

Strasbourg, 16 April 2012

**Regular Selective Information Flow  
(RSIF)  
for the attention of the National Human Rights Structures (NHRs)**

**Issue n°86  
covering the period from 27 February to 11 March 2012**

Funded  
by the European Union  
and the Council of Europe



EUROPEAN UNION



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Implemented  
by the Council of Europe

“Promoting independent national non-judicial mechanisms for the protection of human rights,  
especially for the prevention of torture”  
(“Peer-to-Peer II Project”)

**Joint European Union – Council of Europe Programme**

*The **selection** of the information contained in this Issue and deemed relevant to NHRs  
is made under the responsibility of the Directorate of Human Rights*

**For any queries, please contact:**  
[casandra.berlinschi@coe.int](mailto:casandra.berlinschi@coe.int)  
[francesca.gordon@coe.int](mailto:francesca.gordon@coe.int)

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>4</b>
<b>PART I: THE ACTIVITIES OF THE EUROPEAN COURT OF HUMAN RIGHTS .....</b>	<b>5</b>
<b>A. Judgments.....</b>	<b>5</b>
1. Judgments deemed of particular interest to NHRs .....	5
2. Other judgments issued in the period under observation.....	8
3. Repetitive cases .....	9
4. Length of proceedings cases.....	9
<b>B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements.....</b>	<b>10</b>
<b>C. The communicated cases .....</b>	<b>18</b>
<b>D. Miscellaneous (Referral to grand chamber, hearings and other activities) .....</b>	<b>20</b>
<b>PART II: THE EXECUTION OF THE JUDGMENTS OF THE COURT .....</b>	<b>21</b>
<b>PART III: GENERAL AGENDA.....</b>	<b>22</b>
<b>PART IV: THE WORK OF OTHER COUNCIL OF EUROPE MONITORING MECHANISMS .....</b>	<b>23</b>
<b>A. European Social Charter (ESC) .....</b>	<b>23</b>
<b>B. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) .....</b>	<b>23</b>
<b>C. European Committee against Racism and Intolerance (ECRI) .....</b>	<b>23</b>
<b>D. Framework Convention for the Protection of National Minorities (FCNM).....</b>	<b>23</b>
<b>E. Group of States against Corruption (GRECO) .....</b>	<b>23</b>
<b>F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) .....</b>	<b>24</b>
<b>G. Group of Experts on Action against Trafficking in Human Beings (GRETA).....</b>	<b>24</b>
<b>PART V: THE INTER-GOVERNMENTAL WORK .....</b>	<b>25</b>
<b>A. The new signatures and ratifications of the Treaties of the Council of Europe.....</b>	<b>25</b>
<b>B. Recommendations and Resolutions adopted by the Committee of Ministers.....</b>	<b>25</b>
<b>C. Other news of the Committee of Ministers.....</b>	<b>25</b>

<b>PART VI: THE PARLIAMENTARY WORK.....</b>	<b>26</b>
<b>A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE) .....</b>	<b>26</b>
<b>B. Other news of the Parliamentary Assembly of the Council of Europe .....</b>	<b>26</b>
<b>PART VII: THE WORK OF THE OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS.....</b>	<b>28</b>
<b>PART VIII: ACTIVITIES AND NEWS OF THE PEER-TO-PEER NETWORK (Under the auspices of the Directorate of Human Rights) .....</b>	<b>29</b>
<b>INDEX BY COUNTRIES.....</b>	<b>30</b>

## **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 Directorate of Human Rights carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRs who are kindly asked to dispatch it within their offices.

Each Issue covers two weeks and is sent by the Directorate of Human Rights 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.

The selection of the information included in the Issues is made by the Directorate of Human Rights. It is based on what is deemed relevant to the work of the NHRs. 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 funded under the so-called Peer-to-Peer II Project, a European Union – Council of Europe Joint Project entitled “Promoting independent national non-judicial mechanisms for the protection of human rights, especially the prevention of torture”.**

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

## A. Judgments

### 1. Judgments deemed of particular interest to NHRs

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 NHRs. 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 Directorate of Human Rights, 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**

**[Kolyadenko and Others v. Russia](#) (applications nos. 17423/05, 20534/05, 20678/05, 23263/05, 24283/05 and 35673/05) (Importance 2) – Two violations of Article 2 (substantive and procedural) – (i) Domestic authorities' failure to protect the lives of persons victims of a heavy flash flood and (ii) lack of an effective judicial response to the consequences of the floods – Violation of Article 8 and of Article 1 of Prot. 1 – Domestic authorities' failure to protect the applicants' home and property on account of their destruction by the flood**

The applicants live near a river and water reservoir. They were all affected by a heavy flash flood, after an urgent massive evacuation of water from the reservoir. They complained that the authorities had put their lives at risk by releasing the water without any prior warning and by having failed to maintain the river channel, and that there had been no adequate judicial response in that respect. They also complained that their homes and property were severely damaged, and that they had no effective remedies in respect of their complaints

#### **Article 2 (substantive)**

The Court noted in particular that although the poor state of the river channel and the problem of its proper maintenance had been brought to the authorities' attention two years or more before the flood of 2001, the recommended measures had not been properly implemented. Under the circumstances, the authorities could have reasonably been expected to show all possible diligence in alerting the residents of the risks. However, the applicants maintained that in the many years they had been living near the reservoir they had never been warned that they lived in a flood-prone area. Even after the flood of August 2001, the authorities had failed to take measures to clear the river channel. The Court concluded that the Russian Government had failed in its obligation to protect the relevant applicants' lives, in violation of Article 2.

## Article 2 (procedural)

As regards the judicial response to the flood and its consequences, the Court noted that despite its requests, the Russian Government had not submitted a copy of the file of the investigation against the city and regional authorities. The Court's ability to assess the effectiveness of that investigation was therefore limited. It furthermore had doubts that that investigation could be regarded as an adequate judicial response to the flood, given that its main purpose was apparently to establish whether there had been abuses in town planning rather than to identify those responsible for the poor maintenance of the river channel. There had accordingly been a violation of Article 2 in its procedural aspect.

## Article 8 and Article 1 of Protocol No.1

The Court had no doubt that the causal link it had established, with regards to the complaints under Article 2, between the negligence attributable to the State and the risk to the lives of people living in the vicinity of the reservoir also applied to the damage caused to the applicants' homes and property by the flood. There had accordingly been a violation of Article 8 and Article 1 of Protocol No. 1.

## Article 41 (just satisfaction)

The Court held that Russia was to pay the applicants between EUR 1,500 and EUR 4,700 in respect of pecuniary damage; and between EUR 10,000 and EUR 20,000 in respect of non-pecuniary damage.

### • **III-treatment / Conditions of detention / Deportation**

#### **Melnītis v. Latvia (application no. 30779/05) (Importance 2) – 28 February 2012 – Violation of Article 3 (substantive) – Poor conditions of detention in Valmiera Prison**

The applicant alleged that he had constantly felt dirty and humiliated for five months in Valmiera Prison on account of the lack of toiletries as well as of partition between the toilet and the rest of his cell.

The Court was not convinced that – as suggested by the Government – a complaint to the administrative courts at the time about detention conditions had been a remedy accessible in practice to detainees such as the applicant. It recognised the importance of allowing relatively new remedies to develop but stressed that their availability, scope and application had to be clearly set out and confirmed or complemented by the domestic courts' case-law and that it was up to the Government to submit examples. The Court had, regrettably, never received a copy of the administrative courts' decision allegedly recognising their competence to review detainees' complaints about their conditions of detention and in which it was shown that conditions of detention came under the notion of "the action of a public authority" in the sense of domestic law. The Court therefore rejected the argument that the applicant had not exhausted domestic remedies and declared the complaint admissible under Article 3. On the merits, the Court held that the detention conditions in which the applicant had been held had to have made him feel anguish, inferiority and humiliation which could have led to his physical and/or moral resistance being broken, in violation of Article 3. Under Article 41, the Court held that Latvia was to pay the applicant EUR 7,000 in respect of non-pecuniary damages.

