

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



GRAND CHAMBER

ANNUAL ACTIVITY REPORT 2006

January 2007

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I. INTRODUCTION

At the beginning of the year, there were 27 cases (concerning 31 applications) pending before the Grand Chamber. At the end of the year there were 22 cases (concerning 25 applications).

23 new cases (concerning 26 applications) were referred to the Grand Chamber, 10 by relinquishment of jurisdiction by the respective Chambers pursuant to Article 30 of the Convention (see Chapter III below), and 13 by a decision of the Grand Chamber's Panel to accept a request for re-examination under Article 43 of the Convention (see Chapter IV below).

The Grand Chamber held 16 oral hearings (see Chapter V below).

The Grand Chamber adopted 1 decision on admissibility (- see Chapter VI below) and delivered 25 judgments on the merits (concerning 27 applications), 8 in relinquishment cases and 17 in rehearing cases (see Chapter VII below), as well as five strike-out friendly-settlement judgments.

II. COMPOSITION OF THE COURT

Luzius **Wildhaber** (Swiss), *President*,
Christos **Rozakis** (Greek), *Vice-President*,
Jean-Paul **Costa** (French), *Vice-President*,
Nicolas **Bratza** (British), *Section President*,
Boštjan **Zupančič** (Slovenian), *Section President*,
Peer **Lorenzen**¹ (Danish), *Section President*,
Giovanni **Bonello** (Maltese),
Lucius **Cafilisch**² (Swiss),
Loukis **Loucaides** (Cypriot),
Ireneu **Cabral Barreto** (Portuguese),
Riza **Türmen** (Turkish),
Françoise **Tulkens** (Belgian),
Corneliu **Bîrsan** (Romanian),
Karel **Jungwiert** (Czech),
Volodymyr **Butkevych** (Ukrainian),
Josep **Casadevall** (Andorran),
Nina **Vajić** (Croatian),
John **Hedigan** (Irish),
Matti **Pellonpää** (Finnish),
Margarita **Tsatsa-Nikolovska** (citizen of “the Former Yugoslav
Republic of Macedonia”),
András **Baka** (Hungarian),
Rait **Maruste** (Estonian),
Kristaq **Traja** (Albanian),
Snejana **Botoucharova** (Bulgarian),
Mindia **Ugrekhelidze** (Georgian),
Anatoly **Kovler** (Russian),
Vladimiro **Zagrebelky** (Italian),
Antonella **Mularoni** (San Marinese),
Elisabeth **Steiner** (Austrian),
Stanislav **Pavlovschi** (Moldovan),
Lech **Garlicki** (Polish),
Javier **Borrego Borrego** (Spanish),
Elisabet **Fura-Sandström** (Swedish),
Alvina **Gyulumyan** (Armenian),
Khanlar **Hajiyev** (Azerbaijani),
Ljiljana **Mijović** (citizen of Bosnia and Herzegovina),
Dean **Spielmann** (Luxemburger),
Renate **Jaeger** (German),
Egbert **Myjer** (Netherlands),
Sverre Erik **Jebens** (Norwegian),
David Thór **Björgvinsson** (Icelandic),
Danutė **Jočienė** (Lithuanian),

¹ Elected Section President on 12 December 2005.

² Judge elected in respect of Liechtenstein (took retirement at the end of August 2006).

Annual Report 2006: Grand Chamber

Ján **Šikuta** (Slovakian),
Dragoljub **Popović** (Serbian),
Ineta **Ziemele** (Latvian),
Mark **Villiger**³ (Swiss)
Isabelle **Berro-Lefèvre** (Monegasque)⁴, **Judges**

Erik **Fribergh** (Swedish), **Registrar**,
Michael **O'Boyle** (Irish), **Deputy Registrar**⁵,
Lawrence **Early** (Irish/British), **Deputy Grand Chamber Registrar**⁶

³ Judge elected in respect of Liechtenstein (took up office on 1 September 2006).

⁴ Took up office on 11 September 2006

⁵ Elected as Deputy Registrar on 13 February 2006

⁶ Until 1 May 2006

III. CASES REFERRED TO THE GRAND CHAMBER BY RELINQUISHMENT OF JURISDICTION (ARTICLE 30 OF THE CONVENTION AND RULE 72 OF THE RULES OF COURT)

The following ten cases (concerning 13 applications) were referred to the Grand Chamber in the course of 2006 by decisions of the respective Chambers to relinquish jurisdiction:

(1) Association S.O.S Attentats and De Boëry v. France, n° 76642/01

Referred on 5 January 2006 by the Second Section (hearing on 21 June 2006, see Chapter V below).

(2) Jussila v. Finland, n° 73053/01

Referred on 14 February 2006 by the Fourth Section (hearing on 5 July 2006, see Chapter V below).

(3) Vilho Eskelinen and Others v. Finland, n° 63235/00

Referred on 21 March 2006 by the Fourth Section (hearing on 20 September 2006, see Chapter V below).

(4) O'Halloran and Francis v. the United Kingdom, n° 15809/02 and 25624/02

Referred on 11 April 2006 by the Fourth Section (hearing on 27 September 2006, see Chapter V below).

(5) Folgerø and others v. Norway, n° 15472/02

Referred on 18 June 2006 by the First Section (hearing on 6 December 2006, see Chapter V below).

(6) Lindon & Otchakovsky-Laurens and July v. France, n° 21279/02 and 36448/02

Referred on 1 June 2006 by the First Section (hearing on 13 December 2006, see Chapter V below).

(7) Behrami and Behrami v. France, n° 71412/01
Saramati v. France, Germany and Norway, n° 78166/01

Referred on 13 June 2006 by the Second Section (hearing on 15 November 2006, see Chapter V below).

(8) Kafkaris v. Cyprus, n° 21906/04

The applicant, Mr Panayi Kafkaris, is a Cypriot national, who was born in 1946. He is currently serving a sentence of life imprisonment in Nicosia Central Prison. On 10 March 1989 the applicant was found guilty by the Assize Court of Limassol on three counts of premeditated murder and was sentenced to life imprisonment in respect of each count. The applicant had planted a bomb in a car and detonated it causing the death of its passengers, a man and his two young children.

During the hearing of the Assize Court concerning the sentencing of the applicant, the prosecution requested that court to consider imposing concurrent sentences. Further and in this connection, it invited the court to examine the meaning of the term “life imprisonment” in the Penal Code and in particular to clarify whether it entailed imprisonment of the convicted person for the rest of his life or just for a period of 20 years as provided by the General Prison Regulations of 1981 and the Prison (Reform) Regulations of 1987 adopted under Section 4 the Prison Discipline Law. In its decision the Limassol Assize Court stated that it did not have the competence to examine the validity of the regulations or to take into account any of their possible effects on the sentence. It found that the term “life imprisonment” used in the Penal Code meant imprisonment for the remainder of the life of the convicted person. In view of this, the court did not consider it necessary to examine whether the sentences it imposed would run concurrently or consecutively.

On the first day of the applicant’s imprisonment, he was given a written notice (F5 I.D. No. 7176) by the prison authorities that the date set for his release was the 17th July 2002. His release was conditional upon his good conduct during detention. Following the commission of a disciplinary offence, his release was postponed to 2 November 2002.

The applicant appealed against the decision of the Assize Court but his appeal was dismissed by the Supreme Court on 21 May 1990.

He was not released on 2 November 2002 following a Supreme Court decision in another case in 1992 declaring the General Prison Regulations

unconstitutional and consequent changes in the applicable legislation from 1996 onwards.

In a judgment of 20 July 2004, the Supreme Court considered that the applicants' detention was lawful since he had received a life term of imprisonment.

The applicant contends *inter alia* that following the notice given to him upon entry into prison by the prison authorities, he was under a legitimate expectation that he would be released on the date stated in that notice had he complied with the prison regulations.

He invokes Articles 3, 5 and 7 of the Convention.

He also complains that he has been subjected to discriminatory treatment, contrary to Article 14 of the Convention since most other inmates serving life sentences had been released after serving 20 years.

The case was relinquished to the Grand Chamber on 31 August 2006 and a hearing will be held on 24 January 2007.

(9) E.B. v. France, n° 43546/02

Referred on 19 September 2006 by the First Section.

On 26 February 1998 the applicant applied for authorisation to adopt a child. During the authorisation procedure she did not conceal her sexual orientation or her relationship with another woman, R. – a psychologist – since 1990. A social inquiry was begun.

On 26 November 1998, on the basis of reports drawn up by a social worker and a psychologist who had met the applicant, the Commission for the examination of requests for authorisation refused the application. The reasons for its decision were the lack of a paternal figure or role model capable of ensuring an adopted child's balanced development and doubts as to the position of R., the applicant's girlfriend, in the child's life given that she did not seem to be involved in the adoption procedure.

An appeal by the applicant was dismissed on 17 March 1999 by the president of the council for the *département*. The applicant applied to Besançon Administrative Court on 13 May 1999 for judicial review of the decision.

In a judgment of 24 February 2000 the Administrative Court set aside the decisions of 26 November 1998 and 17 March 1999. It found that the grounds for refusing the applicant authorisation were not such as to provide legal justification for refusing to grant authorisation to adopt.

On 21 December 2000 Nancy Administrative Court of Appeal set that judgment aside.

The applicant complained under Article 8 and 14 of the Convention.

In a judgment of 5 June 2002 the *Conseil d'Etat* dismissed an appeal by the applicant. It held, inter alia, that the disputed grounds could legally justify refusing the authorisation sought by the applicant as a single woman and that the regard had to her stable homosexual relationship was justified in the interests of the child being adopted.

The hearing will be held on 14 March 2007.

(10) Ramanauskas v. Lithuania, n° 74420/01

Referred on 19 September 2006 by the First Section.

The case concerns the alleged entrapment of the applicant, at the time a public prosecutor, in the commission of a criminal offence involving a serious abuse of his power (accepting a bribe in exchange for ensuring the favourable outcome of a third party's case). It was declared admissible on 26 April 2005, but no provisional opinion was expressed and further observations from the parties were sought.

The applicant complain under Article 6 §§ 1 and 3 of the Convention.

A hearing will be held on 28 March 2007.

IV. CASES REFERRED TO THE GRAND CHAMBER BY DECISION OF ITS FIVE-MEMBER PANEL

In 2006 the five-member Panel of the Grand Chamber (Article 43 § 2 of the Convention and Rule 24 § 5 of the Rules of Court) held six meetings (on 15 February, 12 April, 3 July, 13 September, 23 October and 11 December 2006) to examine requests by the parties for cases to be referred to the Grand Chamber for re-examination under Article 43 of the Convention. It considered requests concerning a total of 210 cases, 47 of which were submitted by the respective Governments (in 6 cases both the Government and the applicant submitted requests) (see list in Appendix).

The Panel accepted rehearing requests in the following 13 cases (a summary is only given for those cases where no hearing has yet been held):

- (1) Anheuser-Busch Inc v. Portugal, n° 73049/01**
(see Chapter V)
- (2) J.A. Pye (Oxford) Ltd v. the United Kingdom, n° 44302/02**
(see Chapter V)
- (3) Ramsahai A.O. v. The Netherlands, n° 52391/99**
(see Chapter V)
- (4) D.H. and others v. Czech Republic, n° 57325/00**

The applicants are 18 Czech nationals of Roma origin who were born between 1985 and 1991 and live in the Ostrava region (Czech Republic).

Between 1996 and 1999 they were placed in special schools (zvláštní školy) for children with learning difficulties unable to follow the ordinary school curriculum. By law, the decision to place a child in a special school is taken by the head teacher on the basis of the results of tests to measure the child's intellectual capacity carried out in an educational psychology and child guidance centre, and requires the consent of the child's legal representative.

Fourteen of the applicants sought a review by the Ostrava Education Department (školský úřad) on the grounds that the tests performed had been unreliable and that their parents had not been sufficiently informed of the consequences of giving consent. The Education Department found that the placements had been made in accordance with the statutory rules.

In addition, 12 of the applicants appealed to the Constitutional Court. They argued that their placement in special schools amounted to a general practice that created segregation and racial discrimination through the coexistence of two autonomous educational systems, namely special schools for the Roma and “normal” primary schools for the majority of the population. That appeal was dismissed on 20 October 1999.

The applicants complained under Article 2 of Protocol No. 1 (right to education) to the Convention, taken alone and together with Article 14 (prohibition of discrimination), that they had suffered discrimination in the enjoyment of their right to education on account of their Roma origin.

In its Chamber judgment of 7 February 2006, the Court held that there had been no violation of Article 14, taken in conjunction with Article 2 of Protocol No. 1. The case was referred to the Grand Chamber at the applicants’ request.

(5) Evans v. the United Kingdom, n° 6339/05

(see Chapter V)

(6) Stoll v. Switzerland, n° 69698/01

Martin Stoll, a Swiss national who lives in Zürich (Switzerland), is a journalist.

In December 1996 Carlo Jagmetti, who was then the Swiss ambassador to the United States, drew up a “strategic document”, classified as “confidential”, in the course of negotiations between, among others, the World Jewish Congress and Swiss banks concerning compensation due to Holocaust victims for unclaimed assets deposited in Swiss banks.

The document was sent to the person in charge of the matter at the Federal Department of Foreign Affairs in Berne and copies were sent to 19 other people and certain Swiss diplomatic representatives. The applicant obtained a copy, probably as a result of a breach of professional confidence by a person whose identity remains unknown.

On 26 January 1997 the Zürich Sunday newspaper *Sonntags-Zeitung* published two articles by the applicant under the headings “Carlo Jagmetti insults the Jews” and “The ambassador in bathrobe and climbing boots puts his foot in it again”, accompanied by extracts from the report in question. The next day the Zürich daily *Tages-Anzeiger* reproduced large extracts from the strategic document and subsequently the newspaper *Nouveau Quotidien* also published extracts from the report.

