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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*

For any queries, please contact:
francesca.gordon@coe.int

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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 Council of Europe's Human Rights Trust Fund.

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.

- **Right to life**

Wasilewska and Kalucka v. Poland (no. 28975/04 and 33406/04) (Importance 2) – Violations of Article 2 (substantive and procedural) – Disproportionate use of police force during a special operation resulting in the death of the applicants' relative – Lack of an effective investigation

The applicants are the partner and mother of Mr Kałucki. In August 2002, Mr Kałucki parked outside a sports centre in Łódź accompanied by two persons, G.B. and T.N., when suddenly, a column of four vehicles arrived and several armed men jumped out of the vehicles. Although it later turned out that those were police officers from a special anti-terrorist group, at the time of the events it was not clear that that was the case given that not all police officers bore visible signs to identify themselves. Mr Kałucki and his two companions tried to escape in the direction which led to a dead end. They drove between the second and third police vehicles while the police, most having have jumped out of their cars, opened fire shooting repeatedly from automatic weapons at them. The whole operation lasted about fifteen seconds during which about 40 bullets were fired at the car as it was driving off. In spite of the claims by the police officers that they had been aiming at the tyres, none of the tyres had been damaged. The driver lost control of the car and hit the fence. Mr Kałucki was severely wounded and was removed from the car by one of the police officers, who pulled him by the head. At the time of the events Mr Kałucki was observed to have five bullet wounds. No arrangements had been made for an ambulance to be present. Although the police officers testified that they had attempted to resuscitate Mr Kałucki and stop the haemorrhage, the autopsy reports made no mention of this. Mr Kałucki died

before the arrival of an ambulance twenty minutes after the shooting. The driver of the car, G.B., was seriously wounded.

On an unspecified date both applicants requested the Łódź District Prosecutor to initiate a criminal investigation into the death of their relative. The prosecutor took testimony from all the police officers who had taken part in the operation and decided, in August 2003, to discontinue the investigation. The prosecution found in particular that the police officers had conducted an operation in order to arrest armed members of a criminal gang. As the suspects were trying to escape in a car, and in so doing had accelerated towards one of the police officers and thus threatened his life, the police had had the right to use their firearms as they had pursued persons against whom there was a reasonable suspicion that they had attempted to commit homicide and were armed. The prosecutor concluded that the police had followed all relevant rules and that their sole purpose had been to stop the escaping suspects. Both applicants' appeals against that decision were dismissed in February 2004 by the district court in a final decision. After the events, G.B. and some other persons were indicted on various charges as a result of which G.B. was sentenced to six years in prison for assaulting a police officer.

The applicants complained about the killing of their relative and about the lack of an effective investigation into the killing.

Use of force and planning of police operation

The Court noted that the Government had not submitted any observations in this case and also had failed to provide documents concerning the subsequent criminal proceedings against G.B. and other suspects. Consequently, the Court examined the case on the basis of the account of facts as submitted by the applicants. The Court accepted that the police officers had intervened in order to arrest persons suspected of belonging to a gang and being armed – among them Mr Kałucki. Indeed, firearms had been found in Mr Kałucki's car although there had been no evidence that he or any other suspect had intended to use them. The police officers had opened fire allegedly with the purpose of stopping the escaping suspects, who, according to the authorities, had made an attempt on the life or physical integrity of a police officer. In the circumstances it could be argued that such danger had existed, and the use of firearms could be regarded as absolutely necessary before the suspects' car had passed the police officer. However, the majority of the shots had been fired at the escaping vehicle once it had passed the police officer who had been allegedly hit by it. At that moment there had been no direct danger to the police officer and the only intention of the police officers had been to prevent the escape of the suspects. Serious issues had also arisen with the conduct and organisation of the operation. Although it had been a planned operation in which significant police forces had been deployed, it had been unclear whether the intervening officers had been clearly identifiable as being from the police. In addition, an order of their commanding officer appeared not to have been abided by the officers who had jumped out of their cars shooting at the suspects to stop their car instead of trying to arrest them as they had been ordered initially. The police had failed to arrange for an ambulance to be present, as a result of which the victims had waited about 20 minutes for its arrival.

Finally, the Government had failed to submit any comments regarding the proportionality of the level of force used by the police, the organisation of the police action and whether an adequate legislative and administrative framework had been put in place to safeguard people against arbitrariness and abuse of force. Consequently, the Court considered that the manner in which the police had responded and the degree of force used had not been strictly proportionate to the aim of preventing Mr Kałucki's escape and arresting him or averting the perceived threat posed by him; the operation had not been planned so as to reduce to a minimum recourse to lethal force. Accordingly there had been a violation of Article 2 in respect of Mr Kałucki's death.

Investigation

The Court noted that there had been no examination of whether a lesser degree of force would have been sufficient to stop the escaping car, taking into account the fact that most of the shots had been fired by the police when there had been no longer a threat to the life or limb of the police officer. Furthermore, the manner in which the operation had been carried out had not been examined and the authorities had unconditionally embraced the statements of the police officers. Accordingly, there had also been a violation of Article 2, on account of the ineffective investigation carried out into the death of the applicants' relative.

Lazăr v. Romania (no. 32146/05) (Importance 2) – Violation of Article 2 (procedural) – Lack of an effective investigation into a young man's death in hospital

During the night of 10 to 11 July 2000 the applicant took her 22-year-old son Adrian to the Deva County Hospital as he was showing signs of suffocation. He was admitted to the emergency ward at 2.30 a.m., before being transferred to the ear, nose and throat department (ENT), where Dr C.

administered cortisone. At 2.45 a.m. a tracheotomy was performed on Adrian in order to clear his respiratory tract. At about 3.15 a.m. two doctors operated on Adrian, who suffered respiratory arrest, could not be resuscitated and died at about 5 a.m. In October 2001, the Higher Forensic Medical Board of the Mina Minovici Institute in Bucharest – the highest national authority on forensic medical reports – gave its opinion on the conclusions of two previous reports of different institutes and found that the doctors had acted in accordance with accepted practice and had not committed any medical errors. Criminal proceedings were instituted against the doctors. The public prosecutor's office at the County Court found that there was insufficient evidence for the doctors to incur criminal liability and that all the forensic reports that the investigative authorities could have ordered by law had already been produced. On two occasions, following appeals by the applicant, a fresh forensic medical report was ordered, but the three institutes refused to produce one, since the highest authority in the field had already submitted its conclusions. Proceedings were discontinued on both occasions. In October 2004 an appeal by the applicant was allowed and the public prosecutor's office was asked by the first-instance court to institute criminal proceedings against C. for manslaughter. The court found it inconceivable that the Mina Minovici Institute had relied on certain legal provisions with the aim of avoiding its obligation to produce a second forensic medical report. In a final judgment in February 2005 the County Court, relying on the report by the Mina Minovici Institute and observing that a fresh forensic medical report could not be produced, concluded that Adrian's death had resulted from post-operative complications, the causes of which had been unforeseeable, and that C. should be cleared of any charge of manslaughter.

The applicant complained about the death of her son, caused in her view by shortcomings on the part of the hospital departments, and about the manner in which the authorities had conducted the investigation of her criminal complaint. She relied on Article 6; however, the Court, as master of the characterisation to be given in law to the facts, decided to examine these complaints under Article 2.

The Court observed that the procedural obligation implicit in Article 2 required the State to set up an effective independent judicial system so that the cause of death of patients in the care of the medical profession could be determined and anyone responsible made accountable.

The criminal remedy used by the applicant

The Court noted that in the medical field, the prompt examination of cases in order to identify any medical errors was important for the safety of users of health services. However, in this case the proceedings had lasted approximately four years and five months in total for two levels of jurisdiction, including four years for the prosecution service's investigation alone; this did not satisfy the requirement of a prompt examination. With regard to the criminal investigation, the authorities had never addressed the fundamental question of whether the asphyxia that had caused Adrian's death had occurred accidentally during the tracheotomy or as a result of the delay in performing that operation. The conclusions reached by the courts at final instance – to the effect that an item of evidence acquired probative value where it could no longer be replaced by fresh evidence or be refuted by other evidence of the same scientific value – were contrary to Article 2, which required the national authorities to take steps to produce a complete record and an objective analysis of clinical findings. The Court agreed with the conclusions of the first-instance court as to the shortcomings of the report by the Mina Minovici Institute, and pointed out that the reasons given in its opinion were especially crucial as lower institutes were prevented from subsequently producing other expert reports. In order to preserve their credibility and efficacy, it was essential that the rules on forensic reports should require experts to state reasons for their opinions and to cooperate with the judicial authorities whenever the needs of the investigation so dictated.

Other types of remedy

While the Court welcomed developments in national regulations towards increased effectiveness of compensation procedures for damage caused to patients' lives or health, it observed that such developments had occurred after the present case. Accordingly, having regard to the national courts' inability to reach a fully informed decision on the reasons for the applicant's son's death and whether the doctors could incur liability, the Court concluded that there had been a violation of Article 2 (in its procedural aspect).

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

V.D. v. Romania (no. 7078/02) (Importance 2) – 16 February 2010 – Violations of Article 3 – Ill-treatment on account of the authorities' refusal to provide the applicant with a dental prosthesis in prison – Violation of Article 6 §§ 1 and 3 (d) – Unfairness of proceedings –

Conviction based mainly on a statement by the victim, which had not been read out to the applicant at any point during the proceedings – Inability to question witnesses

The applicant, V.D., is a Romanian national currently being held in Giurgiu Prison. In April 2001 he was charged with raping his 83-year-old grandmother, with whom he had been living, and with unlawfully entering a neighbour's home and committing armed robbery, stealing a kilo of meat. He was alleged to have committed these offences in March 2001 after returning home drunk.

In May 2002 the Videle District Court sentenced V.D. to ten years' imprisonment for rape, five years for incest and six months for armed robbery, applying the heaviest sentence. The decision was based mainly on statements given to the village police by the applicant's grandmother (who died in October 2001) and her neighbour. It was further based on the statements of five indirect witnesses and on a forensic medical report drawn up in April 2001 which did not include a DNA test, despite the applicant's requests to that effect. The court gave judgment without hearing evidence from a defence witness whom the applicant sought to have examined, as the witness had failed to appear when summoned, and without any prints being taken at the scene of the alleged crime. An appeal by V.D. against his conviction was dismissed in August 2002 by the Teleorman County Court. In October 2002 an appeal on points of law was partly allowed by the Bucharest Court of Appeal. The court found that the offence of incest had not been made out, but upheld the applicant's conviction for rape and armed robbery. In April 2004 the Videle District Court refused his request for a retrial.

V.D. suffers from a number of chronic health problems, including digestive, liver and psychiatric disorders. He has serious dental problems: as he has virtually no teeth, he requires a dental prosthesis, a fact recorded by doctors on several occasions in 2002 while he was in prison. Due to his extreme poverty, known to the authorities, he is unable to pay the costs for it. In July 2003 the Directorate-General of Prisons informed the applicant that the State health insurance scheme to which he was affiliated did not cover the cost of dental prostheses. Throughout 2004, the regulations in force stipulated that the cost of prostheses was fully covered, but the applicant was not provided with one. In September 2005, after the rules had changed again, the National Prison Service informed the applicant that he would have to meet 60% of the cost of a removable prosthesis or the full cost of a fixed prosthesis. In November 2003 V.D. requested a stay of execution of his prison sentence, arguing that he could only afford to pay for the dental prosthesis he urgently required by working, which he was prohibited from doing in prison. His request was refused by the Giurgiu District Court on the ground that the prosthesis could be provided through the prison medical network. On appeal V.D. submitted, in particular, that he had contracted several disorders of the stomach, liver and heart as a result of his inability to eat properly. His appeal was dismissed by the Giurgiu County Court, which held that, while the applicant certainly required a dental prosthesis and was ill, he was not incapable of serving his prison sentence and the authorities were under no obligation to pay for the prosthesis. Under a Government decision which entered into force in January 2007, prisoners who had lost more than 50% of chewing function while in detention and do not have the means to pay their share of the cost of a dental prosthesis are entitled to have it paid for out of the prison budget. The applicant has not been provided with a dental prosthesis to date.

The applicant complained that he had been subjected to inhuman treatment and punishment because, having lost his last remaining teeth while in prison, he had been unable to obtain a prosthesis owing to his inability to pay for it. In addition, his inability to eat normally had resulted in disorders of the digestive system and liver in particular. He further alleged, under Article 6 §§ 1 and 3 (d), that the criminal proceedings against him had been unfair on account of shortcomings in the taking of evidence by the courts (in particular the failure to take fingerprints and produce the corresponding expert report in relation to the robbery, and the lack of a DNA expert report in relation to the rape) and on account of the courts' refusal to hear evidence from a defence witness.

Alleged violation of Article 3

The Court noted that an issue could arise under Article 3 if it was proved that the State had put a prisoner's life at risk by denying him or her health care which it had undertaken to make available to the population generally. The Court had to ascertain whether this had been the case here.

As far back as 2002 medical diagnoses had been available to the authorities stating the need for V.D. to be fitted with a dental prosthesis. The prosthesis had not been provided, on the ground that the applicant was unable to contribute to the cost. In addition, the health insurance scheme to which the applicant belonged did not cover the cost of dental prostheses. This led the Court to conclude that the applicant, as a prisoner, could have obtained the prosthesis only by paying the cost in full. However, owing to his lack of financial resources, which was known to and accepted by the authorities, he had been unable to pay for the prosthesis himself. Furthermore, the Government had not given a convincing explanation as to why the applicant had not been provided with prosthesis in 2004, when the regulations in force had provided for the cost to be met in full. Similarly, the Court noted that the applicant had still not obtained prosthesis in spite of new legislation entitling persons in his situation to

be provided with one free of charge. In view of all these considerations, the Court held unanimously that there had been a violation of Article 3.

