

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



FIRST SECTION

ANNUAL ACTIVITY REPORT 2002

January 2003

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I. INTRODUCTION

In 2002, the Section held 40 Chamber sessions. Oral hearings were held in six cases and delegates took evidence in two cases. The Section delivered 324 judgments, of which 254 concerned the merits and 62 concerned friendly settlements. The Section applied Article 29 § 3 of the Convention (combined examination of admissibility and merits) in 26 cases, in none of which has judgment been delivered yet.

Of the cases examined by a Chamber

- (a) 233 applications were declared admissible;
- (b) 330 applications were declared inadmissible;
- (c) 105 applications were struck out of the list; and
- (d) 413 applications were communicated to the State concerned for observations.

In addition, the Section held 64 Committee sessions. 3,987 applications were declared inadmissible and 76 applications were struck out of the list. The total number of applications rejected by a Committee represented 90% of the inadmissibility and strike-out decisions taken by the Section during the year.

At the end of the year, 8,025 applications were pending before the Section.

II. COMPOSITION OF THE SECTION

Christos **Rozakis** (Greek), *President*,
Françoise **Tulkens** (Belgian), *Vice-President*,
Giovanni **Bonello** (Maltese),
Peer **Lorenzen** (Danish),
Nina **Vajić** (Croatian),
Egils **Levits** (Latvian),
Snejana **Botoucharova** (Bulgarian),
Anatoly **Kovler** (Russian),
Vladimiro **Zagrebelky** (Italian),
Elisabeth **Steiner** (Austrian), *Judges*,

Erik **Fribergh** (Swedish), *Registrar*,
Søren **Nielsen** (Danish), *Deputy Registrar*.

III. HEARINGS

Hearings were held in the following cases:

(1) no. 52763/99 Covezzi and Morselli v. Italy

The case concerns the decision of the youth court to separate the applicants' four children following alleged sexual abuse by members of the family in the context of satanic rites, and to put them in four different host families without hearing the parents and without providing any contact with them. The applicants also complain about the length of the proceedings, the impossibility of appealing against the decisions of the youth court due to the provisional nature of the decisions taken and the alleged absence of a final decision (the provisional decision was in force one year and eight months).

– Articles 6 § 1, 8 and 13 of the Convention

A hearing on admissibility and merits was held on 24 January 2002. The case was declared admissible. Judgment will be delivered at a later date.

(2) no. 38187/97 Adali v. Turkey

The case concerns the murder of the applicant's husband, a writer, in the Turkish Republic of Northern Cyprus. The applicant alleges that Turkish agents were involved in the murder and that her husband had received death threats because of his articles criticising the practices of the TRNC Government. She complains, in particular, about the inadequacy of the investigation and about the violation of her right to respect for her private and family life. She also alleges that she has been threatened by the former agent of the Turkish Republic in connection with her application.

– Articles 2, 3, 6, 8, and 34 of the Convention

A hearing on admissibility and merits was held on 31 January 2002. The case was declared admissible. Judgment will be delivered at a later date.

(3) no. 57574/00) Sulejmanovic v. Italy
no. 57575/00) Sejdovic and Sulejmanovic v. Italy

The case concerns the expulsion of gypsies to Bosnia and Hercegovina. The applicants complained, in particular, that their expulsion was of a collective nature and that individual situations were not taken into consideration – one of the children suffers from Down's syndrome – and that they were subjected to inhuman and degrading treatment.

– Articles 5, 13 and 14, Article 4 of Protocol No. 4 and Article 1 of Protocol No. 7

A hearing on admissibility and merits was held on 14 March 2002. The case was declared partly admissible. It was subsequently settled (judgment of 8 November 2002).

(4) no. 49017/99 Pedersen and Baadsgaard v. Denmark

The applicants, journalists, were convicted of defamation following allegations that a Chief Superintendent had committed a criminal offence by suppressing vital evidence with the consequence that a miscarriage of justice had taken place. They complain about the length of the proceedings and about the unjustified interference with their right to freedom of expression.

– Articles 6 § 1 and 10 of the Convention

A hearing on admissibility and merits was held on 27 June 2002. The case was declared admissible. Judgment will be delivered at a later date.

