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

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ARTICLE 1

RESPONSIBILITY OF STATES
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ISAAK and Others - Turkey (N° 44587/98)
Decision 28.9.2006 [Section III]

(See below Article 2).

RESPONSIBILITY OF STATES
Principle that the responsibility of a Contracting State is capable of being engaged outside its national territory where it exercises "effective control" does not replace the system of declarations under Article 56: *inadmissible*.

QUARK FISHING LIMITED - United Kingdom (N° 15305/06)
Decision 19.9.2006 [Section IV]

(See below Article 56).

RESPONSIBILITY OF STATES
Closing of the applicants' school in the "Moldavian Republic of Transdniestria" as it had refused to abandon the use of the Latin script: *communicated*.

CATAN AND 27 OTHERS - Moldova and Russia (43370/04)
[Section IV]

(See below Article 14).

ARTICLE 2

DEATH PENALTY
Extradition to Algeria of a terrorist tried *in absentia*, following governmental assurances excluding capital punishment and incompressible life imprisonment: *inadmissible*.

SAOUDI - Spain (N° 22871/06)
Decision 18.9.2006 [Section V]

In 2000 an Algerian criminal court sentenced the applicant *in absentia* to life imprisonment for the offence of setting up an armed terrorist group. In 2003 the applicant was arrested in Spain and remanded in custody pending extradition on the basis of an international arrest warrant issued by an Algerian investigating judge. The Algerian Prosecutor General subsequently issued a formal request for the applicant's extradition. In 2004 the Spanish courts granted the applicant's extradition once they were satisfied that the maximum sentence applicable to the charges was really life imprisonment and not a sentence of death. However, they asked the Algerian authorities to give certain undertakings: that they would fulfil their obligation to hold a fresh trial with the applicant being present and with due respect for the rights of the defence, and that a life sentence would not be irreducible. In 2005 the Algerian Minister of Justice gave assurances that the Spanish courts found to be adequate and compatible with the

conditions imposed, promising that fresh proceedings would be held and that a life sentence would be reducible, i.e., not consisting in a whole life term with no prospect of release. In 2006 the Spanish authorities ordered that the applicant be immediately delivered into the custody of the Algerian authorities. The Spanish courts had had the benefit of hearing direct representations from the parties in the context of an adversarial and in-depth examination of the extradition request, and had received undertakings from the Algerian authorities. Accordingly, the Spanish courts had been entitled to find that such undertakings removed any danger that the applicant might be sentenced to death or to an irreducible term of life imprisonment after a fresh trial in Algeria: *manifestly ill-founded*.

LIFE
Killing of a Greek Cypriot civilian demonstrator committed during a collision with Turkish Cypriot counter-demonstrators and police: *admissible*.

ISAAK and Others - Turkey (N° 44587/98)
Decision 28.9.2006 [Section III]

In August 1996, the Cyprus Motorcycle Federation held a demonstration near Nicosia. It was the subject of a report by the United Nations Forces in Cyprus (UNFICYP) and by the Secretary General of the United Nations (UN). According to these reports, Greek Cypriots entered into the UN buffer zone, approached the ceasefire line of the Turkish forces, and clashed with Turkish troops and Turkish Cypriot police as well as with Turkish Cypriot counter-demonstrators. The Turkish forces allowed counter-demonstrators and Turkish Cypriot police to cross a restricted military area and to enter the United Nations buffer zone. They proceeded to beat the Greek Cypriots with batons and iron bars. Mr Isaak, the applicants' relative and one of the Greek Cypriot demonstrators, was beaten to death by a number of Turkish Cypriot demonstrators, including Turkish Cypriot policemen and military personnel. According to the post mortem examination the cause of death was multiple blunt trauma to the head. A Greek Cypriot photographer took 20 pictures of this incident. A video broadcast on Euronews, Worldwide Television News and Reuter's videotapes clearly showed the killing of Mr Isaak and the intervention of the two UN police who had tried to rescue him. UNFICYP proceeded to investigation of the incident in co-operation with the Cyprus police, collecting evidence at the scene of crime as well as testimonies of the UN officers and other eye-witnesses. On the basis of information and comparison with photographs, an inspector from the Cyprus police could identify six perpetrators of the murder of Mr Isaak.
The Court had to ascertain whether Mr Isaak came under the authority and/or effective control, and therefore within the jurisdiction, of the respondent State as a result of the acts of the Turkish soldiers and officials and those of the "Turkish Republic of Northern Cyprus". To this end, the Court relied on the statements of the UNFICYP police officers, the relevant reports of UNFICYP and the UN Secretary General, the video recording and photographs submitted by the applicants which confirmed that the Turkish-Cypriot military/police officers had taken part in beating of Mr Isaak together with civilian demonstrators. Moreover, it transpired from the case-file that despite the presence of the Turkish armed forces and other Turkish-Cypriot police officers in the area, nothing had been done to prevent or stop the attack or to help the victim. The Court concluded therefore that the matters complained of fell within the "jurisdiction" of Turkey within the meaning of Article 1 of the Convention and therefore entail the respondent State's responsibility under the Convention.

Admissible under Articles 2, 8 and 14 of the Convention. The Government's objection for non-exhaustion of domestic remedies was joined to the merits.

POSITIVE OBLIGATIONS
Lack of effective investigation into killing of a Greek Cypriot civilian demonstrator committed during a collision with Turkish Cypriot counter-demonstrators and police: *admissible*.

ISAAK and Others - Turkey (N° 44587/98)
Decision 28.9.2006 [Section III]

(See above).

ARTICLE 3

INHUMAN OR DEGRADING TREATMENT
Strip-search of family members paying a prison visit: *no violation*.

WAINWRIGHT - United Kingdom (N° 12350/04)
Judgment 26.9.2006 [Section IV]

(See below Article 8 (“Private life”)).

EXTRADITION
Extradition to Algeria of a terrorist tried *in absentia*, following governmental assurances excluding capital punishment and incompressible life imprisonment: *inadmissible*.

SAOUDI - Spain (N° 22871/06)
Decision 18.9.2006 [Section V]

(See Article 2 above).

ARTICLE 6

Article 6(1)

APPLICABILITY
Attachment of assets in the context of criminal investigation aimed at safeguarding claims of aggrieved parties: *Article 6 not applicable*.

DOGMOCH - Germany (N° 26315/03)
Decision 8.9.2006 [Section V]

In 2000, in the investigation proceedings against third persons suspected of large-scale commercial delinquency, a district court ordered that the applicant's assets amounting to more than DEM 60 million be frozen. The frozen sum was later reduced to DEM 39 million by a regional court. The courts voiced strong suspicions that the applicant, a businessman, had knowingly received money derived from fraudulent transactions and had committed money-laundering. In the courts' decisions the applicant was explicitly named as a person charged with a criminal offence. The attachment order was motivated by the risk that the applicant would try to conceal and transfer the assets abroad in order to prevent the execution of claims brought out later by aggrieved third parties. The courts rejected the applicant's request to be heard personally. As the applicant's point of view had been clearly and unambiguously submitted in writing, an oral hearing was neither legally prescribed nor necessary in order to safeguard the applicant's right to a fair trial. In 2003, the public prosecutor issued an indictment against the applicant. In 2006, the

criminal proceedings against the applicant were suspended because of his inability to plead. The attachment of the applicant's assets remains in force.
The Court noted that the attachment order was a provisional measure taken in the context of criminal investigations and primarily aimed at safeguarding claims which might later on be brought out by aggrieved third parties. If such claims did not exist, the order could, furthermore, safeguard the later forfeiture of the assets. Such forfeiture would, however, have to be determined in separate proceedings following a criminal conviction. There was no indication that the attachment order as such had had any impact on the applicant's criminal record. In these circumstances, the impugned decisions as such could not be regarded as a "determination of a criminal charge" against the applicant. Therefore, Article 6(1) under its criminal head did not apply.
With respect to the applicability of Article 6(1) under its civil limb, the attachment order had been aimed at safeguarding third parties' claims to the applicant's assets. It had not included any determination of such claims, the existence of which would have to be settled in separate proceedings. Neither had it allowed any third party to dispose of the assets in question. It followed that the attachment of the applicant's assets had been of a purely provisional nature which did not coincide with or forestall any final decision in the main proceedings. Accordingly, Article 6(1) under its civil head was not applicable either: *incompatible ratione materiae*.

Article 6(1) civil

FAIR HEARING
Reopening of proceedings by State social security organ with subsequent quashing of pension award: *communicated*.

MOSKAL - Poland (N° 10373/05)
[Section IV]

(See below Article 1 of Protocol No. 1).

REASONABLE TIME
Sufficient amount of award made in the context of a compensatory remedy available to victims of excessively lengthy proceedings: *inadmissible*.

KALAJZIC - Croatia (N° 15382/04)
Decision 8.9.2006 [Section I]

(See below Article 34).

Article 6(1) criminal

FAIR HEARING
Alleged breach of certain rules of Community law and refusal of French courts to refer a question to the CJEC for a preliminary ruling in the context of proceedings for failure to comply with a customs requirement: *inadmissible*.

GRIFHORST - France (N° 28336/02)
Decision 7.9.2006 [Section I]

(See Article 1 of Protocol N° 1 below).

Article 6(3)(a)

INFORMATION ON NATURE AND CAUSE OF ACCUSATION
Conviction for rape of a defendant committed for trial before an assize court on a charge of attempted rape: *violation*.

MIRAUX - France (N° 73529/01)
Judgment 26.9.2006 [Section II]

Facts: The applicant was arrested for the offences of rape and sexual assault on minors. The investigating judge decided to deal only with the charge classified as sexual assault on minors. The applicant was committed to stand trial before an Assize Court on charges which were finally classified as attempted rape and sexual assault. At the end of the hearing, the President of the Assize Court read out the questions that the court and jury would have to answer. In particular, he read out a subsidiary question as to whether the applicant was guilty of the crime of "rape". The applicant was convicted of rape and aggravated sexual assault. The Court of Cassation dismissed his appeal, finding that he could have challenged the reclassification of the charges.

