



FLASH NEWS

03/26

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 30/4 TO 5/6

TR / YASAK v. TÜRKİYE [GC]

No punishment without law - Conviction for membership of an armed terrorist organisation without any assessment of the applicant's criminal intent (mens rea) - Breach of the individual's right not to be punished without there being a causal link of an intellectual nature enabling an element of personal responsibility to be established

Infringement of Articles 3 (prohibition of degrading treatment) and 7 (no punishment without law) of the ECHR.

The case concerns the applicant's conviction for membership of an armed terrorist organisation, as well as the conditions of his detention at Çorum Prison. The case forms part of criminal proceedings brought against individuals accused of being members of an armed terrorist organisation, namely the group referred to by the Turkish authorities as the 'Fetullahist terrorist organisation/parallel State structure' (FETÖ/PDY), and which they have held responsible for the attempted coup that took place in Türkiye on 15 July 2016.

The European Court of Human Rights (ECtHR) notes that the domestic courts, contrary to the requirements of domestic law, failed to specify how the fact that the applicant had held certain positions within the organisation's educational branch – well before it was designated as a terrorist organisation by the national authorities and courts – allowed the conclusion to be drawn that he was aware of the organisation's terrorist nature and objectives, that he intended to be part of it, and that he was actively and continuously contributing to it. This failure to assess the applicant's intent – namely, the subjective element of the offence of membership of a terrorist organisation – in the light of the specific evidence proving the acts he committed and the role he played, constitutes a fundamental breach of the requirement for an individualised assessment of criminal liability.

With regard to conditions of detention, the ECtHR found that the applicant had been detained for nearly four years in conditions of severe and persistent prison overcrowding, characterised in particular by the lack of a single bed for approximately 14 months, inadequate sanitary facilities, overcrowding and limited access to activities and fresh air. Taken together, these conditions constitute treatment that meets the threshold of severity set out in Article 3 of the ECHR.

Judgment of 5.5.2026 (application No 17389/20) ([FR/EN](#))
Press release ([FR/EN](#))

GE / MILADZE v. GEORGIA

Freedom of expression - Viral video posted on TikTok - Video containing particularly aggressive and vulgar insults directed at identifiable public officials in the context of a public debate - Verbal abuse aimed primarily at denigrating public officials - Proportionate administrative sanction and fine

Non-infringement of Article 10 (freedom of expression) of the ECHR.

The case concerned the administrative sanction imposed on Mr Miladze for a video he had posted on TikTok in 2022, in which he criticised the new transport policy in Tbilisi and exposed irregularities committed by public officials. The video had gone viral.

The European Court of Human Rights (ECtHR) ruled that the Georgian courts had carried out a careful and nuanced balancing exercise in this case, drawing a distinction between vigorous political criticism and hostile personal attacks – the latter not being protected by the ECHR.

The applicant published the video publicly and without any audience restrictions on TikTok, a platform characterised by rapid algorithmic amplification and a particularly high level of engagement amongst young users. Given the nature of TikTok – which is based on short, easily consumable content that is widely disseminated amongst minors – the ECtHR held that the scale and speed of dissemination had exacerbated the impact of the applicant's comments.

The ECtHR therefore took particular account of the aggressive and vulgar language used and the potential impact – particularly on young people – of the sexually explicit personal insults posted on a widely used social media platform.

Judgment of 19.5.2026 (application No 41585/23) ([EN](#))
Press release ([FR/EN](#))



Right to an effective remedy - Examination of a Syrian national's asylum application in the context of his potential return from Greece to Türkiye pursuant to the EU-Türkiye Statement of 18 March 2016 - Individual assessment

Non-infringement of Article 13 (right to an effective remedy) in conjunction with Article 3 (prohibition of inhuman or degrading treatment) of the ECHR.

Infringement of Article 3 (conditions of detention) of the ECHR in relation to the detention of the person concerned at the Mytilene police station.

The case concerns the potential return of a Syrian national from Greece to Türkiye under the EU-Türkiye Statement of 18 March 2016, which was intended to stem the flow of irregular migration to Europe via Türkiye.

The European Court of Human Rights (ECtHR) finds that the authorities carried out a thorough examination of J.B.'s asylum application. It notes that the courts took into account the conditions he might face in Türkiye, as well as the specific risks he claimed he would face in the event of removal; that they consulted a wide range of reports and statistics; and that they examined the coherent set of safeguards and monitoring mechanisms that form part of the EU-Türkiye Statement.

It notes that, during the court proceedings, J.B. received legal assistance and was able to challenge the finding that Türkiye was a safe third country for him.

Finally, the ECtHR notes that he received a detailed response to his arguments, including the reports he submitted to the domestic courts.

Judgment of 26.5.2026 (application No 54796/16) ([EN](#))

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

Legal summary ([FR/EN](#))

INTERIM MEASURES

Changes to the Polish judicial system - Appointment of judges - Authorisation and performance of the duties of judges at the Polish Constitutional Court

On 6 May 2026, the European Court of Human Rights (ECtHR) decided, pursuant to Rule 39 of the [Rules of Procedure](#) of the ECtHR, to order an interim measure in the case of Dziurda and Others v. Poland (application No 17392/26).

The case concerns four legal professionals who were elected as judges to the Constitutional Court on 13 March 2026, but who have not yet been authorised to take up their posts.

The ECtHR asked the Polish Government to ensure that the applicants are not prevented from taking up and performing their duties as judges at the Constitutional Tribunal until a further decision is made on their application for interim measures.

The ECtHR also asked the Government to provide it, by 20 May 2026, with information regarding the applicants' situation.

The ECtHR stated that this decision had been taken in light of the judgment delivered by the ECtHR on 7 May 2021 in the case of [Xero Flor w Polsce sp. z o.o. v. Poland \(application No 4907/18\)](#), as well as the importance of ensuring the proper functioning of the Constitutional Court of the Republic of Poland, in order to guarantee the implementation of the principle of subsidiarity ([Grzęda v. Poland \[GC\], N 43572/18, § 324, 15 March 2022](#)).

The applicants lodged their application for interim measures on 30 April 2026 and had until 2 June 2026 to submit a full application under Article 34 (right of individual petition) of the ECHR.

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