



# KEY CASES

## 2017



List of cases recommended  
by the Jurisconsult and  
approved by the Bureau

### **European Court of Human Rights**

January 2018

## NOTE ON CITATION

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Cases are listed by reference to the relevant Convention Articles and alphabetically by applicant and by respondent State.

By default, all references are to Chamber judgments. Grand Chamber cases, whether judgments or decisions, are indicated by “[GC]”. Decisions are indicated by “(dec.)”.

Chamber judgments that are not yet “final” within the meaning of Article 44 of the Convention are marked “(not final)”. In the event that any such judgment is accepted for referral to the Grand Chamber in accordance with Article 43, it will not be included in the present list.

For information on the manner of citing the Court’s case-law, please see [here](#).

The Court reserves the right to report some or all of the judgments and decisions listed below in the form of extracts. The full original language version or versions of any such judgment or decision will remain available for consultation in the HUDOC database

### Article 44 § 2

The judgment of a Chamber shall become final

- (a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or
- (b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or
- (c) when the panel of the Grand Chamber rejects the request to refer under Article 43.

### Article 43

1. Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.
2. A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the Protocols thereto, or a serious issue of general importance.
3. If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment.

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Failure to conduct adequate and timely inquiry into death resulting from suspected medical negligence: *violation*

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### USE OF FORCE | POSITIVE OBLIGATIONS (SUBSTANTIVE AND PROCEDURAL ASPECT) | EFFECTIVE INVESTIGATION

Breach of State's obligations to protect life during hostage taking crisis in Beslan in 2004 and lack of effective investigation: *violations*

**Tagayeva and Others v. Russia, nos. 26562/07 and 6 others, 13.4.2017**

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### INHUMAN OR DEGRADING PUNISHMENT

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### POSITIVE OBLIGATIONS (PROCEDURAL ASPECT) | EFFECTIVE INVESTIGATION

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#### CIVIL RIGHTS AND OBLIGATIONS | PUBLIC HEARING

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#### ACCESS TO COURT

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### Article 6 § 1 (criminal)

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### DEFENCE THROUGH LEGAL ASSISTANCE

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