Law: Article 6 (1), (3) (a) and (3) (b) – No remedy had been available to the applicant allowing him to submit his arguments in defence once the charges had been reclassified. He had not been aware that he might be convicted of rape. A charge of "rape" was more serious than one of "attempted rape", and a jury would undoubtedly be influenced by this when it came to assess the facts and determine the sentence. This was especially true as juries tended to be particularly sensitive to the fate of victims in general, and victims of sexual offences in particular. Whilst an attempted offence attracted the same maximum sentence as that attracted by the complete offence, it could not be excluded that an Assize Court might take into account, when determining the quantum of the sentence, the difference between the attempted and the complete offence in terms of their "actual" seriousness and the harmful result. It could therefore legitimately be argued that the alteration of the charge by the Assize Court had been such as to result in a harsher sentence for the applicant, without his being given the opportunity to prepare and present a defence against the new charge and its consequences, including if necessary with regard to the actual sentence liable to be imposed. In short, there had been a violation of the applicant's right to be informed in detail of the nature and cause of the accusation against him, and of his right to have adequate time and facilities for the preparation of his defence.
Conclusion: violation (six votes to one).

Article 41 – The Court made an award for the pecuniary and non-pecuniary damage sustained and for costs and expenses.

INFORMATION ON NATURE AND CAUSE OF ACCUSATION
Adjustment of the charge before parties' closing statements in appellate court: *inadmissible*.

BÄCKSTRÖM and ANDERSSON - Sweden (N° 67930/01)
Decision 5.9.2006 [Section II]

The applicants were charged with several criminal offences including attempted aggravated robbery. The District Court convicted them of this offence. Towards the end of the hearing in the Court of Appeal, when only the parties' closing statements remained, the president of the court invited them to consider whether the robbery charges could not be regarded as encompassing a charge of completed aggravated robbery. As a consequence, the public prosecutor, in his closing statement, adjusted the charge to concern, in the first place, aggravated robbery and, in the second place, attempted aggravated robbery. The Court of Appeal allowed the adjustment and upheld the judgment, except that it found the applicants guilty of aggravated robbery (finding that the robbery constituted a completed offence and not an attempt).

Inadmissible under Articles 6(1) and (3) (a) and (b) – The applicants were made aware of the possibility that they might be convicted of the completed offence of robbery rather than of an attempted robbery, only on the penultimate day of the appellate court hearing. However, all the facts underlying the adjusted charge were known to the applicants long before. Moreover, counsel for the second applicant was of the opinion that the charge of aggravated robbery could be considered as having been covered by the original indictment. Further, counsel for both applicants stated their position on the adjusted charge on the day when it was introduced. They did not submit any additional arguments on this issue the following day, the last day of the hearing, although they would have been free to do so. Nor did they request an adjournment of the proceedings in order to have more time to consider the issue. In sum, the facts which the applicants in the present case had to address remained the same throughout the proceedings; the prosecutor's adjustment of the robbery charge did not alter the description of events, but only changed the legal characterisation of the offence and counsel for the applicants were able to – and did – state their position on the adjusted charge: *manifestly ill-founded* (to be distinguished from the case of *Miraux*, cited above).

Article 6(3)(b)

ADEQUATE TIME AND FACILITIES
Reclassification of the charge from attempted rape to rape following the assize court hearing: *violation*.

MIRAUX - France (N° 73529/01)
Judgment 26.9.2006 [Section II]

(See above Article 6(3)(a)).

ADEQUATE TIME AND FACILITIES
Adjustment of the charge before parties' closing statements in appellate court: *inadmissible*.

BÄCKSTRÖM and ANDERSSON - Sweden (N° 67930/01)
Decision 5.9.2006 [Section II]

(See above Article 6(3)(a)).

Article 6(3)(d)

EXAMINATION OF WITNESSES
Impossibility to examine in person the main witness for the prosecution as the authorities had prohibited him from testifying in court: *inadmissible*.

SAPUNARESCU - Germany (N° 22007/03)
Decision 1.9.2006 [Section V]

In 2001, upon the assistance of an informer of the *Land* Office of Criminal Investigation, the applicant was arrested and taken into detention on remand on suspicion of having trafficked in drugs. In 2002 the trial on charges of drug trafficking was opened against the applicant and two co-defendants. The informer could not be heard as a witness in person as the *Land* Ministry of Interior refused him permission to testify for fear of reprisals from the drug dealers. However, he answered in writing the applicant's questions transmitted to him via his supervisor from the police. In his written statements read out at the hearing, the informer submitted that while paying a visit to his friend in Romania he had met various persons who had proposed to sell drugs to him. Following this visit and while back in Germany, he had met the applicant who had offered and then delivered him ecstasy tablets. The informer refused to disclose the identity of his friend, also for fear of reprisals. The applicant's lawyer requested the court to

interrogate the informer as to the identity of his friend and to question this friend as a witness, as it would enable him to prove the illegal provocation of the drug deal on the instructions of the German police. This motion was dismissed by the court as it would have led to the disclosure of the informer's identity which would have been detrimental to the welfare of the Federal Republic or the *Land*. In July 2002, the applicant was convicted of joint drug trafficking and sentenced to a term of imprisonment. The court based its findings of fact on the applicant's confession and those of his two co-defendants as well as on the evidence given by two eye-witnesses who had been refused permission to testify. In assessing their credibility the court took into account the oral statements made by the police officer supervising them. In fixing the applicant's sentence the court took into consideration as a mitigating factor that the drug deal had been monitored by the police from the outset so that it was not very likely that the drugs could ever be circulated.
The Court found convincing the court's arguments as to the necessity of the restriction imposed on the applicant's defence rights and as to the lack of legal means to force the informer to give further evidence due to the prohibition for him to testify. Moreover, the handicaps in question had been counterbalanced in part by the court by making the informer answer the applicant's questions in writing. Although the informer had been the main witness for the prosecution, the applicant's conviction had not been based to a decisive extent on his statements. The domestic courts' findings had, in fact, been based on the applicant's confession and that of his two co-defendants. Without examining the informer it had not been possible to establish whether and if so, to what extent, the drug deal had been provoked by him, this question being a decisive factor for the fixing of a sentence corresponding to the applicant's guilt. However, the domestic courts had treated cautiously the written evidence given by the informer and expressly questioned the police officer supervising him in order to assess his credibility. Having regard to the way in which the evidence had been taken in the proceedings as a whole, the rights of the defence had not been restricted to an extent incompatible with the guarantees of Article 6(1) and (3) (d): *manifestly ill-founded*.

ARTICLE 7

Article 7(1)

NULLUM CRIMEN SINE LEGE
Applicability of requirement to declare sums of money, securities and assets under the French Customs Code to a Netherlands national convicted by the French courts for failing to comply with this requirement: *inadmissible*.

GRIFHORST - France (N° 28336/02)
Decision 7.9.2006 [Section I]

(See Article 1 of Protocol No. 1 below).

ARTICLE 8

PRIVATE LIFE
Disregard for procedures for strip-searching visitors to a prison: *violation*.

WAINWRIGHT - United Kingdom (N° 12350/04)
Judgment 26.9.2006 [Section IV]

Facts: The applicants are Mary Wainwright and her son, Alan Wainwright. Mr Wainwright has cerebral palsy and severe arrested social and intellectual development. In 1996, Ms Wainwright's other son, Mr O'Neill (Mr Wainwright's half brother) was arrested on suspicion of murder and detained on remand. Since he was suspected of being involved in the supply and use of drugs within the prison, the prison

governor ordered that all of his visitors be strip-searched. Unaware of the Governor's orders, the applicants went to visit him in January 1997. After passing through the initial security checks, they were informed that they would be strip-searched, as there was reason to believe that they were carrying drugs. If they refused, they would not be allowed to visit Mr O'Neill. Ms Wainwright was taken by two female officers into a small room overlooking offices. She eventually had to stand naked apart from her underwear. Her sexual organs and anus were visually examined. By the end of the search she was shaking and visibly distressed. As the blinds on the windows were not pulled down she believed that anyone looking into the room from the outside could have seen her in a state of undress. After she had been told to put her clothes back on, one of the officers asked her to sign the form to consent to a strip search. Attached to the consent form was a summary of the procedure to be carried out. She signed the form.

Mr Wainwright was taken to a separate room by two male officers, where he had to remove the clothes from the upper half of his body. After a finger search, which included poking a finger into his armpits, the prison officers told Mr Wainwright to remove the clothes from the lower half of his body. By this stage he was crying and shaking. He was told to spread his legs. One of the prison officers looked all around his naked body, lifted up his penis and pulled back the foreskin. Mr Wainwright was then given a consent form to sign. He explained that he could not read and that he wanted his mother to read it to him. The officers ignored this request and said that if he did not sign the form he would not be allowed in to visit his brother. He then signed the form.

Because of her experience Ms Wainwright did not visit Mr O'Neill for a further four months. In 1998 she was examined by a psychiatrist. The doctor considered that the severe upset that she had experienced in the prison had made her existing depression worse. Mr Wainwright was examined by the same doctor, who concluded that he was suffering from post-traumatic stress disorder and had a depressive illness. He found the strip-search to have been the main cause of both illnesses.

In the ensuing proceeding which the applicants had brought against the Home Office the Court of Appeal found that trespass to the person could not be extended to fit the applicants' circumstances and found that no wrongful act had been committed (except battery against Mr Wainwright, who was awarded damages).

