



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

1959 · 50 · 2009

Index

to the Information Notes on the Court's case-law 2008



The Information Note, compiled by the Registry's Case-Law Information and Publications Division, contains summaries of cases examined during the month in question which the Jurisconsult, the Section Registrars and the Head of the aforementioned Division have indicated as being of particular interest. The summaries are not binding on the Court. In the provisional version the summaries are normally drafted in the language of the case concerned, whereas the final single-language version appears in English and French respectively. The Information Note may be downloaded at <http://www.echr.coe.int/echr/NoteInformation/en>. A hard-copy subscription is available from <mailto:publishing@echr.coe.int> for EUR 30 (USD 45) per year, including an index.

In this Index the three-digit number forming part of the case reference indicates the issue of the Case-Law Information Note where the case was summarised.

CONTENTS

ARTICLE 1	p. 9
Responsibility of States	p. 9
ARTICLE 2	p. 9
Article 2 § 1	p. 9
Life	p. 9
Positive obligations	p. 10
Article 2 § 2	p. 11
Use of force	p. 11
ARTICLE 3	p. 11
Torture	p. 11
Inhuman or degrading treatment	p. 12
Inhuman treatment	p. 14
Degrading treatment	p. 15
Inhuman or degrading punishment	p. 15
Inhuman punishment	p. 15
Positive obligations	p. 16
Extradition	p. 16
Expulsion	p. 16
ARTICLE 5	p. 17
Article 5 § 1	p. 17
Deprivation of liberty	p. 17
Procedure prescribed by law	p. 18
Lawful arrest or detention	p. 18
Article 5 § 1 (f)	p. 19
Prevent unauthorised entry into country	p. 19
Extradition	p. 19

Article 5 § 2	p. 19
Information on reasons for arrest	p. 19
Article 5 § 3	p. 20
Brought “promptly” before a judge or other officer	p. 20
Length of pre-trial detention	p. 20
Article 5 § 4	p. 20
Review of lawfulness of detention	p. 20
ARTICLE 6	p. 21
Article 6 § 1 [civil]	p. 21
Applicability	p. 21
Civil rights and obligations	p. 21
Right to a court	p. 22
Access to court	p. 22
Fair hearing	p. 23
Equality of arms	p. 23
Independent and impartial tribunal	p. 23
Independent tribunal	p. 24
Impartial tribunal	p. 24
Public judgment	p. 24
Article 6 § 1 [criminal]	p. 24
Applicability	p. 24
Access to court	p. 25
Fair hearing	p. 25
Equality of arms	p. 26
Public hearing	p. 26
Independent and impartial tribunal	p. 27
Article 6 § 2	p. 27

Applicability	p. 27
Presumption of innocence	p. 27
Article 6 § 3 (c)	p. 28
Defence through legal assistance	p. 28
Article 6 § 3 (d)	p. 28
Examination of witnesses	p. 28
Article 6 § 3 (e)	p. 29
Free assistance of interpreter	p. 29
ARTICLE 7	p. 29
Article 7 § 1	p. 29
Nullum crimen sine lege	p. 29
Nulla poena sine lege	p. 30
Heavier penalty	p. 31
ARTICLE 8	p. 31
Private life	p. 31
Private and family life	p. 33
Family life	p. 35
Expulsion	p. 36
Home	p. 37
Correspondence	p. 38
ARTICLE 9	p. 38
Manifest religion or belief	p. 38
ARTICLE 10	p. 39
Freedom of expression	p. 39
Freedom to receive information	p. 42
Freedom to impart information	p. 43
ARTICLE 11	p. 43
Freedom of peaceful assembly	p. 43

Freedom of association	p. 44
ARTICLE 13	p. 44
Effective remedy	p. 44
Effective domestic remedy (Russia)	p. 45
ARTICLE 14	p. 46
Discrimination (Article 3)	p. 46
Discrimination (Article 6 § 1)	p. 46
Discrimination (Article 8)	p. 46
Discrimination (Article 8 of the Convention and Article 1 of Protocol No. 1)	p. 47
Discrimination (Article 9)	p. 47
Discrimination (Articles 9 and 12)	p. 47
Discrimination (Article 10)	p. 47
Discrimination (Article 11)	p. 48
Discrimination (Article 1 of Protocol No. 1)	p. 48
Discrimination (Article 2 of Protocol No. 1)	p. 48
ARTICLE 17	p. 49
Destruction of rights and freedoms	p. 49
ARTICLE 21	p. 49
Article 21 § 1	p. 49
Criteria for office	p. 49
ARTICLE 34	p. 49
Defendant State party	p. 49
Victim	p. 50
Hinder exercise of the right of petition	p. 51
ARTICLE 35	p. 52
Article 35 § 1	p. 52
Exhaustion of domestic remedy (Denmark)	p. 52

Exhaustion of domestic remedy	
Effective domestic remedy (“the former Yugoslav Republic of Macedonia”)	p. 52
Effective domestic remedy (France)	p. 52
Six month period	p. 52
Article 35 § 3	p. 53
Competence <i>ratione temporis</i>	p. 53
Continuing situation	p. 54
Competence <i>ratione personae</i>	p. 54
Abuse of the right of petition	p. 54
ARTICLE 37	p. 54
Article 37 § 1	p. 54
Striking out applications	p. 54
Respect for human rights	p. 55
Matter resolved	p. 55
Continued examination not justified	p. 55
ARTICLE 38	p. 56
Furnish all necessary facilities	p. 56
ARTICLE 41	p. 56
Just satisfaction	p. 56
ARTICLE 46	p. 57
Execution of a judgment	p. 57
ARTICLE 47	p. 58
Advisory opinions	p. 58
ARTICLE 1 OF PROTOCOL No. 1	p. 58
Possessions	p. 58
Peaceful enjoyment of possessions	p. 59
Positive obligations	p. 60
Deprivation of property	p. 61

Control of the use of property	p. 61
ARTICLE 2 OF PROTOCOL No. 1	p. 62
Right to education	p. 62
Respect for parents' religious convictions	p. 62
ARTICLE 3 OF PROTOCOL No. 1	p. 62
Free expression of opinion of people	p. 62
Choice of the legislature	p. 63
Vote	p. 63
Stand for election	p. 64
ARTICLE 2 OF PROTOCOL No. 4	p. 65
Freedom of movement	p. 65
ARTICLE 1 OF PROTOCOL No. 7	p. 65
Review of expulsion decision	
Expulsion before exercising procedural rights	p. 65
ARTICLE 3 OF PROTOCOL No. 7	p. 65
Compensation	p. 65
ARTICLE 1 OF PROTOCOL No. 12	p. 65
General prohibition of discrimination	p. 65
RULE 39 OF THE RULES OF COURT	p. 66
Interim measures / Mesures provisoires	p. 66
RULE 43 § 4 OF THE RULES OF COURT	p. 66
Expenses assessed by court after striking out of list	p. 67

ARTICLE 1

RESPONSIBILITY OF STATES

Dispute falling entirely within internal legal system of an international organisation endowed with its own legal personality separate from that of its members: *inadmissible*.

BOIVIN - France, Belgium and 32 member States of the Council of Europe (No. 73250/01)
Decision 9.9.2008 [Section V] - No. 111

Question as to jurisdiction of the United Kingdom in relation to the alleged killing of Iraqi nationals by members of the British Armed Forces in Iraq: *communicated*.

AL-SKEINI and Others - the United Kingdom (No. 55721/07)
[Section IV] - No. 114

ARTICLE 2

Article 2 § 1

LIFE

Disappearance of applicants' relatives in Chechnya during military operations: *violations*.

BETAYEV and BETAYEVA - Russia (No. 37315/03)
GEKHAYEVA and Others - Russia (No. 1755/04)
IBRAGIMOV and Others - Russia (No. 34561/03)
SANGARIYEVA and Others - Russia (No. 1839/04)
Judgments 29.5.2008 [Section I] - No. 108

Suicide of a conscript during military service following injuries and blows inflicted by a non-commissioned officer: *violation*.

ABDULLAH YILMAZ - Turkey (No. 21899/02)
Judgment 17.6.2008 [Section II] - No. 109

Relatives of Polish officers executed by the USSR during World War II denied victim status and access to investigation file: *communicated*.

JANOWIEC and TRYBOWSKI - Russia (No. 55508/07)
[Section I] - No. 112

Inadequate medical treatment during pre-trial detention and failure to investigate: *violation*.

DZIECIAK - Poland (No. 77766/01)
Judgment 9.12.2008 [Section IV] - No. 114

POSITIVE OBLIGATIONS

Lack of accountability for disappearance of a patient from a nursing home: *violation*.

DODOV - Bulgaria (No. 59548/00)
Judgment 17.1.2008 [Section V] - No. 104

Failure to conduct effective investigation into fate of Greek-Cypriots who had gone missing during the Turkish military operations in northern Cyprus in 1974: *violation (case referred to the Grand Chamber)*.

VARNAVA and Others - Turkey (No. 16064/90 and 8 Other cases)
Judgment 10.1.2008 [Section III] - No. 104

Failure by authorities to take proper steps to trace applicant's son following his reported abduction in south-east Turkey: *violation*.

OSMANOĞLU - Turkey (No. 48804/99)
Judgment 24.1.2008 [Section I] - No. 104

Failure by authorities to implement land-planning and emergency-relief policies in the light of foreseeable risk of a mudslide that would lead to loss of life: *violations*.

BUDAYEVA and Others - Russia (Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02)
Judgment 20.3.2008 [Section II] - No. 106

Suicide of a conscript during military service following injuries and blows inflicted by a non-commissioned officer: *violation*.

ABDULLAH YILMAZ - Turkey (No. 21899/02)
Judgment 17.6.2008 [Section II] - No. 109

Failure to conduct effective investigation into fate of Greek-Cypriots who had gone missing during the Turkish military operations in northern Cyprus in 1974: *case referred to the Grand Chamber*.

VARNAVA and Others - Turkey (No. 16064/90, etc.)
Judgment 10.1.2008 [Section III] - No. 110

Suicide of mentally disturbed prisoner in disciplinary cell: *violation*.

RENOLDE - France (No. 5608/05)
Judgment 16.10.2008 [Section V] - No. 112

Relatives of Polish officers executed by the USSR during World War II denied victim status and access to investigation file: *communicated*.

JANOWIEC and TRYBOWSKI - Russia (No. 55508/07)
[Section I] - No. 112

Inadequate medical treatment during pre-trial detention and failure to investigate: *violation*.

DZIECIAK - Poland (Nos. 77766/01)
Judgment 9.12.2008 [Section IV] - No. 114

Article 2 § 2

USE OF FORCE

Undisputed use of lethal force by State agents and effectiveness of the investigation: *violation*.

MANSUROĞLU - Turkey (No. 43443/98)
Judgment 26.2.2008 [Section IV] - No. 105

Serious injury caused by stray bullet fired from a police officer's gun during an operation to break up a demonstration: *violation*.

EVİRİM ÖKTEM - Turkey (No. 9207/03)
Judgment 4.11.2008 [Section III] - No. 113

ARTICLE 3

TORTURE

Ill-treatment of persons held for questioning and failure to follow correct procedures when prosecuting those responsible: *violations*.

MASLOVA and NALBANDOV - Russia (No. 839/02)
Judgment 24.1.2008 [Section I] - No. 104

Ill-treatment and unjustified use of truncheons against detainees and lack of effective investigation: *violation*.

