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&  
DIRECTORATE OF HUMAN RIGHTS AND ANTI-DISCRIMINATION  
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**REGULAR SELECTIVE INFORMATION FLOW  
(RSIF)  
FOR THE ATTENTION OF THE NATIONAL HUMAN RIGHTS STRUCTURES (NHRSS)**

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*The **selection** of the information contained in this Issue and deemed relevant to NHRSS is made under the responsibility of the Directorate of Human Rights (DG I)*

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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 (DG I) 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 (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). A particular effort is made to render the selection as targeted and short as possible.

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

The preparation of the RSIF is funded jointly by the Directorate of Human Rights (Directorate General of Human Rights and Rule of Law - DG I) and the Directorate of Human Rights and Anti-Discrimination (Directorate of Democracy - DG II). It is entrusted to Mr Thibaut Fleury, Ph.D, Associate Professor at Versailles University (France).

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

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### A. Judgments

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

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

Some judgments are only available in French.

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

#### **Note on the Importance Level:**

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

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

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

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

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

- **Right to life**

**KAYAK V. TURKEY ([in French only](#)) (no. 60444/08) – Importance 2 – 10 July 2012 – Violation of Article 2 – Domestic authorities’ failure to ensure supervision of a school from which a pupil escaped and killed the applicants’ son and brother – Violation of Article 6 § 1 – Excessive length of administrative compensation proceedings**

The applicants’ son and brother was stabbed to death in front of a school by one of that school’s pupil, who used a knife he had stolen in the school’s canteen. The applicants complained that their son and brother had died as a result of negligence on the part of the school administration. They also complained about the length of the administrative compensation proceedings.

#### Article 2

The Court reiterated that school authorities had an essential role to play in the protection of the health and well-being of pupils and a primary duty to protect them against any form of violence to which they might be subjected while placed under the school’s supervision. In that case, the Court noted that the school’s director had assigned supervisory duties to teachers, but that, owing to insufficient staff, the school sometimes asked pupils to perform those tasks. The Court concluded that the authorities had failed in their duty to ensure supervision of the school’s premises and found that there had been a violation of Article 2.

### Article 6 § 1

The proceedings lasted for five years and three months. The Court, having dealt with many similar cases and having examined the facts of the case, took the view that there had been a violation of Article 6 § 1 on account of the length of the proceedings.

### Article 41 (just satisfaction)

The Court held that Turkey was to pay the mother EUR 4,513 in respect of pecuniary damage and EUR 15,000 to the applicants jointly in respect of non-pecuniary damage, plus EUR 1,000 for costs and expenses.

*Judge Tulkens expressed a concurring opinion. Judge Sajó and Raimondi expressed a joint partly dissenting opinion.*

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

**DORDEVIC V. CROATIA (no. 41526/10) – Importance 1 – 24 July 2012 – Violation of Article 3 – Domestic authorities’ failure to protect a disabled person from continuous harassment – Violation of Article 8 – Domestic authorities’ failure to protect the private life of the disabled person’s mother – Violation of Article 13 – Lack of an effective remedy in connection with the applicants’ complaints under Articles 3 and 8**

The applicants are a son and a mother. The son has no legal capacity because he is mentally and physically disabled. They complained that they had been continuously harassed during two years and a half by pupils from the nearby primary school and that the authorities had not adequately protected them. A series of incidents were recorded, with children ringing the family doorbell at odd times, spitting on the son, hitting and pushing him around, burning his hands with cigarettes, vandalising their balcony and shouting obscenities at them. Those attacks had left the son deeply disturbed, afraid and anxious. According to the son and his mother, the harassment was triggered by the son’s disability and their Serbian origin.

### Article 3

The Court observed in particular that the applicants had informed the police about the on-going harassment. The authorities had been well aware of the situation. While the police had interviewed some children about the incidents, they had made no serious attempts to assess what had really been going on. The police had reported that the children had been pestering the son but this had not been followed by any concrete action. No policy decisions had been adopted and no monitoring mechanisms had been put in place in order to recognise and prevent further harassment. The Court was struck by the lack of any true involvement of the social services and the absence of counselling given to the son. It concluded that, apart from responses to specific incidents, no relevant action of a general nature had been undertaken by the relevant authorities, despite their knowledge that the son had been systematically targeted and that future abuse had been quite likely. There had, accordingly, been a violation of Article 3 as concerned the son.

### Article 8

In the same way as the authorities had not put in place any relevant measures to prevent further harassment of her son, they had failed to protect the mother. There had, therefore, been a violation of Article 8 as concerned her.

### Article 13

The Court has already established that it had been impossible for the son and his mother to complain about the acts of harassment and violence. Therefore, it concluded that they had not had an effective remedy in connection with their complaints under Article 3 and Article 8, in violation of Article 13.

### Article 41 (just satisfaction)

The Court held that Croatia was to pay the applicants EUR 11,500 in respect of non-pecuniary damages and EUR 3,856 for costs and expenses.

**IACOV STANCIU V. ROMANIA (no. 35972/05) – Importance 2 – 24 July 2012 – Violation of Article 3 – Poor condition of detention – Application of Article 46 – Obligation made to domestic authorities to provide for an effective system of domestic remedies to put an end to violations of Article 3 and to grant appropriate compensation**

The applicant complained about the poor condition of detention he experienced in four different places of detention.

Article 3

Despite the scarce information submitted by the Government, the Court observed, based on all the material at its disposal, that the personal space allowed to detainees in the detention facilities where consistently less than three square metres. Furthermore, the Romanian Government had not refuted any of the precise allegations made by the applicant about the material conditions of his detention, which were supported by the reports of a number of bodies who visited the detention facilities concerned, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the non-governmental organisation Association for the Defence of Human Rights in Romania – the Helsinki Committee. The Court therefore found it established that the conditions to which the applicant had been exposed included: a lack of appropriate furniture in the cells; poor sanitary facilities, such as a limited number of toilets and sinks for a large number of detainees, toilets in cells with no water supply; cells being infested with cockroaches, rats, lice and bedbugs; and poor quality food. Moreover, the applicant had been confined to his cell most of the time. The Court concluded that the conditions to which the applicant had been exposed had amounted to inhuman and degrading treatment, and had thus violated his rights under Article 3.

Article 46

The Court underlined in particular that, in view of the recurrent problems, consistent and long-term efforts were necessary to comply with the Convention. In particular, in order to comply with the obligations stemming from the Court's previous judgments in similar cases, Romania had to provide for an effective system of domestic remedies, allowing the authorities both to put an end to the situation found to be in violation of Article 3 and to grant appropriate compensation.

Article 41 (just satisfaction)

The Court held that Romania was to pay the applicant EUR 20,000 in respect of pecuniary and non-pecuniary damage and EUR 4,800 in respect of costs and expenses.

**VASILII IVASHCHENKO V. UKRAINE (no. 760/03) – Importance 2 – 26 July 2012 – Violation of Article 3 – Ill-treatment by police officers during arrest – Violation of Article 34 – Domestic authorities' failure to provide the applicant with copies of documents from his case file – Application of Article 46 – Domestic authorities' obligation to remedy the systematic problem of prisoners being deprived of a clear procedure to obtain copies of documents needed to substantiate an application before the Court**

The applicant was arrested on suspicion of aggravated robbery and murder. According to his submissions, the police tortured him during his arrest. In particular, he alleged that he was hit and kicked in the head, chest, kidney and groin, to the point that he passed out, and that police officers pierced his cheek with a needle and burned his hand with cigarette lighter. He also complained that the authorities had failed to provide him with copies of documents from his case file and that they had blocked his correspondence with the Court.

Article 3

The Court noted that, although there was no medical evidence in support of the applicant's allegations that his cheek had been pierced or that his ribs or fingers had been fractured, he had sustained a number of other injuries, which had been documented in the medical report on the day of his arrest. Having regard to the medical evidence and the parties' submissions, the Court concluded that the police had used disproportionate force to arrest the applicant, in violation of Article 3. However, there was no evidence that the police had deliberately intended to punish or to intimidate him. Accordingly his treatment had amounted to inhuman and degrading treatment and not torture.

Article 34

The Court observed in particular that although the Government had argued that the applicant had relatives who could have helped him in getting the copies he needed, they had not explained the

procedure his relatives would have had to follow. The Court concluded that Ukraine had failed to comply with its obligation under Article 34 with respect to the refusal of the authorities to provide the applicant with copies of documents for his application to the Court.

#### Article 46

This was the second time that the Court had found a violation of Article 34 because a prisoner dependent on the Ukrainian authorities had not been provided with effective access to the documents, which he needed to substantiate his application before the Court. The Court concluded that this part of the applicant's complaint concerned a systemic problem in Ukraine. It considered that the issue resulted from the lack of a clear and specific procedure enabling prisoners to obtain copies of case documents, either by making such copies themselves by hand or using relevant equipment, or having the authorities make copies for them. The Court therefore considered that adequate legislative and administrative measures should be taken without delay by Ukraine in order to ensure that those who were deprived of their liberty had effective access to the necessary documents for substantiating their complaints before the Court.

#### Article 41 (just satisfaction)

The Court held that Ukraine was to pay the applicant EUR 12,000 in respect of non-pecuniary damages.

- **Right to liberty and security**

#### **X. v. FINLAND (no. 34806/04) – Importance 2 – 3 July 2012 – Violation of Article 5 § 1 – Inadequate safeguards against risk of arbitrariness in involuntary treatment in psychiatric hospital – Violation of Art. 8 – Inadequate safeguards against risk of arbitrariness in forced administration of medication**

The applicant is a paediatrician. She was confined to a mental health hospital and the forcibly administration to her of drugs, in the context of criminal proceedings against her for aiding and abetting a mother to kidnap her daughter, suspected of being sexually abused by her father. The applicant complained that her right to liberty had been breached as a result of her involuntary and unlawful confinement to a mental hospital. She also complained about having forcibly injected with drugs.

#### Article 5 § 1

The Court observed in particular that safeguards against arbitrariness had been inadequate as concerned the continuation of the applicant's involuntary treatment. In particular, there had been no independent psychiatric opinion, as the two doctors who had decided on it had been from the same mental hospital where she had been detained. In addition, in accordance with Finnish law, the applicant could not start proceedings for review of the need to continue her treatment, as such periodic review could only take place every six months at the initiative of the relevant domestic authorities. Finally, the situation had been aggravated by the fact that, in Finland, a care order issued for the involuntary hospitalisation of a psychiatric patient also contained an automatic authorisation to treat the patient, even against their will. Furthermore, patients had no immediate remedy with which to complain. In view of the above, the Court concluded that there had been a violation of Article 5 § 1.

#### Article 8

The Court recalled that forced administration of medication was a serious interference with people's physical integrity and, accordingly, had to be based on a law, which guaranteed proper safeguards against arbitrariness. In the applicant's case such safeguards had been missing. She had been forcibly treated by doctors who could take the most radical of measures regardless of her will, without her being able to challenge them in court. Consequently, the Court concluded that the lawfulness requirements under the Convention had not been met, in violation of Article 8.

#### Article 41 (just satisfaction)

The Court held that Finland was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 8,000 for costs and expenses.

**LUTSENKO V. UKRAINE (no. 6492/11) – Importance 1 – 3 July 2012 – Two violations of Article 5 § 1 – Domestic court’s failure to examine the lawfulness of the applicant’s arrest; unlawful detention – Violation of Article 5 § 2 – Domestic authorities’ failure to inform the applicant of proceedings launched against him – Two violations of Article 5 § 3 – Domestic authorities’ failure to promptly bring the applicant before a judge – Violation of Article 5 § 4 – Domestic court’s failure to reason its judgment – Violation of Article 18 in conjunction with Article 5 – Restriction of the applicant’s rights on account of the fact that he publicly disagreed with accusations against him and asserted his innocence**

The case concerned the complaint by a well-known opposition politician that his arrest and the decision on his detention were arbitrary and unlawful, and that he was not informed about the reasons for his arrest.

#### Article 5 § 1 (arrest)

The Court noted in particular that the Ukrainian court had not examined the lawfulness of the applicant’s arrest, as the hearing had only concerned the application for his detention in connection with the first criminal case and the prosecuting authorities had opposed the examination of the lawfulness of his arrest. This suggested that the purpose of that arrest had not been to bring him before a competent legal authority in respect of the same criminal case within the meaning of Article 5 § 1.

#### Article 5 § 1 (detention)

The Court found that the grounds on which the decision of the Ukrainian court ordering the applicant’s pre-trial detention had been based were questionable. As regards the argument that the applicant had studied the case file slowly, the Court noted that a delay caused by one of the parties to court proceedings could affect the interests of other parties and that the authorities should have the means to discipline the person responsible. However, the Court was not persuaded that deprivation of liberty in such a situation was an adequate response. As regards the argument that the applicant had put pressure on a witness by giving interviews in the media, the Court noted that the Ukrainian Government had not explained how those interviews had been threatening to witnesses and why detention could be considered an adequate response to such pressure. Finally, advancing the applicant’s failure to admit his guilt as a ground for his detention ran contrary to the elements, which made up the concept of a fair trial, such as freedom from self-incrimination and the presumption of innocence.

#### Article 5 § 2

The Court observed that the applicant had not been informed of the existing application for his detention prepared by the prosecutor’s office in relation to the first criminal case, which ultimately served as a basis for his detention. The Court concluded that the authorities had not complied with their obligations under Article 5 § 2.

#### Article 5 § 3

As regards the judicial order for the applicant’s detention, the Court had already established that he had not been informed in advance of the subject of the hearing and that the necessity of his deprivation of liberty had not been examined in a satisfactory manner by the Ukrainian court. Furthermore, that court had not considered the possibility of using measures other than deprivation of liberty. In addition to those shortcomings, the applicant’s request to be afforded appropriate time to study the materials brought forward by the prosecution and to prepare his defence had been refused without any justification. The Court concluded that the proceedings concerning his detention had not complied with the requirements of Article 5 § 3.

