CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

INFORMATION NOTE No. 7
on the case-law of the Court
June 1999

Statistical information

		June	1999
I. Judgments delivered			
Grand Chamber		2[1]	26[1]
Section I		1	1
Section II		0	4
Section III		1	2
Section IV		2	5
Total		**6**	**38**
II. Applications declared admissible			
Section I		28	39
Section II		143	225
Section III		15	96
Section IV		7	46
Total		**193**	**406**
III. Applications declared inadmissible			
Section I	- Chamber	9	34
	- Committee	47	260
Section II	- Chamber	22	74
	- Committee	94	241
Section III	- Chamber	11	66
	- Committee	39	258
Section IV	- Chamber	21	74
	- Committee	95	450
Total		**338**	**1457**
IV. Applications struck off			
Section I	- Chamber	0	5
	- Committee	0	0
Section II	- Chamber	0	4
	- Committee	1	4
Section III	- Chamber	7	11
	- Committee	0	1
Section IV	- Chamber	0	9
	- Committee	1	7
Total		**9**	**41**
Total number of decisions[2]		**492**	**1904**
V. Applications communicated			
Section I		56	229
Section II		61	179
Section III		70	222
Section IV		13	136
Total number of applications communicated		**200**	**766**

[1] Including one judgment concerning just satisfaction only.
[2] Not including partial decisions.

ARTICLE 2

LIFE
Disappearance: *admissible*.

HARAN - Turkey (Nº 28229/95)
Decision 22.6.99 [Section I]

The applicant's husband has been missing since leaving home to go to work in Diyarbakir in December 1994. She states that one witness told her that that her husband was taken away by police officers and that another witness claims that he saw her husband in custody. The authorities state that there is no record of the applicant's husband having been taken into custody.
Admissible under Articles 2, 3, 5, 13, 14 and 18.

LIFE
Abduction and murder by unidentified perpetrators: *admissible*.

CELIKBILEK - Turkey (Nº 27693/95)
Decision 22.6.99 [Section I]

The applicant claims that his brother was taken away from a café by four plain-clothes policemen in 1994. His brother's body was found a week later, allegedly bearing the marks of torture. The autopsy report states that there were numerous bruises on the body and concludes that the applicant's brother had been strangled after being severely beaten. The victim's wife lodged a criminal complaint and an investigation opened by the public prosecutor is still pending. The Government state that the applicant's brother had a criminal record relating to drug trafficking.
Article 34: The applicant, as a brother affected by the death, may claim to be a victim (notwithstanding the fact that the victim's widow rather than the applicant lodged a criminal complaint with the authorities).
Article 35(1): In so far as the applicant has failed to lodge a criminal complaint, under Turkish law this is not a prerequisite to the opening of a criminal investigation, and such an investigation has in fact been opened. The applicant is not required to make an explicit request to open a criminal investigation by lodging a complaint himself, as this would not lead to any different result.
Admissible under Articles 2, 3, 6 and 14.

INHUMAN TREATMENT
Ill-treatment of a foreign national in police custody: *admissible*.

DENMARK - TURKEY (Nº 34382/97)
Decision 8.6.99 [Section I]

The application concerns the alleged ill-treatment of a Danish citizen, K., while in custody in Turkey in 1996, as well as an allegation of a widespread practice of ill-treatment in police custody. K. was born in Turkey but has lived in Denmark since 1972 and acquired Danish citizenship by naturalisation in 1992. He is a board member of the Union of Kurdish Associations in Denmark. In July 1996 K. went to Turkey to attend the funeral of one of his brothers. A data screen at the airport showed that he was wanted by the Turkish authorities and he was subsequently detained for 16 hours at the airport at Ankara, as a result of which he was unable to attend the funeral. On 8 July he was taken to police headquarters in Ankara, where he alleges that he was blindfolded, had his hands tied behind his back and was interrogated about his connection to the PKK. He claims that he was subjected to ill-treatment (forcibly undressed and sprayed with a jet of cold water followed by a jet of hot air, struck by a heavy object on the back and neck, threatened with death). He was remanded in custody, which lasted from 9 July until 15 August 1996. Initially, he was held with two others in a small cell measuring 6-8m^2, with an open toilet. He was then moved to a larger cell with about 80 others, 15 of whom were on hunger strike and one of whom died. He claims that the bed linen was infested and that the light remained on day and night. He was charged with assisting the PKK by donating funds and was released following a hearing before the State Security Court. Following his return to Denmark, K. underwent examinations at the Rehabilitation Research Centre for Torture Victims. The report concludes that the mental and physical sequelae recorded during these examinations are consistent with and establish with certainty the subjection of K. to torture. The report was sent by the Danish authorities to the Turkish authorities, who replied that the symptoms were non-specific and did not prove that they were caused by torture. In June 1997 K. was convicted of the offences with which he had been charged and sentenced to 4½ years' imprisonment. The judgment was confirmed by the Court of Cassation in March 1998. In the meantime, criminal proceedings had been brought against two police officers on the basis of a complaint lodged by K. The officers were acquitted in December 1998 and an appeal lodged by K.'s lawyer is pending before the Court of Cassation.
In addition to the complaint relating to the specific facts of K'.s case, the applicant Government request the Court to examine whether "the interrogation techniques applied to [K.] are applied in Turkey as a widespread practice" and have submitted a number of reports of international and non-governmental organisations.
Article 33: The Court rejected the respondent Government's view that the general allegation of a widespread practice of ill-treatment in police custody falls outside the scope of the application. It found that the contents of the application and the submissions were sufficiently clear and precise for a judicial examination of not only the specific situation of K. but also, as an additional and separate complaint, the allegation of a widespread practice.
Article 35(1): In respect of the alleged ill-treatment of K., the Court held that the exhaustion rule applies to inter-state applications when the applicant State does no more than denounce a violation allegedly suffered by individuals whose place is taken by the State. However, there is no obligation to have recourse to inadequate or ineffective remedies, for instance when an administrative practice consisting of a repetition of acts incompatible with the Convention and official tolerance thereof has been shown to exist. The Court found that the question of exhaustion raised issues so closely related to the question of the existence of an administrative practice that both issues should be examined together and consequently joined the exhaustion

issue to the merits. As far as the complaint of a practice is concerned, the exhaustion rule does not apply. However, the further examination of all other questions regarding the existence and extent of an administrative practice and its consistency with the Convention relate to the merits and cannot be considered at the stage of admissibility.
Admissible under Article 3.

