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*The **selection** of the information contained in this Issue and deemed relevant to NHRSs is made under the responsibility of the NHRS Unit*

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Introduction

This Issue is part of the "Regular Selective Information Flow" (RSIF). Its purpose is to keep the National Human Rights Structures permanently updated of Council of Europe norms and activities by way of regular transfer of information, which the National Human Rights Structures Unit of the DG-HL (NHRS Unit) carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRSs who are kindly asked to dispatch it within their offices.

Each issue covers two weeks and is sent by the NHRS Unit to the Contact Persons a fortnight after the end of each observation period. This means that all information contained in any given issue is between two and four weeks old.

Unfortunately, the issues are available in English only for the time being due to limited means. However, the majority of the documents referred to exists in English and French and can be consulted on the websites that are indicated in the Issues.

The selection of the information included in the Issues is made by the NHRS Unit. It is based on what is deemed relevant to the work of the NHRSs. A particular effort is made to render the selection as targeted and short as possible.

Readers are expressly encouraged to give any feed-back that may allow for the improvement of the format and the contents of this tool.

The preparation of the RSIF is generously supported by funding from the Ministry of Foreign Affairs of Germany.

Part I : The activities of the European Court of Human Rights

A. Judgments

1. Judgments deemed of particular interest to NHRSs

The judgments presented under this heading are the ones for which a separate press release is issued by the Registry of the Court as well as other judgments considered relevant for the work of the NHRSs. They correspond also to the themes addressed in the Peer-to-Peer Workshops. The judgments are thematically grouped. The information, except for the comments drafted by the NHRS Unit, is based on the press releases of the Registry of the Court.

Some judgments are only available in French.

Please note that the Chamber judgments referred to hereunder become final in the circumstances set out in Article 44 § 2 of the Convention: "a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or c) when the panel of the Grand Chamber rejects the request to refer under Article 43".

Note on the Importance Level:

According to the explanation available on the Court's website, the following importance levels are given by the Court:

1 = High importance, Judgments which the Court considers make a significant contribution to the development, clarification or modification of its case-law, either generally or in relation to a particular **State.**

2 = Medium importance, Judgments which do not make a significant contribution to the case-law but nevertheless do not merely apply existing case-law.

3 = Low importance, Judgments with little legal interest - those applying existing case-law, friendly settlements and striking out judgments (unless these have any particular point of interest).

Each judgment presented in section 1 and 2 is accompanied by the indication of the importance level.

- **Grand Chamber judgment**

Micallef v. Malta (link to the judgment in French) (no. 17056/06) (Importance 1) – 15 October 2009 – Violation of Article 6 § 1 – Close family ties between the opposing party's advocate and the Chief Justice were sufficient to objectively justify fears that the presiding judge lacked impartiality

In 1985 the applicant's sister, Mrs M., who has since died, was sued in the civil courts by her neighbour in connection with a dispute between them.

The presiding judge granted the neighbour an injunction in the absence of Mrs M., who had not been informed of the date of the hearing. In 1992 the court found against Mrs M. on the merits. In the meantime Mrs M. had brought proceedings in the Civil Court, sitting in its ordinary jurisdiction, alleging that the injunction had been granted in her absence and without giving her the opportunity to testify. In October 1990 the Civil Court found that the injunction had been issued in violation of the adversarial principle and declared it null and void.

In February 1993 the Court of Appeal upheld an appeal lodged by the neighbour and set aside the judgment of the Civil Court in favour of Mrs M. The Court of Appeal was presided over by the Chief Justice, sitting with two other judges. Mrs M. then lodged a constitutional appeal with the Civil Court, in its constitutional jurisdiction, alleging that the Chief Justice had not been impartial given his family ties with the lawyers representing the other party: he was the brother and uncle, respectively, of the lawyers who had represented her neighbour.

The constitutional appeal, which was taken over by the applicant after his sister's death, was dismissed in January 2004. In October 2005 a further appeal lodged with the Constitutional Court was also dismissed.

The applicant complained of the Court of Appeal's lack of impartiality on account of the family ties between the presiding judge and the lawyer for the other party. He added that this had given rise to an infringement of the principle of equality of arms.

Admissibility

The Maltese Government and the Third Party Government argued that the applicant did not have victim status. In their submission, he might have had the right to pursue an application lodged with the Court by his sister but not to lodge one on his own behalf after his sister had died while the proceedings were still going on at domestic level. The Court found that the applicant did have victim status, firstly because he had been made to bear the costs of the case instituted by his sister and could thus be considered to have a patrimonial interest in the case and, secondly, because the case raised issues concerning the fair administration of justice and thus an important question relating to the general interest.

The Government also submitted that the applicant had not exhausted all domestic remedies as required by Article 35 § 1 of the Convention. The Court pointed out in that connection that at the material time there had been no provision under Maltese law for challenging a judge on the basis of an uncle-nephew relationship with a lawyer representing the other side in a trial. Accordingly, the possibilities available to the applicant to challenge the judge could not be regarded as effective and nothing obliged him to use them before applying to the Court. Moreover, the Court found that, in complaining of a violation of his right to a fair trial before the domestic constitutional courts, which had dismissed the Government's objection of non-exhaustion of ordinary remedies and examined the substance of the complaint, the applicant had made normal use of the remedies which were accessible to him and which related, in substance, to the facts complained of before the Court.

Lastly, the Maltese Government and the Third Party Government submitted that the guarantees provided by Article 6 § 1 did not apply to proceedings such as these, which concerned interim or provisional measures. In their view, the application was therefore inadmissible on that ground as well.

The Court reiterated that preliminary proceedings, like those concerned with the grant of an interim measure such as an injunction, did not normally fall within the protection of Article 6. The Court observed that there was now a widespread consensus amongst Council of Europe member States regarding the applicability of Article 6 to interim measures, including injunction proceedings. This was also the position adopted in the case-law of the Court of Justice of the European Communities. The Court observed that a judge's decision on an injunction would often be tantamount to a decision on the merits of the claim for a substantial period of time, or even permanently in exceptional cases. It followed that, frequently, interim and main proceedings decided the same "civil rights or obligations", within the meaning of Article 6, and produced the same effects. In the circumstances the Court no longer found it justified to automatically characterise injunction proceedings as not determinative of civil rights or obligations. Nor was it convinced that a defect in such proceedings would necessarily be remedied in proceedings on the merits since any prejudice suffered in the meantime might by then have become irreversible.

The Court therefore considered that a change in the case-law was necessary. Article 6 would be applicable if the right at stake in both the main and the injunction proceedings was "civil" within the meaning of Article 6 and the interim measure determined the "civil" right at stake. However, the Court accepted that in exceptional cases it might not be possible to comply with all of the requirements of Article 6, though the independence and impartiality of the tribunal or the judge remained an inalienable safeguard of course.

In the present case the substance of the right at stake in the main proceedings concerned the use by neighbours of property rights in accordance with Maltese law, and therefore a right of a "civil" character according to both domestic law and the Court's case-law. The purpose of the injunction was to determine the same right as the one being contested in the main proceedings and was immediately enforceable. Article 6 was therefore applicable.

Merits

The Court reiterated that it assessed the impartiality of a court or judge according to a subjective test, which took account of a judge's conduct, and according to an objective test which, quite apart from the judge's conduct, sought to determine whether there were ascertainable facts, such as hierarchical or other links between the judge and other actors in the proceedings which might raise doubts as to his impartiality. The Court pointed out that even appearances might be of a certain importance in that regard.

The Court observed that under Maltese law, as it stood at the relevant time, there was no automatic obligation on a judge to withdraw in cases where impartiality could be an issue. Nor could a party to a trial challenge a judge on grounds of a sibling relationship – let alone an uncle-nephew relationship – between the judge and the lawyer representing the other party. Since then Maltese law had been amended and now included sibling relationships as a ground for withdrawal of a judge. In the dispute at issue here the Court took the view that the close family ties between the opposing party's lawyer and the Chief Justice sufficed to objectively justify fears that the panel of judges lacked impartiality. Accordingly, it concluded, by 11 votes to six, that there had been a violation of Article 6 § 1 of the Convention.

Judges Costa, Jungwiert, Kovler and Fura expressed a joint dissenting opinion. Judges Björgvinsson and Malinverni expressed a partly dissenting opinion and Judges Rozakis, Tulkens and Kalaydjieva expressed a joint concurring opinion. These opinions are annexed to the judgment.

- **Pilot judgments**[*]

First pilot judgment in respect of Ukraine concerning the non-execution of final domestic court decisions / General measures ordered

Yuriy Nikolayevich Ivanov v. Ukraine (no. 40450/04) (Importance 1) – 15 October 2009 – Violation of Article 6 §1 – Violation of Article 1 of Protocol No. 1 – Violation of Article 13

In October 2000, the applicant retired from the Ukranian army. Although he was entitled to a lump-sum retirement payment and a compensation for his uniform, he was not paid those dues. As result he brought proceedings in court seeking recovery of his debt. The court decided in his favour in August 2001 and ordered the military unit to pay him about EUR 819 in all including for the court fees incurred. On an unspecified date, the debt in retirement payment arrears was paid to him, but not the rest. In April 2004 the bailiffs wrote to the applicant informing him that the military unit had no money to pay and that forced sale of its assets was prohibited by law. The August 2001 judgment remained partially unenforced. In 2002 the applicant brought proceedings against the bailiffs claiming that they were at fault for the non-enforcement of the August 2001 judgment. The court ordered the bailiffs to identify and freeze the military unit accounts in order to seize the money available there. They did not comply. New proceedings were brought by the applicant seeking compensation for pecuniary and non-pecuniary damages, in which the court granted his claim, partly, in July 2003. This judgment remained unenforced.

The applicant complained about the non-enforcement of the judgments of August 2001 and July 2003 and that he could not effectively challenge that at domestic level.

Non-enforcement and the right to property

The Court observed that the August 2001 judgment had not been fully enforced so far; the delay in its enforcement had been about seven years and ten months. The judgment of July 2003 had also remained unenforced for about five years and eleven months. The Court noted that the delays had been caused by a combination of factors but it considered that all those factors had been within the control of the Ukrainian authorities and thus held that Ukraine had been fully responsible for the non-enforcement.

Having observed that it had frequently found violations of Article 6 § 1 and Article 1 of Protocol No. 1 in cases raising issues similar to those in the present case the Court found that the Ukrainian Government had not presented any arguments capable of persuading it to reach a different conclusion in the present case. Accordingly, the Court found unanimously that there had been a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 on account of the prolonged non-enforcement of the August 2001 and July 2003 judgments.

Effective remedy against non-enforcement

The Court found that a remedy had not existed at national level satisfying the requirements of Article 13 of the Convention in respect of the applicant's complaints about the non-enforcement of the judgments in his favour. It held unanimously that there had been a violation of Article 13.

[*] For a detailed description of the Court's pilot judgments, please see RSIF No. 18

- **Right to life / Investigation**

Agache and Others v. Romania (no. 2712/02) (Importance 2) – 20 October 2009 – Violation of Article 2 – National authorities' failure to carry out an effective investigation into the death of the applicant's relative, an officer killed in the 1989 anti-communist demonstrations

The applicants are six Romanian nationals, the widow and the children of Aurel Agache, a deceased militia officer.

On 22 December 1989, during anti-communist demonstrations, Mr Agache was violently attacked by some of the town's inhabitants who, having learnt that the Ceauşescus had fled, destroyed symbols of the regime, smashed shop windows and besieged the headquarters of the militia, attacking several officers including Aurel Agache. Having been injured, Mr Agache was put in an ambulance. The crowd blocked the vehicle's exit and several individuals removed Mr Agache from the ambulance and beat him. He died instantly.

On 27 December 1989 an investigation was opened by the public prosecutor's office at the County Court. Some demonstrators were questioned and witnesses identified from photographs three men by the names of Reiner, Paisz and Konrad as having been involved in beating Mr Agache. In November and December 1991 Mr Hejja, Mr Paisz and Ms F.-O., were placed under investigation for the murder of Aurel Agache.

In April 1992 the applicants applied to the public prosecutor to have the case transferred. The applicants received a reply informing them of the difficulties in identifying the persons responsible and in hearing evidence from witnesses, some of whom had changed their statements. No evidence was added to the investigation file between November 1992 and November 1997.

In October 1997 the public prosecutor at the Court of Appeal requested the public prosecutor's office at the County Court to resume the criminal investigation. One of the accused, Mr Reiner, gave evidence to the public prosecutor. Mr Konrad and Ms F.-O., meanwhile, had left Romania for Hungary. On 15 December 1997 the prosecutor's office at the County Court committed Mr Hejja, Mr Paisz, Mr Reiner, Mr Konrad and Ms F.-O. for trial for manslaughter. The case was adjourned several times.

In April 1998 the applicants again applied to have the case transferred, on the grounds that the investigation had been open for eight years, that a local political party was exerting pressure and that they had been subjected to threats. The case was remitted to the Bucharest County Court. In December 1998 the court heard evidence from Mr Reiner, and in January 1999 from Mr Paisz and three witnesses. The other witnesses and defendants were summoned but failed to appear. Following the January hearing, the court ruled that it was no longer necessary or possible to hear evidence from the witnesses in question. Their statements contained in the investigation file were read out.

On the basis of the file and the statements made at the hearings of December 1998 and January 1999, the Bucharest County Court in February 1999 found four of the accused guilty of manslaughter: Mr Hejja and Mr Paisz were sentenced to four years' imprisonment, Ms F.-O. to seven years' imprisonment and Mr Reiner to three years' imprisonment, suspended. Mr Konrad was acquitted for lack of evidence. The four persons convicted were ordered jointly and severally to pay ten million Romanian lei to Aurel Agache's widow for pecuniary damage and fifty million lei to each of the civil parties in respect of non-pecuniary damage. In a judgment in March 2001 the Supreme Court of Justice upheld the factual findings of the other courts and dismissed the appeals on points of law lodged by the two parties.

The sentences imposed were not executed, as one of the persons convicted was pardoned, another was granted conditional release and the remaining three were in Hungary. European arrest warrants were issued in respect of them: one warrant was not forwarded to the Hungarian authorities and the latter refused to enforce the other two. The enforcement proceedings brought by the applicants concerning their civil compensation claims are still pending.

The applicants complained that the investigation into the circumstances of their relative's death had not been effective. They further complained that the proceedings had been excessively long.

While the Court acknowledged that the investigation had been extremely complex, it noted that the proceedings had lasted for over twelve years, seven of those after the entry into force of the Convention in respect of Romania on 20 June 1994. Between that date and November 1997 no measures had been taken with a view to concluding the investigation, nor had any procedural steps been taken.

The Court noted that the authorities had taken evidence from only three witnesses and two of the accused, and had based their findings on the statements made by the other witnesses during the investigation instead of hearing evidence from the eyewitnesses who had been found, in order to

establish the facts and the identity of the perpetrators. Furthermore, they had not taken the necessary steps to secure the extradition of three of the persons convicted, to ensure that they served their prison sentences. Accordingly, the Romanian authorities had not shown due expedition and diligence in conducting the criminal proceedings, which had failed to afford appropriate redress for the infringement of the values enshrined in Article 2 of the Convention. The Court therefore held unanimously that there had been a violation of Article 2 in its procedural aspect.

The Court did not rule on the applicants' complaint under Article 6, which covered the same ground as their Article 2 complaint.

Gasyak and Others v. Turkey (no. 27872/03) (Importance 2) – 13 October 2009 – Violation of Article 2 – National authorities' failure to carry out an effective investigation into the killings of the applicants' relatives

The applicants are the relatives of four persons who were killed in March 1994. The persons killed were working as tradesmen. According to the applicants, who based their submissions on information provided by witnesses, on 6 March 1994 their relatives had been stopped by gendarmes at a check-point near the town of Silopi. Two ex-members of the Kurdish Workers' Party (PKK), who were working at the time as "confessors" for the authorities, were also present. They were then taken into vehicles and driven towards a village called Holan. One of their relatives jumped out of the car and attempted to run away, but was shot by someone from the car that transported him. The three surviving men were taken to the Bozalan police station from where they were further moved to a nearby place and shot dead later that day.

On 8 March gendarmes found the bodies of the four men – shot dead and their heads smashed with stones. An on-site report was prepared which concluded that the killings were most likely carried out by PKK members. No other action was taken in the area by the gendarmes or the Cizre prosecutor who only forwarded the investigation file to the prosecutor of Diyarbakir. In addition, the applicants were warned by representatives of the security forces not to make any complaints.

The Government submitted that a number of investigative steps were taken in order to find the perpetrators of the killings. Two persons, the confessors identified by the applicants - had been put on trial in 2002 but were subsequently acquitted for lack of sufficient evidence.

The applicants complained that their relatives were killed by representatives of the Turkish authorities and that the investigation into their complaints had been inadequate. The Court considered that it could not examine the applicants' allegations concerning the killings on account of the applicants' failure to comply with the six-month rule, but it examined the effectiveness of the trial conducted after 2002. In doing so the Court observed that, despite the repeated submissions by the applicants and the eyewitnesses that gendarmes had been involved in the abduction and killing of their relatives, no attempt had been made to identify and question the personnel working at the checkpoint or near Bozalan gendarmerie station. The two confessors – who had been the only persons charged with the killings – had never appeared before the trial court, despite one of them having provided misleading information about his whereabouts at the time of the killings. Consequently, it had been impossible to question them directly or for the eyewitnesses to identify them. In light of the shortcomings of the trial, the Court concluded unanimously that the Turkish authorities had failed to carry out a meaningful investigation into the killing of the applicants' relatives, in violation of Article 2.

Trufin v. Romania (no. 3990/04) (Importance 2) – 20 October 2009 – Violation of Article 2 – National authorities' failure to carry out an effective investigation into the death of the applicant's brother

The applicant complained of the lack of an effective investigation into the violent death of her brother. The Court held that there has been a procedural violation of Article 2 on account of the length and ineffectiveness of the investigations into the applicant's brother's death.

- **Conditions of detention / Ill-treatment**

Orchowski v. Poland (no. 17885/04) (Importance 1), Norbert Sikorski v. Poland (no. 17599/05) (Importance 2) – 22 October 2009 – Violations of Article 3 – Conditions of detention – Structural problems of overcrowding in Polish prisons

The applicants are currently serving prison sentences in Poland. From the day that they were first imprisoned to the day that they lodged their applications with the Court the applicants were detained in

four different detention centres. They complain that they had less than the statutory 3 m² of living space per person in the detention facilities. The applicants lodged numerous complaints about this situation. They relied on statistics provided by the Prison Service showing that, on average, the prison population stood at 110 %.

In their replies to the applicants the Prison Service acknowledged that prisoners could not be given the statutory 3 m² of space per person because of chronic overcrowding nationwide which justified recourse to measures restricting the amount of space per detainee to below the statutory 3 m². This was confirmed by the penitentiary judges; under Article 248 of the Code of Execution of Criminal Sentences, the prison governor had a right to take measures to reduce the area of the cell to less than 3 m² per detainee.

The applicants complained about the conditions of their detention, in particular the lack of space in their cells.

Article 3

The Court reiterated that where prison overcrowding reached a certain level, the lack of space in a prison could constitute the central factor to be taken into consideration under Article 3.

In a judgment in May 2008 the Polish Constitutional Court had held that the serious and chronic nature of prison overcrowding in Poland could in itself be qualified as inhuman and degrading treatment and that Article 248 of the Code of Execution of Criminal Sentences was incompatible with Article 40 of the Constitution. The Court observed that Article 40 of the Constitution was drafted almost identically to Article 3 of the Convention. In consequence, all situations in which a detainee was deprived of the minimum of 3 m² of personal space inside his or her cell for an extended period of time would be regarded as creating a strong indication that Article 3 of the Convention had been violated.

In both these cases it was established beyond reasonable doubt that for substantial periods of time the applicants' cells had been overcrowded, leaving them with less than the statutory minimum "humanitarian" amount of space, which had been made worse by aggravating factors, such as lack of exercise, particularly outdoor exercise, lack of privacy, insalubrious conditions and frequent transfers. The Court held unanimously that the distress and hardship endured by the applicants had exceeded the unavoidable level of suffering inherent in detention, in violation of Article 3.

Article 8

With regard to the applicants' right to respect for their physical and mental integrity or their right to privacy, the Court found that the applicants' situation lent itself to an examination under Article 8. However, having found a violation of Article 3, the Court found it unnecessary to examine the cases under Article 8. The Court observed, nevertheless, that the Constitutional Court's finding in its judgment in May 2008 would in itself have sufficed to conclude that there had been a violation of Article 8 § 2 on account of failure to comply with the requirement that any interference must be "in accordance with the law".

