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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
PC-OC

**Case Law by the European Court of Human Rights of Relevance for the Application of
the European Conventions on International Judicial Co-Operation in Criminal Matters**

Case Law by the European Court of Human Rights of Relevance for Application of the European Conventions on International Judicial Co-operation in Criminal Matters

20 February 2012

IMPORTANT NOTES:

- The following lists and index are not binding and/or exhaustive and are to be used only for reference and as a supplementary tool to simplify orientation of practitioners.
- In the index of keywords (A), the keywords, as well as the cases related to each keyword are arranged alphabetically.
- In the lists (B through F) of cases relevant for each European convention, the cases are arranged chronologically
- Links to the texts of the Court's decisions work only if clicked while pressing the <Ctrl> key.
- Further decisions of the Court can be found in the HUDOC database (see below sub G).

A. Index of keywords with relevant case law:

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	Iskandarov v. Russia	17185/05
	Jabari v. Turkey	40035/98
	J. H. v. United Kingdom	48839/09
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conversion of sentence – see <i>transfer of sentenced persons (conversion of sentence)</i>		
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	Quinn v. France	18580/91
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	Shamayev and others v. Georgia and Russia	36378/02
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	Garabayev v. Russia	38411/02
	Gasayev v. Spain	48514/06
	Harkins and Edwards v. United Kingdom	9146/07 & 32650/07
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	Khodzhayev v. Russia	52466/08
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	Nivette v. France	44190/98
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	Selmouni v. France	25803/94
	Smith v. Germany	27801/05
	Solakov v. FYROM	47023/99
	Somogyi v. Italy	67972/01
	Stojkovic v. France and Belgium	25303/08
	Van Ingen v. Belgium	9987/03
	Veermäe v. Finland	38704/03
	Zhukovskiy v. Ukraine	31240/03
family life (separation of family)	A. H. Khan v. United Kingdom	6222/10
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	Boultif v. Switzerland	54273/00
	Cruz Varas v. Sweden	15576/89

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	Collins and Akaziebie v. Sweden	23944/05
	Čonka v. Belgium	51564/99
	Cruz Varas v. Sweden	15576/89
	D. v. United Kingdom	30240/96
	Elmuratov v. Russia	66317/09
	Garabayev v. Russia	38411/02
	Gasayev v. Spain	48514/06
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N. v. Finland	38885/02	
Nivette v. France	44190/98	
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¹) Keyword “ill-treatment” includes torture and other forms of cruel or inhumane treatment covered by Article 3 of the Convention.

	Saadi v. Italy	37201/06
	Sami Memis v. Germany	10499/83
	Selmouni v. France	25803/94
	Shamayev and others v. Georgia and Russia	36378/02
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	Sufi and Elmi v. United Kingdom	8319/07 & 11449/07
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	Tehrani v. Turkey	32940/08 & 41626/08 & 43616/08
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	Shamayev and others v. Georgia and Russia	36378/02
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	Harkins and Edwards v. United Kingdom	9146/07 & 32650/07
	Kafkaris v. Cyprus	21906/04
	Nivette v. France	44190/98
	Vinter and others v. United Kingdom	66069/09 & 130/10 & 3896/10
mutual assistance	Rantsev v. Cyprus and Russia	25965/04
mutual assistance (admissibility of evidence)	A. M. v. Italy	37019/97

²) Keyword “life sentence” includes also other forms of extremely long sentences.

	Solakov v. FYROM	47023/99
	Van Ingen v. Belgium	9987/03
	Zhukovskiy v. Ukraine	31240/03
mutual assistance (hearing witnesses)	Adamov v. Switzerland	3052/06
	A. M. v. Italy	37019/97
	Marcello Viola v. Italy	45106/04
	Solakov v. FYROM	47023/99
	Stojkovic v. France and Belgium	25303/08
	Zhukovskiy v. Ukraine	31240/03
mutual assistance (service of documents)	Somogyi v. Italy	67972/01
mutual assistance (videoconference)	Marcello Viola v. Italy	45106/04
nationality	Abdulzhon Isakov v. Russia	14049/08
ne bis in idem	Sergey Zolotukhin v. Russia	14939/03
	Veermae v. Finland	38704/03
non bis in idem – see <i>ne bis in idem</i>		
nullum crimen sine lege – see <i>nulla poena sine lege</i>		
nulla poena sine lege	János Csoszánzski v. Sweden	22318/02
obligation to investigate – see <i>obligation to prosecute</i>		
obligation to prosecute ³	Rantsev v. Cyprus and Russia	25965/04
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release on parole – see <i>transfer of sentenced persons (early release)</i>		
res iudicata – see <i>ne bis in idem</i>		
separation of family – see <i>family life (separation of family)</i>		
service of documents – see <i>mutual assistance (service of documents)</i>		
torture – see <i>ill-treatment</i>		
right of access to court	Smith v. Germany	27801/05
transfer of enforcement of sentence ⁴	Garkavyv v. Ukraine	25978/07
	Groni v. Albania	25336/04
transfer of proceedings	Garkavyv v. Ukraine	25978/07
transfer of sentenced persons	Selmouni v. France	25803/94
	Smith v. Germany	27801/05
transfer of sentenced persons (Additional Protocol, Article 2)	Garkavyv v. Ukraine	25978/07
transfer of sentenced persons (Additional Protocol, Article 3)	János Csoszánzski v. Sweden	22318/02
	Veermae v. Finland	38704/03
transfer of sentenced persons (conversion of sentence)	János Csoszánzski v. Sweden	22318/02

³) Keyword “obligation to prosecute” means also “obligation to investigate”.

