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*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:
eugen.cibotaru@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 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.

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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.

- **Grand chamber judgment**

[Centro Europa 7 S.r.l. and Di Stefano v. Italy](#) (no. 38433/09) – 7 June 2012 – Importance 1 – Violation of Article 10 – Domestic authorities’ failure to allocate a frequency to a TV company having a broadcasting license – Violation of Article 1 of Protocol No. 1 – Interference with the applicant’s right to peaceful enjoyment of its broadcasting license

The case concerned an Italian TV company’s inability to broadcast, despite having a broadcasting license, because no television frequencies were allocated to it. The applicant complained in particular that their right to impart information had been breached, and that the license granted in 1999 had constituted a “pecuniary interest”, and thus property within the meaning of Article 1 of Protocol No. 1. The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber.

Article 10

The Court stressed in particular that it was not sufficient for a State to provide for the theoretical possibility for operators to access the audiovisual market. It was necessary for providers to have effective access to that market. As regards the situation of the applicant, the Italian authorities’ failure to allocate frequencies to it had deprived the license given to the company of all practical purpose, since it had been impossible for it to broadcast for nearly ten years. Therefore, there had been a substantial obstacle, and thus an interference with the applicant’s exercise of its right to impart information and ideas. There had therefore been a violation of Article 10.

Article 1 of Protocol No.1

The Court observed that, in view of the license terms and the legislative framework in place at the time, the applicant could reasonably have expected the authorities, within 24 months of granting the license, to regulate its terrestrial broadcasting activities. It therefore had had a “legitimate expectation”

to begin broadcasting. Given that it had been unable to start for a number of years, the Court found that the Italian authorities had interfered with the peaceful enjoyment of the applicant's possessions. The Court already held, in the context of Article 10, that the authorities' interference with Centro Europa's rights had not had a sufficiently foreseeable legal basis. It reached the same finding in relation to its complaint related to its property, and concluded that there had been a violation of Article 1 of Protocol No. 1.

Article 41 (just satisfaction)

The Court held that Italy was to pay the applicant EUR 10,000,000 in respect of pecuniary and non-pecuniary damages and EUR 100,000 for costs and expenses.

Judge Vajic expressed a concurring opinion.

Judges Sajo, Karakas and Tsotsoria, joined in part by judge Steiner, expressed a joint partly dissenting opinion.

Judges Popovic and Mijovic expressed a joint partly dissenting opinion.

Judge Steiner expressed a dissenting opinion.

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

Koki and Others v. Slovakia (no. 13624/03) – 12 June 2012 – Importance 2 – Violation of Article 3 – Domestic authorities' failure to do all that could have been reasonably expected of them to investigate into an argument which started in a bar and involved Roma and non-Roma persons

In the evening of 28 February 2002, an argument started in a bar, when a non-Roma waitress refused to serve a drink to a Roma. Later that evening, a group of several men, some of them armed with baseball bats and iron bars and wearing masks, went to the Roma settlement in the village where the applicants lived. Allegedly shouting racist slogans, they forcibly entered three of the houses, causing damage inside and breaking the windows. The attackers physically assaulted three of the applicants. The applicants alleged that the violence they had been subjected to had been inhuman and degrading and that the authorities had failed to carry out a prompt, impartial and effective investigation into the attack.

The Court observed in particular that while the biological traces secured at the crime scene had been a crucial piece of evidence and had been analysed and compared with biological material of the suspects, the results of those analyses, as submitted to the Court, had pertained only to three people. The results in respect of eight others were missing. Furthermore, in suspending the investigation for the second time, the authorities had emphasised an incongruity between the initial statement by one of the applicants to the effect that he did not know the identity of the men who had assaulted him at his home because they wore balaclavas and his later submission, during the identity exercise, to the effect that he had recognised one of the assailants. However, there did not appear to have been any action taken with a view to clarifying the controversy. The Court moreover noted that, although, according to the Government, records of the mobile communications of some of the people involved in the incidents had been requested, no follow-up had been made. As regards the Government's argument that the investigation had not been terminated but had merely been suspended and that there was no formal obstacle to its continuation, the Court pointed out that no action had been taken since January 2003. The Court considered that those elements, coupled with the sensitive nature of the situation related to Roma in Slovakia at the time, were sufficient for it to conclude that the authorities had not done all that could have been reasonably expected of them to investigate the incident, to establish the identity of those responsible and to draw the necessary consequences. Accordingly, the investigation into the incident at the applicants' settlement could not be considered as having been effective, in violation of Article 3.

Under Article 41 (just satisfaction), the Court held that Slovakia was to pay, in respect of non-pecuniary damage, each of the two applicants who had been physically injured EUR 10,000, and EUR 5,000 to each of seven other applicants.

Savda v. Turkey ([in French only](#)) (no. 42730/05) – 12 June 2012 – Importance 1 – Violation of Article 3 – Ill-treatment resulting from the conviction of the applicant for being conscientious objector – Violation of Article 9 – Domestic authorities’ failure to provide the applicant with a procedure by which a fair balance would be struck between the general interest of society and that of conscientious objectors – Violation of Article 6 § 1 – Unfairness of purely military proceedings to judge conscientious objectors

The applicant refused to integrate into his regiment for the purpose of military service. He was tried on four occasions for desertion, and a panel of military doctors diagnosed an “anti-social personality” disorder and concluded that he was unfit for military service. The applicant complained that his various prosecutions and convictions for claiming conscientious objector status had entailed a deprivation of his right to freedom of thought, conscience and religion, and his right to freedom of expression. Emphasising the seriousness of the measures taken against him on account of his refusal, he argued that the successive convictions placed him in a situation of humiliation and debasement. He also challenged the fairness of the proceedings before the military court, which, in his view, could not be regarded as an independent and impartial tribunal.

Article 3

The Court noted that in Turkey all male citizens who are found fit for national service are obliged to perform military service. Given that no substitute civilian service exists, conscientious objectors have no other choice, if they are to remain true to their convictions, but to refuse to be drafted into the army. In so doing, they open themselves to a form of “civil death”, on account of the numerous criminal proceedings that the authorities invariably bring against them, the cumulative effects of the resulting criminal convictions and the possibility of being prosecuted throughout their lives. The applicant was sentenced to prison terms on three occasions for refusing to wear a military uniform. On several occasions he was placed in solitary confinement, for periods ranging from 2 to 8 days, always on the same ground. In those circumstances, the Court considered that the treatment to which the applicant had been subjected had caused serious pain and suffering that went beyond the usual element of humiliation inherent in a criminal conviction or detention. The Court therefore concluded that there had been a violation of Article 3.

Article 9

The Court noted in particular that there was an obligation on the authorities to provide the applicant with an effective and accessible procedure that would have enabled him to have established whether he was entitled to conscientious objector status, as he requested. A system which provided for no alternative service or any effective and accessible procedure by which the person concerned was able to have examined the question of whether he could benefit from the right to conscientious objection failed to strike the proper balance between the general interest of society and that of conscientious objectors. It followed that the relevant authorities had failed to comply with their obligation under Article 9 of the Convention.

Article 6

The Court considered it understandable that the applicant, having had to face purely military charges before a court made up entirely of servicemen, had been apprehensive about being tried by judges who could be equated with a party to the proceedings. As the applicant could legitimately have feared that the court could be influenced by biased considerations and given that his doubts as to that court’s independence and impartiality were objectively justified, the Court held that there had been a violation of Article 6 § 1.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 12,000 in respect of non-pecuniary damage and EUR 1,975 in respect of costs and expenses.

[Piruzyan v. Armenia](#) (no. 33376/07) – 26 June 2012 – Importance 2 – Violation of Article 3 – Degrading treatment resulting from the detention of the applicant, charged with banditry, in a metal cage during public hearings – Violation of Article 5 § 1 – Detention without a court order – Two violations of Article 5 § 3 – (i) Detention prolonged on account of the fact that the proceedings were pending and because of the need to carry out further investigative steps; (ii) automatic refusal to release the applicant on bail – Violation of Article 5 § 4 – Domestic authorities’ failure to ensure adversarial proceedings and equality of arms between the parties

Suspected of assault and theft of a suitcase full of expensive jewellery, the applicant was charged with banditry. During the entire proceedings against him, which lasted almost nine months and included 21 public hearings, the applicant, when he was in the courtroom, was kept in a metal cage, which

measured about 4.5 square meters. He complained of the humiliation of having been placed in such a cage. He also made a number of other complaints about the decisions to extend his detention.

Article 3

The Court noted that nothing in the applicant's behaviour could have justified placing him in a metal cage as a security measure. During all the public hearings held in his case, the public, as well as his family and friends, had observed him behind bars. Such a harsh appearance of judicial proceedings could have led an average observer to believe that he was an extremely dangerous criminal. In addition, being seen by the public in the cage had humiliated him in his own eyes, which had in turn to have aroused in him feelings of inferiority. Consequently, imposing such a stringent and humiliating measure on the applicant, without it having been justified by any security risk, had amounted to degrading treatment. Accordingly, there had been a violation of Article 3.

Article 5 § 1

The Court noted that the applicant had been detained in 2007 without a court order. As in similar cases, the Court concluded that the applicant's detention during that period had been unlawful, in violation of Article 5 § 1.

Article 5 § 3

The Court observed in particular that the pending proceedings and the need to carry out further investigative steps were not among the acceptable reasons for detaining a person pending trial. There had there been a violation of Article 5 § 3. Moreover, the Court observed that under Article 5 § 3 the authorities were expected to consider alternative measures to ensure the appearance of accused people at trial. In previous cases, the Court had already found a violation of Article 5 § 3 where applications for bail had been refused automatically with reference to domestic law. The request by the applicant had also been rejected on the ground that he had been accused of a serious offence, which, in accordance with the domestic Code of Criminal Procedure, precluded release on bail. The Court found that such automatic rejection of the applicant's application for bail was incompatible with the Article 5 § 3 guarantees. There had therefore been another violation of Article 5 § 3.

Article 5 § 4

The Court found that there had been two violations of Article 5 § 4 on account of a failure to ensure adversarial proceedings and equality of arms between the parties, and on account of a denial of judicial review of the applicant's detention on the sole ground that the criminal case was no longer considered to be in its pre-trial stage.

Article 41 (just satisfaction)

The Court held that Armenia was to pay the applicant EUR 8,000 in respect of non-pecuniary damages and EUR 18 for costs and expenses.

- **Right to a fair trial**

Segame Sa v. France ([in French only](#)) (no. 4837/08) – 7 June 2012 – Importance 2 – No violation of Article 6 § 1 – Fairness of tax law proceedings

The applicant is a public limited company, which was subjected to a revised tax assessment concerning, among other things, additional assessments in respect of proceeds from the sale of precious metals, jewels, and works of art, collectors' items and antiques. It complained that the administrative courts had been unable to vary the rate of the fine for non-payment of tax.

The Court noted that the applicant company had been able to put forward, in full proceedings before the administrative courts, all the factual and legal arguments that it considered valid in support of its claim. In particular, it had raised the alleged inconsistency of the tax with Community law and had discussed, in detail, the base used in calculating the tax assessment, which, moreover, the administrative court of appeal had reduced. Having regard to the fact that the fine was set as a percentage of the unpaid tax, the particular nature of tax disputes and the rate of the fine, the Court concluded that there had been no violation of Article 6 § 1.

[Khoniakina v. Georgia](#) (no. 17767/08) – 19 June 2012 – Importance 2 – No violation of Article 6 § 1 – The fact that a judge expressed a separate opinion in proceedings which, even if thematically related, concerned another case, did not amount to a violation of the right to a fair trial – No violation of Article 1 of Prot. No. 1 – Domestic authorities’ justified decision to retroactively modify the applicant’s pension, given the aim pursued (rationalising public expenditure)

The applicant retired from her post as a Supreme Court judge in 2000 and was granted a pension which amount was, according to the Supreme Court Act, equal to her final salary. Few years later, the Supreme Court Act was modified with retroactive effect. It stated that a retired Supreme Court judge was entitled to a compensation, whose amount was determined by the Act. The applicant complained in particular that her pension had been modified under a retroactive legislative amendment. Further, she alleged that the proceedings she had brought concerning her pension had not been impartial, as a judge participating in the case had already expressed his opinion in a previous set of proceedings she had brought.

Article 6 § 1

The Court noted in particular that the mere fact that one of the judges had expressed a separate, unfavourable opinion concerning the applicant’s first pension dispute was not sufficient to conclude that he had been biased against the applicant in the examination of her second dispute. Furthermore, the Court noted that the applicant’s two pension disputes, even if thematically related, had not concerned “the same case” or “the same decision”. Consequently, there had been no violation of Article 6 § 1.

Article 1 of Prot. No. 1

The Court, while reiterating that the authorities were better placed than the international judge - especially concerning social and economic policies - to decide what was in the public interest, observed in particular that, in the applicant’s case, they had pursued the legitimate aim of rationalising public expenditure. Moreover, it was of particular relevance that the new amount of her retirement had slightly exceeded the sum granted to her in 2000. The adjustment requirement of her initial pension entitlement had therefore been preserved in substance, as well as the idea of a more generous welfare scheme for retired Supreme Court judges. There had therefore been no violation of Article 1 of Protocol No. 1.

