

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

EUROPEAN HUMAN RIGHTS LAW

JUDGE PINTO DE ALBUQUERQUE'S OPINIONS

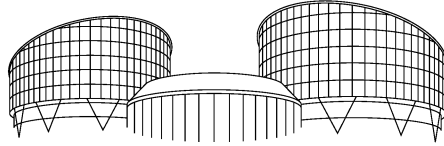
April 2011 – March 2020

The opinions are available on the site of the European Court of Human Rights (Court's data base: HUDOC). Some of the opinions were co-authored by other Judges.

THE COURT JURISDICTION AND POWERS (ARTICLE 1 OF THE CONVENTION)

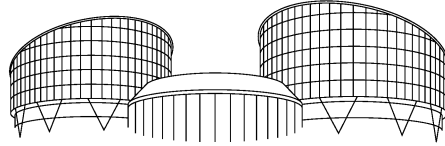
GRAND CHAMBER JUDGMENTS

1. G.I.E.M. S.R.L. AND OTHERS v. ITALY (application no. 1828/06 and 2 others, judgment of 28 June 2018): the relationship between the convention and the constitution, the “interpretative authority” of the Court’s judgment, multilevel constitutionalism, a Convention-oriented constitutional theory of fundamental rights.



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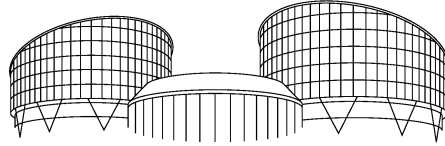
2. HUTCHINSON v. THE UNITED KINGDOM (application no. 57592/08, judgment of 17 January 2017): universalism and diversity in human rights, *Argentoratum locutum, iudicium finitum* – “Strasbourg has spoken, the case is closed”, the Court’s judgment as *res interpretata*, the State obligation to “take into account” the judgments of the Court.
3. MURSIC v. CROATIA (application no. 7334/13, judgment of 20 October 2016): evolutive interpretation of the European Convention on Human Rights, European consensus, the role of soft law in European human rights law.
4. BAKA v. HUNGARY (application no. 20261/12, judgment of 23 June 2016): transitional constitutional provision incompatible with the European Convention on Human Rights, unconstitutional constitutional norms (*verfassungswidrige Verfassungsnormen*), direct, supra-constitutional effect of the European Convention, the European Convention as European *ius constitutionale commune*, the Court as the European Constitutional Court.
5. AL-DULIMI and MONTANA MANAGEMENT INC. v. SWITZERLAND (application no. 5809/08, judgment of 21 June 2016): Security Council Resolution-based confiscation measures as penalties, the fundamental character of the right of access to court in criminal and civil matters, the conflict between obligations derived from the United Nations Charter and obligations derived from the European Convention on Human Rights, the European Convention as the European Constitution, the Court’s *Bosphorus* case law applied to the United Nations.
6. SARGSYAN v. AZERBAIJAN (application no. 40167/06, judgment of 16 June 2015): the intersection between European human rights law and international



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humanitarian law, the right to humanitarian intervention, jurisdiction over the ceasefire line and the adjacent area, responsibility to protect, duty to protect civilians.

7. CHIRAGOV AND OTHERS v. ARMENIA (application no. 13216/05, judgment of 16 June 2015): the intersection between European human rights law and international humanitarian law, State secession, “remedial secession” as a human rights imperative, jurisdiction in foreign territory by long-distance remote-controlled exercise of authority, occupation, violation of property rights of displaced persons.
8. CASE OF CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CÂMPEANU v. ROMANIA (application no. 47848/08, judgment of 17 July 2014): the Court’s judgment as an act of *potestas* or an act of *autorictas*, legal principles in the motivation of the Court’s judgments, role of NGOs as representatives of victims before the Court, principle of equality.
9. CYPRUS v. TURKEY (application no. 25781/94, judgment (just satisfaction) of 12 May 2014): the Court’s power to award just satisfaction in inter-State cases, the time-limit for inter-State just satisfaction claims, the punitive nature of just satisfaction under the Convention, the Court’s power to deliver a declaratory judgment on the cessation of ongoing violations.
10. VALLIANATOS AND OTHERS v. GREECE (applications no. 29381/09 e no. 32684/09, judgment of 7 November 2013): the Court’s power to review in abstract the Convention-compatibility of a law, direct action before the Court without prior exhaustion of domestic constitutional remedies, principle of subsidiarity.
11. FABRIS c. FRANCE (Article 41) (application no. 16574/08, judgment of 28 June 2013): execution of the Court’s judgment finding a violation in the case of



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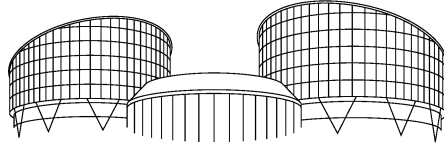
discriminatory law and a final judgment of the *Cour de Cassation* in accordance with this law.

12. FABRIS v. FRANCE (application no. 16574/08, judgment of 7 February 2013): the direct, *erga omnes* and retroactive effect of the Court's judgment, the Court's power to oversee the execution of its own judgments, the Court's implicit powers and the balance of power between the Court and the Committee of Ministers.
13. HERRMANN v. GERMANY (application no. 9300/07, judgment of 26 June 2012): the *stare decisis* effect of the Court's judgment, European consensus as a factor of the Court's case law development.

SECTION II JUDGMENTS

14. FILIZ v. TURKEY (application no. 28074/08, judgment of 4 March 2014) (principle of subsidiarity, use of force by police, proportionality)
15. 15. CAMEKAN v. TURKEY (application no. 54241/08, judgment of 28 January 2014) (principle of subsidiarity, self-defence, reassessment of facts)
16. TREVALEC v. BELGIUM (Article 41) (application no. 30812/07, judgment of 25 June 2013): preventive and punitive nature of just satisfaction under the Convention, punitive damages established by the Court with regard to the respondent state, in spite of the previous satisfaction of damages by a third state.

SECTION IV JUDGMENTS



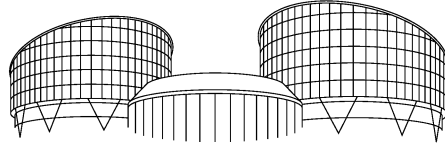
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17. TCHANKOTADZE v. GEORGIA (application no. 15256/05, judgment of 21 June 2016): critique of the prohibitive standard of proof in Article 18 cases.
18. BORG v. MALTA (application no. 37537/13, judgment of 12 January 2016): breach of the Court's *Salduz* case law by the Constitutional Court of Malta, lack of impartiality of magistrate, lack of legal assistance to third persons called as witnesses against the applicant.