Alleged violation of Article 6

The Court noted that the admissibility of evidence was first and foremost a domestic-law issue. The Court's task was confined to ascertaining whether the proceedings as a whole, including the way in which evidence was taken, had been fair and whether the rights of the defence had been respected. In the present case, the main issues to be decided were whether V.D.'s defence rights had been breached by his inability to examine or have examined the victim at the hearing and by the refusal to order a DNA test. In proceedings concerning sexual abuse, in particular of vulnerable persons (as in this case, given the victim's age and the fact that she was senile), measures could be taken to protect the victim. However, these must not infringe the rights of the defence. In the instant case, that balance had not been maintained as V.D. had not been afforded an opportunity to defend his case. His conviction had been based mainly on a statement by the victim, which had not been read out to him at any point during the proceedings. Nor had any other steps been taken to enable him to challenge the victim's statements and her credibility. A DNA test would at least have confirmed the victim's version of events or provided V.D. with substantial information in order to undermine the credibility of her account. However, the courts had not authorised any such test. There had also been other shortcomings in the investigation conducted on 1 April 2001, including the failure of the police to search for any traces of assault at the scene. The Court held unanimously that there had been a violation of Article 6 §§ 1 and 3 (d).

Alkes v. Turkey (no. 3044/04) (Importance 2) – 16 February 2010 – Violations of Article 3 (substantive and procedural) – Ill-treatment while in detention – Lack of an effective remedy

The applicant, a minor at the material time, was arrested during a search of his home on suspicion of taking part in an armed robbery on behalf of an illegal organisation.

He alleged that he had been subjected to ill-treatment while in police custody (including beatings, squeezing of the testicles, electric shocks, hosing with cold water, "Palestinian hanging" and psychological harassment) and that the police officers involved had gone unpunished. In the light of the evidence submitted to the attention of the Court, it concluded that there has been a violation of Article 3, due to the applicant's ill-treatment in detention by the police officers and due to the lack of an effective criminal remedy against the presumed authors of the ill-treatment who had gone unpunished.

Gökhan Yıldırım v. Turkey (no. 31950/05) (Importance 2) – 23 February 2010 – Violation of Article 3 – Ill-treatment while in police custody

The applicant complained about having been tortured while in police custody in February 2001 after being arrested following his attempt to escape from the police, while hiding in the neighbours' flat and taking some of them hostage.

Reiterating the authorities' obligation to account for injuries caused to persons within their control in custody, the Court considered that the acquittal of the police officers cannot absolve the State of its responsibility under the Convention. Considering the circumstances of the case as a whole, and the absence of a plausible explanation by the Government as to the cause of the renal trauma suffered by the applicant, who was throughout this time under the control of various State authorities, the Court found that this injury was the result of treatment for which the Government bore responsibility. Accordingly there had been a violation of Article 3 of the Convention.

Ekşi and Ocak v. Turkey (no. 44920/04) (Importance 2) – 23 February 2010 – Violation of Articles 3 and 11 – Ill-treatment during the dispersal of a peaceful demonstration

In 2003 the applicants took part with around 50 other people in a ceremony to commemorate the events of 1 May 1977, known as "Bloody May Day", when 34 people died on Taksim Square in Istanbul.

They complained that they had been ill-treated by police officers during the forced dispersal of their demonstration, while they were reading a declaration to the press, and without resisting arrest. They also complained that the courts had granted impunity to the officers concerned.

The Court noted the absence of violent acts from the part of the demonstrators, and found that the police officers had violently breached the applicants' right to freedom of assembly in violation of Article 11. The Court also found a violation of Article 3 on account of the excessive use of the police force for the dispersal of the civil protest action.

- **Risk of death or ill-treatment in the case of deportation**

Baysakov and Others v. Ukraine (no. 54131/08) (Importance 2) – The applicants' extradition to Kazakhstan would give rise to a violation of Article 3 – Violation of Article 13 – Lack of an effective remedy

The applicants are Kazakhstani nationals and have been living in Ukraine since 2005. Participants in the activities of an opposition group in Kazakhstan, they left Kazakhstan in 2002 after the leaders of that group had been arrested and the authorities had instituted criminal proceedings against the applicants on a number of charges and had annulled the broadcasting licence of the television company owned by two of the applicants. The applicants were granted refugee status in March 2006 on the grounds that there were legitimate reasons to fear that they would risk political persecution in Kazakhstan for their opposition activities. By four requests between September 2007 and May 2008, the General Prosecutor of Kazakhstan requested the applicants' extradition for prosecution on charges of, respectively, organised crime and conspiracy to murder, in the case of the first applicant, tax evasion and money laundering, in the case of the second and third applicants, and abuse of power, in the case of the fourth applicant. A subsequent request by the Ukrainian Deputy Prosecutor General for the applicants' refugee status to be annulled was rejected by the competent authority. Two administrative claims lodged with the same aim and seeking to suspend the refugee status were dismissed by the district administrative court, a decision that was upheld by the administrative court of appeal in January 2009. The General Prosecutor's office subsequently lodged an appeal with the higher administrative court, which is still pending.

The applicants complained that if extradited to Kazakhstan they would face a risk of being subjected to torture and ill-treatment by the authorities and unacceptable conditions of detention. They further maintained that in Kazakhstan they would face an unfair trial. They also complained that there were no effective remedies to prevent their extradition.

The Court indicated that, as an interim measure under Rule 39 of the Rules of Court, the applicants should not be extradited until the Court had the opportunity to further consider the case. The Ukrainian Government assured that no decision on an extradition would be taken before the Court had considered the case.

Article 3

The Court observed that according to information obtained from the UN Committee Against Torture, Human Rights Watch and Amnesty International, there were numerous credible reports of torture, ill-treatment of detainees, routine beatings and the use of force against criminal suspects by the Kazakh law-enforcement authorities to obtain confessions. The reports also noted very poor prison conditions, including overcrowding, poor nutrition and untreated diseases. It appeared that persons associated with then political opposition were subjected to various forms of pressure by the authorities. The Court did not doubt the credibility of this information. It further observed in this context that the Ukrainian authorities' decision to grant the applicants refugee status had confirmed their allegations of political persecution in Kazakhstan.

The Court considered that the assurances given by the Kazakh prosecutors that detainees would not be ill-treated could not be relied on. In particular, it was not established that the prosecutors were empowered to provide such assurances on behalf of the State and, given the lack of an effective system of torture prevention, it would be difficult to see whether such assurances would be respected. The Court therefore unanimously held that the applicants' extradition to Kazakhstan would give rise to a violation of Article 3. The Court declared the applicants' complaint under Article 6 of the Convention admissible and found that it was not necessary to examine it separately.

Article 13

The Court first noted that, given the irreversible nature of the harm which might occur in cases of torture or ill-treatment, the notion of an effective remedy under Article 13 required in particular a rigorous scrutiny of a claim that there was a real risk of such treatment in the event of the applicants' expulsion and a remedy with automatic suspensive effect. As regards the prosecutors' procedural regulations for the consideration of extradition requests submitted by the Ukrainian Government, the Court noted that they did not provide for a thorough and independent assessment of any complaints of a risk of ill-treatment. Neither did they provide for a time-limit by which the person concerned was to be notified of an extradition decision or a possibility of suspending extradition pending a court's consideration of a complaint against it. The Court further noted that the possibility of challenging extradition decisions before the administrative courts in principle constituted an effective remedy. However, such a remedy would only be effective if it had an automatic suspensive effect. The Court

observed that under the relevant provisions of Ukrainian law, an application to the administrative courts seeking the annulment of an extradition decision did not have such an effect. The Court unanimously held that there had been a violation of Article 13.

- **Right to liberty and security**

Đermanovic v. Serbia (no. 48497/06) (Importance 2) – 23 February 2010 – No violation of Article 3 – Prison authorities' sufficient degree of diligence in providing the applicant with prompt and uninterrupted medical care – Violation of Article 5 § 3 – Excessive length of pre-trial detention

In March 2003 a criminal investigation was opened against the applicant on suspicion of abuse of power and forging of official documents. About two months later, the district court ordered the applicant's detention on remand on the grounds that there was a risk of flight. After the applicant's appeal against the order had been dismissed, he was eventually detained in February 2004. His subsequent request to be released on bail was dismissed. In November 2004 the district court sentenced him to four and a half years imprisonment. In June 2005 the Supreme Court quashed the judgment and remitted the case, ordering at the same time the applicant's continued detention. Several requests by the applicant to be released on bail were dismissed. A second judgment by the district court in May 2006, which reduced the applicant's prison sentence, was quashed by the Supreme Court. In June 2007 the district court sentenced him to four years imprisonment. The applicant was released, but was ordered not to leave his habitual place of residence and to report to the court each month. During his detention, the applicant suffered from severe health problems including Hepatitis C, diagnosed in the end of 2006. He complained that his health had deteriorated to a large extent owing to the duration of his detention and requested to be released on account of inadequate medical care. A few weeks after the diagnosis, the applicant went on a hunger strike. When transferred to a prison hospital because of a deterioration of his liver condition as a result of the hunger strike, he refused to be examined.

The applicant complained that the medical treatment afforded to him during his detention had been inadequate and that the length of his pre-trial detention had been excessive.

Article 3

The Court first noted that there was no evidence the authorities had failed to ensure prompt discovery of the applicant's infection with Hepatitis C. In fact, the applicant had discovered his infection through voluntary counselling offered to him in detention. In the absence of any obvious earlier symptoms, the State could therefore not be reproached for failing to diagnose his illness in a timelier manner. The Court further observed that during the seven months between his diagnosis and his release from detention the applicant had not started medication-based treatment for his infection. However, he had undergone a liver biopsy, numerous blood tests and examinations by specialised doctors. It was regrettable that two months had elapsed before the applicant's first examination by an infectious diseases specialist. However, the applicant had himself substantially delayed the identification of the damage to his liver by going on a hunger strike and refusing to be examined in hospital. In doing so, he had showed little concern for his state of health and could therefore not hold the authorities responsible for the deterioration of his medical condition during detention. The Court unanimously concluded that there had been no violation of Article 3.

Article 5 § 3

The Court noted that the period of pre-trial detention to be taken into consideration, including the two terms after the judgments against the applicant had been quashed, amounted to two years and two months. His detention had been regularly extended by the authorities, every time on the grounds that there was a risk of absconding, as the applicant had been unavailable to the authorities at the outset of the investigation. The Court considered that this might have been an acceptable justification for the initial placement in custody. The domestic courts had not verified, however, whether this ground remained valid at the advanced stage of the proceedings. Furthermore, the authorities had failed to consider alternative means of ensuring the applicant's presence at the trial, such as the seizure of his travel documents. Moreover, his applications for release were rejected even after he had been detained for a period equivalent to three-quarters of the prison sentence imposed on him by both – ultimately quashed – judgments and despite his aggravated health condition. The Court unanimously held that the grounds on which the applicant's pre-trial detention had been extended could not be regarded as sufficient, in violation of Article 5 § 3.

Pinkowski v. Poland (no. 16579/03) (Importance 3) – No violation of Article 5 § 3 – Justified two-year pre-trial detention due to the complexity of the case concerning international organised criminal groups

In March 2000 the applicant was charged with being an accomplice to an armed robbery and murder in France and remanded in custody by the Częstochowa district court. The court justified its decision by the strong evidence against the applicant, the likelihood of a severe sentence of imprisonment being imposed on him if convicted and the risk that he might obstruct the proceedings. During the proceedings, further charges were added, including false imprisonment, torture and being a member of an organised criminal gang. The applicant's pre-trial detention was upheld by several court decisions, referring to the original grounds for the detention and additionally to the international dimension of the case. In March 2002 the regional court convicted the applicant as charged and sentenced him to twenty-five years' imprisonment. In October 2002, the judgment was quashed by the court of appeal, remitting the case to the prosecution for further investigation with a view to eliminating major discrepancies in the evidence with regard to the murder victim's death. The applicant's detention was upheld by several court decisions. In November 2005 the regional court convicted the applicant as charged and sentenced him to fifteen years' imprisonment, reduced by the time spent in pre-trial detention. In parallel to part of his pre-trial detention, the applicant served two separate prison sentences which had been imposed on him in other criminal proceedings.

The applicant complained that the length of his detention on remand had been excessive.

The Court observed that the period of detention on remand to be taken into consideration, including the time after the quashing of the first judgment and his second conviction, and excluding the terms during which he served two separate prison sentences, amounted to almost two years.

The Court accepted that the reasonable suspicion against the applicant of having committed serious offences had warranted his initial detention. The need to determine the degree of the alleged responsibility of each of the defendants and to secure the proper conduct of the proceedings had also constituted valid grounds for the applicant's initial detention. As regards the applicant's continued detention, the Court agreed with the argument brought forward by the domestic courts that in cases involving organised criminal groups there was a high risk that a detainee, if released, might bring pressure to bear on witnesses or co-accused, or might otherwise obstruct the proceedings. It took note of the fact that, according to the Polish Government's submission, the applicant had made attempts to intimidate a witness during the proceedings. The Court considered that while the severity of the sentence faced by an accused was a relevant element in assessing the risk of absconding or re-offending, the gravity of the charges could not by itself justify long periods of detention on remand. However, in the present case, the need to obtain voluminous evidence (including evidence from witnesses who had to be examined with the aid of the French authorities), constituted valid grounds for maintaining the applicant's detention. The Court further observed that the investigation, given in particular its international character, a high number of witnesses and the fact that the material obtained from the forensic experts was contradictory as regards the cause of the victim's death, was considerably complex. Moreover, there had not been any significant periods of inactivity in the proceedings. The domestic authorities could thus be said to have handled the case expeditiously. The Court unanimously concluded that by keeping the applicant in pre-trial detention, the authorities had not violated Article 5 § 3.

