

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



GRAND CHAMBER

ANNUAL ACTIVITY REPORT 2005

January 2006

## CONTENTS

	Page
I. Introduction .....	3
II. Composition of the Court.....	4
III. Cases referred to the Grand Chamber by relinquishment of jurisdiction (Article 30 of the Convention and Rule 72 of the Rules of Court) .....	7
IV. Cases referred to the Grand Chamber by decision of its five-member Panel .....	8
V. Hearings .....	14
VI. Decision on admissibility .....	26
VII. Judgments.....	34
VIII. Grand Chamber strike-out friendly-settlement judgment .....	50
IX. Third party interventions.....	54
X. List of Article 43 requests examined by the Grand Chamber's Panel.....	56
XI. List of cases pending before the Grand Chamber on 31 December 2005 .....	55

## **I. INTRODUCTION**

At the beginning of the year, there were 29 cases (concerning 38 applications) pending before the Grand Chamber. At the end of the year there were 27 cases (concerning 31 applications).

20 new cases (concerning 20 applications) were referred to the Grand Chamber, 4 by relinquishment of jurisdiction by the respective Chambers pursuant to Article 30 of the Convention (see Chapter III below), and 16 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 25 oral hearings (see Chapter V below).

The Grand Chamber adopted two decisions on admissibility (*Von Maltzan and Others v. Germany*, and *Stec and others and Kimber v. United Kingdom* - see Chapter VI below) and delivered 11 judgments (concerning 15 applications), 4 in relinquishment cases and 7 in rehearing cases (see Chapter VII below), as well as a strike-out friendly-settlement judgment.

## 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*,  
Giovanni **Bonello** (Maltese),  
Lucius **Cafilisch**<sup>1</sup> (Swiss),  
Loukis **Loucaides** (Cypriot),  
Ireneu **Cabral Barreto** (Portuguese),  
Riza **Türmen** (Turkish),  
Françoise **Tulkens** (Belgian),  
Corneliu **Bîrsan** (Romanian),  
Peer **Lorenzen** (Danish),  
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),  
Ján **Šikuta** (Slovakian),

---

<sup>1</sup> Judge elected in respect of Liechtenstein.

*Annual Report 2005: Grand Chamber*

Dragoljub **Popović** (citizen of Serbia and Montenegro)  
Ineta **Ziemele** (Latvian), *Judges*,

Paul **Mahoney** (British), *Registrar*<sup>2</sup>,  
Erik **Fribergh** (Swedish), *Deputy Registrar*<sup>3</sup>,  
Lawrence **Early** (Irish/British), *Deputy Grand Chamber Registrar*

---

<sup>2</sup> Resigned with effect from 1 October 2005.

<sup>3</sup> Elected Registrar on 7 November 2005.

**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 four cases (concerning 4 applications) were referred to the Grand Chamber in the course of 2005 by decisions of the respective Chambers to relinquish jurisdiction:

**(1) Sürmeli v. Germany, n° 75529/01**

Referred on 1 February 2005 by the Third Section (hearing on 9 November 2005, see Chapter V below).

**(2) Jalloh v. Germany, n° 54810/00**

Referred on 1 February 2005 by the Third Section (hearing on 23 November 2005, see Chapter V below).

**(3) Marković v. Italy, n° 1398/03**

Referred on 28 April 2005 by the Third Section (hearing on 14 December 2005, see Chapter V below).

**(4) Martinie v. France, n°. 58675/00**

Referred on 3 May 2005 by the Second Section (hearing on 16 November 2005, see Chapter V below).

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

In 2005 the five-member Panel of the Grand Chamber (Article 43 § 2 of the Convention and Rule 24 § 5 of the Rules of Court) held 6 meetings (on 2 February, 30 March, 6 June, 6 July, 12 October and 30 November 2005) 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 183 cases, 104 of which were submitted by the respective Governments (in two cases both the Government and the applicant submitted requests) (see list in Appendix).

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

**(1) Scordino v. Italy, n° 36813/97**

(See Chapter V)

**(2) Riccardi Pizzati v. Italy, n° 62361/00**

**(3) Musci v. Italy, n° 64699/01**

**(4) Giuseppe Mostacciuolo (1) v. Italy, n° 64705/01**

**(5) Cocchiarella v. Italy, n° 64886/01**

**(6) Apicella v. Italy, n° 64890/01**

**(7) Ernestina Zullo v. Italy, n° 64897/01**

**(8) Giuseppina and Orestina Procaccini v. Italy, n° 65075/01**

**(9) Giuseppe Mostacciuolo (2) v. Italy, n° 65102/01**

(See Chapter V)

**(10) Achour v. France, n° 67335/01**

(See Chapter V)

**(11) Sejdovic v. Italy, n° 56581/00**

(See Chapter V)

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

Prosecuted in connection with investigations into several terrorist attacks carried out in France, the applicant, a Venezuelan national, was sentenced to life imprisonment on 25 December 1997 for the murder of three police officers in 1975.

For eight years and two months, i.e. from his detention in the Santé Prison on 15 August 1994 until his transfer to Saint-Maur Prison on 17 October 2002, the applicant was detained in solitary confinement. The grounds given to justify the decisions to prolong the applicant's 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.

Following his transfer to Saint-Maur Prison, the applicant was no longer detained in solitary confinement. However, since being transferred to Fresnes Prison in March 2004, he has again been subjected to this measure.

The applicant submitted that his prolonged detention in solitary confinement from 15 August 1994 to 17 October 2002 had infringed Article 3 of the Convention. He further alleged that the decisions to prolong his confinement were taken unlawfully, in breach of Article 13 of the Convention.

In a Chamber judgment delivered on 27 January 2005, the Court held by a majority that there had been no violation of Article 3 but that Article 13 had been violated.

The case was referred at the applicant's request.

**(13) 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, designed to improve the situation, which maintained all restrictions on the termination of leases and obligations in respect of maintenance of property and also introduced a new procedure for controlling rent increases. For instance, it was not possible to charge rent at a level exceeding 3% of the reconstruction value of the property in question. In the applicant's case this amounted to 1,285 Polish zlotys (PLN) in 2004 (equivalent to 316 euros).

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 complains 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. It further held that the violation originated in a systemic problem connected with the malfunctioning of domestic legislation in that it imposed, and continues to impose, on individual landlords restrictions on increases in rent for their dwellings, making it impossible for them to receive rent reasonably

commensurate with the general costs of property maintenance. In order to put an end to the systemic violation, the Court ruled that the respondent State must, through the appropriate legal or other measures, secure a reasonable level of rent to the applicant and other persons similarly situated, or provide them with a mechanism mitigating the above-mentioned consequences of the State control of rent increases for their right of property. The issue of Article 41 as regards the award of pecuniary damage was reserved.

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

**(14) 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.

**(15) Sisojeva and Others v. Latvia, n° 60654/00**

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

In 1993 Mr Sisojev and his wife applied for permanent resident status and to be entered in the register of residents. Their application to be entered in the register was granted.

In 1995 the competent department discovered that Mr Sisojev and his wife had each been issued with two former Soviet passports in 1992 and had thus been able to obtain registration of their place of residence in Russia as well as in Latvia. Aksana Sisojeva had been able to do likewise in 1995. An administrative penalty was imposed on the applicants, and a court ordered the removal of their names from the register of residents in 1996. On appeal the decision was set aside and, in August 1996, Mr Sisojev and Aksana Sisojeva applied for and obtained Russian nationality.

In 1998 the joint committee for the implementation of the agreement between Latvia and Russia on the social protection of retired members of the Russian armed forces and their families who were resident in Latvia requested the Interior Ministry's Directorate for Nationality and Migration Affairs to issue the applicants with permanent residence permits under the agreement.

