CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

INFORMATION NOTE No. 37
on the case-law of the Court
December 2001

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

Statistical information[1]

Judgments delivered	**December**	**2001**
Grand Chamber	0	21(23)
Section I	14	14
Section II	53	53
Section III	45(46)	45(46)
Section IV	4(5)	4(5)
Sections in former compositions	9	751(787)
Total	**125(127)**	**888(928)**

Judgments delivered in December 2001					
	Merits	Friendly Settlements	Struck out	Other	Total
Grand Chamber	0	0	0	0	0
former Section I	2	1	0	1[2]	4
former Section II	1	0	0	0	1
former Section III	1	0	0	0	1
former Section IV	3	0	0	0	3
Section I	9	5	0	0	14
Section II	50	3	0	0	53
Section III	43(44)	2	0	0	45(46)
Section IV	3(4)	1	0	0	4(5)
Total	**112(114)**	**12**	**0**	**1**	**125(127)**

Judgments delivered in 2001					
	Merits	Friendly Settlements	Struck out	Other	Total
Grand Chamber	19(21)	0	1	1[2]	21(23)
former Section I	215(222)	62(75)	1	2(3)[3]	280(301)
former Section II	122	51	1	1[2]	175
former Section III	132(143)	9	2	2(4)[3]	145(158)
former Section IV	132(138)	18(19)	1	0	151(158)
Section I	9	5	0	0	14
Section II	50	3	0	0	53
Section III	43(44)	2	0	0	45(46)
Section IV	3(4)	1	0	0	4(5)
Total	**725(753)**	**151(165)**	**6**	**6(9)**	**888(933)**

[1] The statistical information is provisional. A judgment or decision may concern more than one application: the number of applications is given in brackets.
[2] Just satisfaction.
[3] One just satisfaction and one revision judgment.
Of the 706 judgments on merits delivered by Sections, 23 were final judgments.

[* = judgment not final]

Decisions adopted		December	2001
I. Applications declared admissible			
Grand Chamber		0	2
Section I		8	22(23)
Section II		6	16(17)
Section III		2	18
Section IV		4	9(10)
former Section I		0	97(106)
former Section II		0	211(213)
former Section III		0	200(206)
former Section IV		0	142(144)
Total		**20**	**717(739)**
II. Applications declared inadmissible			
Grand Chamber		1	1
Section I	- Chamber	1	14
	- Committee	141	323
Section II	- Chamber	4(5)	11(12)
	- Committee	291	617
Section III	- Chamber	3	15
	- Committee	217	363(391)
Section IV	- Chamber	2	2
	- Committee	115	471(485)
former Section I	- Chamber	0	71
	- Committee	0	1178(1184)
former Section II	- Chamber	0	79(81)
	- Committee	0	1571(1574)
former Section III	- Chamber	0	89(90)
	- Committee	0	1895(1896)
former Section IV	- Chamber	0	87(98)
	- Committee	0	1607(1711)
Total		**775(776)**	**8394(8565)**
III. Applications struck off			
Section I	- Chamber	0	1
	- Committee	4	7
Section II	- Chamber	0	0
	- Committee	4	10
Section III	- Chamber	2	4
	- Committee	3	5
Section IV	- Chamber	2	5
	- Committee	3	6
former Section I	- Chamber	0	28
	- Committee	0	28
former Section II	- Chamber	0	38(220)
	- Committee	0	31
former Section III	- Chamber	0	22
	- Committee	0	34
former Section IV	- Chamber	0	9(11)
	- Committee	0	12
Total		**18**	**240(424)**
Total number of decisions[1]		**813(814)**	**9351(9728)**

[1] Not including partial decisions.

Applications communicated	**December**	**2001**
Section I	30	76(78)
Section II	20	38
Section III	9(10)	28(30)
Section IV	19(38)	50(420)
Former Section I	0	316(331)
Former Section II	0	234(239)
former Section III	0	185(194)
former Section IV	0	231(235)
Total number of applications communicated	**78(98)**	**1159(1565)**

ARTICLE 3

EXPULSION
Threatened deportation of Chechen to Russia: *friendly settlement*.

K.K.C. - Netherlands (Nº 58964/00)
Judgment 21.12.2001 [Section I (former composition)]

The applicant claims that while serving in the Chechen army, he was arrested, detained and accused of treason for having refused to obey an order to open fire on Chechen opposition forces. He escaped and fled to the Netherlands, where he was refused asylum. The Dutch courts considered that there was nothing to prevent the applicant from settling elsewhere in the Russian Federation.
The parties have reached a friendly settlement providing for the granting of an unrestricted residence permit and payment of € 1,400 in respect of legal costs.

ARTICLE 6

Article 6(1) [civil]

ACCESS TO COURT
Applicants estopped from bringing claim to obtain compensation for expropriation at late stage of lengthy proceedings: *violation*.

YAGTZILAR and others - Greece (N° 41727/98)
*Judgment 6.12.2001 [Section II]
(see Article 1 of Protocol No. 1, below).

ADVERSARIAL TRIAL
Property seized and sold without its owner being informed: *violation*.

TSIRONIS - Greece (N° 44584/98)
*Judgment 6.12.2001 [Section II]
(see Article 1 of Protocol No. 1, below).

Article 6(1) [criminal]

ACCESS TO COURT
Refusal to appoint legal aid lawyer for cassation appeal: *violation*.

R.D. - Poland (Nº 29692/96 and Nº 34612/97)
*Judgment 18.12.2001 [Section IV]

Facts : The applicant, who had been represented by court-appointed lawyers at his trial and appeal and had been exempted from payment of court fees and representation costs, lodged a notice of cassation appeal with the Court of Appeal. He also requested the court to appoint a lawyer, representation being obligatory in cassation proceedings. However, the Court of Appeal refused, considering that the applicant had not shown that he could not afford to pay for his own lawyer. The decision was served on the applicant eight working days before expiry of the time-limit for lodging a cassation appeal.
Law : Article 6(1) – The Court of Appeal had exempted the applicant from paying the costs of representation for his initial appeal, implying that it had sufficient basis for considering that it would constitute a disproportionate burden to impose those costs on the applicant. The same court then refused further legal assistance for a cassation appeal, yet it did not appear that the applicant's financial situation had improved and it did not emerge from the court's decision on what concrete circumstances it had based its opinion. Consequently, there were reasonable grounds for considering that the applicant did not have sufficient means to pay for legal assistance. Since representation is compulsory, access to the cassation court was available only through a lawyer. It was therefore incumbent on the Court of Appeal to handle the applicant's request in a way that would enable him to prepare his cassation appeal properly. In fact, not only did the court refuse the request but the lack of sufficient time which it gave the applicant to find a lawyer after receiving the decision did not provide him with a reasonable opportunity of having his case brought to the cassation court in a concrete and effective way.
Conclusion : violation (unanimous).
Article 41 – The Court awarded the applicant PLN 10,000 in respect of non-pecuniary damage. It also made an award in respect of costs and expenses.