- **No punishment without law**

[K. v. Germany](#) (no. 61827/09) and [G. v. Germany](#) (no. 65210/09) – 7 June 2012 – Importance 2 – Violation of Article 7 § 1 – Placement in preventive detention on ground of a retrospective order

The cases concerned the applicants’ placement in preventive detention, which had been ordered retrospectively, based on a legal provision introduced years after their conviction.

The Court referred to its conclusions in a previous case, [M. v. Germany](#), in which it had found that preventive detention under German criminal law was to be qualified as a penalty for the purpose of Article 7 § 1, having regard to the fact that it was ordered by the criminal courts following a conviction for a criminal offence and that it entailed a deprivation of liberty of indefinite duration. It saw no reason to depart from that finding. In particular, the Court agreed with the applicants’ argument that the retrospective order for their preventive detention constituted a new, additional penalty, and thus a heavier penalty. At the time of their offences, it had not been possible to place the applicants in preventive detention by retrospective order. There had accordingly been a violation of Article 7 § 1 in both cases.

Under Article 41 (just satisfaction), the Court held that Germany was to pay between EUR 5,000 and EUR 7,000 to the applicants for non-pecuniary damages and to one applicant EUR 7,140 in respect of costs and expenses.

- **Right to respect for private and family life**

[E.S. v. Sweden](#) (no. 5786/08) – 21 June 2012 – Importance 2 – No violation of Article 8 – No failure of domestic authorities’ to protect a 14 years old girl after her step-father attempted to film her naked

When the applicant was 14 years old, she discovered that her stepfather had hidden a video camera in the laundry basket in the bathroom, which was in recording mode and directed towards the spot where she normally undressed. The stepfather was convicted of sexual molestation by the first instance court, but the appeal court acquitted him on the ground that filming someone was not a crime

in itself as in Swedish law there was no general prohibition against filming an individual without his or her consent. The applicant complained that domestic authorities had failed to comply with their obligation to provide her with remedies with which to challenge her stepfather secretly filming her.

The Court was satisfied that, although Swedish law contained no provision about covert filming, laws were in place which could, at least in theory, cover acts such as the one in this case. Thus, following the incident and its reporting to the police, a criminal investigation had been opened. Furthermore, at the relevant time, the applicant could have been practically and effectively protected under the Penal Code, as the stepfather could have been convicted either for child molestation or for attempted child pornography. In addition, the Court recalled that its task was not to review legislation in the abstract. Instead, it had to confine itself to examining issues raised by the cases brought before it. In the present case, it noted that Sweden had taken active steps in order to combat the general problem of illicit or covert filming of individuals by issuing a proposal to criminalise certain acts of such filming in situations where the act violated personal integrity. There had, therefore, been no violation of Article 8.

Judges Spielmann, Villiger and Power-Forde expressed a joint dissenting opinion.

- **Freedom of expression**

Tatár and Fáber v. Hungary (nos. 26005/08 and 26160/08) – 12 June 2012 – Importance 2 – Violation of Article 10 – Infringement of the applicants’ right to freedom of expression on account of their fining for illegal assembly for hanging dirty laundry on the fence around domestic Parliament

In what they called a political “performance”, the applicants strung up dirty clothing – symbolising “the nation’s dirty laundry” – around the fence of Parliament in Budapest. A few journalists, aware of the event via the applicants’ website, turned up to ask questions. The performance lasted 13 minutes and then the applicants left. They complained about having been prosecuted and fined for hanging dirty laundry on the Parliament fence in Budapest.

The Court considered in particular that the term “assembly” had an autonomous meaning, which served the interests of protecting the right to freedom of assembly against improper classifications in national law. Moreover, an assembly constituted a specific form of communication of ideas, where an indeterminate number of people were gathered at a place accessible to the general public whose intention of being part of the communicative process was in itself an expression of an idea and whose very presence expressed support for the idea in question. In the applicants’ case, these qualifying elements had been absent. Even though the event had been advertised on Internet, there had been no intention to recruit participants other than a few journalists. The performance had aimed at sending out a message through the media rather than the direct gathering of protestors, which in any case would have been virtually impossible to achieve in 13 minutes. Nor had it been necessary for the authorities to have prior notification in order to coordinate and facilitate the event, as nothing indicated that either public order or the rights of others had been affected. Consequently, the Court found that the fining of the applicants had not been backed up by relevant and sufficient arguments. There had therefore been a violation of Article 10.

Under Article 41 (just satisfaction), the Court held that Hungary was to pay the applicants EUR 1,500 in respect of non-pecuniary damage.

Kurier Zeitungsverlag und Druckerei GmbH (no. 2) v. Austria (no. 1593/06) and Krone Verlag GmbH v. Austria (no. 27306/07) – 19 June 2012 – Importance 2 – No violation of Article 10 – Domestic courts’ justified decision to condemn the applicant companies to pay compensation for having published articles disclosing the identity and the photographs of a child whose parents had a custody dispute

In January and February 2004, the applicant companies published a number of articles about the dispute between a couple over custody of one of their sons. The articles published by the two newspapers revealed the child’s identity, gave details of his family life and were accompanied by photographs showing him in a state of pain and despair. The applicant companies complained in particular about the judgments ordering them to pay compensation.

The Court considered, and that was acknowledged by the parties, that the interference was prescribed by law. Furthermore, it was not disputed that it had served a legitimate aim. As regards the question whether the interference had been “necessary in a democratic society”, the Court first noted that given that neither the child nor his parents were public figures or had previously entered the public sphere, the Court did not find that it had been essential for understanding the case to disclose his identity, reveal most intimate details of his life or to publish a picture from which he could be recognised. The Court was moreover not convinced by the publishing companies’ arguments that it had been

necessary to publish a picture showing the child's suffering in order to attract the public's attention or to ensure credibility of the story. Finally, the Court considered that the interference with the publishing companies' rights had been proportionate to the aims pursued. The companies had not been fined in criminal proceedings but had been ordered to pay compensation to the child for the injury caused due to interference with his right to respect for strictly private life. It was true that the compensation payment imposed on the applicants was exceptionally high. However, they had reported on the case in a series of 13 articles, repeating details about the child's private life, his emotional state and his health, and repeatedly publishing photographs of him. There had accordingly been no violation of Article 10.

Schweizerische Radio- und Fernsehgesellschaft SRG v. Switzerland ([in French only](#)) (no. 34124/06) – 21 June 2012 – Importance 2 – Violation of Article 10 – Unjustified ban on filming an interview inside a prison

The case concerned the refusal to allow a television station to carry out a televised interview inside a prison with a prisoner serving a sentence for murder. The applicant company had intended to broadcast the interview in one of the longest-running programmes on Swiss television.

While acknowledging that there had, at the outset, been grounds to justify the ban on filming – in particular with regard to the presumption of innocence of the person who was the subject of the programme and whose trial was imminent and the interests of the proper administration of justice – the Court observed that the grounds for the courts' refusal had not been relevant or sufficient, either from the point of view of the other prisoners or from the point of view of maintaining order. The applicant company had, however, on various occasions, explained the conditions and limits of the filming. Furthermore, the courts had not examined the technical aspects submitted by the applicant company. The Court reiterated lastly, with regard to the alternatives to filming proposed by the authorities, that since Article 10 also protected the form by which ideas and information were conveyed, it was not for this Court, or for the national courts, to substitute their own views for those of the media as to what technique of reporting should be adopted by journalists. Thus the telephone interview with the prisoner broadcast by the applicant company in "Schweiz aktuell" had not in any way remedied the interference caused by the refusal to grant permission to film in prison. While reiterating that the national authorities were better placed than the Court to make decisions concerning access by third parties to a prison, the Court concluded that the absolute ban imposed on the applicant company's filming in the prison had not met a "pressing social need".

The applicant company did not follow up its claim for costs and expenses in respect of [Article 41 \(just satisfaction\)](#)

Judges Nussberger and Keller expressed a joint dissenting opinion.

Ressiot and Others v. France ([in French only](#)) (no. 15054/07) – 26 June 2012 – Importance 3 – Violation of Article 10 – Seizure of a list of journalists' telephone calls and searches of their offices and homes without any evidence showing the existence of an overriding social need

The case concerned investigations carried out at the premises of French newspapers and at the homes of journalists accused of breaching the confidentiality of a judicial investigation. The authorities wanted to identify the source of the leaks in an investigation into possible doping in cycle racing. Searches were carried out at the newspaper offices and the journalists' homes: equipment was seized and lists of telephone calls were placed under seal. The five journalists were released for lack of evidence.

The Court pointed out in particular that the right of journalists not to disclose their sources could not be considered a mere privilege to be granted or taken away depending on the lawfulness or unlawfulness of their sources, but was part and parcel of the right to information. The seizure and placing under seal of the lists of the telephone calls of the applicants and the searches carried out at their homes, and the searches and seizures carried out at the offices of the journalists had been allowed by the investigation division without any evidence showing the existence of an overriding social need. The Court concluded that the Government had not shown that a fair balance had been struck between the various interests involved. Even if the reasons given were relevant, the Court considered that they did not suffice to justify the searches and seizures carried out. The means used were not reasonably proportionate to the legitimate aims pursued having regard to the interest of a democratic society in ensuring and maintaining the freedom of the press. There had therefore been a violation of Article 10.

Under [Article 41 \(just satisfaction\)](#), the Court held that France was to pay the first two applicants jointly

EUR 18,896.80 and the third, fourth and fifth applicants EUR 25,064.78, in respect of costs and expenses.

- **Protection of property**

Lindheim and Others v. Norway (nos. 13221/08 and 2139/10) –12 June 2012 – Importance 1 – Violation of Article 1 of Protocol No. 1 – Domestic authorities’ failure to strike a fair balance between the general interests of the community and the property rights of the applicants – Application of Article 46 – Obligation made to domestic authorities to introduce a mechanism to ensure a fair balance between the interests of lessors and the general interests of the community

The applicants are the owners of plots of lands in Norway leased, at various points in time, for permanent homes or holiday homes for periods between 40 and 99 years. A new Ground Lease Act was passed and granted all those whose leases on plots for permanent and holiday homes had expired the right to claim extension of their leases on the same conditions as before and without limitation in time. The applicants complained that their right to protection of their property had been breached as a result of the application of the Ground Lease Act.

Article 1 of Protocol 1

Looking in particular into the situation immediately after the entry into force of the Ground Lease Act, the Court observed that, as a result of a provision allowing the partial adjustment of ground rents in view of developments in the consumer price index, many lessees had seen a drastic increase of their ground lease rents for which they had been unprepared. The gap between rents subject to rent control and price increases in the housing market had widened over time. The lifting of rent control after 2002, although partial, had substantially affected many households. The solution favoured by the Government and adopted in Parliament had been a rule permitting one-off upward adjustment for contracts with ground value clauses, followed by the introduction of an adjustment scheme linked to changes in the consumer price index. The Court was struck that no specific assessment had been made as to whether the amendment regulating the extension of the type of ground lease contracts at issue in the applicants’ case achieved a fair balance between the interests of the lessors and the lessees. In fact, the applicants had been receiving a particularly low level of rent, amounting to less than 0.25 % of the plots’ market value, under the various ground lease agreements as extended in accordance with the Ground Lease Act. In view of all the above, the Court concluded that a financial and social burden had only been placed on the applicant lessors. Consequently, no fair balance had been struck between the general interests of the community and the property rights of the applicants, in violation of Article 1 of Protocol No. 1.

Article 46

The Court held that Norway had to introduce a mechanism in its domestic legal system in order to ensure a fair balance between the interests of lessors and the general interests of the community, and left it up to the Norwegian authorities to choose how to achieve this objective.

Article 41

The Court held that Norway was to pay the applicants between EUR 4,900 and EUR 9,570 in respect of pecuniary damage, and EUR 20,000 for costs and expenses.

- **Right to free elections**

Communist Party of Russia and Others v. Russia (no. 29400/05) – 19 June 2012 – Importance 1 – No violation of Article 13 – Effective remedy to challenge the alleged unequal media coverage of an electoral campaign – No violation of Article 3 of Protocol No. 1 – No failure of domestic authorities to take measures which guaranteed the visibility of opposition parties on TV and ensured editorial independence and neutrality of the media

The case concerned the complaints by Russian political opposition parties and politicians that the 2003 parliamentary elections had not been free as a result of unequal media coverage of the electoral campaign by the five major TV companies.

Article 13

The Court noted in particular that the applicants had had the possibility of requesting invalidation of the results after the elections, which they had used. The Supreme Court had had the powers to annul election results; it had examined the applicants’ claims and delivered a reasoned judgment. The independence of the Supreme Court had not been questioned, and the Court did not consider that its impartiality was an issue. Accordingly, there had been no violation of Article 13.