⁴) Keyword “transfer of enforcement of sentence” covers transfers of enforcement of sentences both under Article 2 of the Additional Protocol to the Convention on Transfer of Sentenced Persons and under the European Convention on the International Validity of Criminal Judgments.

	Veermäe v. Finland	38704/03
transfer of sentenced persons (early release)	János Csoszánzski v. Sweden	22318/02
	Veermäe v. Finland	38704/03
videoconference – see <i>mutual assistance (videoconference)</i>		
witness immunity – see <i>mutual assistance (hearing witnesses)</i>		

B. List of case law relevant for the application of the European Convention on Extradition (CETS 024) and its Additional Protocols (CETS 086, 098 and 209)

Case Data	Summary
<p>Lynas v. Switzerland No.: 7317/75 Type: Decision Date: 6 July 1976 Articles: N: 2, 3, 5§1(f), 5§3, 5§4, 6§1, 18 Keywords: – custody (judicial review) – custody (lawfulness) – custody (length) – extradition (custody) – extradition (documents in support of) – fair trial – ill-treatment – interim measure Links: English, French Translations: not available</p>	<p><i>Circumstances:</i> Extradition from Switzerland to the United States of America for the purposes of prosecution. Interim measure not complied with. <i>Relevant complaints:</i> 1. If extradited, the applicant would be killed by CIA agents. 2. Length of custody pending extradition for three years and eight months excessive. 3. Lack of fair trial (equality of arms) in extradition proceedings. 4. Lawfulness of custody could not be examined by a court until the extradition case was brought to a court. <i>Commission's conclusions:</i> 1. Uncorroborated declarations don't constitute satisfactory prima facie evidence to prove real risk of ill-treatment. 2. Article 5§3 of the Convention does not apply to custody pending extradition. If extradition proceedings are not conducted with the requisite diligence, custody pending extradition would cease to be justifiable under Article 5§1(f) of the Convention. A person who complains of the length of his/her custody should have drawn up – and at least reasonably renewed – a request for release. 3. The authorities of the requested State are in no way obliged to authorise the production before them in extradition proceedings of evidence of facts relating to the substance of the charge or the criminal prosecution. 4. The person who complains of not having had, at a particular time, a judicial remedy against his/her custody cannot claim to be a victim of a violation of the Convention if he/she did not pursue this judicial remedy when it was available to him/her.</p>
<p>Bozano v. Switzerland No.: 9009/80 Type: Decision (Partial) Date: 12 July 1984 Articles: N: 5§1(f), 18 Keywords: – custody (lawfulness) – expulsion Links: English, French Translations: not available</p>	<p><i>Circumstances:</i> Refusal of extradition from France to Italy for the purposes of enforcement of a sentence imposed in absentia. Instead, the applicant was expelled from France to Switzerland where he was arrested for the purposes of his extradition from Switzerland to Italy. <i>Relevant complaint:</i> Unlawfulness of arrest in Switzerland after the applicant's expulsion from France as the co-operation between French and Swiss authorities to arrest him was designed to circumvent the French authorities' refusal of his extradition to Italy. <i>Commission's conclusion:</i> A person's arrest for the purposes of extradition proceedings following expulsion from a third State that refused to extradite the to the requesting State does not violate the Convention if it was done in accordance with domestic law and not arbitrarily.</p>
<p>Sanchez-Reisse v. Switzerland No.: 9862/82 Type: Judgment Date: 21 October 1986 Articles: Y: 5§4 Keywords: – custody (judicial review) – extradition (custody) Links: English, French Translations: Bulgarian</p>	<p><i>Circumstances:</i> Extradition from Switzerland to Argentina for the purposes of prosecution. Applicant's repeated requests for provisional release denied by Swiss authorities. <i>Relevant complaints:</i> The Swiss system for appealing against custody pending extradition did not afford adequate safeguards under Article 5§4 of the Convention, namely 1. it provided no direct access to a court, 2. it was not possible to conduct one's own defence, 3. it was not possible to reply to the State's opinion and to appear in person before a court, 4. the length of the proceedings was excessive. <i>Court's conclusions:</i> 1. As extradition, by its very nature, involves a State's international relations, it is understandable that the executive should have an opportunity to express its views on a measure likely to have an influence in such a sensitive area. 2. Requirement of assistance of a lawyer in extradition proceedings affords an important guarantee to the person whose extradition is sought and who is, by definition, a foreigner in the country in question and, therefore, often unfamiliar with its legal system.</p>