On 22 January 1999 Zürich District Court sentenced the applicant to a fine of 800 Swiss francs (approximately 520 Eur) for publishing “official confidential deliberations” within the meaning of Article 293 of the Criminal Code. Appeals lodged by the applicant were dismissed by the Federal Court on 5 December 2000.

The Swiss Press Council, to which the case had been referred by the Swiss Federal Council in the meantime, found that by thus shortening the analysis and failing to place the report sufficiently in context, the applicant had irresponsibly made the ambassador’s remarks appear sensational and shocking.

The applicant submitted that his conviction had infringed Article 10 (freedom of expression) of the Convention.

In its Chamber judgment of 25 April 2006 the Court held by four votes to three that there had been a violation of Article 10 of the Convention and held unanimously that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

The case was referred to the Grand Chamber at the Government’s request.

(7) Arvanitaki-Roboti and others v. Greece, n° 27278/03

The case concerns 91 applicants who complained in particular about the excessive length of administrative proceedings to which they were parties. They relied, among other things, on Article 6 § 1 (right to a fair hearing within a reasonable time).

In its Chamber judgment of 18 May 2006, the Court held, unanimously, that there had been a violation of Article 6 § 1 and awarded 90 of the applicants EUR 7,000 each in respect of non-pecuniary damage and the remaining applicant EUR 6895 . The case was referred to the Grand Chamber at the Government’s request.

(8) Léger v. France, n° 19324/02

Lucien Léger is a 69-year-old French national who lives in Landas (France).

In July 1964 he was arrested and charged with the abduction and murder of Luc Taron, an 11-year-old boy. He made a confession while in police

custody but retracted it several months later. He has protested his innocence ever since.

In a judgment of 7 May 1966, Seine-et-Oise Assize Court found the applicant guilty of the offences charged and sentenced him to life imprisonment. He made unsuccessful applications in 1971 and 1974 for a retrial. He became eligible for parole on 5 July 1979 after 15 years in prison. Between 1985 and 1998 Mr Léger made numerous applications for release, all of which were refused. In addition, he made several unsuccessful applications for a presidential pardon.

In 1999 and 2001 he again requested his release on licence. Despite favourable opinions by the Sentence Enforcement Board, his request was turned down by the Minister of Justice.

The Douai Regional Parole Court ruled against his release on 6 July and on 21 November 2001.

He was finally released on licence on 3 October 2005, after spending more than 41 years in prison.

The applicant complained that his continued detention had become arbitrary, particularly after the refusal of his 2001 application for release on licence. He also submitted that in practice it was tantamount to a whole-life sentence and therefore constituted inhuman and degrading treatment. He relied on Article 5 § 1 (a) (right to liberty and security) and Article 3 (prohibition of inhuman or degrading treatment or punishment) of the Convention.

In its Chamber judgment of 11 April 2006, the Court held by five votes to two that there had been no violation of Article 5 § 1 (a) and no violation of Article 3. The case was referred to the Grand Chamber at the applicant's request.

(9) Dickson v. the United Kingdom, n° 44362/04

The applicants, Kirk and Lorraine Dickson, are British nationals who were born in 1972 and 1958, respectively. Mr Dickson is in Dovergate Prison, Uttoxeter (United Kingdom) and Mrs Dickson lives in Hull (United Kingdom).

In 1994 Mr Dickson was convicted of murder and sentenced to life imprisonment with a tariff (the minimum period to be served) of 15 years. He has no children. In 1999 he met Lorraine, via a prison pen pal network while she was also imprisoned. In 2001 they married. Mrs Dickson already had three children from other relationships.

The couple requested artificial insemination facilities to enable them to have a child together, arguing that it would not otherwise be possible, given Mr Dickson's earliest release date and Mrs Dickson's age. The Secretary of State refused their application. They appealed unsuccessfully.

The applicants complained about the refusal of access to artificial insemination facilities, relying on Article 8 (right to respect for private and family life) and Article 12 (right to marry and found a family).

In its Chamber judgment of 18 April 2006, the Court found that it had not been shown that the decision to refuse facilities for artificial insemination was arbitrary or unreasonable or that it failed to strike a fair balance between general interest of the community and the interests of the individual. There had accordingly been no failure to respect the applicants' rights to private and family life. The Court held by four votes to three that there had been no violation of Article 8 or 12. The case was referred to the Grand Chamber at the applicants' request.

(10) Shevanova v. Latvia, n° 58822/00

Nina Shevanova is a Russian national who was born in 1948 and lives in Riga. She has lived in Latvia for 35 years and has been subject to a deportation order since 1998.

In 1970, when she was 22, the applicant settled in Latvia for professional reasons; in 1973 she married a Latvian national, with whom she had a son. The couple divorced in 1980.

In 1981, having lost her Soviet passport, the applicant received a new passport; she found the lost passport in 1989 but failed to return it to the relevant authorities.

In 1991 the Soviet Union broke up and Mrs Shevanova found herself with no nationality. She was registered in Latvia on the list of residents as a permanent resident, and her son was granted the status of "permanent resident non-citizen" of Latvia.

In 1994 the applicant had a false stamp entered in her first Soviet passport (which had been found and hidden), attesting that her registration in Latvia had been cancelled. She was registered in Russia at her brother's address, and was granted Russian nationality.

In March 1998 the applicant applied to the Department of Nationality and Migration Affairs at the Latvian Ministry of the Interior (*Iekšlietu ministrijas Pilsonības un migrācijas lietu pārvalde*, "the Department") for a passport as a "permanently resident non-citizen". The Department then discovered the applicant's second residence registration in Russia and learnt of the actions with regard to her previous passport, which had been lost and found. It decided on 9 April 1998 to cancel the applicant's inclusion on the residents' list and issued a deportation order against her, together with a five-year exclusion order.

None of the administrative and judicial appeals lodged by the applicant with a view to having the deportation order overturned was successful. In February 2001 Mrs Shevanova was arrested and placed in a detention centre for illegal immigrants pending her deportation. Following her hospitalisation, the Department suspended the enforcement of the forced deportation order and the applicant, who was released, continued to reside in Latvia unlawfully.

After the European Court had declared this application admissible, the Latvian authorities offered, in February 2005, to regularise the applicant's situation by issuing her with a permanent residence permit, and invited her to file the necessary documents to that end. However, it appeared from the case file that to date the applicant had not submitted the necessary papers.

The applicant alleged, in particular, that the decision to deport her from Latvia amounted to a violation of her right to respect for her private and family life, guaranteed by Article 8 (right to respect for private and family life) of the Convention.

In a judgment of 15 June 2006, the Court held by six votes to one that there had been a violation of Article 8 of the Convention.

The case was referred to the Grand Chamber at the Government's request.

(11) Kaftailova v. Latvia, n° 59643/00

The applicant, Natella Kaftailova, is of Georgian origin. She was born in 1958 and lives in Riga (Latvia). She had Soviet nationality until 1991 and currently has no nationality.

In 1982 the applicant, who was then resident in Russia, married a Soviet civil servant, employed by the Ministry of the Interior of the USSR. The couple had a daughter in 1984 and settled in Latvia. The couple divorced in October 1990.

In 1991 the Soviet Union broke up and Mrs Kaftailova found herself with no nationality.

In February 1993 the applicant was granted the right to rent a room obtained by her ex-husband in 1987, which was located in a “duty residence” and asked the Department of Nationality and Migration Affairs at the Latvian Ministry of the Interior (*Iekšlietu ministrijas Pilsonības un imigrācijas departaments*, “the Department”) to register her on the list of residents (*Iedzīvotāju reģistrs*) as a permanent citizen of Latvia. In her request, however, she indicated an address at which her ex-husband had unlawfully registered her, and not the address in Riga at which she then lived.

Initially the Department granted her request. In July 1993, however, it cancelled the applicant’s registration on the ground that the stamp in her passport was false. On 15 February 1994 the Department struck the applicant out of the list of residents, cancelled her personal identification code and overturned the decision granting her the right to rent the room in which she lived.

On 9 January 1995 the Department served a deportation order on the applicant, ordering her to leave Latvia with her daughter. The Department had noted that on 1 July 1992, the critical date laid down by the Law on the Entry into and Residence of Aliens and Stateless Persons in the Republic of Latvia, the applicant had not been officially registered as having any permanent residence in Latvia; in those circumstances, she ought to have applied for a residence permit within one month of that law entering into force, failing which she would be subject to a deportation order; however, the applicant had not done so.

None of the administrative and judicial appeals lodged by the applicant with a view to having her situation regularised was successful.

After the European Court had declared this application admissible, the Latvian authorities offered in January 2005 to regularise the applicant's situation by issuing her with a permanent residence permit, and invited her to file the necessary documents to that end. However, it appeared from the case file that the applicant had not submitted the necessary papers by the date of the Court's judgment.

The applicant alleged, in particular, that the Latvian authorities' refusal to regularise her situation constituted a violation of her right to respect for private and family life, guaranteed by Article 8 (right to respect for private and family life).

In a judgment of 22 June 2006, the Court held by five votes to two that there had been a violation of Article 8.

The case was referred to the Grand Chamber at the Government's request.

(12) Georgios Kakamoukas and others v. Greece, n° 38311/02

The applicants are 58 Greek nationals.

In 1925, with a view to building an airport, the Greek State expropriated a 534,892 m² estate which included land belonging to the applicants' ascendants located on the outskirts of Salonika and now falling within the jurisdiction of Kalamaria Town Council. A sum in expropriation compensation was fixed, which the State refused to pay. Ultimately the airport was built elsewhere.

In 1967 the State went ahead with expropriating the land in question with a view to building labourers' housing. However, as the decision did not fulfil a public-interest aim it was revoked in 1972. In the same year the estate in question was designated for the construction of a sports centre, and in 1987 the Salonika prefect modified the regional development plan (ρυμοτομικό σχέδιο), which he designated as a "green area" and "sport and leisure zone".

The applicants or their ascendants brought administrative proceedings for removal of the encumbrance affecting their land. In three judgments delivered on 20 October 1997 the Supreme Administrative Court granted their request. It found that having failed for a long time to proceed with the expropriation of the land in question in furtherance of the project provided for in the development plan, the authorities were duty bound to lift the encumbrance on the properties in question.

In 1999 the Minister for the Environment and Public Works modified the urban development plan of Kalamaria municipality in order to designate the estate in question as the site for a sport and leisure centre. On 9 September 1999 the applicants or their ascendants applied to the Supreme Administrative Court for the decision to be set aside. The application is currently pending before the Supreme Administrative Court.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the applicants complained, among other things, about the length of the administrative proceedings to which they had been parties, namely, three years, one month and 29 days for the first set of proceedings and over seven years for the pending proceedings.

In a Chamber judgment of 22 June 2006 the Court held, unanimously, that there had been a violation of Article 6 § 1 of the Convention and decided by five votes to two to award each applicant EUR 5,000 or EUR 8,000, depending on the case, for the non-pecuniary damage sustained.

The case was referred to the Grand Chamber at the Government's request.

(13) Saadi v. the United Kingdom, n° 13229/03

The applicant, Shayan Baram Saadi, is a 29 year old Iraqi national who lives in London.

He fled Iraq and arrived at London Heathrow Airport on 30 December 2000 where he immediately claimed asylum and was granted "temporary admission". On 2 January 2001, on reporting to the immigration authorities, he was detained and transferred to Oakington Reception Centre, a centre which was used for those who were not likely to abscond and who could be dealt with by a "fast track" procedure.

The applicant's asylum claim was initially refused on 8 January 2001 and he was formally refused leave to enter the UK. He was released the next day. He appealed against the Home Office decision and was subsequently granted asylum.

The applicant, together with three other Kurdish Iraqi detainees who had been held at Oakington, applied for permission for judicial review of their detention claiming that it was unlawful under domestic law and under

Article 5 of the Convention. Both the Court of Appeal and the House of Lords held that the detention was lawful in domestic law.

The applicant complained about his detention at Oakington and about the fact that he was given no reasons for it. He relied on Article 5 §§ 1 (right to liberty and security) and 2 (everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him) and Article 14 (prohibition of discrimination) of the Convention.

In a judgment delivered on 11 July 2006, the Court held that there had been no violation of Article 5 § 1 of the Convention, and unanimously, that there had been a violation of Article 5 § 2 of the Convention.

The case was referred to the Grand Chamber at the applicant's request.

V. HEARINGS

In 2006 hearings were held in the following sixteen cases (a summary is given only for those cases in which a judgment has not been delivered by the end of the year):

(1) Hutten-Czapska v. Poland, n° 35014/97

Rehearing case. Hearing on the merits on 11 January 2006.

Judgment was delivered on 19 June 2006 (see Chapter VII below).

The Grand Chamber reserved the question of Article 41 of the Convention.

(2) Ramirez Sanchez v. France, n° 59450/00

Rehearing case. Hearing on the merits on 25 January 2006.

Judgment was delivered on 4 July 2006 (see Chapter VII below).

(3) Üner v. the Netherlands, n° 46410/99

Rehearing case. Hearing on the merits on 5 April 2006.

Judgment was delivered on 18 October 2006 (see Chapter VII below).

(4) Hermi v. Italy, n° 18114/02

Rehearing case. Hearing on the merits on 3 May 2006.

Judgment was delivered on 18 October 2006 (see Chapter VII below).

(5) Sisojeva and others v. Latvia, n° 60654/00

Rehearing case. Hearing on the merits on 24 May 2006.

Mr Sisojev, who was a soldier in the Soviet army, was stationed in Latvia in 1968 and served there until he was demobilised in 1989. His wife came to Latvia in 1969 and their daughter was born there. Following the break-up of the Soviet Union and the restoration of Latvia's independence in 1991, the applicants, who had previously been Soviet nationals, became stateless.

