



Two cases referred to the Grand Chamber

At its last meeting (5 September 2022), the Grand Chamber panel of five judges decided:

- to refer the cases **Communauté genevoise d'action syndicale (CGAS) v. Switzerland** (application no. 21881/20) and **FU QUAN, s.r.o. v. the Czech Republic** (no. 924827/14) to the Grand Chamber;
- to adjourn the request received in relation to the case **X v. the Czech Republic** (no. 64886/19); and
- to reject requests to refer 12 other cases (detailed list below)¹.

Referrals accepted

[Communauté genevoise d'action syndicale \(CGAS\) v. Switzerland \(no. 21881/20\)](#)

The case concerns an association, Communaute genevoise d'action syndicale (CGAS), which complains of being deprived of the right to organise and participate in public events following the adoption of government measures to tackle COVID-19 under Ordinance O.2 COVID-19, enacted by the Federal Council on 13 March 2020. On the basis of that ordinance, public and private events were prohibited with effect from 16 March 2020. Failure to comply with the prohibition was punishable by a custodial sentence or a fine.

As of 30 May 2020 the ban on gatherings was relaxed (maximum of 30 participants). Events involving more than 1,000 participants continued to be prohibited until the end of August 2020. On 20 June 2020 the ban on public events was lifted, although participants were required to wear a mask.

The application was lodged with the European Court of Human Rights on 26 May 2020.

The application association relies on Article 11 (freedom of assembly and association) of the European Convention on Human Rights.

In its [judgment](#) of 15 March 2022, the Court held, by four votes to three, that there had been a violation of Article 11 of the European Convention.

On 5 September 2022 the case was referred to the Grand Chamber at the Swiss Government's request.

[Fu Quan, s. r. o. v. the Czech Republic \(no. 24827/14\)](#)

The applicant, Fu Quan, s.r.o., is a Czech limited liability company based in Prague.

The case concerns the seizure of property amounting to nearly 2.4 million euros belonging to the applicant company in the course of a tax evasion investigation and trial. It was held for five years.

The application was lodged with the European Court of Human Rights on 25 March 2014.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy) of the Convention, the

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.

applicant company claims that it was wrongfully deprived of its property, and that the State Liability Act was interpreted in an excessively formalistic way.

In its [judgment](#) of 17 March 2022, the Court held by, five votes to two, that there had been a violation of Article 1 of Protocol No. 1, that it was not necessary to examine the complaint under Article 6 § 1 and Article 13 of the Convention and that the respondent State was to pay the applicant company 12,000,000 Czech korunas in respect of pecuniary damage.

On 5 September 2022 the case was referred to the Grand Chamber at the Czech Government's request.

Request adjourned

The request submitted by the applicant in the case of **X v. the Czech Republic** (no. 64886/19), [judgment](#) of 12 May 2022, was adjourned.

Requests for referral rejected

Judgments in the following 12 cases are now final²:

Y and Others v. Bulgaria (no. 9077/18), [judgment](#) of 22 March 2022

Bežanić and Baškarad v. Croatia (nos. 16140/15 and 13322/16), [judgment](#) of 19 May 2022

Mesić v. Croatia (no. 19362/18), [judgment](#) of 5 May 2022

C.E. and Others v. France (nos. 29775/18 and 29693/19), [judgment](#) of 24 March 2022

Mickovski v. North Macedonia (nos. 39107/18 and 39726/18), [judgment](#) of 24 March 2022

P.D. v. Russia (no. 30560/19), [judgment](#) of 3 May 2022

Reyes Jimenez v. Spain (no. 57020/18), [judgment](#) of 8 March 2022

Ekrem Can and Others v. Turkey (no. 10613/10), [judgment](#) of 8 March 2022

Kozan v. Turkey (no. 16695/19), [judgment](#) of 1 March 2022

Nalbant and Others v. Turkey (no. 59914/16), [judgment](#) of 3 May 2022

Nuh Uzun and Others v. Turkey (no. 49341/18 and 13 other applications), [judgment](#) of 29 March 2022

Benkharbouche and Janah v. the United Kingdom (nos. 19059/18 and 19725/19), [judgment](#) of 5 April 2022

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Press contacts

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

We would encourage journalists to send their enquiries via email.

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

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.

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.