



## List of cases selected for publication in *Reports of Judgments and Decisions* 2011<sup>1</sup>

### Notes on citation:

Cases are listed alphabetically by applicant and by respondent State.

By default, all references are to Chamber judgments. Grand Chamber cases, whether judgments or decisions, are indicated by “[GC]”. Decisions are indicated by “(dec.)”.

The volume composition for the years 2011 has not yet been determined. Until further notice, cases of 2011 may be cited simply by indicating the year of publication e.g. ECHR 2011, without adding a volume number. For further information on the manner of citing the Court’s case-law, please see [here](#).

The Court reserves the right to report some or all of the judgments and decisions listed below in the form of extracts. The full original language version or versions of any such judgment or decision will remain available for consultation in the HUDOC database.

## Table of Contents

I. Cases listed alphabetically by applicant .....	2
II. Cases listed alphabetically by respondent State .....	8

---

<sup>1</sup> List approved by the Bureau following recommendation by the Court’s Jurisconsult (February 2012).

## I. Cases listed alphabetically by applicant

---

7.7.2011

### [Al-Jedda v. the United Kingdom \[GC\], 27021/08](#)

#### **ARTICLE 1**

Jurisdiction of States

Territorial jurisdiction in relation to detention of Iraqi national by British Armed Forces in Iraq

#### **ARTICLE 5**

##### **Article 5 § 1**

Lawful arrest or detention

Continued preventive detention of Iraqi national by British Armed Forces in Iraq on basis of United Nations Security Council Resolution: *violation*

15.12.2011

### [Al-Khawaja and Tahery v. the United Kingdom \[GC\], nos. 26766/05 and 22228/06](#)

#### **ARTICLE 6**

##### **Article 6 § 3 (d)**

Examination of witnesses

Convictions based on statements by absent witnesses: *no violation/violation*

7.7.2011

### [Al-Skeini and Others v. the United Kingdom \[GC\], 55721/07](#)

#### **ARTICLE 1**

Jurisdiction of States

Territorial jurisdiction in relation to the alleged killing of Iraqi nationals by members of the British Armed Forces in Iraq

#### **ARTICLE 2**

##### **Article 2 § 1**

Effective investigation

Failure to hold fully independent and effective investigation into deaths of Iraqi nationals during occupation of southern Iraq by British Armed Forces: *violation*

21.3.2011

### [Association of Real Property Owners in Łódź v. Poland \(dec.\), no. 3485/02](#)

#### **ARTICLE 37**

##### **Article 37 § 1 b)**

Matter resolved

Implementation of general measures to remedy defects in housing legislation following pilot judgment and availability of redress at domestic level: *struck out*

#### **ARTICLE 46**

Execution of a judgment

Implementation of general measures to remedy defects in housing legislation following pilot judgment and availability of redress at domestic level: *pilot-judgment procedure closed*

27.9.2011

[Bah v. the United Kingdom, no. 56328/07](#)

**ARTICLE 14**

Discrimination (article 8)

Refusal to take minor subject to immigration control into account when determining priority in entitlement to social housing: *no violation*

7.7.2011

[Bayatyan v. Armenia \[GC\], 23459/03](#)

**ARTICLE 9**

**Article 9 § 1**

Manifest religion or belief

Conviction of conscientious objector for refusing to perform military service: *violation*

19.7.2011

[Durdević v. Croatia, no. 52442/09](#)

**ARTICLE 3**

Positive obligations

Violence among pupils in school: *inadmissible*

**ARTICLE 8**

Positive obligations

Violence among pupils in school: *inadmissible*

5.5.2011

[Editorial Board of Pravoye Delo and Shtekel v. Ukraine, no. 33014/05](#)

**ARTICLE 10**

**Article 10 § 1**

Freedom of expression

Absence of safeguards in domestic law for journalists using publishing materials obtained from the Internet: *violation*

20.12.2011

[Finogenov and Others v. Russia, nos. 18299/03 and 27311/03](#)

