

List of cases selected for publication in *Reports of Judgments and Decisions* 2016<sup>1</sup>

[Updated October 2016]

### Notes on citation:

Cases are listed alphabetically by applicant and by respondent State.

By default, all references are to Chamber judgments. Grand Chamber cases, whether judgments or decisions, are indicated by "[GC]". Decisions are indicated by "(dec.)".

Chamber judgments that are not yet "final" within the meaning of Article 44 of the Convention<sup>2</sup> are marked "(not final)". In the event that any such judgment is accepted for referral to the Grand Chamber in accordance with Article 43,<sup>3</sup> it will not be published in the *Reports of Judgments and Decisions* 2016, but will be replaced by a judgment or decision from the "Reserve list".

The volume composition for the years 2016 has not yet been determined. Until further notice, cases of 2016 may be cited simply by indicating the year of publication e.g. ECHR 2016, without adding a volume number. For further information on the manner of citing the Court's case-law, please see <u>here</u>.

The Court reserves the right to report some or all of the judgments and decisions listed below in the form of extracts. The full original language version or versions of any such judgment or decision will remain available for consultation in the HUDOC database.

# Table of Contents

I. Cases listed alphabetically by applicant2	
II. Cases listed alphabetically by respondent State	

<sup>1.</sup> List approved by the Bureau following recommendation by the Court's Jurisconsult.

2. Article 44 § 2 of the Convention provides:

<sup>3.</sup> If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment."



<sup>&</sup>quot;The judgment of a Chamber shall become final

<sup>(</sup>a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or(b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or

<sup>(</sup>c) when the panel of the Grand Chamber rejects the request to refer under Article 43."

<sup>3.</sup> Article 43 of the Convention provides:

<sup>&</sup>quot;1. Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.

<sup>2.</sup> A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the Protocols thereto, or a serious issue of general importance.

# I. Cases listed alphabetically by applicant

# А

21.6.2016

# Al-Dulimi and Montagna Management Inc. v. Switzerland [GC], no. 5809/08

# ARTICLE 6

Article 6 § 1 (civil) Civil rights and obligations Civil Access to court Sanctions imposed on applicants on basis of UN Security Council resolutions: *violation* 

30.3.2016

# Armani da Silva v. the United Kingdom [GC], no. 5878/08

# **ARTICLE 2**

Article 2 § 1 Effective investigation Alleged failure to conduct effective investigation into fatal shooting of person mistakenly identified as suspected terrorist: *no violation* 

### 23.5.2016

# Avotiņš v. Latvia [GC], no. 17502/07

ARTICLE 6 Article 6 § 1 (civil)

# Fair hearing

Equality of arms Enforcement in Latvia of judgment delivered in Cyprus in the debtor's absence: *no violation* 

В

23.6.2016

# Baka v. Hungary [GC], no. 20261/12

ARTICLE 6 Article 6 § 1 (civil) Civil rights and obligations

Access to court Inability of Supreme Court President to contest premature termination of his mandate: *Article 6 applicable; violation* 

# **ARTICLE 10**

Freedom of expression

Premature termination of Supreme Court President's mandate as a result of views expressed publicly in his professional capacity: *violation* 

#### 12.1.2016

### Bărbulescu v. Romania, no. 61496/08

#### **ARTICLE 8**

Positive obligations Article 8 § 1

Respect for correspondence

# Respect for private life

Monitoring of an employee's use of the Internet at his place of work and use of data collected to justify his dismissal: *no violation* 

29.3.2016

#### Bédat v. Switzerland [GC], no. 56925/08

### **ARTICLE 10**

Article 10 § 1

Freedom to impart information

Freedom to receive information

Conviction of a journalist for the publication of materials covered by the secrecy of a pending investigation: *no violation* 

#### 24.5.2016

# Biao v. Denmark [GC], no. 38590/10

#### **ARTICLE 14**

Discrimination (Article 8) More favourable conditions for family reunion applying to persons who had held Danish citizenship for at least 28 years: *violation* 

#### 23.3.2016

#### Blokhin v. Russia [GC], no. 47152/06

ARTICLE 5

Article 5 § 1 (d)