#### **Samaras and Others v. Greece (no. 11463/09) (Importance 2) – 28 February 2012 – Violation of Article 3 – Poor conditions of detention in Ioannina Greek Prison**

The applicants complained about their conditions of detention at Ioannina prison (overcrowding, risk of contagion, lack of activities).

The Court noted in particular that **following his visit to Ioannina prison in 2009, the Greek ombudsman had noted that the dormitories and cells were "absolutely insufficient" for the number of detainees, that the ratio of space to detainees was "absolutely intolerable" and that the detainees did not even have one square metre of standing room each.** As there was no refectory and no tables and chairs, they were obliged to eat sitting on their beds. They had nowhere to exercise, and non-Greek nationals were not allowed to work; in fact only 57 of the 248 detainees were allowed to work, which was unsatisfactory. In this connection the Court further noted that on 19 January 2008 the Ioannina prison doctor had sent a letter to the prison governor informing him that the risk of disease and psychiatric disorders among the detainees was exacerbated by the overcrowding and the lack of physical exercise. In the light of the above, the Greek Government's argument that the detainees had been able to work for a small fraction of their total time in detention did not alter the fact that the applicants' conditions of detention had attained the minimum level of severity required to qualify as "degrading" treatment within the meaning of Article 3. The Court accordingly found that there had been a violation of Article 3. The Court held that Greece was to pay the applicants between

EUR 7,000 and EUR 15,000 each in respect of non-pecuniary damage and EUR 1,500 jointly for costs and expenses.

- **Right to a fair trial**

**Cadène v. France (in French only) (no. 12039/08) and Célice v. France (no.14166/09) (in French only) (Importance 3) – 8 March 2012 – Violation of Article 6 § 1 – Infringement of the applicants’ right of access to a court on account of a police superintendent’s decision to declare inadmissible, on erroneous grounds, an application to be exempted from a fine**

The applicants are two French nationals. Their cars were caught by speed cameras in 2007 and 2008 respectively, following which they received notice that they had committed a minor offence under the Road-Traffic Code and had to pay a standard fine of 68 Euros. After paying the amount of the fine the applicants applied to the public prosecutor’s office to be exempted from the penalty of losing points from their license, complying with the requisite time-limit and formalities, the applicant in the first case arguing that he was unable to recognise any offence without receiving the photograph identifying the person responsible, and the applicant in the second case claiming that he had not been the driver at the time of the offence. Both applicants received a letter from a police superintendent declaring their applications for exemption inadmissible. In both cases, the deposit was retained as payment of the fine itself and the Interior Ministry informed the applicants that the offences had been established as a result of their payment of the fine and that they would consequently lose one point from their license. The applicants complained that there had been a violation of their right to the determination of a criminal charge against them by an independent and impartial tribunal and a breach of their right to be presumed innocent.

The Court observed in particular that the official from the public prosecutor’s office had declared inadmissible the applicants’ application for exemption on erroneous grounds, and had misused his authority. The Court also took note of the decision by the French Constitutional Council to the effect that, where an official of the prosecution service declared inadmissible an application for exemption from a standard fine, after the deposit had been paid, and where that declaration had the effect of converting the deposit into the fine itself, the inability to appeal against such a decision before the community court was incompatible with the right to an effective judicial remedy. The Court thus found that there had been a violation of Article 6 § 1. The Court held that the finding of a violation constituted sufficient just satisfaction for the non-pecuniary damage sustained.

**Gagliano Giorgi v. Italy (in French only) (no. 23563/07) (Importance 2) – 6 March 2012 – Violation of Article 6 § 1 – Excessive length of proceedings, launched to search redress for excessive length of criminal proceedings – First use in criminal matters of the “significant disadvantage” admissibility criterion**

The case concerned an Italian national who, having been convicted after criminal proceedings lasting 10 years and seven months, sought redress for the excessive length of the proceedings using the “Pinto” procedure – a remedy introduced in Italy for such complaints. As the redress proceedings themselves lasted for over 5 years, the applicant complained that there had been a breach of the “reasonable time” principle, in respect not only of the main criminal proceedings but also of the “Pinto” proceedings, both having been excessive in length.

The Court reiterated that **the purpose of the new “significant disadvantage” admissibility criterion introduced by Protocol No.14 was to enable more rapid disposal of unmeritorious cases and thus to allow it to concentrate on its central mission of providing legal protection of the rights guaranteed by the Convention.** The Court pointed out that the total duration of the “Pinto” proceedings (Court of Appeal, Court of Cassation and enforcement phase), should not, in principle, save in exceptional circumstances, exceed two years and six months. Since the procedure constituted a compensatory remedy by which to obtain redress for the excessive length of proceedings, States had to show particular diligence in such cases so that a breach could be found and redress granted as quickly as possible. After subtracting the delays attributable to the applicant himself, the “Pinto” proceedings had lasted four years and two months for two levels of jurisdiction, without an enforcement phase (the applicant having obtained no compensation), the Court held that the duration had considerably exceeded a “reasonable time”. There had thus been a violation of Article 6 § 1. The Court held that Italy was to pay the applicant EUR 500 in respect of non-pecuniary damages.

- **Cases in Chechnya**

**[Edilova v. Russia](#) (no. 14662/07) (Importance 3) – 28 February 2012 – Violation of Article 2 (substantive and procedural) – (i) Disappearance and presumed death of the applicant’s son and (ii) lack of an effective investigation – Violation of Article 3 – Mental suffering of the applicant on account of her son’s disappearance – Violation of Article 5 – Unacknowledged detention of the applicant’s son – Violation of Article 13 in conjunction with Article 2 – Lack of an effective remedy**

**[Khamzatov and Others v. Russia](#) (no. 31682/07) (Importance 3) – 28 February 2012 – Violation of Article 2 (substantive and procedural) – (i) Death of the applicants’ close relative and (ii) lack of an effective investigation – Violation of Article 13 – 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 more detailed information, please refer to the following links:

- Press release by the Registrar concerning the Chamber judgments issued on 28 Feb. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 1 Mar. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 6 Mar. 2012: [here](#)
- Press release by the Registrar concerning the Chamber judgments issued on 8 Mar. 2012: [here](#)

<u>State</u>	<u>Date</u>	<u>Case Title and Importance of the case</u>	<u>Conclusion</u>	<u>Key Words</u>	<u>Link to the case</u>
Albania	6 Mar. 2012	Cani (no.11006/06), Imp. 2	Violation of Art. 6 § 1	Hindrance to the applicant’s right to defend himself at a public hearing	<a href="#">Link</a>
Azerbaijan	28 Feb. 2012	Atakishi (no. 18469/06), Imp. 2	Violation of Art. 3 of Prot. 1	Domestic authorities’ interference with the applicant’s right to effectively stand for election on account of his eviction from running for election on irrelevant and insufficient evidence	<a href="#">Link</a>
Azerbaijan	28 Feb. 2012	Pashayev (no. 36084/06), Imp. 3	Two violations of Art. 6 § 1	Domestic courts’ failure to ensure the applicant’s attendance at hearings in proceedings concerning his complaint of lack of adequate medical assistance in Bayil Prison; domestic courts’ failure to examine the applicant’s appeal against his criminal conviction	<a href="#">Link</a>
Bulgaria	6 Mar. 2012	Oreshkow (no.11932/04), Imp. 3	Violation of Art. 8  No violation of art. 13	Unlawful monitoring of the applicant’s correspondence with her lawyer and prison authorities’ refusal to allow telephone conversation between the lawyer and his client Effective remedy in that respect	<a href="#">Link</a>
Estonia	6 Mar. 2012	Leas (no.59577/08), Imp. 2	Violation of Art. 6	Lack of adequate facilities for the preparation of defence on account of the applicant’s inability to get access to a surveillance file on him which had led to the charges being brought against him	<a href="#">Link</a>
Finland	6 Mar. 2012	Huhtamäki (no.54468/09), Imp. 2	No violation of Art. 7	Foreseeable and consistent interpretation of legislative provisions with the essence of the offense concerned	<a href="#">Link</a>

