

EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME



THIRD SECTION

ANNUAL ACTIVITY REPORT 2002

January 2003

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## I. INTRODUCTION

In 2002, the Section held 37 Chamber sessions. Oral hearings were held in three cases. The Section delivered 169 judgments of which 117 concerned the merits, 50 concerned friendly settlements and two the striking out of the cases. The Section applied Article 29 § 3 of the Convention (combined examination of admissibility and merits) in 291 cases, of which 13 judgments have been delivered.

Of the cases examined by a Chamber

- (a) 116 applications were declared admissible;
- (b) 89 applications were declared inadmissible;
- (c) 178 applications were struck out of the list; and
- (d) 443 applications were communicated to the State concerned for observations.

In addition, the Section held 40 Committee sessions. 2,969 applications were declared inadmissible and 29 applications were struck out of the list. The total number of applications rejected by a Committee represented 91.82% of the inadmissibility and strike-out decisions taken by the Section during the year.

At the end of the year, 6,780 applications were pending before the Section.

## II. COMPOSITION OF THE SECTION

Georg **Ress** (German), *President*,

Ireneu **Cabral Barreto** (Portuguese), *Vice-President*,

Lucius **Cafilisch**<sup>1</sup> (Swiss),

Pranas **Kūris** (Lithuanian),

Riza **Türmen** (Turkish),

Boštjan **Zupančič** (Slovenian),

John **Hedigan** (Irish),

Margarita **Tsatsa-Nikolovska** (Former Yugoslav Republic of Macedonia),

Hanne Sophie **Greve** (Norwegian),

Kristaq **Traja** (Albanian), *Judges*,

Vincent **Berger** (French), *Registrar*,

Mark **Villiger** (Swiss), *Deputy Registrar*.

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1. Judge elected in respect of Liechtenstein.

### III. HEARINGS

Hearings were held in the following cases:

**(1) no. 44179/98 Murphy v. Ireland**

The applicant is a pastor attached to a Bible-based Christian ministry, the Irish Faith Centre. Relying on section 10(3) of the Radio and Television Act 1988, the authorities banned the broadcast of a short radio advertisement which the Irish Faith Centre had prepared to publicise a forthcoming religious meeting. The applicant appealed against this decision, on the ground either that the Act had been wrongly applied or that it was unconstitutional. The High Court found that the Act had been applied correctly and that in any case it presented a reasonable limitation on the right to communicate and thus could not be deemed unconstitutional. The applicant's subsequent appeal to the Supreme Court was rejected.

– Articles 9 and 10 of the Convention

The application was declared admissible on 9 July 2002. A hearing on the merits was held on 7 November 2002. Judgment will be delivered at a later date.

**(2) no. 44962/98 Yvon v. France**

The case concerns the non-communication of the submissions of the *commissaire du Gouvernement* at the Court of Cassation and cumulation of the functions of *commissaire* and of representative of the opposing party.

– Article 6 § 1 of the Convention

The application was declared admissible on 19 September 2002. A hearing on the merits was held on 28 November 2002. Judgment will be delivered at a later date.

**(3) no. 31445/96 Budmet SP. Z.O.O. v. Poland**

The case concerns the applicant company's complaints that it was not paid compensation for the improvements it made as the tenant of the leased property. In its submission, this situation amounts to nationalisation without compensation. It further complains that it was not recognised as a party to the administrative proceedings and that it had no remedy enabling it to recover its property or the sums invested in modernising it.

– Article 1 of Protocol No. 1 and Article 6 § 1 of the Convention (access to court).

A hearing on the admissibility and merits was held on 5 December 2002. A decision on admissibility and, if appropriate, a judgment will be delivered at a later date.

#### **IV. CASES RELINQUISHED TO THE GRAND CHAMBER**

The Section decided to relinquish to the Grand Chamber the following case:

**no. 56672/00 Senator Lines GmbH v. 15 States of the European Union**

The case concerns competition proceedings before the Court of First Instance and the European Court of Justice of the European Communities in which the applicant company was heavily fined. The applicant company contends that the proceedings were criminal in nature, and that the way in which it was required to pay the amount of the fine before it could have a determination of the “criminal charge” was in breach of Article 6 of the Convention.

#### **V. INTERESTING JUDGMENTS AND DECISIONS**

Of the judgments and decisions adopted by the Section this year, the most interesting included the following:

**(1) no. 36220/97 Okyay and Others v. Turkey**

The case concerns the refusal of the authorities to enforce a court decision ordering the closure of power stations (Article 6 § 1).

Decision of 17 January 2002 – case admissible (pending).

