



FLASH NEWS

3/19

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 02/02 to 15/02/2019

PT/ PAIS PIRES DE LIMA vs. PORTUGAL

Freedom of expression - Accusation of partiality of judge by a lawyer - Sentencing of the lawyer to damages for defamation of the said judge

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

The applicant, a Portuguese lawyer, complained of a violation of his freedom of expression after being sentenced to pay 50,000 euros as damages for defaming and damaging the reputation of a judge. He had, in fact, in a letter addressed to the High Council of Judicial Authorities, demanded the opening of a disciplinary investigation against the said judge, denouncing him for his lack of impartiality and his corruption.

Judgment of 12.02.2019 (application no. 70465/12)
(FR) Press release (FR / EN)

FI / SA-CAPITAL OY vs. FINLAND

Right to a fair trial - Procedure in competition law - Hearsay evidence

Non-violation of article 6 § 1 (right to a fair hearing) of the ECHR.

Inadmissibility of contentions of violation of Article 6 §§ 1 and 2 (right to a fair trial before a court / presumption of innocence) of the ECHR.

The applicant, a company incorporated under Finnish law that had been sentenced to a fine for having participated in a cartel in the asphalt sector, lodged a complaint that the Supreme Administrative Court had relied on hearsay evidence originating from unidentified sources that it could not question or have questioned. In addition, the applicant condemned the acceptance by the said court in a competition law case of a standard of proof that was not as strict as that of "reasonable doubt" or of the "preponderance of evidence".

Judgement of 14.02.2019 (application no. 5556/10)
(EN)
Press release (FR / EN)

IT / NARJIS v. ITALY

Right of respect for private and family life - Rejection of renewal of a residence permit - Deportation - Danger for society

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

The applicant, a Moroccan national who was allowed entry into Italy in 1989 on the basis of a family reunification, petitioned against the obligation to leave Italy while his mother, his sisters and brother lived there. In fact, subsequent to multiple criminal convictions, the Italian authorities had refused to renew his residence permit on the grounds that he constituted a danger to society and had ordered his deportation to Morocco.

Judgement of 14.02.2019 (application no. 57433/15) (FR)
Press release (FR / EN)

OTHER INFORMATION

Referral of two cases before the Grand Chamber

On 4 February 2019, the cases **Big Brother Watch and others vs. the United Kingdom** (application nos. 58170/13, 62322/14 and 24960/15) and **Centrum för rättvisa vs. Sweden** (application no. 35252/08) were referred before the Grand Chamber.

In the first case, 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 (See Flash News ECHR no. 13/18).

In the second case, the applicant, a non-profit organisation representing its clients in disputes related to their rights, held that, given the sensitive nature of its activities, there is a risk that some of its communication was or will be, in the future, intercepted and examined within the scope of signals intelligence activities. According to it, Swedish practices and laws in the matter of signals intelligence violates its rights in light of Article 8 of the ECHR.

Press release (FR / EN)