



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF BLAŽOVÁ v. SLOVAKIA

(Application no. 7747/21)

JUDGMENT

STRASBOURG

1 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Blažová v. Slovakia,

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Erik Wennerström, *President*,

Artūrs Kučs,

Anna Adamska-Gallant, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 7747/21) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 27 January 2021 by a Slovak national, Ms Denisa Blažová (“the applicant”), who was born in 1991 and lives in Bučany, and was represented by Mr M. Para, a lawyer practising in Bratislava;

the decision to give notice of the application to the Slovak Government (“the Government”), represented by their Agent, Ms M. Bálintová;

the parties’ observations;

the decision to reject the Government’s objection to examination of the application by a Committee;

Having deliberated in private on 10 September 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns secret surveillance measures authorised in the context of criminal proceedings conducted against the applicant’s then partner and his brother, who were at that time being prosecuted on charges of murder and for serious drug-related offences.

2. On 18 January 2017 the Specialised Criminal Court issued two warrants, under Article 114 of the Code of Criminal Procedure (“the CCP”), authorising the use of listening and recording devices in two vehicles, an Audi A6 and a BMW 550 X Drive, in order to intercept the communications of the applicant’s partner, his brother and their accomplice A.B. The aim of the secret surveillance was to gather information about the murder in respect of which they had been prosecuted. It appears that the applicant was registered as the owner of the Audi, while the BMW was owned by T.C., a limited liability company whose managing director was the applicant’s partner at the time. The secret surveillance was authorised until 17 April 2017.

3. On 6 March 2017 the applicant’s partner was arrested by the police while driving the BMW with the applicant accompanying him in the car. He later lodged a criminal complaint against the police officers conducting the arrest. On 17 March 2020 the complaint was rejected. It further appears from

that decision, *inter alia*, that the applicant's communications had also been intercepted by the recording device installed in the BMW.

4. On 29 October 2018 the Special Prosecutor's office ("SPO") indicted the applicant's partner, his brother and two other persons. The criminal case file included transcripts of several audio recordings made on different days on the basis of the contested warrants. The applicant's partner and the other co-accused were subsequently convicted. The relevant facts and circumstances of the criminal proceedings are summarised in *Kratky v. Slovakia* ([Committee], no. 35025/20, 15 February 2024). The applicant had no standing in those criminal proceedings.

5. On 25 March 2020 the applicant lodged a constitutional complaint, relying on Articles 6 and 8 of the Convention. She alleged that the warrants had not been sufficiently reasoned, that there had been no supervision by an independent authority and that she had not had any effective remedy before the ordinary courts. She stated that she had been informed of the existence of the surveillance measures only on 22 January 2020 by her lawyer, who also defended her partner in the criminal proceedings pending against him. She asked the Constitutional Court to order the destruction of all the recordings which had been made on the basis of the warrants.

6. The Constitutional Court rejected her constitutional complaint for lack of jurisdiction, noting that the applicant had had and would still have an opportunity to raise her complaints in the criminal proceedings pending against her partner (II. ÚS 326/2020).

7. The applicant submitted to the Court audio recordings, allegedly originating from both vehicles, capturing what appear to be a male and a female voice. The applicant submitted that the female voice was her own.

8. Relying on Articles 6, 8 and 13 of the Convention, the applicant complained that (i) the contested warrants had not contained all mandatory requirements and had not been duly reasoned, (ii) the surveillance had been disproportionate, as it had captured also her communications, although she had had nothing to do with the criminal proceedings, and (iii) there had been no supervision by an independent body and she had not been informed of the surveillance. She also complained that she had not had any effective domestic remedy in relation to her complaints.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLES 6, 8 AND 13 OF THE CONVENTION

A. Admissibility

9. The Government objected that the applicant could not claim to be a victim of the alleged violations because she had not been directly targeted by

the contested warrants and the allegedly intercepted material had in no way been examined or used against her by the law-enforcement authorities. The Court agrees with Government's objection to the extent that the applicant directed her complaints against the warrants as such. The warrants were made available to the Court (see paragraph 2 above; contrast *Potoczka and Adamčo v. Slovakia*, no. 7286/16, § 9, 12 January 2023, and *Plechlo v. Slovakia*, no. 18593/19, § 44, 26 October 2023) and it is clear that the persons who were subjected to the secret surveillance were the applicant's partner, his brother and their accomplice, but not the applicant. Thus, as far as the applicant alleged that there had been a lack of reasoning and an absence of formal requirements in respect of the warrants themselves, the Court finds that she was not sufficiently affected by the alleged breach of the Convention to claim to be the victim of a violation within the meaning of Article 34 of the Convention.

10. Accordingly, these complaints are incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) thereof.

11. On the other hand, the fact that she was not the target of the warrants authorising the secret surveillance does not automatically mean that her communications were not intercepted accidentally in the course of the implementation of the warrants (see *Plechlo*, cited above, §§ 33 and 42). At the relevant time the applicant was the owner of the Audi, and it appears that she was also using the BMW. The applicant submitted audio recordings obtained during the implementation of the warrants allegedly capturing her communications in the vehicles, including during the arrest of her partner on 6 March 2017 while he had been driving the BMW (see paragraph 7 above). The fact that on that day the applicant's communications had been intercepted was also acknowledged by the domestic authorities (see paragraph 3 above). Furthermore, the mere fact that the applicant's partner was using the vehicles does not exclude that she was using them as well (see *Potoczka and Adamčo*, cited above, § 50). Thus, the applicant has shown that she was directly affected by the implementation of the warrants (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 96, ECHR 2014). Consequently, the Court rejects the Government's objection as far as it concerns an alleged interference with the applicant's private life in respect of the implementation of the warrants.