#### Article 5 § 4

The Court observed in particular that the appeal court had rejected the applicant’s appeal without giving a proper reply to his arguments to the effect, in particular, that he had not violated his obligation not to abscond, that studying the case file was his right and not an obligation and that he had not known the grounds for the arrest well in advance of the hearing.

#### Article 18

Given that he was one of the opposition leaders, it was clear that the applicant’s case had attracted considerable attention. Being accused of abuse of office, he had the right to reply to such an accusation via the media. The prosecuting authorities had indicated his communication with the media as one of the grounds for his arrest. They had accused him of distorting public opinion concerning the offences with which he had been charged, of discrediting the prosecuting authorities and of influencing



the upcoming trial in order to avoid criminal liability. In the Court's opinion, such reasoning clearly demonstrated the authorities' attempt to punish the applicant for publicly disagreeing with accusations against him and for asserting his innocence. There had accordingly been a violation of Article 18 taken in conjunction with Article 5.

#### Article 41 (just satisfaction)

The Court held that Ukraine was to pay the applicant EUR 15,000 in respect of non-pecuniary damage.

- **Right to a fair trial**

#### **K.M.C. V. HUNGARY (no. 19554/11) – Importance 2 – 10 July 2012 – Violation of Article 6 § 1 – Impossibility for civil servants dismissed without explanation to challenge their dismissal in Court**

A civil servant in an administrative inspectorate, the applicant was dismissed by her employer without explanation. Few months later, the domestic law making it possible to dismiss civil servants without giving any specific reason was annulled as unconstitutional. The applicant complained that she could not effectively challenge her dismissal in court because of the lack of reasons given by her employer.

The Court noted that the applicant was in principle entitled to challenge her dismissal in court. However, since her employer – the Government – was under no obligation to give any reasons for her dismissal, she had no way to know what their position was, making it impossible for her to bring any meaningful challenge before the courts. That legal set up effectively amounted to depriving of all substance any right she had to bring proceedings before a court. Indeed, the Constitutional Court's approach to the matter corroborated this view. In such cases concerning disputes over civil rights, the Court concluded that limiting judicial review to this extent could not be considered effective. There had therefore been a violation of the applicant's right of access to court, in breach of Article 6 § 1.

Under Article 41 (just satisfaction), the Court held that Hungary was to pay the applicant EUR 6,000 in respect of non-pecuniary damage and EUR 3,000 for costs and expenses.

*Judge Pinto de Albuquerque expressed a concurring opinion.*

#### **M.D. AND OTHERS V. MALTA (no. 64791/10) – Importance 1 – 17 July 2012 – Violation of Article 6 § 1 – Applicants' inability to challenge a care order removing a children from his mother – Violation of Article 8 – Automatic and permanent deprivation of parental rights of the mother after a criminal conviction**

The case concerned the inability of a mother and her children to challenge a care order and the subsequent automatic and permanent removal of the mother's parental rights following her criminal conviction for neglect of her children, and the impossibility for her to challenge that measure before a tribunal.

#### Article 6 § 1

The Court observed that domestic authorities had not claimed that a judicial body existed before which a permanent care order could be challenged while it was in force. On the other hand, they had argued that courts were not the right venue for an assessment of that kind. The Court found that such an argument was entirely contrary to Article 6, which required access to an impartial and independent tribunal for the determination of civil rights and obligations. It was precisely a tribunal's role to supervise administrative action in any field and guarantee freedom from arbitrariness. Furthermore, the Court found that a possibility for the Minister to revoke an order did not meet Article 6 requirements, given that the Minister was not an independent and impartial tribunal. In addition, there had been no possibility in law for the applicants to ask the Minister to revoke the order, nor had it been shown that any decision in that context would have been written and made public in order to allow judicial review. Consequently, the three applicants had not had access to a court to challenge the care order affecting their family situation, in violation of Article 6 § 1.

#### Article 8

The Court emphasised that depriving a parent of their parental rights was a particularly far-reaching measure, which was inconsistent with the aim of reuniting children with their parents. Therefore, that measure had to only be applied in exceptional circumstances and could only be justified in the children's interests. The removal of parental rights had been an automatic measure under the Criminal Code, which was applied upon convicting. Thus it escaped the scrutiny of domestic courts as to whether it was in the best interests of the child. Furthermore, the removal had been permanent. The

Court concluded that the automatic removal of parental rights as well as the lack of access to a court to challenge the deprivation of parental rights at a future date, failed to strike a fair balance between the interests of the children, those of their mother and those of society at large. There had, therefore, been a violation of Article 8.

#### Article 41 (just satisfaction)

The Court held that Malta was to pay each applicant EUR 4,000 in respect of non-pecuniary damage and EUR 5,500 to the mother for costs and expenses.

*Judge Scicluna expressed a concurring opinion, the text of which is attached to the judgment.*

#### **D.M.T. AND D.K.I. V. BULGARIA ([in French only](#)) (no. 29476/06) – Importance 2 – 24 July 2012 – Violation of Article 6 § 1 in conjunction with Article 6 § 3 (a) and (b) – Domestic courts’ failure to inform the applicant of the factual basis on which he was accused and of the legal classification of those acts – Violation of Article 6 § 1 – Excessive length of proceedings (more than six years) – Violation of Article 8 – Suspension of the applicant from his post as a civil servant, with no possibility to get another job during a period of 6 years – Violation of Article 13 in conjunction with Articles 6 § 1 and 8 – Lack of an effective remedy in respect of those violations**

The applicant, a civil servant, was suspended for more than six years while criminal proceedings against him were on going. He was also banned on his engaging in any other gainful employment in the public and private sectors, except in teaching and research. The applicant complained that the length of the criminal proceedings against him had been excessive, that the charges had been reclassified only at the stage of the Supreme Court of Cassation’s judgment, and that he had been unable to have certain defence witnesses examined and additional evidence gathered. He also complained that as a result of his suspension, it had been impossible for him to receive his salary and to seek other employment. He further complained that he had not had any effective domestic remedies in respect of his complaints under Article 6 § 1 and Article 8.

#### Article 6 § 3 (a) and (b)

The Court observed in particular that the Supreme Court of Cassation had found that the acts of which the applicant was accused could be regarded as constituting a different criminal offence from that of soliciting bribes, namely fraud, and had referred the case to the Military Court of Appeal for a fresh examination. However, the charges had not subsequently been reclassified either by the public prosecutor or by the Court of Appeal. The Court reiterated that it was important to inform applicants of the factual basis on which they were being accused and of the legal classification of their alleged acts. Accordingly, the Court considered that the Supreme Court of Cassation should have afforded the applicant the opportunity to submit argument on the new charges of fraud. It found a violation of Article 6 § 1 in conjunction with Article 6 § 3 (a) and (b).

#### Article 6 § 1

The Court observed that the proceedings, which had lasted a total of six years and two months at three levels of jurisdiction, had been delayed by two and a half years through shortcomings on the part of the authorities. The length of the proceedings had therefore gone beyond the limits of what was reasonable, in breach of Article 6 § 1.

#### Article 8

The Court observed that the applicant’s suspension from his post had been in accordance with the law, and the relevant provisions of the law had been sufficiently accessible, clear and foreseeable to him. The measure in question had pursued the aim of preventing disorder and crime. While in normal circumstances such a restriction could be justified by the concern to prevent conflicts of interests in the civil service, the application of this blanket ban for more than six years in respect of a civil servant who had been suspended had caused the applicant to bear an excessive burden. Seeing that the authorities had not provided any satisfactory explanations for their refusal to dismiss him, an outcome which would have allowed him to seek other employment, and that the Court was not persuaded that this would have obstructed the criminal proceedings, the restriction in question could not be regarded as necessary and proportionate to the legitimate aim pursued, or as the normal and inevitable consequence of the proceedings. Accordingly, the authorities had not struck a fair balance between respect for the applicant’s private life and the interests of society, thus breaching Article 8.

#### Article 13

The Court could see no reason to depart from the conclusions it had reached in several similar cases against Bulgaria, in which it had found that there was no effective remedy by which to expedite

criminal proceedings or to obtain compensation for their excessive length. It therefore found a violation of Article 13 in conjunction with Article 6 § 1.

Article 41 (just satisfaction)

The Court held that Bulgaria was to pay the applicant EUR 5,800 in respect of non-pecuniary damages.

- **No punishment without law**

**DEL RIO PRADA V. SPAIN ([in French only](#)) (no. 42750/09) – Importance 2 – 10 July 2012 – Violation of Article 7 – Retroactive application of a change in case-law to extend a detention – Violation of Article 5 § 1 – Unlawful detention**

The case concerned the postponement of the date of the applicant's release, in application of new case-law (the so-called "Parot doctrine"), adopted by the Supreme Court after the applicant had been sentenced. She complained that the Supreme Court's case-law had been applied retroactively and that her continued detention was unlawful.

Article 7

The Court observed in particular that the application of the Supreme Court's new interpretation had retroactively extended the applicant's sentence by nearly nine years, as the remission for work done in prison from which she ought to have been able to benefit was rendered invalid. Thus, this measure did not merely concern the execution of the sentence imposed on the applicant, but also had a decisive impact on the scope of the "penalty" within the meaning of Article 7. In this regard, the Court emphasised that the domestic courts could not apply retroactively and to the detriment of the persons concerned the spirit of legislative changes that occurred after offences had been committed. It had therefore been difficult, if not impossible, for the applicant to foresee that the method for calculating remission would be the subject of a change in the Supreme Court's case-law and that this change would be applied to her retroactively, thus extending substantially the duration of her imprisonment. In consequence, the Court concluded that there had been a violation of Article 7.

Article 5

As the applicant had not been able to foresee the retroactive application of her case of the change in case-law on calculating remission, her detention had not been « lawful », in breach of Article 5 § 1.

Article 41 (just satisfaction)

The Court held that Spain was to pay the applicant EUR 30,000 in respect of non-pecuniary damage and EUR 1,500 in respect of costs and expenses.

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

**MARTINEZ MARTINEZ AND PINO MANZANO V. SPAIN ([in French only](#)) (no. 61654/08) – Importance – 3 July 2012 – No violation of Article 8 – Environmental nuisances did not breach the applicants' right to respect for home and family life, who built their home on a land classified by domestic authorities as designated for "industrial use"**

The applicants are a couple living in the vicinity of an active stone quarry. They complained about the noise and the dust pollution and claimed compensation from the authorities for the damage suffered.

The Court accepted that the applicants had been directly affected by the noise from the quarry, where work went on 19 hours a day.

The Court noted that the applicants had set up home in a building, part of which was used as a textile workshop. The land on which it stood had initially been classified as « rural », then as « building land for industrial use », which precluded the construction of a residence or dwelling under any circumstances. The Court reiterated that States had broad discretion when it came to implementing town and country planning schemes and policies adopted in the interest of the community, and that citizens had certain duties in that regard. In so far as the applicants had set up home in an area that was not intended for residential use, they had clearly placed themselves in an unlawful situation from the start, and should accept the consequences. The Court therefore concluded that there had been no violation of the applicants' right to respect for their home or their family life.

**B. v. BELGIUM ([in French only](#)) (no. 4320/11) – Importance 2 – 10 July 2012 – Violation of Article 8 – Unnecessary forced return of a child to a country from which she had been illegally abducted by her mother**

The case concerned the decision to order the return to the United States of a child whose mother had taken her to Belgium without the agreement of her father or of the American courts.

The Court emphasised in particular that each party had been heard before the appeal court, which had examined the psychological reports available. However, these had been rejected, on the ground that they had been commissioned unilaterally by the mother. Although such an assessment was the prerogative of the court of appeal, that court had not, however, requested other expert opinions, a procedural shortcoming, which had prevented verification of the true extent of the risks, referred to. Moreover, at the time of the court of appeal's decision, the child had already been in Belgium for two years; she spoke Dutch and was fully integrated into her surroundings and school environment. This integration had not been taken into account by the court of appeal, on the ground that the application for her return had been made at a date when the child had spent less than a year in Belgium. The Court concluded that the child's forced return was not necessary in a democratic society and that the decision-making process had not complied with the procedural requirements inherent in Article 8. The Court therefore held, by five votes to two, that there would be a violation of Article 8 if the order to return the applicant's daughter to the United States were enforced.

Under Article 41 (just satisfaction), the Court held that Belgium was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 1,500 to the mother in respect of costs and expenses.

*Judges Tulkens and Keller expressed a concurring opinion; Judges Tulkens, Jociene and Keller expressed a partly dissenting opinion; Judges Berro-Lefèvre and Karakas expressed a dissenting opinion.*

**[KOCH V. GERMANY](#) (no. 497/09) – Importance 1 – 19 July 2012 – Violation of Article 8 – Domestic courts' refusal to examine the complaint of a widower whose wife was refused the authorisation to acquire lethal medication**

The case concerned the German authorities' refusal to grant the applicant's late wife, who was almost completely paralysed and in need of artificial ventilation, authorisation to acquire a lethal dose of medication enabling her to commit suicide.

The Court considered in particular that this case had to be distinguished from cases brought by a deceased person's heir or relative solely on behalf of the deceased, in that the applicant claimed a violation of his own rights under Article 8, arguing that his wife's suffering and the eventual circumstances of her death had affected him in his capacity as a compassionate husband and carer. The Court observed that the applicant and his wife, having been married for 25 years, had shared a very close relationship. The applicant had accompanied her throughout her suffering and had finally accepted her wish to end her life and had travelled with her to Switzerland to realise that wish. His personal commitment had moreover been demonstrated by the fact that he had lodged an administrative appeal jointly with his wife and had pursued the domestic proceedings in his own name after her death. Under those exceptional circumstances, the Court accepted that the applicant had a strong and persisting interest in having the merits of the original case decided by the courts. In view of those considerations, the Court found that Mr Koch could claim to have been directly affected by the German authorities' refusal to grant his wife authorisation to acquire a lethal dose of pentobarbital of sodium. There had accordingly been an interference with his rights under Article 8.