THE RIGHT TO LIFE
(ARTICLE 2 OF THE CONVENTION)

GRAND CHAMBER JUDGMENTS

19. FERNANDES DE OLIVEIRA v. PORTUGAL (application no. 78103/04, judgment of 31 January 2019): health care provided to psychiatric patients with suicidal tendency.
20. LOPES DE SOUSA FERNANDES v. PORTUGAL (application no. 56080/13, judgment of 19 December 2017): right to health care, medical malpractice in public hospital.
21. VASILIAUSKAS v. LITHUANIA (application no. 35343/05, judgment of 20 December 2015): Soviet genocide of Lithuanian nation, partisans as relevant part of the nation.
22. PARRILLO v. ITALY (application no. 46470/11, judgment of 27 August 2015): scientific research on human embryos and embryonic stem cells.



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23. MOCANU AND OTHERS v. ROMANIA (application no. 10865/09, 45886/07 32431/08, judgment of 17 September 2014): the nature of the statute of limitations in criminal law, the State obligation to punish crimes against humanity without any time bar.

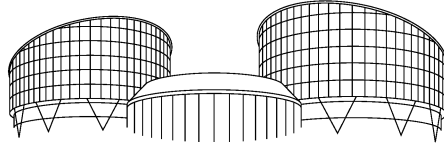
SECTION I JUDGMENT

24. TAGAYEVA AND OTHERS v. RUSSIA (application no. 26562/07 and 6 other applications, judgment of 13 April 2017): deficiencies of criminal investigation.
25. BLJAKAJ AND OTHERS v. CROATIA (application no. 74448/12, judgment of 18 September 2014): the State obligation to protect lawyers from work-related violence and against violent acts of mentally disturbed persons, lawyer in a divorce action threatened and attacked by the adverse party.

SECTION II JUDGMENTS

26. PERINÇEK v. SWITZERLAND (application no. 27510/08, judgment of 17 December 2013): denial of the Armenian genocide, the State obligation to criminalize the denial of genocide.
27. TREVALEC v. BELGIUM (application no. 30812/07, judgment of 14 June 2011): putative self-defence and excessive defence.

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28. **VOVK and BOGDANOV v. RUSSIA** (application no. 15613/10, judgment of 11 February 2020): obligation to criminalise negligent actions and omissions, use of explosive devices by the military.
29. **ZINATULLIN v. RUSSIA** (application no. 10551/10, judgment of 14 January 2020): victim status regarding substantive violation, due to insufficient domestic compensation.

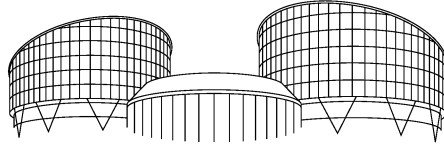
SECTION IV JUDGMENT

30. **AKELIENĖ v. LITHUANIA** (application no. 54917/13, judgment of 16 October 2018): right of victims of criminal offences and their relatives with regard to the application of remand measures to the offender and the subsequent enforcement of a custodial sentence; *argumentum ad ignorantiam*; treatment of classified documents.

**THE RIGHT TO PHYSICAL INTEGRITY
(ARTICLE 3 OF THE CONVENTION)**

GRAND CHAMBER JUDGMENTS

31. **KHAMTOKHU AND AKSENCHIK v. RUSSIA** (applications nos. 60367/08 and 961/11, judgment of 24 January 2017): discrimination of male offenders aged between 18 and 65, prohibition of life imprisonment for women, elderly and juvenile offenders, the State obligation to “level up” in case of false positive discrimination.
32. **HUTCHINSON v. THE UNITED KINGDOM** (application no. 57592/08, judgment of 17 January 2017): whole life sentence, the State obligation to establish a parole mechanism.



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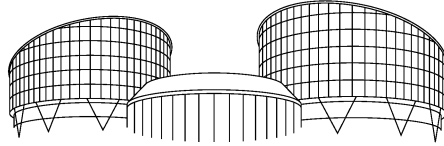
33. MURSIC v. CROATIA (application no. 7334/13, judgment of 20 October 2016):
prison overcrowding, the minimum living space in a multiple-occupancy cell.
34. MURRAY v. THE NETHERLANDS (application no. 10511/10, judgment of 26
April 2016): the State obligation to provide for an individualised sentence plan and to
establish a parole mechanism.
35. KHOROSHENKO v. RUSSIA (application no. 41418/04, judgment of 30 June 2015):
resocialisation as the primary purpose of imprisonment, the State obligation to
provide for an individualised sentence plan.

SECTION I JUDGMENT

36. MEREZHNIKOV v. RUSSIA (no. 30456/06, judgment of 12 November 2015):
negligent excessive use of force.

SECTION II JUDGMENTS

37. ÖCALAN v. TURKEY (No 2) (applications nos. 24069/03, 197/04, 6201/06 and
10464/07, judgment of 18 March 2014): life imprisonment without parole for the
leader of a terrorist organization, prison regime with severe restrictions of contacts
with family and lawyers.
38. ERTUS v. TURKEY (application no. 37871/08, judgment of 5 November 2013):
excessive force in police detention of minor.



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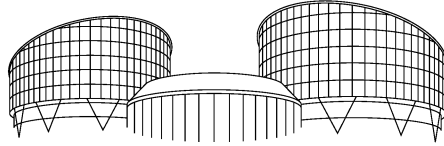
39. VALIULIENE v. LITHUANIA (application no. 33234/07, judgment of 26 March 2013): gender sensitive interpretation of the Convention, the State obligation to criminalize and prosecute effectively domestic violence, review of the “Osman test” in domestic violence cases, public interest in the prosecution of domestic violence.
40. TAUTKUS v. LITHUANIA (application no. 29474/09, judgment of 27 November 2011): the State obligation to protect detainees from the danger of severe bodily harm caused by another detainee within the prison facility, the State obligation to provide for an individualised sentence plan.
41. PORTMANN v. SWITZERLAND (application no. 38455/06, judgment of 11 October 2011): hooding of dangerous detainees.