FAIR HEARING
Frequent interruptions by judge during trial: *no violation*.

C.G. - United Kingdom (Nº 43373/98)
*Judgment 19.12.2001 [Section III (former composition)]

Facts : The applicant was convicted of theft. She appealed on the ground that the trial judge had made frequent interruptions and persistently hectored her defence counsel. The transcript showed interventions on almost every page concerning the cross-examination of the main prosecution witness and on twenty two of the thirty one pages concerning the applicant's examination-in-chief. The Court of Appeal accepted that there was some substance to the criticisms and that the interruptions had had a disconcerting effect on defence counsel. However, it dismissed the appeal, concluding that the conviction was entirely safe.
Law : Article 6(1) – The applicant's complaint was examined in detail by the Court of Appeal, to whose assessment particular weight should be attached in view of its knowledge and experience of the conduct of jury trials. While the Court of Appeal found that there was some substance to the criticisms of the trial judge's conduct, it did conclude that the conduct had resulted in unfairness as such, finding rather that the conviction was not unsafe. The

question whether defence rights under Article 6 were secured cannot, in the absence of an inquiry into the issue of fairness, be assimilated to a finding that a conviction was safe. However, in the present case not only was such an inquiry at the heart of the appeal but the case-law of the Court of Appeal demonstrates the breadth of the safety test in the context of a complaint about judicial interventions : even where the evidence is strong and a jury would have been likely to convict, a conviction will be quashed if the Court of Appeal considers that the proceedings as a whole were unfair. In the present case, the interruptions during the examination of the main prosecution witness were excessive in number and on occasion unduly blunt, but a substantial number appeared to have resulted from misunderstandings or from the judge's legitimate concern that the jury should not be confused by the line of questioning. As to the applicant's examination-in-chief, the judge's conduct seemed to have had the effect of putting the applicant and her counsel at least temporarily out of their stride at an important point in the trial, but the interruptions became less frequent after a short adjournment and the applicant then appeared to have been given a proper opportunity to present her version of events. On neither occasion was there any restriction on the line of defence. A further brief interruption during defence counsel's closing speech appeared to have been justified and the judge's summing up, although short and containing a few factual errors, portrayed the essential features of the applicant's case. There was substance to the applicant's criticisms of the trial judge's conduct. However, the evidence at issue, while doubtless the most important oral evidence given, made up only part of the trial proceedings, and some of the interventions were justified. Moreover, defence counsel, while disconcerted, was not prevented from continuing any line of defence and was able to address the jury in a closing speech. Finally, the substance of the defence was reiterated in the judge's summing up, albeit in a very abbreviated form. In conclusion, the judicial interventions, although excessive and undesirable, did not render the trial proceedings unfair.
Conclusion : no violation (6 votes to 1).
The Court further concluded that no separate issue arose under Article 6(2), 3(c) or (d) or Article 13.

Article 6(2)

PRESUMPTION OF INNOCENCE
Constitution of file with photograph and fingerprints of person placed under house arrest, passing of file photograph to the media and retention of file after annulment of house arrest: *communicated*.

SCIACCA - Italy (N° 50774/99)
[Section I]
(see Article 8, below).

Article 6(3)(d)

EXAMINATION OF WITNESSES
Absence of opportunity for accused to question victim of alleged sexual abuse: *violation*.

P.S. - Germany (Nº 33900/96)
*Judgment 20.12.2001 [Section III]

Facts : The applicant was convicted of sexually abusing an eight-year old girl. The court did not hear the girl as a witness, on the ground that it might be harmful to her mental state, but relied on evidence from her mother and a police officer who had questioned her. The applicant's request for a psychological examination of the girl was refused. His appeal was dismissed by the Regional Court after it had obtained a psychologist's report on the girl's credibility. It also refused to hear the girl as a witness.
Law : Article 6(1) and (3)(d) – At no stage was the girl questioned by a judge and the applicant had no opportunity to observe her demeanour under direct questioning and thus test her reliability. The reasons given by the first instance court for refusing to hear her and in dismissing the applicant's request for an expert opinion were rather vague and speculative and did not, therefore, appear relevant, and although the appeal court obtained a psychological report, this was one and a half years after the events. In the light of this, the procedure followed by the courts did not enable the defence to challenge the girl's evidence, reported in court by third persons. Moreover, the information given by her was the only direct evidence of the offence and the courts based the applicant's conviction to a decisive extent on that information.
Conclusion: violation (unanimously).
Article 41 – The applicant made no claims for just satisfaction.

ARTICLE 8

PRIVATE LIFE
Constitution of file with photograph and fingerprints of a person placed under house arrest, passing of the file photograph to the media and retention of file after annulment of house arrest : *communicated*.

SCIACCA - Italy (N° 50774/99)
[Section I]

The applicant is a partner in a limited company which owns a private school. Following a complaint to the tax authorities concerning irregularities in the school's management, an investigation was opened by the public prosecutor's office in respect of the company's partners and manager. The applicant was informed by the public prosecutor's ofice that she was suspected of extortion, fraud and forgery. The preliminary investigations judge issued a compulsory residence order against her. The authorities compiled a file on her containing identity photographs and her fingerprints. According to the applicant, compiling such a file is the prescribed practice in cases of arrest. She asserts that the authorities had applied it to her by analogy for the purposes of the compulsory residence order. The deputy public prosecutor and tax officials gave a press conference. A number of press articles were then published with photographs of the applicant and her co-accused and details of the offences they were suspected of committing and about the investigation in progress. The applicant subsequently obtained her release after making a habeas corpus application. She complains to the Court of the fact that the authorities supplied the media with information about the investigation in

progress and a photograph that they had taken in order to compile the file. She further complains of the fact that the file was kept after her compulsory residence order was set aside and that she has no effective remedy whereby she can have her photograph and fingerprints removed from the police archives.
Communicated under Articles 6(2), 8 and 13.

