

CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS RELATED TO PUBLIC INTERNATIONAL LAW

**prepared by the
Public International Law Division
Directorate of Legal Advice and Public International Law (DLAPIL)**

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This document contains press releases of relevant cases
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The full texts of the Court's judgments are accessible on its website
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JANUARY

1. [Hashemi v. Azerbaijan](#), no. 1480/16, 3936/16, 15835/16, 28034/16, 34491/16, 51348/16 et 15904/17, Chamber judgment of 13 January 2022 (Article 8, right to respect for private and family life – violation). The applicants were eight Afghan and Pakistani nationals. They fled Afghanistan and Pakistan during the 2000s and settled in Azerbaijan, where they registered with the Office of the UN High Commissioner for Refugees, which issued them with a letter of protection. The applicants in this case complained about the national authorities' refusal to issue identity cards to their children, who were born in Azerbaijan, and to acknowledge them as Azerbaijani citizens.
2. [Milanković v. Croatia](#), no.33351/20, Chamber judgment of 20 January 2022 (Article 7, no punishment without law – no violation). The case concerned the applicant's conviction for war crimes, perpetrated by the police units under his command, against the Serbian civilian population and a prisoner of war on the territory of Croatia between mid-August 1991 and mid-June 1992. The applicant complained that, in convicting him of those crimes, the domestic courts had applied a protocol applicable only to international armed conflicts, whereas the events had taken place before Croatian independence and thus during a non-international armed conflict. The Court concluded that the applicant's conviction for war crimes on the basis of his command responsibility had, at the time of the events, a sufficiently clear legal basis in international law also covering non-international armed conflict, and that he should have known that his failure to prevent them from being committed by the police units under his command would make him criminally liable. It was irrelevant whether those crimes had been committed before or after Croatian independence.

FEBRUARY

3. [Komissarov v. the Czech Republic](#), no. 20611/17, Chamber judgment of 3 February 2022 (Article 5 § 1, right to liberty and security – violation). The case concerned the detention of the applicant, a Russian national, pending extradition from the Czech Republic to Russia. In 1998 the applicant settled in the Czech Republic and was granted permanent residence there in 2000. Meanwhile, in 1999, he was indicted in Russia for fraud. Between 2005 and 2014 several requests were lodged by the Russian authorities for his extradition, and in 2015 it was ruled that he could be extradited. Following an unsuccessful constitutional appeal in February 2016 and the dismissal of his application for asylum, the applicant was surrendered to the Russian authorities in November 2017. The applicant complained that his detention pending extradition was excessively lengthy.
4. [Gribben v. United Kingdom](#), no. 28864/18, Chamber judgment of 17 February 2022 (Article 2, right to life – inadmissible). The case concerned the effectiveness of an investigation into a fatal shooting by British soldiers in Northern Ireland. In its examination of the case, the Court emphasized the importance in Article 2 cases of it carrying out an overall assessment of the investigation which had taken place. In that

context it noted the present case's protracted procedural history, including two previous applications before it relating to delay and to the conduct of the inquest, pointing out that it would be neither desirable nor appropriate for it to act as a court of further appeal on an "adversarial battlefield" addressing each and every challenge to the inquest procedure if and when it arose. Not only would this Court effectively become a "court of fourth instance", but the problem of delay at the domestic level would also be further exacerbated.

5. [*Association des familles de victimes du Joola v. France*](#), no. 21119/19, Chamber judgment of 17 February 2022 (Article 6 § 1, right of access to a court ; Article 13; right to an effective remedy – inadmissible). On 26 September 2002, the vessel Joola, which had been acquired in 1990 by the Senegalese State to operate the ferry route between Casamance and the rest of the country, went down in international waters off the coast of Gambia: 1,863 of the 1,928 passengers and crew members drowned or were declared missing, including a number of French nationals. The applicant association, whose members were men, women and children who lost relatives or friends in the sinking of the Senegalese ferry or victims who survived the accident, complained before the Court that they had been deprived of their right of access to a court on account of the jurisdictional immunity which led to the discontinuance of the proceedings initiated by their criminal complaints in France.