SECTION III JUDGMENT

42. VOLODINA v. RUSSIA (application no. 41261/17, judgment of 9 July 2019): gender sensitive interpretation of the Convention, domestic violence as torture.

SECTION IV JUDGMENTS

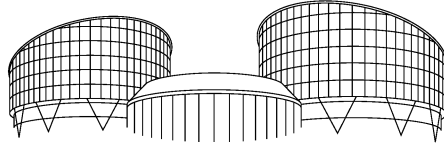
43. PETUKHOV v. UKRAINE (No. 2) (application no. 41216/13, judgment of 12 March 2019): lack of adequate medical care in detention and irreducibility of life sentence.
44. M. A. v. LITHUANIA (application no. 59793/17, judgment of 11 December 2018): jurisdiction at the border, immediate refoulement of asylum seeker).



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45. ISAYEVA v. UKRAINE (application no. 35523/06, judgment of 4 December 2018): award of compensation on the basis of the objective civil liability of a psychiatric institution.
46. ABDILLA v. MALTA (application no. 36199/15, judgment of 17 July 2018): prison conditions.
47. RUIZ PENA AND PEREZ OBERGHT v. MALTA (applications nos. 25218/15 and 25251/15, judgment of 17 July 2018): prisons conditions.
48. YANEZ PINON AND OTHERS v. MALTA (applications nos. 71645/13, 7143/14 and 20342/15, judgment of 19 December 2017): prison conditions.
49. PEÑARANDA SOTO v. MALTA (application no. 16680/14, judgment of 19 December 2017): prison conditions, health care, non-derogable minimum core of Article 3.
50. D.M.D. v. ROMANIA (application no. 23022/13, judgment of 3 October 2017): domestic violence, ill-treatment inflicted on a child by his father, State's positive obligation to prohibit all forms of violence against children.
51. MIRONOVAS AND OTHERS v. LITHUANIA (applications nos. 40828/12, 29292/12, 69598/12, 40163/13, 66281/13, 70048/13 and 70065/13, judgment of 8 December 2015): prison overcrowding, compensatory and preventive remedies.

**THE PROHIBITION OF SLAVERY AND FORCED LABOUR
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SECTION IV JUDGMENT

52. *J. AND OTHERS v. AUSTRIA* (application no. 58216/12, judgment of 17 January 2017): prohibition of slavery, forced labour and trafficking of human beings for that purpose.

THE RIGHT TO LIBERTY (ARTICLE 5 OF THE CONVENTION)

GRAND CHAMBER JUDGMENT

53. *ILNSEHER v. GERMANY* (applications nos. 10211/12 and 27505/14, judgment of 4 December 2018): retroactive preventive detention of person with mental disorder, the catch-all construction of the notion of “person of unsound mind”.

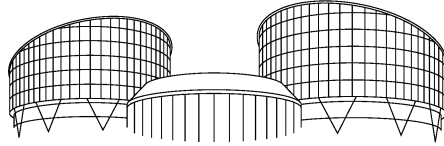
SECTION I JUDGMENT

54. *KUTTNER v. AUSTRIA* (application no. 7997/08, judgment of 16 July 2015): treatment of offenders with mental health problems, failure of the “therapy instead of penalty” model, lack of judicial oversight.

SECTION IV JUDGMENT

55. *ETUTE v. LUXEMBOURG* (application no. 18233/16, judgment of 30 January 2018): judicial control of conditional release revocation.

56. *ABDULLAHI ELMI AND AWEYS ABUBAKAR v. MALTA* (applications nos. 25794/13 and 28151/13, judgment of 22 November 2016): the trend to *crimmigration*,



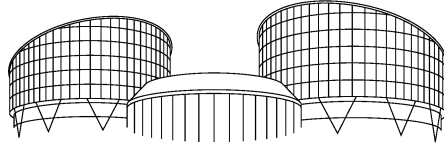
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detention of asylum-seekers as a violation of international refugee law and European human rights law.

**THE RIGHT TO A FAIR TRIAL
(ARTICLE 6 OF THE CONVENTION)**

GRAND CHAMBER JUDGMENTS

57. *MURTAZALIYEVA v. RUSSIA* (application no. 36658/05, judgment of 18 December 2018): right to obtain the attendance and examination of witnesses on behalf the defendant under the same conditions as witnesses against him or her, principle of immediacy, overall fairness test.
58. *RAMOS NUNES DE CARVALHO E SÁ v. PORTUGAL* (applications nos. 55391/13, 57728/13 and 74041/13, judgment of 6 November 2018): the procedural guarantees before the CSM; Independence and impartiality of the Judicial Division of the Supreme Court; Extent of the review conducted by the Judicial Division of the Supreme Court and lack of a public hearing.
59. *CORREIA DE MATOS v. PORTUGAL* (application no. 56402/12, judgment of 4 April 2018): the lawyer's right to defend himself or herself in person in criminal procedure, distortion of European consensus and fragmentation of international law.
60. *KÁROLY NAGY v. HUNGARY* (application no. 56665/09, judgment of 14 September 2017): dismissed pastor of Hungarian Reformed Church, right of access to court concerning the compensation claim.

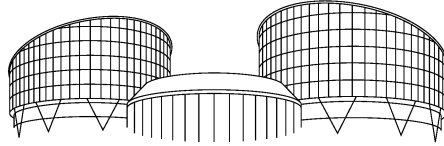


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61. MOREIRA FERREIRA C. PORTUGAL (N° 2) (application no. 19867/12, judgment of 11 July 2017): refusal to reopen criminal proceedings following a judgement delivered by the European Court of Human Rights, principle of subsidiarity and national margin of appreciation.
62. DE TOMMASO v. ITALY (application no. 43395/09, judgment of 23 February 2017): house arrest for the purpose of criminal prevention.
63. LUPENI GREEK CATHOLIC PARISH AND OTHERS v. ROMANIA (application no. 76943/11, judgment of 29 November 2016): forced transfer of property from the Greek Catholic Church to the Orthodox Church, redistribution of property, duty of neutrality of the State, lack of legal certainty, discrimination of religious minority.
64. BAKA v. HUNGARY (application no. 20261/12, judgment of 23 June 2016): dismissal of the president of the Supreme Court by a transitional constitutional provision, *ad hominem* legislation against the independence of the judiciary, lack of access to Constitutional Court to impugn transitional constitutional norms.
65. DVORSKI v. CROATIA (application no. 25703/11, judgment of 20 October 2015): the right to a lawyer of one's own choosing from the initial stages of the proceedings, erroneous deprivation of choice of lawyer, impact of structural errors on the fairness of criminal proceedings.