FAMILY LIFE
Family reunion involving child who had remained several years without his parents in native his country: *violation.*

SEN - Netherlands (N° 31465/96)
*Judgment 21.12.2001 [Section I (former composition)]

Facts: The first and second applicants, both Turkish nationals, are settled in the Netherlands. The first applicant went to live there under a family reunion arrangement in 1977. In 1982 he married the second applicant in Turkey. In 1983, the couple had a child – the third applicant. In 1986 the second applicant obtained a residence permit and went to join her husband, leaving the third applicant in the care of an aunt in Turkey. The applicants had two further children, in 1990 and 1994, both born in the Netherlands. In the meantime, in 1992, the first applicant had asked the Dutch authorities for a temporary residence permit for the third applicant, who was still living in Turkey. This was refused by the Minister of Foreign Affairs on the grounds that because of the mother's departure the child had changed family units and that the first two applicants had contributed to her upbringing.
Law: Article 8 – It was necessary to determine whether the Dutch authorities had a positive obligation to authorise the third applicant to live in the Netherlands, to enable the applicants to maintain and develop a family life in Dutch territory. In order to establsih the scope of a State's obligations, the facts had to be assessed by the yardstick of a number of principles set out in the Gül v. Switzerland and Ahmut v. the Netherlands judgments. Firstly, the scope of a State's obligation to admit immigrants' relatives to its territory depends on the situation of the persons concerned and the general interest. Secondly, as a matter of well-established international law, a State has the right to control the entry of non-nationals into its territory and their residence there. Lastly, where immigration is concerned, Article 8 cannot be considered to impose on a State a general obligation to respect the choice by married couples of the country of their matrimonial residence and to authorise family reunion in its territory. Other factors to be taken into account are the age of the children concerned, their situation in the country of origin and their degree of independence from their parents. In the present case the applicants lived apart as a result of the decision taken by the first two applicants of their own accord when the second applicant joined the first applicant in the Netherlands in 1986. The third applicant, who was left in the care of close relatives, had lived all her life in Turkey and had consequently formed strong ties with the linguistic and cultural environment of her country, where she still had close family. However, there was a major obstacle to the return of the applicants' family to Turkey. The first two applicants had established their matrimonial home in the Netherlands, where they had been legally resident for many years and where they had had two other children, born in 1990 and 1994. Those two children had always lived in the Netherlands, in the Dutch cultural environment, and attended schools there. They therefore had very few links, if any, with Turkey other than their nationality. Accordingly, a move to the Netherlands by the third applicant was the most appropriate way to establish family life with her, especially as, she being still a child, there was a particular need to integrate her into her parents' family unit. The fact that in 1986 the second applicant had left the third applicant, then aged three, in Turkey in order to join her husband in the Netherlands could not be regarded as an irrevocable decision to leave her in Turkey permanently and to give up the idea of reuniting their family. That was also true of the fact that the applicants had been unable to make a financial contribution towards their daughter's upbringing. In short, the

respondent State had failed to strike a fair balance between the interests of the applicants and its own interest.
Conclusion: violation (unanimously).

ARTICLE 9

FREEDOM OF RELIGION
Refusal of authorities to grant official recognition to a Church: *violation*.

MITROPOLIA BASARABIEI SI EXARHATUL PLAIURILOR (METROPOLITAN CHURCH OF BESSARABIA) and others - Moldova (N° 45701/99)
*Judgment 13.12.2001 [Section I]

Facts: The first applicant, the Metropolitan Church of Bessarabia, is an Orthodox church affiliated to the patriarchate of Bucharest. The other applicants are founder members of the church, which was set up in September 1992. In October 1992, pursuant to the Religious Denominations' Act (Law no. 979-XII of 24 March 1992), the applicant church applied for official recognition. No reply was forthcoming. In February 1993 the Government recognised another church, affiliated to the patriarchate of Moscow, the Metropolitan Church of Moldova. In March 1997 the Court of Appeal directed the Government to recognise the applicant's church, but in December of the same year the Supreme Court set aside that judgment on the grounds that the application was out of time and that such recognition would constitute interference in the affairs of the Metropolitan Church of Moldova. The Supreme Court noted that it was possible for adherence of the Metropolitan Church of Bessarabia to manifest their religion within the Metropolitan Church of Moldova. The applicant's church alleged in particular that this refusal of official recognition had exposed its members to acts of violence and intimidation without any intervention by the authorities. It further complained that the refusal of recognition deprived it of legal personality and therefore of *locus standi*.
Law: Article 9 – The Government's refusal to recognise the applicant church constituted interference with the right of the latter and the other applicants to freedom of religion. Without giving a categorical answer to the question whether the provisions of the Religious Denominations Act satisfied the requirements of foreseeability and precision, the Court was prepared to accept that the interference was "prescribed by law". States were entitled to verify whether a movement or association carried on, ostensibly in pursuit of religious aims, activities which were prejudicial to public order or public safety. In the present case, the interference pursued a legitimate aim, namely protection of public order and public safety. With regard to the Government's argument relating to the defense of legality and constitutional principles, the Moldovan Constitution guaranteed freedom of religion and laid down the principle of religious denominations' autonomy *vis-à-vis* the State, and the Religious Denominations' Act, of 1992 laid down a procedure for the recognition of religious denominations. The State's duty of neutrality and impartiality was incompatible with any power on the State's part to assess the legitimacy of religious beliefs, and required the State to ensure that conflicting groups tolerated each other. In the present case, by taking the view that the applicant church was not a new denomination and by making its recognition depend on the will of an ecclesiastical authority that had been recognised – the Metropolitan Church of Moldova – the Government had failed to discharge their duty of neutrality and impartiality. Consequently, their argument that refusing recognition was necessary in order to uphold Moldovan law and the Moldovan Constitution had to be rejected. As to the alleged danger for Moldovan territorial integrity, the applicant church, in its articles of association, defined itself as a local autonomous church, operating within Moldovan territory in accordance with the laws of that State, and whose name was a historical one. There was nothing in the file which warranted the conclusion that the applicant church carried on activities other than those stated in its articles of association. Moreover, in the absence of any evidence, the Court could not

conclude that the applicant church was implicated in political activities aimed at bringing about the reunification of Moldova with Romania. As for the possibility that the applicant church, was recognised, might constitute a danger to national security and territorial integrity, this was a mere hypothesis which, in the absence of corroboration, could not justify a refusal to recognise it. As regards the need to protect social peace and understanding among believers, relied on by the Government, there were certain points of disagreement between the applicants and the Government about what had taken place during incidents that had occurred at gatherings of the adherents and clergy of the applicant church. Without expressing an opinion on exactly what had taken place during the events concerned, it appeared that the refusal to recognise the applicant church had played some part. With regard to the proportionality of the interference in relation to the aims pursued, under the above-mentioned 1992 Act only religions recognised by a government decision could be practiced. Without such recognition, the applicant church could neither organise itself not operate. Lacking legal personality, it could not bring legal proceedings to protect its assets, which were indispensable for worship, while its members could not meet to carry on religious activities without contravening the legislation on religious denominations. As regards the tolerance allegedly shown by the Government towards the applicant church and its members, this could not be regarded as a substitute for recognition, since recognition alone was capable of conferring rights on those concerned. Moreover, on occasion the applicants had not been able to defend themselves against acts of intimidation, since the authorities had fallen back on the excuse that only legal activities were entitled to legal protection. Lastly, when the authorities had recognised other liturgical associations they had not applied the criteria which they had used in order to refuse to recognise the applicant church, and no justification had been put forward by the Moldovan Government for this difference in treatment. In conclusion, the refusal to recognise the applicant church had such consequences for the applicants' freedom of religion that it could not be regarded as proportionate to the legitimate aim pursued or, accordingly, as necessary in a democratic society.

