



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

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# Index

## to the Information Notes on the Court's case-law 2009

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European Court of Human Rights  
(Council of Europe)  
67075 Strasbourg Cedex  
France  
Tel: 00 33 (0)3 88 41 20 18  
Fax: 00 33 (0)3 88 41 27 30  
[www.echr.coe.int](http://www.echr.coe.int)

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Level of recognizance required to secure release on bail of a ship's captain in maritime pollution case: *no violation (case referred to the Grand Chamber)*

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Level of recognizance required to secure release on bail of a ship's captain in maritime pollution case: *no violation (case referred to the Grand Chamber)*

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*S.D. v. Greece, no. 53541/07, 11 June 2009* ..... no. 120

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*Ramishvili and Kokhreidze v. Georgia, no. 1704/06, 27 January 2009*..... no. 115

- Failure by Supreme Court to hold hearing when examining a deprivation of liberty that did not satisfy the Convention requirement for it to be ordered by a court: *violation*  
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## ARTICLE 6

### Article 6 § 1 (civil)

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- Request to public prosecutor at Court of Cassation to lodge appeal on points of law attesting to genuine “dispute” over civil right: *Article 6 applicable*  
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- Injunction proceedings: *Article 6 applicable*  
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- Disciplinary proceedings against a judge fulfilling the *Eskelinen* test: *Article 6 applicable*  
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- Appeal by local environmental-protection association not in nature of an *actio popularis*: *Article 6 applicable*  
*L'Erablière A.S.B.L. v. Belgium, no. 49230/07, 24 February 2009* ..... no. 116

- Access to “court” to challenge an administrative decision cancelling the applicant’s participation in a programme for the unemployed: *Article 6 applicable*  
*Mendel v. Sweden, no. 28426/06, 7 April 2009*..... no. 118

- Internal institutions of national parliament vested with judicial powers in respect of members of parliamentary staff: *Article 6 applicable*  
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- Refusal to grant a parliamentary election observer access to documents of an election committee: *Article 6 inapplicable*  
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- Request to public prosecutor at Court of Cassation to lodge appeal on points of law attesting to genuine “dispute” over civil right: *Article 6 applicable*  
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- Request to public prosecutor at Court of Cassation to lodge appeal on points of law attesting to genuine “dispute” over civil right: *Article 6 applicable*  
*Gorou v. Greece (no. 2) [GC], no. 12686/03, 20 March 2009*..... no. 117

**Access to court**

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Right of access to court of prisoner held in high-security wing of prison to assert rights of a civil nature: *violation*

*Enea v. Italy [GC], no. 74912/01, 17 September 2009* ..... no. 122

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*L'Erablière A.S.B.L. v. Belgium, no. 49230/07, 24 February 2009* ..... no. 116

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*Mendel v. Sweden, no. 28426/06, 7 April 2009* ..... no. 118

Applicants’ inability to effectively present their case due to authorities’ refusal to grant them access to decisive evidence: *violation*

*K.H. and Others v. Slovakia, no. 32881/04, 28 April 2009* ..... no. 118

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*Lawyer Partners, a.s., v. Slovakia, nos. 54252/07 et al., 16 June 2009* ..... no. 120

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*Gorou v. Greece (no. 2) [GC], no. 12686/03, 20 March 2009*..... no. 117

Right of access to court of prisoner held in high-security wing of prison to assert rights of a civil nature: *violation*  
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*Jordan Jordanov and Others v. Bulgaria, no. 23530/02, 2 July 2009* ..... no. 121

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*Koottummel v. Austria*, no. 49616/06, 10 December 2009..... no. 125

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*Simaldone v. Italy*, no. 22644/03, 31 March 2009..... no. 117

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*Daddi v. Italy (dec.)*, no. 15476/09, 2 June 2009..... no. 120

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Aspersions cast on applicant's conduct in interviews given to press by members of disciplinary panel prior to hearing: *violation*

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*Savino and Others v. Italy*, nos. 17214/05, 20329/05 and 42113/04, 28 April 2009..... no. 118

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*Procedo Capital Corporation v. Norway*, no. 3338/05, 24 September 2009..... no. 122

