



Grand Chamber hearing on blood transfusions administered to a Jehovah's Witness against her will

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 10 January 2024 at 9.15 a.m.** in the case of **Pindo Mulla v. Spain** (application no. 15541/20).

The case concerns blood transfusions administered to the applicant, a Jehovah's Witness, despite her refusal to undergo a blood transfusion of any kind (full blood, red blood cells, white blood cells, platelets or blood plasma).

A recording of the hearing will be available this afternoon on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant, Rosa Edelmira Pindo Mulla, is an Ecuadorian national who was born in 1970 and lives in Soria (Spain). She is a Jehovah's Witness. A core tenet of her religious beliefs is her absolute opposition to blood transfusions and the donation and storage of blood and blood products.

Following medical tests carried out in July 2017, Ms Pindo Mulla was advised to have surgery. She subsequently issued three documents – an advance directive, a lasting power of attorney and an informed consent document –, each recording her refusal to undergo a blood transfusion of any kind (full blood, red blood cells, white blood cells, platelets or blood plasma) in any healthcare situation, even if her life was in danger, but that she would accept any medical treatment that did not involve the use of blood.

On 6 June 2018, Ms Pindo Mulla was admitted to Soria Hospital. The following day, due to haemorrhaging, she was transferred by special ambulance to a hospital in Madrid.

Upon learning that the applicant was a Jehovah's Witness, anaesthesiologists at that hospital contacted the duty judge for instructions on what to do. The duty judge, who did not know the identity of the patient, nor her precise wishes, and in the absence of concrete information on her state of health, authorised all medical or surgical procedures that were needed to save her life.

Surgery was performed that day and blood transfusions were administered to Ms Pindo Mulla, who had not been informed of the duty judge's order, despite still being conscious when she was taken to the operating theatre. The parties dispute, however, whether she was fully lucid at that time.

This decision of the duty judge was upheld on appeal and her subsequent amparo appeal was declared inadmissible by the Constitutional Court.

Procedure

The application was lodged with the European Court of Human Rights on 13 March 2020.

Relying on Articles 8 (right to respect for private life) and 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights, the applicant complains that while her

¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

refusal of certain medical treatment had been, in her view, clearly established in many official documents, they were ignored by the national authorities.

On 16 April 2021 the Spanish Government was given notice² of the application, with questions from the Court. A [statement](#) of facts is available in English on the Court's website.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 4 July 2023.

The French Government and the European Association of Jehovah's Witnesses were granted leave to intervene in the written proceedings as third parties.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Síofra O'Leary (Ireland), *President*,
 Georges Ravarani (Luxembourg),
 Marko Bošnjak (Slovenia),
 Gabriele Kucsko-Stadlmayer (Austria),
 Pere Pastor Vilanova (Andorra),
 Arnfinn Bårdsen (Norway),
 Egidijus Kūris (Lithuania)
 Branko Lubarda (Serbia),
 Mārtiņš Mits (Latvia),
 Stéphanie Mourou-Vikström (Monaco),
 Pauliine Koskelo (Finland),
 María Elósegui (Spain),
 Anja Seibert-Fohr (Germany),
 Ioannis Ktistakis (Greece),
 Frédéric Krenc (Belgium),
 Mykola Gnatovskyy (Ukraine),
 Anne Louise Bormann (Denmark), *judges*,
 Ana Maria Guerra Martins (Portugal),
 Saadet Yüksel (Türkiye),
 Andreas Zünd (Switzerland), *substitute judges*,

and also Marialena Tsirli, *Registrar*.

Representatives of the parties

Government

Alfonso Brezmes Martínez de Villarreal, *Agent*,
 Heide-Elena Nicolás Martínez, *Co-agent*,
 Francisco de Asís Sanz Gandasegui, *Counsel*,
 Francisco Reinoso Barbero, Francisca Molina Agea and Ángela Domínguez Bravo, *Advisers* ;

Applicant

Petr Muzny, Shane H. Brady, and David García Martín, *Counsel*.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is notified to a Government can be found in the Rules of Court.

Ms Rosa Edelmira **Pindo Mulla**, the applicant, will also be present at the hearing.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

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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.