Educational supervision

Thirty-day placement of minor in detention centre for young offenders to "correct his behaviour": *violation* 

### ARTICLE 3

Degrading treatment

Inhuman treatment

Failure to provide adequate medical care for minor during detention to "correct his behaviour": *violation* 

# ARTICLE 6

Criminal proceedings Article 6 § 1

Criminal charge

Fair hearing

Lack of adequate procedural guarantees in proceedings leading to minor's placement in detention centre for young offenders to "correct his behaviour": *Article 6 applicable* **Article 6 § 3** 

Rights of defence

Lack of adequate procedural guarantees in proceedings leading to minor's placement in detention centre for young offenders to "correct his behaviour": *violation* 

### 5.7.2016

# Buzadji v. the Republic of Moldova [GC], no. 23755/07

### ARTICLE 5

Article 5 § 3

Reasonableness of pre-trial detention

Absence of relevant and sufficient reasons for pre-trial detention other than reasonable suspicion of commission of an offence: *violation* 

С

26.4.2016

### Cumhuriyet Halk Partisi v. Turkey, no. 19920/13

# ARTICLE 11

Freedom of association

Legally unforeseeable and thus unlawful confiscation of political party's assets: violation

Ç

23.2.2016

Cam v. Turkey, no. 51500/08 (Reserve list)

ARTICLE 2 OF PROTOCOL NO. 1

Discrimination

Refusal by academy of music to enrol blind person despite her having passed competitive entrance examination: *violation* 

F

23.3.2016

F.G. v. Sweden [GC], no. 43611/11

ARTICLE 2

Expulsion

### **ARTICLE 3**

Expulsion

Proposed expulsion to Iran of low-profile political activist: *deportation would not constitute a violation* 

Proposed expulsion to Iran without adequate investigation of reality and implications of conversion to Christianity after arrival in Europe: *deportation would constitute a violation* 

# ARTICLE 37

Special circumstances requiring further examination

Procedural issues justifying continued examination of complaint despite expiration of deportation order: *request to strike out dismissed* 

# 5.1.2016

# Frumkin v. Russia, no. 74568/12

### ARTICLE 11

Freedom of peaceful assembly

Authorities' failure to communicate with the leaders of a protest demonstration in order to ensure its peaceful conduct: *violation* 

G

22.3.2016

### Guberina v. Croatia, no. 23682/13

### **ARTICLE 14**

Discrimination (Article 1 of Protocol No. 1)

Failure to take account of the needs of child with disabilities when determining applicant father's eligibility for tax relief on the purchase of suitably adapted property: *violation* 

#### 13.9.2016

Ibrahim and Others v. the United Kingdom [GC], nos. 50541/08 and 3 others

### ARTICLE 6

Article 6 § 3 (c)

Defence through legal assistance

Delayed access to a lawyer during police questioning owing to exceptionally serious and imminent threat to public safety: *violation; no violation* 

#### 26.4.2016

# İzzettin Doğan and Others v. Turkey [GC], no. 62649/10

# **ARTICLE 9**

Freedom of religion Manifest religion or belief Refusal to provide public religious services to members of Alevi faith: *violation* 

# **ARTICLE 14**

#### Discrimination (Article 9)

Difference in treatment between members of Alevi faith and citizens adhering to majority branch of Islam: *violation* 

J

23.8.2016

J.K. and Others v. Sweden [GC], no. 59166/12

# ARTICLE 3

#### Expulsion

Proposed deportation to Iraq of family threatened by al-Qaeda: *deportation would constitute a violation* 

### 5.7.2016

# Jeronovičs v. Latvia [GC], no. 44898/10

# ARTICLE 3

Effective investigation

Positive obligations (procedural aspect)

Refusal to reopen criminal proceedings in respect of which Government had submitted unilateral declaration: *violation* 

# ARTICLE 37

Striking out applications Continuing obligation of the respondent State to investigate Article 3 complaints even following a decision striking out the complaint following a unilateral declaration

К

17.5.2016

Karácsony and Others v. Hungary [GC], nos. 42461/13 and 44357/13

### **ARTICLE 10**

Freedom of expression

Fine imposed on opposition MPs for showing billboards and using a megaphone during parliamentary votes: *violation* 