INHUMAN TREATMENT
Allegation of an administratice practice of ill-treatment in police custody: *admissible*.

DENMARK - TURKEY (Nº 34382/97)
Decision 8.6.99 [Section I]
(See above).

INHUMAN TREATMENT
Strict conditions of detention imposed on applicant because of his links with the mafia: *inadmissible*.

A.M. - Italy (Nº 25498/94)
Decision 8.6.99 [Section II]

On a number of occasions between 1992 and 1998 the applicant was charged with and convicted of involvement in Mafia-type activities. In 1993, while he was serving a prison sentence, the Minister of Justice issued a decree ordering a special regime to be applied to him for reasons of public order and security owing to his links with the Mafia. Under this regime, prisoners were not allowed to make telephone calls or to take part in prison recreation activities, visits from their families were limited, visits from other persons were not allowed and their correspondence was monitored (subject to prior authorisation from the courts). The applicant challenged the decree but in vain. The governors of the successive prisons where he was held obtained an authorisation to censor his correspondence. However, the restrictions on his use of the telephone and on visits from his family were eased. In November 1994 the Minister of Justice ordered him to be kept on the special regime until May 1995, although the restrictions on visits from his family were again eased. The special regime continued to be applied to the applicant by virtue of successive ministerial decrees, although certain restrictions were lifted in 1997 by two court decisions. The applicant came off the special regime in May 1998. It appears that several letters which the applicant had asked his wife to send to the Commission were found, on delivery, to have been stamped "censored" by the prison authorities.
Admissible under Articles 8 and 13.
Inadmissible under Article 3: a prohibition on contact with other prisoners for reasons of security, discipline or protection is not in itself a form of inhuman treatment or punishment. The applicant in this case had been relatively isolated since he had not been allowed to mix with prisoners held under the ordinary regime, to have visits from people other than his family or to make telephone calls. His contact with others had admittedly been limited but he had not been in solitary confinement in the true sense. Moreover, he had been placed on that particular regime because of his close links to the Mafia. Forbidding him from taking part in recreation activities had been justified in that he could have used those activities to make contact with the Mafia again via other prisoners subject to less strict conditions of detention. Bearing in mind that between 1993 and 1998 he had been charged with other serious offences, for one of which he had been convicted, and that other proceedings relating to his Mafia activities had been pending, the measures in question had been justified at all times. Furthermore, the regime had been eased as a result of a Constitutional Court judgment and the Government had made efforts to reconcile the rights of prisoners on the special regime with

the difficulties which changes to that regime caused for the prison authorities. Manifestly ill-founded.

DEGRADING TREATMENT
Applicants of Roma origin evicted and expelled summarily by the police: *communicated*.

ČERVEŇÁKOVA and others - Czech Republic (Nº 40226/98)
[Section III]
(See Article 8, below).

EXPULSION
Expulsion to Turkey: *friendly settlement*.

INCEDURSUN - Netherlands (Nº 33124/96)
Judgment 22.6.99 [Grand Chamber]

The applicant entered the Netherlands on 5 June 1995 and, on 7 June 1995, requested asylum or, alternatively, a residence permit on humanitarian grounds. He claimed that he was at risk of political persecution in Turkey owing to his known sympathy with the Kurdish cause. He claimed to have been politically active at municipal level between 1984 and 1992 and that his brother I. was a nationally-known public figure. He said he had been detained and ill-treated on several occasions in 1992. Lastly, he stated that since 1992 he had been living in hiding under false identities, moving from place to place in Turkey, and that his brother I. had "disappeared".
The Minister of State at the Department of Justice rejected the applicant's requests on the ground that it had not been established that he had substantial grounds to fear persecution in Turkey. The applicant filed an objection against this decision with the Minister. In March 1996 the president of the Aliens Division of the Regional Court of The Hague rejected the applicant's request for an interim order allowing him to remain in the Netherlands to await the outcome of the objection proceedings. At the same time, the president dealt with the objection itself, dismissing it as ill-founded.
The applicant requested the Minister to review his decision, a request which was rejected in August 1996. The applicant filed an objection to this refusal, together with a fresh request for interim relief, both of which were dismissed by the president of the Aliens Division, who found the objection to be ill-founded.
By way of settlement of the case, the Government have declared their willingness to grant the applicant an unrestricted residence permit and to pay him the *ex gratia* sum of NLG 21,480 plus VAT to cover the legal costs incurred by him in the proceedings before the Convention organs (less the amount already received by him under the legal aid scheme). The Government stipulate that the settlement should in no way be interpreted as an acknowledgement by them that a violation of the Convention would have occurred if the applicant had been deported to Turkey."

ARTICLE 5

Article 5(1)(f)

EXTRADITION
Time-limit for State to present request for extradition: *inadmissible*.

GONZALEZ - Spain (Nº 43544/98)
Decision 29.6.99 [Section IV]

The applicant, a US citizen, was charged with drug trafficking by a Federal Court of Florida. On 5 February 1997, he was arrested in Madrid pursuant to an international arrest warrant requesting his detention and extradition to the USA. Thus, in accordance with the Extradition Act and the Extradition Treaty between Spain and the USA, the *Audiencia Nacional* ordered the applicant's detention. On 14 February 1997, his detention was notified to the US embassy, which produced a verbal note on 24 March 1997 requesting his extradition; the extradition documents were received on 1 April 1997. On 26 March 1997 the *Audiencia Nacional* extended his detention for 40 days. The applicant appealed against this decision and asked to be released, submitting that the extradition documents had not been received within the legal time-limit of 45 days following arrest. On 31 March 1998, the *Audiencia Nacional* pointed out that the time-limit did not start running from the day of arrest but from the notification of arrest to the embassy. The US embassy's verbal note had hence been issued within the time-limit and his appeal was dismissed. The applicant's further appeals, including before the Constitutional Court, were to no more avail.
Inadmissible under Article 5(1)(f): The review of the lawfulness of the detention of a person against whom action is being taken with a view to extradition is limited to examining whether there is a legal basis for the detention and whether the decision to place this person in detention may not be described as arbitrary in the light of the facts of the case. In ordering the applicant's detention with a view to his extradition, the *Audiencia Nacional* followed a procedure in accordance with domestic law, i.e. the Act on Extradition and the Extradition Treaty between Spain and the USA. In so far as the applicant complained that the US authorities had not made the extradition request within the 45-day period prescribed by law, the *Audiencia Nacional* specified that the time-limit started running from the day of the notification of the arrest to the requesting State and not the day of arrest. Thus, the US authorities' request had been made on time. Furthermore, decisions taken in the proceedings against the applicant provided ample justifications for his continued detention: manifestly ill-founded.
Inadmissible under Article 6(1): The applicant was able to seek judicial review of the extradition request and the proceedings before the *Audiencia Nacional* did not disclose any element of unfairness. Even assuming that Article 6(1) was applicable, the applicant's complaint was in any case inadmissible: manifestly ill-founded.

