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EUROPEAN COURT OF HUMAN RIGHTS

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

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ARTICLE 2

LIFE
Abduction and killing, allegedly by State agents, and effectiveness of the investigation: *violation*.

NURAY SEN - Turkey (Nº 25354/94)
Judgment 30.3.2004 [Section IV]

Facts: The applicant, relying on statements from eye-witnesses, claimed that on 26 March 1994 her husband had been abducted from the café which he owned and subsequently murdered by State agents. Upon receiving the news of his abduction, she had called the Police and Anti-Terrorism Department. Four days later she was informed that her husband's body was in the morgue at the State hospital. She had insisted with the authorities that a murder investigation be conducted, claiming that her husband had been tortured. The Public Prosecutor had only taken a statement from her a month later. She maintained that given her husband's political activities, he had previously been threatened by plain-clothed policemen. The Government disputed this version of the facts and claimed that the applicant's husband had been abducted from the café by three persons whom he had not resisted, as if he had known them. With a view to establishing the facts, Commission delegates took evidence in Ankara. The main eye-witnesses to the abduction failed to appear to give evidence.

Law: On the basis of the evidence collected, the Court was unable to shed light on the true identity of the kidnappers, concluding that the applicant's husband had been abducted and murdered by unknown persons. The Court nevertheless considered that the applicants' husband had not been tortured, finding the evidence presented by the forensic specialist convincing.

Article 2 (disappearance) – The only evidence which pointed to the implication of State agents in the abduction and killing of the applicant's husband were the hearsay statements of the applicant herself. As it had not been established beyond reasonable doubt that State agents were involved in the incidents, there had been no violation of Article 2 on that account.
Conclusion: no violation (unanimously).

Article 2 (effective investigation) – There had been striking omissions in the investigation which had been carried out into the abduction and death of the applicant's husband, as well as a lack of co-ordination between the different gendarme authorities that had been involved. One of the prosecutors had not taken statements from the eye-witnesses to the abduction, and ballistic enquiries had been ordered with delay and were incomplete. It was moreover significant that both prosecutors involved had failed to appear before the Commission delegates. The lack of an adequate and effective investigation meant that there had been a violation of Article 2 under its procedural limb.
Conclusion: violation (unanimously).

Article 13 – As an effective criminal investigation cannot be considered to have been conducted, there had also been a breach of this provision.
Conclusion: violation (unanimously).

Article 41 – The Court awarded the applicant 14,500 euros in respect of non-pecuniary damage. It also made an award in respect of costs and expenses.

ARTICLE 3

INHUMAN TREATMENT
Conditions of detention of a prisoner sentenced to death: *violation*.

IORGOV - Bulgaria (Nº 40653/98)
Judgment 11.3.2004 [Section I]

Facts: The applicant was sentenced to death in May 1990 and the Supreme Court upheld the sentence the following October. In the meantime, in July of that year, Parliament had adopted a decision deferring the execution of death sentences which had entered into force. The moratorium on execution of death sentences was maintained until 1998, when capital punishment was abolished. Until abolition, there was significant political debate in Bulgaria on the death penalty. Several attempts to reintroduce executions were defeated in Parliament. The applicant complained that his detention during the moratorium amounted to inhuman treatment, given the fear of a possible resumption of executions, as well as of the material conditions and regime of his detention (in particular between 1995 until 1998, when he was placed in solitary confinement and his sole human contact was during a one-hour daily walk with other prisoners).

Law: Article 3 – Although the Convention only came into force in respect of Bulgaria in 1992, and the Court's competence *ratione temporis* went from this time until abolition in 1998, the whole period of the applicant's detention could be taken into consideration to assess the applicant's conditions of detention. Given the safeguards that existed during the period, the applicant's situation was not comparable to that of a person on death row. Moreover, no violations of the moratorium occurred during that time. Whilst the applicant must have initially been in a state of uncertainty and fear in view of the possible resumption of executions, this anxiety must have diminished as time went on and the moratorium continued in force. The Court nevertheless considered that the stringent custodial regime to which the applicant had been subjected as from 1995, without the Government having invoked any particular security reasons, as well as the material conditions in which he was detained, must have caused him suffering exceeding the unavoidable level inherent in detention. Accordingly, the minimum threshold of severity under Article 3 had been reached and the applicant had been subjected to inhuman and degrading treatment.

Article 41 – The Court awarded the applicant 1,500 euros in respect of non-pecuniary damage, and made a further award for costs and expenses.

[NB. A similar judgment was delivered on the same day in the case of *G.B. v. Bulgaria*, no. 42346/98]

EXPULSION
Expulsion to Iran of a purported political activist in poor health: *inadmissible*.

NASIMI – Sweden (N° 38865/02)
Decision 16.3.2004 [Section IV]

The applicant is an Iranian national of Kurdish origin whose sister is living in Sweden. After several failed attempts, he was granted visas to visit the country on two occasions. After his second visit, he applied for asylum, claiming that he militated in an organisation which was against the Iranian Government. He alleged that the authorities had discovered subversive

journals at his home, which had led to his imprisonment for two years. A year after his asylum application, he submitted in writing that he had also been tortured whilst in prison. His wife and children subsequently joined him in Sweden and also applied for asylum. The Migration Board rejected the applications and ordered the family to be expelled to Iran. In the family's subsequent appeals and applications for residence permits they submitted several statements from health professionals stating that the applicant suffered from post-traumatic stress disorder, as well as an Iranian document, which was purportedly a summons to appear before a revolutionary court. The expulsion order was not suspended but its enforcement was stayed following the Court's indication under Rule 39. Although the applicant's health has deteriorated, he has not undergone the treatment prescribed by his doctor.

Inadmissible under Article 3: It was unlikely that the Iranian authorities would have granted the applicant permission to leave the country on two occasions had he been politically active against the Government. The applicant had not made any specific allegations of torture, nor had he submitted a copy of the revolutionary court summons until long after his initial application for asylum, which called into question the veracity of his statements and the risk of him being subjected to treatment contrary to Article 3 in Iran. Whilst the expulsion order had caused the applicant considerable stress, this harm did not emanate from any intentional acts of the authorities in Iran nor had it been substantiated that the applicant had been traumatised by experiences in Iran. His removal from Sweden would therefore not involve a violation of Article 3 on account of the applicant's health condition.

EXPULSION
Conditions of expulsion of the family of a former Soviet military officer following the agreed withdrawal of Soviet troops: *communicated*.

