CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

INFORMATION NOTE No. 74
on the case-law of the Court
April 2005

The summaries are prepared by the Registry and are not binding on the Court.

CONTENTS

ARTICLE 8

Judgment

Admissible

Inadmissible

ARTICLE 34

Judgments

Inadmissible

ARTICLE 35

Preliminary objection allowed

ARTICLE 38

Judgment

ARTICLE 1 of PROTOCOL No. 1

Inadmissible

ARTICLE 3

TORTURE
Manner in which forced feeding was applied to a detainee on hunger strike without any medical justification for such a measure: *violation*.

NEVMERZHITSKY - Ukraine (Nº 54825/00)
Judgment 5.4.2003 [Section II]

The applicant, a former bank manager, was detained in April 1997 on suspicion of having committed unlawful currency transactions. He was subsequently charged on this ground, as well as of abuse of power, fraud and forgery. The applicant unsuccessfully complained to the District court against the investigator of the case, whom he claimed had acted unlawfully. The detention order was extended on five successive occasions to permit additional investigations by the prosecution, and the applicant's release on bail was refused. Several times during his detention, as a result of having gone on hunger-strike, the applicant was subjected to force-feeding, which he claims caused him substantial mental and physical suffering, in particular given the manner in which it was carried out: he had frequently been handcuffed to a chair or heating facility and forced to swallow a rubber tube connected to a bucket with a special nutritional mixture. He also maintains that whilst remanded in custody he was deprived of adequate medical treatment for the various diseases that he suffered from, and that the conditions of detention (overcrowding, lack of proper hygiene, infested bedding, placing in an isolation cell for 10 days while on hunger strike) were also in breach of Article 3 of the Convention. Although the maximum statutory period of detention in the applicant's case expired in September 1998, he was only released in February 2000. In February 2001, the City court sentenced the applicant to five and a half years' imprisonment for repeated financial fraud, forgery and abuse of power. On the basis of the Amnesty Law, and since he had been detained for nearly three years, the court dispensed him from serving the sentence.

Law – Article 38(1): The Government had failed to furnish all necessary facilities to the Court in its task of establishing the facts, in particular for not having provided a medical report on the decision on the basis of which the applicant had been subjected to force-feeding, or information on the legal basis for the applicant's continued detention or his placement in an isolation cell.

Article 3 – (i) *Conditions of detention and the lack of medical treatment and assistance*: Bearing in mind that the applicant's submissions were consistent and corresponded in general to the inspections conducted by the Committee for the Prevention of Torture and those of the Commissioner for Human Rights of the Ukrainian Parliament, the Court concluded that the applicant had been detained in unacceptable conditions which amounted to degrading treatment. The same conclusion was reached by the Court as regards the lack of adequate treatment administered to the applicant. Prior to his detention the applicant had not been suffering any skin disease and his state of health was normal. Moreover, despite the independent medical examination which had recommended that the applicant be given treatment in a specialised hospital, this had not been followed.
(ii) *Force-feeding*: The Government had not demonstrated that there was a "medical necessity" to force-feed the applicant. It can only therefore be assumed that the force-feeding was arbitrary. Procedural safeguards were not respected in the face of the applicant's conscious refusal to take food. The authorities had not acted in the applicant's best interests in subjecting him to force-feeding. Whilst the authorities had complied with the manner of force-feeding prescribed by the relevant decree, the restraints applied – handcuffs, mouth-widener, a special tube inserted into the food channel – with the use of force, and despite the applicants resistance, had constituted treatment of such a severe character warranting the characterisation of torture.
Conclusion: violation (unanimously).

Article 5(1) – Although Ukraine had made a reservation under Article 5(1) that it was under no obligation to guarantee that the initial arrest and detention of persons be ordered by a judge, the Court considered

that the issue of continued detention was not covered by that reservation. Hence, as the prolongation orders had been taken by prosecutors and the courts had only reviewed such decisions at a later stage, several of the periods the applicant had spent in detention were not based on lawful grounds.
Conclusion: violation (six votes to one).

Article 5(3) – Even though the investigation of economic offences presents the authorities with special problems, the Court could not accept that it had been necessary to detain the applicant for so long in pre-trial detention without either prompt or regular judicial supervision. As regards the actual length of the detention, bearing in mind the applicant's state of health, the conditions of detention and the fact that no alternative preventive measures were considered by the authorities, the reasons given by the prosecution for the prolonged detention (a possible interference with the investigation and the suspicion that the applicant had committed the offences with which he was charged) could not justify the applicant's continued detention for more than two years and five months.
Conclusion: violation (unanimously).

INHUMAN TREATMENT
Physical and psychological suffering as a result of the manner in which extradition orders were enforced: *violation*.

SHAMAYEV and 12 others - Georgia and Russia (N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]

Facts: The applicants were arrested in Georgia in August 2002 and charged, *inter alia*, with crossing the border illegally; they were placed in pre-trial detention. They were prosecuted in Russia for various offences, one of which was subject to the death penalty. The Russian authorities applied for their extradition. Since Georgian criminal law prohibited extradition of an individual to a country where he or she would be liable to the death penalty, the Georgian public prosecution service sought guarantees on this matter. They were assured that the applicants would not be sentenced to death in Russia, given the moratorium on capital punishment in force in Russia for the previous six years and a judgment by the Constitutional Court prohibiting courts from imposing such a sentence, and would not be tortured or ill-treated. In October 2002 the Georgian authorities agreed to the extradition of five applicants. Special troops used force to remove eleven prisoners from their cell with a view to extraditing four of them, in circumstances which were the subject of different accounts before the Court; the prisoners had previously been invited by prison wardens to leave the cell peacefully. Five applicants were handed over to the Russian authorities on 4 October 2002, in spite of the Court's indication under Rule 39 of the Rules of Court that the authorities should provisionally refrain from extraditing the persons concerned. In Russia the extradited applicants were held *incommunicado*. The Court obtained guarantees from the Russian Government in favour of the applicants and an undertaking that it would have unimpeded access to them through correspondence and in the event of an on-site visit. The interim measure that had been indicated to Georgia was consequently lifted. In application of Rule 39, the Court indicated to the Russian Government that the extradited prisoners' lawyers should be allowed to meet them in prison with a view to preparing a hearing before the Court. The Russian Government did not comply with this interim measure and challenged the validity of the lawyers' powers to represent the applicants. The extradition of the other applicants, agreed to by the Georgian authorities in November 2002, was suspended or cancelled by the courts. Two applicants were arrested by the Russian authorities in February 2004 after disappearing in Tbilisi. The Court decided to carry out a fact-finding visit to Georgia and Russia. Given the unresponsive attitude of the Russian authorities, only the Georgian part of the visit was carried out.

