



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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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)*

*Mangouras v. Spain, no. 12050/04, 8 January 2009*..... nos. 115 and 120

## Guarantees to appear for trial

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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)*

*Mangouras v. Spain, no. 12050/04, 8 January 2009*..... nos. 115 and 120

## Article 5 § 4

### Take proceedings

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Withholding on national security grounds of material relevant to lawfulness of detention: *violations/no violations*

*A. and Others v. the United Kingdom [GC], no. 3455/05, 19 February 2009*..... no. 116

Refusal of access to documents in case-file material to issue of lawfulness of detention: *violation*

*Mooren v. Germany [GC], no. 11364/03, 9 July 2009*..... no. 121

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No means by which asylum-seeker could obtain judicial decision on the lawfulness of his detention pending expulsion: *violation*

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

### Speediness of review

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Delays caused by court of appeal's decision to remit case to trial court rather than to set aside defective detention order itself: *violation*

*Mooren v. Germany [GC], no. 11364/03, 9 July 2009*..... no. 121

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Unexplained and excessive delay in examination of lawfulness of pre-trial detention: *violation*

*Toma v. Romania, no. 42716/02, 24 February 2009*..... no. 116

### Procedural guarantees of review

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Review of lawfulness of pre-trial detention in humiliating and unfair conditions: *violation*

*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*  
*Krejčíř v. the Czech Republic, nos. 39298/04 and 8723/05, 26 March 2009*..... no. 117

## ARTICLE 6

### Article 6 § 1 (civil)

#### Applicability

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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

- Injunction proceedings: *Article 6 applicable*  
*Micallef v. Malta [GC], no. 17056/06, 15 October 2009* ..... no. 123

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- Disciplinary proceedings against a judge fulfilling the *Eskelinen* test: *Article 6 applicable*  
*Olujić v. Croatia, no. 22330/05, 5 February 2009* ..... no. 116

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

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- Refusal to grant a parliamentary election observer access to documents of an election committee: *Article 6 inapplicable*  
*Geraguyn Khorhurd Patgamavorakan Akumb v. Armenia (dec.), no. 11721/04, 14 April 2009*..... no. 118

- Action in damages by asylum-seeker for refusal to grant him asylum: *Article 6 inapplicable*  
*Panjeheighalehei v. Denmark (dec.), no. 11230/07, 13 October 2009*..... no. 123

#### Civil rights and obligations

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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

#### Dispute

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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

Inability of local employee at foreign embassy to bring action for unlawful dismissal in the host country: *relinquishment in favour of the Grand Chamber*

*Čudak v. Lithuania, no. 15869/02* ..... no. 115

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Grant of immunity to a member of parliament concerning statements made to press unconnected with his parliamentary activity proper: *violation*

*C.G.I.L. and Cofferati v. Italy, no. 46967/07, 24 February 2009* ..... no. 116

Ruling that appeal was *inadmissible* because it referred to the impugned decision for a statement of the facts: *violation*

*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: *violation*

*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

Refusal of courts to process applicant company's civil actions submitted electronically: *violation*

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

Operation of time-bar as a result of the running of the limitation period during the claimant's minority: *violation*

*Stagno v. Belgium, no. 1062/07, 7 July 2009* ..... no. 121

Inability of minority shareholders to challenge winding-up resolution in courts once recorded in commercial register: *violation*

*Kohlhofer and Minarik v. the Czech Republic, nos. 32921/03, 28464/04 and 5344/05, 15 October 2009* ..... no. 123

Inadequate judicial scrutiny of decision to refuse an application for a teaching post in a denominational university because of applicant's alleged heterodox views: *violation*

*Lombardi Vallauri v. Italy, no. 39128/05, 20 October 2009* ..... no. 123

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Grant of immunity of jurisdiction to Germany in proceedings for compensation for forced labour performed during Second World War: *inadmissible*

*Grosz v. France (dec.), no. 14717/06, 16 June 2009* ..... no. 120

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Sanctions imposed on applicants on basis of UN Security Council resolutions: *communicated*

*Al-Dulimi and Montana Management Inc. v. Switzerland, no. 5809/08* ..... no. 117

State immunity in civil action for torture: *communicated*

*Jones v. the United Kingdom, no. 34356/06*

*Mitchell and Others v. the United Kingdom, no. 40528/06* ..... no. 122

## Fair hearing

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Summary rejection of request to appeal to the Court of Cassation: *no violation*  
*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*  
*Enea v. Italy [GC], no. 74912/01, 17 September 2009* ..... no. 122