Law: Articles 3 and 8 – Given the endemic drugs problem in the prison and the prison authorities' suspicion that Mr O'Neill had been taking drugs, the searching of visitors could be considered a legitimate preventive measure. Nonetheless, the application of such a highly invasive and potentially debasing procedure to people who were not convicted prisoners or under reasonable suspicion of having committed a criminal offence had to be conducted with rigorous adherence to procedures and all due respect to their human dignity. The domestic courts had found that the prison officers carrying out the searches had failed to comply with their own regulations and had demonstrated "sloppiness". In particular, it appeared that they had not provided the applicants with a copy of the form setting out the applicable procedure before the searches had been carried out, and which would have put them on notice of what to expect and permitted informed consent. The prison staff had also overlooked the rule that the person to be searched should be no more than half-naked at any time. It further appeared that Ms Wainwright had been visible through a window, in breach of proper procedure. It was for the authorities, not the visitor, to ensure that this procedure was followed. Although there was a regrettable lack of courtesy, there was no verbal abuse by the prison officers and, importantly, there was no touching of the applicants, except in the case of Mr Wainwright, who eventually received damages for battery. The Court therefore excluded that element from its assessment. The treatment undoubtedly had caused the applicants distress but had not reached the minimum level of severity prohibited by Article 3. Rather the case fell within the scope of Article 8. In this regard the Court accepted that the search had pursued the legitimate aim of fighting the drugs problem in the prison. On the other hand, it was not satisfied that the searches had been proportionate to that aim, given the manner in which they had been carried out. Where procedures had been laid down for the proper conduct of searches on outsiders to the prison who might very well be innocent of any wrongdoing, the prison authorities were required to comply strictly with those safeguards and by rigorous precautions protect the dignity of those being searched as far as possible. The Court found that they had not done do so in the applicants' case and the searches carried out on them could not be regarded as "necessary in a democratic society".

Conclusions: no violation of Article 3 (unanimously) but violation of Article 8 (unanimously).

Article 13 – While the applicants had taken domestic proceedings seeking damages for the searches and their effects they had had on them, these had been unsuccessful, save as regards the instance of battery on Mr Wainwright. As regards the other elements of the strip-searches, the House of Lords had found that the negligent action disclosed by the prison officers did not give grounds for any civil liability, in particular as there was no general tort of invasion of privacy. In those circumstances, the Court found that the applicants did not have available to them a means of obtaining redress for the interference with their rights under Article 8.
Conclusion: violation of Article 13 (unanimously).

Article 41 – The Court awarded the applicants EUR 6,000 euros for non-pecuniary damage and made a further award for costs and expenses.

PRIVATE AND FAMILY LIFE
Tapping of telephone lines in the course of a criminal investigation and use in the subsequent trial of conversations intercepted in this manner: *inadmissible*.

COBAN - Spain (N° 17060/02)
Decision 25.9.2006 [Section V]

The applicant, a Turkish national, was a suspect in a large-scale investigation into drug trafficking conducted by the Spanish Criminal Investigation Police. The investigators obtained permission to tap a number of telephone lines, including some used by the applicant. On 19 October 1996, following intensive police investigations, the applicant and a number of fellow-suspects were arrested by the police, who seized several kilograms of heroin hidden in a car used by members of the gang, together with a considerable sum of money. On 21 October 1996 the applicant was interviewed by senior police officers in the presence of assigned counsel. On 22 October he appeared before an investigating judge of the *Audiencia Nacional*, assisted by counsel and by an interpreter appointed by the judge's clerk. The applicant signed the record, indicating that he agreed with its content. Following the judge's investigation he was committed to stand trial before the criminal division of the *Audiencia Nacional*, together with a number of other individuals involved in the trafficking. On 10 December 1998, after adversarial proceedings and a public hearing, the applicant was found guilty of drug trafficking and forgery of official documents. He was sentenced to nineteen years' imprisonment and ordered to pay a number of fines. The *Audiencia Nacional* based his conviction on passages from recordings by the police of conversations in Spanish, on the statements given by the accused, on the experts' reports and on other evidence gathered during the investigations. It further considered that the telephone tapping had been carried out, at all stages, in strict compliance with the conditions laid down by the case-law of the Supreme Court and the Constitutional Court. The applicant appealed on points of law to the Supreme Court, alleging that a number of constitutional principles had been infringed, in particular the principle of the presumption of innocence and his right to use relevant evidence in his defence. He also complained that the phone tapping carried out during the judicial and police investigations had infringed his right to the confidentiality of telephone communications. He further alleged that, during his detention, he had not been informed promptly and in a comprehensible manner of his rights and the grounds for his detention. In a judgment of 18 July 2000, after adversarial proceedings, the Supreme Court replied in detail to the applicant's arguments and upheld the judgment under appeal. Relying on Article 24 (right to a fair trial and to the presumption of innocence), Article 18 § 3 (respect for confidentiality of telephone communications) and Article 17 § 3 (right to be informed promptly and in a comprehensible manner of one's rights and the grounds for being detained) of the Constitution, the applicant lodged an *amparo* appeal with the Constitutional Court. That court, in a decision of 25 February 2002 containing detailed reasons, did not find fault with the making or use of the telephone recordings and found the appeal inadmissible as being manifestly ill-founded.

Inadmissible under Article 8 – The interception of telephone conversations constituted interference with the exercise of a right secured by Article 8. It was thus necessary to examine whether that interference was "in accordance with the law", pursued one or more legitimate aims and was necessary in a democratic

society for the fulfilment of those aims. As to the first condition, the impugned interference certainly had a statutory basis in Spanish law, namely in Article 579 of the Code of Criminal Procedure as amended by an Institutional Act of 25 May 1988. The Act was accessible but the legislation also had to be foreseeable in terms of its interpretation and the nature of the applicable measures. According to the Court's case-law, the "law" was the enactment in force as interpreted by the competent courts. Moreover, in the context of secret measures of surveillance or interception by public authorities, an absence of public scrutiny and the risk of an abuse of authority implied that domestic law had to afford the individual a certain protection against arbitrary interference with the rights guaranteed by Article 8. The law therefore had to be sufficiently clear in its terms to give citizens an adequate indication as to the circumstances and conditions under which public authorities were empowered to take any such secret measures. In the present case, the tapping of telephone conversations had been authorised by the judicial authorities between December 1995 and October 1996, well after the legislative amendment of 1988. The amendment had also gradually been supplemented by the case-law of the Supreme Court and Constitutional Court, which had specified what safeguards were required in such matters. The Supreme Court decision of 18 June 1992 in particular, supplemented by the subsequent case-law of the Constitutional Court, had filled the legal vacuum that had previously been noted by those two courts. From that date onwards the foreseeability of the law, in the broadest sense, could not therefore be called into question. Accordingly, even though a legislative amendment incorporating into domestic law the principles deriving from the Court's case-law would have been desirable, Article 579 of the Code of Criminal Procedure, as amended by the Institutional Act of 25 May 1988 (Law no. 4/1988) and supplemented by the case-law of the Supreme Court and Constitutional Court, laid down, before the material time, clear and detailed rules, establishing with sufficient clarity the scope and conditions of exercise of the authorities' discretion in such matters. Moreover, the interference had pursued the legitimate aim of the prevention of disorder. As to its necessity, the telephone tapping had been presented as one of the main investigative measures that had helped to prove the involvement of various individuals, including the applicant, in large-scale drug-trafficking. The applicant had also had the benefit of "effective control" of the interception of his telephone calls; he had appealed to the Supreme Court on points of law concerning that complaint, among others, and had lodged an *amparo* appeal with the Constitutional Court. Those two courts had noted that the telephone tapping had been authorised by well-reasoned decisions and had been subject to clear scrutiny applied in accordance with the rules. As to the judicial supervision of the telephone tapping, and in particular the allegation that it had been impossible to extend this supervision to foreign-language conversations, together with the lack of transcriptions by a sworn translator and the fact that the results of the telephone tapping had been filed in the proceedings, the Court found that the participation of an interpreter who had sufficiently reliable knowledge of the source language rendered the interpretation of foreign- language conversations valid, even if the translation was in summary form or consisted in extracts from a conversation. In the present case, the court had listened to the original recordings and the conversations submitted at the hearing as evidence for the prosecution had been heard in open court and had been subject to adversarial debate at the trial stage. Moreover, those conversations were in Spanish. Furthermore, the intercepted conversations had been authenticated by verification of the recordings in comparison with the transcriptions. The applicant had therefore had the benefit of "effective control", as required by the rule of law, capable of limiting the impugned interference to what was "necessary in a democratic society". There was nothing in the case file to indicate any appearance of a violation by the Spanish courts of the right to respect for private life, as guaranteed by Article 8 of the Convention: *manifestly ill-founded*.

ARTICLE 10

FREEDOM OF EXPRESSION
Censorship allegedly imposed on journalists at the only television and radio station with nation-wide coverage: *admissible*.

MANOLE and Others - Moldova (N° 13936/02)
Decision 26.9.2006 [Section IV]