**(2) no. 53320/99 Trajkovski v. the Former Yugoslav Republic of Macedonia**

The case concerns the impossibility of withdrawing money deposited in a savings account (Article 1 of Protocol No. 1).

Decision of 7 March 2002 – case inadmissible.

**(3) no. 46477/99 Edwards v. the United Kingdom**

The case concerns the killing of a detainee by a mentally ill cell-mate and the effectiveness of the subsequent investigation (Articles 2, 6, 8 and 13).

Judgment of 14 March 2002 – violation of Articles 2 and 13.

- (4) **no. 6422/02) Segi and Others v. 15 States of the European Union**  
**no. 9916/02) Gestoras Pro-Amnistia and Others v. 15 States of the European Union**

Two associations and their spokespersons complain of Common Positions adopted by the Council of the European Union in connection with the fight against terrorism (Articles 3, 6 §§ 1 and 2, 8, 10, 11 and 13, and Article 1 of Protocol No. 1).

Decision of 16 May 2002 – case inadmissible.

- (5) **no. 38190/97 Federation of Offshore Workers' Trade Unions and Others v. Norway**

The case concerns the prohibition of a strike by a Government ordinance providing for compulsory state arbitration (Article 11).

Decision of 27 June 2002 – case inadmissible.

- (6) **no. 38830/97 Czekalla v. Portugal**

The case concerns the failure of a court-appointed lawyer to comply with a formality in submitting an appeal to the Supreme Court (Article 6 §§ 1 and 3(c)).

Judgment of 10 October 2002 – violation.

- (7) **no. 53871/00 Islamische Religionsgemeinschaft e.V v. Germany**

The case concerns the decision by the authorities and courts of the German Federal Republic to put under trustee administration a donation given by a political party (PDS) shortly before the entry into force of new legislation on the political parties in the German Democratic Republic (Articles 9 and 14, and Article 1 of Protocol No. 1).

Decision of 5 December 2002 – case inadmissible.

## **VI. RULE 39 (INTERIM MEASURES) AND RULE 41 (PRIORITY) REQUESTS**

(a) Requests for interim measures pursuant to Rule 39 of the Rules of Court were granted in the following cases:

- (1) **no. 74511/01 Weiss v. Austria**

The case concerns the imminent extradition of the applicant, a national of the United States and of Israel, to the United States, where he has been convicted of some ninety charges of aggravated fraud, embezzlement, fraudulent bankruptcy, membership in a criminal organisation and money laundering, and, following his flight at the end of his trial, has been sentenced *in absentia* to 845 years' imprisonment. The applicant's appeal

was rejected on the ground that he had absconded. (Articles 3, 5, 6 and 13, and Article 2 of Protocol No. 7).

Decision of 13 June 2002 – struck out of the list of cases (withdrawn by the applicant).

**(2) no. 8200/02 Shijaku v. the Former Yugoslav Republic of Macedonia**

The case concerns the alleged imminent danger of expulsion of the applicant, who is a Kosovar Albanian to his country of origin – the Federal Republic of Yugoslavia – following refusal of his request to be granted refugee status by both the administrative and judicial authorities of the respondent State (Articles 2, 3 and 13). The case is pending.

(b) Requests for priority pursuant to Rule 41 of the Rules of Court were granted in 66 cases.

**VII. STATISTICAL INFORMATION**

1. Results for year
2. Results by month
3. Applications pending
4. Graphic charts
  - (a) Judgments delivered
  - (b) Inadmissibility and strike-out decisions
  - (c) Admissibility decisions
  - (d) Applications communicated
  - (e) Applications pending by year of lodging
  - (f) Applications pending by State

## APPENDIX 1

<b>Judgments delivered in 2002</b>	
Merits	117
Striking out	2
Friendly settlement	50
Just satisfaction	0
Revision	0
<b>Total</b>	<b>169</b>

<b>Chamber decisions adopted in 2002</b>	
Applications declared admissible	116
Applications declared inadmissible	89
Applications struck out of the list	178
<b>Total</b>	<b>383</b>

<b>Committee decisions adopted in 2002</b>	
Applications declared inadmissible	2969
Applications struck out of the list	29
<b>Total</b>	<b>2998</b>

<b>Applications communicated in 2002</b>	
<b>Total</b>	<b>443</b>

<b>Total applications finalised in 2002</b> (judgments*, inadmissibility and striking-out decisions)	<b>3441</b>
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\* Not including judgments on just satisfaction or revision but including judgments which are not yet final. Some judgments dealt with a number of joined applications.