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Refusal to hear expert evidence in case concerning liability for medical costs incurred in connection with sex-change operation: *violation*  
*Schlumpf v. Switzerland, no. 29002/06, 8 January 2009* ..... no. 115

Profound and persistent differences in interpretation of statutory provision by a supreme court: *violation*  
*Jordan Jordanov and Others v. Bulgaria, no. 23530/02, 2 July 2009* ..... no. 121

Failure to notify defendant or his counsel of date of criminal-appeal hearing: *violation*  
*Maksimov v. Azerbaijan, no. 38228/05, 8 October 2009* ..... no. 123

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Conformity with fair-hearing requirements of NATO's internal labour dispute resolution machinery: *inadmissible*  
*Gasparini v. Italy and Belgium (dec.), no. 10750/03, 12 May 2009* ..... no. 119

Dispute falling entirely within internal legal system of an international organisation endowed with its own legal personality separate from that of its members: *inadmissible*  
*Rambus Inc. v. Germany (dec.), no. 40382/04, 16 June 2009* ..... no. 120

Quashing of binding and enforceable decisions by Supreme Commercial Court under new supervisory-review procedure: *inadmissible*  
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## Adversarial trial

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Refusal by the Court of Justice of the European Communities to authorise a third party to respond to the Advocate General's opinion: *inadmissible*  
*Coöperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij U.A. v. the Netherlands (dec.), no. 13645/05, 20 January 2009* ..... no. 115

## Equality of arms

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Bringing of civil action by public prosecutor's office: *no violation*  
*Batsanina v. Russia, no. 3932/02, 26 May 2009* ..... no. 119

Preferential treatment of State with respect to limitation period in private-law proceedings against a private entity: *violation*  
*Varnima Corporation International S.A. v. Greece, no. 48906/06, 28 May 2009* ..... no. 119

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Rule exempting judges, on account of their office, from legal costs when they are parties to proceedings: *inadmissible*  
*Gouveia Gomes Fernandes and Freitas e Costa v. Portugal (dec.), no. 1529/08, 26 May 2009* ..... no. 119

## Public hearing

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Lack of public hearing in case concerning liability for medical costs incurred in connection with sex-change operation: *violation*

*Schlumpf v. Switzerland*, no. 29002/06, 8 January 2009..... no. 115

## Oral hearing

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Lack of an oral hearing before a tribunal sitting at first and last instance: *violation*

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

## Reasonable time

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Late payment of (inadequate) reparation awarded in length-of-proceedings case under the “Pinto” law: *violation*

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

Length of proceedings subject to repeated supervisory review: *violation*

*Svetlana Orlova v. Russia*, no. 4487/04, 30 July 2009..... no. 121

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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

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Delay in execution of decisions taken under the “Pinto” law: *communicated*

*Gaglione and 479 other applications v. Italy*, nos. 45867/07 et al..... no. 117

## Independent and impartial tribunal

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

*Olujić v. Croatia*, no. 22330/05, 5 February 2009..... no. 116

Impartiality and independence of internal institutions of national parliament vested with judicial powers in respect of members of parliamentary staff: *violation*

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

Decision of appellate court not to discontinue proceedings after withdrawal of one of the judges on objective impartiality grounds: *no violation*

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

Impartiality of a court whose president had previously filed a criminal complaint against the applicant: *no violation*

*Parlov-Tkalčić v. Croatia*, no. 24810/06, 22 December 2009..... no. 125

## Impartial tribunal

---

Lack of statutory right to challenge a judge on the basis of his/her family ties with a party's advocate: *violation*

*Micallef v. Malta [GC]*, no. 17056/06, 15 October 2009..... no. 123

## 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*

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

### 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*

*Lenskaya v. Russia, no. 28730/03, 29 January 2009* ..... no. 115

### Access to court

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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

Court's failure to inform the accused that they had a new time-limit for lodging a cassation appeal after their legal-aid lawyers had refused to assist them: *violation*

*Kulikowski v. Poland, no. 18353/03, 19 May 2009*  
*Antonicelli v. Poland, no. 2815/05, 19 May 2009* ..... no. 119

Access to Court of Cassation hindered by failure to serve judgment on a prisoner awaiting trial in separate proceedings: *violation*