MARCH

6. [*Nikoghosyan and others v. Poland*](#), no. 14743/17, Chamber judgment of 3 March 2022 (Article 5 § 1, right to liberty and security ; Article 4, right to have lawfulness of detention decided speedily by a court – violation). The applicants were two Armenian nationals and their children. The family was apprehended while trying to cross the Polish border illegally. They allegedly tried to lodge a motion for international protection. The case concerned their automatic placement, as asylum-seekers, in detention for six months without an individualized assessment of their particular situation and needs.
7. [*Johansen v. Denmark*](#), no. 27801/19, Chamber decision of 3 March 2022 (Article 8, right to private life– inadmissible). The case concerned the stripping of the applicant's Danish nationality following his conviction in 2017 for terrorism offences, in particular for having gone to Syria to join the "Islamic State". The authorities also ordered his deportation from Denmark with a permanent ban on his return. The Court found in particular that the decisions concerning the applicant, who has dual Danish and Tunisian nationality, had been made after a thorough, diligent and swift assessment of his case, bearing in mind the gravity of his offences, his arguments and personal circumstances, the Court's case-law and Denmark's international obligations. It emphasized that it was legitimate for Contracting States to take a firm stand against terrorism, which in itself constituted a grave threat to human rights.
8. [*Shorazova v. Malte*](#), no. 51853/19, Chamber decision of 3 March 2022 (Article 1 Protocol 1, protection of property – violation; Article 6 § 1, right to a fair trial, non-violation). The case concerned the freezing of assets in Malta of the applicant born in Kazakhstan and at the relevant time was married to Rakhat Aliyev, who had previously been married to the daughter of the then president of Kazakhstan, Nursultan Nazarbayev and later became his political adversary. The Maltese authorities received a request for judicial assistance in relation to Mr Aliyev and the applicant for the hearing of various witnesses and the collection of evidence, without the latter being informed of this procedural measure. Furthermore, following a further request from the Kazakh

authorities, the Maltese authorities took the decision to freeze the assets of the applicant who had been charged in Kazakhstan with multiple serious offences. Ms Shorazova argued that the Maltese State should not have complied with the request for legal assistance nor issued the freezing order requested by the Kazakhstan authorities as the regime there could not offer any guarantees of a fair trial. The Court considered that the Maltese authorities did not investigate whether the freezing measures were legitimate and proportionate and that there had been sufficient evidence indicating that the proceedings in Kazakhstan may have had a political motive. Thus, whether there had been a general interest behind the freezing order which had been put and kept in place by the Maltese authorities in the specific circumstances of the present case was something which deserved particular evaluation by the domestic courts. The Court stressed the importance of mutual legal assistance under the United Nations Convention Against Transnational Organised Crime, considering however that this should be carried out in compliance with international human-rights standards.

9. **[Shenturk and others v. Azerbaidjan](#)**, no. 41326/17, Chamber judgment of 10 March 2022 (Article 5 § 1, right to liberty and security– violation; Article 3, prohibition of inhuman and degrading treatment). The case concerned the arrest, detention and expulsion of the applicants from Azerbaijan to Turkey. All four had worked in Azerbaijan as teachers in private schools associated with the Gülen movement. The Court found in particular that the removal of the applicants had been a disguised extradition and their deprivation of liberty had been part of an extra-legal transfer in contravention of domestic and international law, noting how the authorities had circumvented formal extradition proceedings and relevant international safeguards, violating their Article 5 and Article 3 rights.
10. **[T.K v. Lithuania](#)**, no. 55978/20, Chamber judgment of 22 March 2022 (Article 3, prohibition of inhuman and degrading treatment– violation should the applicants be returned to Tajikistan without a fresh assessment of the existing ill-treatment practices in that country). The case concerned the proceedings by which the applicants and their children, Tajik nationals living in Vilnius, were denied asylum in Lithuania, and their potential removal to Tajikistan. They had arrived in Lithuania in 2019 and claimed asylum there, arguing that T.K. was a member of Islamic Renaissance Party of Tajikistan, which was a banned organisation in that country. On 23 December 2020 the Court applied an interim measure, indicating that the applicants should not be removed to Lithuania for the duration of the proceedings before the Court. The Court found that, should the decision to return the applicants to Tajikistan be implemented, there would be a violation of Article 3 of the European Convention on Human Rights, in the absence of a new assessment of the existing ill-treatment practices in that country.
11. **[N.B. and Others v. France](#)**, no. 49775/20, Chamber judgment of 31 March 2022 (Article 34, right of individual petition – violation ; Article 3, prohibition of inhuman or degrading treatment – violation in respect of K.G. and no violation in respect of N.B. and N.G.). The case concerned the placement in administrative detention for fourteen days of a Georgian couple and their then eight-year-old child, who had entered France unlawfully and whose asylum requests had been rejected. The Court considered that the administrative detention of an eight-year-old child under the conditions prevailing at the material time in the administrative detention centre where they had been placed, which had continued for fourteen days, had been excessive in the light of the requirements of Article 3 of the Convention. Given the child's young age, the conditions of detention in the Metz-Queuleu centre and the length of the period of detention, the competent authorities had subjected him to treatment exceeding the severity threshold of Article 3.

