



# France

## Ratified the European Convention on Human Rights in 1974

### National Judge: André Potocki

[Judges' CVs](#) are available on the Court's website

Previous Judges: René Samuel Cassin (1959-1976), Pierre-Henri Teitgen (1976-1980), Louis-Edmond Pettiti (1980-1998), Jean-Paul Costa (1998-2011)

The Court dealt with 925 applications concerning France in 2017, of which 908 were declared inadmissible or struck out. It delivered 12 judgments (concerning 17 applications), 6 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017
Applications allocated to a judicial formation	1087	916	887
Communicated to the Government	103	58	64
Applications decided:	1189	901	925
- Declared inadmissible or struck out (Single Judge)	1060	848	867
- Declared inadmissible or struck out (Committee)	75	19	31
- Declared inadmissible or struck out (Chamber)	21	7	10
- Decided by judgment	33	27	17
Interim measures:	179	110	119
- Granted	35	10	6
- Refused (including out of scope)	144	100	113

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Applications pending before the court on 01/01/2018	
Total pending applications*	950
Applications pending before a judicial formation:	357
Single Judge	58
Committee (3 Judges)	19
Chamber (7 Judges)	280
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

### France and ...

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **668** Registry staff members of whom **158** are French.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### Right to life case (Article 2)

##### [Lambert and Others v. France](#)

05.06.2015

The applicants are the parents, a half-brother and a sister of Vincent Lambert who sustained a head injury in a road-traffic accident in 2008 as a result of which he is tetraplegic. They complained in particular about the judgment delivered on 24 June 2014 by the French *Conseil d'État* which, relying on, among other things, a medical report drawn up by a panel of three doctors, declared lawful the decision taken on 11 January 2014, by the doctor treating Vincent Lambert, to discontinue his artificial nutrition and hydration. The applicants submitted in particular that withdrawing his artificial hydration and nutrition would be contrary to the State's obligations under Article 2 (right to life) of the Convention.

[No violation of Article 2 \(right to life\) in the event of implementation of the \*Conseil d'État\* judgment of 24 June 2014.](#)

##### [Vo v. France](#) (no. 53924/00)

08.07.2004

During a medical examination performed on a pregnant woman by mistake (because she had the same surname as another patient), her amniotic sac was accidentally pierced, entailing a therapeutic abortion. The authorities refused to classify the killing of the foetus as involuntary manslaughter.

[No violation of Article 2](#)

#### Cases concerning prohibition of inhuman or degrading treatment and torture (Article 3)

##### [Ramirez Sanchez v. France](#)

04.07.2006

Prolonged solitary confinement of the terrorist "Carlos" sentenced to life imprisonment.

[No violation of Article 3](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

##### [Selmouni v. France](#)

28.07.1999

Torture (physical and mental) of a person in police custody in 1991.

[Violation of Articles 3 \(prohibition of torture\) and 6 § 1 \(right to a fair hearing within a reasonable time\)](#)

#### Freedom of expression cases (Article 10)

##### [Couderc and Hachette Filipacchi Associés v. France](#)

10.11.2015

The case concerned a court ruling against the weekly magazine *Paris Match* for having published information about Prince Albert of Monaco's private life.

[Violation of Article 10](#)

##### [Morice v. France](#)

23.04.2015

Concerned the conviction of a lawyer, on account of remarks reported in the press, for complicity in defamation of the investigating judges who had been removed from the judicial investigation into the death of Judge Bernard Borrel.

[Violation of Article 6 § 1 \(right to a fair trial\)](#)

[Violation of Article 10](#)

##### [Lindon, Otchakovsky-Laurens and July v. France](#)

02.10.2007

Conviction for publications found to be defamatory.

[No violation of Article 10](#)

##### [Fressoz and Roire v. France](#)

21.01.1999

Conviction of the former publication director and a journalist of the weekly satirical newspaper *Le Canard enchaîné* following the publication in 1989 of copies of the tax assessments of the then chairman of Peugeot.