ARTICLE 6

Article 6(1) [civil]

CIVIL RIGHTS AND OBLIGATIONS
Refusal by public bodies to grant various work-related allowances: *admissible*.

A.B. - Italy (Nº 41809/98)
MOSCA - Italy (Nº 41810/98)
MOSTICCHIO - Italy (Nº 41808/98)
Decisions 3.6.99 [Section I]

The applicants, who worked for, respectively, the Bank of Italy, the *Cassa di Dipositi e Prestiti* (the national savings and public loans bank) and the army, requested: payment in lieu of weekends and holidays when on call (Bonetti), an "encouragement and productivity" bonus (Mosca) and extra pay for night-work (Mosticchio). Each having met with a refusal, they commenced proceedings in the administrative courts, proceedings which lasted over five years and six months (Bonetti), over six years and two months (Mosca) and almost nine years (Mosticchio).
Admissible under Article 6(1) (length of proceedings). The Government had submitted that the rights in issue were not "civil". However, the rights claimed by the applicants appeared to be purely economic. Since the State's discretionary power was not in issue, the private-law aspects of the cases outweighed the public-law ones, so that Article 6(1) did apply.

CIVIL RIGHTS AND OBLIGATIONS
No right to have biological paternity recognised: *inadmissible*.

NYLYND - Finland (Nº 27110/95)
Decision 29.6.99 [Section IV]
(See Article 8, below).

ACCESS TO COURT
Victim denied, without reasons, the capacity to participate actively in the trial and lodge an appeal: *communicated*.

OLEJNIK - Poland (Nº 40208/98)
[Section IV]

The applicant was the victim of an assault occasioning actual bodily harm. In March 1995 the public prosecutor laid an information against the alleged culprit before the local district court. In April 1995 the applicant applied to take part in the trial as an "auxiliary prosecutor". In June 1995 the court summoned the applicant to appear, but only as a witness. In July 1995 she again applied to take part in the trial as an "auxiliary prosecutor" but the court refused on the ground that such an application could not be made after the trial had opened. The defendant was acquitted on certain of the charges. The applicant was not able to appeal against this verdict as she had been involved in the proceedings only as a witness.
Communicated under Articles 6(1) and 8.

ACCESS TO COURT
Non-enforcement of judgment ordering payment of wage arrears: *communicated.*

BONDARCHUK - Ukraine (Nº 47602/99)
[Section IV]

The applicant, who had not been paid for over six months, sued the clinic which employed her in the local court of first instance. The court ordered her employer to pay the salary due and sent the applicant a writ of execution. However, the judgment has never been complied with, despite a number of further complaints from the applicant to the ministerial authorities.
Communicated under Article 6(1) and Article 1 of Protocol No. 1.

ACCESS TO COURT
Lack of jurisdiction of German courts to deal with restitution of asset confiscated by the former Czechoslovakia: *communicated*.

Fürst Hans Adam II von LIECHSTENSTEIN - Germany (Nº 42527/98)
[Section IV]

The former Czechoslovakia confiscated, in accordance with a presidential decree, a painting belonging to the applicant's father situated on its territory. In 1991, the municipality of Cologne obtained the painting from a Czech museum as a temporary loan. The applicant brought before German courts proceedings for restitution of property on account of the fact that no expropriation had taken place and that, in any case, it would have been contrary to the *ordre public* of Germany. The Regional Court declared his application inadmissible as according to the Convention on the settlement of matters arising out of the war and the occupation of 1954, its jurisdiction in that respect was excluded. The Court of Appeal rejected his appeal.
Communicated under Article 6(1) (access to court) and Article 1 of Protocol Nº 1.

FAIR HEARING
Exequatur of ecclesiastical court judgment despite alleged infringement on rights of defence: *communicated*.

PELLEGRINI - Italy (Nº 30882/96)
[Section II]

The applicant was married in 1962 in a religious ceremony which was also valid in the eyes of the law. In 1987 she applied for judicial separation. The same year, she was summoned to appear before an ecclesiastical court. At the hearing, she was informed for the first time that he husband had applied for the marriage to be annulled on the grounds of consanguinity. In accordance with the Code of Canon Law, the court dealt with the matter under a summary procedure and decided to annul the marriage. The applicant appealed to the Rota Romana, arguing, *inter alia*, that her right to a fair hearing had been breached in that she had not been notified in advance of the reason for summoning her and, accordingly, had not been able either to prepare her case or to appoint a lawyer to assist her. The Rota upheld the decision annulling the marriage. Its judgment was referred to an Italian court of appeal for a declaration that it could be enforced under Italian law. The applicant requested the court of appeal to quash the Rota's judgment on the ground that the ecclesiastical courts had breached the right to a fair hearing. In a judgment of 1991, the court of appeal declared the Rota's judgment enforceable. The applicant's appeal on points of law was equally unsuccessful.
Communicated under Article 6(1) (fair hearing).

REASONABLE TIME
Length of administrative proceedings: *violation*.

CAILLOT - France (Nº 36932/97)
Judgment 4.6.99 [Section III]

The case concerned the length of civil proceedings relating to land consolidation. The proceedings lasted almost six years and three months.
Conclusion: Violation (5 votes to 2).
Article 41: The Court awarded 25,000 FF in just satisfaction for damages and costs.

REASONABLE TIME
Length of civil proceedings: *violation*.

NUNES VIOLANTE - Portugal (Nº 33953/96)
Judgment 8.6.99 [Section IV]

The case concerned the length of civil proceedings relating to the applicant's claim from a union pension fund in relation to a work injury. The proceedings have already lasted more than nine years and two months and have not yet been completed.
Conclusion: Violation (unanimous).
Article 41: The Court awarded 800,000 Portuguese escudos (PTE) in compensation for non-pecuniary damage and 200,000 PTE in costs.

REASONABLE TIME
Length of civil proceedings: *friendly settlement*.