DEDOVSKI and Others - Russia (No. 7178/03)

Judgment 15.5.2008 [Section I] - No. 108

Disproportionate and unjustified use of truncheons against a detainee and lack of effective investigation: *violation*.

VLADIMIR ROMANOV - Russia (No. 41461/02)

Judgment 24.7.2008 [Section I] - No. 110

INHUMAN OR DEGRADING TREATMENT

Ill-treatment of persons held for questioning and failure to follow correct procedures when prosecuting those responsible: *violations*.

MASLOVA and NALBANDOV - Russia (No. 839/02)

Judgment 24.1.2008 [Section I] - No. 104

Detention of illegal aliens in the transit zone of an airport for more than ten days without providing for their basic needs: *violation*.

RIAD and IDIAB - Belgium (Nos. 29787/03 and 29810/03)

Judgment 24.1.2008 [Section I] - No. 104

Lack of medical assistance to a HIV-positive detainee and State's failure to comply with Rule 39 measures in connection therewith: *communicated*.

ALEKSANYAN - Russia (No. 46468/06)

Partial Decision partielle 24.1.2008 [Section I] - No. 104

Mandatory life sentence with no prospect of release for good behaviour following changes to the legislation: *no violation*.

KAFKARIS - Cyprus (No. 21906/04)

Judgment 12.2.2008 [GC] - No. 105

Allegations of ill-treatment during an operation by security forces against the PKK in a state-of-emergency region: *violation*.

MANSUROĞLU - Turkey (No. 43443/98)

Judgment 26.2.2008 [Section IV] - No. 105

Amount of old-age pension insufficient to maintain adequate standard of living: *communicated*.

BUDINA - Russia (No. 45603/05)
Partial Decision partielle 12.2.2008 [Section I] - No. 105

Racially motivated ill-treatment of a Roma minor by a police officer during an incident between officials and Roma and lack of effective investigation: *violation*.

STOICA - Romania (No. 42722/02)
Judgment 4.3.2008 [Section III] - No. 106

Woman of Roma origin allegedly sterilised without her consent: *communicated*.

V.C. - Slovakia (No. 18968/07)
[Section IV] - No. 107

Failure to secure the well-being of prisoners subjected to ethnically-motivated violence: *violation*.

RODIĆ and Others - Bosnia and Herzegovina (No. 22893/05)
Judgment 27.5.2008 [Section IV] - No. 108

Imposition of a life sentence in Italy: *inadmissible*.

GARAGIN - Italy (No. 33290/07)
Decision 29.4.2008 [Section II] - No. 108

Applicant held for 34 days in a cell designed for short-term administrative detention not exceeding three hours: *violation*.

SHCHEBET - Russia (No. 16074/07)
Judgment 12.6.2008 [Section I] - No. 109

Conditions of detention of and lack of proper medical care for a prisoner suffering from Hepatitis-B-induced cirrhosis: *violation*.

KOTSAFTIS - Greece (No. 39780/06)
Judgment 12.6.2008 [Section I] - No. 109

Surgery performed on drug-trafficker without his consent: *no violation*.

BOGUMIL - Portugal (No. 35228/03)
Judgment 7.10.2008 [Section II] - No. 112

Conditions of detention and transport of a remand prisoner: *violations*.

MOISEYEV - Russia (No. 62936/00)
Judgment 9.10.2008 [Section I] - No. 112

Placement of mentally disturbed prisoner in disciplinary cell for forty-five days: *violation*.

RENOLDE - France (No. 5608/05)
Judgment 16.10.2008 [Section V] - No. 112

Moral suffering endured by members of a family as a result of the dismemberment and decapitation of their abducted relatives' bodies: *violation*.

KHADZHIALIYEV and Others - Russia (No. 3013/04)
Judgment 6.11.2008 [Section I] - No. 113

Statutory ban on returning the bodies of terrorists for burial: *admissible*.

SABANCHIYEVA and Others - Russia (No. 38450/05)
Decision 6.11.2008 [Section I] - No. 113

Appalling conditions of storage of the bodies of the applicants' deceased relatives: *admissible*.

SABANCHIYEVA and Others - Russia (No. 38450/05)
Decision 6.11.2008 [Section I] - No. 113

Failure to enforce Human Rights Chamber decisions ordering Bosnia and Herzegovina to protect the well-being and obtain the return of terrorist suspects detained in Guantánamo Bay: *inadmissible*.

BOUMEDIENE - Bosnia and Herzegovina (No. 38703/06) and 5 other cases (Nos. 40123/06, 43301/06, 43302/06, 2131/07 and 2141/07)
Decision 18.11.2008 [Section IV] - No. 113

Lack of medical assistance to a HIV-positive detainee and State's failure to comply with Rule 39 measures in connection therewith: *violation*.

ALEKSANYAN - Russia (No. 46468/06)
Judgment 22.12.2008 [Section I] - No. 114

INHUMAN TREATMENT

Silence of authorities in face of real concerns about the fate of Greek-Cypriots who had gone missing during the Turkish military operations in northern Cyprus in 1974: *violation (case referred to the Grand Chamber)*.

VARNAVA and Others - Turkey (No. 16064/90 and 8 Other cases)
Judgment 10.1.2008 [Section III] - No. 104

Nature of threats of physical harm made by police interrogators in an attempt to secure information from a suspected child abductor regarding the missing child's whereabouts: *inhuman treatment (case referred to the Grand Chamber)*.

GÄFGEN - Germany (No. 22978/05)
Judgment 30.6.2008 [Section V] - Nos. 109, 113

DEGRADING TREATMENT

Decision to place child in care because of suspected abuse after failure to diagnose brittle-bone disease: *inadmissible*.

D. and Others - the United Kingdom (No. 38000/05)
Decision 12.2.2008 [Section IV] - No. 105

Obligation for a seventy-one year old to perform military service: *violation*.

TASTAN - Turkey (No. 63748/00)
Judgment 4.3.2008 [Section II] - No. 106

INHUMAN OR DEGRADING PUNISHMENT

Imposition of a life sentence in Italy: *inadmissible*.

GARAGIN - Italy (No. 33290/07)
Decision 29.4.2008 [Section II] - No. 108

INHUMAN PUNISHMENT

Excessive level of physical exercise imposed as punishment on conscript known to be suffering from health problems and failure to conduct effective investigation: *violations*.

CHEMBER - Russia (No. 7188/03)
Judgment 3.7.2008 [Section I] - No. 110

POSITIVE OBLIGATIONS

Disproportionate and unjustified use of truncheons against a detainee and lack of effective investigation: *violation*.

VLADIMIR ROMANOV - Russia (No. 41461/02)
Judgment 24.7.2008 [Section I] - No. 110

EXTRADITION

Applicants risking ill-treatment if extradited to Uzbekistan: *violation*.

ISMOILOV and Others - Russia (No. 2947/06)
Judgment 24.4.2008 [Section I] - No. 107

Proposed extradition of applicant to Turkmenistan where he risked treatment proscribed by the Convention: *extradition would constitute a violation*.

RYABIKIN - Russia (No. 8320/04)
Judgment 19.6.2008 [Section I] - No. 109

Risk of ill-treatment if extradited to Turkmenistan : *extradition would constitute a violation*.

SOLDATENKO - Ukraine (No. 2440/07)
Judgment 23.10.2008 [Section V] - No. 112

EXPULSION

Risk of ill-treatment in case of deportation to Tunisia of a terrorist who had been tried *in absentia*: *deportation would constitute a violation*.

SAADI - Italy (No. 37201/06)
Judgment 28.2.2008 [GC] - No. 105

Proposed removal of HIV patient to her country of origin, where her access to appropriate medical treatment was uncertain: *removal would not constitute a violation*.

N. - the United Kingdom (No. 26565/05)
Judgment 27.5.2008 [GC] - No. 108

Risk of ill-treatment in case of expulsion to Algeria of a terrorist suspect: *admissible*.

RAMZY - Netherlands (No. 25424/05)
Decision 27.5.2008 [Section III] - No. 108

Proposed deportation of Tamil asylum seeker to Sri Lanka: *expulsion would violate Article 3*.

N.A. - the United Kingdom (No. 25904/07)
Judgment 17.7.2008 [Section IV] - No. 110

Expulsion to China despite grant of refugee status by UNHCR: *no violation*.

Y. - Russia (No. 20113/07)
Judgment 4.12.2008 [Section I] - No. 114

Proposed removal of Iranian asylum seeker to Greece under the Dublin Regulation: *inadmissible*.

K.R.S. - the United Kingdom (No. 32733/08)
Decision 2.12.2008 [Section IV] - No. 114

ARTICLE 5

Article 5 § 1

DEPRIVATION OF LIBERTY

Failure to conduct effective investigation into arguable claim that missing Greek-Cypriots may have been detained during Turkish military operations in northern Cyprus in 1974: *violation (case referred to the Grand Chamber)*.

VARNAVA and Others - Turkey (No. 16064/90 and 8 Other cases)
Judgment 10.1.2008 [Section III] - No. 104

Applicant's continued placement in preventive detention beyond the maximum period authorised at the time of his placement: *admissible*.

M. - Germany (No. 19359/04)
Decision 1.7.2008 [Section V] - No. 111

PROCEDURE PRESCRIBED BY LAW

Confinement to ship of crew of a foreign vessel that had been arrested on the high seas: *violation* (case referred to the Grand Chamber).

MEDVEDYEV and Others - France (No. 3394/03)
Judgment 10.7.2008 [Section V] - Nos. 110, 113

LAWFUL ARREST OR DETENTION

Continued detention of illegal aliens in the transit zone of an airport and in an immigration centre in breach of order for their release: *violation*.

RIAD and IDIAB - Belgium (No. 29787/03 et 29810/03)
Judgment 24.1.2008 [Section I] - No. 104

Arbitrary detention based on erroneous conclusion that the applicant sought to evade justice: *violation*.

LADENT - Poland (No. 11036/03)
Judgment 18.3.2008 [Section IV] - No. 106

Court orders detention to continue even though it finds the original detention order to be unlawful: *case referred to the Grand Chamber*.

MOOREN - Germany (No. 11364/03)
Judgment 13.12.2007 [Section V] - No. 108

Calculation of total period to be served after applicant received prison sentences from two different courts: *inadmissible*.

GARAGIN - Italy (No. 33290/07)
Decision 29.4.2008 [Section II] - No. 108

Unrecorded detention without a judicial decision: *violation*.

SHCHEBET - Russia (No. 16074/07)
Judgment 12.6.2008 [Section I] - No. 109

Pre-trial detention following the quashing of a presidential amnesty: *violation*.

LEXA - Slovakia (No. 54334/00)
Judgment 23.9.2008 [Section IV] - No. 111

Applicant's continued placement in preventive detention beyond the maximum period authorised at the time of his placement: *admissible*.

M. - Germany (No. 19359/04)
Decision 1.7.2008 [Section V] - No. 111

Transfer to a psychiatric hospital of a person under house arrest without the requisite court order: *violation*.

GULUB ATANASOV - Bulgaria (No. 73281/01)
Judgment 6.11.2008 [Section V] - No. 113

Article 5 § 1 (f)

PREVENT UNAUTHORISED ENTRY INTO COUNTRY

Seven-day detention in reception centre for asylum-seeker who had been granted “temporary admission”: *no violation*.

SAADI - the United Kingdom (No. 13229/03)
Judgment 29.1.2008 [GC] - No. 104

EXTRADITION

Lack of a sufficiently accessible, precise and foreseeable procedure under Ukrainian law to avoid arbitrary detention pending extradition: *violation*.