In 1993 Mr Sisojev and his wife applied to obtain permanent resident status and to be entered in the register of residents. Alūksne District Court of First Instance allowed their application for entry in the register.

The permanent residence status was subsequently declared null and void on the grounds that when applying for regularisation of their status they had failed to reveal details of their Russian nationality and the fact that they had an officially registered place of residence in Russia. The applicant's appeals to the three levels of jurisdiction in Latvia were dismissed. The applicants are currently illegally resident in Latvia. In letters dated May and June 2000 the Nationality and Migration Directorate reminded the applicants that they were required to leave Latvia. However no order has been made for their deportation.

In November 2003 the head of the Directorate sent the applicants a letter explaining how Svetlana Sisojeva could regularise her stay in Latvia and obtain an identity document as a stateless person, so that her daughter and husband could then be issued with residence permits. However, as they did not follow those recommendations, the applicants did not obtain residence permits. In March 2005 the Court was informed that the second and third applicants would be issued with 5 year temporary permits and, after five years had elapsed, they could apply for permanent residence permits. These offers were not taken up.

The applicants stated that, in the meantime, on 6 March 2002, Svetlana Sisojeva had been summoned to the regional headquarters of the security police, where she had been questioned about the application she had lodged with the European Court of Human Rights and about an interview she had given on the subject to a Russian television channel.

The applicants complained about the Latvian authorities' refusal to regularise their status in Latvia and the questioning of Svetlana Sisojeva by the police. They relied on Article 8 (right to respect for private and family life) and Article 34 (right of individual petition) of the Convention. The Chamber found by five votes to two that there had been a violation of Article 8 (private life) and by six votes to one that the Latvian Government had complied with their obligations under Article 34 of the Convention.

(6) McKay v. the United Kingdom, n° 543/03

Rehearing case. Hearing on the merits on 14 June 2006.

Judgment was delivered on 3 October 2006 (see Chapter VII below).

(7) Association S.O.S Attentats and De Boëry v. France, n° 76642/01

Relinquishment case. Hearing on the merits on 21 June 2006.

Decision was delivered on 4 October 2006 (see Chapter VIII below).

(8) Anheuser-Busch Inc. v. Portugal, n° 73049/01

Rehearing case. Hearing on the merits on 28 June 2006.

The case concerns an application brought by a company, Anheuser-Busch Inc., which is an American public limited company whose registered office is in St Louis (Missouri, United States). It produces beer and sells it under the brand name “Budweiser” in a number of countries around the world.

In 1981 the applicant company applied to the Portuguese National Institute for Industrial Property (INPI) to register “Budweiser” as a trade mark. The INPI did not grant the application immediately because “Budweiser Bier” had already been registered as a designation of origin on behalf of a Czechoslovak company, Budejovický Budvar. In 1989 the applicant company sought a court order setting aside the registration of that designation, which was granted in 1995, and the INPI subsequently registered the “Budweiser” trade mark.

The Czech company challenged that decision in the Lisbon Court of First Instance, relying on the “1986 Agreement”, a bilateral treaty between Portugal and Czechoslovakia (now applicable in the Czech Republic) which came into force in 1987, protecting registered designations of origin. The Court of First Instance found against it, but the Court of Appeal overturned that decision and ordered the INPI to refuse to register “Budweiser” as a trade mark.

The applicant company appealed to the Supreme Court, which dismissed the appeal in 2001, holding that the designation of origin “Ceskebudejovický Budvar”, which translated into German as “Budweis” or “Budweiss”, was protected by the 1986 Agreement. The registration of “Budweiser” as a trade mark on behalf of the applicant company was therefore set aside.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant company complained that the application of the 1986 Agreement, which had come into force after it had applied for

registration of the “Budweiser” trade mark, had infringed its right to the peaceful enjoyment of its possessions. It argued that, under existing international legal instruments, the right to protection of a trade mark was secured from the date on which the application to register it was made and that it had been deprived of that right without receiving any compensation, despite the fact that there had been no public-interest grounds to justify affording protection to a registered designation of origin on the basis of the treaty between Portugal and Czechoslovakia.

In its Chamber judgment of 11 October 2005 the Court held by five votes to two that there had been no violation of Article 1 of Protocol No. 1.

The case was referred to the Grand Chamber on 15 February 2006 at the request of the applicant association.

(9) Vilho Eskelinen and others v. Finland, n° 63235/00

Relinquishment case. Hearing on the merits on 20 September 2006.

The applicants are: Vilho Eskelinen, Arto Huttunen, Markku Komulainen, Lea Ihatsu, Toivo Pallonen and the heirs of the late Hannu Matti Lappalainen (Päivi, Janne and Jyrki Lappalainen). They were born in 1955, 1953, 1954, 1956, 1937, 1957, 1983 and 1981 respectively and are all Finnish nationals living in Sonkakoski or Sonkajärvi (Finland).

Mr Eskelinen, Mr Huttunen, Mr Komulainen, Ms Ihatsu, Mr Pallonen and Hannu Matti Lappalainen all worked for the Sonkajärvi District Police. Under a collective agreement of 1986, they were entitled to a special allowance for working in a remote area. When that allowance was withdrawn in 1988, they were given individual wage supplements to make up the difference.

On 1 November 1990, after being moved to another duty police station even further away from their homes, the applicants lost their individual wage supplements. They maintain, however, that Kuopio Provincial Police Command promised them compensation.

On 3 July 1991 the Ministry of Finance refused a request for authorisation to pay each applicant a monthly individual wage supplement of 500-700 Finnish marks (EUR 84-118). The applicants subsequently lodged an application for compensation, which was rejected.

The applicants appealed, asking for an oral hearing to prove, among other things, that they had been promised compensation. Their appeal was rejected on the ground that, at the relevant time, only the Ministry of Finance (and not the provincial police command) could authorise compensation. The court also found that no compensation had been awarded in other similar cases.

Following a further appeal, the Supreme Administrative Court in a judgment of 27 April 2000 found that the applicants had no statutory right to the individual wage supplements and that it was unnecessary to hold a hearing, given that the alleged promises made by the provincial police command had no bearing on the case.

The applicants complained under Article 6 § 1 (right to a fair hearing) of the Convention about the excessive length of the proceedings and the lack of an oral hearing. They further complained under Article 1 of Protocol No. 1 (protection of property) that they lost their entitlement to a special allowance and had received no compensation. Under Article 14 (prohibition of discrimination), they maintained that they were treated differently from other police personnel. They also relied on Article 13 (right to an effective remedy).

On 21 March 2006 the Chamber relinquished jurisdiction in favour of the Grand Chamber.

(10) O'Halloran and Francis v. the United Kingdom, n° 15809/02 and 25624/02/00

Relinquishment case. Hearing on the merits on 27 September 2006.

Gerard O'Halloran and Idris Francis are United Kingdom nationals who were born in 1933 and 1939 respectively. Mr O'Halloran lives in London and Mr Francis lives in Petersfield (United Kingdom).

The vehicles of the applicants were filmed being driven above the speed limit on 7 April 2000 and 12 June 2001 respectively.

In each case the applicant was subsequently informed that the police intended to prosecute the driver of the vehicle. He was asked for the full name and address of the driver of the vehicle on the relevant occasion or to supply other information that was in his power to give and which would lead to the driver's identification. Each applicant was further informed that

failing to provide information was a criminal offence under section 172 of the Road Traffic Act 1988.

Mr O'Halloran answered his letter confirming that he was the driver at the relevant time. Mr Francis, however, wrote to the police invoking his right to silence and privilege against self-incrimination.

On 27 March 2001 Mr O'Halloran was tried before North Essex Magistrate's Court. Prior to the trial, he sought unsuccessfully to have his confession excluded as evidence, relying on sections 76 and 78 of the Police and Criminal Evidence Act 1984 read in conjunction with Article 6 (right to a fair trial) of the Convention. He was convicted of driving in excess of the speed limit and fined 100 pounds sterling (GBP) (equivalent to 147.66 euros (EUR)), ordered to pay GBP 150 (EUR 221.49) costs and had his licence endorsed with six penalty points. On 19 October 2001 his application for judicial review of the magistrates' decision was refused.

On 28 August 2001 Mr Francis was summoned to the Magistrates' Court for failing to comply with section 172(3) of the Road Traffic Act 1988. On 15 April 2002 he was convicted and fined GBP 750 (EUR 1,107.49) with GBP 250 (EUR 369.16) costs and three penalty points. He maintains that the fine was substantially heavier than that which would have been imposed had he pleaded guilty to the speeding offence.

Mr O'Halloran complains that he was convicted solely or mainly on account of the statement he was compelled to provide under threat of a penalty similar to the offence itself. Mr Francis complains that being compelled to provide evidence of the offence he was suspected of committing infringed his right not to incriminate himself. Both applicants rely on Article 6 §§ 1 (right to a fair trial) and 2 (presumption of innocence) of the Convention.

On 11 April 2006 the Chamber of the Court dealing with the case relinquished jurisdiction in favour of the Grand Chamber.

(11) Ramsahai and others v. the Netherlands, n° 52391/99

Rehearing case. Hearing on the merits on 18 October 2006.

The case concerns the killing by the police of Moravia Ramsahai, born on 6 December 1979

In the evening of Sunday 19 July 1998, during a community festival in the Bijlmermeer district of Amsterdam, Moravia Ramsahai stole a scooter from its owner at gunpoint and drove off on it.

The police were notified. Two uniformed police officers on patrol, Officers Brons and Bultstra, spotted a scooter driven by a person fitting the description they had been given – later identified as Moravia Ramsahai – and tried to arrest him.

Officer Bultstra saw Moravia Ramsahai draw a pistol from his trouser belt. Officer Bultstra drew his service pistol and ordered Moravia Ramsahai to drop his weapon. Moravia Ramsahai failed to do so. Officer Brons then approached. Moravia Ramsahai, raised his pistol and pointed it towards Officer Brons, who drew his pistol and fired. Moravia Ramsahai was hit in the neck. At 10.03 p.m. Officer Brons called an ambulance. When it arrived, at about 10.15 p.m., Moravia Ramsahai was already dead.

A criminal investigation was ordered. Parts of the investigation were carried out by the Amsterdam/Amstelland Police Force (to which Officers Brons and Bultstra belonged); it was initially in charge of the investigation for the first 15-and-a-half hours and then involved only under the authority of an officer of the State Criminal Investigation Department (*Rijksrecherche*).

Ultimately the public prosecutor, finding that Officer Brons had acted in legitimate self-defence, decided that no prosecution should be brought.

The applicants complained about the circumstances surrounding the shooting of Moravia Ramsahai and the lack of an effective and independent investigation into his death. They relied on Article 2 (right to life) of the Convention, Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy).

In its Chamber judgment of 10 November 2005, the Court held by five votes to two that there had been no violation of Article 2 concerning the shooting by a police officer of Moravia Ramsahai and a violation of Article 2 concerning the investigation into his death.

The case was referred to the Grand Chamber on 12 April 2006 at the request of the Government.

(12) J.A. Pye (Oxford) Ltd v. the United Kingdom, n° 44302/02

Rehearing case. Hearing on the merits on 8 November 2006.

The applicants are two United Kingdom companies, J.A. Pye (Oxford) Ltd and J.A. Pye (Oxford) Land Ltd.

One of the applicant companies (“Pye”) was the registered owner of a plot of 23 hectares of agricultural land in Berkshire. The owners of property adjacent to the land, Mr. and Mrs. Graham (“the Grahams”), occupied the land under a grazing agreement until 31 December 1983. On 30 December 1983 the Grahams were instructed to vacate the land as the grazing agreement was about to expire. They did not do so. With agreement, the Grahams took a cut of grass in August 1984, and from September 1984 onwards until 1999 the Grahams continued to use the land for farming without Pye’s permission.

In 1997, Mr Graham claimed that the land was his by virtue of at least 12 years’ adverse possession, and registered cautions (official warnings) at the Land Registry. Pye sought the cancellation of the cautions before the High Court and issued proceedings seeking possession of the disputed land.

The High Court held that, since the Grahams’ adverse possession took effect from September 1984, Pye had lost title to the land as a result of the combined operation of the Limitation Act 1980, which set up the 12-year limitation period, and the Land Registration Act 1925, which extinguished title at the end of that limitation period. The Grahams were therefore entitled to be registered as the new owners.

The applicant companies appealed successfully, but their appeal was overturned by the House of Lords, which, on 4 July 2002, restored the order of the High Court.

The Land Registration Act 2002 – which does not have retroactive effect – now enables a squatter to apply to be registered as owner after ten years’ adverse possession and requires that the registered owner be notified of the application. The registered proprietor is then required to regularise the situation (for example, by evicting the squatter) within two years, failing which the squatter is entitled to be registered as the owner.

Pye complained that the combined operation of the 1925 Act and the 1980 Act resulted in a deprivation of possessions which was not in the public interest and which was disproportionate because no compensation

was available, and no procedural safeguards made up for the lack of compensation, in violation of Article 1 of Protocol no. 1.

The Chamber, in its judgment of 15 November 2005 held, by four votes to three, that there had been a violation of Article 1 of Protocol No. 1. The Article 41 issues were reserved.

(13) Behrami and Behrami v. France and Saramati v. France, Germany and Norway, n°s 71412/01 and 78166/01

Relinquishment case. Hearing on the merits on 15 November 2006.

Behrami v. France

At the relevant time (March 2000) Mitrovica was within the sector of Kosovo for which a multinational brigade led by France was responsible; it was one of four brigades making up the international security force (KFOR) presence in Kosovo, mandated by UN Security Council Resolution 1244 of June 1999.