Conclusion: violation (unanimously).

Article 13 – In its judgment of 9 December 1997 the Supreme Court of Justice had not replied to the applicants' main complaints, namely their wish to join together and manifest their religion collectively within a church distinct from the Metropolitan Church of Moldova and to have the right of access to a court to defend their rights and protect their assets, given that only denominations recognised by the State enjoyed legal protection. Consequently, not being recognised by the State, the Metropolitan Church of Bessarabia had no rights it could assert in the Supreme Court of Justice. Accordingly, the appeal to the Supreme Court of Justice based on Article 235 of the Code of Civil Procedure had not been effective. Moreover, although the Religious Denominations Act of 1992 made the activity of a religious denomination conditional upon government's recognition and the obligation to comply with the laws of the Republic, it did not contain a specific provision governing the recognition procedure and making remedies available in the event of a dispute. Consequently, the applicants had been unable to obtain redress from a national authority in respect of their complaint relating to their right to the freedom of religion.

Conclusion: violation (unanimously).

FREEDOM OF RELIGION
Alleged State interference in religious affairs: *communicated*.

THE SUPREME HOLY COUNCIL OF THE MUSLIM COMMUNITY - Bulgaria
(N° 39023/97)
Decision 13.12.2001 [Section I]

The Supreme Holy Council of the Muslim community, with Mr Gendzhev at its head, was one of the two rival leaderships of the Muslim community. In 1989 a dispute arose between two factions of the Muslim community (cf. the Hasan and Chaush judgment of 26 October 2000). Some members of the community challenged the leadership of the Supreme Holy Council and the Chief Mufti, Mr Gendzhev, and accused them of having collaborated with the former communist regime. In February 1992 the Directorate of Religious Denominations (hereafter the Directorate), a governmental body, declared the election of Mr Gendzhev in 1988 as Chief Mufti null and void. A national conference of Muslims took place at the initiative of the rival faction. On this occasion, Mr Hasan was elected as Chief Mufti. The newly elected leadership was registered by the Directorate as the legitimate leadership of the Muslim community. However, in November 1994 supporters of Mr Gendzhev organised a national conference during which an alternative leadership was elected. In February 1995, following a change of government, the Directorate registered this leadership as the legitimate leadership. Within a few months, the faction led by Mr Gendzhev assumed full control over the property and activities of the Muslim community. Following Mr Hasan's removal, the Muslims who supported him held their own national conference and re-elected him as Chief Mufti. Despite two favourable judgments of the Supreme Court in 1996 and 1997, registration was not granted to Mr Hasan's leadership. Following a new change of government, the two rival factions were urged to reach a settlement. An agreement was signed by representatives of both factions as well as the government to the effect that a national conference of all Muslim believers would take place in October 1997 under the auspices of the Deputy Prime Minister and the Directorate. The Directorate participated actively in the organisation of the conference. However, Mr Gendzhev and his supporters withdrew from the unification process and described the participation of the Directorate in the preparation of the conference as an unacceptable interference of the State in the affairs of the Muslim community. The conference adopted a new statute of the Muslim denomination and elected a new leadership. The Government subsequently registered the newly elected leadership. Mr Gendzhev lodged an appeal against the Government's decision. In July 1998 the Supreme Administrative Court rejected the appeal, considering that Supreme Holy Council of Mr Gendzhev had no *locus standi* as, according to the court, it had not been validly registered. Upon the applicant's appeal, in October 1998, the Supreme Administrative Court quashed the decision of July 1998 and sent it back for re-examination on the merits. The Supreme Administrative Court, after re-examination, dismissed Mr Gendzhev's appeal on the merits. The court noted that the conference had taken place in accordance with an agreement signed by representatives of both leaderships and considered that the last minute withdrawal of the Supreme Holy Council from the unification process had not affected the legitimacy of the conference. The applicant's appeal on points of law to the Supreme Administrative Court was unsuccessful.
Communicated under Articles 9, 6(1) and 13 as regards the acts of the authorities related to the national conference of October 1997, the following registration of a new officially recognised leadership of the Muslim community and the subsequent judicial proceedings.
Inadmissible under Articles 6, 9, 13 and 14 in relation to the removal of Mr Gendzhev in 1992 and the ensuing judicial proceedings in 1992 and 1993: Any continuous interference with the rights of the applicant organisation ceased in February 1995 when it obtained full control over the official organisation of the Muslim community. Therefore, considering that the application was introduced on 7 September 1997, these complaints were introduced out of time.

Inadmissible under Articles 9 and 14 in relation to the judgments of the Supreme Court of 1996 and 1997: By challenging the judgments of 1996 and 1997, which concerned the right of another group within the Muslim community to exist and manage its affairs, the applicant organisation claimed in substance that it was entitled to remain the only legitimate organisation of the Muslim community in Bulgaria and that this right was infringed by the courts when mentioning the existence of another Muslim leadership. However, the right to peaceful organisational life of a religious community free from arbitrary State interference, as guaranteed by Article 9 interpreted in the light of Article 11, does not imply a right to official recognition as the sole organisation of a religious community to the exclusion of others. In any event, the impugned judgments were not enforced and did not have any legal or practical effect. Therefore, they could not be regarded as an interference with the rights of the applicant organisation under Article 9 alone or in conjunction with Article 14: manifestly ill-founded.

MANIFEST RELIGION OR BELIEF
Refusal to grant a building permit for a house of prayer: *communicated*.

