



FLASH NEWS

13/19

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 16/09 TO 04/10/2019

EL / KAAK AND OTHERS v. GREECE

Right to liberty and security - Reception centre for migrants - Conditions of detention - Regularity of the detention

Non-violation of article 3 (prohibition of inhuman or degrading treatment) and article 5 § 1 (right to liberty and security) of the ECHR.

Violation of article 5 § 4 (right to have a ruling, without undue delay, on the lawfulness of the detention) of the ECHR.

The applicants, 49 Syrian, Afghan and Palestinian nationals, including children, had been placed in reception centres for migrants after their illegal arrival in Greece (island of Chios). They complained about the conditions of their detention in these camps as well as its arbitrary nature. They also complained about having received no information about the reasons of their detention and not being able to, in practice, bring the matter before a judicial authority to examine the question of its legality.

Ruling of 03.10.2019 (application no. 34215/16) ([FR](#))
Press release ([FR](#) / [EN](#))

See also, in Flash News no. 2/18, the ruling of 25.01.2018, [J. R and others v. Greece](#) (application no. 22696/16).

PT / ANTUNES EMÍDIO v. PORTUGAL AND SOARES GOMES DA CRUZ v. PORTUGAL

Freedom of expression - Defamation - Critical with respect to political figures

Violation of Article 10 (freedom of expression) of the ECHR.

The applicants, a Portuguese doctor and a journalist, had been sentenced for defamation against political figures owing to publications in the press. They stated that the sentences imposed on them had constituted a violation of their freedom of expression.

Ruling of 24.09.2019 (application nos. 75637/13 and 8114/14) ([EN](#))

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

DK / SAVRAN v. DENMARK

Prohibition of inhuman or degrading treatment - Criminal conviction – Sending back a person suffering from a psychiatric illness to his home country

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

The applicant, a Turkish national residing in Denmark with his family since 1991, had been the subject of a decision of expulsion from this country following his conviction for aggravated violence having caused the death of the victim. He alleged that, in view of his mental health, his return to Turkey would constitute a violation of his rights, especially as he wasn't sure he would be able to avail of the treatment he needed in his home country.

Ruling of 01.10.2019 (application no. 57467/15) ([EN](#))
Press release ([FR](#) / [EN](#))

OTHER INFORMATION

Polish judicial reform

On 17 September 2019, the ECHR communicated to the Polish government the cases [Broda v. Poland](#) (application no. 26691/18) and [Bojara v. Poland](#) (application no. 27367/18) and asked it to submit its observations in this regard.

The cases pertain to the judicial reform in Poland, which led to the premature termination of the six-year terms of two judges appointed to the posts of vice-president of the regional court of Kielce.

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

See also the communication to the Polish government in the cases [Xero Flor w Polsce sp. z o.o. v. Poland](#) (application no. 4907/18) and [Grzęda v. Poland](#) (application no. 43572/18).