LAUREANO SANTOS - Portugal (Nº 34139/96)
Judgment 23.6.99 [Section IV]

The case concerns the length of civil proceedings brought by the applicant in June 1992. The proceedings ended in November 1997.
The Government is willing to settle the case on the basis of a payment to the applicant of the sum of 600,000 escudos. This offer does not imply any recognition by the Government of Portugal that there has been a violation of the Convention.

IMPARTIAL TRIBUNAL
Judge's membership of freemasons: *inadmissible*.

KIISKINEN - Finland (Nº 26323/95)
Decision 3.6.99 [Section IV]
(See Article 35(1), below).

Article 6(1) [criminal]

FAIR HEARING
Non-notification of judgment to accused without address, although he had stated his lawyer would forward all correspondence to him: *communicated*.

De SIMONE - Italy (Nº 39739/98)
[Section II]

In June 1996 the applicant was arrested while crossing the border into Italy pursuant to a judgment of March 1994 sentencing him to imprisonment for fraudulent bankruptcy. He had been tried *in absentia* after the judicial authorities had twice declared it impossible to find him, and the judgment had become final in July 1994. On his return he lodged a "late appeal" (*appello tardivo*) against the judgment. He maintained that he had never received any papers concerning the prosecution and that the judgment had never been served on him, despite the fact that he had been living openly with his parents. The court dismissed his arguments, noting that it had been proved that he had not been living with his parents and that he had been out of Italy on business between 1993 and 1996. Moreover, it stated that he could not have been unaware of the fact that his activities might lead to his being prosecuted, given his prior history of bankruptcy. However, the applicant's parents had told the authorities that he had asked them to forward any correspondence to a law firm which would send it on to him. He appealed unsuccessfully on points of law.
Communicated under Articles 6 and 5 of the Convention and Article 2 of Protocol No. 7.

PUBLIC HEARING
Trial held in prison: *communicated*.

RIEPAN - Austria (Nº 35115/97)
[Section III]

The applicant is serving a sentence of 18 years' imprisonment for murder and burglary. Since 1995 he has been detained in Garsten prison. In 1996 the Regional Court, sitting with a single judge, held a hearing in the prison in a further set of criminal proceedings against the applicant relating to charges of dangerous menace. According to the minutes, the hearing was public and it does not appear that the applicant complained about any lack of publicity. The Regional Court convicted him and sentenced him to 10 months' imprisonment. The applicant filed an appeal on points of law and fact, as well as against the sentence. He complained in particular that the hearing had not been public, having been held in a part of the prison to which only prison personnel have access and in a room too small to accommodate any audience. After a public hearing, the Court of Appeal dismissed the appeal, noting with regard to the publicity that the hearing had been public in the sense that any interested person could have attended.
Communicated under Article 6(1).

INDEPENDENT TRIBUNAL
Independence and impartiality of martial law court: *admissible*.

KETENOGLU - Turkey (Nº 29360/95 and/et 29361/95 joined)
Decision 15.6.99 [Section I]

The applicants, a married couple, were arrested in 1980 on suspicion of belonging to an illegal organisation, Dev Yol (Revolutionary Way). Their detention was ordered by a martial law court. In 1982 the military prosecutor filed a bill of indictment against over 700 defendants, including the applicants. Pursuant to a provision of the Martial Law Act, as amended in 1982, the martial law court continued to deal with the case even after martial law had been lifted. After the applicants had been released in 1985, the military prosecutor filed a new bill of indictment, seeking the death sentence in respect of the second applicant (the husband). The applicants left the country illegally in May 1989 and were convicted by the martial law court in July 1989. The first applicant was sentenced to 5½ years' imprisonment and the second applicant to 16 years' imprisonment. The Court of Cassation rejected the first applicant's appeal, but quashed the second applicant's conviction and referred the case to the Assize Court, before which the case is still pending. The applicants complain about the length of the proceedings and about the lack of independence and impartiality of the martial law court which convicted them. The court was composed of two military judges, two civilian judges and an army officer.
Admissible under Article 6(1) (length and independence/impartiality).
[NB. The case is similar to the case of Mitap and Müfüoglu v. Turkey (Nº 15530/89 and 15531/89), which in fact concerned the same trial. In that case, the Court found in its judgment of 25 March 1996 (*Reports of Judgment and Decisions* 1996-II) that it lacked jurisdiction *ratione temporis* to examine the complaint concerning independence and impartiality, since Turkey's acceptance of the Court's jurisdiction related to facts or events which had occurred after 22 January 1990. However, the Commission had been able to examine this complaint, since Turkey's recognition of its competence was effective as from 28 January 1987. The Commission concluded in its report of 8 December 1994 that the martial law court could not be regarded as an independent and impartial tribunal.]

IMPARTIAL TRIBUNAL
Jurors allegedly racially biased: *admissible*.

SANDER - United Kingdom (Nº 34129/96)
Decision 29.6.99 [Section III]

The applicant, of Asian origin, was committed for trial before a Crown Court, composed of a judge and a jury, for conspiracy to defraud. In the course of the proceedings, one of the jurors expressed doubts as to the impartiality of some fellow jurors whom he felt were racist and would not convict the applicant on the ground of evidence but of his origin. While the court examined his complaint, he was asked not to join the other jurors. The judge then called all the members of the jury back in court and reminded them of the oath they had taken before sitting as the jury. He then adjourned the case to leave them time to "search their conscience". The day after, all refuted the allegation of racism and reaffirmed their intention to reach a verdict on the sole basis of evidence. However, one of them admitted having made jokes which could have been misconstrued but strongly denied being racist and maintained he had many connections with people from ethnic minorities. The judge decided not to discharge the jury. The applicant was eventually found guilty and imposed a prison sentence of 5 years. He was granted leave to appeal but his appeal was unsuccessful.
Admissible under Article 6(1).

Article 6(2)

PRESUMPTION OF INNOCENCE
Self-incrimination - drivers refusing to undergo a breathalyser test: *inadmissible*.

