



KEY CASES

2020

First and second quarters



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

**European Court of
Human Rights**

8 September 2020

NOTE

A selection of the most important cases dealt with by the Court (also referred to as “key cases”) is made quarterly by the [Bureau](#), upon recommendation by the [Jurisconsult](#). This list contains the selection of key cases for the first and second quarters of 2020.

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](#).

Article 44 § 2 – Final judgments

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 – Referral to the Grand Chamber

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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M.N. and Others v. Belgium (dec.) [GC], no. 3599/18, 5 May 2020

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ARTICLE 2

LIFE | POSITIVE OBLIGATIONS (SUBSTANTIVE ASPECT)

Azerbaijan's "approval and endorsement" of crimes committed by its agent in private capacity, without clear and unequivocal "acknowledgement" and "adoption" of crimes "as its own": *no violation*

Makuchyan and Minasyan v. Azerbaijan and Hungary, no. 17247/13, 26 May 2020 (not final)

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POSITIVE OBLIGATIONS (SUBSTANTIVE ASPECT)

Authorities' efforts sufficient, despite some delays and omissions, in view of obstructive behaviour of witnesses placed under protection: *no violation*

A and B v. Romania, no. 48442/16, 2 June 2020 (not final)

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POSITIVE OBLIGATIONS (PROCEDURAL ASPECT)

Azerbaijan's unjustified failure to enforce prison sentence for ethnic hate crime, imposed abroad on its officer, who was pardoned, promoted and awarded benefits upon return: *violation*

No failure by Hungary to ensure that Azerbaijani national would continue to serve his prison sentence in home country: *no violation*

Makuchyan and Minasyan v. Azerbaijan and Hungary, no. 17247/13, 26 May 2020 (not final)

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EFFECTIVE INVESTIGATION | POSITIVE OBLIGATIONS (PROCEDURAL ASPECT)

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EFFECTIVE INVESTIGATION | POSITIVE OBLIGATIONS (PROCEDURAL ASPECT)

Significant flaws in domestic procedural response to arguable claim of human trafficking and forced prostitution, supported by prima facie evidence: *violation*

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M.N. and Others v. Belgium (dec.) [GC], no. 3599/18, 5 May 2020

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ARTICLE 6 § 2

PRESUMPTION OF INNOCENCE

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Farzaliyev v. Azerbaijan, no. 29620/07, 28 May 2020

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ARTICLE 7

NULLUM CRIMEN SINE LEGE | RETROACTIVITY

Use of the “blanket reference” or “legislation by reference” technique in the definition of an offence and standards of comparison between the criminal law in force at the time of the commission of the offence and the amended criminal law

Advisory opinion requested by the Armenian Constitutional Court [GC], no. P16-2019-001, 29 May 2020

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NULLUM CRIMEN SINE LEGE

Existence of a case-law precedent rendering a criminal conviction foreseeable: *no violation*

Baldassi and Others v. France, no. 15271/16, 11 June 2020 (not final)

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**Hudorovič and Others v. Slovenia, nos. 24816/14
and 25140/14, 10 March 2020**

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RESPECT FOR PRIVATE LIFE

Legal obligation on service providers to store personal data of users of pre-paid mobile-telephone SIM-cards and make them available to authorities upon request: *no violation*

Breyer v. Germany, no. 50001/12, 30 January 2020

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RESPECT FOR CORRESPONDENCE | POSITIVE OBLIGATIONS

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Buturugă v. Romania, no. 56867/15, 11 February 2020

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FREEDOM OF EXPRESSION | FREEDOM TO IMPART INFORMATION

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**Magyar Kétfarkú Kutya Párt v. Hungary [GC], no. 201/17,
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FREEDOM OF EXPRESSION

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Baldassi and Others c. France, no. 15271/16, 11 June 2020 (not final)

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Conviction for defamation on account of statements made in the context of defence in another set of criminal proceedings and accusing a third party of witness tampering: *violation*

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DISCRIMINATION (ARTICLE 8) | POSITIVE OBLIGATIONS

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N.D. and N.T. v. Spain [GC], nos. 8675/15 and 8697/15, 13 February 2020

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PROTOCOL No. 16

ADVISORY OPINIONS

Use of the “blanket reference” or “legislation by reference” technique in the definition of an offence and standards of comparison between the criminal law in force at the time of the commission of the offence and the amended criminal law

Advisory opinion requested by the Armenian Constitutional Court [GC], no. P16-2019-001, 29 May 2020

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Cases by applicant

A

A and B v. Romania, no. 48442/16,
2 June 2020 (not final)

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B

Baldassi and Others v. France,
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Beizaras and Levickas v. Lithuania,
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Breyer v. Germany, no. 50001/12, 30 January 2020

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Farzaliyev v. Azerbaijan, no. 29620/07, 28 May 2020

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Cases by respondent State

AZERBAIJAN

Farzaliyev v. Azerbaijan, no. 29620/07, 28 May 2020
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Makuchyan and Minasyan v. Azerbaijan and Hungary, no. 17247/13, 26 May 2020 (not final)
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BELGIUM

M.N. and Others v. Belgium (dec.) [GC], no. 3599/18, 5 May 2020
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CROATIA

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FRANCE

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GERMANY

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GREECE

Molla Sali v. Greece (just satisfaction) [GC], no. 20452/14, 18 June 2020
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HUNGARY

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