[Violation of Article 10](#)

### Cases dealing with discrimination issues (Article 14)

#### [Fabris v. France](#)

07.02.2013<sup>1</sup>

The applicant complained that he had been unable to benefit from a law introduced in 2001 (Law of 3 December 2001) granting children "born of adultery" identical inheritance rights to those of legitimate children.

Violation of Article 14 taken in conjunction with Article 1 of Protocol No. 1 (protection of property)

#### [E. B. v. France](#) (no 43546/02)

22.01.2008

French authorities' refusal to approve an adoption because of the applicant's sexual orientation.

Violation of Article 14 in conjunction with Article 8 (right to respect for private and family life)

### Cases dealing with protection of property (Article 1 of Protocol No. 1)

#### [Depalle v. France and Brosset-Triboulet and Others v. France](#)

29.03.2009

Applicants' obligation, under the Coastal Areas Act, to leave their houses and return their properties to their original state, at their own expense and without prior compensation.

No violation of Article 1 of Protocol No. 1  
No need for a separate examination of Article 8 (right to respect for one's home).

#### [Draon v. France and Maurice v. France](#)

06.05.2005

Two children were born with severe congenital disabilities which, owing to medical errors, had not been discovered during prenatal examinations. The parents were unable to obtain compensation for the burdens arising from their children's disability on account of the immediate application of the "anti-Perruche Law", which had come into force while their actions were pending.

Violation of Article 1 of Protocol No. 1

No violation of Articles 13 (right to an effective remedy) and 8 (right to respect for private and family life)

### Other noteworthy cases, judgments delivered

#### Grand Chamber

#### [S.A.S. v. France](#) (no. 43835/11)

01.07.2014

Concerned the complaint of a French national, who is a practising Muslim, that she is no longer allowed to wear the full-face veil in public following the entry into force, on 11 April 2011, of a law prohibiting the concealment of one's face in public places.

No violation of Article 8 (right to respect for private and family life)

No violation of Article 9 (right to respect for freedom of thought, conscience and religion)

No violation of Article 14 (prohibition of discrimination) combined with Articles 8 or 9

#### [De Souza Ribeiro v. France](#)

13.12.2012

The case concerned the expulsion of a Brazilian national living in French Guiana (an overseas region and *département* of France) with no possibility for him to challenge the lawfulness of the removal measure before it was enforced.

Violation of Article 13 (right to an effective remedy) in conjunction with Article 8 (right to respect for private and family life)

#### [Sabel El Leil v. France](#)

29.06.2011

An accountant, fired from an embassy in Paris, could not contest his dismissal.

Violation of Article 6 § 1 (right of access to a court)

#### [Medvedyev and Others v. France](#)

29.03.2010

Interception on the high seas, then rerouting to France, by the French Navy, of a foreign vessel (used for drug trafficking) and its crew.

Violation of Article 5 § 1 (right to liberty and security)

No violation of Article 5 § 3 (right to liberty and security)

<sup>1</sup> As regards the same case, a [judgment](#) on the question of just satisfaction was delivered on 28 June 2013. At the same time, the Court decided to strike the remainder of the case out of its list of cases.

## Noteworthy cases, judgments delivered

### Chamber

#### **Conditions of detention cases - Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment)**

##### **Boukrourou and Others v. France**

16.11.2017

The case concerned the death of an individual suffering from psychiatric disorders (M.B.) during a police operation. The applicants were the deceased's brothers, sister, widow, father and mother.

[No violation of Article 2 \(right to life\)](#)

[Violation of Article 3](#)

##### **Isenc v. France**

04.02.2016

The case concerned the applicant's son's suicide 12 days after he was admitted to prison.

[Violation of Article 2](#)

##### **Sellal v. France**

08.10.2015

Suicide in detention of A.S., a prisoner suffering from schizophrenia.

[No violation of Article 2](#)

See also the case [Benmouna and Others v. France](#), declared inadmissible on 08.10.2015.

##### **Helhal v. France**

19.02.2015

Concerned the compatibility of a disabled prisoner's state of health with his continuing detention and the arrangements for his care in prison.

[Violation of Article 3](#)

##### **Fakailo dit Safoka and Others v. France**

02.10.2014

Concerned the conditions of detention of five French nationals held in police custody in the cells of the police headquarters in Nouméa (New Caledonia).

