



Cases referred to the Grand Chamber

At its last meeting (24 March 2014), the Grand Chamber panel of five judges decided to refer two cases and to reject requests to refer 20 other cases¹.

The following cases have been referred to the Grand Chamber of the European Court of Human Rights.

Bouyid v. Belgium (application no. 23380/09): concerning the alleged administration of slaps by police officers to individuals during police interviews;

Blokhin v. Russia (no. 47152/06): concerning the detention for 30 days of a mentally disturbed 12-year old boy in a juvenile temporary detention centre.

Referrals accepted

[Bouyid v. Belgium \(application no. 23380/09\)](#)

The applicants, Saïd and Mohamed Bouyid, are two brothers, Belgian nationals, who were born in 1986 and 1979 and live in the municipality of Saint-Josse-ten-Noode, part of the Bruxelles-Capitale district.

The applicants allege in particular that they were slapped on the face by police officers, one on 8 December 2003 and the other on 23 February 2004, when they were in Saint-Josse-ten-Noode police station, and point out that these incidents occurred in a context of tense relations between their family and certain police officers in that station, of which they were neighbours. They maintain that they were victims of degrading treatment. They further complain about the investigation into their complaints, describing it as ineffective, incomplete and biased, and criticise its duration. They rely on Articles 3 (prohibition of inhuman or degrading treatment), 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) of the European Convention on Human Rights.

In its Chamber [judgment](#) of 21 November 2013, the Court held unanimously that there had been no violation of Article 3 of the Convention. It observed that police officers who struck individuals during questioning committed a breach of ethics and showed a deplorable lack of professionalism. However, even supposing that the slapping had taken place, it had been inflicted unthinkingly by police officers who were exasperated by the applicants' disrespectful or provocative conduct, without seeking to make them confess. It had, moreover, taken place in an atmosphere of tension between members of the applicants' families and the local police. In those circumstances, even though one of the applicants had been only 17 at the time and whilst it was comprehensible that, if the events really took place as the applicants described, they must have felt deep resentment, these were one-off occurrences in a situation of nervous tension and without any serious or long-term effect. The Court held in its Chamber judgment that such acts, although they were unacceptable, could not be regarded as generating a

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.

sufficient degree of humiliation or debasement for a breach of Article 3 of the Convention to be established.

On 24 March 2014 the case was referred to the Grand Chamber at the request of the applicants.

[Blokhin v. Russia \(no. 47152/06\)](#)

The applicant, Ivan Blokhin, is a Russian national who was born in 1992 and lives in Novosibirsk (Russia).

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, Mr Blokhin complains that the conditions in the temporary detention centre for juveniles were inhuman and that he was not provided with adequate medical care. He also alleges that his detention was in breach of Article 5 § 1 (right to liberty and security). Lastly, relying on Article 6 §§ 1 and 3 (right to a fair trial), he maintains that the proceedings against him were unfair, both because he was allegedly questioned by the police in the absence of his guardian, counsel or a teacher and because he was not given the opportunity to cross-examine the two witnesses, whose statements represented the only decisive evidence against him.

In its Chamber [judgment](#) of 14 November 2013, the Court held, unanimously, that there had been a violation of Article 3, a violation of Article 5 § 1, and a violation of Article 6 §§ 1 and 3 of the Convention. The Court found in particular: that the boy had not received adequate medical care for his attention-deficit hyperactivity disorder and enuresis at the detention centre; his detention had not served an educational purpose and had not been justified by the need to prevent him from committing an offence; and, his defence rights had been violated because his confession had been obtained without legal assistance and the statements of two witnesses whom he was unable to question had served as a basis for his placement in the detention centre.

On 24 March 2014 the case was referred to the Grand Chamber at the request of the Russian Government.

Requests for referral rejected

Judgments in the following 20 cases are now final².

[Requests for referral submitted by the applicants](#)

Galina Kostova v. Bulgaria (no. 36181/05), [judgment](#) of 12 November 2013

Jaćimović v. Croatia (no. 22688/09), [judgment](#) of 31 October 2013

Popovski v. "The former Yugoslav Republic of Macedonia" (no. 12316/07), [judgment](#) of 31 October 2013

Vilnes and Others v. Norway (nos. 52806/09 and 22703/10), [judgment](#) of 5 December 2013

Brzuszczński v. Poland (no. 23789/09), [judgment](#) of 17 September 2013

Janyr v. the Czech Republic (no. 42937/08), [judgment](#) of 31 October 2013

Braņiște v. Romania (no. 19099/04), [judgment](#) of 5 November 2013

Ulariu v. Romania (no. 19267/05), [judgment](#) of 19 November 2013

[Requests for referral submitted by the Government](#)

Damjanac v. Croatia (no. 52943/10), [judgment](#) of 24 October 2013

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.

Topčić-Rosenberg v. Croatia (no. 19391/11), [judgment](#) of 14 November 2013
Mosinian v. Greece (no. 8045/10), [judgment](#) of 31 October 2013
Varvara v. Italy (no. 17475/09), [judgment](#) of 29 October 2013
Agurdino S.R.L. v. the Republic of Moldova (no. 7359/06), [judgment](#) (just satisfaction) of 29 October 2013
Bopayeva and Others v. Russia (no. 40799/06), [judgment](#) of 7 November 2013
Ermakov v. Russia (no. 43165/10), [judgment](#) of 7 November 2013
Grossman v. Russia (no. 46282/07), [judgment](#) of 31 October 2013
Kasymakhunov v. Russia (no. 29604/12), [judgment](#) of 14 November 2013
Ryabtsev v. Russia (no. 13642/06), [judgment](#) of 14 November 2013
Tovbulatova and Others v. Russia (nos. 26960/06, 27926/06, 6371/09 and 6382/09), [judgment](#) of 31 October 2013
Benzer and Others v. Turkey (no. 23502/06), [judgment](#) of 12 November 2013

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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.