SOLDATENKO - Ukraine (No. 2440/07)
Judgment 23.10.2008 [Section V] - No. 112

Article 5 § 2

INFORMATION ON REASONS FOR ARREST

76-hour delay in informing “temporarily admitted” asylum-seeker of the grounds for his later detention in a reception centre: *violation*.

SAADI - the United Kingdom (No. 13229/03)
Judgment 11.7.2006 [Section IV] - No. 104

Article 5 § 3

BROUGHT “PROMPTLY” BEFORE A JUDGE OR OTHER OFFICER

Suspects in criminal proceedings not brought before a judge for a review of the lawfulness of their detention until nine days after their arrest: *violation*.

SAMOILA and CIONCA - Romania (No. 33065/03)
Judgment 4.3.2008 [Section III] - No. 106

Period of 16 days' detention before detainees were brought before a judicial authority following the arrest of their vessel on the high seas: *no violation (case referred to the Grand Chamber)*.

MEDVEDYEV and Others - France (No. 3394/03)
Judgment 10.7.2008 [Section V] - Nos. 110, 113

Duration of police custody (three days and twenty-three hours): *violation*.

KANDZHOV - Bulgaria (No. 68294/01)
Judgment 6.11.2008 [Section V] - No. 113

LENGTH OF PRE-TRIAL DETENTION

Pre-trial detention of a minor for 48 days in an adult facility: *violation*.

NART - Turkey (No. 20817/04)
Judgment 6.5.2008 [Section II] - No. 108

Extension of remand prisoner's detention on insufficient grounds: *violation*.

MOISEYEV - Russia (No. 62936/00)
Judgment 9.10.2008 [Section I] - No. 112

Article 5 § 4

REVIEW OF LAWFULNESS OF DETENTION

Refusal of Supreme Court to review the lawfulness of continued detention: *violation*.

SAMOILA and CIONCA - Romania (No. 33065/03)
Judgment 4.3.2008 [Section III] - No. 106

ARTICLE 6

Article 6 § 1 [civil]

APPLICABILITY

Disciplinary proceedings resulting in restriction on family visits to prison: *Article 6 applicable; violation (unfair proceedings)*.

GÜLMEZ - Turkey (No. 16330/02)
Judgment 20.5.2008 [Section II] - No. 108

No right under domestic law to obtain a permit to provide betting and gaming services: *inadmissible*.

LADBROKES WORLDWIDE BETTING - Sweden (No. 27968/05)
Decision 6.5.2008 [Section III] - No. 108

Applicability of Article 6 to interlocutory proceedings: *case referred to the Grand Chamber*.

MICALLEF - Malta (No. 17056/06)
Judgment 15.1.2008 [Section IV] - No. 110

Civil nature of the right to pursue university studies: *violation*.

ÉMINE ARAC - Turkey (No. 9907/02)
Judgment 23.9.2008 [Section II] - No. 111

Decision to transfer a priest to another parish: *no violation*.

AHTINEN - Finland (No. 48907/99)
Judgment 23.9.2008 [Section IV] - No. 111

CIVIL RIGHTS AND OBLIGATIONS

Dispute concerning validity of search and seizure operations carried out by tax authorities: *Article 6 applicable*.

RAVON and Others - France (No. 18497/03)
Judgment 21.2.2008 [Section III] - No. 105

Dispute concerning prisoner's transfer to a high security wing: *relinquishment in favour of the Grand Chamber*.

ENEA - Italy (No. 74912/01)

[Section II] - No. 110

RIGHT TO A COURT

Quashing, by way of supervisory review, of a final judgment adversely affecting the rights of a third person: *no violation*.

PROTSENKO - Russia (No. 13151/04)

Judgment 31.7.2008 [Section I] - No. 110

ACCESS TO COURT

Access to “court” to challenge validity of orders authorising search and seizure operations in the applicant's home by the tax authorities: *violation*.

RAVON and Others - France (No. 18497/03)

Judgment 21.2.2008 [Section III] - No. 105

Criminal courts' refusal to hear civil claim owing to statutory limitation in the criminal proceedings: *violation*.

ATANASOVA - Bulgaria (No. 72001/01)

Judgment 2.10.2008 [Section V] - No. 112

Inability to exercise remedies in access proceedings owing to failure to pay stamp duty: *violation*.

IODACHE - Romania (No. 6817/02)

Judgment 14.10.2008 [Section III] - No. 112

Unwarranted refusal to examine merits of the applicant's case: *violation*.

BLUMBERGA - Latvia (No. 70930/01)

Judgment 14.10.2008 [Section III] - No. 112

Scope of change in the case-law in a civil case: *no violation*.

UNEDIC - France (No. 20153/04)

Judgment 18.12.2008 [Section V] - No. 114

State immunity from jurisdiction in proceedings concerning claim for damages for dismissal: *relinquishment in favour of Grand Chamber*.

SABEH EL LEIL - France (No. 34869/05)

[Section V] - No. 114

FAIR HEARING

Disciplinary proceedings resulting in restriction on family visits to prison: *Article 6 applicable; violation (unfair proceedings)*.

GÜLMEZ - Turkey (No. 16330/02)

Judgment 20.5.2008 [Section II] - No. 108

Conflict in case-law arising out of decisions of Supreme Court: *inadmissible*.

SCHWARZKOPF and TAUSSIK - Czech Republic (No. 42162/02)

Decision 2.12.2008 [Section V] - No. 114

Scope of change in the case-law in a civil case: *no violation*.

UNEDIC - France (No. 20153/04)

Judgment 18.12.2008 [Section V] - No. 114

EQUALITY OF ARMS

Refusal to hear witnesses called by one party to a civil action for reasons which contradicted the court's decision to hear witnesses called by the other party: *violation*.

PERIĆ - Croatia (No. 34499/06)

Judgment 27.3.2008 [Section I] - No. 106

INDEPENDENT AND IMPARTIAL TRIBUNAL

Absence of right to appeal against a receivership order to a judicial body with full jurisdiction: *violation*.

DRUŽSTEVNÍ ZÁLOŽNA PRIA and Others - Czech Republic (No. 72034/01)

Judgment 31.7.2008 [Section V] - No. 110

INDEPENDENT TRIBUNAL

Administrative and material dependence of military courts and their members *vis-à-vis* the Ministry of Defence: *violation*.

MIROSHNIK - Ukraine (No. 75804/01)
Judgment 27.11.2008 [Section V] - No. 113

IMPARTIAL TRIBUNAL

Statutory impossibility to challenge a judge on the basis of his/her family ties with a party's advocate: *violation (case referred to the Grand Chamber)*.

MICALLEF - Malta (No. 17056/06)
Judgment 15.1.2008 [Section IV] - Nos. 104, 110

PUBLIC JUDGMENT

Failure to state reasons for civil judgment in public: *violation*.

RYAKIB BIRYUKOV - Russia (No. 14810/02)
Judgment 17.1.2008 [Section I] - No. 104

Article 6 § 1 [criminal]

APPLICABILITY

Unfair criminal proceedings following the accused's death: *violation of the widow's right to a fair trial*.

GRADINAR - Moldova (No. 7170/02)
Judgment 8.4.2008 [Section IV] - No. 107

Applicability of Article 6 to European arrest warrant procedure: *inadmissible*.

MONEDERO ANGORA - Spain (No. 41138/05)
Decision 7.10.2008 [Section III] - No. 112

ACCESS TO COURT

Inability of a parliamentarian to have his parliamentary immunity lifted to enable him to defend himself in criminal proceedings: *violation (case referred to the Grand Chamber)*.

KART - Turkey (No. 8917/05)
Judgment 8.7.2008 [Section II] - Nos. 110, 113

FAIR HEARING

Conviction of the offence of bribery incited by the police: *violation*.

RAMANAUSKAS - Lithuania (No. 74420/01)
Judgment 5.2.2008 [GC] - No. 105

Unfair criminal proceedings following the accused's death: *violation of the widow's right to a fair trial*.

GRADINAR - Moldova (No. 7170/02)
Judgment 8.4.2008 [Section IV] - No. 107

Conviction of the offence of bribery investigated upon a complaint and with collaboration of a private individual: *no violation*.

MILINIENE - Lithuania (No. 74355/01)
Judgment 24.6.2008 [Section II] - No. 109

Conviction based on confession made in the absence of a lawyer and retracted immediately the lawyer was present: *violation*.

YAREMENKO - Ukraine (No. 32092/02)
Judgment 12.6.2008 [Section V] - No. 109

Decision by criminal court to admit evidence obtained from information provided in confessions it had ruled inadmissible: *no violation (case referred to the Grand Chamber)*.

GÄFGEN - Germany (No. 22978/05)
Judgment 30.6.2008 [Section V] - Nos. 109, 113

Partial shifting of burden of proof onto defendant for purposes of calculating amount of confiscation order in drug-trafficking cases: *no violation*.

GRAYSON and BARNHAM - the United Kingdom (Nos. 19955/05 and 15085/06)
Judgment 23.9.2008 [Section IV] - No. 111

Procedural unfairness and lack of adequate facilities to prepare defence in criminal trial: *violation*.

MOISEYEV - Russia (No. 62936/00)
Judgment 9.10.2008 [Section I] - No. 112

Undermining of the applicant's defence by sentencing of his lawyer for contempt of court: *violation*.

PANOVITS - Cyprus (No. 4268/04)
Judgment 11.12.2008 [Section I] - No. 114

Trial court's refusal to disclose to the defence materials relating to surveillance operation or to admit statements obtained from key witnesses by the defence: *violation*.

MIRILASHVILI - Russia (No. 6293/04)
Judgment 11.12.2008 [Section I] - No. 114

Lack of a public hearing before appellate court: *no violation*.

BAZO GONZÁLEZ - Spain (No. 30643/04)
Judgment 16.12.2008 [Section III] - No. 114

EQUALITY OF ARMS

Trial court's refusal to disclose to the defence materials relating to surveillance operation or to admit statements obtained from key witnesses by the defence: *violation*.

MIRILASHVILI - Russia (No. 6293/04)
Judgment 11.12.2008 [Section I] - No. 114

PUBLIC HEARING

Lack of a public hearing before appellate court: *no violation*.

BAZO GONZÁLEZ - Spain (No. 30643/04)
Judgment 16.12.2008 [Section III] - No. 114

INDEPENDENT AND IMPARTIAL TRIBUNAL

Granting lay judges access to the bill of indictment containing the essential findings of the investigation against the applicant: *no violation*.

ELEZI - Germany (No. 26771/03)
Judgment 12.6.2008 [Section V] - No. 109

Article 6 § 2

APPLICABILITY

Criminal proceedings in another country sufficient for Article 6 § 2 to apply to related extradition proceedings: *violation*.

ISMOILOV and Others - Russia (No. 2947/06)
Judgment 24.4.2008 [Section I] - No. 107

PRESUMPTION OF INNOCENCE

Collection of personal identification data for police records following the discontinuance of criminal investigation: *communicated*.

MANKA - Germany (No. 23210/04)
[Section V] - No. 104

Remand prisoner forced to wear convicted prisoner's uniform at hearing of an application for his release on bail: *violation*.

SAMOILA and CIONCA - Romania (No. 33065/03)
Judgment 4.3.2008 [Section III] - No. 106

Specific remedies available in domestic law for violations of the presumption of innocence: *inadmissible (non-exhaustion of domestic remedies)*.

