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ARTICLE 2

POSITIVE OBLIGATIONS
Effectiveness and independence of police investigation into the death of the applicant's husband in an attack by loyalist gunmen: *admissible*.

BRECKNELL - United Kingdom (N° 32457/04)
Decision 6.3.2007 [Section IV]

The applicant's husband was one of three men killed in an attack carried out by loyalist gunmen at a bar in Northern Ireland in 1975. Although responsibility for the incident was subsequently claimed by an illegal loyalist paramilitary organisation, the police were initially unable to identify any individual suspect. In the late 1970s they finally arrested two people, a reserve officer in the Royal Ulster Constabulary (RUC) and a woman, who admitted to having driven three people (one of whom had since died) to the scene. However, they denied any involvement in the killings or knowledge of the identity of the killers. They were charged with failing to disclose information relating to an offence, but the Director of Public Prosecutions subsequently decided not to pursue the charges, *inter alia*, on account of the delay in bringing the case to trial, the unlikelihood of a custodial sentence and the lack of any reasonable prospect of securing a conviction. During this same period, a police officer called John Weir was convicted of murder in a separate case. Following his release from prison on licence in the early 1990s, he made allegations of RUC and Ulster Defence Regiment collusion with loyalist paramilitaries in the 1970s and gave the names of four people whom he alleged were responsible for the attack in which the applicant's husband had died. In 1999 an Irish television channel broadcast a programme in which Weir repeated his allegations. These then became the subject of police investigations on both sides of the Irish border, although the police investigation in Northern Ireland was of limited scope as it focused on determining whether the allegations were sufficiently credible to require a full investigation. Although a series of interviews were conducted under caution, no charges were preferred and it was decided that no final view could be taken until Weir had been interviewed. That interview did not take place, however, as his whereabouts were unknown. Following a report by the RUC's successor body, the Police Service Northern Ireland (PSNI) in June 2005, the case was referred to the Historical Enquiry Team for further assessment. Its investigations are continuing.
The applicant complained under Article 2 of the lack of an effective official investigation into the circumstances of her husband's death after John Weir made his allegations of RUC involvement in 1999. In particular, she complained of the RUC/PSNI's lack of independence, of the ineffectiveness of the investigation into the credibility of Weir's allegations, and of unwarranted delays, a lack of public scrutiny and insufficient access to the investigation materials.
Admissible under Articles 2 and 13.

USE OF FORCE
Unintended killing of person during siege after he had been firing at police officers: *no violation*.

HUOHVANAINEN - Finland (N° 57389/00)
Judgment 13.3.2007 [Section IV]

Facts: The applicant's brother J. was shot dead by the police. In 1994 J's home was surrounded by the police, following an incident in which he had threatened a taxi driver with a gun. The police were informed that J. had been involved in an armed siege, that he was paranoid and aggressive, that he had been admitted to a psychiatric institution and was considered especially hostile towards the police. The police and a psychologist tried several times to talk to J. on the telephone, without success. Some 30 officers were joined by over 20 more with special training. J. fired at the police and refused to negotiate. The police were then informed that J. was an excellent shot and owned a 22 calibre rifle and a very heavy 45-70 calibre gun. The police subsequently spotted J. carrying two long-barrelled weapons. In

the evening of the first day of the siege he fired several shots in the air and at the police. In the early hours of the following day the police used audible flares to locate J. and keep him indoors, from where he fired repeatedly through the windows and the skylight. He aimed some of the shots at the police. Around noon, when repeated negotiation attempts had failed, the officer in charge at the scene ordered the use of tear gas, which had no visible effect on J. The police also tried unsuccessfully to reach J. by telephone and by using a megaphone. At about 6 p.m. J. again fired shots and threw a gas canister and at least two "Molotov cocktails". It appears that he set fire to the house. It was then decided that the only way to arrest him in the dark and smoke-filled conditions before he could escape was to order a police officer to shoot at his leg. J. was then shot in the right hand and the upper part of the right thigh and instructed to surrender. At about 7 p.m. he crawled out of the house with two weapons. He was hit by two shots fired simultaneously from one of the armoured vehicles, at a range of six metres. Both shots were aimed at his shoulder and arm, but owing to his position, the firing angle through the porthole of the armoured vehicle and the short time available, he was hit in the head and died shortly thereafter.
During the siege a log was kept of the decisions made and actions taken. Afterwards, details were collected concerning the bullet holes in and around the building. The investigation, which started immediately, was carried out by the National Bureau of Investigation. At the request of J.'s family, certain additional lines of inquiry were followed during the pre-trial investigation. The autopsy report and the results of all the forensic and other investigations, as well as the reports on the siege, were included in the pre-trial documentation, together with a large number of witness statements. In 1995 the operation was also studied by a permanent investigation team set up by the Ministry of the Interior, which submitted a report within a year of the operation.
Less than a year after the incident, the Public Prosecutor brought charges against Superintendent H., commander of the special task force, of negligent homicide and negligent breach of official duty. After taking forensic and oral evidence the district court acquitted the defendant. The family was legally represented throughout the proceedings by experienced counsel. The lawyer acting on behalf of the applicant was able to examine key-witnesses, including the police officers who had fired their guns and those who had been in charge of the operation, and to make the submissions he wished to make in the course of the proceedings.

Law – The shooting of J.: The Court saw no reason to doubt that the police officers involved honestly had believed that it was necessary to open fire to protect their colleagues who were without protection outside the armoured vehicles. Detached from the events in issue, the Court could not substitute its own assessment of the situation for that of an officer who was required to react in the heat of the moment to avert an honestly perceived danger to his life or the lives of others. The officers in question found themselves confronted by a man who emerged in the doorway with two guns and who had shot at the police on several occasions during the two-day siege. J. emerged from the house heavily armed. He had ignored previous warnings to give himself up and, in defiance of those warnings, had fired numerous shots in the air and at the police officers. Further, the police officers intended, not to kill J., but to immobilise him.
The use of fire arms in the circumstances of the case, albeit highly regrettable given the lethal consequences, had not been disproportionate and did not exceed what was absolutely necessary to avert what was honestly perceived by the police officers to be a real and immediate risk to the lives of their colleagues. Moreover, the conduct of the operation had remained at all times under the control of senior officers and the deployment of the armed officers had been reviewed and approved by the officer in charge. The primary concern of the police had been to break the deadlock by persuasion. Numerous warnings had been shouted and he had been given ample opportunity to give himself up. These warnings had been ignored, however. Nor had J. answered the phone in the later stages of the siege although the police tried to reach him repeatedly. The efforts of a trained negotiator also had proved unsuccessful. The use of firearms by the police as well as the conduct of police operations of the kind in question were regulated by domestic law and a system of adequate and effective safeguards existed to prevent arbitrary use of lethal force. All the key officers concerned were trained in the use of firearms and their movements and actions were subject to the control and supervision of experienced senior officers. In conclusion, the killing of J. had resulted from the use of force which was no more than was absolutely necessary in defence of the lives of the personnel outside the armoured vehicles.

The investigation: During the siege, a log had been kept. The investigation, which had started immediately after the events, had been carried out by the National Bureau of Investigation. There was no indication that its investigators had not been independent from those taking part in the police operation. In addition, the actions taken during the operation had been studied by a permanent investigation team set up by the Ministry of the Interior whose report was finalised within one year. J's family had had at its disposal as much information as was commensurate with the defence of its interests. A considerable number of witnesses had given evidence, the investigation had included appropriate forensic examinations and the applicant's counsel had been able to request additional investigations.
Conclusion: no violation (unanimously).

ARTICLE 3

INHUMAN OR DEGRADING TREATMENT
Applicant with no criminal record developed irreversible psychopathological disorders after being arrested for questioning and forced to wear handcuffs at his place of work and in front of his family and neighbours: *violation*.

ERDOĞAN YAĞIZ - Turkey (N° 27473/02)
Judgment 6.3.2007 [Section II]

Facts: The applicant, who had been employed as a doctor by the Istanbul security police for 15 years, was arrested by police officers in the car-park outside his workplace. He was handcuffed in public and subsequently exposed in handcuffs in front of his family and neighbours when searches were carried out at his home and place of work. He was then held in police custody at his workplace, where staff could see him handcuffed, but was not informed of the charges against him. Two days after his release a psychiatrist diagnosed him as suffering from traumatic shock and certified him unfit for work for 20 days. His sick leave was extended several times on account of acute depression. The applicant filed a complaint and was informed that he had been interrogated in connection with a criminal investigation because of his relations with suspects. He was suspended from his duties until the close of the criminal investigation. The prosecuting authorities discontinued the case against the applicant. He was reinstated in his post but was unable to work on account of aggravated psychosomatic symptoms. He was retired early on health grounds and has been treated several times in a hospital neuropsychiatry department.

Law: Article 3 – The applicant had had no history of psychopathology before being taken into police custody and there was no material in the file to suggest the existence of psychosomatic instability. He had explained in detail the humiliation that he had felt on being exposed wearing handcuffs publicly, at work in front of staff who had been his patients and around his home. In his case it could be reasonably assumed that there was a causal link between the treatment in question and the beginning of his psychopathological problems, which had been diagnosed two days after his release (contrast *Raninen v. Finland*, 1997).
Successive medical reports had confirmed the fact that the applicant had sustained serious trauma following his period in police custody. He had particularly felt humiliated by his exposure to staff who had been his patients. His mental state had been irreversibly marked by the ordeal.
Moreover, on the date of his arrest, the applicant did not have a record that might have led to fears for security and there was no evidence that he represented a danger for himself or for others or that he had committed criminal acts or acts of self-destruction or violence against others. In particular the Government had given no explanation to justify the need for handcuffs in the present case.
In conclusion, the fact of exposing the applicant to public view wearing handcuffs at the time of his arrest and during the searches had been intended to arouse in him feelings of fear, anguish and inferiority capable of humiliating and debasing him and possibly breaking his moral resistance.
In the particular circumstances of the case, the obligation to wear handcuffs had constituted degrading treatment.
Conclusion: violation.

Article 41 – EUR 2,000 for all damage.

See press release no. 147 of 6 March 2007.

INHUMAN OR DEGRADING TREATMENT
Use of a teargas, known as "pepper spray", to break up demonstrators: *no violation*.

ÇİLOĞLU and Others - Turkey (N° 73333/01)
Judgment 6.3.2007 [Section II]

(see Article 11 below).

INHUMAN OR DEGRADING TREATMENT
Order for a prisoner with a short life expectancy to serve a further two years of his sentence before becoming eligible for release on licence: *inadmissible*.

CEKU - Germany (N° 41559/06)
Decision 13.3.2007 [Section V]

In 1985 the applicant, a Serbian national, killed two people in the course of an armed robbery in Germany. He was arrested two years later in Spain, where he subsequently served a prison sentence for other offences. He was extradited to Germany in 1999 following a request by the German authorities for his temporary surrender. There he was convicted of two counts of murder and aggravated robbery and sentenced to life imprisonment, after the trial court had ruled that his "guilt was of particular gravity". In 1994 the applicant was diagnosed as being infected with HIV and in October 2005 as suffering from full-blown AIDS. His severe immune deficiency, which made him vulnerable to severe HIV-associated infections and was expected to progress, was partly attributed to his failure to take prescribed medication. His life expectancy was estimated to be approximately two years, possibly longer with effective therapy. A request by the applicant for the remainder of his sentence to be suspended was rejected by a regional court in December 2005, *inter alia*, on the ground that the gravity of the offences required a further two years of the sentence to be served with effect from May 2005. That decision was upheld on appeal. The Federal Constitutional Court subsequently refused to admit the applicant's complaint for adjudication on the grounds that it only partly fulfilled the admissibility requirements (as relevant documents were missing) and that the remainder of the complaint was unfounded. It reaffirmed the principle that respect for human dignity demanded that convicted persons had to be granted a concrete and realistic chance of regaining their liberty. It found, however, that the additional two-year requirement was acceptable from a constitutional perspective in view of the gravity of the offences, the applicant's dangerousness and the need to protect the public, the possibility that his life expectancy would increase with therapy, and the fact that he could make a fresh request for release in the event of a change of circumstances. It would appear that at some point, the applicant's health deteriorated dramatically and he was admitted to intensive care. He has not specified when this happened or submitted any documentary evidence confirming his condition. He is currently in a prison hospital in Germany.