[Violation of Article 3](#)

##### **Canali v. France**

25.04.2013

The case dealt with the conditions of detention in the Charles III Prison in Nancy, which was built in 1857 and shut down in

2009 on account of its extremely dilapidated state.

[Violation of Article 3](#)

##### **Ketreb v. France**

19.07.2012

Concerned the suicide in prison, by hanging, of a drug addict convicted of armed assault.

[Violation of Article 2](#)

[Violation of Article 3](#)

##### **G. v. France (no. 27244/09)**

23.02.2012

The applicant, who suffers from a chronic schizophrenic-type psychiatric disorder, is currently being held in a Marseilles hospital. He was taken into custody and subsequently sentenced to ten years' imprisonment. He was ultimately found by the Bouches-du-Rhône Assize Court of Appeal to lack criminal responsibility.

[Violation of Article 3](#)

[No violation of Article 6 \(right to a fair trial\)](#)

##### **Popov v. France**

19.01.2012

Concerned the administrative detention of a family - baby and young child with their immigrant parents for two weeks - at the Rouen-Oissel in France centre pending their removal to Kazakhstan.

[Violation of Article 3 in respect of the children](#)

[No violation of Article 3 in respect of the parents.](#)

[Violation of Article 5 §§ 1 and 4 \(right to liberty and security\) in respect of the children](#)

[Violation of Article 8 \(right to respect for private and family life\) in respect of the whole family](#)

##### **Cocaign v. France**

03.11.2011

The case dealt with the placement of a prisoner with mental disorders in a punishment block and his continued detention.

[No violation of Article 3 on account of the applicant's confinement in a punishment cell, his continued detention and the medical treatment he received](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

[Placement in a punishment block should be subject to appeal with suspensive effect.](#)

**Plathey v. France**

03.11.2011

Prisoner held in foul smelling cell in disciplinary wing, 23 hours a day for 28 days.

Violation of Article 3

**Alboreo v. France**

20.10.2011

The case concerned a high-security prisoner.

Violation of Article 3 concerning ill-treatment inflicted by the special intervention forces

Violation of Article 13 (right to an effective remedy) taken together with Article 3 concerning the lack of an effective remedy against security transfer measures

**El Shennawy v. France**

20.01.2011

Repeated full body searches, recorded on video and conducted by law-enforcement officers wearing balaclavas.

Violation of Articles 3 and 13 (right to an effective remedy)

**Payet v. France**

20.01.2011

The conditions of detention of a "high-risk prisoner" were inhuman but his repeated transfers were justified.

Violation of Article 3 with regard to the applicant's conditions of detention in the punishment wing

Violation of Article 13 (right to an effective remedy)

No violation of Article 3 with regard to the applicant's transfers

**Stasi v. France**

20.10.2011

Case concerning measures taken by prison authorities following ill-treatment of an inmate.

No violation of Article 3: Prison authorities had taken all necessary measures to protect inmate

**Raffray Taddei v. France**

21.12.2010

Failure to provide adequate medical care for anorexic prisoner.

Violation of Articles 3

**Khider v. France**

09.07.2009

Detention conditions and security measures imposed on a prisoner.

Violation of Articles 3 and 13 (right to an effective remedy)

(see also the [decision](#) of 1 October 2013 in a case registered by the same applicant Khider v. France (no. 56054/12)

**Renolde v. France**

16.10.2008

Suicide, during pre-trial detention, of a prisoner who had serious mental problems and posing a suicide risk.

Violation of Articles 2 and 3

**Frérot v. France**

12.06.2007

Full body search of a prisoner with systematic inspection every time he received a visit, for two years.

Violation of Articles 3, 8 (right to respect for private and family life), 13 (right to an effective remedy) and 6 § 1 (right to a fair hearing)

**Expulsion of aliens (Article 3)**

**A.S. v. France (no. 46240/15)**

19.04.2018

The case concerned the expulsion to Morocco of a Moroccan national who had been convicted in France of conspiracy to carry out terrorist acts, and who had previously been deprived of his French nationality for the same reason.

