



FLASH NEWS

04/26

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 8/6 TO 15/7

PT / JESUS PINHAL v. PORTUGAL [GC]

Ne bis in idem - Three proceedings brought by the criminal courts, the Securities Market Commission and the Bank of Portugal in respect of various criminal and administrative offences - Proceedings forming part of an integrated system designed to impose sanctions for the various aspects of the disputed facts relating to the dissemination of false information

Non-infringement of Article 4 of Protocol No 7 (right not to be tried or punished twice) to the ECHR.

The judgment concerns the right not to be tried or punished twice, known as the *ne bis in idem* principle.

The applicant was a member and vice-chair of the Board of Directors of Banco Comercial Português (BCP). Following a report, the Lisbon prosecuting authorities, the Securities Market Commission and the Central Bank of Portugal brought proceedings against him for various criminal and administrative offences. The applicant argued before the European Court of Human Rights (ECtHR) that he had been prosecuted three times for the same offences.

In this case, the ECtHR clarified the criteria to be applied in order to strike a fair balance between the effectiveness of law enforcement against all forms of crime and respect for the fundamental right not to be tried twice for the same offence.

The ECtHR emphasises that if contentious criminal proceedings form part of an integrated system designed to punish an offence in all its various aspects, in a predictable and proportionate manner, and forming a coherent whole, then they do not cause any injustice to the person concerned.

In this case, having established the existence of a substantive and temporal link between the proceedings, the ECtHR considers that the three proceedings in question – criminal proceedings within the autonomous meaning of the ECHR – formed part of an integrated system designed to punish the various aspects of the disputed facts relating to the dissemination of false information. These proceedings did not, therefore, constitute a repeat of the previous proceedings. There were therefore no ‘repeated proceedings’ within the meaning of Article 4 of Protocol No 7, which protects the right not to be tried or punished twice.

Judgment of 9.7.2026 (applications Nos 48047/15 and 2276/20) ([FR/EN](#))

IT / GRANDE ORIENTE D'ITALIA v. ITALY [GC]

Right to respect for the home - Search of the premises of a Masonic association ordered by the Parliamentary Commission of Inquiry into the fight against the Mafia - Seizure of numerous documents, including personal data of its members - Need for sufficient safeguards compatible with the rule of law, provided by a judicial authority or another impartial decision-making body responsible for carrying out *ex ante* scrutiny or *ex post* review

Infringement of Article 8 (right to respect for the home) of the ECHR.

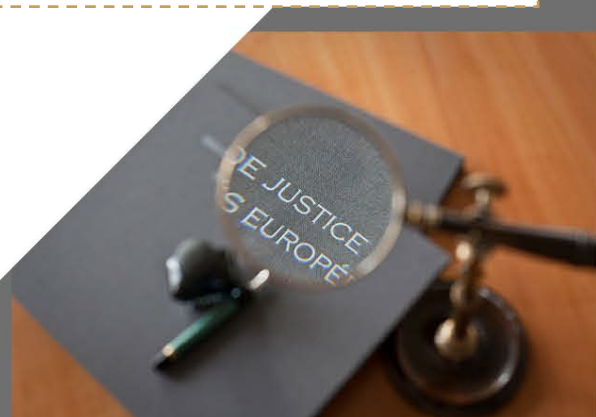
The case concerns the search of the premises of an Italian Masonic association, ordered by a parliamentary committee of inquiry investigating the infiltration of Mafia-type criminal organisations into Masonic lodges, and the subsequent seizure of numerous documents in both paper and digital formats, in particular lists containing the names and personal details of more than six thousand people.

Having noted the latitude enjoyed by States in matters of parliamentary autonomy, the European Court of Human Rights nevertheless held that the interference with the applicant association's exercise of its right to respect for its home was not accompanied by sufficient safeguards against abuse and arbitrariness and was therefore not ‘necessary in a democratic society’, as the applicant association had been afforded neither any prior safeguards nor any subsequent remedy.