Article 46

The Court proposed to examine, having regard to the circumstances, what consequences for Poland could be drawn from Article 46 (binding force and execution of judgments). Some 160 applications against Poland – 95 of which had already been communicated – raising an issue under Article 3 of the Convention with respect to imprisonment in inadequate conditions, particularly in the case of prison overcrowding, were currently pending before the Court.

The seriousness and the structural nature of the overcrowding in Polish detention facilities had been acknowledged by the Polish Constitutional Court and by all the State authorities involved in the proceedings before the Constitutional Court and the proceedings before the Strasbourg Court concerning the applicants. That overcrowding, which had been observed from 2000 until at least mid-2008, revealed a structural problem consisting of "a practice that is incompatible with the Convention". Restricting the personal space afforded to detainees, which was supposed to have been a temporary and exceptional measure, had given rise to chronic overcrowding.

In the present case the authorities had chosen to legitimise the problem on the basis of a domestic law which had ultimately been declared unconstitutional by the Constitutional Court. The recent steps taken by Poland to remedy the inadequate conditions of detention could not remedy past violations. A general solution was therefore required that would address the root cause of the problem.

The Court therefore encouraged the State to develop an efficient system of complaints to the Prison Service and the authorities supervising detention facilities, which were best placed to take appropriate measures speedily.

Eugen Gabriel Radu v. Romania (no. 3036/04) (Importance 3) – 13 October 2009 – Violation of Article 3 – Conditions of detention in Jilava Prison in Bucharest

The applicant was given two prison sentences, in 2001 and 2006 respectively, for aggravated theft and is currently being detained in Baia-Mare prison. He complained about the conditions of his detention in Bucharest - Jilava Prison, which, he alleged, had caused permanent partial paralysis in his left hand. The Court unanimously held that there has been a violation of Article 3 in respect of the conditions in Bucharest - Jilava Prison and that there was a lack of adequate sanitary situation in that prison.

Ahmet Akman v. Turkey (no. 33245/05) (Importance 2) – 13 October 2009 – Violation of Article 3 – Ill-treatment during arrest

The applicant complained about the use of force by the police when he was arrested in connection with a demonstration. The Court held unanimously that there has been a violation due to the applicant's ill-treatment during an arrest following violent protests.

Serkan Yılmaz and Others v. Turkey (no. 25499/04) (Importance 3) – 13 October 2009 – Violation of Article 3 – Violation of Article 11 – Excessive use of police force in the applicant's arrest during demonstrations

The case concerned the applicant's arrest during a demonstration that the authorities considered illegal, to commemorate hunger strikes organised in about 20 prisons in 2000. The Court found the use of the police force pending the intervention in the demonstration excessive. It held that there had been a violation of Article 3 and Article 11.

Antipenkov v. Russia (no. 33470/03) (Importance 2) – 15 October 2009 – Violations of Article 3 – Ill-treatment while in police custody – Lack of an effective investigation

The applicant is currently serving a sentence for robbery and assault in the correctional colony of Kamenka. He complained that he had been ill-treated by the police and that his complaints to that effect had not been investigated effectively. The Court held that there had been a violation of Article 3 due to the applicant's ill-treatment in Dyatkovskiy District police station and the lack of effective investigation in that regard.

Buzhinayev v. Russia (no. 17679/03) (Importance 3) – 15 October 2009 – Violation of Article 3 – Conditions of detention – Violation of Article 6 § 1 – Excessive length of proceedings – Violation of Article 13 – Lack of an effective remedy

The applicant complained about his detention on remand. He also complained that the criminal proceedings against him had lasted for too long and that he had not had the possibility to challenge that effectively. The Court held that there had been a violation of Article 3 of the Convention on account of the conditions of the applicant's detention in remand prisons IZ-4/1 in Ulan-Ude and IZ-77/3 in Moscow. The Court also held that the length of the proceedings in the present case did not satisfy the "reasonable time" requirement in breach with Article 6 § 1 of the Convention. It concluded that there had been a violation of Article 13 due to lack of an effective remedy in respect of the length of proceedings.

Okhrimenko v. Ukraine (no. 53896/07) (Importance 2) – 15 October 2009 – No violation of Article 3 – Adequate medical treatment while in detention – Applicant's failure to submit evidence of ill-treatment during transport to and from the court – Violation of Article 3 – Ill-treatment on account of the applicant's handcuffing in the hospital – No violation of Article 34 – Domestic authorities' compliance with the interim measure at issue

The applicant is currently detained in Kharkiv pre-trial detention centre No. 27. He complained that he had not received adequate medical treatment for his advanced cancer while in pre-trial detention on suspicion of theft and inflicting bodily harm causing a person's death, that he had been handcuffed in hospital and that the conditions in which he was transported for about 50 kilometres to the court hearings had amounted to torture. The applicant also complained that the Government had failed to comply with interim measures indicated by the Court during the procedure, in violation of Article 34. The Court held that there has been a violation of Article 3 of the Convention in respect of the

applicant's handcuffing in the hospital and that the respondent State has not failed to comply with its obligations under Article 34 *in fine* of the Convention.

Gorgiladze v. Georgia (no. 4313/04) (Importance 2) – 20 October 2009 – Violation of Article 3 – Conditions of detention – Violation of Article 6 § 1 – Unfairness of proceedings

The applicant is currently serving an eighteen-year sentence in Tbilisi following his conviction in 2003 for murder. He complained of poor conditions of detention (in particular of overcrowding and unsanitary conditions). He also alleged that the judicial formation, which tried his case at first instance, was not a "tribunal established by law". The Court held that there had been a violation of Article 3 due to the poor conditions of detention in Prison no 5 of Tbilisi. It also held that there has been a violation of Article 6 § 1, on account of the participation of two non-professional judges to the applicant's conviction.

Valeriu and Nicolae Roşca v. Moldova (no. 41704/02) (Importance 3) – 20 October 2009 – Violations of Article 3 – Ill-treatment while in police custody and conditions of detention

The applicants complained in particular that they had been ill-treated while in police detention in order to compel them to make self-incriminating statements and that their complaints to that effect had not been examined promptly; they also complained that they had been detained in inhuman and degrading conditions. The Court held that that there had been a violation of Article 3 of the Convention in respect of the applicants' ill-treatment and the State's failure both to comply with their procedural obligations to investigate the applicants' ill-treatment and to ensure the imposition of deterrent sentences on those responsible, as well as in respect of the inhuman conditions of detention in Prison no. 13 in Chişinău.

Ballıktaş v. Turkey (no. 7070/03) (Importance 3) – 20 October 2009 – Violation of Article 3 – Lack of an effective investigation into the applicant's ill-treatment – Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 – Lack of legal assistance at the initial stages of the criminal proceedings

The applicant was sentenced to twelve and a half years in prison for membership of an illegal organisation, the PKK (Kurdistan Workers' Party). She alleged in particular that she had been ill-treated in police custody, that there had not been an effective investigation in this respect and that the criminal proceedings against her had not been conducted fairly. The Court held that there had been a violation of Article 3, due to the lack of investigation due to the applicant's ill-treatment and a violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 on account of the lack of legal assistance at the initial stages of the criminal proceedings.

Kop v. Turkey (no. 12728/05) (Importance 2) – 20 October 2009 – Violations of Article 3 – Ill-treatment during the dispersal of a demonstration – Lack of an effective investigation

The applicant complained about being ill-treated during the dispersal of a demonstration against the NATO summit in Istanbul in 2004 and that there was no effective investigation in this respect. The Court held that there had been substantive and procedural violations of Article 3 due to the ill-treatment during the dispersal of a demonstration and the lack of an effective investigation in that respect.

- **Right to liberty and security**

De Schepper v. Belgium (no. 27428/07) (Importance 2) – 13 October 2009 – No violation of Article 5 § 1 – Justified preventive detention of a paedophile as a social protection measure

The applicant is currently interned in Bruges prison. From 1970 onwards he served eight prison sentences for acts of paedophilia. In a judgment in January 2001 the Antwerp Criminal Court sentenced him to six years' imprisonment for the rape and assault of minors. In accordance with the Social Protection Act, this judgment also placed the applicant "at the Government's disposal" for a period of ten years after serving his sentence, which meant that the Minister of Justice could either release him under certain conditions or order his internment.

From 2002 onwards the authorities attempted on several occasions to secure the applicant's admission in a private psychiatric institution where he could be treated. A preliminary therapy was also organised in the prison. However, all the institutions approached expressed the view that they could not treat him for the time being in view of his potential for causing harm, which had not diminished in spite of the preliminary therapy.

In October 2006, the Minister of Justice ordered the applicant's internment after the expiry of his prison sentence, i.e., the following day. That conclusion had been drawn, in particular, from the absence of long-term specialist in-patient treatment, the applicant's record of repeated sexual offences against minors, his serious sexual perversion, risks related to alcohol abuse, his tendency to minimise his acts and his total absence of the feeling of guilt. The applicant's appeals against the decision were dismissed by an order of the *Chambre du conseil* of the Antwerp Court of First Instance and a judgment of 18 December 2006 of the Antwerp Court of Appeal. On 2 January 2007 the Court of Cassation dismissed his appeal on points of law, finding in particular that his detention was lawful, because the decision of the Minister of Justice ordering the preventive detention of a convicted person held at the Government's disposal under the Social Protection Act was not a prosecution-related decision but pertained solely to the enforcement of a measure imposed by the Criminal Court.

The applicant complained that he had been arbitrarily kept in detention after serving his sentence. He argued, among other things, that the alleged necessity of his preventive detention stemmed solely from a structural lack of specialist treatment.

The Court noted that the fact that a person could be placed at the Government's disposal did not appear arbitrary; this social protection measure was part of the sentence set by the Criminal Court. The Minister of Justice, in deciding on the preventive detention of a person at the Government's disposal, was simply laying down the conditions of application of a sentence. Whilst such conditions might sometimes fall within the scope of the Convention, in principle they did not affect the lawfulness of a custodial measure.

The Court noted that in this case, the Minister had complied with the statutory conditions in deciding on the preventive detention, since it contained precise reasoning. Contrary to the applicant's allegation, the lack of long-term specialist in-patient treatment was not the only reason for his preventive detention but it was admittedly a decisive factor, because a course of treatment specially adapted to his situation could have reduced his potential for causing harm.

The Court concluded that the Belgian authorities had not failed in their obligation to seek to provide Mr de Schepper with treatment adapted to his condition that might help him recover his freedom. However, this finding did not release the Government from their obligation to take all appropriate initiatives in order to find, in the near future, a public or private institution that would be able to treat such cases.

The Court held unanimously that the applicant's detention after October 2006 had been justified and that there had therefore been no violation of Article 5 § 1 of the Convention.

Trajče Stojanovski v. "the former Yugoslav Republic of Macedonia" (no. 1431/03) (Importance 2) – 22 October 2009 – Violation of Article 5 § 1(e) – Disproportionate continued confinement of the applicant in a psychiatric hospital

In July 1998 the domestic courts ordered that the applicant, who was deaf and mute, be detained indefinitely for compulsory psychiatric treatment in a closed medical institution as a result of him having knocked down in October 2003 a person who quarrelled with his father in a court building. The person he hit sustained severe head injuries and died a few days later. The court found that the applicant was "slightly mentally retarded", considered aggressive and a danger to the public. Two medical reports were drawn up confirming that the applicant was mentally ill and needed medical treatment in a specialised psychiatric hospital.

On two occasions, in October 1999 and in April 2003, the hospital in which the applicant was interned requested the domestic courts to release him on condition that he underwent compulsory psychiatric treatment. The hospital's request was dismissed by the court both times. The court relied on reports by the police which indicated that the applicant had left the hospital several times and his visits to his village had been perceived as a threat by other villagers. The applicant's appeal against the second court's decision was dismissed in April 2004; the court stated that the hospital's proposal was irrelevant as it was not binding on it. In November 2008 the hospital applied again, unsuccessfully, to have the applicant conditionally released from confinement, his legal capacity removed and a guardian appointed to him. The court found no one suitable to be appointed as the applicant's guardian. No information was provided to the Court whether the applicant appealed against that decision.

The applicant complained that his continued confinement in the hospital had been unlawful since the courts had wrongly based their decisions on police reports instead of on the findings of the hospital.

The Court noted that the 1998 confinement order was issued by a court. Consequently, the applicant's initial deprivation of liberty had to be regarded as lawful detention. However, the particular circumstances of this case, and especially the reasons which the domestic courts had advanced for the applicant's continued detention, had not been sufficient to justify it.

In particular, the Court observed that the hospital's 2003 request had been made with a view to securing the applicant's conditional release since, in its view, his mental disorder no longer required his confinement. The domestic courts, however, had dismissed this request on the basis of information provided by the police regarding the applicant's behaviour outside the hospital and the local inhabitants' perception of him. The Court found that the 2003 review of the applicant's state had not revealed any objective sign that he presented a danger to the community. The domestic court had relied solely on the perceived fears of the villagers. There had been no evidence before the courts of a risk that the applicant would offend again if released. Instead, the applicant had been described by the hospital as cooperative, having regularly received his mild therapy.

The Court therefore found that the applicant's mental disorder had not been of the kind or degree to justify his continued compulsory confinement. Consequently, the Court held unanimously that there had been a violation of Article 5 § 1 (e).

Tunce and Others v. Turkey (No. 1) (nos. 2422/06, 3712/08 etc.) (Importance 2) – 13 October 2009 – Violation of Article 5 §§ 3 and 4 – Excessive length of pre-trial detention – Violation of Article 6 § 1 and Article 13 – Excessive length of proceedings – Ineffectiveness of the new 2005 remedy for complaints concerning the excessive length of criminal proceedings

The applicants are twenty Turkish nationals currently being held in Diyarbakır prison. They were sentenced to life imprisonment for attempting to overthrow, by force, the Turkish constitutional order, and for belonging to an illegal armed organisation. They were arrested and taken into custody, in June 1994 for the first six applicants, and in October 1994 for the others, during operations against Hizbullah, an illegal armed organisation. They were convicted in two that became final in April 2008 and April 2009 respectively. The applicants remained in pre-trial detention from the time of their arrest until their conviction. Their requests for release were always denied, and their detention was periodically extended.

The applicants complained that the length of their pre-trial detention had been excessive. They also complained that the length of the criminal proceedings against them had been excessive and that no remedy had been available in that respect.

Article 5 §§ 3 and 4

The pre-trial detention had lasted for more than 12 years and 6 months for the first six applicants and more than 12 years and 5 months for the others. As the Turkish Government had not submitted any arguments to justify their detention for such long periods, the Court held unanimously that there had been a violation of Article 5 § 3.

The decisions to keep the applicants in custody had been based on stereotyped reasoning concerning the "nature of the offence", "the state of the evidence" or the "content of the file". The authorities had not afforded the guarantees that should accompany a custodial measure, such as adversarial proceedings, equality of arms between prosecutor and defendant, and a public hearing in which the applicants could participate effectively (see also *Cahit Demirel v. Turkey*). The Court thus held unanimously that there had been a violation of Article 5 § 4.

Article 6 § 1 and Article 13

The criminal proceedings had lasted for more than 13 years and 10 months for the first six applicants and more than 14 years and 7 months for the others. The complexity of the cases – concerning organised crime, with a significant number of defendants and offences – could not justify such delays in the proceedings. The Court therefore held unanimously that there had been a violation of Article 6 § 1.

The new Turkish code of criminal procedure, which had entered into force on 1 June 2005, allowed persons who had stood trial after being held on remand to claim compensation before the competent court on account of delays in the criminal proceedings. The Court observed that this remedy could be used only after the judicial decision concerned had become final. It did not therefore allow a detainee to request appropriate redress or the discontinuance of a violation while the proceedings were in progress. In the present case, the applicants had been unable to use the remedy in question because the criminal proceedings against them were still pending when they lodged their applications.

Accordingly, the criterion of effectiveness, both in law and in practice, within the meaning of Article 13, had not been fulfilled. The Court found unanimously that there had been a violation of that Article.

Mondeshki v. Bulgaria (no. 36801/03) and Stoyan Dimitrov v. Bulgaria (no. 36275/02) (Importance 3) – 22 October 2009 – Violation of Article 3 (2nd case) – Conditions of detention – Violation of Article 5 § 3 (2nd case) – Excessive length of detention – Violation of Article 5 § 4 – Lack of an effective remedy to challenge the necessity of the applicants' detention – Violation of Article 8 – Unjustified interference with the applicants' correspondence

Momchil Mondeshki is the subject of criminal proceedings for forging applications to join a pension fund. Stoyan Dimitrov is currently in prison in Sofia, sentenced to life imprisonment for murder. The applicants complained of their conditions of pre-trial detention. They also complained that the lawfulness of their detention had not been examined speedily. Mr Dimitrov further complained of the excessive length of his pre-trial detention. The applicants further alleged that their correspondence, in particular with the Court, had been hindered and/or monitored by the prison authorities. In the 2nd case the Court held that there had been a violation of Article 3 and of Article 5 § 3 due to the conditions of detention and length of the applicant's detention. In both cases the Court found violations of Article 5 § 4 and Article 8 due to the applicants' inability to challenge their detention and the monitoring of their letters by the prison administration.

- **Right to a fair trial / Excessive length of proceedings**

Dayanan v. Turkey (no. 7377/03) (Importance 1) – 13 October 2009 – Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 – Lack of legal assistance while in police custody – Violation of Article 6 § 1 – Infringement of the applicant's right to adversarial proceedings

In January 2001 the applicant was arrested and taken into police custody during operations against Hizbullah, an illegal armed organisation. He was informed of his right to remain silent and to see a lawyer at the end of the police custody period. The police officers asked him questions but he remained silent.

In December 2001 he was convicted to 12 years and 6 months imprisonment for assisting the Hizbullah. The applicant appealed. In March 2002 the Principal Public Prosecutor at the Court of Cassation submitted his written observations on the merits of the appeal but they were not sent to the applicant or his lawyer. In a decision in May 2002, in the absence of the applicant and his lawyer, the Court of Cassation upheld the judgment in question.

The applicant complained that he had had no legal assistance while he was in police custody and that he had not been sent a copy of the opinion of the Principal Public Prosecutor at the Court of Cassation.

The Court concluded that the applicant, under the law then in force, had not had legal assistance while in police custody. That systematic restriction, on the basis of the relevant statutory provisions, was sufficient for a violation of Article 6 to be found even though the applicant had remained silent when questioned in police custody. The Court held unanimously that there had been a violation of Article 6 § 3 (c) in conjunction with Article 6 § 1.

Moreover, parties to adversarial proceedings were entitled to receive and discuss any document or observation submitted to the court. In view of the nature of the prosecutor's observations and the inability of the party in question to respond to them in writing, the Court took the view that in the present case the failure to send to the applicant a copy of the opinion of the Principal Public Prosecutor at the Court of Cassation had breached his right to adversarial proceedings. It held unanimously that there had been a violation of Article 6 § 1.

Union of Private Clinics of Greece and Others v. Greece (no. 6036/07) (Importance 2) – 15 October 2009 – Violation of Article 6 § 1 – Authorities' failure to take appropriate measures to ensure the enforcement of a judgment in the applicants' favour

The applicants are the Union of Private Clinics of Greece, representing all Greek private clinics apart from the psychiatric ones, several regional unions of private clinics, the Grigorios Solomos private clinic, and their legal representatives. In a judgment of 25 October 2005 the Supreme Administrative Court allowed an appeal lodged in 2001 by the Union of Private Clinics of Greece against a ministerial decision concerning charges for hospital treatment in private clinics applicable as of 1 January 2002. The Supreme Administrative Court held that the decision in question was unlawful as it made no

provision to ensure that the charges did not exceed the clinics' running costs, which had already increased following an earlier decree requiring them to undertake urgent modernisation. The judgment also criticised the fact that the ministerial decision had made no mention of an increase in surgeons' and anaesthetists' fees in private clinics. The judgment was sent to the competent authorities in December 2005.

Beginning in March 2006, the applicants approached the government authorities on a regular basis requesting them to fix a revised set of charges for hospital treatment in light of the Supreme Administrative Court's judgment. The Central Health Board ("the KESY") issued an opinion in July 2007 but made no recommendations on the issue of surgeons' and anaesthetists' fees. A draft ministerial decision increasing charges for treatment in private clinics was prepared following the partial opinion issued by the KESY, but was not adopted until September 2008. The Union of Private Clinics of Greece immediately complained that the decision complied only partially with the judgment of the Supreme Administrative Court, particularly on account of the absence of any provisions concerning an increase in surgeons' and anaesthetists' fees.