APRIL

12. [**A.A and others v. North Macedonia**](#), no. 55998/16, Chamber judgment of 05 April 2022 (Article 4 of Protocol 4, prohibition of collective expulsion – no violation; Article 13 taken in conjunction with Article 4 of Protocol 4, right to an effective remedy – no violation). The case concerned the applicants' allegation of a pushback to Greece by the police and army after they illegally crossed into the territory of North Macedonia, against the background of the migrant crisis in 2016. They were part of two large groups of refugees who had left a camp in the border town of Idomeni, Greece, on 14 March 2016 to join what became known as "the March of Hope", wading across a river to enter the territory of North Macedonia. The Court considered that it was the applicants who placed themselves in jeopardy by participating in the illegal entry onto Macedonian territory, taking advantage of the group's large size and that they did not make use of the existing legal procedures for gaining lawful entry to Macedonian territory in accordance with the provisions of the relevant domestic law concerning the crossing of borders. Consequently, the Court considered that the lack of individual removal decisions can be attributed to the fact that the applicants, if they indeed wished to assert rights under the Convention, did not make use of the official entry procedures existing for that purpose, and was thus a consequence of their own conduct.
13. [**Benkharbouche and Janha v. United Kingdom**](#), no. 19059/18 and 19725/18, Chamber judgment of 05 April 2022 (Article 6 § 1, right of access to court – violation in respect of Ms Benkharbouche; Article 6 § 1 read alone and together with Article 14, prohibition of discrimination – violation in respect of Ms Janah). The case concerned employment claims brought before the English courts by two Moroccan nationals who live in London and were formerly employed as domestic workers at sovereign embassies in the United Kingdom, against their former employers, the Republic of Sudan and the State of Libya, respectively, after being dismissed in 2010 and 2012. In each case the employer – the Republic of Sudan and the State of Libya respectively – successfully asserted that it was entitled to immunity from the jurisdiction of the English courts by virtue of the State Immunity Act 1978 which renders a foreign state immune from the jurisdiction of a United Kingdom court in a claim based on the foreign state's employment of the claimant, where the claimant, at the time of the contract, was neither a United Kingdom national nor habitually resident in the United Kingdom or worked for the foreign State's diplomatic mission. The Government acknowledged that there had been a breach of the first applicant's rights under Article 6 § 1 of the Convention and the second applicant's rights under Article 6 § 1 of the Convention, read alone and together with Article 14, by virtue of the operation of the 1978 Act, insofar as those provisions had prevented each of the applicants from bringing an employment claim against a foreign State in circumstances where the United Kingdom was not required under customary international law to provide immunity to the foreign State in question.
14. [**M.A.M v. Switzerland**](#), no. 29836/20, Chamber judgment of 26 April 2022 (Article 2, right to life – potential violation; Article 3, prohibition of torture and inhuman and degrading treatment – potential violation) The case concerned the applicant's possible expulsion to Pakistan. M.A.M. is a Pakistani national who had converted from Islam to Christianity while in Switzerland, where he had arrived in 2015 and where his asylum request had been rejected. The Court ruled that the assessment by the Swiss authorities of the risk facing the applicant on account of his conversion to Christianity if he were expelled to Pakistan had been insufficient to uphold the rejection of his asylum request, also given that he had not been represented by a lawyer at any stage

in the national proceedings. It further found that the applicant had demonstrated that his asylum request, which had been based on his religious conversion, should have been examined in greater detail by the national authorities, which should, in particular, have taken into consideration any possible developments in the overall situation of Christian converts in Pakistan and the specific circumstances of the applicant's case.

15. **[Bursać and Others v. Croatia](#)**, no. 78836/16, Chamber judgment of 28 April 2022 (Article 1 of Protocol no. 1, protection of property – violation). The applicants were Croatian nationals. Their father, an ethnic Serb, was allegedly killed in 1995 by Croatian soldiers during the battle to regain control over Krajina in the war following the dissolution of Yugoslavia. They later sued the State for compensation in 2005. The case concerned the investigation into his death. It also concerned the applicants having to pay the State's costs in the civil proceedings. The applicants complained that the investigation was inadequate and that the excessive costs breached their peaceful enjoyment of possessions.
16. **[Khasanov et Rakhmanov v. Russia](#)**, no. 28492/15 and 49975/15, Grand Chamber judgment of 29 April 2022 (Article 3, prohibition of torture and inhuman and degrading treatment – non-violation if the applicants were extradited to Kyrgyzstan). The case concerned the applicants' allegation that they risked ill-treatment if extradited to Kyrgyzstan because they belonged to the Uzbek ethnic minority, who have been persecuted by the authorities since inter-ethnic clashes in 2010. The Court, noting recent reports by UN human-rights bodies and international, regional and national NGOs, concluded that the general situation in Kyrgyzstan did not call for a total ban on extraditions and that ethnic Uzbeks did not currently constitute a group which was systematically exposed to ill treatment in the country. Furthermore, neither applicant had reliably demonstrated that they were at real risk of ill-treatment in the individual circumstances of their cases or that an ulterior political or ethnic motive had been behind their prosecution in Kyrgyzstan. The Russian courts, on the other hand, had carefully and appropriately examined the individual risks alleged by the applicants.