Article 3 of Prot. No. 1

The Court observed that States enjoyed considerable discretion to adopt rules on parliamentary elections in accordance with their specific historical or political factors. The Court first addressed the

applicants' claim that the TV companies had been manipulated by the government. It examined the findings of the Supreme Court in that respect and concluded that they had been not been irrational. Thus, the applicants had not presented any direct proof that there had been abuse by the Government of their dominant position in the TV companies concerned. The TV journalists themselves had not complained of undue pressure by the Government or their superiors during the elections. The Court accepted, referring to the Supreme Court's findings, as well as to the opinions of the OSCE and the CEC Working Group, that media coverage had been unfavourable to the opposition. It noted, however, that in the circumstances it was difficult to distinguish between Government-induced propaganda and genuine political journalism or routine reporting on the activities of State officials. Furthermore, it concluded that Russia had complied with its obligation to act in order to ensure that elections were free both in procedural as well as in substantive terms. More specifically, the applicants' complaint about unequal media coverage had been examined by an independent judicial body providing procedural guarantees and had resulted in a reasoned judgment. Also, opposition parties had been able to convey their message on TV by using the free and paid airtime provided without distinction to them and to the other political forces. The OSCE reports had confirmed that while the main countrywide State broadcasters had displayed favouritism towards United Russia, voters who sought information had been able to obtain it from other available sources. The Court concluded that Russia had taken measures, which guaranteed some visibility of opposition parties on Russian TV and ensured editorial independence and neutrality of the media. While equality among all political forces during those elections might not have been achieved, the State, in the light of its broad discretion to decide on such matters, had not failed to meet its obligation to ensure free elections. There had therefore been no violation of Article 3 of Protocol No 1.

- **Right to compensation for wrongful conviction**

[Poghosyan and Baghdasaryan v. Armenia](#) (no. 22999/06) – 12 June 2012 – Importance 2 – Violation of Article 13 – Inability of the applicant to apply for non-pecuniary damage for an alleged violation of Article 3 – Violation of Article 3 of Protocol No. 7 – Lack of compensation available in case of miscarriage of justice

The case concerned the dismissal of the applicant's compensation claim after his conviction for murder and rape had been quashed and he had spent 5 years and 6 months in prison.

Article 13

The Court noted that, even though it could not examine the circumstances of the applicant's treatment at the police station under Article 3, as the events had taken place prior to the date of the Convention's entry into force in respect of Armenia, for Article 13 to apply, an individual only needed to have an arguable claim in terms of the Convention, an actual breach of another provision of the Convention not being a prerequisite. There had therefore been a violation of Article 13.

Article 3 of Protocol 7

The Court noted that Article 3 of Protocol 7 only applied after a conviction had been reversed by the domestic courts on the ground of a new or newly discovered fact, as in the applicant's case. The Court further observed that his conviction had been quashed after the entry into force of Protocol 7 in respect of Armenia (1 July 2002). Article 3 of Protocol No. 7 was therefore applicable. While this provision guaranteed payment of compensation according to the law or the practice of the State concerned, compensation was due even where the domestic law or practice made no provision for such compensation. Furthermore, the purpose of Article 3 of Protocol No. 7 was not merely to recover any pecuniary loss caused by wrongful conviction but also to provide a person convicted as a result of a miscarriage of justice with compensation for any non-pecuniary damage such as distress, anxiety, inconvenience and loss of enjoyment of life. No such compensation had been available to the applicant, in violation of Article 3 of Protocol No. 7.

Article 41 (just satisfaction)

The Court held that Armenia was to pay the applicant EUR 30,000 in respect of non-pecuniary damage and EUR 500 in respect of costs and expenses.

- **Cases concerning Chechnya (and Dagestan)**

[Umarovy v. Russia](#) (no. 2546/08) and [Umayevy v. Russia](#) (no. 47354/07) – Importance 3 – 12 June 2012 – Two violation of Article 2 (substantive and procedural) – (i) Unexplained disappearance of the applicants' relatives and (ii) lack of an effective investigation in that respect – Violation of Article 3 – Mental suffering endured by the applicants as a result of their respective relatives' disappearance – Violation of Article 5 – Unacknowledged detention of the applicants' relatives – Violation of Article 13 in

conjunction with Article 2 – Lack of an effective investigation in the disappearance and killing of the applicants' relatives

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:

- [Chamber Judgments 05.06.2012](#)
- [Chamber Judgments 12.06.2012](#)
- [Chamber Judgments 14.06.2012](#)
- [Chamber Judgments 19.06.2012](#)
- [Chamber Judgments 21.06.2012](#)
- [Chamber Judgments 26.06.2012](#)
- [Chamber Judgments 28.06.2012](#)

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	5 June 2012	Muradkhanyan (no. 12895/06)	3	Violation of Ar. 5 § 1	Unlawful detention
				Violation of Art. 5 § 3	Excessive length of pre-trial detention
	26 June 2012	Malkhasyan (no. 6729/07)	2	Violation of Art. 5 § 1	Extension of the applicant's detention not carried out in compliance with the time-limits prescribed by law
				Violation of Art. 5 § 3	Unreasoned continued detention of the applicant
AUSTRIA	12 June 2012	Bajsultanov (no. 54131/10)	2	No violation of Articles 3 or 8	No risk of ill-treatment or of interference with the Chechen applicant's right to respect for his private and family life in case of deportation to Russia
	19 June 2012	Krone Verlag GMBH (no. 27306/07)	2	No violation of Art. 10	Obligation made to Austria not to expel the applicant until the judgment is final Necessary and proportionate interference with the applicant's right to impart information on account of domestic court's decision to award compensation to a child whose name had been disclosed in a newspaper published by the applicant company
BULGARIA	26 June 2012	Hristova and Others <i>(in French only)</i> (no. 11472/04)	3	Violation of Art. 6 § 1	Lack of diligence and excessive delays in the execution of judgments rendered in the applicants' favour
				Violation of Art. 1 of Prot. No. 1	Infringement of the applicants' right to respect for their possessions on account of those delays
	26 June 2012	Decheva and Others (no. 43071/06)	3	Violation of Art. 6 § 1	Infringement of the principle of legal certainty on account of the fact that issues determined by final judgment rendered in the applicants' favour were re-examined and decided differently
				Violation of Art. 1 of Prot. No. 1	Deprivation of the applicants' possessions

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

FINLAND	5 June 2012	Keskinen and Veljekset Keskinen OY (no. 34721/09)	2	No violation of Art. 6 § 1	Fairness of hearings despite the fact that no oral hearings were held before the Appeal and Supreme Courts
GERMANY	28 June 2012	S. (no. 3300/10)	2	Violation of Art. 5 § 1	Preventive detention ordered on ground of a provision inserted into the domestic Criminal Code years after the offences on which the applicant's preventive detention was based
GREECE	12 June 2012	Kortesis (in French only) (no. 60593/10)	2	Violation of Art. 5 § 1 ----- Violation of Art. 5 § 2	Unlawful detention ----- Domestic authorities' failure to promptly inform the applicant of his rights after he had been arrested
	26 June 2012	Kostadimas and Others (in French only) (nos. 20299/09 and 27307/09)	3	Violation of Art. 1 of Prot. No. 1	Retrospective adjustment of the applicants' retirement pensions
HUNGARY	26 June 2012	Kiss (no. 59214/11)	3	Violation of Art. 3	Ill-treatment by police officers and lack of an effective investigation in that respect
		Metalco Bt. (no. 34976/05)	3	Government's revision request dismissed	
ITALY AND SAN MARINO	20 June 2012	Toniolo (no. 44853/10)	2	Violation of Art. 5 § 1	Unlawful preventive detention in San Marino
MOLDOVA	12 June 2012	Genderdoc-M. (no. 9106/06)	3	Violation of Art. 11 ----- Violation of Art. 13 ----- Violation of Art. 14	Unlawful ban of the demonstration the applicant planned to hold to encourage laws for the protection of sexual minorities from discrimination ----- Lack of an effective remedy in respect of the unlawfulness of the ban ----- Discrimination against the applicant in comparison with other associations due to the fact that it promoted the interests of the gay community
	26 June 2012	Ghirea (in French only) (no. 15778/05)	2	Violation of Art. 6 § 1	Supreme Court's decision to allow the prosecution to lodge an out-of-time appeal on account of the fact that the prosecutor was on ordinary leave when the time-limit expired
POLAND	26 June 2012	Ciesielczyk (no. 12484/05)	3	No violation of Art. 10	Fair balance struck by domestic authorities between the interests of, on the one hand, protection of a private prosecutor's reputation, which had been the subject of several communications made by the applicant, and the applicant's right to freedom of expression

ROMANIA	5 June 2012	Ciucă (in French only) (no. 34485/09)	3	Violation of Art. 3	Poor conditions of detention
		Sercău (no. 41775/06)	3	No violation of Art. 3 (substantive) ----- Violation of Art. 3 (procedural)	Impossibility for the Court to establish, on the basis of the evidence before it, whether or not the applicant had suffered, at the hands of authorities, <u>treatment contrary to Art. 3</u> ----- Lack of an effective investigation into allegations of ill-treatment
	12 June 2012	Mazălu (no.24009/03) Răducanu (no. 17187/05)	3	In particular, Violation of Art. 3	Poor condition of detention
	19 June	Florea (in French only) (no. 21534/05)	2	Violation of Art. 6 § 1 ----- No violation of Art. 6 § 2	Excessive length of criminal proceedings (8 years and 5 months) ----- No infringement of the applicant's right to be presumed innocent on account of domestic court's decision to impose him a financial penalty while the statute of limitations had expired
		Moldoveanu (in French only) (no. 4238/03)	3	Violation of Art. 6 § 1 ----- Violation of Art. 6 § 3 c)	Conviction of the applicant without being heard in person and without any evidence being taken directly ----- Lack of effective representation of the applicant during the proceedings in the appeal on points of law
		Tănăsoaica (in French only) (no. 3490/03)	3	Violation of Art. 10	Conviction of the applicant for insult and defamation on account of the publication of an article alleging that a water company was poisoning Romanians with ammonium
	26 June 2012	Chisălău (in French only) (no. 36680/03)	3	Violation of Art. 3	Poor conditions of detention
		Găitănar (in French only) (no. 26082/05)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the applicant's conviction on the basis of evidence that had been deemed doubtful and insufficient by the courts having acquitted him at first instance and on appeal, and without any re- examination of the witnesses
		Teodorescu (in French only) (no. 22883/05)	2	Violation of Art. 5 § 1 e)	Unlawful and unjustified detention in psychiatric hospital

RUSSIA	5 June 2012	Buntov (no. 27026/10)	2	Violation of Art. 3 (substantive) Violation of Art. 3 (procedural)	Torture in police custody Lack of an effective investigation into allegation of torture in police custody		
		Kozhayev (no. 60045/10)	2	No violation of Art. 3 Violation of Art. 5 § 1 No violation of Art. 5 § 1	No risk of ill-treatment in case of extradition to Belarus Unlawfulness of one period of detention Lawfulness of another period of detention		
		Shakurov (no. 5822/10) Khodzhamberdiyev (no. 64809/10)	2	No violation of Art. 5 § 1	Lawfulness and reasonable length of detention		
				Violation of Art. 5 § 4 (in the Shakurov case) No violation of Art. 3 (in the Shakurov case) No violation of Art. 8 (in the Shakurov case)	Excessive length of judicial review of detention No risk of ill-treatment in case of deportation to Uzbekistan No infringement of the applicant's right to private and family life in case of deportation to Uzbekistan		
	Soliyev (no. 62400/10)	2	No violation of Art. 5 § 4	Effectiveness of domestic procedure to challenge detention			
	12 June 2012	Abidov (no. 52805/10)	3	No violation of Art. 5 § 1 Violation of Art. 5 § 4 Interim measure	Lawfulness of detention Infringement of the applicant's right to have his detention speedily reviewed by a Court (almost 1 month) Obligation made to domestic authorities not to extradite the applicant to Uzbekistan until the judgment is final		
				Gryaznov (no. 19673/03)	2	Violation of Art. 6 § 1 No violation of Art. 6 § 1	Breach of the principle of equality of arms on account of domestic authorities' refusal to allow the applicant to appear in the first-instance and appeal hearings, was not given a reasonable opportunity to comment on the respondent's submissions, and of the refusal to hear a crucial witness Effective access to court
						Razhev (no. 29448/05)	3
		19 June 2012	Kislitsa (no. 29985/05)	3	Violation of Art. 5 § 3		
	26 June 2012	Zubayrayev (no. 34653/04)	3	Violation of Article 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the applicant's inability to participate in an appeal hearing on his case		
SERBIA	12 June 2012	Milosavljev (no. 15112/07)	3	Violation of Art. 1 of Prot. 1	Unlawful confiscation of the applicant's car		
	26 June 2012	Hajnal (no. 36937/06)	3	Violation of Art. 3 Violation of Art. 6 § 1 Violation of Art. 6 § 2	Ill-treatment in police custody and lack of an effective investigation in that respect Unfairness of proceedings Breach of the applicant's right to be presumed innocent		
SLOVAKIA	12 June 2012	Ištván and Ištvánová (no. 30189/07)	3	Violation of Art. 6 § 1	Excessive length of civil proceedings (6 years, five months and three days for two levels of jurisdiction)		