SECTION I JUDGMENTS

66. MIKHAYLOVA v. RUSSIA (application no. 46998/08, judgment of 19 November 2015): lack of free legal assistance to a defendant in a criminal or administrative offence.

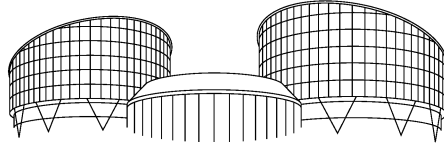


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67. MELO TADEU v. PORTUGAL (application no. 27785/10, judgment of 23 October 2014): presumption of innocence in tax enforcement proceedings after acquittal in criminal proceedings on the basis of same facts.
68. LAGUTIN AND OTHERS v. RUSSIA (application nos. 6228/09, 19123/09, 19678/07, 52340/08 and 7451/09, judgment of 24 April 2014): undercover operations, human rights legislation on special investigation techniques.
69. MATYTSINA v. RUSSIA (application no. 58428/10, judgment of 27 March 2014): lack of cross-examination of the alleged victim.

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70. GRANDE STEVENS AND OTHERS v. ITALY (applications nos. 18640/10, 18647/10, 18663/10, 18668/10 and 18698/10, judgment of 4 March 2014): unfair administrative proceedings for market manipulation before the *Commissione Nazionale per la Società e la Borsa* (CONSOB), lack of an effective judicial review of the CONSOB's decision, the court of appeal's amendment of the accusation, to the detriment of the appellant, illegality and disproportionality of the pecuniary and non-pecuniary sanctions.
71. PIOTRAS BOGDEL v. LITHUANIA (application no. 41248/06, judgment of 26 November 2013): judicial action to annul administrative contract with *bona fide* private party, limitation period for claiming invalidity of a contract in action brought by the administration distinct from limitation period in action brought by the private party.

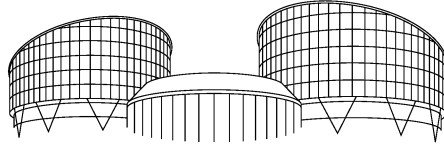


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72. *ATES MIMARLIK MUHENDISLIK A.S. v. TURKEY* (application no. 33275/05, judgment of 25 September 2012): jurisdiction over claim of payment of work fee regarding an international construction contract.
73. *K.M.C. v. HUNGARY* (application no. 19554/11, judgment of 10 July 2012): groundless decision of termination of employment.
74. *MENARINI DIAGNOSTICS S.R.L. v. ITALY* (application no. 43509/08, judgment of 27 September 2011): scope of judicial review of administrative sanctions.
75. *ADAMOV v. SWITZERLAND* (application no. 3052/06, judgment of 21 June 2011): *salvus conductus* guarantee, bad faith conduct of the State agents.
76. *DOBRIC v. SERBIA* (applications nos. 2611/07 e 15276/07, judgment of 21 June 2011): rejection by the Supreme Court of an appeal in civil procedure due to redenomination of the Serbian currency and change of the value of the dispute.
77. *ABDULLAH YILDIZ v. TURKEY* (application no. 35164/05, judgment of 26 April 2011): violation of article 6 does not constitute in itself sufficient compensation for any non-pecuniary damage.

SECTION III JUDGMENT

78. *BELUGIN v. RUSSIA* (application no. 2991/06, judgment 26 November 2019): compensation for non-pecuniary damage caused by violation of article 6.
79. *RAZVOZZHAYEV v. RUSSIA AND UKRAINE* and *UDALTSOV v. RUSSIA*



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(applications nos. 75734/12 and 2 others, judgment of 19 November 2019): abduction of asylum seeker from Ukraine to Russia; excessively intensive court hearing schedule and lengthy prison transfers; dissent regarding inadmissibility decision.

80. URAZBAYEV v. RUSSIA (application no 13128/06, judgment of 8 October 2019): compensation for non-pecuniary damage caused by violation of article 6.

81. FARRUGIA v. MALTA (application no. 63041/13, judgment of 4 June 2019): overall fairness test, access to lawyer during police custody.

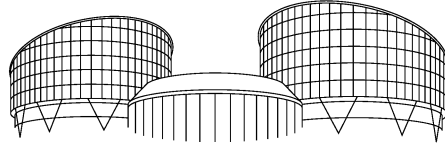
SECTION IV JUDGMENTS

82. FILKIN v. PORTUGAL (application no. 69729/12, judgment of 3 March 2020): presumption of guilt against person suspected of money laundering with his assets frozen for more than three years without being accused.

83. JANUŠKEVIČIENĖ v. LITHUANIA (application no. 69717/14, judgment of 3 September 2019): judgment with statements which established third parties' guilt in respect of criminal acts.

84. GARBUZ v. UKRAINE (application no. 72681/10, judgment of 19 February 2019): separate opinions on decisions regarding inadmissibility which are incorporated into merits judgments, attesting witnesses.

85. PRODUKCIJA PLUS STORITVENO PODJETJE D.O.O. v. SLOVENIA (application no. 47072/15, judgment of 23 October 2018): reopening of domestic proceedings after finding of Article 6 violation; compensation for pecuniary damages, loss of real opportunities.

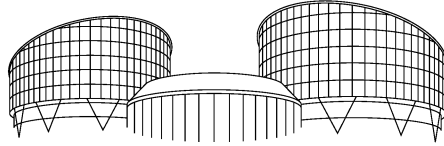


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86. SOMORJAI v. HUNGARY (application no. 60934/13, 28 August 2018): lack of reasoning in connection with the need for a reference to the CJEU for a preliminary ruling; dissent regarding inadmissibility decision.
87. DEVINAR v. SLOVENIA (application no. 28621/15, 22 May 2018): objective impartiality of the disability experts' commission, distinguishing technique, silent overruling of previous case law.
88. SVETINA v. SLOVENIA (application no. 38059/13, 22 May 2018): conviction on the basis of "inevitable discovery" exception to the doctrine of the fruit of the poisonous tree.
89. DRAGOȘ IOAN RUSU v. ROMANIA (application no. 22767/08, judgment of 31 October 2017): conviction on the basis of evidence collected in breach of Article 8 of the Convention.
90. D.M.D. v. ROMANIA (application no. 23022/13, judgment of 3 October 2017): domestic violence, ill-treatment inflicted on a child by his father, State's positive obligation to prohibit all forms of violence against children.