Law: Preliminary objections (dismissal) – The Russian Government argued that it was impossible to examine the case on the merits, called for the proceedings to be cancelled and challenged the extradited applicants' application to the Court. As to the applicants' correct representation before the Court, which was also challenged by the Russian Government, while it was true that the extradited applicants had not themselves signed documents granting power of attorney to the representatives before the Court, this was explained by the situation (extradition under extremely urgent procedure with no possible access to the

prisoners) and could not therefore be held against them; the applicants had subsequently claimed to approve of their representatives' actions before the Court or had not opposed or challenged them, and the Russian Government had removed any possibility of objective verification of their submission by failing to comply with the Court's interim measure, intended to remove any doubts in this respect and to enable the applicants to be heard.

Alleged risks of being sentenced to death penalty and of ill-treatment following extradition to Russia: Before taking a decision on the extradition request, the Georgian authorities sought assurances from the Russian authorities with the aim of ensuring that the applicants would be protected against those risks. The extradition requests were granted on the strength of explicit guarantees provided by the Russian Procurator General in respect of each of the applicants and there was nothing to cause the Georgian authorities to doubt their credibility. The Georgian authorities had only agreed to the extradition of those applicants whose identity could be established and who allegedly held Russian passports at the time of their arrest, and the applicants had not been sentenced to the death penalty in Russia. The photographs of the extradited applicants and their cells, the video recording made in prison and the various medical certificates submitted by the Russian Government did not indicate that the extradited applicants had been subjected to treatment contrary to Article 3 after their extradition; the two applicants who had been in written contact with the Court had not made such complaints. Admittedly, the majority of the applicants had been unable to inform either the Court or their representatives about their situation in Russia following extradition. Their representatives had argued that violence was practised against persons of Chechen origin, but had merely referred to the general context of the armed conflict in Chechnya. The evidence submitted by them did not establish that the extradited applicants' personal situations could have exposed them to risks contrary to Article 3. The possibility that the applicants could have been at risk of ill-treatment was not to be ruled out, although they had submitted no evidence of antecedents to that effect, but the mere possibility of ill-treatment did not in itself entail a violation of Article 3, especially as the Georgian authorities had obtained guarantees to that effect from their Russian counterparts. In short, the facts of the case did not make it possible to assert "beyond reasonable doubt" that there were substantial grounds at the time when the Georgian authorities took their decision for believing that extradition would expose the applicants to a genuine and personal risk of "inhuman" or "degrading" treatment.
Conclusion: no violation of Article 3 by Georgia as regards the five extradited applicants (unanimously).

Article 3 – The Court examined the case of the applicant in relation to whom an extradition order had been signed in November 2002 and suspended following an appeal; that order was subject to enforcement at the close of pending proceedings. In the light of events subsequent to November 2002, set out in documentary material which the Court had obtained of its own motion, the Court considered that the assessments on which the decision had been taken to extradite that applicant no longer sufficed, at the date on which it examined the case, to exclude all risk of ill-treatment prohibited by the Convention.
Conclusion: there would be a violation by Georgia of Article 3 if the decision to extradite Mr Gelogayev to Russia, dated November 2002, were to be enforced (six votes to one).

Article 2 – There was nothing to justify the assertion that, at the time when the Georgian authorities took the decision to extradite, there were serious and well-founded reasons to believe that extradition would expose the applicants to a real risk of extrajudicial execution.
Conclusion: no violation by Georgia in respect of the five extradited applicants (unanimously).

Use of physical force when removing applicants from the cell with a view to extradition: The applicants had resisted removal from their cell and had armed themselves, among other items, with bricks and metal objects. The involvement of about fifteen members of the special forces, armed with truncheons, could therefore reasonably have been considered necessary to ensure safety and prevent disorder. However, the authorities' attitude and the way in which they had managed the extradition enforcement procedure had incited the applicants to resist. Firstly, the applicants had not been officially informed of their extradition, and had only learnt via the media that the extradition of some of them was imminent; secondly, the prison wardens had used deception by giving fictitious reasons for requiring them to leave the cell. Finally, the applicants, who had legitimate grounds to fear ill-treatment and danger to their lives and had been left in

ignorance as to the names of those who would be extradited, found themselves ensnared by the authorities, who had thus placed them before a fait accompli. In such circumstances, the use of physical force could not be regarded as justified by the prisoners' conduct. Having regard to the lack of procedural guarantees, the ignorance in which the applicants were kept with regard to their fate, and the distress and uncertainty to which they were exposed without good reason, the manner in which the Georgian authorities had proceeded to enforce the extradition decisions raised in itself a problem under Article 3. In addition to this mental suffering, the injuries inflicted on certain applicants by the special forces were serious and there had been no medical examination and treatment in good time. That suffering was such as to amount to inhuman treatment.
Conclusion: violation of Article 3 by Georgia in respect of the eleven applicants (six votes to one).

Articles 5(2) and 5(4) – The Georgian authorities had not informed the applicants that they were being held pending extradition and the applicants' lawyers had not had access to the extradition files, in violation of Article 5(2). The same fact had deprived of all substance the applicants' right to appeal against their detention in the context of extradition proceedings, as set out in Article 5(4).
Conclusion: violations by Georgia in respect of all the applicants (unanimously).

Article 5(1) – The Court held, unanimously, that this Article had not been violated by Georgia.

Article 13 taken together with Articles 2 and 3 – The applicants extradited in October 2002 and their lawyers had not been informed of the extradition orders made against them, and the relevant authorities had unjustifiably hindered the exercise of the right to seek a remedy that should, in theory, have been available to them.
Conclusion: violation by Georgia in respect of five applicants (six votes to one).

Article 34 (Georgia) – After their extradition, the applicants were held *incommunicado*. The Russian authorities had not permitted the applicants' representatives before the Court to visit them, in spite of the Court's explicit indication of its intention in that connection, and the Court had been unable to carry out its fact-finding visit to Russia in order to question them. On the sole basis of a few written communications with the extradited applicants, the Court had not been in a position to complete its examination of the merits of their complaints against Russia. The gathering of evidence had thus been frustrated. The difficulties faced by those applicants after their extradition had seriously hindered the effective exercise of their right to appeal as guaranteed under Article 34. In failing to comply with the indication to suspend the extradition, given by the Court under Rule 39 of its Rules of Court, Georgia had failed to discharge its obligations.
Conclusion: violation by Georgia in respect of four applicants (six votes to one).

