



FLASH NEWS

13/18

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 16/07 TO 14/09/2018

BE / RONALD VERMEULEN vs. BELGIUM

Right of access to court - Civil service examination - Challenging of results - Relevant date for determining current interest in action

Violation of Article 6 § 1 (right of access to a court) of the ECHR.

The applicant, a Belgian national who had passed an administrative examination in Belgium and failed at the interview stage, complained of the outcome of his second action for annulment of the decision comprising his results. In particular, he contested the fact that the court concerned considered that at the time of the decision, the applicant had no further interest in acting, the results of the successful candidates having become final and the reserve list having expired.

Judgment of 17.07.2018
(Application no. 5475/06) ([FR](#))
Press release ([FR/EN](#))

SI / VIZGIRDA vs. SLOVENIA

Right to a fair trial - Right to an interpreter - Obligation to verify the language needs of foreign defendants

Violation of Article 6 §§ 1 and 3 (right to a fair trial / right to be informed in the shortest possible time of the charge of which the person is subject / to an interpreter) of the ECHR.

The applicant, a Lithuanian national prosecuted in Slovenia for robbery, complained that he did not receive a fair trial, claiming that he had understood neither the language of the proceedings nor the language of interpretation. The language assistance he had received had been provided in Russian, a language he did not fully understand.

Judgment of 28.08.2018 (application
no. 59868/08) ([EN](#))
Press release ([FR/EN](#))

DE / DRIDI vs. GERMANY

Right to a fair trial - Notification of summons by posting - Impossibility for the counsel to defend his client

Violation of Article 6 §§ 1 and 3 (b) and (c) (right to a fair trial / right of the accused to have adequate time and facilities for the preparation of his defence / right to defend oneself or to have the assistance of a counsel) of the ECHR.

The applicant, a German national residing in Spain, complained that a hearing before a Hamburg Regional Court had not been deferred, which in his opinion had deprived his lawyer of an adequate opportunity to study the case to prepare and attend the appeal hearing. The court, after having quashed the authorisation of his counsel and having rejected the applicant's request to be exempted from the obligation to appear in person, had, on the same day, fixed the date of the appeal hearing and had decided to notify the summons to the applicant by way of posting.

Judgement of 26.07.2018 (application
no. 35778/11) ([EN](#))
Press release ([FR/EN](#))

RU / IBRAGIM IBRAGIMOV AND OTHERS vs. RUSSIA

Freedom of expression - Scope - Prohibition on publishing and distributing Islamic books - Lack of grounds

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

The applicants, a Russian national, a Muscovite publisher and a religious association, complained of the prohibition on the distribution of Islamic books by a famous Muslim theologian and exegete of the Quran, considered to be extremist, which they had published or ordered the publication of.

Judgment of 28.08.2018 (applications nos. 1413/08
and 28621/11) ([EN](#))
Press release ([FR/EN](#))

HU / SOMORJAI vs. HUNGARY

Right to a fair trial - Rejection of a request for a preliminary ruling - Lack of grounds - Duration of the proceedings

Violation of Article 6 § 1 (right of access to a court) of the ECHR because of the duration of the proceedings.

Inadmissibility of the complaint alleging failure to state adequate grounds for refusal of referral to the CJEU for a preliminary ruling.

The applicant, a Hungarian national, argued that the domestic authorities had not taken due account of the applicable EU rules which, in his view, required, in particular, the national courts of last instance to state grounds for refusing to refer the case to the CJEU for a preliminary ruling. He also complained about the duration of the proceedings.

Judgement of 28.08.2018 (application no. 60934/13) ([EN](#))

UK / BIG BROTHER WATCH AND OTHERS vs. UNITED KINGDOM

Right to respect for private and family life and correspondence - Freedom of expression - Surveillance systems

Violation of Article 8 (right to respect for private and family life and correspondence) of the ECHR in that the system for obtaining communication data from communication service providers does not comply with the law.

Violation of Article 10 (freedom of expression) of the ECHR in that the mass interception system and the system of obtaining communication data from communication service providers do not provide sufficient guarantees applied to confidential journalistic information.

No violation of the said articles with respect to the information-sharing arrangement with foreign States.

The applicants, organisations or persons practicing journalism or working in the field of civil liberties, complained, inter alia, of the systems put in place for the mass interception of communication, the sharing of information and the acquisition of data from communication service providers.

Judgment of 13.09.2018 (applications nos. 58170/13, 62322/14 and 24960/15) ([EN](#))
Press release ([FR](#) / [EN](#))