VERGOS - Greece (N° 65501/01)
[Section I]

The applicant is a member of a religious community known as "True Orthodox Christians" ("the TOC") whose adherents use the Julian calendar for calculating the dates of religious holidays. In June 1991 he applied to the planning authorities for permission to build a place of worship for the TOC on a piece of land which he owned. Permission was refused – and is still being withheld – on various pretexts, in his submission. In January 1992 the planning authorities refused permission on the basis of a decision by the provincial governor to suspend all planning permission in the area in the interests of protecting antiquities. In November 1993 the same authorities informed the applicant that in order to obtain planning permission he would have to specify the area, in accordance with the applicable regulations. A further application for planning permission was refused by the mayor in 1995 on the ground that the applicant was the only inhabitant of the municipality who belonged to the COV, so that building a place of worship would be likely to offend the religious feelings of other Christians and thus cause disturbances, whereas there was already a place of worship in the neighbouring municipality and the applicant's plot was not suitable for such a building. An appeal by the applicant against the above decision was dismissed at first instance in 1995 and the applicant referred the case to the Supreme Administrative Court. In a judgment of July 2000, the Supreme Administrative Court gave judgment against the applicant on the ground that as he was the only adherent of the COV in his municipality there was no social need which justified modifying the existing planning regulations in order to permit the construction of a place of worship like the one for which permission had been sought.
Communicated unde Articles 6(1) (reasonable time) and 9.

ARTICLE 11

FREEDOM OF ASSOCIATION
Refusal to register Silesian association: *no violation*.

GORZELIK and others - Poland (Nº 44158/98)
*Judgment 20.12.2001 [Section IV (former composition)]

Facts : The applicants, along with a number of other people, formed an association – the Union of People of Silesian Nationality – whose principal aims were awaken and strengthen the national consciousness of Silesians and to restore Silesian culture. The applicants lodged an application with the Regional Court for registration of the association. The local governor objected to registration, contending in particular that there was no distinct Silesian nationality and that recognition of a Silesian national minority would confer certain rights and privileges, including a privileged position in respect of the distribution of seats in Parliament. He proposed that the association's name should be changed and that its memorandum of association should be amended to omit the reference to the association as "an organisation of the Silesian national minority". The Regional Court granted the application for registration but on the governor's appeal the Court of Appeal set aside the Regional Court's decision and dismissed the application for registration. The Court of Appeal held that the Silesian ethnic group was not a national minority and that the application was aimed at circumventing those statutes which conferred privileges on national minorities. The Supreme Court dismissed the applicants' cassation appeal.
Law : Article 11 – The interference was prescribed by law and pursued the legitimate aims of the prevention of disorder and the protection of the rights of others. As to the necessity of the interference, it was not the Court's task to express an opinion on whether or not the Silesians are a "national minority", a notion that is not defined in international treaties, including the Framework Convention for the Protection of National Minorities. At the material time, Polish law did not define "national minority" either, and although electoral law conferred certain privileges on such minorities, there was no legal procedure whereby a national or other minority could seek recognition. Consequently, groups not recognised as national minorities could only obtain indirect recognition through the procedure for registration of associations. However, while that lacuna left a degree of uncertainty for individuals and a degree of latitude for the authorities, it did not in itself have consequences for the applicants' rights under Article 11. The central issue lay in a different aspect of the case, namely the assessment of whether the applicants would have been denied the opportunity of forming an association for the purposes listed in the memorandum of association had they been prepared to compromise on points which were particularly sensitive for the State. The authorities' concern did not seem to lack a reasonable basis, the three crucial words in the description in the memorandum of association – "organisation", "national" and "minority" – being precisely those found in the relevant provision of the electoral law. This, together with the name of the association, gave the impression that the members of the association might aspire to stand in elections. The applicants could easily have dispelled the doubts by changing the name slightly and by sacrificing or amending a single provision of the memorandum of association, without any adverse consequences for the existence of the association or its objectives. Individuals and groups of individuals must sometimes be prepared to limit some of their freedoms so as to ensure the greater stability of the country as a whole, particularly as regards the electoral system. In the circumstances of the case, it was reasonable for the authorities to act as they did in order to protect the electoral system of the State, a system which is an indispensable element of the proper functioning of a democratic society.
Conclusion : no violation (unanimously).

ARTICLE 43

Article 43(2)

The Panel accepted requests for referral to the Grand Chamber of the following judgments (see Information Note No. 32):

REFAH PARTISI and others - Turkey (N° 41340/98, 41342-44/98)
Judgment 31.7.2001 [Section III]

PERNA - Italy (Nº 48898/99)
Judgment 25.7.2001 [Section II]

ARTICLE 44

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 Note No. 34):

YUSUF ÇELEBI - Turkey (no. 2) (Nº 19667/92)
ÖZEN - Turkey (no. 2) (Nº 19677/92)
HASAN ÖZTÜRK - Turkey (no. 2) (Nº 19680/92)
ÖMER ÖZTÜRK - Turkey (Nº 19684/92)
YUNUS ÖZTÜRK - Turkey (no. 2) (Nº 19685/92)
SÜLÜN - Turkey (no. 2) (Nº 19686/92)
HÜSEYIN ŞAHIN - Turkey (Nº 19687/92)
MEHMET ŞAHIN - Turkey (Nº 19688/92)
MUSTAFA ŞAHIN - Turkey (Nº 19689/92)
CELAL ŞEN - Turkey (Nº 19690/92)
KEZIBAN ŞEN - Turkey (Nº 19691/92)
IBRAHIM TAŞDEMIR - Turkey (no. 2) (Nº 19692/92)
MEVLÜT TAŞDEMIR - Turkey (Nº 19693/92)
ZEKERIYA TAŞDEMIR - Turkey (no. 2) (Nº 19692/92)
NACATI TOSUN - Turkey (Nº 19695/92)
FATMA YAVUZ - Turkey (Nº 19696/92)
HÜSEYIN YAVUZ - Turkey (Nº 19697/92)
ŞAKIR YILMAZ - Turkey (Nº 19698/92)
ÖZTEKIN - Turkey (no. 2) (Nº 20129/92)
BALTEKINOĞLU - Turkey (Nº 20130/92)
BAŞAR - Turkey (Nº 20131/92)
SATU BOZKURT - Turkey (Nº 20135/92)
ISMIHAN ÇELEBI - Turkey (Nº 20137/92)
MEHMET ÇELEBI - Turkey (Nº 20138/92)
DANIŞ - Turkey (no. 2) (Nº 20141/92)
KÜÇÜKDEMIRKAN - Turkey (Nº 20145/92)

MINIKLI - Turkey (Nº 20146/92)
ADIL ÖZTEKIN - Turkey (Nº 20147/92)
EKREM ÖZTEKIN - Turkey (Nº 20148/92)
HAVVA ÖZTEKIN - Turkey (Nº 20149/92)
HICAP ÖZTEKIN - Turkey (Nº 20150/92)
MAHIR TAŞDEMIR - Turkey (Nº 20157/92)
MUSTAFA TOSUN - Turkey (Nº 20159/92)
ŞEVKET YILMAZ - Turkey (Nº 20160/92)
Judgments 18.9.2001 [Section I]

