

Judgments and decisions of 16 May 2024

The European Court of Human Rights has today notified in writing 39 judgments¹ and 36 decisions²: three Chamber judgments are summarised below;

a separate press release has been issued for a Chamber judgment in the case of *Domenjoud v. France* (applications nos. 34749/16 and 79607/17);

separate press releases have also been issued for three decisions in the cases of *Mikyas and Others v. Belgium* (no. 50681/20), *Chelleri and Others v. Croatia* (nos. 49358/22, 49562/22, and 54489/22), and *Gernelle and SA société d'exploitation de l'hebdomadaire Le Point v. France* (no. 18536/18);

35 Committee judgments, concerning issues which have already been examined by the Court, and the 33 decisions, can be consulted on [Hudoc](#) and does not appear in this press release.

The judgment in French below is indicated with an asterisk ().*

[Mirzoyan v. the Czech Republic](#) (applications nos. 15117/21 and 15689/21)

The case concerns the refusal of the Czech administrative authorities and courts of the applicant's application to extend his long-term residence permit for business purposes and his application for a long-term residence permit for family purposes. They were refused on the grounds that he was considered to pose a threat to national security and public order, a conclusion which was based on classified documents made partly accessible to the applicant's lawyer but not disclosed to the applicant himself.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights and Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) to the European Convention, the applicant complains that the dismissal of his applications adversely affected his right to respect for his family life and the corresponding right of his wife and their children, whose best interests had not been sufficiently considered.

No violation of Article 8

[Mária Somogyi v. Hungary](#) (no. 15076/17)

The applicant, Mária Somogyi, is a Hungarian national who was born in 1954 and lives in Tata (Hungary).

The case concerns civil defamation proceedings brought against the applicant for having shared a Facebook post by a third party, calling on the inhabitants of Tata to participate in a demonstration against the municipality for having sold one of its heritage buildings for less than the market price to

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

² Inadmissibility and strike-out decisions are final.

a local businessman, who then rented the same building back out to the town at an allegedly exorbitant rate. The applicant was ordered to pay compensation for having infringed the town's personality rights.

The applicant complains that the national courts' decision to fine her breached Article 10 (freedom of expression) of the Convention.

Violation of Article 10

Just satisfaction:

pecuniary damage: 402 euros (EUR)

non-pecuniary damage: EUR 1,500

costs and expenses: EUR 1,820

[Lutgen v. Luxembourg](#) (no. 36681/23)*

The applicant, André Lutgen, is a national of Luxembourg who was born in 1948 and lives in Luxembourg (Luxembourg).

The case concerns the sentencing of the applicant, a lawyer, to a criminal-law fine for contempt of court after he criticised a judge in an email sent to two ministers and the Principal State Prosecutor.

Relying on Article 10 (freedom of expression), the applicant submits that his criminal conviction amounts to a violation of his right to freedom of expression.

Violation of Article 10

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

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Press contacts

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

We are happy to receive journalists' enquiries via either email or telephone.

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)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

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.