The applicants are or were television journalists at the "Teleradio-Moldova" State company which runs the only Moldovan public television channel and radio station with nationwide coverage. According to the applicants the company has been subjected to censorship throughout its entire existence. However, after February 2001, when the Communist Party won a large majority in the parliamentary elections, the censorship allegedly became unbearable. It was usually imposed in the form of an oral instruction by means of a hierarchical order coming from the President of the company to the editors.
From January to May 2002 the parliamentary faction of the Christian Democratic People's Party organised daily massive demonstrations in front of the seat of the Government, gathering tens of thousands of protesters. During a long period of time it was forbidden to give any information in the news bulletins about these events. At the end of February 2002 more than three hundred members of the Company's staff signed a declaration of protest against the censorship. On that day, for the purposes of the evening news bulletin, one of the applicants was replaced by another journalist as a result of his refusal to present a censored version of the news about the protests in front of the Company headquarters. Military personnel were present in the studio. The news crew's attempt to broadcast the uncensored version of the feature report failed as the news bulletin was interrupted after a few minutes and replaced with a documentary film.
The staff of the company decided to go on a passive strike and elected a Strike Committee which submitted to the administration of the company and to the Government a list of demands regarding the abolition of censorship. At the same time the editors and news-casters, despite pressure from the administration of the company, started to present "uncensored" news. The President of the Republic of Moldova met the representatives of the Strike Committee. He dismissed any accusations of political involvement in the company's activity. But he allegedly promised to put an end to the censorship there. He also rejected the request to offer the opposition one hour of air-time, on the ground that their protests were illegal.
During a news bulletin one of the applicants informed the audience about the censorship of the news and showed the script of the news with the struck out passages signed by his superior. Immediately, the head of the News Department ordered the sound technician to cut the sound. The applicant spoke for two minutes without any sound.
Later on, a state of emergency was introduced at the company and military troops were moved onto its premises. One after another the leaders of the strike movement began to be dismissed by different methods from their positions and to be subjected to disciplinary sanctions. The company refused to enforce the court judgment cancelling the sanctions imposed on one of the applicants. In March and April 2002 the leaders of the Strike Committee were questioned by criminal investigators about the protests organised by them in front of the company building.
In 2002 Parliament enacted Law by which the "Teleradio-Moldova" became a "Public Company". According to the new law, the staff of the old company had to pass an examination in order to be employed at the Public Company. The examination was organised in 2004. According to the results, none of the applicants who had worked at the news department were confirmed in his or her job; nor were the majority of the persons who had been active during the 2002 strike. The journalists who had not been hired organised a press conference at which they advanced the idea that they had been dismissed for political reasons. A feature report about that press conference which had been scheduled for the evening news bulletin was replaced with a documentary. On the same date, the President of the new company issued an order by which the participants at the press-conference were suspended and banned from entering the premises of the company. Some of the applicants complained to the Court of Appeal about

the unlawfulness of the examination. The Court dismissed their action on the grounds of its lack of competence.

Admissible. The Government's objection of non-exhaustion of domestic remedies was joined to the merits.

ARTICLE 13

EFFECTIVE REMEDY
Prison officers' negligence did not give grounds for any civil liability for strip-searches, in particular as there was no general tort of invasion of privacy: *violation*.

WAINWRIGHT - United Kingdom (N° 12350/04)
Judgment 26.9.2006 [Section IV]

(See above Article 8 ("Private life")).

ARTICLE 14

DISCRIMINATION (Article 8 of the Convention and Article 2 of Protocol No. 1)
Alleged harassment and closing of the applicants' school in the "Moldavian Republic of Transdniestria" as it had refused to abandon the use of the Latin script: *communicated*.

CATAN AND 27 OTHERS - Moldova and Russia (43370/04)
[Section IV]

The applicants, Moldovan nationals, are children studying at Evrica High School in Rîbnița, their parents and a teacher at that school. Their school is one of six having been using the Moldovan/Romanian language with the Latin script. Starting in 1997 the school was using premises built with Moldovan public funds. It was registered with the Moldovan Ministry of Education and was using a Latin-script curriculum approved by that Ministry. In 1999 the regime of the "Moldavian Republic of Transdniestria" ("MRT") ordered that all schools belonging to foreign States and functioning on the territory of the MRT had to register with the MRT authorities, failing which they would not be recognised and would be deprived of their rights. The school refused to register, since registration involved using the Cyrillic script curriculum devised by the MRT regime and would have deprived the school of the right to be sponsored by the Moldovan Ministry of Education. In July 2004 the MRT regime closed down all schools using the Latin script. Having regard to incidents involving other schools in Transdniestria teaching in Romanian, students, parents and teachers from the Evrika School took it upon themselves to guard the school day and night. Later than month MRT police stormed the school and evicted the women and children who were inside it. Five men who were inside the school were arrested and subsequently sentenced to administrative imprisonment together with the husband of the school's director. Over the next days local police and civil servants from the Rîbnița Department of Education of the MRT visited the parents of children registered with the school, asking them to withdraw their children from the school and to put them in a school registered with the MRT regime. If they did not do so, they would be fired from their jobs and would even be deprived of their parental rights. As a result of this pressure, many parents withdrew their children and transferred them to another school. In October 2004 the MRT regime allowed the school to reopen, allegedly in an unfinished and inappropriate building. Since its reopening the school has been obliged to use a Cyrillic-alphabet curriculum devised by the MRT regime and has been deprived of a telephone. The applicants have filed a number of unsuccessful petitions and complaints with the authorities of the Russian Federation as well as with the Moldovan authorities.

Communicated to both respondent Governments under Articles 8 and 14 of the Convention as well as Article 2 of Protocol No. 1, with questions as to their responsibility under Article 1 of the Convention. Priority treatment granted pursuant to Rule 41 of the Rules of Court.

Note also *Caldare and 16 Others v. Moldova and Russia* (8252/05) as well as *Cercavschi and 52 Others v. Moldova and Russia* (18454/06), raising similar issues: likewise communicated to both respondent States and priority treatment granted.

ARTICLE 34

VICTIM
Sufficient amount of award made in the context of a compensatory remedy available to victims of excessively lengthy proceedings: *inadmissible*.

KALAJZIC - Croatia (N° 15382/04)
Decision 8.9.2006 [Section I]

In 1991 the applicant instituted civil proceedings challenging his dismissal and seeking reinstatement, compensation of salary and lost earnings. Following two remittals, the Municipal Court ordered the applicant's reinstatement in 1997. The proceedings terminated in 2002 by the decision of the Supreme Court. As regards the compensation for salary and loss of earnings, the final and enforceable judgment in this respect wad rendered in 2005.
In 2002 the applicant filed a constitutional complaint concerning the length of the proceedings. In 2005 the Constitutional Court found that his right to a determination of his civil claim within a reasonable time had been violated and awarded him a sum equivalent to 1,130 EUR as just satisfaction.
The Court recalled that an applicant's status as a "victim" within the meaning of Article 34 depended on whether the domestic authorities had acknowledged, either expressly or in substance, the alleged infringement of the Convention and, if necessary, provided appropriate redress. The Court observed that the acknowledgment by the Constitutional Court of a violation of the applicant's right to have his claim decided within reasonable time satisfied the first of these two conditions. The Court further noted that the compensation granted to the applicant by the Constitutional Court had been lower compared with the sums awarded by the European Court for comparable delays. Whether the amount awarded could be regarded as reasonable fell to be assessed in the light of all the circumstances of the case. These included not merely the duration of the proceedings in the specific case but the value of the award judged in the light of the standard of living in the State concerned, and the fact that under the national system compensation would in general be awarded and paid more promptly than would be the case if the matter fell to be decided by the Court. In the light of the material in the file and having regard to the particular circumstances of the case, the Court considered that the sum awarded to the applicant could be considered sufficient and that the Constitutional Court's decision had been consistent with the European Court's case-law. The Court therefore concluded that the applicant could no longer claim to be a "victim" within the meaning of Article 34 of the alleged violation of his right to a hearing within a reasonable time: *manifestly ill-founded*.

See also: Case-Law Information Note No. 85, at p. 13 (*Scordino v. Italy*, no. 36813/97 and *Cocchiarella v. Italy*, no. 64886/01 – violation).

ARTICLE 35

Article 35(1)

SIX-MONTH PERIOD
Running of the six-month period from notification of the final domestic decision to the applicant's lawyer, even if the applicant was not informed until later: *inadmissible*.

ANDORKA and VAVRA - Hungary (Nos. 25694/03 & 28338/03)
Decision 12.9.2006 [Section II]

The applicants were found guilty of bribery and sentenced to fines. The final domestic decision was first served on their lawyer and to them later. The applicants complained under Article 6(1) of the protraction of the criminal proceedings.

Inadmissible as being out of time: The six-month period started to run when the final judgment including the reasoning was served on the applicants' lawyer, notwithstanding the fact that the applicants received their own copies of the judgment later.

EXHAUSTION OF DOMESTIC REMEDY
Acceptance by the applicant of an agreement at domestic level waiving the right to bring his complaints before the domestic courts: *inadmissible*.

AGBOVI - Germany (No 71759/01)
Decision 25.9.2006 [Section V]

The applicant, a Togolese national, had two children from his first marriage in Germany and remarried in that country after a divorce. He applied unsuccessfully for an extension of his residence permit. An appeal to the Federal Constitutional Court was declared inadmissible on the ground that the decisions appealed against and the main documents required for a proper constitutional review had been received only after the statutory period had expired, without any sufficient justification being received within that period. Directions were given for the applicant's removal from Germany. He then secured the right to have his exclusion period limited to one year. In proceedings before the administrative court the administrative authority undertook to rescind the limited-duration exclusion order if the European Court of Human Rights gave a decision in the applicant's favour. In the event of a negative decision the applicant would have to leave Germany voluntarily, failing which he would be removed. As a precondition for the limitation of his exclusion period the applicant was required to pay, within one year, the costs incurred for his removal, amounting to approximately 63,000 euros. The applicant was subsequently granted a two-year residence permit on humanitarian grounds.

Inadmissible under Article 8 for non-exhaustion of domestic remedies – In so far as the applicant complained of the removal measure, his constitutional appeal had been declared inadmissible because he had not filed the required documents on time. He had not therefore exhausted the domestic remedies.
In so far as he complained of only having obtained a temporary residence permit, the question of whether he retained “victim” status within the meaning of Article 34 arose. In any event, the Court noted that, in accordance with the agreement entered into with the administrative authority in the administrative court proceedings, the applicant had undertaken to leave Germany voluntarily and to pay for the costs of his removal. In the Court's opinion, by accepting that agreement the applicant had waived his right to bring his complaints before the German courts and had accordingly failed to exhaust the domestic remedies available under German law.

ARTICLE 56

Article 56(1) and 56(4)

TERRITORIAL APPLICATION
DECLARATION RECOGNISING COURT'S COMPETENCE
RATIONE LOCI
Responsibility of the Contracting State not engaged in the absence of a declaration under Article 56 extending Protocol No. 1 to an overseas territory: *inadmissible*.