- **Right to a fair trial**

Albert v. Romania (no. 31911/03) (Importance 3) – 16 February 2010 – Violation of Article 6 § 1 – Unfairness of proceedings on account of domestic courts' failure to address a part of the applicant's submission

In 2002, while the applicant was mayor of Sfântu Gheorghe, a town with a very sizeable Hungarian minority, he ordered a number of measures including the removal of the Romanian national flag from the façade of the town hall. On an unspecified date he also had the municipality's name translated into Hungarian on the letterhead of its official documents. The prefect of the county of Covasna conducted an inspection at the town hall, after which he issued a notice in June 2002 ordering the applicant to pay a heavy minor-offence fine of 100 million old Romanian lei. The applicant applied to the Sfântu Gheorghe District Court to have the notice set aside. The case was subsequently transferred to the Oneşti District Court. On the substance, the applicant submitted that the measures he had taken did not constitute offences under Romanian law. On a formal level he contended that the notice had not met the requirements laid down by law as it had not mentioned the date of the alleged offence of translating the municipality's name into Hungarian in official documents. The court rejected his claims on the substance and did not rule on his formal complaint, simply stating that the notice had been

"issued lawfully". An appeal by the applicant was dismissed by a final judgment of the Bacău County Court in April 2003. The County Court did not address the applicant's ground of appeal concerning the fact that the first-instance judgment had made no mention of the lack of a date. It noted that the penalty had been "lawfully established" by the District Court. In December 2003 the same County Court rejected an application to have that judgment set aside.

The applicant submitted that the proceedings to have the notice of a minor offence set aside had been unfair, as the Romanian courts had not examined his submissions concerning the formal aspects of the notice.

The Court pointed out that while Article 6 § 1 obliged courts to give reasons for their decisions, it did not require a detailed answer to every argument. However, the courts had to have actually addressed the essential issues submitted to it, even where it gave only brief reasons for its decision. In the case of the applicant, the District Court had confined itself to finding that the notice had been "issued lawfully", without making any reference to the applicant's submission regarding the failure to indicate the date of the alleged offence concerning the use of Hungarian. The applicant had therefore complained on appeal of the failure of the first-instance court to give reasons on this point; however, the County Court had also omitted to address this submission. Accordingly, the Romanian courts had not examined the formal issue raised by the applicant. The Court therefore held unanimously that there had been a violation of Article 6 § 1.

Lisica v. Croatia (no. 20100/06) (Importance 3) – 25 February 2010 – Violation of Article 6 § 1 – Conviction for bank robbery based on evidence obtained in an unfair manner

In May 2000 the applicants were arrested by the police on suspicion of robbing a bank vehicle. While they were in pre-trial detention, a stolen VW vehicle found by the police at the crime scene and a BMW vehicle owned by one of the applicants were searched. Neither the applicants nor their defence counsel were present. Two days later, a criminal investigation was opened against the applicants and on the following day, another search of both vehicles was carried out on the basis of a search warrant and in the presence of the applicants' defence counsel. The search record noted among other things that a plastic mould of a car lock was found in the applicant's BMW. As the applicants' counsel learnt from informal statements made by police officers and as was later established by the courts, the BMW, kept by the police, had been entered by two police officers between the two searches, to take a sample of the seat cover for examination, without a search warrant and without the knowledge or presence of the applicants.

In September 2000, criminal proceedings were lodged against the applicants and four other persons. In February 2001, the county court found the applicants guilty of bank robbery and imposed a prison sentence on them. The court relied among other evidence on the fact that the plastic mould found in the BMW presumably came from the broken lock of the stolen VW used for the robbery. The Supreme Court dismissed the applicant's appeal in May 2002 and increased their prison sentences to six years and six months and four years and ten months, respectively.

The applicants complained that the manner in which the evidence was obtained during the criminal proceedings against them had been unfair.

The Court reiterated that while it was not its role to determine what types of evidence might be admissible in a trial, it had to answer the question whether the proceedings at issue had been fair as a whole, including the way the evidence had been obtained. First, the Court ascertained that the rights of the defence had been respected in that the applicants had been able to lodge an objection as to the authenticity of the evidence in question. The national courts had considered the objection and had accepted the police officers' statements that they had not planted the disputed item of evidence. However, it was undisputed that the police officers had entered the vehicle without any authorisation. Indeed, during the initial search, carried out on the day the applicants were arrested, the contested item of evidence had not been found. The explanation given by the national courts that the first search had been superficial was not sufficient in view of the guarantees of a fair trial. Moreover, the minimum requirement of a search in a criminal investigation was that the defendant be given an adequate opportunity to be present. In the Court's view there were doubts as to the reliability of the last search's findings. The disputed item obtained during that search, the plastic mould of a car lock, although not the only evidence on which the conviction had been based, had been given significant weight by the national courts. While it was not the Court's task to assess whether the applicants' conviction would have been secured without this item of evidence, it was clear that it had been the only direct link between the vehicle owned by one of the applicants and the vehicle used in the robbery. The Court unanimously held that there had been a violation of Article 6 § 1.

Tarasov v. Russia (no. 3950/02) (Importance 2) – 18 February – Violation of Article 6 § 1 – Unfairness of proceedings on account of the domestic authorities' disregard of the applicant's requests for leave to appear before the Presidium court – Violation of Article 8 – Censorship of the applicant's correspondence with the Court – No violation of Article 34 – Unsubstantiated complaint to conclude a violation of this Article

The applicant is currently serving a prison sentence in correctional colony IK-3 in the Bashkortostan Republic. Convicted of a number of offences including murder and robbery, he complained that the criminal charges against him had been reclassified in a supervisory review hearing without him being able to present his arguments. He also alleged that the prison authorities had interfered with his correspondence and that he had been intimidated in connection with his application to the Court.

The Court observed that the Government failed to substantiate their submission that the applicant had been apprised of the hearing on 8 August 2001 and of its adjournment until 3 October 2001. Furthermore, the authorities disregarded the applicant's requests for leave to appear before the Presidium court and thus he was absent from the hearing. Lastly, although the applicant submitted his written comments on the prosecution application, it does not transpire from the text of the judgment of 3 October 2001 that they were considered by the Presidium court. In view of the above considerations the Court found that the proceedings before the Presidium of the Supreme Court of the Russian Federation did not comply with the requirements of fairness. There has therefore been a breach of Article 6 § 1 of the Convention.

The applicant also complained that the authorities had opened and inspected the Court's letter of 10 May 2005 and had seized documents enclosed there. The Court noted that Article 91 § 2 of the Penal Code, as in force at the material time, expressly prohibited censoring of detainees' correspondence with the Court. It took into account that the Government acknowledged that the interference with the applicant's correspondence had been in breach of Article 8. It follows that censoring of the above letter was not "in accordance with the law". There has therefore been a breach of Article 8 of the Convention.

As regards the applicant's submission that he had "suddenly" and arbitrarily been classified as a "regime breaker", it nonetheless cannot disregard the findings of the inquiry, uncontested by the applicant, to the effect that he had had a long record of breaches of regime before as well as after his conviction. In the same vein, the Court found unsubstantiated his submission that he had been placed in a PKT cell-type premises (stricter prison regime cells) in connection with his complaints about the opening of the Court's letter. In the light of the above facts and considerations the Court considers that an alleged breach of the State's obligation under Article 34 of the Convention has not been established. Therefore there has no violation of Article 34.

- **Freedom of thought, conscience and religion**

Ahmet Arslan and Others v. Turkey (no. 41135/98) (Importance 1) – 23 February 2010 – Violation of Article 9 – Lack of sufficient reasons to justify the criminal conviction of the applicants, members of a religious group, for wearing a distinctive dress of the group in public

The applicants are 127 Turkish nationals. They belong to a religious group known to its members as *Aczimendi tarikatÿ*. In October 1996 they met in Ankara for a religious ceremony held at the Kocatepe mosque. They toured the streets of the city while wearing the distinctive dress of their group, which evoked that of the leading prophets and was made up of a turban, "salvar" (baggy "harem" trousers), a tunic and a stick. Following various incidents on the same day, they were arrested and placed in police custody. In the context of proceedings brought against them for breach of the anti-terrorism legislation, they appeared before the State Security Court in January 1997, dressed in accordance with their group's dress code. Following that hearing, proceedings were brought against them and they were convicted for a breach both of the law on the wearing of headgear and of the rules on the wearing of certain garments, specifically religious garments, in public other than for religious ceremonies. They appealed against their conviction, but without success. In addition, their application to the Ministry of Justice, seeking leave to lodge a reference by written order was also dismissed.

The applicants complained that they had been convicted under criminal law for manifesting their religion through their clothing.

The Court noted that it was established that the applicants had not received criminal-law convictions for indiscipline or lack of respect before the State Security Court, but rather for their manner of dressing in public areas that were open to everyone (such as public streets or squares), a manner that was held to be contrary to the legislative provisions. The applicants' conviction for having worn the clothing in question fell within the ambit of Article 9 – which protected, among other things, the freedom to manifest one's religious beliefs – since the applicants were members of a religious group

and considered that their religion required them to dress in that manner. Accordingly, the Turkish courts' decisions had amounted to interference in the applicants' freedom of conscience and religion, the legal basis for which was not contested (the law on the wearing of headgear and regulations on the wearing of certain garments in public). It could be accepted, particularly given the importance of the principle of secularism for the democratic system in Turkey, that this interference pursued the legitimate aims of protection of public safety, prevention of disorder and protection of the rights and freedoms of others. However, the sole reasoning given by the Turkish courts had consisted in a reference to the legal provisions and, on appeal, a finding that the disputed conviction was in conformity with the law. The Court further emphasised that this case concerned punishment for the wearing of particular dress in public areas that were open to all, and not, as in other cases that it had had to judge, regulation of the wearing of religious symbols in public establishments, where religious neutrality might take precedence over the right to manifest one's religion.

There was no evidence that the applicants represented a threat for public order or that they had been involved in proselytism by exerting inappropriate pressure on passers-by during their gathering. In the opinion of the Religious Affairs Organisation, their movement was limited in size and amounted to "a curiosity", and the clothing worn by them did not represent any religious power or authority that was recognised by the State. Accordingly, the Court considered that the necessity for the disputed restriction had not been convincingly established by the Turkish Government, and held that the interference with the applicants' right of freedom to manifest their convictions had not been based on sufficient reasons. It held, by six votes to one, that there had been a violation of Article 9.

Judge Sajó expressed a concurring opinion and Judge Popović a dissenting opinion; the texts of these opinions are annexed to the judgment.

- **Freedom of expression**

Akdas v. Turkey (no 41056/04) (Importance 2) – 16 February 2010 – Violation of Article 10 – Disproportionate interference with the applicant's freedom of expression on account of the seizure of the Turkish translation of an erotic novel and the conviction of its publisher

The applicant is a publisher and in 1999 published the Turkish translation of the erotic novel *Les onze mille verges* by the French writer Guillaume Apollinaire ("The Eleven Thousand Rods"), which contains graphic descriptions of scenes of sexual intercourse, with various practices such as sadomasochism or vampirism. The applicant was convicted under the Criminal Code for publishing obscene or immoral material liable to arouse and exploit sexual desire among the population. The applicant argued that the book was a work of fiction, using literary techniques such as exaggeration or metaphor, and that the post face to the edition in question was written by specialists in literary analysis. He added that the book did not contain any violent overtones and that the humorous and exaggerated nature of the text was more likely to extinguish sexual desire. The seizure and destruction of all copies of the book was ordered and the applicant was given a "heavy" fine – a fine that may be converted into days of imprisonment – of 684,000,000 Turkish liras (equivalent to approximately 1,100 euros). In a final judgment in March 2004 the Court of Cassation quashed the part of the judgment concerning the order to destroy copies of the book, in view of a 2003 legislative amendment. It upheld the remainder of the judgment. The applicant paid the fine in full in November 2004.

The applicant complained about his conviction as publisher of the novel and about the seizure of the book.

The Court noted that it was not disputed that there had been interference, that the interference had been prescribed by law and that it had pursued a legitimate aim, namely the protection of morals. The Court further reiterated that those who promoted artistic works also had "duties and responsibilities", the scope of which depended on the situation and the means used. The requirements of morals varied from time to time and from place to place, even within the same State. The national authorities were therefore in a better position than the international judge to give an opinion on the exact content of those requirements, as well as on the "necessity" of a "restriction" intended to satisfy them.

Nevertheless, the Court had regard in the present case to the fact that more then a century had elapsed since the book had first been published in France (in 1907), to its publication in various languages in a large number of countries and to the recognition it had gained through publication in the prestigious "*La Pléiade*" series. Acknowledgment of the cultural, historical and religious particularities of the Council of Europe's member States could not go so far as to prevent public access in a particular language, in this instance Turkish, to a work belonging to the European literary heritage. Accordingly, the application of the legislation in force at the time of the events had not been intended to satisfy a pressing social need. In addition, the heavy fine imposed and the seizure of

copies of the book had not been proportionate to the legitimate aim pursued and had thus not been necessary in a democratic society, within the meaning of Article 10. There had therefore been a violation of that provision.

***Taffin et Contribuables Associés* v. France (no. 42396/04) (Importance 2) – 18 February 2010 – No violation of Article 10 – Proportionate interference with the applicant's freedom of expression on account of the applicant's failure to demonstrate the accuracy of her serious accusations against a civil servant**

The first applicant was the publication director of the magazine *Tous contribuables*, published by the second applicant. In 2001 the magazine published an article on the subject of a tax inspection concerning G.L., a well-known former television presenter and producer. The article, which contained an interview with G.L., named a particular tax inspector, accusing her of "forgery", of seeking to "nail [G.L.] whatever the cost" of being "completely unaccountable" and of having "committed not just errors but serious irregularities". The tax inspector in question brought proceedings against G.L. and the two applicants on charges of publicly defaming a civil servant. In April 2002 the Paris *Tribunal de Grande Instance* found them guilty as charged. It noted that the impugned article had accused the civil servant of acting, in the course of her duties and in breach of all the legal and ethical rules, with the sole aim of pursuing a personal vendetta, and that it had damaged her honour and reputation. The court took the view that the truth of the accusations levelled against the civil servant had not been proved, any more than Ms Taffin's assertions that she had acted in good faith. Ms Taffin and G.L. were each ordered to pay a fine of 1,500 euros (EUR) and were ordered jointly and severally to pay EUR 1 in damages and EUR 1,200 for costs and expenses. The association *Contribuables Associés* was found civilly liable. Ms Taffin and G.L. appealed. Following the latter's death the civil party withdrew her claims against him. On 23 October 2003 the Paris Court of Appeal upheld the first-instance judgment and also ordered Ms Taffin to pay EUR 500 in appeal costs. On 25 May 2004 the Court of Cassation dismissed an appeal on points of law by Ms Taffin.