MARCHIANI - France (No. 30392/03)
Decision 27.5.2008 [Section V] - No. 108

Article 6 § 3 (c)

DEFENCE THROUGH LEGAL ASSISTANCE

Refusal of legal aid to contest tax surcharge: *inadmissible*.

BARSOM and VARLI - Sweden (Nos. 40766/06 and 40831/06)
Decision 4.12.2007 [Section III] - No. 104

Lawyer dismissed from the case for having advised his client not to testify against himself: *violation*.

YAREMENKO - Ukraine (No. 32092/02)
Judgment 12.6.2008 [Section V] - No. 109

Failure by domestic courts to ensure practical and effective compliance with rights of the defence: *violation*.

BOGUMIL - Portugal (No. 35228/03)
Judgment 7.10.2008 [Section II] - No. 112

Use in evidence of confession to police of a minor who had been denied access to a lawyer: *violation*.

SALDUZ - Turkey (No. 36391/02)
Judgment 27.11.2008 [GC] - No. 113

Failure to inform the applicant, who was a minor, of his right to consult a lawyer prior to first police questioning: *violation*.

PANOVITS - Cyprus (No. 4268/04)
Judgment 11.12.2008 [Section I] - No. 114

Article 6 § 3 (d)

EXAMINATION OF WITNESSES

Refusal to hear witnesses allegedly crucial for the applicant's defence: *admissible*.

SUTYAGIN - Russia (No. 30024/02)
Decision 8.7.2008 [Section I] - No. 110

Inability to question experts on whose expert opinion the court based its judgment: *violation*.

BALSYTE-LIDEIKIENE - Lithuania (No. 72596/01)
Judgment 4.11.2008 [Section II] - No. 113

Article 6 § 3 (e)

FREE ASSISTANCE OF INTERPRETER

Inconsistencies in the Supreme Court's case-law on the payment of the interpreters' fees of convicted persons: *violation*.

ISYAR - Bulgaria (No. 391/03)
Judgment 20.11.2008 [Section V] - No. 113

ARTICLE 7

Article 7 § 1

NULLUM CRIMEN SINE LEGE

Conviction of genocide in respect of acts committed in 1949: *communicated*.

LARIONOV - Latvia (No. 45520/04)
[Section III] - No. 105

Conflicting statutory provisions concerning meaning of a sentence of life imprisonment for the purposes of establishing eligibility for remission: *violation*.

KAFKARIS - Cyprus (No. 21906/04)
Judgment 12.2.2008 [GC] - No. 105

Change of law on remission for good behaviour in case of a life prisoner who had been informed at the outset by the trial court that his sentence meant imprisonment for life: *no violation*.

KAFKARIS - Cyprus (No. 21906/04)
Judgment 12.2.2008 [GC] - No. 105

Retrospective application of law through the applicant's conviction of war crimes for his part in a punitive military expedition on villagers during the Second World War: *violation*.

KONONOV - Latvia (No. 36376/04)
Judgment 24.7.2008 [Section III] - No. 110

Employee working for a company based in the Netherlands convicted for lacking a residence permit in Germany: *inadmissible*.

TOLGYESI - Germany (No. 554/03)
Decision 8.7.2008 [Section V] - No. 110

Conviction in respect of an act which did not constitute an offence under the relevant international law at the time of its commission: *violation*.

KORBELY - Hungary (No. 9174/02)
Judgment 19.9.2008 [GC] - No. 111

Conviction for sale of adulterated product, which had been notified to the Belgian authorities, containing an additive prohibited by Community regulations incorporated into French law: *inadmissible*.

OOMS - France (No. 38126/06)
Decision 25.9.2008 [Section V] - No. 111

NULLA POENA SINE LEGE

Effect of the entry into force on the date of his conviction of a legislative-decree liable to affect the applicant's situation: *admissible (relinquishment in favour of the Grand Chamber)*.

SCOPPOLA - Italy (No. 10249/03)
Decision 13.5.2008 [Section II] - No. 109

Effect of the entry into force on the date of his conviction of a legislative-decree liable to affect the applicant's situation: *relinquishment in favour of the Grand Chamber*.

SCOPPOLA - Italy (No. 10249/03)
[Section II] - No. 112

HEAVIER PENALTY

Final calculation of total period to be served after applicant received two prison sentences that led to a longer deprivation of liberty than that initially indicated by State Counsel's Office: *inadmissible*.

GARAGIN - Italy (No. 33290/07)
Decision 29.4.2008 [Section II] - No. 108

Retrospective extension of preventive detention from a maximum of ten years to an unlimited period of time: *admissible*.

M. - Germany (No. 19359/04)
Decision 1.7.2008 [Section V] - No. 111

ARTICLE 8

PRIVATE LIFE

Decision not to implement a needle-exchange programme for drug users in prisons to help prevent the spread of viruses: *inadmissible*.

SHELLEY - the United Kingdom (No. 23800/06)
Decision 4.1.2008 [Section IV] - No. 104

Fairness of proceedings for an order depriving a patient suffering from borderline mental illness of his legal capacity, and inability of the patient to challenge that order or his subsequent confinement in a psychiatric hospital: *violation*.

SHTUKATUROV - Russia (No. 44009/05)
Judgment 27.3.2008 [Section I] - No. 106

Alleged failure by the authorities to prevent nuisance caused by activities of a car-repair garage illegally built in a residential area: *inadmissible*.

FURLEPA - Poland (No. 62101/00)
Decision 18.3.2008 [Section IV] - No. 106

Restrictions on obtaining an abortion in Ireland: *communicated*.

A., B. and C. - Ireland (No. 25579/05)
[Section III] - No. 108

Gynaecological examination imposed on a detainee without her free and informed consent: *violation*.

JUHNKE - Turkey (No. 52515/99)
Judgment 13.5.2008 [Section IV] - No. 108

Ruling by Court of Cassation that a special procedure that had to be followed before the telephone calls of a member of the national parliament could be monitored did not apply to the monitoring of calls of members of the European Parliament: *inadmissible*.

MARCHIANI - France (No. 30392/03)
Decision 27.5.2008 [Section V] - No. 108

Insufficient protection of medical records of HIV-positive nurse from unauthorised access: *violation*.

I. - Finland (No. 20511/03)
Judgment 17.7.2008 [Section IV] - No. 110

Applicant obliged to change the name she had taken more than fifty years previously: *violation*.

DARÓCZY - Hungary (No. 44378/05)
Judgment 1.7.2008 [Section II] - No. 110

Dismissal of a probation officer working with sex offenders for engaging in sadomasochistic performances in a nightclub and on the Internet: *inadmissible*.

PAY - the United Kingdom (No. 32792/05)
Decision 16.9.2008 [Section IV] - No. 111

Surgery performed on drug-trafficker without his consent: *no violation*.

BOGUMIL - Portugal (No. 35228/03)
Judgment 7.10.2008 [Section II] - No. 112

Allegations in satirical magazine that politician had collaborated with former Communist repressive regime: *violation*.

PETRINA - Romania (No. 78060/01)
Judgment 14.10.2008 [Section III] - No. 112

Photographs of a defendant in criminal proceedings released to the press and shown on television, without his consent: *violation*.

KHUZHIN and Others - Russia (No. 13470/02)
Judgment 23.10.2008 [Section I] - No. 112

Refusal to make medication available to assist suicide of a mental patient: *communicated*.

HAAS - Switzerland (No. 31322/07)
[Section I] - No. 112

Keeping of inaccurate police records and its forwarding to public authorities: *violation*.

CEMALETTİN CANLI - Turkey (No. 22427/04)
Judgment 18.11.2008 [Section II] - No. 113

Insufficient redress in breach of privacy cases: *violations*.

ARMONAS - Lithuania (No. 36919/02)
BIRIUK - Lithuania (No. 23373/03)
Judgments 25.11.2008 [Section II] - No. 113

Failure to compel service provider to disclose identity of person wanted for placing an indecent advertisement about a minor on an Internet dating site: *violation*.

K.U. - Finland (No. 2872/02)
Judgment 2.12.2008 [Section IV] - No. 114

Retention of fingerprints and DNA information in cases where defendant in criminal proceedings is acquitted or discharged: *violation*.

S. and Marper - the United Kingdom (Nos. 30562/04 and 30566/04)
Judgment 4.12.2008 [GC] - No. 114

PRIVATE AND FAMILY LIFE

Still-born child's burial, without her mother's consent or attendance, in a common grave to which she was taken in a delivery van: *violation*.

HADRI-VIONNET - Switzerland (No. 55525/00)
Judgment 14.2.2008 [Section V] - No. 105

Lack of access to a genetic test decisive for determining whether the applicant qualified for an abortion: *communicated*.

R.R. - Poland (No. 27617/04)
[Section IV] - No. 105

Withdrawal of parental rights and prohibition on access to children: *inadmissible*.

HAASE and Others - Germany (No. 34499/04)
Decision 12.2.2008 [Section V] - No. 105

Measures taken by the authorities to protect children wrongly suspected of being victims of child abuse: (a) registration on at-risk register: *inadmissible*, (b) care order: *admissible*.

D. and Others - the United Kingdom (No. 38000/05)
Decision 12.2.2008 [Section IV] - No. 105

Noise nuisance from wind turbine built near a house: *inadmissible*.

FÄGERSKIÖLD - Sweden (No. 37664/04)
Decision 26.2.2008 [Section III] - No. 105

Woman of Roma origin allegedly sterilised without her consent: *communicated*.

V.C. - Slovakia (No. 18968/07)
[Section IV] - No. 107

Exclusion order made on account of convictions for largely non-violent offences committed when still a minor: *violation*.

MASLOV - Austria (No. 1638/03)
Judgment 23.6.2008 [GC] - No. 109

Exclusion of the applicant, who had been divested of her capacity to act, from proceedings resulting in the adoption of her daughter: *violation*.

X - Croatia (No. 11223/04)
Judgment 17.7.2008 [Section I] - No. 110

Failure by Supreme Court to give adequate explanation for reversing an award of compensation for damage caused to police officers' integrity and reputation by allegations of torture: *violation*.

TALIADOROU & STYLIANOU - Cyprus (Nos. 39627/05 and 39631/05)
KYRIAKIDES - Cyprus (No. 39058/05)
Judgments 16.10.2008 [Section I] - No. 112

Refusal to rectify spelling of a forename in the registry of births, deaths and marriages: *violation*.

GÜZEL ERDAGÖZ - Turkey (No. 37483/02)
Judgment 21.10.2008 [Section III] - No. 112

Statutory ban on returning bodies of terrorists for burial: *admissible*.

SABANCHIYEVA and Others - Russia (No. 38450/05)
Decision 6.11.2008 [Section I] - No. 113

FAMILY LIFE

Two-month time-limit for requesting return of child placed in the care of the State by the mother: *no violation*.

KEARNS - France (No. 35991/04)
Judgment 10.1.2008 [Section III] - No. 104

Restrictions on contact before trial between a remand prisoner and his wife on the ground that she might be called as a prosecution witness: *violation*.

FERLA - Poland (No. 55470/00)
Judgment 20.5.2008 [Section IV] - No. 108

Disciplinary proceedings resulting in restriction on family visits for almost a year: *violation*.

GÜLMEZ - Turkey (No. 16330/02)
Judgment 20.5.2008 [Section II] - No. 108

Decisions to expel and impose an exclusion order on an illegal immigrant who had married a national of the respondent State and fathered her child: *no violation*.