**ARTICLE 2**

Positive obligations

**Article 2 § 1**

Life

Effective investigation

Inadequate preparation of hostage-rescue operation and lack of effective investigation: *violations*

**Article 2 § 2**

Use of force

Death of hostages as a result of use of potentially lethal gas to neutralise hostage takers: *no violation*

24.3.2011

[Giuliani and Gaggio v. Italy \[GC\], no. 23458/02](#)

**ARTICLE 2**

Positive obligations

**Article 2 § 1**

Life

Effective investigation

**Article 2 § 2**

Use of force

Fatal shooting of a demonstrator by a member of the security forces at a G8 summit: *no violations*

21.6.2011

[Giuran v. Romania, no. 24360/04](#)

**ARTICLE 35**

**Article 35 § 3 b)**

No significant disadvantage

Domestic proceedings aimed at the recovery of goods worth EUR 350 allegedly stolen from the applicant's apartment: *preliminary objection dismissed*

20.1.2011

[Haas v. Switzerland, no. 31322/07](#)

**ARTICLE 8**

Positive obligations

**Article 8 § 1**

Private life

Refusal to make medication available to assist suicide of a mental patient: *no violation*

21.7.2011

[Heinisch v. Germany, no. 28274/08](#)

**ARTICLE 10**

**Article 10 § 1**

Freedom of expression

Freedom to impart information

Dismissal of nurse for lodging a criminal complaint alleging shortcomings in care provided by private employer: *violation*

1.2.2011

[Karoussiotis v. Portugal, no. 23205/08](#)

**ARTICLE 35**

**Article 35 § 2 b)**

Substantially the same application

Application to the Court when individual complaint to European Commission pending: *admissible*

10.3.2011

[Kiyutin v. Russia, no. 2700/10](#)

**ARTICLE 14**

Discrimination (article 8)

Difference in treatment of HIV-positive alien regarding application for residence permit: *violation*

13.12.2011

[Laduna v. Slovakia, no. 31827/02](#)

**ARTICLE 14**

Discrimination (article 8)

Unjustified difference in treatment of remand prisoners compared to convicted prisoners as regards visiting rights and access to television: *violation*

18.3.2011

[Lautsi and others v. Italy \[GC\], no. 30814/06](#)

**ARTICLE 2 OF PROTOCOL No. 1**

Respect for parents' religious and philosophical convictions

Display of crucifixes in State school classrooms: *no violation*

17.5.2011

[Megadat Com SRL v. Moldova, no. 21151/04](#)

**ARTICLE 37**

**Article 37 § 1**

Striking out applications

Continued examination not justified

Unilateral declaration made during Article 41 procedure and affording equitable amount in compensation: *struck out*

21.1.2011

[M.S.S. v. Belgium and Greece \[GC\], no. 30696/09](#)

**ARTICLE 3**

Degrading treatment

Expulsion

Conditions of detention and subsistence of asylum-seeker expelled under the Dublin Regulation: *violation*

**ARTICLE 13**

Effective remedy

Deficiencies in the asylum procedure in Greece and risk of expulsion without any serious examination of merits of asylum application or access to effective remedy: *violation*

15.3.2011

[Otegi Mondragon v. Spain, no. 2034/07](#)

**ARTICLE 10**

**Article 10 § 1**

Freedom of expression

Criminal conviction for insulting the King: *violation*

6.1.2011

[Paksas v. Lithuania \[GC\], no. 34932/04](#)

**ARTICLE 3 OF PROTOCOL No. 1**

Stand for election

Permanent ineligibility of impeached President to stand for election to parliamentary office: *violation*

12.1.2011

[Palomo Sanchez and Others v. Spain \[GC\], nos. 28955/06, 28957/06, 28959/06 and 28964/06](#)

**ARTICLE 10**

**Article 10 § 1**

Freedom of expression

Dismissal of trade-union members for publishing articles offending their colleagues: *no violation*

21.6.2011

[Ponomaryoi v. Bulgaria, no. 5335/05](#)

**ARTICLE 14**

Discrimination (article 2 of Protocol No. 1)

Requirement on aliens without permanent residence to pay secondary-school fees: *violation*