Ms Taffin and the association *Contribuables Associés* submitted that their conviction for defamation had breached their right to freedom of expression within the meaning of Article 10.

As the association *Contribuables Associés* had not appealed against its conviction, it had not exhausted the remedies available to it in France in order to complain of the alleged infringement of its freedom of expression. Accordingly, its application was inadmissible and only Ms Taffin's application was examined on the merits.

The Court held that for a restriction on freedom of expression to be compatible with the Convention, it had to be prescribed by law and pursue a legitimate aim (such as protecting the reputation or rights of others). Both these requirements were met in the instant case. It also had to be based on relevant and sufficient reasons and be proportionate to the aim sought to be achieved. It was the Court's task to ascertain whether this had been the case in relation to Ms Taffin's conviction.

The Court reiterated that freedom of expression entailed "duties and responsibilities" which also applied to the media, even in relation to issues of serious public concern. These duties and responsibilities were particularly far-reaching where there was a risk of damaging the reputation of a named person and of adversely affecting the "rights of others". The media therefore had a duty in principle to verify the accuracy (or at least the degree of credibility) of factual statements that were defamatory of individuals, and to take into consideration their right to be presumed innocent until proved guilty.

It could not escape the Court's attention that Ms Taffin had not succeeded in demonstrating the truth of her accusations or her good faith before the French courts. The Court stressed the extremely serious nature of the accusations against the civil servant and also the fact that the article had related merely to a private dispute between a public figure and a civil servant and had not been aimed at providing general information on taxation matters. The Court further emphasised that, in order to discharge their duties, civil servants had to enjoy public confidence in conditions free of undue disturbance. It could therefore prove necessary to afford them special protection against offensive verbal attacks when on duty. In view of all these considerations the Court took the view that Ms Taffin's conviction and penalty (the "nature and severity" of which it had weighed up) had not been disproportionate to the legitimate aim pursued and that the reasons given by the French courts for the impugned measures had been relevant and sufficient. It had therefore been reasonable for the domestic authorities to consider that the interference with the applicant's freedom of expression had been necessary in a democratic society to protect the reputation and rights of others. The Court held unanimously that there had been no violation of Article 10 of the Convention.

Renaud v. France (no. 13290/07) (Importance 2) – 25 February 2010 – Violation of Article 10 – Disproportionate interference with the applicant's freedom of expression on account of his conviction for publishing an article criticizing a mayor's politics in urban matters

In 2005 (and on appeal in 2006) the applicant was convicted in criminal proceedings for defaming and publicly insulting the mayor of the town of Sens, in an article published on the Internet site of the association of which he was president and webmaster.

The applicant complained of his conviction. The Court found that the applicant's conviction was not proportionate. It held that there has been a violation of Article 10 due to the applicant's conviction for a published article.

- **Disappearance cases in Chechnya**

Iriskhanova and Iriskhanov v. Russia (no. 35869/05) (Importance 3) – 18 February 2010 – Violations of Article 2 (substantive and procedural) – Disappearance and presumed death of the applicants' son – The authorities' failure to conduct an effective investigation in connection with the abduction of the applicants' both sons – Violation of Article 3 – The applicants' mental suffering caused by their sons' disappearance – Violation of Article 5 – Unacknowledged detention of the applicants' son – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy

Aliyeva v. Russia (no. 1901/05) (Importance 3) – 18 February 2010 – Violations of Article 2 (substantive and procedural) – Disappearance and presumed death of the applicant's husband – The authorities' failure to conduct an effective investigation in that connection – Violations of Article 3 – The applicant's husband's ill-treatment – The authorities' failure to conduct an effective investigation into the complaints regarding the ill-treatment – The applicant's mental suffering as a result of her husband's disappearance – Violation of Article 5 – The applicant's husband's unacknowledged detention – Violation of Article 13 in conjunction with Articles 2 and 3 – Lack of an effective remedy

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*. For a more complete information, please refer to the following link:

- Press release by the Registrar concerning the Chamber judgments issued on 16 Feb. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 18 Feb. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 23 Feb. 2010: here
- Press release by the Registrar concerning the Chamber judgments issued on 25 Feb. 2010: 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.

State	Date	Case Title and Importance of the case	Conclusion	Key Words	Link to the case
Croatia	18 Feb. 2010	Lesjak (no. 25904/06) Imp. 3	Violation of Art. 6 § 1 (fairness)	Domestic courts' refusal to examine the merits of the applicant's case concerning civil proceedings for his reinstatement	Link
France	18 Feb. 2010	Baccichetti (no. 22584/06) Imp. 2	Violation of Art. 6 § 1 (fairness)	Unfairness of disciplinary proceedings	Link
Finland	23 Feb. 2010	Nousiainen (no. 45952/08) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings relating to an attack on the applicant	Link
Greece	18 Feb. 2010	Matthaiou and Others (no. 17556/08) Imp. 3	Violation of Art. 6 § 1 (fairness)	Domestic authorities' failure to comply with court decisions awarding the applicants compensation for expropriated	Link

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

				property	
Greece	18 Feb. 2010	Pechlivanidis and Others (no. 48380/07) Imp. 3	Violation of Art. 6 § 1 (fairness) Violation of Art. 13	Domestic authorities' failure to comply with court decisions ordering the State to lift the reclassification of the use and encumbrance on the applicants' property Lack of an effective remedy	Link
Italy	16 Feb. 2010	Barbaro (no. 16436/02) Imp. 3	Violation of Art. 6 § 1 (fairness)	Domestic courts' excessive delay in giving a ruling concerning the applicant's placement under a special detention regime (more than three months)	Link
Poland	16 Feb. 2010	Kostka (no. 29334/06) Imp. 2	Violation of Art. 6 § 1 (fairness)	Infringement of the right of access to a court on account of the exclusion of further appeal avenues in respect of the decisions given by the Polish-German Reconciliation Foundation in the applicant's case	Link
Russia	18 Feb. 2010	Zaichenko (no. 39660/02) Imp. 2	No violation of Art. 6 § 3 (c) Violation of Art. 6 § 1 (fairness)	The applicant voluntarily and unequivocally agreed to sign the act of accusation and waived his right to legal assistance, indicating that he would defend himself at the trial The trial court had based the applicant's conviction on admissions that he had made to police before the trial in the absence of a lawyer	Link
Russia	23 Feb. 2010	Sychev (no. 14824/02) Imp. 3	No violation of Art. 5 § 1 Violation of Art. 5 § 3	Lawfulness of the applicant's detention on remand ordered by the trial court decision Extension of the applicant's detention without giving "relevant" and "sufficient" reasons to justify its more than two-year duration	Link
Russia	25 Feb. 2010	Kazyulin (no. 31849/05) Imp. 3	Violation of Art. 6 § 1 (length) Violation of Art. 13	Excessive length of criminal proceedings for hooliganism and unlawful possession of firearms Lack of an effective remedy	Link
the Czech Republic	25 Feb. 2010	Crabtree (no. 41116/04) Imp. 2	Violation of Art. 5 §§ 1 c) and 5	Unlawful pre-trial detention; lack of an enforceable right to compensation	Link
Turkey	16 Feb. 2010	Tokmak (no. 16185/06) Imp. 3	Violation of Art. 5 § 3	Excessive length of pre-trial detention (nine years)	Link
Turkey	16 Feb. 2010	Yeşilmen and Others (no. 7078/02) Imp. 2	Violation of Art. 5 §§ 3, 4 and 5 Violation of Art. 6 § 1 Violation of Art. 13	Excessive length of pre-trial detention; lack of an effective remedy to challenge the length of the detention and to obtain compensation Excessive length of proceedings Lack of an effective remedy	Link
Turkey	23 Feb. 2010	Ağnidis (no. 21668/02) Imp. 3	Violation of Art. 1 of Prot. 1	Domestic courts' annulment of the applicants' certificate of inheritance	Link
Turkey	23 Feb. 2010	Alpdemir (no. 17251/03) Imp. 3	Violation of Art. 5 §§ 3 and 4	Failure to bring the applicant promptly before a judge; lack of an effective remedy to review the lawfulness of the detention	Link
Turkey	23 Feb. 2010	Yıldız (no. 45652/04) Imp. 3	Violation of Art. 6 § 1	Excessive length of proceedings for fraud	Link
Turkey	23 Feb. 2010	İnan (no. 13176/05) Imp. 2	Violation of Art. 5 § 4	Infringement of the principle of equality of arms concerning the applicant's challenge of the lawfulness of his detention	Link
Turkey	23 Feb. 2010	Nurten Deniz Bülbül (no. 4649/05)	No violation of Art. 2	The authorities could not have reasonably known about the applicant's son's problems causing	Link

		Imp. 2		a suicide risk; effective investigation in order to establish the circumstances of the applicant's son's death	
Turkey	23 Feb. 2010	Sebahattin Evcimen (no. 31792/06) Imp. 2	Violation of Art. 6 § 1 Violation of Art. 13	Excessive length of civil proceedings concerning compensation for an accident at the applicant's work place (nine years and eight months at two levels of jurisdiction) Lack of an effective remedy	Link
Turkey	23 Feb. 2010	Yeşilyurt (no. 15649/05) Imp. 3	Violation of Art. 5 § 3 Violation of Art. 6 § 1	Excessive length of pre-trial detention on suspicion of membership of an illegal organisation Excessive length of criminal proceedings for membership of an illegal organisation	Link
Turkey	23 Feb. 2010	Yoldaş (no. 27503/04) Imp. 3	Violation of Art. 5 § 3 No violation of Art. 6 §§ 1 and 3 (c)	Excessive length of pre-trial detention on suspicion of membership of an illegal organisation Fairness of proceedings	Link
Ukraine	18 Feb. 2010	Puzan v. (no. 51243/08) Imp. 2	Violation of Art. 5 §§ 1 and 4 No violation of Art. 34	Unlawfulness of detention, lack of an effective judicial review of the lawfulness of his detention The Court did not find any hindrance of the applicant's right of individual petition	Link
Ukraine	18 Feb. 2010	Chesnyak (no. 1809/03) Imp. 3	Violation of Art. 6 § 1	Excessive length of criminal proceedings in connection with several episodes of smuggling goods to Ukraine (seven years and two months)	Link
Ukraine	18 Feb. 2010	Garkavyy (no. 25978/07) Imp. 3	Three violations of Art. 5 § 1	Unlawfulness of the applicant's detention for three periods of detention	Link
Ukraine	18 Feb. 2010	Gavazhuk (no. 17650/02) Imp. 3	Two violations of Art. 5 § 1	Unlawfulness of the applicant's detention for two periods of detention	Link
Ukraine	18 Feb. 2010	Myronenko (no. 15938/02) Imp. 3	Violation of Art. 2 (procedural)	Lack of an effective investigation into the death of the applicant's son	Link
Ukraine	18 Feb. 2010	Nikiforenko (no. 14613/03) Imp. 3	Violation of Art. 6 § 1 Violation of Art. 13 Violation of Art. 2 of Prot. 4	Excessive length of criminal proceedings for burglary and theft Lack of an effective remedy Lengthy restriction on the applicant's freedom of movement as a result of the undertaking not to abscond	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	16 Feb. 2010	Ciobaniuc (no. 13067/03) link	Violation of Art. 1 of Prot. 1	The applicants' inability to recover possession of property or compensation for property that had been nationalised and subsequently sold by the

		Pică (no. 25434/05) link		State
Romania	23 Feb. 2010	Man and Cusa (no. 33768/04) link Lăzărescu (no. 10636/06) link	Violation of Art. 1 of Prot. 1	Idem.
Romania	23 Feb. 2010	Marton (no. 22960/06) link Nicolescu (no. 10311/03) link	Violation of Art. 6 § 1 (fairness) Violation of Art. 1 of Prot. 1	Domestic authorities' failure to enforce a final judgment in the applicants' favour
Romania	23 Feb. 2010	S.C. Silvogrecu Com. S.R.L. (no. 5355/04) link	Violation of Art. 6 § 1 (fairness)	Annulment by the domestic courts of an appeal lodged by the applicant company because of failure to pay stamp duty
Russia	18 Feb. 2010	Abbasov (no. 11470/03) link	Violation of Art. 6 § 1 (fairness) Violation of Art. 1 of Prot. 1	Domestic authorities' failure to enforce a final judgment in the applicant's favour in good time
Russia	18 Feb. 2010	Gribanenkov (no. 16583/04) link	Violations of Art. 6 § 1 (fairness and length) Violation of Art. 1 of Prot. 1 Violation of Art. 13	Domestic authorities' failure to enforce the final judgment in the applicant's favour in good time Lack of an effective remedy
Russia	18 Feb. 2010	Zaytsev (no. 3447/06) link	Violation of Art. 6 § 1 (fairness)	Quashing of a final judgment in the applicant's favour by way of supervisory review
Russia	25 Feb. 2010	Korovina (no. 24178/05) link	Violation of Art. 6 § 1 (fairness)	Idem.
Russia	25 Feb. 2010	Mordachev (no. 7944/05) link	Idem.	Idem.

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
Finland	16 Feb. 2010	Raita (no. 16207/05)	Link
Germany	25 Feb. 2010	Kurt Müller (no. 36395/07)	Link
Portugal	16 Feb. 2010	Pereira (no. 46595/06)	Link
Portugal	23 Feb. 2010	Anticor-Sociedade de Anti-Corrosão, Lda. (no. 33661/06)	Link
Russia	25 Feb. 2010	Kupriny (no. 24827/06)	Link
Turkey	23 Feb. 2010	Uyar (no. 17756/06)	Link
Turkey	23 Feb. 2010	Gürkan (Yavaş) (no. 34294/04)	Link
Turkey	16 Feb. 2010	Ateşsönşez (no. 22487/05)	Link
Ukraine	18 Feb. 2010	Chubakova (no. 17674/05)	Link

Ukraine	18 Feb. 2010	Gurynenko (no. 37246/04)	Link
Ukraine	18 Feb. 2010	Khalak (no. 39028/04)	Link
Ukraine	18 Feb. 2010	Malanchuk and Vavrenyuk (no. 5211/05)	Link
Ukraine	18 Feb. 2010	Mykulyn (no. 35187/04)	Link
Ukraine	18 Feb. 2010	Prekrasnyy (no. 33697/04)	Link
Ukraine	18 Feb. 2010	Rostuno.va (no. 20165/04)	Link
Ukraine	18 Feb. 2010	Udovik (no. 39855/04)	Link
Ukraine	18 Feb. 2010	Yelena Ivanova (no. 4640/04)	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 25 January to 7 February 2010**.