S.G. - France (Nº 40669/98)
Judgment 18.9.2001 [Section III]

ŞAHINER - Turkey (Nº 29279/95)
ARI - Turkey (Nº 29281/95)
YILMAZ - Turkey (Nº 29286/95)
KETENOĞLU - Turkey (Nº 29360/95 and Nº 29361/95)
YILDIRIM - Turkey (Nº 30451/96)
TAMKOÇ - Turkey (Nº 31881/96)
YALGIN - Turkey (Nº 31892/96)
GÜNEŞ - Turkey (Nº 31893/96)
ŞAHIN - Turkey (Nº 31961/96)
KIZILÖZ - Turkey (Nº 31962/96)
FIKRET DOĞAN - Turkey (Nº 33363/96)
YAKIŞ - Turkey (Nº 33368/96)
YALGIN and others - Turkey (Nº 33370/96)
Judgments 25.9.2001 [Section I]

P.G. and J.H. - United Kingdom (Nº 44787/98)
I.J.L., G.M.R. and A.K.P. - United Kingdom (just satisfaction) (Nº 29522/95, Nº 30056/96 and Nº 30574/96)
Judgments 25.9.2001 [Section III]

GÜNAY and others - Turkey (Nº 31850/96)
NASCIMENTO - Portugal (Nº 42918/98)
HIRVISAARI - Finland (Nº 49684/99)
Judgments 27.9.2001 [Section IV]

Article 44(2)(c)

On 12 December 2001 the Panel of the Grand Chamber rejected request for referrral of the following judgments, which have consequently become final:

K.S. - Finland (Nº 29346/95)
Judgment 31.5.2001 [Section IV]

MEDENICA - Switzerland (N° 20491/92)
Judgment 14.6.2001 [Section II]

TRUHLI - Croatia (Nº 45424/99)
RAJAK - Croatia (Nº 49706/99)
Judgments 28.6.2001 [Section IV]

PHILLIPS - United Kingdom (Nº 41087/98)
Judgment 3.7.2001 [Section III]

POGORZELEC - Poland (Nº 29455/95)
Judgment 17.7.2001 [Section I]

GRANDE ORIENTE D'ITALIA DI PALAZZO GIUSTINIANI - Italy (N° 35972/97)
Judgment 2.8.2001 [Section IV]

N.F. - Italy (Nº 37119/97)
Judgment 2.8.2001 [Section II]

MANCINI - Italy (Nº 44955/98)
Judgment 2.8.2001 [Section II]

COLACRAI - Italy (Nº 44532/98)
Judgment 23.10.2001 [Section III]

ARTICLE 1 OF PROTOCOL No. 1

PEACEFUL ENJOYMENT OF POSSESSIONS
Absence of compensation for expropriation: *violation*.

YAGTZILAR and others - Greece (N° 41727/98)
*Judgment 6.12.2001 [Section II]

Facts: In 1925 the State occupied a privately-owned plot of land with the aim of installing on it refugees from Asia Minor following the compulsory exchange of minority communities agreed with Turkey in the Treaty of Lausanne of 1923. No compensation was paid to the landowners, of whom the applicants are the heirs. In August 1933 the State expropriated the land. In December 1933 compensation proceedings were instituted against the State by the owners. A number of decisions were given but no compensation was awarded. In 1979 the State lodged several objections – each time without success – pleading failure to apply within the time allowed; it was argued that the right to compensation of those concerned had lapsed. In June 1988 the applicants resumed on their own account the proceedings instituted in December 1933 to obtain compensation for expropriation and filed a new claim. The State contended that the applicants' right to compensation had lapsed. In 1994 the District Court dismissed the objection that the claims were out of time and fixed the amount of compensation payable. The State appealed against that decision, once more raising the same objection. In July 1995 the Court of Appeal dealing with the case set aside the first-instance decision and, ruling on the merits, dismissed the applicants' claims. It held that because their claims had not been submitted within the time allowed they no longer had standing. In December 1995 the applicants appealed on points of law. In July 1997 the Court of Cassation dismissed that appeal.
Law: Article 6(1) – (a) The Court had jurisdiction *ratione temporis* in respect of the period beginning on 20 November 1985, the date when Greece recognised the right of individual petition. Although the applicants had had access to the domestic courts, their compensation claims had been declared inadmissible as being out of time. But the requirements of Article 6(1) were not necessarily satisfied where litigants had been able to make use of domestic remedies only to be told that their actions were statute-barred. It was necessary in addition for the degree of access afforded by statute law to be sufficient to guarantee the right of the

litigants concerned to a hearing by a tribunal, regard being had to the principle of the rule of law in a democratic society. The proceedings complained of had been instituted in 1933 and as early as 1979 the State had several times unsuccessfully pleaded limitation. However, in 1995, in other words one year after the amount of compensation payable for the expropriation had been fixed by the first-instance court, the Court of Appeal upheld that objection, holding that the plaintiffs' rights had lapsed in 1971. The fact that the applicants were told that their action was statute-barred at such a late stage of the proceedings, which they had been conducting in good faith and with sufficient diligence, deprived them once and for all of any posibility of asserting their right to compensation for expropriation. The applicants had therefore suffered a disproportionate restriction on their right of access to a court.
Conclusion: violation (unanimously).
(b) As regards the length of that part of the proceedings for which the Court had jurisdiction *ratione temporis*, the period to be taken into consideration had begun in June 1988 and ended in July 1997, thus lasting more than nine years. As the protractedness of the proceedings was mainly the result of the conduct of the authorities and courts dealing with the case, the overall length of time which had elapsed in the case could not be regarded as reasonable.
Conclusion: violation (unanimously).
Article 1 of Protocol No. 1: the Government had not provided a convincing explanation of the reasons why the authorities had not at any time paid compensation to the owners of the land in question or their heirs. As a result of limitation the applicants were awarded nothing, at the outcome of proceedings which had started in 1933, in respect of pecuniary or non-pecuniary damage sustained on account of deprivation of the property in question over a period of more than 70 years without compensation. Consequently, the lack of any compensation had upset the fair balance that had to be struck between protection of the applicants' property and the requirements of the general interest.
Conclusion: violation (unanimously).
Article 41: The Court considered that the question of the application of Article 41 was not yet ready for decision. It therefore reserved it and will determine the future procedure if need be.