Article 41 (just satisfaction)

The Court held that Germany was to pay the applicant EUR 2,500 in respect of non-pecuniary damages and EUR 26,736.25 in respect of costs and expenses.

- **Freedom of expression**

**[BJÖRK EIDSDOTTIR V. ICELAND](#) (no. 46443/09) and [ERLA HLYNSDOTTIR V. ICELAND](#) (no. 43380/10) – Importance 1 – 10 July 2012 – Violation of Article 10 – Unnecessary interference with journalists' freedom of expression**

The applicants are two journalists, who were the subject of defamation proceedings for having published articles about the working conditions in a strip club and an alleged assault at another strip club. They complained that the decisions by domestic courts ordering them to pay compensation and damages.

In both cases, the Court considered that the decisions by the Icelandic courts constituted an interference with the applicants' rights under Article 10 and that that interference had a legal basis in Icelandic law. Furthermore, it had pursued the legitimate aim of protecting the reputation or rights of others for the purpose of Article 10. However, the Court was not convinced by the argument, advanced by the Icelandic Government, that the portrayal of the strip club owner and the subject matter of the other applicant's article had not been necessary contributions to a public debate. It noted that well before the publication of the two articles there had been a public debate in the Icelandic media on the tightening of strip club regulations or the banning of such clubs. In the first case, the Court found that the journalist had provided evidence in support of the disputed statements, which the Supreme Court did not take into account. Moreover, the journalist had offered the club owner an opportunity to comment and her article had quoted his reply. In the second case, the Court found that the statements made in the article and capable of harming the club owner's reputation came from the customer whom the applicant had interviewed after having heard the club owner's version of the alleged assault. The club owner's interest in protecting himself against the accusations had been preserved by the possibility to lodge defamation proceedings. In both cases, the Court underlined that the punishment of a journalist for assisting in the dissemination of statements made by another person in an interview seriously hampered the contribution of the press to discussion of matters of public interest and should not be envisaged unless there are particularly strong reasons for doing so. The reasons relied on by the domestic authorities were thus not sufficient to show that the interference with the applicants' rights had been necessary in a democratic society. There had accordingly been a violation of Article 10 in both cases.

Under Article 41 (just satisfaction), the Court held that Iceland was to pay the first applicant EUR 7,790 in respect of pecuniary damage, EUR 5,000 in respect of non-pecuniary damage and EUR 25,000 in respect of costs and expenses; to the second applicant EUR 4,000 in respect of pecuniary damage, EUR 5,000 in respect of non-pecuniary damage and EUR 12,500 in respect of costs and expenses.

**FÁBER V. HUNGARY (no. 40721/08) – Importance 3 – 24 July 2012 – Violation of Article 10 – Fining of the applicant for having displayed a controversial flag in public**

The applicant complained that he was fined for displaying the striped Árpád Flag, which has controversial historical connotations, less than 100 metres away from a demonstration against racism and hatred.

The Court accepted that the display of a symbol, which was ubiquitous during the reign of a totalitarian regime in Hungary, might create uneasiness amongst past victims and their relatives who could rightly find such displays disrespectful. It nevertheless found that such sentiments, however understandable, could not alone set the limits of freedom of expression. In addition, the applicant had not behaved in an abusive or threatening manner. In view of his non-violent behaviour, of the distance between him and the demonstrators, and of the absence of any proven risk to public security, the Court found that the Hungarian authorities had not justified prosecuting and fining the applicant for refusing to take down the Árpád flag. The mere display of that flag did not disturb public order or hamper the demonstrators' right to assemble, as it had been neither intimidating, nor capable of inciting violence. The Court therefore found that there had been a violation of Article 10 read in the light with Article 11.

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

*Judge Keller expressed a dissenting opinion, and judge Popović, joined by judge Berro-Lefèvre, expressed a concurring opinion. Judge Pinto de Albuquerque expressed a separate concurring opinion.*

- **Freedom of assembly**

**BERLADIR AND OTHERS V. RUSSIA (no. 34202/06) – Importance – 10 July 2012 – No violation of Article 11 – Domestic authorities' decision to impose a venue for a demonstration do not infringe the applicants' freedom of assembly**

The applicants refused to demonstrate at a venue designated by domestic authorities, which were not the place they wanted to gather to. They complained about the restrictions imposed on them by domestic authorities, and more specifically about the change of venue of the demonstration, as well as their prosecution for failure to comply with the so-called "notification-and-endorsement procedure" for public gatherings.

The Court observed in particular that the Russian authorities had not banned the applicants' gathering, but had swiftly suggested to them a different venue. However, without a valid reason, the applicants

had not accepted that proposal. That had made the authorities' task of ensuring people's security and of taking the necessary preparatory measures for the planned event more difficult. Accordingly, there had been no violation of Article 11 read in the light of Article 10.

*Judges Vajić and Kovler expressed a joint dissenting opinion the text of which is attached to the judgment.*

## 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 cases:

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	10 July 2012	<a href="#">GRIGORYAN</a> (NO. 3627/06)	3	No violation of Art. 5 § 1	Lawful detention of the applicant, brought before a judge one and half hours before the expiry of his short-term arrest
				Violation of Art. 6 § 1	Excessive length of proceedings (5 years and 3 months)
AUSTRIA	3 July 2012	<a href="#">ROBATHIN</a> (NO. 30457/06)	2	Violation of Art. 8	Seizure and examination of all the electronic data of a practicing lawyer
	17 July 2012	<a href="#">WALLISHAUSER</a> (NO. 156/04)	2	Violation of Art. 6 § 1	Domestic authorities' acceptance of United States' authorities' refusal, relying on their immunity, to be served with the summons to a hearing in the applicant's case
BULGARIA	3 July 2012	<a href="#">RADEVA</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 13577/05)	3	Violation of Art. 6	Erroneous calculation by domestic courts of the statutory time-limit for lodging an appeal
		<a href="#">TASHEV</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 41816/04)	3	No violation of Art. 1 of Prot. No. 1	Justified destruction of the applicant's workshop
	24 July 2012	<a href="#">KOSTOV (III)</a> (NO. 13801/07)	3	Violation of Art. 10	Confinement of the applicant to an isolation cell for 14 days on account of his complaint about the prison administration's refusal to give him a parcel from his family
				No violation of Art. 6	Fairness of judicial review proceedings concerning the applicant's solitary confinement
CROATIA	10 July 2012	<a href="#">GREGACEVIC</a> (NO. 58331/09)	3	Violation of Art. 6 §§ 1 and 3 b)	Domestic authorities' failure to provide the applicant with adequate time and facilities for preparation of his defence in respect of new documents presented by the police at the last hearing
				No violation of Art. 6 §§ 1 and 3 d)	Domestic authorities' justified refusal to hear witnesses requested by the defence
	24 July 2012	<a href="#">D.J.</a> (NO. 42418/10)	2	Violation of Articles 3 and 8	Lack of effective investigation into the applicant's allegations of rape by another employee on a ship where she was working
ESTONIA	3 July 2012	<a href="#">SAMSONNIKOV</a> (NO. 52178/10)	2	No violation of Art. 8	Proportional interference with the applicant's right guaranteed under the Convention on account of domestic authorities' refusal to extend his residence permit and to expel him from the country for a limited duration (3 years)

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

GERMANY	19 July 2012	<a href="#">HÜMMER</a> (NO. 26171/07)	2	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (d)	Applicant's inability to examine the main witnesses against him at any stage of the proceedings
		<a href="#">SIEVERT</a> (NO. 29881/07)	3	No violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (b) and (d)	Fairness of proceedings on account of the fair and proper assessment of witnesses' reliability by domestic courts
GREECE	3 July 2012	BUYAN AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 28644/08)	3	Violation of Articles 6 § 1 and 1 of Prot. No. 1	Domestic authorities' failure to enforce promptly a judgment granting to the applicants a compensation for the expropriation of their property
	17 July 2012	LICA ( <a href="#">IN FRENCH ONLY</a> ) (NO. 74279/10)	3	Violation of Art. 3	Poor conditions of detention
				Violation of Art. 13	Lack of an effective remedy in respect of conditions of detention
				Violation of Art. 5 § 1	Unlawfulness of the applicant's detention pending his deportation
		Violation of Art. 5 § 4	Lack of an effective remedy to challenge the lawfulness of detention		
ITALY	10 July 2012	CUCINOTTA ( <a href="#">IN FRENCH ONLY</a> ) (NO. 16220/03)	3	Violation of Art. 1 of Prot. No. 1	"Indirect expropriation" without compensation of the applicant's land
LATVIA	3 July 2012	<a href="#">ALEKSEJEVA</a> (NO. 21780/07)	2	No violation of Art. 8	Justified restrictions, given the short period of time concerned, on the applicant's entitlement to receive visits from her partner and her mother during her detention
MALTA	17 July 2012	<a href="#">MUSCAT</a> (NO. 24197/10)	3	No violation of Art. 6 § 1	Domestic authorities' justified decision to refuse to reinstate the applicant's appeal given that he failed to take the necessary steps to ensure receipt of the relevant notifications and decisions; Applicant's failure to display special diligence in the defence of his interests
				No violation of Art. 13	Effective remedy in respect of the applicant's claim regarding violations of Art. 6
POLAND	3 July 2012	<a href="#">LEWANDOWSKI</a> (NO. 66484/09)	3	Violation of Art. 6 § 1	Offended judge sitting as a single judge in considering whether the criticism of him constituted contempt of court
		<a href="#">SIWIEC</a> (NO. 28095/08)	3	No violation of Art. 6 § 1	Adequate opportunity given to the applicant to present his case to the courts
	24 July 2012	<a href="#">CHYZYNSKI</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 32287/09)	3	Violation of Art. 6 § 1	Excessive length of proceedings (11 years and 8 months at two degrees of jurisdiction)
		<a href="#">LOPUCH</a> (NO. 43587/09)	3	No violation of Art. 10	Relevant and sufficient reasons in support of domestic court's decision to condemn the applicant to fine for defamation; proportionate nature of the fine imposed
		<a href="#">TOZICZKA</a> (NO. 29995/08)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the fact that the same judge had sat on both the Court of Appeal and the Supreme Court in the applicant's case
	<a href="#">WALDEMAR NOWAKOWSKI</a> (NO. 55167/11)	2	Violation of Art. 1 of Prot. No. 1	Confiscation by police of the collection of the antique arms of the applicant, a veteran of the Polish Resistance during the Second World War and a former professional officer in the Polish Army	



POLAND (CONTINUED)	24 July 2012	<a href="#">WENERSKI (NO. 2)</a> (NO. 38718/09)	3	Violation of Art. 3	Detention of the applicant, an epileptic person with personality disorder, in overcrowded prison cells
		<a href="#">ZIEMBINSKI</a> (NO. 46712/06)	3	No violation of Art. 10	Fair balance struck by domestic authorities between the interests of, on the one hand, the protection of a district mayor's reputation and, on the other, the applicant's right to exercise his freedom of expression as a journalist
PORTUGAL	3 July 2012	FALCAO DOS SANTOS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 50002/08)	3	Violation of Art. 6 §§ 1, 3b), c) and d)	Domestic authorities' failure to provide the applicant with effective legal representation
ROMANIA	10 July 2012	LANCRANJAN FRANCHINI AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 26298/05)	3	Violation of Articles 6 § 1 and 1 of Prot. No. 1	Domestic authorities' decision to set aside a judgment in the applicants' favour
		SERBAN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 17984/04)	3	Violation of Art. 6 § 1	Supreme Court's decision not to admit the applicant to the Bar without an examination while it ruled otherwise in all similar cases
		<a href="#">VARTIC</a> (NO. 12152/05)	3	Violation of Art. 3	Poor conditions of detention
	17 July 2012	BUDACA ( <a href="#">IN FRENCH ONLY</a> ) (NO. 57260/10)	3		
		IORGOIU ( <a href="#">IN FRENCH ONLY</a> ) (NO. 1831/02)	3		
		<a href="#">RADU POP</a> (NO. 14337/04)	3		
	24 July 2012	CIUPERCESCU (NO. 2) ( <a href="#">IN FRENCH ONLY</a> ) (NO. 64930/09)	3	Violation of Art. 3	Applicant's contraction of tuberculosis in one of the prison where he had been detained, because sick detainees had not been segregated from the others
		FULOP ( <a href="#">IN FRENCH ONLY</a> ) (NO. 18999/04)	2		
		STANCA ( <a href="#">IN FRENCH ONLY</a> ) (NO. 34116/04)	3		
RUSSIA	3 July 2012	<a href="#">RAZVYAZKIN</a> (NO. 13579/09)	3	Violation of Art. 3	Repeated solitary confinement
				No violation of Art. 13	Lack of an effective remedy in respect of repeated solitary confinement
				No violation of Art. 6	Fairness of proceedings
		<a href="#">RUSTAMOV</a> (NO. 11209/10)	3	Violation of Art. 3	Risk of ill-treatment in case of extradition to Uzbekistan
				No violation of Art. 5 § 1	Lawfulness of detention pending extradition; reasonable length of detention
				No violation of Art. 5 § 4	Effective remedy available to the applicant to challenge the lawfulness of his detention

