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European Court of Human Rights]

SHORT SURVEY OF THE MAIN JUDGMENTS AND DECISIONS DELIVERED BY THE COURT IN 2007

Introduction

In 2007 the Court delivered a total of 1,503 judgments, a figure that is in decline compared with the 1,560 judgments delivered in 2006; this reduction is a result of the Court's decision to concentrate on the most complex and serious cases, the processing of which requires more time. 15 judgments were delivered by the Court in its composition as a Grand Chamber (compared with 30 in 2006).

Although many of the judgments concerned so-called "repetitive" cases, the number of judgments putting an end to more complex cases rose by 8.2% compared with that for 2006: the number of judgments classed as importance level 1 or 2 in the Court's case-law database (HUDOC) represents 25% of all the judgments delivered in 2007.

The number of cases declared admissible was 1,621, including 181 in which the declaration was made in a separate decision (compared with 266 in 2006) and 1,440 (1,368) in a judgment on the merits (joint examination of the admissibility and merits).

In Chamber and Grand Chamber compositions, 491 applications were declared admissible and 764 were struck out of the list.

Of the Chamber and Grand Chamber judgments and decisions adopted in 2007, a total of 116 judgments and decisions were accepted by the Court's Publications Committee with a view to publication in the *Reports of Judgments and Decisions* of the Court (ECHR) (figure on 6 February 2008, excluding the Chamber judgments subsequently referred to the Grand Chamber), compared with 128 for 2006.

The Convention provision which gave rise to the greatest number of violations was Article 6, firstly with regard to the right to a fair trial, then the right to a hearing within a reasonable time. This was followed by Article 1 of Protocol No. 1 (protection of property) and Article 5 of the Convention (right to liberty and security).

The highest number of judgments finding at least one violation of the Convention was delivered in respect of Turkey (319), followed by Russia (175), Ukraine (108), Poland (101) and Romania (88).

Jurisdiction and admissibility

Jurisdiction

The applications in *Behrami v. France* and *Saramati v. France, Germany and Norway*[1] concerned the events in Kosovo. It was alleged that the death of a child and the injuries sustained by another were attributable to the fact that French KFOR troops had not marked out and/or defused undetonated cluster bombs which were present in the area placed under their control. Another applicant complained about his detention and the lack of access to a court. The Grand Chamber declared these applications inadmissible on the ground of incompatibility *ratione personae* with the provisions of the Convention: the acts and omissions of Contracting Parties which were covered by

United Nations Security Council Resolutions and occurred prior to or in the course of missions for the maintenance of international peace and security were not subject to the scrutiny of the Court.

In its decision in the case of *Pavel Ivanov v. Russia*[2], the Court applied Article 17 (prohibition of abuse of rights). The author of eminently anti-Semitic publications who sought to incite hatred towards the Jewish people could not benefit from the protection afforded by Article 10. Such a general and vehement attack on one ethnic group was in contradiction with the Convention's underlying values, notably tolerance, social peace and non-discrimination. The applicant's complaint, alleging that his conviction by the domestic courts for publications that incited to racial hatred against the Jewish people was contrary to his right to freedom of expression, was incompatible *ratione materiae*.

Victim status (Article 34)

In the judgment *Nikolova and Velichkova v. Bulgaria*[3], and in the context of respect for the right to life, the Court applied the principles concerning "victim" status that it had developed with regard to excessive length of proceedings in the *Scordino v. Italy (no. 1)*[4] judgment. Police officers who were responsible when arresting a man for ill-treatment that had resulted in his death had been given only a suspended prison sentence, the lightest penalty available, after seven years of proceedings with delays that were attributable to the State, and had been ordered in civil proceedings to pay the damages claimed by the victim's relatives; however, no disciplinary sanctions had been imposed, and one of the officers had even been promoted.

Referring in particular to the 2006 *Okkalı v. Turkey*[5] judgment concerning Article 3, the Court indicated that its task in this instance consisted in "reviewing whether and to what extent the national courts may be deemed to have submitted the case to the careful scrutiny required by Article 2, so that the deterrent effect of the judicial system in place and the significance of the role it is required to play in preventing violations of the right to life are not undermined". In the case in question, although the applicants had received compensation for the death of their relative, the measures taken by the authorities had not provided appropriate redress in this respect, and the Court therefore accepted that they had "victim" status. In particular, it noted that "while the Court should grant substantial deference to the national courts in the choice of appropriate sanctions for ill-treatment and homicide by State agents, it must exercise a certain power of review and intervene in cases of manifest disproportion between the gravity of the act and the punishment imposed. Were it to be otherwise, the States' duty to carry out an effective investigation would lose much of its meaning, and the right enshrined in Article 2, despite its fundamental importance, would be ineffective in practice".

Exercise of the right of petition (Article 34)

The judgment in *Colibaba v. Moldova*[6] has enriched the Court's case-law concerning breaches by States of their obligations under Article 34. For the first time, the Court was faced with pressure or a threat which came directly from the Prosecutor-General of a Contracting State, expressly targeting an entire national Bar association and openly challenging international institutions or associations specialising in human rights. The Court considered that there had been an attempt to intimidate the applicant's lawyer by the Prosecutor-General, through a letter sent to the National Bar Association four days after the application was lodged in Strasbourg, threatening criminal proceedings against lawyers who involved "international organisations specialising in the protection of human rights" in the examination of criminal cases. Whether the Prosecutor-General had known about the application to the Court when he wrote the letter was less important than the potentially chilling effect on the intention to bring or pursue the application.

Six-month time-limit (Article 35 § 1)

Reiterating that the six-month rule serves the interests not only of the respondent State but also of legal certainty as a value in itself, the Court wished to clarify the date from which the six-month time-limit starts to run in cases of multiple periods of pre-trial detention. Thus, its judgment in *Solmaz v. Turkey*[7] stated that consecutive detention periods imposed on an individual should be regarded as a whole, so that the six-month period in respect of Article 5 § 3 should only start to run from the end of the last period of pre-trial detention.

Exhaustion of domestic remedies (Article 35 § 1)

In the case of *Vokurka v. the Czech Republic*[8], the applicant complained about the length of civil proceedings. The Court examined the effectiveness of new remedies that had been introduced in the domestic legislation for the purpose of solving the systemic problem of the length of judicial proceedings. In its admissibility decision in this pilot case in respect of the Czech Republic, it considered that the "preventive" remedy (the possibility of requesting that a deadline be set for completion of a procedural act), which had existed since 1 July 2004, was ineffective. On the other hand, it held that the remedy of a claim for compensation, which since April 2006 allowed compensation to be granted for the non-pecuniary damage resulting from the failure to comply with the reasonable time requirement, was effective, while reiterating that in this area "the ideal solution is prevention". In addition, it attached particular importance to a transitional provision of the law, under which the State's responsibility was also engaged in respect of damage sustained before the law had come into force, provided that the right to compensation was not yet time-barred.

