



FLASH NEWS

7/18

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 26/03 TO 13/04/2018

FR / KROMBACH v. FRANCE

Non bis in idem – Prosecution by courts in two different Member States

Application declared inadmissible due to its *ratione materiae* incompatibility with the provisions of the Convention [Articles 35 §§ 3 a) and 4 of the Convention].

The applicant, a German national convicted in France for events in respect of which he submitted that he had previously been acquitted in Germany, complained of a violation of Article 4 of Protocol No. 7 (Right not to be tried or punished twice) of the Convention, also citing Article 54 of the Convention implementing the Schengen Agreement of 14 June 1985. The Court reiterated that it had no jurisdiction to apply European Union rules or to assess alleged violations of the latter, unless and in so far as such violations might have infringed the rights secured under the Convention.

Decision communicated on 29.03.2018 (application no. 67521/14) ([FR](#))
Press release ([FR](#) / [EN](#))

RU / BERKOVICH E.A. v. RUSSIA

Freedom of movement – Restriction aiming to protect national security – State secrets

Violation of Article 2 (Freedom of movement) of Protocol No. 4 to the Convention.

The applicants, Russian nationals who had had access to State secrets during their employment, complained about the Russian authorities' refusal to issue them with a passport allowing them to leave Russia. They alleged that the restriction on their right to travel abroad had been unnecessary and disproportionate.

Judgement of 27.03.2018 (application nos. 5871/07 and 9 others) ([EN](#))
Press release ([FR](#) / [EN](#))

PT / CORREIA DE MATOS v. PORTUGAL [GC]

Right to a fair trial – Right of lawyers to conduct their own defence – Requirement to be represented by a lawyer

No violation of Article 6 §§ 1 and 3 c) (Right to a fair trial/Right to defend oneself in person) of the Convention.

The applicant, a Portuguese national and lawyer by training, complained of the decisions of the domestic courts refusing him leave to conduct his own defence in the criminal proceedings against him and requiring that he be represented by a lawyer.

Judgement of 04.04.2018 (application no. 56402/12) ([FR](#) / [EN](#))
Press release ([FR](#) / [EN](#))

DE / NIX v. GERMANY

Freedom of expression – Blog – Prosecution for posting a picture of a Nazi leader and swastika in a blog – National margin of appreciation

Application declared inadmissible due to its manifestly ill-founded nature [Article 35 §§ 3 a) and 4 of the Convention].

Relying on Article 10 (Right to freedom of expression) of the Convention, the applicant, a German national, complained about his conviction in the German courts for posting a picture on his blog of Heinrich Himmler in SS uniform wearing a swastika armband (a Nazi symbol).

Decision communicated on 05.04.2018 (application no. 35285/16) ([EN](#))
Press release ([FR](#) / [EN](#))

RO / BRUDAN v. ROMANIA

Right to an effective remedy – Right to a fair trial within a reasonable time – Criminal proceedings lasting more than forty years

Violation of Article 13 (Right to an effective remedy) of the Convention.

Violation of Article 6 § 1 (Right to a fair trial within a reasonable time) of the Convention.

The applicant, a Romanian national, considered that the criminal proceedings brought against her on 23 March 2000, which were terminated by the judgment of June 2014, had exceeded a reasonable time. In addition, she complained that there had been no effective remedy available to her under domestic law to protest about proceedings which exceeded a reasonable time.

Judgement of 10.04.2018 (application no. 75717/14)
(FR)

Press release (FR / EN)

OTHER INFORMATION

Grand Chamber hearing on asylum-seekers' detention at the border

On 18 April 2018, the Grand Chamber will hear the case of *Ilias and Ahmed v. Hungary* (application no. 47287/15).

The case concerns two Bangladeshi nationals who had been held in the Hungarian border zone for 23 days before being sent to Serbia.

Press release (FR / EN)

See the European Court of Human Rights Newsflash No. 1/17 for a presentation of the Chamber's judgement

Entry into force of Protocol No. 16 to the Convention

France has ratified [Protocol No. 16 to the European Convention on Human Rights](#), which will strengthen dialogue between the European Court of Human Rights and the higher courts designated by the Member States, triggering its entry into force on 01/08/18.

This treaty will enable these courts to transmit to the Court requests for advisory opinions on questions of principle regarding the interpretation or application of the rights and freedoms set forth in the Convention or its protocols. Such requests must concern cases pending before the national courts. The advisory opinions issued by the Court will be reasoned and non-binding.

Press release (FR / EN)

[Link](#) to table of signatures and ratifications