On 11 March 2000 Gadaf and Bekim Behrami were playing with some other boys in the hills in the Sipolje area of Mitrovica. They found a number of undetonated cluster bombs, which had been dropped during the bombardment of FRY by NATO in 1999, and began playing with them. One of the children threw a bomb into the air; it detonated and killed Gadaf Behrami. Bekim Behrami was also seriously injured and permanently blinded.

The UN Interim Administration for Kosovo (UNMIK) - mandated by the same Resolution 1244 – investigated the incident and reported that the incident amounted to “an unintentional homicide committed by imprudence”.

On 22 May 2000 Agim Behrami was informed that no criminal prosecution was to be brought because the bomb did not explode during the NATO bombardment.

On 25 October 2001 Agim Behrami complained to the Kosovo Claims Office that France had not respected the provisions (concerning de-mining) of Resolution 1244. The claim was ultimately rejected on the ground that mine clearance had been the responsibility of the UN since 5 July 1999.

Saramati v. France, Germany and Norway

In April 2001 the applicant was arrested by UNMIK police and later detained. On 23 May 2001 a prosecutor filed an indictment accusing the applicant of attempted murder, causing serious bodily harm, unlawful possession of weapons or exploding substances, causing minor bodily injury and violent behaviour. He appealed successfully against a further detention order and was released.

On 13 July 2001 he was arrested by two UNMIK police officers (German) and KFOR officers. On 14 July 2001 the COMKFOR authorised the applicant's further detention for 30 days.

On 26 July 2001, and in response to a letter from the applicant's representatives taking issue with the legality of his detention, the KFOR Legal Adviser advised that KFOR had the authority to detain under Resolution 1244 as it was necessary "to maintain a safe and secure environment" and to protect KFOR troops. KFOR had information concerning the applicant's involvement with armed groups operating in the border region between Kosovo and the Former Yugoslav Republic of Macedonia and was satisfied that the applicant represented a threat to the security of KFOR and to those residing in Kosovo.

On 11 August 2001 the applicant's detention was again extended. On 23 January 2002 he was convicted of attempted murder. On 26 January 2002 he was transferred by KFOR to the UNMIK detention facilities in Priština.

On 9 October 2002 the Supreme Court of Kosovo quashed the applicant's conviction and his case was sent for re-trial to Priština District Court. His release from detention was ordered. A re-trial has yet to be fixed.

The applicants in the first case alleged that Gadaf Behrami's death and Bekir Behram's injuries were caused by the failure of the French KFOR troops to mark and/or defuse the un-detonated cluster bombs which KFOR knew to be present on the site in question. They rely on Article 2 (right to life) of the Convention

The applicant in the second case complained under Article 5 (right to liberty and security) and Article 13 (right to an effective remedy) of the Convention, about his detention by KFOR between 13 July 2001 and 26 January 2002. He further complains under Article 6 § 1 (right to a fair trial) that he did not have access to court and, under Article 1 (obligation to

respect human rights), that France, Germany and Norway failed to guarantee the Convention rights of individuals living in Kosovo.

The case against Germany was subsequently withdrawn.

(14) Evans v. the United Kingdom, n° 6339/05

Referral case. Hearing on the merits on 22 November 2006.

The applicant, Natallie Evans, is a 35-year-old British national who lives in Wiltshire (United Kingdom).

On 12 July Ms Evans and her partner J started fertility treatment at the Bath Assisted Conception Clinic. On 10 October 2000, during an appointment at the clinic, Ms Evans was diagnosed with a pre-cancerous condition of her ovaries and was offered one cycle of *in vitro* fertilization (IVF) treatment prior to the surgical removal of her ovaries. During the consultation held that day with medical staff, Ms Evans and her partner J were informed that they would each need to sign a form consenting to the treatment and that, in accordance with the provisions of the Human Fertilisation and Embryology Act 1990 (“the 1990 Act”), it would be possible for either of them to withdraw his or her consent at any time before the embryos were implanted in the applicant’s uterus. Both parties then signed the forms, consenting to be treated together.

On 12 November 2001 the couple attended the clinic for treatment, resulting in the creation of six embryos which were placed in storage and, on 26 November 2001, Ms Evans underwent an operation to remove her ovaries. She was told she would need to wait for two years before the implantation of the embryos in her uterus.

In May 2002 the relationship between the applicant and J ended and he contacted the clinic to ask that the embryos be taken out of storage and destroyed.

The applicant brought proceedings before the High Court seeking, among other things, an injunction to require J. to restore his consent. Her claim was refused on 1 October 2003, J having been found to have acted in good faith, as he had embarked on the treatment on the basis that his relationship with Ms Evans would continue. On 1 October 2004, the Court of Appeal upheld the High Court’s judgment. Leave to appeal was refused.

On 27 February 2005 the European Court of Human Rights, to whom the applicant had applied, requested, under Rule 39 (interim measures) of the Rules of Court, that the United Kingdom Government take appropriate measures to prevent the embryos being destroyed by the clinic before the Court had been able to examine the case. The embryos were not destroyed.

The applicant complained that requiring the male gamete provider's consent for the continued storage and implantation of the fertilised eggs is in breach of her rights under Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the Convention and the rights of the embryos, under Article 2 (right to life).

In its Chamber judgment of 7 March 2006, the Court held unanimously, that there had been no violation of Article 2 concerning the applicant's embryos; by five votes to two, that there had been no violation of Article 8 concerning the applicant; and, unanimously, that there had been no violation of Article 14 concerning the applicant.

The Court also decided to continue to indicate to the United Kingdom Government under Rule 39 that it take appropriate measures to ensure the preservation of the applicant's embryos until the Court's judgment became final or pending any further order.

The case was referred to the Grand Chamber at the applicant's request.

(15) Folgerø and others v. Norway, n° 15472/02

Relinquishment case. Hearing on the merits on 6 December 2006.

The applicants, all members of the Norwegian Humanist Association (*Human-Etisk Forbund*), are parents whose children were at primary school at the time of the events complained of.

In the autumn of 1997 the Norwegian primary school curriculum was changed, with two separate subjects – Christianity and philosophy of life – being replaced by a single subject covering Christianity, religion and philosophy, known as *KRL* (*kristendoms-kunnskap med religions- og livssynsorientering*). Under the previous system, parents had been able to apply for their child to be exempted from Christianity lessons; however, it was only possible to request exemption from certain parts of *KRL*.

The applicants and other parents made unsuccessful requests to have their children entirely exempted from *KRL*. On 14 March 1998 they brought

unsuccessful proceedings before Oslo City Court, complaining that their exemption requests had been turned down.

On 25 March 2002, four sets of parents (not including the applicants) lodged a communication with the United Nations Human Rights Committee under the Protocol to the 1966 International Covenant on Civil and Political Rights. The Committee found, in the complainants' case, that *KRL*, with its rules on exemptions, violated the Covenant.

The applicants complain that the refusal to grant full exemption from *KRL* prevented them from ensuring their children received an education in conformity with their religious and philosophical convictions. They also complain that they were required to describe in detail the parts of the course which conflicted with their convictions, which Christian parents were not required to do, and which risked stigmatising their children or placing them in a difficult position. They rely on Article 9, Article 2 of Protocol No. 1, Article 8 and Article 14.

On 18 May 2006 the Chamber dealing with the case relinquished jurisdiction in favour of the Grand Chamber.

(16) Lindon & Otchakovsky-Laurens and July v. France, n°s 21279/02 and 3644/02

Relinquishment case. Hearing on the merits on 6 December 2006.

In August 1998 P.O.L. published a novel by Mr Lindon with the title *Le Procès de Jean-Marie Le Pen* ("Jean-Marie Le Pen on Trial"). The novel raises questions about the responsibility of Mr Le Pen, Chairman of the *Front National*, in murders committed by militants, and about the effectiveness of strategies to combat the far right.

The *Front National* and Mr Le Pen, complaining of defamation on account of remarks contained in the novel, brought proceedings against the writer and his publisher in Paris Criminal Court. The court found that the offence of defamation was made out in respect of four passages from the offending book.

On 11 October 1999 the court convicted Mr Otchakovsky-Laurens of defamation and Mr Lindon of complicity in that offence, and sentenced each of them to pay a fine of EUR 2,286.74 euros, further ordering them, jointly and severally, to pay EUR 3,811.23 in damages to Mr Le Pen and to the *Front National*.

In a judgment of 13 September 2000, on an appeal lodged by Mr Lindon and Mr Otchakovsky-Laurens, Paris Court of Appeal upheld their convictions in respect of three out of the four passages in question. On 27 November 2001 a further appeal on points of law was dismissed by the Court of Cassation.

In its edition of 16 November 1999 the newspaper *Libération* published an article in the form of a petition signed by 97 writers to protest about the conviction of Mr Lindon and Mr Otchakovsky-Lauren.

On 7 September 2000, the Paris Criminal Court, on the basis of a complaint by the *Front National* and Mr Le Pen, found the editor Mr July guilty of defamation for having reproduced the passages from the novel that had been found to constitute defamation.

This conviction was upheld by Paris Court of Appeal on 21 March 2001. On 3 April 2002 the Court of Cassation dismissed an appeal he had lodged on points of law.

The applicants complained that their criminal convictions had entailed a violation of Article 10 (freedom of expression) of the Convention. Mr July also complained, under Article 6 § 1 (right to a fair trial), that he was not heard by an independent court, as two out of the three judges on the bench of the Paris Court of Appeal which ruled on his case had also sat on the bench which upheld the other applicants' conviction of defamation and complicity in defamation.

The Chamber dealing with the cases relinquished jurisdiction in favour of the Grand Chamber.

VI. DECISION ON ADMISSIBILITY

i. Inadmissibility decision

The Grand Chamber declared the following application inadmissible. The application had been relinquished by a Chamber of the Court under Article 30 of the Convention.

(1) Association S.O.S Attentats and De Boëry v. France, n° 76642/01

The case concerns an application brought by the association “SOS Attentats, SOS Terrorisme”, whose headquarters are in Paris, and by Béatrix de Boëry (married name: Castelanu d’Essenault), a French national who lives in Paris.

The application concerns the fact that it was impossible for the applicants to bring proceedings against Colonel Gaddafi, the head of the Libyan State, in connection with a terrorist attack in 1989 against a DC 10 operated by UTA, and to obtain compensation by him for damage arising from the attack, as a result of the immunity from jurisdiction of foreign heads of State in office following a ruling by the Court of Cassation of 13 March 2001.

On 19 September 1989 an airliner operated by the French airline UTA exploded over the Ténéré desert following a bomb attack in which 170 people, including Mrs de Boëry’s sister and a number of other French nationals, were killed.

On 9 January 2004 the association ‘Les familles du DC 10 UTA en colère!’ and the applicant association, both representing families of the victims, concluded an agreement with the ‘Gaddafi World Foundation for Charities’ under the terms of which the families were each to receive one million US dollars (the equivalent of EUR 783,453) in consideration for waiving their right to bring “civil or criminal proceedings in any French or international court on account of the explosion aboard the aircraft” and the applicant association agreed “not to take any hostile action or to lodge any complaint against Libya or Libyan natural or legal persons in connection with the explosion aboard the aircraft”.

Relying on Article 6 § 1 (right to a fair hearing) of the Convention, the applicants submitted that the Court of Cassation’s ruling that Colonel Gaddafi was entitled to sovereign immunity had infringed their right of access to a court. They also complained under Article 13 (right to an effective remedy) of the lack of an effective remedy in that connection.

The United Kingdom Government was authorised to take part in the proceedings as a third-party intervener (Article 36 § 2 of the Convention and Rule 44 § 2 of the Rules of Court).

A hearing was held in public in the Human Rights Building, Strasbourg, on 21 June 2006.

After the application had been lodged in 2001, a new fact had been brought to the Court's attention: on 9 January 2004 an agreement had been signed between the Gaddafi International Foundation for Charity Associations, the families of the victims and the Bank for Official Deposits.

The Court had therefore to determine whether, as the Government alleged, this new fact was such as to lead it to decide to strike the application out of its list of cases in application of Article 37 § 1 (striking out) of the Convention.

The Court noted *inter alia* that the agreement provided for the payment of substantial sums to the families of the victims. Some of those concerned, including members of Mrs de Boëry's family, had already received the amount due to them under the agreement; others, such as Mrs de Boëry, had to date refused to sign the waiver on which payment was dependent. EUR 70,000 had remained available to her at the Bank for Official Deposits awaiting a decision in the light of the outcome of the present case.

Finally, the Court noted that in 1999 the French courts sentenced six Libyan officials, in their absence, to life imprisonment and ordered them to pay compensation for non-pecuniary damage to the victims' families, civil parties to those proceedings. At the hearing before the Grand Chamber the applicants' counsel stated for the first time that various sums had indeed been paid in this connection to the civil parties, including to Mrs de Boëry and her family.

In sum, the conclusion of the agreement of 9 January 2004, the latter's terms and the fact that Mrs de Boëry had obtained a judgment on the question of the responsibility of six Libyan officials were circumstances which, taken together, led the Court to consider that it was no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention.

As no other element regarding respect for human rights as guaranteed by the Convention required that this application be examined further, the Court decided, unanimously, to strike it out of the list.

VII. JUDGMENTS

(1) Sørensen v. Denmark and Rasmussen v. Denmark, n°s 52562/99 and 52620/99

The applicant Sørensen, who was a student about to start at university, began working for a company as a holiday relief worker. He was dismissed three weeks later for refusing to join the trade union SID. The applicant was aware at the time of his employment that membership was a condition of employment in the company.

The applicant Rasmussen is a gardener. He joined the Christian Trade Union, after resigning from SID as he disagreed with its political views. He was offered a job with his present employer on the condition that he became a member of SID, with which the employer had entered a closed shop agreement. Although he still disagreed with SID's political views, the applicant became a member and obtained the job.

The applicants complain that the application to them of pre-entry closed-shop agreements breached Article 11 of the Convention.