"Core rights"

Right to life (Article 2)

An applicant complained that British legislation authorised her ex-partner to withdraw his consent to the storage and use of jointly created embryos. In her opinion, this amounted to an infringement of the embryos' right to life, in breach of Article 2. Under British law, an embryo does not have independent rights or interests and cannot claim – or have claimed on its behalf – a right to life under Article 2. The Grand Chamber found that the issue of when the right to life begins comes within the margin of appreciation the Court generally considers that States should enjoy, and that the embryos created in this way did not have a right to life and there had not, accordingly, been a violation of Article 2 (*Evans v. the United Kingdom*[9]).

When examining the case of *Scavuzzo-Hager and Others v. Switzerland*[10], the Court had already considered the events surrounding the arrest and subsequent immobilisation of an individual in life-threatening conditions. In the case of *Saoud v. France*[11], it had to examine the use by the police, when arresting a deranged individual, of a technique which entailed immobilisation, face-down on the ground, in the so-called "*ventral decubitus*" position. The judgment set out the dangers of this immobilisation technique and deplored the fact that no precise instructions had been issued by the French authorities with regard to this type of immobilisation technique, which had been identified as life-threatening.

Numerous cases concerned complaints submitted by the relatives of deceased individuals about offences allegedly committed by agents of the State.

The case of *Feyzi Yıldırım v. Turkey*[12] concerned a death which, it was alleged, resulted from blows inflicted a month previously by an army officer, who was charged with unintentional homicide. The "suspect" nature of the death in question was not disputed. Examining the State's

compliance with its positive and procedural obligations under Article 2, the Court criticised the shortcomings at the various stages of the domestic judicial proceedings, which were largely to blame for the difficulties encountered in establishing the exact circumstances of the death. These failings had undoubtedly prevented the Assize Court from establishing the facts as fully as it could have done in other circumstances. As to the conduct of the proceedings against the officer, the Court raised the issue of the witnesses, ordinary citizens who had been called upon to give evidence against State agents who had been accused of serious offences. In its procedural aspect, Article 2 may imply that criminal proceedings should be organised in such a way that the interests of witnesses required to give evidence against agents of the State are not unjustifiably imperilled, particularly where those interests concern their life, liberty or security. In the case in question, three witnesses had withdrawn their testimony before the courts, after previously giving evidence against the defendant to the prosecutor; they subsequently reconfirmed their evidence, explaining that they had been threatened by the defendant. Their vulnerability called for protection.

Prohibition of torture (Article 3)

As in previous years, the Court was obliged to reach findings of torture on account of the treatment inflicted on individuals in detention, and to conclude that there had been a double violation of Article 3 of the Convention: under the substantive aspect, for the existence of the ill-treatment itself, and under the procedural aspect, for the failure to conduct an effective investigation into the allegations of torture, in spite of medical reports. This was the case in *Mammadov v. Azerbaijan*[13], in which the Secretary General of an opposition political party was subjected while in police custody to *falaka*, namely violent repeated blows to the soles of his feet.

The Court concluded (in its judgment in *Kucheruk v. Ukraine*[14]) that there had been a violation of Article 3 in respect of the unjustified use of truncheons by prison wardens, resulting in injuries to a prisoner suffering from schizophrenia. The fact of locking the handcuffed prisoner in a punishment cell for seven days, in spite of the fact that he suffered from mental illness, and without psychiatric justification or medical treatment for the injuries which he had sustained when being taken by force to the cell by wardens and/or had inflicted on himself during his isolation in the punishment cell, amounted to inhuman and degrading treatment.

In the case of *Salah Sheekh v. the Netherlands*[15], the applicant had fled Somalia following persecution of himself, his relatives and other members of a minority. He alleged, *inter alia*, that deportation would expose him to a genuine risk of being subjected to acts of torture or inhuman or degrading treatment, given his membership of a minority group and the general human rights situation in his country. The Court considered that deportation would entail a violation of Article 3. As well as the absence of a significant improvement in the situation in the destination country, it noted that the applicant himself, and his family, had been targeted because they belonged to a minority, which meant that they had no means of protection. Such an applicant could not be asked to establish the existence of further special distinguishing features concerning him personally in order to show that he had been, and continued to be, personally at risk, or the protection offered by Article 3 would be rendered illusory. The mere possibility of a risk of ill-treatment was insufficient to give rise to a violation of Article 3, but in the case in question the risk was foreseeable.

Freedom of movement (Article 2 of Protocol No. 4)

The decision in *Omwenyeke v. Germany*[16] is the first in which the Court considered the obligation imposed on an asylum-seeker to reside and remain in the territory of a town pending a decision on his asylum request. It confirmed the case-law of the European Commission of Human Rights dating back to the 1980s. Under that case-law, foreigners provisionally admitted to a certain

district of the territory of a State could only be regarded as "lawfully" in the territory as long as they complied with the conditions to which their admission and stay were subjected.

The Court has already held that the obligation on appliquants to inform the police every time they wish to change their place of residence or visit their family or friends amounted to an infringement of their freedom of movement.

In the case of *Tatishvili v. Russia*[17], the authorities had refused to register as her place of residence the address chosen by the applicant, who was legally obliged to register as officially resident at addresses at which she intended to be resident for more than ten days. The legal obligation in question, namely to register one's place of residence with the police within three days of moving, under pain of administrative sanctions and fines, amounted to an "interference" with the right guaranteed by Article 2 § 1 of Protocol No. 4. The authorities dismissed the registration application as incomplete, without however specifying which legally required documents were missing, and without following the Constitutional Court's interpretation of the rules governing registration of one's place of residence, as they should have done: accordingly, the interference was not "in accordance with law".

Prohibition of collective expulsion of aliens (Article 4 of Protocol No. 4)

In the context of grouped flights for the deportation of foreigners unlawfully present in a country, the Court examined for the first time, in its *Sultani v. France*[18] judgment, the practical arrangements for the transport of deported aliens. The practice was based on economic and organisational considerations (lack of direct air links, refusal by the leading airlines to land on security grounds, etc.). The Court does not find that there has been a "collective expulsion" if the authorities examine individually the case of each foreigner concerned, as had been the case here.