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## Article 6 § 1 (criminal)

### Applicability

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Inability of a parliamentarian to have his parliamentary immunity lifted to enable him to defend himself in criminal proceedings: *Article 6 § 1 applicable*

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### Right to a court

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Quashing of final judgment by way of supervisory review for serious deficiencies in criminal proceedings: *no violation*

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Inability of a parliamentarian to have his parliamentary immunity lifted to enable him to defend himself in criminal proceedings: *no violation*

*Kart v. Turkey [GC], no. 8917/05, 3 December 2009* ..... no. 125

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Obligation on foreign association without a head office in France to make a declaration to the prefecture in order to be able to take part in court proceedings: *violation*

*Ligue du monde islamique and Organisation islamique mondiale du secours islamique v. France, no. 36497/05, 15 January 2009* ..... no. 115

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*Bykov v. Russia [GC], no. 4378/02, 10 March 2009* ..... no. 117

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*Scoppola v. Italy (no. 2) [GC], no. 10249/03, 17 September 2009* ..... no. 122

Lack of reasoning in assize court judgment convicting defendant: *violation (case referred to the Grand Chamber)*

*Taxquet v. Belgium, no. 926/05, 13 January 2009* ..... nos. 115 and 120

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Inability of minor defendant to participate effectively in his criminal trial and lack of adequate legal representation: *violation*

*Güveç v. Turkey*, no. 70337/01, 20 January 2009..... no. 115

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*Igual Coll v. Spain*, no. 37496/04, 10 March 2009..... no. 117

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*Lee Davies v. Belgium*, no. 18704/05, 28 July 2009 ..... no. 121

Discontinuance of legally represented applicant's criminal appeal due to one day's absence from hearing: *violation*

*Kari-Pekka Pietiläinen v. Finland*, no. 13566/06, 22 September 2009 ..... no. 122

Use of confession obtained under duress: *violation*

*Yusuf Gezer v. Turkey*, no. 21790/04, 1 December 2009..... no. 125

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*AO Neftyanaya kompaniya YUKOS v. Russia (dec.)*, no. 14902/04, 29 January 2009..... no. 115

## Reasonable time

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Length of proceedings to determine questions of liability and quantum in police brutality case: *violation*

*Iribarren Pinillos v. Spain*, no. 36777/03, 8 January 2009..... no. 115

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*Passaris v. Greece (dec.)*, no. 53344/07, 24 September 2009 ..... no. 123

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Lack of clear distinction between prosecutory, investigative and judicial functions of bank supervisory authority: *violation*

*Dubus S.A. v. France*, no. 5242/04, 11 June 2009..... no. 120

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Independence of assessors (assistant judges): *communicated*

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Failure to duly notify the applicant of a fresh appeal hearing in his criminal case: *violation*  
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Lack of personal contact prior to appeal hearing with legal-aid counsel who had to plead the applicant's case on the basis of submissions of another lawyer: *case referred to the Grand Chamber*  
*Sakhnovskiy v. Russia, no. 21272/03, 5 February 2009* ..... no. 122

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*Kari-Pekka Pietiläinen v. Finland, no. 13566/06, 22 September 2009* ..... no. 122

Use in evidence of confession made in police custody in absence of a lawyer: *violation*  
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*Sobolewski v. Poland (no. 2), no. 19847/07, 9 June 2009* ..... no. 120

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Inability of defendant in criminal proceedings to question an anonymous witness and failure by investigating judge to assess reliability of the witness's evidence: *violation (case referred to the Grand Chamber)*  
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Inability of the accused to question a rape victim who had committed suicide after making a statement to the police: *inadmissible*  
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## ARTICLE 7

### Article 7 § 1

#### *Nullum crimen sine lege*

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*Kononov v. Latvia*, no. 36376/04, 24 July 2008..... no. 115

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*Scoppola v. Italy (no. 2) [GC]*, no. 10249/03, 17 September 2009..... no. 122

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Registration on national sex-offenders register for a period of thirty years running from date of completion of prison sentence: *inadmissible*