MAY

17. **[P.D. v. Russia](#)**, no. 30560/19, Chamber judgment of 3 May 2022 (Article 8, right to respect for private and family life – no violation). The case concerned the Russian courts' refusal of the applicant's, a Belgian national residing in France, request for the return of his daughter to Switzerland under the Hague Convention on the Civil Aspects of International Child Abduction. The applicant's daughter had been living in Geneva since his separation from the mother, a Russian national. The mother left for Russia with their daughter and her son from a previous relationship soon after an incident involving sexual abuse of the latter by a close friend of the applicant while both children were in his care. Among other legal avenues used, the applicant brought proceedings in Russia under the Hague Convention seeking the return of his daughter to Switzerland. The courts, however, ultimately refused because they considered that the child's return would put her at "grave risk" given the context of sexual abuse. The applicant argued that his former partner's removal of their daughter from Switzerland and her retention in Russia was wrongful within the meaning of the Hague Convention. In particular, the Swiss courts' decision to remove his parental authority and give the mother full custody, including the right to decide on her place of residence, was only temporary and was no longer in force by the time the Russian courts ruled on his request.
18. **[X v. the Czech Republic](#)**, no. 64886/19, Chamber judgment of 12 May 2022 (Article 8, right to respect for private and family life – no violation). The applicant was a

Czech national residing in the United States of America. The case essentially concerned the enforcement by the Czech courts of their decision to return the applicant's daughter to the USA under the Hague Convention on the Civil Aspects of International Child Abduction. The applicant's husband had initiated the proceedings under the Hague Convention because she had not returned with him to the USA with their daughter after travelling to the Czech Republic. He argued that the visit had only been temporary, while the applicant maintained that they had been intending to settle in the Czech Republic, given their daughter's health problems and difficulties in obtaining medical insurance in the USA. The father and daughter eventually returned to the USA, followed shortly after by the applicant. The applicant complained about the enforcement of the decision to return her daughter to the USA. She argued in particular that it had taken the father more than 11 months to request the child's return, and that the courts had adopted a simplistic approach according to which every application lodged within the one-year time-limit was granted, without taking into account the child's best interests.

JUNE

19. **[H.M v. Hungary](#)**, no. 38967/17, Chamber judgment of 02 June 2022 (Article 3, prohibition of torture and inhuman and degrading treatment – violation; Article 5 §§ 1, right to liberty and security – violation; Article 4, right to have lawfulness of detention decided speedily by a court – violation). The case concerned an Iraqi family's detention in a transit zone at the border between Hungary and Serbia after fleeing Iraq. The father had allegedly been tortured by the national security services. After travelling through several countries, they arrived at the Tompa transit zone at the border between Hungary and Serbia on 3 April 2017, and submitted asylum requests. At the transit zone, they were housed in a container in the family section which they were only allowed to leave in order to attend medical or other appointments, and always under police escort. The mother was pregnant and, as there were some complications, her pregnancy was considered to be high risk. She had to be taken into hospital a number of times. On one such occasion, ten days after their arrival in the transit zone, her husband went with her and was handcuffed and attached to a leash in full view of their children. He was made to remain in handcuffs throughout the hospital visit while acting as interpreter for his wife. On 3 July 2017, the Immigration and Asylum Office ("the IAO") was ordered to examine the family's asylum requests. The applicants repeatedly asked the IAO to speed up the proceedings, referring to the mother's complicated pregnancy and the needs of the children.
20. **[Ecodefence and Others v. Russia](#)**, nos. 9988/13 and 60 others, Chamber judgment of 14 June 2022 (Article 11, freedom of assembly and association – violation, interpreted in the light of Article 10 – freedom of expression). The case concerned the measures imposed by virtue of the Foreign Agents Act 2012 on the 73 applicant non-governmental organisations involved in civil-society issues, human rights, protection of the environment and cultural heritage, education, social security, and migration in Russia. The measures included their registration as "foreign agents", which entailed extraordinary auditing, reporting and labelling requirements, and heavy fines. Many of the organisations had been either forced to dissolve or had been wound up as a result. The Court found in particular that, under the Act, classification of organisations as engaging in "political activity" and receiving "foreign funding" had been based on an overbroad and unforeseeable interpretation of those terms, and that the creation of a new category of "foreign-agent" organisations, the burdensome auditing and reporting requirements, the excessive and capriciously imposed fines had meant that the measures taken against the applicant organisations under the Foreign Agents Act had not been "necessary in a democratic society".