	<p>3. Article 5§4 requires the State to provide, in some way or another, the person whose extradition is sought with the benefit of an adversarial procedure. Giving the person the possibility of submitting written comments on the State's opinion would have constituted an appropriate means.</p> <p>4. The extradition issue forms the backcloth to the requests for release and necessarily influences the consideration of the matter. Whenever a foreign State's request for extradition does not, at the outset, appear unacceptable to the authorities of the requested State, custody is the rule and release the exception. The fact nevertheless remains that the applicant is entitled to a speedy decision – whether affirmative or negative – on the lawfulness of his custody.</p>
<p>Soering v. United Kingdom No.: 14038/88 Type: Judgment Date: 7 July 1989 Articles: Y: 3; N: 6§3(c), 6§1, 6§3(d), 13 Keywords: – assurances – death penalty – extradition (grounds for refusal) – ill-treatment Links: English, French Translations: Bosnian, Russian</p>	<p><i>Circumstances:</i> Extradition from the United Kingdom to the United States of America for the purposes of prosecution that could result in imposition of death penalty. <i>Relevant complaints:</i></p> <ol style="list-style-type: none"> 1. Exposure to the so-called “death row phenomenon” in case of extradition and subsequent imposition of death penalty, even if such penalty is not enforced, would amount to violation of Article 3 of the Convention. 2. Assurance provided by the requesting State was so worthless in its content that no reasonable requested State could regard it as satisfactory. <p><i>Court's conclusions:</i></p> <ol style="list-style-type: none"> 1. No derogation from the prohibition of ill-treatment under Article 3 of the Convention is permissible (absolute prohibition of torture and of inhuman or degrading treatment or punishment). The decision by a Contracting State to extradite a fugitive may give rise to an issue under Article 3 of the Convention, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the person concerned, if extradited, faces a real risk of being subjected to ill-treatment in the requesting State. The establishment of such responsibility inevitably involves an assessment of conditions in the requesting country against the standards of Article 3 of the Convention. 2. Objectively it cannot be said that an assurance to inform the judge at the sentencing stage of the wishes of the requested State for the death penalty to not be imposed eliminates the risk of the death penalty being imposed.
<p>Farmakopoulos v. Belgium No.: 11683/85 Type: Judgment Date: 4 December 1990 Articles: Keywords: – custody (judicial review) – extradition (custody) Links: English, French Translations: not available</p>	<p>struck out from the list</p> <p><i>Considering that the Court itself made no decision on the merits, relevance is questionable.</i></p>
<p>Cruz Varas v. Sweden No.: 15576/89 Type: Judgment Date: 20 March 1991 Articles: N: 3, 8, 25§1 Keywords: – asylum – expulsion – family life (separation of family) – ill-treatment – interim measure</p>	

<p>Links: English, French Translations: Georgian, Russian</p>	
<p>Vilvarajah and others v. United Kingdom Nos.: 13163/87 & 13164/87 & 13165/87 & 13447/87 & 13448/87 Type: Judgment Date: 30 October 1991 Articles: N: 3, 13 Keywords: – asylum – expulsion – ill-treatment Links: English, French Translations: not available</p>	
<p>Kolompar v. Belgium No.: 11613/85 Type: Judgment Date: 24 September 1992 Articles: N: 5§1, 5§4 Keywords: – custody (judicial review) – custody (lawfulness) – custody (length) – extradition (custody) Links: English, French Translations: not available</p>	
<p>Quinn v. France No.: 18580/91 Type: Judgment Date: 22 March 1995 Articles: Y: 5§1; N: 5§3 Keywords: – custody (length) – extradition (custody) Links: English, French Translations: Latvian, Ukrainian</p>	
<p>Nasri v. France No.: 19465/92 Type: Judgment Date: 13 July 1995 Articles: Y: 8 Keywords: – expulsion – family life (separation of</p>	

<p>family) Links: English, French Translations: Romanian, Russian</p>	
<p>Chahal v. United Kingdom No.: 22414/93 Type: Judgment Date: 15 November 1996 Articles: Y: 3, 5§4, 13; N: 5§1 Keywords: – assurances – custody (judicial review) – custody (lawfulness) – custody (length) – expulsion – ill-treatment Links: English, French Translations: Bosnian, Russian</p>	
<p>D. v. United Kingdom No.: 30240/96 Type: Judgment Date: 2 May 1997 Articles: Y: 3; N: 8, 13 Keywords: – expulsion – ill-treatment Links: English, French Translations: Russian</p>	
<p>Öcalan v. Turkey No.: 46221/99 Type: Judgment Date: 14 February 2000 Articles: Y: 3, 5§3, 5§4, 6§1, 6§3(b)(c); N: 2, 5§1, 14, 34 Keywords: – custody (judicial review) – custody (lawfulness) – death penalty – expulsion – extradition (custody) fair trial Links: English, French Translations: not available</p>	
<p>T. I. v. United Kingdom No.: 43844/98 Type: Decision</p>	