Inadmissible: The application had to be regarded as inadmissible to the extent that the applicant had failed to comply with the domestic criteria of admissibility; the Court could not base its examination of the case on facts which the Federal Constitutional Court had been unable to review. As to the substance of the complaint, Article 3 could not be interpreted as laying down a general obligation to release detainees suffering from an illness that was particularly difficult to treat or to transfer them to a civil hospital. Nevertheless, the State had to ensure that prisoners were detained in conditions compatible with respect for human dignity, that they were not subjected to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that their health and well-being were adequately secured by, among other things, requisite medical assistance. The applicant had been infected with HIV

for more than thirteen years. He was now suffering from AIDS and his life expectancy had been estimated at two years. However, the alleged deterioration in his health appeared to have occurred only after the Federal Constitutional Court had given its final decision; the applicant, who was represented by counsel, had not established that he had availed himself of any further domestic remedies, such as filing a fresh request for his sentence to be suspended. As the Federal Constitutional Court had ruled that the domestic authorities were under an obligation to react to any change in his circumstances, there was no indication that such a request would have had no prospect of success: *failure to exhaust domestic remedies*.
With respect to the conditions of detention, the applicant was currently being held in a prison hospital. He had not suggested that his detention there was ill-adapted to his condition or that he was not receiving appropriate treatment. The domestic courts had examined his case thoroughly and the Federal Constitutional Court had expressly acknowledged that a change in his condition might warrant a re-examination of his case. Moreover, the domestic courts found, on the basis of expert psychological evidence, that the applicant continued to pose a considerable danger to the public, in spite of his disease. In these circumstances, neither his state of health at the relevant time, nor his alleged distress, had attained a sufficient level of severity: *manifestly ill-founded*.

EXPULSION
Alleged risk of being subjected to female genital mutilation in case of extradition to Nigeria: *inadmissible*.

COLLINS and AKAZIEBIE - Sweden (N° 23944/05)
Decision 8.3.2007 [Section III]

The applicants are Nigerian nationals. In 2002, the first applicant entered Sweden and applied for asylum or a residence permit. She alleged that according to Nigerian tradition, women were forced to undergo female genital mutilation ("FGM") when they gave birth. As she was pregnant, she was afraid of this inhuman practice. Neither her parents nor her husband, who had supported her, could prevent this since it was such a deep-rooted tradition. She claimed that if she had travelled to another part of Nigeria to give birth to her child, she and her child would have been killed in a religious ceremony. Having decided to flee the country, she paid a smuggler, who took her to Sweden. Some months later, she gave birth to her daughter, the second applicant. The Migration Board rejected the applications for asylum, refugee status or a residence permit, stating, *inter alia*, that FGM was prohibited by law in Nigeria and that this prohibition was observed in at least six Nigerian states. Thus, if the applicants returned to one of those states it would be unlikely that they would be forced to undergo FGM. The applicants appealed unsuccessfully, maintaining that the practice of FGM persisted despite the law against it and had never been prosecuted or punished.

Inadmissible: It was not in dispute that subjecting a woman to female genital mutilation amounted to ill-treatment contrary to Article 3. Nor was it in dispute that women in Nigeria had traditionally been subjected to FGM and to some extent still were. However, several states in Nigeria had prohibited FGM by law, including the state where the applicants came from. Although there was as yet no federal law against the practice of FGM, the federal government publicly opposed FGM and campaigns had been conducted at state and community level through the Ministry of Health and NGOs and by media warnings against the practice. Although there were indications that the FGM rate was higher in the south, including the applicants' home state, according to the official sources, the FGM rate for the whole country in 2005 amounted to approximately 19%, a figure that had declined steadily in the past 15 years. Furthermore, while pregnant, the first applicant had not chosen to go to another state within Nigeria or to a neighbouring country, in which she could still have received help and support from her own family. Instead she had managed to obtain the necessary practical and financial means to travel to Sweden, having thus shown a considerable amount of strength and independence. Viewed in this light, it was difficult to see why she could not protect her daughter from being subjected to FGM, if not in her home state, then at least in one of the other states in Nigeria where FGM was prohibited by law and/or less widespread**.** The fact that the applicants' circumstances in Nigeria would be less favourable than in Sweden could not be regarded as decisive from the point of view of Article 3. Moreover, the first applicant had failed to reply to the Court's specific request to substantiate some of her allegations and to provide a satisfactory

explanation for the discrepancies in her submissions. In sum, the applicants had failed to substantiate that they would face a real and concrete risk of being subjected to female genital mutilation upon returning to Nigeria: *manifestly ill-founded*.

EXTRADITION
Alleged risk of ill-treatment and unfair trial in case of extradition to Turkmenistan: *communicated*.

SOLDATENKO - Ukraine (N° 2440/07)
[Section V]

The applicant claims to be a stateless person. According to the Government, he is a Turkmen national. Since 1999, when he left Turkmenistan because of his alleged persecution on ethnic grounds, he has resided in Ukraine. In January 2007, the local police department received an official request from the Turkmen authorities for the applicant's provisional arrest under the CIS Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 1993. The applicant was arrested and, after one week, brought before a judge, who ordered the applicant's detention pending the extradition proceedings against him. Subsequently, the General Prosecutor's Office of Ukraine received a request for the applicant's extradition, but suspended the extradition proceedings under the interim measure indicated by the Court. The applicant is currently detained in a penitentiary institution awaiting his extradition. Relying on international reports on the human rights situation in Turkmenistan, the applicant complains that, if extradited, he would face a risk of being subjected to an unfair trial as well as to torture and inhuman or degrading treatment by the Turkmen authorities.
Rules 39 and 41 of the Rules of the Court applied.
Communicated under Articles 3, 5(1) and (4), 6(1) and 13 of the Convention.

ARTICLE 5

Article 5(1)

LAWFUL ARREST OR DETENTION
Prolongation of the preventive detention of a dangerous recidivist by virtue of retroactive application of legislative amendments: *communicated*.

MÜCKE - Germany (N° 19359/04)
[Section V]

Since the applicant attained the age of criminal responsibility he was convicted seven times, notably of murder, robberies and assaults, and spent only short periods outside prison. In 1986, the trial court sentenced him to five years' imprisonment and ordered his placement in preventive detention, since, according to experts, he was dangerous for the public and it was to be expected that he would repeat spontaneous acts of violence. Since 1991, the applicant, having served his full prison sentence, is remanded in preventive detention. At that time, the maximum term of preventive detention could not exceed ten years. In 1998, the Criminal Code was amended to the effect that the maximum period of preventive detention was abolished. In 2001, applying the new rule, the regional court dismissed the applicant's motions to suspend on probation his placement in preventive detention. Having heard him in person as well as the prison authorities, the prosecutor and an expert, the court found that it could not be expected that the applicant, if released, would not commit any further serious offences. The applicant appealed unsuccessfully. In his constitutional complaint he raised the issue of retroactive application of the amended Criminal Code provision which had led to his life-long imprisonment without any prospects of being released. In 2004, the Federal Constitutional Court, having consulted psychiatric experts and several prison directors, dismissed the applicant's complaint as ill-founded. It held, *inter alia*, that the absolute ban on retroactivity of criminal laws imposed by the Basic Law did not cover the measures of

correction and prevention provided for in the Criminal Code. It concluded that the legislator's duty to protect the public against interference with its life, health and sexual integrity had outweighed the detainee's reliance on continued application of the ten-year limit and that the retrospective application of the new rule had not been disproportionate.
Communicated under Articles 5(1) and 7 of the Convention.

LAWFUL ARREST OR DETENTION
Continued preventive detention of a dangerous recidivist without admitting him to social therapy: *communicated*.

RANGELOV - Germany (N° 5123/07)
[Section V]

(see Article 14 below).

Article 5(3)

LENGTH OF DETENTION ON REMAND
Failure to give detailed reasons for the continued detention of a remand prisoner: *violation*.

CASTRAVET - Moldova (N° 23393/05)
Judgment 13.3.2007 [Section IV]

(see Article 5(4) below).

Article 5(4)

TAKE PROCEEDINGS
Remand prisoner prevented from communicating effectively with his lawyer by a glass petition and fear that their discussions were being monitored: *violation*.

CASTRAVET - Moldova (N° 23393/05)
Judgment 13.3.2007 [Section IV]

Facts: The applicant was arrested in May 2005 on charges of embezzlement. At the time he had a job and a fixed abode. He did not have a criminal record. Following, his arrest, he was detained in a remand centre run by the Centre for Fighting Economic Crime and Corruption (CFECC). He made various applications for release, but these were dismissed on the grounds, *inter alia*, of the seriousness of the offence and the risk of his absconding or obstructing the investigation. His meetings with his lawyer at the remand centre were conducted in a room in which visiting lawyers were separated from the detainees by a glass partition with no aperture. The applicant was released in October 2005.

Law: Article 5(3) – The reasons relied upon by the domestic courts in their decisions to remand the applicant in custody and to prolong his detention merely paraphrased the permitted grounds for detention set out in the Code of Criminal Procedure, without any explanation of how they applied to the applicant's case. Accordingly, they were not relevant and sufficient.
Conclusion: violation (unanimously).

Article 5(4) – The applicant was entitled to effective assistance from his lawyer, a key aspect of which was the confidentiality of exchanges between a lawyer and his client. Interference with the lawyer-client privilege did not necessarily require an actual interception or eavesdropping. A genuine belief held on

reasonable grounds that a conversation was being listened to could suffice to limit the effectiveness of the assistance, as it inevitably inhibited free discussion and hampered the detainee's right to challenge the lawfulness of his detention effectively. In the instant case, the applicant's fear that his conversations with his lawyer were being intercepted appeared genuine. As to whether such fear was reasonable, the entire community of lawyers in Moldova had been seriously concerned about the lack of confidentiality of lawyer-client communications at the CFECC remand centre for some time; the Bar Association had organised a strike to protest about the situation and had unsuccessfully sought permission to check whether monitoring devices had been installed in the glass partition. In these circumstances, the applicant and his lawyer could reasonably have had grounds to believe that their conversations in the CFECC lawyer-client meeting room was not confidential. Contrary to its decision in the case of *Sarban v. Moldova*, the Court accepted, in the light of the further information it now had at its disposal, that the lack of any aperture in the glass partition was a real impediment to confidential discussion or to an exchange of documents between lawyers and their clients. The case of *Kröcher and Müller v. Switzerland* was also distinguished on the grounds that the applicants in that case were accused of extremely violent offences whereas the applicant in the instant case did not present any obvious security risk.
Conclusion: violation (unanimously).

Article 41 – EUR 2,500 for non-pecuniary damage.

See also *Sarban v. Moldova* (no. 3456/05, 4 October 2005); *Kröcher and Müller v. Switzerland* (no. 8463/78, report of the Commission of 16 December 1982, Decisions and Reports 34, pp. 52-53); *Oferta Plus Srl v. Moldova* (no. 14385/04, 19 December 2006), referred to in Information Note no. 92; and three further judgments in Moldovan cases which were delivered on 27 March 2007: *Istratii* (no. 8721/05), *Lutcan* (no. 8705/05) and *Burcovschi* (no. 8742/05).

ARTICLE 6

Article 6(1) [civil]

ACCESS TO COURT
Inability of the managing director and sole shareholder of a company to challenge an order for its liquidation: *violation*.

ARMA - France (N° 23241/04)
Judgment 8.3.2007 [Section III]

Facts: The applicant had set up a company of which she was the manager and sole shareholder. Before long the company was placed under judicial administration, after which a court made an order for the company's liquidation and appointed a liquidator. An appeal by the applicant against the liquidation order was declared inadmissible on the grounds that the managing director of a company in liquidation had no authority to act on its behalf and that the appeal should have been lodged by an *ad hoc* representative. The applicant did not appeal on points of law.

Law: Article 35(1) – The solution adopted by the Court of Appeal had been consistent with the established case-law of the Court of Cassation. Accordingly, contrary to the argument of the respondent Government, an appeal on points of law was not an effective remedy required to be used by the applicant.

Access to court: In the judicial liquidation procedure in question, the company had a legal personality separate from that of its manager. The Court therefore had to examine whether the applicant, as the company's manager, had had an interest in having access to a court in connection with the judicial liquidation of her company.
In her capacity as manager and sole shareholder of the company, the applicant had had a particular interest in its continuity and in the protection of the capital she had invested in it.