\* The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the Directorate of Human Rights



France	8 Mar. 2012	Josseume (no.39243/10), Imp. 3	Violation of Art. 6 § 1	Infringement of the applicants' right of access to a court on account of domestic authorities' refusal to access their request for exemption from a parking offense	<a href="#">Link</a>
Russia	1 Mar. 2012	Sazonov (no. 30268/03), Imp. 3	Violation of Art. 3	Poor conditions of detention, amounting to the contraction of tuberculosis	<a href="#">Link</a>
Turkey	28 Feb. 2012	Şimşek (no. 5488/05), Imp. 2	Violation of Art. 6 § 1	Deprivation of the applicant's right to benefit of adversarial proceedings on account of domestic court's failure to provide the applicant with a copy of the opinion of the State counsel	<a href="#">Link</a>
Ukraine	8 Mar. 2012	Slyusar v. Ukraine (no. 34361/06), Imp. 3	Violation of Art. 6 § 1	Breach of the principle of equality of arms on account of domestic courts' hearing of the prosecutor argument in absence of the applicant	<a href="#">Link</a>

### 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 NHRs 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.

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Conclusion</u>	<u>Key words</u>
Russia	1 Mar. 2012	Kolegovy (no. 15226/05)	Violation of Art. 6 § 1 No violation of Art. 34	Domestic authorities' failure to notify the applicant of the hearing Effective access to case file
Russia	6 Mar. 2012	Sergeyev and others (nos. 28309/03, 28318/03, 17147/04, 19131/04, 32383/06, 34874/06, and 45497/06), 28379/03, 43601/05, 32485/06, 40405/06	Violation of Art. 6 Violation of Art. 1 of Prot. 1	Unfairness of proceedings Quashing and non-enforcement of judgments in the applicants' favour

### 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 NHRs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRs 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).

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Link to the judgment</u>
Austria	6 Mar. 2012	Hall (no. 5455/06)	<a href="#">Link</a>
Austria	6 Mar. 2012	Wurzer (no. 5335/07)	<a href="#">Link</a>
Bulgaria	6 Mar. 2012	Pavlov (no. 3662/06)	<a href="#">Link</a>
Greece	6 Mar. 2012	Roïdakis (no. 38998/09)	<a href="#">Link</a>
Greece	6 Mar. 2012	Zafirov (no. 25221/09)	<a href="#">Link</a>

Ireland	1 Mar. 2012	C. (no. 24643/08)	<a href="#">Link</a>
Poland	28 Feb. 2012	Międzyzakładowa Organizacja Związkowa NSZZ Solidarność de Świdnica (no. 13505/08)	<a href="#">Link</a>
Turkey	6 Mar. 2012	Akseki (no. 19509/07)	<a href="#">Link</a>
Turkey	6 Mar. 2012	Ülgen (4530/06)	<a href="#">Link</a>
Turkey	6 Mar. 2012	Nizamettin Gezer (no. 16155/04)	<a href="#">Link</a>

## B. The decisions on admissibility / inadmissibility / striking out of the list

These 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 13 to 26 February 2012**. They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

<b>State</b>	<b>Date</b>	<b>Case Title</b>	<b>Alleged violations (Key Words)</b>	<b>Decision</b>
<b>Belgium</b>	14 Feb. 2012	De l'Auvre et De l'Auvre S.A. (no.19127/09) ( <a href="#">in French only</a> )	Art. 6 § 1 (unfairness of proceedings), Art. 8 (infringement of the applicants' right to respect for his home and private life)	Inadmissible for non-respect of the six-month requirement
<b>Belgium</b>	14 Feb. 2012	Gallez and others, Verhaegen and others (nos.51391/08, 51144/08) ( <a href="#">in French only</a> )	Art. 6 § 1 and Art. 1 of Prot. 1 (legislative interference with judicial proceedings amounting to an infringement of the applicants' right to property),	Incompatible <i>ratione materiae</i> with the Convention
<b>Bulgaria</b>	14 Feb. 2012	Kostov (no.30009/08) ( <a href="#">in French only</a> )	Articles 3 and 13 (poor conditions of detention, lack of an effective remedy), Art. 3 (alleged inhuman treatment on account of life sentence without a possibility for early release)	Partly adjourned (concerning the conditions of detention), partly inadmissible as manifestly ill-founded (concerning the life sentence see also <i>Iorgov v. Bulgaria</i> (n° 2))
<b>Bulgaria</b>	21 Feb. 2012	<a href="#">Karavesileva and 11 other applications</a> (nos. 10450/05, 2500/06, 13487/06, 7926/06, 25624/06, 8037/06, 42948/06, 2961/06, 746/07, 1757/07, 4667/07, 6506/07)	Art. 6 § 1 (excessive length of civil proceedings), Art. 1 of Prot. 1 (impact of excessive length of proceedings on property rights), Art. 13 (lack of an effective remedy)	Partly struck out of the list (friendly settlement reached concerning the length of civil proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the applications)
<b>The Czech Republic</b>	21 Feb. 2012	Šumbera (no.48228/08) ( <a href="#">in French only</a> )	Art. 6 (unfairness of proceedings), Art. 1 of Prot. 1 (decrease of the applicant's properties' value on account of proceedings' outcome)	Inadmissible (no violation of the rights and freedoms protected by the Convention)
<b>Estonia</b>	14 Feb. 2012	<a href="#">Judin</a> (no. 23543/07)	Art. 6 § 1 (unfairness of criminal proceedings)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>France</b>	14 Feb. 2012	Vincent (no.43358/07) ( <a href="#">in French only</a> )	Art. 1 of Prot. 1 (unjustified eviction of the applicants from their properties), Art. 6 § 1 (lack of access to a court)	Inadmissible for non-exhaustion of domestic remedies
<b>France</b>	14 Feb. 2012	Boutiah (no.1292/08) ( <a href="#">in French only</a> )	Articles 6 and 13 (unfairness of proceedings, infringement of the applicant's right to be presumed innocent, lack of an effective	Idem.

			remedy)	
<b>France</b>	14 Feb. 2012	Munier (no.38908/08) <a href="#">(in French only)</a>	Articles 6 § 1 and 14 (lack of access to a court), Art. 6 §§ 2 and 3 (infringement of the applicant's right to be presumed innocent), Art. 14 (discrimination against the applicant in comparison with other citizens), Art. 17 (misuse of power)	Partly inadmissible for non-exhaustion of domestic remedies (concerning Art. 6 §§ 1, 2, 3 and Art. 13), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
<b>France</b>	21 Feb. 2012	Senechal (no.62201/10) <a href="#">(in French only)</a>	Art. 3 (poor condition of detentions)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>France</b>	21 Feb. 2012	M.S.K. (no.31540/11) <a href="#">(in French only)</a>	Art. 3 (risk of ill-treatment in case of deportation to Bangladesh)	Idem.
<b>France</b>	21 Feb. 2012	S. (no.43022/06) <a href="#">(in French only)</a>	Art. 3 (risk of ill-treatment in case of deportation to Sri-Lanka)	Idem.
<b>Germany</b>	21 Feb. 2012	<a href="#">Döring</a> (no.50216/09)	Art. 8 read in conjunction with Art. 14 (domestic authorities' alleged interference with the applicant's right to respect for his family life, on account of their refusal to give him any rights of custody over his son on the ground that the latter had been born out of wedlock, thus disproportionately curtailing the applicant's rights as a parent as compared to the child's mother)	Inadmissible as manifestly ill-founded (taking into account the wide margin of appreciation granted to the domestic authorities in issues regarding custody, the Court is satisfied that the German courts' procedural approach was reasonable in the circumstances and that in their decisions in the custody proceedings they have struck a fair balance between the interests of the child and those of the parents)
<b>Greece</b>	14 Feb. 2012	Bourboulia (no. 47719/09) <a href="#">(in French only)</a>	Art. 6 §§ 1 and 3 (unfairness of proceedings)	Inadmissible (no violation of the rights and freedoms protected by the Convention)
<b>Italy</b>	14 Feb. 2012	Milazzo (no.55722/09) <a href="#">(in French only)</a>	Articles 8, 9, 11, 14 and Art. 1 of Prot. 1 (applicant's inability to stop hunting activities on his property)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Moldova</b>	14 Feb. 2012	<a href="#">Manascurta</a> (no. 31856/07)	Art. 6 and Art. 1 of Prot. 1 (non-enforcement of judgments in the applicant's favour)	Inadmissible for non-exhaustion of domestic remedies
<b>Moldova</b>	14 Feb. 2012	<a href="#">Siscanu</a> (no.17988/09)	Idem.	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Moldova</b>	21 Feb. 2012	<a href="#">Jubirca</a> (no.54255/08)	Art. 6 §§ 1 and 3 (domestic courts' failure to examine evidence and to hear witnesses), Art. 14 taken in conjunction with Art. 6 (inconsistency of domestic supreme court's case-law)	Struck out of the list (friendly settlement reached)

