



FLASH NEWS

2/19

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 21/01 TO 01/02/2019

CY and TR / GÜZELYURTLU AND OTHERS v. CYPRUS AND TURKEY [GC]

Right to life - Duty of cooperation in transnational investigations

Non-violation of Article 2 (right to life) of the ECHR by Cyprus

Violation of Article 2 (right to life) of the ECHR by Turkey

The applicants, relatives of three Cypriot nationals shot dead in the part of the island controlled by the Cypriot authorities, accused both the Cypriot and Turkish authorities of failing to carry out an effective investigation into the killings when the murderers fled to the Turkish Republic of Northern Cyprus. They alleged that Turkey's and Cyprus' refusal to cooperate allowed the perpetrators of the murders to escape justice.

Ruling of 29/01/2019 (application no. 36925/07) ([FR](#) / [EN](#)) Press release ([FR](#) / [EN](#))

UK / CATT v. UNITED KINGDOM

Right to respect for private and family life - Collection and storage of personal data - Political opinion of a demonstrator

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

The applicant, an activist who regularly participates in various types of demonstrations, complained about the collection and storage of their personal data in a police database on "national extremism". They argued that the retention of their data, in particular those relating to their political opinions, was neither necessary nor justified.

Ruling of 21/03/2019 (application no. 43514/15) ([EN](#)) Press release ([FR](#) / [EN](#))

LT / ORLEN LIETUVA LTD. v. LITHUANIA

Right to a fair trial - Legal certainty - Competition - Limitation period for the imposition of a fine

Non-violation of Article 6 § 1 (right to a fair trial) of the ECHR

The applicant, a legal entity governed by Lithuanian law, had been ordered to pay a fine for abuse of a dominant position on the fuel market, a situation which was found to constitute an infringement of Lithuanian law and EU competition law. It complained of a lack of legal certainty in its case, because it had been fined after the expiry of the limitation period. It also argued that the limitation period had not been applied in the same way in its case and in another previous case.

Ruling of 29/01/2019 (application no. 45849/13) ([EN](#)) Press release ([FR](#) / [EN](#))

TR / CANGI v. TURKEY

Freedom of expression - Access to information - Disclosure of information

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

The applicant, a Turkish national, complained of an infringement of their right to receive and communicate information of general interest in their capacity of citizen and as a member of a non-governmental organisation fighting for the protection of an ancient site and raising public awareness.

Ruling of 29/01/2019 (application no. 24973/15) ([FR](#)) Press release ([FR](#) / [EN](#))

IT / CORDELLA and Others v. ITALY

Right to respect for private and family life - Right to an effective remedy - Protection of health and the environment

Violation of Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the ECHR.

The applicants complained about the effects of harmful emissions from a steel plant on the environment and their health, as well as the ineffectiveness of domestic remedies. They complained that the State had not adopted legal and regulatory measures to protect their health and the environment, and had failed to provide them with information on pollution and health risks. This decision follows a judgement of the Court of Justice ([C-50/10](#)) in which the latter ruled that Italy had failed to fulfil its obligations under Directive 2008/1/EC on integrated pollution prevention and control.

Ruling of 24/01/2019 (applications nos. 54414/13 and 54264/15) ([FR](#))
Press release ([FR](#) / [EN](#))

CH / RIVERA VAZQUEZ AND CALLEJA DELSORDO v. SWITZERLAND

Right to a fair trial - Procedural guarantees - Principle of adversarial proceedings

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

The applicants, Mexican nationals, complained about the decision of a Swiss court denying their lawyer the capacity to act before it, without having given them the opportunity to express their views on the matter and refusing to grant them costs despite the fact that they had partially won their case. They argued that the issue of their lawyer's ability to represent them had been raised *ex officio* by the judge without informing them, and without allowing them to remedy this irregularity.

Ruling of 22/01/2019 (application no. 65048/13) ([FR](#))

OTHER INFORMATION

Interim measure in the case of the SeaWatch 3 vessel

The Court decided on 29 January 2019 to apply an interim measure in respect of the vessel SeaWatch 3, which is currently moored off Syracuse (Sicily, Italy) and on which 47 migrants are on board. The vessel was not allowed to enter port, and the applicants, the master of the vessel and one of the migrants, requested that all migrants be allowed to disembark, as the situation on board was precarious and the migrants were in poor health.

In its decision, the Court did not grant the migrants' request to disembark. However, it requested the Italian Government to take all necessary measures to provide all the migrants with medical care, food, water and basic necessities and to provide unaccompanied minors with appropriate legal assistance, and to keep the Court informed of future developments in the situation of the migrants.

The applications were registered under numbers 5504/19 and 5604/19.
Press release ([FR](#) / [EN](#))