VIKULOV and others – Latvia (N° 16870/03)
Decision 25.3.2004 [Section I]

The applicants are Russian nationals. In 1985 the first applicant entered Latvia as a member of the Soviet army, together with his wife, the second applicant; the third applicant, their son, was born there a year later. In 1991 Latvia regained independence, the USSR collapsed, and its armed forces came under Russia's jurisdiction. On 30 April 1994 Latvia and Russia signed a treaty on the withdrawal of the Russian army from Latvian territory. As a result, the first applicant was demobilised in September 1998. Shortly afterwards, the applicants' temporary visas expired. They then attempted to obtain Latvian residence permits, but were unsuccessful. In 2000 deportation orders were issued against them. The applicants' appeals having failed, they were ordered to leave the country by the end of the third applicant's current school year at the latest. Arrested by the immigration police on the expiry of this time-limit, the applicants refused to sign the arrest report, which was written in Latvian, since they could not understand it. They were detained in conditions which they claimed were in violation of the Convention, and were then forcibly deported to Russia in September 2003.
Communicated under Articles 3, 5(1)(f), 5(2), 8 and 14, 34 (interference with exercise of the right of petition).

Inadmissible under Article 2 of Protocol No. 1: the time-limit for the applicants' departure had been fixed by the authorities in order to enable the third applicant to complete the school year; it had not been shown that the third applicant was unable to receive secondary education following his deportation to Russia. Finally, the detention period, during which he could not attend classes, did not represent an infringement of his "right to education" within the meaning of the Convention either: manifestly ill-founded.
Inadmissible under Articles 1 of Protocol No. 1, 1 of Protocol No. 7, 4 of Protocol No. 4.

ARTICLE 4

Article 4(2)

FORCED LABOUR
Minor of Togolese national working in continuous service without remuneration : *communicated*.

SILIADIN - France (N° 73316/01)
[Section II]

The applicant is a Togolese national who, on arrival in France at the age of 16 and contrary to what had been agreed, was forced to work as a "maid of all work"; she had to carry out household duties and care for children from 7 a.m. to 10 p.m. every day, without remuneration. Without a work or residence permit and having been deprived of her passport, the applicant lived in this manner for three years, in fear of arrest; at the same time, the couple for whom she worked led her to believe that her situation would soon be legalised. Criminal proceedings were eventually opened. A conviction was secured for exploitation of the applicant's vulnerability and state of dependence with a view to obtaining non-remunerated services from her.
Communicated under Article 4.

ARTICLE 6

Article 6(1) [civil]

FAIR HEARING
Participation of a different presiding judge at each hearing : *no violation*.

PITKÄNEN – Finland (Nº 30508/96)
Judgment 9.3.2004 [Section IV]

Extract : "As far as the applicants have alleged unfairness on account of the change of the presiding professional judge of the District Court, it is undisputed that he or she changed with every hearing. As in *P.K. v. Finland*, the principle that a change of a judge should lead to the rehearing of an important witness was not respected in this case either. While it is true that the requirement of fairness should not necessarily be as strict as in a criminal case, it would appear that already in the course of the District Court proceedings the applicants challenged the credibility of witness A., who was eventually convicted of perjury. Moreover, as regards the extent of the damage suffered by L., the District Court based itself exclusively on A.'s testimony.
The Court notes however that this part of the civil case was eventually reopened on account of A.'s false testimony, whereas in so far as the case was not reopened there is nothing to suggest that it was decided solely on the basis of that evidence.
Nor can the Court find that the presiding judge was changed in order to affect the outcome of the case to the applicants' detriment or for any other improper motives. Finally, it has not been alleged that any of the three lay judges changed.

In these particular circumstances the fact that the various presiding judges had at their disposal the recordings and transcriptions of the previous hearings where A. and various other witnesses had been heard sufficed to compensate for the lack of immediacy in the proceedings. The Court concludes therefore that the constant change of presiding judge was not tantamount to depriving the applicants of a fair trial. It follows that there has been no violation of Article 6 in this respect."

ADVERSARIAL TRIAL
Impossibility to submit observations on the opinion of the Advocate General in proceedings in the Court of Justice of the European Communities (ECJ): *communicated*.

EMESA SUGAR N.V. - Netherlands (N° 62023/00)
[Section II]

The applicant company operates a sugar factory established in Aruba, a State which under EC law is included in the category of "overseas countries and territories" (OCT). Until 1997, the EC Council Decision within which the company operated provided that goods imported to the EC which originated from OCT's were exempt of custom duties. That year the EC Council Decision was amended and the imports of sugar of OCT origin were limited to a certain amount per year. The applicant company instituted summary proceedings against the EC Council Decision before the Regional Court. The action was dismissed but a number of questions were referred by the court to the ECJ for a preliminary ruling. Following a hearing at the ECJ in March 1999, the Advocate General of the ECJ submitted an opinion and the oral proceedings were brought to an end. The applicant company's request for leave to submit written observations on the Advocate General's opinion was rejected by the ECJ in 2000. The applicant complains it was deprived of its right to a fair hearing in the proceedings before the ECJ, arguing that the national judiciary was obliged to respect and follow the ECJ's preliminary ruling.
Communicated under Article 6.

Article 6(2)

PRESUMPTION OF INNOCENCE
Presumption of criminal liability of editor responsible for radio programmes : *no violation*.

RADIO FRANCE - France (N° 53984/00)
Judgment 30.3.2004 [Section II]
(see Article 10, below).

ARTICLE 7

Article 7(1)

NULLUM CRIMEN SINE LEGE
Foreseeability of rules of criminal liability : *no violation*.

RADIO FRANCE - France (N° 53984/00)
Judgment 30.3.2004 [Section II]
(see Article 10, below).

ARTICLE 8

PRIVATE LIFE
Administration of drugs to disabled child despite mother's opposition: *violation*.

GLASS - United Kingdom (N° 61827/00)
Judgement 9.3.2004 [Section IV]

Facts: The first applicant is a severely handicapped child; the second applicant is his mother. In July 1998, the child was rushed to hospital and operated on for respiratory complications. The doctors thought he was dying and considered that further intensive care would be inappropriate. As the mother was not happy with this advice, the hospital offered to arrange for an outside opinion on the child's condition, which she refused. The child's condition improved and he was able to return home. He was subsequently re-admitted to the hospital on several occasions with respiratory infections. There were again strong disagreements between members of the hospital staff and the mother on how the child should be treated in the event of an emergency. On one occasion, a crisis situation arose: the doctors believed that the child had entered a terminal phase and, with a view to relieving his pain, administered diamorphine to him against the mother's wishes. Moreover, a "Do Not Resuscitate" notice was added to the child's file without consulting the mother. During this time, disputes broke out in the hospital involving family members and the doctors. The child survived the crisis and was able to be discharged home. The mother applied for judicial review of the decisions made by the hospital with regard to the treatment of her son, but the judge considered that such decisions were not susceptible to review because the situation had passed. Leave to appeal was refused. The mother subsequently complained to the General Medical Council and the police. Investigations into the doctor's actions were opened by both, but did not result in proceedings or the bringing of charges against the doctors involved.