On 28 July 1998 Alūksne District Court held that Mrs Sisojeva was entitled to apply for a passport as a "permanent resident without citizenship" and that Mr Sisojev and Aksana Sisojeva were entitled to permanent residence permits. Following an appeal by the Directorate, however, the decisions were overturned and, on 26 June 2000, the Directorate notified the applicants that they were required to leave Latvia.

The applicants complained under Article 8 of the Convention that the Latvian authorities' refusal to regularise their residence in Latvia breached their right to respect for their private and family life and that the authorities had also interfered with the exercise by one of the applicants of her right of individual petition in breach of Article 34.

In a Chamber judgment delivered on 16 June 2005 the Court held by a majority that there had been no breach of the Convention provisions relied on.

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

**(16) 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.

**V. HEARINGS**

In 2005 hearings were held in the following twenty five cases (a summary is given only for those cases in which a judgment has not been delivered by the end of the year):

**(1) Jahn and Others v. Germany, n<sup>os</sup>. 46720/99, 72203/01 and 72552/01**

Rehearing case. Hearing on the merits on 26 January 2005.

Judgment was delivered on 30 June 2005 (see Chapter VII below).

**(2) Kyprianou v. Cyprus, n<sup>os</sup> 73797/01**

Rehearing case. Hearing on the merits on 2 February 2005.

Judgment was delivered on 15 December 2005 (see Chapter VII below).

**(3) Nachova and Others v. Bulgaria, n<sup>os</sup> 43577/98 and 43579/98**

Rehearing case. Hearing on the merits on 23 February 2005.

Judgment was delivered on 6 July 2005 (see Chapter VII below).

**(4) Stec and Others and Kimber v. the United Kingdom, n<sup>os</sup> 65731/01 and 65900/01**

Relinquishment case. Hearing on the admissibility and merits on 9 March 2005.

A decision on admissibility was delivered on 6 July 2005 (see Chapter VI below).

**(5) Draon v. France and Maurice v. France, n<sup>os</sup> 1513/03 and 11810/03**

Relinquishment case. Hearing on the merits on 23 March 2005.

Judgment was delivered on 6 October 2005 (see Chapter VII below).

**(6) Hirst v. the United Kingdom (n° 2), no. 74025/01**

Rehearing case. Hearing on the merits on 27 April 2005.

Judgment was delivered on 6 October 2005 (see Chapter VII below).

**(7) Leyla Şahin v. Turkey, n° 44774/98**

Rehearing case. Hearing on the merits on 11 May 2005.

Judgment was delivered on 10 November 2005 (see Chapter VII below).

**(8) Ždanoka v. Latvia, n° 58278/00**

Rehearing case. Hearing on the merits on 1 June 2005.

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<sup>o</sup>. 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.

**(9) Sorensen and Rasmussen v. Denmark, n<sup>os</sup> 52562/99 and 52620/99**

Relinquishment case. Hearing on the merits on 22 June 2005.

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.

**(10) Scordino v. Italy (N<sup>o</sup> 1), n<sup>o</sup> 36813/97 and 8 other Italian cases (see below)**

Referral case. Hearing on the merits on 29 June 2005.

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.

- (11) Riccardi Pizzati v. Italy, n° 62361/00**
- (12) Musci v. Italy, n° 64699/01**
- (13) Giuseppe Mostacciuolo (1) v. Italy, n° 64705/01**
- (14) Cocchiarella v. Italy, n° 64886/01**
- (15) Apicella v. Italy, n° 64890/01**
- (16) Ernestina Zullo v. Italy, n° 64897/01**
- (17) Giuseppina and Orestina Procaccini v. Italy, n° 65075/01**
- (18) Giuseppe Mostacciuolo (2) v. Italy, n° 65102/01**

Referral cases. Hearing on the merits on 29 June 2005.

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.

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

Rehearing case. Hearing on the merits on 14 September 2005.

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 1996.

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.

**(20) Sejdovic v. Italy, n° 56581/00**

Rehearing case. Hearing on the merits on 12 October 2005.

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.

**(21) Achour v. France, n° 67335/01**

Rehearing case. Hearing on the merits on 19 October 2005.

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.

**(22) Sürmeli v. Germany, n° 75529/01**

Relinquishment case. Hearing on the merits on 9 November 2005.

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.

**(23) Martinie v. France, n° 58675/00**

Relinquishment case. Hearing on the merits on 16 November 2005.

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 because: the reporting judge's report was not communicated to him prior to the hearing whereas it was communicated to the State counsel; the reporting judge participated in the bench's deliberations; he was neither summoned to the hearing nor invited to submit observations; he was not informed of the date of the hearing; the hearing was not public. Lastly, the applicant complained that the Government Commissioner participated in the deliberations of the *Conseil d'Etat*.

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

**(24) Jalloh v. Germany, n° 54810/00**

Relinquishment case. Hearing on the merits on 23 November 2005.

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.

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

Relinquishment case. Hearing on admissibility and merits on 14 December 2005.

The ten applicants are all nationals of 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.

## **VI. DECISIONS 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 on 24 August 2004.

#### **(1) Von Maltzan and Others, Zitzewitz and Others, Man Ferrostaal and Alfred Töpfer Stiftung v. Germany, n<sup>os</sup> 71916/01, 71917/01, 10260/02**

The applications concerned one of the major issues to arise after the reunification of Germany: the compensation terms for those whose property was expropriated either after 1949 in the GDR or, as in the vast majority of cases, between 1945 and 1949 in the former Soviet Occupied Zone of Germany. The terms of compensation and just satisfaction were set out in the Compensation and Just Satisfaction Act (Entschädigungs und Ausgleichsleistungsgesetz - EALG) of 27 September 1994.

On 29 June 1995 some of the applicants brought their case before the Federal Constitutional Court, arguing, among other things, that certain provisions of that Act were contrary to basic law, in that the prescribed compensation was generally less than the real market value of the property that had been expropriated. On 22 November 2000 the First Division (erster Senat) of the Federal Constitutional Court delivered a leading judgment dismissing the applicants' claims. Those among the applicants who were not party to those proceedings nonetheless refer to this leading judgment.

The individuals among the applicants argued that the Compensation and Just Satisfaction Act of 1994 and the leading judgment of the Federal Constitutional Court of 2000 infringed their property right, protected by Article 1 of Protocol No. 1 to the Convention, because the amount of compensation they received was far less than the real value of the property that had been illegally expropriated.

The applicants also submitted that they were discriminated against contrary to Article 14 of the Convention, taken together with Article 1 of Protocol No. 1, because, unlike other groups of people, they were unable to claim a right to the return of property which was illegally expropriated and for which they received only a negligible sum in compensation.

Lastly, those of the applicants who had brought their case before the Federal Constitutional Court submitted that the length of the proceedings in

that court (four years and 11 months in one case, and five years and four months in the other) exceeded a reasonable time, in breach of Article 6 § 1 of the Convention.

The Alfred Töpfer Foundation and Man Ferrostaal raised the same complaints, pointing out that, under the Compensation and Just Satisfaction Act of 1994, they neither have a right to the return of their property nor a right to compensation.

In a decision delivered on 30 March 2005, the Grand Chamber by a majority declared the complaint under Article 1 of Protocol No. 1 incompatible *ratione materiae* since the applicants had not shown that they had claims that were sufficiently established to be enforceable so as to constitute “possessions” within the meaning of that provision. Since the facts of the case did not fall within the ambit of Article 1 of Protocol No. 1, the applicants could not rely on Article 14 of the Convention. The Court further found that the length of proceedings complaint was manifestly ill-founded.

**ii. Admissibility decision**

The Grand Chamber declared the following applications admissible. The applications had been relinquished by a Chamber of the Court under Article 30 of the Convention on 19 October 2004.

**Stec and others and Kimber v. the United Kingdom, n<sup>os</sup> 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. The Court will give judgment on the merits of the applications declared admissible at a later stage and in the light of the parties' further submissions.