*Davran v. Turkey, no. 18342/03, 3 November 2009* ..... no. 124

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Condition requiring payment before fixed fine could be appealed against: *inadmissible*

*Schneider v. France (dec.), no. 49852/06, 30 June 2009* ..... no. 121

### Fair hearing

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Use at trial of evidence obtained through a covert operation: *no violation*

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

Statutory change depriving applicant of an advantage that had been instrumental in his choice of summary proceedings: *violation*

*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

Lack of public hearing before court of appeal hearing an appeal on both factual and legal aspects of case: *violation*

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

Conviction based on evidence obtained during unlawful police operation: *no violation*

*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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Alleged procedural defects in proceedings concerning tax penalties: *admissible*

*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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Length of criminal proceedings against an accused serving a prison sentence abroad: *inadmissible*

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

## Independent and impartial tribunal

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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

## Independent tribunal

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Independence of assessors (assistant judges): *communicated*

*Wersel v. Poland*, no. 860/08..... no. 120

## Tribunal established by law

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Inclusion without sufficient legal basis of lay judges on bench of criminal court: *violation*

*Pandjigidze and Others v. Georgia*, no. 30323/02, 27 October 2009 ..... no. 123



## Article 6 § 3

### Rights of defence

---

Failure to duly notify the applicant of a fresh appeal hearing in his criminal case: *violation*  
*Sibgatullin v. Russia, no. 32165/02, 23 April 2009*..... no. 118

## Article 6 § 3 (c)

### Defence through legal assistance

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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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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 in evidence of confession made in police custody in absence of a lawyer: *violation*  
*Pishchalnikov v. Russia, no. 7025/04, 24 September 2009*..... no. 122

Denial of access to a lawyer to a person in police custody who exercised his right to remain silent: *violation*  
*Dayanan v. Turkey, no. 7377/03, 13 October 2009*..... no. 123

### Defence in person

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Refusal to grant accused leave to appear at appellate hearing concerning questions of fact relevant to the issue of guilt: *violation*  
*Sobolewski v. Poland (no. 2), no. 19847/07, 9 June 2009*..... no. 120

## Article 6 § 3 (d)

### Examination of witnesses

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

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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*  
*Mika v. Sweden (dec.), no. 31243/06, 27 January 2009*..... no. 115



## ARTICLE 7

### Article 7 § 1

#### *Nullum crimen sine lege*

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Retrospective application of law through the applicant's conviction of war crimes for his part in a punitive military expedition on villagers during the Second World War: *case referred to the Grand Chamber*

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

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Penalty adjudged arbitrary as based on provision that did not have "quality of law": *violation*

*Sud Fondi S.r.l. and Others v. Italy*, no. 75909/01, 20 January 2009 ..... no. 115

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Universal jurisdiction of Contracting State to prosecute torture and barbaric acts despite amnesty law in State where such acts had been committed: *inadmissible*

*Ould Dah v. France (dec.)*, no. 13113/03, 17 March 2009 ..... no. 117

#### *Nulla poena sine lege*

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Implicit recognition by Article 7 of retroactivity of the more lenient criminal law: *violation*

*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

#### *Heavier penalty*

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Replacement of a prison sentence on an alien with deportation and exclusion orders: *violation*

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

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

#### *Retroactivity*

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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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Prison cell which had been prisoner's sole "living space" for many years: *Article 8 applicable*

*Brândușe v. Romania*, no. 6586/03, 7 April 2009..... no. 118

- Obligation on person found unfit for military service to pay exemption tax: *Article 8 applicable*  
*Glor v. Switzerland*, no. 13444/04, 30 April 2009 ..... no. 118

## Private life

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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*  
*A., B. and C. v. Ireland*, no. 25579/05..... no. 121

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- Photographing of a newborn baby without prior agreement of parents and retention of the negatives: *violation*  
*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*  
*Iordachi and Others v. Moldova*, no. 25198/02, 10 February 2009 ..... no. 116

- 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*  
*Brândușe v. Romania*, no. 6586/03, 7 April 2009..... no. 118

- Publication in newspaper articles of information in which applicant could be identified and perceived as prime suspect in murder case: *violation*  
*A. v. Norway*, no. 28070/06, 9 April 2009..... no. 118

