



## FLASH NEWS

14/19

# EUROPEAN COURT OF HUMAN RIGHTS

### OVERVIEW FROM 07/10 TO 18/10/2019

#### **ES / OTEGI MONDRAGON AND OTHERS v. SPAIN** [GC]

**Respect for privacy - Prior notification of video-surveillance measures - Discretion of national authorities**

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

**Non-violation** of Article 6 § 1 (right to a fair trial) of the ECHR

The applicants, supermarket cashiers who had been unknowingly filmed committing thefts, considered as unfair the use of hidden video surveillance and the use by national courts of the data thus obtained in order to conclude that their dismissals were legitimate. The applicants, who signed settlement agreements, further alleged that their signature was obtained under duress after viewing the video recordings, and that these agreements should not have been admitted as evidence of the validity of their dismissals.

Judgment of 17.10.2019 (Applications nos. 1874/13 and 8567/13) ([FR](#) / [EN](#))

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

See also, in Flash News no. 1/18, the judgment of 09/01/2018, [López Ribalda and Others v. Spain](#) in which the ECtHR (3rd section) found a violation of Article 8 of the ECHR.

#### **BG / TOGRUL v. BULGARIA**

**Right to life - Prohibition of inhuman or degrading treatment - Deportation order against a former Syrian soldier - Protection of national security**

**Violation** of Articles 2 (right to life) and 3 (prohibition of torture, inhuman or degrading treatment) of the ECHR in the event of the applicant's expulsion to Syria.

**Violation** of Article 13 (right to an effective remedy), combined with Articles 2 and 3 of the ECHR.

The applicant, a former Syrian soldier who had deserted from the Syrian National Army and joined the Free Syrian Army, had applied for asylum in Bulgaria. His request had been rejected and the Bulgarian authorities had ordered his expulsion, considering him a threat to national security. The applicant's various appeals had been unsuccessful. He alleged that his removal to Syria would violate his rights. He also considered that he had not had an effective remedy with regard to the assessment by the national courts of the risks he faced in the event of expulsion.

Ruling of 10/10/2019 (application no. 34016/18) ([FR](#))

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

### OTHER INFORMATION

#### **New request for an advisory opinion - Protocol no. 16**

On 02 October 2019, the ECtHR accepted a request for an advisory opinion submitted by the Constitutional Court of Armenia concerning two proceedings pending before it relating to the constitutionality of the Criminal Code. After France, Armenia is the second country to request an advisory opinion under Protocol no.16 to the ECHR.

The request concerns an article of the Armenian Criminal Code which penalizes the overthrow of the constitutional order. In its questions, the Constitutional Court asks the ECtHR for clarification on certain aspects of Article 7 (no punishment without law) of the ECHR, in particular as regards the notion of "law" within the meaning of this provision, as well as those of "legal certainty", "accessibility", "predictability" and "stability of the law", and the principle of non-retroactivity of criminal law.

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