Before the (partial) ministerial decision was adopted, a three-member panel of the Supreme Administrative Court, on three occasions between 2006 and 2008, criticised the failure to execute the judgment of 25 October 2005 and directed the authorities to comply with it.

The applicants complained of the authorities' refusal to comply with the Supreme Administrative Court judgment, in breach of their right to effective judicial protection as guaranteed by Article 6 § 1.

The Court reiterated that the right of access to a court guaranteed by Article 6 § 1 would be illusory if the State were to allow a final and binding judicial decision to remain inoperative to the detriment of one party. This applied, inter alia, to cases in which execution took an abnormally long time.

The period of two years and nine months taken by the authorities to adopt a new decision after being notified of the judgment of the Supreme Administrative Court amounted to an excessive delay in executing the judgment. The Court was mindful of the fact that the authorities had had to adopt a set of regulations which entailed obtaining a preliminary opinion from a consultative body followed by signatures from three ministries. However, it noted that the three-member panel of the Supreme Administrative Court which examined the proceedings on several occasions had itself found a persistent failure on the part of the authorities to abide by the judgment. The judgment in question had been the third delivered by the Supreme Administrative Court on the same issue. Lastly, the time taken to execute the judgment assumed even greater significance given that private clinics had already been facing difficulties in terms of running costs on account of the decree issued in 2000 requiring them to modernise.

The Court further observed that the authorities' decision had not covered all the points it should have addressed by virtue of the Supreme Administrative Court judgment, particularly with regard to the issue of an increase in surgeons' and anaesthetists' fees.

The Court held unanimously that by refraining for a lengthy period from taking the necessary measures to comply with the judgment of the Supreme Administrative Court, the Greek authorities had breached Article 6 § 1.

Business Şi Investiţii Pentru Toţi v. Moldova (no. 39391/04) (Importance 3) – 13 October 2009 – Violation of Article 6 § 1 – Infringement of the right of access to a court on account of the Supreme Court's failure to involve the applicant company in the proceedings

In November 2001 the applicant company brought proceedings against another company, I., claiming damages caused by I.'s failure to deliver to it some office space as agreed in a contract the two companies had signed about a year earlier. In February 2003, the applicant company brought separate court proceedings against I. and a state company M. asking for the recognition of its property rights over the office space and the physical transfer of which it had received in the meantime from I. In 2004 the applicant company requested the court to discontinue the proceedings it had brought in respect of I. and pursued the proceedings for recognition of its property rights against the other defendant M.

In parallel, the state company M. brought proceedings against, among other parties, company I. and a state company L. M. claimed that a 1997 contract concluded between L. and I. for the completion of construction works in a building in exchange for a share of the office space in that building interfered with M.'s rights to part of the building. While the first instance court found in favour of company I., the Supreme Court of Justice (the Supreme Court) upheld entirely the claims of M. in July 2004.

The applicant company asked for a revision of the July 2004 judgment, complaining that it had not been a party to those proceedings, even though its property rights had been affected in them. In

September 2004 the Supreme Court rejected this request, finding that the applicant company was not the owner of the building. It noted that the contract between I. and the applicant company had been concluded by I. in bad faith, given the contested ownership situation at the time. The Supreme Court also found that by withdrawing, in April 2004, its claims against I. the applicant company had sought to have the proceedings discontinued in their entirety.

The applicant company complained that its property rights over the office space claimed by another company had been affected by decisions in court proceedings to which it had not been a party.

The Court first noted that I., from which the applicant company had obtained its right over the contested office space, had won at first instance in the domestic court proceedings and that the contract between I. and the applicant company had been valid when concluded.

Concerning the withdrawal by the applicant company of its claims in 2004, the Court found that it had only been made in respect of I. However, the February 2003 set of proceedings concerning the recognition of its property rights over the office space had been brought not only against I. but also against M., which too had had an interest in the disputed building. The 2003 claim against M. had never been examined by the domestic courts. At the same time, by accepting in July 2004 M.'s claims over the disputed part of the building without involving the applicant company, the Supreme Court had pre-judged the applicant company's claim to the property rights it had over that building.

The failure of the Supreme Court to involve the applicant company in the proceedings that had affected its interest had consequently breached its right of access to court. The Court therefore held unanimously that there had been a violation of Article 6 § 1.

Uzunget and Others v. Turkey (no. 21831/03) (Importance 3) – 13 October 2009 – Violation of Article 6 § 1 – Infringement of the applicant's right to adversarial proceedings – Violation of Article 11 – Disproportionate intervention of police officers in a protest against F-type prisons and against the events in Bergama prison

Following violent clashes in Bergama prison in July 2000, the applicants took part in a protest in a park in Ankara. The police broke up the protest and arrested the applicants who were subsequently convicted of taking part in an illegal demonstration. The applicants complained about the unjustified interference with their right to freedom of assembly and the unfairness of the criminal proceedings against them. The Court held that there has been a violation of Article 6 § 1 due to the infringement of the applicant's right to adversarial proceedings. The Court also found the forceful intervention of the police officers in protest action disproportionate.

- **Right to respect for private and family life / Right to respect for correspondence / Right to respect for the home**

Salontaji-Drobnjak v. Serbia (no. 36500/05) (Importance 2) – 13 October 2009 – Two violations of Article 6 § 1 – Infringement of the right to a fair hearing – Infringement of the right of access to a court – Violation of Article 8 – Interference with the right to respect for private life on account of the restriction of the applicant's legal capacity

Since 1973 the applicant has brought before the domestic courts around 200 lawsuits against his employer and its management, as well as against various private parties and Government officials, alleging irregularities, harassment and malfeasance. He has also lodged numerous criminal complaints on the same grounds. In 1996, criminal proceedings were brought against him for threatening the general manager in the company in which he was employed. The court found later that year that he was not criminally liable as he could not control his actions and ordered his mandatory psychiatric treatment as an out-patient. The applicant reported regularly for treatment throughout the assigned period which ended in November 1998.

In March 2002 a court order was issued upon the request of the local Social Care Centre for a mandatory psychiatric examination of the applicant. A psychiatric institute concluded that the applicant suffered from litigious paranoia and recommended that his legal capacity be restricted. As a result, following a hearing which the applicant did not attend and in which he was represented by a state-appointed lawyer whom he never met, the court partially deprived him of his legal capacity in February 2005. The applicant was arrested later that month and charged with intimidation of a judge. He was detained until May 2005 and was psychiatrically examined anew. The report concluded that he suffered from a personality disorder which was not a mental illness and his criminal responsibility could therefore not be excluded altogether.

In 2005, the applicant asked the court to restore his full legal capacity. His request was rejected on the grounds that he could not represent himself in court proceedings without a guardian. The Social Care Centre appointed his son as a guardian under the condition that he seeks its consent for any action he undertook. When the guardian applied in court asking that his father's legal capacity be restored, the court rejected it. The court found in particular that without the agreement of the Social Care Centre, the applicant's son had no standing to bring the proceedings at issue.

The applicant complained about the unfairness of the proceedings to determine his legal capacity and about his inability to institute proceedings for the restoration of his legal capacity.

Proceedings to determine legal capacity

The Court noted that the applicant had been excluded from the final hearing and had therefore been unable to personally challenge the experts' report recommending the partial deprivation of his legal capacity. Further, the domestic court's decision to this effect had not been reasoned enough and was worded in rather vague terms. In addition, the Court did not accept the Government's submission that the applicant's participation in the proceedings would have been useless. Finally, the applicant had had no opportunity to meet the lawyer appointed by the state neither to represent him nor to give her instructions. The Court therefore concluded unanimously that the proceedings in question, taken as a whole had not satisfied the requirements of a fair hearing and, consequently, there had been a violation of Article 6 § 1.

Proceeding for the full restoration of legal capacity

The Court first noted that despite the numerous requests lodged by the applicant and his guardian to have his legal capacity fully restored, four years later a court had not yet pronounced itself on the matter. Secondly, during this time there had been no comprehensive psychiatric examination of the applicant. Lastly, the domestic law did not provide for a periodical judicial re-assessment of the applicant's condition but granted the decisive power in this regard to the Social Care Centre. Consequently, the Court held unanimously that the very essence of the applicant's right to a court had been impaired, in violation of Article 6 § 1.

Private life

The Court found that the limitation of the applicant's legal capacity had been very serious as he was unable to independently take part in legal actions, file for a disability pension, decide about his own medical treatment, or even get a loan. However, the procedure which the domestic courts had applied when deciding on it had itself been fundamentally flawed and, some four years later, they had not yet re-examined their decision despite numerous requests for it. The Court concluded unanimously that while a legal system had to protect itself from vexatious litigants, the domestic authorities had to set up an effective judicial mechanism of dealing with such litigants' claims without having to necessarily limit their legal capacity. There had, accordingly, been a breach of the applicant's right to respect for his private life and a violation of Article 8.

Costreie v. Romania (no. 31703/05) (Importance 2) – 13 October 2009 – Violation of Article 8 – Domestic authorities' failure to take appropriate measures to ensure the applicant's right of access in respect of his daughters

The applicant has two daughters from his marriage to C.D.E. In June 2003 his wife left the family home and took the two girls with her without his consent. She lodged an urgent application for interim custody of the girls, but it was granted to the applicant on 5 September 2003. In October 2003 C.D.E. obtained a stay of execution of the decision and custody was then awarded to her until the divorce.

The applicant applied to the court seeking a temporary right of access in respect of his daughters. In September 2003, in urgent proceedings, he was granted an authorisation to see them on fixed days, but C.D.E. did not comply with that decision. In January 2004 he lodged an urgent application for a temporary right of access, arguing that his wife was constantly preventing him from seeing his daughters. In an urgent order in March 2004, amended by a final judgment in February 2005, the Bucharest District Court granted the applicant a right of access that would remain valid until the final divorce decree and final award of custody. Those decisions were never implemented, despite numerous attempts by the applicant, assisted by a bailiff (who simply drew up official records of failure), even though the latter was accompanied on several occasions by police officers and inspectors from the social assistance and child protection department.

The divorce became final in March 2005. Custody was awarded to the mother. The judgment contained no provision concerning the applicant's rights of access, but they were regarded as remaining unchanged by the public authorities, which continued to assist the applicant in his attempts to exercise them.

In June 2004 the applicant filed a criminal complaint against C.D.E. and she was ordered at first instance to pay a fine, but the Bucharest County Court ultimately held in January 2008 that the imposition of a criminal sanction on her was not in the interest of her daughters. Similarly, from 2003 onwards the applicant sought assistance from the child protection authorities with no concrete result. According to the most recent report of the child protection department, the parents had been working together since the summer of 2007 to try and improve relations between the girls and their father.

The applicant complained that he had been unable to exercise his parental rights in respect of his two daughters. The application was lodged with the European Court of Human Rights on 13 August 2005.

The Court pointed out that the right to respect for private and family life obliged domestic authorities to take the necessary measures to reunite a parent with his or her child. However, that obligation was not absolute. The decisive point in the present case was whether the Romanian authorities had taken all measures that could reasonably be expected of them to facilitate the enforcement of the decisions granting the applicant a right of access in respect of his daughters.

The Court found that this had not been the case, for a number of reasons. Among others, the Court observed that the authorities had confined themselves to recording the mother's constant obstructionist behaviour, without imposing on her any sanction or coercive measure for her failure to comply with the decisions granting the applicant a right of access. The Court further noted that the authorities had not taken any preparatory measures to facilitate meetings between the applicant and his daughters. It particularly regretted that the father's relations with his daughters, which had been quite normal before the mother left the family home with them (indeed, the domestic courts had initially granted interim custody to the father), had deteriorated seriously because of the mother's systematic refusal to allow contact between the girls and their father.

The Court held unanimously that the applicant's inability to exercise his rights of access had entailed a violation of Article 8 of the Convention.

Tsourlakis v. Greece (no. 50796/07) (Importance 2) – 15 October 2009 – Violation of Article 8 – Interference with the applicant's right to respect for private and family life on account of his inability to consult a welfare report concerning his son

In 1989 the applicant married and the couple had a son. In August 2000 he and his wife separated. By a judgment of 21 November 2001 the applicant's wife was awarded sole custody of the child, while the applicant was given the use of the matrimonial home. The applicant and his wife appealed. In an interlocutory decision in March 2004 a welfare report was ordered, to be prepared by the Athens Child Welfare Society ("the Society").

In November 2004 the Society's report was filed at the hearing before the Court of Appeal. In a judgment in May 2005 the Court of Appeal granted permanent custody of the child to his mother.

The applicant attempted to obtain a copy of the Society's report. The Society informed him that the report was a confidential document prepared for the exclusive attention of the Court of Appeal. After applying to the Ombudsman's office, which informed him that he could not obtain a copy of the report because he had not addressed his request via the competent prosecutor, the applicant applied to the prosecutor at the Criminal Court. The latter rejected his request, indicating in two sentences added by hand to the applicant's letter that the request concerned personal information about a minor, of which the applicant had no legitimate interest in being apprised.

The applicant complained about being prevented from consulting the report of the Child Welfare Society.

The Court noted that the applicant had not complained at any point during the proceedings that his inability to consult the Society's report had infringed his procedural rights and his right to a fair hearing. This complaint had to be rejected for failure to exhaust domestic remedies, in accordance with Article 35 of the Convention. The Court further observed that the part of the applicant's Article 8 complaint relating to the use of the Society's report before the Court of Appeal covered the same ground as his complaint under Article 6, which the Court had declared inadmissible.

With regard to the exercise by the applicant of his right to effective access to information concerning his private and family life following the Court of Appeal judgment, the Court noted that the domestic legislation concerning the use made of welfare reports was less than clear and that the only explanations which the applicant had received had come from the Ombudsman's office.

The information contained in the welfare report had been relevant to the applicant's relationship with his son. In that regard, the courts had acknowledged the affection shown by the father towards his child, which was reaffirmed by his persistent efforts to obtain custody. Being informed of any negative findings contained in the report would have enabled the applicant to take them into account in order to

improve the relationship. Moreover, the applicant had had a legitimate claim to be informed of the use made of the details he had provided for the purposes of compiling the report.

The Government had not given reasons for the refusal to allow the applicant to consult the report and had not adduced any compelling reasons to justify the failure to disclose the contents of the document, which contained personal information of direct concern to the applicant. Accordingly, the authorities had not ensured effective observance of the applicant's right to respect for his private and family life. The Court therefore held unanimously that there had been a violation of Article 8.

Bartosiński v. Poland (no. 13637/03) (Importance 3) – 13 October 2009 – Violation of Article 8 – Monitoring of the applicant's correspondence by detention centre authorities

The applicant complained that, while in detention on suspicion of offences involving illegal sale of alcohol and cigarettes, his correspondence with the Court and his family had been monitored. The Court recalled that it had held on many occasions that as long as the Polish authorities continue the practice of marking detainees' letters with the "censored" stamp, the Court has no alternative but to presume that those letters have been opened and their contents read. It recalled also that, the prohibition of censorship of correspondence with the Court contained in Article 103 of the Code of Execution of Criminal Sentences, which expressly relates to convicted persons, was also applicable to detained persons. Thus, censorship of the letters of the Court's Registry of the applicant was contrary to domestic law. The Court held that, the interference in the present case was not "in accordance with the law" and there had been a violation of Article 8 of the Convention.

Paulić v. Croatia (no. 3572/06) (Importance 2) – 22 October 2009 – Violation of Article 8 – Domestic courts' disproportionate measure ordering the eviction of the applicant from his home

The applicant complained of a court decision ordering him to vacate the flat in which he had been living with his family for more than 17 years. The Court held that the domestic had court ordered the eviction of the applicant from his home without having determined the proportionality of the measure. Thus, it has not afforded the applicant adequate procedural safeguards. There had been a violation of Article 8 of the Convention in the instant case.

- **Freedom of expression**

Lombardi Vallauri v. Italy (no. 39128/05) (Importance 1) – 20 October 2009 – Violation of Article 6 § 1 – Violation of Art. 10 – The interference with the applicant's right to freedom of expression was not necessary in a democratic society

The applicant, Mr Luigi Lombardi Vallauri, is an Italian national who teaches philosophy at the Faculty of Law of the Università Cattolica del Sacro Cuore (Catholic University of the Sacred Heart) in Milan, on the basis of contracts renewed on an annual basis since 1976. When a competition for the post was advertised for the 1998/99 academic year, Mr Lombardi Vallauri applied.

In October 1998 the Congregation for Catholic Education, an institution of the Holy See, informed the President of the University that some of the applicant's views were "in clear opposition to Catholic doctrine" and that "in the interests of truth and of the well-being of students and the University" the applicant should no longer teach there.

In November 1998 the Faculty Board took note of the Holy See's position and decided not to examine the applicant's application, since one of the conditions for admission to the competition, namely the approval of the Congregation for Catholic Education, had not been met. In January 1999 the applicant applied to the Lombardy Regional Administrative Court to have the decisions of the Faculty Board and the ecclesiastical authority set aside. The applicant argued that the decisions in question were unconstitutional because they breached his right to equality, freedom of instruction and freedom of religion. In October 2001 the Regional Administrative Court rejected the application on the grounds, inter alia, that adequate reasons had been given for the Faculty Board's refusal to consider the applicant's candidacy, and that the revised Concordat between the Holy See and the Italian Republic did not lay down any requirement to state the religious grounds for refusing approval. The court further held that neither the Faculty Board nor the court itself had jurisdiction to examine the legitimacy of the Holy See's decision, which had emanated from a foreign State. The court also pointed out that teaching staff were free to choose whether or not to adhere to the principles of the Catholic faith.

In December 2002 the applicant appealed to the *Consiglio di Stato* which dismissed the appeal. It stated that the Italian administrative and judicial authorities could not depart from Constitutional Court judgment no. 195 of 14 December 1972, according to which the fact that teaching appointments at the Catholic University were subject to the approval of the Holy See was compatible with Articles 33 and 19 of the Constitution, which guaranteed freedom of instruction and freedom of religion respectively. The *Consiglio di Stato* further observed that "no authority in the Republic may rule on the findings of the ecclesiastical authority".

The applicant complained that the decision of the Università Cattolica del Sacro Cuore, for which no reasons had been given and which had been taken without any genuine adversarial debate, had breached his right to freedom of expression. He also complained of the domestic courts' failure to rule on the lack of reasons for the Faculty Board's decision, thereby restricting his ability to appeal against that decision and to instigate an adversarial debate. Mr Lombardo Vallauri also complained of the fact that the Faculty Board had confined itself to taking note of the Congregation's decision, which had also been taken without any adversarial debate.

Article 10

In the instant case the Court observed that, while Mr Lombardo Vallauri had been habitually employed on the basis of temporary contracts, the fact that they had been renewed for over 20 years and that his academic qualities were recognised by his colleagues testified to the stability of his professional situation. The decision of the Faculty Board not to consider his application had therefore amounted to interference with his right to freedom of expression.

The Court noted that the interference had been prescribed by Italian law and could be said to have had the legitimate aim of protecting the "rights of others", manifested in the University's interest in basing its teaching on Catholic doctrine.

However, the Court considered that, in omitting to explain how the applicant's views which supposedly ran counter to Catholic doctrine were liable to affect the University's interests, the Faculty Board had not given adequate reasons for its decision. The Court went on to observe that, although it was not for the domestic authorities to examine the substance of the Congregation's doctrinal stance, the administrative courts, in the interests of the principle of adversarial debate, should have addressed the lack of reasons for the Faculty Board decision.

In conclusion, the Court considered that the University's interest in dispensing teaching based on Catholic doctrine could not extend to impairing the very substance of the procedural guarantees afforded to the applicant by Article 10 of the Convention. Accordingly, in the particular circumstances of the case, the interference with Mr Lombardi Vallauri's freedom of expression had not been "necessary in a democratic society". The Court therefore held, by six votes to one, that there had been a violation of Article 10 of the Convention in its procedural aspect.

For the same reasons the Court held that the applicant had not had effective access to a court, and found a violation of Article 6 § 1 by six votes to one.

The Court considered that there was no need to examine separately the applicant's complaints under Articles 9, 13 and 14.

Judge Cabral Barreto issued a dissenting opinion, which is annexed to the judgment.

Alves da Silva v. Portugal (no. 41665/07) (Importance 2) – 20 October 2009 – Violation of Article 10 – Infringement of the right to freedom of expression on account of the applicant's conviction for a satirical work displayed at a carnival

On 24 February 2004 the applicant, the mayor of Mortágua, lodged a criminal complaint against the applicant for defamation. He was prosecuted for driving around Mortágua during a carnival on 22 and 24 Feburary 2004 in a van displaying a puppet, a sign bearing an anagram of the mayor's name and a blue bag (an image that, in Portugal, evokes illegal sums of money that have not been properly accounted for), and broadcasting a pre-recorded satirical message suggesting that the mayor had acted unlawfully.