		Komanický (no. 6) (no. 40437/07)		Violation of Art. 13	Lack of an effective remedy
		N.B. (no. 29518/10)	2	Violation of Art. 3 (substantive) No violation of Art. 3 (procedural)	Sterilisation of the applicant without her full and informed consent Effective investigation into the allegations of forced sterilisation
				Violation of Art. 8	Infringement of the applicant's right to respect for private and family life on account of her force sterilisation
SLOVENIA	28 June 2012	Praznik (no. 6234/10)	3	Violation of Art. 3 Violation of Art. 13	Poor conditions of detention Lack of an effective remedy in respect of the conditions of detention
		X. (no. 40245/10)	3	Violation of Art. 8	Unjustified taken of the applicant's children into foster care and restriction of his contact with the applicant
SWEDEN	21 June 2012	Olsby (no. 36124/05)	3	Violation of Art. 6 § 1	Lack of a clear practical opportunity for the applicant to challenge an attachment order before a court
	28 June 2012	A.A. and Others (no. 14499/09)	2	No violation of Articles 2 and 3	No risk to be killed or ill-treated in case of deportation to Yemen
TURKEY	5 June 2012	Ademović (no. 28523/03)	3	Violation of Art. 5 § 1	Unlawful detention pending extradition
				Violation of Art. 5 § 4	Domestic court's failure to carry out a judicial review of the scope and nature of the applicant's detention
				Violation of Art. 5 § 5	Lack of an enforceable right to compensation for unlawful detention
				Violation of Art. 6 § 1	Excessive length of proceedings
				Violation of Art. 13	Lack of an effective remedy in respect of excessive length of proceedings
	5 June 2012	Düzova (in French only) (no. 40310/06)	3	Violation of Art. 2	Disproportionate use of force during an intervention against prisoners in hunger strike
				Violation of Art. 6	Applicant's inability to apply to the Administrative Court for compensation
	5 June 2012	Eski (no.8354/04)	3	Violation of Art. 3	Blindfolding and beating with wooden sticks and truncheons of the applicant by police officers and lack of effective proceedings in that respect
5 June 2012	Tengilimoğlu and Others (in French only) (no. 26938/08)	3	Violation of Art. 5 § 1	Punishment imposed by the applicants' military hierarchy and not by an independent and impartial tribunal	
5 June 2012	Ülüfer (in French only) (no. 23038/07)	3	Violation of Art. 2	Use of lethal force against the applicant's son while he was trying to escape and despite the fact that he was handcuffed ; lack of an effective investigation in that respect	
26 June 2012	Taştan (no. 41824/05)	3	Violation of Art. 3	Ill-treatment in police custody and lack of an effective investigation in that respect	
UKRAINE	14 June 2012	Mangadash and Others (nos. 14018/08 and 2 others)	3	Violation of Art. 6 § 1	Excessive length of proceedings (between more than 7 years and more than 12 years, depending on the applicants)
	21 June 2012	Kulish (no. 35093/07)	3	Violation of Art. 3	Ill-treatment in police custody and lack of an effective investigation in that respect

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 that led to the said repetitive cases have changed or whether the necessary execution measures have been adopted.

STATE	DATE	CASE TITLE	CONCLUSION	KEY WORDS
AZERBAIJAN	26 June 2012	Huseynov (no. 56547/10)	Violation of Articles 6 and 1 of Prot. No. 1	Delayed enforcement of a judgment in the applicant's favour
BOSNIA AND HERZEGOVINA	19 June 2012	Dukic (no. 4543/09) Murtic and Cerimovic (no. 6495/09)	Violation of Articles 6 and 1 of Prot. No. 1	Non-enforcement of judgments in the applicant's favour
GEORGIA	12 June 2012	Dadiani and Matchabeli (no. 8252/08)	Violation of Art. 6 § 1	Non-enforcement of judgments in the applicants' favour
ITALY	5 June 2012	Carletta (in French only) (no. 63861/00)	Just satisfaction	Just satisfaction in respect of interferences with the applicants' right to peaceful enjoyment of the applicants' possessions
		Colacrai (no.2) (in French only) (no. 63868/00)		
		Colazzo (in French only) (no. 63633/00)		
		Immobiliare Cerro s.a.s. (in French only) (no. 35638/03)		
		La Rosa and Alba (no.4) (in French only) (no. 63238/00)		
		La Rosa and Alba (no.8) (in French only) (no. 63285/00)		
	29 June 2012	Iuliano and Others (in French only) (no. 13396/03)		
		Nemagna and Others (in French only) (no. 9512/04)		
		Prenna and Others (in French only) (no. 69907/01)		

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).

STATE	DATE	CASE TITLE
HUNGARY	12 June 2012	Szentesi (no. 19558/09)
GREECE	12 June 2012	Alumina de Macedoine Almaco S.A. (in French only) (no. 20204/09)
		Anogianakis (in French only) (no. 22510/09)
		Ioannou and Others (no. 1953/10)
		Sitosilo Volou A.E. (in French only) (no. 64846/09)
PORTUGAL	26 June 2012	Santos (in French only) (no. 6015/09)

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

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover **the period from 21 May to 17 June 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.

STATE	DATE	CASE TITLE	ALLEGED VIOLATIONS (KEY WORDS)	DECISION
ARMENIA	5 June 2012	Makeyan and Others (no. 46435/09)	In particular, Art. 6 § 1 (use of pre-trial witness statements as incriminating evidence against the applicants), Art. 3 (poor conditions of detention), Art. 5 §§ 1, 3, 4 (unlawful detention), Art. 8 (house searches conducted by the police)	Partly adjourned (concerning the use of pre-trial witness statements), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
AUSTRIA	5 June 2012	Duboc (no. 8154/04)	Art. 6 (lack of public hearing in proceedings concerning interim measure freezing the applicant's assets, excessive length of criminal proceedings), Art. 1 of Prot. No. 1 (domestic courts' refusal to lift interim measure), Art. 7 (investigation and confiscation of assets conducted on the basis of money laundering, which had not been punishable in domestic law at the material time), Art. 13 (lack of constitutional remedy in that respect)	Partly inadmissible for non exhaustion of domestic remedies (concerning the length of preliminary investigation proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
AZERBAIJAN	22 May 2012	Akbarov (no. 18703/08)	Art. 6 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (the applicant no longer wished to pursue the application)
		Avsharova (no. 30944/09)	Art. 6 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (friendly settlement reached)
		Hasanov (no. 35509/08)		Struck out of the list (death of the applicant)

AZERBAIJAN (continued)	12 June 2012	Aghazade (no. 5588/04)	Art. 3 (ill-treatment in police custody), Articles 10 and 11 (arrest and conviction for having allegedly organised a public disorder during an unauthorised demonstration)	Struck out of the list (the applicant no longer wished to pursue the application)
BELGIUM	22 May 2012	Castellino (in French only) (no. 504/08)	In particular, Art. 6 § 1 and 7 (insufficient reasoning of domestic court's decision), Art. 6 §§ 1 and 2 (lack of judges' impartiality and infringement of the applicant's right to be presumed innocent on account of the mediatisation of the proceedings)	Partly adjourned (concerning the lack of reasoning and the mediatisation), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
	5 June 2012	Mignon (in French only) (no. 20022/09)	Art. 7 § 1 in conjunction with Articles 6 and 14 (arbitrariness of the electoral code's provision providing that a citizen cannot refuse to serve as an assessor without "a just cause"), Art. 6 (failure of domestic authorities' to check whether the applicant had a "just cause" to refuse to serve as an assessor), Articles 6 and 7, in conjunction with Art. 3 of the Additional Protocol (domestic authorities' failure to take into consideration the unconstitutionality of elections)	Incompatible <i>ratione personae</i> with the provisions of the Convention
BULGARIA	29 May 2012	Shomov (no. 45319/06)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (the applicant no longer wished to pursue the application)
	12 June 2012	Aramov (in French only) (no. 28649/03)	Art. 8 (designation of the applicant as an offender, registration of the applicant's name in an offenders database while no criminal proceedings have ever been conducted against the applicant), Art. 13 (lack of an effective remedy in that respect)	Struck out of the list for non respect of the six-months requirement
CROATIA	5 June 2012	Mrdenovic (no. 62726/10)	Art. 2 (lack of an effective investigation into the death of the applicant's husband), Articles 6 and 14 (alleged wrongful assessment of facts and application of laws in civil proceedings for damages)	Partly inadmissible <i>ratione temporis</i> with the provisions of the Convention (concerning claim under Art. 2), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
	12 June 2012	Becirovic (no. 45370/10)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
		Culic (no. 43780/10)		
		Galovic (no. 70488/10)		
	Gluhak (no. 35708/10)			

CROATIA <i>(continued)</i>		Tomas (no. 45431/10)	Art. 6 § 1 (excessive length of proceedings before the Constitutional Court), Art. 13 (lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)	
		Matusan (no. 18175/11)			
		Matusan (no. 18113/11)			
		Majski (no. 14895/11)			
		Mioc (no. 38570/11)	Art. 6 § 1 (excessive length of enforcement proceedings)		
		Potisk (no. 49292/10)	Art. 3 (poor condition of detention)		Struck out of the list (the applicant no longer wished to pursue the application)
		Saric (no. 55855/10)	Art. 6 § 1 (excessive length of proceedings)		Struck out of the list (friendly settlement reached)
		Smailagic (no. 70405/10)			
		Vahtaric (no. 25945/10)			
DENMARK	22 May 2012	A.M.A. (no. 34032/11)	Art. 3 and 13 (risk of ill-treatment and lack of an effective remedy in case of deportation to Greece)	Struck out of the list (friendly settlement reached)	
		A.M.O. (no. 34036/11)			
		B.A.S. (no. 32936/10)			
		F.A.X. (no. 34718/10)			
		S.S. (no. 34022/11)			
DENMARK AND GREECE	12 June 2012	Haidari (no. 18483/11)			
FRANCE	22 May 2012	I.I. <i>(in French only)</i> (no. 55321/11)	Art. 3 (risk of ill-treatment in case of deportation to Belarus or Russia)	Struck out of the list (the applicant no longer wished to pursue the application)	
		Simoes <i>(in French only)</i> (no. 51563/07)	Art. 6 §§ 1 and 3 b) and c) (lack of legal assistance), Art. 13 (lack of an effective remedy)	Struck out of the list (unilateral declaration of the government)	
	5 June 2012	D.V. <i>(in French only)</i> (no. 51601/07)	Art. 3 (risk of ill-treatment in case of deportation to Sri Lanka)	Inadmissible as manifestly ill-founded	
		T.S. <i>(in French only)</i> (no. 27546/08)			
12 June 2012	P.I. <i>(in French only)</i> (no. 37180/10)				

GERMANY	22 May 2012	Batuzov (no. 17603/07)	Art. 5 § 3 (excessive length of detention), Art. 6 § 1 (excessive length of criminal proceedings)	Inadmissible (the domestic courts have acknowledged the breach of the Convention and awarded sufficient redress to the applicant)
	29 May 2012	Garcia Cancio (no. 19488/09)	Art. 6 § 1 (excessive length of criminal proceedings and investigations, unfairness of proceedings)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		Taron (no. 53126/07)	Articles 6 § 1 and 13 (excessive length of proceedings, lack of an effective remedy in that respect), Art. 6 § 1 (domestic court's refusal to grant the applicant legal aid), Art. 2 (alleged risk to the applicant's health in account of domestic authorities' decision to authorise the construction of poultry sheds)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning claims under Art. 13, 6 and 2)
	12 June 2012	Hizb Ut-Tahrir and Others (no. 31098/08)	Articles 6, 13 and/or 14 (unfairness of proceedings), Articles 9, 10, 11 and 14 and 1 of Prot. No. 1 (prohibition of the first applicant's activities)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Articles 6, 13 and/or 14), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Articles 9, 10 and 11, 13 and 14), partly inadmissible as manifestly ill-founded (concerning claim under Art. 1 of Prot. No. 1)
		Vinke (no. 36894/08)	Articles 8 and 10 (domestic authorities' refusal to grant legal aid to the applicant to commence proceedings for damages and domestic court's failure to balance the interest in publicising an article with the applicant's personality rights)	Inadmissible as manifestly ill-founded