<b>Norway</b>	14 Feb. 2012	<a href="#">Ali</a> (no. 22669/10)	Articles 2 and 3 (risk of ill-treatment in case of expulsion to Iraq), Art. 8 (separation of the applicant from his wife and three step children), Art. 14, Art. 4 of Prot. 4, Art. 1 of Prot. 7	Inadmissible for non-exhaustion of domestic remedies
<b>Poland</b>	14 Feb. 2012	<a href="#">Duda</a> (no.25543/09)	Art. 6 § 1 (excessive length and unfairness of proceedings on account of the lack of independence of the assessor)	Partly struck out of the list (regarding the lack of independence of the tribunal), partly inadmissible for non-exhaustion of domestic remedies (concerning the length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
<b>Poland</b>	14 Feb. 2012	<a href="#">Narowska</a> (no.34173/05)	Art.1 of Prot.1 (revocation of the applicant's right to the so-called EWK pension)	Struck out of the list (the applicant no longer wished to pursue his application)
<b>Poland</b>	14 Feb. 2012	<a href="#">Szymanowski</a> (no.3683/10)	Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
<b>Poland</b>	14 Feb. 2012	<a href="#">Jedrzejczak</a> (no.25928/07)	Art. 5 § 3 (excessive length of pre-trial detention), Articles 5 § 2 and 6 § 3 (a) (insufficiently reasoned decision charging the applicant), Articles 5 and 6 (deprivation of access to case file), Art. 2 (domestic authorities' failure to ensure the applicant necessary protection against violence from other prisoners), Art. 3 (poor conditions of detention), Art. 8 (restrictions on the applicant's fiancée's visits), Art. 2 of Prot.1 (no possibilities to study in detention)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning in particular the length of pre-trial detention and the alleged breach of Art. 8 in respect of decisions concerning the applicant's detention on remand), partly inadmissible for non-exhaustion of domestic remedies (concerning the lack of opportunity to examine witnesses)
<b>Poland</b>	14 Feb. 2012	<a href="#">Wyszynski</a> (no.18461/10)	Art. 3 (poor conditions of detention)	Struck out of the list (friendly settlement reached)
<b>Poland</b>	14 Feb. 2012	<a href="#">Kruczek</a> (no.26855/09)	Art. 6 § 1 (excessive length of criminal proceedings)	Idem.
<b>Poland</b>	14 Feb. 2012	<a href="#">Fliss</a> (no. 68091/10)	Idem.	Idem.
<b>Poland</b>	21 Feb. 2012	<a href="#">Kujawa</a> (no.2206/10)	Idem.	Idem.
<b>Poland</b>	21 Feb. 2012	<a href="#">Solobodowski</a> (no.36321/08)	Art. 3 (ill-treatment by police officers), Articles 3 and 8 (inadequate conditions of detention in Elblag Remand Centre), Art. 5 § 3 (excessive length of pre-trial detention), Art. 6 § 1 (excessive length and unfairness of criminal proceedings), Art. 6 § 2 (publication of untruthful information about the applicant),	Partly struck out of the list (unilateral declaration of the government concerning Articles 5 § 3 and 6 § 1), partly inadmissible for non-exhaustion of domestic remedies (concerning Articles 3 and 8) partly

			Art. 8 (defamation of the applicant, applicant's correspondence deliberately delayed by prison authorities)	inadmissible as, manifestly ill-founded concerning Art. 6 §§ 2), partly inadmissible for non-respect of the six-month requirement (concerning the way the prison authorities' dealt with the applicant's correspondence)
<b>Romania</b>	21 Feb. 2012	<a href="#">Lincar</a> (no. 23391/05)	Art. 1 of Prot. 1 alone and in conjunction with Art. 14 (discrimination in the context of the allocation of an allowance awarded to retired military personnel)	Struck out of the list (friendly settlement reached)
<b>Romania</b>	21 Feb. 2012	<a href="#">Groza</a> (no. 31017/05)	Art. 6 § 1 (unfairness of proceedings on account of domestic courts' incorrect interpretation of the applicable legislation), Art. 2 of Prot. 1 (domestic authorities' unjustified refusal to grant access to a form of education to the applicant's son)	Inadmissible as manifestly ill-founded (domestic courts' decisions did not appear arbitrary or unreasonable)
<b>Romania</b>	21 Feb. 2012	Trofin (no.4348/02) ( <a href="#">in French only</a> )	Art. 2 § 1 (the applicant's life endangered by the Ministry of Defence and lack of an effective investigation)	Inadmissible for non-exhaustion of domestic remedies
<b>Romania</b>	21 Feb. 2012	Popina (no.3183/04) ( <a href="#">in French only</a> )	Art. 6 § 1 (excessive length and unfairness of criminal proceedings), Art. 6 § 2 (suspension of the applicant's professional activity before the end of criminal proceedings), Art. 6 § 3 a) and b) (domestic authorities' delay in informing the applicant of charges against her), Art. 14 (domestic authorities' discriminatory decision to suspend the applicant from her function)	Partly struck out of the list (unilateral declaration of the government concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedom protected by the Convention concerning the remainder of the application)
<b>Russia</b>	14 Feb. 2012	<a href="#">Privalov</a> (no.21187/07)	Art. 3 (condition of detention); Art. 5 § 4 (lack of speediness to review the applicant's detention)	Struck out of the list (the applicant no longer wished to pursue his application)
<b>Russia</b>	14 Feb. 2012	<a href="#">Sayganov</a> (no.30432/06, 30434/06, 30435/06, 30436/06, 30437/06)	Art. 6 and Art. 1 of Prot. 1 (quashing of a binding and enforceable judgment in the applicants' favour)	Struck out of the list (it is no longer justified to continue the examination of the application)
<b>Russia</b>	14 Feb. 2012	<a href="#">Zuyev and others</a> (nos.36932/05, 11718/06, 43716/05)	Art. 6 (excessive length of proceedings, unfairness of proceedings, outcome of proceedings), Art. 4 of Prot. 7 (two convictions on the same charges)	Partly struck out of the list (unilateral declaration of the Government concerning the length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)