QUARK FISHING LIMITED - United Kingdom (N° 15305/06)
Decision 19.9.2006 [Section IV]

The applicant owns a fishing vessel which operated under a Falkland Islands flag and was specially equipped to fish the Patagonian tooth fish, found in the waters of the South Georgia and the South Sandwich Islands (“SGSSI”). Fishing in those waters is regulated pursuant to the Convention of the Conservation of Antarctic Living Resources ("CCAMLR") to which the United Kingdom is a party. Annual total allowable catches are set by the CCAMLR Commission to particular designated blocks of ocean. In the case of SGSSI the relevant coastal state enforcing those limits is the United Kingdom. From 1997 it operated a licensing system which limited the amount of fish caught by each licensed vessel. The applicant company's vessel was granted a licence for every year from 1997 until 2001, when its request was refused by the SGSSI authorities without any reasons being spelled out. The applicant company applied for judicial review of the refusal before the Supreme Court of the Falkland Islands. Evidence was submitted indicating that the Foreign and Commonwealth Office (“FCO”) had intervened in order to reduce the number of United Kingdom flagged vessels receiving licences in favour of vessels from other coastal states to avoid adverse diplomatic repercussions in a sensitive area and had indicated that licences should be given to United Kingdom vessels with the best conservation-compliance record, which in their view excluded the applicant. Had it not been for this intervention the SGSSI Director would have given a licence to the applicant. In June 2001 the Chief Justice declared that the SGSSI decision had not been properly based on relevant matters to be taken into account and accordingly was unlawful. The application was remitted for fresh consideration. Later that month the Secretary of State for the Foreign and Commonwealth Office in London formally instructed the SGSSI Commissioner to instruct the SGSSI Director of Fisheries to allocate licences to two United Kingdom flagged vessels (which did not include the applicant's).
The applicant challenged the lawfulness of the instruction in the High Court. In December 2001 a High Court judge found that the criteria on which the licences were granted had not been made clear or transparent and there had been manifest unfairness in the way in which the FCO had issued its instructions to exclude the applicant. The instruction was accordingly held to be unlawful and quashed. The Court of Appeal upheld the lower court's decision. The applicant had sought damages for the losses from the 2001 season and this claim, stayed during the earlier proceedings, was revived, Article 1 of Protocol No. 1 being invoked. The claim for damages was struck out, the justice in question having accepted the argument of the Secretary of State that Protocol No. 1 had not been extended to the SGSSI. The Court of Appeal rejected the applicant's appeal, finding that the applicant was unable to bring a claim for damages based on Article 1 of Protocol No. 1 because the latter provision had not been extended to the SGSSI by the United Kingdom. It held that the issue of control over territory was not relevant to a case such as that before it, where a declaration had to be made for the provision in question to apply. The House of Lords dismissed the applicant's appeal.
Before the European Court the applicant company complained of an unlawful interference with its possessions, namely, its entitlement to a licence for fishing, invoking Article 1 of Protocol No.1. The Court noted that the courts in the United Kingdom had been unanimous in finding that the SGSSI was a territory for which the United Kingdom was responsible within the meaning of Article 56 of the Convention. No declaration extending Protocol No. 1 to that territory had been lodged by the United Kingdom. The applicants had sought to rely on Convention case-law indicating that in certain circumstances the responsibility of a Contracting State was capable of being engaged outside its national

territory where it exercised effective control. This "effective control" principle does not, however, replace the system of declarations which the Contracting States decided, when drafting the Convention, to apply to territories overseas for whose international relations they were responsible.
The applicants had contended, in addition, that the declarations system set out in Article 56 was outdated, given that it was geared to the colonial systems in the aftermath of the Second World War. The Court agreed that the situation had changed considerably since the time when the Contracting Parties drafted the Convention, including Article 56 (former Article 63). If, however, the Contracting States wish to bring the declarations system to an end, this can only be possible through an amendment to the Convention to which those States agree through signature and ratification. The fact that the United Kingdom had extended the Convention itself to the SGSSI gave no ground for finding that Protocol No. 1 also had to apply or for the Court to require the United Kingdom somehow had to justify its failure to extend that Protocol. There is no obligation under the Convention for any Contracting State to ratify any particular protocol or to give reasons for their decisions in that regard concerning their national jurisdictions. Still less can there be any such obligation as regards the territories falling under the scope of Article 56. In these circumstances, Article 1 of Protocol No. 1 was not applicable and the Court had no jurisdiction to entertain the complaints under this provision: *incompatible ratione materia*.

ARTICLE 1 OF PROTOCOL No. 1

PEACEFUL ENJOYMENT OF POSSESSIONS

Proportionality of seizure by customs authorities of a large sum of money and of order for confiscation of the sum and payment of a fine for failing to comply with the requirement to declare it: *inadmissible/admissible*.

GRIFHORST - France (N° 28336/02)
Decision 7.9.2006 [Section I]

The applicant, a Dutch national, was stopped by French customs officers on 29 January 1996 on the border between France and Andorra. The officers asked him if he had any currency to declare and he replied that he did not. However, on searching him the officers found a large sum in Dutch guilders, which they confiscated. In a judgment of 8 October 1998 the Criminal Court, under the relevant provisions of the Customs Code, found the applicant guilty of the offence of failing to declare money or securities. It ordered the confiscation of the entire sum and imposed a fine amounting to one half of the undeclared sum. The conviction was upheld on appeal by a judgment *in absentia* of 4 November 1999. On 11 October 2000 the applicant lodged an application to have that judgment set aside. He alleged that there had been a mistake of law, claiming that a European directive had abolished all restrictions on the movement of capital between persons residing in member States. He further submitted that he had acted in good faith without any fraudulent intention, sought his acquittal and the recovery of the confiscated sum of money, and, in the alternative, requested the Court of Appeal to refer the matter to the European Court of Justice ("the ECJ") for a preliminary ruling on the conformity of the provisions in the Customs Code with the free movement of capital. In a judgment of 20 March 2001 the Court of Appeal declared his appeal admissible but dismissed it, finding in particular that, having regard to his conduct when he passed through customs, he could not validly claim that he had acted in good faith or allege a mistake of law, that the obligation to declare, which did not hinder the free movement of capital, had to be fulfilled by any individual, whether or not resident in France, and that the relevant provisions of the Customs Code were not contrary to the Community-law principle of proportionality since they had been enacted to help prevent money laundering. The court concluded that it did not need to refer the matter to the ECJ. The applicant appealed on points of law, alleging in particular that there had been a violation of Article 7(1) of the Convention in so far as the Criminal Court had found him guilty of failing to fulfil an obligation to declare, whereas, according to the case-law applicable at the material time (and particularly in the light of a Court of Cassation judgment of 25 June 1998), that obligation had only been applicable to persons resident in France. He further relied on Article 6(1) and (2) of the Convention and Article 1 of Protocol No. 1 to the Convention, claiming that the proportionality principle had not been respected on account of

the severity of the penalties imposed on him for what he regarded as a mere breach of an administrative obligation. The appeal to the Court of Cassation was dismissed on 30 January 2002. The court found that, as there had been no amendment to the criminal legislation, the principle of non-retrospective effect did not apply to a mere case-law interpretation, and that the impugned customs penalties, which were intended in particular as a measure to prevent money laundering, had been consistent with the Community-law principle of proportionality and not contrary to the provisions of the Convention on which the applicant had relied.

Article 1 of Protocol No. 1 – (i) The decision of the customs authorities not to pursue collection of the fine imposed on the applicant, after wiping off debts from their accounts, was capable of having an impact on his victim status. It was therefore decided to examine this issue at the same time as the merits.

(ii) *Inadmissible* in so far as the applicant complained of the provisional seizure of the sum of money. That seizure, as provided for by the Customs Code, constituted a preventive measure that met the need of providing for the possibility of confiscating money which appeared to have been gained from unlawful activities that were harmful to the community, or whose destination might be contrary to the public interest. That measure did not therefore appear disproportionate within the meaning of Article 1 of Protocol No. 1 to the Convention: manifestly ill-founded.

(iii) *Admissible* in so far as the applicant complained of the order for the confiscation of the sum and of the fine imposed.

Inadmissible under Article 7(1) of the Convention – In so far as the applicant had complained of the retrospective application by the Court of Cassation of recent case-law which, he claimed, was unfavourable to him, it was noted that, according to the text that had been applicable at the material time, the applicable provision of the Customs Code referred to "individuals" making transfers – a broad form of words which was foreseeably applicable to both residents of France and non-residents. Moreover, the Court of Cassation's judgments referred to by the applicant had post-dated the facts of the present application and had been delivered in a single case, the second judgment resulting from an appeal by the customs authorities and reversing the first: *manifestly ill-founded*.

Inadmissible under Article 6(1) and (2) – The applicant complained that the proceedings had been unfair, on the ground that certain rules of Community law had been breached and that his request for referral to the ECJ for a preliminary ruling had been dismissed by the Court of Appeal.
The Court could not examine the complaints based on an alleged violation of Community law: *incompatible ratione materiae*.

As to the question of the preliminary ruling, Article 6(1) did not enshrine any absolute right to have a case referred to the ECJ for a preliminary ruling, even though, in certain circumstances, a refusal by a domestic court dealing with a case at last instance might infringe the principle of the fairness of proceedings, especially where that refusal appeared arbitrary. However, in the present case, the Court of Appeal had only been requested on an alternative basis to refer the matter to the ECJ and that request had not been reiterated before the Court of Cassation. Lastly, the breach of the obligation to declare, which had not been disputed by the applicant, constituted an offence of which he had been found guilty. Accordingly, in the present case there was no appearance of a breach of his right to the presumption of innocence: *manifestly ill-founded*.

DEPRIVATION OF PROPERTY
Compulsory lease of agricultural land and subsequent transfer of land ownership to tenants: *admissible*.