DARREN OMOREGIE and Others - Norway (No. 265/07)
Judgment 31.7.2008 [Section I] - No. 110

Second investigation by child welfare services into the applicant's parental abilities after an initial investigation had concluded that the children did not need to be taken into care: *no violation*.

K.T. - Norway (No. 26664/03)
Judgment 25.9.2008 [Section I] - No. 111

Temporary placement of a child under public care due to fears of ill-treatment by the parents: *no violation*.

R.K. and A.K. - the United Kingdom (No. 38000(1)/05)
Judgment 30.9.2008 [Section IV] - No. 111

Severance of all ties with the biological family of a child who was put up for adoption following suspected sexual abuse by members of the family: *violation*.

CLEMENO - Italy (No. 19537/03)
Judgment 21.10.2008 [Section II] - No. 112

Restrictions on family visits to a remand prisoner: *violations*.

MOISEYEV - Russia (No. 62936/00)
Judgment 9.10.2008 [Section I] - No. 112

Automatic application of ban on exercising parental rights: *violation*.

IODACHE - Romania (No. 6817/02)
Judgment 14.10.2008 [Section III] - No. 112

Finding that child's removal was not wrongful for the purposes of the Hague Convention on the Civil Aspects of International Child Abduction: *violation*.

CARLSON - Switzerland (No. 49492/06)
Judgment 6.11.2008 [Section I] - No. 113

Placement of children in public care on ground that their blind parents had failed to provide adequate care and housing: *violation*.

SAVINY - Ukraine (No. 39948/06)
Judgment 18.12.2008 [Section V] - No. 114

Expulsion on the basis of a "secret" report of the State Security Department which was not disclosed to the applicant: *violation*.

GULIJEV - Lithuania (No. 10425/03)
Judgment 16.12.2008 [Section II] - No. 114

EXPULSION

Expulsion of an alien on unsubstantiated grounds resulting in separation from his family: *violation*.

C.G. and Others - Bulgaria (No. 1365/07)
Judgment 24.4.2008 [Section V] - No. 107

HOME

Noise nuisance from wind turbine built near a house: *inadmissible*.

FÄGERSKIÖLD - Sweden (No. 37664/04)
Decision 26.2.2008 [Section III] - No. 105

Alleged failure by the authorities to prevent nuisance caused by activities of a car-repair garage illegally built in a residential area: *inadmissible*.

FURLEPA - Poland (No. 62101/00)
Decision 18.3.2008 [Section IV] - No. 106

Eviction of council-house tenant under summary procedure affording inadequate procedural safeguards: *violation*.

McCANN - the United Kingdom (No. 19009/04)
Judgment 13.5.2008 [Section IV] - No. 108

Lack of evidence to show unacceptable noise nuisance from a neighbouring tailor shop: *inadmissible*.

BORYSIEWICZ - Poland (No. 71146/01)
Judgment 1.7.2008 [Section IV] - No. 110

Search of law offices and seizure of documents by tax inspectors seeking evidence against one of the firm's corporate clients: *violation*.

ANDRÉ and Other - France (No. 18603/03)
Judgment 24.7.2008 [Section V] - No. 110

Order for demolition of houses owing to authorities' refusal to continue to authorise the occupation of coastal public land on which they were built: *relinquishment in favour of Grand Chamber*.

DEPALLE - France (No. 34044/02)
Decision 29.4.2008 [Section V]

BROSSET TRIBOULET and BROSSET POSPISIL - France (No. 34078/02)
Decision 29.4.2008 [Section V] - No. 111

CORRESPONDENCE

Ruling by Court of Cassation that a special procedure that had to be followed before the telephone calls of a member of the national parliament could be monitored did not apply to the monitoring of calls of members of the European Parliament: *inadmissible*.

MARCHIANI - France (No. 30392/03)
Decision 27.5.2008 [Section V] - No. 108

Systematic monitoring of the entirety of a prisoner's correspondence: *violation*.

PETROV - Bulgaria (No. 15197/02)
Judgment 22.5.2008 [Section V] - No. 108

Interception by the Ministry of Defence of the external communications of civil-liberties organisations on the basis of a warrant issued under wide discretionary powers: *violation*.

LIBERTY and Others - the United Kingdom
(No. 58243/00)
Judgment 1.7.2008 [Section IV] - No. 110

ARTICLE 9

MANIFEST RELIGION OR BELIEF

Applicant being sworn in as a lawyer forced to disclose that he was not a member of the Orthodox Church and did not wish to take a religious oath: *violation*.

ALEXANDRIDIS - Greece (No. 19516/06)
Judgment 21.2.2008 [Section I] - No. 105

Dismissal of a doctor for refusing to perform a medical examination owing to a “moral dilemma”: *inadmissible*.

BLUMBERG - Germany (No. 14618/03)
Decision 18.3.2008 [Section V] - No. 106

Refusal of an entry visa for France because of the unwillingness of the applicant, a Moroccan national, to remove her veil at the security checkpoint at the consular offices: *inadmissible*.

EL MORSLI - France (No. 15585/06)
Decision 4.3.2008 [Section III] - No. 106

Prolonged failure to grant legal personality to a religious group: *violation*.

RELIGIONSGEMEINSCHAFT DER ZEUGEN JEHOVAS and Others - Austria (No. 40825/98)

Judgment 31.7.2008 [Section I] - No. 110

Alleged denigration by Government of religious movements classified as “sects”: *no violation*.

LEELA FÖRDERKREIS E.V. and Others - Germany (No. 58911/00)

Judgment 6.11.2008 [Section V] - No. 113

Obligation to remove turban for driving licence photograph: *inadmissible*.

MANN SINGH - France (No. 24479/07)

Decision 13.11.2008 [Section V] - No. 113

Expulsion of female pupils from State school for refusing to remove headscarves during physical education and sports lessons: *no violation*.

DOGRU - France (No. 27058/05)

KERVANCI - France (No. 31645/04)

Judgments 4.12.2008 [Section V] - No. 114

ARTICLE 10

FREEDOM OF EXPRESSION

Conviction of newspaper for using official documents in support of claims made in articles without making additional enquiries: *violation*.

SAYGILI and Others - Turkey (No. 19353/03)

Judgment 8.1.2008 [Section II] - No. 104

Disciplinary sanction of a judge for following PKK-related media: *violation*.

ALBAYRAK - Turkey (No. 38406/97)

Judgment 31.1.2008 [Section III] - No. 104

Imposition of a fine on a lawyer for issuing a press statement criticising “the abusive methods used by special police units on the pretext of fighting terrorism”: *inadmissible*.

COUTANT - France (No. 17155/03)

Decision 24.1.2008 [Section III] - No. 104

Criminal conviction of the publications director of a newspaper for defaming investigating judges in an article reporting on a press conference organised by the civil parties: *violation*.

JULY and SARL LIBÉRATION - France (No. 20893/03)

Judgment 14.2.2007 [Section III] - No. 105

Conviction of a newspaper reporter for defamation of a politician by unsubstantiated allegations of fact: *no violation*.

RUMYANA - Bulgaria (No. 36207/03)

Judgment 14.2.2008 [Section V] - No. 105

Refusal to revise a judgment prohibiting a television commercial from being broadcast which had previously given rise to a finding of a violation of Article 10 by the European Court of Human Rights: *case referred to the Grand Chamber*.

VEREIN GEGEN TIERFABRIKEN SCHWEIZ (VgT) - Switzerland (No. 32772/02)

Judgment 4.10.2007 [Section V] - No. 106

Imposition of a fine, with imprisonment in default, on the applicant, who was a researcher and the co-author of a book, for the criminal libel of the author of a scientific work on the same subject: *violation*.

AZEVEDO - Portugal (No. 20620/04)

Judgment 27.3.2008 [Section II] - No. 106

Removal from judicial office for making critical media statements about the Russian judiciary: *admissible*.

KUDESHKINA - Russia (No. 29492/05)

Decision 28.2.2008 [Section I] - No. 106

Refusal of nationality application by the Cabinet of Ministers, allegedly on national interest grounds: *admissible*.

PETROPAVLOVSKIS - Latvia (No. 44230/06)

Decision 3.6.2008 [Section III] - No. 109

Criminal conviction for wearing an outlawed totalitarian symbol (red star) at a political demonstration: *violation*.

VAJNAI - Hungary (No. 33629/06)

Judgment 8.7.2008 [Section II] - No. 110

Conviction of demonstrators for chanting slogans supporting an illegal organisation: *violation*.

YILMAZ and KILIÇ - Turkey (No. 68514/01)

Judgment 17.7.2008 [Section III] - No. 110

Unprofessional conduct of a newspaper in publishing two articles defamatory of a high school principal: *no violation*.

FLUX - Moldova (No. 6) (No. 22824/04)
Judgment 29.7.2008 [Section IV] - No. 110

Lawyer given a written reprimand for making a defamatory and unfounded allegation against a prosecution authority in written submissions: *no violation*.

SCHMIDT - Austria (No. 513/05)
Judgment 17.7.2008 [Section I] - No. 110

Early termination of a conscript's military service on the ground of his membership of an extremist party: *inadmissible*.

LAHR - Germany (No. 16912/05)
Decision 1.7.2008 [Section V] - No. 110

Conviction of a journalist for offensive behaviour and defamation: *no violation*.

CUC PASCU - Romania (No. 36157/02)
Judgment 16.9.2008 [Section III] - No. 111

Conviction for criminal libel of a representative of a religious community (the director of the Grand Mosque in Lyon): *violation*.

CHALABI - France (No. 35916/04)
Judgment 18.9.2008 [Section V] - No. 111

Conviction for complicity in condoning terrorism following publication of a caricature and accompanying caption: *no violation*.

LEROY - France (No. 36109/03)
Judgment 2.10.2008 [Section V] - No. 112

Confiscation of a publication promoting ethnic hatred: *no violation*.

BALSYTE-LIDEIKIENE - Lithuania (No. 72596/01)
Judgment 4.11.2008 [Section II] - No. 113

Journalist's conviction for criminal defamation in respect of article in a satirical publication accusing, without good faith or a factual basis, an editor of populism and corruption: *no violation*.

MIHAIU - Romania (No. 42512/02)
Judgment 4.11.2008 [Section III] - No. 113

Criminal conviction and removal from office of a public prosecutor for abuse of authority and insulting the armed forces: *violation*.

KAYASU - Turkey (No. 64119/00 and 76292/01)

Judgment 13.11.2008 [Section II] - No. 113

Conviction of criminal defamation for reporting suspected child abuse to a doctor: *violation*.

JUPPALA - Finland (No. 18620/03)

Judgment 2.12.2008 [Section IV] - No. 114

Disciplinary penalty imposed on doctor for criticising fellow practitioner in report to a patient: *violation*.

FRANKOWICZ - Poland (No. 53025/99)

Judgment 16.12.2008 [Section IV] - No. 114

Imposition of a fine on a television station for having broadcast an advertisement by a small political party, in breach of the statutory prohibition of any televised political advertising: *violation*.

TV VEST AS and ROGALAND PENSJONISTPARTI - Norway (No. 21132/05)

Judgment 11.12.2008 [Section I] - No. 114

Warning issued against a politician for calling her opponent a thief in a live television broadcast during the electoral period and court order granting her opponent a right to reply: *inadmissible*.

VITRENKO and OTHERS - Ukraine (No. 23510/02)

Decision 16.12.2008 [Section V] - No. 114

FREEDOM TO RECEIVE INFORMATION

Denial of information to an a non-governmental organisation about a pending constitutional review case: *admissible*.

