.

Judgment of 10/12/2020 (applications Nos 56751/16 and 33762/17) ([EN](#))  
Press release ([FR](#) / [EN](#))