No violation of Article 3

Violation of Article 34 (right of individual application)

The Court noted in particular that Morocco had adopted general measures to prevent risks of treatment contrary to Article 3.

**M.A. v. France (no. 9373/15)**

01.02.2018

The case concerned the expulsion to Algeria of an Algerian national convicted in France of involvement in a terrorist organisation.

Violation of Article 3 (prohibition of torture and inhuman or degrading treatment)

Violation of Article 34 (right of individual application)

**[A.A. v. France \(no. 18039/11\) and A.F. v. France \(no. 80086/13\)](#)**

15.01.2015

Both cases dealt with proceedings to deport to Sudan two Sudanese nationals – A.A., from a non- Arab tribe in Darfur, and A.F., from South Darfur and of Tunjur ethnicity – who had arrived in France in 2010.

Violation of Article 3 (prohibition of torture and inhuman or degrading treatment) if the applicants were deported to Sudan

**[Rafaa v. France](#)**

30.05.2013

The case concerned Mr Rafaa's extradition to Morocco following an international arrest warrant issued against him by the Moroccan authorities for acts of terrorism and the rejection in 2010 of his asylum request by the French authorities.

Violation of Article 3 (in the event of the applicant's expulsion to Morocco)

Interim measure (Rule 39 of the Rules of Court) – not to expel Mr Rafaa – still in force until judgment becomes final or until further order.

**[Mo.M v. France \(no. 18372/10\)](#)**

18.04.2013

A Chadian national complained that deporting him to his country of origin would expose him to the risk of ill-treatment by the police there to punish him for allegedly siding with the rebels in Darfur.

Violation of Article 3 if Mo.M., who had been denied asylum, were to be sent back to Chad.

**[I.M. v. France \(no. 9152/09\)](#)**

02.02.2012

Concerned the risks the applicant would face in the event of his deportation to Sudan and the effectiveness of the remedies available to him in France in view of the fact that his asylum application was dealt with under the fast-track procedure.

Violation of Article 13 (right to an effective remedy) taken together with Article 3 (prohibition of inhuman or degrading treatment)

The Court rejected the applicant's complaint under Article 3 because he no longer faced deportation to Sudan and was certain to be able to remain in France since he had been granted refugee status.

**[H.R. v. France \(no. 64780/09\)](#)**

22.09.2011

The enforcement of the order for the applicant's removal to Algeria would amount to a violation of Article 3 (prohibition of torture and inhuman or degrading treatment).

**[Daoudi v. France](#)**

03.12.2009

Risk faced by applicant, convicted in France for terrorist activities, in the event of his return to Algeria.

Violation of Article 3 (prohibition of inhuman or degrading treatment) if the deportation measure were to be executed

**Cases dealing with inhuman or degrading treatment (Article 3)**

Violations of Article 3

**[Ghedir and Others v. France](#)**

16.07.2015

Concerned allegations of ill-treatment during an arrest carried out at a station by security officers of the SNCF (the French national railway company) and police officers.

**[Darraj v. France](#)**

04.11.2010

Disproportionate force used against youth during identity check at police station.

No violations of Article 3

**[Bodein v. France](#)**

13.11.2014

Life imprisonment

**[Sultani v. France](#)**

20.09.2007

Risks faced by an asylum-seeker in the event of his return to Afghanistan.

**[V.T. v. France \(no. 37194/02\)](#)**

11.09.2007

Applicant alleged that her treatment by the social-security contributions collection agency had forced her to continue in prostitution.

**Cases dealing with Article 4  
(prohibition of slavery or forced  
labour)**

**Siliadin v. France**

26.07.2005

Insufficient protection of the applicant, a domestic slave.

[Violation of Article 4](#)

**Police custody  
(Articles 5 and 6)**

**Alouache v. France**

06.10.2015

Complaint regarding the circumstances in which the notice of appeal lodged by Mr Alouache, the applicant, against his placement in detention was drawn up and sent.

[No violation of Article 5 § 1 \(right to liberty and security\) or Article 5 § 4 \(right to a speedy decision on the lawfulness of detention\)](#)

**François v. France**

23.04.2015

The case concerned the placing of a lawyer in police custody after he had been assisting at the police station, in his professional capacity, a youth who was being held by the police.