				concerning the remainder of the application)
<b>Russia</b>	14 Feb. 2012	<a href="#">Matveyev</a> (no.34631/06)	Appalling conditions of pre-trial detention (no article specified)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Serbia</b>	14 Feb. 2012 14 Feb.	<a href="#">Milojevic and 27 Others</a> (no.694/09)	Articles 6, 13 and Art. 1 of Prot. 1 (non-enforcement of judgments in the applicants' favour)	Struck out of the list (friendly settlement reached)
<b>Serbia</b>	14 Feb. 2012	<a href="#">Tomić</a> (no. 45616/08)	Non-execution of judgments' in the applicants' favour (no article specified)	Struck out of the list (friendly settlement reached)
<b>Serbia</b>	14 Feb. 2012	<a href="#">Tutić</a> (no. 47893/08)	Relying on various Articles of the Convention, the applicants essentially complained about the respondent State's failure to fully enforce final judgments rendered in their favour against several socially/State-owned companies	Idem.
<b>Serbia</b>	21 Feb. 2012	<a href="#">Milunović and čekrić</a> (nos. 3716/09 and 38051/09)	Art. 6 § 1 and Art. 1 of Prot. 1 (respondent State's failure to enforce final judgments in the applicants' favour), Art. 13 (lack of an effective remedy)	Struck out of the list (it is no longer justified to continue the examination of the application)
<b>Slovakia</b>	14 Feb. 2012	<a href="#">Puky</a> (no.45383/07)	Art. 2 alone and in conjunction with Art. 13 (lack of a thorough and effective investigation into the applicant's brother's death), Art. 14 (lack of an effective investigation concerning in particular the applicant's brother's ethnic origins)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
<b>Slovakia</b>	21 Feb. 2012	<a href="#">Mečiar</a> (no.62864/09)	Art. 1 of Prot. 1 (implementation of rules governing rent control), Art. 13 (lack of effective remedies), Art. 14 (discrimination in comparison with owners of similar housing facilities to whom the rent control scheme does not apply)	Partly admissible (concerning claims under Art. 1 of Prot. 1 taken in conjunction with Art. 14), partly inadmissible (as manifestly ill-founded (concerning the remainder of the application)
<b>Slovakia</b>	21 Feb. 2012	<a href="#">Chentiev and Ibragimov</a> (no. 65916/10)	Art. 3 (risk of torture if extradited on account of the applicants' Chechen origin), Art. 6 (sentence of the applicants on the ground of invented criminal charges and of statements obtained under torture), Articles 3 and Art. 5 §§ 1 (f) and 4 (lengthy detention), Art. 6 § 2 (breach of the applicants' right to be presumed innocent), Articles 6, 7, 17 and 18 (concerning proceedings in the applicants' case), Art. 13 (lack of effective protection of the applicants' rights)	Partly adjourned (concerning claims under Articles 3 and 6), partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Articles 3, 5 §§ 1 (f) and 4, and Art. 6 § 2), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Kozelj</a> (no.14609/04),	Art. 6 (unfairness of domestic proceedings), Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of effective remedy)	Partly struck out of the list (concerning the excessive length of proceedings and the lack of an effective remedy), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the

				Convention concerning the unfairness of proceedings)
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Pipus</a> (no. 24141/06)	Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Art. 6), partly inadmissible as manifestly ill-founded (concerning claims under Art. 13)
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Stopinsek</a> (no.26575/06)	Idem.	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Bevk</a> (no.46735/06)	Art. 6 and 13 (length of proceedings, unfairness of proceedings, lack of an effective remedy), Art. 1 of Prot.1 (violation of the applicant's right to peaceful enjoyment of his possessions)	Partly struck out of the list (friendly settlement reached concerning claims under Art. 6 and 13), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Trgoagent</a> D.O.O. (no.3260/07)	Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy)	Partly struck out of the list (friendly settlement reached concerning a set of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning the other set of proceedings)
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Pecko</a> (nos.5783/10, 5787/10, 5798/10, 5801/10, 5804/10, 5807/10, 5811/10, 5814/10, 5823/10, 5827/10)	Articles 3 and 8 (poor conditions of detention, including overcrowding, poor sanitary conditions, inadequate health care, restrictions on visits, telephone conversations and correspondence), Art. 13 (lack of an effective remedy)	Inadmissible as manifestly ill-founded (no violation of rights and freedom protected by the Convention)
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Ahec</a> (nos. 829/10; 5841/10; 5855/10; 5864/10; 5876/10; 5898/10; 5900/10; 5906/10; 5911/10; 5917/10)	Idem.	Idem.
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Durkovic</a> (nos. 5939/10; 5940/10; 5941/10; 5952/10; 5964/10; 5970/10; 5973/10; 5974/10; 5980/10; 5988/10)	Idem.	Idem.
<b>Slovenia</b>	14 Feb. 2012	<a href="#">Weiss</a> (no.37169/03)	Art. 6 § 1 (excessive length of proceedings concerning determination of citizenship and of denationalisation proceedings), Art. 13 (lack of an effective remedy)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Art. 6 §1), partly inadmissible as manifestly ill-founded (concerning claims

				under Art. 13)
<b>Sweden</b>	14 Feb. 2012	<a href="#">Nizigiymana</a> (no.35480/09)	Articles 2 and 3 (risk of being killed and/or ill-treated if deported to Burundi)	Inadmissible for non-exhaustion of domestic remedies
<b>Sweden</b>	14 Feb. 2012	<a href="#">Niyitegure</a> (no.30425/09)	Idem.	Inadmissible for failure to substantiate complaint
<b>Turkey</b>	14 Feb. 2012	<a href="#">Arda</a> (no. 2613/05)	Articles 6 § 1 and 13 (unlawful rejection of the applicant's request for legal aid), Art. 3 (difficult conditions in the army, negligence of military doctors regarding the applicant's health condition)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Turkey</b>	14 Feb. 2012	<a href="#">Sogukpinar</a> (no. 35005/05)	Art. 6 (execution of a non-final decision)	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Ince</a> (no. 42632/06)	Art. 6 § 1 (hindrance to the applicant's right to submit arguments before the court, domestic court's failure to examine evidence in the applicant's case and to deliver a reasoned judgment)	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Yalcin</a> (no.17701/07)	Art. 6 § 1 (hindrance to the applicant's right to submit arguments before the court, arbitrariness and conflicting nature of domestic courts' decisions)	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Erdil</a> (no.7437/08)	Art. 6 (unfairness of proceedings), Art. 1 of Prot. 1 (non-execution of a domestic court judgment, economic loss as a result of low interest rate applied to the state debts)	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Afacan</a> (no.43299/08)	Art. 6 § 1 (hindrance to the applicant's right to submit arguments before the domestic courts)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Turkey</b>	14 Feb. 012	<a href="#">Afacan</a> no.14911/09)	Idem.	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Yildiz</a> (no.30996/09)	Idem.	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Uçurum</a> (no.41927/09)	Idem.	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Ahmet Tuz and Others and Güngör and Göçmenoğlu</a> (nos. 9076/09 and 9088/09)	Art. 1 of Prot. 1 (domestic authorities' failure and delay in executing judgments in the applicants' favour)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Turkey</b>	14 Feb. 2012	<a href="#">Mukan and Others</a> (no.9104/09)	Art. 1 of Prot. 1 and Art. 6 (non-execution of domestic court judgments and insufficiency of statutory default interest )	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Turkey</b>	14 Feb. 2012	Taştop and Others (no.23258/09) ( <a href="#">in French only</a> )	Articles 2, 6 and 13 (lack of an effective investigation into the death of the applicants' relative)	Inadmissible (as manifestly ill-founded)
<b>Turkey</b>	14 Feb. 2012	Duruk and Others (no.6093/06) ( <a href="#">in French only</a> )	Art. 6 and Art. 1 of Prot. 1 (excessive length of proceedings, infringement of the applicant's right to respect for property)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Turkey</b>	14 Feb. 2012	Öz and Others (no.34401/06) ( <a href="#">in</a>	Idem.	Idem.