Law: Article 8 – As the child's legal proxy, the mother had the authority to act on his behalf and defend his interests. Imposing a treatment on her son despite her continuing opposition represented an interference with the child's right to respect for his private life. The fact that the doctors were confronted with an emergency did not detract from the fact of interference. In examining whether the interference was "in accordance with the law", the Court did not consider it necessary to assess whether the domestic legal framework to resolve conflicts arising from parental objection to medical treatment of their children met the required qualitative criteria under the Convention. The Court nevertheless noted that the framework in place was consistent with the standards in the Council of Europe Bioethics and Human Rights

Convention, and did not confer an excess of discretion to doctors nor did it contribute to unpredictability. The hospital staff had taken decisions in view of what they considered best to serve the interests of the child, so the aim pursued was also legitimate. As to the "necessity" of the interference at issue, it had not been explained to the Court's satisfaction why the hospital had not sought the intervention of the courts at the initial stages to overcome the deadlock with the mother. The onus to take such an initiative and defuse the situation in anticipation of a further emergency was on the hospital. Instead, the doctors used the limited time available to try to impose their views on the mother. In such circumstances, the decision of the authorities to override the mother's objections to the proposed treatment in the absence of authorisation by a court had resulted in a breach of Article 8.
Conclusion: violation (unanimously)

Article 41 – The Court awarded the applicants, jointly, 10,000 euros in respect of non-pecuniary damage. It also made an award in respect of costs.

PRIVATE LIFE
Obligation on employee at nuclear plant to undergo drug test: *inadmissible*.

WRETLUND - Sweden (Nº 46210/99)
Decision 9.3.2004 [Section IV]

The applicant is employed as an office cleaner at a nuclear plant. In 1995, a drug policy programme was introduced at the plant which required employees to participate in drug and alcohol tests. The programme consisted in the taking of urine samples from the employees every third year, as well as employees stating on a form what kind of medication, if any, they had been taking during the preceding week. The trade union of which the applicant was a member undertook proceedings with a view to obtaining a declaratory judgment that the applicant was not obliged to participate in the drug and alcohol tests. It argued that the tests breached Article 8 of the Convention as well as the collective agreement and, in the alternative, that domestic legislation did not confer on employers the right to conduct such tests. The Labour Court found that the applicant was obliged to participate in the drug test but not in the alcohol test. Despite the absence of specific legislation on the matter, such tests could be seen as part of the company's right to manage and organise the work in accordance with the collective agreement. Moreover, the plant was subject to far-reaching demands on security and had a strong interest in maintaining a drug-free environment.

Inadmissible under Article 8: Even though the obligation to subject employees to drug tests did not follow from legislation, the employer's right to manage and organise work was a commonly accepted principle in the Swedish labour market, and recognised as a general legal principle by the Labour Court. Whilst the obligation to undergo drug tests could be seen as an interference with the employee's integrity, it was justified in the circumstances of the present case. Operational considerations at the plant relating to public safety and the protection of the rights and freedoms of others, in particular other employees, justified the control measure in question.

PRIVATE LIFE
Woman obliged to go abroad to abort foetus with congenital malformation, on account of impossibility of having an abortion in Ireland: *communicated*.

D. - Ireland (N° 26499/02)
[Section III]

The applicant, who was pregnant with twins, was informed that one of her foetuses had "stopped developing" whilst the other had a rare chromosomal abnormality which implied it was unlikely to survive birth, and if it did, it would be severely disabled and deformed. Unable to tolerate the physical and mental toll of a further five months pregnancy, and given that she could not obtain an abortion in Ireland in these circumstances, she travelled to the United Kingdom to have it performed there. Afterwards, she secretly transported the foetus back to Ireland in a small coffin for a discrete burial. The applicant then had some complications which required medical intervention, but as there is no medical follow-up or counselling following an abortion abroad, she was obliged to maintain the secrecy of her termination in the hospital which attended her (and submits she has been unable to obtain access to formal counselling or aftercare services since the termination). The applicant complains that the State has failed to fulfil its positive obligations under Articles 3 and 8. She also complains that her right to receive information was violated given the legislative restrictions on the information which a doctor can provide on lawful abortion services in other countries, which meant she had to research her abortion options in the United Kingdom without the involvement of her treating doctor or a proper referral from a specialist.
Communicated under Articles 3, 8, 10 and 14.

FAMILY LIFE
Granting of application for adoption by step-parent despite objection of one of the biological parents: *communicated*.

KUIJPER – Netherlands (N° 64848/01)
[Section II]

The applicant and her husband separated in 1985, when they jointly agreed that their daughter would stay with the father. The applicant was appointed by the courts as auxiliary guardian of her daughter but has had little contact with her since that time. In 1998, the applicant's former husband and his new spouse filed a request for the adoption of the child by her stepmother. They argued that the child had been living with them since the separation of her legal parents and that she fully supported the adoption request. Exercising the right to veto recognised under the Civil Code, the applicant objected to the adoption by the child's stepmother, claiming that the lack of contacts between her and her daughter did not justify severing the legally recognised family tie between them. After hearing the parties and the child, the Regional Court granted the request for adoption, thus overruling the applicant's objection. It found that the daughter's interests in being adopted should prevail over the applicant's, and considered that applicant's insufficient interest in her daughter over the years could be regarded as a slight form of misfeasance (abusive use of a right). The applicant's subsequent appeals were dismissed.
Communicated under Article 8.

ARTICLE 10

FREEDOM TO IMPART INFORMATION
Conviction of radio journalists for defamation : *no violation*.

RADIO FRANCE - France (N° 53984/00)
Judgment 30.3.2004 [Section II]

Facts: The applicants were convicted of defamation for broadcasting on the radio over a twenty-four-hour period a number of bulletins attributing to a former *sous-préfect*, Mr J., an active personal role in the deportation of a thousand Jews in 1942. The courts ruled that these accusations, which were false, amounted to defamation. Responsibility for the offence was ascribed to the editorial director of the applicant company on the ground that he had a statutory duty to check the content of bulletins broadcast at regular intervals, although he could not be held responsible for the first such bulletin. The journalist who presented the original bulletin could not be exonerated on the ground of his good faith as he had not proved that he had not expressed hasty and excessive conclusions. The editorial director and the journalist were ordered to pay a fine of FRF 20,000 each and FRF 50,000 in damages. An order was also made requiring the broadcasting of a communiqué informing the public of the conviction. The Court of Cassation dismissed an appeal on points of law by the applicants.

