



FLASH NEWS

14/18

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 17/09 TO 28/09/2018

BE / LACHIRI vs. BELGIUM

Right to freedom of thought, conscience and religion - Prohibition on wearing an Islamic headscarf (hijab) in a courtroom

Violation of Article 9 (right to freedom of thought, conscience and religion) of the ECHR.

The applicant, the sister of a deceased victim, complained that she had been excluded from a hearing before the indictments division, hearing the appeal of the decision concerning the classification of the offence committed by the accused. In fact, on behalf of the division President, the bailiff had informed the applicant that she could only enter the courtroom if she removed her headscarf. She refused to comply and did not appear at the hearing.

Judgement of 18.09.2018 (application no. 3413/09)

UA / DENISOV vs. UKRAINE [GC]

Right to a fair trial - Right to private life - Dismissal of the President of a court of appeal from his duties

Violation of Article 6 (right to a fair trial) of the ECHR.

Inadmissibility of the complaint of a violation of Article 8 (right to respect for private and family life) of the ECHR for incompatibility *ratione materiae* with the Convention [Article 35 §§ 3 (a) and 4 of the ECHR].

The applicant, a Ukrainian judge, complained that he had been dismissed by the Supreme Judicial Council from his position as President of the Kyiv Administrative Court of Appeal, while maintaining his status as a judge. He asserted that the decision to dismiss him had not been examined by an independent and impartial court. He also alleged that this dismissal had substantially affected his private life.

Judgement of 25.09.2018 (application

PL / SOLSKA AND RYBICKA vs. POLAND

Right to respect for private and family life - Exhumation of the bodies of the victims of an airplane crash

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

The applicants, the wives of two of the 96 victims of the Polish presidential plane crash, which occurred in Smolensk in 2010, challenged the decision to exhume the bodies. The exhumation was ordered in 2016 by the Polish prosecution authorities, as part of the investigation to establish the cause of the crash. The applicants complained that their husbands' bodies had been exhumed without their consent and that they had no opportunity to obtain independent review or appeal against this decision.

Ruling of 20.09.2018 (application nos. 30491/17 and 31083/17) ([EN](#))

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

DE / SAIDANI vs. GERMANY

Right to life - Removal of a person considered a threat to national security - Risk of death penalty

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

The applicant, a Tunisian national, challenged his expulsion from Germany to Tunisia. Relying in particular on Article 2 (right to life) of the ECHR and Article 1 of Protocol No. 13 (abolition of the death penalty) of the ECHR, he claimed that he faced death penalty for charges of terrorism and that such a sentence would not be commuted to life imprisonment or reduced.

Decision communicated on 27.09.2018 (request no. 17675/18) ([EN](#))

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