RUSSIA (CONTINUED)	10 July 2012	<a href="#">VAKHAYEVA</a> (NO. 27368/07) AND <a href="#">ILAYEVA AND OTHERS</a> (NO. 27504/07)	3	Violation of Art. 2 (substantive and procedural)	Abduction and detention of applicants' relatives by State servicemen; lack of an effective investigation in that respect
				Violation of Art. 3	Mental suffering of the applicants following their relatives' disappearance and domestic authorities' failure to investigate it properly
				Violation of Art. 5	Unlawful detention of the applicants' relatives
				Violation of Art. 13	Lack of an effective remedy to challenge the violations of the Convention
	<a href="#">YUDINA</a> (NO. 52327/08)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment by police officers; lack of an effective investigation in that respect	
24 July 2012	<a href="#">GRISHIN</a> (NO. 14807/08)	3	Violation of Art. 5 § 3	Excessive length of pre-trial detention (4 years and 10 months)	
			Violation of Art. 5 § 4	Domestic authorities' failure to examine speedily the applicant's appeals	
			Violation of Art. 6 § 1	Excessive length of criminal proceedings (6 years and 10 months at two levels of jurisdiction)	
	<a href="#">SIZOV (No. 2)</a> (NO. 58104/08)	3	Violation of Art. 6	Excessive length of criminal proceedings (4 years and 10 and a half months at two levels of jurisdiction)	
SLOVAKIA	10 July 2012	<a href="#">VARGA</a> (NO. 36931/08)	3	Violation of Art. 6 § 1	Dismissal of the applicants' claim on the basis of a legislative amendment adopted after the start of the proceedings
	17 July 2012	<a href="#">WINKLER</a> (NO. 25416/07)	3	Violation of Art. 5 § 1	Extension of the applicant's detention without a court's decision
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	12 July 2012	<a href="#">TRAMPEVSKI</a> (NO. 4570/07)	3	Violation of Art. 6 §§ 1 and 3 d)	Applicant's inability to confront the witnesses whose statements given pre- trial proceedings had served as a basis for his conviction
THE NETHERLANDS	12 July 2012	<a href="#">VIDGEN</a> (NO. 29353/06)	3	Violation of Art. 6 §§ 1 and 3 d)	Applicant's inability to examine witnesses' statements on which his criminal conviction has been based
THE UNITED KINGDOM	17 July 2012	<a href="#">MUNJAZ</a> (NO. 2913/06)	2	No violation of Art. 5	Applicant's seclusion did not amount to solitary confinement
				No violation of Art. 8	Lawful interference with the applicant's right to private life on account of his seclusion

TURKEY	3 July 2012	<a href="#">GÜRKAN</a> (NO. 10987/10)	3	Violation of Art. 6 § 1	Military tribunal's lack of independence and impartiality
		<a href="#">Öz</a> (IN FRENCH ONLY) (NO. 6840/08)	3	Violation of Art. 5 §§ 3, 4, and 5	Excessive length of pre-trial detention, lack of an effective remedy in that respect, lack of compensation proceedings
				Violation of Art. 6	Excessive length of proceedings
				Violation of Art. 13	Lack of an effective remedy in respect of the length of proceedings
		<a href="#">TAYLAN</a> (NO. 32051/09)	3	Violation of Art. 3	Ill-treatment in police custody
		<a href="#">TOPALOĞLU</a> (IN FRENCH ONLY) (NO. 38388/04)	3	Violation of Art. 5 § 1	Unlawful pre-trial detention
	Violation of Art. 5 § 5			Lack of an effective remedy to challenge the lawfulness of the applicant's pre-trial detention	
	Violation of Art. 6 § 1			Domestic authorities' failure to provide the applicant with public prosecutor's opinion	
	10 July 2012	<a href="#">AKBABA</a> (IN FRENCH ONLY) (NO. 48887/06)	3	Violation of Art. 2	Death of the applicants' relative following domestic police forces' use of assault weapons and tear gas against detainees, whom he was part of, who gone on hunger strike in protest against a plan to build F-type prison with smaller living units
				Violation of Art. 6	Excessive length of administrative proceedings (4 years)
		<a href="#">SAT</a> (IN FRENCH ONLY) (NO. 14547/04)	3	Violation of Art. 2	Applicant's injury by domestic police forces during an operation against detainees who gone on hunger strike (see also Akbaba case above)
	17 July 2012	<a href="#">CEVİZ</a> (IN FRENCH ONLY) (NO. 8140/08)	3	Violation of Art. 5 § 4	Unfairness of proceedings on account of the applicant's inability to get access to the Prosecutor's opinion and to answer to it
				Violation of Art. 5 § 5	Lack of an effective remedy in respect of the applicant's claim under Art. 5 § 4
		<a href="#">TARHAN</a> (IN FRENCH ONLY) (NO. 9078/06)	3	Violation of Art. 3	Psychological ill-treatment (obligation made to the applicant to shave his beard and his hair, numerous proceedings against him, etc.) on account of the applicant's refusal to fulfil his military service
				Violation of Art. 9	Non-recognition of the applicant's right to conscientious objection

TURKEY (CONTINUED)	24 July 2012	<a href="#">IBRAHIM ERGUN</a> (NO. 238/06)	3	Violation of Art. 3 (substantive and procedural)	Excessive force use by police officers against the applicant while he attempted to participate in a demonstration in the form of a press conference; lack of an effective investigation in that respect
		<a href="#">SARP KURAY</a> (IN FRENCH ONLY) (NO. 23280/09)	3	Violation of Art. 6 § 1	Excessive length of criminal proceedings (15 years)
				Violation of Art. 6 §§ 1 and 3 d)	Condemnation of the applicant mainly on the ground of the testimony of witnesses heard in other proceedings
<a href="#">YERME</a> (IN FRENCH ONLY) (NO. 3434/05)	3	Violation of Art. 3 (substantive and procedural)	Domestic authorities' excessive use of force against the applicant and others prisoners; lack of an effective investigation in that respect		
UKRAINE	19 July 2012	<a href="#">ALEKSAKHIN</a> (NO. 31939/06)	2	Violation of Art. 3 (substantive and procedural)	Ill-treatment by a police officer, lack of an effective remedy in that respect
	26 July 2012	<a href="#">SAVITSKY</a> (NO. 38773/05)	3	Violation of Art. 3 (substantive and procedural)	Ill-treatment by police officers; lack of an effective investigation in that respect
				Violation of Art. 6 § 1	Domestic authorities' refusal to implement a judgment allowing the applicant's request for copies of the procedural decisions taken in the course of the examination of his complaints of ill-treatment
				Violation of Art. 34	Hindrance of the applicant's effective application to the Court on account of domestic authorities' refusal to give him access to the necessary documents

### 3. Repetitive cases

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

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

STATE	DATE	CASE TITLE	CONCLUSION	KEY WORDS
POLAND	5 July 2012	<a href="#">SZUBERT</a> (NO. 22183/06)	Violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c)	Legal-aid lawyer's refusal to draft a cassation appeal
ITALY	24 July 2012	<a href="#">CROCI AND OTHERS</a> (IN FRENCH ONLY) (NO. 14828/02)		Just satisfaction
		<a href="#">FENDI AND SPERONI</a> (IN FRENCH ONLY) (NO. 37338/03)		

TURKEY	24 July 2012	<a href="#">HAYRETTIN DEMIR</a> (NO. 2091/07)	Violation of Art. 5 § 3	Excessive length of pre-trial detention
			Violation of Art. 6 § 1	Excessive length of criminal proceedings
			Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Infringement of the applicant's right to legal assistance of his own choosing
		<a href="#">MEHMET MANSUR DEMIR</a> (NO. 54614/07)	Violation of Art. 13	Lack of an effective remedy in respect of the applicant's claims under Articles 5 and 6
UKRAINE	26 July 2012	<a href="#">KHARUK AND OTHERS</a> (NOS. 703/05 AND 115 OTHER APPLICATIONS)	Violation of Articles 6 § 1, 1 of Prot. No. 1 and 13	Delayed enforcement of decisions given in the applicants' favour

#### 4. Length of proceedings cases

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

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

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

STATE	DATE	CASE TITLE
BULGARIA	5 July 2012	<a href="#">IVANOV</a> (NO. 41140/05)
	26 July 2012	<a href="#">KECHEV</a> (NO. 13364/05)
		<a href="#">PETKO YORDANOV</a> (NO. 33560/06)
CROATIA	24 July 2012	<a href="#">ZGLAVNIK</a> (NO. 28018/10)
GREECE	3 July 2012	VEZYRGIANNIS (IN FRENCH ONLY) (NOS. 37992/08 AND 8571/09)
SLOVAKIA	24 July 2012	<a href="#">MAXIAN AND MAXIANOVA</a> (NO. 44482/09)
SLOVENIA	17 July 2012	<a href="#">JAMA (III)</a> (NO. 48163/08)
UKRAINE	26 July 2012	<a href="#">SLYADNYEVA</a> (NO. 38711/06)
		<a href="#">YAKOVLEV</a> (NO. 18412/05)

## 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 18 June to 15 July 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
ALBANIA	19 June 2012	<a href="#">SULEJMANI</a> (NO. 16114/10)	Art. 6 §§ 1 and 3 (trial <i>in absentia</i> )	Inadmissible as manifestly ill-founded
BOSNIA AND HERZEGOVINA	3 July 2012	<a href="#">AREZINA</a> (NOS. 66816/09 AND 13 OTHERS)	Articles 6 and 1 of Prot. No. 1 (non-enforcement of judgment in the applicants' favour)	Inadmissible for non-respect of the six-months requirement
		<a href="#">TEVANOVIC</a> AND OTHERS (NO. 4610/10)	Articles 6, 8 and 1 of Prot. No. 1 (non-enforcement of judgment in the applicant's favour)	Struck out of the list (it is no longer justified to continue the examination of the application)
BULGARIA	19 June 2012	<a href="#">KABUROV</a> (NO. 9035/06)	Articles 2, 3, 6 § 1 and 13 (ill-treatment by police officers of the applicant's father and lack of an effective investigation in that respect), Art. 6 § 1 and Art. 1 of Prot. No. 1 (unlawful seizure of the car of the applicant's father), Art. 6 § 1 (unfairness of proceedings for damages against the State)	Incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claims under Art. 3 and 13), inadmissible as manifestly ill-founded concerning the remainder of the application
		TASEV AND TASEVA ( <i>IN FRENCH ONLY</i> ) (NO. 42625/02)	Articles 6 and 1 of Prot. No. 1 (domestic authorities' failure to modify an urban plan in application of judgment in the applicants' favour)	Inadmissible as manifestly ill-founded
		<a href="#">NEDYALKOV</a> (NO. 31151/06)	Art. 1 of Prot. No. 1 (alleged inability of the applicant to request amendments to the status of his land), Art. 6 § 1 (domestic courts' refusal to examine the applicant's appeal on the merits)	Struck out of the list (the applicant no longer wished to pursue the application)
	3 July 2012	<a href="#">HRISTOV AND OTHERS</a> (NOS. 13684/03 AND 27 OTHERS)	Art. 1 of Prot. No. 1 (cap on the applicant's retirement pensions), Art. 14 (discriminating nature of such a cap), Articles 6 and 13 (applicants' inability to challenge the constitutionality of that cap), unfairness of proceedings (no article mentioned), excessive length of proceedings (no article mentioned)	Inadmissible as manifestly ill-founded
		<a href="#">SAVOV</a> (NOS. 24358/06 AND 4 OTHERS)	Articles 6 § 1 and 13 (excessive length of criminal proceedings and lack of an effective remedy in that respect)	Struck out of the list (unilateral declaration of the Government)
		<a href="#">SOTIROV</a> (NO. 19985/06)	Articles 6 § 1 and 13 (excessive length of civil proceedings and lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
		<a href="#">VASILEVA</a> (NOS. 15423/07 AND 8 OTHERS)	Articles 6 § 1, 13 and 1 of Prot. No. 1 (excessive length of proceedings and lack of effective remedies in that respect)	
5 July 2012	<a href="#">ZAGORCHINOVA</a> (NO. 26471/06)	Articles 6 § 1 and 1 of Prot. No. 1 (delay in the process of restitution of agricultural land)	Inadmissible as manifestly ill-founded	

CROATIA	19 June 2012	<a href="#">GJURASIN</a> (NO. 51802/09)	Articles 6 § 1, 13 and 2 of Prot. No. 7 (domestic authorities' failure to serve the judgment adopted in criminal proceedings against the applicant to him, lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded
	26 June 2012	<a href="#">VOJNOVIC AND VOJNOVIC</a> (NO. 4819/10)	Art. 6 (unfairness of proceedings), Art. 8 (termination of the applicants' specially protected tenancy), Art. 1 of Prot. No. 1 (applicants' inability to purchase the apartment on which they had held a specially protected tenancy), Articles 13, 14 and 17 (discrimination against the applicant in the termination of their specially protected tenancy, lack of an effective remedy in that respect), Art. 3 (ill-treatment of the applicants' son, and lack of an effective investigation in that connection)	Partly inadmissible as being substantially the same as a matter that has already been examined by the Court (concerning the termination of the applicants' specially protected tenancy), partly inadmissible for non-exhaustion of domestic remedies (concerning the fairness of proceedings), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning the alleged ill-treatment of the applicants' son)
	3 July 2012	<a href="#">BUKOVAC</a> (NO. 55181/10)	Articles 6 and 13 (excessive length of civil proceedings and lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
<a href="#">GRACANIN</a> (NO. 70413/10)		Articles 6 and 13 (excessive length of enforcement proceedings and lack of an effective remedy in that respect)		
CYPRUS	19 June 2012	<a href="#">KESONJA</a> (NO. 61458/10)	Articles 6 and 13 (excessive length of enforcement proceedings and lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded
		<a href="#">IZZET MEHMET AND OTHERS</a> (NOS. 6860/09 AND 12 OTHERS)	Art. 1 of Prot. No. 1 (in particular, applicants' inability to enjoy possession of property under the custodianship regime), Art. 8 (alleged interference with the applicants' home or possessions), Art. 14 (alleged discrimination), Articles 6 and 13 (lack of access to court or of effective remedy in respect of the applicants' complaints)	
ESTONIA	26 June 2012	<a href="#">TAYLOR</a> (NO. 37038/09)	Art. 5 §§ 1 (f) and 4 (unjustified deprivation of liberty), Art. 8 (domestic authorities' failure to consider the applicant's personal and family situation when taking the decision to extradite him)	Inadmissible as manifestly ill-founded
FINLAND	3 July 2012	<a href="#">A.A.S.</a> (NO. 56693/09)	Art. 8 (domestic authorities' refusal to allow the applicant to visit his daughter whose mother had custody of)	Inadmissible as manifestly ill-founded
FRANCE	19 June 2012	K.N. (IN FRENCH ONLY) (NOS. 47129/09 AND 5 OTHERS)	Articles 3 and 2 (risk of ill-treatment in case of extradition to Greece on account of the applicants' inability to get access to asylum proceedings in that country), Art. 13 (lack of an effective remedy)	Struck out of the list (the applicants no longer wished to pursue the application)