		<a href="#">French only</a>		
<b>Turkey</b>	14 Feb. 2012	<a href="#">Kiran (no.24201/07) (in French only)</a>	Articles 10 and 14 (hindrance to speak Kurdish over the phone)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Turkey</b>	14 Feb. 2012	<a href="#">Aksoy (no.6627/08) (in French only)</a>	Art. 1 of Prot. 1 and Art. 6	Idem.
<b>Turkey</b>	14 Feb. 2012	<a href="#">Şen and Others (no.24537/10) (in French only)</a>	Art. 6 (applicants' inability to get compensation on account of the Court of Cassation's decision to depart from its previous rulings)	Inadmissible as manifestly ill-founded (no arbitrariness in the domestic court's decision)
<b>Turkey</b>	21 Feb. 2012	<a href="#">Dalar (no.35957) (in French only)</a>	Art. 2 in conjunction with Art. 14 (killing of the applicant's son allegedly on account of his Kurdish origins), Art. 3 (mental suffering resulting from the applicant's son's death), Art. 6 (lack of an effective investigation), Art. 6 taken in conjunction with Art. 13 (infringement of the applicant's right of access to a court)	Inadmissible as manifestly ill-founded
<b>Turkey</b>	21 Feb. 2012	<a href="#">Özgü (no. 12283/07) (in French only)</a>	Art. 6 (lack of an independent and impartial tribunal)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Turkey</b>	21 Feb. 2012	<a href="#">Çakir (no.13889/10) (in French only)</a>	Ill-treatment in detention	Idem.
<b>Turkey</b>	21 Feb. 2012	<a href="#">Camur (no.19769/04)</a>	Articles 2 and 8 (infringement of the applicant's right to the protection of his physical integrity and the right to live in a healthy environment on account of environmental pollution caused by a thermal-power plant)	Struck out of the list (the applicant no longer wished to pursue the application)
<b>Ukraine</b>	21 Feb. 2012	<a href="#">Kovalevskyy (no.28458/05)</a>	Art. 6 (quashing of a decision in the applicant's favour)	Inadmissible (no violation of the rights and freedoms protected by the Convention)
<b>Ukraine</b>	21 Feb. 2012	<a href="#">Zadorozhnyy and Trofimova (nos.37949/05, 45116/06)</a>	Art. 2 (domestic authorities' failure to carry out an effective investigation into the second applicant's grand-mother's death), Art. 6 §§ 1 and 3 (c) (breach of the first applicant's defence rights and unfairness of criminal proceedings)	Struck out of the list (the applicants no longer wished to pursue the application)
<b>Ukraine</b>	21 Feb. 2012	<a href="#">Koshelev (no.19526/06)</a>	Lengthy non-enforcement of domestic judgments' in the applicants' favour (no article specified)	Idem.
<b>The United Kingdom</b>	21 Feb. 2012	<a href="#">Mughal (no.28055/08)</a>	Art. 3 (inhuman and degrading treatment resulting from a high increase in sentence on appeal), Art. 6 (unfair inducement to plead guilty)	Inadmissible as manifestly ill-founded (the imposition of a sentence of twelve years' imprisonment in respect of criminal proceedings of this nature does not give rise to a violation)
<b>The United Kingdom</b>	21 Feb. 2012	<a href="#">Tabbakh (no.40945/09)</a>	Art. 6 (unfairness of proceedings), Art. 14 (lack of an effective remedy)	Inadmissible as manifestly ill-founded (no violation of the

				rights and freedoms protected by the Convention)
<b>The United Kingdom</b>	21 Feb. 2012	<a href="#">J.A.T and J.B.T.</a> (no.41767/11)	Art. 8 (infringement of a father's right to respect for his family and private life on account of domestic authorities' decision to grant the mother the right to relocate in South Africa with their son)	Inadmissible as manifestly ill-founded (the reasons given by the District Judge for granting the mother's request were relevant and sufficient)
<b>The United Kingdom</b>	21 Feb. 2012	<a href="#">Dixon</a> (no. 3468/10)	Art. 8 (eviction of the applicant from his home without examination of the eviction 's proportionality by an independent court)	Struck out of the list (it is no longer justified to continue the examination 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 5 March 2012: [link](#)
- on 12 March 2012: [link](#)

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRs 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 Directorate of Human Rights.

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 NHRs 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](mailto:dhogan@ihrc.ie)).

#### **Communicated cases published on 5 March 2012 on the Court's Website and selected by the Directorate of Human Rights**

*The batch of 5 March 2012 concerns the following States (some cases are however not selected in the table below): Bulgaria, Croatia, France, Hungary, Poland, Serbia, Sweden, Switzerland, the United Kingdom, Turkey, and Ukraine.*

<b>State</b>	<b>Date of Decision to Communicate</b>	<b>Case Title</b>	<b>Key Words of questions submitted to the parties</b>
Bulgaria	5 Mar. 2012	Kostov (no.30009 /08)	Alleged violations of Art. 3 – Life sentence amounting to inhuman and degrading treatment; poor conditions of detention – Alleged violation of Art. 6 § 1 – Excessive length of criminal proceedings – Alleged violation of Art. 6 §§1 and 2 – Unfairness of proceedings – Alleged violation of Art. 13 – Lack of an effective remedy
France	5 Mar. 2012	Doya (no.55432 /10)	Alleged violation of Art. 6 §1 – Unjustified restriction to the right to access to court – Alleged violation of Art. 8 – Infringement of the applicant's right to respect for private life on account of his name being registered in the National File of Persons Indicted for Sexual Offenses ( <i>Fichier Judiciaire National des Auteurs d'Infractions Sexuelles, FIJAIS</i> ) – Alleged violation of Art. 13 – Lack of an

			effective remedy
Switzerland	5 Mar. 2012	Sharifi (no. 69486/11)	Alleged violation of Art. 3 – Risk of ill-treatment if deported to Greece
Turkey	5 Mar. 2012	Ekcinci and others (no. 9879/10)	Alleged violation of Art. 2 – Domestic authorities' failure to protect the life of the applicants' relative – Alleged violation of Art. 3 – Poor conditions of detention – Alleged violations of Art. 5 – Unjustified delay in presenting the applicants' relative to a judge; domestic authorities' failure to release the applicants' relative pending his trial despite his health problems – Alleged violation of Art. 6 – Domestic authorities' failure to provide the applicants with copies of the documents and photographs from the investigation file – Alleged violation of Art. 13 – Lack of an effective investigation
The United Kingdom	5 Mar. 2012	R.O. (no. 7849/12)	Alleged violation of Articles 2 and 3 – Risk of ill-treatment if deported to Syria

**Communicated cases published on 12 March 2012 on the Court's Website and selected by the Directorate of Human Rights**

*The batch of 12 March 2012 concerns the following States (some cases are however not selected in the table below): Azerbaijan, Belgium, Bulgaria, Croatia, France, Germany, Greece, Hungary, Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Sweden, the United Kingdom, Turkey, and Ukraine.*