[Violation of Article 5 § 1 \(right to liberty and safety\)](#)

**Ali Samatar and Others v. France**  
**Hassan and Others v. France**

04.12.2014

These two cases dealt with nine Somali nationals, who, having hijacked French-registered vessels off the coast of Somalia were arrested and held by the French army, then transferred to France, where they were taken into police custody and prosecuted for acts of piracy.

[Violation of Article 5 § 1 \(right to liberty and security\) in the case of \*Hassan and Others\*, as the French system applicable at the relevant time had not sufficiently guaranteed the applicants' right to their liberty](#)

[Violation of Article 5 § 3 \(right to liberty and security\) in both cases, as the applicants had been taken into custody for 48 hours on their arrival in France instead of being brought "promptly" before a legal authority, when they had already been deprived of their liberty for four days and some twenty hours \(\*Ali Samatar and\*](#)

[Others\) and six days and sixteen hours \(\*Hassan and Others\*\)](#)

**Vassis and Others v. France**

27.06.2013

The case concerned drug-trafficking suspects who were placed in police custody for 48 hours prior to their first appearance before a judicial authority, having already been detained on the high seas for 18 days without any supervision by a judge.

[Violation of Article 5 § 3 \(right to liberty and security\)](#)

**Moulin c. France**

23.11.2010

The applicant, remanded, has not been "brought promptly" before a "judge or other officer authorised by law to exercise judicial power".

[Violation of Article 5 § 3 \(right to liberty and security\)](#)

**Brusco v. France**

14.10.2010

Applicant was only allowed, in accordance with the Code of Criminal procedure, the assistance of a lawyer only 20 hours after he had been put in police custody. He had therefore not been informed, before he was questioned, of certain of his rights, such as to remain silent, not to incriminate himself or to have legal assistance when questioned.

[Violation of Article 6 §§ 1 and 3 \(right to remain silent and not to incriminate oneself\)](#)

**Cases dealing with the right to liberty  
and security (Article 5)**

**Kiril Zlatkov Nikolov v. France**

10.11.2016

The case concerned a person suspected of having committed an offence related to organised crime who had to wait almost four days before being brought before an investigating judge, and the failure to record his interrogations.

[No violation of Article 5 § 3](#)

**A.B. and Others v. France**  
**(no. 11593/12)**

12.07.2016

The case primarily concerned the administrative detention of an underage child for eighteen days in the context of a deportation procedure against his parents.

Violation of Article 3 (prohibition of torture and of inhuman or degrading treatment)

Violation of Article 5 § 1 (right to liberty and security) in respect of the applicants' child

Violation of Article 5 § 4 (right to speedy review of the lawfulness of detention) in respect of the applicant's child

Violation of Article 8 (right to respect for private and family life) in respect of all the applicants (the child and his parents)

The Court delivered four other judgments on the same day in similar cases ([R.M. and M.M. v. France](#), no. 33201/11, [A.M. v. France](#), no. 24587/12, [R.K. v. France](#), no. 68264/14 and [R.C. v. France](#), no. 76491/14), all essentially concerning the fact of placing underage children in administrative detention in the context of deportation procedures.

#### [A.M. v. France](#) (no. 56324/13)

12.07.2016

The case concerned a complaint about the lack of an effective remedy, for the purposes of Article 5 § 4, to contest the lawfulness of a detention order against an alien in France which had led to his deportation from French territory.

Violation of Article 5 § 4 (right to a speedy decision on the lawfulness of detention)

#### [Corbet and Others v. France](#)

19.03.2015

Concerned the applicants' prosecution and conviction for misappropriating assets from the airline Air Liberté before it was put into compulsory liquidation.

Violation of Article 5 § 1 on account of Mr Corbet's detention on 24 July 2003

At the same time, the Court declared inadmissible the applicants' complaint under Article 6 §§ 1 and 2 (right to a fair trial / right to be presumed innocent)

### Cases concerning Article 6

[Right of access to court](#)

#### [Reichman v. France](#)

12.07.2016

The case concerned an allegation of disproportionate interference with the right of access to the Court of Cassation and with the right to freedom of expression.