Law: Article 7 – The applicants had submitted that the rules of criminal responsibility as applied to the editorial director in regard to the obligation he was under to check the content of bulletins before they were broadcast could not make him guilty of the offence since the bulletins complained of had been broadcast live. Admittedly, these rules had not previously been applied in similar circumstances. However, Article 7 did not prohibit the gradual clarification of the rules of criminal responsibility through judicial interpretation from one case to another, "provided that the result is consistent with the essence of the offence and reasonably foreseeable". Taking into account the particular context in which the radio station concerned was operating (repeating bulletins at regular intervals), the Court considered that the judicial interpretation followed in the present case, to the effect that the editorial director had been placed in a position to check the content of the bulletins beforehand, was consistent with the essence of the offence and "reasonably foreseeable".
Conclusion: no violation (unanimously).

Article 6(2) – The presumption of the editorial director's criminal responsibility, as publisher, for any defamatory remark broadcast could be rebutted by proving that the person who had uttered the words or broadcast them live had acted in good faith. Moreover, in view of the importance of what was at stake – effectively preventing the circulation of defamatory accusations through the media – that presumption remained within the "reasonable limits" required by the Convention. Lastly, the French courts which had heard the applicants' case had protected their right to due process.
Conclusion: no violation (unanimously).

Article 10 – The order requiring the applicant company to make civil reparation by broadcasting an announcement relating to the conviction (*communiqué judiciaire*) had been "prescribed by law". As regards "journalists' duties and responsibilities", the journalist had broadcast incorrect information; in respect of the remainder of the information broadcast he had been unable to prove that he had exercised the highest caution and particular moderation, which were required both by the extreme gravity of the acts imputed to J. and by repetition of the bulletin on a radio station which could be heard throughout French territory. The grounds

for the French courts' finding that J.'s honour and dignity had been impugned were therefore held to be "relevant and sufficient". The penalties and measures of reparation imposed on the applicants had not been disproportionate in relation to the legitimate aim pursued – protecting the reputation and rights of others – in view of the extreme gravity of the acts imputed and the fact that the bulletin had been broadcast sixty-two times on a radio station which covered the whole of French territory. In short, the interference could be regarded as "necessary in a democratic society".
Conclusion: no violation (unanimously).

ARTICLE 34

VICTIM
Quashing of fine imposed on applicant company by the European Commission : *inadmissible*.

SENATOR LINES GmbH – 15 Member States of the European Union (Nº 56672/00)
Decision 10.3.2004 [Grand Chamber]

In 1998 the European Commission imposed a fine of 13,750,000 euros on the applicant company for infringements of European Community competition rules. The applicant was informed that the fine would not be enforced immediately if an appeal was made, provided a bank guarantee was provided. The applicant challenged the decision before the Court of First Instance of the European Communities ("the CFI") and also requested dispensation from the requirement to provide a bank guarantee. This request was refused, the European Commission considering that the applicant's holding company could provide the bank guarantee. The applicant's subsequent request to the CFI for suspension of the operation of the decision imposing the fine was rejected by the President, who accepted that the applicant was unable to provide the guarantee but considered that account should be taken of the group of undertakings to which the applicant belonged. The applicant's appeal against this decision was dismissed by the President of the Court of Justice of the European Communities, who confirmed that it was permissible to have regard to the assets of the group of undertakings to which the applicant belonged. In 2003 the CFI quashed the fines which had been imposed in 1998. The applicant complained in particular that enforcement of the fine before a judicial determination of the proceedings would have constituted a denial of the right of access to a court.

Inadmissible: The application concerns proceedings which had not ended when it was introduced. The fine was neither paid nor enforced and the applicant's challenge to it was not merely heard but ended with the fine being quashed. Accordingly, the facts were never such as to permit the applicant to claim to be a victim of a violation. By the time of the final decision in 2003 it was clear that the applicant could not produce reasonable and convincing evidence of the likelihood that a violation affecting it would occur, because at that time it was certain that there was no justification for its fear of the fine being enforced before the CFI hearing. Consequently, the applicant cannot claim to be a victim.

ARTICLE 35

Article 35(1)

EFFECTIVE DOMESTIC REMEDY (France)
Complaint made out of time to the Court of Cassation following adoption by the Court of a judgment dealing with a similar question : *preliminary objection dismissed*.

MERGER and CROS - France (N° 68864/01)
Decision 11.3.2004 [Section I]

The first applicant, an adulterine child, was left the same share of her father's estate as his legitimate children. While the estate was being administered, the latter challenged the arrangements for its division. In accordance with the domestic law applicable at the time, the court of first instance held that the first applicant, whose father was married to a woman other than her mother at the time of her conception, was not entitled to more than 10% of the estate. It therefore set aside the gift of the excess. The court of appeal upheld that decision, in particular in so far as it refused to grant the first applicant identical rights to inherit to the legitimate children. The applicants – the mother and her daughter – appealed to the Court of Cassation in 1998. In March 2000 they argued in a note to the advocate general that the reduction of the first applicant's share of the estate owing to the statutory provisions on adulterine children infringed the Convention, as interpreted by the Convention institutions. The Court of Cassation dismissed the appeal in May 2000 without examining that point.

Admissible under Article 8 and Article 1 of Protocol No. 1, taken together with Article 14, (discrimination on grounds of birth as regards rights to inherit): the Government maintained that the applicants had not exhausted domestic remedies as they had not raised the complaint in their written submissions to the Court of Cassation, but only later, outside the statutory time-limit. The Court dismissed the objection. The applicants might justifiably have considered when they lodged their written submissions with the Court of Cassation in 1998 that, in the light of the Court of Cassation's previous decisions, a ground of appeal alleging discrimination contrary to the Convention between the rights of adulterine and legitimate children would be bound to fail. In addition, the applicants had lodged a note addressed to the advocate general with the registry of appeals to the Court of Cassation in March 2000 in which they set out the purpose of their application and the Articles of the Convention which they alleged had been violated and referred to the *Mazurek v. France* precedent of 1 February 2000. Thus, directly there was a new development capable of affecting the Court of Cassation's case-law, the applicants had drawn the Court of Cassation's attention to the complaints they intended subsequently to refer to the Court. The fact that it had occurred after the time-limit for lodging the grounds of appeal on points of law had expired was beyond the applicants' control and they could not be accused of any negligence in that regard.

RECOURS INTERNE EFFECTIF (Ukraine)
Availability of effective remedies in respect of excessive length of proceedings.