The applicant's intervention in the appeal proceedings would have been in the company's interests, since she could possibly have enabled it to continue trading or at least could have submitted arguments in favour of continuation.
The applicant could also validly claim a direct personal interest in lodging an appeal, since some serious accusations had been made against her personally and could have had repercussions for her in the future. In addition, an *ad hoc* representative would not physically have had the time to lodge an appeal on behalf of the company and its manager within the statutory ten-day time-limit for appeal. It was, moreover, in order to ensure better protection of defence rights that the law had been amended (but only after the material time) to grant former managers of companies in judicial liquidation the right to appeal against the liquidation order.
In conclusion, the applicant had an interest in acting in her own name before the European Court of Human Rights – and thus had victim status under Article 34 – and her right of access to a court had been excessively restricted by the decision declaring her appeal inadmissible.
Conclusion: violation (unanimously).

Article 41 – EUR 3,000 for non-pecuniary damage.

ACCESS TO COURT
Inability of legally-aided clients to appeal to the Supreme Court owing to their lawyers' advice that they did not have reasonable prospects of success: *violation*.

STAROSZCZYK - Poland (N° 59519/00)
SIAŁKOWSKA - Poland (N° 8932/05)
Judgments 22.3.2007 [Section I]

Facts: The applicants in both of these cases were claimants in civil proceedings. They were prevented from appealing to the Supreme Court – where legal representation was compulsory – after the lawyers who had been appointed to assist them under the legal-aid scheme declined to act after advising that an appeal had no reasonable prospects of success.
In *Staroszczyk*, an appeal by the applicants to a regional court was dismissed in May 1999. As they wished to appeal from there to the Supreme Court, they made various attempts to contact the lawyer who had been assigned to represent them under the legal-aid scheme. However, it was not until seven months later, after the regional court's judgment had been served on the lawyer, that they finally succeeded in contacting him. The lawyer then informed them orally at a meeting in his office that there were no grounds for filing a cassation appeal. They complained to the regional bar association but were informed that if the lawyer assigned to them under the legal-aid scheme considered that there were no grounds on which to lodge an appeal, the bar association would not appoint another lawyer to do so.
In *Siałkowska*, the lawyer assigned under the legal-aid scheme to represent the applicant in her appeal to the Supreme Court wrote to her six days before the thirty-day time-limit for lodging the appeal was due to expire to advise that there were no reasonable prospects of success. He repeated that advice at a meeting in his office three days later.

Law: The requirement under domestic law for a party to civil proceedings to be assisted by an advocate or legal counsel in the preparation of a cassation appeal was not *per se* contrary to Article 6 and there was no obligation under the Convention to make legal aid available for disputes in civil proceedings. However, the method chosen by the domestic authorities to ensure access to the domestic courts in a particular case had to be compatible with the Convention. Where legal aid was available for civil proceedings under domestic law, the State had to be diligent in securing legally aided parties the genuine and effective enjoyment of the rights guaranteed under Article 6 and the legal-aid system had to afford substantial guarantees against arbitrariness. The independence of the legal profession was crucial to the effective and fair administration of justice. It was not the State's role to oblige a lawyer, whether appointed under a legal-aid scheme or otherwise, to institute proceedings or apply for a remedy which he or she considered had little prospect of success, for that would be detrimental to the essential role of an independent legal profession founded on the basis of trust between lawyers and their clients. The responsibility of the State

was to ensure a proper balance between effective access to justice and the independence of the legal profession. The Supreme Court's view that the role of legal-aid lawyers was to provide comprehensive legal advice, including advice on the prospects of success in a cassation appeal, and that lawyers assigned in civil cases were therefore entitled to refuse to prepare and lodge an appeal had to be endorsed. Nevertheless, the refusal of a legal-aid lawyer to act had to meet certain quality requirements. In neither of these two cases were the requirements met as the applicants had been prevented by failings in the legal-aid system from securing access to a court in a "concrete and effective manner".

Staroszczyk – The applicable domestic regulations did not require the legal-aid lawyer to prepare a written legal opinion on the prospects of the appeal. Had he been required to provide a written opinion with reasons, it would have been possible, subsequently, to have had an objective assessment of whether his refusal to prepare the cassation appeal was arbitrary. This was particularly important in view of the fact that, as had been highlighted by the Constitutional Court, the legislation governing cassation appeals was couched in the broadest terms and gave rise to serious interpretational difficulties. The absence of a written opinion had left the applicants without necessary information as to their prospects of success.
Conclusion: violation (four votes to three).

Siałkowska – The applicable domestic regulations did not specify a time-frame within which the applicant had to be informed of the refusal to prepare a cassation appeal. By the time the applicant and her lawyer met, the time-limit for lodging a cassation appeal was due to expire in three days. That had not given her a realistic opportunity of having her case brought to and argued before the cassation court.
Conclusion: violation (unanimously).

Article 41 – EUR 4,000 in each case in respect of non-pecuniary damage.

FAIR HEARING
REASONABLE TIME
Substantial delays (totalling almost three years) caused by a court error concerning the nature of the claim and a conflict of jurisdiction: *violations*.

GHEORGHE - Romania (N° 19215/04)
Judgment 15.3.2007 [Section III]

Facts: The applicant was diagnosed at birth as suffering from haemophilia A, which required specific medication. He worked in a local hospital and was examined every year by the Commission for Medical Expertise and Recovery of Working Capacity (the "Commission"). It issued him with temporary certificates attesting to a second-degree disability, which entitled him to obtain, from the County Disabled Persons' Bureau (the "Bureau"), the rights provided for under Law no. 53/1992 on the special protection of disabled persons, together with tax relief under Law no. 35/1993. A certificate confirmed the existence of the second-degree disability but a handwritten endorsement indicated "valid for Law no. 35/1993". The Bureau informed him that his rights under Law no. 53/1992 were suspended on the ground that only Law no. 35/1993 was indicated on his certificate. The applicant complained about the suspension to the Secretary of State for disabled persons, who replied that no statutory provision barred the aggregation of rights under Laws nos. 35/1993 and 53/1992. In proceedings before the Court of Appeal against the Bureau and the Secretary of State, the applicant sought recognition of his status as a disabled person requiring the special protection provided for under Law no. 53/1992, and claimed compensation for the pecuniary and non-pecuniary damage caused by the suspension of his rights, which had triggered a serious and sudden decline in his state of health. The applicant's lawyer sought an adjournment of the delivery of the judgment so that he could file pleadings. The Court of Appeal dismissed the first request as unfounded because the annual certificates attesting to a second-degree disability had been issued in recognition of the requested status. It found that it did not have jurisdiction to determine an award of damages and referred the case back to the Civil County Court. The applicant was admitted to hospital. The applicant's lawyer requested an adjournment of the proceedings before the County Court, which relinquished jurisdiction in favour of the Court of Appeal. The Supreme Court of Justice held that the

Court of Appeal had jurisdiction. That court then examined two witnesses called by the applicant and ordered a forensic medical report on his state of health. The report concluded that the discontinuance of treatment had led to a sudden worsening of his condition, creating the conditions for very serious complications. The applicant asked for an adjournment in order to find a new lawyer, who in turn sought an adjournment so that he could file pleadings. The Court of Appeal found that, during the period in question, the applicant had been recognised as having a second-degree disability. However, it dismissed the request for damages on the ground that he had not used a statutory remedy to dispute his classification in one of the disabled-person categories in the event that it no longer corresponded to the reality. He would only have been entitled to bring an action before the courts to assert his rights if the competent authorities, after deciding to change his category of disability, had then refused to award him the rights provided for by law. The applicant appealed to the Supreme Court of Justice, complaining that the Court of Appeal had misconstrued the subject of his action, that it had omitted to rule on the complaint concerning the suspension of the rights provided for under Law no. 53/1992 and that the second-degree disability he had been recognised as suffering from entitled him to benefit from aggregation of the rights provided for by the two Laws. At the hearing he requested an adjournment of the examination of his appeal on the ground that he was unable to attend it because of his state of health. The hearing took place a few months' later. In the meantime the applicant was admitted to hospital. The County Pensions Office placed him in retirement on grounds of disability. The Commission observed that his disability had worsened and that he was now suffering from a first-degree disability. The Supreme Court of Justice dismissed the appeal and upheld the findings of the Court of Appeal. The applicant was again admitted to hospital.

Law: Article 6(1) – *Fair hearing*: In his initial application the applicant had expressly claimed damages for the refusal to grant him the rights accorded by law to the category of persons such as himself with a second-degree disability. However, neither the Court of Appeal nor the Supreme Court of Justice had ruled on the merits of his application but had both dismissed it on the sole ground that he had not disputed his classification as having a second-degree disability. In actual fact he had not ceased to seek recognition of the rights accorded to persons with second-degree disabilities. Moreover, he had to a large extent based his appeal to the Supreme Court on the fact that the dismissal of his application had resulted from a mistake as to the subject-matter of his action. But that ground of appeal had not been addressed by the Supreme Court. In view of the decisive impact of that ground, it had required a specific and explicit response from that court. In the absence of such a response it was impossible to ascertain whether the domestic courts had simply neglected to examine the content of the claim for an award of damages or whether the dismissal of the claim had been the result of a manifest error of judgment as to the subject-matter of the action. Accordingly, the applicant had not been granted a fair hearing.
Conclusion: violation (unanimously).

Length of proceedings: What was at stake for the applicant in the litigation was of decisive importance in an assessment of the reasonableness of the length of the proceedings. Particular diligence was required of the authorities when an applicant was suffering from a serious and incurable disease and when his state of health was declining rapidly. The period to be taken into account had lasted for more than two years and eleven months, during which courts at two levels of jurisdiction had ruled on the merits of the case, which had no particular complexity capable of justifying the length of the proceedings. As to the medical report required to establish the applicant's state of health, the assignment had been purely technical and relatively straightforward. Accordingly, the fact that this expert's report had been considered useful by the Court of Appeal did not suffice to show that the case was a complex one. Concerning the adjournments requested by the applicant, the delay they had entailed amounted to about five months and the requests had been made exclusively for preparation of his defence or because of his state of health. As to the total length of the proceedings, a delay of over one year was attributable to mistakes of the Court of Appeal and the County Court, which had referred the case to each other until the Supreme Court determined that the Court of Appeal had jurisdiction to rule on the merits of the dispute. The proceedings before the Supreme Court had lasted for over a year, which was particularly long in view of the urgency of the case on account of the worsening of the applicant's condition, of which the Supreme Court should have been aware. The applicant's state of health had declined considerably during the proceedings and considerable

diligence had been required on the part of the authorities. The length of the proceedings in question had therefore been excessive.
Conclusion: violation (unanimously).

Article 41 – EUR 6,000 for non-pecuniary damage.

Article 6(1) [criminal]

FAIR HEARING
Use in evidence at trial of a recording of a conversation obtained by a body-mounted listening device and of a list of the telephone calls made: *no violation*.

HEGLAS - Czech Republic (N° 5935/02)
Judgment 1.3.2007 [Section V]

(see Article 8 below).

Article 6(2)

PRESUMPTION OF INNOCENCE
Imposition of a confiscation order in respect of offences of which the applicant had been acquitted: *violation*.

GEERINGS - Netherlands (N° 30810/03)
Judgment 1.3.2007 [Section III]

Facts: In May 1998 the applicant was convicted of numerous counts of theft, burglary and attempted burglary, deliberately handling stolen goods and membership of a criminal gang and sentenced to five years' imprisonment. The judgment was later quashed on appeal and the applicant acquitted of all the charges against him except for the theft of a lorry and trailer and handling. He was sentenced to 36 months' imprisonment, part of which was suspended. However, despite having already acquitted the applicant of most of the charges, in March 2001 the Court of Appeal issued a confiscation order – amounting to roughly the equivalent of EUR 67,000 or 490 days' detention in default – in respect of all the offences of which he had originally been convicted. It justified its decision by saying that there were strong indications that he had committed the offences. An appeal by the applicant to the Supreme Court was ultimately rejected. In 2004, he reached an agreement with the authorities allowing him to pay EUR 10,000 immediately and the remainder in monthly instalments.