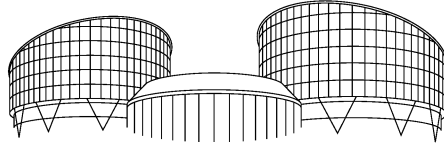
**THE PRINCIPLE OF LEGALITY IN CRIMINAL LAW
(ARTICLE 7 OF THE CONVENTION)**

GRAND CHAMBER JUDGMENTS



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91. ILNSEHER v. GERMANY (applications nos. 10211/12 and 27505/14, judgment of 4 December 2018): retroactive preventive detention, the minimalist understanding of the principle of legality, the erasure of the autonomous meaning of the notion of “penalty”.
92. G.I.E.M. S.R.L. AND OTHERS v. ITALY (applications nos. 1828/06 and 2 others, judgment of 28 June 2018): the efficiency-interests-oriented approach to criminal law, confiscation of immovable property as a penalty for unlawful site development, the substantive nature of the statute of limitations.
93. VASILIAUSKAS v. LITHUANIA (application no. 35343/05, judgment of 20 December 2015): Soviet genocide of Lithuanian nation, partisans as relevant part of the nation, retroactive application of penal law.
94. ROHLENA v. CZECH REPUBLIC (application no. 59552/08, judgment 27 January 2015): the difference between a continuing offence (*Dauerdelikt, infraction continue, reato permanente*) and a continuous offence (*fortgesetzte Handlung, infraction continuée, reato continuato*); the difference between consecutive or cumulative sentence (*peine cumulée ou peines consécutives*), concurrent sentence (*peine confondue ou peines simultanées*) and aggregate, consolidated or overall sentence (*peine globale ou peine d'ensemble*); broad consensus arising out of a long European tradition on objective (*actus reus*) and subjective (*mens rea*) elements of a continuous offence.
95. MAKTOUF AND DAMYANOVIC v. BOSNIA AND HERZEGOVINA (applications nos. 2312/08 and 34179/08, judgment of 18 July 2013): retroactive application of *lex mitior*, general principles of law as source of penal law, arbitrary



EUROPEAN COURT OF HUMAN RIGHTS
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and discriminatory sentencing, arbitrary transfer of case file, principle of natural or legal judge.

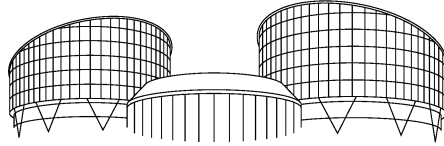
SECTION I JUDGMENT

96. MATYTSINA v. RUSSIA (application no. 58428/10, judgment of 27 March 2014): deficient application of a blanket criminal provision, waiver of the statute of limitations in criminal law.

SECTION II JUDGMENTS

97. DILIPAK v. TURKEY (application no. 29680/05, judgment of 15 September 2015): defamation of State and state organs, *Majestätsbeleidigung*.
98. VARVARA v. ITALY (application no. 17475/09, judgment of 29 October 2013): the State obligation to confiscate the instruments and proceeds of crime, confiscation on grounds of unlawful land development.
99. LIUIZA v. LITHUANIA (application no. 13472/06, judgment of 31 July 2012): *nulla poena sine lege stricta* in the field of security measures, retroactive application of the more severe security measure.
100. HIDIR DURMAZ v. TURKEY (no. 2) (application no. 26291/05, judgment of 24 April 2012): retroactive application of more lenient penal law including to *res judicata* cases, delay in the application of a more lenient penal law.

SECTION IV JUDGMENT



EUROPEAN COURT OF HUMAN RIGHTS
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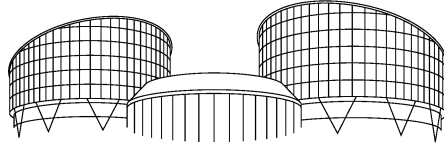
101. ROLA v. SLOVENIA (application nos. 12096/14 and 39335/16, judgment of 4 June 2019): retrospective application of revocation of a licence to act as a judicial liquidator.

**THE RIGHT TO PROTECTION OF FAMILY LIFE
(ARTICLE 8 OF THE CONVENTION)**

GRAND CHAMBER JUDGMENTS

102. BIAO v. DENMARK (application no. 38590/10, judgment of 24 May 2016): discriminatory policy on family reunification of resident foreigners and Danish nationals of foreign origin living in Denmark.
103. KHOROSHENKO v. RUSSIA (application no. 41418/04, judgment of 30 June 2015): prisoner's right to family visits.
104. X. v. LATVIA (application no. 27853/09, judgment of 26 November 2013): the conflict between obligations derived from European Convention on Human Rights and the obligations derived from the Hague Convention on international child abduction, the “inchoate” custody right of a non-registered father.
105. KONSTANTIN MARKIN v. RUSSIA (application no. 30078/06, judgment of 22 March 2012): right to parental leave of a serviceman, protection of social rights by the Convention.

SECTION I JUDGMENT



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106. **MARINIS v. GREECE** (application no. 3004/10, judgment of 9 October 2014): the principle of prevalence of biological link in paternity and maternity actions.

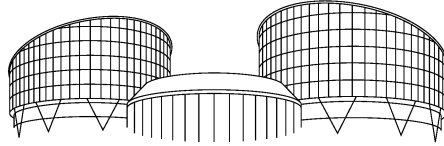
SECTION II JUDGMENTS

107. **PONTES v. PORTUGAL** (application no. 19554/09, judgment of 10 April 2012): court order for a child to be placed for adoption due to drug addiction of parents.
108. **ASSUNÇÃO CHAVES v. PORTUGAL** (application no. 61226/08, judgment of 31 January 2012): court order for a child to be placed for adoption due to negligent behaviour of parents.
109. **IYILIK v. TURKEY** (application no. 2899/05, judgment of 6 December 2011): paternity presumption of the mother's spouse.