The cases were relinquished by a Chamber of the Court on 25 November 2004 and were subsequently joined for the purposes of the proceedings before the Grand Chamber.

In a judgment delivered on 11 January 2006, the Court held by a majority that there had been a violation of Article 11 of the Convention in respect of the applicant Sørensen; that there had been a violation of Article 11 of the Convention in respect of the applicant Rasmussen.

(2) Sejdic v. Italy, n° 56581/00

In October 1992 an investigating judge made an order for the applicant's detention pending trial on account of his suspected involvement in a murder in Rome. The applicant could not be traced and he was tried and convicted in his absence. A lawyer was assigned to represent him at the trial. The applicant was later arrested by the German police in Hamburg. A request for his extradition was refused by the German authorities on the ground that Italian law did not guarantee with sufficient certainty that the applicant would have the opportunity of having his trial reopened.

The applicant alleged that his trial and conviction *in absentia* gave rise to a breach of Article 6 of the Convention.

In a Chamber judgment delivered on 10 November 2004, the Court held unanimously that there had been a breach of Article 6.

The case was referred to the Grand Chamber on 30 March 2005 following the Government's request.

In a judgment delivered on 1 March 2006, the Court dismissed the Government's preliminary objection; held that there had been a violation of Article 6 of the Convention. It also held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

(3) Krstina Blečić v. Croatia, n° 59532/00

The applicant was the holder of a specially protected tenancy of a flat in Zadar, Croatia. In July 1991, she left the flat to visit her daughter abroad. Before leaving, she made appropriate arrangements for its maintenance in her absence. The time during which the applicant was away coincided with intensified armed conflict in the region and constant shelling of Zadar. Upon her return, in May 1992 the applicant attempted to recover the flat, but in the meantime the municipal authorities had brought an action for the termination of her tenancy on grounds of an unjustified absence of more than six months. Moreover, a family of displaced persons had moved into the apartment. The applicant alleged that she had been unable to return earlier given the war conditions in the area, her poor health to travel and also because the authorities had stopped paying her pension in October 1991. The first-instance court found that the applicant's absence had not been justified by the war or by any of the other reasons advanced by her. It thus granted the municipal authority's claim and terminated the applicant's special protected tenancy. The judgment was quashed in appeal proceedings, but subsequently upheld by both the Supreme Court on 15 February 1996 and the Constitutional Court on 8 November 1999.

The applicant alleged that the facts of her case, in particular the loss of her specially protected tenancy, disclosed breaches of Article 1 of Protocol No. 1 and Article 8.

In a Chamber judgment delivered on 29 July 2004, the Court held unanimously that there had been no violation of either of these provisions.

The case was referred to the Grand Chamber at the applicant's request.

In a judgment delivered on 8 March 2006, the Court held by a majority that it was unable to take cognisance of the merits of the case on the

grounds that Croatia had not ratified the Convention at the relevant time (Supreme Court's judgment of 15 February 1996).

(4) *Ždanoka v. Latvia*, n° 58278/00

During the Soviet period, the applicant was a member of the Communist Party of Latvia (CPL), a regional branch of the Communist Party of the Soviet Union. The restoration of the Republic of Latvia's independence was proclaimed in May 1990. A period of transition was introduced with a view to gradual restoration of genuine State sovereignty. This period ended on 21 August 1991 with the proclamation of the country's independence. On account of its participation in two attempted coups d'état during the transition period, on 13 January and in August 1991, the CPL was declared unconstitutional and dissolved in September 1991. In 1994 and 1995 the Latvian Parliament adopted two laws on municipal and parliamentary elections respectively, which stated that persons who had actively participated in the CPL's activities after 13 January 1991, the date of the first coup d'état supported by that party, could not stand for election. In 1997 the applicant was able to stand in local elections and was elected to the Riga City Council. The applicant was obliged to withdraw her candidacy for the 1998 parliamentary elections. In 1999, on an application by the Prosecutor-General's office, the national courts held that the applicant had personally been involved in the CPL's activities after the critical date of 13 January 1991. The applicant was automatically disqualified from standing for election and lost her seat on the Riga City Council. An appeal on points of law by the applicant was declared inadmissible in February 2000. The applicant's name was removed from the list of candidates submitted for the 2002 parliamentary elections. The applicant has since been elected to the European Parliament.

The applicant complained that there had been a breach of Article 3 of Protocol No. 1 to the Convention since she had been unlawfully disqualified from standing for the Latvian Parliament and that the circumstances of her case also gave rise to breaches of Articles 10 and 11 of the Convention.

In a Chamber judgment delivered on 17 June 2004, the Court held by a majority that there had been breaches of Article 3 of Protocol N°. 1 and of Article 11 of the Convention and that it was not necessary to examine separately the complaint under Article 10.

The case was referred to the Grand Chamber at the Government's request.

In a judgment delivered on 16 March 2006, the Court dismissed, unanimously, the Government's preliminary objection; held by a majority that there had been no violation of Article 3 of Protocol No. 1 to the Convention; held by a majority that it was not necessary to examine separately the applicant's complaints under Article 11 of the Convention and held, unanimously, that it was not necessary to examine separately the applicant's complaints under Article 10 of the Convention.

(5) Scordino v. Italy (N° 1), n° 36813/97 and 8 other Italian cases (see below)

The applicants inherited in 1992 a plot of land which was subject to an expropriation order. A district council had determined the final amount of compensation for the expropriation, but the expropriated owner refused the offer maintaining that it was far below the market value rate prescribed in a law adopted in 1865. On 25 May 1990 the expropriated owner filed a claim against the district council relying on the 1865 law. In a judgment of 17 July 1996 the Court of Appeal ordered the district council to pay the applicants an amount of compensation calculated with reference to a law which came into force in 1992 and which applied retroactively to proceedings introduced before 1992. The compensation paid was lower than the amount to which the applicants would have been entitled had the provisions of the 1865 law been applied. The Court of Cassation upheld the judgment on 3 August 1998.

The applicants then brought proceedings under Law no. 89 of 24 March 2001 (the "Pinto Act"), seeking compensation for the length of the proceedings. The court awarded them an aggregate sum of 2,450 euros (EUR) for non-pecuniary damage only.

The applicants complained about the inadequacy of the compensation which they had received as a result of the application by the courts of a retrospective law and about the unreasonable length of the proceedings. They relied on Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

In a Chamber judgment delivered on 29 July 2004, the Court held unanimously that there had been violations of Article 6 § 1 and Article 1 of Protocol No. 1.

The case was referred to the Grand Chamber at the Government's request.

In a judgment delivered on 29 March 2006, the Court held that there had been a violation of Article 1 of Protocol No. 1 on account of the inadequate

amount of compensation for expropriation; held that there was no need to examine under Article 1 of Protocol No. 1 the complaint based on the retrospective application to the present case of section 5 *bis* of Law no. 359/1992; held that there had been a violation of Article 6 § 1 on account of the application to the present case of section 5 *bis* of Law no. 359/1992; dismissed the Government's preliminary objection as to the non-exhaustion of domestic remedies, in respect of the complaint about the length of the proceedings; held that the applicants can claim to be "victims", for the purposes of Article 34 of the Convention, of a violation of the "reasonable-time" principle; held that there had been a violation of Article 6 § 1 on account of the length of the proceedings.

- (6) **Riccardi Pizzati v. Italy, n° 62361/00**
- (7) **Musci v. Italy, n° 64699/01**
- (8) **Giuseppe Mostacciuolo (1) v. Italy, n° 64705/01**
- (9) **Cocchiarella v. Italy, n° 64886/01**
- (10) **Apicella v. Italy, n° 64890/01**
- (11) **Ernestina Zullo v. Italy, n° 64897/01**
- (12) **Giuseppina and Orestina Procaccini v. Italy, n° 65075/01**
- (13) **Giuseppe Mostacciuolo (2) v. Italy, n° 65102/01**

Under Law no. 89 of 24 March 2001 (the "Pinto Act"), the applicants applied to the Italian courts for a ruling that the length of proceedings to which they had been parties for years in the domestic courts had been excessive, and for compensation for the damage sustained in consequence. In each of the cases, the Italian courts found that the length of the proceedings had been unreasonable and awarded the applicants compensation ranging from 1,000 to EUR 5,000.

The applicants complained under Article 6 § 1 about the excessive length of the domestic proceedings.

In Chamber judgments delivered in the course of 2004 the Court held unanimously in each case that Article 6 § 1 had been violated and set out criteria for the calculation of compensation for non-pecuniary damage resulting from the excessive length of proceedings and indicated the circumstances that might lead to an increase or decrease in the amount awarded.

The cases were referred to the Grand Chamber at the Government's request.

In judgments delivered on 29 March 2006, the Court dismissed the Government's preliminary objection as to the non-exhaustion of domestic

remedies; held that the applicant can claim to be a “victim” for the purposes of Article 34 of the Convention; held that there had been a violation of Article 6 § 1 of the Convention; and held that the other complaints under Articles 13, 17 and 34 of the Convention fell outside the scope of its examination.

(14) Achour v. France, n° 67335/01

On 14 April 1997 the Lyons Criminal Court found the applicant guilty of a drugs offence committed in 1995 and sentenced him to eight years’ imprisonment. On 25 November 1997 the Lyons Court of Appeal increased the sentence to 12 years on the ground that the applicant had committed the offence while covered by the 1994 legislation on recidivism. The 1994 legislation provided for the doubling of a sentence if the accused had re-offended within 10 years of the expiry of a sentence imposed in respect of another serious offence. The court noted that the applicant had been sentenced in 1984 to 3 years’ imprisonment for drug trafficking, was released in 1986 and was therefore caught by the 1994 provisions. The applicant appealed unsuccessfully on the ground he should not have been treated as a recidivist since under the 5-year rule contained in the pre-1994 legislation, he had ceased to be a recidivist in 1991, that is to say 5 years after his release from prison in 1986.

The applicant claimed that the circumstances of his case gave rise to a breach of Article 7 of the Convention since the domestic courts had deemed him to be a recidivist after the entry into force of the 1994 legislation.

In a Chamber judgment delivered on 10 November 2004, the Court held by a majority that the facts disclosed a breach of Article 7 of the Convention.

The case was referred to the Grand Chamber on 30 March 2005 at the Government’s request.

In a judgment delivered on 29 March 2006, the Court held by a majority that there had been no violation of Article 7 of the Convention.

(15) Stec and others v. the United Kingdom, n^{os} 65731/01 and 65900/01

The applicants, five in total, complained under Article 14 in association with Article 1 of Protocol No. 1 about sex-based differences in eligibility for “reduced earnings allowance” (REA) and “retirement allowance” (RA),

earnings-related benefits payable to employed or formerly employed people who have suffered an impairment of earning capacity from a work-related injury or disease.

Until 1986 it was possible, for a person of retirement age, to receive REA concurrently with a State pension. A succession of legislative measures after 1986 sought to remove this double eligibility. The method chosen was to impose cut-off or limiting conditions by reference to the same ages used by the pension scheme, namely 65 for men and 60 for women until 1996, then tapering up to eventual equality at 65 in 2020. All five applicants received REA.

All five applicants' cases were joined by the Social Security Commissioner who referred three questions to the European Court of Justice (ECJ). The ECJ gave a ruling finding that the discriminatory criteria in relation to REA were not incompatible with Community law because they were linked to the difference in the statutory pensionable ages in the UK for women and men and, pending the equalisation of those ages, fell for the time being within the exception to Directive 79/7/EEC on the implementation of the principle of equal treatment in matters of social security. The Commissioner, following the ECJ's ruling, struck out the applicants' cases.

The applicants maintained that there had been a breach of Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1.

On 6 July 2005 the Court by a majority declared the applications admissible in respect of four of the applicants, finding that the facts of the case fell within the ambit of Article 1 of Protocol No. 1 with the result that the applicants could rely on Article 14. The application of the remaining applicant (Hepple) was struck out of the list pursuant to Article 37 § 2 of the Convention.

In a judgment delivered on 12 April 2006, the Court held by a majority that there had been no violation of Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1; held by a majority that it was unnecessary to consider separately the issues relating to the victim status of the third, fourth and fifth applicants.

(16) Martinie v. France, n° 58675/00

Following an audit of the accounts submitted by the applicant, the Regional Audit Office declared that the applicant owed a school of which he was the public accountant more than 221,000 French francs as a result of unauthorised payments made by him in that capacity. Those payments concerned, among other things, a fixed monthly allowance paid to the headmaster of the school in his capacity as director of a sports training centre attached to the school and to the applicant himself as the centre's general secretary. The Court of Audit upheld the main provisions of the Regional Audit Office's decision but reduced the amount payable by him. The *Conseil d'Etat* rejected the applicant's appeal.

The applicant complained under Article 6 of the Convention that the proceedings before the Court of Audit were unfair.

The Chamber of the Court dealing with the case relinquished it in favour of the Grand Chamber on 3 May 2005.

In a judgment delivered on 12 April 2006, the Court dismissed unanimously the Government's preliminary objection; held unanimously that there had been a violation of Article 6 § 1 of the Convention on account of the applicant's inability to request a public hearing before the Court of Audit; held by a majority that there had been a violation of Article 6 § 1 of the Convention on account of State Counsel's position in the proceedings before the Court of Audit; held by a majority that there had been a violation of Article 6 § 1 of the Convention on account of the presence of the Government Commissioner at the deliberations of the bench of the *Conseil d'Etat*; held unanimously that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant and dismissed unanimously the remainder of the applicant's claim for just satisfaction.