(5) no. 60654/00 Sisojeva and Others v. Latvia

The applicants were long-term residents in Latvia, of non-Latvian nationality. They were originally granted the personal statute of permanent residents which was later cancelled because they had given false information to the administration in charge of regularising their situation. They complain that they were not granted residence permits which violated their right to respect for their private and family life.

– Article 8 of the Convention

A hearing on admissibility and merits was held on 19 September 2002. The case was declared admissible. Judgment will be delivered at a later date.

**(6) no. 40877/98) Cordova v. Italy
no. 45649/99) Cordova II v. Italy**

Parliamentary immunity: the first case concerns a dispute between the applicant, a former public prosecutor, and a former President of Italy and senator (Mr Cossiga), who was accused of having insulted the applicant. The Senate found that the opinions had been expressed in the exercise of parliamentary functions, which led the judge to discharge the accused. The applicant maintains that the dispute was private and complains about the lack of a fair trial due to the discharge based on deliberations of the Senate, as well as about the discrimination he suffered due to the fact that the accused was allowed to exercise his freedom of expression beyond the limits imposed on other citizens.

In the second case, the applicant instituted proceedings against a member of the Italian Parliament (Mr Sgarbi), who had in two public speeches

allegedly insulted his reputation and honour. The latter was sentenced to two months' imprisonment, suspended, but the Court of Cassation ordered the transmission of the decisions to the Chamber of Deputies, which considered that the statements in question had been made in the exercise of parliamentary duties. The Court of Cassation then annulled the sentence.

– Articles 6 § 1, 13 and 14 of the Convention

A hearing on admissibility and merits was held on 17 October 2002. The cases were declared admissible. Judgment will be delivered at a later date.

IV. CASES RELINQUISHED TO THE GRAND CHAMBER

The Section relinquished the following case to the Grand Chamber:

no. 39748/98 Maestri v. Italy

The applicant, a judge and former member of a masonic lodge, complains about the disciplinary proceedings brought against him in connection with his masonic links (Articles 9, 10, 11 of the Convention).

V. INTERESTING JUDGMENTS AND DECISIONS

Of the judgments delivered by the Section this year, the most interesting included the following:

(1) no. 48778/99 Kutic and Others v. Croatia

The applicants alleged, in particular, that their right of access to a court had been violated in so far as they could not have their claim for damages decided, following the enactment of a law ordering that all proceedings concerning actions for damages resulting from terrorist acts were to be stayed (Article 6 § 1).

Judgment of 1 March 2002 – violation.

(2) no. 59498/00 Burdov v. Russia

The applicant complained that he did not receive compensation for the impairment to his health following the Chernobyl catastrophe although his right to payment had been established by two court decisions, the reason being that there was a shortage of funds (Article 6 § 1 and Article 1 of Protocol No. 1).

Judgment of 7 May 2002 – violation.

(3) no. 46311/99 McVicar v. the United Kingdom

The applicant, a journalist, was sued for libel by an Olympic athlete following the publication of an article in which he alleged that the latter used performance-enhancing drugs. The applicant complained that he was denied legal aid, that the burden of proof concerning the allegations was placed on him and that witness evidence was excluded. He furthermore complained about the order to pay the athlete's costs and the injunction to stop repeating the allegations against him. (Articles 6 § 1 and 10.)

Judgment of 7 May 2002 – no violation.

(4) no. 38361/97 Anguelova v. Bulgaria

The case concerned the death of the applicant's son as a result of ill-treatment by police officers, the lack of timely medical care and of an effective investigation, the unlawfulness of the detention, the lack of effective remedy and alleged discrimination due to his Roma origins (Articles 2, 3, 5 and 13).

Judgment of 13 June 2002 – violation.

(5) no. 35076/97 Erol v. Turkey

The case concerned the conviction of the applicant by a State Security Court following the publication in 1995 of an article in the newspaper "Evrensel", of which he was the editor. He alleged that the article in question was not meant to incite to violence and complained that his trial was unfair due to the presence of a military judge on the bench and that his freedom of expression had been violated (Articles 6 § 1 and 10).

Judgment of 20 June 2002 – friendly settlement.