Procedural rights

Right to a fair hearing (Article 6)

Applicability

In its judgment in *Vilho Eskelinen and Others v. Finland*[19], the Grand Chamber had an opportunity to reconsider its case-law on the applicability of Article 6 § 1 to disputes between the State and its agents. It introduced two conditions that must be fulfilled cumulatively in order for a State to be able to rely on the applicant's status as a civil servant to exclude the application of Article 6 § 1: firstly, the State in its national law must have expressly excluded the right of access to a court for the category of civil servant in question; secondly, the exclusion from the rights guaranteed by Article 6 must be justified on objective grounds in the State's interest.

The decision in *Saccoccia v. Austria*[20] is interesting in that it raises the question of the applicability of Article 6 § 1, not to forfeiture proceedings in general, but to the enforcement of a forfeiture order issued by a foreign court which had convicted the applicant in criminal proceedings. The Court noted that the domestic enforcement proceedings in question amounted to a straightforward enforcement measure. It extended the principle of the non-applicability of Article 6 under its criminal limb to matters concerning the execution of a sentence, in this case the *exequatur* of a sentence imposed by a foreign court. On the other hand, the civil limb of Article 6 § 1 was declared applicable to the enforcement proceedings, which were decisive in terms of the applicant's assets.

In the case of *Hamer v. Belgium*[21], the applicant had been found guilty of retaining a building which had been erected without permission, in breach of the regional planning regulations. The domestic court merely pronounced a finding of guilt against her, the length of proceedings having exceeded a reasonable time, and ordered her to have the house demolished. The contribution of the Court's judgment is significant with regard to the notion of a penalty under Article 6 § 1: the demolition order amounted to a "penalty" and therefore came under the criminal head of Article 6, although there was no criminal conviction.

In connection with the time-limit for challenging an administrative act in the courts, the decision in *Millon v. France (no. 1)*[22] represents a significant development in the case-law. The Court ruled on an issue that was different from that of compliance with the time-limits laid down in domestic law, which had already been raised on several occasions. Relying on the principle of legal certainty, the applicant in this case complained that, in the legislation in force at the material time, there was no time-limit on the period within which an administrative act could be challenged before the courts (the *Conseil d'Etat* had declared admissible an application for judicial review of decisions by a regional council more than nine years after they had been adopted). In the Court's view, "neither Article 6 nor indeed any other Convention provision requires States to introduce limitation periods or to specify the point from which such periods began to run". The complaint was therefore incompatible *ratione materiae* with the provisions of the Convention.

Fairness of the proceedings

In its judgment in *Beian v. Romania (no. 1)*[23], the Court examined a case of far-reaching and persisting conflicts in the case-law of a supreme court. It noted that these conflicts were the result of "the absence of a mechanism for ensuring consistency of practice within the highest domestic court" and reiterated the role of supreme courts in resolving case-law conflicts. It found that, while conflicting decisions by different tribunals of fact were inherent in any judicial system, such conflicts were a source of legal uncertainty when they occurred within the State's highest court.

The judgment in *Harutyunyan v. Armenia*[24] marks significant developments in the extension of the principles set out in the *Jalloh v. Germany*[25] judgment. The case concerned the use in a trial of statements made under torture by the defendant and witnesses. The use of force in order to obtain confessions had been acknowledged by the domestic courts. In the absence of jurisdiction *ratione temporis* in the case, the Court did not itself examine the ill-treatment inflicted under Article 3. It took into consideration, in particular, the findings of the national court, which had classified the events as torture. It emphasised that, although the ill-treatment had been established at domestic level, the statements obtained by force had been used as evidence by the courts in criminal proceedings. It further noted that where there was compelling evidence that a person had been subjected to ill-treatment, including physical violence and threats, the fact that this person confessed – or confirmed a coerced confession in later statements – to an authority other than the one responsible for this ill-treatment should not automatically lead to the conclusion that such confession or later statements were not made as a consequence of the ill-treatment or the fear that it had caused. It concluded that there had been a violation of Article 6 since, regardless of the impact the statements obtained under torture had had on the outcome of the criminal proceedings, the use of such evidence had rendered the trial as a whole unfair.

Access to a court

The decision in *Antonio Esposito v. Italy*[26] examined the issue of the absolute immunity enjoyed by members of the Judicial Service Commission for opinions expressed in the exercise and framework of their duties. The applicant alleged that the application of this rule had unjustly restricted his right of access to a court. In the Court's opinion, such immunity in respect of a body

guaranteeing, among other things, the autonomy and independence of the judiciary pursued legitimate aims and, having regard to that body's roles and functions, it did not consider the immunities enjoyed by its members unjustified. Various elements led the Court to consider that the infringement of the applicant's right to a court had not been contrary to the Convention. The application of a rule conferring absolute immunity on members of the Judicial Service Commission could not be considered to exceed the margin of appreciation enjoyed by the States in limiting an individual's right of access to a court, and the fair balance which had to be struck in the matter between the demands of the general interest and the requirements of the protection of the individual's fundamental freedoms had not been upset in this case.

Equality of arms

The compliance with the Convention of "lustration proceedings" – which seek to identify individuals who worked for the State security services or collaborated with them during the communist period – had already been examined in respect of Slovakia in the 2006 *Turek v. Slovakia*[27] judgment, and was considered in respect of Poland in the *Matyjek v. Poland*[28] judgment. This provided an opportunity for the Court to reiterate, under Article 6, that where lustration measures are adopted, the State must ensure that the individuals concerned enjoy all of the procedural guarantees provided for in the Convention. Although there may be a situation in which there is a compelling State interest in maintaining the secrecy of documents produced under the former communist regime, such a situation will only arise exceptionally given the considerable time that has elapsed since the documents were created. It was for the Government to prove the existence of such an interest. In the *Matyjek* case, the Court concluded that the principle of equality of arms had not been respected: the confidentiality of the documents and the limitations on the applicant's access to the case file, as well as the privileged position of the commissioner representing the public interest in the proceedings, had severely curtailed the applicant's ability to challenge the accusations against him. There had therefore been a violation of Article 6 § 1 taken in conjunction with Article 6 § 3.

Impartiality of a court

In its judgment in *Driza v. Albania*[29], the Court found for the first time that a Supreme Court lacked both subjective and objective impartiality. Supervisory review proceedings had been initiated at the request of the President of the Supreme Court, who had previously delivered a judgment that was unfavourable to the applicant in the same case. The President had also sat on the bench of the Supreme Court that had examined the application for supervisory review and overturned the merits of a final decision in the applicant's favour. The practices in question were held to be incompatible with the principle of subjective impartiality, since no one could be both plaintiff and judge in his own case. The Supreme Court's objective impartiality was also open to doubt, firstly because three judges who had already ruled on the case had been required to decide first on the admissibility of the application for supervisory review and subsequently on the merits of the case, and secondly, because three of their colleagues had also already expressed their opinions on the matter before them.