DEPRIVATION OF PROPERTY
Property seized and sold without its owner being informed: *violation*

TSIRONIS -Greece (N° 44584/98)
*Judgment 6.12.2001 [Section II]

Facts: The applicant, a seaman, took out a bank loan to purchase a plot of land. Having fallen behind with the repayments, he was informed that the bank intended to repossess the property. The two parties then reached an agreement whereby the applicant undertook to pay the sum owed, and was issued with a document from the bank certifying that that undertaking had been given. In spite of the agreement that had been reached, the bank had the property sold at auction. Notice of the auction was not given to the applicant, who had moved house in the meantime. Moreover, on the date of the auction he was at sea, a fact which, he asserted, was known to the bank and the bailiff charged with serving him notice. Having learned, on returning to land, that his property had been sold, he took proceedings with a view to having the sale annulled. His applications were declared inadmissible on the ground that they had been lodged after the sale had gone through.
Law: Compliance with the time-limit laid down by Article 934 of the Code of Civil Procedure presupposed that the injured party had actually been aware of the act complained of so that he could challenge it in the courts. But the applicant had not been informed of the auction on account of a lack of diligence on the part of the bailiff who should have served him with notice of the sale, and there was no way he could have known that it was imminent. The Greek courts had accepted that the notice was void, but had dismissed the application to have the sale annulled as inadmissible on the ground that he ought to have lodged it before the auction had taken place. They had thus rigorously applied domestic law. With regard to the

proportionality of the above restriction on the applicant's right of access to a court, not only was he absent at the time when the auction procedure was set in motion, but he could not have had any idea that it was a possibility. Furthermore, he had reached an agreement with the bank before going to sea and a decision to sell the property at auction could not have appeared imminent to him.

Conclusion: violation (unanimously).

Article 1 of Protocol No. 1 – (a) Government's prelminary objection: in the Government's submission, the applicant's complaint was incompatible with the Convention *ratione personae*. They argued that the bank in question operated under private-law rules and could not be regarded as belonging to the State. The fact that all of its shares were held by the State was not sufficient, in the Government's submission, to differentiate it from a private bank. However, section 26 of Law no. 1914/1990 made the bank's transformation into a private-law banking establishment conditional on approval of its articles of association by the Minister of Financial Affairs and the Minister of Agriculture. When the bank asked the notary to auction the property it had not yet become a joint-stock company. In addition, the State was still its sole shareholder and retained all the privileges it had before the bank's status changed. Accordingly, the objection raised by the Government had to be rejected.

(b) Repossession and sale by auction of the applicant's property had constituted interference with his right to the peaceful enjoyment of his possessions and amounted to a deprivation of property. That interference had pursued a legitimate aim in the public interest, namely recovery of the debt owed to the bank that had made the loan to the applicant. Under Article 1002 of the Code of Civil Procedure, a person whose property was to be sold at auction was entitled until the sale was effected to pay the sums he or she owed, and in such a case the sale would be cancelled and the repossession order rescinded. Article 934 of the Code provided that an application for a sale by auction to be annulled could be lodged at any time before the auction began. Those rights and remedies could be exercised by the debtor provided that he was aware that there was to be an auction. In that connection, Article 993(4) provided that a sale by auction effected without notice being given to the debtor was void. In the present case the notarial act ordering the auction had been drawn up after an agreement had been reached between the applicant and the bank to settle his debts and after his ship had sailed. The applicant was therefore entitled to think that his debt had been settled and that the bank would not go ahead with the repossession and auction procedure. Furthermore, the bailiff had served the act in question under the procedure for serving notice to persons whose address was not known. But the applicant had deposited with the police the papers attesting to his change of address and the creditors knew which company he worked for. The applicant had been able to submit serious arguments in support of his application for the sale to be annulled to the courts dealing with his case. His application had nevertheless been declared inadmissible as being out of time. In the final analysis, the way in which the applicant's creditor had set about expediting recovery of the debt, combined with the courts' decision to refuse the application as being out of time, when the applicant had no way of reacting to the situation thus created, had upset the fair balance between protecting the right to peaceful enjoyment of possessions and the requirements of the general interest.

Conclusion: violation (unanimously).

Article 41: The Court awarded 6,000,000 drachmas (GRD) in respect of damage sustained by the applicant and GRD 2,000,000 for his costs and expenses.

Other judgments delivered in December

Articles 3 and 5(3)

ACAR - Turkey (Nº 24940/94)
GÜNGÜ - Turkey (Nº 24945/94)
Judgments 18.12.2001 [Section II]

The cases concern the alleged ill-treatment of detainees and the failure to bring them promptly before a judge – friendly settlement.

Article 6(1)

BAISCHER - Austria (Nº 32381/96)
*Judgment 20.12.2001 [Section I]

The case concerns the lack of an oral hearing in criminal proceedings – violation.

PAŁYS - Poland (Nº 51669/99)
Judgment 11.12.2001 [Section IV]

KUCHAŘ and ŠTIS - Czech Republic (Nº 37527/97)
Judgment 18.12.2001 [Section II]

NORMANN - Denmark (Nº 44704/98)
Judgment 20.12.2001 [Section I]

CONCEIÇÃO FERNANDES - Portugal (Nº 48960/99)
Judgment 20.12.2001 [Section III]

The cases concern the length of civil proceedings – friendly settlement.

JANSSEN - Germany (Nº 23959/94)
Judgment 20.12.2001 [Section I]

The case concerns the length of proceedings in the social courts – violation.

MARTINS SERRA and ANDRADE CÂNCIO - Portugal (Nº 43999/98)
*Judgment 6.12.2001 [Section III]

SCHREDER - Austria (Nº 38536/97)
*Judgment 13.12.2001 [Section I]

SAPL - France (Nº 37565/97)
*Judgment 18.12.2001 [Section II]

PARCIŃSKI - Poland (Nº 36250/97)
GAJDÚŠEK - Slovakia (Nº 40058/98)
*Judgments 18.12.2001 [Section IV]

LSI INFORMATION TECHNOLOGIES - Greece (Nº 46380/99)
FÜTTERER - Croatia (Nº 52634/99)
*Judgments 20.12.2001 [Section I]

BAYRAK - Germany (Nº 27937/95)
ZAWADZKI - Poland (Nº 34158/96)
*Judgments 20.12.2001 [Section IV (former composition)]

88 cases against Italy
(see list below).

The cases concern the length of civil proceedings – violation.

LUDESCHER - Austria (Nº 35019/97)
*Judgment 20.12.2001 [Section I]

LERAY and others - France (Nº 44617/98)
*Judgment 20.12.2001 [Section III]

These cases concerns the length of administrative proceedings – violation.

LUKSCH - Austria (Nº 37075/97)
*Judgment 13.12.2001 [Section I]

The case concerns the length of disciplinary proceedings – violation.