(6) no. 54210/00 Papon v. France

The applicant was convicted and sentenced to ten years' imprisonment for complicity in crimes against humanity. He complained about the bar to a cassation appeal as he failed to surrender to custody before the cassation hearing, and about the absence of higher court review in criminal matters at the time (Article 6 § 1 and Article 2 of Protocol No. 7).

Judgment of 25 July 2002 – violation.

(7) no. 62912/00 Benzan v. Croatia

The applicant alleged that the conditions of his detention amounted to inhuman and degrading treatment, that he was prevented from contacting

his lawyer and that he did not have an effective remedy (Articles 3, 8 and 13).

Judgment of 8 November 2002 – friendly settlement. (The Government undertook to renovate a prison wing after a fact-finding visit.)

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

(a) The Section did not grant any requests for interim measures under Rule 39 of the Rules of Court.

(b) Requests for priority pursuant to Rule 41 of the Rules of Court were granted in five cases, including:

(1) no. 9808/02 Stoichkov v. Bulgaria

The applicant complains that he was tried *in absentia* and that reopening of the proceedings was refused (Article 6, and also further complaints under Article 5 §§ 1 (a) and 4). The case is pending.

(2) no. 66820/01 Svipsta v. Latvia

The case concerns the length and the alleged unlawfulness of the applicant's detention and of the criminal proceedings against her, and the absence of an effective remedy to decide on the lawfulness of her detention on remand (Articles 5 §§ 1 (c), 3 and 4, and Article 6 § 1). The case is pending.

(3) no. 4000/02 Agayev v. Latvia

The applicant, who is stateless and of Azeri origin, is currently detained in Latvia as an illegal immigrant and complains of the unlawfulness of his detention (Articles 5 § 1(f) and 8). The case is pending.

(4) no. 4672/02 Farbtuhs v. Latvia

The applicant, who was convicted for his participation in the Stalin repression of 1940-41, alleges that, given his age (86) and bad health, his detention amounts to inhuman and degrading treatment (Article 3). The case is pending.

VII. THIRD-PARTY INTERVENTION (ARTICLE 36 AND RULE 61)

The President accepted third-party interventions in particular in the following cases:

- (1) **no. 50183/99** **Kolozovskiy v. Latvia** (communicated).
- (2) **no. 60654/00** **Sisojeva and Others v. Latvia** (hearing on 19 September 2002 – see page 3 above).
- (3) **no. 43577/98** **Nachova and Hristova v. Bulgaria** (admissible).
no. 43579/98 **Rangelova and Rangelov v. Bulgaria**

VIII. STATISTICAL INFORMATION

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

APPENDIX 1

Judgments delivered in 2002	
Merits	254
Striking out	3
Friendly settlement	62
Just satisfaction	1
Revision	4
Total	324

Chamber decisions adopted in 2002	
Applications declared admissible	233
Applications declared inadmissible	330
Applications struck out of the list	105
Total	668

Committee decisions adopted in 2002	
Applications declared inadmissible	3987
Applications struck out of the list	76
Total	4063

Applications communicated in 2002	
Total	413

Total applications finalised in 2002 (judgments* and inadmissibility and striking-out decisions)	4827
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* Not including judgments on just satisfaction and revision but including judgments which are not yet final. Some judgments dealt with a number of joined applications.

APPENDIX 2

	Chambers					Committees	
	Judgments	Admissible	Inadmissible	Struck out	Communicated	Inadmissible	Struck out
January	7	22	21	2	29	434	8
February	152	13	7	1	22	275	2
March	17	31	192	49	76	221	5
April	8	15	12	1	26	304	10
May	12	26	6	27	39	357	3
June	17	41	35	9	40	395	24
July	30	10	10	5	15	214	4
August	0	3	2	0	17	198	4
September	3	21	24	2	31	325	4
October	15	26	7	5	50	593	3
November	43	12	3	2	30	563	8
December	20	13	11	2	38	108	1
Total	324	233	330	105	413	3987	76

APPENDIX 3

Applications pending on 31 December 2002	
Total applications not yet examined	7078
Adjourned/Communicated for information	4
Communicated for observations	556
Admissible	312
Judgments not yet final	75
TOTAL APPLICATIONS PENDING	8025
(Chamber: 2941)	
(Committee: 5084)	