(17) Sürmeli v. Germany, n° 75529/01

The applicant filed a personal injuries claim with the Hannover Regional Court on 18 September 1989. On 14 March 2001 the applicant lodged a constitutional complaint about the excessive length of the proceedings. The Federal Constitutional Court requested information on the state of the proceedings from the Hannover Regional Court, which informed it that it had scheduled a hearing for 9 July 2001. A second constitutional complaint was dismissed on 27 June 2002 as being insufficiently substantiated. In May 2002 the applicant applied to the Hannover Regional Court for legal aid in

order to bring an action for damages against the Land of Lower Saxony on account of the length of the proceedings in the regional court. His application was refused at first instance and on appeal. The Hannover Regional Court ruled on the civil claim in October 2005.

The applicant complained under Articles 6 and 13 about the excessive length of the proceedings and the absence of an effective remedy.

The Chamber of the Court dealing with the case relinquished in favour of the Grand Chamber on 1 February 2005.

In a judgment delivered on 8 June 2006, the Court held that there had been a violation of Article 13 of the Convention; dismissed in consequence the Government's preliminary objection and held that there had been a violation of Article 6 § 1 of the Convention.

(18) Hutten-Czapska v. Poland, n° 35014/97

The applicant is one of around 100,000 landlords in Poland affected by a restrictive system of rent control (from which some 600,000 to 900,000 tenants benefit), which originated in laws adopted under the former communist regime. The system imposes a number of restrictions on landlords' rights, in particular, setting a ceiling on rent levels which is so low that landlords cannot even recoup their maintenance costs, let alone make a profit.

The property in question was taken under state management after the entry into force of a 1946 decree giving the Polish authorities power to assign flats in privately-owned buildings to particular tenants. The applicant's parents tried unsuccessfully to regain possession of their property. In 1974 a new regime on the state management of housing entered into force, the so-called "special lease scheme". In 1975, the mayor issued a decision by which the ground floor of the house was leased to another tenant. In the 1990s the applicant tried to have that decision declared null and void but only succeeded in obtaining a decision declaring that it had been issued contrary to the law.

In 1990 the District Court declared that the applicant had inherited her parents' property and, in 1991, she took over the management of the house. She then brought several unsuccessful sets of proceedings – civil and administrative – to regain possession of her property and to relocate the tenants.

In 1994 a rent control scheme was applied to private property in Poland, under which landlords were both obliged to carry out costly maintenance work and prevented from charging rents which covered those costs. According to one calculation, rents covered only about 60% of the maintenance costs. Severe restrictions on the termination of leases were also in place. The 1994 Act was replaced by a new act in 2001.

In 2000 and 2002 the Constitutional Court found that the rent-control scheme under both the 1994 Act and the 2001 Act was unconstitutional and that it had placed a disproportionate and excessive burden on landlords. The provisions in question were repealed and from 10 October 2000 until 31 December 2004 the applicant was able to increase the rent she charged by about 10% to PLN 5.15 a square metre (approximately 1.27 euros). On 1 January 2005, new provisions (the “December 2004 amendments”) entered into force which allowed, for the first time, rents exceeding 3% of the reconstruction value of the property being rented to increase by not more than 10% a year.

The applicant complained that the situation created by the implementation of the laws imposing the fixed and totally inadequate rent amounts to a continuing violation of her property rights, in breach of Article 1 of Protocol No. 1.

In a Chamber judgment delivered on 22 February 2005 the Court held unanimously that there has been a violation of Article 1 of Protocol No. 1.

The case was referred to the Grand Chamber at the Government’s request.

In a judgment delivered on 19 June 2006, the Court dismissed unanimously the Government’s preliminary objection on incompatibility *ratione temporis* of the application; held unanimously that there had been a violation of Article 1 of Protocol No. 1 to the Convention; held by a majority that the above violation had originated in a systemic problem connected with the malfunctioning of domestic legislation in that:

- (a) it imposed, and continues to impose, restrictions on landlords’ rights, including defective provisions on the determination of rent;
- (b) it did not and still does not provide for any procedure or mechanism enabling landlords to recover losses incurred in connection with property maintenance;

The Court also held by a majority that, in order to put an end to the systemic violation identified in the present case, the respondent State must, through appropriate legal and/or other measures, secure in its domestic legal

order a mechanism maintaining a fair balance between the interests of landlords and the general interest of the community, in accordance with the standards of protection of property rights under the Convention.

(19) Ramirez Sanchez v. France n° 59450/00

Prosecuted in connection with investigations into several terrorist attacks carried out in France, the applicant was sentenced to life imprisonment in December 1997 for the murder of three police officers in 1975. He has spent 10 years or so in solitary confinement. The grounds given to justify the decisions to prolong his detention in solitary confinement were generally his dangerousness, the need to maintain order and safety in the prison and the likelihood that he might seek to escape. On each occasion, the applicant underwent medical examinations to determine his fitness for solitary confinement. The period of solitary confinement was interrupted on two occasions: in October 2003 he was transferred to another prison under a “normal regime” but was later transferred in March 2004 to a different prison and again placed in solitary confinement; in January 2006 he was transferred to another prison where he can serve his sentence under a “normal” regime.

The applicant alleged breaches of Articles 3 and 13 of the Convention.

A Chamber of the Third Section found no violation of Article 3 (majority) but a violation of Article 13 (unanimously).

The case was referred to the Grand Chamber at the applicant’s request.

In a judgment delivered on 4 July 2006, the Court held that there had been no violation of Article 3 of the Convention; held unanimously that there had been a violation of Article 13 of the Convention and dismissed the remainder of the claim for just satisfaction.

(20) Jalloh v. Germany, n° 54810/00

The applicant was spotted by police officers taking two small bags out of his mouth and handing them over for money. Considering that the bags contained drugs, the police officers went to arrest him. Before they could do so the applicant swallowed another small bag that he still had in his mouth. As no drugs were found on him, the public prosecutor ordered that he be given an emetic to force him to regurgitate the bag. The applicant was taken to a hospital. Four police officers held him down while a doctor put a tube up his nose and administered a salt solution and Ipecacuanha syrup by force.

The applicant regurgitated a small bag containing 0.2182 g of cocaine. The applicant was later convicted of drug trafficking on the basis of the evidence so procured and given a one-year suspended prison sentence.

The applicant alleged that the circumstances of his case give rise to breaches of Articles 3, 8 and 6.

The Chamber of the Court dealing with the case relinquished it in favour of the Grand Chamber on 1 February 2005.

In a judgment delivered on 11 July 2006, the Court held that there had been a violation of Article 3 of the Convention; held that no separate issue arose under Article 8 of the Convention and held that there had been a violation of Article 6 of the Convention.

(21) McKay v. the United Kingdom, n° 543/03

The case concerns an application brought by a British citizen, Mark McKay who was born in 1983 and lives in Bangor, Northern Ireland.

On 6 January 2001, at 10 p.m., he was arrested on suspicion of having carried out a robbery of a petrol station in Bangor, County Down. On 7 January 2001, he admitted being responsible for the robbery and was charged.

On 8 January 2001 the applicant made his first appearance in the magistrates' court, where he instructed his solicitors to make an application for his release on bail. The police officer gave evidence to the court stating that the robbery was not connected with terrorism and that, subject to the proper conditions, he would have no objection to bail.

The sitting resident magistrate refused the application, indicating that the offence was a scheduled offence and that he therefore did not have the power to order release (under section 67(2) of the Terrorism Act 2000 and section 3(2) of the Northern Ireland (Emergency Provisions) Act 1996).

On 8 January 2001, the applicant applied to the High Court for bail. On 9 January 2001, the High Court heard and granted his application.

On 12 April 2001, the applicant pleaded guilty in the Crown Court to an offence of robbery and was sentenced to two years' detention in a young offenders' institution, followed by a year of probation.

The applicant applied unsuccessfully for judicial review seeking a declaration that the legislation in question was incompatible with Articles 5 § 3 (right to liberty and security) and 14 (prohibition of discrimination) of the Convention.

The applicant complained that persons charged with scheduled offences cannot apply for bail before the magistrates' court; they are required to make an application to the High Court and it may be up to four days later before their application is heard. He invoked Article 5 § 3 of the Convention.

On 17 January 2006 the Chamber relinquished jurisdiction in favour of the Grand Chamber.

In a judgment delivered on 3 October 2006, the Court held by a majority that there had been no violation of Article 5 § 3 of the Convention.

(22) Üner v. The Netherlands, n° 46410/99

The applicant, a Turkish national, came to the Netherlands with his mother and two brothers in 1981 when he was 12 years old to join his father. He eventually obtained in 1988 a permanent residence permit.

In or around June 1991 the applicant started living with a Netherlands national. The couple had a son, born on 4 February 1992. The applicant moved out in November 1992, but remained in close contact with both his partner and his son.

The applicant was convicted of manslaughter and assault on 21 January 1994 and sentenced to seven years' imprisonment.

His partner and son visited him in prison at least once a week and regularly more often. A second son was born to the applicant and his partner on 26 June 1996, whom he also saw every week. Both his children have Netherlands nationality and have been recognised by the applicant. Neither his partner nor his children speak Turkish.

By decision of 30 January 1997, the Deputy Minister of Justice withdrew the applicant's permanent residence permit and imposed a ten-year exclusion order on him in view of his conviction of 21 January 1994. The applicant's appeals were unsuccessful.

The applicant complained that the circumstances of his case, in particular the length and consequences of the exclusion order, gave rise to a breach of Article 8 of the Convention.

In a Chamber judgment delivered on 5 July 2005 the Court found by a majority that there had been no breach of Article 8.

The case was referred to the Grand Chamber at the applicant's request.

In a judgment delivered on 18 October 2006, the Court held by a majority that there had been no violation of Article 8 of the Convention.

(23) Hermi v. Italy, n° 18114/02

The applicant, a Tunisian national, was convicted of a drugs offence and sentenced to a fine and six years' imprisonment. The applicant appealed.

The applicant's lawyer applied for his client to be released from prison to attend a hearing before the Rome Court of Appeal. That court dismissed the application and in a judgment of 3 November 2000 upheld the impugned judgment. The applicant's appeal on points of law was unsuccessful.

The applicant complained that he had been unable to take part in the hearing before the Rome Court of Appeal, in breach of Article 6 § 1 of the Convention.

In a Chamber judgment delivered on 28 June 2005, the Court held by a majority that there had been a breach of Article 6 in the circumstances of the case.

The case was referred to the Grand Chamber at the Government's request.

In a judgment delivered on 18 October 2006, the Court held that there had been no violation of Article 6 of the Convention.

(24) Jussila v. Finland, n° 73053/01

On 22 May 1998 the Tax Office (*verotoimisto, skattebyrå*) in Häme asked the applicant to submit his observations regarding some alleged errors in his value added tax (VAT) declarations (*arvonlisävero, mervärdesskatt*) for the fiscal years 1994 and 1995.

On 9 July 1998 the Tax Office found that the applicant was, among other things, obliged to pay tax surcharges (*veronkorotus, skatteförhöjning*) amounting to 10 per cent of the increased tax liability. The additional tax surcharges levied on the applicant totalled 1,836 Finnish Marks, equivalent to 308.80 euros. The tax surcharges were based on the fact that the applicant's VAT declarations in 1994-1995 were regarded as incomplete.

On 13 June 2000 the Administrative Court held that an oral hearing was manifestly unnecessary in the matter because both parties had submitted all the necessary information in writing. It also rejected the applicant's claims.

On 7 August 2000 the applicant requested leave to appeal from the Supreme Administrative Court renewing at the same time his request for an oral hearing. On 13 March 2001 the Supreme Administrative Court refused the applicant leave to appeal.

The applicant alleged that he did not receive a fair hearing in the proceedings in which a tax surcharge was imposed as he was not given an oral hearing. He relies on Article 6 (right to a fair hearing) of the European Convention on Human Rights.

On 14 February 2006 the Chamber dealing with the case relinquished jurisdiction in favour of the Grand Chamber.

In a judgment delivered on 23 November 2006, the Court held by thirteen votes to four that Article 6 of the Convention was applicable in the present case and by fourteen votes to three that there had been no violation of Article 6 of the Convention.

(25) Markovic and others v. Italy, n° 1398/03

The ten applicants are all nationals of the former Serbia and Montenegro and close relatives of people who were killed during the Kosovo conflict when an air strike on the headquarters of Radio Televizije Srbije (RTS) in Belgrade on 23 April 1999 by the NATO alliance resulted in 16 deaths.

The applicants brought an action in damages in the Rome District Court, as they considered that Italy's involvement in the relevant military operations had been more extensive than that of the other NATO members in that Italy had provided major political and logistical support, such as the use of its air bases by aircraft engaged in the strikes on Belgrade and the RTS. The defendants to the action were the Prime Minister's Office, the

Italian Ministry of Defence and the NATO Allied Forces Southern Europe (AFSOUTH) Command.

The Prime Minister's Office and the Italian Ministry of Defence applied to the Court of Cassation for a preliminary ruling on the issue of jurisdiction under Article 41 of the Code of Civil Procedure. In a judgment of 8 February 2002 which brought the applicants' action to an end, the Court of Cassation held that the Italian courts had no jurisdiction because Italy's decision to take part in the air strikes had been a political one and could not, therefore, be reviewed by the courts.

The applicants complained under Article 6 of the Convention, read in conjunction with Article 1, that they were denied access to a court for a determination on the merits of their civil claim.

The Chamber of the Court dealing with the case relinquished it in favour of the Grand Chamber on 28 April 2005.

In a judgment delivered on 14 December 2006, the Court joined to the merits, unanimously, the respondent Government's preliminary objection with respect to the applicability of Article 6 of the Convention; declared, unanimously, the remainder of the application admissible; held unanimously, that Article 6 of the Convention is applicable in the instant case; consequently, dismissed the respondent Government's preliminary objection and held by ten votes to seven, that there had been no violation of Article 6 of the Convention.