In April 2005 the Coimbra Court of Appeal referred the case to the Santa Comba Dão District Court. In July 2006 the applicant was convicted of defamation with aggravating circumstances and ordered to pay a fine, damages and legal costs of EUR 4,445. The Coimbra Court of Appeal dismissed his appeal on 21 March 2007, finding that his actions had nothing to do with the exercise of his freedom of expression but had been motivated by a plain desire to slander the mayor.

The applicant alleged, in particular, that his conviction for defamation had interfered with his freedom of expression, guaranteed by Article 10, particularly as the form of expression used had been satirical and the message conveyed in the context of carnival festivities.

The Court considered that the interference with the applicant's right to freedom of expression occasioned by his criminal conviction was prescribed by the Criminal Code and pursued a legitimate aim (protection of the reputation or rights of others). However, it was disproportionate to that aim. It considered that the message conveyed by the applicant was quite clearly satirical in nature, namely, a form of artistic expression and social commentary which, through its exaggeration and distortion of reality, naturally sought to provoke a reaction. It could hardly be taken literally – particularly as it had been delivered in the context of a carnival – and even if this had been the case, the mayor should, as a politician, have shown a greater degree of tolerance towards criticism.

The Court considered that imposing a criminal penalty for conduct such as that of the applicant in the present case could deter satirical forms of expression relating to topical issues. Such forms of expression could play a very important role in the free discussion of questions of public interest, without which there was no democratic society.

Having weighed society's interest in securing the applicant's conviction against the effect of that conviction on him, the Court held unanimously that there had been a violation of Article 10.

Ürper and Others v. Turkey (nos. 14526/07, 14747/07 etc.) (Importance 2) – 20 October 2009 – Violation of Article 10 – Disproportionate interference with the applicants' right to freedom of expression on account of the suspension and banning of future publications of their newspapers

At the material time the applicants, who are 26 Turkish nationals, were the owners, executive directors, editors-in-chief, news directors and journalists of four daily newspapers published in Turkey: Ülkede Özgür Gündem, Gündem, Güncel and Gerçek Demokrasi. Between November 2006 and October 2007, the publication of all four newspapers was regularly suspended by the Istanbul assize court for periods ranging from 15 days to a month. The publications were considered propaganda in favour of a terrorist organisation, the PKK/KONGRA-GEL (Kurdistan Workers' Party, an illegal organisation), as well as the approval of crimes committed by that organisation and its members, whilst at the same disclosing the identity of officials with anti-terrorist duties thus making them targets for terrorist attacks. Neither the applicants nor their lawyers participated in the court's proceedings, and their written objections to the suspension orders were dismissed.

In addition, some of the applicants were criminally prosecuted for the same offences as those attributed to the newspapers. Thus, the owner of Ülkede Özgür Gündem, was sentenced to pay approximately EUR 217,000. The executive director of Ülkede Özgür Gündem and Gündem, was indicted twice and the owner of Gündem and Güncel, three times. The owner and executive director of Gerçek Demokrasi, was similarly prosecuted.

According to the information in the case file, all these prosecutions are still pending at first instance, except for that against Ali Gürbüz, which is apparently still pending before the Court of Cassation.

The applicants complained of the suspension of the publication and dissemination of their newspapers and of their inability to take part in the proceedings before the Istanbul Assize court.

The Court recalled that news is a perishable commodity and to delay its publication, even for a short period, may well deprive it of all its value and interest. It then observed that the decisions to suspend the newspapers publications had been taken by the courts and found that that had been a valuable safeguard of the freedom of the press.

At the same time, the Court noted that the suspensions of the publications had not been imposed only on selected reports but on the future publications of entire newspapers whose content had been unknown at the time of the domestic courts' decisions. The Court further found that the applicants' guilt had been established in proceedings from which they had been excluded. The domestic court had decided to suspend the publications on the assumption that the applicants would commit the same kind of offences in the future. Consequently the suspension orders had had the preventive effect of dissuading the applicants from publishing similar articles or news reports in the future and had hindered their professional activities.

The Court held that less draconian measures could have been envisaged by the Turkish authorities, such as confiscation of particular issues of the newspapers or restrictions on the publication of specific articles. The Court held unanimously that by having suspended entire publications, however briefly, the authorities had restricted unjustifiably the essential role of the press as a public watch-dog in a democratic society, in violation of Article 10.

Europapress Holding d.o.o. v. Croatia (no. 25333/06) (Importance 2) – 22 October 2009 – No violation of Article 10 – Sufficient and relevant reasons of the domestic courts in support of their decisions and proportionate amount of damages concerning defamation proceedings

The applicant company, Europapress Holding d.o.o., is the biggest newspaper and magazine publishing company in Croatia.

In February 1996 its most prominent weekly publication, the news magazine Globus, published an article reporting on an incident in a government building a week earlier, during which the then Minister of Finance and deputy Prime Minister, B.Š., displeased with an article by the journalist E.V., had allegedly told her that she should be killed. The article also suggested that B.Š. had later taken a handgun from a security officer and pointed its barrel at E.V., saying that he would kill her, after which he had laughed at his own joke. An account of the alleged incident was subsequently published by two daily newspapers. A criminal complaint and an action for damages lodged by E.V. against B.Š. were dismissed on the grounds that she was unable to prove that there had been a serious threat to her life.

In May 1996 B.Š. brought a civil action for defamation against the applicant company before Zagreb Municipal Court. During the proceedings the court heard several eyewitnesses and in February 1998 partially granted B.Š.'s claim. It ordered the applicant company to pay B.Š. 100,000 Croatian kunas (HRK) as compensation for non-pecuniary damage. The judgment was subsequently upheld by the Zagreb County Court and by the Supreme Court. In November 2005 the Constitutional Court dismissed a constitutional complaint lodged by the applicant company.

The applicant company considered that the courts had imposed a standard of proof that was impossible to meet and therefore jeopardised the role of the press in a democratic society. The company also argued that the damages it was ordered to pay were disproportionate.

The Court noted that, the article in Globus had made specific allegations of fact concerning the politician B.Š., which the author of the article had adopted as his own, without reference to a source. The applicant company, which had published them and did not claim that they amounted to value judgments, was therefore liable for their truthfulness.

As to the assessment of evidence, the eyewitnesses' testimony, the Court did not find any reason to depart from the findings of the domestic courts that the information published in the article had been incorrect. Given the seriousness of the allegations, the applicant company had moreover been under a special obligation to verify them. However, the company had not at any point in the proceedings produced evidence that the Globus journalist had, as they claimed, tried to contact B.Š.'s office or any of the eyewitnesses. The Court therefore agreed with the domestic courts that the applicant company had not properly verified the published information. The reasons for ordering the applicant company to pay damages had hence been relevant and sufficient.

Regarding the award of damages and their amount, the Court pointed out that the payment was ordered against the applicant company, the biggest newspaper publisher in the country, and not against an individual journalist. It also noted that the domestic courts awarded less than one fifth of the damages sought by B.Š. On that account it held that the domestic courts' decisions were proportionate to the injury to reputation suffered.

The Court therefore held unanimously that there had been no violation of Article 10.

Pasko v. Russia (no. 69519/01) (Importance 2) – 20 October 2009 – No violation of Article 10 – Proportionate and justified conviction of a military journalist by the domestic courts

At the material time the applicant was a Navy officer and worked as a military journalist on the Russian Pacific Fleet's Newspaper "Boyevaya Vakhta".

The parties disagree about the nature of the exchanges the applicant had with two Japanese journalists between 1996 and 1997. Mr Pasko submitted that he worked on a free-lance basis for a Japanese TV station and a newspaper, and supplied them with openly available information and video footage. The Russian authorities maintained that Mr Pasko was only asked by "Boyevaya Vakhta" to assist two Japanese journalists in visiting Russian military units and to inform them of the professional activities of the Fleet's newspaper; all further contacts with those journalists were pursued by Mr Pasko of his own volition and were not reported to his superiors.

In November 1997, Mr Pasko was searched at the Vladivostok airport from where he flew to Japan. A number of his papers were confiscated then with the explanation that they contained classified information. Shortly after that criminal proceedings were brought against Mr Pasko in connection with the above episode. He was arrested on 20 November 1997 upon his return from Japan. The same month he was charged with treason through espionage for having collected secret information on 11 September 1997 with the intention of transferring it to a foreign national. He was found guilty as

charged in December 2001 and was sentenced by the Pacific Military Fleet Court to four years' imprisonment. Following Mr Pasko's appeal, in June 2002 the Supreme Court upheld his conviction. Mr Pasko applied for supervisory review of his sentence, without success. He was released on parole in January 2003.

The Russian Constitution of 1993 required that information constituting State secrets had to be defined by a federal statute. The State Secrets Act was adopted in 1993 listing information which could be classified as secret, without précising which is that information. In 1995 a Presidential Decree was adopted listing precisely what information was classified as State secret.

Mr Pasko complained about the authorities' retrospective application of the criminal law legislation and their causing him to an overly broad and politically motivated criminal persecution as a reprisal for his critical publications. The Court decided to examine Mr Pasko's complaints under Article 10 only.

The Court first noted that both pieces of law on which the domestic courts had based their findings, namely the federal law "State Secret Act" (the Act) of 1993 listing categories of information that may be classified as secret and a Presidential Decree (the Decree) of 1995 listing information classified as secret with sufficient precision, had been in force during the period of the events, had been publicly available and thus enabling Mr Pasko to foresee the consequences of his actions. Although the State Secret Act had only been amended on 8 October 1997 to conform to the Constitutional requirement to list clearly the categories of information classified as secret, the Court observed that the domestic courts had consistently referred to both the Act and the Decree as the legal basis for the applicant's conviction and had applied them in conjunction. Having found that the domestic courts' decisions had been neither arbitrary nor unreasonable, the Court held that those two legal documents had constituted sufficient legal basis for the applicant's conviction. Furthermore, the Court - referring to the date when Mr Pasko had collected the information (11 September 1997) and the date of his arrest (20 November 1997) - emphasised the continuous nature of his offence. The Court thus concluded that the legislation which had had to apply had been the one in force at the end of the offence, namely after 8 October 1997 when the State Secret Act had been amended and as of when it had become undisputed between the parties that the Act had been a proper legal basis.

In addition, the Court observed that, as a serving military officer, the applicant had been bound by an obligation of discretion in relation to anything concerning the performance of his duties. The domestic courts had carefully scrutinised each of his arguments. They had corroborated their findings with evidence, including recordings of his conversation with a Japanese national, about the information in question. The courts had found that he had collected and kept, with the intention of transferring to a foreign national, information of a military nature that had been classified as a State secret, and which had been capable of causing considerable damage to national security. Finally, the applicant had been convicted of treason through espionage as a serving military officer and not as a journalist. The domestic courts' decisions appeared reasoned and well-founded. There had been nothing in the materials of the case to support the applicant's allegations that his conviction had been overly broad or politically motivated or that he had been sanctioned for any of his publications.

On balance, the Court found that the domestic courts had struck a right balance of proportionality between the aim to protect national security and the means used for that, namely the sentencing of the applicant to a lenient sentence, much lower than the minimum stipulated in law. Accordingly, the Court held by six votes to one, that there had not been a violation of Article 10.

Chaykovskiy v. Ukraine (no. 2295/06) (Importance 2) – Violation of Article 34 – Withholding by the prison authorities of the enclosure to the Court's letter to the applicant

The applicant complained that in March 2003, while he was serving a sentence for attempted murder and robbery, the prison authorities had opened a letter sent to him by the Court and had withheld its contents. In addition, he complained that the prison authorities had prevented him from taking his case to the Court including by refusing to give him copies of documents that he needed in order to lodge his application before the Court. The court held that there has been a violation of Article 34 due to the withholding by the prison authorities of the enclosure to the Court's letter to the applicant.

- **Right to respect for property**

Apostolakis v. Greece (no. 39574/07) (Importance 2) – 22 October 2009 – Violation of Article 1 of Protocol No. 1 – Total and automatic loss of social rights following a criminal conviction

Since the age of 18 the applicant had worked for the Greek Artisan and Tradesmen's Insurance Fund ("the TEVE") of which he became the pensions' director. He was forced to resign on account of

criminal proceedings against him for falsifying paybooks belonging to members of the TEVE. In March 1998 the Athens Court of Appeal convicted him of aiding and abetting the falsification of savings books to the detriment of the TEVE and sentenced him to eleven years' imprisonment. He was released in December 1998, the period of pre-trial detention having been deducted from his sentence. Prior to that, in 1988, a right to a retirement pension had been conferred on Mr Apostolakis after more than 30 years' service.

After his release, in December 1999, the Social Security Fund ("IKA") revoked the decision of 1988 to award him a pension and transferred part of the pension to his wife and daughter, on the basis of the criminal conviction and in accordance with the Pensions Code. The withdrawal of Mr Apostolakis's pension also caused him to lose his personal social-security rights.

After the tacit dismissal of an objection by the applicant and an initial judgment of the Audit Court, delivered on 12 October 2005, the Court of Audit, sitting as a full court, held that the provisions according to which social rights could be withdrawn, which were designed to deter civil servants from committing offences and to ensure the proper functioning and the credibility of the administration, were compatible with the constitutional principle of proportionality. Subsequently, on 15 February 2007, the Audit Court held that the penalty imposed on the applicant was proportionate to the aims pursued. In March 2008 it ruled that the applicant should pay the TEVE more than 2,000,000 EUR for the losses sustained.

The applicant contended that the full withdrawal of his pension as a result of his criminal conviction had infringed his right to peaceful enjoyment of his possessions under Article 1 of Protocol No. 1.

The Court held that the withdrawal of the applicant's pension constituted an infringement of his right of property (a right to a pension constitutes a right of property where special contributions have been paid or where an employer has given an undertaking to pay a pension on terms provided for in the employment contract).

It noted that contrary to the Greek courts' ruling, that infringement had caused the applicant to bear a disproportionate and excessive burden, which could not be justified by the need to deter civil servants from committing offences and ensure the proper functioning of the administration and the credibility of the public service. In that connection the Court observed in particular that, following his conviction, the applicant had been automatically deprived of his pension for the rest of his life despite the fact that the offence he had committed had had no causal link with his retirement rights as a socially insured person. The fact that the pension – of a reduced amount – had been transferred to the applicant's family did not suffice to offset that loss because the applicant could in future lose all means of subsistence and all social cover, for example, if he became a widower or got divorced.

The Court held that States could make provision in their legislation for the imposition of fines as a result of a criminal conviction. However, penalties of that kind, which would involve the total forfeiture of any right to a pension and social cover, including health insurance, amounted not only to a double punishment but also had the effect of extinguishing the principal means of subsistence of a person, such as the applicant, who had reached retirement age. Such an effect was compatible neither with the principle of social rehabilitation governing the criminal law of the States party to the Convention system, nor with the spirit of the Convention (§41).

The Court held, unanimously, that there had been a violation of Article 1 of Protocol No. 1.

2. Other judgments issued in the period under observation

You will find in the column "Key Words" of the table below a short description of the topics dealt with in the judgment[1]. For a more complete information, please refer to the following link:

- Press release by the Registrar concerning the Chamber judgments issued on 13 Oct. 2009: here.
- Press release by the Registrar concerning the Chamber judgments issued on 15 Oct. 2009: here.
- Press release by the Registrar concerning the Chamber judgments issued on 20 Oct. 2009: here.
- Press release by the Registrar concerning the Chamber judgments issued on 22 Oct. 2009: here.

We kindly invite you to click on the corresponding link to access to the full judgment of the Court for more details. Some judgments are only available in French.

[1] The "Key Words" in the various tables of the RSIF are elaborated under the sole responsibility of the NHRS Unit of the DG-HL

State	Date	Case Title and Importance of the case	Conclusion	Key Words	Link to the case
Bulgaria	22 Oct. 2009	Özver (no. 22774/03) Imp. 3	Violation of Art. 5 § 3	Excessive length of pre-trial detention	Link
Bulgaria	22 Oct. 2009	Raykov (no. 35185/03) Imp. 2	Violation of Art. 6 § 3 (c)	Lack of legal assistance requested by the applicant	Link
Bulgaria	22 Oct. 2009	Yankov and Manchev (nos. 27207/04 and 15614/05) Imp. 3	Violation of Art. 6 § 1 (Mr. Yankov and Mr. Manchev) Violation of Art. 13	Excessive length of criminal proceedings and lack of an effective remedy	Link
Croatia	15 Oct. 2009	Kuralić (no. 50700/07) Imp. 2	No violation of Art. 6 §§ 1 and 3 (c)	Fairness of the applicant's trial, lack of prejudice on account of the use of the applicant's statements given at the pre-trial stage in the criminal proceedings against him	Link
Croatia	15 Oct. 2009	Prežec (no. 48185/07) Imp. 2	Violation of Art. 6 §§ 1 and 3 (c)	Lack of legal assistance at the trial stage in criminal proceedings	Link
Greece	15 Oct. 2009	Georgios Papageorgiou (No. 2) (no. 21032/08) Imp. 2	No violation of Art. 6 §§ 1 and 3 (d) No violation of Art. 6 § 1	Respect of the principle of equality of arms and of the right to adversarial proceedings	Link
Greece	15 Oct. 2009	Konstantinos Petropoulos (no. 55484/07) Imp. 3 Roumeliotis (no. 53361/07) Imp. 3	(1st case) Two violations of Art. 6 § 1 (2nd case) Violations of Art. 6 § 1 Violation of Art. 13	Disproportionate interference with the right to a fair trial on account of the Cassation Court's view that the Court of Appeal's judgment lacked sufficient reasoning; and excessive length of proceedings Lack of an effective remedy (2nd applicant)	Link Link
Greece	22 Oct. 2009	Paraponiaris (no. 42132/06) Imp. 3	No just satisfaction	Rejected just satisfaction claim on the basis of lack of observance with deadlines pursuant to Art. 41 of the Convention	Link
Poland	13 Oct. 2009	Kasza (no. 45668/06) Imp. 3 Wojciech Kowalski (no. 33734/06) Imp. 3	Violation of Art. 5 § 3 Violation of Art. 6 § 1	Excessive length of pre-trial detention and excessive length of criminal proceedings (still pending before the first-instance court for both applicants)	Link Link
Poland	20 Oct. 2009	Andrulewicz (No. 2) (no. 40807/07)	Violation of Art. 6 § 1	Excessive length of criminal proceedings (fourteen years for one level of jurisdiction) on suspicion of car theft	Link
Poland	20 Oct. 2009	Nowiński (no. 25924/06) Imp. 3	Violation of Art. 6 § 1	Infringement of the right of access to a court on account of the applicant's failure to indicate a "place of residence" although he had indicated a work address as well as a post-office box address	Link
Russia	15 Oct. 2009	Sokur (no. 23243/03) Imp. 2	Violation of Art. 6 § 1	Domestic courts' failure to ensure the applicant's effective participation in civil proceedings	Link
Russia	22 Oct. 2009	Isayev (no. 20756/04) Imp. 3	No violation of Art. 3 No violation of Art. 5 § 1 (c) Violation of Art. 5 § 4 (applications for release of October and November 2003) No violation Art. 5 § 4 (application for release	No evidence to support the claim of ill-treatment; domestic authorities effective investigation Unlawfulness of detention on account of the lack of a legal basis (from 6 to 9 January 2004) (see *Yudayev v. Russia)*	Link

			of March 2004)		
Russia	22 Oct. 2009	Rodin (no. 5511/05) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings	Link
Slovakia	20 Oct. 2009	Čanády (No. 2) (no. 18268/03)	Violation of Art. 6 § 1	Infringement of the right to a fair hearing by an independent and impartial tribunal	Link
Spain	13 Oct. 2009	Ferré Gisbert (no. 39590/05) Imp. 2	Violation of Art. 6 § 1	Infringement of the right to a fair hearing as a result of the Constitutional Court's refusal to declare admissible a delayed *amparo* appeal	Link
the Czech Republic	15 Oct. 2009	Kohlhofer and Minarik (nos. 32921/03, 28464/04 and 5344/05) Imp. 2	Violation of Art. 6 § 1	Infringement of the right of access to court on account of the deprivation of a determination on the merits of the claim that the resolution of the general meeting was unlawful	Link
Turkey	13 Oct. 2009	Abi and Others (no. 18387/02) Imp. 3	Violation of Art. 5 § 3 (except Ari Abo)	Excessive length of pre-trial detention	Link
Turkey	13 Oct. 2009	Alkın (no. 75588/01) Imp. 3	Violation of Art. 6 § 1	Excessive length of administrative proceedings regarding compensation	Link
Turkey	13 Oct. 2009	Ceyran (no. 17534/03) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings on charges of membership of an illegal organisation	Link
Turkey	13 Oct. 2009	Demirkaya (no. 31721/02) Imp. 3	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Lack of legal assistance while in police custody	Link
Turkey	13 Oct. 2009	Engin (no. 6194/04) Imp. 3	Violation of Art. 5 § 3	Excessive length of pre-trial detention (more than eleven years and two months, criminal proceedings still pending before the Istanbul Assize Court) (see *Tutar v. Turkey*)	Link
Turkey	13 Oct. 2009	Fatma Tunç (No. 2) (no. 18532/05) Imp. 3 Fikret Çetin (no. 24829/03) Imp. 3 Oğraş (no. 13918/03) Imp. 3	(All applicants) Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1 (Yahya Oğraş and Fikret Çetin) Violation of Art. 6 § 1	Lack of legal assistance while in police custody on suspicion of membership of illegal organisation (see *Salduz v. Turkey*) Failure to communicate to the applicants the prosecutor's written observations in the criminal proceedings against them (in 2nd and 3rd cases)	Link Link Link
Turkey	13 Oct. 2009	Geçgel and Çelik (nos. 8747/02 and 34509/03) Imp. 3	Violation of Art. 6 § 1 Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1 (1st applicant) Violation of Art. 5 § 3	Lack of legal assistance while in police custody and excessive length of criminal proceedings (both applicants) Excessive length of pre-trial detention (1st applicant)	Link
Turkey	13 Oct. 2009	Güvenilir (no. 16486/04) Imp. 3	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c)	Infringement of the right to a fair trial on account of the use of the applicant's statements for his conviction taken in the absence of a lawyer	Link
Turkey	13 Oct. 2009	Harun Kartal (no. 23574/04) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings in connection with membership of an illegal organisation	Link
Turkey	13 Oct. 2009	İnan and Others (nos. 19637/05, 43197/06 and 39164/07) Imp. 3	(All applicants) Violation of Art. 5 § 3 (2nd applicant) Violation of Art. 5 § 4 (2nd and 3rd applicants) Violation of Art. 6 § 1	Excessive length of pre-trial detention Lack of an effective domestic remedy to challenge the lawfulness of detention orders Excessive length of criminal proceedings	Link