<p>Date: 7 March 2000 Articles: N: 3, 13 Keywords: – asylum – expulsion – ill-treatment Links: English, French Translations: not available</p>	
<p>Jabari v. Turkey No.: 40035/98 Type: Judgment Date: 11 July 2000 Articles: Y: 3, 13 Keywords: – asylum – expulsion – ill-treatment Links: English, French Translations: not available</p>	
<p>Nivette v. France No.: 44190/98 Type: Decision Date: 3 July 2001 Articles: N: 3 Keywords: – assurances – extradition (grounds for refusal) – ill-treatment – life sentence Links: English, French Translations: not available</p>	
<p>Boultif v. Switzerland No.: 54273/00 Type: Judgment Date: 2 August 2001 Articles: Y: 8 Keywords: – expulsion – family life (separation of family) Links: English, French Translations: not available</p>	
<p>Conka v. Belgium No.: 51564/99</p>	

<p>Type: Judgment Date: 5 February 2002 Articles: Y: 5§1, 5§4, 13, 4 (Prot. 4); N: 5§2, 13 Keywords: – asylum – custody (judicial review) – custody (lawfulness) – custody (right to be informed of the reasons for arrest) – expulsion – ill-treatment Links: English only Translations: Ukrainian</p>	
<p>Mamatkulov and Askarov v. Turkey Nos.: 46827/99 & 46951/99 Type: Judgment Date: 4 February 2005 Articles: Y: 34; N: 3, 6§1 Keywords: – assurances – asylum – extradition (grounds for refusal) – fair trial – ill-treatment – interim measure Links: English, French Translations: Georgian</p>	
<p>Bordovskiy v. Russia No.: 49491/99 Type: Judgment Date: 8 February 2005 Articles: N: 5§1, 5§2, 5§4 Keywords: – extradition (custody) – custody (judicial review) – custody (lawfulness), custody (length) – custody (right to be informed of the reasons for arrest) Links: English only Translations: not available</p>	
<p>Shamayev and others v. Georgia</p>	

<p>and Russia No.: 36378/02 Type: Judgment Date: 14 April 2005 Articles: Y: 3, 5§2, 5§4, 13, 34, 38§1(a); N: 2, 3, 5§1 Keywords: – assurances – custody (judicial review) – custody (lawfulness) – custody (right to be informed of the reasons for arrest) – death penalty – extradition (custody) – extradition (effective remedies) – extradition (grounds for refusal) – ill-treatment – interim measure Links: English, French Translations: Ukrainian</p>	
<p>Muslim v. Turkey No.: 53566/99 Type: Judgment Date: 26 April 2005 Articles: N: 3 Keywords: – expulsion – ill-treatment Links: French only Translations: not available</p>	
<p>N. v. Finland No.: 38885/02 Type: Judgment Date: 26 July 2005 Articles: Y: 3 Keywords: – asylum – expulsion – family life (separation of family) – ill-treatment Links: English only Translations: not available</p>	

<p>Aoulmi v. France No.: 50278/99 Type: Judgment Date: 17 January 2006 Articles: Y: 34; N: 3, 8 Keywords: – expulsion – family life (separation of family) – ill-treatment – interim measure Links: English, French Translations: not available</p>	
<p>Al-Moayad v. Germany No.: 35865/03 Type: Decision Date: 20 February 2007 Article: N: 3, 5§1, 6§1, 34 Keywords: – assurances – custody (lawfulness) – extradition (custody) – extradition (grounds for refusal) – fair trial – ill-treatment – interim measure Links: English only Translations: not available</p>	
<p>Collins and Akaziebie v. Sweden No.: 23944/05 Type: Decision Date: 8 March 2007 Articles: N: 3 Keywords: – asylum – expulsion – ill-treatment Links: English, French Translations: not available</p>	
<p>Sultani v. France No.: 45223/05 Type: Judgment Date: 20 September 2007 Articles: N: 3, 4 (Prot. 4)</p>	

<p>Keywords: – asylum – expulsion – ill-treatment Links: English, French Translations: not available</p>	
<p>Nasrulloev v. Russia No.: 656/06 Type: Judgment Date: 11 October 2007 Articles: Y: 5§1(f), 5§4 Keywords: – custody (judicial review) – custody (lawfulness) – extradition (custody) Links: English only Translations: not available</p>	
<p>Kafkaris v. Cyprus No.: 21906/04 Type: Judgment Date: 12 February 2008 Articles: Y: 7; N: 3, 5§1, 14 Keywords: – custody (lawfulness) – discrimination – life sentence Links: English, French Translations: Armenian</p>	
<p>Saadi v. Italy 37201/06 Judgment 28 February 2008 Articles: Y: 3 Keywords: – assurances – expulsion – ill-treatment Links: English, French Translations: Azeri, Italian</p>	
<p>Ismoilov and others v. Russia No.: 2947/06 Type: Judgment Date: 24 April 2008 Articles: Y: 3, 5§1, 5§4, 6§2 Keywords:</p>	