- Dismissal of criminal-libel proceedings against a political opponent on grounds that allegedly defamatory remarks constituted a value judgment: *no violation*  
*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*  
*Bigaeva v. Greece*, no. 26713/05, 28 May 2009 ..... no. 119

- Absence of means of ensuring reparation for bodily injuries caused by medical error in State hospital: *violation*  
*Codarcea v. Romania*, no. 31675/04, 2 June 2009 ..... no. 120

- Ineffectiveness of procedure for gaining access to personal files held by secret services during communist period: *violation*  
*Haralambie v. Romania*, no. 21737/03, 27 October 2009 ..... no. 123

- Registration on national sex-offenders register for a period of thirty years running from date of completion of prison sentence: *no violation*  
*Gardel v. France*, no. 16428/05, 17 December 2009..... no. 125

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- Affixing of seals to television set for non-payment of licence fee: *inadmissible*  
*Faccio v. Italy (dec.)*, no. 33/04, 31 March 2009 ..... no. 118

- Refusal of request by applicant to have her deceased father recognised as the son of a man she alleged was her deceased grandfather: *inadmissible*  
*Menéndez García v. Spain (dec.)*, no. 21046/07, 5 May 2009..... no. 119
- Press article and television programme calling into question businessman's reputation: *inadmissible*  
*Pipi v. Turkey (dec.)*, no. 4020/03, 12 May 2009 ..... no. 119
- Alleged nuisance caused by opening of dental surgery in a residential block of flats: *inadmissible*  
*Galev and Others v. Bulgaria (dec.)*, no. 18324/04, 29 September 2009 ..... no. 122
- Statutory bans on hunting wild mammals with dogs: *inadmissible*  
*Friend and Others v. the United Kingdom (dec.)*, nos. 16072/06 and 27809/08,  
 24 November 2009 ..... no. 124

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- Revocation of certificate recognising foreign diploma; removal from teaching post: *communicated*  
*Kuş v. Turkey*, no. 33160/04 ..... no. 120
- Absence of any legal requirement for newspapers to give advance notice before publishing details of private life: *communicated*  
*Mosley v. the United Kingdom*, no. 48009/08 ..... no. 123

## Private and family life

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- Order for child whom mother had abducted with a view to settling in Switzerland to be returned to Israel: *case referred to the Grand Chamber*  
*Neulinger and Shuruk v. Switzerland*, no. 41615/07, 8 January 2009..... no. 120

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- Balancing of competing interests of applicant and her insurers in case concerning liability for medical costs incurred in connection with a sex-change operation: *violation*  
*Schlumpf v. Switzerland*, no. 29002/06, 8 January 2009 ..... no. 115
- Breach by State of its obligations to assess risks and consequences of hazardous industrial process and to keep the public informed: *violation*  
*Tătar v. Romania*, no. 67021/01, 27 January 2009..... no. 115
- Former patients prevented from photocopying their medical records: *violation*  
*K.H. and Others v. Slovakia*, no. 32881/04, 28 April 2009 ..... no. 118
- Publication of the applicant's identity in a judgment delivered in relation to his HIV-positive status: *violation*  
*C.C. v. Spain*, no. 1425/06, 6 October 2009..... no. 123
- Father's inability to consult conclusions of welfare report in proceedings concerning the custody of his son: *violation*  
*Tsourlakis v. Greece*, no. 50796/07, 15 October 2009 ..... no. 123

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- Authorities' refusal to take specific measures requested by the applicants relating to environmental issues: *inadmissible*  
*Greenpeace e.V. and Others v. Germany (dec.)*, no. 18215/06, 12 May 2009 ..... no. 119
- Sterilisation of Roma woman allegedly without her informed consent: *admissible*  
*V.C. v. Slovakia (dec.)*, no. 18968/07, 16 June 2009 ..... no. 120

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- Failure of waste disposal services to collect, treat and dispose of rubbish: *communicated*  
*Di Sarno and Others v. Italy*, no. 30765/08..... no. 120
- Refusal of authorisation for medication to enable severely disabled person to commit suicide:  
*communicated*  
*Koch v. Germany*, no. 497/09..... no. 122
- Refusal on grounds of public policy to recognise a monk's adoption of his nephew: *communicated*  
*Negrepontis-Giannisis v. Greece*, no. 56759/08 ..... no. 124
- Removal of organs of applicant's son without her knowledge or consent: *communicated*  
*Petrova v. Latvia*, no. 4605/05..... no. 124
- Refusal to grant a divorce to an elderly person who had been found at fault for the breakdown  
of the marriage: *communicated*  
*Ostrowski v. Poland*, no. 27224/09 ..... no. 125