SECTION IV JUDGMENTS

110. **ALEXANDRU ENACHE v. ROMANIA** (application no. 16986/12, judgment of 3 October 2017): ineligibility of the father of a child under the age of one for a stay of execution of his prison sentence on an equal footing with the mother.
111. **BABIARZ v. POLAND** (application no. 1955/10, judgment of 10 January 2017): right to divorce, the protection of *de facto* family life created by one of the spouses with another third person, unpredictable case law)

THE RIGHT TO PROTECTION OF PRIVATE LIFE



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(ARTICLE 8 OF THE CONVENTION)

GRAND CHAMBER JUDGMENTS

112. PARADISO AND CAMPANELLI v. ITALY (application no. 25358/12, judgment of 24 January 2017): prohibition of remunerated gestational surrogacy.
113. SÖDERMAN v. SWEDEN (application no. 5786/08, judgment of 12 November 2013): the State obligation to criminalise child pornography, evolutive interpretation of penal law in accordance with the international law obligations of the State, right to domestic compensation based directly on a violation of the Convention, even in the absence of a violation of national law.

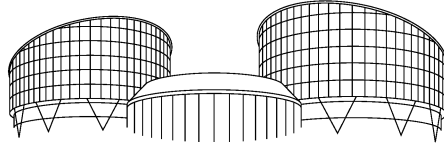
SECTION I JUDGMENT

114. SÕRO v. ESTONIA (application no. 22588/08, judgment of 3 September 2015): registration and public disclosure of former KGB employee as a lustration measure.

SECTION II JUDGMENT

115. VARAPNICKAITE-MAZYLIENE v. LITHUANIA (application no. 20376/05, judgment of 17 January 2012): public disclosure of medical data.

SECTION IV JUDGMENTS



EUROPEAN COURT OF HUMAN RIGHTS
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116. RAMADAN v. MALTA (application no. 76136/12, judgment of 21 June 2016): right to citizenship, prohibition of statelessness, revocation of citizenship due to annulment of false marriage.
117. SZABO AND VISSY v. HUNGARY (application no. 37138/14, judgment of 12 January 2016): mass surveillance for the purpose of national security.
118. BARBULESCU v. ROMANIA (application no. no. 61496/08, judgment of 12 January 2016): employer's surveillance of the employee's Internet usage in the workplace within a private employment relation, termination of employment relation on the basis of the employee's intercepted Internet messages, horizontal effect of the European Convention.

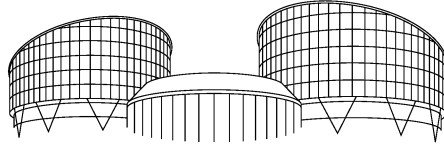
FREEDOM OF CONSCIENCE
(ARTICLE 9 OF THE CONVENTION)

GRAND CHAMBER JUDGMENT

119. HERRMANN v. GERMANY (application no. 9300/07, judgment of 26 June 2012): conscientious objection to hunting, the State obligation to protect animal "rights", lawful restrictions of property rights conflicting with the proprietor's conscience.

FREEDOM OF RELIGION
(ARTICLE 9 OF THE CONVENTION)

GRAND CHAMBER JUDGMENT



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COUR EUROPÉENNE DES DROITS DE L'HOMME

120. F.G. v. SWEDEN (application no. 43611/11, judgment of 23 March 2016): criminalisation of apostasy, prohibition du *refoulement* to a country where apostasy is criminalised.

SECTION I JUDGMENT

121. KRUPKO AND OTHERS v. RUSSIA (application no. 26587/07, judgment of 26 June 2014): forced dispersal of indoor religious assemblies.

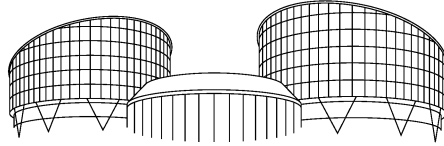
SECTION IV JUDGMENT

122. RELIGIOUS COMMUNITY OF JEHOVAH'S WITNESSES OF KRYVYI RIH'S TERNIVSKY DISTRICT v. UKRAINE (application no. 21477/10, judgment of 3 September 2019): State positive obligations with regard to freedom of religion, failure to grant a lease to the applicant community.

FREEDOM OF SPEECH
(ARTICLE 10 OF THE CONVENTION)

GRAND CHAMBER JUDGMENT

123. MOUVEMENT RAELIEN SUISSE v. SWITZERLAND (application no. 16354/06, judgment 13 July 2012): freedom of speech of a minority in the public space and with new Internet technologies; protection of political, religious and commercial speeches.



EUROPEAN COURT OF HUMAN RIGHTS
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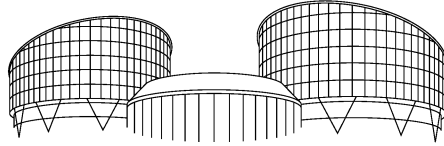
SECTION I JUDGMENT

124. TARANENKO v. RUSSIA (application no. 19554/05, judgment of 15 May 2014): freedom of expression and expressive conduct inside the premises of a public building, which a group of people including the applicant entered without authorisation.

SECTION II JUDGMENTS

125. DİLİPAK v. TURKEY (application no. 29680/05, judgment of 15 September 2015): defamation of the State and of State organs, *Majestätsbeleidigung*.
126. DI GIOVANNI v. ITALY (application no. 51160/06, judgment of 9 July 2013): freedom of speech of a judge, procedural shortcomings of disciplinary proceedings against a judge.
127. YILDIRIM v. TURKEY (application no. 3111/10, judgment of 18 December 2012): collateral blockage of a site hosted on Google sites.
128. DRAKSAS v. LITHUANIA (application no. 36662/04, judgment of 31 July 2012): public disclosure of phone tapping records referring to unlawful exercise of public functions.
129. FABER v. HUNGARY (application no. 40721/08, judgment of 24 July 2012): ban of flag with a political meaning used in a public demonstration.

SECTION III JUDGMENTS



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130. **PRYANISHNIKOV v. RUSSIA** (application no. 25047/05, judgment of 10 September 2019): refusal of a film reproduction licence after the authorities had issued distribution certificates for the films and verified that they were not pornographic.

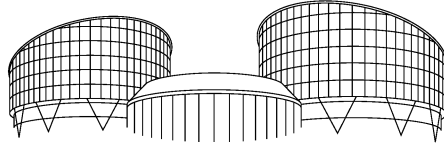
SECTION IV JUDGMENTS

131. **MAGYAR JETI ZRT v. HUNGARY** (application no. 11257/16, judgment of 4 December 2018): vicarious liability of operator of an Internet news portal for hyperlinks.