MERIT - Ukraine (Nº 66561/01)
Judgment 30.3.2004 [Section II]

The case concerns the length of criminal proceedings. The Government raised a preliminary objection on the ground of failure to exhaust domestic remedies.
Extracts: "[T]he Court finds that the applicant had an opportunity to complain to the relevant court as from 23 May 2001 and 29 June 2001 against the resolution of 19 September 2000 of the prosecutor …. by which the criminal investigation against him was resumed. The applicant could have done so either in the course of civil proceedings under Article 248-3 of the [Code of Civil Procedure] or in the course of criminal proceedings under Article 234 of the [Code of Criminal Procedure]. The Court considers therefore that it is necessary to examine whether these remedies satisfied the criteria of Article 35 § 1 of the Convention.
As to the lodging of complaints with the superior prosecutor, which in accordance with the observations of the Government have to be considered effective remedies, the Court finds that they cannot be considered "effective" and "accessible" since the status of the prosecutor in the domestic law and his participation in the criminal proceedings against the applicant do not offer adequate safeguards for an independent and impartial review of the applicant's complaints.
…. It is …. indisputable that prosecutors, in the exercise of their functions, are subject to the supervision of an authority belonging to the executive branch of the Government. In the Court's view, the mere fact relied on by the Government that under the applicable laws prosecutors, in addition to exercising a prosecutorial role, also act as guardian of the public interest, cannot be regarded as conferring on them a judicial status or the status of independent and impartial actors. It notes that prosecutors perform investigative and prosecuting functions and, therefore, their position in the criminal proceedings as provided for by the law at the material time …. must be seen as that of a party to these proceedings. The Court notes therefore that recourse to the prosecutor, who was a party to the criminal proceedings in the instant case, did not offer reasonable prospects of success as it was not "effective". The applicant was therefore not under an obligation to avail himself of this remedy.
In so far as it is suggested that the applicant should have used the remedy under Article 248-3 of the [Code of Civil Procedure], the Court finds that by using this remedy the applicant could have complained to the domestic courts about the acts of a particular investigator or prosecutor as State officials. It notes that while it is true that the applicant did not institute civil proceedings to remedy the lengthy investigation in his case, the Government have not shown how recourse to such proceedings could have remedied the delay in the investigation of the case. The Court finds the examples supplied by the Government from the domestic case-law of limited assistance in this connection.
In so far as it is suggested that the applicant should have used the remedy under Article 234 of the CCRP, the Court notes that this remedy could have been used as from 29 June 2001 only in the course of the preliminary (administrative) hearing (*попереднє засідання суду*) or in the course of the hearing on the merits of the case. The Court finds therefore that this remedy does not satisfy the criteria of Article 35 § 1 as regards the notion of accessibility, as it suggests that complaints against the length of the investigation of the case can be made after the investigation has finished, but leaves no possibility of appeal in the course of the investigation. As to the introduction of amendments to Article 234 of the [Code of Criminal Procedure], allowing for complaints to be lodged against the prosecutor or investigator in the course of the investigation, the Court considers that even though this remedy exists in theory as from 30 January 2003, the Government have not shown what its practical implications are. Furthermore, the law does not specifically state whether Article 234 of the [Code of Criminal Procedure] is a remedy for the length of proceedings in a criminal case and what kind of

redress can be provided to an applicant in the event of a finding that the length of the investigation breached the requirement of "reasonableness".
In these circumstances, the Court considers that it has not been sufficiently established that recourse to the remedies suggested by the Government would have been capable of affording redress to the applicant in relation to his complaints concerning the length of the proceedings in his case."

Article 35(3)

ABUSE OF RIGHT OF PETITION
Submission to the Court of deliberately falsified documents : *inadmissible*.

JIAN - Romania (N° 46640/99)
Decision 30.3.2004 [Section II]

The applicant is serving a life sentence. He complained to the Court about his detention conditions, putting forward numerous complaints under Articles 3, 5, 6(1), 8, 9 and 34.

Inadmissible: The Government accused the applicant of abusing the right of application for having attempted to mislead the Court by sending it two falsified documents. The Court noted that the applicant had, firstly, obscured part of a document in order to conceal the fact that he had decided not to lodge a criminal complaint and had foregone an expert medical report and, secondly, submitted a forged medical certificate in support of his allegations of ill-treatment. The Court stressed that the applicant had thus deliberately sought to mislead it by presenting a distorted view of the most serious part of his application. This was a flagrant and aggravated abuse of the right of application.

ARTICLE 2 OF PROTOCOL No. 1

EDUCATION
Education of foreigner interrupted by his arrest and deportation : *inadmissible*.

VIKULOV and others – Latvia (N° 16870/03)
Decision 25.3.2004 [Section I]
(see Article 3, above).

ARTICLE 3 OF PROTOCOL No. 1

VOTE
Exclusion of convicted prisoners from voting in parliamentary and local elections: *violation*.

HIRST - United Kingdom (no. 2) (N° 74025/01)
Judgment 30.3.2004 [Section IV]

Facts: The applicant, who was sentenced to a term of discretionary life imprisonment for manslaughter, is barred by the Representation of the People Act of 1983 from voting in parliamentary or local elections. With a view to obtaining a declaration that this provision was

incompatible with the Convention, the applicant issued proceedings in the High Court, together with an application for judicial review by two others prisoners who had applied for registration as electors. His application was heard by the Divisional Court, which acknowledged that whilst it was not easy to articulate the legitimate aim of disqualifying a convicted prisoner from his right to vote while serving a sentence, the view had been taken that for the period in custody prisoners have forfeited their right and lost the moral authority to vote. The applicant's claims were accordingly rejected, as were those of the other prisoners. His applications for leave to appeal were refused.

Law: Article 3 of Protocol No.1 – Whilst States had a wide margin of appreciation in the sphere of the right to vote, any restrictions in this area should pursue a legitimate aim, be proportionate and should not impair the essence of the right (*Mathieu-Mohin and Clerfayt v. Belgium*). The margin of appreciation could not justify restrictions which had not been the subject of considered debate in the legislature and which derived, essentially, from unquestioning and passive adherence to a historic tradition. Bearing in mind the divergent political and penal philosophies and policies that could be invoked in this context, the Court refrained from ruling whether the aims invoked by the Government (prevention of crime, punishment of offenders and enhancement of civic responsibility) were legitimate or not. The Court considered that in any event there was no evidence in support of the claim that disenfranchisement deterred crime. Moreover, the removal of the vote could in fact be seen to run counter to the rehabilitation of the offender. As regards the proportionality of the measure, the Court noted that the provision automatically stripped a large number of convicted prisoners (70,000) of their right to vote. The restriction applied irrespective of the length of their sentence or the gravity of the offence. In practice, the actual effect of the ban would depend, somewhat arbitrarily, on whether there were elections during the period when the prisoner was serving the sentence. Moreover, if disqualification was seen as part of a prisoner's punishment, there was no logical justification for it in the present case given that the punishment element of the applicant's sentence had expired. In conclusion, whilst acknowledging that national legislatures were to be granted a wide margin of appreciation in determining restrictions on prisoner's rights, there was no evidence that the legislature in the United Kingdom had sought to assess the proportionality of the ban as it affected convicted prisoners. A blanket restriction on all convicted prisoners did not fall within the State's margin of appreciation, and since the applicant had lost his right to vote as a result of such a ban, he could claim to be a victim of the measure.
Conclusion: violation (unanimously).