Turkey	13 Oct. 2009	Köktepe (no. 35785/03) Imp. 2	Just satisfaction	Restriction imposed on the applicant's property rights and lack of compensation	Link
Turkey	13 Oct. 2009	Övüş (no. 42981/04) Imp. 2	Violation of Art. 6 § 1 Violation of Art. 8	Infringement of the right to a fair trial on account of domestic court's failure to notify the applicant of the divorce proceedings Domestic authorities' failure to take the necessary measures in order to ensure the applicant's right to visit her children	Link
Turkey	13 Oct. 2009	Sağnak (no. 45465/04) Imp. 3	Violation of Art. 5 §§ 3, 4 and 5 Violation of Art. 6 § 1 Violation of Art. 13	Excessive length of pre-trial detention Excessive length of proceedings Lack of an effective remedy to challenge the detention and to seek compensation for the length of pre-trial detention	Link
Turkey	13 Oct. 2009	Selin Aslı Öztürk (no. 39523/03) Imp. 2	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. No. 1	Infringement of the right to a fair trial on account of the applicant's inability to apply for the recognition of her deceased father's divorce decree thus depriving her of part of her inheritance	Link
Turkey	13 Oct. 2009	Şıneğu and Others (nos. 4020/07, 4021/07, 9961/07 and 11113/07) Imp. 3	Violation of Art. 5 §§ 3 and 4 Violation of Art. 6 § 1 Violation of Art. 13	Excessive length of pre-trial detention and excessive length of proceedings Lack of an effective remedy in both regards	Link
Turkey	13 Oct. 2009	Turgut and Others (no. 1411/03) Imp. 3	Just satisfaction	Infringement of the right to respect for property on account of the annulment of the applicants' title to a plot of land (part of a public forest area) which was re-registered in the name of the Public Treasury, without compensation	Link
Turkey	20 Oct. 2009	Attı and Tedik (no. 32705/02) Imp. 3	Violation of Art. 5 §§ 2, 3 and 4 Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1 Violation of Art. 6 § 1	Failure to inform the applicants of the reasons for their arrest Failure to bring the applicants promptly before a judge Lack of an effective remedy to challenge the lawfulness of their pre-trial detention Lack of legal assistance while in police custody Failure to communicate to the applicants the public prosecutor's written observations	Link
Turkey	20 Oct. 2009	Çolakoğlu (no. 29503/03) Imp. 3	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1 Violation of Art. 6 § 1	Lack of legal assistance in the initial stages of the investigation and use of evidence in criminal proceedings obtained under duress Failure to communicate to the applicant the prosecutor's observations Excessive length of proceedings	Link
Turkey	20 Oct. 2009	Volkan Özdemir (no. 29105/03) Imp.2	Violations of Art. 3 (substantive and procedural)	Ill-treatment while in police custody and lack of an effective investigation	Link
Turkey	20 Oct. 2009	Yeşilyurt and Tutar (no. 8296/05) Imp. 3	Violation of Art. 6 § 1	Lack of a public hearing preventing the applicants from defending themselves (see *Piroğlu and Karakaya v. Turkey*)	Link
Turkey	20 Oct. 2009	Yunus Aktaş and Others (no. 24744/03)	(Mr Aktaş) Violation of Art. 5 § 1	Excessive length of pre-trial detention	Link

		Imp. 2	(All applicants) Violation of Art. 5 § 4 (Mr Karakaya and Mr Tek) Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Lack of an effective remedy to challenge the lawfulness of their detention Lack of legal assistance while in police custody	
Turkey	20 Oct. 2009	Yürük (no. 23707/02) Imp. 3	Violation of Art. 6 §1	Excessive length of criminal proceedings on suspicion of membership of an illegal organisation	Link
Ukraine	15 Oct. 2009	Dubovik (nos. 33210/07 and 41866/08) Imp. 3	Violation of Art. 5 §§ 1, 4 and 5	Unlawfulness of detention prior to extradition Lack of an effective remedy to challenge the lawfulness of the detention and lack of an enforceable right to compensation	Link
Ukraine	15 Oct. 2009	Nichitaylov (no. 36024/03) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings on suspicion of negligence regarding the deaths and injuries caused to over 200 minors	Link
Ukraine	15 Oct. 2009	Polishchuk (no. 21231/04) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings on suspicion of money extortion	Link

3. Repetitive cases

The judgments listed below are based on a classification which figures in the Registry's press release: "In which the Court has reached the same findings as in similar cases raising the same issues under the Convention".

The role of the NHRSs may be of particular importance in this respect: they could check whether the circumstances which led to the said repetitive cases have changed or whether the necessary execution measures have been adopted.

State	**Date**	**Case Title**	**Conclusion**	**Key words**
Romania	20 Oct. 2009	Mihai and Radu Rădulescu (no. 14884/03) link	Violation of Art. 1 of Prot. No. 1	Deprivation of property as a result of illegal nationalisation, total lack of compensation and failure to enforce a final judgment concerning restitution of such property
Romania	13 Oct. 2009	Anea and Nitescu (no. 45924/06) link	Violation of Art. 1 of Prot. No. 1	Idem.
Romania	13 Oct. 2009	Anişoara and Mihai Olteanu (no. 37425/03) link	Violation of Art. 6 § 1	Quashing by the Procurator General of a final decision in the applicants' favour
Romania	13 Oct. 2009	Diver (no. 35510/06) link Schuster (nos. 36977/03 and 37375/03) link	Violation of Art. 1 of Prot. No. 1	Deprivation of property as a result of illegal nationalisation and total lack of compensation
Romania	13 Oct. 2009	Ghiţoi and Others (nos. 2456/05, 5085/05 and 6149/05) link	Violation of Art. 6 § 1	Non-enforcement of a final judgment in the applicants' favour

Romania	13 Oct. 2009	Stürner (no. 17859/04) link	Violation of Art. 1 of Prot. No. 1	Infringement of the right to respect for property as a result of nationalisation and lack of compensation due to the non-enforcement of a judgment in the applicants' favour
Russia	20 Oct. 2009	Mikhaylov (no. 22156/04) link	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. No. 1	Quashing of a final judgment in the applicant's favour by way of a supervisory review
Russia	15 Oct. 2009	Goncharova and Others and 68 other "Privileged pensioners" cases (nos. 23113/08, 23123/08, 23130/08 etc.) link	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. No. 1	Quashing of a final judgment in the applicants' favour regarding the scope of the applicants' privileged pensions
Turkey	13 Oct. 2009	Hüseyin Ateş and Mehmet Ateş (no. 28270/02) link	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. No. 1	Non-enforcement of a final judgment in the applicants' favour regarding compensation and loss in property value for expropriated property
Turkey	20 Oct. 2009	Fuat Çalışkan (no. 25506/03) link	Violation of Art. 6 § 1	Infringement of the right to a fair hearing on account of the failure to give to the applicant the written observations on his case of the Chief Prosecutor at the Court of Cassation
Turkey	20 Oct. 2009	Bozak (no. 32697/02) link Özerman and Others (no. 3197/05) link	Violation of Art. 1 of Prot. No. 1 Violation of Art. 6 § 1 (1st case)	Deprivation of the property and lack of compensation Excessive length of proceedings
Turkey	20 Oct. 2009	Özer and Others (no. 783/03) link	Violation of Art. 1 of Prot. No. 1	Loss of the value of the compensation further to expropriation as a result of the length of compensation proceedings (thirteen years)
Turkey	20 Oct. 2009	Vaide Yıldıs and Others (no. 13721/04) link	Violation of Art. 6 § 1 and Violation of Art. 1 of Prot. No. 1	Loss of the value of the compensation further to expropriation as a result of the excessive length of compensation proceedings
Ukraine	15 Oct. 2009	Glushko (no. 22358/06) link Krivenko (no. 19547/06) link Rotar ine (no. 34126/05) link Solomatin (no. 8191/04) link	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. No. 1	Failure to enforce a final judgment in the applicants' favour
Ukraine	15 Oct. 2009	Gvozdetskiy (no. 28070/04) link	Violation of Art. 1 of Prot. No. 1 Violation of Art. 13	Failure to enforce a final judgment in the applicants' favour and lack of an effective remedy
Ukraine	15 Oct. 2009	Komnatskyy (no. 40753/07) link Storozhuk (no. 2387/06) link	Violation of Art. 6 § 1 Violation of Art. 1 of Prot. No. 1 Violation of Art. 13	Failure to take necessary measures to comply with the final judgment deprived the applicants of their Art. 6 § 1 procedural rights; failure to enforce a final judgment in the applicants' favour and lack of an effective remedy
Ukraine	15 Oct. 2009	Korniychuk (no. 28808/07) link	Violation of Art. 6 § 1	Failure to enforce a final judgment in the applicants' favour
Ukraine	15 Oct. 2009	Rukas (no. 15879/06) link	Violation of Art. 1 of Prot. No. 1	Idem.

Ukraine	15 Oct. 2009	Shebanov (no. 30664/05) link	Violation of Art. 6 § 1 Violation of Art. 13	Failure to enforce a final judgment in the applicants' favour and lack of an effective remedy

4. Length of proceedings cases

The judgments listed below are based on a classification which figures in the Registry's press release.

The role of the NHRSs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRSs may be able to fix with the competent national authorities.

With respect to the length of non criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance Cocchiarella v. Italy [GC], no. 64886/01, § 68, published in ECHR 2006, and Frydlender v. France [GC], no. 30979/96, § 43, ECHR 2000-VII).

State	Date	Case Title	Link to the judgment
Austria	22 Oct. 2009	Otto (no. 12702/08)	Link
Bulgaria	22 Oct. 2009	Tzvyatkov (no. 2380/03)	Link
Hungary	20 Oct. 2009	Karaván City Bt. (no. 26859/05)	Link
Hungary	20 Oct. 2009	Székely (no. 38904/05)	Link
Poland	20 Oct. 2009	Radoszewska-Zakoś (no. 858/08)	Link
Poland	20 Oct. 2009	Wypukoł-Piętka (no. 3441/02)	Link
Poland	20 Oct. 2009	Sequeira (no. 18545/06)	Link
Romania	13 Oct. 2009	Ioan Moldovan (no. 31334/03)	Link
Romania	20 Oct. 2009	Otopeanu (no. 29700/04)	Link
Russia	15 Oct. 2009	Dovidyan (no. 42277/04)	Link
Russia	15 Oct. 2009	Plemyanova (no. 27865/06)	Link
Slovakia	13 Oct. 2009	Keszeli (no. 34602/03)	Link
Slovakia	13 Oct. 2009	Kiš (no. 3673/05)	Link
Slovakia	13 Oct. 2009	Komanický (No. 5) (no. 37046/03)	Link
"the former Yugoslav Republic of Macedonia"	22 Oct. 2009	Kamberi (no. 39151/04)	Link
"the former Yugoslav Republic of Macedonia"	22 Oct. 2009	Trpeski (no. 19290/04)	Link
Turkey	13 Oct. 2009	Bakırcı and Others (no. 41902/04)	Link
Turkey	20 Oct. 2009	Dikici (no. 18308/02)	Link
Turkey	20 Oct. 2009	Altındağ and İpek (no. 42921/02)	Link
Turkey	20 Oct. 2009	Celal Çağlar key (no. 11181/04)	Link
Turkey	20 Oct. 2009	Kalgı (no. 37252/05)	Link
Turkey	20 Oct. 2009	Serçinoğlu (no. 7755/05)	Link
Turkey	20 Oct. 2009	Ergül and Others (no. 22492/02)	Link
Turkey	20 Oct. 2009	Selahattin Çetinkaya and Others (no. 31504/02)	Link
Ukraine	15 Oct. 2009	Shepeleva (no. 14403/04)	Link

B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements

Those decisions are published with a slight delay of two to three weeks on the Court's Website. Therefore the decisions listed below cover **the period from 21 September to 4 October 2009**.

They are aimed at providing the NHRSs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

State	***Date***	***Case Title***	***Alleged violations (Key Words)***	***Decision***
Albania	22 Sept. 2009	Hamzaraj (no 2) (no 45265/04) link	Alleged violation of Art. 1 of Prot. 1 (authorities' failure to recognise the applicant's mother's property rights over a plot of land)	Struck out of the list (applicant no longer wished to pursue her application)
Azerbaijan	24 Sept. 2009	Pashayev (no 36084/06) link	Alleged violation of Art. 3 (conditions of detention and lack of adequate medical treatment in Bayil Prison), Art. 2 of Prot 7 (domestic courts' failure to examine the applicant's appeal against criminal conviction), Art. 6 (unfairness of proceedings on account of the hearings held in the applicant's absence and the failure to examine witnesses' testimonies, lack of an independent and impartial court, length of proceedings, Art. 6 §§ 1 and 3 (c) (unfairness of proceedings concerning the lawfulness of the commutation of the death penalty to life imprisonment), Art. 7 (conviction under the criminal laws of the Georgian SSR and Russian SFSR, which could not be applied in Azerbaijan after the dissolution of the USSR)	Partly adjourned (concerning the conditions of detention and the alleged lack of adequate medical treatment, the violation of the applicant's right of access to court and right of appeal in criminal matter, the applicant's right to a fair trial in the civil proceedings concerning the conditions of detention), partly incompatible *ratione materiae* (concerning the complaint about the lawfulness of the commutation of the death penalty to life imprisonment), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Bulgaria	29 Sept. 2009	Galev and Others (no 18324/04) link	Alleged violation of Art. 8 (authorities' failure to prevent the applicant's flat from being turned into a dentist's surgery), Art. 1 of Prot. 1 (interference with the right to peaceful enjoyment of possessions), Art. 6 § 1 (unfairness of civil proceedings)	Partly Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning Art. 8 and Art. 1 of Prot. 1) and no respect of the six-month requirement (concerning Art. 6 § 1)
Bulgaria	29 Sept. 2009	Kasabova (no 39030/03) link	The application concerned the conviction of the applicant for insulting two tax officials and the unfairness of the proceedings leading up to her conviction	Struck out of the list (applicant no longer wished to pursue her application)
Bulgaria	29 Sept. 2009	Dimitrova (no 2415/03) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings)	Struck out of the list (unilateral declaration of Government)
Croatia	24 Sept. 2009	Kukolj (no 24442/08) link	Alleged violation of Art. 6 § 1 (outcome of civil proceedings, national courts' infringement of the applicant's property rights on account of the lack of adequate compensation awarded for the occupation of her house)	Struck out of the list (friendly settlement reached)
Demark	29 Sept. 2009	Lundquist (no 880/07) link	The application concerned the length of proceedings	Idem.
Estonia	29 Sept. 2009	Pervushin and Others (no 54091/08) link	Alleged violation of Art. 6 § 1 (length of criminal proceedings and insufficient reasoning in the convicting judgements), Art. 6 § 3 (d) (inability to examine or have examined witnesses against the applicants)	Partly adjourned (concerning the length of criminal proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Germany	29 Sept. 2009	Puscasu (no 45793/07) link	Alleged violations of Art. 6 § 1 (deprivation of the right of access to a court and length of proceedings), Art. 6 § 2 (infringement of the	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)

			principle of presumption of innocence)	
Germany	29 Sept. 2009	Mianowicz (no 23056/09) link	Alleged violation of Art. 6 § 1, Art. 1 of Prot. 1 and Art. 13 (length of proceedings and lack of an effective remedy), Articles 6 § 1, 13 et 14, 17 (unfairness of proceedings, lack of an effective remedy and discrimination on grounds of nationality)	Partly adjourned (concerning the length of proceedings and the lack of an effective remedy), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Germany	29 Sept. 2009	Jung (no 5643/07) link	Alleged violation of Art. 6 § 1 (lack of an effective remedy, lack of an oral hearing, infringement of the right to the legally competent judge and lack of reasoning of the Federal Constitutional Court's decision)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Germany	29 Sept. 2009	Raicevic (no 28154/05) link	Alleged violation of Art. 5 , 6 and 14 (in particular unfairness of proceedings and the Federal Constitutional Court's rejection of the applicant's requests for reinstatement of the proceedings)	Idem.
Germany	29 Sept. 2009	Stephan and Röhrig (no 3237/06) link	Alleged violation of Art. 6 (length of proceedings), Art. 8 and Art. 13 (outcome of proceedings and lack of an effective remedy)	Partly adjourned (concerning length of proceedings), partly inadmissible as manifestly ill founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Germany	29 Sept. 2009	Dzelili (no 15065/05) link	Alleged violation of Art. 6 §§ 1 and 3 (d) (unfairness of criminal proceedings on the account of the method of assessing evidence)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Greece	24 Sept. 2009	Voyatzi and Others (no 21880/08) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Greece	24 Sept. 2009	Karaïskou and Others (no 24591/08) link	Idem.	Idem.
Greece	01 Oct. 2009	Karatza and Kalogeropoulou (no 37079/07) link	Idem.	Idem.
Greece	24 Sept. 2009	Svintzos (no 2209/08) link	Alleged violation of Art. 6 § 1 (infringement of the right of access to a court)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Greece	24 Sept. 2009	Passaris (no 53344/07) link	Alleged violation of Art. 6 § 1 (infringement of the right of access to a court on account of national authorities' refusal to allow the applicant's transfer to Greece to be judged and serve his sentence, and excessive length of proceedings) Art. 13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the length of proceedings and the lack of an effective remedy) and incompatible *ratione personae* (concerning the right of access to a court)
Greece	24 Sept. 2009	Giosakis (N° 3) (no 32814/07) link	Alleged violation of Art. 5 § 4 and 6 (deprivation of the right to be present in a hearing before the Cassation Court)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Greece	24 Sept. 2009	Tsarknias (no 24598/06) link	Alleged violation of Art. 6 § 1 (infringement of the right of access to a court), Art. 9 (infringement of the right to freedom of religion on account of the applicant's conviction for building a place of worship for a non-recognised religion)	Partly inadmissible (as manifestly ill-founded for no violation of the rights and freedoms protected by the Convention), partly inadmissible (non-exhaustion of domestic remedies)
Hungary	22 Sept. 2009	Nagy (no 5848/06) link	The application concerned the outcome and the length of proceedings without relying on any	Struck out of the list (friendly settlement reached)