## APPENDIX 2

	Chambers					Committees	
	Judgments	Admissible	Inadmissible	Struck out	Communicated	Inadmissible	Struck out
January	1	11	13	0	26	332	4
February	19	4	3	14	13	140	1
March	54	19	6	18	43	234	0
April	5	11	6	5	28	165	1
May	18	11	6	48	44	288	4
June	26	7	14	13	26	191	1
July	7	7	1	3	32	122	1
August	0	0	0	0	0	0	0
September	2	24	7	11	36	580	4
October	22	10	22	5	59	234	3
November	4	5	4	59	117	499	8
December	11	7	7	2	19	184	2
<b>Total</b>	<b>169</b>	<b>116</b>	<b>89</b>	<b>178</b>	<b>443</b>	<b>2969</b>	<b>29</b>

### APPENDIX 3

<b>Applications pending on 31 December 2002</b>	
<b>Total applications not yet examined</b>	<b>5678</b>
<b>Adjourned/Communicated for information</b>	<b>21</b>
<b>Communicated for observations</b>	<b>908</b>
<b>Admissible</b>	<b>148</b>
<b>Judgments not yet final</b>	<b>25</b>
<b>TOTAL APPLICATIONS PENDING</b>	<b>6780</b>
(Chamber: 3917)	
(Committee: 2863)	