*Gardel v. France*, no. 16428/05, 17 December 2009..... no. 125

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*Gurguchiani v. Spain*, no. 16012/06, 15 December 2009 ..... no. 125

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Retrospective extension of preventive detention from a maximum of ten years to an unlimited period of time: *violation*

*M. v. Germany*, no. 19359/04, 17 December 2009..... no. 125

## ARTICLE 8

#### *Applicability*

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- Obligation on person found unfit for military service to pay exemption tax: *Article 8 applicable*  
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- Interception and recording of conversation by a radio-transmitting device during a police covert operation without procedural safeguards: *violation*  
*Bykov v. Russia [GC]*, no. 4378/02, 10 March 2009 ..... no. 117

- Restrictions on obtaining an abortion in Ireland: *relinquishment in favour of the Grand Chamber*  
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*Reklos and Davourlis v. Greece*, no. 1234/05, 15 January 2009..... no. 115

- Status of potential victims; lack of clarity or adequate safeguards in legislation on interception of communications: *violation*  
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- Journalists contacted by police and allowed to film applicant in police custody with a view to broadcasting the images: *violation*  
*Toma v. Romania*, no. 42716/02, 24 February 2009..... no. 116

- Offensive smells emanating from waste tip in vicinity of prisoner's cell and affecting his quality of life and well-being: *violation*  
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*Karakó v. Hungary*, no. 39311/05, 28 April 2009..... no. 118

- Imposition of nationality requirement on aspirant lawyer at final stage of admission procedure after completion of compulsory training: *violation*  
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- Ineffectiveness of procedure for gaining access to personal files held by secret services during communist period: *violation*  
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- Registration on national sex-offenders register for a period of thirty years running from date of completion of prison sentence: *no violation*  
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- Affixing of seals to television set for non-payment of licence fee: *inadmissible*  
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*Menéndez García v. Spain (dec.)*, no. 21046/07, 5 May 2009..... no. 119

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*Galev and Others v. Bulgaria (dec.)*, no. 18324/04, 29 September 2009 ..... no. 122

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- Refusal on grounds of public policy to recognise a monk's adoption of his nephew: *communicated*  
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- Alleged nuisance caused by opening of dental surgery in a residential block of flats: *inadmissible*  
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- Expulsion of pupils from school for refusing to remove conspicuous symbols of religious affiliation during lessons: *inadmissible*  
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- Conviction of president of extreme right-wing party for inciting the public to discrimination or racial hatred in leaflets distributed in electoral campaign: *no violation*  
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*Association of Citizens Radko and Paunkovski v. “the former Yugoslav Republic of Macedonia”*, no. 74651/01, 15 January 2009 ..... no. 115

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*Si Amer v. France*, no. 29137/06, 29 October 2009..... no. 123

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*Georgia v. Russia (no. 1) (dec.), no. 13255/07, 30 June 2009..... nos. 120 and 125*

## ARTICLE 34

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## ARTICLE 35

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#### Exhaustion of domestic remedies (Italy) \_\_\_\_\_

Effectiveness of “Pinto” remedy for length of administrative proceedings where no application for expedited hearing was made: *inadmissible*

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#### Exhaustion of domestic remedies (Monaco) \_\_\_\_\_

Automatic fine in the event of appeal on point of law being dismissed: *admissible*

*Prencipe v. Monaco, no. 43376/06, 16 July 2009* ..... no. 121

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Ineffectiveness of remedies in respect of length of proceedings: *violation*

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Effectiveness of “Pinto” remedy for length of administrative proceedings where no application for expedited hearing was made: *inadmissible*

*Daddi v. Italy (dec.)*, no. 15476/09, 2 June 2009 ..... no. 120

### Effective domestic remedy (Monaco)

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Automatic fine in the event of appeal on point of law being dismissed: *admissible*

*Prencipe v. Monaco*, no. 43376/06, 16 July 2009 ..... no. 121

### Effective domestic remedy (Russia)

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Supervisory-review by Supreme Commercial Court under new Code of Commercial Procedure: *effective remedy*

*Kovaleva and Others v. Russia (dec.)*, no. 6025/09, 25 June 2009 ..... no. 120

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