APPENDIX 4

Chart 1: Judgments delivered in 2002

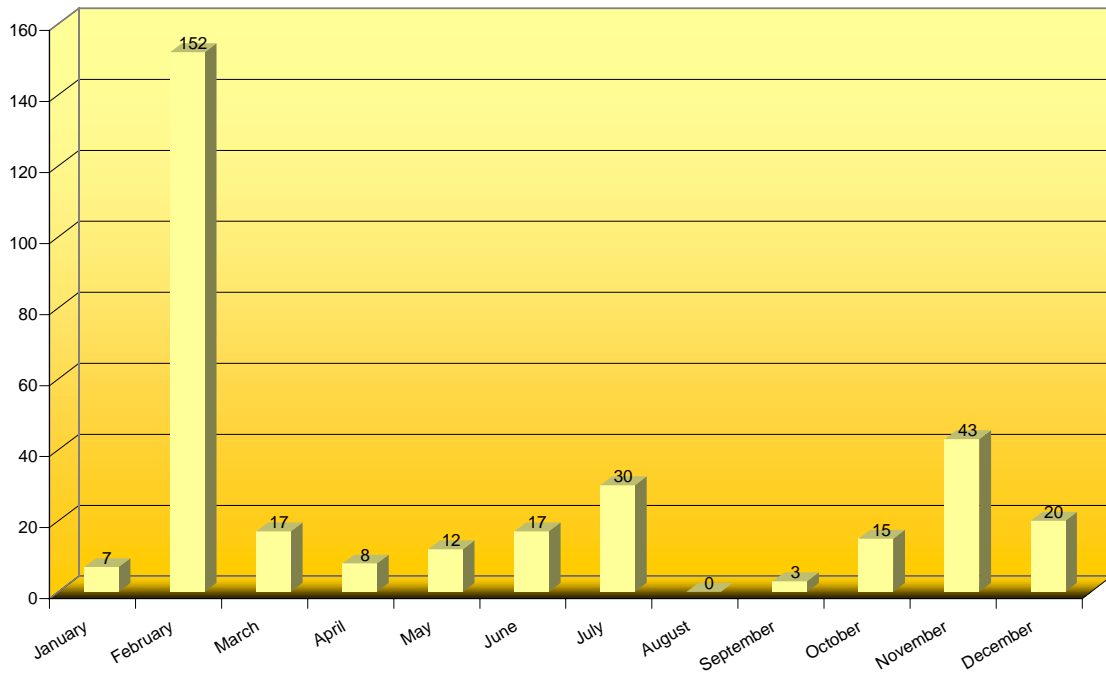


Chart 2: Inadmissibility and strike-out decisions adopted in 2002

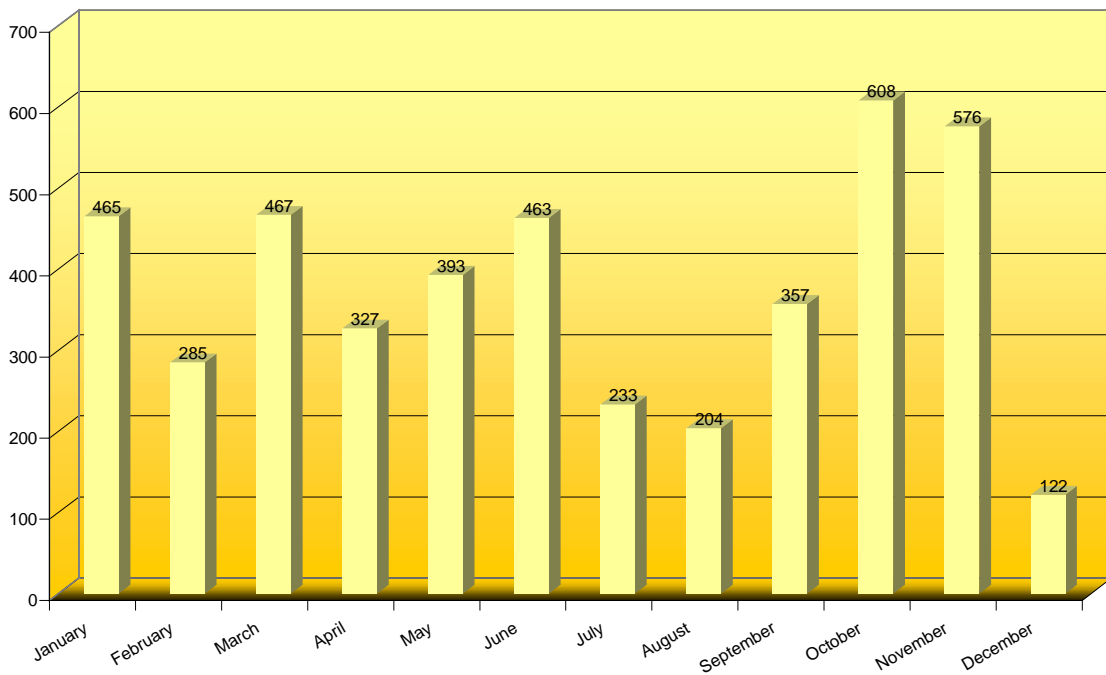