Μ

9.2.2016

# Meier v. Switzerland, no. 10109/14

### **ARTICLE 4**

Article 4 § 3 (a) Work required of detainees Continuing obligation on prisoner to work after reaching retirement age: *no violation* 

23.2.2016

Mozer v. the Republic of Moldova and Russia [GC], no. 11138/10

# **ARTICLE 1**

Jurisdiction of states

Jurisdiction of Moldovan and Russian Governments in relation to person detained within separatist region of the Republic of Moldova

### ARTICLE 3

Degrading treatment Inhuman treatment Conditions of detention and lack of medical assistance in separatist region of the Republic of Moldova: *no violation; violation* 

# **ARTICLE 5**

Article 5 § 1

Lawful arrest or detention

Detention ordered by "courts" of separatist region of the Republic of Moldova: *no violation; violation* 

# ARTICLE 8

Article 8 § 1

Respect for family life Respect for private life

Restrictions on visits by family members and on right to converse in own language in prison in separatist region of the Republic of Moldova: *no violation; violation* 

# ARTICLE 9

Article 9 § 1

Freedom of religion

Refusal by prison authorities in separatist region of the Republic of Moldova to allow prisoner to see pastor: *no violation; violation* 

# ARTICLE 13

Effective remedy

Lack of effective domestic remedies to complain of breach of Convention rights for person detained in separatist region of the Republic of Moldova: *no violation; violation* 

# ARTICLE 35

Article 35 § 1

Exhaustion of domestic remedies

Effective domestic remedy

Application for compensation under Law no. 1545 (1998) in Moldova not effective remedy in respect of unlawful detention in separatist region: *preliminary objection dismissed* 

26.4.2016

# Murray v. the Netherlands [GC], no. 10511/10

### **ARTICLE 3**

Inhuman or degrading punishment

De facto irreducibility of life sentence imposed on prisoner suffering from mental illness: *violation* 

R

21.6.2016

# Ramadan v. Malta, no. 76136/12

# **ARTICLE 8**

Respect for private life Withdrawal of citizenship following annulment of simulated marriage: *no violation* 

# II. Cases listed alphabetically by respondent State

Croatia

22.3.2016

Guberina v. Croatia, no. 23682/13

### ARTICLE 14

Discrimination (Article 1 of Protocol No. 1)

Failure to take account of the needs of child with disabilities when determining applicant father's eligibility for tax relief on the purchase of suitably adapted property: *violation* 

Denmark

24.5.2016

Biao v. Denmark [GC], no. 38590/10

# ARTICLE 14

Discrimination (Article 8) More favourable conditions for family reunion applying to persons who had held Danish citizenship for at least 28 years: *violation* 

Hungary

17.5.2016

Karácsony and Others v. Hungary [GC], nos. 42461/13 and 44357/13

#### **ARTICLE 10**

Freedom of expression

Fine imposed on opposition MPs for showing billboards and using a megaphone during parliamentary votes: *violation* 

23.6.2016

# Baka v. Hungary [GC], no. 20261/12

ARTICLE 6 Article 6 § 1 (civil)

Civil rights and obligations

Access to court

Inability of Supreme Court President to contest premature termination of his mandate: *Article 6 applicable; violation* 

# **ARTICLE 10**

Freedom of expression

Premature termination of Supreme Court President's mandate as a result of views expressed publicly in his professional capacity: *violation* 

# Latvia

# 23.5.2016

# Avotiņš v. Latvia [GC], no. 17502/07

# ARTICLE 6

Article 6 § 1 (civil) Fair hearing Equality of arms Enforcement in Latvia of judgment delivered in Cyprus in the debtor's absence: *no violation* 

# 5.7.2016

# Jeronovičs v. Latvia [GC], no. 44898/10

# ARTICLE 3

Effective investigation

Positive obligations (procedural aspect)

Refusal to reopen criminal proceedings in respect of which Government had submitted unilateral declaration: *violation* 

# ARTICLE 37

Striking out applications Continuing obligation of the respondent State to investigate Article 3 complaints even following a decision striking out the complaint following a unilateral declaration