<b>FRANCE</b> (CONTINUED)	19 June 2012 (continued)	S.R. (IN FRENCH ONLY) (NO. 17859/09)	Art. 3 (risk of ill-treatment in case of deportation to Sri Lanka), Art. 3 in conjunction with Art. 3 (lack of an effective review of the applicant's asylum application)	Inadmissible as manifestly ill-founded
<b>GEORGIA</b>	10 July 2012	<a href="#">EDIGARASHVILI</a> (NO. 22325/10)	Art. 3 (lack of treatment for cardiac problems in prison)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">MOTSONELIDZE</a> (NO. 73250/10)	Articles 3, 6 § 1 and 13 (lack of treatment for the applicant's viral hepatitis C in prison and applicant's inability to have access to a domestic court for his health grievances)	
<b>GERMANY</b>	10 July 2012	<a href="#">E.A.</a> (NO. 64208/11)	Articles 3, 6, 8 and 13 (deportation from Germany to Italy for the further examination of the applicant's asylum request)	Struck out of the list (friendly settlement reached)
		<a href="#">MIANOWICZ</a> (NO. 23056/09)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Partly inadmissible for non-exhaustion of domestic remedies (concerning claim under Art. 6), partly inadmissible as manifestly ill-founded (concerning claim under Art. 13)
		<a href="#">SCHELLMANN AND JSP PROGRAMMENTWICKLUNG GMBH &amp; CO.KG</a> (NO. 27366/07)		
<b>GREECE</b>	26 June 2012	<a href="#">A. MOKSEL A.G.</a> (IN FRENCH ONLY) (NO. 40858/09)	Art. 1 of Prot. No. 1 (insufficient compensation for expropriation)	Inadmissible as manifestly ill-founded
		<a href="#">CIGDEM</a> (IN FRENCH ONLY) (NO. 22009/10)	Articles 8 and 1 of Prot. No. 1 in conjunction with Art. 14 (invalidation of a notarial deed according to Muslim sacred law)	Incompatible <i>ratione materiae</i> with the provisions of the Convention
		<a href="#">DALIPI</a> (IN FRENCH ONLY) (NO. 51588/08)	Art. 6 § 1 (impartiality and unlawfulness of the "Cour de Cassation"), Art. 6 § 2 (breach of the applicant's right to be presumed innocent)	Partly inadmissible for non-exhaustion of domestic remedies (concerning the claim under Art. 6 § 1), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
	3 July 2012	<a href="#">PERONA</a> (IN FRENCH ONLY) (NO. 15660/11)	Art. 5 §§ 1 f) and 4 (unlawful detention and lack of an effective remedy in that respect)	Inadmissible for non-exhaustion of domestic remedies
<b>HUNGARY</b>	19 June 2012	<a href="#">GOUKOU AND OTHERS</a> (IN FRENCH ONLY) (NO. 26124/10)	Art. 6 § 1 (excessive length of proceedings), Art. 13 (lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
	10 July 2012	<a href="#">DUBASZ</a> (NO. 19228/10)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
<a href="#">FEKETE</a> (NO. 9417/10)				
<b>IRELAND</b>	26 June 2012	<a href="#">JAKAB</a> (NO. 12143/09)	Art. 6 § 1 (allegedly wrong decision given by domestic courts)	Inadmissible as manifestly ill-founded
		<a href="#">O'KEEFE</a> (NO. 35810/09)	Articles 3, 8, 2, 2 of Prot. No. 1 (domestic authorities' failure to protect the applicant from abuse by the Principal of her National School, and lack of an effective remedy in that respect)	Partly struck out of the list (friendly settlement reached concerning the complaints under Art. 6 and 13), partly



			respect), Articles 6 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	admissible (concerning the remainder of the application)
ITALY	19 June 2012	<a href="#">BASSANI AND COLOMBO</a> (IN FRENCH ONLY) (NO. 26329/03)	Excessive length of "pinto" proceedings (no article specified)	Struck out of the list (friendly settlement reached)
		BEN SLIMEN (IN FRENCH ONLY) (NO. 38435/10)	Articles 2 and 3 (poor condition of detention allegedly on account of the applicant's quality of suspected terrorist)	Inadmissible as manifestly ill-founded
		CELENTANO (IN FRENCH ONLY) (NOS. 64784/10 AND 3 OTHERS)	Art. 6 § 1 and/or Art. 1 of Prot. No. 1 (non-execution of "Pinto" judgments in the applicants' favour)	Struck out of the list (friendly settlement reached)
		NAPOLITANO (IN FRENCH ONLY) (NOS. 51977/10 AND 23 OTHERS)		
		SERGI (IN FRENCH ONLY) (NOS. 17608/03 AND 3 OTHERS)	Excessive length of "Pinto" proceedings (no article specified)	
	10 July 2012	IGNAOUA AND OTHERS (IN FRENCH ONLY) (NO. 22209/09)	Art. 3 (risk of ill-treatment in case of deportation to Tunisia)	Partly Struck out of the list (some of the applicants no longer wished to pursue their application), partly inadmissible as manifestly ill-founded (concerning other applicants)
		KNENI (IN FRENCH ONLY) (NO. 20046/10)		Inadmissible as manifestly ill-founded
MEFTAH (IN FRENCH ONLY) (NOS. 43121/10 AND 2 OTHERS)				
LATVIA	26 June 2012	<a href="#">RUDEVITS</a> (NO. 47590/06)	Articles 2 and 6 (domestic courts' decision to sentence the applicant to imprisonment), Art. 3 (detention in spite of the applicant's state of health)	Inadmissible as manifestly ill-founded
	3 July 2012	<a href="#">LEITENDORFS</a> (NO. 35161/03)	In particular, Art. 3 (poor condition of detention), Art. 13 (lack of an effective remedy in that respect)	
LITHUANIA	10 July 2012	<a href="#">CYTACKA AND OTHERS</a> (NO. 53788/08)	Articles 8 and 10 in conjunction with Art. 14 (applicants' inability to have a Polish spelling in the school's official name)	Partly inadmissible for non-exhaustion of domestic remedies (concerning some of the applicants), partly incompatible <i>ratione personae</i> with the provisions of the Convention (concerning other applicants)
LUXEMBOURG	3 July 2012	ETUTE (IN FRENCH ONLY) (NO. 22655/11)	Art. 8 (prison authorities' opening of the applicant's correspondence)	Struck out of the list (it is no longer justified to continue the examination of the application)

<b>MALTA</b>	26 June 2012	<a href="#">BORG</a> (NO. 57171/10)	Art. 6 § 1 (low amount of compensation awarded to the applicant on account of excessive length of proceedings), Art. 6 § 2 (rejection of the applicant's claim on account of illegal actions for which he had been acquitted), Art. 1 of Prot. No. 1 (infringement of the applicant's right to the peaceful enjoyment of his property)	Partly struck out of the list (unilateral declaration of the Government concerning the low amount of compensation), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
<b>MOLDOVA</b>	19 June 2012	<a href="#">BIRCA</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 37262/07)	Articles 6 § 1 and 1 of Prot. No. 1 (non-execution of a judgment in the applicant's favour)	Struck out of the list (friendly settlement reached)
		<a href="#">COLIOGLO AND OTHERS</a> ( <a href="#">IN FRENCH ONLY</a> ) (NOS. 46272/08 AND 2 OTHERS)	Non-execution of judgments in the applicants' favour (no article specified)	Struck out of the list (the applicants no longer wished to pursue their application)
	3 July 2012	<a href="#">PERHULOV</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 27768/05)	Art. 6 § 1 (domestic court's decision to reopen proceedings against the applicant), Articles 6 and 13 (non-enforcement of a judgment in the applicant's favour), Art. 6 (excessive length and unfairness of proceedings)	Partly inadmissible as manifestly ill-founded (concerning the reopening and the unfairness of proceedings), partly inadmissible for non-exhaustion of domestic remedies (concerning the non-enforcement of the judgment and the excessive length of proceedings)
	10 July 2012	<a href="#">CALANCEA</a> (NO. 50425/11)	Art. 3 (alleged ill-treatment by police)	Struck out of the list (friendly settlement reached)
		<a href="#">LEVINTA</a> (NO. 5116/08)		
		<a href="#">UNIVERSUL S.A.</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 28883/05)	Art. 6 § 1 (domestic courts' decision to allow a belated appeal by the applicant's adverse party)	Struck out of the list (it is no longer justified to continue the examination of the application)
	<a href="#">VIERU</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 18506/05)	Art. 6 § 1 and 1 of Prot. No. 1 (non-execution of a judgment in the applicants' favour)	Struck out of the list (the applicant no longer wished to pursue the application)	
<b>NORWAY</b>	10 July 2012	<a href="#">SHALA</a> (NO. 1195/10)	Art. 6 § 1 (domestic courts' alleged failure to give adequate reasons for the applicant's conviction)	Inadmissible as manifestly ill-founded
<b>POLAND</b>	19 June 2012	<a href="#">KARLINSKI</a> (NO. 11310/09)	Art. 6 § 1 (excessive length of criminal proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">TOBOLA</a> (NO. 32582/10)		
	3 July 2012	<a href="#">MARCHEL</a> (NO. 18468/09)		
		<a href="#">MAREK</a> (NO. 48092/08)		
5 July 2012	<a href="#">A.K.</a> ( <a href="#">IN FRENCH ONLY</a> ) (NO. 7705/05)	Art. 6 §§ 1 and 3 (applicant's inability to question witnesses), Art. 14 (discrimination against the applicant)		

POLAND (CONTINUED)	5 July 2012 (continued)	GUGALA (NO. 60599/11)	Art. 3 (poor conditions of detention), Articles 6 and 13 (excessive length of proceedings)	Partly struck out of the list (unilateral declaration of the Government concerning the conditions of detention), partly inadmissible as manifestly ill-founded (concerning the claim under Articles 6 and 13)
		LYS (IN FRENCH ONLY) (NO. 41174/06)	Art. 2 (excessive length of proceedings against the applicant's brother's murderers)	Struck out of the list unilateral declaration of the Government)
ROMANIA	19 June 2012	BRONT (IN FRENCH ONLY) (NO. 5604/05)	Art.1 of Prot. No. 1 (quashing of judgments in the applicants' favour)	Struck out of the list (unilateral declaration of the Government)
		CAZACU (IN FRENCH ONLY) (NO. 20555/03)	Art. 6 (domestic authorities' failure to inform the applicant of proceedings held against him), Art. 1 of Prot. No. 1 (alleged infringement of the applicant's right to peaceful enjoyment of his property if the auction sale of his house was to be completed)	Inadmissible as manifestly ill-founded
		CLITAN (NO. 19158/07)	Art. 6 § 1 (alleged infringement of the applicant's effective right to access to court due to the use of service by affixation)	Struck out of the list (the applicant no longer wished to pursue the application)
	3 July 2012	ADAM (IN FRENCH ONLY) (NO. 10855/08)	Art. 1 of Prot. No. 12 (discriminatory nature of domestic authorities' refusal to allow the applicant to adopt his wife's son)	Struck out of the list (the applicant no longer wished to pursue the application)
		ARNAUTU (IN FRENCH ONLY) (NO. 22785/09)	Art. 8 (force expulsion of the applicants)	Inadmissible for non-exhaustion of domestic remedies
		CONSTANTIN (IN FRENCH ONLY) (NO. 30842/05)	Art. 3 of Prot. No. 1 (deprivation of the applicant's right to vote on account of his criminal conviction)	Struck out of the list (the applicant no longer wished to pursue the application)
		NECULA (IN FRENCH ONLY) (NO. 31470/04)	Art. 3 (poor condition of detention)	
		OLARU AND OTHERS (IN FRENCH ONLY) (NO. 25423/03)	Art. 5 § 1 (unjustified pre-trial detention of the applicants, unreasoned decision of domestic courts to detain the applicants), Art. 5 § 2 (domestic authorities' failure to inform the applicants of the reasons of their detention), Art. 6 § 3 (unfairness of proceedings, in particular on account of a lack of time to prepare their defence), Art. 10 (press declarations of the prosecutor)	Struck out of the list (friendly settlement reached)
		PARVU (IN FRENCH ONLY) (NO. 20162/06)	Article 6 and 1 of Prot. No. 1 (unfairness of proceedings on account of domestic court's refusal to examine the applicant's claims)	Struck out of the list (the applicant no longer wished to pursue the application)
		PETRACHE (IN FRENCH ONLY) (NO. 30266/10)	Art. 3 (poor conditions of detention)	