Law: The applicant's case was distinguished from a number of earlier cases in which the Court had been prepared to consider confiscation proceedings following on from a conviction as part of the sentencing process and therefore beyond the scope of Article 6(2). The features common to those cases were that the applicants had been convicted of drugs offences; that they continued to be suspected of additional drugs offences and demonstrably held assets whose provenance could not be established; that these assets were reasonably presumed to have been obtained through illegal activity; and that the applicants had failed to provide a satisfactory alternative explanation. There were, however, two different features to the instant case: firstly, the applicant had never been shown to hold any assets whose provenance he could not adequately explain, as the court of appeal's finding on this issue was based on conjectural extrapolation contained in a police report. “Confiscation” following on from a conviction was inappropriate for assets which were not known to have been in the possession of the person concerned, especially if it related to a criminal act of which that person had not actually been found guilty. If it was not found beyond reasonable doubt that the person concerned had actually committed the crime, and if it could not be established as fact that any advantage, illegal or otherwise, had actually been obtained, such a measure

could only be based on a presumption of guilt. Secondly, the confiscation order related to the very crimes of which the applicant had in fact been acquitted. Article 6(2) embodied a general rule which did not allow even the voicing of suspicions regarding an accused's innocence once an acquittal was final. Since the court of appeal's finding went beyond the voicing of mere suspicion, the applicant's guilt had been determined without his having been "found guilty according to law".
Conclusion: violation (unanimously).

Article 41 – Reserved, it being unclear how many instalments the applicant had paid under the confiscation order.

ARTICLE 7

Article 7(1)

NULLA POENA SINE LEGE
Prolongation of preventive detention of a dangerous recidivist by virtue of retroactive application of legislative amendments: *communicated*.

MÜCKE - Germany (N° 19359/04)
[Section V]

(see Article 5 above).

ARTICLE 8

PRIVATE LIFE
Use in evidence of a recording of a conversation obtained by a body-mounted listening device and of a list of the telephone calls made: *violations*.

HEGLAS - Czech Republic (N° 5935/02)
Judgment 1.3.2007 [Section V]

Facts: A woman was attacked and had her handbag stolen. The police arrested A.M. and took him into custody. Under the Code of Criminal Procedure ("the CCP") a District Court judge ordered the surveillance and recording of calls made on the applicant's mobile telephone. A.B., a girlfriend of A.M., arranged to meet the applicant. She was fitted by the police with a listening device hidden under her clothing. In the course of their recorded conversation, the applicant admitted that he had organised the robbery with A.M. The police dismissed the applicant's request to exclude the recording of the conversation from the case-file, noting that it had been made in accordance with the law and with the consent of A.B. The City Court found the applicant and A.M. guilty of robbery and sentenced them to nine years' imprisonment, whilst they protested their innocence. The court based its judgment on various testimony and documents, but one of the most important items of written evidence was the list of the telephone calls on the mobile phones of the two defendants. A transcription of the conversation between A.B. and the applicant was described as crucial evidence but was not the sole evidence against them. In response to the applicant's plea that this evidence was unlawful, the court observed that A.B. had consented to the fitting of the listening devices and that, under the CCP, anything capable of shedding light on a criminal case could be used in evidence. The High Court dismissed appeals against the judgment at first instance, confirming that the previous findings were correct. The applicant also lodged a constitutional appeal, arguing that the production of the recording of his conversation with A.B. and its use as evidence, incriminating the applicant before he had been notified of any charge, had breached Articles 6 and 8 of the Convention. The telephone company informed A.M. that the list of telephone calls

had been produced at the request of the authorities in connection with a criminal investigation, under a provision of the CCP. It further referred to a provision from the Telecommunications Act. The Constitutional Court dismissed the applicant's appeal, holding, among other considerations, that the courts had convicted him on the basis of various evidence which had been lawfully obtained and assessed. As to the use of the listening and recording device hidden on A.B., the Constitutional Court agreed with the High Court that it was not a prohibited measure under the CCP. It considered, however, that the recording should not have been used in evidence in the criminal proceedings, but that it did not render unconstitutional the decisions adopted in those proceedings as the applicant's conviction had been based on a number of items of evidence. The Constitutional Court declared manifestly ill-founded a constitutional appeal by A.M.

Law: Article 8 – *The use of the extract from the list of telephone calls as evidence in the criminal proceedings* had interfered with the applicant's right to respect for his private life. The interception and recording of the telephone conversations had been ordered by a district court judge under the CCP and the list of calls in question had been produced at the request of the police in accordance with provisions of the CCP and of the Telecommunications Act. However, the relevant provisions had not yet entered into force at the material time. It followed that the interference observed had not been in accordance with the law.
Conclusion: violation (unanimously).

The recording of a conversation using a device fitted under a person's clothing by the police authorities and its subsequent use had also interfered with the applicant's rights. The domestic authorities had not been clear as to the legal basis on which the recording had been made. The measure had not been governed by a law satisfying the criteria laid down by the Court's case-law, but rather by a practice which could not be regarded as a specific legal basis setting forth sufficiently precise conditions for such interference as regards the admissibility, scope, control and use of the information thus collected.
Conclusion: violation (unanimously).

Article 6 – The applicant had been able to submit to the first-instance court, then to the High Court and to the Constitutional Court, all the observations deemed necessary concerning the recording made without his knowledge. The same arguments were valid as regards the use in evidence of the chronological list of telephone calls. The applicant had been convicted after adversarial proceedings. Moreover, the impugned recording and list had contributed, and had even been crucial, to the preparation of the City Court's judgment, but it had not been the sole evidence on which the court had based its inner conviction. As regards the weight of the public interest in the use of such evidence to obtain the applicant's conviction, the measure had been taken against a person who had committed a serious offence to the detriment of a third party and who had ultimately received a nine-year prison sentence. Accordingly, the use by the domestic courts of the impugned recording and the list of telephone calls had not infringed the applicant's right to a fair trial.
Conclusion: no violation (unanimously).

Article 41 – Non-pecuniary damage: the finding of violations was sufficient.

PRIVATE LIFE
Refusal to perform a therapeutic abortion despite risks of serious deterioration of the mother's eyesight: *violation*.

TYSIĄC - Poland (N° 5410/03)
Judgment 20.3.2007 [Section IV]

Facts: The applicant had suffered from severe myopia for many years. On becoming pregnant for the third time she sought medical advice, as she was concerned that her pregnancy might affect her health. The three ophthalmologists she consulted each concluded that, owing to pathological changes in the retina, there would be a serious risk to her eyesight if she carried the pregnancy to term. However, despite the applicant's requests, they refused to issue a certificate authorising the termination of her pregnancy, as

although there was a risk of retinal detachment, it was not a certainty. The applicant also consulted a general practitioner, who issued a certificate stating the risks to which her pregnancy exposed her both on account of the problems in her retina and the consequences of her giving birth again after two previous deliveries by caesarean section. By the second month of her pregnancy, the applicant's myopia had already significantly deteriorated in both eyes. She was examined by the head of the gynaecology and obstetrics department of a public hospital, Dr R.D., who found no medical grounds for performing a therapeutic abortion. The applicant was therefore unable to have her pregnancy terminated and gave birth to her third child by caesarean section. Following the delivery, her eyesight further deteriorated as a result of a retinal haemorrhage. She was also informed that, as the changes to her retina were at a very advanced stage, they could not be corrected by surgery. A panel of doctors concluded that her condition required treatment and daily assistance and declared her to be significantly disabled. The applicant lodged a criminal complaint against Dr R.D., but the investigation was discontinued by the district prosecutor on the ground that there was no causal link between the doctor's decision and the deterioration in the applicant's eyesight, as the haemorrhage had been likely in any event. No disciplinary action was taken against the doctor, as no professional negligence had been established. The applicant, who is raising her three children alone, is now registered as significantly disabled and fears that she will eventually become blind.

Law: Legislation regulating the interruption of pregnancy touched upon the sphere of private life, since, when a woman was pregnant, her private life became closely connected with the developing foetus. There was no need to determine whether the refusal of an abortion amounted to interference, as the circumstances of the case and in particular the nature of the complaint made it more appropriate to examine the case solely from the standpoint of the State's positive obligations to secure the physical integrity of mothers-to-be. Domestic law only permitted abortion if two medical practitioners certified that pregnancy posed a threat to the mother's life or health. A doctor who terminated a pregnancy in breach of the conditions specified in the legislation was guilty of a criminal offence punishable by up to three years' imprisonment. According to the Polish Federation for Women and Family Planning, this tended to deter doctors from issuing a certificate, in particular in the absence of transparent and clearly defined procedures for determining whether the legal conditions for a therapeutic abortion were met in the individual case. For their part, the Government had acknowledged deficiencies in the manner in which the Act had been applied in practice.

The need for procedural safeguards became all the more relevant where a disagreement arose as to whether the preconditions for a legal abortion were satisfied in a given case, either between the pregnant woman and her doctors, or between the doctors themselves. In such situations the applicable legal provisions had to be formulated in such a way as to ensure clarity of the pregnant woman's legal position and to alleviate the chilling effect which the legal prohibition on abortion and the risk of criminal responsibility could have on doctors. Once a legislature had decided to allow abortion, it had to avoid structuring its legal framework in a way that limited its use in practice and establish a procedure whereby an independent and competent body was required to issue a reasoned decision in writing after affording the mother an opportunity to make representations. Such decisions had to be timely so as to limit or prevent damage to the mother's health. An *ex post facto* review of the situation could not fulfil that function. The absence of such preventive procedures in the domestic law could constitute a breach of a State's positive obligations. The applicant was suffering from severe myopia at the material time and feared that the pregnancy and birth might further endanger her eyesight. In the light of her medical history and the advice she had been given, her fears could not be said to have been irrational.

Although the relevant legislation provided for a relatively quick and simple procedure for taking decisions on therapeutic abortion based on medical considerations, it did not provide for any particular procedural framework to address and resolve disagreement, either between the pregnant woman and her doctors, or between the doctors themselves. While under the general law a doctor could obtain a second opinion, that did not give patients a procedural guarantee that such an opinion would be obtained or the right to contest it in the event of disagreement; nor did it address the more specific issue of a pregnant woman seeking a lawful abortion. Accordingly, it had not been demonstrated that the domestic law, as applied to the applicant's case, contained any effective mechanism capable of determining whether the conditions for obtaining a lawful abortion had been met. That created a situation of prolonged uncertainty as a result of which the applicant had suffered severe distress and anguish about the possible adverse consequences on

her health. Nor did the provisions of the civil law of tort afford her an opportunity to uphold her right to respect for her private life, since they only afforded a remedy in damages. Criminal or disciplinary proceedings could not have prevented the damage to her health either. Retrospective measures alone were not sufficient to provide appropriate protection for the physical integrity of individuals in such a vulnerable position as the applicant. In the light of all the circumstances, the Polish State had not complied with its positive obligations to safeguard the applicant's right to respect for her private life.
Conclusion: violation (six votes to one).

Article 41 – EUR 25,000 in respect of non-pecuniary damage.

HOME
Law firm's premises searched and computers seized: *communicated*.

YUDITSKAYA and Others - Russia (N° 5678/06)
[Section I]

The applicants are advocates and members of a law firm. A further member of their firm was suspected of having signed a fictitious contract with a company with the aim of concealing bribery involving court bailiffs. Investigators showed up at the law firm's premises with a search warrant issued by a district court. The applicants allege that they handed over the documents sought by the investigators of their own volition. Nevertheless, the whole of the premises, including the offices of the applicants who had no contractual relationship with the company suspected of bribery, were searched. The investigators seized all computers and copied the entire contents of their hard disks. The computers were returned one week later. The applicants' appeals were dismissed.

ARTICLE 10

FREEDOM OF EXPRESSION
Orders to pay compensation and costs as a result of a newspaper article identifying a leading industrialist as being on a list of householders suspected of contravening local regulations: *violation*.

TØNSBERGS BLAD AS and HAUKOM - Norway (N° 510/04)
Judgment 1.3.2007 [Section I]

Facts: The applicants were the publisher and editor-in-chief of a newspaper which printed an article on a list that had been compiled by a municipal council of property owners who were suspected of failing to comply with a local regulation requiring owners to be permanently resident in their properties. The regulation had been introduced in an attempt to control the exceptionally high demand for holiday homes in the area. The article identified certain people on the list, including a leading industrialist. When it subsequently became clear that the property had, in fact, been removed from the list, the newspaper published an additional article in which it commented that the industrialist had "got off". It went on to criticise "major loopholes" in the system, in particular, the fact that the regulations did not apply to houses which the owners had built. In a further article, the paper stated that the property had been removed from the list, as the regulations did not apply to it. The industrialist subsequently brought private criminal proceedings against the applicants in defamation. His claims were upheld in part on appeal. The appellate court declared the impugned statements null and void and ordered the applicants to pay compensation for non-pecuniary damage. The applicants appealed unsuccessfully to the Supreme Court and were ordered to pay costs.