21. [L.B. v. Lithuania](#), no. 38121/20, Chamber judgment of 14 June 2022 (Article 2 of Protocol No. 4, freedom of movement – violation). The case concerned the Lithuanian authorities’ refusal to issue a travel document to the applicant, a Russian national and permanent resident in Lithuania, previously granted subsidiary protection, on the grounds that he could request such a document from the authorities of his country of origin.
22. [M.N. and Others v. Türkiye](#), no. 40462/16, Chamber judgment of 21 June 2022 (Article 3, prohibition of torture and inhuman or degrading treatment – no violation, taken alone or in conjunction with Article 13, right to an effective remedy). The case concerned the risk of the applicants being expelled from Türkiye to Tajikistan on the grounds that they did not have valid visas and would pose a threat to public safety owing to their participation in Koranic study classes that had not been registered with the Turkish authorities. The Court found that the applicants had not succeeded in establishing that they faced a risk of being persecuted or subjected to treatment contrary to Article 3 of the Convention in the event of their return to Tajikistan, either on account of any political or social activism in their country of origin or on account of the conditions of their arrest in Türkiye.
23. [Akkad v. Türkiye](#), no. 1557/19, Chamber judgment of 21 June 2022 (Article 3, prohibition of inhuman or degrading treatment – two violations 1) on account of the applicant’s removal to Syria, and 2) on account of the handcuffing of the applicant during his transfer from Edirne to Hatay; Article 13, right to an effective remedy taken in conjunction with Article 3 – violation; Article 5 § 1,2, 4 and 5 – violation). The case concerned the applicant’s allegation that he had been subjected to forced and unlawful expulsion to Syria by the Turkish authorities under the guise of a “voluntary return”. The Court found that substantial grounds had been shown for believing that the applicant faced a real risk of treatment contrary to Article 3 in Syria and that the Turkish authorities had exposed him, in full knowledge of the facts, to the risk of treatment in breach of the Convention. It also held that the handcuffing of the applicant – in pairs with other single Syrian men during a bus journey lasting around 20 hours – amounted to degrading treatment.
24. [Alleleh and Others v. Norway](#), no. 569/20, Chamber judgment of 23 June 2022 (Article 8, right to respect for private and family life – no violation). The applicants were a Djiboutian national, a Norwegian national, and their four children who are Norwegian citizens, living in Norway. The case concerned the expulsion of the mother who, upon arrival in Norway in 2001, had provided false information to the immigration authorities about her country of origin and had applied for asylum on false grounds, and the alleged consequences of the expulsion on their family life.
25. [A.B. and Others v. Poland](#), no. 42907/17, Chamber judgment of 30 June 2022 (Article 3, prohibition of inhuman or degrading treatment – violation; Article 4 of Protocol No. 4, prohibition of collective expulsion of aliens – violation; Article 13, right to an effective remedy, in conjunction with Article 3 and Article 4 of Protocol No. 4 – violation; Article 34, right of individual petition – violation). The applicants, A.B. and A.E., their three minor children, and A.K. were six Russian nationals from Chechnya who were born between 1991 and 2015 and who, wishing to gain international protection in Poland, presented themselves at the Polish-Belarusian border on 33 occasions. The border guards refused to receive their asylum applications and turned the applicants back to Belarus with a risk of *refoulement* to and ill-treatment in Chechnya. The applicants were turned back even when they presented an interim measure from the Court, indicating to the Polish Government that their removal to Belarus should be delayed.

26. [*A.I. and Others v. Poland*](#), no. 39028/17, Chamber judgment of 30 June 2022 (Article 3, prohibition of inhuman or degrading treatment – violation; Article 4 of Protocol No. 4, prohibition of collective expulsion of aliens – violation; Article 13, right to an effective remedy, in conjunction with Article 3 and Article 4 of Protocol No. 4 – violation). The applicants, A.I., Z.I., their four minor children, and I.I., A.I.'s mother, were Russian nationals from Chechnya who were born between 1959 and 2016. Wishing to gain international protection in Poland, they presented themselves at the Polish-Belarusian border on 16 occasions. The case concerned the refusal of the border guards to receive their asylum applications and their being turned back to Belarus, with a risk of *refoulement* to and ill-treatment in Chechnya.

JULY

27. [*Safi and Others v. Greece*](#), no. 5418/15, Chamber judgment of 07 July 2022 (Article 2, right to life – two violations 1) on account of shortcomings in the proceedings of the investigation and 2) on account of the failure to comply with the positive obligation under this Article; Article 3, prohibition of inhuman or degrading treatment - violation). The case concerned the sinking on 20 January 2014 of a fishing boat transporting 27 foreign nationals in the Aegean Sea, off the island of Farmakonisi, resulting in the death of 11 people, including relatives of the applicants. According to the applicants, the coastguard vessel was travelling at very high speed in order to push the refugees back towards Turkish waters, and this caused the fishing boat to capsize. According to the national authorities, the boat was being towed towards the island of Farmakonisi in order to rescue the refugees, and it capsized because of panic and sudden movements among those on board.
28. [*Kavala v. Türkiye*](#), no. 28749/18, Grand Chamber judgment of 11 July 2022 (Article 46 § 1, binding force and execution of judgments – violation). The case concerned the question referred to the Court by the Committee of Ministers of the Council of Europe as to whether the Republic of Türkiye had failed to fulfil its obligation under Article 46 § 1 of the Convention to abide by the Chamber judgment delivered by the Court in the case on 10 December 2019.
29. [*Darboe and Camara v. Italy*](#), no. 5797/17, Chamber judgment of 21 July 2022 (Article 8, right to respect for private and family life – violation; Article 3, prohibition of inhuman or degrading treatment – violation; Article 13, right to an effective remedy – violation). The case concerned the placement of the applicants, which arrived in Italy on makeshift vessels, and claimed asylum as alleged unaccompanied minors, in an adult migrant centre and the age-assessment procedure that ensued. The Court pointed out in particular its well-established case-law that the difficulties deriving from the increased inflow of migrants and asylum-seekers, in particular for States which form the external borders of the European Union, did not exonerate member States of the Council of Europe from their obligations under Article 3.