## APPENDIX 4

Chart 1: Judgments delivered in 2002

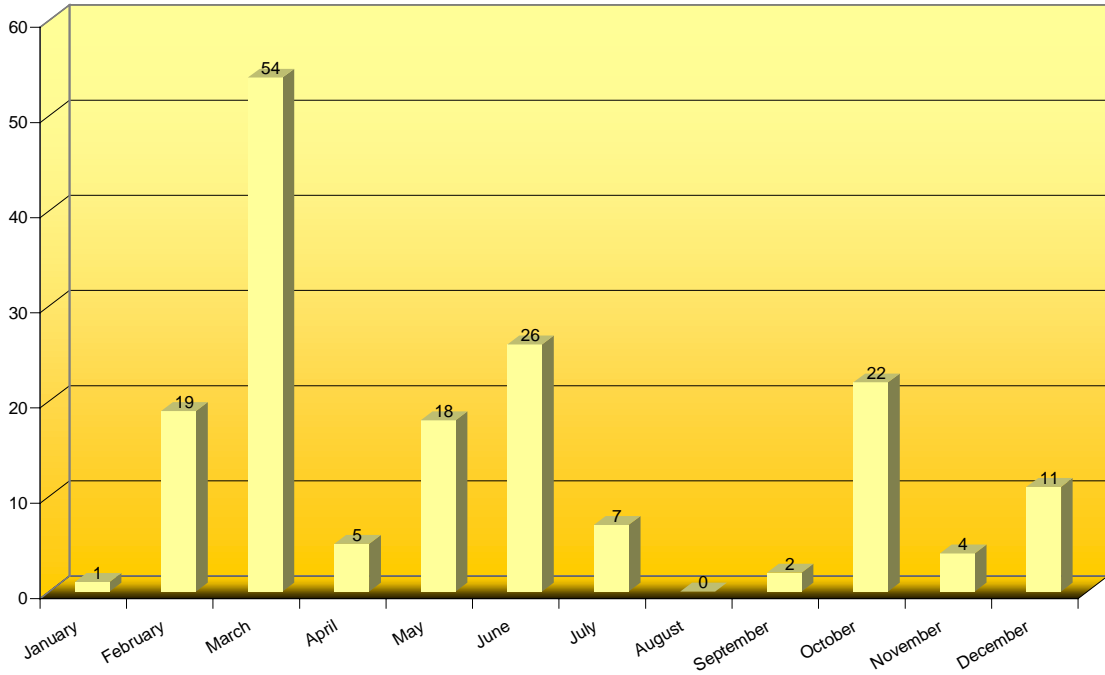


Chart 2: Inadmissibility and strike-out decisions adopted in 2002

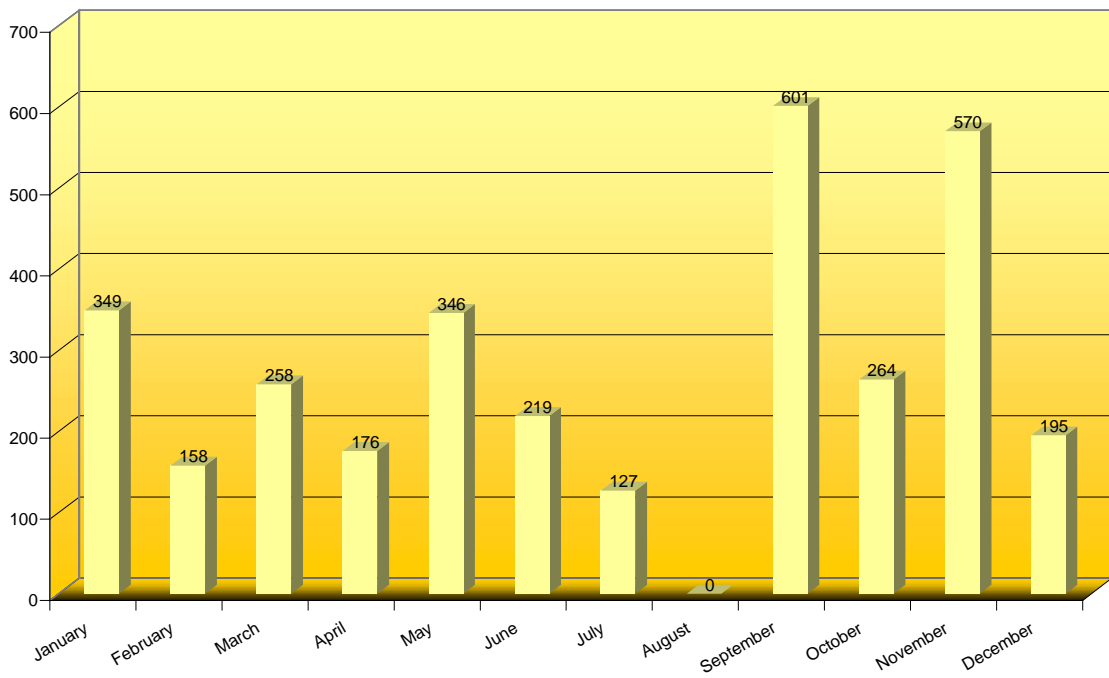


Chart 3: Admissibility decisions adopted in 2002

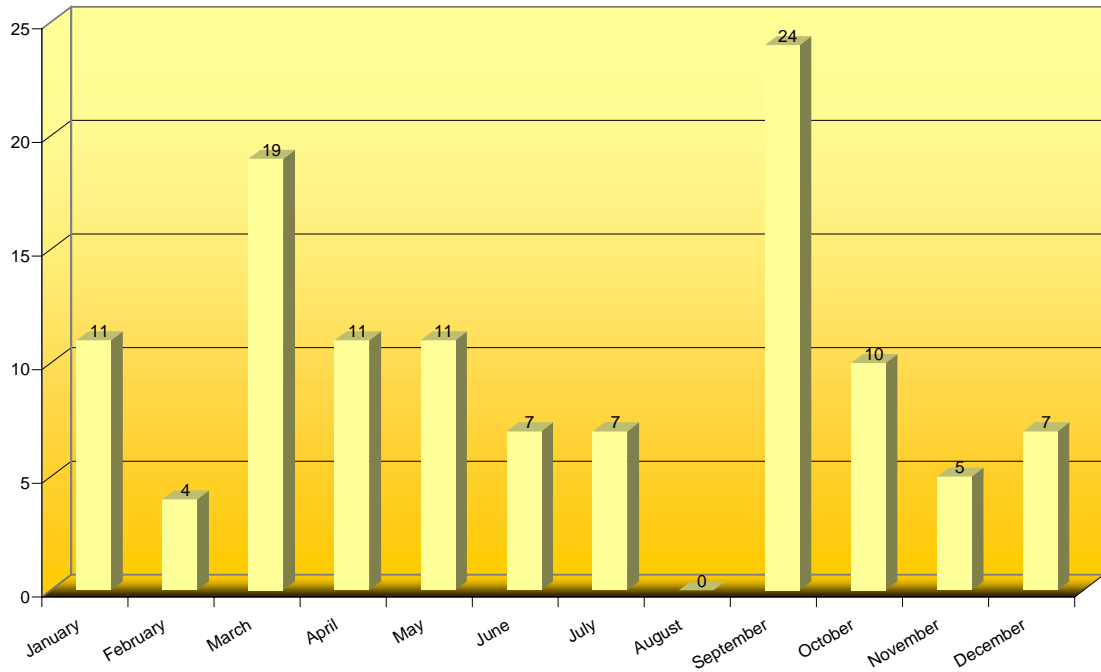


