



Judgments of 14 January 2020

The European Court of Human Rights has today notified in writing 22 judgments¹:

three Chamber judgments are summarised below;

separate press releases have been issued for six other Chamber judgments in the cases of *Beizaras and Levickas v. Lithuania* (application no. 41288/15), *Rinau v. Lithuania* (no. 10926/09), *Soares Campos v. Portugal* (no. 30878/16), *D and Others v. Romania* (no. 75953/16), *Khodorkovskiy and Lebedev v. Russia* (no. 2) (nos. 51111/07 and 42757/07), and *X and Others v. Russia* (nos. 78042/16 and 66158/14),

a separate press release has also been issued for one Committee judgment in the case of *Styazhkova v. Russia* (no. 14791/04);

the 12 remaining 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 in French below are indicated with an asterisk ().*

Lazarević v. Bosnia and Herzegovina (application no. 29422/17)

The applicant, Slobodan Lazarević, is a national of Bosnia and Herzegovina who was born in 1960 and lives in Doboj (Bosnia and Herzegovina).

The case concerned the applicant's complaint about a set of labour proceedings following his dismissal from a public railway company.

Mr Lazarević was dismissed in 2012 and filed a claim against the railway company for redundancy pay, bonuses, meal allowances and pension contributions. The first-instance court granted his claim for redundancy pay, but rejected the other claims because of his former employer's poor financial situation.

The second-instance court endorsed this decision and the Supreme Court then dismissed his appeal on points of law, without examining it on the merits. Ultimately, in 2016, Mr Lazarević lodged a constitutional appeal, arguing that domestic law clearly provided that employees were entitled to certain work-related benefits and that the decisions in his case had gone against recent domestic practice. The Constitutional Court dismissed, however, his appeal as manifestly ill-founded.

Relying on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights, Mr Lazarević alleged that the judgments in his case had been unfair as they had been contrary to domestic legislation and the case-law of the highest courts.

Violation of Article 6 § 1

Just satisfaction: 1,349.80 euros (EUR) (costs and expenses)

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

Stephens v. Malta (no. 3) (no. 35989/14)

The applicant, Mark Charles Kenneth Stephens, is a British national who was born in 1963 and is detained in Paola (Malta).

The case concerned his allegation that his trial on drug trafficking charges had been unfair.

Mr Stephens was arrested in Spain in 2004 on suspicion of drug trafficking and subsequently extradited to Malta after a certain G.R.E., whom the police had stopped at Malta International Airport with cocaine and ecstasy in his bag, had named him as having given him the drugs to carry. G.R.E. later confirmed his statement on oath before a magistrate.

During the trial, however, G.R.E. changed his statement, saying that the applicant was not the “Mark Stephens” he knew.

Mr Stephens was found guilty in November 2008 of dealing illegally in cocaine and ecstasy pills and sentenced to 25 years’ imprisonment. His conviction was based on G.R.E.’s pre-trial statements.

His appeal to the Criminal Court and his constitutional redress proceedings were both unsuccessful, in 2010 and 2013 respectively.

Throughout the proceedings he raised the issue of the admissibility of G.R.E.’s pre-trial statements, without success. In particular, the courts found that the statements were corroborated by witness testimony, including the applicant himself and one of his friends, who had confirmed that he had previously picked up G.R.E. from the airport. The courts also found that the allegation that the first-instance judge had failed to direct the jury to treat the evidence with caution was not made out.

Relying in particular on Article 6 § 1 (right to a fair trial), Mr Stephens alleged that his trial had been unfair because G.R.E.’s pre-trial statements had been made without the assistance of a lawyer, when he had felt pressured into cooperating and had been suffering from withdrawal symptoms.

No violation of Article 6 § 1

Varoğlu Atik and Others v. Turkey (no. 76061/14)*

The applicants, İlkşen Varoğlu Atik, Hasan Belen and Burak Maviş, were born in 1969, 1973 and 1980 respectively. They live in Nicosia, in the “Turkish Republic of Northern Cyprus” (the “TRNC”).

The case concerned the suspended fine imposed on the applicants for an assault, committed during a demonstration on a public highway, against police officers who were blocking their access to the Parliament of the “TRNC”. The events took place in 2009.

The applicants relied, in particular, on Article 11 (right to freedom of assembly).

No violation of Article 11

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Press contacts

echrpresse@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

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.