Chart 3: Admissibility decisions adopted in 2002

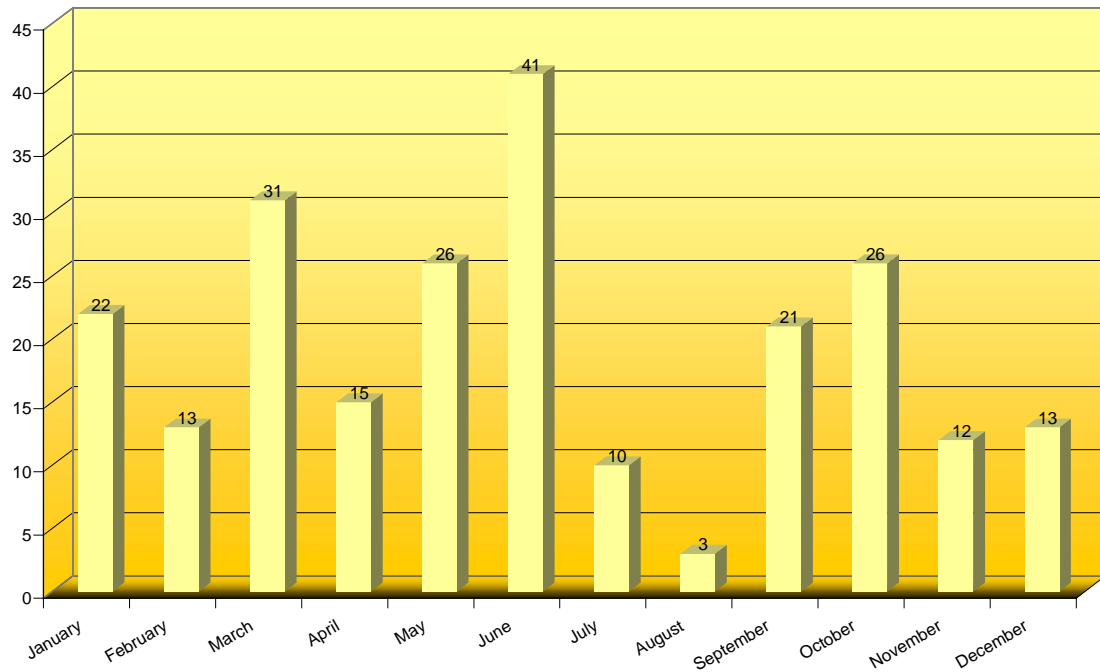


Chart 4: Applications communicated in 2002

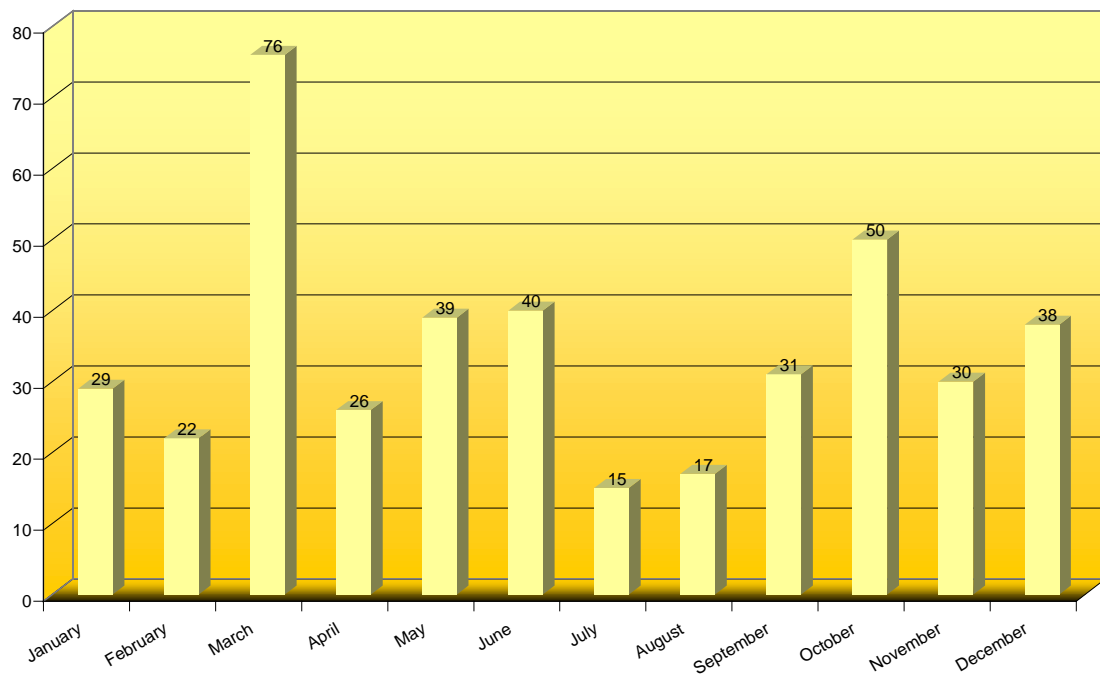