Presumption of innocence

In its decision in *Moullet v. France (no. 2)*[30], the Court adopted a new approach regarding the application of Article 6 § 2 to disciplinary disputes. The case concerned criminal proceedings which were brought against a civil servant and discontinued after expiry of the limitation period, his compulsory early retirement as a disciplinary penalty, and the reference by the *Conseil d'Etat* to facts established during a judicial investigation in criminal proceedings. The Court transposed the solution reached in the cases of *Y v. Norway*[31] and *Ringvold v. Norway*[32] (2003), which concerned

liability that was both criminal and civil, to liability that was simultaneously criminal and "administrative". It examined whether the administrative proceedings for disciplinary liability, based on the same facts as those which had given rise to criminal proceedings, had given rise to a "criminal charge", within the meaning of Article 6 § 1, and, if not, whether the administrative proceedings were nonetheless related to the criminal proceedings, which had culminated in a finding that there was no case to answer, in such a way as to render Article 6 § 2 applicable. In terms of principles, the Court specified that "the fact that an act which may give rise to a disciplinary sanction, under administrative law, is also covered by the constitutive elements of a criminal offence cannot provide a sufficient ground for regarding the person allegedly responsible before the administrative authority and court as being 'charged with an offence'".

No punishment without law (Article 7)

In its decision in *Saccoccia*[33], cited above, the Court concluded that Article 7 did not apply to the execution of a forfeiture order issued by a foreign court.

The case of *Jorgic v. Germany*[34] concerned events which took place in the course of ethnic cleansing in Bosnia; the applicant was convicted, *inter alia*, of genocide and murder, and sentenced to life imprisonment. He challenged the wide interpretation by the German courts of the crime of genocide, an interpretation which he alleged had no basis in German or public international law (1948 Convention on Genocide). The Court was of the opinion that, in a case such as this one, which concerned the interpretation by the national courts of a provision stemming from public international law, it was necessary, in order to ensure that the protection guaranteed by Article 7 § 1 of the Convention remained effective, to examine whether there were special circumstances warranting the conclusion that the applicant, if necessary after having obtained legal advice, could have relied on a narrower interpretation of the scope of the crime of genocide by the domestic courts, having regard, notably, to the interpretation of the offence of genocide by other authorities. Many authorities had favoured a narrow interpretation of the crime of genocide, but there had already, at the relevant time, been several authorities which had interpreted it in a wider way, in common with the German courts in this instance. The Court also had regard to the gravity and duration of the acts of which the applicant had been convicted. It concluded that the national courts' interpretation of the crime of genocide could reasonably be regarded as consistent with the essence of that offence and reasonably foreseeable by the applicant at the material time. Once those requirements were met, it was for the German courts to decide which interpretation of the crime of genocide under domestic law they wished to adopt. The applicant's conviction was not therefore held to have been contrary to the principle *nullum crimen sine lege*.

Right to an effective remedy (Article 13)

In its judgment in *Gebremedhin [Gaberamadhien] v. France*[35], the Court examined the procedure known as "asylum at the border", whereby the asylum-seeker is placed in a "waiting area" at the airport and is served a decision refusing leave to enter the territory and ordering his or her removal. The Court reiterated that if asylum-seekers ran a serious risk of torture or ill-treatment in their country of origin, it was a requirement of Article 13 that the persons concerned should have access to a remedy with automatic suspensive effect. This had not been the case here.

The case of *Bączkowski and Others v. Poland*[36] gave the Court an opportunity to rule on the time-limits for issuing decisions concerning the exercise of freedom of assembly. The case concerned the cancellation of an unlawful refusal to authorise demonstrations, delivered after the date on which the demonstrations had been scheduled. The applicants complained of the absence of a remedy which would have enabled them to obtain a final decision before the date on which their events were scheduled. The Court considered that it was important for the effective enjoyment of

freedom of assembly that the applicable laws provided for reasonable time-limits within which the State authorities should act when giving relevant decisions. The applicable laws clearly set out the time-limits within which the applicants were to submit their requests for authorisation. In contrast, the authorities were not obliged by any legally binding time frame to give their final decisions before the planned date of the demonstration. The Court was therefore not persuaded that the remedies available to the applicants in the present case, all of them being of a *post-hoc* character, could provide adequate redress in respect of the alleged violations of the Convention. It therefore concluded that there had been a violation of Article 13.

Right of appeal in criminal matters (Article 2 of Protocol No. 7)

The application *Zaicevs v. Latvia*[37] concerned the lack of a remedy by which to complain of a sentence of three days' "administrative detention" for an offence that was not classified as criminal under domestic law. The Government argued that the offence amounted to an "offence of a minor character" within the meaning of Article 2 § 2, which authorises exceptions to the rule. Referring to the purpose of Article 2 and the nature of the guarantees enshrined in it, the Court noted that an offence for which the legislation laid down a custodial sentence as the principal penalty could not be described as "minor" for the purposes of the second paragraph of that Article. The classification of the offence in domestic legislation had only a relative value. The Court found that there had been a violation.

Civil and political rights

Right to respect for private and family life (Article 8)

Applicability

In its judgment in *Evans*[38], cited above, the Grand Chamber accepted that the concept of "private life" incorporated the right to respect for both the decisions to become and not to become a parent. It added that the more limited issue, concerning the right to respect for the decision to become a parent in the genetic sense, also fell within the scope of Article 8.

The judgment in *Pfeifer v. Austria*[39] represents an interesting step in the development of the case-law on the right to respect for "private life": it expressly recognises that Article 8 applies to the protection of one's reputation. It states that a person's reputation, even if that person is criticised in the context of a public debate, forms part of his or her personal identity and psychological integrity and imposes an obligation on the national courts to protect it.

The judgment in *Peev v. Bulgaria*[40] defined the scope of "private life" in the context of a search carried out in the office of a public official who worked on the premises of a public administration. The applicant was employed as an expert at the Supreme Cassation Prosecutor's Office, where he had his office. In the Court's view, this public official could reasonably have expected his workspace to be treated as private property, or at the least, his desk and filing cabinets, in which he kept personal belongings. The search thus amounted to an "interference" with his private life.

In the case of *Copland v. the United Kingdom*[41], the Court ruled on a case concerning the unlawful monitoring of a civil servant's telephone, e-mail and Internet usage. It held that e-mails sent from the workplace should be covered by the notions of "private life" and "correspondence", as should information obtained from monitoring of personal use of the Internet at the place of work. The applicant had been given no warning that her calls would be liable to monitoring, and she had therefore had a reasonable expectation as to the privacy of calls made from her work telephone; she had probably had the same feeling with regard to her e-mails and use of the Internet.