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

STAND FOR ELECTION
Registration of a political party's list refused because of false representations by some of the candidates on the list, and subsequent impossibility for the party to stand for elections: *admissible*.

RUSSIAN CONSERVATIVE PARTY OF ENTREPRENEURS and ZHUKOV and VASILYEV – Russia (N° 55066/00 and 55638/00)
Decision 18.3.2004 [Section I]

The three applicants in this case are the Russian Conservative Party, one of its candidates in the 1999 elections to the State Duma and a supporter of the party. Prior to the 1999 elections, the applicant party nominated 151 candidates and transferred to the Central Election Commission (CEC) an amount of money as election deposit. The CEC established that seventeen candidates on the list (including the one who had been placed as number two) had made false representations and refused to register the list. The applicant party contested this decision before the Supreme Court, which at two levels found that the CEC's decision to strike the candidates in question off the list had been lawful but that the refusal to register the list in its entirety had been unlawful (considering that Section 51 § 11 of the Elections Law had been wrongly interpreted by the CEC). Hence, the applicant party's list was registered by the CEC. The Supreme Court judgments were subsequently quashed in supervisory review proceedings and registration of the list was annulled. Later, in proceedings undertaken by a group of Russian legislators, the Constitutional Court struck down Section 51 § 11 of the Elections Law. It held that refusing registration of a list because of the withdrawal of one of the top three candidates (as was stated in Section 51 § 11) was a disproportionate encroachment on the right of citizens to vote for that party and on the right of the other candidates on the list to stand for elections. However, it ruled that despite the unconstitutionality of that provision, it would have no consequences in respect of the 1999 State Duma elections and it could not be relied on to seek a review of their results. In consequence, the applicant party's applications for review were dismissed. The applicant party also undertook proceedings against the CEC for the return of the election deposit. The applicant's actions were dismissed. In this respect, the applicant party complained to the Court under Article 1 of Protocol No. 1.
Admissible under Article 3 of Protocol No. 1 and Article 13.

Other judgments delivered in March

Article 3

Çalişkan – Turkey (Nº 32861/96)
Judgment 9.3.2004 [Section IV]

alleged ill-treatment in custody – striking out.

Articles 3, 6, 13 and 14 and Article 1 of Protocol No. 1

Boztaş and others – Turkey (Nº 40299/98)
Judgment 9.3.2004 [Section IV]

shelling of village, resulting in injuries to applicants and destruction of their property; lack of effective investigation – friendly settlement (statement of regret, undertaking to take appropriate measures, *ex gratia* payment of 61,000 euros plus costs).

Article 6(1)

Silvester's Horeca Service – Belgium (Nº 47650/99)
Judgment 4.3.2004 [Section I]

scope of review of tax fines – violation.

Muženjak - Croatia (Nº 73564/01)
Judgment 4.3.2004 [Section I]

Löffler – Austria (no. 2) (Nº 72159/01)
Judgment 4.3.2004 [Section III]

Csanádi - Hungary (Nº 55220/00)
Judgment 9.3.2004 [Section II]

Jablonská - Poland (Nº 60225/00)
Judgment 9.3.2004 [Section IV]

Lenaerts – Belgium (Nº 50857/99)
Bouzalmad – Belgium (Nº 51083/99)
Judgments 11.3.2004 [Section I]

Hulwicz – Poland (Nº 35656/97)
Pachnik - Poland (Nº 53029/99)
Tóth – Hungary (Nº 60297/00)
Judgments 30.3.2004 [Section IV]

length of civil proceedings – violation.

Lovens – Belgium (Nº 50858/99)
Judgment 11.3.2004 [Section I]

length of civil proceedings – struck out.

Favre - France (Nº 72313/01)
Judgment 2.3.2004 [Section II]

Mirailles - France (Nº 63156/00)
Judgment 9.3.2004 [Section II]

Manios – Greece (Nº 70626/01)
Judgment 11.3.2004 [Section I]

length of administrative proceedings – violation.

Articles 6 and 8

Pibernik - Croatia (Nº 75139/01)
Judgment 4.3.2004 [Section I]

length of enforcement proceedings; prolonged non-enforcement of eviction order – violation.

Articles 6 and 10

Gerger - Turkey (no. 2) (Nº 42436/98)
Judgment 9.3.2004 [Section IV]

conviction for incitement to hatred and hostility based on race or religion; independence and impartiality of State Security Court, and lack of oral hearing before the Court of Cassation – friendly settlement (amendment of law and undertaking to continue reforms – reference to CM resolution).

Abdullah Aydın – Turkey (Nº 42435/98)
Judgment 9.3.2004 [Section IV]

conviction for incitement to hatred based on social, ethnic and regional differences; independence and impartiality of State Security Court – violation.

Article 6 and Article 1 of Protocol No. 1

Kačmár – Slovakia (Nº 40290/98)
Judgment 9.3.2004 [Section IV]

refusal of civil courts to enforce an arbitration court decision ordering the conclusion of a contract for the transfer of property, and transfer of the property to a third party while enforcement proceedings pending – no violation.

Sabin Popescu – Romania (Nº 48102/99)
Judgment 2.3.2004 [Section II]

failure of authorities to comply with court judgment recognising title to a specific plot of land – violation.

Fossi and Mignolli - Italy (Nº 48171/99)
Judgment 4.3.2004 [Section I]

Picone - Italy (Nº 59273/00)
Calvo – Italy (Nº 59636/00)
Pollifrone – Italy (Nº 60391/00)
Montanari – Italy (Nº 61995/00)
Bellini – Italy (no. 2) (Nº´64098/00)
Antonio Siena – Italy (Nº 65120/01)
Judgments 11.3.2004 [Section I]

staggering of granting of police assistance to enforce eviction orders, prolonged non-enforcement of judicial decision and absence of possibility of court review of prefectoral decisions staggering granting of police assistance – violation.