## Family life

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- Refusal of courts to grant a woman married in a religious ceremony benefit of the social security  
and pension rights of her deceased husband, the father of her children: *no violation (case referred*  
*to the Grand Chamber)*  
*Şerife Yiğit v. Turkey*, no. 3976/05, 20 January 2009 ..... nos. 115 and 122

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- Refusal without valid reason or advance notice to allow single parent to return to country of  
residence with consequence that he was unable to rejoin his infant child: *violation*  
*Nolan and K. v. Russia*, no. 2512/04, 12 February 2009 ..... no. 116
- Breaking off of relations between child and father with full parental rights following grandparents'  
refusal to return child after school holidays: *violation*  
*Amanalachioai v. Romania*, no. 4023/04, 26 May 2009 ..... no. 119
- Insufficient action by authorities to secure the return of a child abducted by her mother: *violation*  
*Stochlak v. Poland*, no. 38273/02, 22 September 2009 ..... no. 122
- Exercise of father's right of access in context of lengthy repeated absences abroad of mother and  
child: *no violation*  
*R.R. v. Romania*, no. 1188/05, 10 November 2009 ..... no. 124
- Deportation to Nigeria despite strong family ties and long residence in the United Kingdom:  
*violation*  
*Omojudi v. the United Kingdom*, no. 1820/08, 24 November 2009 ..... no. 124
- Failure adequately to enforce a father's right of access to his minor child: *violation*  
*Eberhard and M. v. Slovenia*, nos. 8673/05 and 9733/05, 1 December 2009 ..... no. 125
- Refusal of courts to disinherit a murderer after his own death prevented a final conviction:  
*violation*  
*Velcea and Mazăre v. Romania*, no. 64301/01, 1 December 2009 ..... no. 125

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- Refusal of asylum request in case in which applicant family had spent four years adapting to life  
in host State: *inadmissible*  
*A.M. and Others v. Sweden (dec.)*, no. 38813/08, 16 June 2009 ..... no. 120

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- Refusal on grounds of public policy to recognise a monk's adoption of his nephew: *communicated*  
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- Deportation to Nigeria despite strong family ties and long residence in the United Kingdom:  
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- Refusal of asylum request in case in which applicant family had spent four years adapting to life  
in host State: *inadmissible*  
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- Lack of procedural safeguards in proceedings for eviction of the applicant: *violation*  
*Ćosić v. Croatia*, no. 28261/06, 15 January 2009..... no. 115

- Inability of a cohabitant providing daily care to inherit tenancy: *inadmissible*  
*Korelc v. Slovenia*, no. 28456/03, 12 May 2009..... no. 119

- Lack of procedural safeguards in enforcement proceedings for debtor lacking legal capacity:  
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*Zehentner v. Austria*, no. 20082/02, 16 July 2009..... no. 121

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- Alleged nuisance caused by opening of dental surgery in a residential block of flats: *inadmissible*  
*Galev and Others v. Bulgaria (dec.)*, no. 18324/04, 29 September 2009 ..... no. 122