Medical issues

The case in *Evans*[42], cited above, undoubtedly raised issues of a morally and ethically delicate nature, since it concerned the removal of ova for the purpose of *in vitro* fertilisation (IVF). The Grand Chamber emphasised that the decision to use IVF treatment gave rise to sensitive moral and ethical issues against a background of fast-moving medical and scientific developments, which touched on areas where there was no clear common ground amongst the member States of the Council of Europe. The margin of appreciation to be afforded to the respondent State had therefore to be a wide one, and this margin must in principle extend both to the State's decision whether or not to enact legislation governing the use of IVF treatment and, once having intervened, to the detailed rules it lays down in order to achieve a balance between the competing public and private interests. The Court did not consider the legal obligation to obtain the father's consent to store and implant the fertilised eggs to be contrary to Article 8, given the lack of European consensus on this point, the fact that the domestic rules were clear and had been brought to the attention of the applicant, and that they struck a fair balance between the competing interests.

In contrast, in the case of *Dickson v. the United Kingdom*[43], the Grand Chamber held that there had been a breach of Article 8 on account of the refusal of a request for artificial insemination facilities, submitted by a prisoner whose wife was at liberty, since a fair balance had not been struck between the competing public and private interests involved.

In the case of *Tysiąc v. Poland*[44], which concerned a refusal to carry out a therapeutic abortion despite the risk that the mother's eyesight would deteriorate seriously if she continued with the pregnancy, the Court examined how the legal framework governing the use of therapeutic abortion in Poland had been applied in the applicant's case and how it had addressed her concerns about the possible negative impact of pregnancy and birth on her health. It concluded that the State had failed to comply with the positive obligation to safeguard the applicant's right to respect for her private life within the context of a dispute concerning her entitlement to a therapeutic abortion.

Adoption

The case of *Wagner and J.M.W.L. v. Luxembourg*[45] raised the issue of recognition of a fully valid foreign adoption judgment in favour of an unmarried adoptive mother. The latter had behaved as the under-age child's mother since that judgment, and thus *de facto* family ties existed between them. The Luxembourg courts' refusal to declare the foreign judgment enforceable stemmed from the absence of provisions in the domestic legislation enabling an unmarried person to be granted full adoption of a child. The Court considered that this refusal amounted to an "interference" with the right to respect for family life, and observed that a broad consensus existed in Europe on the issue: adoption by unmarried persons was permitted without restrictions in most of the member States of the Council of Europe. Reiterating that the child's best interests had to take precedence in cases of this kind, the Court considered that the domestic courts could not reasonably disregard the legal status which had been created on a valid basis in a foreign country and which corresponded to family life within the meaning of Article 8. They could not reasonably refuse to recognise the family ties which *de facto* already existed between the applicants and thus dispense with an examination of the specific situation. In addition to the violation of Article 8 taken alone, the refusal to declare the foreign adoption judgment enforceable entailed a breach of Article 14 taken in conjunction with Article 8: as a result of the refusal to have the family ties created by the foreign adoption recognised in Luxembourg, the child had been subjected in her daily life to a difference in treatment compared with children whose full adoption granted abroad was recognised, and the resulting obstacles in her daily life indirectly affected her adoptive mother, even though an open adoption had been granted.

Application of the Hague Convention on the Civil Aspects of International Child Abduction

The judgment in *Maumousseau and Washington v. France*[46] concerned a child's return, ordered by the courts on the basis of the Hague Convention, to her father in the United States, where she had been born and had been habitually resident until her mother decided to keep her in France. It is important in that the Court dealt here with an issue of principle concerning the compatibility of contracting States' obligations under the various applicable international instruments, specified that "the notion of the 'child's best interests' cannot be construed differently depending on which international convention is relied upon" (the Hague Convention and the New York Convention on the Rights of the Child), and stated that it "subscribes fully to the underlying philosophy" of the Hague Convention.

Interception and transcription of telephone calls

The judgment in *Dumitru Popescu v. Romania (no. 2)*[47] sets out, in relation to the compliance with the Convention of telephone tapping carried out by the authorities, the guarantees laid down by law to ensure the minimum degree of protection required by the rule of law in a democratic society. The case of *Klass and Others v. Germany*[48] had resulted in a finding of no violation of Article 8 on the ground that the legislation contained adequate and effective safeguards to prevent individuals from abuses of power by the authorities. This was not the case with regard to the legislation in question. In particular, the Court noted the lack of any safeguards concerning the need to keep recordings of telephone calls intact and in their entirety. The inclusion in the case files of incomplete transcriptions of the tapped telephone conversations was not in itself incompatible with the requirements of Article 8. The Court could accept that, in certain circumstances, it would be excessive, if only from a practical point of view, to transcribe and include in the investigation file of a case all of the conversations that had been recorded from a particular telephone. This could run counter to other rights, such as, for example, the right to respect for the private life of other individuals who had made calls from the telephone being tapped. The Court noted, however, that if this were the case, the applicant must be given the opportunity to listen to the recordings or to challenge their accuracy, which explained the need to keep the recordings intact until the end of the criminal trial and, more generally, must be able to include in the investigation file any evidence which seemed relevant for his or her defence. It also noted that the authority empowered to certify that recordings were genuine and reliable had demonstrated a lack of independence and impartiality. The Court emphasised that, where doubts existed as to the genuineness or reliability of a recording of tapped conversations, there should be a clear and effective means of having them examined by a public or private body that was independent from the authorities which had carried out the telephone tapping.

Freedom of religion (Article 9)

In the case of *Ivanova v. Bulgaria*[49], an employee who was also a member of a religious community that was not officially recognised and in relation to which various events hinted at a policy of intolerance on the part of the authorities, had been dismissed on the ground that she no longer met the requirements for her post. The domestic courts had considered that her employer had both a need and the right to change the roster of posts and the requirements for the applicant's post and to dismiss her because she did not meet those requirements. However, considering the sequence of events in their entirety, the Court reached the conclusion that the applicant's employment had in reality been terminated because of her religious beliefs and affiliation with the community in question. The fact that her employment had been terminated in accordance with the applicable labour legislation – by introducing new requirements for her post which she failed to meet – did not eliminate the substantive motive for her dismissal. The right to freedom of religion had been

violated because the applicant's employment had been terminated on account of her religious beliefs.