<ul style="list-style-type: none"> – custody (judicial review) – custody (lawfulness) – extradition (custody) – extradition (grounds for refusal) – ill-treatment – presumption of innocence <p>Links: English, French Translations: Italian Translations: not available</p>	
<p>Garabayev v. Russia No.: 38411/02 Type: Judgment Date: 7 June 2008 Articles: Y: 3, 5§1(f), 5§3, 5§4, 13 Keywords:</p> <ul style="list-style-type: none"> – custody (judicial review) – custody (lawfulness) – extradition (custody) – extradition (effective remedies) – extradition (grounds for refusal) – ill-treatment <p>Links: English, French Translations: not available</p>	
<p>Shchebet v. Russia No.: 16074/07 Type: Judgment Date: 12 June 2008 Articles: Y: 3, 5§1, 5§4 Keywords:</p> <ul style="list-style-type: none"> – custody (judicial review) – custody (lawfulness) – extradition (custody) – ill-treatment <p>Links: English only Translations: not available</p>	
<p>Soldatenko v. Ukraine No.: 2440/07 Type: Judgment Date: 23 October 2008 Articles: Y: 3, 5§1(f), 5§4, 13 Keywords:</p> <ul style="list-style-type: none"> – assurances 	

<ul style="list-style-type: none"> - custody (judicial review) - custody (lawfulness) - extradition (custody) - extradition (grounds for refusal) - ill-treatment <p>Links: English only Translations: Russian</p>	
<p>Khudyakova v. Russia No.: 13476/04 Type: Judgment Date: 8 January 2009 Articles: Y: 5§1(f), 5§4; N: 3, 5§2, 6§2, 8, 12 Keywords:</p> <ul style="list-style-type: none"> - custody (judicial review) - custody (lawfulness) - custody (length) - custody (right to be informed of the reasons for arrest) - extradition (custody) - ill-treatment <p>Links: English only Translations: not available</p>	
<p>Sergey Zolotukhin v. Russia No.: 14939/03 Type: Judgment Date: 10 February 2009 Articles: Y: 4 (Prot. 7) Keywords:</p> <ul style="list-style-type: none"> - extradition (rule of speciality) - ne bis in idem <p>Links: English, French Translations: Russian</p>	
<p>Gasayev v. Spain No.: 48514/06 Type: Decision Date: 17 February 2009 Articles: N: 2, 3 Keywords:</p> <ul style="list-style-type: none"> - assurances - death penalty - extradition (grounds for refusal) - ill-treatment 	

<p>Links: French only Translations: not available</p>	
<p>Ben Khemais v. Italy No.: 246/07 Type: Judgment Date: 24 February 2009 Articles: Y: 3, 34 Keywords: – assurances – expulsion – ill-treatment – interim measure Links: French only Translations: not available</p>	
<p>Eminbeyli v. Russia No.: 42443/02 Type: Judgment Date: 26 February 2009 Articles: Y: 5§1(f), 5§4; N: 3, 5§2, 6, 13 Keywords: – asylum – custody (judicial review) – custody (lawfulness) – custody (right to be informed of the reasons for arrest) – extradition (custody) Links: English only Translations: not available</p>	
<p>Stephens v. Malta No.: 11956/07 Type: Judgment Date: 21 April 2009 Articles: Y: 5§1; N: 5§4, 7, 13 Keywords: – custody (judicial review) – custody (lawfulness) – custody (length) – extradition (custody) Links: English only Translations: not available</p>	
<p>Abdolkhani and Karimnia v. Turkey (No. 1) No.: 30471/08 Type: Judgment</p>	

<p>Date: 22 September 2009 Articles: Keywords: Y: 3, 5§1, 5§2, 5§4, 13 – asylum – custody (judicial review) – custody (lawfulness) – custody (right to be informed of the reasons for arrest) – expulsion – ill-treatment Links: English, French Translations: not available</p>	
<p>Dubovik v. Ukraine Nos.: 33210/07 & 41866/08 Type: Judgment Date: 15 October 2009 Articles: Y: 5§1, 5§4, 5§5 Keywords: – asylum – custody (judicial review) – custody (lawfulness) – extradition (custody) Links: English only Translations: Russian</p>	
<p>Baysakov and others v. Ukraine No.: 54131/08 Type: Judgment Date: 8 February 2010 Articles: Y: 3, 13; N: 2 Keywords: – assurances – death penalty – extradition (effective remedies) – extradition (grounds for refusal) – ill-treatment Links: English only Translations: Russian</p>	
<p>Klein v. Russia No.: 24268/08 Type: Judgment Date: 1 April 2010 Articles: Y: 3 Keywords:</p>	