AUGUST

30. [*R v. France and W v. France*](#), nos. 49857/20 and 1348/21, Chamber judgments of 30 August 2022 (Article 3, prohibition of torture and inhuman or degrading treatment – violation as it pertains to R and violation as it pertains to W if the decision to deport the applicant to the Russian Federation were to be implemented). The first case concerned the deportation to Russia of a Russian national of Chechen origin after his refugee status had been revoked. Having noted that the applicant had remained a refugee, even though his status had been revoked pursuant to the Immigration and Asylum Code (CESEDA), the Court referred to its

case-law according to which the fact of being a refugee was a factor to which the authorities should have particular regard when determining the reality of the alleged risk in the event of an individual's expulsion. The Court observed that the Administrative Court, the day before the applicant's actual deportation, had rejected the urgent application for suspensive relief lodged by the applicant, without indicating the specific reasoning for that decision. In two judgments of February 2021, subsequent to the deportation, the Administrative Court had dismissed the applicant's action for the setting-aside of the deportation order and the directions specifying the Russian Federation as the destination country. The Court was of the view that this solution had been based on an in-depth assessment of the applicant's situation, but found that, as it had taken place after the applicant's deportation, the Administrative Court's assessment in February 2021 could not have remedied the inadequacy of the earlier risk analysis. The second case concerned an order to deport the applicant, a Russian national of Chechen origin whose refugee status had been revoked under the Immigration and Asylum Code, to Russia. The applicant had argued before the Court that his deportation would expose him to risks because the prefecture had provided the consulate of the Russian Federation with details on his personal situation along with the request for readmission. In view of the serious and established facts which allowed it to determine the existence of a real risk of treatment in breach of Article 3 of the Convention, the Court found that the decision to deport the applicant to the Russian Federation would entail a violation of Article 3 of the Convention if it were to be enforced.

SEPTEMBER

31. [Z. v. Croatia](#), no. 21347/21, Chamber judgment of 01 September 2022 (Article 8, right to respect for private and family life – violation). In December 2018, the applicant, a Croatian national, with the consent of his former partner and mother of his children, moved with the four children to Germany, but seven months later the mother revoked her consent to the applicant's having care of the children, and retained the children in Croatia after the summer holidays. The case concerned proceedings for the return of children under the Hague Convention on the Civil Aspects of International Child Abduction in which the domestic courts refused to order the return of the applicant's four children to Germany.
32. [Gilanov v. the Republic of Moldova](#), no. 44719/10, Chamber judgment of 13 September 2022 (Article 5 § 1, right to liberty and security – no violation; Article 5 § 3, right to liberty and security – violation; and Article 5 § 4, right to have lawfulness of detention decided speedily by a court – violation). Mr Gilanov, a Georgian national, came to Moldova in 2000 and obtained a residence permit, officially leaving the country in 2006. In 2007 an investigation was opened into his alleged fraud and his detention was ordered. The case concerned his extradition from Belarus and detention in Moldova. Mr Gilanov complained, in particular, that his detention was carried out on the basis of an expired court order, that the order was not adequately reasoned, and it was decided without a lawyer of his own choosing being present.
33. [H.F. and Others v. France](#), nos. 24384/19 and 44234/02, Grand Chamber Judgment of 14 September 2022 (Article 3 § 2 of Protocol No. 4, “no one shall be deprived of the right to enter the territory of the State of which he is a national” – violation). The case concerned the refusal to grant the applicants' requests for the repatriation by the French authorities of their daughters and grandchildren, who were being held in camps in north-eastern Syria run by the Syrian Democratic Forces (SDF). The Court concluded that the examination of the requests for repatriation made by the applicants on behalf of their family members had not been surrounded by appropriate safeguards against arbitrariness.

34. [**O.M. and D.S. v. Ukraine**](#), no. 18603/12, Chamber Judgment of 15 September 2022 (Article 3, prohibition of torture and inhuman or degrading treatment – violation; Article 34, right of individual application – violation). O.M. – an ethnic Ukrainian – was a journalist and former member of the Kyrgyz Parliament. In 2010, following O.M.’s husband’s suspicious death, civil unrest and her having been charged with connected crimes, the applicants fled Kyrgyzstan for Kazakhstan, ultimately electing to move to Europe to seek asylum there. The case concerned their treatment in Kyiv Airport by the authorities when they sought protection on arrival. They were removed to Georgia. They were ultimately given asylum in the Netherlands, allegedly on account of their fear of ill-treatment and an unfair trial if returned to Kyrgyzstan. The applicants complained, in particular, that their removal to Georgia was in breach of the interim measure indicated by the Court and did not take account of the risk to them of real harm if returned to Kyrgyzstan, of a lack of an effective remedy in that respect, and of unlawful detention by Ukrainian border guards.
35. [**Otite v. the United Kingdom**](#), no. 18339/19, Chamber judgment of 27 September 2022 (Article 8, right to respect for private and family life – no violation). The case concerned a Nigerian national being served in October 2015 with notice of his liability to deportation, despite having been granted Indefinite Leave to Remain in the UK in 2004. The notice came after his conviction in 2014 on two counts of conspiracy to make or supply articles for use in fraud which had resulted in a four-year-and-eight-month prison sentence. His appeal against deportation was dismissed as the Upper Tribunal concluded that the effect on his wife and children, all British citizens, would not be “unduly harsh”. The Court found in particular that the strength of the applicant’s family and private life in the UK did not outweigh the public interest in his deportation.