The extradited applicants alleged a violation of Article 3 and Article 6(1) and (3) in respect of Russia, where they had been held in isolation and without contact with their representatives. The Court had been unable to establish the facts in Russia despite the fact-finding visit that it had decided to carry out in application of Article 38(1)(a), and the materials which had been submitted to it by the parties did not enable it to decide on the opposing statements made by the parties with regard to Russia's alleged violation of Article 3 and Article 6(1) and (3). Accordingly, it examined whether, by making it impossible for the Court it to carry out those tasks, Russia had fallen short of its obligations under Articles 34 and 38(1)(a).

Article 38(1) – By refusing to allow the Court's delegates access to the applicants held in Russia, on the principal ground that their case was pending before the domestic courts, and by raising obstacles to the Court's fact-finding mission, the Russian Government had unacceptably hindered the establishment of part of the facts in the case and had therefore failed to discharge their obligations under Article 38(1)(a) of the Convention.
Conclusion: failure by Russia to discharge its obligations (unanimously).

Article 34 (Russia) – The Russian Government had failed to honour the commitments they had given to the Court in November 2002 with regard to access to those applicants who were being held

incommunicado and, despite the Court's requests to that effect, the applicants' representatives had never had access to them. The written communications with the extradited applicants had been insufficient to ensure effective examination of an appreciable portion of their application and the Russian Government had on several occasions expressed doubt as to their intention to apply to the Court. The Court itself had sent letters to the extradited applicants, but the result gave rise to serious doubt as to the extradited applicants' freedom to correspond with the Court and to put forward their complaints in greater detail. Furthermore, the Court had been unable to question in Russia the applicants who had disappeared a few days before the arrival of the Court's delegation in Tbilisi and who were arrested three days later by the Russian authorities. The measures taken by the Russian Government had hindered those applicants' effective exercise of the right to apply to the Court.
Conclusion: violation by Russia in respect of seven applicants (six votes to one).

Article 41 – The Court made awards for non-pecuniary damage and for costs and expenses.
In addition, Russia was to repay the costs incurred by the Court on account of the cancellation of the fact-finding visit, since the cancellation was attributable to it.

EXTRADITION
Extradition of Chechen origin persons to Russia and alleged risk of ill-treatment as a result thereof: *no violation*.

SHAMAYEV and 12 others - Georgia and Russia (N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]
(see above).

EXTRADITION
Alleged risk of ill-treatment if an extradition order adopted two years before was to be enforced: *violation in event of enforcement.*

SHAMAYEV and 12 others - Georgia and Russia (N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]
(see above).

ARTICLE 5

Article 5(1)

LAWFUL DETENTION
Decision to prolong detention periods taken by prosecutors: *violation*.

NEVMERZHITSKY - Ukraine (N° 54825/00)
Judgment 5.4.2003 [Section II]
(see Article 3, above).

Article 5(1)(e)

PERSONS OF UNSOUND MIND
Alleged irregularity in a decision concerning obligatory placement in a psychiatric institution: *communicated*.

BARONCHELLI - Italy (N° 19479/03)
[Section III]
(see Article 5(1), above).

Article 5(2)

INFORMATION ON REASONS FOR ARREST
Extradition of persons who were not informed that they would be subject to this measure: *violation*.

SHAMAYEV and 12 others - Georgia and Russia s(N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]
(see Article 3 above).

Article 5(3)

LENGTH OF PRE-TRIAL DETENTION
Prolongation of detention on remand (two years and five months) not justified in view of the detainee's state of health and the conditions of detention: *violation*.

NEVMERZHITSKY - Ukraine (N° 54825/00)
Judgment 5.4.2003 [Section II]
(see Article 3, above).

Article 5(4)

TAKE PROCEEDINGS
Extradition of persons who were not informed that they would be subject to this measure: *violation*.

SHAMAYEV and 12 others - Georgia and Russia (N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]
(see Article 3 above).

ARTICLE 6

Article 6(1) [civil]

ACCESS TO COURT
Interpretation of rules concerning the time limit to introduce an appeal against an order of internment: *communicated*.

BARONCHELLI - Italy (N° 19479/03)
[Section III]

The applicant was detained in a psychiatric institution against his will under the "compulsory health treatment" procedure. The detention order was made by the mayor on the basis of two medical opinions. The judge confirmed the order without interviewing the applicant. Three years after he was released, the applicant instituted court proceedings to challenge the lawfulness of his detention, submitting in particular that he had not undergone a thorough medical examination. The law on compulsory health treatment did not lay down a specific time-limit for lodging such an application. However, it was dismissed as being out of time. The domestic courts applied the general time-limit provided for in the Code of Civil Procedure, by which applications to review decisions of the guardianship judge must be lodged within ten days of the communication or notification of the measure. The court considered that execution of the detention order amounted to communication of the decision and that there had been no need to notify the applicant formally.
Communicated under Article 5(1) and Article 6(1).

ORAL HEARING
Lack of oral hearing in custody proceedings: *admissible*.

C. - Finland (N° 18249/02)
Decision 5.4.2005 [Section IV]
(see Article 8, below).

Article 6(1) [criminal]

FAIR HEARING
Conviction on three counts of rape allegedly based to a decisive extent on statements made by the victims to the police, and impossibility for the defence to question them: *inadmissible*.

C.R.R SCHEPER - the Netherlands (N° 39209/02)
Decision 5.4.2005 [Section III]

The applicant was convicted by the Regional court of having raped three drug-addicted street prostitutes (Ms A., Ms B. and Ms C.). He filed an appeal with the Court of Appeal in which he declared that he had had sexual contacts with Ms A., Ms B. and Ms C., but denied that he had raped them. Ms A. was heard by the Court of Appeal as an injured party, but was not summoned to appear as a witness (her mother later stated before the court that her daughter did not wish to see the applicant or recall the incidents). The prosecutor submitted that summoning the other two witnesses would be pointless as their addresses were unknown. The Court of Appeal nevertheless ordered the prosecutor to make all possible efforts to take evidence from Ms A., Ms B. and Ms C. Later, the court decided that it saw no merit in ordering fresh attempts to summon the victims as it was unlikely that they would appear within an acceptable delay. The

applicant's conviction for rape was confirmed by the Court of Appeal. The court based its conviction, *inter alia*, on the applicant's own statements, the detailed statements of Ms A., Ms. B. and Ms C. to the police, and a report on a medical examination of Ms. A. The Supreme Court rejected the applicant's subsequent appeal in cassation.

Inadmissible under Article 6(1) and 6(3)(d): The Court of Appeal had ordered that all possible efforts be made to ensure the victims were heard as witnesses in the proceedings. There were no indications that the court had been negligent in this respect. Bearing in mind that the applicant had been involved in three nearly identical incidents within a relatively short time, and that there was other supporting evidence corroborating the statements made by the victims to the police, it could not be said that the applicant's conviction had been based only or to a decisive extent on such statements. The criminal proceedings, taken as a whole, had been fair: manifestly ill-founded.