## **VII. JUDGMENTS**

### **(1) Mamatkulov & Askarov v. Turkey, n<sup>os</sup> 46827/99 and 46951/95**

Mr Mamatkulov arrived in Istanbul from Kazakhstan on 3 March 1999 on a tourist visa. The Turkish police arrested him at Atatürk Airport (Istanbul) and took him into police custody. Mr Askarov arrived in Turkey on 13 December 1998 on a false passport. The security forces arrested him and took him into police custody on 5 March 1999.

Both men were suspected of homicide, causing injuries by the explosion of a bomb in Uzbekistan, and an attempted terrorist attack on the President of the Republic. They were brought before a judge who ordered them to be remanded in custody. Uzbekistan requested their extradition under a bilateral treaty with Turkey.

Mr Mamatkulov was questioned by the judge at Bakırköy Criminal Court and Mr Askarov was brought before Fatih Criminal Court (Istanbul). The judge and court noted that the offences with which the applicants were charged were neither political nor military in nature, but ordinary criminal offences. They ordered them to be detained pending their extradition.

On 18 March 1999 a Chamber of the Court indicated to the Turkish Government, under Rule 39 (interim measures) of the Rules of Court, that “it was desirable in the interests of the parties and the proper conduct of the proceedings before the Court not to extradite the applicants to Uzbekistan until the Court had had an opportunity to examine the application further at its forthcoming session on 23 March”. On that date the Chamber extended the interim measure until further notice. In the meantime, on 19 March 1999, the Turkish Cabinet issued a decree for the applicants’ extradition. They were handed over to the Uzbek authorities on 27 March 1999.

In a judgment of 28 June 1999 the High Court of the Republic of Uzbekistan found the applicants guilty of the offences as charged and sentenced them to 20 and 11 years’ imprisonment respectively.

Relying on Article 2 and Article 3 of Convention, the applicants submitted that following their extradition their lives were at risk and they were in danger of being subjected to torture. They also complained, under Article 6, of the unfairness of the extradition procedure in Turkey and of the criminal proceedings against them in Uzbekistan. Pointing out that the applicants had in fact been extradited, their representatives alleged that Turkey had failed to discharge its obligations under the Convention by not

acting in accordance with the indications given by the Court under Rule 39 of its Rules of Court.

In a Chamber judgment of 6 February 2003 the Court held unanimously that there had been no violation of Article 3 of the Convention; that Article 6 was inapplicable to the extradition procedure in Turkey; and that no issue arose regarding the second complaint lodged under Article 6. It further held, by a majority, that there had been a breach of Article 34 of the Convention because Turkey had not complied with the interim measures indicated by the Court.

On 28 April 2003 the Government requested that the case be referred to the Grand Chamber. The Panel of the Grand Chamber granted the request on 21 May 2003.

In a judgment delivered on 4 February 2005, the Grand Chamber held by a majority that there had been no violation of Article 3 of the Convention; unanimously, that no separate examination of the complaint under Article 2 was necessary; unanimously, that Article 6 § 1 did not apply to the extradition proceedings in Turkey; by a majority, that there had been no violation of Article 6 § 1 concerning the criminal proceedings in Uzbekistan; It further held, by a majority, that Turkey had failed to comply with its obligations under Article 34.

**(2) Jahn and Others v. Germany, n<sup>os</sup> 46720/99, 72203/01 and 72552/01**

The applicants are the heirs of the so-called “new settled farmers” who obtained land for agricultural purposes in 1945-46 in the Soviet Occupied Zone of Germany. Use (for example, assignment) of the land was subject to restrictions. These restrictions were lifted in 1990 by the so-called Modrow Law (which came into effect on 16 March 1990), the provisions of which were subsequently imported into the legal order of the newly reunified Germany. According to the Modrow Law, those in possession of the land became owners of it. A later land reform law was adopted after reunification in 1992 obliging categories of owners, including the applicants, who had not on 15 March 1990 been carrying on an agricultural activity nor had been members of agricultural cooperative, to reassign their land to the tax authorities. No compensation was paid. The aim of the 1992 law was to redress perceived injustices caused by the operation of the Modrow Law.

The applicants relied on Article 1 of Protocol No. 1.

In a Chamber judgment, the Court found, unanimously, that there had been a breach of that Article.

In a judgment delivered on 30 June 2005, the Grand Chamber held by a majority that there had been no violation of Article 1 of Protocol No. 1 and no violation of Article 14 of the Convention taken together with Article 1 of Protocol No. 1.

**(3) Öcalan v. Turkey, n° 46221/99**

The case concerns an application brought by a Turkish national, Abdullah Öcalan, who was born in 1949. He is currently incarcerated in İmralı Prison (Bursa, Turkey).

At the time of the events in question, the Turkish courts had issued seven warrants for Mr Öcalan's arrest and a wanted notice (red notice) had been circulated by Interpol. He was accused of founding an armed gang in order to destroy the integrity of the Turkish State and of instigating terrorist acts resulting in loss of life.

On 9 October 1998 he was expelled from Syria, where he had been living for many years. From there he went to Greece, Russia, Italy and then again Russia and Greece before going to Kenya, where, on the evening of 15 February 1999, in disputed circumstances, he was taken on board an aircraft at Nairobi airport and arrested by Turkish officials. He was then flown to Turkey.

On arrival in Turkey, he was taken to İmralı Prison, where he was held in police custody from 16 to 23 February 1999 and questioned by the security forces. He received no legal assistance during that period. His lawyer in Turkey was prevented from travelling to visit him by members of the security forces. 16 other lawyers were also refused permission to visit on 23 February 1999.

On 23 February 1999 the applicant appeared before an Ankara State Security Court judge, who ordered him to be placed in pre-trial detention.

The applicant was allowed only restricted access to his lawyers who were not authorised by the prison authorities to provide him with a copy of the documents in the case file, other than the indictment. It was not until the hearing on 4 June 1999 that the State Security Court gave the applicant permission to consult the case file under the supervision of two registrars and authorised his lawyers to provide him with a copy of certain documents.

On 29 June 1999 Ankara State Security Court found the applicant guilty of carrying out actions calculated to bring about the separation of a part of Turkish territory and of forming and leading an armed gang to achieve that end. It sentenced him to death, under Article 125 of the Criminal Code. That decision was upheld by the Court of Cassation.

Under Law no. 4771, published on 9 August 2002, the Turkish Assembly resolved to abolish the death penalty in peacetime. On 3 October 2002 Ankara State Security Court commuted the applicant's death sentence to life imprisonment.

An application to set aside the provision abolishing the death penalty in peacetime for persons convicted of terrorist offences was dismissed by the Constitutional Court on 27 December 2002.

In the Convention proceedings the applicant complained that the imposition and/or implementation of the death penalty was or would be in violation of Articles 2, 3, and 14 of the Convention; and that the conditions in which he was transferred from Kenya to Turkey and detained on the island of İmralı amounted to inhuman treatment in breach of Article 3. He also complained that he was not brought promptly before a judge and did not have access to proceedings to challenge the lawfulness of his detention, in breach of Article 5 §§ 1, 3 and 4. Under Article 6 § 1 he complained that he was denied a fair trial, in that he was not tried by an independent and impartial tribunal, as one of the judges of the State Security Court was a military judge, the judges were influenced by hostile media reports and his lawyers were not given sufficient access to the court file to enable them to prepare his defence properly. He also complained under Article 34 that his legal representatives in Amsterdam were prevented from contacting him after his arrest and/or that the Turkish Government failed to reply to a request by the Court for information. The applicant further relied on Articles 7, 8, 9, 10, 13, 14 and 18 of the Convention.

In its Chamber judgment of 12 March 2003, the Court held, among other things, that there had been a violation of Article 5 §§ 3 and 4, Article 6 §§ 1 and 3 (b) and (c), and also of Article 3 on account of the fact that the death penalty had been imposed after an unfair trial.