Quintarelli – Italy (Nº 67873/01)
Rossi and Naldini - Italy (Nº 31011/96)
Judgments 11.3.2004 [Section I]

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

Relinquishment to the Grand Chamber (Article 30)

MALTZAN and others – Germany (Nº 71916/01, Nº 71917/01 and Nº 10260/02)
[Section III]

(text of press release)

The applications were submitted by 68 German nationals and two German legal persons. The first was submitted by Wolf-Ulrich Freiherr von Maltzan and 45 others, the second by Margarete von Zitzewitz and 21 others and the third by the Alfred Töpfer Foundation and the Man Ferrostaal corporation.

The applications concern one of the major issues to arise after the reunification of Germany: the compensation terms for those whose property was expropriated either after 1949 in the GDR or, as in the vast majority of cases, between 1945 and 1949 in the former Soviet Occupied Zone of Germany. The terms of compensation and just satisfaction are set out in the Compensation and Just Satisfaction Act (*Entschädigungs und Ausgleichsleistungsgesetz* - EALG) of 27 September 1994.

On 29 June 1995 some of the applicants brought their case before the Federal Constitutional Court, arguing, among other things, that certain provisions of that Act were contrary to basic law, in that the prescribed compensation was generally less than the real market value of the property that had been expropriated. On 22 November 2000 the First Division (*erster Senat*) of the Federal Constitutional Court delivered a leading judgment dismissing the applicants' claims. Those among the applicants who were not party to those proceedings nonetheless refer to this leading judgment.

The individuals among the applicants argue that the Compensation and Just Satisfaction Act of 1994 and the leading judgment of the Federal Constitutional Court of 2000 infringed their property right, protected by Article 1 of Protocol No. 1 (protection of property) to the Convention, because the amount of compensation they received was far less than the real value of the property that had been illegally expropriated.

The applicants also submit that they were discriminated against contrary to Article 14 (prohibition of discrimination) of the Convention, taken together with Article 1 of Protocol No. 1, because, unlike other groups of people, they were unable to claim a right to the return of property which was illegally expropriated and for which they received only a negligible sum in compensation.

Lastly, those of the applicants who had brought their case before the Federal Constitutional Court submit that the length of the proceedings in that court (four years and 11 months in one case, and five years and four months in the other) exceeded a reasonable time, in breach of Article 6 § 1 (right to a fair hearing within a reasonable time) of the Convention.

The Alfred Töpfer Foundation and Man Ferrostaal raise the same complaints, pointing out that, under the Compensation and Just Satisfaction Act of 1994, they neither have a right to the return of their property nor a right to compensation.

ROCHE – United Kingdom (Nº 32555/96)
[Section III]

The case concerns the participation of a soldier in experimental tests of mustard gas and nerve gas in 1962-63. The applicant alleges that the military authorities refuse to disclose contemporaneous records relating to the experiments. The application was declared admissible on 23 May 2002.

Judgments which have become final

Article 44(2)(b)

The following judgments have become final in accordance with Article 44(2)(b) of the Convention (expiry of the three month time limit for requesting referral to the Grand Chamber) (see Information Notes Nos. 59 and 60):

SCHUMACHER – Luxembourg (Nº 63286/00)
Judgment 25.11.2003 [Section IV]

SLIMANE-KAÏD - France (no. 2) (Nº 48943/99)
Judgment 27.11.2003 [Section I]

KENAN YAVUZ – Turkey (Nº 52661/99)
İSMAIL GÜNEŞ - Turkey (Nº 53968/00)
Judgments 13.11.2003 [Section III]

NICOLLE – France (Nº 51887/99)
HUART - France (Nº 55829/00)
ABRIBAT – France (Nº 60392/00)
POTOP – Romania (Nº 35882/97)
TANDREU – Romania (Nº 39184/98)
SOFLETEA – Romania (Nº 48179/99)
Judgments 25.11.2003 [Section II]

CAN – Turkey (Nº 38389/97)
GÜNEL – Turkey (Nº 47296/99)
KIRMAN – Turkey (Nº 48263/99)
ÖZÜLKÜ – Turkey (Nº 51289/99)
UÇAR and others – Turkey (Nº 55951/00)
Judgments 27.11.2003 [Section III]

IMRE – Hungary (Nº 53129/99)
Judgment 2.12.2003 [Section II]

MATWIEJCZUK - Poland (Nº 37641/97)
TREIAL - Estonia (Nº 48129/99)
TRENČIANSKÝ - Slovakia (Nº 62175/00)
Judgments 2.12.2003 [Section IV]

BERTUCCELLI – Italy (Nº 37110/97)
LEONARDI - Italy (Nº 52071/99)
POCI - Italy (Nº 57635/00)
FABBRI – Italy (Nº 58413/00)
POZZI – Italy (Nº 59367/00)
PETITTA – Italy (Nº 60431/00)
LERARIO - Italy (Nº 60659/00)
SCAMACCIA – Italy (Nº 61282/00)
CALVANESE and SPITALETTA – Italy (Nº 61665/00)

SPALLETTA – Italy (Nº 61666/00)
FEDERICI – Italy (Nº 62764/00)
GIULIANI – Italy (Nº 62842/00)
TODARO – Italy (Nº 62844/00)
SCARAVAGGI – Italy (Nº 63414/00)
GIUNTA – Italy (Nº 63514/00)
SOC. DE.RO.SA. – Italy (Nº 64449/01)
VIETRI – Italy (Nº 66373/01)
RECCHI – Italy (Nº 67796/01)
HADJIKOSTOVA - Bulgaria (N° 36843/97)
M.C. - Bulgaria (Nº 39272/98)
OLBREGTS – Belgium (Nº 50853/99)
Judgments 4.12.2003 [Section I]

FERREIRA ALVES - Portugal (no. 2) (Nº 56345/00)
FROTAL-ALUGUER DE EQUIPAMENTOS S.A. - Portugal (Nº 56110/00)
TRIPPEL - Germany (Nº 68103/01)
Judgments 4.12.2003 [Section III]

DURSUN and others – Turkey (Nº 44267/98)
DURAN – Turkey (Nº 47654/99)
ÇAVUŞOĞLU and others – Turkey (Nº 47757/99)
TAŞKIN – Turkey (Nº 49517/99)
Judgments 4.12.2003 [Section III]

CWYL – Poland (Nº 49920/99)
MRÓZ - Poland (Nº 35192/97)
Judgments 9.12.2003 [Section IV]