Chart 5: Applications pending on 31 December 2002 by year of lodging

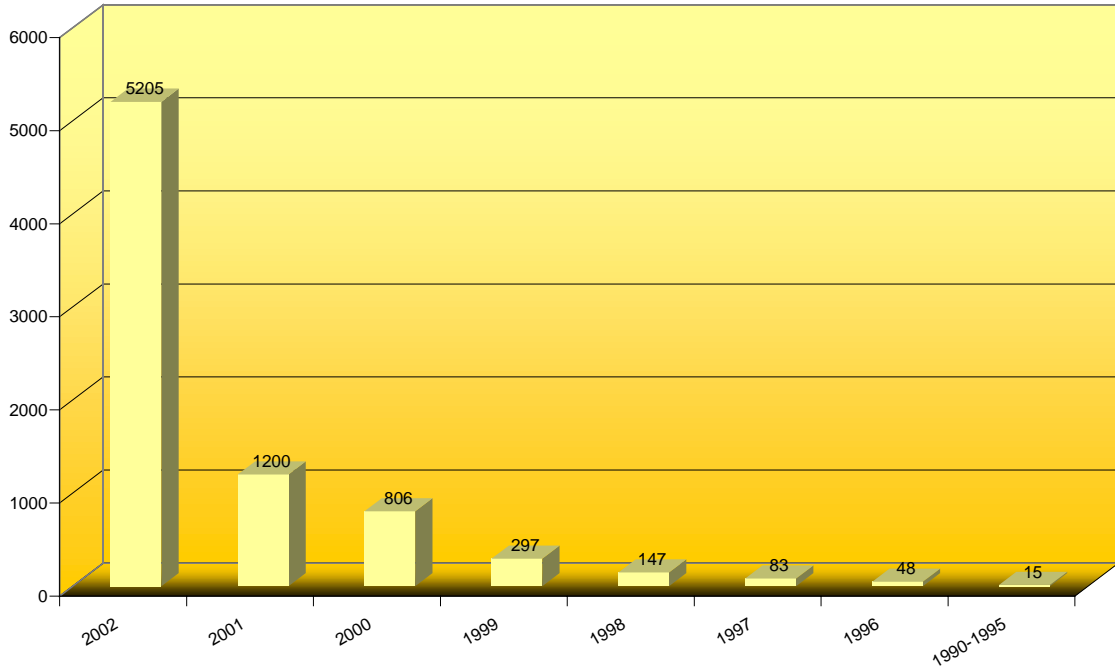


Chart 6: Applications pending on 31 December 2002 by State