On 9 July 2003, the Panel of the Grand Chamber accepted requests submitted by the applicant and the Government, on 5 and 11 June 2003 respectively, for the case to be referred to the Grand Chamber.

The Court's judgment in the case was delivered on 12 May 2005. As regards the applicant's complaints about his arrest and detention, it held,

unanimously, that there had been violations of Article 5 §§ 3 and 4 but no violation of Article 5 § 1. As to the applicant's complaints about the unfairness of his trial, the Court found by a majority that there had been a violation of Article 6 § 1 in that the applicant had not been tried by an independent and impartial tribunal, and, unanimously, that there had been a violation of Article 6 § 1 taken together with Article 6 § 3 (b) and (c). As to the death penalty issues raised by the applicant, it held unanimously that there had been no violation of Article 2 taken alone or in conjunction with Article 14 and no violation of Article 3. However, the Court, by a majority, found that there had been a violation of Article 3 concerning the imposition of the death penalty following an unfair trial. As to the applicant's conditions of detention, the Court held, unanimously, that there had been no violation of Article 3 concerning the conditions in which the applicant had been transferred from Kenya to Turkey or the conditions of his detention on the island of İmralı. The Court also held, unanimously, that there had been no violation of Article 34 and that it was not necessary to examine separately the applicant's remaining complaints under Articles 7, 8, 9, 10, 13, 14 and 18.

**(4) Bosphorus Airways v. Ireland, n° 45036/98**

In May 1993 an aircraft leased by the applicant company from Yugoslav Airlines was seized by the Irish authorities pursuant to an EC Council Regulation which, in turn, had implemented the UN sanctions regime against the Federal Republic of Yugoslavia. The applicant's challenge to the retention of the aircraft (which was in Ireland for maintenance) was initially successful in that the High Court ruled that the Regulation was not applicable to the aircraft. On appeal, the Supreme Court sought a preliminary ruling from the European Court of Justice (ECJ) on whether the applicant's aircraft was covered by the Regulation. The ECJ replied in the affirmative, having examined (along with the Advocate General) issues such as the right to property under the Convention system, the legitimacy of the aim pursued by the Regulation, the proportionality of the interference, etc. The Supreme Court subsequently applied the ECJ's ruling and allowed the State's appeal.

The applicant complained under Article 1 of Protocol No. 1 that it had had to bear an excessive burden resulting from the manner in which the Irish State applied the sanctions regime and that it had suffered significant financial loss.

On 13 September 2001, a Chamber of the Court held a hearing on the admissibility and merits of the application and declared the case admissible

on the same date. On 30 January 2004, the Chamber relinquished jurisdiction in favour of the Grand Chamber.

In a judgment delivered on 30 June 2005, the Court held unanimously that there had been no violation of Article 1 of Protocol No. 1.

**(5) Nachova and Others v. Bulgaria, n<sup>os</sup> 43577/98 and 43579/98**

Two men of Roma origin, relatives of the applicants, were conscripts serving compulsory military service in an army division dealing with the construction of apartments. They were in detention for repeated absences without leave when they escaped from the construction site where they were confined and took refuge in the house of the grandmother of one of them, situated in a Roma district of a village. Some days later, a military police unit was informed where they were hiding and dispatched four military police officers, under the command of G., to the village. They had instructions to arrest the fugitives using all the means and methods dictated by the circumstances. G. was armed with a handgun and a Kalashnikov automatic rifle. Having noticed the military vehicle in front of their house, the fugitives tried to escape. While running away they were shot by G. after he had given them a warning to stop. Both men died on their way to hospital. One neighbour claimed that several of the policemen had been shooting and that at one stage G. had pointed his gun at him in a brutal manner and had insulted him saying “You damn Gypsies”. The military investigation report concluded that G. had acted in accordance with the regulations and had tried to save the fugitives’ lives by warning them to stop and not shooting at their vital organs. A sketch-map, which lacked relevant details and descriptions of the terrain/area, was appended to the report. The military prosecutor accepted the conclusions and closed the investigation. The applicants’ subsequent appeals to the Armed Forces Prosecutor’s Offices were dismissed.

A Chamber of the Court found a violation on the facts of Articles 2 (under both its substantive and procedural heads) and 14 of the Convention.

In a judgment delivered on 6 July 2005, the Court held unanimously that there had been both a substantive and procedural violation of Article 2 of the Convention in respect of the applicants’ relatives’ deaths and that Article 14 of the Convention taken in conjunction with Article 2 had also been violated in that the authorities had failed to investigate possible racist motives behind the events that had led to the deaths. It further held by a majority that there had been no violation of Article 14 of the Convention taken in conjunction with Article 2 in respect of the allegation that the events leading to the deaths constituted an act of racial violence.

**(6) Draon v. France, n° 1513/03**

**(7) 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.

**(8) Hirst v. the United Kingdom (n° 2), no. 74025/01**

The applicant was sentenced to a term of discretionary life imprisonment. His tariff (the part of his sentence relating to retribution and deterrence) expired on 25 June 1994. However, he remained in detention since it was considered that he continued to present a risk to the public.

As a convicted prisoner still in detention, the applicant was barred by section 3 of the Representation of the People Act 1983 from voting in parliamentary or local elections. His attempts in the domestic courts to contest the lawfulness of his disenfranchisement failed.

The applicant alleged that he has been disenfranchised and relied on Article 3 of Protocol No. 1 to the Convention and on Articles 14 and 10 of the Convention.

In a Chamber judgment delivered on 30 March 2004, the Court held unanimously that there had been a breach of Article 3 of Protocol No. 1 and that no separate issues arose under Articles 14 and 10. The case was referred to the Grand Chamber at the Government's request.

In a judgment delivered on 6 October 2005, the Court held, by a majority, that there had been a violation of Article 3 of Protocol No. 1 to the Convention and, unanimously, that no separate issues arose under either Article 10 or Article 14 of the Convention.

**(9) Roche v. the United Kingdom, no. 32555/96**

In 1953 the applicant joined the British Army. He later fell ill and is now registered as an invalid. He maintains that his health problems are the result of his participation in mustard and nerve gas tests conducted by the army. From 1987 the applicant actively sought access to his service records via medical and political channels, with limited success. On 10 June 1991 he submitted a claim for a service pension. On 28 January 1992 the Secretary of State rejected his pension claim as the applicant had not demonstrated a causal link between the tests and his medical condition.

In 1994 he threatened to bring judicial review proceedings alleging, among other things, negligence on the part of the Ministry of Defence. On 3 August 1995 the Secretary of State issued a certificate under section 10 of the Crown Proceedings Act 1947, which effectively blocks any such proceedings brought by servicemen concerning events prior to 1987 while allowing the person concerned to apply for an army pension.

In November 1998, following the Court's judgment in *McGinley and Egan v. the United Kingdom*, he appealed to the Pensions Appeal Tribunal (PAT). He applied for the disclosure of official information under Rule 6 (1) of the PAT Rules to enable the PAT to decide whether his illness was caused or aggravated by the tests conducted on him. The PAT ordered the Ministry of Defence to disclose certain categories of records and certain documents were disclosed in 2001 and 2002. The PAT found against the applicant on the substance of his appeal. He appealed successfully to the High Court, which remitted his case to the PAT.

The applicant maintained that he had been unlawfully denied access to a court in breach of Article 6 of the Convention and that the failure to provide him with adequate access about the tests violated Article 8. He further relied on Articles 10, 13 and 14 and Article 1 of Protocol No. 1 to the Convention.

The Chamber of the Court dealing with the case relinquished jurisdiction in favour of the Grand Chamber on 25 March 2004.

In a judgment delivered on 19 October 2005, the Court held by a majority that there has been no violation of either Articles 6 § 1, 13, 14 or Article 1 of Protocol No. 1. It further found, unanimously, that there had been no breach of Articles 8 and 10.