The judgment in *Perry v. Latvia*[50] dealt with the politically sensitive issue of the direct implications of Article 9 in the area of immigration. A foreign missionary who had held a residence permit which implied authorisation to organise public activities of a religious nature had subsequently been refused a renewal of his residence permit under the same conditions and rules. A different type of permit which did not entitle him to continue to perform religious activities was issued. He was thus compelled to stand down as pastor of his parish and to become an ordinary member. The main reason for his move to Latvia had been the creation of a community of his faith and preaching within that community. The withdrawal of permission to organise religious activities when renewing his residence permit, although he wished to continue those activities, represented an "interference" within the meaning of Article 9. In his capacity as a pastor, his freedom to manifest his religion had been affected, although he could continue to take part in the spiritual life of his parish as an ordinary member. No provision of Latvian law in force at the material time had entitled the Nationality and Migration Directorate to use the renewal of a residence permit as a pretext for prohibiting a foreign national from performing religious activities: the interference had not therefore been "prescribed by law".

The case of *Carlo Spampinato v. Italy*[51] raised the issue of the legal obligation to allocate part of one's income tax to the State, the Catholic Church or an institution representing another religion. The applicant complained that he was obliged to manifest his religious beliefs when submitting his tax declaration. The complaint was declared inadmissible. As taxpayers had the option of expressing no choice – in which case the amount was divided on a pro rata basis – this system entailed no obligation to manifest one's religious beliefs in a way that could be considered contrary to the Convention.

Freedom of expression (Article 10)

Defamation

Many of the judgments in the area of freedom of expression concerned defamation proceedings.

The case of *Lindon and Others v. France*[52] concerned the specific area of defamation through a novel mixing fact and fiction. The author and publisher had been convicted of defaming an extreme right-wing party and its President. The domestic courts' findings were not related to the argument developed in the novel, but rather to the content of three passages in it. The Grand Chamber held that the criteria applied by the national courts in assessing whether or not the impugned passages of the novel were defamatory had been compatible with Article 10. In particular, the fact of emphasising that all writings, even novelistic, were capable of resulting in a conviction for defamation was consistent with Article 10. With regard to political struggles, it found that, regardless of their forcefulness, "it is legitimate to try to ensure that they abide by a minimum degree of moderation and propriety, especially as the reputation of a politician, even a controversial one, must benefit from the protection afforded by the Convention" and that even in respect of a figure who occupies an extremist position in the political spectrum, remarks expressing the intention to stigmatise the other side and whose content is such as to stir up violence and hatred go beyond what is tolerable in political debate. The case also concerned the conviction for defamation of the publication director of a daily newspaper on the ground that he had published a petition which reproduced the extracts from the novel the national courts had found defamatory; its signatories protested against that finding and denied that the passages were defamatory. The Grand Chamber held that the limits of permissible "provocation" had been overstepped, reiterating in

particular the potential impact on the public of the remarks found to be defamatory on account of their publication by a national daily newspaper with a large circulation, and that it was not necessary to reproduce them in order to give a complete account of the conviction and resulting criticism.

The judgment in *Boldea v. Romania*[53] sheds light on the principles for applying Article 10 in the area of a conviction for defamation in the academic world. A university lecturer had been convicted of defamation after accusing two colleagues of plagiarism during a meeting of the teaching staff in his department at which the dean had raised the issue of alleged plagiarism in scientific publications. The Court noted that the applicant's assertions had merely reflected his professional opinion, expressed orally in the course of the meeting, which had denied him the possibility of reformulating, perfecting or retracting them.

Preventing "the disclosure of information received in confidence"

In the context of a case in which a journalist was convicted for the publication of a diplomatic "strategy document" classified as confidential (*Stoll v. Switzerland*[54]), the Grand Chamber clarified the interpretation to be given to the "legitimate aim" referred to in the second paragraph of Article 10, which thus encompasses "confidential information disclosed either by a person subject to a duty of confidence or by a third party and, in particular, as in the present case, by a journalist".

The Grand Chamber indicated that it was vital to diplomatic services and the smooth functioning of international relations for diplomats to be able to exchange confidential or secret information. It pointed out, however, that the confidentiality of diplomatic reports could not be protected at any price, so that "preventing all public debate on matters relating to foreign affairs by invoking the need to protect diplomatic correspondence is unacceptable". In this respect, account must be taken of the content of the document in question and the potential threat posed by its publication.

Freedom of artistic expression

As the above-mentioned judgment in *Lindon and Others*[55] reiterated, artistic expression falls within the scope of Article 10. In examining an application concerning an injunction prohibiting the continued display of a painting, the Court stated in the case of *Vereinigung Bildender Künstler v. Austria*[56] that satire was a form of artistic expression and social comment which, by exaggerating and distorting reality, was intentionally provocative. Accordingly, any interference with an artist's right to such expression had to be examined with particular care.

Freedom of assembly (Article 11)

In the case of *Bukta and Others v. Hungary*[57], the applicants had organised a spontaneous demonstration and had not therefore informed the police within the legal time-limit for that purpose. They complained that the demonstration had been lawfully dispersed merely because the police had not had prior notification. The Court reiterated that a prior-authorisation procedure did not normally encroach upon the essence of the right to freedom of assembly. However, in special circumstances when an immediate response, in the form of a demonstration, to a political event (made public after the expiry of the legal deadline for prior notification) might be justified and in the absence of evidence to suggest a danger to public order, a decision to disband the ensuing, peaceful assembly solely because of the absence of the requisite prior notice, without any illegal conduct by the participants, amounted to a disproportionate restriction.

Right to education (Article 2 of Protocol No. 1)

Religious education classes

The case of *Folgerø and Others v. Norway*[58] concerned the refusal to grant total exemption to pupils in State primary schools and the first level of secondary education from lessons in Christianity, religion and philosophy. Non-Christian parents alleged that the obligation on their children to follow these lessons had entailed an unjustified interference with the exercise of their right to freedom of conscience and religion, and had been in breach of their right to ensure that their children received an education in conformity with their religious and philosophical convictions. The Grand Chamber considered that the parents' complaint, based on Article 9 of the Convention and Article 2 of Protocol No. 1, fell to be examined under the latter provision, which was the *lex specialis* in the area of education. In the Court's view, the system of partial exemption was capable of subjecting the parents concerned to a heavy burden with a risk of undue exposure of their private life and that the potential for conflict was likely to deter them from requesting such exemptions. In certain instances, notably with regard to activities of a religious character, the scope of a partial exemption might even be substantially reduced. This could hardly be considered consistent with the parents' right to respect for their convictions for the purposes of Article 2 of Protocol No. 1, as interpreted in the light of Articles 8 and 9 of the Convention. The Court found that the State had not taken sufficient care that information and knowledge included in the curriculum be conveyed in an objective, critical and pluralistic manner.