- Identity check by police in orchestra conductor's dressing room: *inadmissible*  
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- Statutory bans on hunting wild mammals with dogs: *inadmissible*  
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- Failure of waste disposal services to collect, treat and dispose of rubbish: *communicated*  
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- Exercise of father's right of access in context of lengthy repeated absences abroad of mother and child: *no violation*  
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- Unjustified State interference in the internal leadership dispute of a divided religious community by assisting one of the opposing groups to gain full control: *violation*  
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- Exclusion of foreign Unification Church activist from country on national security grounds: *violation*  
*Nolan and K. v. Russia*, no. 2512/04, 12 February 2009..... no. 116
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*Kimlya and Others v. Russia*, nos. 76836/01 and 32782/03, 1 October 2009..... no. 123
- Conviction of conscientious objector for refusing to perform military service: *no violation*  
*Bayatyan v. Armenia*, no. 23459/03, 27 October 2009..... no. 123
- Display of crucifixes in State-school classrooms: *violation*  
*Lautsi v. Italy*, no. 30814/06, 3 November 2009..... no. 124
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- Assignment of a tax identification number which the applicants opposed on religious grounds: *inadmissible*  
*Skugar and Others v. Russia (dec.)*, no. 40010/04, 3 December 2009..... no. 125
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- Refusal to permit prisoner to keep religious objects in his cell: *communicated*  
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*Masaev v. Moldova, no. 6303/05, 12 May 2009* ..... no. 119
- State intervention in a conflict between members of a religious community: *violation*  
*Miroļubovs and Others v. Latvia, no. 798/05, 15 September 2009* ..... no. 122
- Display of crucifixes in State-school classrooms: *violation*  
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- Expulsion of pupils from school for refusing to remove conspicuous symbols of religious affiliation during lessons: *inadmissible*  
*Aktas v. France (dec.), no. 43563/08, 30 June 2009*  
*Bayrak v. France (dec.), no. 14308/08, 30 June 2009*  
*Gamaleddyn v. France (dec.), no. 18527/08, 30 June 2009*  
*Ghazal v. France (dec.), no. 29134/08, 30 June 2009*  
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- Police seizure of material that could have led to identification of journalistic sources: *no violation* (case referred to the Grand Chamber)  
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- Excessively broad scope of interlocutory injunction prohibiting a journalist from reporting on an accident involving a judge and on the court proceedings in connection therewith: *violation*  
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- Conviction of book publishers on charge of condoning war crimes: *violation*  
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- Refusal of courts to allow the respondent in a libel case to prove the veracity of his statements because of the manner in which they had been made: *violation*  
*Csáncics v. Hungary, no. 12188/06, 20 January 2009*..... no. 115
- Refusal to allow into territorial waters vessel chartered for use in support of campaign for decriminalisation of the voluntary termination of pregnancy: *violation*  
*Women On Waves and Others v. Portugal, no. 31276/05, 3 February 2009* ..... no. 116



- Conviction for defamation arising out of particularly virulent remarks and serious allegations of criminal conduct that had not been proved beforehand in a criminal court: *no violation*  
*Brunet-Lecomte and Others v. France*, no. 42117/04, 5 February 2009 ..... no. 116
- Insufficiency of grounds given by Supreme Court for awarding damages against magazine for identifying criminal defendant: *violation*  
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- Public servant sentenced to a suspended prison term for publicly accusing his superior of misappropriation and requesting an official investigation: *violation*  
*Marchenko v. Ukraine*, no. 4063/04, 19 February 2009..... no. 116
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*Kudeshkina v. Russia*, no. 29492/05, 26 February 2009 ..... no. 116
- Conviction of magazines for illegal advertising of tobacco: *no violation*  
*Hachette Filipacchi Presse Automobile and Dupuy v. France*, no. 13353/05, 5 March 2009  
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- Rule that new cause of action accrues every time defamatory material on the Internet is accessed:  
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- Convictions of newspaper editors for publishing photographs of a person on the point of being arrested to serve a lengthy sentence she had just received for her part in a triple murder: *no violation*  
*Egeland and Hanseid v. Norway*, no. 34438/04, 16 April 2009..... no. 118
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- Conviction for defamation arising out of newspaper report on rumours about the then Austrian President's marriage: *no violation*  
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- Criminal conviction of journalist for calling a prominent historian "an idiot" and "a fascist":  
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*Bodrožić v. Serbia*, no. 32550/05, 23 June 2009 ..... no. 120
- Criminal conviction of journalists for comparing a prominent local lawyer to a blonde woman:  
*violation*  
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- Award of damages against university lecturer for having criticised procedures for recruiting and promoting assistant lecturers: *violation*  
*Sorguç v. Turkey*, no. 17089/03, 23 June 2009 ..... no. 120
- 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*  
*Féret v. Belgium*, no. 15615/07, 16 July 2009..... no. 121
- Criminal conviction of mayor for announcing intention to boycott Israeli products in the municipality: *no violation*  
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- Disciplinary penalty imposed on public-television journalist for criticising the company's programming policy: *violation*  
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- Award of damages against magazine for publishing information that had been freely divulged and made public by a singer: *violation*  
*Hachette Filipacchi Associés (ICI PARIS) v. France, no. 12268/03, 23 July 2009* ..... no. 121
- Insufficient statutory guarantees of independence of public broadcaster: *violation*  
*Manole and Others v. Moldova, no. 13936/02, 17 September 2009*..... no. 122
- Civil award against publishers of satirical article on food manufacturer's advertising methods: *violation*  
*Kuliś and Różycki v. Poland, no. 27209/03, 6 October 2009*..... no. 123
- Journalist's inability, owing to general police ban, to gain access to Davos during World Economic Forum: *violation*  
*Gsell v. Switzerland, no. 12675/05, 8 October 2009*..... no. 123
- Refusal of a teaching post in a denominational university because of alleged heterodox views: *violation*  
*Lombardi Vallauri v. Italy, no. 39128/05, 20 October 2009*..... no. 123
- Orders suspending publication of newspapers under anti-terrorist legislation: *violation*  
*Ürper and Others v. Turkey, nos. 14526/07 et al., 20 October 2009* ..... no. 123
- Award of damages against magazine in libel action by government minister: *no violation*  
*Europapress Holding d.o.o. v. Croatia, no. 25333/06, 22 October 2009*..... no. 123
- Finding by a civil court that article criticising author's role on a question of the utmost public interest was defamatory: *violation*  
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- Alleged failure of authorities to act to prevent murder of a journalist who had been convicted of insulting "Turkish identity": *communicated*  
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- Failure to allocate a radio frequency to a State licensed broadcaster: *communicated*  
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- Conviction of journalist on a satirical political magazine for insulting the pope: *communicated*  
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#### **Freedom to receive information** \_\_\_\_\_