ROMANIA (CONTINUED)	3 July 2012 (continued)	<a href="#">SASU</a> (NO. 15294/03)	Poor conditions of detention (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">STANCULESCU</a> (NOS. 22555/09 AND 1 OTHER)	In particular, Art. 6 §§ 1 and 3 (excessive length and unfairness of proceedings), Art. 7 (applicant's conviction for a fact that did not constitute a crime at the relevant time)	Partly adjourned (concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning the unfairness of proceedings and the claim under Art. 7)
		<a href="#">TENE</a> (NO. 66933/06)	Unfairness of criminal proceedings (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
RUSSIA	3 July 2012	<a href="#">BYATENKOV AND OTHERS</a> (NO. 4426/08)	Articles 6 § 1, 13 and 1 of Prot. No. 1 (non-enforcement of judgment in the applicants' favour)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">BYCHKOV</a> (NO. 33198/08)	Articles 3 and 13 (ill-treatment by police officers during the applicant's arrest and detention)	
		<a href="#">ISHCHENKO</a> (NO. 23142/04)	In particular, articles 6 § 1 and 1 of Prot. No. 1 (delayed enforcement of judgments in the applicant's favour)	Struck out of the list (unilateral declaration of the Government)
		<a href="#">KOMISSAROVA</a> (NO. 25537/08)	Art. 3 (domestic authorities' refusal to allow the applicant to visit her husband), Articles 8, 17 and 18 (when allowed to visit her husband, poor condition of such visits: in particular, lack of privacy and of physical contacts), Art. 13 (lack of remedy to complain about the applicant's husband's condition of detention), Art. 14 (discrimination against the application as the wife of an accused person)	Inadmissible as manifestly ill-founded
		<a href="#">KUKUSHKIN</a> (NO. 17994/05)	Articles 5 §§ 1, 3 and 4 (unlawful detention, domestic courts' failure to adduce sufficient reasons for it and to examine the applicant's appeal against some of the detention orders)	Struck out of the list (it is no longer justified to pursue the examination of the application)
		<a href="#">MAKSIMOVA</a> (NO. 52898/09)	Articles 6 § 1 and 1 of Prot. No. 1 (non-enforcement of a judgment ordering to provide the applicant with monetary subsidy for housing)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">SOBAKAR</a> (NOS. 33539/05 AND 3 OTHERS)	Articles 6 § 1, 13 and 1 of Prot. No. 1 (non-enforcement of final domestic courts judgments in the applicants' favour)	
		<a href="#">ZHUCHKOV</a> (NO. 27374/06)	Articles 6 § 1, 13 and 1 of Prot. No. 1 (lengthy failure of domestic courts to consider the applicant's lawsuit)	Struck out of the list (friendly settlement reached)

<b>RUSSIA</b> (CONTINUED)	3 July 2012 (continued)	<a href="#">ZVEREV</a> (NO. 16234/05)	In particular, Art. 6 § 1 (excessive length of criminal proceedings)	Inadmissible for non-respect of the six-months requirement
		<a href="#">ZUNNUNOV</a> (NO. 58364/08)	Articles 6 § 1 and 13 (non-enforcement of a domestic judgment ordering to provide the applicant with social housing)	Struck out of the list (the applicant no longer wished to pursue the application)
	10 July 2012	<a href="#">LOLAYEV</a> (NO. 53556/08)	Articles 6 § 1 and 13 (non-enforcement of judgment in the applicant's favour)	Inadmissible as manifestly ill-founded
<b>SERBIA</b>	19 June 2012	<a href="#">GOGIC</a> (NOS. 47324/08 AND 8 OTHERS)	Non-enforcement of judgments in the applicants' favour (various articles mentioned)	Struck out of the list (friendly settlement reached)
	10 July 2012	<a href="#">COROVIC</a> (NOS. 50045/08 AND 8 OTHER)	Articles 6 and 1 of Prot. No. 1 (non-enforcement of judgments in the applicants' favour)	
<b>SLOVAKIA</b>	3 July 2012	<a href="#">KOVACOVA</a> (NO. 2489/10)	Art. 6 § 1 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
	10 July 2012	<a href="#">KLINOVSKA</a> (NO. 69583/10)	Art. 6 § 1 (excessive length of civil proceedings)	
<b>SLOVENIA</b>	26 June 2012	<a href="#">BATANOVIC</a> (NO. 60008/10)	Articles 3 and 8 (poor condition of detention)	Struck out of the list (death of the applicant)
		<a href="#">BRAJDIC</a> (NO. 5835/10)	Articles 3 and 8 (poor condition of detention)	Inadmissible as manifestly ill-founded
		<a href="#">BRAJDIC</a> (NO. 6910/10)		
		<a href="#">DRAGAR</a> (NO. 33815/08)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Struck out of the list (friendly settlement reached)
		<a href="#">FERME</a> (NO. 23256/08)	Articles 6 and 13 (excessive length of proceedings and lack of an effective remedy in that respect), Art. 3 (humiliation of the applicant by the decision determining her disability status)	Partly struck out of the list (friendly settlement reached concerning claims under Articles 6 and 13), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		<a href="#">KERMC</a> (NO. 6888/10)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded
		<a href="#">KOMLJEN</a> (NO. 10324/09)		Struck out of the list (friendly settlement reached)
<a href="#">POROPAT</a> (NO. 37208/06)	Articles 6 and 13 (excessive length and unfairness of proceedings, lack of an effective remedy in that respect)	Partly struck out of the list (friendly settlement reached concerning the excessive length of proceedings and the lack of an effective remedy), partly inadmissible (concerning the remainder of the application)		

<b>SLOVENIA</b> (CONTINUED)	26 June 2012 (continued)	<a href="#">UJCIC</a> (NO. 7117/10)	Articles 3 and 8 (poor conditions of detention), Art. 13 (lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded
	10 July 2012	<a href="#">IGNJATIC</a> (NO. 30499/06)	Articles 6 § 1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	
		<a href="#">JAMNIKAR</a> (NO. 37392/06)	Articles 6 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	
		<a href="#">MARKOVIC</a> (NO. 3272/07)	Articles 6 §1 and 13 (excessive length of proceedings and lack of an effective remedy in that respect)	
<b>SWEDEN</b>	3 July 2012	<a href="#">A.H.H.</a> (NO. 4401/11)	Articles 2 and 3 (risk of ill-treatment or killing in case of deportation to Iraq)	Struck out of the list (it is no longer justified to continue the examination of the application)
<b>SWITZERLAND</b>	3 July 2012	SOEDJI ( <a href="#">IN FRENCH ONLY</a> ) (NO. 21714/11)	Articles 2 and 3 (risk of political persecution and of inadequate treatment of the applicant's psychiatric problems in case of deportation to Togo)	Struck out of the list (the applicant no longer wished to pursue the application)
	10 July 2012	M.Z AND N.Z. ( <a href="#">IN FRENCH ONLY</a> ) (NO. 74910/11)	Articles 2 and 3 (risk of ill-treatment or killing in case of deportation to Iraq)	Struck out of the list (it is no longer justified to continue the examination of the application)
<b>THE CZECH REPUBLIC</b>	19 June 2012	<a href="#">HARRACH (V)</a> (NO. 40974/09)	Art. 6 (denial of access to Constitutional Court)	Struck out of the list (unilateral declaration of the Government)
		<a href="#">TYKVA</a> (NO. 21617/10)	Art. 6 (access to the Constitutional Court denied to the applicant)	Struck out of the list (friendly settlement reached)
<b>"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"</b>	3 July 2012	<a href="#">ASANOV</a> (NO. 58925/08)	Articles 6 and 1 of Prot. No. 1 (excessive length of civil proceedings concerning a plot of land)	Struck out of the list (friendly settlement reached)
		<a href="#">DUNIMAGLOVSKI</a> (NO. 38934/08)		
		<a href="#">FETAJ</a> (NO. 62589/09)	Art. 6 (outcome and excessive length of proceedings)	
		<a href="#">JAKIMOVIK</a> (NO. 22651/09)	Art. 6 (unfairness and excessive length of proceedings), Art. 1 of Prot. No. 1 (no further specifications)	
		<a href="#">SMILEVSKA</a> (NO. 25040/09)	Art. 6 (excessive length of compensation proceedings), Art. 14 (no further specifications)	
		<a href="#">STOJANOVSKI</a> (NO. 42704/09)	Art. 6 (length and outcome of proceedings)	
<b>THE NETHERLANDS</b>	19 June 2012	<a href="#">H.</a> (NO. 37833/10)	Art. 8 (exclusion order imposed on the Netherlands)	Struck out of the list (the applicant no longer wished to pursue his application)
	3 July 2012	<a href="#">A.A.</a> (NO. 25304/10)	Art. 3 (risk of ill-treatment in case of deportation to Afghanistan on account of the applicant's conversion from Islam to Christianity and of his belonging to the vulnerable Hazara ethnic minority)	Struck out of the list (it is no longer justified to pursue the examination of the application)

THE NETHERLANDS (CONTINUED)	3 July 2012 (continued)	<a href="#">IBRAHIM ALI</a> (NO. 2303/10)	Articles 3 and 8 (Netherlands authorities' refusal to examine the merits of the applicant's application for asylum), Art. 13 (Netherlands authorities' incorrect consideration that the applicant would, upon her return to Italy, be able to put her grievance before an Italian court of the ECHR), Art. 3 (ill-treatment by Italian authorities)	Struck out of the list (the applicant no longer wished to pursue the application)
	10 July 2012	<a href="#">A.S.</a> (NO. 59364/11)	Art. 3 (risk of ill-treatment in case of deportation to Iran)	Inadmissible as manifestly ill-founded
		<a href="#">A.S.B.</a> (NO. 4854/12)	Art. 3 (risk of ill-treatment in case of expulsion to Jamaica because of the applicant's homosexuality)	Struck out of the list (the applicant no longer wished to pursue his application)
		<a href="#">HASHIMI</a> (NO. 20507/12)	Art. 8 (domestic authorities' decision to expel the applicant to Afghanistan while his wife and two children had been granted asylum in the Netherlands)	
		<a href="#">I.</a> (NO. 24147/11)	Art. 8 (non-admission of the applicant to the Netherlands)	Inadmissible as manifestly ill-founded
		<a href="#">STAATKUNDIG GEREFORMEERDE PARTIJ</a> (NO. 58369/10)	Articles 9, 10, 11 (deprivation of the applicant party's right to freedom of religion, right to freedom of expression and right to freedom of assembly and association on account of Supreme Court's decision)	
THE UNITED KINGDOM	26 June 2012	<a href="#">HEATHER MOOR &amp; EDGECOMB LTD (No. 2)</a> (NO. 30802/11)	Art. 6 (Ombudsman's decision not pronounced publicly, Ombudsman's refusal to hold an oral hearing and to allow cross-examination, Ombudsman's lack of independence, Ombudsman's failure to decide the complaint in accordance with what (s)he considered to be fair and reasonable), Art. 1 of Prot. 1 (alleged infringement of the applicant's right to peaceful enjoyment of his property)	Partly inadmissible (the applicant has not suffered a significant disadvantage because of the fact that the Ombudsman's decision was not pronounced publicly), partly inadmissible as manifestly ill-founded (concerning the lack of oral hearing, and the lack of independence and impartiality), partly inadmissible for non-exhaustion of domestic remedies (concerning the Ombudsman's failure to ground his decision on what (s)he considered to be fair and reasonable)
		<a href="#">HUSSEIN</a> (NOS. 3192/06 AND 16 OTHERS)	Articles 2 and/or 3 (removal to Mogadishu)	Struck out of the list (it is no longer justified to continue the examination of the application)
		<a href="#">MCCABE</a> (NO. 17233/08)	Articles 5 §§ 1, 4 and 5 and Art. 13 (lack of review of the lawfulness of the applicant's detention and lack of compensation in that respect)	Incompatible <i>ratione personae</i> with the provisions of the Convention

THE UNITED KINGDOM (CONTINUED)	26 June 2012 (continued)	<a href="#">MUSA</a> (NOS. 8276/07 AND 175 OTHERS)	Articles 2 and/or 3 (removal to Mogadishu)	Struck out of the list (it is no longer justified to continue the examination of the application)
		<a href="#">R.O.</a> (NO. 7849/12)	Art. 3 (risk of ill-treatment in case of deportation to Syria)	Struck out of the list (friendly settlement reached)
	10 July 2012	<a href="#">ASUQUO</a> (NO. 61206/11)	Art. 4 (domestic authorities' alleged failure to protect the applicant against forced labour)	Inadmissible (it is no longer justified to pursue the examination of the application)
		<a href="#">FLUSKEY</a> (NO. 47932/09)	Retention of the applicant's DNA, fingerprint and photograph data, and limited possibilities for deletion of such data (no article mentioned)	Inadmissible as manifestly ill-founded
		<a href="#">GRAINGER AND OTHERS</a> (NO. 3494/10)	Art. 1 of Prot. No. 1 (lack of compensation for shareholders following the nationalisation of a company)	Inadmissible as manifestly ill-founded
		<a href="#">K.S.</a> (NO. 62110/10)	Articles 6, 8 and 14 (no further specifications)	
TURKEY	19 June 2012	AYDIN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 39899/11)	Art. 6 (domestic courts' alleged failure to examine evidences), Art. 2 (death of the applicants' baby during his birth, and risk of death for his mother)	Inadmissible as manifestly ill-founded
		<a href="#">AYDINER</a> (NO. 42794/07)	Art. 6 (lack of legal assistance available to the applicant during his detention in police custody), Articles 3, 5 and 7 (misconduct of domestic authorities during the applicant's extradition and detention)	Struck out of the list (the applicant no longer wished to pursue the application)
		<a href="#">BESEN</a> (NO. 48915/09)	Art. 2 (lack of an effective independent judicial system to determine the cause of deaths of patients in the care of the medical profession), Art. 3 (physical and psychological suffering of the applicant on account of her mother's first operation, which attained the level of severity of inhuman treatment), Art. 6 (unfairness of proceedings)	Inadmissible as manifestly ill-founded
		CEVIK ( <a href="#">IN FRENCH ONLY</a> ) (NO. 16817/08)	Art. 6 § 1 (excessive length and unfairness of proceedings), Art. 5 (unlawful detention pending trial)	Partly struck out of the list (unilateral declaration of the Government concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		KORGANCI AND OTHERS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 27479/09)	Art. 2 (suicide of the applicants' relative during his military service), Art. 3 (suicide of the applicants' relative allegedly on account of the fact that he had been beaten up by his superior)	Inadmissible as manifestly ill-founded