Schooling of children belonging to a minority

In its judgment in the case of *D.H. and Others v. the Czech Republic*[59], the Grand Chamber held that the placement of Roma children in special schools intended for children with learning difficulties had been discriminatory and contrary to Article 14 of the Convention taken in conjunction with Article 2 of Protocol No. 1. It considered that, as a specific type of disadvantaged and vulnerable minority, the Roma required special protection, including in the sphere of education. It affirmed that a difference in treatment that takes the form of disproportionately prejudicial effects of a general policy or measure which, though couched in neutral terms, discriminates against a group, amounts to "indirect discrimination", which does not necessarily require a discriminatory intent on the part of the authorities.

Right to free elections (Article 3 of Protocol No. 1)

In the case of *Russian Conservative Party of Entrepreneurs and Others v. Russia*[60], a party's entire list of candidates for election to the State Duma had been disqualified on account of inexact information provided by certain candidates on that list. A potential elector complained that he had been unable to vote for the party of his choice. The Court reiterated that the right to vote could not be construed as laying down a general guarantee that every voter should be able to find on the ballot paper the candidate or the party for which he or she had intended to vote. It took note of the general context in which the elector had been able to exercise his right to vote, and concluded that his right to take part in free and pluralist elections had not been unduly restricted.

Protection of property (Article 1 of Protocol No. 1)

The Convention organs have very rarely been required to rule on issues concerning intellectual property. In the case of *Anheuser-Busch Inc. v. Portugal*[61], a foreign company had had a trade mark registered by the Portuguese National Institute for Industrial Property. In addition to noting that Article 1 of Protocol No. 1 applied to intellectual property as such, the Grand Chamber concluded that this Article also applied to an application for the registration of a trade mark: the applicant

company owned a set of proprietary rights – linked to its application for the registration of a trade mark – that were recognised by domestic law, even though they could be revoked under certain conditions.

The case of *Hamer*[62] concerned the compulsory demolition of a house constructed without planning permission in a forest area designated as non-building land. The judgment marks a significant contribution to the Court's case-law in that, for the first time, the Court held that "the environment constitutes a value" and that "economic considerations and even certain fundamental rights such as the right of property should not take precedence over considerations relating to protection of the environment, in particular where the State has enacted legislation on the subject".

In its judgment in *Evaldsson and Others v. Sweden*[63], the Court examined the specific question of a system by which deductions were made from the wages of non-union workers in order to reimburse a trade union for the costs associated with its monitoring activities. It considered that, in these circumstances, the applicants were entitled to information sufficiently exhaustive for them to verify that the fees corresponded to the actual cost of the inspection work and that the amounts paid were not used for other purposes, especially as they did not support the trade union's political line. This had not been the case. The union's monitoring activities lacked the necessary transparency and, even having regard to the limited amounts of money involved, it was not proportionate to "the public interest" to make deductions from the applicants' wages without giving them a proper opportunity to check how that money was spent.

In the decision in *Carlo Spampinato*[64], the Court stated that tax legislation – which did not provide for a levy to be added to the ordinary income tax but only for the specific allocation of a percentage of that tax – fell within the State's margin of appreciation and could not as such be considered arbitrary. Under the relevant law, eight-thousandths of an individual's income tax must be allocated to the State, to the Catholic Church, or to one of the institutions representing the other five religions which had agreed to receive that contribution after concluding an agreement with the State.

Just satisfaction and execution of judgments (Articles 41 and 46)

As the Court reiterated in its judgment in *D.H. and Others v. the Czech Republic*[65], cited above, by virtue of Article 46 of the Convention the High Contracting Parties have undertaken to abide by the final judgments of the Court in any case to which they are parties, execution being supervised by the Committee of Ministers. It follows, *inter alia*, that a judgment in which the Court finds a breach imposes on the respondent State a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction under Article 41, but also to select subject to supervision by the Committee of Ministers the general and/or, if appropriate, individual measures to be adopted in their domestic legal order to put an end to the violation found by the Court and to redress in so far as possible the effects. However, the respondent State remains free to choose the means by which it will discharge its legal obligation under Article 46 of the Convention, provided that such means are compatible with the conclusions set out in the Court's judgment.

The case of *Yakışan v. Turkey*[66] concerned the length of criminal proceedings (almost thirteen years, and still pending when the judgment was adopted) and the length of the applicant's pre-trial detention (eleven years and seven months by the date the judgment was adopted). In its judgment, the Court concluded that there had been a violation of Article 5 § 3 and Article 6 § 1, and inserted a special clause with regard to the application of Article 41: it considered that an appropriate measure to put an end to the violation found would be to complete the trial as rapidly as possible, taking into consideration the requirements of the proper administration of justice, or to release the applicant pending trial, as envisaged by Article 5 § 3.

In its judgment in the case of *Tan v. Turkey*[67], the Court concluded that the interference with the applicant's right to respect for his correspondence had not been "in accordance with the law" within the meaning of Article 8 § 2. In the context of the application of Article 41, the Court noted that this violation originated in a problem resulting from the Turkish legislation on the monitoring of correspondence and that a similar violation had already been found in a recent judgment concerning Turkey. It held that bringing the relevant domestic legislation into line with Article 8 would be an appropriate means of putting an end to the violation found.

The case of *Dybeku v. Albania*[68] concerned the conditions in which a mentally ill prisoner was detained. The Court found that the applicant, who suffered from chronic paranoid schizophrenia and was serving a life sentence in a high-security prison, had been subjected to inhuman and degrading treatment. The judgment is important as it is the first case in which Article 46 has been applied in relation to detention conditions. The Court called on the respondent State to take the necessary measures, as a matter of urgency, to secure appropriate conditions of detention, and in particular adequate medical treatment for prisoners requiring special care on account of their state of health.

The judgment in *Driza*[69] concerned the failure to enforce judicial or administrative decisions issued under a law on property. The Court applied Article 46 for the first time in an Albanian case (together with the *Ramadhi and Others* judgment of the same date), making this a "pilot" judgment, since the Court noted the existence of a general problem affecting a large number of individuals and giving rise to dozens of applications to Strasbourg, which constituted an aggravating factor and indicated that there was a legal vacuum, called on the respondent State to introduce a remedy to redress the violations found, and indicated in detail the measures to be taken to that end as a matter of urgency.

The same analysis applied to the judgment in *Ramadhi and Others v. Albania*[70], which concerned the failure to enforce decisions of the Property Restitution and Compensation Commission and the lack of a remedy in that respect.