Chart 4: Applications communicated in 2002

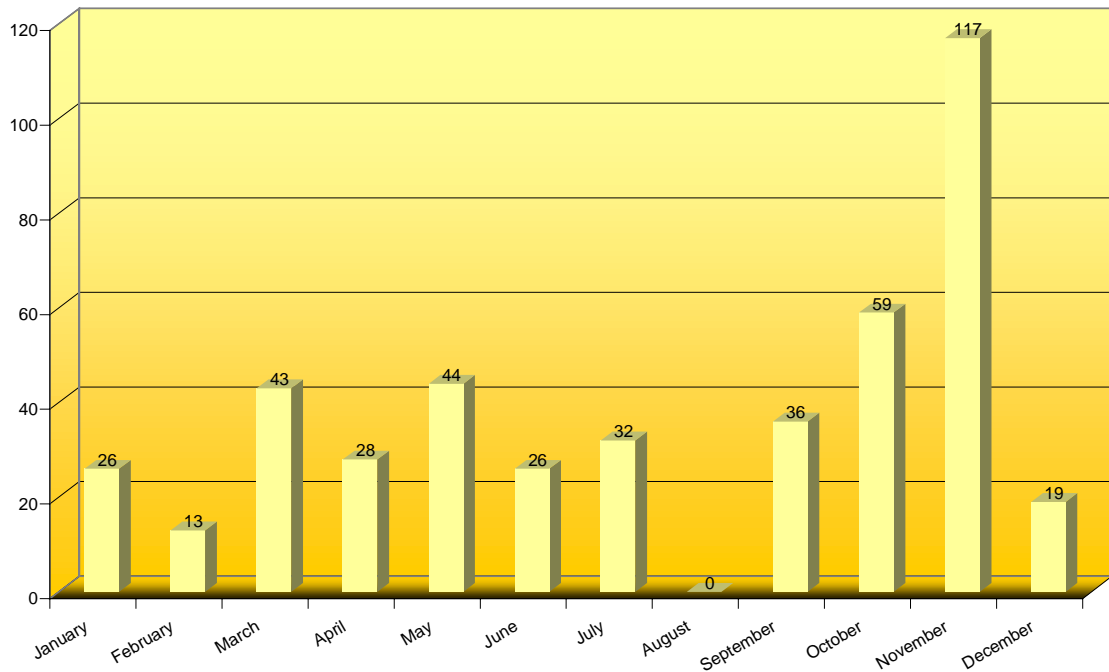


Chart 5: Applications pending on 31 December 2002 by year of lodging

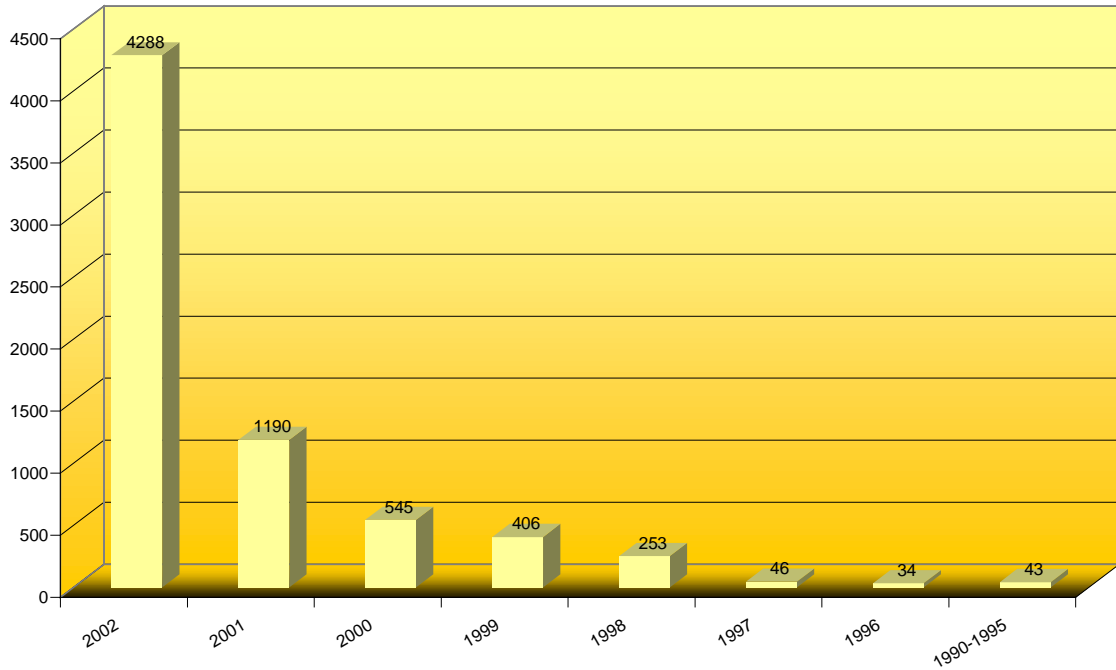


Chart 6: Applications pending on 31 December 2002 by State