TIRADO ORTIZ and LOZANO MARTIN - Spain (Nº 43486/98)
Decision 22.6.99 [Section IV]

The first applicant was suspected of drunken driving and the second was involved in a road accident while driving. Both refused to take a breathalyser test as requested by the police. As a result and in accordance with the Criminal Code, they were committed for trial in the Criminal Court, charged with serious disobedience to a police officer. In both cases, the court decided to seek a ruling from the Constitutional Court as to whether the offence of serious disobedience to a police officer was in violation of the Constitutional principle that no one may be obliged to incriminate himself. The Constitutional Court ruled that the breathalyser test represented a neutral act of providing evidence to an expert, not an act of forced self-incrimination, and that the interference in private life involved was necessary in the interests of road safety. Consequently, the applicants were each convicted and sentenced to six months' imprisonment.
Inadmissible under Article 6(2): Even if not expressly referred to in Article 6, the right of silence and one of its constituents, the right not to incriminate oneself, are generally-accepted international principles central to the concept of a fair trial. The right not to incriminate oneself means that the prosecution must make its case without resorting to evidence obtained by duress or pressure on the accused. It is closely linked to the presumption of innocence. However, the right not to incriminate oneself is essentially based on the accused's right to remain silent if he so wishes, a right which does not extend to the use of evidence – even evidence obtained by the use of official powers of coercion – which exists independently of the suspect's will, such as documents obtained under warrant or samples of breath, blood, urine or tissue. The Convention institutions have already established that the requirement for a driver suspected of drunken driving to give a sample of blood is not incompatible with the presumption of innocence, and the provision under challenge here calls for the same response. Moreover, the applicants in the present case were asked to take breathalyser tests by police officers while under suspicion of having committed an offence. That procedure is commonly used in all the member States and is attended by satisfactory safeguards against misuse. Manifestly ill-founded.

FAMILY LIFE
Examination of paternity refused on account of distressing effects on child and its family: *inadmissible*.

NYLYND - Finland (Nº 27110/95)
Decision 29.6.99 [Section IV]

The applicant claimed to be the biological father of a child born to his former partner who, at the time of birth, was married to another person. He recognised the child, but his recognition did not get the compulsory approval of the District Court judge, who relied on the legal presumption favouring the husband's paternity given that the child was born in wedlock. According to the Paternity Act, no appeal lay against this decision. The applicant then instituted proceedings in order to have it determined whether he was the biological father. The District Court found that he had no right of action for the determination of his biological paternity with regard to a child born in wedlock. The Court of Appeal weighed the child's interests and assessed that the establishment of paternity would cause distress for the child and its family, and hence rejected his appeal.
Inadmissible under Article 6: The right to have biological paternity examined by scientific means was not a right recognised by the relevant national law, i.e. the Paternity Act. In so far as the applicant's action could be understood as a request for the annulment of the husband's paternity and the establishment of his own, he did not have the right to make such a claim under the Paternity Act. Neither could such a right be derived from Article 8 of the Convention, which is directly applicable in Finland. Therefore, his claim did not concern a right which could arguably be said to be recognised under national law. Article 6 was thereby inapplicable: manifestly ill-founded.
Inadmissible under Article 8: The concept of family life extends to the relationship between natural fathers and their children born out of wedlock. In the instant case, although the applicant lived with the mother and was engaged to her at the time she became pregnant, he did not form any emotional bond with the baby who was born after she had married someone else. The applicant's link with the child was therefore insufficient to fall within the scope of family life. However, it remained to be considered whether the fact that he had been barred from instituting paternity proceedings disclosed a lack of respect for his private life. The Court of Appeal dismissed his action not only on the basis of the Paternity Act but also of the disturbance a paternity examination would cause for the child and its family. It was justifiable for domestic courts to give greater weight to the interests of the child and the family in which it lives rather than the interests of the applicant in obtaining the determination of a biological fact: manifestly ill-founded.
Inadmissible under Article 14 in conjunction with Article 8: The child's mother, as well as her husband, had the right to prevent the applicant from having his paternity established on the ground that the child was born after their marriage. Differences between married and unmarried couples remain, notably as regards their legal status and its effects. Thus the applicant was not in a situation analogous with the child's mother: manifestly ill-founded.

HOME
Applicants of Roma origin evicted summarily by the police: *communicated*.

ČERVEŇÁKOVA and others - Czech Republic (Nº 40226/98)
[Section III]

The applicants, who are all of Roma origin, were allocated housing by a local authority. In February 1993, after the split between the Czech Republic and Slovakia, the police stripped the dwellings of their contents and the applicants were forced to leave. They were told to go back to Slovakia because they were Slovakian, not Czech, nationals. They were assured that they would be given housing, work and social security in Slovakia. However, when they arrived there they were denied social security and their existence could not be officially recognised because they had no fixed abode. In April 1993 they returned to the area of the Czech Republic where their homes had been, having sold all their possessions in Slovakia in order to survive. In November 1993 the authorities placed a house comprising several flats at their disposal. The applicants complained that this measure was insufficient and the housing inadequate. Meanwhile, in May 1993, their lawyer had brought proceedings against the local authority. In June 1998 the court ordered the local authority to grant the first two applicants (and only them) a lease for an indefinite period. The applicants appealed successfully to the Court of Appeal, which remitted the case to the court of first instance for a rehearing. Moreover, the decree under which the applicants had been evicted had been declared unconstitutional in April 1994.
Communicated under Articles 3, 8 and 6(1) (length of proceedings) of the Convention and Articles 2 (1), 2(3), 3(1) and 4 of Protocol No. 1.

CORRESPONDENCE
Prisoner's correspondence: *friendly settlement*.

M.K. - France (Nº 30148/96)
Judgment 22.6.99 [Section I]

In April 1994 the applicant, a citizen of Mali, was detained with a view to his extradition. In November 1995 he lodged an application with the European Commission of Human Rights. He complained that he had been subjected to ill-treatment and also complained about the length of his detention. In December 1995, while he was being held in the detention centre of Sainte-Geneviève (Essonne), the applicant received from the prison authorities a letter from the Secretariat of the Commission, posted on 19 December 1995, on which it was stated "letter opened by mistake". The applicant complained that his mail had been opened by the prison authorities.
The Government is willing to settle the case on the basis of payment to the applicant of the sum of 7,000 FF.

CORRESPONDENCE
Routine censorship of detainee's correspondence by prison authorities: *admissible*.

A.M. - Italy (Nº 25498)
Decision 8.6.99 [Section II]
(See Article 3, above).

ARTICLE 10

FREEDOM OF EXPRESSION
Prohibition on publishing pictures of a person against whom criminal proceedings are pending: *admissible*.