ARTICLE 8

PRIVATE LIFE
Non-disclosure of information held by the National Security Services: *inadmissible*.

BRINKS - the Netherlands (Nº 9940/04)
Decision 5.4.2005 [Section III]

The applicant lived in the German Democratic Republic of Germany ("DDR") in the late 1980's. Upon his return to the Netherlands, he suspected that he had attracted the attention of the then Netherlands National Security Service ("BVD"). He claims that colleague academics labelled him as a "fellow traveller" of communism, which had a negative influence on his career prospects. The applicant requested the Minister of the Interior to inform him what data were contained in the file possibly held on him by the BVD. The applicant was granted access to outdated information to the extent that its contents would not lead to disclosure of BVD sources or working methods, or personal data of third persons. The applicant unsuccessfully challenged the Minister's decision before the Regional court. The Regional court, which was provided with the undisclosed BVD information which the applicant had not received, found that apart from one document which should have been disclosed to the applicant, there were no reasons to find the Minister's decision incorrect. The Administrative Jurisdiction Division of the Council of State upheld this ruling.

Inadmissible under Article 8: The withholding of information from the applicant had constituted an interference with his private life. It had been "in accordance with the law" and pursued a legitimate aim, as the disclosure of such information could have harmed the Security of the State. Moreover, the withholding of the information had been subject to effective judicial control by the Regional court and the Administrative Jurisdiction Division. It was acceptable to consider, in line with the State's appreciation that the interests of national security prevailed over those of the applicant in the present case. The interference had therefore been necessary in a democratic society: manifestly ill-founded.

FAMILY LIFE
Granting by the Supreme Court of custody over two children to person with whom they were living, instead of the father, given the preference expressed by the children to stay with this person: *admissible*.

C. - Finland (Nº 18249/02)
Decision 5.4.2005 [Section IV]

The applicant, a British national, lived with his former wife, a Finnish national, and their two children in Switzerland until the couple separated. The mother returned to Finland with the children and took up residence with a female partner, L. After a longstanding custody dispute, which culminated in a decision

of the Finnish Supreme Court in 1997, the mother was granted sole custody of the children. At the time, the applicant had lodged an application with the Court which was rejected. The present application concerns the fate of the children after the death of the mother in 1999. Both the applicant and L. applied for their custody. The District court, and later the Court of Appeal, both granted custody to the applicant. Although the children had expressed their wish to live with L. and feared moving back to Switzerland, the courts considered that the strained relationship between the applicant and L. had influenced their view, and concluded that a relationship between the children and the applicant was important for their well-balanced development. However, the Supreme Court overturned the lower courts' judgments on the basis that under domestic legislation they would be unenforceable in light of the children's ages (14 and 12) and their expressed wish to remain with their mother's partner. It did so without holding an oral hearing or re-hearing the evidence presented before the lower courts, and not finding it necessary to seek a further psychological examination as requested by the applicant.
Communicated under Articles 6 and 8.

HOME
Search of residential and business premises in connection with a traffic contravention committed by a third party: *violation*.

BUCK - Germany (Nº 41604/98)
Judgment 28.4.2005 [Section III]

Facts: The applicant's son was fined for a speeding offence driving a car which belonged to the company owned by the applicant. In the proceedings at the District court, the son pleaded not guilty as other persons from the company could have been driving the car. The applicant was summoned as a witness but refused to give evidence about his son, as he was entitled to do as a family member. He later also refused to give evidence about his employees. As a result, the police requested the District court to obtain a photograph of the applicant from the relevant authorities, and, in parallel, the District court issued a warrant to search the business and residential premises of the applicant, which was carried out on the same day by four police officers. Several documents, including personnel files and statements on working hours, were seized and returned to the applicant the next day. The applicant appealed the search and seizure decision, but it was dismissed by the Regional court. The court considered that the appeal against the search warrant was inadmissible as it was pointless, the search having been effected in the meantime. The applicant lodged a complaint with the Constitutional Court, arguing that it had not been possible to establish that the radar photo was of his son, nor of any of his employees. The court refused to admit the complaint. It found that whilst the Regional court's decision to reject the applicant's appeal for the mere reason that the search had already been carried out disregarded the constitutional principle of an effective legal protection, the search and seizure order had nevertheless been lawful. The applicant's son, in the further conduct of the criminal proceedings against him, was fined for having negligently exceeded a speed limit. The applicant complained that the search of his business and residential premises had violated Article 8, and that the absence of adequate reasoning on the search order had amounted to a breach of Article 6.

Law: Article 8 – Bearing in mind the notion of "home" as interpreted by the Court, which can also extend to a professional person's office, the search of both the applicant's residential and business premises had represented an interference with the applicant's right to respect for his home. Given that under the Code of Criminal Procedure, taken together with the Road Traffic Act and its Regulations, the search and seizure of the premises of a person other than the one accused of a regulatory offence was possible, the interference had been "in accordance with the law". It had also pursued the legitimate aim of disclosing the identity of the person liable for the speeding offence, and, as such, was consistent with the Convention aims of the prevention of disorder or crime and the protection of the rights of others. In determining the necessity of the interference, the Court found that whilst there had been some procedural shortcomings at the level of the Regional court, the safeguards provided by German legislation against abuse in the sphere of searches and seizures could be considered adequate and effective. However, as regards the proportionality of the measure, the search and seizure had been ordered concerning a mere contravention

of a road traffic rule (and in regard to a person who had no previous record of contraventions of such a kind). Moreover, the proceedings for the contravention had not been directed against the applicant himself, but against his son, that is, a third party. As to the content and scope of the search and seizure order, it had been drafted in broad terms, and had not given any reasons why documents concerning business matters should be found on the applicant's private premises. Thereby, the impact of the order had not been limited to what was indispensable in the circumstances of the case. Having regard to the above, the Court concluded that the interference could not be regarded as proportionate to the legitimate aims pursued.
Conclusion: violation (four votes to three).

Article 6(1) – The Court found that no separate issues arose under this provision.
Conclusion: violation (unanimously).

Article 41 – The Court found that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant. It also made an award in respect of costs and expenses.

CORRESPONDENCE
Domestic surveillance legislation alleged to place a human rights non-governmental organisation under the risk of having their telephones tapped: *admissible*.