HUNGARY	22 May 2012	Anderko (no. 56719/09)	Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
		Brassoï (no. 46741/07)	Art. 6 § 1 (excessive length of inheritance dispute), Art. 14 (alleged discrimination by the domestic courts compared to the plaintiff in light of the outcome of the proceedings)	Inadmissible for non respect of the six-months requirement
		Egerszegi Tanep KFT (no. 67133/09)	Art. 6 (excessive length of civil proceedings)	Struck out of the list (unilateral declaration of the government)
		Gaspar (no. 59725/09)		Struck out of the list (friendly settlement reached)
		Liptay (no. 12144/09)		Struck out of the list (unilateral declaration of the government)
	Szalai and Others (no. 55294/09)	Excessive length of pre-trial detention (several articles mentioned)	Struck out of the list (friendly settlement reached)	
5 June 2012	Budahazy (no. 5309/12)			
ITALY	5 June 2012	Hotel Promotion Bureau S.R.L. and Others (in French only) (no. 34163/07)	Articles 7 and 1 of Prot. No. 1 (confiscatory measure applied to the applicants' case), Art. 6 (unfairness of proceedings), Art. 13 (lack of constitutional proceedings to challenge a law)	Partly adjourned (concerning claim under Articles 7 and 1 of Prot. No. 1), partly incompatible <i>ratione materiae</i> with the provisions of the Convention
LUXEMBOURG	5 June 2012	Macedo Da Costa (in French only) (no. 26619/07)	Articles 6 and 13 (lack of access to a court, lack of an effective remedy in that respect)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
MOLDOVA	29 May 2012	Caracet (in French only) (no. 16031/10)	Articles 3 and 13 (ill-treatment in police custody, poor condition of detention and lack of an effective remedy in that respect), Art. 6 § 3 c) (applicant's inability to contact his lawyer), Art. 6 § 3 e) (domestic authorities' failure to translate judgments concerning the applicant in his language)	Partly adjourned (concerning claims under Articles 3 and 13), partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6)
		Cusnir (no. 52157/10)	Art. 10 (no further specifications)	Struck out of the list (friendly settlement reached)
MONTENEGRO, SERBIA AND BOSNIA AND HERZEGOVINA	12 June 2012	Mandic (no. 32557/05)	Against Montenegro and Serbia: Art. 5 § 1 (f) (unlawful deprivation of liberty and extradition), Art. 5 § 2 (unreasoned deprivation of liberty), Art. 5 § 4 (lack of an effective access to a court to challenge the lawfulness of the applicant's deprivation of liberty); Against Bosnia and Herzegovina: unlawfulness of pre-trial detention, unfairness of criminal proceedings (no articles mentioned)	Partly struck out of the list (friendly settlement reached with Montenegro), partly incompatible <i>ratione personae</i> (concerning complaints against Serbia), partly inadmissible for non-exhaustion of domestic remedies (concerning complaints against Bosnia and Herzegovina)
NORWAY	29 May 2012	Abdollahpour (no. 57440/10)	Articles 2 and 3 (risk of ill-treatment in case of deportation to Iran)	Inadmissible for non-exhaustion of domestic remedies

POLAND	29 May 2012	Garbaczewski (no. 9848/10)	Art. 6 (excessive length of criminal proceedings), Art. 6 § 2 (domestic authorities' refusal to grant the applicant a firearms license), obligation made to the applicant to travel to another town in order to obtain a medical certificate justifying his absence during some of the court hearings (no article mentioned)	Partly struck out of the list (unilateral declaration of the government concerning excessive length of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning domestic authorities' refusal to grant the applicant a firearms license), and for no violation of the rights and provisions of the Convention (concerning the remainder of the application)
		Jedrzejewski (no. 55563/10)	Art. 6 § 1 (excessive length of criminal proceedings, which lasted ten years at two instances)	Struck out of the list (friendly settlement reached)
		Kalka (no. 57704/10)	Art. 8 (domestic authorities' refusal to grant the applicant a compassionate leave from prison to attend the funeral of his grandfather)	
		Karlinski (no. 45642/10)	Articles 6 § 1 and 13 (excessive length of criminal proceedings and lack of an effective remedy)	
		Kowalczyk (no. 62715/10)	Art. 6 § 1 (excessive length of criminal proceedings)	
		Marek (no. 3032/07)	Art. 10 (no further specifications)	
		Nowak (no. 31835/11)	Art. 3 (poor condition of detention)	
	Wasek (no. 23537/11)	Art. 6 § 1 (lack of an independent assessor, time-barred private prosecution against the applicant)	Partly struck out of the list (unilateral declaration of the government concerning the lack of independence of the assessor), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)	
	14 June 2012	Wisniewski (no. 64813/10)	Articles 6 § 1 and 13 (excessive length of criminal proceedings and lack of an effective remedy)	Struck out of the list (friendly settlement reached)
		Breiwo (no. 36149/10)	Art. 5 § 3 (excessive length of pre-trial detention)	
		Jablonski (no. 4725/11)	Art. 3 (poor condition of detention)	
		Malinowski (in French only) (no. 37223/10)	Art. 6 (excessive length of criminal proceedings)	Partly struck out of the list (unilateral declaration of the government concerning claims under Articles 3 and 5), partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6)
		Rutecki (in French only) (no. 26902/04)	Art. 3 (poor conditions of detention), Art. § 1 (unlawful detention), Art. 6 § 1 (unfairness of criminal proceedings)	
		Slesik (in French only) (no. 38794/10)	Art. 6 § 1 (excessive length of criminal proceedings)	
		Zielinski (no. 61865/10)	Art. 6 § 1 (excessive length of criminal proceedings)	
Zygmunt (no. 10305/11)	Art. 3 (poor condition of detention)	Struck out of the list (friendly settlement reached)		

PORTUGAL	29 May 2012	Conceicao (in French only) (no. 74044/11)	Art. 6 § 1 (allegedly unjustified rejection of the applicant's claim), Art. 1 of Prot. 1 (downward correction of the amount of the applicant's pension following a domestic court's decision)	Inadmissible for non-exhaustion of domestic remedies
	5 June 2012	Alves Inacio de Azevedo Zoio (in French only) (no. 10401/11)	Art. 6 §1 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
ROMANIA	22 May 2012	Trailescu (in French only) (no. 5666/04 and 1 other)	Art. 6 (unfairness of proceedings), Art. 8 (applicant's inability to access his case's file), Art. 13 (lack of an effective remedy to challenge the inability to access the case's file)	Inadmissible as manifestly ill-founded
	29 May 2012	Angelescu (no. 16374/03)	Art. 1 of Prot. 1 (breach of the applicant's right to property due to the system of emergency legislation on tenancy agreements), Art. 6 (impartiality of proceedings)	Inadmissible for non-respect of the six-months requirement
		Burlacu (no. 37898/05)	Art. 6 § 1 (in particular inconsistency in the domestic case-law, excessive length of proceedings), Art. 11 (domestic authorities' refusal to register the commercial company the applicant had intended to set up)	Partly inadmissible as manifestly ill-founded (concerning the excessive length of proceedings), partly inadmissible for no violation of the rights and freedoms set out in the Convention or its Protocols)
		Ciogescu (in French only) (no. 14608/11)	Art. 3 (one-week seizure of the applicant's glasses by police officers), Articles 5, 6 and 13 (unjustified and excessive length of pre-trial detention), Articles 6, 14, 17 and 18 (in particular, unfairness of proceedings and breach of the applicant's right to being presumed innocent)	Partly adjourned (concerning claim under Art. 3), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		Dabu (in French only) (no. 42160/04)	Art. 3 (poor conditions of detention)	Struck out of the list (the applicant no longer wished to pursue the application)
		Doleanu (in French only) (no. 563/04)	Art. 6 § 1 (conviction of the applicant in his absence) Idem	
		Mirea (in French only) (no. 5891/04)		
		Mitrea (no. 14457/06)	Art. 3 (ill-treatment and lack of an effective investigation)	
		Filip (no. 23973/05 and 2 others)	Art. 6 § 1 (diverge case-law of domestic courts on the interpretation of decree-law)	
	Vlakis (no. 31135/05 and 16 others)	Art. 6 § 1 (excessive length of civil or criminal proceedings)	Struck out of the list (friendly settlement reached)	

ROMANIA (continued)	12 June 2012	E.M. and Others (no. 20192/07)	In particular, Articles 2, 3, 6, 8, 10 and 14 (ill-treatment in hospital and investigation into the applicants' relative death)	Adjourned	
		Morariu (in French only) (no. 32247/08 and 57 others)	In particular, Art. 1 of Prot. No. 1, taken alone or in conjunction with Art. 14 (domestic authorities' and courts' refusal to grant the applicants with their parents' property right, on account of their non-Romanian nationality)	Incompatible <i>ratione materiae</i> with the provisions of the Convention	
		Melnichuk and Lyana (no. 35279/10)	Art. 2 (death of the applicants' relatives after having been shot allegedly by Romanian soldiers), Art. 3 (torture and ill-treatment of the first applicant), Art. 2 of Prot. No. 4 (unlawful restriction of the first applicant's freedom of movement), Art. 6 § 1 (lack of an effective investigation into the death of the applicants' relative), Articles 1 and 17 (no further specifications)	Partly adjourned (concerning the alleged lack of an effective investigation), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)	
RUSSIA	22 May 2012	Drozdov (in French only) (no. 27083/09)	Art. 3 (lack of adequate medical care in police custody), Art. 5 (unlawfulness of pre-trial detention, unfairness of proceedings), Art. 6 §§ 1 and 2 (domestic court's lack of diligence in examining a medical certificate), Art. 6 § 3 (appeal hearings in absence of the applicant)	Struck out of the list (the applicant no longer wished to pursue the application)	
		Khodarov (in French only) (no. 42708/04)	Articles 3 and 13 (ill-treatment by a police officer and lack of an effective investigation)		
		Martynov (no. 43380/06)	Unfairness of proceedings (no article mentioned)		
			Mikolayenko (in French only) (no. 42087/05)	Art. 6 § 3 (applicant's inability to question a witness), Art. 8 § 2 (unlawful interception of the applicant's communications), Art. 2 of Prot. 7 (appeal court's failure to examine all the applicant's arguments)	
	5 June 2012	Sukhomlinov (no. 13472/04)	Art. 3 (poor conditions of pre-trial detention and transport), Art. 5 § 3 (excessive length of pre-trial detention), Art. 6 (excessive length of criminal proceedings)	Struck out of the list (lack of legitimate interest of the applicant's half-brother to pursue the claim after the death of the applicant)	
	12 June 2012	Bystrov and Others (no. 28888/05 and 9 others)	Art. 6 (quashing of binding and enforceable judgments in the applicants' favour), Articles 13 and 1 of Prot. No. 1 (no further specifications)	Struck out of the list (the applicant no longer wished to pursue the application)	
		Karulin and Others (nos. 51249/08 and 19 others)			
Khodasevich (no. 30803/05) and Strashinskaya (no. 30803/05)					
		Isayev (no. 59026/08)	Articles 6 § 1 and 1 of Prot. No. 1 (non-enforcement of a judgment in the applicant's favor)	Inadmissible as manifestly ill-founded	

RUSSIA (continued)	12 June 2012 (continued)	Portenkov (no. 36611/05)	Delayed enforcement of a judgment (no article mentioned), Art. 3 (ill-treatment in police custody), Art. 2 of Prot. No. 7 (courts' alleged failure to examine the applicant's appeal), Art. 6 (lack of a fair trial), Art. 13 (lack of effective remedies)	Partly struck out of the list (the applicant no longer wished to pursue his application in the part concerning delayed enforcement of judgment), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
SERBIA	22 May 2012	Ibrovic (no. 57589/08 and 9 others)	Non-enforcement of judgments' in the applicants' favour (various articles mentioned)	Struck out of the list (friendly settlement reached)
		Ljajic (no. 23253/08)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (unilateral declaration of the Government)
		Ristic (no. 16792/06)		Struck out of the list (friendly settlement reached)
	29 May 2012	Tatalovic and Dekic (no. 15433/07)	Art. 6 § 1 (denial of access to the Supreme Court)	Inadmissible (applicants' failure to properly determine their case)
		M.T. and S.T. (no. 59968/09)	Articles 3 and 8, taken in conjunction with Art. 1 (outcome of criminal proceedings)	Inadmissible as manifestly ill-founded
5 June 2012	Ramicevic (no. 61635/09)	Non-enforcement of judgments in the applicants' favour (several articles mentioned)	Struck out of the list (friendly settlement reached)	
SLOVAKIA	29 May 2012	Wakil (no. 50929/08)	Art. 5 § 4 (excessive length of proceedings)	Inadmissible (breach of the applicant's right recognised by domestic courts)
SLOVENIA	22 May 2012	Hvalica (no. 25256/05)	Art. 10 (judgment ordering the applicant to pay compensation with respect to statements which he alleged had a basis in true events; lack of immunity from civil liability for parliament's members), Art. 6 § 1 (excessive length of proceedings)	Partly struck out of the list (friendly settlement reached concerning the excessive length of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 10)
	29 May 2012	Dakovic (no. 50427/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that regard)	Inadmissible as manifestly ill-founded
		Kotnjek (no. 24519/06)		Incompatible <i>ratione personae</i> with the provisions of the Convention
		Toplak (no. 26770/06)		Inadmissible as manifestly ill-founded
	12 June 2012	Cerce (no. 27229/06)	Articles 3 and 8 (poor conditions of detention)	Incompatible <i>ratione personae</i> with the provisions of the Convention)
		Cuden (no. 6559/10)		Inadmissible as manifestly ill-founded
Erjavec (no. 3830/07)		Not mentioned	Struck out of the list (friendly settlement reached)	