<ul style="list-style-type: none"> – assurances – extradition (grounds for refusal) – ill-treatment <p>Links: English only Translations: not available</p>	
<p>Charahili v. Turkey No.: 46605/07 Type: Judgment Date: 13 April 2010 Articles: Y: 3, 5§1 Keywords:</p> <ul style="list-style-type: none"> – asylum – expulsion – ill-treatment <p>Links: English only Translations: not available</p>	
<p>Keshmiri v. Turkey No.: 36370/08 Type: Judgment Date: 13 April 2010 Articles: Y: 3, 13 Keywords:</p> <ul style="list-style-type: none"> – asylum – expulsion – ill-treatment <p>Links: English only Translations: not available</p>	
<p>Tehrani v. Turkey Nos.: 32940/08 & 41626/08 & 43616/08 Type: Judgment Date: 13 April 2010 Articles: Y: 3, 5§1, 5§4, 13; N: 3 Keywords:</p> <ul style="list-style-type: none"> – custody (judicial review) – custody (lawfulness) – expulsion – ill-treatment <p>Links: English only Translations: not available</p>	
<p>Trabelsi v. Italy No.: 50163/08 Type: Judgment Date: 13 April 2010</p>	

<p>Articles: Y: 3, 34 Keywords: – assurances – expulsion – ill-treatment – interim measure Links: French only Translations: not available</p>	
<p>Khodzhayev v. Russia No.: 52466/08 Type: Judgment Date: 12 May 2010 Articles: Y: 3, 5§1, 5§4 Keywords: – assurances – asylum – custody (judicial review) – custody (lawfulness) – extradition (custody) – extradition (grounds for refusal) – ill-treatment – interim measure Links: English only Translations: not available</p>	
<p>Khaydarov v. Russia No.: 21055/09 Type: Judgment Date: 20 May 2010 Articles: Y: 3, 5§1, 5§4 Keywords: – assurances – asylum – custody (judicial review) – custody (lawfulness) – extradition (custody) – extradition (grounds for refusal) – ill-treatment Links: English only Translations: not available</p>	
<p>Babar Ahmad and others v. United Kingdom Nos.: 24027/07, 11949/08 & 36742/08</p>	

<p>Type: Decision Date: 6 July 2010 Articles: Y: 3; N: 2, 3, 5, 6, 8, 14 Keywords: – assurances – death penalty – extradition (grounds for refusal) – fair trial – ill-treatment – life sentence Links: English only Translations: not available</p>	
<p>Abdulazhon Isakov v. Russia No.: 14049/08 Type: Judgment Date: 8 July 2010 Articles: Y: 3, 5§1, 5§4, 13 Keywords: – assurances – custody (judicial review) – custody (lawfulness) – custody (length) – extradition (custody) – extradition (effective remedies) – extradition (grounds for refusal) – ill-treatment – nationality Links: English only Translations: not available</p>	
<p>Kaushal and others v. Bulgaria No.: 1537/08 Type: Judgment Date: 2 September 2010 Articles: Y: 8, 13, 1 (Prot. 7) Keywords: – expulsion – family life (separation of family) Links: English only Translations: not available</p>	
<p>Y. P. and L. P. v. France No.: 32476/06</p>	

<p>Type: Judgment Date: 2 September 2010 Articles: Y: 3 Keywords: – asylum – expulsion – ill-treatment Links: French only Translations: not available</p>	
<p>Chentiev and Ibragimov v. Slovakia Nos.: 21022/08 & 51946/08 Type: Decision Date: 14 September 2010 Articles: N: 2,3 Keywords: – assurances – death penalty – extradition (grounds for refusal) – ill-treatment Links: English only Translations: not available</p>	
<p>Iskandarov v. Russia No.: 17185/05 Type: Judgment Date: 23 September 2010 Articles: Y: 3, 5§1 Keywords: – asylum – custody (lawfulness) – extradition (custody) – extradition (grounds for refusal) – ill-treatment Links: English only Translations: not available</p>	
<p>Elmuratov v. Russia No.: 66317/09 Type: Judgment Date: 3 March 2011 Articles: Y: 5§1(f), 5§4; N: 3, 13 Keywords: – custody (judicial review) – custody (lawfulness)</p>	