ALFANO – Italy (Nº 30878/96)
CARIGNANI – Italy (Nº 31925/96)
DI MATTEO – Italy (Nº 37511/97)
LIGUORI – Italy (Nº 64254/01)
BALDI – Italy (Nº 32584/96)
FRASCINO – Italy (Nº 35227/97)
KRONE VERLAG GmbH - Austria (nº 3) (Nº 39069/97)
KARAHALIOS – Greece (Nº 62503/00)
Judgments 11.12.2003 [Section I]

BASSANI – Italy (Nº 47778/99)
GIRARDI – Austria (Nº 50064/99)
Judgments 11.12.2003 [Section III]

YANKOV - Bulgaria (Nº39084/97)
Judgment 13.11.2003 [Section I]

KMETTY - Hungary (Nº 57967/00)
PALAU-MARTINEZ – France (N° 64927/01)
FAIVRE - France (no. 2) (Nº 69825/01)
Judgments 16.12.2003 [Section II]

ZÁBORSKÝ and ŠMÁRIKOVÁ – Slovakia (Nº 58172/00)
MIANOWSKI – Poland (Nº 42083/98)
POKORNY - Austria (Nº 57080/00)
Judgments 16.12.2003 [Section IV]

SKONDRIANOS – Greece (Nº 63000/00, Nº 74291/01 and Nº 74292/01)
PEZONE – Italy (Nº 42098/98)
GELSOMINI SIGERI SRL – Italy (Nº 63417/00)
Judgments 18.12.2003 [Section I]

PENA – Portugal (Nº 57323/00)
Judgment 18.12.2003 [Section III]

Article 44(2)(c)

On 24 March 2004 the Panel of the Grand Chamber rejected requests for referrral of the following judgments, which have consequently become final:

SKAWIŃSKA - Poland (Nº 42096/98)
Judgment 16.9.2003 [Section IV]

RACINET - France (Nº 53544/99)
Judgment 23.9.2003 [Section II]

DUMAS - France (Nº 53425/99)
Judgment 23.9.2003 [Section II]

TKÁČIK - Slovakia (Nº 42472/98)
Judgment 14.10.2003 [Section IV]

JAMRIŠKA - Slovakia (Nº 51559/99)
Judgment 14.10.2003 [Section IV]

GIDEL - Poland (Nº 75872/01)
Judgment 14.10.2003 [Section IV]

ÇAVUŞ and BULUT - Turkey (Nº 41580/98 et/and Nº 42439/98)
ÇAKAR - Turkey (Nº 42741/98)
EREN - Turkey (Nº 46106/99)
ÖZYOL - Turkey (Nº 48617/99)
ŞIMŞEK - Turkey (Nº 50118/99)
SÜVARIOĞULLARI and others - Turkey (Nº 50119/99)
HAYRETTİN BARBAROS YILMAZ - Turkey (Nº 50743/99)
TUTMAZ and others - Turkey (Nº 51053/99)
DALGIÇ - Turkey (Nº 51416/99)
AKKAŞ - Turkey (Nº 52665/99)
ERGÜL and ENGİN - Turkey (Nº 52744/99)
PEKER - Turkey (Nº 53014/99)
GENÇEL - Turkey (Nº 53431/99)
MESUT ERDOĞAN - Turkey (Nº 53895/00)
Judgments 23.10.2003 [Section III]

RAKEVICH - Russia (Nº 58973/00)
Judgment 28.10.2003 [Section II]

SOVTRANSAVTO HOLDING – Ukraine (N° 48553/99)
Judgment (just satisfaction) 2.10.2003 [Section IV]

UYAN - Turkey (Nº 32984/96)
Judgment 30.10.2003 [Section III]

TUNCEL and others – Turkey (Nº 42738/98)
Judgment 27.11.2003 [Section III]

AL and others – Turkey (Nº 59234/00)
Judgment 13.11.2003 [Section III]

VASS – Hungary (Nº 57966/00)
Judgment 25.11.2003 [Section II]

ELCI and others - Turkey (Nº 23145/93 and Nº 25091/94)
Judgment 13.11.2003 [Section IV]

PERYT – Poland (Nº 42042/98)
Judgment 2.12.2003 [Section IV]

KERÉKGYÁRTÓ - Hungary (Nº 47355/99)
Judgment 16.12.2003 [Section II]

KÁROLY – Hungary (Nº 58887/00)
Judgment 2.12.2003 [Section II]

BILAL BOZKURT and others – Turkey (Nº 46388/99)
SARIOĞLU – Turkey (Nº 48054/99)
Judgments 4.12.2003 [Section III]

Statistical information[1]

Judgments delivered	March	2004
Grand Chamber	0	3
Section I	18	37(41)
Section II	7	26(32)
Section III	1	34(37)
Section IV	12	26
former Sections	0	2
Total	**38**	**128(141)**

Judgments delivered in March 2004					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	0	0	0	0	0
Section I	15	2	1	0	18
Section II	7	0	0	0	7
Section III	1	0	0	0	1
Section IV	9	2	1	0	12
Total	**32**	**4**	**2**	**0**	**38**

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

Judgments delivered in 2004					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	3	0	0	0	3
former Section I	0	0	0	0	0
former Section II	1	0	0	1	2
former Section III	0	0	0	0	0
former Section IV	0	0	0	0	0
Section I	31(32)	5(8)	1	0	37(41)
Section II	23(29)	2	1	0	26(32)
Section III	31(34)	3	0	0	34(37)
Section IV	21	4	1	0	26
Total	**110(120)**	**14(17)**	**3**	**1**	**128(141)**

Decisions adopted		March	2004
I. Applications declared admissible			
Section I		31(34)	63(71)
Section II		10(11)	19(20)
Section III		11	36(37)
Section IV		10	33(35)
Total		**62(66)**	**151(163)**
II. Applications declared inadmissible			
Grand Chamber		1	1
Section I	- Chamber	12	39(41)
	- Committee	581	1435
Section II	- Chamber	10	22
	- Committee	470	1029
Section III	- Chamber	3	14
	- Committee	191	543
Section IV	- Chamber	12	29
	- Committee	307	889
Total		**1587**	**4001(4003)**
III. Applications struck off			
Section I	- Chamber	11	19
	- Committee	11	17
Section II	- Chamber	4	10
	- Committee	7	20
Section III	- Chamber	8	21
	- Committee	0	6
Section IV	- Chamber	3	12
	- Committee	1	11
Total		**45**	**116**
Total number of decisions[1]		**1694(1698)**	**4268(4282)**

1. Not including partial decisions.

Applications communicated	March	2004
Section I	59	135(153)
Section II	47(48)	105(129)
Section III	37(38)	61(62)
Section IV	32	51
Total number of applications communicated	**175(177)**	**352(395)**

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