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***
Austria	28 Jan. 2010	Standard Verlags GMBH (no 17928/05) link	Alleged violation of Art. 10 (conviction of the applicant company for publishing an article concerning the issue of the system of awarding former politicians well-paid positions in other public areas irrespective of their qualifications)	Struck out of the list (it is no longer justified to continue the examination of the application)
Austria	04 Feb. 2010	Ebmer (no 28519/05) link	Alleged violation of Art. 6 § 1 (excessive length and unfairness of administrative proceedings), Art. 1 of Prot. 1 (the applicant had to close her guesthouse due to emissions from the neighbour's building)	Inadmissible as manifestly ill-founded (reasonable length of proceedings concerning the complaint under Art. 6 § 1) and no violation of the rights and freedoms protected by the Convention (concerning the remainder of the application)
Austria	04 Feb. 2010	Feller (no 17169/06) link	Alleged violation of Art. 6 § 1 (lack of a public oral hearing, outcome of the proceedings, the lack of impartiality of the official medical experts)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the lack of an oral hearing), parly as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Belgium	02 Feb. 2010	Poulus and Others (no 16252/06) link	Alleged violation of Articles 3, 6, 13, 14, 17 and Art. 1 of Prot. 1 (excessive length of proceedings concerning the compensation due to expropriated properties - more than twenty-eight years)	Partly struck out of the list (friendly settlement reached (concerning length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Bulgaria	02 Feb. 2010	Petkov (no 6423/04) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (excessive length of two sets of interrelated proceedings in connection to compensation for work-related accidents and the applicant's disability) and Art. 13 (lack of an effective remedy)	Struck out of the list (friendly settlement reached)
Bulgaria	02 Feb. 2010	Zlatev (no 17737/05) link	Alleged violation of Art. 6 § 1 (excessive length, unfairness and outcome of proceedings)	Partly struck out of the list (concerning the length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Croatia	04 Feb. 2010	Gregurić (no 33804/06) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (excessive length of administrative and civil proceedings)	Struck out of the list (friendly settlement reached)
Croatia	04	Bojagić (no	Alleged violation of Art. 8	Struck out of the list (applicant no

	Feb. 2010	24764/07) link	(monitoring by prison authorities of the applicant's correspondence with the State administration, his lawyer and the Court)	longer wished to pursue his application)
Estonia	02 Feb. 2010	Dolinskiy (no 14160/08) link	Alleged violation of Art. 5 § 1 (f) (unlawfulness of the applicant's detention in the Harku deportation centre), Articles 3, 6, 8 and 14, Art. 1 of Prot. 1 (violation of the right to family life by the authorities' refusal to grant the applicant a residence permit and their decision to expel him, and that the measures taken by the authorities amounted to torture)	Partly inadmissible as manifestly ill-founded (concerning the complaint under Art. 5 § 1 (f)), partly inadmissible for non-exhaustion of domestic remedies (concerning the remainder of the application)
France	02 Feb. 2010	Monedero and Others (no 32798/06) link	Alleged violation of Art. 6 § 1 (unfairness of proceedings) and Art. 1 of Prot. 1 (excessiveness of the amount of fine that the applicant was required to pay)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the complaint under Art. 6 § 1; proportionate interference with the applicants' right to peaceful enjoyment of possessions)
France	02 Feb. 2010	Xm. (no 54013/08) link	Alleged violation of Art. 3 and Art. 13 (risk of being subjected to ill-treatment if expelled to Afghanistan)	Struck out of the list (the applicant no longer wished to pursue his application)
France	02 Feb. 2010	J. J. (no 27566/08) link	Alleged violation of Art. 3 (risk of being subjected to ill-treatment if expelled to Sri-Lanka)	Idem.
France	02 Feb. 2010	O.U. (no 5504/09) link	Alleged violation of Art. 2 and 3 (risk of being killed or subjected to ill-treatment if expelled to Chad), Art. 8 (the extradition would allegedly infringe the applicant's right to private life)	Inadmissible as manifestly ill-founded (the applicant can no longer claim to be a "victim" of a violation of the Convention)
France	02 Feb. 2010	Dalea (no 964/07) link	Alleged violation of Art. 6 § 1 (unfairness of proceedings concerning the decision to refuse the applicant's entry on to French territory for almost nineteen years) and Art. 8 (the applicant's inability to enter the Schengen territory)	Partly incompatible *ratione materiae* (concerning the complaint under Art. 6 § 1), partly inadmissible as manifestly ill-founded (justified interference with the applicant's right protected by Art. 8)
France	02 Feb. 2010	Susplugas (no 10303/09) link	Alleged violation of Art. 6 (lack of access to the Court of Cassation and unfairness of proceedings)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
France	02 Feb. 2010	Lopez (no 45325/06) link	Alleged violation of Art. 2 (death of the applicants' son due to medical negligence and his delayed transfer to Nice hospital), Art. 6 § 1 (lack of an effective investigation)	Inadmissible as manifestly ill-founded (an error of judgement from a doctor could not amount to holding the State responsible under its positive obligation of Art. 2; effective investigation into the death of the applicants' son)
France	02 Feb. 2010	S. T. (no 50642/07) link	Alleged violation of Art. 3 (risk of being subjected to ill-treatment if expelled to Sri-Lanka)	Struck out of the list (it is no longer justified to continue the examination of the application: the applicant had been granted asylum)
Germany	02 Feb. 2010	Kopka (no 14448/09) link	Alleged violation of Art. 8 and Art. 6 § 1 (unfairness of proceedings concerning the transfer of sole parental authority to the children's mother)	Inadmissible (no respect of the six-month requirement)
Greece	28 Jan. 2010	Mathinou (no 56721/08) link	Alleged violation of Art. 6 § 1 (excessive length and unfairness of administrative proceedings) and Art. 1 of Prot. 1	Struck out of the list (friendly settlement reached)
Hungary	02 Feb. 2010	Somogyi and Somogyi Jr (no 46353/06)	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Idem.

		link		
Hungary	02 Feb. 2010	Tóth-Pál (no 1688/06) link	Idem.	Idem.
Hungary	02 Feb. 2010	T&T Ügyviteli Stúdió Kft (no 986/06) link	Idem.	Idem.
Hungary	02 Feb. 2010	Szegedi (no 48537/06) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
Hungary	02 Feb. 2010	Index.HU ZRT (no 57005/09) link	Alleged violation of Art. 10 (outcome of proceedings concerning a civil-law action brought against the applicant by several police officers for having their images during a demonstration published on a website)	Inadmissible (for non-exhaustion of domestic remedies)
Hungary	02 Feb. 2010	Farkas (no 44743/06) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
Latvia	02 Feb. 2010	Šutovs (no 4044/02) link	Alleged lack of adequate treatment of tuberculosis in prison, alleged violation of Art. 5 § 3, Art. 6 § 1 (excessive length of proceedings) and Art. 6 §§ 1 and 3 (d) (unfairness of proceedings)	Partly struck out of the list (unilateral declaration of Government concerning the length of criminal proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning the complaint under Art. 3, and for the failure to summon witnesses F. and D.), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Moldova	02 Feb. 2010	Ursu (no 28534/03) link	Alleged violation of Art. 6 § 1, Art. 1 of Prot. 1 (late enforcement of a judgment in the applicant's favour infringed her rights under Art. 1 of Prot. 1)	Struck out of the list (unilateral declaration of the Government)
Moldova	02 Feb. 2010	Sandu (no 29729/07) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (failure to enforce judgments in the applicant's favour within a reasonable time), Art. 13 (lack of an effective remedy)	Struck out of the list (unilateral declaration of the Government)
Moldova	02 Feb. 2010	Chiforiuc (no 41744/02) link	The application concerned unfairness of civil proceedings	Struck out of the list (the applicant no longer wished to pursue his application)
Moldova	26 Jan. 2010	Sumila and 6 other applications (no 41369/05; 41556/05 etc.) link	Alleged violation of Articles 6 § 1, 8, 14 and Art. 1 of Prot. 1 (failure to enforce final judgments in the applicants' favour concerning pensions' amounts and compensation for working in dangerous conditions)	Inadmissible (no respect of the six-month requirement)
Poland	26 Jan. 2010	Kaczmarek (no 33314/06) link	Alleged violation of Art. 5 § 3 (excessive length of pre-trial detention) and Art. 3 (conditions of detention and ill-treatment by police officers and prison guards)	Partly struck out of the list (unilateral declaration of the Government concerning the complaint under Art. 5 § 3), partly inadmissible for non-exhaustion of domestic remedies (concerning the remainder of the application)
Poland	02 Feb. 2010	Senda (no 347/05) link	Alleged violation of Art. 6 § 1 (lack of access to the Supreme Court)	Struck out of the list (friendly settlement reached)
Poland	26 Jan. 2010	Nowaszewski (no 15140/08) link	Alleged violation of Art. 6 § 1 (lack of effective access a court on account of the legal-aid lawyer's refusal to prepare a cassation complaint with the Supreme Court)	Struck out of the list (unilateral declaration of Government)
Poland	26 Jan. 2010	Michalak (no 7640/07) link	Alleged violation of Art. 6 § 1 (lack of an effective access a court on account of the legal-aid lawyer's	Partly struck out of the list (unilateral declaration of the Government concerning the

			refusal to prepare a cassation complaint and District Court's failure to hear certain evidence)	applicant's deprivation of an effective access to the cassation court), partly inadmissible as manifestly ill-founded (no appearance of a violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Poland	02 Feb. 2010	Glinowiecki (no 32540/07) link	Alleged violation of Art. 8 (hindrance to the applicant's right to maintain personal contact with his family for six months) and Art. 5 § 3 (excessive length of pre-trial detention)	Partly struck out of the list (unilateral declaration of the Government concerning the excessive length of detention), partly inadmissible as manifestly ill-founded (proportionate restriction on the applicant's rights under Art. 8)
Romania	26 Jan. 2010	Taşcă (no 23201/08) link	Alleged violation of Art. 6 § 1 (excessive length and unfairness of the proceedings; lack of motivation of the decisions by the domestic courts) and Art. 1 of Prot. 1 (lack of compensation)	Struck out of the list (friendly settlement reached)
Romania	26 Jan. 2010	Caragea (no 28178/05) link	Alleged violation of Art. 5 § 3 (unlawfulness of arrest on remand) and Art. 6 § 1 (unfairness and excessive length of proceedings)	Idem.
Romania	26 Jan. 2010	Bartoş (no 16287/03) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour, unfairness and outcome of proceedings), Art. 14 (discrimination on grounds of political opinion)	Partly incompatible *ratione materiae* (concerning claims under Art. 1 of Prot. 1, partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Romania	26 Jan. 2010	Cir (no 52330/07) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour, excessive length and outcome of proceedings)	Inadmissible (abuse of the right to petition)
Romania	02 Feb. 2010	Holban (no 49351/06) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Russia	28 Jan. 2010	SPATP-2 (no 22409/05) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings concerning tort)	Struck out of the list (the applicant company no longer wished to pursue its application)
Russia	28 Jan. 2010	Galkin (no 13606/05) link	Alleged violation of Articles 3, 5, 6 and 13 (excessive length of pre-trial detention, restriction of family visits, impossibility to appeal against the investigator's decision to that effect and unfairness of proceedings including unlawful composition of the court and incorrect assessment of evidence)	Struck out of the list (applicant no longer wished to pursue his application)
Russia	28 Jan. 2010	Bragin (no 8258/06) link	Alleged violation of Art. 3 (ill-treatment in correctional facility OX-30/3 of Lgov, conditions of detention in remand prison IZ-46/2 of Lgov), Art. 13 (lack of an effective remedy and lack of an effective investigation into the ill-treatment) and Art. 8 (monitoring of the applicant's correspondence)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the alleged ill-treatment and the lack of an effective remedy), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
Russia	04 Feb. 2010	Ewalaka-Koumou (no 20953/03) link	Alleged violation of Art. 8 (the first applicant's expulsion to the Congo would separate him from his wife and child), Art. 3 (conditions of detention) Art. 5 § 1 (f) (unlawful detention), Art. 1 of Prot. 7 (unlawfulness of extradition decision) and Art. 13 (lack of an effective remedy)	Partly struck out of the list (the matter can be considered resolved within the meaning of Article 37 § 1 (b) concerning claims under Art. 8), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the