			particular provision of the Convention	
Italy	29 Sept. 2009	Di Giorgio (no 35808/03) link	Alleged violation of Art. 6 § 1 (non-enforcement of a final judgment in the applicant's favour)	Inadmissible (no respect of the six-month requirement)
Italy	22 Sept. 2009	Madonia (no 1273/06) link	Alleged violation of Art. 3 (conditions of detention)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Norway	01 Oct. 2009	Gandrud (no 23109/07) link	Alleged violation of Art. 8 (national courts' rejection of the applicant's claim to assume parental responsibilities, daily care and access rights in respect of his two children)	Inadmissible as manifestly ill-founded (proper balance established between the applicant's interests in maintaining contact with the children and their best interests)
Poland	22 Sept. 2009	Adamska (no 5039/08) link	Alleged violations of Art. 3 (ill-treatment in the hands of the police during arrest and lack of an effective investigation), Art. 5 § 1 c) and d) (unlawfulness of detention)	Partly inadmissible as manifestly ill-founded (adequate investigation regarding the use of police force during arrest), partly inadmissible (non-exhaustion of domestic remedies)
Poland	29 Sept. 2009	Hulek (no 4815/07) link	The application concerned the excessive length of pre-trial detention and the length of proceedings and did not rely on any particular provision of the Convention	Struck out of the list (friendly settlement reached)
Poland	22 Sept. 2009	Stachurski (no 35046/07) link	Alleged violation of Art. 6 § 1 (infringement of the right of access to a court on account of the legal aid lawyer's refusal to prepare cassation complaint and unfairness of proceedings)	Partly struck out of the list (unilateral declaration of Government concerning the applicant's deprivation of an effective access to a court), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Poland	22 Sept. 2009	Bułatowicz (no 13489/07) link	Alleged violation of Art. 6 § 1 (outcome of proceedings and the infringement of the right of access to a court on account of the legal aid lawyer's refusal to prepare cassation complaint)	Struck out of the list (friendly settlement reached)
Poland	22 Sept. 2009	Chmielewski (no 24417/08) link	Alleged violation of Art. 6 § 1 and Art. 13 (excessive length of proceedings and lack of an effective remedy)	Struck out of the list (unilateral declaration of the Government)
Poland	29 Sept. 2009	Góral (no 31488/07) link	Alleged violation of Art. 5 § 3 (excessive length of pre-trial detention)	Idem.
Poland	29 Sept. 2009	Sośnia (no 49240/07) link	Alleged violation of Art. 6 § 1 (length of proceedings), Art. 13 (lack of an effective remedy), Art. 17 (infringement of the right of access to a court on account of the legal aid lawyer's refusal to prepare cassation complaint)	Struck out of the list (friendly settlement reached)
Poland	29 Sept. 2009	Wróblewski (No. 2) (no 60618/08) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings), Art. 13 (lack of an effective remedy t)	Idem.
Poland	29 Sept. 2009	Ponichtera (no 36595/03) link	Alleged violation of Art. 6 § 1 (infringement of the right of access to a court on account of the excessive amount of court fees required from the applicant)	Idem.
Poland	29 Sept. 2009	Daab (no 39150/06) link	Alleged violation of Art. 5 § 3 (excessive length of pre-trial detention), Art. 6 § 1 (unfairness of proceedings)	Partly struck out of the list (unilateral declaration of Government concerning the length of pre-trial detention), partly inadmissible (non-exhaustion of domestic remedies concerning the

				remainder of the application)
Poland	29 Sept. 2009	Zmaliński (no 40443/07) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy), Art. 6 § 1 (unfairness of proceedings)	Partly struck out of the list (unilateral declaration of Government concerning the length of proceedings and the lack of an effective remedy), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Poland	29 Sept. 2009	Pawlik (no 7417/05) link	Alleged violation of Art. 3 (lack of an effective investigation concerning the attack on the applicant), Art. 6 § 1 (length of proceedings)	Struck out of the list (friendly settlement reached)
Poland	29 Sept. 2009	Brejwo (no 1705/07) link	Alleged violation of Art. 6 § 1 (length of pre-trial detention)	Idem.
Portugal	29 Sept. 2009	Capel (no 18920/06) link	Alleged violation of Art. 1 of Prot. 1 (the applicant's inability to recover the possession of her apartment)	Admissible
Portugal	22 Sept. 2009	Costa Moreira (no 20156/08) link	Alleged violation of Art. 10 (the applicant's conviction for publishing several articles concerning the corruption of public figures)	Inadmissible as manifestly ill-founded (proportionate interference with the right to freedom of expression to protect the rights of others)
Portugal	29 Sept. 2009	Anjos Barbosa (no 23996/07) link	Alleged violation of Art. 6 § 1 and Art. 13 (length of proceedings and lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Romania	22 Sept. 2009	Comănescu and Others (no 1916/05) link	Alleged violation of Art. 6 § 1 (infringement of the right to access to a court and unfairness of proceedings), Art. 1 of Prot. 1 (infringement of the right to respect for property on account of the Court of Appeal's refusal to declare admissible the applicants' claim for restitution of property)	Partly struck out of the list (concerning the claims of the first three applicants after their death), partly inadmissible (non-exhaustion of domestic remedies), partly inadmissible as manifestly ill-founded
Romania	22 Sept. 2009	Vulpescu and Others (no 16550/07) link	The application concerned the non-enforcement of a judgment in the applicants' favour	Struck out of the list (friendly settlement reached)
Romania	22 Sept. 2009	Martin (no 29225/07) link	Lack of compensation further to illegal nationalisation	Struck out of the list (applicant no longer wished to pursue his application)
Romania	22 Sept. 2009	Meculescu (no 20450/07) link	Idem.	Idem.
Romania	22 Sept. 2009	Răduță and Others (no 29358/07) link	Alleged violation of Art. 6 § 1, Art. 13 and Art. 1 of Prot. 1 (unfairness of proceedings concerning a sale action, disregarding the authority of *res judicata*)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Romania	22 Sept. 2009	Tripcovici (no 21489/03) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Inadmissible (no respect of the six-month requirement)
Romania	29 Sept. 2009	Şerbănescu (no 29524/06) link	Lack of compensation further to illegal nationalisation	Struck out of the list (applicant no longer wished to pursue his application)
Romania	29 Sept. 2009	Climescu (no 13481/04) link	The application concerned the authorities' refusal to return the applicant's nationalised property	Struck out of the list (the applicant had obtained the restitution of his property and can no longer be considered a "victim")
Romania	29 Sept. 2009	Tatomir (no 25172/06) link	Lack of compensation further to illegal nationalisation	Struck out of the list (applicant no longer wishing to pursue his application)
Romania	29 Sept. 2009	T.N.B. (no 18522/05) link	Alleged violation of Art. 6 § 1, Art. 13 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Partly inadmissible (no respect of the six-month requirement), partly inadmissible (non-exhaustion of domestic remedies), and partly

				inadmissible (no violation of the rights and freedoms protected by the Convention)
Russia	24 Sept. 2009	Zenin (no 15413/03) link	Alleged violation of Art. 5 (lack of a lawful basis for the applicant's detention)	Inadmissible (no respect of the six-month requirement)
Russia	01 Oct. 2009	Zhelezovskiy (no 1752/07) link	Alleged violation of Art. 3 (conditions of detention), Art. 5 § 3 (lack of sufficient or relevant reasons for the repeated extension of the applicant's pre-trial detention), Art. 5 § 4 (inability to challenge detention), Art. 6 § 1 (length of criminal proceedings), Articles 5 §§ 1 (c), 2, 6 § 2, 6 § 3 (b) and (c)	Partly adjourned (concerning the conditions of pre-trial detention, the length and the review of pre-trial detention, the length of criminal proceedings and the lack of an effective remedy), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms of the Convention concerning the remainder of the application)
Russia	01 Oct. 2009	Makhlyagin (no 39537/03) link	Alleged violation of Art. 6 (unfairness of criminal proceedings, lack of sufficient time to prepare defence, inability to examine witnesses), Art. 2 of Prot. 7 (the court of appeal's arbitrary decision to discontinue the proceedings)	Inadmissible (the applicant can no longer claim to be a "victim" of the alleged violations)
Russia	01 Oct. 2009	Pavlov (no 29926/03) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings) Art. 8 and Art. 1 of Prot. 1 (deprivation of housing for many years)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Russia	01 Oct. 2009	Vladimirov (no 6745/05) link	Alleged violation of Art. 6 § 1 and Art. 13 (excessive length of civil proceedings and lack of an effective remedy)	Struck out of the list (applicant no longer wished to pursue his application)
Serbia	29 Sept. 2009	Janjić (no 31149/06) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (length and unfairness of civil proceedings), Art. 14 in conjunction with Art. 6	Partly struck out of the list (unilateral declaration of Government concerning the length of proceedings and the compensation), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms of the Convention concerning the remainder of the application)
Slovakia	22 Sept. 2009	Libič (no 27644/05) link	Alleged violation of Art. 6 § 1 (length of proceedings) and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Partly struck out of the list (unilateral declaration of Government concerning length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms of the Convention concerning the remainder of the application)
Slovakia	22 Sept. 2009	I.G., M.K. and R.H. (no 15966/04) link	The applicants are Slovakian nationals of Roma origin Alleged violation of Art. 3 (forced and unlawful sterilisation in a public hospital and lack of an effective investigation), Art. 8 and Art. 12 (infringement of the right to found a family as a result of sterilisation), Art. 13 (lack of an effective remedy), Art. 14 in conjunction with Articles 3, 8 and 12 (discrimination on basis of sex, race, colour, membership of a national minority and ethnicity)	Admissible
Slovakia	22 Sept. 2009	Koky and Others (no 13624/03) link	The applicants submitted that their allegations of violations of the Convention should be considered "against the backdrop of systematic discrimination and racist attacks to which Roma in Slovakia are subjected, and the repeated failure	Admissible

			of State authorities to investigate and prosecute such crimes" Alleged violation of Art. 3 (ill-treatment and lack adequate investigation), Art. 8 and Art. 1 of Prot. 1 (authorities' failure to prevent and suppress acts of racist violence, lack of an effective investigation into the incident), Art. 13 (lack of an effective remedy in respect of Art. 3 and Art. 8), Art. 14 (discrimination on grounds of Roma ethnicity)	
Slovakia	22 Sept. 2009	Šugra (no 42531/06) link	Alleged violation of Art. 6 § 1, Art. 8 and Art. 1 of Prot. 1 (length and outcome of proceedings)	Struck out of the list (friendly settlement reached)
Slovakia	22 Sept. 2009	Polka (no 20066/03) link	Alleged violation of Art. 6 § 1 (lack of clear and precise rules to supervise the monitoring of telephone communications), Art. 8 (monitoring of telephone communications) and Art. 13	Struck out of the list (applicant no longer wished to pursue his application)
Slovenia	22 Sept. 2009	Kukec (no 28524/05) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings), and Art. 13 (lack of an effective remedy), Art. 1 of Prot. 1	Struck out of the list (friendly settlement reached)
Slovenia	22 Sept. 2009	Selič (no 16615/05) link	Alleged violation of Art. 6 § 1 (length and unfairness of proceedings) and Art. 13 (lack of an effective remedy)	Inadmissible (no respect of the six-month requirement)
Slovenia	22 Sept. 2009	Ferrari (no 21088/04) link	Idem.	Struck out of the list (friendly settlement reached)
Slovenia	29 Sept. 2009	Benko (no 8163/06; 18018/06 etc.) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings) and Art. 13 (lack of an effective remedy)	Struck out of the list (applicants no longer wished to pursue their applications)
Slovenia	29 Sept. 2009	Bolčina (no 25933/06; 27299/06 etc.) link	Idem.	Idem.
the Netherlands	29 Sept. 2009	Stichting Voor Educatie En Beroepsonder wijs Zadkine (no 34865/07) link	Alleged violation of Art. 6 § 1 (lack of an independent and impartial tribunal) and Art. 1 of Prot. 1 (arbitrary deprivation of a possession)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention), partly incompatible *ratione materiae*
the Netherlands	29 Sept. 2009	Van Melle and Others (no 19221/08) link	Alleged violation of Art. 3 (ill-treatment of detainees due to a fire in a detention centre at Schiphol Airport, in which eleven detainees were killed and fifteen persons (mostly detainees) were injured)	Inadmissible as manifestly ill-founded (the procedural requirements were satisfied in this case)
the United Kingdom	29 Sept. 2009	Hussain (no 5648/04) link	Alleged violations of Articles 1, 2, 3, 5, 6 and 8 concerning the applicant's proposed expulsion to Sudan	Struck out of the list (applicant no longer wished to pursue his application)
the United Kingdom	29 Sept. 2009	Andrews (no 46263/06) link	Alleged violation of Art. 8 (infringement of the right to respect for family life if deported to Nigeria), Art. 3 (risk of being destitute in deported to Nigeria)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Turkey	22 Sept. 2009	Çoklar (no 8937/04) link	Alleged violation of Art. 3 (ill-treatment in police custody) Art. 5 § 3 (length of detention and lack of compensation), Art. 6 § 1 (unfairness and length of criminal proceedings), Art. 6 § 2 (infringement of the principle of presumption of innocence)	Partly adjourned (concerning length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Turkey	22 Sept. 2009	Mete (no 34046/03) link	Alleged violation of Art. 5 and Art. 6 (absence of early legal advice)	Struck out of the list (friendly settlement reached)

Turkey	29 Sept. 2009	Coşar (no 32487/04) link	Alleged violation of Art. 6 § 1 (length of proceedings) Art. 1 of Prot. 1 (delay in the payment of additional compensation and inadequate compensation for expropriated land)	Partly adjourned (concerning of domestic courts' failure to award the applicant the real value of his expropriated land), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Turkey	29 Sept. 2009	Arslan and Others (no 584/06) link	Alleged violation of Art. 3 (excessive use of force during arrest and detention and lack of an effective remedy), Art. 5 (failure to inform the applicant about the reasons for his arrest), Art. 6 (unfairness of proceedings), Art. 13 (lack of an effective investigation in his case), Art. 14 (difference of treatment) from the other two applicants)	Partly adjourned (concerning the complaint for ill-treatment and the alleged inadequacy of the investigation), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Turkey	29 Sept. 2009	Çaytaş and Others (no 25409/04; 19647/06) link	Alleged violation of Art. 6 § 1 (domestic authorities' failure to take into account final court decisions correcting the applicants' dates of birth), Art. 1 of Prot. 1 (unfairness in the delay of access to pension benefits)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention and no evidence to conclude that there has been a violation)
Turkey	29 Sept. 2009	Gençer İnşaat Taahhüt Turizm Ticaret Sanayii Ltd. Şti (no 33026/03) link	Alleged violation of Art. 6 (excessive length of proceedings)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention and no evidence to conclude that there had been a violation)
Turkey	29 Sept. 2009	Ak and Others (no 41185/05) link	Alleged violation of Art. 6 § 1 (authorities' delay in awarding the applicants the compensation due to them as a result of the expropriation of their land)	Struck out of the list (applicants no longer wished to pursue their applications)
Turkey	22 Sept. 2009	Diriöz (no 38560/04) link	Alleged violation of Art. 3 (ill-treatment in police custody), Art. 5 §§§ 1, 2 and 5 (unlawful arrest), Art. 6 and 13 (length of proceedings, lack of impartiality of judges, unfairness of proceedings, lack of an efficient investigation and lack of reasoning in judgments, absence of a legal advisor pending interrogations, failure to provide the applicant with the judge's report, lack of sufficient time to prepare the defence, infringement of the right to a fair and public trial, and lack of an effective remedy in respect of Art. 6)	Partly adjourned (concerning prosecutor's place in the hale of hearings, absence of legal advisor pending the interrogations), partly inadmissible as manifestly ill-founded (lack of arbitrariness in the courts' decisions)
Turkey	29 Sept. 2009	Ekinci (no 16194/04) link	Alleged violation of Articles 2, 3, 6 and 13 (lack of an effective investigation into the applicants' son's death, lack of an effective remedy)	Struck out of the list (applicants no longer wished to pursue their applications)
Turkey	22 Sept. 2009	Yilmaz (no 43497/04) link	Alleged violation of Art. 8 (prohibition of correspondence, and visits during stay in prison)	Struck out of the list (applicant no longer wished to pursue his application)
Turkey	22 Sept. 2009	Özdemir (no 40341/05) link	The application concerned the monitoring of the applicant's correspondence while detained in a F-type prison in Izmir	Idem.
Turkey	29 Sept. 2009	Ercan (no 41158/02) link	Alleged violation of Art. 1 of Prot. 1 (lack of compensation after expropriation) and Art. 6 § 1 (length of proceedings)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Turkey	29 Sept. 2009	Günel (no 9940/03) link	Alleged violation of Art. 2, Art. 3 (death of the applicant's son after having being beaten by prison staff),	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the

			Art. 6 §§ 1 and 3 (inability to be present during autopsy), Art. 13 (lack of an effective investigation)	Convention and no evidence to conclude that there had been a violation)
Turkey	29 Sept. 2009	Uçar (no 12960/05) link	Alleged violation of Art. 6 (unfairness of proceedings)	Idem.
Ukraine	22 Sept. 2009	Dovzhenko (no 36650/03) link	Alleged violation of Art. 3 and 13 (in particular ill-treatment by police and lack of an effective investigation, conditions of his detention in the Mariupol ITT and in Donetsk SIZO), Art. 5 § 1 (unlawful pre-trial detention), Art. 6 § 1 (in particular unfairness of criminal proceedings), Art. 6 § 2 (breach of the principle of presumption of innocence, Art. 6 §§ 1 and 3 (b), Art. 6 §§ 1 and 3 (c), Art. 6 § 3 (d), Art. 8, Art. 10, Art. 34	Partly adjourned (concerning the infringement of the principle of presumption of innocence, lack of time to study the materials of the case-file to prepare for the hearing before the Supreme Court, proceedings before the Supreme Court held without the applicant's lawyer, denial by the authorities to dispatch the applicant's correspondence during a certain period of his detention), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Ukraine	22 Sept. 2009	Rudenko (no 5797/05) link	Alleged violation of Art. 2 (lack of adequate medical assistance in detention), Art. 5 (unlawfulness and length of pre-trial detention), Art. 6 § 1 (length of criminal proceedings), Art. 7 (having been punished for something that did not constitute a crime under the legislation in force at the material time), Art. 13 (lack of an effective remedy)	Partly adjourned (concerning the inadequacy of medical assistance in custody, the overall length of detention, its lawfulness and the lack of judicial review of its lawfulness, the length of the criminal proceedings in case and the lack of an effective remedy), partly inadmissible (concerning the remainder of the application)
Ukraine	22 Sept. 2009	Petukhova (no 20670/06) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot 1 (non-enforcement of a judgment in the applicant's favour and excessive length of proceedings)	Struck out of the list (applicant no longer wished to pursue her application)
Ukraine	22 Sept. 2009	Babkin (no 2307/04) link	Alleged violation of Art. 1, Art. 3, Art. 13 and Art. 14 (lengthy non-enforcement of a judgment in the applicant's favour)	Struck out of the list (applicant no longer wished to pursue his application)
Ukraine	22 Sept. 2009	Shcherbak (no 25975/06 link	Alleged violation of Art. 6 § 1 (lengthy non-enforcement of a judgment in the applicant's favour)	Idem.
Ukraine	22 Sept. 2009	Yushchenko (no 5803/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot 1 (lengthy non-enforcement of a judgment in the applicant's favour)	Idem.
Ukraine	22 Sept. 2009	Lovygina (no 16074/03) link	Alleged violation of Art. 2 (State authorities' failure to protect the applicant's husband's life), Art. 6 (lack of an effective investigation, unfairness of proceedings, refusal to re-open the case)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention and no evidence to conclude that there has been a violation), partly inadmissible (non-exhaustion of domestic remedies), and partly incompatible *ratione materiae*
Ukraine	22 Sept. 2009	Lobach (no 9276/02) link	Alleged violation of Art. 2 and Art. 13 (lack of an effective investigation in respect of the applicant's husband's death and lack of an effective remedy), Art. 6 § 1 (unfairness of proceedings), Art. 1 of Prot. 1 (lack of compensation)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention and no evidence to conclude that there has been a violation), partly incompatible *ratione materiae*
Ukraine	22 Sept. 2009	Luzhnova (no 5687/08) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot 1 (lengthy non-enforcement of a judgment in the applicant's favour)	Struck out of the list (friendly settlement reached)
Ukraine	22 Sept. 2009	Mikhaylin (no 35233/06) link	Idem.	Struck out of the list (applicant no longer wished to pursue his application)

Ukraine	22 Sept. 2009	Sekt (no 42823/05) link	Alleged violation of Art. 1 of Prot. 1 and Art. 2 of Prot. 7 (lack of an ordinary appeal procedure in the customs' offence proceedings)	Struck out of the list (friendly settlement reached)

C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its Website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case.