VIII. GRAND CHAMBER STRIKE-OUT FRIENDLY-SETTLEMENT JUDGMENTS

(1) Smoleanu v. Romania, Lindner & Hammermayer v. Romania and Popovici & Dumitrescu v. Romania, n^{os} 30324/96, 35671/97 and 31549/96

The applicants, all Romanian nationals, complained about their inability to obtain restitution of their property that had been nationalised by the Romanian State and of the domestic courts' refusal to recognise that they had jurisdiction to determine an action for recovery of possession.

They relied on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (protection of property) to the Convention. In *Lindner and Hammermayer* the applicants also submitted that their property had been confiscated because their mother had emigrated to Germany, relying on Article 2 of Protocol No. 4 (freedom of movement).

In its Chamber judgments of 3 December 2002 in *Smoleanu* and *Lindner and Hammermayer* and on 4 March 2003 in *Popovici and Dumitrescu*, the Court held that there had been a breach of Article 6 § 1 and no breach of Article 1 of Protocol No. 1. In *Lindner and Hammermayer* the Court declared inadmissible the complaint based on a breach of Article 2 of Protocol No. 4.

On 24 September 2003 the panel of the Grand Chamber accepted the applicants' requests that the cases be referred to the Grand Chamber.

Two hearings were postponed on 23 June 2004 and 7 December 2005.

The Court noted that, following the adoption of its Chamber judgments in the three cases, the applicants had obtained restitution of the properties in question.

On 6 April 2006, the Court also noted that a new law on restitution had been enacted in Romania, namely Law No. 247 of 22 July 2005, which extended the types of compensation available and provided that compensation should be equivalent to the market value, at the time of the award, of property that could not be returned.

Satisfied that the various settlements had been reached on the basis of respect for human rights, the Court struck out all three cases.

(2) Draon v. France, n° 1513/03

(3) Maurice v. France, n° 11810/03

The applicants in both cases are the parents of children with severe congenital disabilities which, due to medical errors, were not discovered during prenatal examinations. They brought proceedings against the hospital authorities concerned for compensation for moral and pecuniary damage relying on domestic case-law according to which, in addition to compensation for moral damage, pecuniary compensation could also be awarded to cover the actual costs of looking after children born handicapped as a result of a negligent prenatal diagnosis. The applicants obtained provisional awards of damages from the administrative courts in 1999 (Draon) and 2001 (Maurice). While the applicants' cases were still pending, a new law of March 2002 came into force with immediate effect. The law limited the award of pecuniary damage to those situations where the injury to the unborn child resulted from direct negligence on the part of a health professional but excluding medical errors made in the course of prenatal diagnosis (the situation in the applicants' cases). The result was that the applicants could only recover their own non-pecuniary loss, the financial cost of life-long care of their children being borne by the public purse (national solidarity principle).

The applicants alleged that the intervention of the legislature in their pending proceedings and the effect which this had on their claims breached Articles 6, 8, 13 and 14 and Article 1 of Protocol No. 1.

The Chamber of the Court dealing with these cases relinquished jurisdiction in favour of the Grand Chamber on 19 October 2004.

In judgment delivered on 6 October 2005, the Court held unanimously that there had been violations of Article 1 of Protocol No. 1 and Article 8 in both cases and that it was not necessary to examine the applicants' complaints under Article 14 taken in conjunction with Article 1 of Protocol No. 1. It further held, unanimously, that there had been no violation of either Articles 8 or 13. The Court held by a majority that it was not necessary to examine separately the complaints under Article 6 § 1. The issue of Article 41 of the Convention was reserved.

With regard to Article 41 of the European Convention on Human Rights (just satisfaction), on 21 June 2006,

- The Draon v. France case was struck out of the Court's list following a friendly settlement under the terms of which Mr and Mrs Draon were to receive 2,488,113.27 euros (EUR), including in particular EUR 1,428,540 paid to enable them to provide for the needs of their child throughout his life;

- The Maurice v. France case was struck out of the Court's list following a friendly settlement under the terms of which Mr and Mrs Maurice were to receive 2,440,279.14 euros (EUR), including in particular EUR 1,690,000 paid to enable them to provide for the needs of their child throughout her life.

IX. THIRD-PARTY INTERVENTIONS

Leave to submit third party comments was given by the President of the Grand Chamber in 2006 pursuant to Rule 44 § 2 (a) of the Rules of Court in the following cases:

(1) Association S.O. S. Attentats and De Boëry v. France, n° 76642/01

The British Government was given leave to intervene in the written procedure.

(2) Sisojeva and others v. Latvia, n° 60654/00

The Russian Government was given leave to intervene under Article 36 § 1 of the Convention.

(3) Behrami & Behrami v. France, n° 71412/01 and Saramati v. France, Germany and Norway, n° 78166/01

The Governments of the United Kingdom, Estonia, Greece, Portugal, Poland and Denmark as well as the United Nations were given leave to submit third party comments.

(See Chapter VII above)

(4) D.H and others v. Czech Republic, n° 57325/00

The following Associations were given leave to submit third party comments:

1. Fédération Internationale des Ligues des Droits de l'Homme
2. International Step by Step Association, Roma Education Fund and European Early Childhood Education Research Association
3. Minority Rights Group International, The European Network Against Racism and European Roma Information Office
4. Interights and Human Rights Watch

(See Chapter VII above)

(4) Stoll v. Switzerland, n° 69698/01

The Governments of France and the Slovak Republic were given leave to submit third party comments.

X. LIST OF ARTICLE 43 REQUESTS EXAMINED BY THE GRAND CHAMBER'S PANEL

See Appendix.

XI. LIST OF CASES PENDING BEFORE THE GRAND CHAMBER ON 31 DECEMBER 2006

- | | | |
|------|-----------|--|
| (1) | 60654/00, | Sisojeva and others v. Latvia |
| (2) | 73049/01, | Anheuser-Busch Inc. v. Portugal |
| (3) | 63235/00, | Vilho Eskelinen and others v. Finland |
| (4) | 15809/02) | |
| | 25624/02) | O'Halloran and Francis v. the United Kingdom |
| (5) | 52391/99, | Ramsahai and others v. The Netherlands |
| (6) | 44302/02, | J.A.Pye (Oxford) Ltd v. the United Kingdom |
| (7) | 15472/02, | Folgerø and others v. Norway |
| (8) | 21279/02) | Lindon & Otchakovsky-Laurens v. France |
| | 36448/02) | July v. France |
| (9) | 71412/01) | Behrami and Behrami v. France |
| | 78166/01) | Saramati v. France, Germany and Norway |
| (10) | 6339/05, | Evans v. the United Kingdom |
| (11) | 57325/00, | D.H. and others v. Czech Republic |
| (12) | 21906/04, | Kafkaris v. Cyprus |
| (13) | 44362/04, | Dickson v. the United Kingdom |
| (14) | 69698/01, | Stoll v. Switzerland |
| (15) | 19324/02, | Léger v. France |
| (16) | 27278/03, | Arvanitaki-Roboti and others v. Greece |
| (17) | 43546/02, | E.B. v. France |
| (18) | 74420/01 | Ramanauskas v. Lithuania |
| (19) | 58822/00, | Shevanova v. Latvia |
| (20) | 59643/00 | Kaftailova v. Latvia |
| (21) | 38311/02, | Georgios Kakamoukas and others v. Greece |
| (22) | 13229/03, | Saadi v. the United Kingdom |

LIST OF REFERRAL REQUESTS (by Gvts and/or Applicants-as from January 2006)							
Application no.	Applicant	Country	Section	Judgment	Request	Panel Date	Panel Result
10174/02	Khanenko	Ukraine	II	13.12.05	App	12.04.06	rejected
10399/02	Moretti Francesco	Italy	III	24.05.06	App	11.12.06	rejected
10523/02	Coorplan-Jenni GmbH and Hascic	Austria	I	27.07.06	Gvt	11.12.06	rejected
1144/03	Zaugolnova	Russia	I	15.12.05	Gvt	12.04.06	rejected
11440/02	Javor and others	Hungary	II	23.05.06	App	23.10.06	rejected
11760/02	Raffi	France	II	28.3.06	App	13.9.06	rejected
11886/05	Dolgova	Russia	I	2.3.06	Gvt	3.7.06	rejected
1262/02	Doğrusöz and Aslan	Turkey	II	30.05.06	App	23.10.06	rejected
1295/02	Nicolau	Romania	III	12.01.06	App	3.7.06	rejected
13229/03	Saadi	UK	IV	11.07.06	App	11.12.06	ACCEPTED
13323/02	Majercsik	Hungary	II	20.12.05	App	12.04.06	rejected
13886/02	Atanasovic and others	Fyrom	III	22.12.05	App	12.04.06	rejected
13898/02	Dumanovski	Fyrom	III	8.12.05	App	3.7.06	rejected
13995/02	Kazartseva and others	Russia	I	17.11.05	Gvt	12.04.06	rejected
14338/03	Varga	Hungary	II	28.3.06	App	13.9.06	rejected
15377/02	Polach	Czech Republic	II	25.10.05	App	12.04.06	rejected
15535/02	Chizzotti	Italy	III	2.2.06	Gvt	3.7.06	rejected
16348/02	Szoboszlay	Hungary	II	22.11.05	App	12.04.06	rejected
16475/02	Mikhaylova and others	Ukraine	V	15.06.06	App	23.10.06	rejected
16492/02	Lukenda	Slovenia (N° 2)	III	13.4.06	App	3.7.06	rejected
17175/02	Calicchio & Uriolabeitia	Italy	III	24.05.06	App	11.12.06	rejected
1719/02	Butsev	Russia	I	22.09.05	Gvt	15.02.06	rejected

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17305/02	Zaharakis	Greece	I	13.7.06	App	11.12.06	rejected
1889/04	Güllü	Turkey	III	10.11.05	App	15.02.06	rejected
19324/02	Leger	France	II	11.04.06	App	13.9.06	ACCEPTED
19578/02	Özata	Turkey	III	20.10.05	App	15.02.06	rejected
19621/02	Klepetar	Czech Republic	II	21.2.06	App	3.7.06	rejected
19807/92	Erdogan and others	Turkey	IV	25.4.06	Gvt	13.9.06	rejected
2021/03	Nicolas	France	II	27.06.06	App	11.12.06	rejected
20420/02	Mogos	Romania	III	13.10.05	App	12.04.06	rejected
20627/04	Liakopoulou	Greece	I	24.05.06	App Gvt +	23.10.06	rejected
20662/02	Pernici	Italy	III	24.05.06	App	11.12.06	rejected
21120/02	Pantuso	Italy	III	24.05.06	App	11.12.06	rejected
21837/02	Kuvikas	Lithuania	II	27.06.06	App	23.10.06	rejected
21845/03	Gorou (N° 3)	Greece	I	22.06.06	App	23.10.06	rejected
22457/02	Bozic	Croatia	I	29.06.06	App	11.12.06	rejected
23053/02	Ielo	Italy	IV	6.12.05	Gvt	12.04.06	rejected
235/02	Tamer and others	Turkey	III	22.06.06	App	11.12.06	rejected
24245/03	D. and others	Turkey	III	22.06.06	App	23.10.06	rejected
24651/03	Tolokonnikova	Russia	I	17.11.05	Gvt	12.04.06	rejected
24659/03	Ivannikova	Russia	I	17.11.05	Gvt	12.04.06	rejected
24668/03	Olaechea Cahuas	Spain	V	10.08.06	App	11.12.06	rejected
24706/02	Rylski	Poland	IV	4.07.06	App	11.12.06	rejected
24919/03	Mathew	The Netherlands	III	29.09.05	App	15.02.06	rejected
2507/03	"Amat-G" Ltd and Mabaghishvili	Georgia	II	27.09.05	App	15.02.06	rejected
2544/04	Adelfoi I.O. Verri A.E. Choitrotrofiki Epicheirisi	Greece	I	27.07.06	App	11.12.06	rejected
25513/02	Bova	Italy	III	24.05.06	App	11.12.06	rejected
26141/03	Fiala	Czech Republic	Former II	18.07.06	App	11.12.06	rejected

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26853/04	Popov	Russia	I	13.07.06	Gvt+App	11.12.06	rejected
27145/03	Pedovic	Czech Republic	Former II	18.07.06	App	11.12.06	rejected
27250/02	Nold	Germany	III	29.06.06	App	11.12.06	rejected
27278/03	Arvanitaki-Roboti and others	Greece	I	18.05.06	Gvt	13.9.06	ACCEPTED
27295/03	Korchagina and others	Russia	I	17.11.05	Gvt	12.04.06	rejected
27526/95	Günaydin	Turkey	I	13.10.05	Gvt	15.02.06	rejected
28340/02	Examiliotis (N° 2)	Greece	I	04.05.06	App Gvt +	23.10.06	rejected
28904/02	Gorski	Poland	IV	4.10.05	App	15.02.06	rejected
29458/04, 29465/04	Sokurenko and Strygun	Ukraine	V	20.07.06	Gvt	11.12.06	rejected
29871/02	Vertucci	Italy	III	24.05.06	App	11.12.06	rejected
30431/03	Vajagic	Croatia	I	20.07.06	App	11.12.06	rejected
30502/96	Yiltas Yildiz Turistik Tesisleri A. S.	Turkey	III	27.04.06	App Gvt +	23.10.06	rejected
30533/03	Carvalho Acabado	Portugal	II	18.10.05	App	15.02.06	rejected
30961/03	Sannino	Italy	III	27.4.06	Gvt	13.9.06	rejected
31259/04	Kortessi	Greece	I	13.07.06	Gvt	11.12.06	rejected
31273/04	Nikas and Nika	Greece	I	13.07.06	Gvt	11.12.06	rejected
31282/04	Lazaridi	Greece	I	13.07.06	Gvt	11.12.06	rejected
33132/02	Metelitsa	Russia	I	22.06.06	App	23.10.06	rejected
33238/96, 32965/96/01	Keser and others	Turkey	III	2.2.06	App	3.7.06	rejected
33239/96	Artun and others	Turkey	III	28.4.06	App	3.7.06	rejected
33240/96	Agtas	Turkey	III	28.4.06	App	3.7.06	rejected
33243/96	Sayli	Turkey	III	28.4.06	App	3.7.06	rejected
33247/96	Öztoprak and others	Turkey	III	28.4.06	App	3.7.06	rejected
33255/02	Csik	Hungary	II	11.4.06	App	13.9.06	rejected