NEWS VERLAGS GmbH & CoKG - Austria (Nº 31457/96)
Decision 3.6.99 [Section I]

The applicant company published articles concerning a series of letter bombs which had been sent to a number of politicians and other public figures. These articles dealt with the neo-Nazi scene in Austria and in particular with B., arrested on suspicion of having committed offences under the National Socialism Prohibition Act and of having aided and abetted assault. Pictures of him were published by the applicant company with comments leaving no doubt as to his guilt. B. first brought preliminary injunction proceedings and then full proceedings against the applicant company requesting that the publication of photographs of him with articles relating to the pending criminal proceedings be forbidden. The Commercial Court eventually ordered the applicant company to refrain from publishing pictures of B. with comments implying he was guilty. The Court of Appeal later prohibited the applicant company from publishing pictures of him with articles on the pending criminal proceedings, without, however, imposing any restrictions on the content of these articles. The Supreme Court confirmed the decision.
Admissible under Article 10.

FREEDOM OF EXPRESSION
Oath of allegiance to the monarch required from elected representatives to the House of Commons: *inadmissible.*

McGUINESS - United Kingdom (Nº 39511/98)
Decision 8.6.99 [Section III]

The applicant was elected Member of Parliament (MP) for a constituency in Northern Ireland. He belonged to Sinn Féin, an Irish republican political party. In line with his party's policy, he refused to take the oath of allegiance to the monarch, required of MPs before taking their seats. The Speaker of the House of Commons then decided that those who refused to comply with the oath requirement would as a consequence not be granted access to the services and facilities of the House of Commons. The applicant was accordingly prevented from taking his seat and barred from using the services and facilities afforded to MPs. His application for leave to appeal was turned down by the High Court of Justice of Northern Ireland and the discussions with the Speaker were to no avail.
Inadmissible under Article 10: Freedom of expression is of paramount importance for the elected representatives of the people, whose role is to represent their electorate, draw attention to their constituents' concerns and defend their interests. On the other hand, the expression "the protection of the rights of others" should be interpreted as extending to the protection of the constitutional principles forming the basis of a democracy. In the present case, the requirement that elected representatives to the House of Commons take an oath of allegiance to the monarch could be viewed as an affirmation of loyalty to the constitutional principles which support the UK constitutional system - a constitutional monarchy - and as such could be construed as a reasonable condition. Moreover, the applicant voluntarily renounced his right to take his seat in the House of Commons in accordance with his political beliefs. Although he was denied access to services and facilities in the precincts of the House, nothing prevented him from expressing the views of his constituents and party in other contexts,

including meetings outside the House of Commons with the participation of government ministers and MPs: manifestly ill-founded.

FREEDOM OF EXPRESSION
Dismissal of TV employee for making disparaging comments about the management: *admissible*.

FUENTES BOBO - Spain (Nº 39293/98)
Decision 3.6.99 [Section IV]

The applicant, who worked for a public television station, was the producer of a programme until December 1992, when it was taken off air. He then found himself without any defined duties yet under an obligation to attend work during the same hours as previously. In March 1993 he was given a disciplinary reprimand for poor time-keeping. In October 1993 he wrote an article in a major newspaper, vehemently criticising the way in which the station had been run since 1982 by a series of chief executives appointed by the party in government and lambasting the privatisation of the channel, which he accused the Government of carrying out in an underhand manner. In November 1993, he disseminated a leaflet at the station, complaining about the way in which he had been treated, repeating his criticisms of the station's management and calling on his colleagues to support him. The station commenced disciplinary proceedings against him, as a result of which he was suspended without pay for a fixed period. (This penalty was declared unlawful and annulled in January 1996 by the High Court of Justice of Madrid). In November 1993 the applicant took part in a number of radio programmes in the course of which he was led by the interviewer's questions to describe the station management as "leeches" and to express the opinion that "certain managers [did]n't give a damn about the staff". He was dismissed by the station but succeeded in having the dismissal set aside; however, the station appealed and the High Court of Justice of Madrid held that the dismissal had been valid. His lodged an *amparo* appeal but lost, as the Constitutional Court held that, in upholding freedom of expression, the Constitution was not guaranteeing a right to insult others (a reference to the value judgments expressed by the applicant in the radio programmes).
Admissible under Articles 10 and 14.

ARTICLE 13

EFFECTIVE REMEDY
Existence of an effective remedy concerning the length of proceedings in Italy: *communicated*.

RUSSO and PELLEGRINO - Italy (Nº 45283/99 et/and Nº 47215/99)
[Section II]

The applicants are both senior police officers. On an unspecified date criminal proceedings were commenced against them as a result of the death of a suspect during an interview. They were arrested in October 1985 and remanded in custody. In January 1986 they were released subject to residence restrictions, which were lifted that October. Their trial took place in April 1990. In May 1990 the Assize Court found them guilty and gave them a suspended sentence of two years' imprisonment. Both the applicants and the public prosecutor appealed but the Assize Court of Appeal declared all the appeals inadmissible. The public prosecutor appealed on points of law to the Court of Cassation, which quashed the decision of the Assize Court of Appeal. The assize court of appeal to which the case was remitted held that the applicants had

no case to answer. The public prosecutor again appealed on points of law to the Court of Cassation, which quashed that judgment also. This time, the assize court of appeal to which the case was remitted found the applicants guilty. However, the applicants appealed on points of law to the Court of Cassation, which once more quashed the judgment. The applicants were finally acquitted of homicide in December 1997 by the assize court of appeal to which the case had been remitted. The whole proceedings took more than twelve and a half years.
Communicated under Articles 6(1) and 13.

ARTICLE 14

DISCRIMINATION (Article 8)
Legal presumption of husband's paternity for child born in wedlock: *inadmissible*.

NYLYND - Finland (Nº 27110/95)
Decision 29.6.99 [Section IV]
(See Article 8, above).

ARTICLE 33

INTER-STATE APPLICATION
Ill-treatment of a foreign national in police custody: *admissible*.

DENMARK - TURKEY (Nº 34382/97)
Decision 8.6.99 [Section I]
(See Article 3, above).

ARTICLE 34

VICTIM
Brother of person allegedly murdered by the security forces accepted as victim: *admissible*.

CELIKBILEK - Turkey (Nº 27693/95)
Decision 22.6.99 [Section I]
(See Article 2, above).

ARTICLE 35

EXHAUSTION OF DOMESTIC REMEDIES
Alleged administrative practice of ill-treatment: *joined to merits*.

DENMARK - TURKEY (Nº 34382/97)
Decision 8.6.99 [Section I]
(See Article 3, above).

