



Judgments of 2 July 2019

The European Court of Human Rights has today notified in writing 17 judgments¹:

two Chamber judgments are summarised below; separate press releases have been issued for two other Chamber judgments in the cases of *R.S. v. Hungary* (application no. 65290/14) and *Gorlov and Others v. Russia* (nos. 27057/06, 56443/09, and 25147/14);

13 Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments below are available only in French.

Abboud v. Belgium (application no. 29119/13)

The applicant, Jean Abboud, is a Belgian national who was born in 1960 and lives in Brussels.

The case concerned the length of proceedings in which Mr Abboud had been tried, among other charges, for unlawfully passing himself off as a lawyer.

Until the end of 2002 Mr Abboud worked as a certified court translator and interpreter. In this capacity, he provided services, particularly in the context of hearings for asylum seekers who had been granted legal aid.

At the end of 2002 a dispute arose between Mr Abboud and the legal aid office of the French-speaking Bar Council of Brussels with regard to fee notes and invoices submitted by him. Then, in October 2003, a complaint was lodged against the applicant for fraud, unlawfully passing himself off as a lawyer and making false accusations.

In 2011 Mr Abboud was committed to stand trial before the first-instance criminal court. The applicant argued, unsuccessfully, that the prosecution case should be declared inadmissible for failure to comply with the reasonable time requirement.

In 2014 the first-instance court sentenced Mr Abboud to two years' imprisonment and a fine of 11,000 euros (EUR); half of each penalty was suspended. In 2016 the court of appeal held that the prosecution was time-barred. With regard to the civil aspects, the court of appeal held that the facts concerning the charge of unlawfully passing himself off as a lawyer were established and upheld the judgment. Mr Abboud was ordered to pay a symbolic fine of one euro, plus statutory interest, and costs in the civil proceedings (EUR 165 at first instance and EUR 165 on appeal).

Relying in particular on Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights, Mr Abboud complained about the length of the proceedings.

Violation of Article 6 § 1

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by Mr Abboud. It further awarded him 800 euros (EUR) for costs and expenses.

Önal v. Turkey (no. 44982/07)

The applicant, Ahmet Önal, is a Turkish national who was born in 1956 and lives in Istanbul.

The case concerned the applicant's conviction on account of a book published by his publishing house.

In December 1999 the publishing house owned by Mr Önal issued the biography of Hüseyin Baybaşın, a businessman of Kurdish origin who was accused of drug trafficking and membership of the PKK (the Kurdistan Workers' Party).

On 22 March 2000 the Beyoğlu public prosecutor charged the applicant with insulting the President of the Republic and denigration of the Republic and of the State security services on account of the contents of the book in question. On 7 February 2006 the Beyoğlu Assize Court convicted Mr Önal as charged and ordered him to pay a fine, in application of Articles 158 § 1 and 159 § 1 of the Criminal Code, considered to be more favourable to the applicant than the provisions of the new Criminal Code, which had entered into force on 1 June 2005. On 3 April 2007 the Court of Cassation upheld the Assize Court's judgment.

The applicant alleged that his conviction had constituted a breach of his right to freedom of expression, protected by Article 10.

Violation of Article 10

Just satisfaction: EUR 680 for pecuniary damage and EUR 2,500 for non-pecuniary damage

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.