



FLASH NEWS

8/19

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 06/05 TO 24/05/2019

EL / SINE TSAGGARAKIS A.E.E. v. GREECE

Right to a fair hearing - Legal certainty - Divergence in case-law in the Supreme Court

Violation of article 6 § 1 (right to a fair hearing) of the ECHR.

The applicant, a Greek company, complained that its case had not been tried in a fair manner, mainly as regards the principle of legal certainty, as well as in an impartial manner, owing to the conflicting decisions issued in its case by the different sections of the Council of State. This divergence in case-law continued despite the intervention, in this regard, of the plenary session of the same court.

Judgment of 23.05.2019 (application no. 17257/13) ([FR](#))

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

RU / O.O. v. RUSSIA

Ban on inhuman and degrading treatment - Deportation to Uzbekistan - Non-compliance with a provisional measure ordered by the ECHR

Violation of article 3 (prohibition of inhuman or degrading treatment and torture) and article 34 (right of individual application) of the ECHR.

The applicant, an Uzbek national, had been found guilty, among other things, of participating in an extremist organisation and had been deported to his country of origin. He stated that the Russian authorities had not taken into account his arguments according to which his deportation would expose him to an actual risk of ill-treatment. He also emphasised that they had ignored the provisional measure declared by the ECHR, which suspended the enforcement of the decision of deportation taken against him.

Judgement of 21.05.2019 (application no. 36321/16) ([EN](#))

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

RO / O.C.I. ET AUTRES (AND OTHERS) v. ROMANIA

Right to respect for private and family life - International child abduction - Return of children to Italy to the father - Serious risk of being exposed to ill-treatment.

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

The applicants, a Romanian national and her two children, contested the decision of the Romanian courts ordering the return of the children to Italy, to their father. They especially stated that the said courts had not taken into account the serious risk of the children being ill treated by their father, while such a risk constitutes, in view of the Hague Convention on the Civil Aspects of International Child Abduction, one of the exceptions to the principle of the return of children to their usual place of residence.

Judgement of 21.05.2019 (application no. 49450/17) ([EN](#))

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

BE / G.K. v. BELGIUM

Right to free elections - Office of senator - Resignation under duress

Violation of article 3 of Protocol no. 1 (right to free elections) to the ECHR.

The applicant, a former Belgian senator, stated that she had been erratically removed from her office. In fact, she held that she had had to resign owing to the pressure from the members of her party after having been suspected by the commission for drug offences during a trip abroad. She recanted shortly after her forced resignation, stating that her consent had been invalidated, but the Senate had considered that the validity of this resignation should not be questioned.

Judgment of 21.05.2019 (application no. 58302/10) ([FR](#))

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