<ul style="list-style-type: none"> – extradition (effective remedies) – extradition (grounds for refusal) – ill-treatment <p>Links: English only Translations: not available</p>	
<p>Toumi v. Italy No.: 25716/09 Type: Judgment Date: 5 April 2011 Articles: Y: 3, 34 Keywords:</p> <ul style="list-style-type: none"> – assurances – expulsion – ill-treatment – interim measure <p>Links: French only Translations: not available</p>	
<p>Adamov v. Switzerland No.: 3052/06 Type: Judgment Date: 21 June 2011 Articles: N: 5§1 Keywords:</p> <ul style="list-style-type: none"> – custody (lawfulness) – extradition (custody) – mutual assistance (hearing witnesses) <p>Links: French only Translations: not available</p>	
<p>Sufi and Elmi v. United Kingdom Nos.: 8319/07 & 11449/07 Type: Judgment Date: 28 June 2011 Articles: Y: 3 Keywords:</p> <ul style="list-style-type: none"> – asylum – expulsion – ill-treatment <p>Links: English only Translations: not available</p>	
<p>Ahorugeze v. Sweden No.: 37075/09 Type: Judgment</p>	

<p>Date: 27 October 2011 Articles: N: 3, 6, 39 Keywords: – extradition (grounds for refusal) – ill-treatment Links: English only Translations: not available</p>	
<p>Mokallal v. Ukraine No.: 19246/10 Type: Judgment Date: 10 November 2011 Articles: Y: 5§1; N: 5§1 Keywords: – asylum – custody (lawfulness) – extradition (custody) Links: English only Translations: not available</p>	
<p>Al Hanchi v. Bosnia and Herzegovina No.: 48205/09 Type: Judgment Date: 15 November 2011 Articles: N: 3 Keywords: – asylum – expulsion – ill-treatment Links: English only Translations: not available</p>	
<p>A. H. Khan v. United Kingdom No.: 6222/10 Type: Judgment Date: 20 December 2011 Articles: N: 8 Keywords: – asylum – expulsion – family life (separation of family) Links: English only Translations: not available</p>	
<p>J. H. v. United Kingdom No.: 48839/09</p>	

<p>Type: Judgment Date: 20 December 2011 Articles: N: 3 Keywords: – asylum – expulsion – ill-treatment Links: English only Translations: not available</p>	
<p>Yoh-Ekale Mwanje v. Belgium No.: 10486/10 Type: Judgment Date: 20 December 2011 Articles: Y: 3, 5§1(f), 13; N: 3 Keywords: – custody (lawfulness) – expulsion – ill-treatment – interim measure Links: French only Translations: not available</p>	
<p>Zandbergs v. Latvia No.: 71092/01 Type: Judgment Date: 20 December 2011 Articles: Y: 5§3, 5§4; N: 6§1 Keywords: – custody (judicial review) – custody (length) – extradition (custody) Links: English only Translations: not available</p>	
<p>Harkins and Edwards v. United Kingdom Nos.: 9146/07 & 32650/07 Type: Judgment Date: 17 January 2012 Articles: N: 3 Keywords: – assurances – extradition (grounds for refusal) – ill-treatment – life sentence Links: English only</p>	

<p>Translations: not available</p> <p>Othman (Abu Qatada) v. United Kingdom No.: 8139/09 Type: Judgment Date: 17 January 2012 Articles: Y: 6; N: 3, 5 Keywords: – assurances – asylum – expulsion – fair trial – ill-treatment Links: English only Translations: not available</p>	
<p>Vinter and others v. United Kingdom Nos.: 66069/09 & 130/10 & 3896/10 Type: Judgment Date: 17 January 2012 Articles: N: 3 Keywords: – life sentence Links: English only Translations: not available</p>	
<p>M. S. v. Belgium No.: 50012/08 Type: Judgment Date: 31 January 2012 Articles: Y: 3, 5§1, 5§4 Keywords: – custody (judicial review) – custody (lawfulness) – expulsion – ill-treatment Links: French only Translations: not available</p>	
<p>Sami Memis v. Germany No.: 10499/83 Type: unknown Date: unknown Articles: N: 3 Keywords: – ill-treatment Links: not available</p>	<p><i>Decision not available in HUDOC or anywhere else. Seems to be quoted only in the article "Applying the European Convention on Human Rights to Extradition: Opening Pandora's Box?" by Christine van den Wyngaert.</i></p>

Translations: not available	
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C. List of case law relevant for the application of the European Convention on Mutual Assistance in Criminal Matters (CETS 030) and its Additional Protocols (CETS 099 and 182)

Case Data	Summary
<p>A. M. v. Italy No.: 37019/97 Type: Judgment Date: 14 December 1999 Articles: Y: 6§1, 6§3(d) Keywords: – fair trial – mutual assistance (admissibility of evidence) – mutual assistance (hearing witnesses) Links: English, French Translations: not available</p>	
<p>Solakov v. FYROM No.: 47023/99 Type: Judgment Date: 31 October 2001 Articles: N: 6§1, 6§3(d) Keywords: – fair trial – mutual assistance (admissibility of evidence) – mutual assistance (hearing witnesses) Links: English, French Translations: not available</p>	
<p>Somogyi v. Italy No.: 67972/01 Type: Judgment Date: 18 May 2004 Articles: Y: 6 Keywords: – fair trial – mutual assistance (service of documents) Links: English, French Translations: not available</p>	
<p>Marcello Viola v. Italy No.: 45106/04 Type: Judgment Date: 5 October 2006 Articles: N: 6</p>	