**(10) Leyla Şahin v. Turkey, no. 44774/98**

The applicant is a practising Muslim and considers it her religious duty to wear the Islamic headscarf. At the material time she was a fifth-year student at the faculty of medicine of the University of Istanbul. The Vice-Chancellor issued a circular directing that students with beards and students wearing the Islamic headscarf would be refused admission to lectures, courses and tutorials. The applicant was refused access to a written examination because she was wearing the Islamic headscarf. Subsequently the university authorities refused on the same grounds to enrol her on a course, or to admit her to various lectures and a written examination. The faculty also issued her with a warning for contravening the university's rules on dress and suspended her from the university for a term for taking part in an unauthorised assembly that had gathered to protest against these rules. All the disciplinary penalties imposed on the applicant were later revoked.

The applicant complained under Article 9 that she was prohibited from wearing the Islamic headscarf at university and that she suffered unjustified interference with her right to education, within the meaning of Article 2 of Protocol No. 1. She also invoked Articles 14, 8 and 10.

A Chamber of the Court found that there had been no breach of any of the Articles relied on by the applicant. The case was referred to the Grand Chamber at the applicant's request.

In a judgment delivered on 10 November 2005, the Court held by a majority that there had been no violation of Article 9 and no violation of Article 2 of Protocol No. 1. It further found unanimously, that there had been no violations of Article 8, 10 and Article 14.

**(11) Kyprianou v. Cyprus, n° 73797/01**

The applicant is an advocate who, in the course of a trial in which he was acting as defence counsel, was interrupted by the Assize Court judges while cross-examining a witness. He felt aggrieved and sought leave to withdraw from the case, but as leave was not granted, the applicant responded to the court in an intemperate outburst. The applicant was given the opportunity to explain himself to the court or to retract his remarks. Following successive breaks to consider the matter, the same court found the applicant guilty of contempt of court and sentenced him to five days' imprisonment. The Supreme Court dismissed the applicant's appeal.

The applicant complained that he had been summarily tried and convicted by a court which did not fulfil the impartiality requirements of Article 6 § 1 of the Convention and that the unfairness of the proceedings was such that there had also been breaches of Article 6 §§ 2 and 3 (a). He further relied on Article 10.

In a Chamber judgment the Court found that the facts gave rise to breaches of Article 6 §§ 1, 2 and 3(a) and that it was not necessary to examine separately the applicant's complaint under Article 10. The case was referred to the Grand Chamber at the Government's request.

In a judgment delivered on 15 December 2005, the Court found, unanimously, that there had been a breach of Article 6 § 1 since the domestic court did not comply with the requirement of impartiality and on that account it was not necessary to examine separately the applicant's complaints under either Article 6 §§ 2 (unanimously) or 3(a) (by a majority). The Court further held, unanimously, that there had been a breach of Article 10.

## **VIII. GRAND CHAMBER STRIKE-OUT FRIENDLY-SETTLEMENT JUDGMENT**

### **Broniowski v. Poland, n°. 31443/96**

The case concerned the alleged failure to satisfy the applicant's entitlement to compensation for property (a house and land) in Lwów (now Lviv, in the Ukraine) which belonged to his grandmother when the area was still part of Poland, before the Second World War. That entitlement was first bequeathed to the applicant's mother and, after her death in 1989, to the applicant.

The applicant's grandmother along with many others who had been living in the Eastern provinces of pre-war Poland (which included large areas of present-day Belarus, Ukraine and territories around Vilnius in what is now Lithuania) was repatriated after Poland's eastern border had been redrawn along the Bug River (whose central course formed part of the Curzon line), in the aftermath of the Second World War. The area was known as the "Borderlands" ("Kresy") and also, "territories beyond the Bug River" ("ziemie zabużańskie").

Following the so-called "republican agreements" between the Polish Committee of National Liberation and the governments of the former Soviet Republics of Lithuania, Belarus and Ukraine, Poland undertook to compensate those who had been "repatriated" from the "territories beyond the Bug River" and had had to abandon their properties. From 1944 to 1953 around 1,240,000 people were "repatriated" under the provisions of the republican agreements.

Since 1946, Polish law has entitled those repatriated in such circumstances to compensation in kind; they have been entitled to buy land from the State and have the value of the abandoned property offset against the fee for the so-called "perpetual use" of this land or against the price of the compensatory property or land.

However, following the entry into force of the Local Government Act of 10 May 1990 and the enactment of further laws reducing the pool of State property available to the Bug River claimants – in particular, by excluding the possibility of enforcing their claims against State agricultural and military property – the State Treasury has been unable to fulfil its obligation to meet the compensation claims because it has had insufficient land to meet the demand. In addition, Bug River claimants have frequently been either excluded from auctions of State property or have had their participation subjected to various conditions.

According to the Government, the anticipated total number of those entitled to compensation is nearly 80,000.

On 19 December 2002 the Polish Constitutional Court declared the provisions that excluded the possibility of enforcing the Bug River claims against State agricultural and military property unconstitutional. However, following that judgment, the State agencies administering State agricultural and military property suspended all auctions, considering that further legislation was required to deal with the implementation of the judgment.

On 30 January 2004, when the Law of 12 December 2003 entered into force, the Polish State's obligations towards the applicant, and all other Bug River claimants who had ever obtained any compensatory property under the previous legislation, was deemed to have been discharged. Claimants who had never received any such compensation were awarded 15% of their original entitlement, subject to a ceiling of 50,000 PLN.

On 15 December 2004, on an application by a group of members of the Polish Parliament, the Constitutional Court declared unconstitutional certain provisions of the Law of 12 December 2003, among other things, the section fixing the 15% and 50,000 PLN ceiling on claims and the section excluding from the scope of the compensation scheme under that Act anyone who, like the applicant, had received at least some compensation under previous laws.

On 2 March 2005 the Government submitted a bill to Parliament proposing that the maximum compensation available to Bug River claimants should be 15% of the value of the original Bug River property and that the "right to credit" could be realised either, as previously, through an auction procedure, or, through cash payment to be distributed from a special compensation fund. The first reading of the Bill took place on 15 April 2005, following which the matter was referred to the Parliamentary Commission for the State Treasury. During discussions that took place in May and June 2005 the ceiling of 15% was criticised by many deputies and it was suggested that, in order to secure compliance with the European Court of Human Rights principal judgment in the case, the level of compensation should be increased. On 8 July 2005 the *Sejm* (first house of the Polish Parliament) passed the July 2005 Act, which set the statutory ceiling for compensation for Bug River property at 20%. The law entered into force on 7 October 2005.

In a judgment (unanimous) delivered on 22 June 2004, the Grand Chamber held that there had been a violation of Article 1 of Protocol No. 1 to the Convention. It further found that that violation had originated in a

systemic problem connected with the malfunctioning of domestic legislation and practice caused by the failure to set up an effective mechanism to implement the “right to credit” of Bug River claimants. On that account, it considered that the respondent State must, through appropriate legal measures and administrative practices, secure the implementation of the property right in question in respect of the remaining Bug River claimants or provide them with equivalent redress in lieu, in accordance with the principles of protection of property rights under Article 1 of Protocol No. 1.

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

On 7 March 2005 the Polish Government asked the Registrar for assistance in negotiations between the parties, aimed at reaching a friendly settlement of the case. Following instructions by the President of the Grand Chamber, representatives of the Registry held meetings with the parties in Warsaw on 23 and 24 June 2005 and again on 5 and 6 September 2005, following which the parties signed a friendly-settlement agreement, which was then submitted to the Court.

The Court noted that in their amending legislation introduced before the settlement and in their declaration accompanying the settlement, the Polish Government had demonstrated an active commitment to take general measures intended to remedy the systemic defects found in the principal judgment and by the Polish Constitutional Court.

As to the reparation afforded to the individual applicant, Mr Broniowski, the Court noted *inter alia* that the payment to be made to him under the settlement provided him with both accelerated satisfaction of his “right to credit” under the Bug River legislative scheme and compensation for any pecuniary and non-pecuniary damage sustained by him.