<b>TURKEY</b> (CONTINUED)	19 June 2012 (continued)	SAYAN AND AKGUL ( <a href="#">IN FRENCH ONLY</a> ) (NO. 23475/10)	In particular, Art. 3 (ambiguity as to the courts' jurisdiction to judge the applicants' case), Art. 5 § 2 (lack of information as to the applicant's arrest), Art. 5 § 3 (excessive length of preventive detention), Art. 5 § 4 (lack of effective remedy to challenge the length of detention), Art. 14 (discrimination on ground of the applicants' Kurdish origin)	Partly inadmissible for non-respect of the six-month requirement (concerning claims under Art. 5 §§ 3 and 4), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 3), partly inadmissible as manifestly ill-founded (concerning claims under Articles 5 § 2 and 14)
		<a href="#">TUNCER</a> (NO. 22680/09)	Art. 8 (Applicant's inability to enjoy his basic rights in prison because of inadequate living conditions), Art. 13 (lack of an effective remedy in that respect)	Inadmissible as manifestly ill-founded
	26 June 2012	<a href="#">BASARAN</a> (NO. 67173/09)	Articles 2 and 6 (involvement of policemen in the killing of the applicant's sister and lack of an effective investigation in that respect), Art. 14 (lack of conviction of the involved policemen)	Inadmissible as manifestly ill-founded
	3 July 2012	AKBAL ( <a href="#">IN FRENCH ONLY</a> ) (NO. 30524/08)	Articles 8, 9, 10 (restrictions on the applicant's right to correspondence and freedom of expression), Articles 6 and 13 (no further specifications)	Struck out of the list (the applicant no longer wished to pursue the application)
		ATMIS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 41105/08)	Prison authorities' failure to transmit one of the applicant's correspondence (no article mentioned)	
		BAGDAS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 1579/07)	Art. 1 of Prot. No. 1 (infringement of the applicants' right to private property)	
		BAL ( <a href="#">IN FRENCH ONLY</a> ) (NO. 18907/07)	Articles 8, 9, 10 (restrictions on the applicant's right to correspondence and freedom of expression), Art. 6 (no further specifications)	
		BASBOGA ( <a href="#">IN FRENCH ONLY</a> ) (NO. 37792/08)		
		BINGOL ( <a href="#">IN FRENCH ONLY</a> ) (NO. 35675/08)		
		CELIK ( <a href="#">IN FRENCH ONLY</a> ) (NO. 20571/08)	Art. 6 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
		CICEK ( <a href="#">IN FRENCH ONLY</a> ) (NO. 37686/05)		
		ESATOGLU ( <a href="#">IN FRENCH ONLY</a> ) (NO. 12844/07)		Art. 6 (excessive length of civil proceedings)
		GEYLAN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 52618/08)	Articles 3, 7, 10 and 14 (unjustified restriction on the applicant's right to correspondence), Articles 6 and 13 (unfairness of proceedings and lack of an effective remedy)	Struck out of the list (the applicant no longer wished to pursue the application)
GUMUS ( <a href="#">IN FRENCH ONLY</a> ) (NO. 12045/08)				

<b>TURKEY</b> (CONTINUED)	3 July 2012 (continued)	KALAYCIOGLU ( <a href="#">IN FRENCH ONLY</a> ) (NO. 22943/08)	Art. 6 § 1 (excessive length and unfairness of proceedings), Art. 1 of Prot. No. 1 (infringement of the applicant's right to respect for private property), Art. 1 of Prot. No. 12 (discrimination against the applicant)	Partly struck out of the list (unilateral declaration of the Government concerning the excessive length proceedings), partly inadmissible as manifestly ill-founded (concerning the unfairness of proceedings and the infringement of the applicant's right to private property), partly incompatible <i>ratione personae</i> with the provisions of the Convention (concerning claim under Art. 1 of Prot. No. 12)
		KARAMAN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 58854/09)	Ill-treatment and delays in proceedings against the person allegedly responsible for that ill-treatment (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		PAPALYARIS AND MODAKI ( <a href="#">IN FRENCH ONLY</a> ) (NO. 28229/07)	Art. 6 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
		<a href="#">RUZGAR</a> (NO. 16848/07)	Art. 5 §§ 1 and 5 (unlawful deprivation of liberty and lack of compensatory remedy)	
		TEKMENÜRAY ( <a href="#">IN FRENCH ONLY</a> ) (NO. 13803/08)	Art. 10 (domestic authorities' failure to transmit the applicant's correspondence)	Struck out of the list (the applicant no longer wished to pursue the application)
		TUM BEL SEN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 61877/08)	Art. 11 (no further specifications)	
		YAYLA AND BEM-BIR-SEN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 4923/08)	Art. 11 in conjunction with Art. 14 (no further specifications)	
		YILDIZ ( <a href="#">IN FRENCH ONLY</a> ) (NO. 26247/06)	Art. 6 (excessive length of civil proceedings)	Struck out of the list (friendly settlement reached)
		YILDIRIM ( <a href="#">IN FRENCH ONLY</a> ) (NO. 51261/08)	Prison authorities' failure to transmit one of the applicant's correspondence (no article mentioned)	Struck out of the list (the applicant no longer wished to pursue the application)
		YILMAZ ( <a href="#">IN FRENCH ONLY</a> ) (NO. 51464/08)	Articles 9, 10 and 14 (discriminatory restriction on the applicant's right to correspondence)	
	10 July 2012	GUL ( <a href="#">IN FRENCH ONLY</a> ) (NO. 74161/11)	Art. 5 § 1 (sanction imposed to the applicant by a military superior and not by an independent tribunal)	Inadmissible as manifestly ill-founded
		<a href="#">GÜNDÜZ</a> (NO. 19628/05)	Art. 3 (alleged ill-treatment by agents of the State or persons acting in collusion with the State), Art. 5 § 1 (allegedly unlawful deprivation of the applicant's liberty), Articles 6 and 13 (complaint about the manner the investigation into allegations of ill-treatment had been handled by the authorities)	

<b>TURKEY</b> (CONTINUED)	10 July 2012 (continued)	KAYA ( <a href="#">IN FRENCH ONLY</a> ) (NO. 20442/10)	Art. 2 (domestic authorities' failure to protect the applicants' son's life), Art. 6 (military domestic courts' lack of jurisdiction to judge the applicants' claim)	Inadmissible as manifestly ill-founded
		KESKIN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 13761/08)	Article 5 §§ 3 and 5 (excessive length of detention in police custody and lack of an effective remedy in that respect), Art. 5 § 1 (unjustified pre-trial detention), Art. 5 § 4 (insufficiently reasoned judgment concerning the applicant's claim against his pre-trial detention), Art. 13 (lack of an effective remedy concerning domestic authorities' alleged violation of the provisions of the Convention)	Partly adjourned (concerning claim under Art. 5 §§ 3 and 5), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
		OCAL ( <a href="#">IN FRENCH ONLY</a> ) (NO. 23422/10)	Art. 5 §§ 3 and 5 (excessive length of pre-trial detention and lack of an effective remedy in that respect), Art. 6 (excessive length of proceedings)	Struck out of the list (friendly settlement reached)
		PARLAK ( <a href="#">IN FRENCH ONLY</a> ) (NO. 55271/09)	Articles 5 and 6 (excessive length of pre-trial detention and proceedings)	
		RENÇBER ( <a href="#">IN FRENCH ONLY</a> ) (NO. 30252/06)	Articles 2, 3, 6 and 8 (death of the applicants' relative after he jumped out of an psychiatric hospital's window)	
		YETISEN ( <a href="#">IN FRENCH ONLY</a> ) (NO. 21099/06)	Art. 2 (domestic authorities' failure to investigate the disappearance of the applicants' relative)	Inadmissible for non-respect of the six-months requirement
<b>UKRAINE</b>	19 June 2012	<a href="#">MIROSNICHENKO</a> (NO. 17978/09)	Articles 6 and 8 (domestic courts' alleged failure to make a residence order in favour of the applicant's daughter, applicant's parents-in-law inability to see their daughter, alleged unfairness of proceedings)	Inadmissible as manifestly ill-founded
		<a href="#">REDAKTSIYA GAZETY SLAVA SEVASTOPOLYA, KP</a> (NO. 50406/08)	Articles 6 § 1 and 1 of Prot. No. 1 (excessive length of proceedings in a dispute over corporate rights as regards a newspaper publishing venture)	Struck out of the list (friendly settlement reached)
	26 June 2012	<a href="#">STEPANOV</a> (NO. 28215/10)	Art. 6 § 1 (excessive length and unfairness of proceedings)	
		<a href="#">TORGOVYY DIM PETRO I PAVEL</a> (NO. 34215/07)	Art. 10 (order made to the applicant to retract information published in an article concerning a public official and to compensate the latter for non-pecuniary damage)	Struck out of the list (unilateral declaration of the Government)
	3 July 2012	<a href="#">GAL</a> (NO. 6759/11)	Art. 5 §§ 1 and 3 (unlawful detention), Articles 5 § 4 and 13 (domestic court's failure to examine one of the applicant's claim concerning the lawfulness of a period of detention; domestic court's refusal to examine the applicant's cassation appeal), Art. 6 §§ 1 and 2 (unfairness of proceedings)	Partly adjourned (concerning the applicant's complaints concerning the lawfulness of his detention and the promptness and effectiveness of the review of such lawfulness), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)

<b>UKRAINE</b> (CONTINUED)	3 July 2012 (continued)	<a href="#">ROMANYUTA</a> (NO. 43900/09)	Art. 6 § 1 (excessive length of proceedings), Art. 1 of Prot. No. 1 (unlawful deprivation of the applicant's entitlement to a flat), Art. 8 (lack of an effective remedy)	Partly struck out of the list (unilateral declaration of the Government concerning the excessive length of proceedings), partly inadmissible as manifestly ill-founded (concerning the remainder of the application)
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### C. The communicated cases

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

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

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
<b>BULGARIA</b>	11 July 2012	<a href="#">Dimitrov and Others</a> (no. 77938/11)	Alleged violation of Art. 2 – Killing of the applicants' relative by the police – Alleged violation of Art. 6 § 1 – Unfairness of proceedings on account of Supreme Court of Cassation judges' lack of impartiality
<b>MALTA</b>	9 July 2012	<a href="#">Brincat and Others</a> (no. 60908/11)	Alleged violation of Articles 2, 3 and 8 – Exposure of the applications to asbestos – Alleged violation of Art. 13 – Lack of an effective remedy in that respect
<b>RUSSIA</b>	4 July 2012	<a href="#">Bakov</a> (no. 22652/07)	Alleged violation of Art. 10 – Defamation proceedings lodged against a member of the Russian Parliament after he held a press conference to ask for criminal-law inquiry into the actions of service officials
		<a href="#">Berkovich</a> (no. 5871/07)	Alleged violation of Articles 18 and 2 of Prot. No. 4 – Domestic authorities' refusal to deliver a passport to the applicant, a former employee of a state corporation that developed air defence weapons and whose work contract with that corporation contained a restriction on his right to leave the country after he would stopped working
		<a href="#">Ilchenko</a> (no. 25025/10)	Alleged violation of Art. 4 – Domestic authorities' decision to force the applicant to continue his military service against his will – Alleged violation of Articles 6 § 1 and 13 – Misinterpretation of the law by the appeal court and lack of an effective remedy in that respect – Alleged violation of Art. 2 § 2 of Prot. No. 4 – Domestic authorities' refusal to grant the applicant with a travel document, which would have permitted him to go abroad for private purposes
	16 July 2012	<a href="#">Tsechoyev</a> (no. 18011/12)	Alleged violation of Articles 5 and 13 – Unlawful arrest and detention of the applicant's brother

SERBIA	24 July 2012	<a href="#">Ignjatovic</a> (no. 49915/08)	Alleged violation of Art. 6 – Domestic authorities' failure to enforce final court judgment in the applicant's favour
		<a href="#">Krgovic</a> (no. 29430/06)	
THE NETHERLANDS AND GEORGIA	18 July 2012	<a href="#">Tsankashvili</a> (no. 28199/12)	Alleged violation of Art. 3 – Risk of ill-treatment in case of deportation to Georgia – Alleged violation of Art. 13 – Lack of an effective remedy in that respect
THE NETHERLANDS	16 July 2012	<a href="#">Soleimankheel and Others</a> (no. 41509/12)	Alleged violation of Art. 3 – Risk of ill-treatment following one of the applicants' expulsion to Afghanistan – Alleged violation of Art. 8 – Violation of the applicants' right to private and family life on account of the expulsion – Alleged violation of Art. 13 – Lack of an effective remedy in respect of the decision to impose an exclusion order on one of the applicants
TURKEY	2 July 2012	<a href="#">Acar</a> (no. 33614/10)	Alleged violation of Articles 2, 6 and 13 – Shooting of the applicant by village guards in an attempt to kill them; domestic authorities' failure to carry out an adequate and effective investigation into the incident – Alleged violation of Art. 8 – Obligation made to the applicants to become village guards; obligation made to the applicants to leave the village in case they would refuse to become village guards
UKRAINE	19 July 2012	<a href="#">Zelenkevich</a> (no. 44479/12)	Alleged violation of Art. 3 – Risk of ill-treatment in case of extradition to Belarus – Alleged violation of Art. 6 – unfairness of proceedings

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

##### Human Rights Trust Fund enables the ECHR to launch case-law translations projects (06.07.2012)

The Court has launched the project "Bringing Convention standards closer to home" with the financial support of the [Human Rights Trust Fund](#). The project's aim is to translate the Court's key judgments and decisions in order to further disseminate its case-law via HUDOC (the Court's database) and partners at national level. The judgments and decisions will be recent cases of significant relevance to those member States where the case-law has not yet been translated. Translations will be commissioned principally into the official languages of the following States: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Montenegro, Serbia, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine. All translations will be published on HUDOC, which already contains some 1,500 translations into 21 languages other than English and French, as well as a significant number of links to [Internet sites hosting further translations](#). The Registry would welcome more translations from such host sites, as the new HUDOC interface now enables searches to be made in non-official languages. Institutions, publishers and others willing to have their translations referenced in HUDOC are asked to consult the [guidelines](#) on how to submit non-official translations. The Registry would like to be informed of any cases or case summaries that have already been translated into one or more of the target languages of the project. The Registry is also keen to receive suggestions for cases to be translated. The project team can be reached at [hrtf-translation@echr.coe.int](mailto:hrtf-translation@echr.coe.int).