EFFECTIVE REMEDY
Extraordinary remedy enabling final decision to be challenged: *inadmissible.*

KIISKINEN - Finland (Nº 26323/95)
Decision 3.6.99 [Section IV]

The applicant brought civil proceedings relating to a commercial transaction against two companies. In October 1991, judge T. presided over the last session of the city court, which found against the applicant. The competent Court of Appeal dismissed his appeal. In May 1994, the Supreme Court refused him leave to appeal and the city court's decision thus became final. The applicant discovered in September 1995 that T. was a Freemason, and suspected that members of the companies involved were also Freemasons.
Inadmissible under Article 6(1) (impartial tribunal): The applicant became aware of T.'s membership of the Freemasons only approximately 15 months after the city court's judgment had become final. However, he could still have requested the Supreme Court to annul the city court's judgment as, according to the Supreme Court's practice, the lack of impartiality of a judge constitutes a justifiable ground for annulment of a judgment which has become final. The time-limit for the application for annulment was one year from the day the applicant discovered the fresh circumstances that could have justified the disqualification of the judge. Thus, this remedy could be regarded as effective. Although Article 35(1) does not as a rule require resort to extraordinary remedies, the applicant was, in principle, obliged to exhaust this extraordinary remedy; only special circumstances would have absolved him from this obligation. However, in the present case, there was no need to examine this point since the application was inadmissible in any event - it was indisputable that T. was a Freemason, but on the other hand the applicant did not produce any evidence in support of his allegations according to which some directors of the companies involved were also Freemasons. There was therefore no evidence of a link between the judge and one of the parties in this case: manifestly ill-founded.

EFFECTIVE REMEDY (Portugal)
Remedy designed to speed up criminal proceedings: *decision to hold a hearing*.

TOMÉ MOTA - Portugal (Nº 32082/96)
[Section IV]

The applicant was arrested for using stolen cheques and on suspicion of handling, fraud and forgery. Several sets of criminal proceedings were commenced against him. He complains of their length (between 1 year and (to date) 7 years and 6 months). The Government object that he has not exhausted domestic remedies – in particular, a procedure designed to speed up proceedings, provided for in Articles 108 and 109 of the Code of Criminal Procedure. The applicant disputes its effectiveness and used it in only one of the actions in issue.

The Section considers a hearing necessary to establish whether the procedure provided for in the Code of Criminal Procedure constitutes an effective remedy against excessively long criminal proceedings.

EFFECTIVE REMEDY (Russia)
Extraordinary remedies depending on discretionary powers: *inadmissible*.

TUMILOVICH - Russia (Nº 47033/99)
Decision 22.6.99 [Section III]

In 1996 the applicant brought an action for damages against the company for which she worked. The court initially refused to deal with the action because she had not complied with the procedural requirements and then dismissed her rectified action. In March 1997 the Regional Court upheld this judgment. In June 1997 the Deputy Regional Prosecutor rejected the applicant's application to file an appeal for a supervisory review of the courts' judgments. Further applications for supervisory review were also rejected, the last two by the President of the Civil Chamber of the Supreme Court and the Deputy Prosecutor General. The applicant was informed of these decisions in letters of 15 June and 14 October respectively. She complains that she did not have a fair hearing before an independent and impartial tribunal within a reasonable time.
Inadmissible under Article 6(1): The final decision in the case was the judgment of the Regional Court in March 1997, and the complaints therefore relate to the period prior to the date of entry into force of the Convention in respect of Russia (5 May 1998). The applications for supervisory review constitute extraordinary remedies, the use of which depends on discretionary powers, and they do not therefore constitute effective remedies within the meaning of Article 35(1).

ARTICLE 41

JUST SATISFACTION

ZUBANI - Italy (Nº 14025/88)
Judgment 16.6.99 [Grand Chamber]

The Court held that the Italian Government must pay 1,000,000,000 ITL overall to Aldo, Angela, Letizia and Maddalena Zubani, all Italian nationals over eighty-years-old, as compensation for losses sustained following the unlawful occupation of their land by the Municipality of Brescia in 1980, notably in relation to the length of the proceedings brought by the applicants following the occupation of their land. In its principal judgment of 7 August 1996 the Court held that there had been a breach of Article 1 of Protocol 1 (protection of property), leaving the question of just satisfaction to be decided.

PEACEFUL ENJOYMENT OF POSSESSIONS
Applicant deprived of pension for veterans because of previous membership of communist security services: *inadmissible*.

SKORKIEWICZ - Poland (Nº 39860/98)
Decision 3.6.99 [Section III]

Under the Veterans and Persecuted Persons Act 1991, proceedings were instituted in order to verify whether the applicant, who had acquired the status of veteran under the previous Act, was entitled to retain it. Following these proceedings, he was divested of this status by reason of his participation in the communist Civil Militia in 1945 and was no longer considered entitled to a veteran's pension. The decision was quashed by the Supreme Administrative Court upon the applicant's appeal, but was reaffirmed by the Veterans Office. The Supreme Administrative Court dismissed the applicant's further appeal, considering that, in the light of an enquiry made into the nature of his activities during his service in the Militia, it had not been established that he had participated in the consolidation of "the people's power". Therefore, the decision, which had granted him the status of veteran on that assumption, had lacked factual basis. He was thereby rightly divested of the status of veteran under the new Act.
*Inadmissibl*e under Article 1 of Protocol No. 1: Although this provision guarantees benefits to a person who has contributed to a social insurance system, it cannot be interpreted as entitling that person to a pension of a certain amount. In the instant case, the applicant lost his right to the social insurance benefits for veterans, but was still entitled to the ordinary retirement benefits according to the 1991 Act. This Act was partly intended to condemn the political role the communist militia and security services in the establishment of the communist regime in repressing all political opposition. This legislation was based on the idea that the members of these bodies, whose functions were to combat the political or armed organisations having fought for the independence of Poland and the restitution of a democratic political system, did not deserve special privileges as accorded by the Special Status of Veteran Act 1982. Such considerations did not affect the property rights of the social insurance system in a disproportionate or arbitrary manner: manifestly ill-founded.

PEACEFUL ENJOYMENT OF POSSESSIONS
Former officer of Communist security services deprived of "veteran" status: *inadmissible*.