				application)
Russia	04 Feb. 2010	Komarov (no 29422/05) link	Alleged violation of Article 5 §§ 1, 2 and 3 (failure to mention any factual circumstances justifying the applicant's placement in custody in the arrest warrant, failure to provide the applicant with the materials in the case file, excessive length of pre-trial detention and insufficient grounds for detention), Art. 6 (the applicant's conviction for a crime which had been instigated by the Internal Security Department of the anti-narcotics police)	Struck out of the list (applicant no longer wished to pursue his application)
Slovakia	26 Jan. 2010	Markovič (no 15286/08) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings)	Inadmissible (as manifestly ill-founded and for non-exhaustion of domestic remedies)
Sweden	26 Jan. 2010	Yusuf (no 33716/09) link	Alleged violation of Art. 2 and Art. 3 (risk of being killed or subjected to ill-treatment, if expelled to Somalia)	Struck out of the list (it is no longer justified to continue the examination of the application: the applicant has been granted a permanent residence permit in Sweden)
Sweden	26 Jan. 2010	X. (no 51104/08) link	Alleged violation of Art. 3, Art. 1 of Prot. 6 and Art. 1 of Prot. 13 (real risk of being persecuted, imprisoned and tortured, or even executed if expelled to Libya)	Struck out of the list (the matter resolved at domestic level: the deportation order against the applicant had expired and the Swedish immigration authorities would reconsider his case on the merits)
Sweden	02 Feb. 2010	Karnkraftteknik I Stocksund Ab and Others (no 32805/06) link	Alleged violation of Articles 6, 8, 13 and Art 1 of Prot. 1 (in particular length of compensation proceedings)	Struck out of the list (friendly settlement reached)
the United Kingdom	26 Jan. 2010	King (no 9742/07) link	Alleged violation of Articles 3, 6 and 8 (real risk of being sentenced to life imprisonment without parole, if convicted and extradited to Australia, the applicant's inability to obtain legal aid and to secure the attendance of witnesses for his defence, disproportionate interference with the right to respect for family life)	Inadmissible as manifestly ill-founded (the applicant's extradition cannot be said to be disproportionate to the legitimate aim served)
the United Kingdom	26 Jan. 2010	Yesufa (no 7347/08) link	Alleged violation of Art. 8	Inadmissible (no further information available)
the United Kingdom	02 Feb. 2010	M.H.I. (no 23135/06) link	Alleged violation of Art. 2 and Art. 3 (risk of being executed or subjected to ill-treatment if expelled to Sudan)	Struck out of the list (applicant no longer wished to pursue his application subsequent to the grant of indefinite leave to remain in the United Kingdom)
the United Kingdom	02 Feb. 2010	Kabwe and Chungu (no 29647/08; 33269/08) link	Alleged violation of Art. 6 (the applicants' inability to be physically present at their trial, the civil proceedings and the eventual publication of the judgment against the applicants could prejudice their defence in the criminal proceedings in Zambia, lack of impartiality of the trial judge in the civil proceedings, and the applicants allege the Zambian and British governments connived to secure a finding of the defendants' guilt), Art. 13 (lack of an effective remedy) and Art. 14 (discrimination on the basis of their Zambian nationality and their race)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning claims under Art. 6 and Art. 13), inadmissible for non-exhaustion of domestic remedies and incompatible *ratione personae* (concerning claims under Art. 14)
Turkey	02 Feb.	İpekyüz (no 43699/05)	Alleged violation of Articles 1, 3, 4, 5, 6 and 13 and Articles 1 and 2 of	Partly adjourned (concerning the length of criminal proceedings),

	2010	link	Prot. 1 (in particular the administrative courts' failure to await for the outcome of the criminal proceedings concerning fraud, excessive length and outcome of administrative proceedings and lack of access to a lawyer)	partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Turkey	26 Jan. 2010	Bozkurt (no 10122/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (lengthy non-enforcement of a judgment in the applicant's favour and insufficient interest rates for the delayed compensation payments)	Struck out of the list (the applicant no longer wished to pursue his application)
Turkey	26 Jan. 2010	Ak and Others (no 12928/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (lengthy non-enforcement of judgments in the applicants' favour and insufficient interest rates for a delayed compensation payment)	Struck out of the list (the applicants no longer wished to pursue their application)
Turkey	26 Jan. 2010	Kartal (no 41810/06; 20871/07) link	Alleged violation of Art. 5 § 3 (excessive length of pre-trial detention; infringement of the principle of presumption of innocence), Articles 6, 13 et 18 (in particular excessive length of proceedings, lack of impartiality of the tribunals)	Partly adjourned (concerning the length of the pre-trial detention and the length of proceedings), partly inadmissible (non-exhaustion of domestic remedies concerning the remainder of the application)
Turkey	26 Jan. 2010	Firat (no 2700/04) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (delayed payment of compensation following expropriation, insufficient interest rates for the delayed payments)	Struck out of the list (applicant no longer wished to pursue his application)
Turkey	26 Jan. 2010	Bozkurt (no 4730/05) link	Idem.	Idem.
Turkey	26 Jan. 2010	Gürbüz and Çolak (no 22614/04) link	Alleged violation of Articles 2 and 3 (domestic authorities' failure to release the applicants' relative from prison, who was on a hunger strike for several months to protest against F-type prisons; conditions of detention)	Inadmissible as manifestly ill-founded (lack of evidence to establish a violation of the mentioned provisions by the domestic authorities' in the death of the applicants' relative)
Turkey	02 Feb. 2010	Öner (no 50356/08) link	Alleged violation of Art. 3 (ill-treatment while in police custody), Art. 6 § 3 (c) (lack of legal assistance in custody), Art. 6 §§ 1 and 2 and Art. 13 (lack of impartiality of the judges and infringement of the principle of presumption of innocence), Art. 6 § 3 d) (hindrance to the applicant's right to question the co-accused)	Partly adjourned (concerning claims under Articles 6 § 3 c), 6 §§ 1 and 2 and Art. 13), partly inadmissible as manifestly ill-founded (concerning claims under Art. 6 § 3 d)), partly inadmissible (non respect of the six-month requirement (concerning the remainder of the application)
Turkey	26 Jan. 2010	Güden and Others (no 10115/05) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (lengthy non-enforcement of judgments in the applicants' favour and insufficient interest rates for the delayed compensation payments)	Struck out of the list (the applicants no longer wished to pursue their application)
Turkey	26 Jan. 2010	Çiftçi (no 23016/03) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (lengthy non-enforcement of judgments in the applicant's favour and insufficient interest rates for the delayed compensation payments)	Struck out of the list (the applicant no longer wished to pursue his application)
Turkey	26 Jan. 2010	Çirkin (no 22469/03) link	Idem.	Idem.
Turkey	26 Jan. 2010	Çiftçi (no 21033/03) link	Idem.	Idem.
Turkey	26	Aydin and	Alleged violation of Art. 6 § 1 and	Struck out of the list (the

	Jan. 2010	Derin (no 28837/05) link	Art. 1 of Prot. 1 (lengthy non-enforcement of judgments in the applicants' favour and insufficient interest rates for the delayed compensation payments)	applicants no longer wished to pursue their application)
Turkey	26 Jan. 2010	Bozkurt and Others (no 10125/05) link	Idem.	Idem.
Turkey	26 Jan. 2010	Çiftçi and Kökmen (no 12923/05) link	Idem.	Idem.
Turkey	26 Jan. 2010	Bozkurt and Others (no 10117/05) link	Idem.	Idem.
Turkey	02 Feb. 2010	Özbek and Others (no 32951/04) link	Alleged violation of Articles 3, 5 § 1 c), 10 and 11 (ill-treatment and infringement of the applicants' freedom of assembly during the dispersal by the police of a civil protest action)	Idem.
Ukraine	26 Jan. 2010	Trotsko (no 40294/04) link	Alleged violation of Art. 6 § 1 (excessive length of criminal proceedings; non-enforcement of a judgment in the applicant's favour), Art. 8 (interception of the applicant's phone calls, the applicant's hospitalisation against his will and alleged exposure to dangerous medical procedures) and Art. 1 of Prot. 1 (failure to return the applicant's property withheld at the time of his arrest and the bail paid for his release)	Partly adjourned (concerning the alleged failure of the police to return the applicant's property), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Ukraine	26 Jan. 2010	Kukhar (no 26947/05) link	Alleged violation of Art. 6 § 1 (breach of the principle of equality of arms in criminal proceedings)	Struck out of the list (the applicant no longer wished to pursue his application)
Ukraine	26 Jan. 2010	Makarova (no 3669/04) link	The application concerned a claim under Art. 5	Struck out of the list (the applicant no longer wished to pursue her application)
Ukraine	26 Jan. 2010	Panchenko (no 31085/05) link	The applicant's widow wished to pursue the application under Art. 6 § 1 (length of proceedings and lack of effective remedies)	Struck out of the list (the Court found that the applicant's widow did not have a legal interest to pursue the application)
Ukraine	26 Jan. 2010	Bichukin and Sich-21 (no 16163/05) link	Alleged violation of Art. 2 of Prot. 7 (lack of an ordinary appeal procedure in administrative offence proceedings)	Struck out of the list (the applicants no longer wished to pursue their application)
Ukraine	26 Jan. 2010	Religiyna Gromada Svyato-Troyitskoyi Parafiyi Sela Mylostiv (no 39238/03) link	The application concerned a complaint by a religious association under Articles 6 § 1, 13 and 14 in conjunction with Art. 9 and Art. 1 of Prot. 1	Struck out of the list (the applicant association no longer wished to pursue the application)
Ukraine	26 Jan. 2010	Matyash and Noga (no 11078/07; 11083/07) link	Alleged violations of Articles 1, 4 § 2, 6 § 1, 13, 14 and Art. 1 of Prot. 12 (the judgments given in the applicants' favour had not been enforced in full)	Struck out of the list (the applicants no longer wished to pursue their application)
Ukraine	26 Jan. 2010	Markova (no 11096/07) link	Alleged violations of Articles 1, 4 § 2, 6 § 1, 13, 14 and Art. 1 of Prot. 12 (the judgment given in the applicant's favour had not been enforced in full)	Struck out of the list (the applicant no longer wished to pursue her application and no violation of the Convention rights)
Ukraine	26 Jan. 2010	Akhmetova (no 5583/04) link	The application concerned a claim under Art. 5	Idem.

Ukraine	26 Jan. 2010	Paliychuk (no 49239/07) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of two judgments in the applicant's favour)	Struck out of the list (the applicant no longer wished to pursue his application)
Ukraine	26 Jan. 2010	Matyuk (no 26171/04) link	The application concerned the delayed non-enforcement of a judgment in the applicant's favour	Idem.
Ukraine	26 Jan. 2010	Guzenko (no 19187/04) link	Alleged violation of Art. 6 § 1 (Unfairness, excessive length and outcome of proceedings), Art. 8 (the disputed properties in question during the proceedings had been privatised by another person with the permission of the domestic authorities), Art. 13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded (reasonable length of proceedings concerning and no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)

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 8 February 2010: link
- on 15 February 2010: link
- on 16 February 2010: 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 8 February 2010 on the Court's Website and selected by the NHRS Unit

The batch of 8 February 2010 concerns the following States (some cases are however not selected in the table below): Armenia, Bulgaria, Finland, France, Georgia, Italy, Latvia, Moldova, Montenegro, Poland, Romania, Slovakia, Sweden, the Netherlands the United Kingdom and Turkey.

State	Date of communication	Case Title	Key Words of questions submitted to the parties
Finland	18 Jan. 2010	Salumäki no 23605/09	Alleged violation of Art. 10 – Violation of the applicant's right to freedom of expression, in particular her right to impart information on account of her conviction for writing and publishing an article concerning a murder investigation
France	21 Jan. 2010	N. S. no 35353/09	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Kosovo – Alleged violation of Art. 13 – Lack of an effective remedy
Georgia	18 Jan.	Mazmichvili	Alleged violation of Art. 3 – Lack of adequate medical care in prison no 8 of

	2010	no 35220/09	Tbilisi – Conditions of detention – Alleged violation of Art. 8 – Restrictions on the applicant's contact with his family – Breathing polluted air on account of the proximity of trash bins – Alleged violation of Art. 10 – Restrictions on the applicant's right to obtain information on account of the absence of a TV set in his cell – Question relating to whether the applicant has exhausted domestic remedies concerning Articles 8 and 10
Poland	18 Jan. 2010	Jędruch no 8915/09	Question relating to whether the applicant has exhausted all effective domestic remedies (Art. 35 § 1) – Alleged violation of Art. 3 – Inhuman or degrading and discriminatory treatment by the guards of Mysłowice Remand Centre – Alleged violation of Art. 8 § 1 – Interference with the applicant's right to respect for his private life – Alleged violation of Art. 14 – Discrimination on grounds of the applicant's Jewish origin – Question relating to whether the domestic laws were sufficiently accessible and precise to comply with Convention standards
Romania	21 Jan. 2010	Adam no 10855/08	Alleged violation of Art. 1 of Prot. 12 – Hindrance to the applicant's right to adopt his wife's child on account of his residence in a foreign country
Romania	21 Jan. 2010	Tănăsoaica no 3466/03	Alleged violation of Art. 10 – Violation of the applicant's right to freedom of expression on account of his conviction for publishing several articles following the privatization of State-owned companies in the Vâlcea department
Sweden	21 Jan. 2010	Ahorugeze no 37075/09	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Rwanda – Risk of trial amounting of a flagrant denial of justice if extradited to Rwanda – Questions concerning whether the Swedish authorities considered prosecuting the applicant in Sweden if an extradition to Rwanda were found not to be appropriate and to the possibility whether the International Criminal Tribunal for Rwanda would accept that the applicant's case be transferred to it
Sweden	19 Jan. 2010	F.N. and Others no 28774/09	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Uzbekistan
the Netherlands	21 Jan. 2010	Dala no. 47880/07	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Angola – The applicant has been residing in the Netherlands since the age of 11 and has been receiving necessary medical treatment in that country, and that a discontinuation of that treatment would lead to an acute medical emergency in the short term – Alleged violation of Art. 8 – Disproportionate interference with the applicant's right to respect for private life if forced to return to Angola – Alleged violation of Art. 13 – Lack of an effective remedy
the Netherlands	21 Jan. 2010	Niazi no 14126/06	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Afghanistan – Alleged violation of Art. 8 – Disproportionate interference with the right to respect for family life if deported – The Government was requested to submit information concerning the grounds on which the applicant's son had been granted a residence permit; if the applicant's son was her last remaining relative
Turkey	18 Jan. 2010	Ahmet Gerez (3) and 22 other applications no 43752/06	Alleged violation of Art. 6 § 1 – Unfairness of proceedings – Alleged violation of Art. 6 § 3 c) – The applicants' inability to defend themselves or to benefit from legal assistance – Alleged violation of Art. 8 – Monitoring of the applicants' correspondence and interception of their phone calls – Restrictions on the prisoners' visitation rights – Alleged violation of Art. 10 – Failure to deliver to the applicants Kurdish press – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Art. 14 in conjunction with Articles 8 and 10 – Discrimination on grounds of language

Communicated cases published on 15 February 2010on the Court's Website and selected by the NHRS Unit

The batch of 15 February 2010 concerns the following States (some cases are however not selected in the table below): Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Hungary, Italy, Moldova, Romania, Russia, Serbia, Slovakia, the Czech Republic, the Former Yugoslav Republic of Macedonia, the United Kingdom, Turkey and Ukraine.