Law: The case turned on whether the reasons given by the national authorities to justify the interference with the applicant's freedom of expression were "relevant and sufficient". There was no reason to doubt their relevance to the legitimate aim of protecting the rights and reputation of the industrialist. As to

whether they were also "sufficient", the article had not set out to damage the industrialist's reputation, but to illustrate a problem which the public had an interest in being informed about. Nor did the article relate exclusively to his private life, as it concerned a possible failure by a public figure to observe laws and regulations whose purpose was to protect serious public interests, albeit in the private sphere.
In order to enjoy the protection of the Convention when imparting information on issues of general interest journalists were required to act in good faith and on an accurate factual basis and to provide "reliable and precise" information in accordance with the ethics of journalism. What was alleged was a breach of a regulatory requirement, not a criminal offence, even though locally such conduct was likely to be viewed as reprehensible from a moral and social standpoint. The allegations had been accompanied by precautionary qualifications. Even though presented in a somewhat sensationalist style, the overall impression given by the newspaper report was that, rather than inviting the reader to reach any foregone conclusion about any failing on the industrialist's part, its aim was to question his compliance with the relevant requirements and the need for those requirements to be maintained, modified or repealed. The coverage did not lack proper balance, regard being had to the qualifications and counterbalancing elements contained in the original and follow-up articles.
As to the further question whether the applicants had acted in good faith and complied with the ordinary journalistic obligation to verify factual allegations, there was substantial evidence to corroborate the newspaper's contention in the initial article that the municipality at that point considered the industrialist to be in breach of the relevant residence requirements. No blame attached to the journalist for reporting the municipality's opinion without first ascertaining for himself whether the requirements did in fact apply to the property. On the contrary, in view of the relatively minor nature and limited degree of the defamation and the important public interests involved, the newspaper had taken sufficient steps to verify the truth of the allegation and acted in good faith. The applicants had had to face judicial defamation proceedings that had led to their statements being declared null and void and substantial awards against them for non-pecuniary damage and costs. That constituted an excessive and disproportionate burden that was liable to have a chilling effect on press freedom in the respondent State. In short, the reasons relied on by the respondent State, although relevant, were not sufficient to show that the interference complained of was "necessary in a democratic society". There was no reasonable relationship of proportionality between the restrictions on the applicants' right to freedom of expression and the legitimate aim pursued.
Conclusion: violation (unanimously).

Article 41 – EUR 90,000 for pecuniary damage, that being the amount the amount of compensation and costs the applicant had been ordered to pay in the domestic proceedings.

ARTICLE 11

FREEDOM OF PEACEFUL ASSEMBLY
Break-up of a sit-in on a public highway which prisoners' relatives had been holding on a weekly basis for more than three years: *no violation*.

ÇİLOĞLU and Others - Turkey (N° 73333/01)
Judgment 6.3.2007 [Section II]

Facts: This case concerned a series of demonstrations that were held on the public highway by prisoners' relatives, in the form of weekly sit-ins in front of a high school in Istanbul, to support a protest by prisoners against plans to build an F-type prison. After such weekly actions had been taking place for over three years, the police decided to disband a sit-in that had been organised unlawfully without prior notice. The group of some 60 demonstrators that day were ordered by the police to disperse. When they refused, the police used tear gas known as "pepper spray". The demonstrators were then forced onto a bus, whereupon they wrecked its windows and seats. Their medical reports drawn up that same day recorded bruises, scratches and burning sensations in the throat caused by the tear gas. Criminal proceedings were brought against the applicants for taking part in an unlawful demonstration but were later stayed.

Law: Article 3 – The use of "pepper spray" gas – authorised for the sole purpose of maintaining public order – could cause discomfort. In the applicants' case, the medical reports drawn up by the authorities had not shown any dangerous effects. The applicants had not sought to have themselves re-examined by a specialist in order to show that they were suffering from after-effects. The injuries that had occurred during their struggle with the police at the time of the arrest did not fall within the scope of Article 3 either (see *Oya Ataman v. Turkey*, no. 74552/01, 5 December 2006, Information Note no. 92).
Conclusion: no violation (unanimously).

Article 11 – The demonstration had been unlawful, as there had been no prior notice. Whilst that did not justify the interference, it explained why it had not been possible to take the necessary security measures beforehand. The demonstrators had been informed of the unlawfulness of the demonstration and the breach of the peace that it caused, especially on a Saturday, but they had ignored warnings by the security forces.
As the demonstration had been held every Saturday for over three years, without any interference by the authorities, the applicants had fulfilled their aim of alerting public opinion to a topical issue. Moreover, the gathering had been disrupting the traffic and had clearly caused a breach of the peace. The authorities had reacted within the margin of appreciation afforded to them (contrast *Oya Ataman v. Turkey*, cited above).
Conclusion: no violation (five votes to two).

ARTICLE 14

DISCRIMINATION (Article 5)
Refusal to admit to social therapy a foreign national subject to imminent expulsion and kept in preventive detention as a dangerous recidivist: *communicated*.

RANGELOV - Germany (N° 5123/07)
[Section V]

Since the applicant entered Germany in 1979, he has been convicted some fifteen times, notably of theft and burglary. In 1996, he was sentenced to eight years and six months' imprisonment. Relying on the expert report, the trial court further ordered the applicant's preventive detention, considering that he was inclined to commit serious offences and was therefore dangerous for the public. In 1997, the municipal authorities ordered his expulsion to Bulgaria as soon as he had served his sentence and prohibited him from re-entering Germany for an indefinite duration in view of his criminal convictions. The prison declined several times the applicant's request to undergo social therapy because he was liable to be expelled after having served his prison sentence. Since June 2003, when his prison sentence ended, he is remanded in preventive detention. In 2004, having heard the applicant and the experts, the regional court again decided that his continued preventive detention was still necessary as he was very likely to be recidivist. He appealed unsuccessfully.
Communicated under Articles 5 and 14 of the Convention.

DISCRIMINATION (Article 9 of the Convention and Article 1 of Protocol No. 1)
Obligation on taxpayer to allocate a portion of his income tax to specific beneficiaries without any right to reduce the share payable to each except in the case of the State: *inadmissible*.

SPAMPINATO - Italy (N° 23123/04)
Decision 29.3.2007 [Section III]

The applicant worked as a trainee lawyer. On his income-tax return he opted to allocate eight thousandths of the tax to the State. The relevant legislation provides that this proportion must be allocated to the State, to the Catholic church, or to one of the institutions representing the other five religions which had agreed

to receive that contribution. Taxpayers are required to indicate their choice when they fill in their tax return. If no option is indicated, the corresponding sum is paid to the State, the Catholic church and the institutions representing the other five religions, in proportion to the choices made by all taxpayers. The portion of that income tax received by the State is earmarked for activities with a social purpose. However, the total amount of this portion is reduced every year by EUR 80,000,000 – a sum which the State is allowed to use freely according to its needs.

Inadmissible under Articles 9 and 14 – The Court was unable to share the applicant's view that the choice of allocation of a portion of income tax necessarily obliged him to indicate his religious affiliation. Under the relevant law, taxpayers were able not to make any choice as to the allocation of the eight thousandths of their income tax. The provision in question did not entail any obligation to express one's religious beliefs: *manifestly ill-founded*.

Inadmissible under Article 1 of Protocol No. 1 and Article 14 of the Convention – The applicant complained that he was liable for a tax payment from which only certain specific recipients could benefit and that only the portion of income tax allocated to the State could be reduced. The levying of taxes constituted justified interference with the right of property. In such matters States parties enjoyed a wide margin of appreciation, which was particularly justified with regard to establishment of the delicate relations between the State and religions, given that there was no common European standard governing the financing of churches or religious movements, and that such questions were closely related to the history and traditions of each country. The tax law in question did not provide for a tax to be added to the ordinary income tax but only for a specific allocation of a percentage of that tax. This fell within the State's margin of appreciation and could not as such be regarded as arbitrary. The tax in question could not be said to have imposed an excessive burden on the applicant or to have upset the "fair balance" that had to be struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights: *manifestly ill-founded*.

DISCRIMINATION (Article 1 of Protocol No. 1)
Foreign citizen refused admission to farmers' social security scheme: *admissible*.

LUCZAK - Poland (N° 77782/01)
Decision 27.3.2007 [Section IV]

The applicant, a French national of Polish origin, has been living and working in Poland since 1980. In 1997 he and his wife (a Polish national) jointly bought a farm and subsequently applied to be admitted to the farmers' social security scheme. The applicant's request was denied on the ground that he was not a Polish national as required by the relevant law. As a result, between 1997 and 2002 (when he left Poland) the applicant has had no social security cover. In 2004 the legislation was amended in line with Poland's obligations related to the accession to the EU. Prior to acquiring a farm, the applicant was in employment and was covered by the general social security scheme. The law concerning that scheme did not make any distinction on the basis of the employee's nationality (with one negligible exception) in respect of the obligation to join the scheme and to receive benefits from it.

ARTICLE 33

INTER-STATE CASE
Alleged pattern of official conduct by Russian authorities resulting in multiple breaches of Georgian nationals' Convention rights.

Georgia - Russia N° 13255/07)
[Section V]

The application concerns events following the arrest in Tbilisi on 27 September 2006 of four Russian service personnel on suspicion of espionage. On 4 October 2006 the four servicemen were released by executive act of clemency. Eleven Georgian nationals were arrested on the same charges.
The applicant Government maintain that the reaction of the Russian authorities to this incident amounted to a pattern of official conduct giving rise to specific and continuing breaches of the Convention and its Protocols under Articles 3, 5, 8, 13, 14 and 18 of the Convention, Articles 1 and 2 of Protocol No. 1, Article 4 of Protocol No. 4 and Article 1 of Protocol No. 7. These breaches are said to derive from alleged harassment of the Georgian immigrant population in Russia together with widespread arrests and detention generating a generalised threat to security of the person and multiple interferences with the right to liberty on arbitrary grounds. The Georgian Government also complain of the conditions in which "at least 2,380 Georgians" had been detained. They assert that the collective expulsion of Georgians from the Russian Federation involved systematic and arbitrary interference with documents evidencing a legitimate right to remain, due process requirements and the statutory appeal process. In addition, closing the land, air and maritime border between the Russian Federation and Georgia, thereby interrupting all postal communication, frustrated access to remedies for the persons affected.

Under Rule 51 of the Rules of Court, when an inter-state application is lodged the President of the Court is to give notice immediately to the respondent Contracting Party.
For information about the further procedure, see Press Release no. 190.

ARTICLE 37

Article 37(1)(b)

MATTER RESOLVED
Ex gratia payment in respect of pecuniary and non-pecuniary damage caused to the inhabitants of a shanty town by a methane gas explosion at a refuse tip: *striking out*.

YAĞCI and Others - Turkey (N° 5974/02)
Decision 22.3.2007 [Section III]

A methane explosion, which occurred in a municipal refuse dump next to a shanty town where the applicants were living with their families, caused the death of a number of their relatives. The facts of the case are largely the same as in the case of *Öneryıldız v. Turkey* ([GC], no. 48939/99, ECHR 2004-XII). The Criminal Court found that the mayors of the towns concerned were guilty of negligence in connection with the accident and sentenced them to pay symbolic fines, the enforcement of which was suspended. The Administrative Court ordered them to pay sums in respect of non-pecuniary and pecuniary damage. The applicants criticised the authorities for failing to prevent the accident and complained that the legal remedies they had used in the case had been ineffective. They submitted that the length of the proceedings in the Administrative Court had been excessive and further complained of the authorities' refusal to pay the compensation due. They alleged that their right to respect for their private life had been breached and

complained of a violation of their right to the peaceful enjoyment of their possessions. The applicants accepted the Government's offer with a view to a friendly settlement, consisting of an *ex gratia* payment of between 15,000 and 26,000 euros per applicant in respect of pecuniary and non-pecuniary damage. Accordingly, it was unnecessary, in terms of respect for human rights as defined in the Convention and the protocols thereto, for the Court to continue the examination of the application: *struck out*.

ARTICLE 41

JUST SATISFACTION
Compensation for unlawful occupation and seizure of land by the State (*restitutio in integrum*).

SCORDINO - Italy (n° 3) (N° 43662/98)
Judgment 6.3.2007 [Section IV]

(see Article 46 below).