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Belgium	12 Mar. 2012	Fernandez Kerr (no.19328/09)	Alleged violation of Art. 3 (substantive) – Ill-treatment by police officers – Alleged violation of Art. 13 – Lack of an effective investigation – Alleged violation of Art. 6 § 1 – Unfairness of proceedings on account of the lack of an effective investigation
France	12 Mar. 2012	Bourson (no. 44794/10)	Alleged violation of Art. 8 – Domestic authorities' refusal to return to the applicants the organs removed from their son's body for the purposes of an autopsy
Germany	12 Mar. 2012	B.B. and F.B. (no.18734/09)	Alleged violation of Art. 8 – Unjustified withdrawal of parental authority – Alleged violation of Art. 14 – Discrimination against the applicant compared to parents of German origin – Alleged violation of Art. 3 of Prot. 7 – Unjustified denial of compensation for erroneous decisions of German Courts
Hungary	12 Mar. 2012	R. SZ (no.41838/11)	Alleged violation of Art.1 of Prot. 1 read alone and in conjunction with Art. 13 – Unjustified deprivation of property on account of the imposition of a 98% tax – Alleged violation of Art. 14 read in conjunction with Art. 1 of Prot. 1 – Discrimination resulting from the possibility for certain categories of persons to be exonerated from the 98% tax
Russia	12 Mar. 2012	Andreyeva (no.72290/11)	Alleged violation of Articles 2 and 3 – Death of the applicant's daughter on account of medical negligence – Alleged violation of Articles 6 and 13 – Lack of an effective investigation into the applicant's daughter's death
Slovakia	12 Mar. 2012	Chentiev and Ibragimov (no.65916/10)	Alleged violation of Art. 3 – Risk of torture and death in case of extradition to Russia due to the applicants' Chechen origin – Alleged violation of Art. 6 – Unfairness of proceedings in Russia – Alleged violation of Articles 3 and 5 §§ 1 (f) and 4 – Excessive length of detention in prison – Alleged violation of Art. 6 § 2 – Infringement of the applicants' right to being presumed innocent – Alleged violation of Articles 6, 7, 17, 18 – Poor conditions of detention, ill-treatment by domestic authorities and unfairness of proceedings – Alleged violation of Art. 13 – Lack of an effective remedy
Turkey	12 Mar. 2012	Çelik (no.6670/10)	Alleged violation of Art. § 3 – Excessive length of pre-trial detention (42 days) of a minor – Alleged violation of Art. 5 § 4 – Lack of an effective remedy to challenge the lawfulness of pre-trial detention
Ukraine	12 Mar. 2012	Kulik (no.34515/04)	Alleged violation of Art. 2 – Inadequate conditions of detention on account of the applicant's health condition – Alleged violation of Art. 3 – Ill-treatment by police officers on several occasions – Alleged violation of Articles 3, 6, 13, 14, 17 – Escort guard's unlawful decision to handcuff the applicant – Alleged violation of

			<p>Articles 3, 6 § 1, 8 – Domestic authorities’ unlawful order to the applicant to serve his sentence before the judgment became final – Alleged violation of Art. 5 – Unreasoned extension of detention – Alleged violation of Art. 6 § 1 – Unfair trial – Alleged violation of Articles 6, 13, 17 – Domestic authorities’ refusal to allow the applicant’s representative to study the case file – Alleged violation of Art. 8 – Infringement of the applicant’s right to presumption of innocence – Alleged violation of Art. 13 – Lack of an effective remedy – Alleged violation of Articles 14 and 17 – Discriminatory treatment by State officers – Alleged violation of Art. 7 and Art. 2 of Prot. 7 – Inability of the applicant to be amnestied</p>
--	--	--	---

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

*[No work deemed relevant for the NHRs for the period under observation]*

## Part II: The execution of the judgments of the Court

### Decisions on execution of European Court of Human Rights judgments

The Committee of Ministers of the Council of Europe published the [decisions and resolutions](#) adopted at its first special human rights meeting for 2012. Those decisions and resolutions concern the following states : Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Finland, France, Georgia, Greece, Hungary, Latvia, Moldova, Poland, Portugal, Romania, San Marino, Slovak Republic, Spain, Switzerland, Turkey and the United Kingdom.

More information on the execution process and on the state of execution in cases pending for supervision as well as important reference texts (including the new working methods) can be found on the website of the [Committee of Ministers](#), on the special website of the [Department for the execution of the judgments of the European Court of Human Rights](#), and in the Committee of Ministers' [Annual Reports](#) on its execution supervision. The 2011 report is due to be issued on 12 April 2012. **Please note that some of the decisions and resolutions adopted by the Committee of Ministers will be analysed in forthcoming issues of the RSIF.**

## Part III: General Agenda

The “General Agenda” presents events that either took place or were announced\* during the period under observation (30.01 – 12.02.2012) for this RSIF.

### March 2012

---

- 5-9 March

> 38<sup>th</sup> Plenary meeting of MONEYVAL ([Read more](#))

- 19-23 March

> 257<sup>th</sup> session of the European Committee of Social Rights (Strasbourg)

---

\* These are subsequently due to take place.

## Part IV: The work of other Council of Europe monitoring mechanisms

### A. European Social Charter (ESC)

**The Committee concluded that criminal investigation officers in Portugal do not receive sufficient remuneration for overtime work (05.03.2012)**

The [decision on the merits](#) of the European Committee of Social Rights with regard to the case European Council of Police Trade Unions (CESP) v. Portugal, Complaint No. 60/2010, became public on 5 March 2012. This case concerned remuneration for overtime work performed by police officers in the Portuguese criminal police force ([more information](#)).

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

*[No work deemed relevant for the NHRs for the period under observation]*

### C. European Committee against Racism and Intolerance (ECRI)

*[No work deemed relevant for the NHRs for the period under observation]*

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

#### **Ireland: Third Cycle Advisory Committee Visit (29.02.2012)**

A FCNM delegation visited Ireland from 27 February to 2 March 2012 in the context of the monitoring of the implementation of this convention in Ireland. This was the third visit of the Advisory Committee to Ireland. The Delegation includes Mr. Einar Niemi (member of the ACFC elected in respect of Norway), Ms. Edita Žiobienė (member of the ACFC elected in respect of Lithuania), and Mr. Krzysztof Zyman of the Secretariat of the Framework Convention for the Protection of National Minorities ([Read more](#)).

#### **Sweden : Third Cycle Advisory Committee Visit (05.03.2012)**

A FCNM delegation visited Stockholm and Kiruna from 05 to 08 March 2012 in the context of the monitoring of the implementation of this convention in Sweden. This was the third visit of the Advisory Committee to Sweden. The Delegation will have meetings with the representatives of all relevant ministries, public officials, the Equality Ombudsman, NGOs, as well as national minority organisations. The Delegation includes Ms Olga BUTKEVYCH, Advisory Committee member in respect of Ukraine, Mr Rainer HOFMANN, President of the Advisory Committee, and Ms Milena KLAJNER, Advisory Committee member in respect of Croatia and Ms Michèle AKIP, Head of the Secretariat of the Framework Convention for the Protection of National Minorities ([Read more](#)).

### E. Group of States against Corruption (GRECO)

**Council of Europe Group of States against Corruption recommends more transparency in San Marino's public administration (28.02.2012)**

In its first report on San Marino, GRECO highlights that the country is still at an early stage in the fight against corruption and needs to pay greater attention to integrity and transparency in the public sector. While substantial steps have been taken in recent years to combat money laundering and terrorist financing, San Marino, which joined GRECO in 2010, has yet to strengthen its anticorruption instruments. The report contains 16 recommendations to be assessed during 2013 ([Read more](#) | Read the report in [English](#) – [French](#) – [Italian](#)).

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

*[No work deemed relevant for the NHRs for the period under observation]*

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

### **GRETA visited Malta (05.03.2012)**

A GRETA delegation carried out a country visit to Malta from 28 February to 2 March 2012. The visit was organised in the context of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (2005-2008) ([Read more](#)).



## Part V: The inter-governmental work

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

COUNTRY	CONVENTION	RATIF.	SIGN.	DATE
ANDORRA	The European Landscape Convention ( <a href="#">ETS No. 176</a> )	X		7 March 2012
COSTA RICA	The Convention on Mutual Administrative Assistance in Tax Matters as amended by its 2010 Protocol ( <a href="#">ETS No. 127</a> )		X	1 March 2012

### B. Recommendations and Resolutions adopted by the Committee of Ministers

*[No work deemed relevant for the NHRs for the period under observation]*

### C. Other news of the Committee of Ministers

*[No work deemed relevant for the NHRs for the period under observation]*

## Part VI: The parliamentary work

### A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE)

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
Resolution	<a href="#">1865</a>	The Council of Europe and the Eastern Partnership of the European Union	9 March 2012
Resolution	<a href="#">1866</a>	An additional protocol to the European Convention on Human Rights on national minorities	9 March 2012
Recommendation	<a href="#">1994</a>		
Resolution	<a href="#">1867</a>	The situation of the Greek citizens of Turkish descent in Rhodes and Kos	9 March 2012
Resolution	<a href="#">1868</a>	The International Convention for the Protection of all persons from enforced disappearance	9 March 2012
Recommendation	<a href="#">1995</a>		
Resolution	<a href="#">1869</a>	The environmental impact of sunken shipwrecks	9 March 2012
Resolution	<a href="#">1870</a>	The need for independent and credible expert assessments	9 March 2012
Resolution	<a href="#">1871</a>	Self-evaluation by Europe's national parliaments: procedural guidelines to improve the quality of parliamentary work	9 March 2012

