



FLASH NEWS

12/17

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 20/11 TO 03/12/2017

SK / MANSOUR v. SLOVAKIA

International child abduction – Hague Convention and Brussels II bis Regulation – Non-enforcement of the order returning the children

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

The applicant, a Slovak national who lives in Ireland, the father of two children abducted by their mother, also a Slovak national, and taken to Slovakia, complained that the Slovakian enforcement courts had failed to secure respect for his family life under Article 8 of the Convention. In particular, the order returning the children to Ireland, the country of their habitual residence under the Brussels II bis Regulation, had not been enforced as it had not specified that it was directed at the mother.

Judgement of 21.11.2017 (application no. 60399/15)
([EN](#))

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

HU / SCHESZTÁK v. HUNGARY

Right to a fair trial – Adversarial principle – Court judged the case only on the adversary's pleadings

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

The applicant filed an action against his former employer, claiming unlawful dismissal. He complained that the ensuing labour law proceedings were unfair. He alleged in particular that the Supreme Court had given judgment on his case without waiting for his pleadings, finding that they had been submitted too late when there was nothing to show that it had been required for the court to receive such pleadings — rather than for the applicant to have posted them — within the time limit.

Judgement of 21.11.2017 (application no. 5769/11)
([EN](#))

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

GE / MERABISHVILI v. GEORGIA [GC]

Pre-trial detention of a former Prime Minister – Justification – Restriction of the right to liberty for an ulterior purpose

No violation of Article 5 § 1 (Right to liberty and security) of the Convention with regard to the applicant's arrest or pre-trial detention.

No violation of Article 5 § 3 (Entitlement of a detainee to trial within a reasonable time or to release pending trial) of the Convention with regard to his initial placement in pre-trial detention.

Violation of Article 5 § 3 of the Convention in that, at least from 2013 onwards, the applicant's pre-trial detention had ceased to be based on sufficient grounds.

Violation of Article 18 (Limitation on use of restrictions on rights) taken in conjunction with Article 5 § 1 of the Convention.

The applicant alleged that his arrest and pre-trial detention had aimed to remove him from the political scene, and that the Chief Public Prosecutor had attempted to use his detention as leverage to pressure him to provide information about the foreign bank accounts of the former President and about the death of another former Prime Minister.

Judgement of 28.11.2017 (application no. 72508/13)
([FR](#) / [EN](#))

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

ME / ANTOVIĆ AND MIRKOVIĆ v. MONTENEGRO

Video surveillance equipment – Lecture halls – Invasion of privacy

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

The applicants, two university professors, complained after video surveillance had been installed in areas where they taught. They stated that they had had no effective control over the information collected and that the surveillance had been unlawful.

Judgement of 28.11.2017 (application no. 70838/13)
([EN](#))

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