Malta

21.6.2016

# Ramadan v. Malta, no. 76136/12

# ARTICLE 8

Respect for private life Withdrawal of citizenship following annulment of simulated marriage: *no violation* 

# Republic of Moldova

23.2.2016

Mozer v. the Republic of Moldova and Russia [GC], no. 11138/10

# **ARTICLE 1**

Jurisdiction of states Jurisdiction of Moldovan and Russian Governments in relation to person detained within separatist region of the Republic of Moldova

# **ARTICLE 3**

Degrading treatment

Inhuman treatment

Conditions of detention and lack of medical assistance in separatist region of the Republic of Moldova: *no violation; violation* 

# ARTICLE 5

Article 5 § 1

Lawful arrest or detention

Detention ordered by "courts" of separatist region of the Republic of Moldova: *no violation; violation* 

# **ARTICLE 8**

Article 8 § 1

Respect for family life Respect for private life

Restrictions on visits by family members and on right to converse in own language in prison in separatist region of the Republic of Moldova: *no violation; violation* 

ARTICLE 9

Article 9 § 1

Freedom of religion

Refusal by prison authorities in separatist region of the Republic of Moldova to allow prisoner to see pastor: *no violation; violation* 

### **ARTICLE 13**

Effective remedy

Lack of effective domestic remedies to complain of breach of Convention rights for person detained in separatist region of the Republic of Moldova: *no violation; violation* 

# ARTICLE 35

Article 35 § 1

Exhaustion of domestic remedies

Effective domestic remedy

Application for compensation under Law no. 1545 (1998) in Moldova not effective remedy in respect of unlawful detention in separatist region: *preliminary objection dismissed* 

#### 5.7.2016

# Buzadji v. the Republic of Moldova [GC], no. 23755/07

ARTICLE 5

Article 5 § 3

Reasonableness of pre-trial detention

Absence of relevant and sufficient reasons for pre-trial detention other than reasonable suspicion of commission of an offence: *violation* 

# Romania

#### 12.1.2016

# Bărbulescu v. Romania, no. 61496/08

# **ARTICLE 8**

Positive obligations **Article 8 § 1** Respect for correspondence

Respect for private life

Monitoring of an employee's use of the Internet at his place of work and use of data collected to justify his dismissal: *no violation* 

# Russia

### 5.1.2016

# Frumkin v. Russia, no. 74568/12

#### ARTICLE 11

Freedom of peaceful assembly

Authorities' failure to communicate with the leaders of a protest demonstration in order to ensure its peaceful conduct: *violation* 

23.2.2016

#### Mozer v. the Republic of Moldova and Russia [GC], no. 11138/10

### **ARTICLE 1**

Jurisdiction of states

Jurisdiction of Moldovan and Russian Governments in relation to person detained within separatist region of the Republic of Moldova

#### **ARTICLE 3**

Degrading treatment

Inhuman treatment

Conditions of detention and lack of medical assistance in separatist region of the Republic of Moldova: *no violation; violation* 

### **ARTICLE 5**

Article 5 § 1

Lawful arrest or detention

Detention ordered by "courts" of separatist region of the Republic of Moldova: *no violation; violation* 

#### **ARTICLE 8**

Article 8 § 1

Respect for family life Respect for private life

Restrictions on visits by family members and on right to converse in own language in prison in separatist region of the Republic of Moldova: *no violation; violation* 

# ARTICLE 9

Article 9 § 1

Freedom of religion

Refusal by prison authorities in separatist region of the Republic of Moldova to allow prisoner to see pastor: *no violation; violation* 

#### ARTICLE 13

Effective remedy

Lack of effective domestic remedies to complain of breach of Convention rights for person detained in separatist region of the Republic of Moldova: *no violation; violation* 

ARTICLE 35

Article 35 § 1

Exhaustion of domestic remedies

Effective domestic remedy

Application for compensation under Law no. 1545 (1998) in Moldova not effective remedy in respect of unlawful detention in separatist region: *preliminary objection dismissed* 

#### 23.3.2016

# Blokhin v. Russia [GC], no. 47152/06

### ARTICLE 5

Article 5 § 1 (d)