EXECUTION OF A JUDGMENT
Continued detention pending the outcome of criminal proceedings that have been under way for almost thirteen years: *violation to cease either by an early end to the trial or the applicant's release*.

YAKIŞAN - Turkey (N° 11339/03)
Judgment 6.3.2007 [Section II]

Facts: The applicant was arrested and remanded in custody in March 1994, on suspicion of being a member of the PKK (Workers' Party of Kurdistan) and of being involved in certain acts of violence.
In June 1998 he was sentenced to the death penalty, which was commuted to life imprisonment. The judgment was quashed by the Court of Cassation. In October 2000 the Security Court gave the same sentence, which was also commuted. The following year that judgment was quashed by the Court of Cassation. The case was still pending before the Assize Court when the European Court of Human Rights delivered this judgment. The applicant was still being held in detention on remand, his applications for release having been dismissed.

Law: Article 5(3) – The holding of the applicant in detention on remand for a period of eleven years and seven months (the period to be examined under Article 5(3), which did not include the periods between each conviction and the quashing of the respective judgment by the Court of Cassation) had not been justified.
Conclusion: violation (unanimously).

Article 6(1) – The length of the criminal proceedings against the applicant, still pending after thirteen years, was excessive.
Conclusion: violation (unanimously).

Article 41 – EUR 12,000 in respect of non-pecuniary damage.

The Court considered that an appropriate way of putting an end to the violation observed would be to try the applicant as quickly as possible, taking into account the requirements of the proper administration of justice, or to release him pending trial as provided for by Article 5(3).

ARTICLE 46

EXECUTION OF A JUDGMENT
General measures in order to prevent illegal occupation of land and to compensate owners for unlawful dispossession by the State.

SCORDINO - Italy (n° 3) (N° 43662/98)
Judgment 6.3.2007 [Section IV]

Facts: The authorities took physical possession of land belonging to the applicants in 1980 with a view to expropriating it. The Italian courts ruled that such possession was illegal but held that, in accordance with the constructive-expropriation rule established by judicial precedent, ownership of the property had been transferred to the authorities. Pursuant to the Budget Act, which placed a ceiling on the amount of compensation to be granted in cases of constructive expropriation, the applicants were awarded amounts which, in their opinion, did not reflect the compensation to which they were entitled. However, the appeals they subsequently lodged to obtain restitution of their land or to contest the amount of compensation were unsuccessful. In a judgment of 17 May 2005 ("the principal judgment") the Court held that the interference with the applicants' right to the peaceful enjoyment of their possessions was not compatible with the requirement of lawfulness and that there had accordingly been a violation of Article 1 of Protocol No. 1.

Law: Article 46 – The violation found in the present case originated in a widespread problem arising out of unlawful conduct of the authorities, endorsed by the courts, which allowed them to take possession of property arbitrarily. Failure to comply with the requirement of lawfulness and to respect the right to peaceful enjoyment of possessions had arisen from application of the constructive-expropriation rule, which had been established by judicial precedent and subsequently codified. Given the large number of persons affected and the numerous judgments already delivered by the Court, it was a structural deficiency within the Italian legal order that was not only an aggravating factor as regards the State's responsibility for an existing or past state of affairs, but also represented a threat to the future effectiveness of the Convention machinery. Accordingly, general measures at national level were called for in execution of the present judgment capable of remedying the systemic defect by implementing, *inter alia*, a mechanism that would provide injured persons with compensation for the violation in question. Above all, the State should take measures to prevent any unlawful possession of land, whether it be possession without lawful title from the outset or possession that had initially been authorised but had subsequently become unlawful. For that purpose it was conceivable to allow possession of land only where it was established that the expropriation plan and decisions had been adopted in accordance with fixed rules and accompanied by a budgetary provision capable of guaranteeing the expropriated party rapid and adequate compensation. Furthermore, the respondent State should discourage practices that did not comply with the rules on lawful expropriation by enacting provisions that served as a deterrent and by seeking to establish liability on the part of those who engaged in such practices. In every case where possession of land had already been taken without title and transformed in the absence of an expropriation order, the respondent State should eliminate the legal obstacles that systematically prevented, as a matter of principle, the restitution of land. Where land could not be returned for plausible and concrete reasons, the respondent State should ensure payment of a sum corresponding to the value of restitution in kind. The State should also take appropriate steps from a budgetary perspective to award damages, if need be, for losses sustained which would not be covered by restitution in kind or the sum paid in lieu.

Article 41 – The Court restated the principle that a lawful expropriation which infringed Article 1 of Protocol No. 1 on the ground that the compensation was inadequate could not be viewed in the same manner as a case such as the present one, in which the violation resulted from a breach of the principle of lawfulness. Accordingly, compensation for constructive expropriation was not comparable to compensation in cases of lawful expropriation. The unlawfulness of the expropriation of the land was reflected in the applicable criteria for determining the compensation due from the respondent State. In the present case the nature of the violation found in the principal judgment militated in favour of the principle

of *restitutio in integrum*. Accordingly, restitution of the land in question – together with the existing buildings – would have placed the applicants as far as possible in the position they would have been in had there been no violation of the requirements of Article 1 of Protocol No. 1; and would compensate them fully for the consequences of the loss of enjoyment alleged. Failing restitution, the Court held that the compensation to be awarded to the applicants was not limited to the value of their property on the date of unlawful dispossession. It decided that the State should pay them a sum corresponding to the current value of the land (EUR 1,329,840), from which should be deducted the compensation obtained by the applicants in the domestic proceedings and converted to present-day levels (approximately EUR 436,000). To that amount should be added a sum for the appreciation brought about by the existence of buildings – which in the present case was estimated to be at the same level as the construction cost – and was capable of compensating the applicants for any other loss they had sustained. With regard to determining the amount of this compensation, in the absence of any expert report filed by the Government and any comments on the amounts claimed the Court based its decision on the expert report filed by the applicants. Ruling on an equitable basis, the Court awarded the applicants EUR 3,300,000.

Non-pecuniary damage: EUR 10,000 to each applicant, that is, EUR 40,000 in total.

ARTICLE 1 OF PROTOCOL No. 1

PEACEFUL ENJOYMENT OF POSSESSIONS
Inability to inherit property situated abroad due to the alleged absence of reciprocal arrangements: *violation*.

APOSTOLIDI and Others - Turkey (N° 45628/99)
Judgment 27.3.2007 [Section IV]

Facts: The five applicants are Greek nationals living in Greece. Their aunt, who had acquired Turkish nationality by marriage, died in 1984 without issue. She owned a flat in Turkey, where a plot of land was registered in the land register in her late husband's name. The Turkish courts registered the land in the name of a foundation. The applicants had the flat registered in their name in the land register after applying for and obtaining an inheritance certificate. They also relied on the certificate to claim title to the land. The Turkish courts applied the rule whereby, as was the case for any foreigner wishing to acquire property in Turkey, they could acquire it by inheritance only if Turkish nationals had the same entitlement in Greece. The Turkish courts considered that this condition of reciprocity was not satisfied in the present case and that the applicants did not therefore have the capacity to inherit the land that they claimed was theirs. For the same reason the instrument of title that the applicants had obtained in respect of the flat was annulled.

Law: There was no evidence to show that the title to the land had been transferred to the deceased at a given time and on the basis of a valid instrument under domestic law, such as to enable the applicants lawfully to seek the registration of the land in their names as heirs. The applicants did not therefore have a "possession" within the meaning of Article 1 of Protocol No. 1.
Conclusion: no violation (unanimously).

By contrast, the flat had been registered at the land registry in the name of the deceased at the date of her death. It was then registered in the applicants' names on the basis of a certificate of inheritance establishing an undisputed family relationship with the deceased. The applicants had thus possessed a property right which had been recognised under Turkish law throughout the period of validity of the certificate of inheritance, and which could be characterised as a "possession". The annulment of the certificate had thus constituted interference with their right to the peaceful enjoyment of their possessions. That annulment, founded on the principle of reciprocity, did not satisfy the requirements of lawfulness. Contrary to the findings of the Turkish courts that the condition of reciprocity was not met in Greece, it had not been established that there was any restriction in Greece preventing Turkish nationals from

acquiring real property by inheritance. Official documents showed that Turkish nationals had acquired property by inheritance in Greece. Consequently, the interference had not been sufficiently foreseeable.
Conclusion: violation (unanimously).

Article 41 – Question of just satisfaction reserved.

DEPRIVATION OF PROPERTY
Deprivation of property pursuant to legislation aimed at compensating victims of arbitrary expropriations during the communist regime: *no violation (five applications) and violation (four applications)*.

VELIKOVI and Others - Bulgaria (N° 43278/98 and Others)
Judgment 15.3.2007 [Section V]

Facts: After 1945 the communist regime in Bulgaria introduced nationalisation laws of a punitive or redistributive nature. As regards housing, the policy was to limit private real estate ownership to one dwelling per family. All apartments considered "in excess" were nationalised and allocated to municipal housing funds which managed them and rented them out to those who, according to the special legislation, were in priority need of housing. A large number of nationalised apartments were sold to tenants in the 1960s and 1970s. After the fall of the communist regime in 1990, Parliament enacted legislation aiming at restoring justice for those whose property had been nationalised without compensation, or for their heirs. In particular, the Restitution Law 1992 provided that the former owners, or their heirs, became *ex lege* the owners of their nationalised property. Even if certain property had been acquired by third persons after the nationalisation, the former owners or their heirs could still recover it if the third persons in question had become owners in breach of the law, by virtue of their position in the Communist party or through abuse of power. In 1997, the persons who had lost their dwellings pursuant to the Restitution Law were entitled to receive housing compensation bonds.
The applicants in the present case were deprived of their property as a result of the proceedings brought against them under the Restitution Law by the pre-nationalisation owners or their heirs.

Law: The interference with the applicants' property rights had been provided for by law and had pursued a legitimate aim of compensating the victims of arbitrary expropriations during the communist regime. The impugned measures had been the result of difficult decisions which the authorities had to make in the conditions of transition from a totalitarian regime to a democratic society. Even if the relevant legislation and its interpretation had changed several times in contradictory directions, a purist approach to legal predictability would be inappropriate. The proportionality issue must be decided with reference to the following factors: (i) whether or not the case fell clearly within the scope of the legitimate aims of the Restitution Law, having regard to the factual and legal basis of the applicants' title and the findings of the national courts in their judgments declaring it null and void (abuse of power, substantive unlawfulness or minor omissions attributable to the administration) and (ii) the hardship suffered by the applicants, the adequacy of the compensation actually obtained or the compensation which could be obtained through a normal use of the procedures available to the applicants at the relevant time, including the bonds compensation scheme and the possibilities for the applicants to secure a new home for themselves. On this basis, the Court distinguished between cases where the property in question had been obtained through abuse or material violations of housing regulations, cases where the State administration had been responsible for irregularities resulting in the applicants' titles having been annulled and cases where the domestic courts' interpretation of the Restitution Law's scope of application had been excessive.
Conclusions:
no violation in two applications because there had been abuse by the applicants in obtaining the property in question and, in any case, they had obtained adequate compensation (unanimously);
no violation in two other cases due to there having been material violations of the relevant housing regulations (unanimously);
no violation in one case in which the State administration was responsible for irregularities that led to nullification of titles, but the applicants had obtained adequate compensation (unanimously); and

violation in four other cases either because the State administration had been responsible for irregularities resulting in the applicants' titles having been annulled or the interpretation of the Restitution Law's scope of application had been excessive (unanimously).
Article 41 reserved.

CONTROL OF THE USE OF PROPERTY
Inability to enforce order for the restitution of a listed building because of a moratorium that had been in place for more than twelve years: *violation*.

DEBELIANOVI - Bulgaria (N° 61951/00)
Judgment 29.3.2007 [Section V]

Facts: In March 1994 the applicants obtained a court order for the return of a house that had belonged to their father and had been turned into a museum in 1956 after expropriation. The building is regarded as the most important historic and ethnographical monument in the town. The District Council appealed against the decision to return the building, but without success.
In June 1994 the Bulgarian National Assembly introduced a moratorium on restitution laws with regard to properties classified as national cultural monuments. Appeals by the applicants, seeking to secure effective possession of the property, were unsuccessful. The moratorium was to last until the enactment of a new law on cultural monuments, but remained applicable in 2005, when their action was finally dismissed by the Supreme Court of Cassation on the basis of the moratorium.