26.5.2011

[R.R. v. Poland, no. 27617/04](#)

**ARTICLE 3**

Inhuman treatment

Degrading treatment

Lack of access to prenatal genetic tests resulting in inability to have an abortion on grounds of foetal abnormality: *violation*

29.3.2011

[R.T.B.F. v. Belgium, no. 50084/06](#)

**ARTICLE 10**

**Article 10 § 1**

Freedom of expression

Temporary ban on broadcasting of a television news programme: *violation*

1.12.2011

[Schwabe and M.G. v. Germany, nos. 8080/08 and 8577/08](#)

**ARTICLE 5**

**Article 5 § 1**

Lawful arrest or detention

Detention aimed at preventing participation in demonstration: *violation*

**ARTICLE 11**

**Article 11 § 1**

Freedom of peaceful assembly

Detention aimed at preventing participation in demonstration: *violation*

3.11.2011

[S.H. and Others v. Austria \[GC\], no. 57813/00](#)

**ARTICLE 8**

**Article 8 § 1**

Respect for private life

Respect for family life

Prohibition under domestic law on the use of ova and sperm from donors for in vitro fertilisation: *no violation*

7.6.2011

[S.T.S. v. Netherlands \(dec.\), no. 277/05](#)

**ARTICLE 5**

**Article 5 § 4**

Review of lawfulness of detention

Speediness of review

Inordinate delay by Supreme Court and refusal to entertain appeal against detention once period covered by detention order had expired: *violations*

7.7.2011

[Stummer v. Austria \[GC\], 37452/02](#)

**ARTICLE 14**

Discrimination (article 1 of Protocol No. 1)

Refusal to take work performed in prison into account in calculation of pension rights: *no violation*

8.11.2011

[V.C. v. Slovakia, no. 18968/07](#)

**ARTICLE 3**

Inhuman treatment

Degrading treatment

Sterilisation of Roma woman without her informed consent: *violation*

**ARTICLE 8**

Positive obligations

Absence of safeguards giving special consideration to the reproductive health of a Roma woman: *violation*

## II. Cases listed alphabetically by respondent State

---

### Armenia

7.7.2011

#### [Bayatyan v. Armenia \[GC\], 23459/03](#)

##### **ARTICLE 9**

##### **Article 9 § 1**

Manifest religion or belief

Conviction of conscientious objector for refusing to perform military service: *violation*

### Austria

7.7.2011

#### [Stummer v. Austria \[GC\], 37452/02](#)

##### **ARTICLE 14**

Discrimination (article 1 of Protocol No. 1)

Refusal to take work performed in prison into account in calculation of pension rights: *no violation*

3.11.2011

#### [S.H. and Others v. Austria \[GC\], no. 57813/00](#)

##### **ARTICLE 8**

##### **Article 8 § 1**

Respect for private life

Respect for family life

Prohibition under domestic law on the use of ova and sperm from donors for in vitro fertilisation: *no violation*

### Belgium

21.1.2011

#### [M.S.S. v. Belgium and Greece \[GC\], no. 30696/09](#)

##### **ARTICLE 3**

Degrading treatment

Expulsion

Conditions of detention and subsistence of asylum-seeker expelled under the Dublin Regulation: *violation*

##### **ARTICLE 13**

Effective remedy

Deficiencies in the asylum procedure in Greece and risk of expulsion without any serious examination of merits of asylum application or access to effective remedy: *violation*



29.3.2011

[R.T.B.F. v. Belgium, no. 50084/06](#)

**ARTICLE 10**

**Article 10 § 1**

Freedom of expression

Temporary ban on broadcasting of a television news programme: *violation*

Bulgaria

21.6.2011

[Ponomaryoi v. Bulgaria, no. 5335/05](#)

**ARTICLE 14**

Discrimination (article 2 of Protocol No. 1)

Requirement on aliens without permanent residence to pay secondary-school fees: *violation*

19.7.2011

[Durđević v. Croatia, no. 52442/09](#)