Educational supervision

Thirty-day placement of minor in detention centre for young offenders to "correct his behaviour": *violation* 

#### **ARTICLE 3**

Degrading treatment

Inhuman treatment

Failure to provide adequate medical care for minor during detention to "correct his behaviour": *violation* 

#### **ARTICLE 6**

Criminal proceedings Article 6 § 1

Criminal charge

# Fair hearing

Lack of adequate procedural guarantees in proceedings leading to minor's placement in detention centre for young offenders to "correct his behaviour": *Article 6 applicable* **Article 6 § 3** 

### Rights of defence

Lack of adequate procedural guarantees in proceedings leading to minor's placement in detention centre for young offenders to "correct his behaviour": *violation* 

Sweden

23.3.2016

# F.G. v. Sweden [GC], no. 43611/11

**ARTICLE 2** 

Expulsion

ARTICLE 3

Expulsion

Proposed expulsion to Iran of low-profile political activist: *deportation would not constitute a violation* 

Proposed expulsion to Iran without adequate investigation of reality and implications of conversion to Christianity after arrival in Europe: *deportation would constitute a violation* 

### ARTICLE 37

Special circumstances requiring further examination

Procedural issues justifying continued examination of complaint despite expiration of deportation order: *request to strike out dismissed* 

23.8.2016

J.K. and Others v. Sweden [GC], no. 59166/12

#### ARTICLE 3

#### Expulsion

Proposed deportation to Iraq of family threatened by al-Qaeda: *deportation would* constitute a violation

# Switzerland

# 9.2.2016

# Meier v. Switzerland, no. 10109/14

# ARTICLE 4

Article 4 § 3 (a) Work required of detainees Continuing obligation on prisoner to work after reaching retirement age: *no violation* 

# 29.3.2016

# Bédat v. Switzerland [GC], no. 56925/08

# **ARTICLE 10**

Article 10 § 1 Freedom to impart information

Freedom to receive information

Conviction of a journalist for the publication of materials covered by the secrecy of a pending investigation: *no violation* 

### 21.6.2016

Al-Dulimi and Montagna Management Inc. v. Switzerland [GC], no. 5809/08

# ARTICLE 6

Article 6 § 1 (civil) Civil rights and obligations Civil Access to court Sanctions imposed on applicants on basis of UN Security Council resolutions: *violation* 

# The Netherlands

26.4.2016

# Murray v. the Netherlands [GC], no. 10511/10

# ARTICLE 3

Inhuman or degrading punishment De facto irreducibility of life sentence imposed on prisoner suffering from mental illness: *violation* 

# Turkey

# 23.2.2016

<u>Cam v. Turkey, no. 51500/08</u> (Reserve list)

# ARTICLE 2 OF PROTOCOL NO. 1

Discrimination

Refusal by academy of music to enrol blind person despite her having passed competitive entrance examination: *violation* 

### 26.4.2016

# Cumhuriyet Halk Partisi v. Turkey, no. 19920/13

### **ARTICLE 11**

Freedom of association Legally unforeseeable and thus unlawful confiscation of political party's assets: violation

#### 26.4.2016

# İzzettin Doğan and Others v. Turkey [GC], no. 62649/10

# ARTICLE 9

Freedom of religion Manifest religion or belief Refusal to provide public religious services to members of Alevi faith: *violation* 

# **ARTICLE 14**

Discrimination (Article 9) Difference in treatment between members of Alevi faith and citizens adhering to majority branch of Islam: *violation* 

# United Kingdom

30.3.2016

# Armani da Silva v. the United Kingdom [GC], no. 5878/08

# **ARTICLE 2**

Article 2 § 1

Effective investigation

Alleged failure to conduct effective investigation into fatal shooting of person mistakenly identified as suspected terrorist: *no violation* 

#### 13.9.2016

Ibrahim and Others v. the United Kingdom [GC], nos. 50541/08 and 3 others

ARTICLE 6 Article 6 § 3 (c)

Defence through legal assistance

Delayed access to a lawyer during police questioning owing to exceptionally serious and imminent threat to public safety: *violation; no violation*