State	Date of communication	Case Title	Key Words of questions submitted to the parties
Bulgaria	28 Jan. 2010	Shahunov no 16391/05	Alleged violation of Art. 3 – Conditions of detention in Varna prison – Lack of an effective domestic remedy – Alleged violation of Art. 8 – Monitoring of the applicant's correspondence with his lawyer – Lack of an effective remedy – Alleged violation of Articles 13 and 34 – Hindrance by the State with the effective exercise of the applicant's right of application on account of the alleged violations under Art. 8 § 1 – Alleged violation of Art. 6 § 1 – Excessive length of proceedings
Georgia	28 Jan. 2010	Djghamadze no 50049/08	Alleged violation of Art. 3 – Conditions and lack of adequate medical care for Hepatitis C in Prison no 2 of Rustavi

Hungary	29 Jan. 2010	Baranyai no. 1503/08	Alleged violation of Art. 3 – Ill-treatment by penitentiary officer (handcuffed the applicant to a pipe of the Prison Hospital's heating system situated in the corridor for five hours after leg surgery)
Hungary	25 Jan. 2010	Ternovszky no 67545/09	Alleged violation of Art. 8 in conjunction with Art. 14 – The applicant unable to benefit from adequate professional assistance for a home birth in view of the domestic legislation
Romania	25 Jan. 2010	Onaca no 22661/06	Alleged violation of Art. 3 – Conditions of detention in the Bihor Investigation Service detention facility – Question relating to whether the Emergency Ordinance no. 56/2003 provided an effective remedy with regard to the material conditions of detention
Russia	26 Jan. 2010	Zaretskaya no 35673/05	Alleged violations of Articles 2, 8, 13, and Art. 1 of Prot. 1 – The authorities' failure to comply with their positive obligations to take the appropriate measures to protect the applicant's life and property against natural hazards by failing to maintain the channel of the Pionerskaya river in a proper state of repair and to take appropriate measures to mitigate the risk of floods
the United Kingdom	27 Jan. 2010	Macritchie no 19298/08	Alleged violation of Articles 2, 6 and 13 – The applicant's husband's death caused by the acts or omissions of the Government by exposure to asbestos on board Royal Navy ships – Lack of compensation
Disappearance communicated cases in Chechnya			
Russia	26 Jan. 2010	Amkhadova and Others no 50184/07	Alleged violations of Art. 2 (substantive and procedural) – The applicants' close relative's disappearance – Lack of an effective investigation – Alleged violation of Art. 3 – The applicants' mental suffering due to the disappearance – Alleged violation of Art. 5 §§ 1 - 5 – Unacknowledged detention of the applicants' relative – Alleged violation of Art. 13 – Lack of an effective remedy – The Government were invited to furnish documents relating to whether there had been a special operation on 1 July 2004 at no. 3 Krasnykh Frontovikov Street in Grozny aimed, in particular, at arresting Ayub Temersultanov; to whether the persons who were in charge of and participated in the operation had been identified and questioned in the context of the investigation into the abduction of the applicants' missing relative and to the existence of a curfew in Grozny during the relevant period of time and, in particular, on 1 July 2004
Russia	26 Jan. 2010	Amerkhanova no 4560/08	Alleged violation of Art. 2 – The applicant's son's disappearance and lack of an effective investigation – Alleged violation of Art. 3 – The applicant's mental suffering due to the disappearance – Alleged violation of Art. 5 §§ 1 - 5 – Unacknowledged detention of the applicant's son – Alleged violation of Art. 13 – Lack of an effective remedy – The Government was requested to submit information concerning Rustam Amerkhanov's alleged arrest by any State agency between 3 and 5 November 2002; if so what were the reasons, the exact date and time of his arrest and in what detention facility was he held upon his arrest; the date and time of his alleged release; to the existence of a curfew in the village of Shalazhi during the relevant period of time and, in particular, on 3-5 November 2002

Communicated case published on 16 February 2010 on the Court's Website and selected by the NHRS Unit

The batch of 16 February 2010 concerns the United Kingdom.

State	Date of communication	Case Title	Key Words of questions submitted to the parties
the United Kingdom	10 Jan. 2010	Reynolds no 2694/08	Question relating to whether the applicant should have applied to re-open her civil proceedings (struck out by the County Court on 20 July 2007) following the judgment of the Court of Appeal or of the House of Lords in the *Savage* case (Art. 35 § 1) – Alleged violation of Articles 2 and 13 – The potential responsibility of the State's agents for the applicant's son's death – Lack of an effective investigation – Lack of an effective civil remedy

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

Pilot-judgment procedure (25.02.2010)

The Court applies the pilot-judgment procedure to Romanian cases concerning the restitution of properties nationalized under communism. Press Release

Interlaken Conference on the future of the Court (22.02.2010)

President Costa, accompanied by a delegation of judges and members of the Registry, travelled to Interlaken on 18 and 19 February to attend a Ministerial Conference on the future of the European Court of Human Rights. A joint declaration was adopted at the close of the Conference. More information, Special file, Conference website, Interlaken Declaration

Ratification of Protocol No. 14 (19.02.2010)

The President of the Court has welcomed the depositing by the Russian Federation of its instrument of ratification of Protocol No. 14. While the long-awaited entry into force of Protocol No. 14 will not solve all the Court's problems, it will provide a valuable basis for the reform process launched in Interlaken. Press Release, Read the Protocol No. 14, Text of the Convention as amended by Protocol No. 14

Pilot-judgment procedure (25.02.2010)

The Court applies the pilot-judgment procedure to Romanian cases concerning the restitution of properties nationalized under communism. Press Release

The Court has granted the request for interim measures by Omar Othman (Abu Qatada) (20.02.2009)

Omar Othman lodged an application against the United Kingdom on 11 February 2009. He complains principally that, if deported to Jordan, he is at risk of being subjected to inhuman and degrading treatment. The Court has indicated to the Government of the United Kingdom that the applicant should not be deported until the Court has given due consideration to the matter. Press Release

Series of lectures (22.02.2010)

In partnership with the French *Conseil d'Etat*, the Court is launching a series of lectures on human-rights protection. Programme

Part II : The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers held its latest "human rights" meeting from 2 to 4 March 2010 (the 1078th meeting of the Ministers' deputies).
Link to the meeting's Agenda and Resolution adopted at the meeting

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)

Workshop held on decisions of the European Committee of Social Rights against Bulgaria

A workshop organised by the European Roma Rights Centre (ERRC), the Commission for the Protection against Discrimination and the Bulgarian Committee for Helsinki, took place in Sofia on 4 March 2010 and was attended by Mr Petros STANGOS, member of the European Committee of Social Rights and Mr Régis BRILLAT, Head of the Department of the ESC. The aim of this workshop was the analysis of decisions taken by the Committee since 2006, in which Bulgaria was found to be in violation of the Revised Charter (notably concerning Roma and handicapped persons and the rights to housing, education, and to social and medical assistance).

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/NewsletterNo2Jan2010_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 visits Georgia

A delegation of the CPT recently carried out an 11-day visit to Georgia. The visit, which began on 5 February 2010, was the CPT's fourth periodic visit to Georgia.

During the visit, the delegation assessed progress made since the previous periodic visit in 2007 and the extent to which the CPT's recommendations have been implemented, in particular in the areas of initial detention by the police, imprisonment and psychiatry. Further, the delegation visited for the first time in Georgia a social care institution.

In the course of the visit, the CPT's delegation held consultations with Khatuna KALMAKHELIDZE, Minister of Corrections and Legal Assistance, Tinatin BURJALIANI, Deputy Minister of Justice, Ekaterine ZGULADZE, Deputy Minister of Internal Affairs, and Irakli GIORGOBIANI, Deputy Minister of Labour, Health and Social Affairs, as well as with other senior Government officials. It also met with Tata KHUNTSARIA, Deputy Public Defender of Georgia, and Natia IMNADZE, Head of the Prevention and Monitoring Department. Further, discussions were held with members of non-governmental and international organisations active in areas of concern to the CPT.

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

C. European Commission against Racism and Intolerance (ECRI)

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

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

The Netherlands: publication of the first cycle opinion (17.02.2010)

The 1st Opinion of the Council of Europe Advisory Committee on the FCNM on the Netherlands has been made public at the same time as the government comments. The Advisory Committee adopted this Opinion in June 2009 following a country visit in February 2009.

Finland: receipt of the third cycle State Report (17.02.2010)

Finland submitted its third state report in English and Finnish, pursuant to Article 25, paragraph 1, of the Framework Convention for the Protection of National Minorities. It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers.

Croatia: visit of the Advisory Committee on the Framework Convention for the Protection of National Minorities (22.02.2010)

A delegation of the Advisory Committee on the FCNM visited Zagreb and Vukovar from 22 - 26 February 2010 in the context of the monitoring of the implementation of this convention in Croatia.

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

The Delegation includes Ms Ilze BRANDS-KEHRIS (First Vice-President of the Advisory Committee and member elected in respect of Latvia), Ms Brigitta BUSCH, (member of the Advisory Committee elected in respect of Austria) and Ms Eva SMITH-ASMUSSEN, (member of the Advisory Committee elected in respect of Denmark). They will be accompanied by Ms Charlotte ALTENHÖNER-DION and Mr Krzysztof ZYMAN, Administrators in the Secretariat of the Framework Convention for the Protection of National Minorities.

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

E. Group of States against Corruption (GRECO)

Council of Europe's Group of States against Corruption publishes Report on Lithuania (17.02.2010)

The need to lower the level of proof required to convict a person for corruption and more clarity in supervision of party financing in Lithuania are the highlights of a report published on 17 February by GRECO, the Council of Europe's monitoring body dedicated to the fight against corruption. Prepared within the framework of GRECO's Third Evaluation Round, the report focuses on two distinct themes: criminalisation of corruption and transparency of party funding.
Link to the report: Theme I and Theme II

Council of Europe Group of States against Corruption publishes Report on Denmark (25.02.2010)

GRECO published on 25 February its Third Round Evaluation Report on Denmark, in which it recommends more severe penal sanctions for corruption offences and further transparency in party funding, among other measures. The report focuses on two distinct themes: criminalisation of corruption and transparency of party funding, and addresses 14 recommendations to Denmark. GRECO will assess the implementation of these recommendations in early 2011.
Link to the report: Theme I and Theme II

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) Plenary, Abu Dhabi 17-19 February 2010 (24.02.2010)

As part of its on-going work and response to G20 call to identify jurisdictions, the FATF has produced two documents:
FATF Public Statement
Improving Global AML/CFT Compliance: On-going Process

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

Azerbaijan 17th state to sign the Council of Europe Convention on Action against Trafficking in Human Beings (25.02.2010)

The Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 1 February 2008. The Convention was signed by Azerbaijan on 25 February 2010.

GRETA - fifth meeting

The fifth meeting of the GRETA will be held on 16-19 March 2010 at the Council of Europe in Strasbourg. At this meeting GRETA will hold an exchange of views concerning the structure and preparation of GRETA reports and concerning the preparation of country visits, in the framework of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties.

Part IV: The inter-governmental work

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

15 February 2010

Azerbaijan ratified the Convention for the Protection of the Architectural Heritage of Europe (ETS No. 121).

18 February 2010

Russia ratified 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).

24 February 2010

Slovakia signed the European Code of Social Security (ETS No. 048).

25 February 2010

Latvia ratified the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine-Convention on Human Rights and Biomedicine (ETS No. 164), the Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings (ETS No. 168), and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198).

Azerbaijan signed the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

B. Recommendations and Resolutions adopted by the Committee of Ministers

CM/Rec(2010)2E / 03 February 2010

Recommendation of the Committee of Ministers to member States on deinstitutionalisation and community living of children with disabilities (Adopted by the Committee of Ministers on 3 February 2010 at the 1076th meeting of the Ministers' Deputies)

CM/Rec(2010)3E / 24 February 2010

Recommendation of the Committee of Ministers to member States on effective remedies for excessive length of proceedings (Adopted by the Committee of Ministers on 24 February 2010 at the 1077th meeting of the Ministers' Deputies)

CM/Rec(2010)4E / 24 February 2010

Recommendation of the Committee of Ministers to member States on human rights of members of the armed forces (Adopted by the Committee of Ministers on 24 February 2010 at the 1077th meeting of the Ministers' Deputies)

CM/Res(2010)1E / 24 February 2010

Resolution amending Article 7 of the New Pension Scheme “NPS” (Appendix Vbis to the Staff Regulations) (Adopted by the Committee of Ministers on 24 February 2010 at the 1077th meeting of the Ministers' Deputies)

C. Other news of the Committee of Ministers

Forthcoming entry into force of Protocol No. 14 - Statement by Micheline Calmy-Rey (18.02.2010)

The Chairperson of the Committee of Ministers welcomes the deposit, by the Russian Federation, of its instrument of ratification of Protocol No. 14 to the European Convention on Human Rights, shortly

before the beginning of the ministerial conference in Interlaken. Russia is thus joining the other 46 member States which have already ratified the Protocol, thereby enabling the latter to come into force on 1 June next.

Mexico becomes member of Venice Commission (23.02.2010)

The Committee of Ministers decided in February to unanimously accept Mexico´s request to become a full member of the Venice Commission. Mexico had observer status since 2001. This decision acknowledges Mexico's democratic development, and will provide its government with access to European expertise in areas such as the functioning of the democratic institutions and constitutional justice, electoral law and party financing.

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*

Mevlüt Çavusoglu warmly welcomes Russia's ratification of Protocol No. 14 (18.02.2010)

Mevlüt Çavusoglu, the President of PACE, warmly welcomed on 18 February Russia's ratification of Protocol No. 14 to the European Convention on Human Rights. "This ratification will further enhance the protection of the fundamental rights of all individuals within the jurisdiction of the 47 Council of Europe member States," he said. "The Russian authorities are sending us a strong message today. First of all, the ratificationillustrates Russia's will to be a major political player within the organisation. It shows Russia's firm commitment to the Council of Europe's values and protection mechanisms, and it encourages Russian courts to make sure that their judgments take into account the European Convention on Human Rights and the Strasbourg Court's case-law," the President said.