SLOVENIA (continued)	12 June 2012 (continued)	Kovacic (no. 5989/05)	Art. 8 (alleged breach of the applicant's right to respect for his physical integrity and privacy on account of a police order to undergo a medical examination), Art. 6 (unfairness of proceedings), Art. 13 (lack of an effective remedy in that respect), Art. 1 of Prot. No. 1 (forced entrance of police officers in the applicant's home)	Struck out of the list (the applicant no longer wished to pursue his application)
		Pohorec (no. 6684/10)	Articles 3 and 8 (poor conditions of detention)	Inadmissible as manifestly ill-founded
		Primc (no. 1959/07)	Articles 6 and 13 (excessive length of proceedings and lack of effective remedies in that regard)	
		R. (no. 34105/06)	Articles 6 and 13 (excessive length and unfairness of proceedings, lack of an effective remedy in that respect)	Partly incompatible <i>ratione personae</i> with the provisions of the Convention (concerning the excessive length of proceedings and the lack of an effective remedy), partly inadmissible as manifestly ill-founded (concerning the unfairness of proceedings)
		Sulcer and Others (no. 9844/07)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that regard), Articles 3 and 1 of Prot. No. 1 (confiscation of property of the applicants' ancestors by use of force), Articles 14 and 6 (request for restitution granted to the applicants' neighbours but not to them)	Partly inadmissible as manifestly ill-founded (concerning claims under Articles 6 § 1 and 13), partly inadmissible for non-exhaustion of domestic remedies (concerning claims under Articles 3, 6, 14 and 1 of Prot. No. 1)
		Vucko (no. 43784/08)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Struck out of the list (the applicant no longer wished to pursue the application)
SPAIN	29 May 2012	Gonzalez Carrasco et Calle Arcal (in French only) (no. 51135/09)	Art. 6 § 1 (in particular, alleged partiality of <i>Audiencia Provincial's</i> judges and unlawfulness of sentences), Art. 7 (insufficiently reasoned judgment)	Partly adjourned (concerning claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning claim under Art. 7)
		Sociedad Anonima del Ucieza (in French only) (no. 38963/08)	Art. 1 of Prot. 1 (unjustified deprivation of the applicant's property), Art. 6 (infringement of the applicant's right to lodge a cassation appeal), Art. 14 (unjustified privileges recognised to the Catholic Church in the access to property), Articles 6 and 9 (unreasoned decision of the constitutional court)	Partly adjourned (concerning the claim under Art. 1 of Prot. 1, 14 and 6), partly inadmissible as manifestly ill-founded (concerning Art. 9)
	12 June 2012	Melero Echaury and Ostiz Melero (no. 11150/09)	Articles 6 § 1, 10 and 13 (unfairness of proceedings)	Incompatible <i>ratione personae</i> with the provisions of the Convention

SWEDEN	22 May 2012	Jacobson (no. 59122/08)	Art. 1 of Prot. 1 (alleged violation of the applicant's property rights on account of domestic authorities' decision to establish a nature reserve)	Inadmissible for non-exhaustion of domestic remedies
		Osorio (no. 21660/09)	Art. 6 § 1 (lack of oral hearings, excessive length of proceedings, incorrect weighting of evidence, lack of access to a civil court to claim compensation), Art. 14 (no further specifications)	Inadmissible as manifestly ill-founded
	29 May 2012	Abdulgadir and Mohamednur (no. 61835/11)	Articles 2 and 3 (risk of ill-treatment in case of deportation to Eritrea)	
THE UNITED KINGDOM	22 May 2012	Brady (no. 37536/08)	Art. 5 § 4 (unfairness of proceedings leading to the revocation of the applicant's license)	Struck out of the list (unilateral declaration of the Government)
		H.A.L. (no. 61533/10)	Articles 2 and 3 (risk of ill-treatment in case of deportation to Sri Lanka)	Inadmissible as manifestly ill-founded
		Ibrahim (no. 5041/08 and 2 others)	In particular, Art. 6 §§ 1 and 3 (c) (domestic authorities' refusal to allow the applicants prompt access to legal advice), Art. 6 §§ 1 and 3 (d) (prohibition on adducing evidence to challenge the reliability of one of the applicant's confession)	Partly adjourned (concerning the delay in the applicants' access to a lawyer and the admission of the evidence), partly inadmissible for no violation of the rights and provisions of the Convention (concerning the remainder of the application)
		Lang (no. 19/11) Hastie (no. 36395/11)	Art. 6 § 3 (c) in conjunction with Art. 6 § 1 (unfairness of proceedings)	Inadmissible for non-respect of the six-months requirement
		Paterson (no. 19923/10)	In particular, Articles 6 and 13 (lack of access to a lawyer during detention) and Art. 6 §§ 1 and 2 (unfairness of proceedings)	Partly adjourned (concerning the lack of access to a lawyer), partly inadmissible (non-exhaustion of domestic remedies)
	29 May 2012	Alexander (no. 23276/09)	Art. 2 (delay to hold an investigation into the applicant's son's death)	Struck out of the list (friendly settlement reached)
TURKEY	22 May 2012	Alkan (in French only) (no. 1501/08)	Art. 5 § 1 (unlawful detention), Art. 5 § 5 (lack of an effective remedy)	Inadmissible for non-respect of the 6-months requirement
		Balci and Others (no. 3704/09)	Articles 5 §§ 3, 4, 5 and Articles 6 § 1 and 13 (excessive length of pre-trial detention and of criminal proceedings)	Struck out of the list (friendly settlement reached)
		Beydilli (in French only) (no. 21880/07)	Art. 11 in conjunction with Art. 14 (no further information about the applicant's claims)	Struck out of the list (the applicant no longer wished to pursue the application)
		Bodur (in French only) (no. 19165/06)	Art. 5 (sanction imposed to the applicant by his military supervisor and not by an independent tribunal)	Struck out of the list (friendly settlement reached)

TURKEY (continued)		<p>Gizlenc (in French only) (no. 25720/09)</p>	<p>Articles 6, 7 and 11 (criminal conviction for “apology of crime and of criminals”)</p>	<p>Struck out of the list (the applicant no longer wished to pursue the application)</p>
		<p>Koc (no. 55532/09)</p>	<p>Art. 3 (ill-treatment in police custody and lack of an effective investigation), Art. 6 (excessive length of criminal proceedings, domestic court’s failure to assess the facts and the evidence correctly), Art. 7 (condemnation of the applicant for an act which did not constitute a criminal offence)</p>	<p>Partly struck out of the list (unilateral declaration of the government concerning the excessive length of proceedings), partly inadmissible for non-respect of the six-months requirement (concerning claim under Art. 3), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)</p>
		<p>Ozkan (no. 45868/09)</p>	<p>Art. 6 (excessive length of proceedings), Articles 3 and 5 (ill-treatment and unlawful police custody)</p>	<p>Struck out of the list (friendly settlement reached)</p>
		<p>Ozturk (in French only) (no. 25768/07)</p>	<p>Articles 2, 3, 8 and 1 of Prot. No. 1 (infection of the applicant, a nurse in a public hospital, by Hepatitis C)</p>	
		<p>Subasi (no. 1764/08)</p>	<p>Articles 6 and 1 of Prot. 1 (non-execution of final judgment in the applicant’s favour)</p>	<p>Struck out of the list (it is no longer justified to continue the examination of the application)</p>
		<p>Turhan (in French only) (no. 4856/05)</p>	<p>Art. 10 (applicant’s obligation to pay fees because of the publication of an official information, already published in a report)</p>	<p>Struck out of the list (friendly settlement reached)</p>
	5 June 2012	<p>Aksan Turizm Isletmecilik Ve Ticaret Anonim Sirketi (in French only) (no. 38333/07)</p>	<p>Art. 1 of Prot. No. 1 (no further specifications)</p>	<p>Struck out of the list (the applicant no longer wished to pursue the application)</p>
		<p>Alkan (no. 45402/09)</p>	<p>Art. 3 (ill-treatment in police custody), Articles 6 and 13 (domestic authorities’ refusal to prosecute the police officers involved in the alleged acts)</p>	
		<p>Akinti (no. 27644/08)</p>	<p>Articles 5 § 3, 6 § 1 and 13 (excessive length of pre-trial detention and criminal proceedings, lack of an effective remedy in respect of lengthy criminal procedure)</p>	<p>Struck out of the list (friendly settlement reached)</p>
		<p>Celikalp and Others (no. 10442/08)</p>	<p>Articles 6 § 1, 13 and 1 of Prot. No. 1 (non-execution of judgment in the applicants’ favour)</p>	
		<p>Dogan (no. 18979/09)</p>	<p>Articles 5 § 4, 6 § 1 and 13 (lack of an effective procedure to challenge the lawfulness of the applicant’s detention, excessive length of proceedings, lack of an effective remedy in that respect)</p>	

TURKEY (continued)		Elgul and Others (no. 45079/05)	Articles 6 § 1 and 1 of Prot. No. 1 (excessive length of judicial proceedings, amounting to the impossibility for the applicants to enjoy the ownership of their property), Art. 13 (lack of an effective remedy in that regard)	Struck out of the list (friendly settlement reached)
		Ozdemir (no. 26855/10)	Art. 3 (ill-treatment in police custody), Articles 5 and 6 (excessive length of criminal proceedings)	
		Ozgu (in French only) (no. 52098/07)	Art. 6 § 1 (lack of independence and of impartiality of a military tribunal)	Struck out of the list (the applicant no longer wished to pursue his application)
		Polatoglu (in French only) (no. 57964/10)	Art. 5 § 1 (deprivation of liberty inflicted by a military superior)	
		Turkmen (in French only) (no. 21024/10)		
		Yavuz and Others (no. 40872/07)	Articles 2 and 3 (disproportionate use of gun fire by security forces, lack of an effective investigation in that respect), Art. 13 (lack of promptness and effectiveness of investigations and criminal proceedings)	Struck out of the list (friendly settlement reached)
		Yenidunya (no. 25357/10)	Art. 3 (ill-treatment in police custody), Art. 5 § 3 (excessive length of pre-trial detention), Art. 6 (excessive length of criminal proceedings)	Partly adjourned (concerning the length of pre-trial detention, the right to compensation for detention in contravention with Art. 5 § 4 and the excessive length of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning the remainder of the application)
12 June 2012	Peker and Others (in French only) (no. 576/07 and 27 others)	Art. 1 of Prot. No. 1 (dispossession of the applicants' shares), Art. 6 (excessive length and unfairness of proceedings), Art. 13 (lack of an effective remedy in respect of claims under Art. 6)	Inadmissible as manifestly ill-founded	
UKRAINE	22 May 2012	Dudko (no. 39967/07)	Art. 6 §§ 1 and 3 (c) (domestic court's examination of the applicant's case in absence of her lawyer)	Struck out of the list (the applicant no longer wished to pursue the application)
		Sherfedinov and others (no. 29585/05)	Art. 10 (fines for spreading information about an international Islamic political party), Art. 11 (legal provisions making it punishable for peoples to discuss informally the philosophy of that political party), Art. 13 (lack of an effective remedy)	
		Stefanenko (no. 19782/07)	Art. 6 § 1 and Art. 1 of Prot. No. 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (unilateral declaration of the government)

UKRAINE <i>(continued)</i>		Turdyvov (no. 37738/05 and 3 others)	Delayed enforcement of judgments in the applicants' favor (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		Zhelikhovskyy (no. 39928/05 and 5 others)	Non-enforcement or delayed enforcement of judgments in the applicants' favour (no article mentioned)	Struck out of the list (unilateral declaration of the Government)
	5 June 2012	Bogovin (no. 19328/07 and 3 others)	Articles 13 and 1 of Prot. No. 1 (delayed enforcement of judgments in the applicants' favour)	Struck out of the list (friendly settlement reached)
		Kiselev (no. 692/07)		
		Yegupova (no. 210113/07 and 10 others)	Delayed enforcement of judgments in the applicants' favour (no article mentioned); others complaints (no further specifications)	Partly struck out of the list (unilateral declaration of the government concerning the delayed enforcement of judgments), partly inadmissible as manifestly ill-founded (concerning the other complaints)
		Smirnov (no. 38083/04 and 33 others)		

C. The communicated cases

The European Court of Human Rights publishes 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.

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).