**ARTICLE 3**

Positive obligations

Violence among pupils in school: *inadmissible*

**ARTICLE 8**

Positive obligations

Violence among pupils in school: *inadmissible*

Germany

21.7.2011

[Heinisch v. Germany, no. 28274/08](#)

**ARTICLE 10**

**Article 10 § 1**

Freedom of expression

Freedom to impart information

Dismissal of nurse for lodging a criminal complaint alleging shortcomings in care provided by private employer: *violation*

1.12.2011

[Schwabe and M.G. v. Germany, nos. 8080/08 and 8577/08](#)

**ARTICLE 5**

**Article 5 § 1**

Lawful arrest or detention

Detention aimed at preventing participation in demonstration: *violation*

**ARTICLE 11**

**Article 11 § 1**

Freedom of peaceful assembly

Detention aimed at preventing participation in demonstration: *violation*

## Greece

21.1.2011

[M.S.S. v. Belgium and Greece \[GC\], no. 30696/09](#)

### ARTICLE 3

Degrading treatment

Expulsion

Conditions of detention and subsistence of asylum-seeker expelled under the Dublin Regulation: *violation*

### ARTICLE 13

Effective remedy

Deficiencies in the asylum procedure in Greece and risk of expulsion without any serious examination of merits of asylum application or access to effective remedy: *violation*

## Italy

18.3.2011

[Lautsi v. Italy \[GC\], no. 30814/06](#)

### ARTICLE 2 OF PROTOCOL No. 1

Respect for parents' religious and philosophical convictions

Display of crucifixes in State school classrooms: *no violation*

24.3.2011

[Giuliani and Gaggio v. Italy \[GC\], no. 23458/02](#)

### ARTICLE 2

Positive obligations

#### Article 2 § 1

Life

Effective investigation

#### Article 2 § 2

Use of force

Fatal shooting of a demonstrator by a member of the security forces at a G8 summit: *no violations*

## Lithuania

6.1.2011

[Paksas v. Lithuania \[GC\], no. 34932/04](#)

### ARTICLE 3 OF PROTOCOL No. 1

Stand for election

Permanent ineligibility of impeached President to stand for election to parliamentary office: *violation*

## Moldova

17.5.2011

### [Megadat Com SRL v. Moldova, no. 21151/04](#)

#### **ARTICLE 37**

##### **Article 37 § 1**

Striking out applications

Continued examination not justified

Unilateral declaration made during Article 41 procedure and affording equitable amount in compensation: *struck out*

## Netherlands

7.6.2011

### [S.T.S. v. Netherlands \(dec.\), no. 277/05](#)

#### **ARTICLE 5**

##### **Article 5 § 4**

Review of lawfulness of detention

Speediness of review

Inordinate delay by Supreme Court and refusal to entertain appeal against detention once period covered by detention order had expired: *violations*

## Poland

21.3.2011

### [Association of Real Property Owners in Łódź v. Poland \(dec.\), no. 3485/02](#)

#### **ARTICLE 37**

##### **Article 37 § 1 b)**

Matter resolved

Implementation of general measures to remedy defects in housing legislation following pilot judgment and availability of redress at domestic level: *struck out*

#### **ARTICLE 46**

Execution of a judgment

Implementation of general measures to remedy defects in housing legislation following pilot judgment and availability of redress at domestic level: *pilot-judgment procedure closed*

26.5.2011

### [R.R. v. Poland, no. 27617/04](#)

#### **ARTICLE 3**

Inhuman treatment

Degrading treatment

Lack of access to prenatal genetic tests resulting in inability to have an abortion on grounds of foetal abnormality: *violation*

## Portugal

1.2.2011

### [Karoussiotis v. Portugal, no. 23205/08](#)

#### **ARTICLE 35**

##### **Article 35 § 2 b)**

Substantially the same application

Application to the Court when individual complaint to European Commission pending:  
*admissible*

## Romania

21.6.2011

### [Giuran v. Romania, no. 24360/04](#)

#### **ARTICLE 35**

##### **Article 35 § 3 b)**

No significant disadvantage

Domestic proceedings aimed at the recovery of goods worth EUR 350 allegedly stolen from the applicant's apartment: *preliminary objection dismissed*