DOMALEWSKI - Poland (Nº 34610/97)
Decision 15.6.99 [Section IV]

From 1947 until 1956 the applicant was an officer of the Ministry of Public Security and the Committee for Public Security. Between 1974 and 1980 several decisions were issued granting the applicant "veteran status" on the basis of the fact that from 1944 to 1947 he had served in the allied armies and in the "Restored Polish Army" and had taken part in "the armed struggle to consolidate the people's power". Following his retirement, he received a retirement pension and a so-called "veteran benefit". However, in 1994 the Director of the Office for Veterans and Persecuted Persons issued a decision divesting the applicant of his veteran status, pursuant to a 1991 law, on the ground that he had served in organs of the public security service. The applicant's appeal was rejected by the Supreme Administrative Court.
Inadmissible under Article 1 of Protocol No. 1 in conjunction with Article 14: While payment of contributions into a social insurance scheme gives rise to a right to derive benefits

from the scheme, Article 1 of Protocol No. 1 cannot be interpreted as giving an individual a right to a pension of a particular amount. In this case, the applicant retained all the rights attaching to his ordinary pension, stemming from the contributions he had paid into his pension scheme, so that the loss of his "veteran status" did not result in the essence of his pension rights being impaired. Furthermore, divesting him of that status did not amount to discrimination contrary to Article 14 of the Convention. The measures taken by the Polish legislature in respect of persons who had previously served in the Communist public security service were primarily aimed at an objective verification of whether such persons satisfied the present statutory conditions for being awarded a special honourable status. The means employed therefore had an objective and reasonable justification in Poland's historical experience and they pursued a legitimate aim, namely to regulate the operation of the existing system of exceptional privileges: manifestly ill-founded.

PEACEFUL ENJOYMENT OF POSSESSIONS
Building prohibition for over 10 years without compensation: *communicated*.

PREDIL ANSTALT S.A. - Italy (Nº 31993/96)
Decision 8.6.99 [Section II]

In 1959 company B bought a piece of land in the district of Garbagnate Milanese. In 1969, the local authority adopted a land-use plan in which the land in question was designated for the creation of public parks. This meant that it could not be built on. The company bought back part of the land in 1983. In 1984 the local authority adopted a new land-use plan which still showed the land as unavailable for building development. In 1990 the company applied for a building permit, submitting that, under the relevant legislation, *vincula inaedificani* (town and country planning restrictions) lapsed after five years unless the land in question had been expropriated within that time. The local authority resisted the application on the ground that the land had been "*designated for the use befitting agricultural land*". The local authority then approved a specific project for the creation of a park on the land. In March 1992 the applicant company sued the local authority for damages for the loss caused it by the imposition of a restriction on the land and the time it had lasted. The court in which the action had been brought declared that it had no jurisdiction to deal with it, a decision upheld by the court of appeal. The company has lodged an appeal on points of law, which is still pending. In 1994 the Provincial Council issued two orders, one determining the amount of the interim compensation and one ordering the expropriation of the land. The applicant company challenged those orders in the administrative court, which found against it in April 1998, holding, *inter alia*, that the interim compensation could no longer give rise to a challenge since the final amount of the compensation had been determined meanwhile.
Communicated under Article 1 of Protocol No. 1.

SECURE THE PAYMENT OF TAXES
Retroactive effects of amendments on Tax Act significantly increasing tax rates on stock options: *communicated*.

M.A. and others - Finland (Nº 27793/95)
S.B. - Finland (Nº 30289/96)
[Section IV]

The limited liability companies to which the applicants belonged decided that loans with warrants, in the form of stock options, should be offered for subscription to their managers; the stock options would not be exercised or transferred before 1998 for the first company and 1996 for the second. The applicants subscribed for bonds of their respective companies. Pursuant to the Income Tax Act 1992, future gains from such subscriptions had to be taxed as

capital gains, i.e. at a rate of 25%. However, in September 1994, the Government introduced a Bill proposing amendments to the 1992 Act, according to which future gains would be regarded as deferred salaries and as such would be taxed as ordinary income; profits would have to be taxed at the exercise or transfer of the stock options. In reaction to the Bill, the companies authorised the applicants to exercise or transfer their stock options without delay. In October and November 1994, they decided to sell them. The amendments were ratified in December 1994, and were to take retroactive effect from the date the Bill was made public in order to apply to irregular arrangements made to avoid the new tax measures. Accordingly, the applicants were considered to have received taxable income by selling their stock options, and a tax of 60 % - the highest tax band - was levied on them. The applicants' appeals remained unsuccessful.

Communicated under Article 1 Protocol Nº 1.

TRANSITIONAL PROVISIONS
ARTICLE 5(4) OF PROTOCOL Nº 11

CASES REFERRED BY THE EUROPEAN COMMISSION OF HUMAN RIGHTS

At its 285th Session, the European Commission of Human Rights referred the following 12 cases to the Court:

Behiye SALMAN v. Turkey (Nº 21986/93) concerning the applicant's allegation that her husband died as a result of ill-treatment received while he was in police custody.

Feridun YAZAR, Ahmet KARATAS and Ibrahim AKSOY v. Turkey (Nº 22723/93, 22724/93 and 22725/93) concerning the dissolution of a political party by the Constitutional Court.

Ümit ERDOGDU v. Turkey (Nº 25723/94) concerning the applicant's conviction for disseminating propaganda against the indivisibility of the State in the review of which he is the editor.

Egbert ELSHOLZ v. Turkey (Nº 25735/94) concerning the applicant's complaints about the refusal of access to his son and about the alleged unfairness of the proceedings concerned.

G.S. v. Austria (Nº 26297/95) concerning the length of proceedings relating to a request for a licence to run a pharmacy.

V.K.P.M. VISSER v. the Netherlands (Nº 26668/95) concerning the use in vidence by the domestic courts of a statement of an anonymous witness.

Maciej NIEDBALA v. Poland (Nº 27915/95) concerning the applicant's complaints that he was deprived of his liberty by a prosecutor who is neither a judge nor an officer authorised by law to exercise judicial power and that in the proceedings to review his detention he was never brought before the court nor was his lawyer entitled to be present.

Aurel ROTARU v. Romania (Nº 28341/95) concerning the applicant's complaints that the Romanian Investigation Services keep data about his private life and that he cannot modify or annul information which he considers false and defamatory.

Selim SADAK, Leyla ZANA, Hetip DICLE and Orhan DOGAN v. Turkey (Nº 29900/96, 29901/96, 29902/96 and 29903/96) concerning the fairness of proceedings before the State Security Court.

Michel SATONNET v. France (Nº 30412/96) concerning the length of proceedings brought by the applicant concerning his dismissal by a public authority.

Mario MENNITTO v. Italy (Nº 33804/96) concerning the length of civil proceedings.

Adrien CALOC v. France (Nº 33951/96) concerning the alleged ill-treatment of the applicant in police custody and the length of proceedings.

APPENDIX

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