<p>Keywords: – fair trial – mutual assistance (hearing witnesses) – mutual assistance (videoconference) Links: English, French Translations: not available</p>	
<p>Van Ingen v. Belgium No.: 9987/03 Type: Judgment Date: 13 May 2008 Articles: N: 6§1 Keywords: – fair trial – mutual assistance (admissibility of evidence) Links: French only Translations: not available</p>	
<p>Rantsev v. Cyprus and Russia No.: 25965/04 Type: Judgment Date: 7 January 2010 Articles: Y: 2, 4, 5§1 Keywords: – custody (lawfulness) – mutual assistance – obligation to prosecute Links: English, French Translations: not available</p>	
<p>Zhukovskiy v. Ukraine No.: 31240/03 Type: Judgment Date: 3 March 2011 Articles: Y: 6§1, 6§3(d) Keywords: – fair trial – mutual assistance (admissibility of evidence) – mutual assistance (hearing witnesses) Links: English only Translations: not available</p>	
<p>Adamov v. Switzerland</p>	<p><i>See List B</i></p>
<p>Stojkovic v. France and</p>	

Belgium

No.: 25303/08

Type: Judgment

Date: 27 October 2011

Articles: Y: 6§1, 6§3(c)

Keywords:

- fair trial
- mutual assistance
(hearing witnesses)

Links: [French only](#)

Translations: not available

D. List of case law relevant for the application of the Convention on the Transfer of Sentenced Persons (CETS 112) and its Additional Protocol (CETS 167)

Case Data	Summary
<p>Selmouni v. France No.: 25803/94 Type: Judgment Date: 28 July 1999 Articles: Y: 3, 6§1 Keywords: – fair trial – ill-treatment – transfer of sentenced persons Links: English, French Translations: Georgian, Slovenian</p>	
<p>Veermäe v. Finland No.: 38704/03 Type: Decision Date: 15 March 2005 Articles: N: 3, 5, 6, 14; 4 (Prot. 7) Keywords: – discrimination – expulsion – fair trial – ill-treatment – ne bis in idem – transfer of sentenced persons (Additional Protocol, Article 3) – transfer of sentenced persons (conversion of sentence) – transfer of sentenced persons (early release) Links: English, French Translations: not available</p>	
<p>János Csozászki v. Sweden No.: 22318/02 Type: Decision Date: 27 June 2006 Articles: N: 5, 6, 7 Keywords: – fair trial – nulla poena sine lege – transfer of sentenced</p>	

<p>persons (Additional Protocol, Article 3)</p> <ul style="list-style-type: none"> – transfer of sentenced persons (conversion of sentence) – transfer of sentenced persons (early release) <p>Links: English only</p> <p>Translations: not available</p>	
<p>Garkavyy v. Ukraine No.: 25978/07 Type: Judgment Date: 18 February 2010 Articles: Y: 5§1 Keywords:</p> <ul style="list-style-type: none"> – international validity of criminal judgments – transfer of enforcement of sentence – transfer of proceedings – transfer of sentenced persons (Additional Protocol, Article 2) <p>Links: English only</p> <p>Translations: not available</p>	
<p>Smith v. Germany No.: 27801/05 Type: Judgment Date: 1 April 2010 Articles: Y: 6§1 Keywords:</p> <ul style="list-style-type: none"> – fair trial – right of access to court – transfer of sentenced persons <p>Links: English only</p> <p>Translations: not available</p>	

E. List of case law relevant for the application of the European Convention on the International Validity of Criminal Judgments (CETS 070)

Case Data	Summary
<p>Groni v. Albania No.: 25336/04 Type: Judgment Date: 7 July 2009 Articles: Y: 3, 5§1, 34 Keywords: – ill-treatment – interim measure – international validity of criminal judgments – transfer of enforcement of sentence Links: English only Translations: not available</p>	
Garkavy v. Ukraine	<i>See List D</i>

F. List of case law relevant for the application of the European Convention on the Transfer of Proceedings in Criminal Matters (CETS 073)

<i>Case Data</i>	<i>Summary</i>
Garkavyy v. Ukraine	<i>See List D</i>

G. The HUDOC database

The search page to the database of the case law of the European Court of Human Rights can be accessed at this address: <http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>.

To search for a judgment or a decision in the HUDOC database effectively, it is recommended

- that in the “ECHR Document Collections” column on the left, all boxes under the “HUDOC Collection” are ticked off (in order to search not only for judgments but also for decisions); and
- that under “Language”, both English and French are ticked off (some judgments and decisions are in French version only or in English version only).

Your web browser needs to be set to allow “cookies”, too [see your web browser’s settings (privacy settings) if errors occur after attempted search].