"The Russian ratification will also allow the entry into force of Protocol No. 14, which, in turn, will provide the legal basis on the Strasbourg side for the EU's accession to the European Convention. Finally, the Court will soon be able to deal more quickly with its backlog of cases, which is the protocol's main aim," he added. "As the new President of the Parliamentary Assembly, I will spare no efforts to foster effective co-operation between the Council of Europe and Russia in all other areas where our organisation can provide political support and technical assistance," he concluded.

PACE President attends inauguration of new President of Ukraine (26.02.2010)

PACE President Mevlüt Çavusoglu took part on 25 February in the official ceremony to inaugurate the new President of Ukraine Viktor Yanukovich. He personally transmitted an invitation to President Yanukovich to address the Assembly, which he accepted. In his invitation, the President stressed that PACE members would particularly appreciate hearing his views on the situation in his country and his policies for the future at this important moment for Ukraine. He recalled that the Parliamentary Assembly was a forum for dialogue and co-operation which gave an opportunity to exchange views with parliamentarians from 47 European countries. He concluded by expressing his satisfaction that, according to the report of the observation mission, the electoral process had been transparent and honest and met most Council of Europe and OSCE commitments.

On this occasion, Mr Çavusoglu also met the President of Armenia, the Prime Minister of Azerbaijan, the Speaker of the Georgian Parliament, the Speaker of the Russian State Duma, the President of the European Parliament, the EU's High Representative for Foreign Affairs, the EU's Enlargement Commissioner, and the Foreign Minister of Turkey.

PACE leaders urge the Albanian parties to end the current political crisis (23.02.2010)

At the end of their visit to Albania, the President of PACE, Mevlüt Çavusoglu, the leaders of the Assembly's five political groups and the monitoring co-rapporteurs for Albania urge the Albanian parties to end the current political crisis in the country in order to proceed with the vitally needed reforms.

They believe that the absence of parliamentary dialogue undermines the democratic functioning of the state's institutions. They note that both the Democratic Party and the Socialist Party welcome PACE Resolution 1709 on the functioning of democratic institutions in Albania, adopted in plenary session

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

last January, in response to which President Topi convened a round-table of Albanian political leaders on 13 February 2010. The delegation pays tribute to the President and encourages him to continue his efforts.

Regarding the committee of inquiry terms of reference, the PACE delegation notes that both parties agree that this must be dealt with within the constitutional framework of the Republic of Albania. The delegation considers that this is sufficient to enable the opposition to permanently participate in the work of parliament. It urges them to do so without further delay.

During their visit, the delegation met the President of the Republic, the Speaker of the Parliament, the Prime Minister, leaders of political parties and representatives of the international community.

The visit was a response to the request made by the Assembly in its Resolution 1709, to "support the process of resolving the current political situation and assist President Topi in his role of mediator and his efforts to restore political dialogue".

PACE President to visit Bosnia and Herzegovina (26.02.2010)

Mevlüt Çavusoglu, the President of PACE made an official visit to Bosnia and Herzegovina from 1-3 March 2010. He met the Presidency, the Chairman of the Council of Ministers, and the Speakers of both chambers of the Parliamentary Assembly of Bosnia and Herzegovina. He also held a series of discussions with the leaders of the main political parties in the country.

The Assembly recently urged all domestic stakeholders in Bosnia and Herzegovina to engage fully in a meaningful and constructive dialogue about amendments to the Constitution, in line with the recommendations of the Council of Europe's legal experts, before the 2010 parliamentary elections.

- *Themes*

PACE President recalls major role of national legal systems for human rights protection (18.02.2010)

"The Strasbourg supervisory mechanism is subsidiary in nature. Primary responsibility for the protection of human rights should be shifted back to national legal systems and practices," PACE President Mevlüt Cavusoglu stressed at the opening of the Interlaken Conference on the future of the European Court of Human Rights. He also stressed that a well-functioning national human rights protection machinery could make a separate filtering body within the Court superfluous.

He also warned that if the highest judicial organs in member States had to recognise the judgments of the Strasbourg Court as authorative, the Parliamentary Assembly of the organisation had to be in a position to elect top quality judges from lists of the highest level.

The President also denounced the insufficient funding of the Court. He stressed that its financing had to be reviewed as a matter of urgency, but not at the expense of the rest of the Organisation. He finally expressed hope for a rapid EU accession to the European Convention on Human Rights, guaranteeing a coherent, Europe-wide system of human rights protection.
Address by Mevlüt Çavusoglu

'One human rights standard – one Europe' (19.02.2010)

Speaking at the press conference marking the end of a two-day conference on the future of the European Court of Human Rights in Interlaken, organised by the Swiss chairmanship of the Council of Europe, PACE President Mevlüt Cavusoglu re-affirmed the Parliamentary Assembly's full support for the Final Declaration. He also expressed hope for a rapid EU accession to the European Convention on Human Rights, creating one human rights standard for one Europe. He also recalled the crucial role of PACE in monitoring the implementation of the Strasbourg Court's decision on the one hand and in the election of the judges on the other. "But we have to bear in mind that if the highest judicial organs in our member States have to recognise the judgments of the Strasbourg Court as authorative, the Assembly has to be in a position to elect top quality judges from lists of the highest level, he warned.
PACE President recalls major role of national legal systems for human rights protection
Mevlüt Çavusoglu warmly welcomes Russia's ratification of Protocol No. 14
Final press release
Interlaken declaration

Kosovo*: 'people need the rule of law, regardless of the community they belong to,' says PACE rapporteur (25.02.2010)

"In Kosovo, there are more than 2 million Europeans who need the rule of law, good governance and respect for human rights, regardless of the community they belong to," said Björn von Sydow (Sweden, SOC), rapporteur of the Political Affairs Committee of PACE, speaking on 25 February at the end of a five- day visit to Kosovo.

"During my visit, I travelled extensively in Kosovo, meeting ordinary people from all communities. All of them highlighted widespread corruption, lack of a trustworthy judiciary and poor implementation of the law. This state of affairs undermines governance, affects the trust of people in the authorities, and jeopardises the prospect of Kosovo's economic development, as international investors are reluctant to commit resources here", he pointed out. "A truly European Kosovo requires the full involvement of all its communities. Politically, the increased participation of Kosovo Serbs in the South in the November local elections is an important step forward", the rapporteur noted.

"At the moment, 33 out of 47 Council of Europe member States have recognised Kosovo as an independent and sovereign state. This divide should not prevent the Organisation from deploying a broad range of instruments in Kosovo, for the benefit of all communities, and expanding its activities in the field of human rights and the rule of law," he added. "In my report, I will explore ways to establish a dialogue between PACE and the political forces represented in the Kosovo Assembly, in order to help improve the functioning of democratic institutions in Kosovo. I hope that his report will be debated in June during the PACE plenary session (21-25 June 2010)," Mr von Sydow concluded.

PACE rapporteur delighted that "cluster munitions are now illegal" (19.02.2010)

Ahead of the entry into force on August 1 of the Convention on cluster munitions, Johannes Pflug (Germany, SOC), rapporteur of PACE on the ban on cluster munitions, made the following statement on 19 February: "Following the recent ratification of the Convention by Moldova, this legal instrument can now enter into force. We can all be proud of the successful outcome of this long process led by the international community, including the Assembly, which last May adopted Resolution 1668. Under this convention, the participating states confirm that cluster munitions, which have caused so many losses in recent decades, are not only morally reprehensible, but are now considered illegal.

I reiterate our Assembly's call to the Council of Europe member States, states holding observer status with the Organisation and states whose parliaments hold observer status with the Assembly which have not yet acceded to the Convention to do so without delay. As parliamentarians, we now have a key role to play by taking the necessary legislative steps to implement the Convention, including the introduction of criminal sanctions for all activities prohibited by the treaty".
Resolution 1668

Action against trafficking in human beings: the wider the ratification of the Convention is, the better the protection for victims will be (22.02.2010)

"The Council of Europe Convention on action against trafficking in human beings will reach its full potential when it is ratified by other countries in Europe and beyond. The wider the ratification of the Convention is, the better the protection for victims will be. The role of parliamentarians is crucial to this end," today recalled Kent Olsson (Sweden, EPP/CD), at a seminar on trafficking in human beings organised in London by the Inter-Parliamentary Union and the British Group of the Inter-Parliamentary Union. In its resolution adopted last January, the Assembly called on Council of Europe member States which had not yet done so to sign and/or ratify this convention, and encouraged the European Union to accede to it.
PACE Resolution 1702 (2010)
Speech by Kent Olsson

'New treaty on violence against women must set high standards and be strongly enforced' (24.02.2010)

Link to statement by Mr José Mendes Bota (Portugal, EPP/CD), Chairperson of the PACE Committee on Equal Opportunities for Women and Men and PACE Rapporteur on combating violence against women: towards a Council of Europe convention at the 4th meeting of the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence, (CAHVIO) Strasbourg, 22-24 February 2010

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Abolition of the death penalty: the Council of Europe leading the way (25.02.2010)

Link to speech by Renate Wohlwend Representative of PACE at the 4th World Congress against the Death Penalty, Geneva, 24-26 February 2010

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

A. Country work

Commissioner Hammarberg continues dialogue with Lithuanian authorities on discrimination issues and minority rights (17.02.2010)

The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, published on 17 February letters sent to the Prime Minister of Lithuania and to the Speaker of the Seimas (Parliament), on discrimination issues, minority rights and steps taken to investigate whether the CIA detained terrorist suspects on Lithuanian territory. The letters follow the Commissioner's visit to Lithuania last October in which he held discussions with the President and the Prime Minister, as well as other representatives of the national authorities and civil society representatives.
Letter to Mr Andrius Kubilius, Prime Minister of Lithuania, and his reply
Letter to Ms Irena Degutienė, Speaker of the Seimas, and her reply

Commissioner Hammarberg visits Azerbaijan (25.02.2010)

Media freedom, the justice system, the behaviour of law enforcement officials and the legislative framework on non-governmental organisations are the main topics that the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, discussed during his visit to Azerbaijan from 1 to 5 March, his second visit to that country since the beginning of his mandate.

In the course of his visit, Commissioner Hammarberg was to meet the President of the Republic, the Minister for Foreign Affairs, the Minister of Justice, and the Minister of Internal Affairs, as well as the Prosecutor-General and the Head of the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe. Further meetings were planned with the Ombudsman and representatives of civil society. The Commissioner intended to visit some places and institutions of human rights relevance, including in the Autonomous Republic of Nakhichevan.

B. Thematic work

Kosovo*: Commissioner Hammarberg calls for stop of forced returns and immediate evacuation of Roma from lead-contaminated camps (15.02.2010)

After the second visit within ten months to the lead-contaminated Roma camps of Česmin Lug and Osterode in northern Kosovo, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, deplored that the situation for the inhabitants remains the same: "The fact that the camps have been inhabited for a full decade is no less than a scandal. The international community has a large part of the responsibility for this situation." The lead permeates the soil, water and air, and the inhabitants', especially children's lives in the camps are seriously damaged. "The approximately 600 inhabitants need new, safe housing so that the camps can be closed. They are all in urgent need of medical treatment", underlined the Commissioner in connection with his visit in Kosovo in the middle of February.

Thomas Hammarberg also expressed his concern that several European governments are forcibly returning refugees to Kosovo. According to UN statistics more than 2 500 persons were returned from European countries during 2009. Some of the Roma returnees have ended up in the lead-contaminated camps. The refugees are mainly from Austria, Germany, Sweden and Switzerland.

"I call on European states to stop the forced returns until Kosovo can provide adequate living conditions, health care, schooling, social services and employment", said the Commissioner.

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Kosovo has already signed readmission agreements with several countries. However, 20 000 internally displaced persons within its territory, and an unemployment rate of approximately 50 percent, clearly indicate that Kosovo does not yet have the infrastructure that would allow a sustainable reintegration of refugees. “A number of refugees have lived in the host countries for many years, and their children are born there, speak the language fluently and have no connection with Kosovo. The result is that many refugees return to the host countries as soon as possible”, underlined Commissioner Hammarberg.

European migration policies discriminate against Roma people (22.02.2010)

“European governments are not giving Roma migrants the same treatment as others who are in similar need of protection. Roma migrants are returned by force to places where they are at risk of human rights violations” said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his Viewpoint published on 22 February. The Commissioner stresses that the EU Directives impact differently on Roma than on other EU citizens.
Read the Viewpoint

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)

Co-ordination meetings between the Project Team of the "European NPM Project" and the United Nations Sub-Committee on the Prevention of Torture (SPT) during the SPT Plenary Session at the United Nations Office, Geneva, 26.02.2010

The Council of Europe has developed the so-called "European NPM Project" with the aim to create an active network of the NPMs in Europe to foster peer exchange and provide a forum for cooperation between the SPT, the CPT and the NPMs, with the ultimate guiding principle to strengthen the prevention of torture at national level in all Council of Europe member States.

On 26 February 2010 Coordination meetings were held with the Association for the Prevention of Torture (APT) and the SPT to discuss various modalities of the implementation of the European NPM Project in 2010. The aim was that the European NPM Project team and the APT, the Project's Implementing Partner, and all members of the SPT Bureau and representatives of the SPT secretariat, as experts involved with the Project, could meet in the SPT's February Plenary Session to discuss and consult on the modalities of the implementation of the European NPM Project's activities in 2010.

The European NPM Project was discussed with the plenary of the SPT in Geneva, some of whose members had been involved in the design of the Project as well as in the activities under the pilot project for testing the feasibility and usefulness of the actual Project. In light of its members' reports on the initial Project activities, the SPT confirmed its readiness to contribute to the European NPM Project which it perceives as creating a win-win situation for all actors involved, for the ultimate benefit of persons deprived of their liberty. The modalities of the SPT's input in the Project, the channels for ongoing communication with the Project Team and for progress evaluation as well as the desired volume of activities for the first year of the Project (2010) were discussed. The SPT underlined its willingness to contribute to all types of Project activities and be a part of the Project strategy and the agenda-setting of the Project.