Law: The National Assembly's decision to introduce a moratorium constituted control of the use of property.
The purpose of the moratorium was to preserve properties classified as historic monuments which had been returned to their former owners pending the adoption of an appropriate statutory framework that would provide the best solution for the safeguarding of the interests of the community. The aim of the interference was thus to ensure the preservation of protected national heritage sites. This was a legitimate aim in the context of protecting a country's cultural heritage (see the Council of Europe's Framework Convention on the Value of Cultural Heritage for Society).
However, the situation imposed on the applicants had lasted for about 12 and a half years and, except for a small sum awarded in respect of the two months preceding the moratorium, the applicants had obtained no compensation for their inability to enjoy their property.
They had also suffered from the uncertainty as to when the impugned measure would end. The decision by the National Assembly had stipulated that the moratorium would remain applicable until the enactment of a new law on cultural monuments, but did not fix any time-limit for that purpose. During the 12 years in question, virtually no progress had been made with regard to the enactment of such a law.
In short, the applicants' peaceful enjoyment of their possession had been impaired for over 12 years.
The fact that they had been unable to obtain any compensation for their loss, coupled with their uncertainty as to what would become of their property, had further aggravated the detrimental effects of the interference.
Conclusion: violation (unanimously).

Article 41 – Question of just satisfaction not yet ready for decision as regards pecuniary and non-pecuniary damage.

Other judgments delivered in March

Aldemir and Others v. Turkey (Nº 72632/01, Nº 72633/01, Nº 72640/01 and Nº 72641/01), 1 March 2007 [Section III]
Erkan Orhan v. Turkey (Nº 19497/02), 1 March 2007 [Section III]
Docevski v. the former Yugoslav Republic of Macedonia (Nº 66907/02), 1 March 2007 [Section V]
Belevitskiy v. Russia (Nº 72967/02), 1 March 2007 [Section V]
Salamatina v. Russia (Nº 38015/03), 1 March 2007 [Section I]
Sypchenko v. Russia (Nº 38368/04), 1 March 2007 [Section I]

Gębura v. Poland (Nº 63131/00), 6 March 2007 [Section IV]
Hancock and Others v. United Kingdom (Nº 63470/00, Nº 63473/00, Nº 63474/00, Nº 63645/00 and Nº 63702/00), 6 March 2007 [Section IV] (friendly settlement)
Donovan v. United Kingdom (Nº 63466/00), 6 March 2007 [Section IV] (friendly settlement)
Kryszkiewicz v. Poland (Nº 77420/01), 6 March 2007 [Section IV]
Alay v. Turkey (Nº 1854/02), 6 March 2007 [Section II]
Kazim Ünlü v. Turkey (Nº 31918/02), 6 March 2007 [Section II]
Narinen v. Finland (no. 2) (Nº 13102/03), 6 March 2007 [Section IV]
Mehmet Hanifi Kaya v. Turkey (Nº 17742/03), 6 March 2007 [Section II]

Dănilă v. Romania (Nº 53897/00), 8 March 2007 [Section III]
Dimov v. Bulgaria (Nº 56762/00), 8 March 2007 [Section V]
Popescu and Toader v. Romania (Nº 27086/02), 8 March 2007 [Section III]
Uljar and Others v. Croatia (Nº 32668/02), 8 March 2007 [Section I]
Gabriel v. Romania (Nº 35951/02), 8 March 2007 [Section III]
Florescu v. Romania (Nº 41857/02), 8 March 2007 [Section III]
Odysseos v. Cyprus (Nº 30503/03), 8 March 2007 [Section I]
Weigel v. Romania (Nº 35303/03), 8 March 2007 [Section III]
Sidorenko v. Russia (Nº 4459/03), 8 March 2007 [Section I]

Laskowska v. Poland (Nº 77765/01), 13 March 2007 [Section IV]
V.A.M. v. Serbia (Nº 39177/05), 13 March 2007 [Section II]

Păduraru v. Romania (Nº 63252/00), 15 March 2007 [Section III] (just satisfaction)
Petrescu v. Romania (Nº 73969/01), 15 March 2007 [Section III]
Dobre v. Romania (Nº 2239/02), 15 March 2007 [Section III]
Stanislav Volkov v. Russia (Nº 8564/02), 15 March 2007 [Section I]
Schrepler v. Romania (Nº 22626/02), 15 March 2007 [Section III]
Gavrikova v. Russia (Nº 42180/02), 15 March 2007 [Section I]
Popara v. Croatia (Nº 11072/03), 15 March 2007 [Section I]
Brøsted v. Denmark (Nº 1846/04), 15 March 2007 [Section V] (friendly settlement)
Kaiser v. Switzerland (Nº 17073/04), 15 March 2007 [Section V]

Siałkowska v. Poland (Nº 8932/05), 22 March 2007 [Section I]
Maslov v. Austria (Nº 1638/03), 22 March 2007 [Section I]

Talat Tunç v. Turkey (Nº 32432/96), 27 March 2007 [Section IV]
Duyum v. Turkey (Nº 57963/00), 27 March 2007 [Section IV]
Fehmi Koç v. Turkey (Nº 71354/01), 27 March 2007 [Section IV]
Öztunç v. Turkey (Nº 74039/01), 27 March 2007 [Section IV]
Asfuroğlu and Others v. Turkey (Nº 36166/02, Nº 36249/02, Nº 36272/02, Nº 36277/02, Nº 36319/02, Nº 36339/02 and Nº 38616/02), 27 March 2007 [Section II]
Karaçay v. Turkey (Nº 6615/03), 27 March 2007 [Section II]

Kovacheva and Hadjiilieva v. Bulgaria (Nº 57641/00), 29 March 2007 [Section V]
Arshinchikova v. Russia (Nº 74043/01), 29 March 2007 [Section III]
Frolov v. Russia (Nº 205/02), 29 March 2007 [Section I]
Cholet v. France (Nº 10033/02), 29 March 2007 [Section III]
Mircea v. Romania (Nº 41250/02), 29 March 2007 [Section III]
Gousis v. Greece (Nº 8863/03), 29 March 2007 [Section I]
Pobegaylo v. Ukraine (Nº 18368/03), 29 March 2007 [Section V]
Vaden v. Greece (Nº 35115/03), 29 March 2007 [Section I]
Mikhaylov v. Ukraine (Nº 22986/04), 29 March 2007 [Section V]
Vydrina v. Russia (Nº 35824/04), 29 March 2007 [Section I]

Relinquishment in favour of the Grand Chamber

Article 30

N.S. - Italy (N° 37201/06)
[Section III]

The application concerns the deportation of the applicant to Tunisia on grounds of his alleged participation in international terrorism. It raises issues under Articles 3, 6 and 8 of the Convention and Article 1 of Protocol No. 7.

On 5 October 2006 the Court indicated to the Italian Government, under Rule 39 of the Rules of Court, that the applicant's deportation to Tunisia should be suspended. The Italian authorities complied with that indication.

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. 91, 92):

Jurevičius - Lithuania, (N° 30165/02)
Osuch - Poland (N° 31246/02)
Tsfayo - United Kingdom (N° 60860/00)
Judgments 14.11.2006 [Section IV]

Apostol - Georgia (N° 40765/02)
Poulain de Saint Pere - France (N° 38718/02)
Judgments 28.11.2006 [Section II]

Buta - Poland (N° 18368/02)
Oleksy - Poland (N° 64284/01)
Trzciałkowski - Poland (N° 26918/02)
Wróblewksa - Poland (N° 22346/02)
Judgments 28.11.2006 [Section IV]

Diakoumakos - Greece (N° 28749/04)
Kolyada - Russia (N° 31276/02)
Shitikov - Russia (N° 10833/03)
Sillaïdis - Greece (N° 28743/04)
Judgments 30.11.2006 [Section I]

Gaischeg - Slovenia (N° 32958/02)
Grecu - Romania (N° 75101/01)
Korda - Slovenia (N° 25195/02)
Kračun - Slovenia (N° 18831/02)
Rotaru and Cristian - Romania (N° 29683/02)
Seregina - Russia (N° 12793/02)
Vladut - Romania (N° 6350/02)
Judgments 30.11.2006 [Section III]

Tochev - Bulgaria (N° 58925/00)
Judgment 30.11.2006 [Section V]

Akagün - Turkey (N° 71901/01)
Csikós - Hungary (N° 37251/04)
Emirhan Yıldız and Others - Turkey (N° 61898/00)
Fazil Ahmet Tamer - Turkey (N° 6289/02)
Güzel (Zeybek) - Turkey (N° 71908/01)
Oya Ataman - Turkey (N° 74552/01)
Tanyar and Küçükergin - Turkey (N° 74242/01)
Topkaya and Others - Turkey (N° 72317/01, N° 72322/01, N° 72327/01, N° 72330/01, N° 72332/01, N° 72335/01, N° 72340/01, N° 72342/01, N° 72347/01, N° 72348/01, N° 72349/01, N° 72351/01, N° 72357/01, N° 72358/01, N° 72362/01, N° 72366/01 and N° 72372/01)

Yener and Others - Turkey (Nº 62633/00, Nº 62634/00 and Nº 62636/00)
Judgments 5.12.2006 [Section II]

Åkerblom - Poland (Nº 64974/01)
Aslan and Şancı - Turkey (Nº 58055/00)
Baştimar and Others - Turkey (Nº 74337/01)
Borak - Turkey (Nº 60132/00)
Hidir Durmaz - Turkey (Nº 55913/00)
Kalem - Turkey (Nº 70145/01)
Lachowski - Poland (Nº 27556/03)
Resul Sadak and Others - Turkey (Nº 74318/01)
Sar and Others - Turkey (Nº 74347/01)
Skurčák - Slovakia (Nº 58708/00)
Solárová and Others - Slovakia (Nº 77690/01)
Tomláková - Slovakia (Nº 17709/04)
Wiercigroch - Poland (Nº 14580/02)
Wróblewski - Poland (Nº 76299/01)
Yazıcı - Turkey (Nº 48884/99)
Zdeb - Poland (Nº 72998/01)
Zygmunt - Poland (Nº 69128/01)
Judgments 5.12.2006 [Section IV]

Mačinković - Croatia (Nº 29759/04)
Nogolica - Croatia (no. 3) (Nº 9204/04)
Österreichischer Rundfunk - Austria (Nº 35841/02)
Šamija - Croatia (Nº 14898/04)
Judgments 7.12.2006 [Section I]

Ban - Romania (Nº 46639/99)
Čakš - Slovenia (Nº 33024/02)
Čop - Slovenia (Nº 6539/02)
Lakota - Slovenia (Nº 33488/02)
Virjent - Slovenia (Nº 6841/02)
Judgments 7.12.2006 [Section III]

Hristova - Bulgaria (Nº 60859/00)
Hunt - Ukraine (Nº 31111/04)
Ivanov - Ukraine (Nº 15007/02)
Ivashchishina - Ukraine (Nº 43116/04)
Kononenko - Ukraine (Nº 33851/03)
Kravchuk - Ukraine (Nº 42475/04)
Linkov - Czech Republic (Nº 10504/03)
Mirvoda - Ukraine (Nº 42478/04)
Raisa Tarasenko - Ukraine (Nº 43485/02)
Rogozhinskaya - Ukraine (Nº 2279/03)
Serikova - Ukraine (Nº 43108/04)
Shevtsov - Ukraine (Nº 16985/03)
Spas and Voyna - Ukraine (Nº 5019/03)
Victor Tarasenko - Ukraine (Nº 38762/03)
Vilikanov - Ukraine (Nº 19189/04)
Yosifov - Bulgaria (Nº 47279/99)
Judgments 7.12.2006 [Section V]

Dildar - Turkey (Nº 77361/01)
Ertuğrul Kiliç - Turkey (Nº 38667/02)

Kamil Öcalan - Turkey (Nº 20648/02)
Kırkazak - Turkey (Nº 20265/02)
Selek - Turkey (Nº 43379/02)
Judgments 12.12.2006 [Section II]

Depa - Poland (Nº 62324/00)
Dombek - Poland (Nº 75107/01)
Nistas GmbH - Moldova (Nº 30303/03)
Stasiów - Poland (Nº 6880/02)
Wojtunik - Poland (Nº 64212/01)
Judgments 12.12.2006 [Section IV]

Aggelakou-Svarna - Greece (Nº 28760/04)
Papakokkinou - Cyprus (Nº 4403/03)
Verlagsgruppe News GmbH - Austria (Nº 76918/01)
Verlagsgruppe News GmbH - Austria (no. 2) (Nº 10520/02)
Zouboulidis - Greece (Nº 77574/01)
Judgments 14.12.2006 [Section I]