TÁRSASÁG A SZABADSÁGJOGOKÉRT - Hungary (No. 37374/05)

Decision 13.11.2008 [Section II] - No. 113

Court decision not to prolong private tenancy agreement owing to refusal by immigrant tenants to remove satellite dish used to receive television programmes from their country of origin: *violation*.

KHURSHID MUSTAFA AND TARZIBACHI - Sweden (No. 23883/06)

Judgment 16.12.2008 [Section III] - No. 114

FREEDOM TO IMPART INFORMATION

Dismissal of a member of the Prosecutor General's Office for leaking evidence of apparent governmental interference in the administration of criminal justice to the press: *violation*.

GUJA - Moldova (No. 14277/04)
Judgment 12.2.2008 [GC] - No. 105

Disciplinary penalty imposed on a doctor for advertising his cosmetic-surgery practice: *inadmissible*.

VILLNOW - Belgium (No. 16938/05)
Decision 29.1.2008 [Section II] - No. 105

Failure to state reasons for successive refusals to grant a television broadcasting licence: *violation*.

MELTEX LTD and MOVSESYAN - Armenia (No. 32283/04)
Judgment 7.6.2008 [Section III] - No. 109

Conviction for imparting information which the applicant alleged was not from a classified source: *admissible*.

SUTYAGIN - Russia (No. 30024/02)
Decision 8.7.2008 [Section I] - No. 110

ARTICLE 11

FREEDOM OF PEACEFUL ASSEMBLY

Refusal to register a non-governmental association based on a broad interpretation of vague legal provisions: *violation*.

KORETSKYI and Others - Ukraine (No. 40269/02)
Judgment 3.4.2008 [Section V] - No. 107

Dispersal of a demonstration which had not been notified to the police and which was not justified by special circumstances warranting an immediate response: *no violation*.

MOLNÁR - Hungary (No. 10346/05)
Judgment 7.10.2008 [Section II] - No. 112

Repeated bans on silent demonstrations outside Prime Minister's residence: *violation*.

PATYI and Others - Hungary (No. 5529/05)
Judgment 7.10.2008 [Section II] - No. 112

Administrative fine imposed for holding an authorised and peaceful picket against corruption in a court: *violation*.

SERGEY KUZNETSOV - Russia (No. 10877/04)

Judgment 23.10.2008 [Section I] - No. 112

FREEDOM OF ASSOCIATION

Refusal to register a non-governmental association based on a broad interpretation of vague legal provisions: *violation*.

KORETSKY and Others - Ukraine (No. 40269/02)

Judgment 3.4.2008 [Section V] - No. 107

Dismissal of regional public servants for failing to declare their membership of an association: *inadmissible*.

SIVERI and CHIELLINI - Italy (No. 13148/04)

Decision 3.6.2008 [Section II] - No. 109

Dissolution of an association aimed at promoting “the historical identity of the Slavs from Macedonia, who have for centuries appeared as Bulgarians”: *admissible*.

ASSOCIATION OF CITIZENS RADKO & PAUNKOVSKI - "the former Yugoslav Republic of Macedonia" (No. 74651/01)

Decision 8.7.2008 [Section V] - No. 110

Ban on municipal workers founding a trade union and order setting aside with retroactive effect a collective bargaining agreement: *violations*.

DEMIR and BAYKARA - Turkey (No. 34503/97)

Judgment 12.11.2008 [GC] - No. 113

ARTICLE 13

EFFECTIVE REMEDY

Denial of access to intelligence that had resulted in an asylum seeker's exclusion on national security grounds: *admissible*.

RAMZY - Netherlands (No. 25424/05)

Decision 27.5.2008 [Section III] - No. 108

Ineffectiveness of length-of-proceedings remedy owing to lack of compensation for non-pecuniary damage: *violation*.

MARTINS CASTRO and ALVES CORREIA DE CASTRO - Portugal (No. 33729/06)

Judgment 10.6.2008 [Section II] - No. 109

Effectiveness of length-of-proceedings remedy lasting over three years: *violation*.

VIDAS - Croatia (No. 40383/04)

Judgment 3.7.2008 [Section I] - No. 110

Insufficient compensation for length of proceedings coupled with the failure to speed up the proceedings at issue: *violation*.

KAIĆ and Others - Croatia (No. 22014/04)

Judgment 17.7.2008 [Section I] - No. 110

Lack of effective remedy against ban on exercising parental rights: *violation*.

IORDACHE - Romania (No. 6817/02)

Judgment 14.10.2008 [Section III] - No. 112

Effectiveness of an appeal to the Judicial Service Commission: *violation*.

KAYASU - Turkey (No. 64119/00 and 76292/01)

Judgment 13.11.2008 [Section II] - No. 113

EFFECTIVE DOMESTIC REMEDY (Russia)

Proceedings offering no speedy redress and an insufficient amount of damages for the length of enforcement proceedings: *violation*.

WASSERMAN - Russia (No. 2) (No. 21071/05)

Judgment 10.4.2008 [Section I] - No. 107

ARTICLE 14

DISCRIMINATION (Article 3)

Racially motivated ill-treatment of a Roma minor by a police officer during an incident between officials and Roma and lack of effective investigation: *violation*.

STOICA - Romania (No. 42722/02)
Judgment 4.3.2008 [Section III] - No. 106

DISCRIMINATION (Article 6 § 1)

Refusal to grant an authority to enforce the judgment of foreign court: *inadmissible*.

McDONALD - France (No. 18648/04)
Decision 29.4.2008 [Section V] - No. 110

DISCRIMINATION (Article 8)

Refusal to grant approval for the purposes of adoption, on the ground of the applicant's life-style as a lesbian living with another woman: *violation*.

E.B. - France (No. 43546/02)
Judgment 22.1.2008 [GC] - No. 104

Prisoner's inability to make telephone calls to his partner because they were not married: *violation*.

PETROV - Bulgaria (No. 15197/02)
Judgment 22.5.2008 [Section V] - No. 108

Failure of domestic courts to impose sanctions in respect of works allegedly insulting to Roma: *communicated*.

AKSU - Turkey (No. 4149/04 and 41029/04)
[Section II] - No. 108

DISCRIMINATION (Article 8 of the Convention and Article 1 of Protocol No. 1)

Exclusion of person in homosexual relationship from insurance cover as dependant of a civil servant: *admissible*.

P.B. and J.S. - Austria (No. 18984/02)
Decision 20.3.2008 [Section I] - No. 106

DISCRIMINATION (Article 9)

Inconsistent application of qualifying periods for eligibility to register as a religious society: *violation*.

RELIGIONSGEMEINSCHAFT DER ZEUGEN JEHOVAS and Others - Austria (No. 40825/98)
Judgment 31.7.2008 [Section I] - No. 110

DISCRIMINATION (Articles 9 and 12)

Requirement of certificate of approval for immigrants wishing to marry other than in the Church of England: *communicated*.

O'DONOGHUE and Others - the United Kingdom (No. 34848/07)
[Section IV] - No. 113

DISCRIMINATION (Article 10)

Obligation to use French language at French Polynesian Assembly: *communicated*.

BIRK-LEVY - France (No. 39426/06)
[Section V] - No. 111

DISCRIMINATION (Article 11)

Dismissal of regional public servants for failing to declare their membership of an association: *inadmissible*.

SIVERI and CHIELLINI - Italy (No. 13148/04)
Decision 3.6.2008 [Section II] - No. 109

DISCRIMINATION (Article 1 of Protocol No. 1)

Legislation implementing measures in favour of Jewish and Roma victims of the Second World War subject to condition that they had held Belgian nationality from a specified date: *inadmissible*.

EPSTEIN and Others - Belgium (No. 9717/05)
Decision 8.1.2008 [Section II] - No. 104

Ineligibility of cohabiting sisters to exemption from inheritance tax enjoyed by surviving spouses or civil partners: *no violation*.

BURDEN - the United Kingdom (No. 13378/05)
Judgment 29.4.2008 [GC] - No. 107

Difference in treatment between illegitimate children in succession case depending on how their relationship to their parents was established: *inadmissible*.

ALBOIZE-BARTHES and ALBOIZE-MONTEZUME - France (No. 44421/04)
Decision 21.10.2008 [Section V] - No. 112

Absence of right to index-linking for pensioners resident in overseas countries which had no reciprocal arrangements with the United Kingdom: *no violation*.

CARSON and Others - the United Kingdom (No. 42184/05)
Judgment 4.11.2008 [Section IV] - No. 113

DISCRIMINATION (Article 2 of Protocol No. 1)

Roma children denied access to school before being assigned to special classrooms in an annex to the main primary school buildings: *violation*.

SAMPANIS and Others - Greece (No. 32526/05)
Judgment 5.6.2008 [Section I] - No. 109

Placement of Roma children in Roma-only classes owing to their poor command of the Croatian language: *no violation (case referred to the Grand Chamber)*.

ORŠUŠ and Others - Croatia (No. 15766/03)

Judgment 17.7.2008 [Section I] - Nos. 110, 113

ARTICLE 17

DESTRUCTION OF RIGHTS AND FREEDOMS

Conviction for complicity in condoning terrorism following publication of a caricature and accompanying caption: *no violation*.

LEROY - France (No. 36109/03)

Judgment 2.10.2008 [Section V] - No. 112

ARTICLE 21

Article 21 § 1

CRITERIA FOR OFFICE

Refusal of candidate list solely on the basis of gender-related issues: *practice of Parliamentary Assembly incompatible with Convention*.

ADVISORY OPINION - composition of lists of candidates for election as judges of European Court

12.2.2008 [GC] - No. 105

ARTICLE 34

DEFENDANT STATE PARTY

Ex officio examination of a case against Moldova by virtue of factual links with that country: *inadmissible*.

KIREEV - Moldova and Russia (No. 11375/05)

Decision 1.7.2008 [Section IV] - No. 110

VICTIM

Application introduced on behalf of the applicant's sister who died while her constitutional claim concerning the alleged breach of her right to a fair trial was pending: *victim status upheld (case referred to the Grand Chamber)*.

MICALLEF - Malta (No. 17056/06)

Judgment 15.1.2008 [Section IV] - Nos. 104, 110

Continuation of criminal proceedings after the accused's death: *victim status afforded to widow*.

GRADINAR - Moldova (No. 7170/02)

Judgment 8.4.2008 [Section IV] - No. 107

Loss of victim status by applicant following assignment of his rights to another applicant: *striking out of list*.

DIMITRESCU - Romania (Nos. 5629/03 and 3028/04)

Judgment 3.6.2008 [Section III] - No. 109

Domestic redress for ill-treatment by police officers including express judicial condemnation, the officers' conviction and the exclusion of the applicant's confession: *loss of victim status (case referred to the Grand Chamber)*.

GÄFGEN - Germany (No. 22978/05)

Judgment 30.6.2008 [Section V] - Nos. 109, 113

Whether applicant who obtained damages in civil courts could claim to be victim of ill-treatment by gendarme against whom criminal proceedings were discontinued: *victim status upheld*.

CAMDERELİ - Turkey (No. 28433/02)

Judgment 17.7.2008 [Section II] - No. 110

Lack of effective investigation into the torture of a detainee who had been awarded compensation: *victim status upheld*.

VLADIMIR ROMANOV - Russia (No. 41461/02)

Judgment 24.7.2008 [Section I] - No. 110

Complaint by severely disabled persons concerning domestic-court decision permitting artificial nutrition and hydration of coma victim to be discontinued: *lack of victim status*.

ADA ROSSI and Others - Italy (No. 55185/08, etc.)