URBÁRSKA OBEC TRENČIANSKE BISKUPICE and Ján KRÁTKY – Slovakia (N° 74258/01)
Decision 12.9.2006 [Section IV]

The applicants are a community of land owners and its vice president. Under the communist regime in former Czechoslovakia owners of land were in most cases obliged to put it at the disposal of State-owned or co-operative agricultural farms or, as in the applicant's case, of garden colonies consisting of individual gardeners. They formally remained owners of the land but had no practical possibility of availing themselves of that property. In the context of Czechoslovakia's transition to a market-oriented economy following the fall of the communist regime, the Parliament adopted, in 1991 and 1997, legislation which provided for compulsory lease of land by private owners to members of garden colonies. The tenants became entitled to acquire ownership of the land in question, whereas the owners obtained the right to claim either different land of a comparable surface area and quality or pecuniary compensation.
In 1999, the garden colony exploiting the applicants' land obtained transfer of ownership to the individual gardeners. The applicants' appeals were dismissed. In 2002, the applicant community received about 1,4 hectares of different land in compensation for their original plot amounting to more than 2,5 hectares. The authorities considered that though the surface of the compensatory land had been smaller, it had been an arable land of high quality and therefore it had had a higher value. However, while determining this compensation, the authorities took into account the value of the applicants' original land as of the date when the garden colony had first occupied it. At that time, the land in question was devastated. In 2005, at the Government's request, an expert valued both plots of land as on the date of the deal in 2002. According to him, the estimated value of the land in possession of the garden colony amounted to more than 1,000 Slovak korunas (SKK) per square meter, while as that of the compensatory land given to the applicants amounted only to some 100 SKK per square meter.

Admissible as regards the community of land owners, both in respect of the compulsory lease of land and its subsequent transfer to members of the garden colony.

DEPRIVATION OF PROPERTY
Revocation of pension award following the discovery of an error by the granting organ: *communicated*.

MOSKAL - Poland (N° 10373/05)
[Section IV]

In August 2001 the applicant filed an application with the Social Security Board to be granted the right to an early-retirement pension for persons raising children who, due to their severe health condition, required constant care. To that end, she submitted a medical certificate, which stated that her 7-year-old son suffered, *inter alia*, from asthma bronchial and was in need of his mother's constant care. The Social Security Board granted the requested pension but suspended its payment because the applicant was still working. Following this decision, the applicant resigned from her full-time job and started receiving the pension from September 2001. In June 2002, the Social Security Board re-opened *ex officio* the proceedings, revoked its initial decision and refused to award the pension to the applicant on the grounds that the produced medical certificate had raised doubts as to its accuracy. The applicant challenged this refusal before the court which ordered a new medical examination of her son. Following its results, the court dismissed the applicant's appeal relying on the expert report which had concluded that her child, although suffering from asthma, had not required permanent, but only occasional care. The court of appeal confirmed this judgment stating that the applicant had not complied with all legal requirements to be entitled to such pension. As for the issue of the re-opening, the court of appeal observed that pension decisions could be verified even in the light of pre-existing circumstances which had been known but not taken into consideration due to the organ's own mistake or negligence. In the instant case, those relevant circumstances had been revealed later, in the course of supplementary examination of the child's entire medical record carried out by the Social Security Board's doctor.

Communicated under Articles 6 and 8 of the Convention, as well as under Article 1 of Protocol No. 1 to the Convention alone and read in conjunction with Article 14 of the Convention.

CONTROL OF THE USE OF PROPERTY
Requisition of building for Government use and imposition of quasi-lease agreement having lasted 65 years: *violation*.

FLERI SOLER AND CAMILLERI - Malta (N° 35349/05)
Judgment 26.9.2006 [Section IV]

Facts: In 1941 a property owned by the applicants' father in Valetta was requisitioned for Government use and a forced lease of indefinite duration was imposed. The applicants have been receiving approximately EUR 817 per year in rent. In 1997 the applicants applied to the Civil Court, arguing that the continuous requisition of their building amounted to a *de facto* expropriation. The court rejected their claim. The Constitutional Court rejected their appeal, finding that since the applicants retained their right of ownership and were still receiving rent, the measure complained of could not be considered an expropriation, but was aimed at controlling the use of property in accordance with the general interest.

Law: Having regard to the low amount of rent paid to the applicants, the minimal profit that the applicants could obtain from their building, the fact that their premises had been requisitioned for almost 65 years, the restrictions on their rights as landlords and the absence of sufficient procedural safeguards, the Court held that a disproportionate and excessive burden had been imposed on the applicants. Furthermore, they had been required to bear most of the financial costs of providing a working environment for government departments and/or for public offices which were performing their duties for the benefit of the community as a whole. In sum, the respondent State had failed to strike the requisite fair balance between the general interests of the community and the protection of the applicants' fundamental rights.
Conclusion: violation (unanimously).

Article 41 – The Court awarded the applicants costs and expenses but reserved the question of pecuniary or non-pecuniary damages.

CONTROL OF THE USE OF PROPERTY
Requisition of building for third-party use and imposition of a quasi-lease agreement having lasted 22 years: *violation*.

GHIGO - Malta (N° 31122/05)
Judgment 26.9.2006 [Section IV]

Facts: In 1984 the applicant's house was seized by the Government under a requisition order issued by the Director of Social Housing and assigned it to third-party tenants. The applicant alleged that he had never received any rent or compensation for this. He introduced a judicial protest and brought a series of unsuccessful proceedings culminating in a case before the Constitutional Court, where the defendant argued that the annual rental value as estimated by a land valuation officer was around EUR 55. The Constitutional Court held that the applicant had proved neither the hardship he had alleged nor a breach of his property rights.

Law: Having regard to the extremely low amount of the rental value fixed by the land valuation officer, to the fact that the applicant's premises had been requisitioned for more than 22 years, as well as to the restrictions on the landlord's rights, the Court found that a disproportionate and excessive burden had been imposed on the applicant. He had been requested to bear most of the social and financial costs of supplying housing accommodation to a third party and his family. It followed that the Maltese State had

failed to strike the requisite fair balance between the general interests of the community and the protection of the applicant's right of property.
Conclusion: violation (unanimously).

Article 41 – The Court awarded the applicants costs and expenses but reserved the question of pecuniary or non-pecuniary damages in its entirety.

ARTICLE 2 OF PROTOCOL No. 1

RIGHT TO EDUCATION
Closing of the applicants' school in the "Moldavian Republic of Transdniestria" as it had refused to abandon the use of the Latin script: *communicated*.

CATAN AND 27 OTHERS - Moldova and Russia (43370/04)
[Section IV]

(See above Article 14).

RESPECT FOR PARENTS' RELIGIOUS CONVICTIONS
Refusal to grant the children exemption from compulsory primary school attendance requested by their parents for religious reasons: *inadmissible*.

KONRAD - Germany (N° 35504/03)
Decision 11.9.2006 [Section V]

The applicant parents, belonging to a Christian community, reject the attendance of private or State schools for their children because of sex education, studies of fairytales during school lessons and the increasing physical and psychological violence between pupils. They educate their children at home in accordance with the syllabus of an institution which specialises in assisting devout Christian parents in this task but is not recognised as a private school by the State. On behalf of their children, the applicant parents filed a motion in order to exempt them from compulsory primary school attendance for religious reasons. The school supervisory authority rejected their motion. That refusal was confirmed by the German courts which had based their decisions on the following grounds. Because of their young age, the applicants' children were unable to foresee the consequences of their parents' decision for home education and could hardly be expected to take an autonomous decision for themselves. Although under the Basic Law the parents had the right to educate their children according to their own philosophical and religious convictions, that right was not exclusive as the State's constitutional obligation to provide education was on an equal footing. This obligation did not only concern the acquisition of knowledge, but also the education of responsible citizens who participate in a democratic and pluralistic society. The acquisition of social competence in dealing with other persons who hold different views and in holding an opinion which differed from the views of the majority could only materialise through regular contact with society. Everyday experience with other children based on regular school attendance was a more effective means to achieve that aim than home education. Given the general interest of society in the integration of minorities and in avoiding the emergence of parallel societies, the interference with the applicants' fundamental rights was proportionate and reasonable, as they could still educate their children before and after school as well as at weekends. They were also free to send their children to a confessional school. Moreover, the school's obligation of religious neutrality would prevent the applicants' children from any indoctrination against their will and from superstition. As regards violence, the applicant parents had not argued that the school authorities would fail to take necessary measures in order to prevent ill-treatment amongst children.
The Court recalled that parents may not refuse the right to education of a child on the basis of their convictions. The right to education by its very nature called for regulation by the State which enjoyed a

certain margin of appreciation in setting up and interpreting rules for its education systems. There appeared to be no consensus among the Contracting States with regard to home education and compulsory attendance of primary schools. The Court did not consider erroneous the assumption that the objectives of integration into society and of gaining social experience cannot be met as well by home education as by attending primary school. This conclusion reached by the German courts fell within the State's margin of appreciation and was compatible with the Court's case-law on the importance of pluralism for democracy. Moreover, the parents' right to educate their children in conformity with their religious convictions was not restricted in a disproportionate manner: *manifestly ill-founded*.