FREEDOM OF ASSOCIATION AND ASSEMBLY
(ARTICLE 11 OF THE CONVENTION)

SECTION I JUDGMENTS

132. **NAVALNY Y AND YASHIN v. RUSSIA** (application no. 76204/11, judgment of 4 December 2014): burden of proof with regard to facts which justify a restriction on freedom of assembly, protection of “spontaneous assemblies”, freedom to access and leave a place of assembly.
133. **HRVATSKI LIJEČNIČKI SINDIKAT v. CROATIA** (application no. 36701/09, judgment of 27 October 2014): strike demanding that a collective agreement for the medical and dentistry sector be concluded.
134. **PRIMOV AND OTHERS v. RUSSIA** (application no. 17391/06, judgment of 12 June 2014): blocking by the police of the demonstrators’ access to the place of



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assembly, violent police dispersal of the demonstration, arrest and detention of demonstrators.

SECTION II JUDGMENTS

135. KUDREVICIUS AND OTHERS v. LITHUANIA (application no. 37553/05, judgment of 26 November 2013): unauthorised blocking of three highways during two days by farmers' demonstration against the government agricultural policy, conviction of the demonstration leaders.

136. VONA v. HUNGARY (application no. 35943/10, judgment of 9 July 2013): dissolution of a racist association.

137. ASSOCIATION RHINO AND OTHERS v. SWITZERLAND (application no. 48848/07, judgment of 11 October 2011): dissolution of a squatters' association.

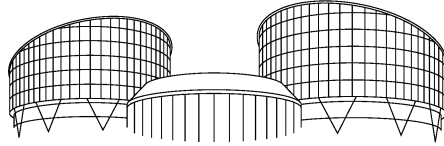
SECTION IV JUDGMENT

138. CHERNEGA AND OTHERS v. UKRAINE (application no. 74768/10, judgment of 18 June 2019): violent action of private security and police force actions towards protestors.

THE RIGHTS OF REFUGEES, MIGRANTS AND ALIENS

GRAND CHAMBER JUDGMENTS

139. S.J. v. BELGIUM (application no. 70055/10, judgment of 19 March 2015): expulsion of terminally ill foreigner.



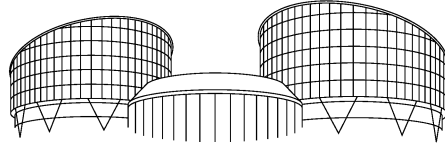
EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

140. DE SOUZA RIBEIRO v. FRANCE (application no. 22689/07, judgment of 13 December 2012): expulsion of undocumented foreign migrant.
141. HIRSI JAMAA AND OTHERS v. ITALY (application no. 27765/09, judgment of 23 February 2012): collective *refoulement* of refugees, “push-back” operation on the high seas.

SECTION II JUDGMENTS

142. VASQUEZ v. SWITZERLAND (application no. 1785/08, judgment of 26 November 2013): administrative expulsion of foreigner convicted of a sexual crime, although criminal court suspended expulsion, presumption of danger for public security based on decisions of dismissal of criminal proceedings.
143. KISSIWA KOFFI v. SWITZERLAND (application no. 38005/07, judgment of 15 November 2012): expulsion of a foreign citizen convicted of a crime of drug trafficking.
144. SHALA v. SWITZERLAND (application no. 52873/09, judgment of 15 November 2012): expulsion of a foreign citizen convicted of several crimes of minor gravity.
145. YOH-EKALE MWANJE v. BELGIUM (application no. 10486/10, judgment of 20 December 2011): expulsion of terminally ill foreigner without possibility of treatment in the destination country.

SECTION III JUDGMENT



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146. ZAKHARCHUK v. RUSSIA (application no. 2967/12, judgment of 17 December 2019): expulsion of foreign, young citizen convicted of grievous bodily harm.

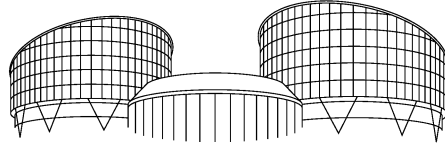
SECTION IV JUDGMENTS

147. M. A. v. LITHUANIA (application no. 59793/17, judgment of 11 December 2018): jurisdiction at land borders, immediate refusal and return of asylum seekers at land borders.
148. ABDULLAHI ELMİ AND AWEYS ABUBAKAR v. MALTA (applications nos. 25794/13 and 28151/13, judgment of 22 November 2016): the trend to *crimmigration*, detention of asylum-seekers.
149. RAMADAN v. MALTA (application no. 76136/12, judgment of 21 June 2016): the right to citizenship, prohibition of statelessness, revocation of citizenship due to annulment of false marriage.

**RIGHT TO AN EFFECTIVE REMEDY
(ARTICLE 13 OF THE CONVENTION)**

150. JANUŠKEVIČIENĖ V. LITHUANIA (application no. 69717/14, judgment of 3 September 2019): difference from objection of non-exhaustion of domestic remedies.

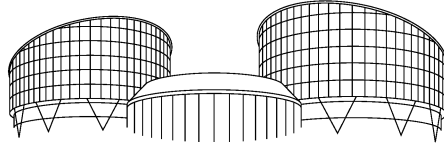
**PROHIBITION OF DISCRIMINATION
(ARTICLE 14 OF THE CONVENTION)**



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GRAND CHAMBER JUDGMENTS

151. **KHAMTOKHU AND AKSENIKH v. RUSSIA** (applications nos. 60367/08 and 961/11, judgment of 24 January 2017): indirect discrimination of male offenders aged between 18 and 65, prohibition of life imprisonment for female, elderly and juvenile offenders, the State obligation to “level up” in case of false positive discrimination based on sex and age.
152. **LUPENI GREEK CATHOLIC PARISH AND OTHERS v. ROMANIA** (application no. 76943/11, 29 November 2016): forced transfer of property from the Greek Catholic Church to the Orthodox Church, redistribution of property, duty of neutrality of the State, lack of legal certainty, discrimination of religious minority.
153. **BIAO v. DENMARK** (application no. 38590/10, judgment 24 May 2016): indirect discrimination based on length of Danish nationality or on “race” or ethnic origin, family reunification requirements for resident foreigners and Danish nationals of foreign origin living in Denmark.
154. **VALLIANATOS AND OTHERS v. GREECE** (applications no. 29381/09 e no. 32684/09, judgment of 7 November 2013): indirect discrimination of same sex couples based on their sexual orientation, right to enter into “civil union” contract only for heterosexual couples, legislative omission.
155. **FABRIS v. FRANCE** (application no. 16574/08, judgment of 7 February 2013): direct discrimination of children born out of wedlock in inheritance law.