In the case of *De Clerck v. Belgium*[71], the Court concluded that there had been a violation of Article 6 § 1 and Article 13 on account of the length of criminal proceedings and the lack of an effective remedy in that respect. Under Article 46, the applicants requested immediate termination of the criminal proceedings against them on the ground that the reasonable time for a criminal investigation had been exceeded, thus raising the problem of the scope of the Court's power to give directions. The judgment is interesting because it reaffirms the principle whereby the Court may not direct independent judicial authorities to terminate criminal proceedings instituted in compliance with the law; accordingly, the applicants' request for an injunction was dismissed. In addition, it supplements the body of case-law in this sphere, relating both to structural situations affecting a large number of persons where the Court is faced with dozens of applications, and to individual measures concerning physical liberty and deprivation of property.

The case of *Karanović v. Bosnia and Herzegovina*[72] concerned a failure by the authorities to eliminate the discrimination arising from the pensions legislation, despite a final and enforceable decision by the Human Rights Chamber. The Court found that there had been a violation of Article 6 § 1 on account of the failure to enforce the Human Rights Chamber's decision. The judgment's interest lies in its "pilot" nature with regard to Article 46, since the Court noted the existence of a general problem affecting a whole class of citizens (pensioners currently living in the Federation of Bosnia and Herzegovina who were displaced to Republika Srpska during the armed conflict), who are all potential applicants and represent a threat to the future effectiveness of the Convention system. It acknowledged that the respondent State had no real choice as to the measures

to be adopted to put an end to the violation, and urged it to enforce the Human Rights Chamber's decision.

Finally, the decisions in *Wolkenberg and Others*[73] and *Witkowska-Tobola v. Poland*[74] are pilot decisions for the treatment of cases which raise the same systemic problem as that dealt with in the first pilot judgment (*Broniowski v. Poland*[75]). The Court took note of the compensation system introduced by a 2005 law and decided to strike the applications out of the list on the basis of Article 37 § 1 (b) ("the matter has been resolved").

Notes

1. (dec.) [GC], nos. 71412/01 and 78166/01, 2 May 2007.
2. (dec.), no. 35222/04, to be reported in ECHR 2007.
3. No. 7888/03, 20 December 2007.
4. No. 36813/97, ECHR 2006-V.
5. No. 52067/99, 17 October 2006.
6. No. 29089/06, 23 October 2007.
7. No. 27561/02, to be reported in ECHR 2007 (extracts).
8. (dec.), no. 40552/02, 16 October 2007.
9. [GC], no. 6339/05, to be reported in ECHR 2007.
10. No. 41773/98, 7 February 2006.
11. No. 9375/02, to be reported in ECHR 2007 (extracts).
12. No. 40074/98, to be reported in ECHR 2007 (extracts).
13. No. 34445/04, 11 January 2007.
14. No. 2570/04, to be reported in ECHR 2007.
15. No. 1948/04, to be reported in ECHR 2007 (extracts).
16. (dec.), no. 44294/04, to be reported in ECHR 2007.
17. No. 1509/02, to be reported in ECHR 2007.
18. No. 45223/05, to be reported in ECHR 2007 (extracts).
19. [GC], no. 63235/00, to be reported in ECHR 2007.
20. (dec.), no. 69917/01, to be reported in ECHR 2007 (extracts).
21. No. 21861/03, to be reported in ECHR 2007 (extracts).
22. (dec.), no. 6051/06, 30 August 2007.
23. No. 30658/05, to be reported in ECHR 2007 (extracts).
24. No. 36549/03, to be reported in ECHR 2007.
25. [GC], no. 54810/00, ECHR 2006-IX.
26. (dec.), no. 34971/02, 5 April 2007.
27. No. 57986/00, ECHR 2006-II (extracts).
28. No. 38184/03, to be reported in ECHR 2007.
29. No. 33771/02, to be reported in ECHR 2007 (extracts).
30. (dec.), no. 27521/04, to be reported in ECHR 2007.
31. No. 56568/00, ECHR 2003-II (extracts).
32. No. 34964/97, ECHR 2003-II.
33. Decision cited above, note 20.
34. No. 74613/01, to be reported in ECHR 2007 (extracts).
35. No. 25389/05, to be reported in ECHR 2007.
36. No. 1543/06, to be reported in ECHR 2007.
37. No. 65022/01, to be reported in ECHR 2007 (extracts).
38. Judgment cited above, note 9.
39. No. 12556/03, to be reported in ECHR 2007.
40. No. 64209/01, to be reported in ECHR 2007 (extracts).
41. No. 62617/00, to be reported in ECHR 2007.
42. Judgment cited above, note 9.
43. [GC], no. 44362/04, to be reported in ECHR 2007.
44. No. 5410/03, to be reported in ECHR 2007.
45. No. 76240/01, to be reported in ECHR 2007 (extracts).
46. No. 39388/05, to be reported in ECHR 2007.
47. No. 71525/01, 26 April 2007.
48. Judgment of 6 September 1978, Series A no. 28.
49. No. 52435/99, to be reported in ECHR 2007.

50. No. 30273/03, 8 November 2007.
51. (dec.), no. 23123/04, to be reported in ECHR 2007.
52. [GC], nos. 21279/02 and 36448/02, to be reported in ECHR 2007.
53. No. 19997/02, to be reported in ECHR 2007 (extracts).
54. [GC], no. 69698/01, to be reported in ECHR 2007.
55. Judgment cited above, note 52.
56. No. 68354/01, to be reported in ECHR 2007.
57. No. 25691/04, to be reported in ECHR 2007.
58. [GC], no. 15472/02, to be reported in ECHR 2007.
59. [GC], no. 57325/00, to be reported in ECHR 2007.
60. Nos. 55066/00 and 55638/00, to be reported in ECHR 2007.
61. [GC], no. 73049/01, to be reported in ECHR 2007.
62. Judgment cited above, note 21.
63. No. 75252/01, 13 February 2007.
64. Decision cited above, note 51.
65. Judgment cited above, note 59.
66. No. 11339/03, 6 March 2007.
67. No. 9460/03, 3 July 2007.
68. No. 41153/06, 18 December 2007.
69. Judgment cited above, note 29.
70. No. 38222/02, 13 November 2007.
71. No. 34316/02, 25 September 2007.
72. No. 39462/03, 20 November 2007.
73. (dec.), no. 50003/99, to be reported in ECHR 2007 (extracts).
74. (dec.), no. 11208/02, 4 December 2007.
75. [GC], no. 31443/96, ECHR 2004-V.