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35207/03	Ostrovar	Moldova	IV	13.09.05	Gvt	15.02.06	rejected
35859/02	Housing Association of War Disabled and Victims of War of Attica and others	Greece	I	13.07.06	Gvt	11.12.06	rejected
35915/02	Posedel-Jelinovic	Croatia	I	24.11.05	App	12.04.06	rejected
36211/97	Kumru Yilmaz and others	Turkey	III	28.4.06	App	3.7.06	rejected
3643/02	Francesca Carmine	Italy	III	24.05.06	App	11.12.06	rejected
3647/02	Francesca Cosimo	Italy	III	24.05.06	App	11.12.06	rejected
3649/02	Chiumento	Italy	III	24.05.06	App	11.12.06	rejected
3653/02	La Frazia	Italy	III	24.05.06	App	11.12.06	rejected
3656/02	Marrone	Italy	III	24.05.06	App	11.12.06	rejected
36719/03	Stojić	Croatia	I	1.06.06	App	23.10.06	rejected
36822/02	Bracci	Italy	III	13.10.05	Gvt	15.02.06	rejected
36998/02	Efstathiou and others	Greece	I	27.07.06	Gvt	11.12.06	rejected
37330/02	Defalque	Belgium	I	20.4.06	App	13.9.06	rejected
37451/97	N.A. and others	Turkey	II	11.10.05	Gvt	15.02.06	rejected
37492/02	Kovac	Hungary	II	18.4.06	App	13.9.06	rejected
3774/02	Vesque	France	II	7.3.06	App	3.7.06	rejected
38311/02	Georgios Kakamoukas and others	Greece	I	22.06.06	Gvt	23.10.06	ACCEPTED
38797/03	Ambruszkiewicz	Poland	IV	4.05.06	App	23.10.06	rejected
39510/98	A.S.	Poland	II	20.06.06	App	23.10.06	rejected
39866/02	Shestopalova and others	Russia	I	17.11.05	App	12.04.06	rejected
40082/02	Bielec	Poland	IV	27.06.06	App	23.10.06	rejected
40250/02	Belyatskaya	Russia	I	27.07.06	App	11.12.06	rejected
40324/98	Süss	Germany	III	10.11.05	App	12.04.06	rejected
40642/02	Denisenkov	Russia	I	22.09.05	Gvt	15.02.06	rejected
41496/98, 41499/98	Ademyilmaz and others	Turkey	II	21.3.06	App	3.7.06	rejected

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41501/98							
41502/98							
41959/98							
42602/98							
43606/98							
41745/02	Lacarcel Menendez	Spain	V	15.06.06	App	11.12.06	rejected
41964/98	Cennet Ayhan et Mehmet Salih Ayhan	Turkey	IV	27.06.06	App	11.12.06	rejected
42191/02	R.R.	Italy	III	9.6.05	Gvt	12.04.06	rejected
42577/98	Tan and others	Turkey	II	20.06.06	App	23.10.06	rejected
42771/98	Bayrak and others	Turkey	III	12.1.06	App	3.7.06	rejected
42928/02	Epoux Machard	France	II	25.4.06	App	13.9.06	rejected
43389/98	Kur	Turkey	III	23.3.06	Gvt	13.9.06	rejected
43772/02	Heská	Czech Republic	V	23.05.06	App	23.10.06	rejected
44079/98	The United Macedonian Organisation Ilinden and Ivanov	Bulgaria	I	20.10.05	App	15.02.06	rejected
4417/02	Kalnasi	Hungary	II	27.09.05	App	15.02.06	rejected
44221/04	Ushachov	Ukraine	II	13.12.05	App	12.04.06	rejected
44302/02	J.A. Pye (Oxford) Ltd	UK	Former IV	15.11.05	Gvt	12.04.06	ACCEPTED
44362/04	Dickson	UK	IV	18.04.06	App	13.9.06	ACCEPTED
4520/02	Hayrettin Kartal	Turkey	III	20.10.05	App	12.04.06	rejected
4548/02	Carta	Italy	I	20.4.06	App	13.9.06	rejected
45626/99	Havva Dudu Esen	Turkey	II	20.06.06	App	23.10.06	rejected
45718/99	Karakurt	Turkey	IV	20.09.05	App	15.02.06	rejected
45807/99	Ergün	Turkey	II	13.06.06	App	23.10.06	rejected
45900/99	Yaşaroğlu	Turkey	II	20.06.6	App	23.10.06	rejected
45907/99	Tanrikolu and others	Turkey	III	20.10.05	App	12.04.06	rejected
45936/99	Šilc	Slovenia	III	29.06.06	App	23.10.06	rejected

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45972/99	Siemianowski	Poland	II	6.9.05	App	15.02.06	rejected
46747/99	Akdogdu	Turkey	II	18.10.05	App	12.04.06	rejected
46771/99	Öçkan and others	Turkey	II	28.3.06	Gvt	13.9.06	rejected
46844/99	Biro	Slovakia	IV	8.11.05	App	15.02.06	rejected
4825/02	Korga	Hungary	II	6.12.05	App	12.04.06	rejected
49034/99	Czech	Poland	IV	15.11.05	App	12.04.06	rejected
49035/99	Bzdyra	Poland	IV	15.11.05	App	15.02.06	rejected
49156/99	Bekir Yildiz	Turkey	II	6.09.5	App	15.02.06	rejected
50037/99	Talattin Akkoç	Turkey	III	10.11.05	App	12.04.06	rejected
5010/04	Von Hoffen	Liechtenstein	III	27.07.06	App	11.12.06	rejected
50252/99	Sezen	Netherlands	former II	31.1.06	Gvt	3.7.06	rejected
50435/99	Rodrigues Da Silva & Hoogkamer	Netherlands	former II	31.1.06	Gvt	3.7.06	rejected
50959/99	Odabasi and Koçak	Turkey	IV	21.2.06	Gvt	3.7.06	rejected
50971/99	Hüsniye Tekin	Turkey	II	25.10.05	App	12.04.06	rejected
51480/99	Erikan Bulut	Turkey	III	2.3.06	App	3.7.06	rejected
52077/99	Wroblewski	Poland	III	1.12.05	App	12.04.06	rejected
52391/99	Ramsahai A.O.	The Netherlands	III	10.11.05	Gvt	12.04.06	ACCEPTED
52443/99	L'R	Slovakia	IV	29.11.05	App	13.9.06	rejected
5356/04	Mazellie	France	II	27.06.06	App	23.10.06	rejected
53886/00	Tourancheau et July	France	I	24.11.05	App	12.04.06	rejected
53899/00	Stangu et Scutelnicu	Romania	former II	31.1.06	App	3.7.06	rejected
54182/00	Halit Çelebi	Turkey	II	2.05.06	App	23.10.06	rejected
5424/03	Sroub	Czech Republic	II	17.01.06	App	3.7.06	rejected
54503/00	Plantaric	Slovenia	III	29.06.06	App	11.12.06	rejected
54730/00	P.D.	France	II	20.12.05	App	12.04.06	rejected
54891/00	Zhigalev	Russia	I	6.07.06	App	11.12.06	rejected
55870/00	Efimenko	Ukraine	Former II	18.7.06	App	11.12.06	rejected

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55917/00	Bertin	France	I	24.05.06	App	13.9.06	rejected
55955/00	Bic and others	Turkey	III	2.2.06	App	3.7.06	rejected
56326/00	Carstea and Grecu	Romania	III	15.06.06	App	23.10.06	rejected
57325/00	D.H. and others	Czech Republic	II	7.02.06	App	3.7.06	ACCEPTED
57986/00	Turek	Slovakia	IV	14.2.06	Gvt	13.9.06	rejected
58318/00	Georgi	Romania	III	24.05.06	App	13.9.06	rejected
58453/00	Jaroslav Niedzwiecki	Germany	IV	25.10.05	App	15.02.06	rejected
58822/00	Shevanova	Latvia	I	15.06.06	Gvt	23.10.06	ACCEPTED
59140/00	Okpiz	Germany	IV	25.10.05	App	15.02.06	rejected
59502/00	Markin	Russia	I	30.03.06	App	13.9.06	rejected
5964/02	Chernitsyn	Russia	I	6.4.06	App	13.9.06	rejected
59643/00	Kaftailova	Latvia	I	22.06.06	Gvt	23.10.06	ACCEPTED
60856/00	Mürsel Eren	Turkey	II	7.2.06	Gvt	3.7.06	rejected
61564/00	Elli Poluhas Döbsbo	Sweden	II	17.1.06	App	3.7.06	rejected
62187/00	Malejcik	Slovakia	IV	31.1.06	App	3.7.06	rejected
62539/00	Juriscic et Collegium Mehrerau	Austria	I	27.07.06	Gvt	11.12.06	rejected
62838/00	Ismail Yigit	Turkey	IV	25.10.05	App	12.04.06	rejected
633/03	Dudek	Poland	IV	4.5.06	App	13.9.06	rejected
6339/05	Evans	UK	IV	7.3.06	App	3.7.06	ACCEPTED
63501/00	Konovalov	Russia	I	23.03.06	App	13.9.06	rejected
6356/04	Pasiński	Poland	IV	20.06.06	App	23.10.06	rejected
63945/00	Weissman and others	Romania	III	24.05.06	App Gvt +	23.10.06	rejected
63973/00	Androsov	Russia	I	6.10.05	App	15.02.06	rejected
64846/01	Moisejevs	Latvia	I	15.06.06	App	23.10.06	rejected
65273/01, 65823/01	Freytmuth and Golinelli	France	II	22.11.05	App	12.04.06	rejected
6597/03	Ciaramella	Italy	III	6.07.06	App	11.12.06	rejected

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66018/01	Vezon	France	II	18.4.06	App	13.9.06	rejected
66462/01	Bratchikova	Russia	I	17.11.05	Gvt	12.04.06	rejected
66543/01	Vasilyev	Russia	I	13.10.05	App	15.02.06	rejected
66543/01	Vasilyev	Russia	I	13.10.05	Gvt+App	12.04.06	rejected
67020/01	Farças and others	Romania	III	10.11.06	App	3.7.06	rejected
67036/01	Vujcik	Slovakia	IV	13.12.05	Gvt	13.9.06	rejected
67175/01	Reinprecht	Austria	IV	15.11.05	App	12.04.06	rejected
68029/01	Kutepov and Anikeyenko	Russia	II	25.10.05	Gvt+App	15.02.06	rejected
68138/01	Zazanis and Others	Greece	I	18.11.04	Gvt	30.03.05	rejected
6847/02	Khudoyorov	Russia	IV	8.11.05	Gvt	12.04.06	rejected
69341/01	Romanov	Russia	II	25.10.05	App	15.02.06	rejected
69481/01	Bazorkina	Russia	I	27.07.06	Gvt	11.12.06	rejected
69584/01	Müller	Germany	III	6.10.05	App	15.02.06	rejected
69698/01	Stoll	Suiss	IV	25.04.06	Gvt	13.9.06	ACCEPTED
70148/01	Fodale	Italy	III	1.06.06	App	23.10.06	rejected
7064/05	Mamedova	Russia	I	1.06.06	App	23.10.06	rejected
70861/01	Mlynar	Czech Republic	II	13.12.05	App	12.04.06	rejected
70898/01	Lupandin	Ukraine	II	20.09.05	App	15.02.06	rejected
71649/01	Petre	Romania	II	27.06.06	App	23.10.06	rejected
71841/01	Yetkinsekerci	United Kingdom	III	20.10.05	App	15.02.06	rejected
71898/01	Akilli	Turkey	II	11.4.06	App	13.9.06	rejected
7198/04	Iosub Caras	Romania	III	27.07.06	App	11.12.06	rejected
73049/01	Anheuser-Busch Inc	Portugal	II	11.10.05	App	15.02.06	ACCEPTED
73225/01	Fedotova	Russia	I	13.4.06	Gvt	13.9.06	rejected
73516/01	Simonova	Czech Republic	Former II	18.07.06	App	11.12.06	rejected
73695/01	Nedzela	France	II	27.07.06	App	11.12.06	rejected
73786/01	Cenbauer	Croatia	I	9.3.06	App	13.9.06	rejected

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76450/01	Hostein	France	II	18.07.06	App	11.12.06	rejected
77132/01	Sgattoni	Italy	III	6.10.05	App	15.02.06	rejected
77530/01	Korinek and others	Czech Republic	II	11.04.06	App	11.12.06	rejected
7774/02	Minicozzi	Italy	III	24.05.06	App	11.12.06	rejected
77924/01	Albanese	Italy	III	23.3.06	Gvt	3.7.06	rejected
77955/01	Campagnano	Italy	III	23.3.06	Gvt	3.7.06	rejected
77962/01	Vitiello	Italy	III	23.3.06	Gvt	3.7.06	rejected
78027/01	Karagöz	Turkey	II	8.11.05	App	12.04.06	rejected
78037/01	Caracas	Romania	III	29.06.06	App	11.12.06	rejected
7873/03	Fejes	Hungary	II	11.4.06	App	13.9.06	rejected
8374/03	Pearson	UK	IV	22.08.06	App	11.12.06	rejected
9119/03	Genovese	Italy	III	2.2.06	Gvt	3.7.06	rejected