Judgment of 7.7.2026 (application No 29550/17) ([FR/EN](#))

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

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



PL / A.P. AND R.P. v. POLAND and A.D.-K. AND OTHERS v. POLAND

Right to respect for private and family life - Prohibition of discrimination - Refusal by the authorities to recognise legal parent-child relationships established abroad, in breach of the best interests of the Polish child

Non-infringement of Article 8 (right to respect for private and family life) of the ECHR with regard to the right to respect for family life of both the birth mother and the child.

Infringements of Article 8 (right to respect for private and family life) and of Article 14 (prohibition of discrimination) in conjunction with Article 8 of the ECHR concerning the child's right to respect for privacy.

Non-infringement of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) of the ECHR with regard to the right to respect for family life of both the birth mother and the child.

The cases of A.P. and R.P. v. Poland (application No 1298/19) and A.D.-K. and Others v. Poland (application No 30806/15) concern the Polish authorities' refusal to recognise legal parent-child relationships established abroad.

In both cases, a same-sex couple living in the United Kingdom under a civil partnership applied to have their child's birth certificate registered in Poland. In both cases, the Polish authorities refused the applications on grounds of public policy. In the case of A.P. and R.P., the birth mother (who is also the biological mother) and her partner were both Polish nationals; they spoke Polish at home and spent a great deal of time in Poland. As confirmed by the Government, R.P., their child, acquired Polish nationality at birth. In the case of A.D.-K. and Others, the birth mother (who is also the biological mother) is a British national and her partner is Polish.

In the case of A.D.-K. and Others v. Poland, the European Court of Human Rights declared the application inadmissible. The adverse effects on the child's privacy resulting from the refusal to register the foreign birth certificate do not appear to have been serious enough to raise an issue under Article 8, and the family did not report any particular obstacles or practical difficulties in the enjoyment of their family life.

Judgment in A.P. and R.P. v. Poland (application No 1298/19) ([EN](#)) and decision in A.D.-K. and Others v. Poland (application No 30806/15) ([EN](#)) of 2.7.2026
Press release ([FR/EN](#))

Legal summaries, judgment in A.P. and R.P. v. Poland ([FR/EN](#)) and decision in A.D.-K. and others v. Poland ([FR/EN](#))

PT / DE CARVALHO MARQUES AND OTHERS v. PORTUGAL

Freedom of expression - Unfair disciplinary proceedings and disproportionate fine imposed on Porto Football Club for legitimate criticism of certain referees - No infringement in respect of the other applications - Extremely serious allegations made in these cases constituting value judgements lacking a sufficient factual basis

Infringement of Article 10 (freedom of expression) of the ECHR in relation to Porto Football Club in application No 47902/20.

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

The case concerns disciplinary proceedings brought by the Disciplinary Committee of the Portuguese Football Federation against Porto Football Club (Futebol Clube do Porto SAD – Futebol SAD), its communications director and its president, who were fined sums ranging from €459 to €15,300 following criticism they had voiced in the media regarding the performance of certain referees and the refereeing system as a whole. The head of communications and the chair of the applicant company were also temporarily suspended from their duties.

The European Court of Human Rights (ECtHR) considers that the applicants failed to produce any evidence to support the allegations of corruption and match-fixing that they had made. The statements in question amounted to value judgements lacking a sufficient factual basis. However, with regard to application No 47902/20, ruled that the statements in question remained within the bounds of permissible criticism.

Judgment of 7.7.2026 (applications Nos 47902/20 and 5 others) ([EN](#))

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

Relinquishment of jurisdiction to the Grand Chamber

In the case of **Knopp v. Hungary** (application No 22931/18), a case concerning the alleged covert surveillance of a Hungarian businessman has just been referred to the Grand Chamber.

The case concerns an 88-year-old Hungarian businessman who is under investigation in the United States for international racketeering and who fears that, at the request of the US authorities, the Hungarian authorities may have recorded his telephone conversations and monitored his emails.

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

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