Selection of communicated cases published from 4 June to 1 July 2012 on the Court's website and selected by the Directorate of Human Rights

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
FINLAND	18 June 2012	Häkki (no. 758/11)	Article 4 of Prot. No. 7 – Alleged violation of the <i>ne bis in idem</i> principle on account of charges brought for the same acts in taxation proceedings
FRANCE	26 June 2012	Rosianu (in French only) (no. 27329/06)	Article 6 – Non-execution of judgments in the applicant's favour – Article 10 – Domestic authorities' refusal to grant access to the applicant to information of public interest
GERMANY	14 June 2012	Gliem (no. 7345/12)	Article 5 § 1 – Excessive length of pre-trial detention – Article 7 § 1 – Detention period went beyond the period of ten years, which was the maximum for such detention under the legal provisions applicable at the time of his offences and conviction
POLAND	4 June 2012	Cichon	Article 2 – Death of the applicant's mother, allegedly on account of her

		(no. 50504/09)	treatment by domestic authorities who twice sent the summonses for a psychiatric examination to a wrong address, took no appropriate steps to establish her correct address, failed to take into account that her mental state was fragile; lack of an effective investigation into the applicant's mother's death
	12 June 2012	Stankiewicz and Others (no. 48723/07)	In particular, Article 6 – Unfairness of proceedings on account of the fact that one of the judges of the court was a party's brother-in-law and its former President a party's mother-in-law
	13 June 2012	Gerter (no. 47643/09)	Article 6 – Unfairness of disciplinary proceedings (disciplinary sanction taken by a Prison Director) – Article 8 – Censorship of the applicant's correspondence with his wife – Article 10 – Violation of the applicant's right to freedom of expression
		Mura (no. 42442/08)	Articles 8 and 10 – Applicant's conviction for slander – Article 6 – Unfairness of criminal proceedings in that the questions put by his lawyer had been disallowed by the trial court
THE CZECH REPUBLIC	20 June 2012	Fuxová (no. 74556/11)	Article 6 – Lack of opportunity for the applicant to comment on the proposal to take her baby into care – Article 8 – Placement of the applicant's baby into institutional care allegedly violating the right to respect for family life – Article 13 – Lack of an effective remedy for the alleged violations of rights – Article 14 – Decision to take the applicant's baby allegedly due to the applicant's alternative lifestyle
THE UNITED KINGDOM	26 June 2012	N. and Others (no. 16458/12)	Articles 2 and 3 – Risk of ill-treatment in Sri Lanka, were the first applicant was forcibly returned to – Article 8 – Domestic authorities' failure to provide the first applicant, prior to her removal, with a hearing as to whether her fresh claim for asylum was in fact a fresh claim – Article 8 – Alleged violation of the applicants' right to respect for their private and family life on account of the deportation of the first applicant – Article 13 – Lack of an effective remedy in respect of alleged violations of Articles 2 and 3 – Article 14 – Domestic authorities' failure to give proper consideration to the first applicant's claim
TURKEY	11 June 2012	Kasap and Others (no. 8656/10)	Article 2 – Killing of the applicants' relative by a police officer and suspension of pronouncement of judgment in respect of the police officer – Article 13 – Shortcomings in the investigation into the shooting and in the trial of the police officer
	14 June 2012	Dolek (no. 34902/10)	Article 2 – Domestic authorities' failure to protect the applicants' son and siblings; lack of an effective investigation into the cause of his death – Articles 13 and 14 – Unsatisfactory manner of conducting criminal investigation

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

New version of Court's HUDOC case-law database (25.06.2012)

The HUDOC case-law data base (HUDOC) is the main interface between the Court and legal professionals. However, in recent years the number of documents published to HUDOC had grown (it currently contains some 90,000 documents) and it had become increasingly difficult under the existing platform to find information easily. Searches sometimes produced a very large and unmanageable number of results. This has led the Court to develop the new version which allows users to find the case-law they are looking for more intuitively via its easy-to-use interface. The new HUDOC offers users many new features including the ability to drill down easily to the judgments they are looking for via refiners. New content has been added such as legal summaries of more significant cases. An additional importance category has been created to enable users to focus their search on cases selected for the Court's official Reports. Documents can be downloaded in both Word and PDF format and users can create their own specific RSS line feeds.

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 second special human rights meeting for 2012 (4-6 June), as well as [the action plans presented](#).

Part III: General Agenda

The “General Agenda” presents events that either took place or were announced* during the period under observation (04.06 – 01.07.2012) for this RSIF.

June 2012

- 6 June :
 - Seminar in Albania on non-accepted provisions of the Charter ([Programme](#))
- 15 June :
 - PICUM workshop on human rights for undocumented migrants in Brussels ([Programme](#))

September 2012

- 9 to 12 :
 - European Committee of Social Rights session (Strasbourg)

* These are subsequently due to take place.

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

A. European Social Charter (ESC)

Six decisions on admissibility have been adopted (08.06.2012)

The ESC adopted six decisions on admissibility with regard to the following cases at its on 23 May 2012:

- Fellesforbundet for Sjøfolk (FFFS) v. Norway, No. 74/2011, [decision on admissibility](#)
- Federation of Employed Pensioners of Greece (IKA–ETAM) v. Greece, No. 76/2012, [decision on admissibility](#),
- Panhellenic Federation of Public Service Pensioners (POPS) v. Greece, No. 77/2012, [decision on admissibility](#),
- Pensioners' Union of the Athens-Piraeus Electric Railways (I.S.A.P.) v. Greece, Complaint No. 78/2012 [decision on admissibility](#),
- Panhellenic Federation of Pensioners of the Public Electricity Corporation (POS-DEI) v. Greece, No. 79/2012 [decision on admissibility](#),
- Pensioner's Union of the Agricultural Bank of Greece (ATE) v. Greece, No. 80/2012, [decision on admissibility](#).

The decision on the merits in the case "European Roma and Travellers Forum" v. France, is public (08.06.2012)

The [decision on the merits](#) of the European Committee on Social Rights in the case «European Roma and Travellers Forum (ERTF) v. France», Complaint No. 64/2011, became public on 4 June 2012. ([more information](#)).

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

CPT visited the Russian Federation (07.06.2012)

A CPT's delegation carried out a periodic visit to the Russian Federation from 21 May to 4 June 2012. During the visit, the CPT's delegation assessed progress made since previous visits and in particular the extent to which the Committee's recommendations have been implemented in the areas of police custody and pre-trial detention. The delegation also visited a closed-type prison (*t'yurma*), in Vladimir region, and paid a follow-up visit to Yagul Strict-Regime Colony No. 1 in the Republic of Udmurtia ([Read more](#)).

CPT visited Estonia (12.06.2012)

A CPT's delegation carried out a periodic visit to Estonia from 30 May to 6 June 2012. The CPT's delegation assessed progress made since the previous visit in 2007, in particular as regards conditions in police detention facilities and at Tallinn Prison. A first-time visit was carried out to Viru Prison, which had opened in 2008, the delegation paying particular attention to the juvenile and maximum-security units. The delegation also examined the treatment of involuntary patients at the country's largest psychiatric hospital and of residents at a social care home ([Read more](#)).

CPT published report on Serbia (14.06.2012)

CPT published on 14 June 2012 the [report](#) on its visit to Serbia in February 2011 together with the [response](#) of the Serbian authorities. In the course of the visit, the CPT's delegation received several allegations of ill-treatment by law enforcement officials, including in respect of juveniles. The alleged ill-treatment consisted of slaps, punches, kicks and truncheon blows and concerned the time of apprehension or when suspects were being interrogated in police stations. The CPT has recommended that police officers be reminded that all forms of ill-treatment are unacceptable and will

be the subject of severe sanctions. In the authorities' response, information is provided on criminal and disciplinary proceedings launched in recent years against law enforcement officials for acts of alleged ill-treatment. Reference is also made to a Plan for the construction and renovation of police detention facilities, taking account of recommendations made by the CPT ([Read more](#)).

CPT held high-level talks in Russia (14.06.2012)

Representatives of the CPT recently held a new series of high-level talks with the Russian federal authorities. In addition to the follow-up to the findings made by the CPT during its April-May 2011 visit to the North Caucasian region, the discussions related to broader issues of co-operation between the Committee and the Russian authorities as well as the publication of CPT reports ([Read more](#)).

CPT visited Spain (26.05.2012)

A CPT delegation carried out an ad hoc visit to Spain from 19 to 22 June 2012. The main objective of the visit was to examine the action taken to improve the conditions of detention at Barcelona Prison for Men (La Modelo) in the light of the recommendations made by the CPT after previous visits. In the course of the visit, the CPT's delegation held consultations with Ramon PARÉS GALLÉS, the Director General of Prisons, Department of Justice of the Generalitat de Catalunya. It also met with the Catalan Ombudsman, Mr. Rafael RIBO I MASSO and held discussions with representatives of non-governmental organisations active in areas of concern to the CPT ([Read more](#)).

CPT published report on visit to Tilburg Prison (26.06.2012)

The CPT published on 26 June 2012 the report on its recent visit to Tilburg Prison. In application of an Interstate Convention concluded in October 2009, the Dutch authorities make available to Belgium the premises of Tilburg Prison and its staff, for the purpose of detaining persons serving final sentences imposed by Belgian courts. By this means, the Belgium authorities are attempting to combat the overcrowding which currently affects their country's penitentiary system while waiting for the results of the "Master Plan for a more humane prison infrastructure". The CPT delegation received no allegations of ill-treatment of prisoners by prison staff at Tilburg Prison. On the contrary, the great majority of inmates emphasised the professional attitude and respect shown to them by the prison staff. However, the information gathered indicated clearly that the prison was experiencing a serious problem of inter-prisoner violence. This problem was, in particular, linked to the high occupancy rate in what were formerly soldiers' dormitories, with eight beds in each, and the mixing together of different categories of sentenced prisoners in this accommodation. In its report, the CPT recommends that priority be given to gradually reducing the number of beds in the dormitories ([Read more](#) – [Read the report](#)).

C. European Committee against Racism and Intolerance (ECRI)

Statement by the European Commission against Racism and Intolerance about recent events in Armenia, involving leading political figures openly condoning homophobic violence (07.06.2012)

ECRI wished to express concern about recent events in Armenia, involving leading political figures openly condoning homophobic violence. Setting a club on fire was characterised by a high-ranking State official as a rebellion against homosexuals, which was completely right and justified. And one of the persons arrested by the police in connection with the attack was bailed out by two members of parliament, who appeared to provide support for the alleged perpetrators in, inter alia, declarations made to the press. ECRI draws attention to the destructive consequences that such statements - and the various manifestations of hatred they have encouraged - are likely to have for the peaceful and tolerant society it has always tried to foster in Armenia and all other Council of Europe member States ([Read more](#)).

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

Committee of Ministers: adoption of three resolutions (18.06.2012)

Resolution CM/ResCMN(2012)7 on the implementation of the Framework Convention for the Protection of National Minorities by [Austria](#) (Adopted by the Committee of Ministers on 13 June 2012 at the 1145th meeting of the Ministers' Deputies); Resolution CM/ResCMN(2012)8 on the implementation of the Framework Convention for the Protection of National Minorities by [Denmark](#)

(Adopted by the Committee of Ministers on 13 June 2012 at the 1145th meeting of the Ministers' Deputies); Resolution CM/ResCMN(2012)9 on the implementation of the Framework Convention for the Protection of National Minorities by [Estonia](#) (Adopted by the Committee of Ministers on 13 June 2012 at the 1145th meeting of the Ministers' Deputies).

Albania: 3rd cycle ACFC Opinion and government Comments public (19.06.2012)

The FCNM has published its [Third Opinion on Albania](#), together with the [government's Comments](#).

E. Group of States against Corruption (GRECO)

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

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

Fourth Evaluation Round on-site visit to Poland (18.06.2012)

A MONEYVAL team of evaluators visited Poland from May 27 to June 2 2012 under the 4th evaluation round. During the visit, which was coordinated by the General Inspector of Financial Information (GIFI) and the Department of Financial Information (DFI), the evaluation team met with representatives from the Polish Financial Supervision Authority, the National Bank of Poland, the Ministry of Finance, the Ministry of Economic Affairs, the Central Records and Information on Economic Activity, the Ministry for Labor and Social Policy; Ministry for Administration and Digitisation, the Ministry of Foreign Affairs, as well as with representatives from the Ministry of Interior, the Central Bureau of Investigation of the National Police Headquarters, the Criminal Office - Division for Fighting Economic Crimes and Asset Recovery Department, the Department for Organised Crime and Corruption of the Prosecutor General's Office. The team also had meeting with representatives from associations and the private sector. All meetings were held in Warsaw ([Read more](#)).

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

GRETA welcomed the new EU Anti-Human Trafficking Strategy (25-29.06.2012)

At its 14th meeting (25-29 June 2012), GRETA considered the *EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016*. The publication of the Strategy on 19 June 2012 was preceded by consultations with a series of stakeholders, including the Council of Europe. GRETA welcomes the Strategy's comprehensive scope and focus on concrete measures aimed to step up action against trafficking in human beings. The Strategy refers to the Council of Europe Convention on Action against Trafficking in Human Beings and urges those EU Member States which have not yet done so, to ratify it. The Strategy also stresses that the judgment of the European Court on Human Rights in the case *Rantsev v Cyprus and Russia* (2010) provides a decisive human rights benchmark with clear obligations for EU Member States to take the necessary steps to address different areas of trafficking in human beings ([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	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)		X	29 June 2012
AUSTRIA	Convention on Cybercrime (ETS No. 185)	X		13 June 2012
BELGIUM	Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199)		X	25 June 2012
GEORGIA	Convention on Cybercrime (ETS No. 185)	X		6 June 2012
HUNGARY	Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199)		X	8 June 2012
ICELAND	European Landscape Convention (ETS No. 176)		X	29 June 2012
RUSSIA	Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities Authorities concerning Euroregional Co-operation Groupings (ECGs) (CETS No. 206)		X	8 June 2012
THE "FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)	X		11 June 2012
THE NETHERLANDS	European Convention on the Adoption of Children (Revised) (CETS No. 202)	X		29 June 2012
THE UNITED KINGDOM	Convention on preventing and combating violence against women and domestic violence (CETS No. 210)		X	8 June 2012
TURKEY	Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211)		X	29 June 2012