OCTOBER

36. [**B.Ü. v. the Czech Republic**](#), no. 9264/15, Chamber judgment of 06 October 2022 (Article 3, prohibition of inhuman and degrading treatment – violation with respect to the investigation process, no violation with respect to the ill-treatment). The case concerned the detention of Mr B.Ü., a Turkish national, in Prague Airport and later at the Bělá Jezová detention centre for foreigners, after having been removed to the Czech Republic from Switzerland, for the purposes of processing his administrative expulsion to Turkey.
37. [**S v. France**](#), no. 18207/21, Chamber judgment of 06 October 2022 (Article 3, prohibition of inhuman and degrading treatment – violation if the applicant were to be removed to Russia without an *ex nunc* assessment by the French authorities of the risk he alleges he would face in the event of enforcement of the removal order.). The case concerned proceedings for the removal of the applicant, a Russian national of Chechen origin, from France to Russia. The applicant complained that enforcement of the order for his removal to Russia would put him at risk of treatment contrary to Article 3, in particular because he is from the North Caucasus and is suspected of terrorism and of being connected to the Chechen uprising.
38. [**Liu v. Poland**](#), no. 37610/18, Chamber judgment of 06 October 2022 (Article 3, prohibition of inhuman and degrading treatment – violation; Article 5 § 1, right to liberty and security – violation). The case concerned the extradition proceedings brought against the applicant, on conclusion of which the Polish courts had authorized his handover to the authorities of the People’s Republic of China where he was wanted for trial in connection with a vast international telecoms fraud syndicate following a Sino-Spanish investigation. It also concerned his detention in Poland pending

extradition. The Court found in particular that the situation within the Chinese prison system could be equated to a “general situation of violence”, and Mr Liu could thus be exposed to a real risk of ill-treatment if extradited to China. Furthermore, it held that the Polish Government had failed to act with the necessary expedition to ensure that the length of his detention had not been overly long.

39. [Zeggai v. France](#), no. 12456/19, Chamber judgment of 13 October 2022 (Article 14, prohibition of discrimination, taken together with Article 8, right to respect for private and family life – no violation). The case concerned the rejection of the applicant’s request for a certificate of French nationality. He was born in France, before Algerian independence, to parents who at the time were still French nationals. He had lived continuously in France and his brothers and sisters, who were born after Algerian independence, had acquired French nationality. He had previously held a French identity card and voter card, issued to him in error by the French authorities. The Court noted that the applicants’ parents, who were born in French Algeria and fell under the local civil status, had not made use of the possibility of being recognised as French nationals by signing a declaration of recognition. It saw no reason to call into question the legitimacy of the distinction made between the minor children of individuals who fell under the Algerian local civil status depending on the date of their birth, i.e., before or after Algeria gained independence.
40. [Mørck Jensen v. Denmark](#), no. 60785/19, Chamber judgment of 18 October 2022 (Article 7, no punishment without law – no violation, Article 2 of Protocol No. 4, freedom of movement – no violation). The case concerned a Danish citizen’s conviction for a stay in a conflict zone in an area of Syria where the Danish State had restricted travel. The Court found in particular that the conviction had been in accordance with the relevant law, which had been very clearly drawn up, and it saw no reason not to try and convict the applicant on the law that had been applicable at the time of the offence. Furthermore, the applicant’s having been free to leave Denmark and enter Syria, but not this narrow restricted zone, meant that the domestic authorities had balanced his rights with the needs of the community as a whole.
41. [M.T. and Others v. Sweden](#), no. 22105/18, Chamber judgment of 20 October 2022 (Article 14, prohibition of discrimination, taken together with Article 8, right to respect for private and family life – no violation; Article 8, right to respect for private and family life – no violation). The case concerned the suspension of family reunification in Sweden between July 2016 and July 2019 for those, such as the second applicant, who had been given temporary-protection status. The Court found in particular that Sweden had correctly balanced the needs of society and the applicants when denying them family reunification temporarily. It furthermore held that the difference in treatment of the applicants *vis-à-vis* refugees had been objectively justified, in particular given the strain on the State from the large number of refugees who had already been taken in, and had not been disproportionate.
42. [Camelia Bogdan v. Romania](#), no. 32916/20, Chamber decision of 20 October 2022 (Article 6, right to a fair hearing, and Article 8, right to respect for private life – inadmissible). The case concerned disciplinary proceedings against a judge which had resulted in her being barred from office. The Court noted that the applicant had disclosed the particulars of the friendly-settlement negotiations in respect of her case before the Court in the course of proceedings which she had instituted in a national court, whereas the use of such information in other contentious proceedings was prohibited. The applicant had been aware of the confidentiality requirement. The Court also noted that the particulars of the friendly-settlement negotiations, including copies of the letters and accompanying friendly-settlement declarations sent by it, had subsequently appeared in several media reports.