- Affixing of seals to television set for non-payment of licence fee: *inadmissible*  
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## ARTICLE 11

### Freedom of peaceful assembly

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*Samüt Karabulut v. Turkey*, no. 16999/04, 27 January 2009 ..... no. 115

Complete blockade of motorway by heavy-goods vehicles in “go-slow” operation: *no violation*

*Barraco v. France*, no. 31684/05, 5 March 2009 ..... no. 117

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*Skiba v. Poland (dec.)*, no. 10659/03, 7 July 2009 ..... no. 121

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*Rai and Evans v. the United Kingdom (dec.)*, nos. 26258/07 and 26255/07, 17 November 2009 ..... no. 124

Statutory bans on hunting wild mammals with dogs: *inadmissible*

*Friend and Others v. the United Kingdom (dec.)*, nos. 16072/06 and 27809/08, 24 November 2009 ..... no. 124

### Freedom of association

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Dissolution of a public association for negating the ethnic identity of the Macedonian people: *violation*

*Association of Citizens Radko and Paunkovski v. “the former Yugoslav Republic of Macedonia”*, no. 74651/01, 15 January 2009 ..... no. 115

Dissolution of political parties with links to a terrorist organisation: *no violation*

*Herri Batasuna and Batasuna v. Spain*, nos. 25803/04 and 25817/04, 30 June 2009 ..... no. 120

Dissolution of association for alleged breaches of the law and its own charter: *violation*

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for expedited hearing was made: *inadmissible*

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## ARTICLE 14

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### Discrimination (Articles 2 and 3)

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Unlawfully resident alien refused legal aid for contesting paternity of her child: *violation*

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*Weller v. Hungary*, no. 44399/05, 31 March 2009..... no. 117

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Inability of a cohabitant providing daily care to inherit tenancy: *inadmissible*

*Korelc v. Slovenia*, no. 28456/03, 12 May 2009..... no. 119

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*Brauer v. Germany*, no. 3545/04, 28 May 2009..... no. 119

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*Zaunegger v. Germany*, no. 22028/04, 3 December 2009..... no. 125

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*Gas and Dubois v. France*, no. 25951/07..... no. 119

Non-renewal of contract of married priest in teaching post: *communicated*

*Fernández Martínez v. Spain*, no. 56030/07..... no. 123

Refusal to grant a divorce to an elderly person who had been found at fault for the breakdown of the marriage: *communicated*

*Ostrowski v. Poland*, no. 27224/09..... no. 125

### Discrimination (Article 9)

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Expulsion of pupils from school for refusing to remove conspicuous symbols of religious affiliation during lessons: *inadmissible*

*Aktas v. France (dec.)*, no. 43563/08, 30 June 2009

*Bayrak v. France (dec.)*, no. 14308/08, 30 June 2009

*Gamaleddyn v. France (dec.)*, no. 18527/08, 30 June 2009

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**Discrimination (Article 11)**\_\_\_\_\_