Decision 16.12.2008 [Section II] - No. 114

Association underwriting employees' claims qualified as a non-governmental organisation: *victim status upheld*.

UNEDIC - France (No. 20153/04)
Judgment 18.12.2008 [Section V] - No. 114

Insufficient amount of non-pecuniary damage for non-enforcement of final judgment at domestic level: *victim status upheld*.

KUDIĆ - Bosnia and Herzegovina (No. 28971/05)
Judgment 9.12.2008 [Section IV] - No. 114

HINDER EXERCISE OF THE RIGHT OF PETITION

Lack of appropriate regulations and deficiencies in the organisation of the Government Agent's activity resulting in the State's failure to comply promptly with a Rule 39 measure: *case referred to the Grand Chamber*.

PALADI - Moldova (No. 39806/05)
Judgment 10.7.2007 [Section IV] - No. 104

Government representative orders inquiry into the financial arrangements between the applicant and his representative before the Court: *violation*.

RYABOV - Russia (No. 3896/04)
Judgment 31.1.2008 [Section I] - No. 104

Refusal by authorities to allow the applicant, a psychiatric patient, to contact his lawyer, even after the Court had issued an interim measure requesting them to do so: *failure to comply with obligations under Article 34*.

SHTUKATUROV - Russia (No. 44009/05)
Judgment 27.3.2008 [Section I] - No. 106

Lack of medical assistance to a HIV-positive detainee and State's failure to comply with Rule 39 measures in connection therewith: *failure to comply with obligations under Article 34*.

ALEKSANYAN - Russia (No. 46468/06)
Judgment 22.12.2008 [Section I] - No. 114

ARTICLE 35

Article 35 § 1

EXHAUSTION OF DOMESTIC REMEDY (Denmark)

Failure to exercise a remedy for the length of proceedings which, if successful, could have resulted in an exemption from costs order: *inadmissible*.

PINDSTRUP MOSEBRUG A/S - Denmark (No. 34943/06)

Decision 3.6.2008 [Section V] - No. 109

**EXHAUSTION OF DOMESTIC REMEDY
EFFECTIVE DOMESTIC REMEDY ("the former Yugoslav Republic of Macedonia")**

Failure to prove effectiveness of new domestic remedy concerning length of judicial proceedings: *preliminary objection dismissed*.

PARIZOV - "the former Yugoslav Republic of Macedonia" (No. 14258/03)

Judgment 7.2.2008 [Section V] - No. 105

EFFECTIVE DOMESTIC REMEDY (France)

Specific remedies available in domestic law for violations of the presumption of innocence: *inadmissible*.

MARCHIANI - France (No. 30392/03)

Decision 27.5.2008 [Section V] - No. 108

SIX MONTH PERIOD

Application in disappearance case lodged more than six months after the respondent State's ratification of the right of individual petition but within days of its recognition of the jurisdiction of the old Court: *preliminary objection dismissed (case referred to the Grand Chamber)*.

VARNAVA and Others - Turkey (No. 16064/90 and 8 Other cases)

Judgment 10.1.2008 [Section III] - No. 104

Company's continuing failure to comply with order to reinstate a dismissed employee ended by supervening winding up order: *preliminary objection upheld*.

CONE - Romania (No. 35935/02)
Judgment 24.6.2008 [Section III] - No. 109

Existence of continuing situation in family proceedings: *preliminary objection joined to merits*.

IORDACHE - Romania (No. 6817/02)
Judgment 14.10.2008 [Section III] - No. 112

Article 35 § 3

COMPETENCE *RATIONE TEMPORIS*

Court's temporal jurisdiction in respect of disappearances that had occurred some thirteen years before the respondent State recognised the right of individual petition: *preliminary objection dismissed (case referred to the Grand Chamber)*.

VARNAVA and Others - Turkey (No. 16064/90 and 8 Other cases)
Judgment 10.1.2008 [Section III] - No. 104

Alleged violation based on an administrative decision taken before the entry into force of the Convention, whereas the final judicial decision was taken thereafter: *inadmissible*.

MELTEX LTD - Armenia (No. 37780/02)
Decision 27.5.2008 [Section III] - No. 108

Entry into force of Protocol to Convention after conviction but before conviction quashed: *jurisdiction ratione temporis*.

MATVEYEV - Russia (No. 26601/02)
Judgment 3.7.2008 [Section I] - No. 110

Expropriation of private property of ethnic Germans, located on territories entrusted to Poland after World War II, and failure to enact rehabilitation or restitution laws: *inadmissible*.

PREUSSISCHE TREUHAND GMBH & CO. KG A. A. - Poland (No. 47550/06)
Decision 7.10.2008 [Section IV] - No. 112

CONTINUING SITUATION

Expropriation of private property of ethnic Germans, located on territories entrusted to Poland after World War II, and failure to enact rehabilitation or restitution laws: *inadmissible*.

PREUSSISCHE TREUHAND GMBH & CO. KG A. A. - Poland (No. 47550/06)
Decision 7.10.2008 [Section IV]

COMPETENCE *RATIONE PERSONAE*

Dispute falling entirely within internal legal system of an international organisation endowed with its own legal personality separate from that of its members: *inadmissible*.

BOIVIN - France, Belgium and 32 member States of the Council of Europe (No. 73250/01)
Decision 9.9.2008 [Section V] - No. 111

ABUSE OF THE RIGHT OF PETITION

Pursuit of application brought on behalf of a deceased person: *inadmissible for abuse of right of petition (in respect of the deceased's son) and refusal of the Government's strike-out request (in respect of the daughter)*.

PREDESCU - Romania (No. 21447/03)
Judgment 2.12.2008 [Section III] - No. 114

ARTICLE 37

Article 37 § 1

STRIKING OUT APPLICATIONS

Claims either satisfied or still pending at national level: *struck out of the list*.

KOVAČIĆ and Others - Slovenia (No. 44574/98 et al.)
Judgment 3.10.2008 [Grand Chamber] - No. 112

RESPECT FOR HUMAN RIGHTS

Friendly settlement providing for both individual and general measures in pilot-judgment case: *striking out of list.*

HUTTEN-CZAPSKA - Poland (No. 35014/97)
Judgment 28.4.2008 [GC] - No. 107

MATTER RESOLVED

Friendly settlement providing for both individual and general measures in pilot-judgment case: *striking out of list.*

HUTTEN-CZAPSKA - Poland (No. 35014/97)
Judgment 28.4.2008 [GC] - No. 107

CONTINUED EXAMINATION NOT JUSTIFIED

Pursuit of application brought on behalf of a deceased person: *inadmissible for abuse of right of petition (in respect of the deceased's son) and refusal of the Government's strike-out request (in respect of the daughter).*

PREDESCU - Romania (No. 21447/03)
Judgment 2.12.2008 [Section III] - No. 114

ARTICLE 38

FURNISH ALL NECESSARY FACILITIES

Government's refusal to disclose documents from investigation into allegations of ill treatment by State agents: *failure to comply with Article 38*.

MASLOVA and NALBANDOV - Russia (No. 839/02)

Judgment 24.1.2008 [Section I] - No. 104

Government's refusal to disclose documents requested by the Court in connection with Article 2 complaints: *inferences drawn under Article 2*.

BETAYEV and BETAYEVA - Russia (No. 37315/03)

GEKHAYEVA and Others - Russia (No. 1755/04)

IBRAGIMOV and Others - Russia (No. 34561/03)

SANGARIYEVA and Others - Russia (No. 1839/04)

Judgments 29.5.2008 [Section I] - No. 108

ARTICLE 41

JUST SATISFACTION

Relevance of large number of joint claimants on quantum of awards in respect of non-pecuniary damage in length-of-proceedings cases: *factor to be taken into account*.

ARVANITAKI-ROBOTI and Others - Greece (No. 27278/03)

KAKAMOUKAS and Others - Greece (No. 38311/02)

Judgments 15.2.2008 [GC] - No. 105

Assessment of pecuniary damage for *de facto* expropriation.

GUIISO-GALLISAY - Italy (No. 58858/00)

Judgment 20.10.2008 [Section II] - No. 112

ARTICLE 46

EXECUTION OF A JUDGMENT

Alleged failure of domestic authorities to abide by previously adopted European Court judgment: *inadmissible*.

HAASE and Others - Germany (No. 34499/04)
Decision 12.2.2008 [Section V] - No. 105

Respondent State to bring national legislation in line with the principles set out in the European Prison Rules so as to ensure effective protection of the right to a fair hearing in disciplinary proceedings against prisoners.

GÜLMEZ - Turkey (No. 16330/02)
Judgment 20.5.2008 [Section II] - No. 108

Invitation to State to comply with Court's case-law on the effectiveness of remedies.

MARTINS CASTRO and ALVES CORREIA DE CASTRO - Portugal (No. 33729/06)
Judgment 10.6.2008 [Section II] - No. 109

Respondent State to take appropriate legal or other measures to remedy systemic failings in domestic legal order relating to housing legislation.

GHIGO - Malta (No. 31122/05)
Judgment 17.7.2008 [Section IV] - No. 110

Systemic problem of non-enforcement of judgments in Russia: *communicated*.

BURDOV - Russia (No. 2) (No. 33509/04)
[Section I] - No. 110

Obligation on State to take general measures to secure the right to restitution in kind of confiscated land or to an award of compensation in lieu.

VIAȘU - Romania (No. 75951/01)
Judgment 9.12.2008 [Section III] - No. 114

Respondent State required to discontinue the applicant's detention on remand.

ALEKSANYAN - Russia (No. 46468/06)
Judgment 22.12.2008 [Section I] - No. 114

ARTICLE 47

ADVISORY OPINIONS

Refusal of candidate list solely on the basis of gender-related issues: *practice of Parliamentary Assembly incompatible with Convention*.

ADVISORY OPINION - composition of lists of candidates for election as judges of European Court

12.2.2008 [GC] - No. 105

ARTICLE 1 OF PROTOCOL No. 1

POSSESSIONS

Inability to recover deposits from the Chechen Savings Bank, a part of the Savings Bank of Russia, following its liquidation, despite judicial recognition of entitlement: *admissible*.

MERZHOYEV - Russia (No. 68444/01)

Decision 17.1.2008 [Section I] - No. 104

Inability to recover deposits from the Chechen Savings Bank, a part of the Savings Bank of Russia, following its liquidation: *inadmissible*.

PUPKOV - Russia (No. 42453/02)

Decision 17.1.2008 [Section I] - No. 104

Dismissal of a claim for restitution of works of art that had been deposited in a museum decades earlier: *no violation*.

GLASER - Czech Republic (No. 55179/00)

Judgment 14.2.2008 [Section V] - No. 105

Adequacy of measures taken by the authorities to provide alternative accommodation and emergency relief for victims of property damage caused by mudslide: *no violation*.

BUDAYEVA AND OTHERS - Russia (Nos 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02)

Judgment 20.3.2008 [Section I] - No. 106

No right under domestic law to a court award reflecting inflation: *inadmissible*.

TODOROV - Bulgaria (No. 65850/01)
Decision 13.5.2008 [Section V] - No. 108

PEACEFUL ENJOYMENT OF POSSESSIONS

Order for demolition of houses owing to authorities' refusal to continue to authorise the occupation of coastal public land on which they were built: *relinquishment in favour of Grand Chamber*.

DEPALLE - France (No. 34044/02)
Decision 29.4.2008 [Section V]

BROSSET TRIBOULET and BROSSET POSPISIL - France (No. 34078/02)
Decision 29.4.2008 [Section V] - No. 111

Prolonged inability to enjoy proceeds from customs auction: *violation*.