NOVEMBER

43. [Sanchez-Sanchez v. the United Kingdom](#), no. 22854/20, Grand Chamber judgment of 03 November 2022 (Article 3, prohibition of inhuman and degrading treatment – no violation). The case concerned the requested extradition of Mr Sanchez-Sanchez, a Mexican national, to the United States of America to face trial for drug dealing and trafficking, where he alleged that there was a possibility that he might, if convicted, be sentenced to life imprisonment without parole.
44. [McCallum v. Italy](#), no. 20863/21, Grand Chamber decision of 03 November 2022 (Article 3, prohibition of inhuman and degrading treatment – inadmissible). The case concerned the applicant's potential extradition to the United States of America, where she was wanted as a suspect in the murder of her then husband and the burning of his corpse. The Court ruled Ms McCallum's application inadmissible, as the US authorities had given a commitment that she could not be sentenced to life imprisonment without the possibility of parole, and she thus was not at risk of a sentence that would amount to inhuman or degrading punishment.
45. [Veres v. Spain](#), no. 57906/18, Chamber judgment of 08 November 2022 (Article 8, right to respect for private and family life – violation). The case concerned a legal dispute between the applicant and his ex-wife over custody of their 16-year-old daughter. The applicant's ex-wife moved to Spain with their daughter, when she was eight years old, without informing the applicant. The applicant applied to a Hungarian court for an order that the daughter be brought back to Hungary pending a final decision in the custody proceedings. The order was granted by the Hungarian court. The applicant went through lengthy proceedings in Spain so that the order could be recognized and enforced. Recognition and enforcement orders were ultimately granted by the Spanish courts, and the daughter was brought back to Hungary. The applicant complained that the proceedings in Spain were unreasonably long, which prevented him from seeing his daughter and affected their relationship, and that he did not have access to an effective remedy to expedite the proceedings and redress the alleged violation of his rights.

DECEMBER

46. [Spasov v. Romania](#), no. 27122/14, Chamber judgment of 06 December 2022 (Article 6 § 1, right to a fair trial – violation; Article 1 of Protocol No. 1, protection of property – violation). The case concerned a Romanian court judgment convicting Mr Spasov, the owner and captain of a Bulgarian-flagged vessel, of illegal fishing inside Romania's exclusive economic zone in the Black Sea. In the proceedings before the Romanian authorities, Mr Spasov argued that the quantity of fish in question was part of Bulgaria's catch quota for turbot under the European Union Common Fisheries Policy. However, the national court took the view that EU law was not applicable and convicted the applicant under domestic law. The Court pointed out that according to the principle of the primacy of EU law, a Regulation with direct effect took precedence over any conflicting domestic law. It noted in the present case that the European Commission had clearly indicated to the Romanian authorities that the proceedings against the applicant were contrary to EU law. The Court held that, in convicting Mr Spasov, the national court had committed a manifest error of law and that the applicant had been the victim of a "denial of justice". In the event of doubt the national court could have requested a ruling from the Court of Justice of the European Union (CJEU) as to the interpretation of the rules of EU law. The Court also held that the domestic provisions on which the national court had based its decision could not serve as a legal

basis for the additional pecuniary penalties imposed on the applicant, as he had been entitled under clear European rules to fish in the zone concerned.

47. **M.K. and Others v. France**, nos. 34349/18, 34638/18 and 35047/18, Chamber judgment of 08 December 2022 (Article 6 § 1, right of access to a court – violation). The cases concerned asylum-seekers who were without accommodation at the time of the events because they had not been given access to the specialist reception facilities or to emergency accommodation. The urgent-applications judge of the Administrative Court, to whom they applied, ordered the State to find emergency accommodation for them. The applicants complained that, despite the orders granting their requests and the proceedings brought by them at domestic level to that end, the State had failed to enforce the judicial decisions in their favour.

48. **S.H. v. Malta**, no. 37241/21, Chamber judgment of 20 December 2022 (Article 13, right to an effective remedy, taken in conjunction with Article 3, prohibition of inhuman or degrading treatment – violation; Article 3, prohibition of inhuman or degrading treatment – violation should the applicant be returned to Bangladesh without a fresh assessment of his claim). Mr S.H., a Bangladeshi national, arrived in Malta by boat in September 2019 and was immediately placed in detention. He lodged an application for international protection, submitting that he was a journalist in Bangladesh, who had been persecuted after he reported on electoral irregularities in the 2018 elections. The case concerned the procedure leading to the refusal of his asylum requests. His removal to Bangladesh was stayed in August 2021 when the Court issued an urgent interim measure (under Rule 39 of its Rules of Court) to the Government of Malta. Mr S.H. complained that the Maltese authorities failed to properly assess his claims, in particular, the risks that he, as a journalist, would face upon being returned to Bangladesh and that the asylum procedure was deficient, in particular with regard to his access to legal counsel, delays and a failure to examine the merits of his case.