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

#### ➤ *Countries*

#### **PACE Rapporteur said former Ukrainian Interior Minister is “victim of a political vendetta” (27.02.2012)**

Former Ukrainian Interior Minister Yuriy Lutsenko, who was sentenced on 27 February 2012 by a Kyiv court to four years in prison for abuse of office and abuse of power, is “the victim of a political vendetta”, according to Marieluise Beck (Germany, ALDE), Rapporteur of PACE on “Threats to the rule of law in Council of Europe member states: asserting the Parliamentary Assembly’s authority”. “As a reformist Interior Minister who – among other things – dismantled the criminal hit squad within the Ministry responsible for such high-profile crimes as the murder of journalist Giorgyi Gongadze, he angered some persons who are now back in power,” said Mrs Beck, reacting to the verdict ([Read more](#)).

#### **PACE Rapporteur made monitoring visit to Montenegro (02.03.2012)**

The independence of the judiciary, the situation of the media and the fight against corruption in Montenegro are among issues to be raised by Jean-Charles Gardetto (Monaco, EPP/CD), monitoring co-rapporteur of PACE, during a fact-finding visit to the country from 5 to 8 March 2012. Montenegro has been subject to the Assembly’s monitoring procedure since it joined the Council of Europe in

2007. The procedure involves regular dialogue with the authorities and civil society, as well as election observation, to assess how far the country is meeting its obligations and commitments as a member state. Ten out of the 47 Council of Europe member States are currently monitored by PACE ([Read more](#)).

### **Russia's presidential election marked by unequal campaign conditions, active citizens' engagement, international observers said (05.03.2012)**

Although candidates in presidential election in the Russian Federation were able to campaign unhindered, conditions were clearly skewed in favour of one of the contestants, current Prime Minister Vladimir Putin, the international observers concluded in a statement issued on 5 March 2012. The observers noted in particular that all candidates had access to the media, but the Prime Minister was given a clear advantage over his competitors in terms of media presence. In addition, state resources were mobilized at the regional level in his support. Also, overly restrictive candidate registration requirements limited genuine competition ([Read more](#)).

### **Assembly Rapporteur expecting a major political gesture from Montenegro to help refugees and displaced persons (09.03.2012)**

After his talks in Podgorica, including visits to refugees and displaced persons in the Konik camp, Jean-Charles Gardetto (Monaco, EPP/CD), PACE Rapporteur on the monitoring of Montenegro, stated that he was expecting a major political gesture from the Montenegrin authorities: "Montenegro generously took in over 120 000 refugees and displaced persons fleeing the war in former Yugoslavia and Kosovo\*. Now the authorities can seize this historical opportunity to integrate those who will not or cannot go back home by helping them over the administrative obstacles, granting them legal status by the end of 2012 and allowing them to participate fully in Montenegrin society ([Read more](#)).

#### ➤ *Themes*

### **PACE President in favour of reinforced partnership between the "47" and the EU (07.03.2012)**

"The activities of the Council of Europe and the European Union are complementary: they pursue the common goal of creating a space for human rights protection throughout Europe, in the interests of all European citizens," said the PACE President at the end of a two-day visit to Brussels, which included a series of high-level talks with various representatives of the European institutions. "We must avoid duplication of the Council's and EU activities, while attempting to set up new synergies," he added. "Such co-operation may concern countries subject to monitoring or involved in the post-monitoring dialogue implemented by PACE, but it would be particularly useful for countries in difficult political and institutional situations such as Hungary, Bosnia and Herzegovina, the Republic of Moldova and Ukraine, or to deal with 'frozen' conflicts." ([Read more](#)).

## Part VII: The work of the Office of the Commissioner for Human Rights

### ➤ *Countries*

**Liechtenstein: the Commissioner for Human Rights recommends further measures to strengthen the protection against discrimination (28.02.2012)**

“The establishment of an Ombudsman Office in Liechtenstein would strengthen the protection against all forms of discrimination,” stated the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, after his visit to the country on 23-24 February. “The present mechanisms to receive and act upon complaints from the public are not fully independent or lack sufficient resources”. The Commissioner was informed about the ongoing discussion on a reform to broaden the coverage of the existing national human rights protection structures. He recommended the institution of an ombudsman office with a broad mandate which would address the rights of children, women, persons with disabilities, and the elderly, as well as refugees and other foreigners. The Commissioner also recommended the introduction of comprehensive anti-discrimination legislation ([Read more](#)).

**The United Kingdom should ensure adequate housing for Gypsies and Travellers (01.03.2012)**

“The rights of Gypsies and Travellers to adequate housing are undermined throughout the United Kingdom. The authorities must uphold this right, which is a pre-condition for the enjoyment of other human rights, including the rights to education and health” stated Thomas Hammarberg, while releasing a letter addressed to the Secretary of State for Communities and Local Government in the United Kingdom, the Rt Hon Eric Pickles. The European Court of Human Rights and the European Committee of Social Rights have highlighted shortcomings related to the right to housing of Gypsies and Travellers in the UK. “The continuing shortage of adequate permanent and transit sites for Gypsies and Travellers living in caravans is a priority area to address. By and large, local authorities have failed to provide new sites or refurbish existing sites in accordance with identified needs”, wrote the Commissioner ([Read more](#) | [Read the letter](#) | [Read the reply by the authorities of the United Kingdom](#)).

### ➤ *Themes*

**Roma and Travellers face blatant racism in today’s Europe (27.02.2012)**

“In many European countries Roma and Travellers are still denied basic human rights and suffer blatant racism. They remain far behind others in education, employment, access to decent housing and health. Their average life span is shorter and infant mortality rates are higher compared to other groups”, said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing on 27 February 2012 the report “Human rights of Roma and Travellers in Europe”. The report is the first comprehensive overview of the human rights situation of Roma and Travellers in all 47 member states of the Council of Europe. The Roma and related minority communities constitute Europe’s largest and most vulnerable minority ([Read more](#) | [Read the report](#) | [Watch video interview](#)).

**Part VIII: Activities and news of the Peer-to-Peer Network  
(under the auspices of the Directorate of Human Rights)**

*[No work deemed relevant for the NHRs for the period under observation]*

## INDEX BY COUNTRIES

Albania, 8  
Austria, 9, 21  
Azerbaijan, 8, 19, 21  
Belgium, 10, 19, 21  
Bosnia and Herzgovina, 21  
Bulgaria, 8, 9, 10, 18, 19  
Croatia, 18, 19, 21, 23  
Czech Republic, 10, 21  
Estonia, 8, 10  
Finland, 8, 21  
France, 7, 9, 10, 11, 18, 19, 21  
Georgia, 21  
Germany, 11, 19, 26  
Greece, 6, 9, 11, 19, 21  
Hungary, 18, 19, 21, 27  
Italy, 7, 9, 11  
Latvia, 6, 21  
Moldova, 11, 19, 21, 27  
Norway, 12, 23  
Poland, 10, 12, 18, 19, 21  
Portugal, 21, 23  
Romania, 13, 19, 21  
Russia, 5, 6, 8, 9, 13, 14, 19, 27  
San Marino, 21, 23  
Serbia, 14, 18  
Slovak Republic, 14, 19, 21  
Slovenia, 14, 15, 19  
Spain, 21  
Sweden, 16, 18, 19, 23  
Switzerland, 18, 19, 21  
the United Kingdom, 17, 18, 19, 21, 28  
Turkey, 9, 10, 16, 17, 18, 19, 21  
Ukraine, 9, 17, 18, 19, 23, 27