IORDACHI and Others – Moldova (Nº 25198/02)
Decision 5.4.2005 [Section IV]

The applicants are members of a human rights non-governmental organisation which was created for the purpose of assisting persons to introduce applications with the Court. They claim that after the coming to power of the Communist Party, the number of human rights violations increased considerably in the country. As a result of their activity, which has led to the finding by the Court of a violation in a number of cases, they maintain to run a serious risk of having their telephones tapped. Although they had not been victims of any specific interception of their communications, the applicants complain that domestic legislation does not contain sufficient guarantees to prevent abuses against the right to freedom of correspondence. Moreover, as the decision of the investigating authority regarding telephone tapping is never communicated to the person concerned, they complain of a lack of an effective remedy.

Admissible under Articles 8 and 13. The Government's objections: (i) non-exhaustion: as the complaints referred to the state of a law, the Court was not convinced that the remedies advanced by the Government could have provided redress to the applicants. Only Parliament or the Constitutional Court, to which individuals did not have direct access, could make amendments to laws. Hence, the application could not be dismissed on the grounds of this objection; (ii) victim status: this question was joined to the merits of the case; (iii) abuse of the right of petition: the statements made by the applicants and the language used by them in the proceedings before the Court had not amounted to an abuse of the right of petition. Accordingly, this objection was also dismissed.

ARTICLE 34

VICTIM
Death of a family member: establishment of illegal facts, identification and conviction of those responsible, and payment of compensation: *inadmissible*.

GÖKTEPE and others - Turkey (N° 64731/01)
Decision 26.4.2005 [Section II]

The applicants are the mother, brother and sister of a journalist who died in service in 1996. He had been covering a funeral ceremony which turned into a demonstration. The police intervened and took a large number of people, including the journalist, into custody in a sports hall. The journalist complained of a headache. The police carried him to a bench outside. He was found dead there several hours later. An autopsy conducted the following day gave the cause of death as cranial trauma. One of the deceased's brothers lodged a complaint. An internal administrative inquiry was opened by the police. It found that police officers had beaten some of the people lying on the floor of the sports hall. An administrative investigation conducted under the Prosecution of Civil Servants Act concluded that criminal proceedings should be instituted against the police officers in question. Proceedings were promptly brought against forty-eight police officers for unintentional homicide and ill-treatment. A prosecution witness before the Assize Court identified certain police officers. An additional medical examination found that the victim's death had been caused by blows to the head with an object such as a truncheon. Two years and two months after the events, the Assize Court convicted several police officers and sentenced them to seven and a half years' imprisonment for assault committed as part of a group, as no individual perpetrator could be identified. The applicants obtained a finding of liability on the State's part and were awarded compensation for the non-pecuniary and pecuniary damage sustained as a result of the death.

Inadmissible under Article 2: The autopsy reports and the investigation had shown that the death had been caused by blows inflicted unlawfully by the police. The investigation had led rapidly to the identification of the police officers responsible and to their prosecution for unintentional homicide committed in excess of their duties and for ill-treatment. The inquiries made had enabled the facts to be established and the perpetrators identified promptly and to an adequate degree. The criminal proceedings, which had resulted in non-suspended prison sentences for six police officers, had satisfied the procedural requirements of Article 2. The applicants had been awarded compensation for the death of their close relative. In short, they had successfully made use of existing domestic remedies and could no longer claim to be "victims" within the meaning of Article 34.

HINDER THE EXERCISE OF THE RIGHT OF PETITION
Extradition despite provisional indication by the Court under Rule 39 to suspend extradition: *violation*.

SHAMAYEV and 12 others - Georgia and Russia (N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]
(see Article 3 above).

HINDER THE EXERCISE OF THE RIGHT OF PETITION
Hindering of the effective exercise of the right of petition as a result of State's attitude: *violation*.

SHAMAYEV and 12 others - Georgia and Russia (N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]
(see Article 3 above).

ARTICLE 35

Article 35(1)

EXHAUSTION OF DOMESTIC REMEDY (Turkey)
Lack of objection against an order of non-prosecution irregularly notified to a wrong address, but which the applicant became aware of subsequently: *preliminary objection allowed*.

KANLIBAŞ - Turkey (N° 32444/96)
Decision 28.4.2005 [Section III]

The applicant's brother was killed in 1996 together with other PKK militants in an armed clash with the security forces. A forensic examination by the authorities concluded that the death had been caused by bullet wounds, and revealed that the ears on one of the other bodies had been destroyed. The applicant had his brother's remains returned to him five days after the death. He complained to a human-rights association that the body had been mutilated *post mortem*. A British forensic specialist stated, after seeing photographs taken by the applicant, that the ears had been deliberately severed with a cutting instrument after the death; with regard to the absence of an eyeball, he indicated that the eye socket did not appear to be damaged and that there had been no bullet wounds to the head. The Turkish authorities promptly opened an investigation of their own motion into the military operation that had resulted in the deaths. Inquiries were made, in particular, into the specific allegation that the ears had been cut off. Three of the many officers serving in the district concerned were eventually questioned. They gave evidence about the conduct of the armed operation during which the deaths had occurred. They stated that they had not noticed the alleged mutilation. More than two years and three months after the events, the public prosecutor's office ruled that there was no case to answer. It observed that the autopsy conducted after the death had not produced any evidence to corroborate the allegations that the ears had been mutilated, and concluded that the left eye had been destroyed by the impact of a bullet. That decision was subject to challenge by the applicant. It was mistakenly served on the address of the applicant's place of birth and not on his actual home address.

Inadmissible as regards the complaints alleging a substantive violation of Articles 2 and 3: *failure to exhaust domestic remedies*. The applicant had not taken any steps at national level to complain about the circumstances surrounding his brother's death. He had not even submitted the British specialist's second opinion to the authorities. There was no verifiable evidence to support or corroborate his argument that his conduct had been due to fear of reprisals. The applicant had not contested the ruling that there was no case to answer, although that remedy was an effective one within the meaning of Article 35(1). Admittedly, the decision had been served on the wrong address and the relevant authorities had not carried out the checks required by the law where the addressee was absent. However, the applicant and his lawyers had learned of the ruling in 2001 and the effective remedy in question had been available to him from that time.
Admissible as regards the complaints under Articles 2 and 3 in their procedural aspect.

ARTICLE 38

Article 38(1)(a)

EXAMINATION OF THE CASE
Obstacles by the State to the carrying out of a fact-finding mission by the Court: *failure to fulfil obligations*.

SHAMAYEV and 12 others - Georgia and Russia s(N° 36378/02)
Judgment 12.4.2005 [Section II (former composition)]
(see Article 3 above).

ARTICLE 1 OF PROTOCOL No. 1

DEPRIVATION OF PROPERTY
Refusal to return property which had been nationalised during the Soviet regime: *inadmissible*.

