



## Judgments of 20 March 2018

The European Court of Human Rights has today notified in writing 12 judgments<sup>1</sup>:

three Chamber judgments are summarised below; separate press releases have been issued for four other Chamber judgments in the cases of *Tkachenko v. Russia* (application no. 28046/05), *Şahin Alpay v. Turkey* (no. 16538/17), *Mehmet Hasan Altan v. Turkey* (no. 13237/17), and *Ireland v. the United Kingdom* (no. 5310/71) (revision);

five 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 (\*)*

### Falzon v. Malta (application no. 45791/13)

The applicant, Michael Falzon, is a Maltese national who was born in 1945 and lives in Naxxar (Malta).

The case concerned his complaint about having been found guilty of libel after writing an opinion piece which had criticised Parliament.

The applicant is a former Member of Parliament and Government minister. He wrote an opinion piece in *Maltatoday* in May 2007 about the fact that an MP, also called Michael Falzon, had personally asked the Commissioner of Police to investigate an allegedly threatening email he had received. Mr Falzon began defamation proceedings, which he won, and the applicant was ordered to pay 2,500 euros in damages. Appeals by the applicant were dismissed, ultimately by the Constitutional Court in January 2013.

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights, the applicant complained that the courts had failed to distinguish between facts and value judgments and submitted that his criticism had been directed towards a politician and had concerned a matter of public interest.

#### Violation of Article 10

**Just satisfaction:** 2,500 euros (EUR) (pecuniary damage), EUR 4,000 (non-pecuniary damage), and EUR 6,340 (costs and expenses)

### Igranov and Others v. Russia (nos. 42399/13, 24051/14, 36747/14, 60710/14, 3741/15, 7615/15, 24303/15, 24307/15, and 24605/15)

The applicants are nine Russian nationals who were born between 1965 and 1983 respectively.

The case concerned the fact that the applicants, who had been detained at the time, could not attend court hearings for civil claims they had made related to their imprisonment.

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

The applicants were not allowed to attend the hearings as the domestic courts ruled in most of their cases that there was no legal provision for taking detainees to court. The courts also noted that the applicants had been able to make written submissions and retain counsel to represent them. The applicants' civil claims, which mainly concerned complaints about their conditions of detention, unlawful prosecution or lack of proper medical care, were all dismissed at first-instance and on appeal.

The applicants – Dmitriy Igranov, Yuriy Zhundo, Dmitriy Khvorostyanoy, Igor Kuznetsov, Sergey Siverkov, Anton Sulimov, Andrey Resin, Sergey Malygin and Dmitriy Lupanskiy – relied in their complaint on Article 6 § 1 (right to a fair hearing) of the European Convention.

**Violation of Article 6 § 1** – in respect of Mr Igranov, Mr Zhundo, Mr Khvorostyanoy, Mr Resin, Mr Malygin and Mr Lupanskiy

Application **struck out of** the Court's list of cases in so far as Mr Kuznetsov, Mr Siverkov and Mr Sulimov are concerned

**Just satisfaction:** EUR 1,500 each to Mr Igranov, Mr Zhundo, Mr Khvorostyanoy, Mr Resin, Mr Malygin, and Mr Lupanskiy for non-pecuniary damage

### Uzan v. Turkey (no. 30569/09)\*

The applicant, Cem Cengiz Uzan, is a Turkish national who was born in 1960. He is a businessman. At the relevant time he was president of a political party (Genç Parti – the Yellow Party), and lived in Istanbul (Turkey).

The case concerned criminal proceedings in respect of Mr Uzan's conviction for insulting the then Prime Minister (Recep Tayyip Erdoğan) in the course of a public speech given in June 2003 in the city of Bursa (Turkey).

In September 2008 Mr Uzan was sentenced to eight months' imprisonment and fined approximately 404 euros (EUR). However, the judge decided to suspend delivery of the judgment, subject to the condition that the applicant submitted to judicial supervision for five years. One of those years was to be under the supervision of a counsellor who would ensure that Mr Uzan took part in a self-management programme for three months and that he read five books on personal development. In October 2009 the office responsible for overseeing judicial supervision informed the bureau for the execution of sentences that the applicant was no longer cooperating with its employees; the criminal proceedings were reopened. In the meantime, Mr Uzan had allegedly left the country and submitted a request for political asylum to the French authorities.

Relying on Article 10 (freedom of expression), Mr Uzan complained about his conviction, considering that his speech had been given in the context of political debate. Under Article 6 § 1 (right to a fair trial within a reasonable time), he complained about the length of the proceedings before the criminal courts.

**Violation of Article 10**

**Violation of Article 6 § 1** (length of proceedings)

**Just satisfaction:** The Court considered that there was no call to award any sum to Mr Uzan in this respect.

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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.