The Court concluded that it was satisfied that the settlement in the case was based on respect for human rights as defined in the Convention and its Protocols (Article 37 § 1 of the Convention and Rule 62 § 3 of the Rules of Court). It therefore adopted a judgment, notified in writing on 28 September 2005, striking the case out of its list.

**IX. THIRD-PARTY INTERVENTIONS**

Leave to submit third party comments was given by the President of the Grand Chamber in 2005 pursuant to Rule 44 § 2 (a) of the Rules of Court in the following cases:

**(1) Hirst v. the United Kingdom (n° 2), n° 74025/01**

(See Chapter VII above)

**(2) Sejdic v. Italy, n° 56581/00**

(See Chapter VII above)

**(3) Scordino v. Italy, n° 36813/97**

(See Chapter VII above)

**(4) Riccardi Pizzati v. Italy, n° 62361/00**

**(5) Musci v. Italy, n° 64699/01**

**(6) Giuseppe Mostacciolo (1) v. Italy, n° 64705/01**

**(7) Cocchiarella v. Italy, n° 64886/01**

**(8) Apicella v. Italy, n° 64890/01**

**(9) Ernestina Zullo v. Italy, n° 64897/01**

**(10) Giuseppina and Orestina Procaccini v. Italy, n° 65075/01**

**(11) Giuseppe Mostacciolo (2) v. Italy, n° 65102/01**

(See Chapter VII above)

A Government exercised its right to intervene on behalf of its national in the following case :

**(12) Markovic v. Italy, n° 1398/03**

(See Chapter VII above)

**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 2005**

- |      |           |   |
|------|-----------|---|
| (1)  | 30324/96) | Smoleanu v. Romania                         |
|      | 35671/97) | Lindner and Hammermayer v. Romania          |
|      | 31549/96) | Popovic and Dumitrescu v. Romania           |
| (2)  | 65731/01) | Stec and Others v. United Kingdom (merits)  |
|      | 65900/01) | Kimber v. United Kingdom                    |
| (3)  | 52620/99) | Rasmussen v. Denmark                        |
|      | 52562/99) | Sørensen v. Denmark                         |
| (4)  | 58278/00) | Ždanoka v. Latvia                           |
| (5)  | 59532/00) | Blečić v. Croatia                           |
| (6)  | 36813/98) | Scordino v. Italy (n° 1)                    |
| (7)  | 62361/00) | Riccardi Pizzati v. Italy                   |
| (8)  | 64699/01) | Musci v. Italy                              |
| (9)  | 64705/01) | Giuseppe Mostacciuolo (1) v. Italy          |
| (10) | 64886/01) | Cocchiarella v. Italy                       |
| (11) | 64890/01) | Apicella v. Italy                           |
| (12) | 64897/01) | Ernestina Zullo v. Italy                    |
| (13) | 65075/01) | Giuseppina and Orestina Procaccini v. Italy |
| (14) | 65102/01) | Giuseppe Mostacciuolo (2) v. Italy          |
| (15) | 1513/03)  | Draon v. France (Article 41)                |
| (16) | 11810/03) | Maurice v. France (Article 41)              |
| (17) | 56581/00) | Sejdovic v. Italy                           |
| (18) | 67335/01) | Achour v. France                            |
| (19) | 75529/01) | Sürmeli v. Germany                          |
| (20) | 54810/00) | Jalloh v. Germany                           |
| (21) | 58675/00) | Martinie v. France                          |
| (22) | 1398/03)  | Markovic and others v. Italy                |
| (23) | 35014/97) | Hutten-Czapska v. Poland                    |
| (24) | 59450/00) | Ramirez Sanchez v. France                   |
| (25) | 46410/99) | Üner v. The Netherlands                     |
| (26) | 60654/00) | Sisojeva and Others v. Latvia               |
| (27) | 18114/02) | Hermi v. Italy                              |

<p style="text-align: center;"><b>LIST OF REFERRAL REQUESTS</b>  <b>(by Gvts and/or Applicants-as from January 2005)</b></p>							
Application no.	Applicant	Country	Section	Judgment	Request	Panel Date	Panel Result
14021/02	Kaufmann	Italy	III	19.05.05	Gvt	12.10.05	rejected
15366/03	Chernyayev	Ukraine	II	26.07.5	Gvt	30.11.05	rejected
16163/02	Nastou (N° 2)	Greece	I	15.07.05	Gvt	30.11.05	rejected
17707/02	Melnychenko	Ukraine	II	19.10.04	Gvt	30.03.05	rejected
18114/02	Hermi	Italy	IV	28.06.05	Gvt	30.11.05	<b>ACCEPTED</b>
19841/02	Agathos G.	Greece	I	23.09.04	App	02.02.05	rejected
21824/02	Andrianesis and others	Greece	I	10.02.05	App	06.07.05	rejected
27833/02	Nowak	Poland	IV	05.10.04	App	30.03.05	rejected
28171/02	Fadil Yilmaz	Turkey	III	21.07.05	App	30.11.05	rejected
28176/02	Mustafa et Mehmet Toprak	Turkey	III	21.07.05	App	30.11.05	rejected
28177/02	Mustafa Toprak (N° 1)	Turkey	III	21.07.05	App	30.11.05	rejected
28178/02	Mustafa Toprak (N° 2)	Turkey	III	21.07.05	App	30.11.05	rejected
28182/02	Mehmet Yigit (N° 2)	Turkey	III	21.07.05	App	30.11.05	rejected
28183/02	Hüseyin Yigit	Turkey	III	21.07.05	App	30.11.05	rejected
28184/02	Mehmet Yigit (N° 3)	Turkey	III	21.07.05	App	30.11.05	rejected
28185/02	Mehmet Yigit (N° 4)	Turkey	III	21.07.05	App	30.11.05	rejected
28186/02	Salih Yigit (N° 1)	Turkey	III	21.07.05	App	30.11.05	rejected
28187/02	Salih Yigit (N° 2)	Turkey	III	21.07.05	App	30.11.05	rejected
28188/02	Mehmet Yigit (N° 5)	Turkey	III	21.07.05	App	30.11.05	rejected
28190/02	Kendirci	Turkey	III	21.07.05	App	30.11.05	rejected

Annual Report 2005: Grand Chamber

28192/02	Seyit Ahmet Özdemir et Autres	Turkey	III	21.07.05	App	30.11.05	rejected
29798/96							
30398/96							
34327/96							
34341/96							
35445/97							
36267/97							
36367/97							
37551/97							
37706/97							
38261/97							
39378/98							
41590/98							
41593/98							
42040/98							
42097/98	Lloyd and others	UK	IV	01.03.05	App	06.07.05	rejected
45420/99							
45844/99							
46326/99							
47144/99							
53062/99							
53111/99							
54969/00							
54973/00							
54997/00							
55046/00							
55068/00							
55071/00							
56109/00							
56231/00							

Annual Report 2005: Grand Chamber

56232/00							
56233/00							
56429/00							
56441/00							
2460/03							
2482/03							
2483/03							
2484/03							
2490/03							
30595/02	Bove	Italy	III	30.06.05	Gvt	30.11.05	rejected
31445/96	Budmet SP. S.O. O	Poland	III	24.02.05	App	06.07.05	rejected
31821/96	Issa	Turkey	II	16.11.04	App	30.03.05	rejected
33384/96	Mehmet Seyhan	Turkey	II	2.11.04	App	30.03.05	rejected
33695/96	Musumeci	Italy	IV	11.01.05	Gvt	06.06.05	rejected
34297/02, 39574/02	Derkach et Palek	Ukraine	II	21.12.04	Gvt	06.06.05	rejected
34339/02	Athanasiadis and Others	Greece	I	28.04.05	App	30.11.05	rejected
34642/97	Buzatu	Romania	III	27.01.05	App	06.06.05	rejected
35014/97	Hutten-Czapska	Poland	IV	22.02.05	Gvt	06.07.05	<i>ACCEPTED</i>
35087/02	Sharenok	Ukraine	II	22.02.05	Gvt	06.06.05	rejected