PÕDER and Others - Estonia (Nº 67723/01)
Decision 26.4.2005 [Section IV]

The applicant's property was nationalised in 1947 and allocated to a third person free of charge. In 1994, the County Commission for the Return and Compensation of Unlawfully expropriated Property, recognised the applicant and his family as persons entitled to the nationalised property under property reform legislation. However, the applicant's request for return of the property was refused by the District Administration in 1996 on the grounds that the property had lost its former distinct character. The decision was subsequently quashed as unlawful. In 2000, the District Administration again refused to the return of the property to the applicants on the grounds that it was in the possession of a third person who had acquired it in good faith. The applicants filed a complaint claiming that when they had filed their first restitution application, the Property Reform Act as in force at that time stipulated that a person who had acquired an expropriated property free of charge could not be regarded as the *bona fide* owner of the property. The courts dismissed the complaint. In its judgment, the Supreme Court recalled that the Property Reform Act had been amended in 1997 to avoid new injustices in the field of property rights, and that depriving new owners of property who had received it free of charge would create such an injustice. The applicants received compensation in respect of the nationalised property in 2000.

Inadmissible under Article 1 of Protocol No. 1: Concerning Estonia's reservation that the provisions of this Article would not apply to laws on property reform, the Court found it unnecessary to determine whether the amended Property Reform Act fell within the scope of application of the reservation, as the complaint was in any event inadmissible for the reasons below. Since deprivation of ownership is an instantaneous act and does not produce a continuing situation, the applicants had no "existing possessions" within the meaning of this provision. Furthermore, this provision did not create any general obligation for Contracting States to restore property which had been expropriated prior to their ratification of the Convention. As regards the decision of 1994 when the authorities recognised the applicants as the "entitled subjects" with respect to the property concerned, the Court had doubts as to whether such a decision in itself could give rise to a claim specific enough to be enforceable. It was even more questionable that a claim to the restoration of the property arose from this decision. However, even assuming that the applicants had a valid claim, the alleged interference had been justified: the amendment of the law had been undertaken with a view to affording due protection to the rights of new owners, and, the applicants had received compensation. The authorities had succeeded in striking a fair balance between the proprietary interests of the persons concerned, and the Court did not find that they had imposed an excessive individual burden on the applicants: manifestly ill-founded.

Other judgments delivered in April

Article 3

Inhuman and degrading treatment

Afanasyev - Ukraine (N° 38722/02) 5.4.2005 [Section II] – violation.

Conditions of imprisonment

Karalevičius - Lithuania (N° 53254/99) 7.4.2005 [Section III] – violation.

Expulsion

Müslim - Turkey (N° 53566/99) 26.4.2005 [Section IV] – no violation.

Article 5(1)

Lawful detention

Karalevičius - Lithuania (N° 53254/99) 7.4.2005 [Section III] – violation - no violation.

Article 5(3)

Length of detention on remand

Kimran - Turkey (N° 61440/00) 5.4.2005 [Section II] – violation.
Ali Hidir Polat - Turkey (N° 61446/00) 5.4.2005 [Section II] – violation.
Rokhlina - Russia (N° 54071/00) 7.4.2005 [Section I] – violation.
Calleja - Malta (N° 75274/01) 7.4.2005 [Section II] – violation.
Chodecki - Poland (N° 49929/99) 26.4.2005 [Section II] – violation.
Kolev - Bulgaria (N° 50326/99) 28.4.2005 [Section I] – violation (cf. *Ilijkov*).

Article 5(4)

Speediness of review

Rokhlina - Russia (N° 54071/00) 7.4.2005 [Section I] – no violation.

Speediness of review and procedural guarantees of review

Kolev - Bulgaria (N° 50326/99) 28.4.2005 [Section I] – violation (cf. *Ilijkov*).

Article 6(1)

Legislation staying all civil proceedings relating to claims for damages in respect of acts of members of the army or police during the war

Urukalo and/et Nemet - Croatia (N° 26886/02) 28.4.2005 [Section I] – violation (cf. *Multiplex ; Aćimović*).

Prolonged non-enforcement of court decision

violation (cf. *Shmalko*):
Katsyuk - Ukraine (N° 58928/00) 5.4.2005 [Section II]
Varanitsa - Ukraine (N° 14397/02) 5.4.2005 [Section II]
Sharko - Ukraine (N° 72686/01) 19.4.2005 [Section II]
Dolgov - Ukraine (N° 72704/01) 19.4.2005 [Section II]
Shcherbakov - Ukraine (N° 75786/01) 19.4.2005 [Section II]
Piryanik - Ukraine (N° 75788/01) 19.4.2005 [Section II]
Nazarchuk - Ukraine (N° 9670/02) 19.4.2005 [Section II]
Sokur - Ukraine (N° 29439/02) 26.4.2005 [Section II]

Dragne and others - Romania (N° 78047/01) 7.4.2005 [Section III] – violation (cf. *Ruianu*).

Quashing of a final judicial decision / Annulation d'une décision judiciaire définitive

Volkova - Russia (N° 48758/99) 5.4.2005 [Section IV] – violation (cf. *Ryabykh*).

Staggering of police assistance to enforce eviction orders

Lo Tufo - Italy (N° 64663/01) 21.4.2005 [Section I] – violation (cf. *Immobiliare Saffi*).

Independence and impartiality of State Security Court

violation (cf. *Özel ; Özdemir*):
Töre - Turkey (N° 48095/99) 14.4.2005 [Section III]
Balçik - Turkey (N° 63878/00) 26.4.2005 [Section II]

Reasons for court decisions

Alija - Greece (N° 73717/01) 7.4.2005 [Section I] – violation (cf. *Georgiadis*).
Dimitrellos - Greece (N° 75483/01) 7.4.2005 [Section I] – violation (cf. *Georgiadis*).
Albina - Romania (N° 57808/00) 28.4.2005 [Section III] – violation.

Procedure on appeal

Mařik - Czech Republic (N° 73116/01) 12.4.2005 [Section II] – violation (cf. *Bělěs others*).

Access to court

Užkurėlienė and others - Lithuania (N° 62988/00) 7.4.2005 [Section III] – no violation.
I.D. - Bulgaria (N° 43578/98) 28.4.2005 [Section I] – violation.

Fair hearing

Fera - Italy (N° 45057/98) 21.4.2005 [Section I (former composition)] – no violation.
Parsil - Turkey (N° 39465/98) 26.4.2005 [Section II] – violation (cf. *Göç*).

