



Grand Chamber Panel's decisions

At its last meeting (Monday 24 February 2020), the Grand Chamber panel of five judges decided to refer one case and to reject requests to refer nine other cases¹.

The following case has been referred to the Grand Chamber of the European Court of Human Rights.

Denis and Irvine v. Belgium (applications nos. 62819/17 and 63921/17), concerning the refusal by the Belgian courts to order the release of the applicants, both being held in compulsory confinement.

Referral accepted

[Denis and Irvine v. Belgium \(applications nos. 62819/17 and 63921/17\)](#)

The applicants, Jimmy Denis and Derek Irvine, are both being held in compulsory confinement in Belgium. The first applicant is a Belgian national who was born in 1984 and the second is a British national who was born in 1964.

Mr Denis and Mr Irvine complain about the refusal by the Belgian courts to order their release, which they consider to be a requirement under the provisions of the Law of 5 May 2014.

The Law of 5 May 2014, which entered into force in October 2016, provides that compulsory confinement can only be imposed after crimes or serious offences resulting in physical harm or psychological injury to another person. The applicants, who were confined for offences classified as theft (Mr Denis in 2007) and attempted aggravated burglary (Mr Irvine in 2002), applied to the Belgian courts for release on the basis of this law, but were unsuccessful.

The applications were lodged with the European Court of Human Rights on 21 August 2017.

Both applicants allege, in particular, that their continued compulsory confinement since the entry into force of the 2014 Law is contrary to Article 5 § 1 (e) (right to liberty and security) and 5 § 4 (right to a speedy decision on the lawfulness of detention) of the European Convention on Human Rights.

In its Chamber [judgment](#) of 8 October 2019, the Court took the view that the interpretation by the national authorities, in the present case, of the new law on compulsory confinement had not been arbitrary or manifestly unreasonable and that the applicants' imprisonment continued to be based on judicial decisions taken under the former social protection legislation. The maintaining of the confinement measure after the entry into force of the new law had thus been compatible with Article 5 § 1. It found, unanimously, that there had been no violation of Article 5 § 1 of the Convention. Moreover, the Court noted that in the applicants' case the legal condition of having been released on probation for three years prior to permanent release had only constituted a secondary ground among the various reasons for which the social protection bodies had refused their immediate and permanent release. The Court also held, unanimously, that there had been no violation of Article 5 § 4 of the Convention.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

On 24 February 2020 the Grand Chamber Panel accepted the applicants' request that the case be referred to the Grand Chamber.

Requests for referral rejected

Judgments in the following nine cases are now final².

Requests for referral submitted by the applicants

Fleischner v. Germany (no. 61985/12), [judgment](#) of 3 October 2019

Andersena v. Latvia (no. 79441/17), [judgment](#) of 19 September 2019

Almaši v. Serbia (no. 21388/15), [judgment](#) of 8 October 2019

Requests for referral submitted by the Government

Szurovecz v. Hungary (no. 15428/16), [judgment](#) of 8 October 2019

Korneyeva v. Russia (no. 72051/17), [judgment](#) of 8 October 2019

Akvardar v. Turkey (no. 48171/10), [judgment](#) of 29 October 2019

Hatice Çoban v. Turkey (no. 36226/11), [judgment](#) of 29 October 2019

Polyakh and Others v. Ukraine (nos. 58812/15 and four others), [judgment](#) of 17 October 2019

J.D. and A v. the United Kingdom (nos. 32949/17 and 34614/17), [judgment](#) of 24 October 2019

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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.

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.