



## FLASH NEWS

3/18

# EUROPEAN COURT OF HUMAN RIGHTS

### OVERVIEW FROM 29/01 TO 11/02/2018

#### FR / M.A. v. FRANCE

**Prohibition of inhuman or degrading treatment - Conviction for facts related to terrorism - Return to Algeria, despite an interim measure of the ECHR**

**Violation** of article 3 (prohibition of inhuman or degrading treatment and torture) of the ECHR.

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

The applicant, an Algerian national convicted in France for his involvement in a terrorist organisation, stated that his return to Algeria would expose him to a serious risk of treatments contrary to article 3 of the ECHR, as the Algerian government was informed about his conviction in France. In addition, he claimed that the French government had violated the interim measure of the ECHR, and, thus, failed in its obligations under article 34 of the ECHR, as the police authorities had not waited for this decision pertaining to the interim measure.

Ruling of 01.02.2018 (application no. 9373/15)  
([FR](#))

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

#### LT / SEKMADIENIS LTD. v. LITHUANIA

**Freedom of expression - Clothing advertising campaign - Religious symbols - Protection of public morality**

**Violation** of article 10 (right to freedom of expression) of the ECHR.

The applicant company, a clothing manufacturer mentioning "Jesus" and "Mary" in its advertising campaign, claimed that the fine that had been imposed on it for corrupting public morals, could not be considered as necessary in a democratic society.

Ruling of 30.01.2018 (application no. 69317/14)  
([EN](#))

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

#### FR / BEN FAIZA v. FRANCE

**Right to privacy - Criminal investigation - Geolocation and judicial requisition to a mobile telephony operator**

**Violation** of article 8 (right to respect for private and family life) of the ECHR as regards geolocation.

**Non-violation** of article 8 (right to respect for private and family life) of the ECHR as regards requisition.

The applicant, a French national who was under judicial supervision at the time of the examination of the appeal, complained that the installation of a geolocation device on his vehicle and the requisition issued to a phone operator to collect incoming and outgoing calls as well as the "demarcation" of the telephone lines, allowing to monitor his movements later, constituted an intrusion in his private life.

Ruling of 08.02.2018 (application no. 31446/12)  
([FR](#))

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

#### EL / M.K. v. GREECE

**Right to respect for private and family life - Decision granting custody of a child to the mother - Impossibility of exercising the custody owing to objection by the child**

**Non-violation** of article 8 (right to respect for private and family life) of the ECHR.

The applicant, a Romanian national staying in France, complained about the fact that the Greek authorities had not complied with the French and Greek judgments delivered in her favour concerning the custody of her 13 year old son, who, had expressed his desire to stay with his brother and father in Greece before the said authorities.

Ruling of 01.02.2018 (application no. 51312/16)  
([FR](#))

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

**ARYM / ASANI v. THE FORMER YUGOSLAV  
REPUBLIC OF MACEDONIA**

**Right to a fair hearing - Right to call and  
cross-examine witnesses**

**Violation** of article 6 §§ 1 and 3d (right to a fair hearing and right to call and examine witnesses) of the ECHR.

The applicants, Macedonian nationals currently serving life sentences for murder, stated that, during their trial, they had not been able to sufficiently cross-examine the key witnesses.

Ruling of 01.02.2018 (application no. 27962/10)  
([EN](#))

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

**TR / ENVER ŞAHİN v. TURKEY**

**Prohibition of discrimination - Person  
suffering from a disability - Right to  
education**

**Violation** of article 14 (prohibition of discrimination) of the ECHR, combined with article 2 of Protocol no. 1 (right to education) to the ECHR.

The applicant, a paraplegic Turkish national, complained about having to discontinue his studies as it became impossible for him to access the university buildings, for lack of facilities that were suitable in view of his condition. He stated that, following his accident, he could no longer enjoy his right to education on an equal footing with the other students.

Ruling of 30.01.2018 (application no. 23065/12)  
([FR](#))

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