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Refusal to take applicant's years of employment in former Soviet Union into account when calculating her entitlement to a retirement pension because she did not have Latvian citizenship: *violation*

*Andrejeva v. Latvia [GC]*, no. 55707/00, 18 February 2009..... no. 116

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*Carson and Others v. the United Kingdom*, no. 42184/05, 4 November 2008..... no. 118

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*Zeïbek v. Greece*, no. 46368/06, 9 July 2009..... no. 121

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

Refusal to recognise validity of Roma marriage for purposes of establishing entitlement to widow's pension: *violation*

*Muñoz Díaz v. Spain*, no. 49151/07, 8 December 2009..... no. 125

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*Association nationale des pupilles de la Nation v. France (dec.)*, no. 22718/08, 6 October 2009..... no. 123

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*Dobos v. Hungary*, no. 45069/05 ..... no. 117

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Inability of a Roma and a Jew to stand for parliamentary elections: *violation*

*Sejdić and Finci v. Bosnia and Herzegovina [GC]*, nos. 27996/06 and 34836/06, 22 December 2009..... no. 125

## ARTICLE 15

### Derogation in time of emergency

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Validity of derogation from Article 5 § 1 obligations in respect of powers to detain foreign nationals suspected of terrorism who could not be deported for fear of ill-treatment: *not valid*

*A. and Others v. the United Kingdom [GC], no. 3455/05, 19 February 2009..... no. 116*

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### Prohibition of abuse of rights

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*Orban and Others v. France, no. 20985/05, 15 January 2009 ..... no. 115*

## ARTICLE 33

### Inter-State case

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Alleged pattern of official conduct by Russian authorities resulting in multiple breaches of Georgian nationals' Convention rights: *admissible (relinquishment in favour of the Grand Chamber)*

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

## ARTICLE 34

### Victim

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Application introduced on behalf of applicant's sister, who had died while her constitutional claim concerning the alleged breach of her right to a fair trial was pending: *victim status upheld*

*Micallef v. Malta [GC], no. 17056/06, 15 October 2009 ..... no. 123*

### Locus standi

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Applicant lacking legal capacity under domestic law permitted to present own case before the Court despite guardian's disapproval: *admissible*

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### Hinder the exercise of the right of petition

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Failure of the authorities to comply with an interim measure indicated by the Court under Rule 39 of the Rules of Court: *violation*

*Paladi v. Moldova [GC], no. 39805/05, 10 March 2009..... no. 117*

Pressure by the authorities on a witness in a conditions-of-detention case before the Court: *failure to comply with Article 34*

*Novinskiy v. Russia, no. 11982/02, 10 February 2009* ..... no. 116

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*Gagiu v. Romania, no. 63258/00, 24 February 2009* ..... no. 116

Failure by State to comply promptly with interim measure intended to prevent irreparable damage: *violation*

*Grori v. Albania, no. 25336/04, 7 July 2009* ..... no. 121

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Alleged failure to comply with indication by Court not to transfer applicants to authorities of another State where they faced the death penalty: *admissible*

*Al-Saadoon and Mufdhi v. the United Kingdom (dec.), no. 61498/08, 30 June 2009* ..... no. 120

## ARTICLE 35

### Article 35 § 1

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

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

#### 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

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

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

*Robert Lesjak v. Slovenia, no. 33946/03, 21 July 2009* ..... no. 121

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

Effectiveness of application to Real Property Commission set up in 2005 in “Turkish Republic of Northern Cyprus”: *relinquishment in favour of the Grand Chamber*

*Demopoulos and 7 other cases v. Turkey, nos. 46113/99 et al.* ..... no. 119



## Effective domestic remedy (Italy)

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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

Supervisory review under the Code of Civil Procedure as amended by Law no. 330-Φ3 of 4 December 2007: *not effective remedy*

*Martynets v. Russia (dec.)*, no. 29612/09, 5 November 2009 ..... no. 124

## Six-month period

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Application in disappearance case lodged more than six months after the respondent State's ratification of the right of individual petition: *preliminary objection dismissed*

*Varnava and Others v. Turkey [GC]*, nos. 16064/90 *et al.*, 18 September 2009 ..... no. 122

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Effect of intervening extraordinary remedy on six-month time-limit: *running of time interrupted only in relation to Convention issues examined by review body*

*Sapeyan v. Armenia*, no. 35738/03, 13 January 2009 ..... no. 115

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

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