Annual Report 2005: Grand Chamber

35091/02, 35196/02 35201/02 35204/02 35945/02 35949/02 35953/02 36800/02 38296/02 42814/02	Mykhaylenky et autres	Ukraine	II	30.11.04	Gvt	06.06.05	rejected
35883/02	Faber	Czech Republic	II	17.05.05	App	30.11.05	rejected
36088/97	Acar and others	Turkey	IV	24.05.05	Gvt	12.10.05	rejected
36378/02	Shamayev and 12 others	Georgia and Russia	Former II	12.04.05	Gvt	12.10.05	rejected
36813/97	Scordino (n°1)	Italy	I	29.07.04	Gvt	02.02.05	ACCEPTED
36818/97	Pasculli	Italy	IV	17.05.05	Gvt	12.10.05	rejected
38064/98	Turczanik	Poland	II	05.07.05	App	30.11.05	rejected
38187/97	Adali	Turkey	I	31.03.05	Gvt	12.10.05	rejected
38240/02	Zolotas	Greece	I	02.06.05	App	30.11.05	rejected
38305/02	Gorokhov & Rusyayev	Russia	I	17.03.05	Gvt	12.10.05	rejected
38424/97	Molin Insaat	Turkey	II	11.01.05	App	06.06.05	rejected
38688/02	Kallitsis (N° 2)	Greece	I	17.02.05	App	06.07.05	rejected
38885/02	N.	Finland	Former IV	26.07.05	Gvt	30.11.05	rejected
39199/98	Podbielski & PPU Polpure	Poland	IV	26.07.05	App	30.11.05	rejected
39553/02	Menet	France	II	14.06.05	App	30.11.05	rejected
40732/98	J.S. and A. S	Poland	IV	24.05.05	Gvt	12.10.05	rejected
4094/02	Beloeil	France	II	02.11.04	App	30.03.05	rejected

Annual Report 2005: Grand Chamber

41040/98	Acciardi e Campagna	Italy	I	19.05.05	Gvt	12.10.05	rejected
41075/02	Pitra	Croatia	I	16.06.05	Gvt	12.10.05	rejected
41138/98 64320/01	Moldovan and Others	Romania	Former II	12.07.05	App	30.11.05	rejected
41984/98	Svetlana Naumenko	Ukraine	II	9.11.04	Gvt	30.03.05	rejected
42049/98	Zwiazek Nauczycielstwa Polskiego	Poland	II	21.09.04	Gvt	02.02.05	rejected
42191/02	R.R.	Italy	III	9.06.05	Gvt	12.10.05	<b>adjourned</b>
42437/98	Riza Dinç	Turkey	III	28.10.04	App	02.02.05	rejected
42585/98	Intiba	Turkey	II	24.05.05	Gvt	12.10.05	rejected
42644/02	Picaro	Italy	III	09.06.05	Gvt	30.11.05	rejected
42758/98, 45558/99	K.A. and A.D.	Belgium	I	17.02.05	App	06.07.05	rejected
42914/98	Capeau	Belgium	I	13.01.05	Gvt	06.06.05	rejected
43662/98	Scordino (n°3)	Italy	IV	17.05.05	Gvt	12.10.05	rejected
43663/98	Mason	Italy	IV	17.05.05	Gvt	12.10.05	rejected
45057/98	Fera	Italy	Former I	21.04.05	Gvt	12.10.05	rejected
45585/99, 49059/99	Ayhan (n° 1 and n° 2)	Turkey	III	10.11.04	App	06.06.05	rejected
46069/99	Agin	Turkey	II	29.03.05	Gvt	12.10.05	rejected
46072/99 46076/99	Zaskiewicz	Poland	IV	30.11.04	App	30.03.05	rejected
46082/99	Klyakhin	Russia	II	30.11.04	Gvt	06.06.05	rejected
46117/99	Sefa Taskin and Others	Turkey	III	10.11.04	Gvt	30.03.05	rejected
46410/99	Üner	The Netherlands	Former II	05.07.05	App	30.11.05	<b>ACCEPTED</b>
46626/99	Partidul Comunistilor (Nepeceristi) et Ungureanu	Romania	III	03.02.05	App	06.07.05	rejected
4672/02	Farbtuhs	Latvia	I	02.12.04	App	06.06.05	rejected

Annual Report 2005: Grand Chamber

46809/99	Loiseau	France	II	28.09.04	App	02.02.05	rejected
47269/99 64656/01 65002/01	Konecny	Czech Republic	II	26.10.04	App	30.03.05	rejected
47676/99 58923/00 58927/00 61373/00 61377/00	Beet and others	UK	IV	01.03.05	App	06.07.05	rejected
48057/99	Yorgiyadis	Turkey	II	19.10.04	App	30.03.05	rejected
48262/99	Aslangiray and others	Turkey	IV	31.05.05	Gvt	12.10.05	rejected
48309/99	Kilian	Czech Republic	II	07.12.04	App	06.06.05	rejected
48542/99	Zawadka	Poland	III	23.06.05	Gvt	12.10.05	rejected
48719/99	Emrullah Hattatoglu	Turkey	III	14.04.05	Gvt	12.10.05	rejected
49690/99	Hilmi Ugur et autres	Turkey	III	07.10.04	Gvt	02.02.05	rejected
49698/99	Kartal Makina San ve Tic. Koll. Sti	Turkey	III	07.10.04	Gvt	02.02.05	rejected
49718/99	Haci Bayram Kapucu	Turkey	III	07.10.04	Gvt	02.02.05	rejected
49751/99	Saadet Verrep	Turkey	III	07.10.04	Gvt	02.02.05	rejected
49762/99	Fikri Önk et autres	Turkey	III	07.10.04	Gvt	02.02.05	rejected
49790/99	Trubnikov	Russia	II	05.07.05	Gvt	30.11.05	rejected
49923/99	Ali Koçyigit et Esref Uzuner	Turkey	III	07.10.04	Gvt	02.02.05	rejected
50011/99	Kartal Makina San ve Tic. Koll. Sti (N° 2)	Turkey	III	07.10.04	Gvt	02.02.05	rejected
50042/99	Seçenler Kauçuk Ve Plastik San Ve Tic	Turkey	III	07.10.04	Gvt	02.02.05	rejected
50728/99	Yasar Captan Cebi	Turkey	III	07.10.04	Gvt	02.02.05	rejected
50730/99	Behçet Yurtkuran	Turkey	III	07.10.04	Gvt	02.02.05	rejected
50732/99	Hüseyin Cifçi	Turkey	III	07.10.04	Gvt	02.02.05	rejected