There is in general a gap of three weeks between the date of the communication and the date of the publication of the batch on the Website. Below you will find the links to the lists of the weekly communicated cases which were published on the Court's Website:

- on 19 October 2009 : link
- on 26 October 2009 : link

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRSs to be aware of issues involving their countries but also of other issues brought before the Court which may reveal structural problems. Below you will find a list of cases of particular interest identified by the NHRS Unit.

NB. The statements of facts and complaints have been prepared by the Registry (solely in one of the official languages) on the basis of the applicant's submissions. The Court cannot be held responsible for the veracity of the information contained therein.

Please note that the Irish Human Rights Commission (IHRC) issues a monthly table on priority cases before the European Court of Human Rights with a focus on asylum/ immigration, data protection, anti-terrorism/ rule of law and disability cases for the attention of the European Group of NHRIs with a view to suggesting possible amicus curiae cases to the members of the Group. Des Hogan from the IHRC can provide you with these tables (dhogan@ihrc.ie).

Communicated cases published on 19 October 2009 on the Court's Website and selected by the NHRS Unit

The batch of 19 October 2009 concerns the following States (some cases are however not selected in the table below): Austria, Bulgaria, Estonia, France, Greece, Italy, Moldova, Poland, Russia, the United Kingdom, Turkey and Ukraine.

State	Date of communication	Case Title	Key Words
Bulgaria	28 Sept. 2009	Stamose no 29713/05	Alleged violation of Art. 2 § 3 of Prot. 4 – Unjustified and disproportionate restriction on the applicant's freedom to leave the territory of Bulgaria – Foreseeability of the law on which the above restriction was based – Alleged violation of Art. 8 – Interference with the right to respect for family life as a result of the deprivation from travelling to USA – Lack of an effective remedy
France	28 Sept. 2009	Cocaign no 32010/07	Alleged violation of Art. 6 § 1 – Unfairness of disciplinary proceedings – Independence and impartiality of the disciplinary commission – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 3 – Ill-treatment on account of the conditions of detention – Incompatibility of the applicant's detention in the Bois d'Arcy prison with his health state
France	28 Sept. 2009	Pascaud no 19535/08	Alleged violation of Art. 8 § 1 – Inability to legally establish paternity towards biological father in spite of DNA analysis – Alleged violation of Art. 14 – Discrimination on grounds of paternity – Alleged violation of Articles 6 and 13 – Lack of an effective remedy
Greece	29 Sept. 2009	Saidoun no 40083/07	Alleged violation of Art. 14 in conjunction with Art. 8 – Domestic authorities' refusal to grant the applicant an allowance for large families – Discrimination on grounds of citizenship
Greece	28 Sept. 2009	Vagenas no 53372/07	Alleged violation of Art. 6 § 1 – Unfairness of proceedings before the *Conseil d'Etat* – Alleged violation of Art. 7 – Conviction to a heavier penalty than the one applicable at the material time

Moldova	28 Sept. 2009	Sofranschi no. 34690/05	Alleged violation of Art. 10 – Conviction for writing a letter to the President of the Republic criticizing a candidate for the position of mayor – Lack of an effective remedy
Poland	29 Sept. 2009	Lepper no 46812/06	Alleged violation of Art. 10 – Conviction for insulting and defaming the Minister of Foreign Affairs
Russia	01 Oct. 2009	Israilova no 15438/05	Alleged violations of Art. 2 – Presumption of the death of the applicant's husband and lack of an effective investigation – Alleged violation of Art. 3 – The applicant's mental suffering – Alleged violation of Art. 5 § 1 – Unlawful detention of the applicant's husband – Alleged violation of Art. 8 – Illegal search of the applicant's home – Alleged violation of Art. 13 – Lack of an effective remedy
Russia	01 Oct. 2009	Zhelezovskiy no 1752/07	Alleged violation of Art. 3 – Conditions of detention in Kemerovo no. 42/1 remand prison – Alleged violation of Art. 5 § 3 – Length of pre-trial detention – Alleged violation of Art. 5 § 4 – Inability to challenge the lawfulness of the detention, length of proceedings and infringement of the principle of equality of arms – Alleged violation of Art. 6 § 1 – Length of criminal proceedings – Alleged violation of Art. 13 – Lack of an effective remedy – A partial decision on admissibility is available on HUDOC
Russia	30 Sept. 2009	Sakhvadze no 15492/09	Alleged violation of Art. 3 and Art. 13 – Conditions of detention – Lack of adequate medical assistance in the Central Hospital for Convicts of Correctional Facility No. 3 in Vladimir and lack of an effective investigation
Russia	30 Sept. 2009	Tangiyev no 27610/05	Alleged violation of Art. 3 and Art. 13 – Ill-treatment while in police custody and lack of an effective investigation – Lack of an effective remedy – Alleged violation of Art. 5 – Unlawfulness of detention – Alleged violation of Art. 6 § 1 – Unfairness of proceedings and infringement of the applicant's right to remain silent and not to incriminate himself – Alleged violation of Art. 14 – Discrimination on grounds of Ingush ethnic origin
Russia	28 Sept. 2009	Baykov no 9094/05	Alleged violation of Art. 3 – Conditions of transfer from the detention center to the courthouse – Conditions of studying the case file in the cell of the Sverdlovskiy District Court of Perm – Alleged violation of Art. 5 – Unlawfulness of pre-trial detention –Alleged violation of Art. 1 of Prot. 1 and Art. 13 – Seizure and continued retention of the applicant's computer and lack of an effective remedy – Alleged violation of Art. 3 of Prot. 1 – Restriction on the applicant's right to vote
the United Kingdom	29 Sept. 2009	Kingonzila no 41930/08	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if deported to the Democratic Republic of Congo – Alleged violation of Art. 8 – Interference with the right to respect for family life, if expelled to the Democratic Republic of Congo
the United Kingdom	28 Sept. 2009	Alder no 42078/02	Alleged violation of Art. 2 – Failure to take measures to protect the applicant's brother's life in spite of the existence of a real and immediate risk for his life in the custody suite at Hull Queen's Garden Police Station and lack of an effective investigation – Alleged violation of Art. 3 – The applicant's brother's ill-treatment – Alleged violation of Art. 14 – Discrimination on grounds of colour and race
Turkey	01 Oct. 2009	Eski no 8354/04	Alleged violation of Art. 3 – Ill-treatment while in police custody and lack of an effective investigation
Turkey	29 Sept. 2009	Kurkaev no 10424/05	Alleged violation of Art. 3 – Real risk of death or ill-treatment if deported to Russia – Ill-treatment and conditions of detention in the Foreigners' Department of the Istanbul Security Directorate – Alleged violation of Art. 5 §§ 1 and 4 – Unlawfulness of detention and lack of an effective remedy

Communicated cases published on 26 October 2009 on the Court's Website and selected by the NHRS Unit

The batch of 26 October 2009 concerns the following States (some cases are however not selected in the table below): Belgium, Bulgaria, Greece, Lithuania, Romania, Russia, the "former Yugoslav Republic of Macedonia", Turkey and Ukraine.

State	Date of communication	Case Title	Key Words
Belgium	09 Oct. 2009	M. S. no 50012/08	The applicant is an Iraqi national who had served a prison sentence in Belgium for participation in terrorist activities. He complains about the unlawfulness of his detention in a closed centre for aliens
Romania	10 Oct. 2009	Predică no 42344/07	Alleged violation of Art. 2 – The applicant's son's death as a result of the use of force by State agents and lack of an effective investigation – Alleged violation of Art. 13 – Lack of an effective remedy
the "former Yugoslav Republic of Macedonia"	05 Oct. 2009	Gorgiev no 49382/06	Alleged violation of Art. 2 and 3 – The applicant claims to have been the victim of a life-threatening action taken a State employee and lack of an effective investigation

Turkey	06 Oct. 2009	Şaman no 35292/05	Alleged violation of Art. 6 §§ 1 et 3 c) and e) – Absence of an interpreter and lack of legal assistance while in police custody – A partial decision on admissibility is available on HUDOC
Turkey	06 Oct. 2009	Taşkin no 5289/06	Alleged violation of Art. 5 § 2 – Failure to inform the applicant of the reasons for his arrest – Alleged violation of Art. 6 §§ 1 and 3 c) – Lack of legal assistance in police custody – A partial decision on admissibility is available on HUDOC
Turkey	06 Oct. 2009	Taştan no 41824/05	Alleged violation of Art. 3 – Ill-treatment while in police custody and lack of an effective investigation – A partial decision on admissibility is available on HUDOC
Ukraine	05 Oct. 2009	Masneva no 5952/07	Alleged violation of Art. 2 – Authorities' failure to take appropriate steps to safeguard the life of the applicant's son and lack of an effective investigation – Alleged violation of Art. 3 – The applicant's mental suffering – Alleged violation of Art. 13 – Lack of an effective remedy
Ukraine	05 Oct. 2009	Siryk no 6428/07	Alleged violation of Art. 10 – Conviction for criticism of a public official

D. Miscellaneous (Referral to grand chamber, hearings and other activities)

Relinquishment (02.11.09)

The Chamber to which the case of *McFarlane v. Ireland* was assigned has relinquished jurisdiction in favour of the Grand Chamber. The applicant complained, in particular, of the length of the criminal proceedings against him and the lack of an effective remedy in this regard.

List of pending cases before the Grand Chamber

Visit to the Czech Republic (22.10.09)

President Costa visited the Czech Republic on 22 and 23 October 2009. He was accompanied by Karel Jungwiert, the judge elected in respect of the Czech Republic, and Claudia Westerdiek, Section Registrar. On 22 October 2009 President Costa was received by Václav Klaus, the President of the Czech Republic, and also met Jan Fischer, the Prime Minister. On 23 October 2009 President Costa visited the Constitutional Court where he will meet Pavel Rychetsky, the President of the Constitutional Court. He was also received by Iva Brožová, the President of the Supreme Court.

Visit by the Minister of Foreign Affairs of "the former Yugoslav Republic of Macedonia" (20.10.09)

On 20 October 2009 Antonio Milososki, the Minister of Foreign Affairs of "the former Yugoslav Republic of Macedonia", visited the Court and was received by President Costa. Mirjana Lazarova Trajkovska, the judge elected in respect of "the former Yugoslav Republic of Macedonia", and Michael O'Boyle, Deputy Registrar, also attended the meeting.

Visit by the Turkish Minister for EU Affairs (20.10.09)

On 20 October 2009 Egemen Bağış, the Turkish Minister for EU Affairs, visited the Court and was received by President Costa. Işıl Karakaş, the judge elected in respect of Turkey, and Erik Fribergh, Registrar, also attended the meeting.

Part II : The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers will hold its next "human rights" meeting from 1 to 4 December 2009 (the 1072th meeting of the Ministers' deputies).

B. General and consolidated information

Please note that useful and updated information (including developments occurred between the various Human Rights meetings) on the state of execution of the cases classified by country is provided:

http://www.coe.int/t/e/human%5Frights/execution/03%5FCases/

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2008 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights: http://www.coe.int/t/dghl/monitoring/execution/default_en.asp

The simplified global database with all pending cases for execution control (Excel document containing all the basic information on all the cases currently pending before the Committee of Ministers) can be consulted at the following address:

http://www.coe.int/t/e/human_rights/execution/02_Documents/PPIndex.asp#TopOfPage

Part III : The work of other Council of Europe monitoring mechanisms

A. European Social Charter (ESC)

Russia ratifies the Revised European Social Charter (16.10.09)

Ms Tatiana GOLIKOVA, Minister of Health and Social Development of the Russian Federation, handed to Thorbjorn Jagland - Secretary General of the Council of Europe - the instruments of ratification of the ESC revised *(Entry into force on 1 December 2009).* At present the total number of ratifications of the Revised Charter is 29 States.

People 2 People Programme and the Civil Society Facility -- new strategy of the European Commission (20.10.09)

In the context of "the Civil Society Facility (CSF)", a new strategy launched by the Directorate General for the Enlargement of the European Commission, Mr Gerald DUNN, administrator in the Department of the ESC, gave a presentation on "The European Social Charter – the protection of social human rights in Europe" with emphasis on the situation in Turkey and the Western Balkans. This presentation was given in Brussels on 20 October 2009, in the context of a study tour on the theme "Combating poverty in Europe. The aim of the CSF is to strengthen the role of civil society in the democratic process and through its "People 2 People programme", support visits of representatives of civil society organisations from Turkey and the Western Balkans to EU institutions for an exchange of know-how and experience.

Agenda

The Committee of Ministers adopts a resolution concerning the collective complaint INTERIGHTS v. Croatia (21.10.09)

Following the publication of the decision on the merits for the complaint International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Croatia (no. 45/2007) in which the European Committee of Social Rights concluded that the situation in Croatia was not in conformity with Article 11 § 2 of the 1961 Charter (right to protection of health), the Committee of Ministers adopted Resolution CM/ResChS(2009)7 on 21 October 2009.

Election of the Bureau of the Governmental Committee (14.10.09)

At its 120th Meeting in Strasbourg (5-8 October 2009), the Governmental Committee of the European Social Charter elected a new Bureau for a two-year term. The composition is as follows: President - Mrs Maria Alexandra PIMENTA (Portugal), first Vice Chairwoman - Mrs Jacqueline MARECHAL (France), second Vice Chairwoman - Mrs Merle MALVET (Estonia), member - Mrs Joanna MACIEJEWSKA (Poland), member - Mrs Mona SANDERSEN (Norway).

The next session of the European Committee of Social Rights will take place from 7-11 December 2009.

An electronic newsletter is now available to provide updates on the latest developments in the work of the Committee:

http://www.coe.int/t/dghl/monitoring/socialcharter/newsletter/newsletterno1sept2009_en.asp

You may find relevant information on the implementation of the Charter in State Parties using the following country factsheets:

http://www.coe.int/t/dghl/monitoring/socialcharter/CountryFactsheets/CountryTable_en.asp

B. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Council of Europe anti-torture Committee publishes report on Bosnia and Herzegovina (14.10.09)

The CPT has published on 20 October the report on its second periodic visit to Bosnia and Herzegovina, which took place in March 2007, together with the responses of the authorities of Bosnia and Herzegovina. This last visit provided an opportunity to assess the progress made since the first periodic visit in April/May 2003 and the ad hoc visit in December 2004. The Committee's delegation examined in detail various issues related to prisons, including the regime and treatment of remand prisoners and those prisoners placed in isolation. Particular concerns were expressed in the visit report about the unsafe nature of some of the prisons visited, notably those in Zenica and Doboj, where it appeared that prison staff were not in complete control.

The situation of forensic psychiatric patients was another focal point of the visit. The CPT recommended inter alia that the living conditions of patients at Sokolac Psychiatric Clinic be improved, and that measures be taken to reinforce the staffing levels and to introduce individual treatment plans for each patient. As regards Zenica Prison Forensic Psychiatric Annexe, the CPT called upon the authorities to take immediate steps to improve the conditions, treatment and staffing levels in the Annexe. The CPT also encouraged the authorities to take a more multi-disciplinary planning approach towards the establishment of a State-level forensic psychiatric hospital.

The situation of residents in two social care homes was examined for the first time, and the authorities were urged to improve the safeguards afforded to persons placed in such homes. The importance of developing a proper legal framework for social care homes in the Federation of Bosnia and Herzegovina was also stressed. Particular attention was also paid to the treatment of persons detained by the police and to the practical operation of safeguards against ill-treatment.

In their responses, the authorities make reference to various measures taken to improve the situation in the light of the recommendations made by the CPT. As regards law enforcement agencies, the responsible Ministries state that they have reiterated the message to all police units that ill-treatment of detained persons is illegal, unprofessional and will be the subject of severe sanctions.

Information has been provided on the steps taken to make Doboj and Zenica Prisons safe for inmates, and on the measures to improve conditions in the prisons visited. Reference is also made to the appointment of a health-care coordinator for prisons in the Republika Srpska. Some improvements in the living conditions are reported in relation to Sokolac Psychiatric Clinic and Višegrad Institution for the Protection of Females.

Council of Europe anti-torture Committee visits Belgium (14.10.09)

A delegation of the CPT carried out a visit to Belgium from 28 September to 7 October 2009. It was the CPT's fifth visit to Belgium. The CPT's delegation reviewed the measures taken by the Belgian authorities to implement the recommendations made by the Committee after its previous visits. It focused in particular on the situation in prisons and on the safeguards afforded to persons in police custody. The delegation also visited for the first time the detention centre for irregular migrants in Vottem, the boarding school "'t Knipoogje" in Evergem and the "Fond' Roy" psychiatric clinic in Uccle.

The delegation held consultations with Stefaan DE CLERCK, Minister of Justice, Annemie TURTELBOOM, Minister of Internal Affairs, and Melchior WATHELET, Secretary of State for Migration and Asylum. The delegation also met with senior officials of the Ministry of Social Affairs and Public Health, as well as the Flemish Ministry for Youth, Education, Equal Opportunities and Brussels Affairs. The delegation further met the College of Federal Mediators and representatives of the Centre for equal opportunities and the fight against racism, the Permanent Control Committee of the Police Forces ("Comité P") and the Inspectorate General of the Federal and Local Police Forces, as well as the General Delegate of the French Community for the Rights of the Child and representatives of the Children's Rights Commissioner at the Flemish Parliament.

At the end of the visit, the delegation presented its preliminary observations to the Belgian authorities.

20 years of combating torture in Europe (20.10.09)

During the 20 years of its existence, the CPT has been at the forefront of efforts in Europe to stamp out ill-treatment by State officials. It has conducted some 270 visits in 47 European States, examining the situation in thousands of places of detention. In its 19th General Report, published on 20 October,

the CPT takes stock of what has been achieved over the last two decades and reflects on the challenges that lie ahead.

The general report recalls the gradual extension of the CPT's field of operations across Europe. Nevertheless, it points out that there remain certain parts of the continent in which the Committee has not yet been able to operate, in particular Belarus. The CPT expresses the hope that the time will soon be ripe to extend an invitation to the Belarus authorities to accede to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, by which the Committee was established.

The report stresses that successfully combating deliberate forms of ill-treatment involves overcoming the problem of impunity, which the CPT has encountered in many countries. In addition, it is essential to get to grips with the phenomenon of overcrowding, which continues to blight prison systems throughout Europe; the report emphasises that "simply building more prisons is not the solution". Attention is also drawn to the fundamental need for States founded on human rights and the rule of law to remain true to these basic values when fulfilling the obligation to protect their citizens (for example, against acts of terrorism).

The general report provides information on the 19 visits carried out by the CPT between August 2008 and July 2009. In particular, it explains the main objectives of the nine ad hoc visits deemed to have been "required in the circumstances". The report also includes highlights from recently published visit reports and government responses; they provide an insight into some of the major issues which the Committee confronts during its work and the action taken by States to address them.

In a substantive section of the general report, the CPT sets out its views on safeguards for irregular migrants deprived of their liberty. Issues addressed include material conditions of detention, legal safeguards and health issues. Particular attention is paid to the principle of "non-refoulement", as well as to the necessity for specific safeguards for unaccompanied and separated children.

Read the 19th General Report (PDF)

C. European Commission against Racism and Intolerance (ECRI)

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D. Framework Convention for the Protection of National Minorities (FCNM)

Cyprus: visit of the Advisory Committee on the Framework Convention for the Protection of National Minorities (12.10.09)

A delegation of the Advisory Committee on the FCNM visited Nicosia from 12-15 October 2009 in the context of the monitoring of the implementation of this convention in Cyprus.

This was the third visit of the Advisory Committee to Cyprus. The Delegation had meetings with the representatives of all relevant ministries, public officials, the Ombudsman, as well as persons belonging to national minorities.

Note: Cyprus submitted its third State Report under the Framework Convention in April 2009. Following its visit, the Advisory Committee will adopt its own report, which will be sent to the Cypriot Government for comments. The Committee of Ministers of the Council of Europe will then adopt conclusions and recommendations in respect of Cyprus.

Georgia: early publication of the first cycle opinion (12.10.09)

The Opinion of the Council of Europe Advisory Committee on the FCNM on Georgia has been made public by the Government. The Advisory Committee adopted this Opinion in March 2009 following a country visit in December 2008.

Summary of the Opinion:

"The Advisory Committee welcomes the fact that the ratification of the Framework Convention has triggered a debate in Georgia and that discussion is continuing in connection with the introduction of a more comprehensive legislative framework for the protection of national minorities. It hopes that, as a result of this debate, Georgia will be able to devise a legislative framework for the protection of national minorities and introduce an open, comprehensive, long-term policy making it possible to

* No work deemed relevant for the NHRSs for the period under observation

respond appropriately to existing and future needs, in accordance with the principles set out in the Framework Convention. It is important that persons belonging to national minorities are fully involved in this debate. The Advisory Committee notes with satisfaction that the Government has stressed the need to promote tolerance and integration, and hopes the draft Concept on tolerance and civic integration will be swiftly adopted and effectively implemented.