B. Recommendations and Resolutions adopted by the Committee of Ministers

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
Resolution	CM/Del/Dec(2012)1144volresE	1144th meeting (DH) – Resolutions adopted	4-6 June 2012
	CM/ResCMN(2012)9E	Implementation of the Framework Convention for the Protection of National Minorities by Estonia	13 June 2012
	CM/ResCMN(2012)8E	Implementation of the Framework Convention for the Protection of National Minorities by Denmark	
	CM/ResCMN(2012)7E	Implementation of the Framework Convention for the Protection of National Minorities by Austria	
	CM/ResDip(2012)1E	Renewal of the European Diploma of Protected Areas awarded to the Carpathian Biosphere Reserve (Ukraine)	20 June 2012
	CM/ResDip(2012)2E	Renewal of the European Diploma of Protected Areas awarded to Muddus National Park (Sweden)	
	CM/ResDip(2012)3E	Renewal of the European Diploma of Protected Areas awarded to Sarek and Padjelanta National Parks (Sweden)	
	CM/ResDip(2012)4E	Renewal of the European Diploma of Protected Areas awarded to Selvagens Islands Nature Reserve (Portugal)	
	CM/ResDip(2012)5E	Renewal of the European Diploma of Protected Areas awarded to Lüneburg Health Nature Reserve (Germany)	
	CM/ResDip(2012)6E	Renewal of the European Diploma of Protected Areas awarded to the Swiss National Park (Switzerland)	
	CM/ResDip(2012)7E	Renewal of the European Diploma of Protected Areas awarded to the Krimmi Waterfalls Natural Site (Austria)	
	CM/ResDip(2012)8E	Renewal of the European Diploma of Protected Areas awarded to the Port-Cros National Park (France)	
	CM/ResDip(2012)9E	Renewal of the European Diploma of Protected Areas awarded to the Maremma Regional Park (Italy)	
	CM/ResDip(2012)10E	Renewal of the European Diploma of Protected Areas awarded to the Abruzzi, Lazio and Molise National Park (Italy)	
	CM/ResDip(2012)11E	Renewal of the European Diploma of Protected Areas awarded to the Dobročský National Nature Reserve (Slovakia)	

Resolution (continued)	CM/ResDip(2012)12E	Renewal of the European Diploma of Protected Areas awarded to the Tsentralno-Chernozemny Biosphere Reserve (Russian Federation)	20 June 2012 (continued)
	CM/ResDip(2012)13E	Renewal of the European Diploma of Protected Areas awarded to the Kostomuksha Strict Nature Reserve (Russian Federation)	
	CM/ResDip(2012)14E	Renewal of the European Diploma of Protected Areas awarded to the Germano-Luxembourg Nature Park (Germany/Luxembourg)	
	CM/ResDip(2012)15E	Renewal of the European Diploma of Protected Areas awarded to the volcanic phenomena of the Tihany Peninsula (Hungary)	
	CM/ResDip(2012)16E	Renewal of the European Diploma of Protected Areas awarded to the Matsalu National Park (Estonia)	
	CM/ResDip(2012)17E	Renewal of the European Diploma of Protected Areas awarded to the Thayatal National Park (Austria)	
	CM/ResDip(2012)18E	Renewal of the European Diploma of Protected Areas awarded to the Bieszczady National Park (Poland)	
	CM/ResDip(2012)19E	Renewal of the European Diploma of Protected Areas awarded to the Poloniny National Park (Slovakia)	
	CM/ResDip(2012)20E	Renewal of the European Diploma of Protected Areas awarded to the Maritime Alps Nature Park (Italy)	
Recommendation	CM/Rec(2012)6E	Protection and promotion of the rights of women and girls with disabilities	13 June 2012
	CM/RecChL(2012)3E	Application of the European Charter for Regional or Minority Languages by Romania	
	CM/Rec(2012)7E	Responsibility of public authorities for academic freedom and institutional autonomy	20 June 2012

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)

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

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

➤ Countries

PACE monitors report ‘a more constructive attitude’ among Albania’s political forces (04.06.2012)

While the political climate in Albania is still tense and antagonistic, there is clearly “a more constructive attitude” among all political forces, according to PACE’s monitoring co-rapporteurs for the country Tomáš Jirsa (Czech Republic, EDG) and Grigore Petrenco (Moldova, UEL) ([Read more](#)) ([Full information report](#)).

Russian law to increase fines on demonstrators should be dropped, say PACE co-rapporteurs (06.06.2012)

The co-rapporteurs for Russia of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, Andi Gross (Switzerland, SOC) and György Frunda (Romania, EPP/CD) expressed their serious concern at the adoption by the lower chamber of the Russian Parliament of a controversial bill designed to increase fines for orchestrating unauthorised demonstrations. They called on the upper chamber – which is due to debate the draft law today – to reject it and called on the President not to sign it into law. The law provides that organisers of unsanctioned protests can be charged up to the equivalent of 39,000 euros and participants up to 13,000 euros ([Read more](#)).

PACE co-rapporteurs made monitoring visit to Azerbaijan (08.08.2012)

Pedro Agramunt (Spain, EPP/CD) and Joseph Debono Grech (Malta, SOC), co-rapporteurs of PACE for the monitoring of Azerbaijan, visited the country from 12 to 14 June 2012, to further assess the honouring of its obligations and commitments to the Council of Europe, in particular as regards the administration of justice, religious tolerance and local and regional democracy ([Read more](#)).

PACE rapporteur made ‘post-monitoring’ visit to Turkey (15.06.2012)

Josette Durrieu (France, SOC), rapporteur of PACE for post-monitoring dialogue with Turkey, undertook a fact-finding visit to Ankara and Istanbul from 18 to 21 June 2012 ([Read more](#)).

Turkey: “Revision of the Penal Code should be hastened to guarantee freedom of expression and the media” (22.06.2012)

At the end of a fact-finding visit to Turkey from 17 to 21 June 2012, PACE’s rapporteur for post-monitoring dialogue with Turkey Josette Durrieu (France, SOC) has urged the Turkish authorities to speed up the revision of the Penal Code and the anti-terror law in order to strengthen freedom of expression. She said that at a time when Turkey wished to turn the page of a history marked by coups d’état and the major role of the army, the detention on remand of numerous journalists, academics, generals and students, interminable trials, and the situation in prisons cast a shadow over the ongoing process of democratic reform ([Read more](#)).

PACE committee called for release of alleged political prisoners in Azerbaijan (26.06.2012)

The Azerbaijani authorities should be invited to speedily solve the cases on a consolidated list of 89 alleged political prisoners by releasing or retrying them, according to the Committee on Legal Affairs and Human Rights of PACE. In a draft resolution approved today during a meeting on the fringe of PACE's plenary session in Strasbourg, based on a report by Christoph Strässer (Germany, SOC), the committee noted that the issue of political prisoners was "still not resolved" in Azerbaijan ([Read more – Read the report on “The follow-up to the issue of political prisoners in Azerbaijan – Read the report on “The definition of political prisoners”](#)”).

➤ *Themes*

Giacomo Santini: “Europe must fulfil its destiny as a land of asylum (20.06.2012)

On the occasion of World Refugee Day, Giacomo Santini (EPP/CD), President of the PACE Committee on Migration, Refugees and Displaced Persons, today made the following statement: “From time immemorial, conflicts throughout the world have forced people to flee from their countries in millions. As politicians, we often hear our fellow citizens say that Europe cannot receive all the world's refugees. They are right of course, and moreover this is far from being the case. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), Asia hosts over half the world's refugees, and Africa almost 20 per cent. Europe should be proud of its vocation as a land of asylum and its tradition of welcome. To remain true to this vocation, it should not lag behind the rest of the world which would be a failure to live up to its responsibilities ([Read more](#)).

Encouraging Muslim women in their quest for equal opportunities (26.06.2012)

Many Muslim women want to be involved in creating change or empowerment, and the Assembly should encourage them in their quest for equal opportunities, according to PACE. Approving a report by Athina Kyriakidou (Cyprus, SOC), the Assembly said that as well as robust anti-discrimination laws, including laws which specifically cover “multiple discrimination”, governments should encourage Muslim women's groups and networks, ensure that all girls have access to all levels of education, and encourage diversity in the media and in public life ([Read the adopted text](#) – [Read the report](#)).

PACE seeks to defend human rights defenders (26.06.2012)

Governments should create a safe environment for human rights defenders to play their vital role, and pursue anyone who seeks to harm them or obstruct their work, PACE has said. In a resolution based on a report by Mailis Reps (Estonia, ALDE), the Assembly also called for public recognition of their work ([Read the adopted text](#) – [Read the report](#)).

PACE condemned restrictions on freedom of movement as punishment for political positions (29.06.2012)

While underlining the link between free movement of persons and freedom of expression, the Assembly today said that some Council of Europe member States have misused their legal right to determine entry into their territory in order to deny entry “to some persons merely as punishment for a political or ideological position they peacefully hold”. Following the proposals by the rapporteur Haluk Koc (Turkey, SOC), the Assembly condemned such practices and recalled that States which are also members of the EU are bound by strict rules within the framework of the European legal order and in particular the Schengen Agreements ([Read more](#)).

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

➤ *Countries*

Austria: rights of asylum-seekers, women and persons with disabilities should be strengthened (07.06.2012)

Living conditions of asylum-seekers in Austria are good in general. However, improvements should be considered to ensure that quality legal counselling is available at all stages of the asylum procedure and to broaden asylum seeker's access to work", said Nils Muižnieks, Council of Europe Commissioner for Human Rights, after concluding his three-day visit to Austria. The Commissioner met with asylum seekers, including unaccompanied children, families and single mothers, in the Federal Reception Centre East at Traiskirchen. He noted that basic needs are satisfied and welcomed that the authorities are considering giving young asylum seekers access to vocational training and apprenticeships ([Read more](#)).

Romania: Commissioner concerned about the relocation of Roma in a toxic building (07.06.2012)

Commissioner Muižnieks expressed on 7 June 2012 his deep concern about the evictions of more than 300 Roma families and their relocation to buildings formerly owned by a disused chemical factory in the Romanian city of Baia Mare. Reportedly, 22 children and two adults had to be taken to hospital for intoxication due to contacts with toxic substances left in the buildings. In an interview with AFP, the Commissioner said that the action taken by the authorities of Baia Mare not only breaches the right of Roma to adequate housing but also put their right to life at serious risk ([Read more](#)).

Finland: Everyone should receive equal protection against discrimination (13.06.2012)

The recent adoption of a National Action Plan on Human Rights signals the determination of the Government to improve the protection of human rights in Finland. The establishment of the Human Rights Centre and the Human Rights Delegation is another positive development although further consideration should be given to their resource needs", said Nils Muižnieks, Council of Europe Commissioner for Human Rights, after concluding his three-day visit to Finland. "The Finnish Government should now demonstrate similar leadership in its planned reform of equal treatment legislation", the Commissioner pointed out. "Everyone should receive equal protection against discrimination through a comprehensive and coherent non-discrimination act and an easily accessible equality body which treats complaints and promotes equality in all fields of activity." Unnecessary fragmentation of equal treatment legislation should be avoided ([Read more](#)).

➤ *Themes*

Continued attacks in Europe: journalists need protection from violence (05.06.2012)

Journalism is a dangerous profession, including in Europe. Since the beginning of this year, journalists have suffered physical attacks in Azerbaijan on a number of occasions, France, Germany, Greece, Italy, Latvia, Moldova, Montenegro, Romania and Russia. Governments should treat violence against journalists with the utmost seriousness, as such attacks aim at the core of our democracies. Often, the perpetrators of the attacks are unknown assailants, usually several masked men, but sometimes they have been riot police or state sponsored security guards ([Read more](#)).

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

The HELP Network Conference (05-06.06.2012)

The European Programme for Human Rights Education for Legal Professionals (the HELP programme) supports Council of Europe member states in implementing the ECHR at national level, in accordance with Interlaken and Brighton Declarations. For the first time, the 2012 HELP Conference brought together representatives of National Training Institutions and Bar Associations of the 47 member states. The conference will provide a unique forum for discussing the challenges currently faced by member states in the field of human rights education for legal professionals, and for looking at ways of strengthening the cooperation between member states that are experiencing similar difficulties when it comes to effective ECHR training at the national level, through the HELP Programme ([Read more](#)).

European NPM Project's 9th NPM thematic Workshop (12-13.06.2012)

The Project's 9th and final NPM thematic workshop on "Irregular migrants, Frontex and the NPMs" was held in Belgrade on 12-13 June 2012. This two-day NPM thematic workshop, hosted by the Office of the Protector of Citizens, the Ombudsman of the Republic of Serbia (and NPM of Serbia) within the framework of the European NPM Project, was geared at NPMs and international monitoring bodies, as well as thematic experts, involved in the monitoring of risks of torture or ill-treatment during the removal process and the deportation by air of irregular migrants, as well as exploring NPM issues during arrivals, re-admission, interceptions and push-back of irregular migrants, over land and at sea ([Read more](#)).

Roundtable in Belgrade on the Draft Law on Free Legal Aid of the Republic of Serbia (18.06.2012)

The Draft Law on Free Legal Aid of the Republic of Serbia and the Council of Europe Opinion on the Draft Law prepared by the Legal Co-operation Department, Directorate General of Human Rights and Rule of Law, were discussed during the roundtable conference in Belgrade. The event was organised in cooperation with the Ministry of Justice of the Republic of Serbia and was attended by representatives of the national ministries, the Bar Association, civil society and development partners. According to Serbian authorities, the setting up of the effective and transparent system of free legal aid which would meet the requirements of the European Convention on Human Rights is an important task which is intended to be accomplished in the near future ([Read the text of the opinion](#)).

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