Annual Report 2005: Grand Chamber

50733/99	Nuri Özkan	Turkey	II	9.11.04	App	30.03.05	rejected
50741/99	Ülkü Gürkan Ve Fikret Aktan	Turkey	III	07.10.04	Gvt	02.02.05	rejected
50774/99	Sciacca	Italy	IV	30.11.04	Gvt	06.06.05	rejected
51481/99	Dursun Hakan Velioglu Vd	Turkey	III	07.10.04	Gvt	02.02.05	rejected
51482/99	Penbe Demir Vd	Turkey	III	07.10.04	Gvt	02.02.05	rejected
51483/99	Pelin Yazar	Turkey	III	07.10.04	Gvt	02.02.05	rejected
51485/99	Mustafa Turan	Turkey	III	07.10.04	Gvt	02.02.05	rejected
51488/99	Satilmis Telli Vd	Turkey	III	07.10.04	Gvt	02.02.05	rejected
51728/99	Rosenzweig and Bonded Warehouses Ltd	Poland	III	28.07.05	Gvt	30.11.05	rejected
51837/99	Beller	Poland	IV	01.02.05	App	06.06.05	rejected
52332/99	Cali and others	Italy	I	19.05.05	Gvt	12.10.05	rejected
5263/03	Wolfmeyer	Austria	I	26.05.05	Gvt	12.10.05	rejected
53371/99	Canady	Slovakia	IV	16.11.04	App	30.03.05	rejected
53487/99	Meriakri	Moldova	IV	01.03.05	Gvt	06.07.05	rejected
53741/00	Crowther	UK	IV	01.02.05	App	06.07.05	rejected
54062/00	Androne	Romania	III	22.12.04	Gvt + App	06.06.05	rejected
54071/00	Rokhlina	Russia	I	7.04.05	Gvt	12.10.05	rejected
54268/00	Qufaj Co. Sh. P.K.	Albania	III	18.11.04	App	30.03.05	rejected
54400/00	Croituru	Romania	II	09.11.04	App	30.03.05	rejected
54825/00	Nevmerzhitsky	Ukraine	II	5.4.05	Gvt	12.10.05	rejected
55723/0	Fadeyeva	Russia	Former I	09.06.05	Gvt	30.11.05	rejected
55984/00	Goffi	Italy	III	24.03.5	Gvt	06.07.05	rejected
56007/00	Vural	Turkey	II	21.12.04	App	06.06.05	rejected
56581/00	Sejdovic	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
57001/00	Strain	Romania	III	21.07.05	Gvt	30.11.05	rejected
57470/00	Ouattara	France	II	02.08.05	App	30.11.05	rejected

Annual Report 2005: Grand Chamber

57742/00	Lebegue	France	III	22.12.04	App	06.06.05	rejected
57942/00, 57945/00	Khashiyev et Akayeva	Russia	Former I	24.02.05	Gvt	06.07.05	rejected
57947/00 57948/00 57949/00	Isaeva, Yusupova and Bazayeva	Russia	Former I	24.02.05	Gvt	06.07.05	rejected
57950/00	Isaeva	Russia	Former I	24.02.05	Gvt	06.07.05	rejected
58254/00	Frizen	Russia	I	24.03.05	Gvt	30.11.05	rejected
58906/00	Casalta	France	II	12.10.04	App	30.03.05	rejected
59304/00	Jankauskas	Lithuania	III	24.02.05	App	06.07.05	rejected
59450/00	Ramirez Sanchez	France	I	27.01.05	App	06.06.05	<b>ACCEPTED</b>
60480/00	Yemanakova	Russia	I	23.09.04	App	02.02.05	rejected
60654/00	Sisojeva and Others	Latvia	Former I	16.06.05	Gvt	30.11.05	<b>ACCEPTED</b>
60669/00	Kjartan Asmundsson	Iceland	II	12.10.04	Gvt	30.03.05	rejected
61333/00	Tregubenko	Ukraine	II	02.11.04	App	30.03.05	rejected
61517/00	F.W.	France	I	31.03.05	App	06.07.05	rejected
61530/00	Nagy et autres	Hungary	II	14.09.04	App	02.02.05	rejected
62152/00	Finazzi	Italy	I	10.11.04	Gvt	30.03.05	rejected
62194/00	Heger	Slovakia	IV	17.05.05	Gvt	12.10.05	rejected
62361/00	Riccardi Pizzati	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
62457/00	Carletti et Bonetti	Italy	I	10.11.04	Gvt	30.03.05	rejected
62592/00	Capone	Italy	I	15.07.05	Gvt	30.11.05	rejected
62608/00	Agrotehservis	Ukraine	II	05.07.05	App	30.11.05	rejected
63240/00	La Rosa and Alba (N° 6)	Italy	I	15.07.05	Gvt	30.11.05	rejected
63242/00	Donati	Italy	I	15.07.05	Gvt	30.11.05	rejected
63378/00	Mayzit	Russia	I	20.01.05	App	06.07.05	rejected
63527/00	Levshiny	Russia	II	09.11.04	App	30.03.05	rejected

Annual Report 2005: Grand Chamber

63861/00	Carletta	Italy	I	15.07.05	Gvt	30.11.05	rejected
63868/00	Colacrai	Italy	I	15.07.05	Gvt	30.11.05	rejected
64330/01	Antunes Rocha	Portugal	II	31.05.05	Gvt	12.10.05	rejected
64699/01	Musci	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
64705/01	Giuseppe Mostacciuolo n° 1	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
64737/01	Palenik	Czech Republic	II	21.06.05	Gvt	12.10.05	rejected
64886/01	Cocchiarella	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
64890/01	Apicella	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
64897/01	Ernestina Zullo	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
64935/01	Chmelir	Czech Republic	II	7.06.05	Gvt	12.10.05	rejected
65075/01	Giuseppina et Orestina Procaccini	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
65102/01	Giuseppe Mostacciuolo n° 2	Italy	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
65899/01	Tanis and Others	Turkey	IV	02.08.05	Gvt	30.11.05	rejected
66289/01	PY	France	Ancien II	11.01.05	App	06.06.05	rejected
67099/01	Solodyuk	Russia	IV	12.07.05	Gvt	30.11.05	rejected
67335/01	Achour	France	I	10.11.04	Gvt	30.03.05	<b>ACCEPTED</b>
67690/01	Kruk	Poland	IV	05.10.04	App	02.02.05	rejected
68138/01	Zazanis and Others	Greece	I	18.11.04	Gvt	30.03.05	rejected
68406/01, 68408/01 68412/01 68412/01	Rey et autres	France	II	05.10.04	App	02.02.05	rejected
68443/01	Baklanov	Russia	Former I	09.06.05	Gvt + App	30.11.05	rejected
69225/01	Fabre	France	II	02.11.04	App	30.03.05	rejected
69529/01	Pravednaya	Russia	I	18.11.04	App	30.03.05	rejected
69678/01	Cossec	France	II	14.12.04	App	06.06.05	rejected
71186/01	Fuklev	Ukraine	II	07.06.05	Gvt	30.11.05	rejected

Annual Report 2005: Grand Chamber

71614/01	Crnojevic	Croatia	I	21.10.04	App	30.03.05	rejected
71615/01	Meznaric	Croatia	I	15.07.05	Gvt	30.11.05	rejected
72701/00	Yakovlev	Russia	IV	15.03.05	App	06.07.05	rejected
72713/01	Ukrainian Media Group	Ukraine	Former II	29.03.05	Gvt	12.10.05	rejected
73116/01	Marik	Czech Republic	II	12.04.05	Gvt	12.10.05	rejected
73376/01	Szilagyi	Hungary	II	5.04.05	Gvt	12.10.05	rejected
73547/01	Jedamski & Jedamska	Poland	IV	26.07.05	App	30.11.05	rejected
74221/01	Dubenko	Ukraine	II	11.01.05	Gvt	06.06.05	rejected
74456/01	Horvathova	Slovakia	IV	17.05.05	Gvt	12.10.05	rejected
74587/01	Lacas	France	II	08.02.05	App	06.07.05	rejected
74727/01	Balliu	Albania	III	16.06.05	App	30.11.05	rejected
76024/01	Rapacciuolo	Italy	III	19.05.05	Gvt	12.10.05	rejected
76802/01	Hradecky	Czech Republic	II	05.10.04	App	02.02.05	rejected
76809/01	Baumann	Austria	Former IV	09.06.05	App	30.11.05	rejected
77762/01	Vitasek	Czech Republic	II	02.11.04	App	30.03.05	rejected
77785/01	Znamenskaya	Russia	I	2.6.05	Gvt	12.10.05	rejected
7893/02	Ghibusi	Romania	III	23.06.05	Gvt	12.10.05	rejected
9818/02	Palgutova	Slovakia	IV	17.05.05	Gvt	12.10.05	rejected