Length of proceedings

violation:
Zichy Galéria - Hungary (N° 66019/01) 5.4.2005 [Section II]
Monory - Romania and Hungary (N° 71099/01) 5.4.2005 [Section II] – violation by Hungary.
Szilágyi - Hungary (N° 73376/01) 5.4.2005 [Section II]

Rokhlina - Russia (N° 54071/00) 7.4.2005 [Section I]
Jancikova - Austria (N° 56483/00) 7.4.2005 [Section I]
Calleja - Malta (N° 75274/01) 7.4.2005 [Section II]
Jarnevic & Profit - Greece (N° 28338/02) 7.4.2005 [Section I]
Makris - Greece (N° 43841/02) 7.4.2005 [Section I]
Ertürk - Turkey (N° 15259/02) 12.4.2005 |Section II]
Herbst and others - Czech Republic (N° 32853/03) 12.4.2005 [Section II]
Basoukou - Greece (N° 3028/03) 21.4.2005 [Section I]
Sflomos - Greece (N° 3257/03) 21.4.2005 [Section I]
Plastarias - Greece (N° 5038/03) 21.4.2005 [Section I]
Kollias - Greece (N° 5957/03) 21.4.2005 [Section I]
Koufogiannis - Greece (N° 5967/03) 21.4.2005 [Section I]
Kabetsis - Greece (N° 5973/03) 21.4.2005 [Section I]
Tsamou - Greece (N° 9673/03) 21.4.2005 [Section I]
Mehmet Özel and others - Turkey (N° 50913/99) 26.4.2005 [Section II]
Dumont - Belgium (N° 49525/99) 28.4.2005 [Section I]
Robyns de Schneidauer - Belgium (N° 50236/99) 28.4.2005 [Section I]
Kolev - Bulgaria (N° 50326/99) 28.4.2005 [Section I]
De Staerke - Belgium (N° 51788/99) 28.4.2005 [Section I]
Reyntiens - Belgium (N° 52112/99) 28.4.2005 [Section I]
Hadjidjanis - Greece N° 72030/01) 28.4.2005 [Section I]
Athanasiadis and others - Greece (N° 34339/02) 28.4.2005 [Section I]
Korre - Greece (N° 37249/02) 28.4.2005 [Section I]
Kolybiri - Greece (N° 43863/02) 28.4.2005 [Section I]

Independent and impartial tribunal

Whitfield and others - United Kingdom (N° 46387/99, N° 48906/99, N° 57410/00 and N° 57419/00) 12.4.2005 [Section IV] – violation as regards 3 applicants.

Article 6(2)

A.L. - Germany (N° 72758/01) 28.4.2005 [Section III] – no violation.

Article 6(3)(c)

Whitfield and others - United Kingdom (N° 46387/99, 48906/99, 57410/00 and 57419/00) 12.4.2005 [Section IV] – violation *(*cf. *Ezeh and Connors)*.

Article 8

Reunion of children with their parents

Monory - Romania and Hungary (N° 71099/01) 5.4.2005 [Section II] – violation by Romania.

Prisoner's correspondence

Karalevičius - Lithuania (N° 53254/99) 7.4.2005 [Section III] – violation.

Article 10

Conviction for disseminating separatist propaganda

Falakaoğlu - Turkey (N° 77365/01) 26.4.2005 [Section II] - violation (cf. *İbrahim Aksoy*).

Article 11

Democracy and Change Party and Others - Turkey (N° 39210/98 and N° 39974/98) 26.4.2005 [Section IV] – violation.

Article 13

Effective remedy

Ill-treatment

Afanasyev - Ukraine (N° 38722/02) 5.4.2005 [Section II] – violation.

Prolonged non-enforcement of court decision

Nazarchuk - Ukraine (N° 9670/02) 19.4.2005 [Section II] – violation.

Length of proceedings

Jancikova - Austria (N° 56483/00) 7.4.2005 [Section I] – violation.

violation (cf. *Konti-Arvaniti*):
Sflomos - Greece (N° 3257/03) 21.4.2005 [Section I]
Plastarias - Greece (N° 5038/03) 21.4.2005 [Section I]
Kollias - Greece (N° 5957/03) 21.4.2005 [Section I]
Koufogiannis - Greece (N° 5967/03) 21.4.2005 [Section I]
Kabetsis - Greece (N° 5973/03) 21.4.2005 [Section I]
Tsamou - Greece (N° 9673/03) 21.4.2005 [Section I]

Article 14 in conjunction with Article 8

Rainys and Gasparavičius - Lithuania (N° 70665/01 and N° 74345/01) [Section III] – violation (cf. *Sidabras and Džiautas*).

Article 1 of Protocol No. 1

Užkurėlienė and others - Lithuania (N° 62988/00) 7.4.2005 [Section III] – no violation.

Delay in payment of compensation for expropriation

violation (cf. *Akkuş*):
Emrullah Hattatoğlu - Turkey (No 48719/99) 14.4.2005 [Section III]
Özdeş - Turkey (No 42752/98) 26.4.2005 [Section II]

Prolonged non-enforcement of court decision

violation (cf. *Voytenko*):
Katsyuk - Ukraine (N° 58928/00) 5.4.2005 [Section II]
Varanitsa - Ukraine (N° 14397/02) 5.4.2005 [Section II]
Shcherbakov - Ukraine (N° 75786/01) 19.4.2005 [Section II]

Dragne and others - Romania (N° 78047/01) 7.4.2005 [Section III] – violation (cf. *Sabin Popescu*).
Basoukou - Greece (N° 3028/03) 21.4.23005 [Section I] – violation.

Striking out

Koroniotis - Germany (N° 66046/01) 21.4.2005 [Section III]
Mohammed Yuusuf - the Netherlands (N° 42620/02) 21.4.2005 [Section III]
Duveau - France (N° 77403/01) 26.4.2005 [Section II]

Friendly settlement

Del Luce - Italy (N° 65674/01) 7.4.2005 [Section III]
Brocco - Italy (N° 68074/01) 7.4.2005 [Section III]
Sferrazzo and Papini - Italy (N° 69308/01) 7.4.2005 [Section III]
Vanpraet - Belgium (N° 47153/99) 21.4.2005 Section I]

Relinquishment in favour of the Grand Chamber

Article 30

MARKOVIC and others - Italy (N° 1398/03)
[Section III]

The ten applicants are all nationals of Serbia and Montenegro and close relatives of people who were killed during the Kosovo conflict when an air strike on the headquarters of *Radio Televizije Srbije* (*RTS*) in Belgrade on 23 April 1999 by the NATO alliance resulted in 16 deaths. The applicants instituted proceedings in Italy against the Italian authorities. The domestic courts declined jurisdiction as the events complained of were "acts of Government". The application was declared admissible under Article 6 (access to court), in connection with Article 1, on 14 December 2004.

