



FLASH NEWS

11/17

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 30/10 TO 19/11/2017

NL / GARIB v. THE NETHERLANDS [GC]

Freedom of movement – City policy – Temporary restriction on choosing residence in an urban area

No violation of Article 2 of Protocol No. 4 (Freedom of movement / freedom to choose one's residence) to the Convention.

The applicant, who lives on social welfare, complained about residential restrictions in a district of Rotterdam with high unemployment. New residence was restricted to residents of the Rotterdam Metropolitan Area of six years' standing, unless their income was related to work. The applicant argued that the restrictions left her unable to freely choose her place of residence.

Judgement of 6.11.2017 (application no. 43494/09)
([FR](#) / [EN](#))
Press release ([FR](#) / [EN](#))

RU / K.I. v. RUSSIA

Refusal to extradite a participant in an extremist religious movement – Expulsion based on the right of non-citizens

Violation of Article 3 (Prohibition of inhuman and degrading treatment) of the Convention, if the applicant were removed.

No violation of Article 5 § 1 (Right to liberty and security) of the Convention.

Violation of Article 5 § 4 (Right to liberty and security) of the Convention.

The applicant, a Tajik national, complained that he would face a real risk of ill-treatment if removed from Russia to Tajikistan. He also argued that his detention pending extradition had been unlawful and that his appeals had not been considered in good time.

Judgement of 7.11.2017 (application no. 58182/14)
([EN](#))
Press release ([FR](#) / [EN](#))

AT / CEESAY v. AUSTRIA

Asylum-seeker – Detention pending expulsion – Death following hunger strike

No violation of Article 2 (Right to life) of the Convention.

No violation of Article 3 (Prohibition of inhuman and degrading treatment) of the Convention.

The applicant complained that there had not been an effective and comprehensive investigation into the death of his brother, a failed asylum-seeker who was placed in detention with a view to his expulsion to The Gambia, during which he went on hunger strike. The applicant further maintained that the medical assistance provided to his brother during his hunger strike had not been in accordance with the law.

Judgement of 16.11.2017 (application no. 72126/14)
([EN](#))
Press release ([FR](#) / [EN](#))

OTHER INFORMATION

Chamber hearing on the bulk interception of external communications

The European Court of Human Rights held a Chamber hearing on Tuesday 7 November 2017 in the cases of **Big Brother Watch and Others v. the United Kingdom** (no. 58170/13), **Bureau of Investigative Journalism and Alice Ross v. the United Kingdom** (no. 62322/14) and **10 Human Rights Organisations and Others v. the United Kingdom** (no. 24960/15).

The cases concern the bulk interception of external communications by the United Kingdom intelligence services, and the sharing of intelligence between the United Kingdom and the United States of America. In the three cases, information about the electronic surveillance programmes was leaked by Edward Snowden.

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

SI / KRAJNC v. SLOVENIA

Social policy – Disability benefit – Introduction of new legislation – Application to existing benefit recipients – Reduction in benefits

Violation of Article 1 of Protocol No. 1 (Protection of property) to the Convention.

The applicant, a professional truck driver until he could no longer work due to epilepsy, who had been receiving disability benefit for six years, alleged that the approximate 50% reduction in his benefit had been excessive when the authorities found that his capacity to work had further reduced. They claimed that the level of the applicant's disability should be determined in accordance with new legislation.

Judgement of 31.10.2017 (application no. 38775/14) (EN)

Press release (FR / EN)

RO / DRAGOȘ IOAN RUSU v. ROMANIA

Right to a fair trial – Conviction based on evidence seized following the interception of correspondence by the prosecuting authorities without court approval

Violation of Article 8 (Right to respect for correspondence) of the Convention.

No violation of Article 6 § 1 (Right to a fair trial) of the Convention.

The applicant alleged that his conviction for trafficking Diazepam (a prohibited drug) via his local post office had been unfair because it was based on unlawfully obtained evidence, namely envelopes seized by the prosecuting authorities at the post office without the approval of a court.

Judgement of 31.10.2017 (application no. 22767/08) (EN)

Press release (FR / EN)

BA / KUNIĆ AND OTHERS v. BOSNIA AND HERZEGOVINA / SPAHIĆ AND OTHERS v. BOSNIA AND HERZEGOVINA

Judgements ordering cantons to pay benefit recipients – Judgements not followed by the cantons – Delays of several years

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

Violation of Article 1 of Protocol No. 1 (Protection of property) to the Convention.

The applicants, 32 citizens of Bosnia and Herzegovina, complained about non-enforcement of final domestic judgments in their favour ordering two cantons of the Federation of Bosnia and Herzegovina to pay them different sums for unpaid work-related benefits. The judgments became final between at least four and almost eleven years ago. There are currently more than 400 similar applications pending before the European Court of Human Rights.

Judgements of 14.11.2017 [application no. 68955/12 and 15 others (EN) and application no. 20514/15 and 15 others (EN)]

Press release (FR / EN)

IS / EGILL EINARSSON v. ICELAND

Freedom of expression – Rape accusation and insults on Instagram – Rejection of a defamation claim

Violation of Article 8 (Right to respect for private and family life) of the Convention.

The applicant, a well-known blogger, complained about a Supreme Court ruling, which found that he had not been defamed by insulting remarks used in an Instagram post calling him a rapist. Prosecutors had just before dismissed rape and sexual offence accusations against him.

Judgement of 7.11.2017 (application no. 24703/15) (EN)

Press release (FR / EN)