

Grand Chamber Panel decisions

At its last meeting (Monday 14 November 2022), the Grand Chamber panel of five judges decided:

- to refer the case **Grosam v. the Czech Republic** (application no. 19750/13), and,
- to reject requests to refer nine other cases¹.

Referral accepted

[Grosam v. the Czech Republic \(no. 19750/13\)](#)

The applicant, Jan Grosam, is a Czech national who was born in 1963 and lives in Prague.

At the time of the events in question, Mr Grosam was an enforcement officer. The case concerned the disciplinary chamber of the Supreme Administrative Court's issuing a fine in disciplinary proceedings to him for professional misconduct, and his subsequent appeal to the Constitutional Court.

Relying on Article 6 §§ 1, 2 and 3 (d) (right to a fair trial) and Article 2 of Protocol No. 7 to the Convention (right to appeal in criminal matters), the applicant complained that the presumption of innocence was not respected in his case; that the Constitutional Court did not address many of his arguments; and that there was no appeal possible against the Supreme Administrative Court's decision, despite the fact that it could not be considered the "highest tribunal" given its composition and the lack of sufficient guarantees as to its expertise and independence.

The application was lodged with the European Court of Human Rights on 13 March 2013.

In its [Chamber judgment](#) of 23 June 2022, the Court held that as the disciplinary chamber had not met the requirements of an "independent and impartial tribunal" and the Constitutional Court had not been able to examine the case in full, the applicant had been denied a fair trial, in violation of Article 6 § 1 of the Convention.

Under Article 46 (binding force and enforcement of judgments), the Court concluded that it fell to the respondent State to take any general measures appropriate to resolving the problems that had led to the Court's findings and to preventing similar violations from taking place in the future.

Requests for referral rejected

Judgments in the following 9 cases are now final²

Loizides v. Cyprus (application no. 31029/15), [judgment](#) of 5 July 2022;

Katsikeros v. Greece (no. 2303/19), [judgment](#) of 21 July 2022;

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.

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.

[A.I. and Others v. Poland](#) and [A.B. and Others v. Poland](#) (nos. 39028/17 and 42907/17), judgments of 30 June 2022;

[Bielinski v. Poland](#) (no. 48762/19), [judgment](#) of 21 July 2022;

[Haščák v. Slovakia](#) (nos. 58359/12 and two other applications), [judgment](#) of 23 June 2022;

[Chocholáč v. Slovakia](#) (application no. 81292/17), [judgment](#) of 7 July 2022;

[Ferhatović v. Slovenia](#) (no. 64725/19), [judgment](#) of 7 July 2022;

[Dimici v. Türkiye](#) (no. 70133/16), [judgment](#) of 5 July 2022;

[M.N. and Others v. Türkiye](#) (no. 40462/16), [judgment](#) of 21 June 2022.

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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.