Judgments which have become final

Article 44(2)(b)

The following judgments have become final in accordance with Article 44(2)(b) of the Convention (expiry of the three month time limit for requesting referral to the Grand Chamber) (see Information Notes Nos. 70 and 71):

Młynarczyk - Poland (Nº 51768/99)
Judgment 14.12.2004 [Section II]

Wojtkiewicz - Poland (Nº 45211/99)
Zarjewska - Poland (Nº 48114/99)
Dánczak - Poland (Nº 57468/00)
Judgments 21.12.2004 [Section IV]

Şehmus Aydin - Turkey (Nº 40297/98)
Metin Yilmaz - Turkey (Nº 45733/99)
Judgments 22.12.2004 [Section III]

Blücher - Czech Republic (Nº 58580/00)
Judgment 11.1.2005 [Section II (former composition)]

Tekin and Taştan - Turkey (Nº 69515/01)
Judgment 11.1.2005 [Section II]

Halis - Turkey (Nº 30007/96)
Judgment 11.1.2005 [Section IV]

Ceyhan Demir and others - Turkey (Nº 34491/97)
Dağtekin - Turkey (Nº 36215/97)
Gizzatova - Russia (Nº 5124/03)
Jalević-Mitrović - Croatia (Nº 9591/02)
Camasso - Croatia (Nº 15733/02)
Rash - Russia (Nº 28954/02)
Judgments 13.1.2005 [Section I]

Kehayov - Bulgaria (Nº 41035/98)
E.M.K. - Bulgaria (Nº 43231/98)
Todorov - Bulgaria (Nº 39832/98)
Pikić - Croatia (Nº 16552/02)
Organochimika Lipasmata Makedonias A.E. - Greece (Nº 73836/01)
Judgments 18.1.2005 [Section I]

Menteşe and others - Turkey (Nº 36217/97)
Özdoğan - Turkey (Nº 49707/99)
Dolaşan - Turkey (Nº 29592/96)
Poltorachenko - Ukraine (Nº 77317/01)
Sibaud - France (Nº 51069/99)
Judgments 18.1.2005 [Section II]

Popov - Moldova (N° 74153/01)
Carabasse - France (N° 59765/00)
Judgments 18.1.2005 [Section IV]

Enhorn - Sweden (Nº 56529/00)
Singh - Czech Republic (N° 60538/00)
Çakmak - Turkey (N° 53672/00)
Judgments 25.1.2005 [Section II]

Razaghi - Sweden (N° 64599/01)
Judgment (striking out) 25.1.2005 [Section II]

Karademirci and others - Turkey (N° 37096/97 and N° 37101/97)
Judgment 25.1.2005 [Section IV]

Sunal - Turkey (N° 43918/98)
Judgment 25.1.2005 [Section IV]

Sidjimov - Bulgaria (N° 55057/00)
Judgment 27.1.2005 [Section I]

Statistical information[1]

Judgments delivered	April	2005
Grand Chamber	0	1
Section I	27	112
Section II	25	72(73)
Section III	14(15)	38(39)
Section IV	4(8)	43(89)
former Sections	2	11
Total	**72(77)**	**277(325)**

Judgments delivered in April 2005					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	0	0	0	0	0
Section I	26	1	0	0	27
Section II	24	0	1	0	25
Section III	9(10)	3	2	0	14(15)
Section IV	4(8)	0	0	0	4(8)
former Section I	1	0	0	0	1
former Section II	1	0	0	0	1
Total	**65(70)**	**4**	**3**	**0**	**72(77)**

Judgments delivered in 2005					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	1	0	0	0	1
former Section I	3	0	0	0	3
former Section II	3	0	0	0	3
former Section III	5	0	0	0	5
former Section IV	0	0	0	0	0
Section I	107	4	1	0	112
Section II	71(72)	10(11)	5	0	86(88)
Section III	21(25)	4	1	2	28(32)
Section IV	35(77)	2	1	1	39(81)
Total	**246(293)**	**20(21)**	**8**	**3**	**277(325)**

1. The statistical information is provisional. A judgment or decision may concern more than one application: the number of applications is given in brackets / Les informations statistiques sont provisoires.

Decisions adopted		April	2005
I. Applications declared admissible			
Grand Chamber		0	0
Section I		15	78(79)
Section II		17	76
Section III		6(8)	38(42)
Section IV		8	27(31)
Total		**46(48)**	**219(228)**
II. Applications declared inadmissible			
Grand Chamber		0	1(3)
Section I	- Chamber	3	26
	- Committee	626	2592
Section II	- Chamber	5	31
	- Committee	319	1469
Section III	- Chamber	4	36
	- Committee	187	1124
Section IV	- Chamber	3	34
	- Committee	358	1792
Total		**1505**	**7105(7107)**
III. Applications struck off			
Section I	- Chamber	1	14
	- Committee	4	22
Section II	- Chamber	5	21
	- Committee	5	20
Section III	- Chamber	2	14
	- Committee	6	28
Section IV	- Chamber	1	20
	- Committee	13	27
Total		**37**	**166**
Total number of decisions[1]		**1588(1590)**	**7490(7501)**

[1] Not including partial decisions / Décisions partielles non comprises.

Applications communicated	April	2005
Section I	56	194
Section II	57	295
Section III	29	151
Section IV	18	92
Total number of applications communicated	**160**	**732**

Articles of the European Convention of Human Rights and Protocols Nos. 1, 4, 6 and 7

Convention

Article 2	:	Right to life
Article 3	:	Prohibition of torture
Article 4	:	Prohibition of slavery and forced labour
Article 5	:	Right to liberty and security
Article 6	:	Right to a fair trial
Article 7	:	No punishment without law
Article 8	:	Right to respect for private and family life
Article 9	:	Freedom of thought, conscience and religion
Article 10	:	Freedom of expression
Article 11	:	Freedom of assembly and association
Article 12	:	Right to marry
Article 13	:	Right to an effective remedy
Article 14	:	Prohibition of discrimination
Article 34	:	Applications by person, non-governmental organisations or groups of individuals

Protocol No. 1

Article 1	:	Protection of property
Article 2	:	Right to education
Article 3	:	Right to free elections

Protocol No. 2

Article 1	:	Prohibition of imprisonment for debt
Article 2	:	Freedom of movement
Article 3	:	Prohibition of expulsion of nationals
Article 4	:	Prohibition of collective expulsion of aliens

Protocol No. 6

Article 1	:	Abolition of the death penalty

Protocol No. 7

Article 1	:	Procedural safeguards relating to expulsion of aliens
Article 2	:	Right to appeal in criminal matters
Article 3	:	Compensation for wrongful conviction
Article 4	:	Right not to be tried or punished twice
Article 5	:	Equality between spouses