



FLASH NEWS

8/18

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 16/04 TO 27/04/2018

NL / BAYDAR v. NETHERLANDS

Right to a fair hearing - Refusal, by a summary reasoning, to refer a preliminary question to the Court of Justice

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

The applicant, a person convicted for human trafficking, complained of the fact that the Dutch Supreme court refused, by a summary reasoning, to refer a preliminary question to the Court of Justice. In fact, the Dutch Supreme court, in the context of an accelerated procedure, had dismissed the appeal in cassation stating that according to the national law, no additional justification was required as the complaints did not show that it was necessary to decide upon a point of law in the interest of the uniformity or development of law.

Ruling of 24.04.2018 (application no. 55385/14) ([EN](#))

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

FR / OTTAN v. FRANCE

Freedom of expression - Words of a lawyer questioning the ethnic origin of the members of a criminal court jury

Violation of article 10 (freedom of expression) of the ECHR

The applicant, a lawyer of the father of a person from a foreign community, killed by a police officer during a high-speed chase, complained about having been issued a warning for his words used after the verdict acquitting the police officer. In fact, he had said that the decision of acquittal was not surprising in view of the ethnicity of the jury that exclusively comprised of "white" members.

Ruling of 19.04.2018 (application no. 41841/12) ([FR](#))

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

BE / PIROZZI v. BELGIUM

Right to a fair hearing - Execution of a European arrest warrant

Non-violation of article 5 § 1 (right to liberty and security) of the ECHR

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

The applicant, an Italian national residing in Belgium, returned to the Italian authorities based on a European arrest warrant, alleged that his arrest by the Belgian authorities was not made in a legal manner. In addition, he complained about the fact that the Belgian authorities returned him to the Italian authorities without having checked the legality and correctness of the European arrest warrant as the latter was based on a sentence delivered following proceedings conducted in contumacy, which according to him constitute grounds for refusal of extradition for several EU countries.

Ruling of 17.04.2018 (application no. 21055/11) ([FR](#))

SI / BENEDIK v. SLOVENIA

Respect for private and family life - Access to information relating to a dynamic IP address - Intervention to be "provided for by the law"

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

The applicant, a person convicted for showing, creating, possessing or distributing child-pornographic images, complained that the police had obtained information in this regard by arbitrarily viewing data relating to his dynamic IP address, without having a court order to this effect.

Ruling of 24.04.2018 (application no. 62357/14) ([EN](#))

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

CH / UCHE v. SWITZERLAND

Right to a fair hearing - Grounds for judgment - Absence of response to one of the complaints

Non-violation of article 6 §§ 1 and 3 a) (right to be informed about the nature and cause of the charge) of the ECHR

Violation of article 6 § 1 (right to a well-founded decision) of the ECHR

The applicant, a Nigerian and Swiss national, sentenced for drug trafficking, mainly complained about the violations of the adversarial principle and his right to a well-founded decision. He mainly alleged that, by dismissing his appeal, the Swiss Supreme Court did not respond to his complaint concerning the violation of the adversarial principle and that it was thus impossible to determine whether this court had simply neglected to process the argument of the applicant or whether it intended to dismiss it.

Ruling of 17.04.2018 (application no. 12211/09)

FR / A.S. v. FRANCE

Immigration - Expulsion of a person - Non-compliance with a provisional measure ordered by the ECHR - Right of individual application

Non-violation of article 3 (prohibition of inhuman or degrading treatment) of the ECHR

Violation of article 34 (right of individual application) of the ECHR

The applicant, a Moroccan national sent to Morocco following his conviction for participation in a terrorist undertaking and after his deprivation of his French citizenship, stated that he had been exposed to a risk of poor treatment. He also complained about his conditions of detention in two Moroccan prisons. Moreover, he complained about the fact of having been sent to Morocco when the ECHR had asked the French government to not proceed with his return.

Ruling of 19.04.2018 (application no. 46240/15)
(FR)