Other judgments delivered in September

Greenhalgh v. United Kingdom (Nº 61956/00), 5 September 2006 [Section IV] (friendly settlement)
Hyde v. United Kingdom (Nº 63287/00), 5 September 2006 [Section IV] (friendly settlement)

Dinç and Others v. Turkey (Nº 32597/96), 19 September 2006 [Section IV]
Karabulut v. Turkey (Nº 45784/99), 19 September 2006 [Section II]
Erdem v. Turkey (Nº 49574/99), 19 September 2006 [Section IV]
Kabasakal and Atar v. Turkey (Nº 70084/01 and Nº 70085/01), 19 September 2006 [Section IV]
Çetin Ağdaş v. Turkey (Nº 77331/01), 19 September 2006 [Section II]
Lubina v. Slovakia (Nº 77688/01), 19 September 2006 [Section IV]
Maupas v. France (Nº 13844/02), 19 September 2006 [Section II]
White v. Sweden (Nº 42435/02), 19 September 2006 [Section II]
Matijašević v. Serbia (Nº 23037/04), 19 September 2006 [Section II]
Vuillemin v. France (Nº 3211/05), 19 September 2006 [Section II]

Söylemez v. Turkey (Nº 46661/99), 21 September 2006 [Section III]
McHugo v. Switzerland (Nº 55705/00), 21 September 2006 [Section III]
Eroğlu v. Turkey (Nº 59769/00), 21 September 2006 [Section III]
Maszni v. Romania (Nº 59892/00), 21 September 2006 [Section I]
Güneş v. Turkey (Nº 61908/00), 21 September 2006 [Section III]
Araç v. Turkey (Nº 69037/01), 21 September 2006 [Section III]
Monnat v. Switzerland (Nº 73604/01), 21 September 2006 [Section III]
Uglanova v. Russia (Nº 3852/02), 21 September 2006 [Section I]
Grabchuk v. Ukraine (Nº 8599/02), 21 September 2006 [Section V]
Önel v. Turkey (Nº 9292/02), 21 September 2006 [Section III]
Gasser v. Italy (Nº 10481/02), 21 September 2006 [Section III]
Moser v. Austria (Nº 12643/02), 21 September 2006 [Section I]
Pandy v. Belgium (Nº 13583/02), 21 September 2006 [Section I]
Croci and Others v. Italy (Nº 14828/02), 21 September 2006 [Section III]
Geco A.S. v. Czech Republic (Nº 4401/03), 21 September 2006 [Section V]
Borshchevskiy v. Russia (Nº 14853/03), 21 September 2006 [Section I]
Dedda and Fragassi v. Italy (Nº 19403/03), 21 September 2006 [Section III]
Dalidis v. Greece (Nº 26763/04), 21 September 2006 [Section I]

H.K. v. Finland (Nº 36065/97), 26 September 2006 [Section IV]
Mürvet Fidan and Others v. Turkey (Nº 48983/99), 26 September 2006 [Section II]
Šidlová v. Slovakia (Nº 50224/99), 26 September 2006 [Section IV]
Société de Gestion du Port de Campoloro and Société Fermière de Campoloro v. France (Nº 57516/00), 26 September 2006 [Section II]
Niewiadomski v. Poland (Nº 64218/01), 26 September 2006 [Section IV]
Blake v. United Kingdom (Nº 68890/01), 26 September 2006 [Section IV]
Labergere v. France (Nº 16846/02), 26 September 2006 [Section II]
Bassien-Capsa v. France (Nº 25456/02), 26 September 2006 [Section II]
Gérard Bernard v. France (Nº 27678/02), 26 September 2006 [Section II]
Elo v. Finland (Nº 30742/02), 26 September 2006 [Section IV]

Vatevi v. Bulgaria (Nº 55956/00), 28 September 2006 [Section V]
Kayadjieva v. Bulgaria (Nº 56272/00), 28 September 2006 [Section V]
Karacheva and Shtarbova v. Bulgaria (Nº 60939/00), 28 September 2006 [Section V]
Chernyshov v . Russia (Nº 10415/02), 28 September 2006 [Section I]
Andandonskiy v. Russia (Nº 24015/02), 28 September 2006 [Section III]
Kornev v. Russia (Nº 26089/02), 28 September 2006 [Section I]
Martellacci v. Italy (Nº 33447/02), 28 September 2006 [Section III]
Reiz v. Romania (Nº 37292/02), 28 September 2006 [Section III]

Lickov v. Former Yugoslav Republic of Macedonia (Nº 38202/02), 28 September 2006 [Section V]
Iversen v. Denmark (Nº 5989/03), 28 September 2006 [Section V]
Silchenko v. Russia (Nº 32786/03), 28 September 2006 [Section I]
Hu v. Italy (Nº 5941/04), 28 September 2006 [Section III]
Tarasov v. Russia (Nº 13910/04), 28 September 2006 [Section I]
Prisyazhnikova v. Russia (Nº 24247/04), 28 September 2006 [Section I]

Referral to the Grand Chamber

Article 43(2)

The following cases have been referred to the Grand Chamber in accordance with Article 43(2) of the Convention:

Stoll v. Switzerland (69698/01), 25 April 2006 [Section IV]
Arvanitaki-Roboti and Others v. Greece (27278/03), 8 May 2006 [Section I]
Léger v. France (19324/02), 11 April 2006 [Section II]
Dickson v. United Kingdom (44362/04), 18 April 2006 [Section IV]

Relinquishment in favour of the Grand Chamber

Article 30

E.B. - France (N° 43546/02)

The application concerned a request for adoption approval submitted by a woman in a stable homosexual relationship. The *Conseil d'Etat* rejected the request on the ground of the applicant's "living conditions", regardless of her undisputed human qualities and aptitude for child-rearing. The applicant relied on Article 8 in conjunction with Article 14 of the Convention. Notice of the application was given on 30 November 2004.

RAMANAUSKAS - Lithuania (N° 74420/01)

The case concerns the alleged incitement by undercover agents to commit an offence. The applicant, at the time a public prosecutor, alleges entrapment in the commission of a criminal offence involving a serious abuse of his power by accepting a bribe in exchange for ensuring the favourable outcome of a third party's case. On 26 April 2005 the case was declared admissible under Article 6.

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 Note No. 87):

Ebru and Tayfun Engin Çolak - Turkey (Nº 60176/00)
Kökmen (no. 2) - Turkey (Nº 903/03)
İbrahim Yalçınkaya - Turkey (Nº 14788/03)
Judgments 30.5.2006 [Section II]

R. - Finland (Nº 34141/96)
Wiensztal - Poland (Nº 43748/98)
Kwiek - Poland (Nº 51895/99)
SARL Aborcas - France (Nº 59423/00)
Barszcz - Poland (Nº 71152/01)
Judgments 30.5.2006 [Section IV]

Buj - Croatia (Nº 24661/02)
Taïs - France (Nº 39922/03)
Kutsenko - Russia (Nº 12049/02)
Gavrielides - Cyprus (Nº 15940/02)
Bednov - Russia (Nº 21153/02)
Shatunov - Russia (Nº 31271/02)
Majski - Croatia (Nº 33593/03)
Omerović - Croatia (Nº 36071/03)
Gridin - Russia (Nº 4171/04)
Athanasiou - Greece (Nº 10691/04)
Tsiotras - Greece (Nº 13464/04)
Korchagin - Russia (Nº 19798/04)
Judgments 1.6.2006 [Section I]

Mosconi - Italy (Nº 68011/01)
Ciucci - Italy (Nº 68345/01)
Magherini - Italy (Nº 69143/01)
Antolič - Slovenia (Nº 71476/01)
Keržina-Kukovec - Slovenia (Nº 75574/01)
Nahtigal - Slovenia (Nº 75777/01)
Rožič - Slovenia (Nº 75779/01)
Bendič - Slovenia (Nº 77519/01)
Stakne - Slovenia (Nº 77543/01)
Jelen - Slovenia (Nº 5044/02)
Urbanija - Slovenia (Nº 6552/02)
Mežan - Slovenia (Nº 27102/02)
Vrbanec - Slovenia (Nº 33549/02)
Mušič - Slovenia (Nº 37294/02)
Vodeb - Slovenia (Nº 42281/02)
Irgolič - Slovenia (Nº 42857/02)
Trebovc - Slovenia (Nº 42863/02)
Mijatovič - Slovenia (Nº 43548/02)
Boškovič - Slovenia (Nº 21462/04)

Atelšek - Slovenia (Nº 26342/04)
Judgments 1.6.2006 [Section III]

Dulskiy - Ukraine (Nº 61679/00)
Kryachkov - Ukraine (Nº 7497/02)
Fedorenko - Ukraine (Nº 25921/02)
Astankov - Ukraine (Nº 5631/03)
Sinko - Ukraine (Nº 4504/04)
Judgments 1.6.2006 [Section V]

Segerstedt-Wiberg - Sweden (Nº 62332/00)
Beaucaire - France (Nº 22945/02)
Clément - France (Nº 37876/02)
Judgments 6.6.2006 [Section II]

Kaya - Austria (Nº 54698/00)
Vlasia Grigore Vasilescu - Romania (Nº 60868/00)
Korchuganova - Russia (Nº 75039/01)
Pyrikov - Russia (Nº 2703/02)
Judgments 8.6.2006 [Section I]

Collarile - Italy (Nº 10644/02)
Ziccardi - Italy (Nº 27394/02)
Matteoni - Italy (Nº 42053/02)
Lupsa - Romania (Nº 10337/04)
Judgments 8.6.2006 [Section III]

Hrobová - Slovakia (Nº 2010/02)
Lehtinen (no. 2) - Finland (Nº 41585/98)
Wos - Poland (Nº 22860/02)
Judgments 8.6.2006 [Section IV]

V.M. - Bulgaria (Nº 45723/99)
Hadjibakalov - Bulgaria (Nº 58497/00)
Bonev - Bulgaria (Nº 60018/00)
Judgments 8.6.2006 [Section V]

Çağlar and Others - Turkey (Nº 57647/00)
Kutal and Uğraş - Turkey (Nº 61648/00)
Başboğa - Turkey (Nº 64277/01)
Titiz and Others - Turkey (Nº 67144/01)
Dolgun - Turkey (Nº 67255/01)
Topakgöz - Turkey (Nº 76481/01)
Kara and Midilli - Turkey (Nº 76498/01)
Okur - Turkey (Nº 76567/01)
Tulumbaci and Others - Turkey (Nº 76571/01)
Fatma Bakir - Turkey (Nº 76603/01)
Kavraroğlu and Others - Turkey (Nº 76698/01)
Mustafa Yildirim - Turkey (Nº 76719/01)
Yusuf Sari - Turkey (Nº 76797/01)
Karakaş - Turkey (Nº 76991/01)
Judgments 13.6.2006 [Section II]

Bogulak - Poland (Nº 33866/96)
Istrate - Moldova (Nº 53773/00)

Gažíková - Slovakia (Nº 66083/01)
Kvasnová - Slovakia (Nº 67039/01)
Sika - Slovakia (Nº 2132/02)
Múčková - Slovakia (Nº 21302/02)
Magura - Slovakia (Nº 44068/02)
Lehtonen - Finland (Nº 11704/03)
Judgments 13.6.2006 [Section IV]