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

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### 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](#).

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## Part III: General Agenda

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The “General Agenda” presents events that either took place or were announced\* during the period under observation (02.07 – 29.07.2012) for this RSIF.

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### July 2012

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➤ 16 July:

**Conference on the European Union and economic and social rights (Venice, Italy) – [Programme](#)**

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### September 2012

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➤ 28 September:

**Call for Candidates: Secondment of an official to MONEYVAL ([read more](#))**

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\* These are subsequently due to take place.

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

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### A. European Social Charter (ESC)

#### Estonia accepted 8 additional provisions of the Charter (09.07.2012)

By a declaration from the President of Estonia contained in an instrument registered on 5 July 2012, Estonia gave notification of its acceptance of 8 additional provisions of the Revised Charter. These provisions include Article 30 (the right to protection against poverty and social exclusion) which is of particular significance in the current economic context. A meeting on non-accepted provisions organised in Estonia in September 2010, was instrumental in bringing about a wider acceptance of the rights enshrined in the Charter in Estonia ([more information](#)).

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

#### CPT visited Turkey (02.07.2012)

A CPT delegation carried out an ad hoc visit to Turkey from 21 to 28 June 2012. The main objective of the visit was to examine the treatment and conditions of detention of juveniles held in prisons, taking into account the recent allegations of ill-treatment of juvenile prisoners at Pozantı Prison. The delegation visited Ankara-Sincan Juvenile Prison, to which all the juveniles previously held at Pozantı Prison had been transferred, as well as Istanbul-Maltepe Juvenile Prison and the juvenile units of Diyarbakır and Gaziantep E-type Prisons. The delegation also discussed with the Turkish authorities the fires which had broken out in June in several prisons in central and south-eastern Turkey, resulting in a number of severe casualties ([Read more](#)).

#### CPT published the Norwegian Government's response to the report on the 2011 visit (25.07.2012)

The CPT has published on 25 July 2012 the [response](#) of the Government of Norway to the report on the CPT's most recent visit to that country, in May 2011. The response has been made public at the request of the Norwegian authorities. The CPT's report on the May 2011 visit was published in December 2011. The [response](#) of the Norwegian Government is available in English on the Committee's website: <http://www.cpt.coe.int>.

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

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

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

#### Azerbaijan: Third Cycle Advisory Committee visit (09.07.2012)

A FCNM delegation visited Baku, Quba, Qusar and Khachmaz from 9 to 12 July 2012, in the context of the monitoring of the implementation of this convention in Azerbaijan. This is the third visit of the Advisory Committee to Azerbaijan. The Delegation will have meetings with the representatives of all relevant ministries, public officials, NGOs, as well as national minority organisations ([Read more](#)).

#### Advisory Committee: publication of a thematic commentary on language rights (20.07.2012)

The FCNM Advisory Committee has published its [third thematic commentary](#), "The Language Rights of Persons belonging to National Minorities under the Framework Convention", adopted in May 2012 ([Read more](#)).



## **Russian Federation: 3<sup>rd</sup> cycle ACFC Opinion and Government comments public (25.07.2012)**

The FCNM Advisory Committee has published its [Third Opinion](#) on the Russian Federation, 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)**

#### **MONEYVAL Committee adopted report on the Holy See (04.07.2012)**

MONEYVAL adopted on 4 July 2012 the first evaluation report on the Holy See (including the Vatican City State). All States evaluated by MONEYVAL have the opportunity to check the accuracy of the amended version of the report after it has been adopted, and to provide any comments for publication. The state should provide its response within one month of receipt of the amended report. The Holy See report will now be finalised in line with plenary decisions and sent to the Vatican authorities. Once any comments are provided, MONEYVAL will publish the report as adopted on 4 July 2012 and any comments from the Holy See on its website.

#### **Outcome of the 39<sup>th</sup> Plenary meeting (26.07.2012)**

MONEYVAL, at its 39th plenary meeting (2-6 July 2012), achieved several significant results:

- discussed and adopted the mutual evaluation report on the 1st assessment of the Holy See (including Vatican City State), under the 3rd round AML/CFT Methodology;
- discussed and adopted the mutual evaluation reports on the 4th assessment visits of Latvia and Georgia (led by the IMF);
- discussed the 4th round expedited follow-up report on the Czech Republic;
- heard information on the 4th round follow-up report on Hungary;
- examined the reports on action being taken by Albania and Bosnia and Herzegovina to address the issues of concern raised by MONEYVAL under the Compliance Enhancing Procedures;
- examined measures taken by several countries on identified important deficiencies as a result of the process regarding the state of compliance on all NC and PC ratings in the third round;
- heard an update on on-going typologies projects and reports:
  - the use of internet gambling for ML and TF purposes;
  - trade based money laundering in cash intensive economies;
  - postponement of financial transactions and the monitoring of bank accounts.

The next plenary meeting is scheduled for 3-7 December 2012. The executive summaries of the adopted mutual evaluation reports on the Holy See (including Vatican City State), Georgia and Latvia, as well as the 4th Compliance report of Bosnia and Herzegovina will be published on the MONEYVAL website shortly.

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

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

## 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
BELGIUM	Convention on the counterfeiting of medical products and similar crimes involving threats to public health ( <a href="#">CETS No. 211</a> )		X	24 July 2012
FINLAND	Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows ( <a href="#">ETS No. 181</a> )		X	11 July 2012
GHANA	Convention on Mutual Administrative Assistance in Tax Matters as amended by its 2010 Protocol ( <a href="#">ETS No. 127</a> )		X	10 July 2012
JAPAN	Convention on Cybercrime ( <a href="#">ETS No. 185</a> )	X		3 July 2012
LITHUANIA	Additional Protocol to the Criminal Law Convention on Corruption ( <a href="#">ETS No. 191</a> )	X		26 July 2012
	Convention on Action against Trafficking in Human Beings ( <a href="#">CETS No. 197</a> )			
	Convention on Access to Official Documents ( <a href="#">CETS No. 205</a> )			
	Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority ( <a href="#">CETS No. 207</a> )			
THE NETHERLANDS	Third Additional Protocol to the European Convention on Extradition ( <a href="#">CETS No. 209</a> )	X		6 July 2012
TUNISIA	Convention on Mutual Administrative Assistance in Tax Matters as amended by its 2010 Protocol ( <a href="#">ETS No. 127</a> )		X	16 July 2012

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

NATURE OF THE TEXT	TEXT NUMBER	OBJECT	DATE
Resolution	<a href="#">CM/Res(2012)5E</a>	Budget of the Enlarged Agreement on the European Commission for Democracy through Law (Venice Commission) for 2012	4 July 2012
	<a href="#">CM/ResCMN(2012)13E</a>	Implementation of the Framework Convention for the Protection of National Minorities by "the former Yugoslav Republic of Macedonia"	
	<a href="#">CM/ResCMN(2012)12E</a>	Implementation of the Framework Convention for the Protection of National Minorities by Slovenia	
	<a href="#">CM/ResCMN(2012)11E</a>	Implementation of the Framework Convention for the Protection of National Minorities by Norway	
	<a href="#">CM/ResCMN(2012)10E</a>	Implementation of the Framework Convention for the Protection of National Minorities by Italy	

## C. Other news of the Committee of Ministers

### "Libel tourism" is a serious threat to freedom of expression (05.07.2012)

The Council of Europe on 5 July 2012 alerted its 47 member states to the serious threat to freedom of expression and information created by "libel tourism", a practice of filing complaints in jurisdictions where it is easy to sue and with courts thought to be the most likely to deliver favourable judgments ([Read more](#)).

### Declaration on the elections in Libya (09.07.2012)

Mr. Edmond Panariti, Minister for Foreign Affairs of Albania and Chairman of the Committee of Ministers welcomes the first free and pluralistic elections held in Libya, on July 7, 2012 after five decades of dictatorship. In particular he appreciates the maturity shown by voters and the calm in which the election process took place. Mr. Panariti notes that these historic elections mark the beginning of a new era for the democratic future and prosperity of the Libyan people. In particular, the Chairman of the Committee of Ministers highlights the participation of women in the election process.

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## Part VI: The parliamentary work

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

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

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

#### ➤ Countries

#### **Management of migration flows beyond the EU's eastern border: PACE rapporteur made fact-finding visit to Ukraine (03.07.2012)**

Andrea Rigoni (Italy, ALDE), rapporteur of the PACE, made a fact-finding visit to Ukraine on 4-6 July 2012, in preparation for his report on "Management of mixed migration and asylum challenges beyond the European Union's eastern border" ([Read more](#)).

#### **"Left-to-die" boat tragedy: PACE findings to be presented in Rome and Brussels (03.07.2012)**

Tineke Strik (Netherlands, SOC), whose inquiry for the PACE uncovered a "catalogue of failures" that led to the deaths of 63 people fleeing Libya by sea after their distress calls were ignored, presented her findings to the Human Rights Committee of the Italian Senate on 4 July in Rome. Her report concluded that "many opportunities for saving the lives of the persons on board were lost" and that the Italian authorities were among those who shared responsibility for the tragedy: "Italy, as the first State to receive the distress call, should have taken responsibility for the co-ordination of the search-and-rescue operation." ([Read more](#) – [PACE Resolution 1872\(2012\)](#) – [Senator Strik's full report](#) – [Video interview with Senator Strik](#))

#### **PACE President voiced concern at developments in Romania (06.07.2012)**

The PACE President Jean-Claude Mignon expressed on 6 July 2012 his concern at developments in Romania. "As a member state of the Council of Europe, Romania must respect the commitments it has undertaken and European standards. The independence of the judiciary, in particular of the Constitutional Court, is an essential condition for the existence of the rule of law in any state," he said ([Read more](#)).

#### **PACE co-rapporteur made monitoring visit to Russia (13.07.2012)**

Andreas Gross (Switzerland, SOC), one of the PACE co-rapporteurs for the monitoring of the honouring of obligations and commitments by Russia, made a fact-finding visit to this country on 16-17 July, with a view to preparing a report to be discussed at the next session of PACE. During his visit, Mr Gross met representatives of the State Duma, the Ministry of Justice, the Supreme Court, and of the Prosecutor's General office.

#### **PACE delegation headed by President Jean-Claude Mignon visited Romania (13.07.2012)**

A PACE delegation made up of its President, Jean-Claude Mignon, and two representatives of the Assembly's political groups made a fact-finding visit to Bucharest on 18 and 19 July 2012. The first day of the visit the delegation met with the Speaker of the Chamber of Deputies, Valeriu Stefan Zgonea, and the President a. i. of the Senate, Petru Filip, as well as with the Prime Minister, Victor Ponta. It also met the members of the Romanian delegation to the Assembly ([Read more](#)).

**Romania: PACE called on political forces to ensure that institutions function democratically (19.07.2012)**

At the end of a fact-finding visit to Romania on 18 and 19 July 2012, a delegation consisting of the PACE President Jean-Claude Mignon, together with Andreas Gross, Chairperson of the Socialist Group (SOC), and Anne Brasseur, Chairperson of the Alliance of Liberals and Democrats for Europe (ALDE), issued on 19 July 2012 the following statement: "We are concerned at the haste with which profound political changes affecting the functioning of institutions in Romania have taken place without at the same time any true consideration or political debate. In this context, we call on all political forces to fully shoulder their responsibilities and ensure that the country's institutions function democratically, with due respect for the rule of law. ([Read more](#)).

➤ *Themes*

**State violence against migrants must be investigated and stamped out, said PACE committee heads (06.07.2012)**

The Chairs of the Migration and Equality Committees of the PACE, Giacomo Santini (Italy, EPP/CD) and Tina Acketoft (Sweden, ALDE), have expressed grave concern at an increasing number of incidents of state violence against migrants and refugees. In a joint statement, they said: "The recent alleged beating to death of an asylum seeker in Malta while being detained by two soldiers is an extremely serious incident. Attacks against migrants and refugees are of increasing concern, including in Greece, where there are a worrying number of allegations of police brutality, and failures by them to investigate racist attacks on migrants and refugees." ([Read more – Motion on "Tackling racism in law-enforcement institutions"](#)).

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

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### ➤ *Countries*

#### **For human rights protection, Italy needs a clear break with past practices (09.07.2012)**

“The Italian Government has been giving signs of a shift in policy, which suggests that there may be an opportunity to finally stop and reverse the erosion of human rights standards in the country. What Italy needs now is for these signs to be transformed into concrete, unambiguous policies and actions” said Commissioner Muižnieks after a four-day visit to Rome between 3 and 6 July ([Read more](#)).

#### **Portugal: Austerity measures threaten the most vulnerable (10.07.2012)**

“The most vulnerable social groups have been hit hardest by the fiscal austerity measures implemented in Portugal. The Government should strengthen its efforts to mitigate the negative impact of the financial crisis, in particular on children, elderly and the Roma” said Commissioner Muižnieks on 10 July 2012, publishing a [report](#) based on the findings of his visit to Portugal last 7-9 May ([Read more](#)).

### ➤ *Themes*

#### **Anti-Muslim prejudice hinders integration (24.07.2012)**

Muslims in Europe want to interact with other Europeans and participate as full and equal members of society, but regularly face various forms of prejudice, discrimination and violence that reinforce their social exclusion. This is the conclusion of recent research by various international organisations and NGOs. Unfortunately, commentators on the Arab Spring missed the historic opportunity to deconstruct harmful stereotypes about the alleged incompatibility of Islam and democracy, instead exaggerating the risk of migration to Europe, said Nils Muižnieks, Council of Europe Commissioner for Human Rights, in his Human Rights Comment published on 24 July 2012 ([Read more](#)).

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

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

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