



FLASH NEWS

03/21

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 16/02 TO 23/03/2021

DE / HANAN v GERMANY [GC]

Right to life - Death following NATO-linked bombing in Afghanistan - Investigation

Non-infringement of the procedural aspect of Article 2 (right to life) of the ECHR.

The applicant is an Afghan national, the father of two minor children who died during a bombing raid in Afghanistan ordered by a colonel of the German forces of the NATO-led International Security Assistance Force. He alleged that Germany had failed to conduct an effective investigation into the air strike in which several people, including his two sons, were killed. He also complained that there was no domestic remedy open to him to challenge the decision by the German public prosecutor to close the criminal investigation.

Judgment of 16/02/2021 (application No 4871/16) ([FR](#) / [EN](#))

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

UK / V.C.L. AND A.N. V UNITED KINGDOM

Right to a fair trial - Prohibition of forced labour - Criminal prosecution of victims and potential victims of child trafficking - Lack of assessment by the competent authorities

Infringement of Article 4 (prohibition of forced labour) of the ECHR.

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

The applicants, two Vietnamese nationals convicted of involvement in drug production (on cannabis farms) while still minors, complained essentially about the lack of protection by the national authorities, the failure of the authorities to conduct an adequate investigation (V.C.L.) and the lack of a fair trial.

Judgment of 16/02/2021 (applications Nos 77587/12 74603/12) ([EN](#))

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

ES / BENITEZ MORIANA AND IÑIGO FERNANDEZ v SPAIN

Freedom of expression - Press criticism of a judge - Criminal conviction

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

The applicants, Spanish nationals, challenged their criminal conviction for publishing an open letter in a local newspaper complaining about the behaviour of a judge in proceedings concerning them.

Judgment of 9/03/2021 (applications Nos 36537/15 and 36539/15) ([EN](#))

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

LI / GAWLIK v LIECHTENSTEIN

Freedom of expression - Dismissal of a doctor who made accusations of euthanasia - Failure to verify this information

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

The applicant, a German doctor, complained that he had been dismissed without notice for filing a criminal complaint. He had raised suspicions about the existence of cases of euthanasia in the hospital where he practised, by deviating from the hospital's existing complaint mechanism.

Judgment of 16/02/2021 (application No 23922/19) ([EN](#))

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

HU / R.R. and OTHERS v HUNGARY

Prohibition of inhuman or degrading treatment - Asylum seekers - Detention in a transit zone

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

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

Infringement of Article 5 §4 (right to a prompt court decision on the lawfulness of detention) of the ECHR.

The applicants are an Iranian national and four Afghan nationals (including a pregnant woman and children) who form a family. As asylum seekers in Hungary, they were held in the Röszke transit zone on the border with Serbia from April to August 2017. The applicants complained, in particular, about their detention in the transit zone, as well as the conditions of their detention. They also alleged that they had no judicial remedy to challenge these conditions, that their detention had not been subject to judicial review and that the authorities had not adopted interim measures concerning them.

Judgment of 2/03/2021 (application No 36037/17) ([EN](#))

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

See the judgment of the Court of 14 May 2020, Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság (C-924/19 PPU and C-925/19 PPU, EU:C:2020:367).

See also, in Flash News No 1/17, the judgment of 14/03/2017, [Ilias and Ahmed v Hungary](#).

RELEVANT INFORMATION

Relinquishment of jurisdiction to the Grand Chamber

On 18 February, the Chamber of the ECHR to which the case of **Grzęda v Poland** (application No 43572/18) had been assigned relinquished jurisdiction to the Grand Chamber.

The applicant, a Polish judge at the Supreme Administrative Court, was prematurely stripped of his mandate as a member of the National Judicial Council. Invoking infringements of Article 6 §1 (right of access to a court) and Article 13 (right to an effective remedy) of the ECHR, he alleged that he was denied access to a court and that there was no procedure available to him to challenge the premature termination of his mandate.

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

BG / BUDINOVA AND CHAPRAZOV v BULGARIA, BEHAR AND GUTMAN v BULGARIA

Right to privacy - Prohibition of discrimination based on ethnic origin - Hate speech - Negative stereotypes

Infringement of Article 8 (right to privacy), combined with Article 14 (prohibition of discrimination), of the ECHR.

In both cases, the applicants, Bulgarian nationals of Roma and Jewish origin respectively, complained about the dismissal of their cases against a journalist and politician. These actions were aimed at having him apologise for anti-Roma and anti-Semitic comments. In the first of these cases, the applicants also complained that treating his views as “facts” legitimised racism.

Judgments of 16/02/2021 [(application No 12567/13 ([EN](#)) and application No 29335/13 ([EN](#))]

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

TR / BILGEN v TURKEY

Right to a fair trial - Right of access to a court - Independence of judges - Lack of judicial review of the decision to transfer a judge

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

The applicant, a Turkish national, a senior judge of the Ankara Regional Administrative Court, was transferred without his consent to another court in a lower judicial district. He complained that he was deprived of the possibility of obtaining a judicial review of the rejection of his appeal for review of the decision on his transfer.

Judgment of 9/03/2021 (application No 1571/07) ([EN](#))

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

Interim measures

On 20 January, Aleksey Navalnyy, an opponent of the current Russian political regime, filed an application with the ECHR with a request for an interim measure, under Rule 39 of the Rules of the ECHR, concerning his detention. On 16 February, after taking into account the nature and extent of the risk to the applicant's life, the ECHR decided to uphold the application and asked the Russian government to release him.

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