EĞINLIOĞLU - Turkey (Nº 31312/96)
Judgment 20.12.2001 [Section III]

The case concerns the length of criminal proceedings – friendly settlement.

Articles 6(1) and 8

BUCHBERGER - Austria (Nº 32899/96)
*Judgment 20.12.2001 [Section III]

The case concerns the decision of an appeal court to authorise the taking into care of children, on the basis of new evidence not disclosed to the parent – violation.

Article 6(1) and Article 1 of Protocol No. 1

RIZZI - Italy (Nº 31259/96)
BERTINI - Italy (Nº 32363/96)
BASTREGHI - Italy (Nº 33966/96)
CARAMANTI - Italy (Nº 37242/97)
Judgments 3.12.2001 [Section I]

These cases concern the staggering of the granting of police assistance to enforce eviction orders, the prolonged non-enforcement of judicial decision and the absence of any possibility of a court review of prefectoral decisions staggering granting of police assistance – friendly settlement.

Article 6(2)

WEIXELBRAUN - Austria (Nº 33730/96)
*Judgment 20.12.2001 [Section III]

The case concerns the refusal of compensation for detention on remand, on the ground that since the applicant had been acquitted by a jury on the benefit of the doubt, the suspicion against him had not been dissipated – violation.

Article 13 and Article 1 of Protocol No. 1

F.L. - Italy (Nº 25639/94)
*Judgment 20.12.2001 [Section I]

The case concerns a liquidation procedure during which no action was open to individual creditors to seek payment of debts or contest the action of liquidators: *violation of Article 13, no violation of Article 1 of Protocol No. 1*.

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88 cases against Italy

Troiani v. Italy (Nº 41221/98)
Gattuso v. Italy (Nº 44342/98)
Caracciolo v. Italy (Nº 44382/98)
Murru v. Italy (no. 4) (Nº 44386/98)
Besati v. Italy (Nº 44388/98)
Mauti v. Italy (Nº 44391/98)
Fiorenza v. Italy (Nº 44393/98)
Cartoleria Poddighe s.n.c. v. Italy (Nº 44399/98)
Silvestri v. Italy (Nº 44400/98)
Ferraresi v. Italy (Nº 44405/98)
Delmonte and Badano v. Italy (Nº 44408/98 and Nº 48525/99)
Centi v. Italy (no. 1) (Nº 44429/98)
Grassi v. Italy (Nº 44430/98)

Centi v. Italy (no. 2) (Nº 44432/98)
Bagnetti and Bellini v. Italy (Nº 44433/98)
Gemigniani v. Italy (Nº 47772/99)
C.A.I.F. v. Italy (Nº 49302/99)
Grisi v. Italy (Nº 49303/99)
Gatto v. Italy (Nº 49304/99)
M.I. and E.I. v. Italy (Nº 49305/99)
Servillo and D'Ambrosio v. Italy (Nº 49306/99)
D'Amore v. Italy (Nº 49307/99)
Grimaldi v. Italy (Nº 49308/99)
Crotti v. Italy (Nº 49309/98)
Stefania Palumbo v. Italy (Nº 49310/99)
Mezzena v. Italy (Nº 49311/99)
Provide s.r.l. v. Italy (Nº 49312/99)
Bonacci and others v. Italy (Nº 49313/99)
Steiner and Hassid Steiner v. Italy (Nº 49314/99)
Bazzoni v. Italy (Nº 49315/99)
Albertosi v. Italy (Nº 49316/99)
Filosa v. Italy (Nº 49317/99)
D'Arrigo v. Italy (Nº 49318/99)
Capri v. Italy (Nº 49319/99)
Onori v. Italy (Nº 49320/99)
Guarnieri v. Italy (Nº 49321/99)
Mazzacchera v. Italy (Nº 49322/99)
Pedà v. Italy (Nº 49396/99)
*Judgments 6.12.2001 [Section III]

Laganà v. Italy (Nº 44520/98)
Romano v. Italy (Nº 48407/99)
Grasso v. Italy (Nº 48411/99)
Gaspari v. Italy (Nº 51648/99)
Camici v. Italy (Nº 51649/99)
Molinaris v. Italy (Nº 51650/99)
Allegri v. Italy (Nº 51651/99)
Molek v. Italy (Nº 51652/99)
F.C. v. Italy (Nº 51653/99)
Mezzetta v. Italy (Nº 51654/99)
Mazzoleni and others v. Italy (Nº 51655/99)
Targi v. Italy (Nº 51656/99)
Pastrello v. Italy (Nº 51657/99)
Roccatagliata v. Italy (Nº 51659/99)
Brivio v. Italy (Nº 51660/99)
Beluzzi v. Italy (Nº 51661/99)
D'Apice v. Italy (Nº 51662/99)
Villanova v. Italy (Nº 51663/99)
Plebani v. Italy (Nº 51665/99)
G.L. v. Italy (Nº 51666/99)
Bertot v. Italy (Nº 51667/99)
Lopriore v. Italy (Nº 51668/99)
Sordelli Angelo E C. S.N.C. v. Italy (Nº 51670/99)
Arrigoni v. Italy (Nº 51671/99)
Selva v. Italy (Nº 51672/99)
Tiozzo Peschiero v. Italy (Nº 51673/99)
V.I. v. Italy (Nº 51674/99)
Ferfolja v. Italy (Nº 51675/99)

Meneghini v. Italy (Nº 51677/99)
Baioni v. Italy (Nº 51678/99)
Cassin v. Italy (Nº 51679/99)
Canapicchi v. Italy (Nº 51680/99)
Butta v. Italy (Nº 51682/99)
De Guz v. Italy (Nº 51683/99)
P.O. v. Italy (Nº 51692/99)
Bettella v. Italy (Nº 51695/99)
Cappalletti v. Italy (Nº 51696/99)
Piccinin v. Italy (Nº 51697/99)
O.M. v. Italy (Nº 51698/99)
Perico v. Italy (Nº 51699/99)
Pelagagge v. Italy (Nº 51700/99)
Carbone v. Italy (Nº 51702/99)
Rota v. Italy (Nº 51704/99)
Rota v. Italy (Nº 51705/99)
Mannari v. Italy (Nº 51706/99)
Vanzetti v. Italy (Nº 51707/99)
I.M. v. Italy (Nº 51708/99)
Rossi v. Italy (Nº 51710/99)
Spanu v. Italy (Nº 51711/99)
*Judgments 11.12.2001 [Section II]

Violation (also of Article 13 in Selva), except in Gemignani.

Pupillo v. Italy (Nº 41803/98)
Judgment (revision) 18.12.2001
[Section I (former composition)]

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