JUCYS - Lithuania (No. 5457/03)
Judgment 8.1.2008 [Section III] - No. 104

Refusal to allow Greeks to inherit property located in Turkey, on the ground that the criterion of reciprocity between Greece and Turkey had not been met: *violation*.

NACARYAN and DERYAN - Turkey (Nos. 19558/02 and 27904/02)
Judgment 8.1.2008 [Section IV] - No. 104

Method of calculation of wealth tax combined with application of a ceiling such that liability did not exceed disposable income: *inadmissible*.

IMBERT DE TREMIOLLES - France (Nos. 25834/05 and 27815/05)
Decision 4.1.2008 [Section III] - No. 104

Noise nuisance from wind turbine built near a house: *inadmissible*.

FÄGERSKIÖLD - Sweden (No. 37664/04)
Decision 26.2.2008 [Section III] - No. 105

Adequacy of measures taken by the authorities to provide alternative accommodation and emergency relief for victims of property damage caused by mudslide: *no violation*.

BUDAYEVA AND OTHERS - Russia (Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02)
Judgment 20.3.2008 [Section I] - No. 106

Withdrawal of an Internet service provider's operating licences for purely formal breach of regulations: *violation*.

MEGADAT.COM SRL - Moldova (No. 21151/04)

Judgment 08.4.2008 [Section IV] - No. 107

Rate of default interest payable by State hospital lower than that payable by private individuals: *violation*.

MEIDANIS - Greece (No. 33977/06)

Judgment 22.5.2008 [Section I] - No. 108

Refusal to grant permit for peat extraction for nature conservation reasons: *inadmissible*.

PINDSTRUP MOSEBRUG A/S - Denmark (No. 34943/06)

Decision 3.6.2008 [Section V] - No. 109

Classification of land as public woodlands without compensation: *violation*.

KÖKTEPE - Turkey (No. 35785/03)

Judgment 22.7.2008 [Section II] - No. 110

Failure to return land confiscated by the State or to provide equivalent redress: *violation*.

VIAȘU - Romania (No. 75951/01)

Judgment 9.12.2008 [Section III] - No. 114

Date of commencement of pension entitlement put back solely on account of time taken by administrative authorities and courts to issue their decisions: *violation*.

REVELIOTIS - Greece (No. 48775/06)

Judgment 4.12.2008 [Section I] - No. 114

POSITIVE OBLIGATIONS

Burglary of the applicant's houses while she was in custody: *no violation*.

BLUMBERGA - Latvia (No. 70930/01)

Judgment 14.10.2008 [Section III] - No. 112

DEPRIVATION OF PROPERTY

Failure to take into account historic value of a building in calculation of compensation due for its expropriation: *case referred to the Grand Chamber*.

KOZACIOĞLU - Turkey (No. 2334/03)
Judgment 31.7.2007 [Section II] - No. 106

Adequacy of measures taken by the authorities to provide alternative accommodation and emergency relief for victims of property damage caused by mudslide: *no violation*.

BUDAYEVA AND OTHERS - Russia (Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02)
Judgment 20.3.2008 [Section I] - No. 106

Registration of land belonging to the applicant in the name of the Treasury for nature-conservation purposes without payment of compensation: *violation*.

TURGUT and Others - Turkey (No. 1411/03)
Judgment 8.7.2008 [Section II] - No. 110

CONTROL OF THE USE OF PROPERTY

Inability of the owner to recover possession of let agricultural land at the end of the lease owing to a decision by the courts to grant the tenant permission to assign the lease to his son: *no violation*.

GAUCHIN - France (No. 7801/03)
Judgment 19.6.2008 [Section V] - No. 109

Denial of access to business documents and accounts in the control of a State-appointed receiver for purposes of challenging the receivership order: *violation*.

DRUŽSTEVNÍ ZÁLOŽNA PŘIA and Others - Czech Republic (No. 72034/01)
Judgment 31.7.2008 [Section V] - No. 110

Forfeiture of applicant's lawfully possessed money for failure to report it to customs authorities: *violation*.

ISMAYILOV - Russia (No. 30352/03)
Judgment 6.11.2008 [Section I] - No. 113

ARTICLE 2 OF PROTOCOL No. 1

RIGHT TO EDUCATION

Placement of Roma children in Roma-only classes owing to their poor command of the Croatian language: *no violation (case referred to the Grand Chamber)*.

ORŠUŠ and Others - Croatia (No. 15766/03)
Judgment 17.7.2008 [Section I] - Nos. 110, 113

RESPECT FOR PARENTS' RELIGIOUS CONVICTIONS

Display of a crucifix in classrooms of a State school: *communicated*.

LAUTSI - Italy (No. 30814/06)
[Section II] - No. 110

ARTICLE 3 OF PROTOCOL No. 1

FREE EXPRESSION OF OPINION OF PEOPLE

Arbitrary invalidation of votes obtained by the leading candidate in several electoral divisions of a parliamentary constituency, resulting in victory for his opponent: *violation*.

KOVACH - Ukraine (No. 39424/02)
Judgment 7.2.2008 [Section V] - No. 105

Introduction of an active system of voter registration shortly before the election in a “post-revolutionary” political context, aimed at remedying the problem of chaotic electoral rolls: *no violation*.

THE GEORGIAN LABOUR PARTY - Georgia (No. 9103/04)
Judgment 8.7.2008 [Section II] - No. 110

No evidence of abuse of power or electoral fraud adduced to back up a complaint of a pro-presidential majority in electoral commissions at all levels: *no violation*.

THE GEORGIAN LABOUR PARTY - Georgia (No. 9103/04)
Judgment 8.7.2008 [Section II] - No. 110

Illegitimate and unjustified exclusion of two electoral districts from the country-wide vote tally: *violation*.

THE GEORGIAN LABOUR PARTY - Georgia (No. 9103/04)

Judgment 8.7.2008 [Section II] - No. 110

Requirement for political parties to obtain at least 10% of the vote in national elections in order to be represented in Parliament: *no violation*.

YUMAK and SADAK - Turkey (No. 10226/03)

Judgment 8.7.2008 [GC] - No. 110

Election to parliament of representative of a national minority according to number of votes obtained at the territorial, not the national, level: *admissible*.

GROSARU - Romania (No. 78039/01)

Decision 25.11.2008 [Section III] - No. 113

CHOICE OF THE LEGISLATURE

Requirement for political parties to obtain at least 10% of the vote in national elections in order to be represented in Parliament: *no violation*.

YUMAK and SADAK - Turkey (No. 10226/03)

Judgment 8.7.2008 [GC] - No. 110

VOTE

Elected parliamentarians deprived of their seats as a result of an unforeseeable departure by the Special Supreme Court from its settled case-law concerning the method for calculating the electoral quotient: *violation*.

PASCHALIDIS, KOUTMERIDIS and ZAHARAKIS - Greece

(Nos. 27863/05, 28422/05 and 28028/05)

Judgment 10.4.2008 [Section I] - No. 107

STAND FOR ELECTION

Ineligibility for election of a former member of a military unit affiliated to the KGB: *violation*.

ADAMSONS - Latvia (No. 3669/03)
Judgment 24.6.2008 [Section III] - No. 109

Obligation to give up double or multiple nationalities to stand for legislative elections: *communicated*.

TANASE and CHIRTOACA - Moldova (No. 7/08)
[Section IV] - No. 109

Introduction of an active system of voter registration shortly before the election in a “post-revolutionary” political context, aimed at remedying the problem of chaotic electoral rolls: *no violation*.

THE GEORGIAN LABOUR PARTY - Georgia (No. 9103/04)
Judgment 8.7.2008 [Section II] - No. 110

No evidence of abuse of power or electoral fraud adduced to back up a complaint of a pro-presidential majority in electoral commissions at all levels: *no violation*.

THE GEORGIAN LABOUR PARTY - Georgia (No. 9103/04)
Judgment 8.7.2008 [Section II] - No. 110

Illegitimate and unjustified exclusion of two electoral districts from the country-wide vote tally: *violation*.

THE GEORGIAN LABOUR PARTY - Georgia (No. 9103/04)
Judgment 8.7.2008 [Section II] - No. 110

Cancellation of applicant's candidacy for parliamentary elections on the basis of allegedly fabricated evidence: *communicated*.

ABIL - Azerbaijan (No. 16511/06)
[Section I] - No. 110

Inability of persons with multiple nationality to stand as candidates in parliamentary elections: *violation*.

TĂNASE and CHIRTOACĂ - Moldova (No. 7/08)
Judgment 18.11.2008 [Section IV] - No. 113

ARTICLE 2 OF PROTOCOL No. 4

FREEDOM OF MOVEMENT

Length of a residence condition to which an accused was subject both during and after criminal proceedings: *violation*.

ROSENGREN - Romania (No. 70786/01)
Judgment 24.4.2008 [Section III] - No. 107

ARTICLE 1 OF PROTOCOL No. 7

**REVIEW OF EXPULSION DECISION
EXPULSION BEFORE EXERCISING PROCEDURAL RIGHTS**

Lack of procedural safeguards in deportation proceedings: *violation*.

C.G. and Others - Bulgaria (No. 1365/07)
Judgment 24.4.2008 [Section V] - No. 107

ARTICLE 3 OF PROTOCOL No. 7

COMPENSATION

Inability to seek compensation for non-pecuniary damage following quashing of criminal convictions in the absence of a “new or newly discovered fact”: *unable to take cognisance of merits (incompatibility ratione materiae)*.

MATVEYEV - Russia (No. 26601/02)
Judgment 3.7.2008 [Section I] - No. 110

ARTICLE 1 OF PROTOCOL No. 12

GENERAL PROHIBITION OF DISCRIMINATION

Inability of a Roma and a Jew to stand for election to highest political posts in the country: *communicated*.

SEJDIĆ AND FINCI - Bosnia and Herzegovina (No. 27996/06 and 34836/06)
[Section IV] - No. 106

RULE 39 OF THE RULES OF COURT

INTERIM MEASURES

Lack of appropriate regulations and deficiencies in the organisation of the Government Agent's activity resulting in the State's failure to comply promptly with a Rule 39 measure: *case referred to the Grand Chamber*.

PALADI - Moldova (No. 39806/05)
Judgment 10.7.2007 [Section IV] - No. 104

Application of Rule 39 of the Rules of Court to enable a HIV-positive detainee to be admitted to a specialised medical institution and to be examined by a medical commission to be composed on a parity basis.

ALEKSANYAN - Russia (No. 46468/06)
Decision 24.1.2008 [Section I] - No. 104

Refusal of State authorities to comply with an interim measure: *failure to comply with Article 34*.

SHTUKATUROV - Russia (No. 44009/05)
Judgment 27.3.2008 [Section I] - No. 106

Lack of medical assistance to a HIV-positive detainee and State's failure to comply with Rule 39 measures in connection therewith: *violation*.

ALEKSANYAN - Russia (No. 46468/06)
Judgment 22.12.2008 [Section I] - No. 114

RULE 43 § 4 OF THE RULES OF COURT

EXPENSES ASSESSED BY COURT AFTER STRIKING OUT OF LIST

Award of costs and expenses to the extent that they were actually and necessarily incurred and were reasonable as to quantum: *obligation on respondent State to reimburse sums concerned*.

PILATO - Italy (No. 18995/06)
Decision 2.9.2008 [Section II] - No. 111