12. As to the Government's objection that the applicant failed to exhaust domestic remedies because she did not assert her rights by way of an action under the Police Force Act combined with an action for damages under the State Liability Act, the Court notes that it examined and dismissed a similar argument in *Plechlo* (cited above, § 36). Moreover, the Constitutional Court did not reproach the applicant for not availing herself of that remedy (see paragraph 6 above) and the Government did not provide the Court with any decisions of the domestic courts showing that the suggested remedy was

effective in practice. The Court therefore finds nothing in the present case to justify a different conclusion from that reached in *Plechlo* (cited above) and consequently rejects the Government's objection of non-exhaustion of domestic remedies.

13. It follows that this part of the applicant's complaints is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

14. The Court considers that, on the basis of the facts mentioned above, the applicant's complaints raised under Articles 6, 8 and 13 of the Convention as declared admissible, fall to be examined solely under Article 8 of the Convention (*Plechlo*, cited above, § 32).

15. The general principles concerning secret surveillance measures have been summarised in, for example, *Roman Zakharov v. Russia* ([GC], no. 47143/06, §§ 227-34, ECHR 2015).

16. The Court notes that in the present case the key question is whether, during the implementation of the warrants and after their termination, sufficient guarantees existed to keep the "interference" resulting from the implementation of the warrants to what was "necessary" in a democratic society. The rule of law implies, *inter alia*, that interference by the executive authorities with an individual's rights should be subject to an effective control which should normally be assured by the judiciary, at least in the last resort, judicial control offering the best guarantees of independence, impartiality and a proper procedure (see *Klass and Others v. Germany*, 6 September 1978, § 55, Series A no. 28)

17. Turning to the facts of the present case, the Court notes that, under Article 114 § 5 of the CCP the review of the continuation of the reasons underlying the warrants and the supervision of their implementation is entrusted to the Police Force. The Court has already found that supervision by non-judicial bodies may be considered compatible with the Convention, provided that the supervisory body is independent of the authorities carrying out the surveillance, and is vested with sufficient powers and competence to exercise an effective and continuous control (*ibid.*, § 56; see also *Kennedy v. the United Kingdom*, no. 26839/05, §§ 153-54, 18 May 2010). However, under Article 114 § 4 of the CCP the carrying out of secret surveillance is also entrusted to the Police Force. Thus, the implementation of the warrants and their supervision were entrusted to the same authority. The Court has previously held that systems which rely on internal or executive self-control fail to afford sufficient safeguards against arbitrariness (see *Roman Zakharov*, cited above, § 280).

18. Furthermore, in cases involving secret surveillance, the question of independent review arises also after the surveillance has been terminated. The

applicant asserted that she was never informed of the surveillance because the applicable law did not require it. The Court has already held that as soon as notification can be carried out without jeopardising the purpose of the restriction after the termination of the surveillance measure, information should be provided to the persons concerned (ibid., § 287, with further references).

19. The Court observes that the Constitutional Court did not question the applicant's assertion that she had found out about the existence of the warrants and the recordings only accidentally in 2020 (see paragraphs 5 and 6 above). In their observations, the Government referred to Article 114 § 8 of the CCP which, *inter alia*, provides for the destruction of recordings if no facts relevant to criminal proceedings are discovered during the surveillance. Pursuant to the latter provision, a record of the destruction of the recording must be included in the case file. The Court is not persuaded that this submission sufficiently explains why it was not possible to notify the applicant of the measure after its termination and once the notification would not endanger the investigation. In this connection, the Court observes that the surveillance had ended by April 2017 (see paragraph 2 above) and that, by October 2018 (see paragraph 4 above), the SPO had gathered sufficient evidence to indict the applicant's partner and bring the case to trial. Furthermore, the case file does not contain any indication that the audio recordings or transcripts of the applicant's communications were destroyed. On the contrary, it appears that that material formed part of the criminal case file (see paragraph 4 above).

20. The Court also notes that the question of subsequent notification of surveillance measures is inextricably linked to the effectiveness of remedies before the courts and, therefore, to the existence of effective safeguards against the abuse of monitoring power (see *Roman Zakharov*, cited above, §§ 233-34). In this regard, the Court observes that the Constitutional Court rejected the applicant's complaint and directed her to criminal proceedings in which she lacked standing (see paragraphs 4 and 6 above). In the specific circumstances of the present case, the applicant was therefore unable to secure judicial review of the implementation of the warrants, even after the surveillance had ceased.

21. In view of the circumstances above, the Court concludes that the interference with the applicant's right to respect for her private life and correspondence was not accompanied by adequate and effective safeguards to keep the interference to what was absolutely necessary in a democratic society.

22. There has accordingly been a violation of Article 8 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

23. The applicant claimed 20,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,038.10 in respect of costs and expenses incurred before the Court.

24. The Government submitted that the claim in respect of non-pecuniary damage was excessive. They also contested the amount of costs and expenses claimed by the applicant, noting that she had submitted only a letter from her current lawyer containing the calculation of the sum allegedly owed for legal representation, but no relevant supporting evidence.

25. The Court awards the applicant EUR 1,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

26. Having regard to the documents in its possession, and that part of the applicant's complaints have been declared inadmissible, the Court considers it reasonable to award EUR 1,000 for costs and expenses for the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the absence of effective control during the implementation of the warrants and after their termination admissible, and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 8 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the following amounts:
 - (i) EUR 1,500 (one thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

BLAŽOVÁ v. SLOVAKIA JUDGMENT

Done in English, and notified in writing on 1 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Deputy Registrar

Erik Wennerström
President