Ali - Italy (Nº 24691/04)
Bogdanovski - Italy (Nº 72177/01)
Dimitrie Dan Popescu - Romania (Nº 21397/02)
Filip - Romania (Nº 41124/02)
Ionescu and Mihaila - Romania (Nº 36782/97)
Iuliano and Others - Italy (Nº 13396/03)
Jazbec - Slovenia (Nº 31489/02)
Lupas and Others - Romania (Nº 1434/02, Nº 35370/02 and Nº 1385/03)
Simion - Romania (Nº 13028/03)
Tarbuc - Romania (Nº 2122/04)
Vidrascu - Romania (Nº 23576/04)
Zamfirescu - Romania (Nº 46596/99)
Judgments 14.12.2006 [Section III]

Gurska - Ukraine (Nº 35185/04)
Ivashchenko - Ukraine (Nº 22215/04)
Karman - Russia (Nº 29372/02)
Kucherenko - Ukraine (Nº 45092/04)
Lositskiy - Russia (Nº 24395/02)
Luganskaya - Ukraine (Nº 29435/04)
Lyakhovetskaya - Ukraine (Nº 22539/04)
Maksimikha - Ukraine (Nº 43483/02)
Martynov - Ukraine (Nº 36202/03)
Mironov - Ukraine (Nº 19916/04)
Popov - Ukraine (Nº 23892/03)
Sarafanov and Others - Ukraine (Nº 32166/04)
Shabanov and Tren - Russia (Nº 5433/02)
Shcheglyuk - Russia (Nº 7649/02)
Solovyev - Ukraine (Nº 4878/04)
Tarariyeva - Russia (Nº 4353/03)
Tikhonchuk - Ukraine (Nº 16571/03)
Tsaruk - Ukraine (Nº 42476/04)
Vnuchko - Ukraine (Nº 1198/04)
Yeremenko - Ukraine (Nº 1179/04)
Yeremeyev - Ukraine (Nº 42473/04)
Judgments 14.12.2006 [Section V]

Adem Arslan - Turkey (Nº 75836/01)
Bitton - France (no. 1) (Nº 22992/02)
Companhia Agrícola de Penha Garcia, S.A. and 73 Others - Portugal (17 Agrarian reform cases) (Nº 21240/02, Nº 15843/03, Nº 15504/03, Nº 15508/03, Nº 15326/03, Nº 15490/03, Nº 15512/03, Nº 23256/03, Nº 23659/03, Nº 36438/03, Nº 36445/03, Nº 36434/03, Nº 37729/03, Nº 1999/04, Nº 27609/04, Nº 41904/04 and Nº 44323/04)
Erdal Taş - Turkey (Nº 77650/01)
Falakaoğlu and Saygılı - Turkey (Nº 11461/03)
Güvenç and Others - Turkey (22 expropriation cases) (Nº 61736/00, Nº 61738/00, Nº 61741/00, Nº 61742/00, Nº 61743/00, Nº 61744/00, Nº 61748/00, Nº 61751/00, Nº 61752/00, Nº 61758/00, Nº 61763/00, Nº 72375/01, Nº 72383/01, Nº 72396/01, Nº 72406/01, Nº 72411/01, Nº 72418/01, Nº 72422/01, Nº 72425/01, Nº 72430/01, Nº 72437/01 and Nº 72442/01)
Mattei - France (Nº 34043/02)
Mourgues - France (Nº 18592/03)
Osman - Turkey (Nº 4415/02)
Pamuk - Turkey (Nº 131/02)
Türkmen - Turkey (Nº 43124/98)
Yavuz and Osman - Turkey (Nº 39863/02)
Yildiz and Taş - Turkey (no. 1) (Nº 77641/01)
Yildiz and Taş - Turkey (no. 2) (Nº 77642/01)
Yildiz and Taş - Turkey (no. 3) (Nº 477/02)
Yildiz and Taş - Turkey (no. 4) (Nº 3847/02)
Judgments 19.12.2006 [Section II]

Adamiak - Poland (Nº 20758/03)
Dąbrowski - Poland (Nº 18235/02)
Dolasiński - Poland (Nº 6334/02)
Duda - Poland (Nº 67016/01)
Maksym - Poland (Nº 14450/02)
Piotr Kuc - Poland (Nº 37766/02)
Šedý - Slovakia (Nº 72237/01)
Yarar - Turkey (Nº 57258/00)
Judgments 19.12.2006 [Section IV]

Bartik - Russia (Nº 55565/00)
Petrov - Russia (Nº 7061/02)
Popova - Russia (Nº 23697/02)
Judgments 21.12.2006 [Section I]

Čuden and Others - Slovenia (Nº 38597/03)
Gençer and Others - Turkey (Nº 6291/02)
Gluhar - Slovenia (Nº 14852/03)
Gömi and Others - Turkey (Nº 35962/97)
Güler and Çalişkan - Turkey (Nº 52746/99)
Güzel Şahin and Others - Turkey (Nº 68263/01)
Herič - Slovenia (Nº 33595/02)
Kaya - Turkey (Nº 33696/02)
Koçak and Others - Turkey (Nº 23720/02, Nº 23735/02 and Nº 23736/02)
Marič - Slovenia (Nº 35489/02)
Müslüm Özbey - Turkey (Nº 50087/99)
Nose - Slovenia (Nº 21675/02)
Okay - Turkey (Nº 6283/02)
Oruç - Turkey (Nº 33620/02)
Pais - Romania (Nº 4738/04)

Pop - Romania (Nº 7234/03)
Vrečko - Slovenia (Nº 25616/02)
Židov - Slovenia (Nº 27701/02)
Judgments 21.12.2006 [Section III]

Borisova - Bulgaria (Nº 56891/00)
Moroz and Others - Ukraine (Nº 36545/02)
Movsesyan - Ukraine (Nº 31088/02)
Oleg Semenov - Ukraine (Nº 25464/03)
Shcherbinin and Zharikov - Ukraine (Nº 42480/04 and Nº 43141/04)
Sukhoy - Ukraine (Nº 18860/03)
Teliga and Others - Ukraine (Nº 72551/01)
Zozulya - Ukraine (Nº 17466/04)
Judgments 21.12.2006 [Section V]

Article 44(2)(c)

On 26 March 2007 the Panel of the Grand Chamber rejected requests for referral of the following judgments, which have consequently become final:

Acatrinei v. Romania (7114/02) - Section III, judgment of 26 October 2006
Ajzert v. Hungary (18328/03) - Section II, judgment of 7 November 2006
Börekçiogullari (Çökmez) and Others v. Turkey (58650/00) - Section III, judgment du 19 October 2006
Dima v. Romania (58472/00) - Section I, judgment of 16 November 2006
Földes and Földesné Hajlik v. Hungary (41463/02) - Section II, judgment of 31 October 2006
Gergely v. Hungary (23364/03) - Section II, judgment of 31 October 2006
Giacomelli v. Italy (59909/00) - Section III, judgment of 2 November 2006
Grässer v. Germany (66491/01) - Section V, judgment of 5 October 2006
Gregório de Andrade v. Portugal (41537/02) - Section II, judgment of 14 November 2006
Gută v. Romania (35229/02) - Section III, judgment of 16 November 2006
Hobbs, Richard, Walsh and Geen v. United Kingdom (63684/00, 63475/00, 63484/00 and 63468/00) - Section IV, judgment of 14 November 2006
Ippoliti v. Italy (12263/05) - Section III, judgment of 26 October 2006
Kadriye Yildiz and Others v. Turkey (73016/01) - Section II, judgment of 10 October 2006
Karov v. Bulgaria (45964/99) - Section V, judgment of 16 November 2006
Krone Verlag GmbH & Co. KG v. Austria (n° 4) (72331/01) - Section III, judgment du 9 November 2006
Le Calvez v. France (n° 2) (18836/02) - Section II, judgment of 19 December 2006
Ledyayeva and Others v. Russia (53157/99, 53247/99, 53695/00 and 56850/00) - Section I, judgment du 26 October 2006
Łukjaniuk v. Poland (15072/02) - Section IV, judgment of 7 November 2006
Majadallah v. Italy (62094/00) - Section I, judgment of 19 October 2006
Martellacci v. Italy (33447/02) - Section III, judgment of 28 September 2006
Mihăescu v. Romania (5060/02) - Section III, judgment of 2 November 2006
Molander v. Finland (10615/03) - Section IV, judgment of 7 November 2006
Nelyubin v. Russia (14502/04) - Section I, judgment of 2 November 2006
Öktem v. Turkey (74306/01) - Section III, judgment of 19 October 2006
Roda and Bonfatti v. Italy (10427/02) - Section II, judgment of 21 November 2006
Skibińscy v. Poland (52589/99) - Section IV, judgment of 14 November 2006

Slukvina v. Ukraine (9023/03) - Section V, judgment of 21 December 2006
Štavbe v. Slovenia (20526/02) - Section III, judgment of 30 November 2006
Tsalkitzis v. Greece (11801/04) - Section I, judgment of 16 November 2006
V.S. v. Ukraine (13400/02) - Section V, judgment of 30 November 2006
Vaivada v. Lithuania (66004/01 and 36996/02) - Section III, judgment of 16 November 2006
Vincent v. France (6253/03) - Section II, judgment of 24 October 2006
Wallová and Walla v. the Czech Republic (23848/04) - Section V, judgment of 26 October 2006
Yüksektepe v. Turkey (62227/00) - Section II, judgment of 24 October 2006
Zaytsev v. Russia (22644/02) - Section I, judgment of 16 November 2006
Zorc v. Slovenia (2792/02) - Section III, judgment of 2 November 2006

Statistical information[1]

Judgments delivered	March	2007
Grand Chamber	0	2
Section I	16	86(87)
Section II	9(16)	59(116)
Section III	18(21)	61(66)
Section IV	16(22)	78(100)
Section V	11(19)	42(50)
former Sections	1	8
Total	**71(95)**	**336(429)**

Judgments delivered in March 2007					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	0	0	0	0	0
Section I	15	0	0	1	16
Section II	9(16)	0	0	0	9(16)
Section III	16(19)	0	0	2	18(21)
Section IV	14(16)	2(6)	0	0	16(22)
Section V	10(18)	1	0	0	11(19)
former Section I	0	0	0	1	1
former Section II	0	0	0	0	0
former Section III	0	0	0	0	0
former Section IV	0	0	0	0	0
Total	**64(84)**	**3(7)**	**0**	**4**	**71(95)**

Judgments delivered in 2007					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	2	0	0	0	2
Section I	84(85)	0	1	1	86(87)
Section II	59(116)	0	0	0	59(116)
Section III	57(62)	1	1	2	61(66)
Section IV	67(70)	11(30)	0	0	78(100)
Section V	40(48)	1	1	0	42(50)
former Section I	0	0	0	1	1
former Section II	5	0	0	1	6
former Section III	1	0	0	0	1
former Section IV	0	0	0	0	0
Total	**315(389)**	**13(32)**	**3**	**5**	**337(429)**

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

Decisions adopted		March	2007
I. Applications declared admissible			
Grand Chamber		0	0
Section I		2	7
Section II		0	2
Section III		0	4
Section IV		7	10(2)
Section V		4	9
Total		**13**	**32(2)**
II. Applications declared inadmissible			
Grand Chamber		0	0
Section I	- Chamber	2	14
	- Committeeé	397	1347
Section II	- Chamber	9(2)	16(22)
	- Committee	281	757
Section III	- Chamber	4	12
	- Committee	352	915
Section IV	- Chamber	5	26
	- Committee	375	1099
Section V	- Chamber	2	15
	- Committee	962	1838
Total		**2389**	**6039(22)**
III. Applications struck off			
Grand Chamber		0	0
Section I	- Chamber	12	33
	- Committee	12	35
Section II	- Chamber	7(6)	18(21)
	- Committee	6	24
Section III	- Chamber	9	23
	- Committee	5	15
Section IV	- Chamber	12	28
	- Committee	1	.10
Section V	- Chamber	8	12
	- Committee	15	24
Total		**87**	**222(21)**
Total number of decisions[1]		**2489**	**6293(45)**

[1] Not including partial decisions.

Applications communicated	March	2007
Section I	85	180
Section II	54	185
Section III	54	183
Section IV	37	128
Section V	38	94
Total number of applications communicated	**268**	**770**

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. 4

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