The Advisory Committee encourages the Georgian authorities and all the parties concerned, to step up their efforts and to take an open and constructive approach in order to find as soon as possible a just and lasting solution to the conflict over South Ossetia and Abkhazia, as the conflict is adversely affecting the implementation of the Framework Convention throughout the entire Georgian territory. In doing so, the principles enshrined in the Framework Convention must be fully respected, in order to guarantee the rights of persons belonging to national minorities.

The Advisory Committee considers that the linguistic rights of persons belonging to national minorities are still a major challenge facing the authorities. Whilst they are making efforts to make it easier for those persons belonging to national minorities who are not familiar with the Georgian language to learn it, these efforts are far from adequate and do not constitute an appropriate response to existing needs. Improving facilities for learning Georgian should therefore be a priority for the authorities. They should also ensure that the policy of promoting the Georgian language is not pursued to the detriment of the linguistic rights of persons belonging to national minorities, the effective enforcement of which requires more resolute measures, both in the legislative framework and in its implementation.

In the field of education, the lack of resources invested in tuition provided in minority languages means that the pupils concerned are not on an equal footing with other pupils. Moreover, although it takes note with interest of the reforms undertaken in the Georgian education system, the Advisory Committee is concerned about their potential implications for persons belonging to national minorities. In particular, it is essential to ensure equal access, with no unjustified obstacles, to higher education for pupils who have studied in minority language schools. More generally, the authorities should take all the measures needed to promote full and effective equality for persons belonging to minorities in the education system.

Participation of persons belonging to national minorities in the country's cultural, social and economic life and in public affairs remains limited, and many of them are isolated from Georgian society. Their inadequate command of the Georgian language is one of several factors accounting for their marginalisation. The authorities should take vigorous measures to remove legislative and practical obstacles to the participation of persons belonging to national minorities in elected bodies and in the executive, and allow minorities to be better represented in the public service. Consultation of representatives of national minorities by the authorities, particularly through the Council for Ethnic Minorities, should be more systematic, and the recommendations and proposals of this unique body representing minorities should be given all the necessary attention. Moreover, the Georgian authorities should take more resolute measures to promote the effective participation of persons belonging to national minorities in the socio-economic life of the country.

The Advisory Committee is concerned about increased religious tensions, which are particularly affecting persons belonging to national minorities. The authorities should make every effort to combat this phenomenon and, in general, all forms of intolerance based on ethnic or religious affiliation. It is also necessary to increase efforts to promote mutual understanding and intercultural dialogue between the majority population and persons belonging to national minorities, by means of a balanced policy that takes full account of the rights of persons belonging to minorities."

The government comments on the Opinion have also been made public.

E. Group of States against Corruption (GRECO)

The Council of Europe's Group of States against Corruption (GRECO) published its Joint First and Second Round Evaluation Report on Italy (16.10.09)

The report as a whole addresses 22 recommendations to Italy. GRECO will assess the implementation of these recommendations in the second half of 2011 through its specific compliance procedure. The report indicates that despite the clear commitment of judges and prosecutors to fighting corruption, this phenomenon is perceived, in Italy, as pervasive and systemic, with numerous sectors of activity being affected (in particular, urban planning, waste management, public procurement and the health sector).

It also points at the need to articulate an effective preventive policy on corruption, which will require a long-term approach and sustained political commitment. As GRECO stresses, combating corruption must become a matter of culture and not only rules.

Further measures are recommended to tackle the excessive length of judicial proceedings, to improve access to official documents, and to strengthen the transparency and ethics of public administration. All this is of particular relevance with respect to internal auditing, the enforceability of deontological provisions, the prevention of conflicts of interest and whistleblower protection.

The report also expresses concerns at the immunities enjoyed by certain holders of public office, which were recently introduced by Law 124/2008, the so-called "Lodo Alfano".

In the private sector, it remains crucial to toughen the accounting and auditing obligations for all types of companies and to ensure that the corresponding sanctions are effective, proportionate and dissuasive.

Italy joined GRECO in 2007. In 1999, it signed the Council of Europe Criminal Law Convention on Corruption, but has not yet ratified it.

F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)

Financial Action Task Force on Money Laundering (FATF) Statement (16.10.09)

The key outcomes of the FATF XXI Plenary meeting which was held in Paris on 14-16 October 2009 and the FATF statement concerning the anti-money laundering and countering the financing of terrorism (AML/CFT) systems of Iran, Uzbekistan, Turkmenistan, Pakistan and São Tome and Principe.
Link to Chairman's summary and FATF Statement

G. Group of Experts on Action against Trafficking in Human Beings (GRETA)

Joint Council of Europe/United Nations Study on trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs (13.10.09)

Link to the study

This new joint Council of Europe/United Nations publication was presented at a special launching event in the United Nations headquarters in New York on 13 October 2009 on the occasion of the 64th Session of the United Nations General Assembly. Link to launching event

The study stresses that trafficking in human beings for the purpose of organ removal is a small part of the wider problem of organs, tissues and cells (OTC) and highlights that there is widespread confusion in the legal and scientific communities between the two types of trafficking, which require different solutions. Executive Summary of the Joint Study

European Union Ministerial Conference "Towards EU Global Action against Trafficking in Human beings" in Brussels (19-20.10.09)

The Secretary General of the Council of Europe called on the EU to become party to the Council of Europe Convention on Action against Trafficking in Human Beings: Link to speech. Contribution of the Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings to the European Union Ministerial Conference: Link to document.

Part IV: The inter-governmental work

A. The new signatures and ratifications of the Treaties of the Council of Europe

Russia ratified on 16 October 2009 the European Social Charter (revised) (ETS No. 163).

Sweden signed on 19 October 2009 Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 204).

Spain has accepted on 22 October 2009 the provisional application in its respect of certain provisions of Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention (CETS No. 194).

B. Recommendations and Resolutions adopted by the Committee of Ministers

CM/Rec(2009)9E / 21 October 2009

Recommendation of the Committee of Ministers to member States on the education and social inclusion of children and young people with autism spectrum disorders (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Rec(2009)8E / 21 October 2009

Recommendation of the Committee of Ministers to member States on achieving full participation through Universal Design (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)19E / 21 October 2009

Resolution concerning the financial statements and the budgetary management accounts of the Partial Agreement of the European Support Fund for the co-production and distribution of creative cinematographic and audiovisual works “Eurimages” for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)18E / 21 October 2009

Resolution concerning the financial statements and the budgetary management accounts of the Partial Agreement establishing the European Centre for Global Interdependence and Solidarity for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)17E / 21 October 2009

Resolution concerning the financial statements of the Enlarged Partial Agreement on Sport (EPAS) for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)16E / 21 October 2009

Resolution concerning the financial statements of the Enlarged Partial Agreement on the “Group of States against Corruption – GRECO” for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)15E / 21 October 2009

Resolution concerning the financial statements of the Enlarged Partial Agreement establishing the European Centre for Modern Languages (Graz) for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)14E / 21 October 2009

Resolution concerning the financial statements of the Partial Agreement on the Youth Card for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)13E / 21 October 2009

Resolution concerning the financial statements of the Enlarged Agreement on the European Commission for Democracy through Law (Venice Commission) for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)12E / 21 October 2009

Resolution concerning the financial statements of the Partial Agreement on the Co-operation Group for the prevention of, protection against, and organisation of relief in major natural and technological disasters for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)11E / 21 October 2009

Resolution concerning the financial statements of the Partial Agreement on the Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group) for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies.

CM/Res(2009)10E / 21 October 2009

Resolution concerning the financial statements of the Partial Agreement on the Council of Europe Development Bank for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)9E / 21 October 2009

Resolution concerning the financial statements of the European Pharmacopoeia for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)8E / 21 October 2009

Resolution concerning the financial statements of the Partial Agreement in the Social and Public Health Field for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

CM/Res(2009)7E / 21 October 2009

Resolution concerning the financial statements of the General Budget of the Council of Europe for the year ended 31 December 2008 (Adopted by the Committee of Ministers on 21 October 2009 at the 1068th meeting of the Ministers' Deputies).

C. Other news of the Committee of Ministers

Statement by Samuel Žbogar on new diplomatic relations between Armenia and Turkey (13.10.09)

The Chairman of the Committee of Ministers and Slovenian Minister for Foreign Affairs attended on 10 October in Zurich the signing of Protocols on the Establishment of Diplomatic Relations and on the Development of Bilateral Relations between Armenia and Turkey. "This is a historic event," he declared.

Ministers' Deputies adopted Code of Good Practice for Civil Participation in the Decision-Making Process (22.10.09)

During its meeting on 20 and 21 October, the Committee of Ministers gave its support to the Code of good practice adopted by the INGOs Conference at its autumn session. It recognised the Code's importance as a reference document for the Council of Europe, and as a basis for the empowerment of citizens to be involved in conducting public affairs in European countries.
Code of good practice
Video Clip

Part V: The parliamentary work

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A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe

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B. Other news of the Parliamentary Assembly of the Council of Europe

➢ *Countries*

PACE President expresses support for Turkey's EU bid (13.10.09)

Lluís Maria de Puig, the President of PACE, has ended a three-day visit to Turkey by expressing his personal support for Turkey's accession to the European Union and his conviction that continuation of democratic reforms will help the country achieve this objective.

The President also called for the creation of the institution of Ombudsman, and the extension of minority rights. "The image of Turkey as a European state, and a member of the democratic family that is the Council of Europe will be highlighted by its Chairmanship of the Organisation's Committee of Ministers, which begins in November 2010," he pointed out.

Mr de Puig also welcomed the agreement to normalise relations between Turkey and Armenia, both Council of Europe member States, as an important step and called for its ratification and implementation by both countries as soon as possible.

During his visit, from 10-13 October, Mr de Puig met the President of the Republic, the Prime Minister, the Speaker of Parliament, the Minister for European Affairs and chief negotiator with the EU, the head of Turkey's parliamentary delegation and representatives of opposition parties, among others. He also presented the Mayor of Ankara with the Europe Prize, the highest distinction that can be bestowed on a European town for its actions in the European domain.

PACE President: free and fair elections needed to confirm Ukraine's democratic achievements (23.10.09)

At the end of his visit to Ukraine, and in view of the forthcoming Presidential election, PACE's President recalled on 23 October the need for free and fair elections to confirm the democratic achievements of the country.

Lluís Maria de Puig welcomed the willingness of the authorities to take into consideration the opinion of the Venice Commission on the Law on the Election of the President, as well as the readiness of the authorities to provide support and assistance to the work of the PACE observer delegation.

The President stressed the importance of Ukraine as an indispensable partner to help bring lasting peace and stability to the whole continent and stressed the essential role of the Council of Europe in helping Ukraine to advance on the path to European integration.

The Assembly, he said, stands ready to help Ukraine implement the necessary reforms to improve the functioning of democratic institutions in Ukraine, including constitutional reforms.

During his visit, the PACE President met, among others, the President of Ukraine, the Speaker of the Verkhovna Rada (Parliament), the Deputy Prime Minister and the Minister for Foreign Affairs.

* No work deemed relevant for the NHRSs for the period under observation

- *Themes*

Reference framework for regional democracy in Europe a 'poor substitute' for a full Charter (13.10.09)

The reference framework on regional democracy that has been proposed by governments is a "poor substitute" for a full European Charter of Regional Democracy, and the Parliamentary Assembly will "continue the battle" to achieve the stronger text, the Chair of PACE's Environment Committee told the Council of Europe Congress on 13 October.

In an address to its plenary session on behalf of PACE President Lluís Maria de Puig, Alan Meale (United Kingdom, SOC) said he "deeply regretted" the decision to draft only a reference framework, instead of a Charter equivalent to the successful European Charter of Local Self-Government, but dealing with regional rather than local affairs.

Presenting the main issues discussed at the recent Parliamentary Assembly session, Mr Meale also appealed to the Congress to support the Assembly's call for an additional Protocol to the European Convention on Human Rights on the "right to live in a healthy environment".
Speech by Alan Meale

Local authorities 'crucial' to making global climate deal work, Congress told (14.10.09)

Local authorities will play a "crucial role" in translating the words of any coming global climate treaty into action and achieving the "deep and early cuts" in emissions that are needed, the Chair of PACE's Environment Committee told local and regional elected representatives on 14 October.
Speaking notes for Alan Meale

PACE President invites the EU to join the Convention on Action against Trafficking in Human Beings (19.10.09)

To mark the 3rd European day against human trafficking and the EU conference on the subject in Brussels from 19 to 20 October, PACE President Lluís Maria de Puig called on Council of Europe member States that had not already done so to sign and/or ratify the Council of Europe Convention on Action against Trafficking in Human Beings. He welcomed the establishment of mechanism to monitor this Convention - the Group of Experts on Action against Trafficking in Human Being, or GRETA - and invited the EU to continue to co-operate with the Council, to avoid any duplication of monitoring arrangements, and to accede to the anti-trafficking convention as soon as possible.

PACE takes part in the 2009 Forum for the Future of Democracy in Kyiv (20.10.09)

Several members of PACE attended the Forum for the Future of Democracy in Kyiv (21-23 October 2009). This year's theme is "Electoral systems: strengthening democracy in the 21st century".

The Forum was organised by the Council of Europe, in conjunction with the Ukrainian Ministry of Foreign Affairs, and was opened by the President of Ukraine, Viktor Yushchenko, and the Council of Europe's Secretary General, Thorbjørn Jagland.

During the Forum, the President of the PACE held meetings in Kiev on 22 October with the President of Ukraine, the Speaker of the Verkhovna Rada (parliament), the Prime Minister and Minister for Foreign Affairs, and representatives of the various political parties represented in parliament.

Forum website

Electoral systems should be more favourable to women's representation in politics (22.10.09)

Changing the electoral system to one more favourable to women's representation in politics, including by introducing gender quotas, can lead to more gender-balanced, and thus more legitimate, political and public decision-making, said Lydie Err (Luxembourg, SOC) on 22 October in Kyiv on the occasion of the Forum for the Future of Democracy. Mrs Err presented a memorandum on the "Impact of electoral systems on women's representation in politics".

Introductory Memorandum (PDF)

Parliamentary hearing on media freedom, protection of journalists' sources opens in Luxembourg (23.10.09)

Ways to protect journalists from electronic eavesdropping and government searches, the protection of sources and the growing number of threats facing investigative reporters across Europe are among topics discussed at a parliamentary hearing on media freedom in Luxembourg on Monday 26 October 2009.

Organised by the Sub-committee on the Media of the PACE, at the invitation of the Luxembourg Chamber of Deputies, the event brought together journalists, leading NGOs such as *Reporters sans frontières* and parliamentarians. The President of the Luxembourg Chamber of Deputies Laurent Mosar opened the event.

"When journalists fear for their lives, democracy is at risk," said the Chair of the Sub-committee Andrew McIntosh (United Kingdom, SOC), a former British Media Minister, who is preparing a PACE report on media freedom. A preliminary country-by-country analysis of the situation in the Council of Europe area was also presented.

Hans-Martin Tillack, the Brussels correspondent of the German magazine Stern who in 2004 was detained by Belgian police and had papers confiscated after alleging irregularities at the EU's anti-fraud agency OLAF took part. He also presented a "European Charter on Freedom of the Press", adopted in May by 48 editors-in-chief and leading journalists from 19 Council of Europe countries.

Part VI : The work of the Office of the Commissioner for Human Rights

A. Country work

Hungary: Commissioner Hammarberg recommends further action to eradicate intolerance and discrimination (15.10.09)

Thomas Hammarberg, Council of Europe Commissioner for Human Rights concluded on 14 October a three-day visit to Hungary during which he held discussions with the Prime Minister, the Ministers of Foreign Affairs and of Justice and Law Enforcement and other representatives of national authorities, international and non-governmental organisations. The discussions focused on the fight against intolerance and racism affecting members of minority groups, especially Roma. The Commissioner expressed to the authorities his grave concern about the observed rise of extremism, intolerance and racist manifestations that have targeted, in particular, members of the Roma minority population. Of special concern have been the public use of anti-Roma hate speech by certain public figures and the lack of strong condemnation of and effective measures against a reoccurrence of such incidents.

The Commissioner discussed minorities' rights and discrimination issues during his visit to Lithuania (22.10.09)

Thomas Hammarberg, Council of Europe Commissioner for Human Rights visited Lithuania from 19 to 20 October for high-level discussions with the Lithuanian authorities where a number of human rights issues were raised, including minority rights, the need to investigate the alleged existence in Lithuania of a secret detention centre for terrorist suspects, and the deficiencies of the Law on the Protection of Minors against the Detrimental Effects of Public Information. He met the President of Lithuania, the Prime Minister and the Minister of Foreign Affairs, as well as representatives of the Parliament (Seimas) and the Head of Department of National Minorities and Lithuanians Living Abroad. Further meetings were held with the Head of the Seimas Ombudsmen's Office, the Ombudsman for Equal Opportunities, and with civil society representatives.

B. Thematic work

"Climate change is also a human rights concern" says Commissioner Hammarberg (19.10.09)

"The daily lives of millions of people are already being affected by the natural effects of global warming. Basic human rights - such as the right to life, health, food, water, shelter or property - are also threatened" said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his Viewpoint published on 19 October. Calling for a spirit of global solidarity and the recognition of interdependence among countries, the Commissioner stresses the need to develop a stronger focus on the relationship between climate change and human rights.

Read the Viewpoint
Read the Viewpoint in Russian (.pdf or .doc)

C. Miscellaneous (newsletter, agenda, …)

Commissioner Hammarberg presented on 21 October the 3rd Quarterly Activity Report to the Committee of Ministers and the Parliamentary Assembly from 1 July to 30 September 2009.

Read the Report

The Office of the Commissioner for Human Rights publishes a regular electronic newsletter. Read the latest issue: No.29 / August-September 2009

Part VII : Activities of the Peer-to-Peer Network

(under the auspices of the NHRS Unit of the Directorate General of Human Rights and Legal Affairs)

Workshop on the protection of separated or unaccompanied minors (UAMs) by National Human Rights Structures (NHRSs) (including children' ombudspersons)

The fifth workshop organised in 2009 by the NHRS Unit under the Joint European Union - Council of Europe "Peer-to-Peer Project" was for the attention of heads and staff of ombudsman offices and national human rights institutions. This took place in Padua (Italy) and was attended by 43 participants, including the ombudsmen of Voijvodina (Serbia), Krasnoyarskiy Kray and Perm's Regions (Russia). Simultaneous interpretation was provided between English, Russian and Serbo-Croatian.

The discussions were structured around the issues deemed most relevant to unaccompanied and separated minors, and focused on the role of NHRSs in protecting UAMs' rights. This included:

- the right to not be detained, and to be provided with a legal guardian;
- the social rights of separated children or UAMs, especially the right to education and to health-care;
- the concept of a life project for UAMs and its limitations.

It was acknowledged that the timely provision of proper guardianship is fundamental in order to ensure the protection of the above rights. Guardianship is also pivotal for the concrete application of the best interests of the child and it is central to establishing appropriate actions to resolve the situation for any UAM, including the balance of potentially conflicting rights. Best practices concerning the NHRSs' involvement in the selection, training, use and monitoring of guardians were shared among participants.

Additional examples of initiatives by NHRSs for the protection of UAMs' rights included investigation on individual complaints from children or those representing children; initiation of or support to legal action on behalf of children, including UAMs; publication and dissemination of information to raise awareness among professionals about the treatment of unaccompanied and separated minors; visits to reception centres and police detention centres; organisation of meetings and seminars with professionals of relevant national agencies; issuing special reports on the situation of UAMs addressed to the respective parliament and the government; provision of comments on immigration laws in order to ensure their compliance with international standards related to UAMs.

The active participation in this workshop of members of the European Network of Ombudspersons for Children (ENOC) widened the exchange of experiences among peers and enriched the discussion on the above issues.

In addition to contributions given by the experts, there was also first-hand experience shared with participants by a former separated child. She reported on her active participation in a project aimed at gaining a better understanding of the life and level of care afforded to separated or unaccompanied minors and facilitating the identification of key issues by separated children. The final outcomes of this project comprised developing recommendations for relevant authorities and undertaking project work of interest to and suggested by separated children themselves.

A debriefing paper of the results of the workshop is under preparation and will be sent to the participants of the workshop as well as to all NHRSs, via their contact persons.