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156. HERRMANN v. GERMANY (application no. 9300/07, judgment of 26 June 2012): direct discrimination between owners of big and small plots of land with regard to the legal obligation to tolerate hunting by third persons in their land.
157. KONSTANTIN MARKIN v. RUSSIA (application no. 30078/06, judgment of 22 March 2012): indirect discrimination of servicemen based on their sex and their professional status, right to parental leave only for servicewomen and women and men outside the military.

SECTION II JUDGMENTS

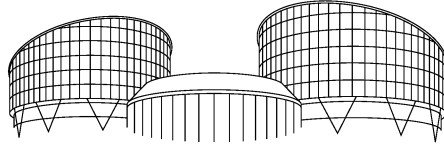
158. ALTINAY v. TURKEY (application no. 37222/04, judgment of 9 July 2013): discrimination of students of vocational schools in access to the university.
159. RAVIV v. AUSTRIA (application no. 26266/05, judgment of 13 March 2012): discrimination of Holocaust victim in entitlement to a social pension.

SECTION IV JUDGMENT

160. ALEXANDRU ENACHE v. ROMANIA (application no. 16986/12, judgment of 3 October 2017): ineligibility of the father of a child under the age of one for a stay of execution of his prison sentence on an equal footing with women.

**INFRINGEMENT PROCEEDINGS
(ARTICLE 46 OF THE CONVENTION)**

161. MAMMADOV v. AZERBAIJAN (application no. 15172/13, judgment of 29 May 2019): powers of the Committee of Ministers in infringements proceedings.



EUROPEAN COURT OF HUMAN RIGHTS
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**THE RIGHT TO PROPERTY
(ARTICLE 1 OF PROTOCOL 1)**

SECTION I JUDGMENT

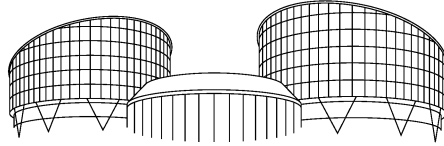
162. MORENO DIAZ PENA AND OTHERS v. PORTUGAL (application no. 44262/10, judgment of 4 June 2012): the Court as a fourth instance, interpretation of contract.

SECTION II JUDGMENTS

163. PIOTRAS BOGDEL v. LITHUANIA (application no. 41248/06, judgment of 26 November 2013): disproportionate annulment of erroneous administrative contract with *bona fide* private party.
164. VARVARA v. ITALY (application no. 17475/09, judgment of 29 October 2013): disproportionate confiscation on grounds of unlawful land development.

SECTION IV JUDGMENT

165. MORENO DIAZ PENA AND OTHERS v. PORTUGAL (application no. 44262/10, judgment of 4 June 2019): compensation for expropriation.
166. ALBERT AND OTHERS v. HUNGARY (application no. 5294/14, judgment of 29 January 2019): State control over banks, interference with the substance of the shareholders' rights.



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167. KÖNYV-TÁR KFT AND OTHERS v. HUNGARY (application no. 21623/13, judgment of 16 October 2018): de facto State monopoly in the schoolbook distribution market, loss of clientele as deprivation of a possession.
168. S.C. SERVICE BENZ COM S.R.L. v. ROMANIA (application no. 58045/11, judgment of 4 July 2017): vicarious liability, confiscation of property belonging to persons other than the offender.

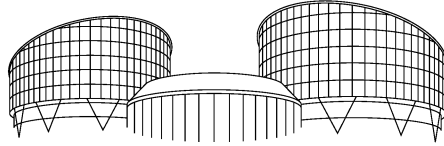
**THE RIGHT TO EDUCATION
(ARTICLE 2 OF PROTOCOL 1)**

SECTION II JUDGMENTS

169. ALTINAY v. TURKEY (application no. 37222/04, judgment of 9 July 2013): right to vocational education.
170. TARANTINO AND OTHERS v. ITALY (applications nos. 25851/09, 29284/09 e 64090/09, judgment of 2 April 2013): right to university education, the four freedoms which compose the university autonomy, *numerus clausus* in public and private universities.

**THE FREEDOM OF MOVEMENT
(ARTICLE 2 OF PROTOCOL 4)**

GRAND CHAMBER



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

171. GARIB v. THE NETHERLANDS (application no. 43494/09, judgment of 6 November 2017): gentrification of cities, temporary restriction on choosing residence in inner-city district for people dependent on social benefits.
172. DE TOMMASO v. ITALY (application no. 43395/09, judgment of 23 February 2017): house arrest for the purpose of criminal prevention.

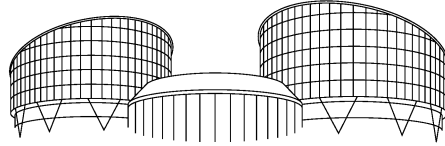
THE PROHIBITION OF *BIS IN IDEM*
(ARTICLE 4 OF PROTOCOL 7)

GRAND CHAMBER JUDGMENTS

173. MIHALACHE v. ROMANIA (application no. 54012/10, judgment of 8 July 2019): *res judicata* of prosecutorial decisions, competent authority to acquit or convict, determination as to the merits of the case, finality of the decision.
174. A. and B. v. NORWAY (application nos. 24130/11 and 29758/11, judgment of 15 November 2016): *ne bis in idem* as a principle of customary international law in the modality of the “exhaustion-of-procedure principle” (*Erledigungsprinzip*) but not in the modality of the “accounting principle” (*Anrechnungprinzip*), administrative offences and criminal policy *à deux vitesses*, tax penalties as a criminal policy instrument, combination of administrative and criminal penalties.

SECTION II JUDGMENT

175. GRANDE STEVENS AND OTHERS v. ITALY (applications nos. 18640/10, 18647/10, 18663/10, 18668/10 and 18698/10, judgment of 4 March 2014): *ne bis in*



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

idem effect of conviction of an administrative offence in subsequent criminal proceedings.

Strasbourg, March 2020.