Lykourezos- Greece (Nº 33554/03)
Kornakovs - Latvia (Nº 61005/00)
Jurjevs - Latvia (Nº 70923/01)
Chevkin - Russia (Nº 4171/03)
Škare - Croatia (Nº 17267/03)
Bakiyevets - Russia (Nº 22892/03)
Kuksa - Russia (Nº 35259/04)
Judgments 15.6.2006 [Section I]

Mario Federici (no. 2) - Italy (Nº 67917/01 and (Nº 68859/01)
Digitel d.o.o. - Slovenia (Nº 70660/01)
Abaluta - Romania (Nº 77195/01)
Pântea - Romania (Nº 5050/02)
Judgments 15.6.2006 [Section III]

Zlinsat, spol. s.r.o. - Bulgaria (Nº 57785/00)
Kazmina - Russia (Nº 72374/01)
Kostovska - Former Yugoslav Republic of Macedonia (Nº 44353/02)
Nedbayev - Ukraine (Nº 18485/04)
Judgments 15.6.2006 [Section V]

Vayic - Turkey (Nº 18078/02)
Örs and Others - Turkey (Nº 46213/99)
Syndicat National des Professionnels des Procédures Collectives - France (Nº 70387/01)
Mehmet Küçük - Turkey (Nº 75728/01)
Joye - France (Nº 5949/02)
Malquarti - France (Nº 39269/02)
Zarb Adami - Malta (Nº 17209/02)
Judgments 20.6.2006 [Section II]

Babylonova - Slovakia (Nº 69146/01)
Obluk - Slovakia (Nº 69484/01)
Teréni - Slovakia (Nº 77720/01)
Drabek - Poland (Nº 5270/04)
Elahi - United Kingdom (Nº 30034/04)
Judgments 20.6.2006 [Section IV]

Avakova - Russia (Nº 30395/04)
Guilloury - France (Nº 62236/00)
Kirsanova - Russia (Nº 76964/01)
Chebotarev - Russia (Nº 23795/02)
Mavromatis - Greece (Nº 6225/04)
Judgments 22.6.2006 [Section I]

Uçkan - Turkey (Nº 42594/98)
Köylüoğlu - Turkey (Nº 45742/99)
Yilmaz and Barim - Turkey (Nº 47874/99)

Konuk - Turkey (Nº 49523/99)
Gökçe and Demirel - Turkey (Nº 51839/99)
Eytişim Ltd. Şti. - Turkey (Nº 69763/01)
Hüseyin Karakaş - Turkey (Nº 69988/01)
Sertkaya - Turkey (Nº 77113/01)
Kömürcü - Turkey (Nº 77432/01)
Ayaz and Others - Turkey (Nº 11804/02)
Judgments 22.6.2006 [Section III]

Bianchi - Switzerland (Nº 7548/04)
Kazakova - Bulgaria (Nº 55061/00)
Diaz Ochoa - Spain (Nº 423/03)
Ucci - Italy (Nº 213/04)
Judgments 22.6.2006 [Section V]

Avci and Others - Turkey (Nº 70417/01)
Deniz - Turkey (Nº 71355/01)
Çağirici - Turkey (Nº 74325/01)
Sassi - France (Nº 19617/02)
Simonavičius - Lithuania (Nº 37415/02)
Judgments 27.6.2006 [Section II]

Byrzykowski - Poland (Nº 11562/05)
Saygılı and Seyman - Turkey (Nº 51041/99)
Yeşilgöz and Firik - Turkey (Nº 58459/00 and Nº 62224/00)
Gabay - Turkey (Nº 70829/01) (revision - striking out)
Çetinkaya - Turkey (Nº 75569/01)
Dzierżanowski - Poland (Nº 2983/02)
Tabor - Poland (Nº 12825/02)
Judgments 27.6.2006 [Section IV]

Öllinger - Austria (Nº 76900/01)
Olshannikova - Russia (Nº 77089/01)
Shilova and Baykova - Russia (Nº 703/02)
Vasilyeva and Others - Russia (Nº 8011/02)
Zeman - Austria (Nº 23960/02)
Počuča - Croatia (Nº 38550/02)
Judgments 29.6.2006 [Section I]

Brunnthaler - Austria (Nº 45289/99)
Krajnc - Slovenia (Nº 75616/01)
Cokan - Slovenia (Nº 76525/01)
Viola - Italy (Nº 8316/02)
Scorzolini - Italy (Nº 15483/02)
Arsenić - Slovenia (Nº 22174/02 and Nº 23666/02)
Prevalnik - Slovenia (Nº 25046/02)
Husejinovič - Slovenia (Nº 41513/02)
Stevančevič - Slovenia (Nº 41514/02)
Mulej - Slovenia (Nº 42252/02)
Lampret - Slovenia (Nº 42260/02)
Rakanovič - Slovenia (Nº 42306/02)
Vukovič - Slovenia (Nº 43365/02)
Toganel and Gradinaru - Romania (Nº 5691/03)
Jujescu - Romania (Nº 12728/03)
Judgments 29.6.2006 [Section III]

Article 44(2)(c)

On 13 September 2006 the Panel of the Grand Chamber rejected requests for referral of the following judgments, which have consequently become final:

L'R. v. Slovakia (52443/99), 29 November 2005 [Section IV]
Bertin v. France (55917/00), 24 May 2006 [Section I]
Georgi v. Romania (58318/00), 24 May 2006 [Section III]
Markin v. Russia (59502/00), 30 March 2006 [Section I]
Konovalov v. Russia (63501/00), 23 March 2006 [Section I]
Vezon v. France (66018/01), 18 April 2006 [Section II]
Akilli v. Turkey (71868/01), 11 April 2006 [Section II]
Cenbauer v. Croatia (73786/01), 9 March 2006 [Section I]
Chernitsyn v. Russia (5964/02), 6 April 2006 [Section I]
Raffi v. France (11760/02), 28 March 2006 [Section II]
Examiliotis (N° 2) v. Greece (28340/02), 4 May 2006 [Section I]
Csik v. Hungary (33255/02), 1 April 2006 [Section II]
Defalque v. Belgium (37330/02), 20 April 2006 [Section I]
Kovač v. Hungary (37492/02), 18 April 2006 [Section II]
Carta v. Italy (4548/02), 20 April 2006 [Section I]
Machard v. France (42928/02), 25 April 2006 [Section II]
Dudek v. Poland (633/03), 4 May 2006 [Section IV]
Fejes v. Hungary (7873/03), 11 April 2006 [Section II]
Varga v. Hungary (14338/03), 28 March 2006 [Section II]
Erdogan and Others v. Turkey (19807/92), 25 April 2006 [Section IV]
Kur v. Turkey (43389/98), 23 March 2006 [Section III]
Öçkan and Others v. Turkey (46771/99), 28 March 2006 [Section II]
Turek v. Slovakia (57986/00), 14 February 2006 [Section IV]
Vujčik v. Slovakia (67036/01), 13 December 2006 [Section IV]
Fedotova v. Russia (73225/01), 13 April 2006 [Section I]
Sannino v. Italy (30961/03), 27 April 2006 [Section III]

Statistical information[1]

Judgments delivered	September	2006
Grand Chamber	0	25(26)
Section I	11	177(183)
Section II	12	268(286)
Section III	14	321(339)
Section IV	14(15)	174(189)
Section V	7	73(77)
former Sections	0	6
Total	**58(59)**	**1044(1106)**

Judgments delivered in September 2006					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	0	0	0	0	0
Section I	11	0	0	0	11
Section II	12	0	0	0	12
Section III	14	0	0	0	14
Section IV	12(13)	2	0	0	14(15)
Section V	7	0	0	0	7
former Section I	0	0	0	0	0
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	**56(57)**	**2**	**0**	**0**	**58(59)**

Judgments delivered in 2006					
	Merits	Friendly settlements	Struck out	Other	Total
Grand Chamber	20(21)	3	0	2	25(26)
Section I	174(180)	2	1	0	177(183)
Section II	260(278)	3	3	2	268(286)
Section III	308(312)	10	1	2(16)	321(339)
Section IV	164(178)	7(8)	1	2	174(189)
Section V	73(77)	0	0	0	73(77)
former Section I	1	0	0	0	1
former Section II	3	0	0	0	3
former Section III	0	0	0	0	0
former Section IV	2	0	0	0	2
Total	**1005(1052)**	**25(26)**	**6**	**8(22)**	**1044(1106)**

[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		September	2006
I. Applications declared admissible			
Grand Chamber		0	0
Section I		11	114(120)
Section II		0	27(28)
Section III		2	21(24)
Section IV		6	40(42)
Section V		2	13(15)
Total		**21**	**215(229)**
II. Applications declared inadmissible			
Grand Chamber		0	0
Section I	- Chamber	8	40
	- Committee	687	4377
Section II	- Chamber	9(10)	57(61)
	- Committee/	456	3395
Section III	- Chamber/	5	682(704)
	- Committee	346	3814
Section IV	- Chamber	7	121(122)
	- Committee	868	5505
Section V	- Chamber/	13	39
	- Committee	779	2178
Total		**3178(3179)**	**20208(20235)**
III. Applications struck off			
Section I	- Chamber	17	68
	- Committee	6	30
Section II	- Chamber	26	78
	- Committee	3	67
Section III	- Chamber	10	45(59)
	- Committee	17	38
Section IV	- Chamber	13	51(52)
	- Committee	15	60
Section V	- Chamber	11	61
	- Committee	7	30
Total		**125**	**528(543)**
Total number of decisions[1]		**3324(3325)**	**20951(21007)**

[1] Not including partial decisions.

Applications communicated	September	2006
Section I	78	517
Section II	145(147)	520(529)
Section III	96	695
Section IV	68	373
Section V	41	193
Total number of applications communicated	**428(430)**	**2298(2307)**

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