## Russia

10.3.2011

### [Kiyutin v. Russia, no. 2700/10](#)

#### **ARTICLE 14**

Discrimination (article 8)

Difference in treatment of HIV-positive alien regarding application for residence permit:  
*violation*

20.12.2011

### [Finogenov and Others v. Russia, nos. 18299/03 and 27311/03](#)

#### **ARTICLE 2**

Positive obligations

##### **Article 2 § 1**

Life

Effective investigation

Inadequate preparation of hostage-rescue operation and lack of effective investigation:  
*violations*

##### **Article 2 § 2**

Use of force

Death of hostages as a result of use of potentially lethal gas to neutralise hostage takers: *no violation*

## Slovakia

8.11.2011

[V.C. v. Slovakia, no. 18968/07](#)

### ARTICLE 3

Inhuman treatment

Degrading treatment

Sterilisation of Roma woman without her informed consent: *violation*

### ARTICLE 8

Positive obligations

Absence of safeguards giving special consideration to the reproductive health of a Roma woman: *violation*

13.12.2011

[Laduna v. Slovakia, no. 31827/02](#)

### ARTICLE 14

Discrimination (article 8)

Unjustified difference in treatment of remand prisoners compared to convicted prisoners as regards visiting rights and access to television: *violation*

## Spain

12.1.2011

[Palomo Sanchez and Others v. Spain \[GC\], nos. 28955/06, 28957/06, 28959/06 and 28964/06](#)

### ARTICLE 10

#### Article 10 § 1

Freedom of expression

Dismissal of trade-union members for publishing articles offending their colleagues: *no violation*

15.3.2011

[Otegi Mondragon v. Spain, no. 2034/07](#)

### ARTICLE 10

#### Article 10 § 1

Freedom of expression

Criminal conviction for insulting the King: *violation*

## Switzerland

20.1.2011

[Haas v. Switzerland, no. 31322/07](#)

### ARTICLE 8

Positive obligations

#### Article 8 § 1

Respect for private life

Refusal to make medication available to assist suicide of a mental patient: *no violation*

## Ukraine

5.5.2011

### [Editorial Board of Pravoye Delo and Shtekel v. Ukraine, no. 33014/05](#)

#### **ARTICLE 10**

##### **Article 10 § 1**

Freedom of expression

Absence of safeguards in domestic law for journalists using publishing materials obtained from the Internet: *violation*

## United Kingdom

7.7.2011

### [Al-Jedda v. the United Kingdom \[GC\], 27021/08](#)

#### **ARTICLE 1**

Jurisdiction of States

Territorial jurisdiction in relation to detention of Iraqi national by British Armed Forces in Iraq

#### **ARTICLE 5**

##### **Article 5 § 1**

Lawful arrest or detention

Continued preventive detention of Iraqi national by British Armed Forces in Iraq on basis of United Nations Security Council Resolution: *violation*

7.7.2011

### [Al-Skeini and Others v. the United Kingdom \[GC\], 55721/07](#)

#### **ARTICLE 1**

Jurisdiction of States

Territorial jurisdiction in relation to the alleged killing of Iraqi nationals by members of the British Armed Forces in Iraq

#### **ARTICLE 2**

##### **Article 2 § 1**

Effective investigation

Failure to hold fully independent and effective investigation into deaths of Iraqi nationals during occupation of southern Iraq by British Armed Forces: *violation*

27.9.2011

### [Bah v. the United Kingdom, no. 56328/07](#)

#### **ARTICLE 14**

Discrimination (article 8)

Refusal to take minor subject to immigration control into account when determining priority in entitlement to social housing: *no violation*

15.12.2011

[Al-Khawaja and Tahery v. the United Kingdom \[GC\], nos. 26766/05 and 22228/06](#)

**ARTICLE 6**

**Article 6 § 3 (d)**

Examination of witnesses

Convictions based on statements by absent witnesses: *no violation/violation*