Violation of Article 6 § 1

Violation of Article 10 (freedom of expression)

#### [Sfez v. France and Rivière v. France](#)

25.07.2013

Both cases concerned a refusal by the judicial authorities to grant a request for the adjournment of a hearing.

No violation of Article 6 § 3 (c) (right to be assisted by a lawyer) in the Sfez case

Violation of Article 6 §§ 1 and 3 (c) in the Rivière case

[Right to a fair trial](#)

#### [Ramda v. France](#)

19.12.2017

The case concerned the reasoning of the judgment convicting the applicant delivered by an Assize Court composed exclusively of professional judges and compliance with the *ne bis in idem* principle in the case of a final conviction by the ordinary criminal courts followed by a criminal conviction by the Assize Court.

No violation of Article 6 § 1

No violation of Article 4 of Protocol No. 7 (right not to be tried or punished twice)

#### [Ait Abbou v. France](#)

02.02.2017

The applicant complained that he had not had a fair trial, having been unable to challenge the lawfulness of pre-trial proceedings against him in his absence.

No violation of Article 6 § 1

#### [Les Authentiks and Supras Auteuil 91 v. France](#)

27.10.2016

The case concerned the dissolution of two Paris-Saint-Germain supporters' associations, following scuffles in which some of their members were involved on 28 February 2010, leading to the death of one supporter.

No violation of Article 6 and 11 (freedom of assembly and association)

#### [Beausoleil v. France](#)

06.10.2016

The case concerned a Court of Audit judgment which, according to the applicant, was biased.

Violation of Article 6 § 1

#### [Duceau v. France](#)

30.06.2016

The case concerned the dismissal of an appeal on account of the appointment of a



new lawyer without complying with a procedural rule (Article 115 of the Code of Criminal Procedure).

[Violation of Article 6 § 1](#)

#### **[Tchokontio Happi v. France](#)**

09.04.2015

The case concerned a failure to enforce a final judgment granting the applicant accommodation in the context of the law on the enforceable right to housing (known as the "DALO" Act). **This is the first time that the Court has dealt with an application against France concerning non-enforcement of a decision to grant housing.**

[Violation of Article 6 § 1](#)

#### **[Vinci Construction and GMT genie civil and services v. France](#)**

02.04.2015

The case concerned inspections and seizures carried out by investigators from the Department for Competition, Consumer Affairs and Fraud Prevention on the premises of two companies.

[Violation of Article 6 § 1](#)

[Violation of Article 8 \(right to respect for private and family life, for the home and for correspondence\)](#)

#### **[Bodein v. France](#)**

13.11.2014

The case concerned Mr Bodein's sentence to life imprisonment without any possibility of sentence reduction, and the issue of the reasons provided for Assize Court judgments.

[No violation of Article 6 § 1](#)

[No violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

#### **[Agnelet v. France](#)**

#### **[Legillon v. France](#)**

10.01.2013

The applicants complained of a lack of reasoning in the assize court judgments by which they were convicted and sentenced to imprisonment.

[Violation of Article 6 § 1 in the Agnelet case](#)

[No violation of Article 6 § 1 in the Legillon case](#)

#### **[Lagardère v. France](#)**

12.04.2012

The case concerned a court order for Arnaud Lagardère, the son of Jean-Luc Lagardère, the former chairman and managing director of Matra and Hachette, to pay damages on account of his father's

criminal guilt, which was not established until after the father's death.

[Violation of Article 6 § 1, on account of the unfairness of proceedings where a civil action against the applicant's father was continued before the criminal court in spite of the father's death;](#)

[Violation of Article 6 § 2 \(presumption of innocence\)](#)

#### **[Poirot v. France](#)**

15.12.2011

Woman with disabilities who lodged a criminal complaint alleging sexual assault at a residential care home.

[Violation of Article 6 § 1: French courts displayed excessive procedural formalism in depriving the applicant of her right to appeal.](#)

#### **[Stojkovic v. France and Belgium](#)**

27.10.2011

The case concerned the right of a suspect to be assisted by a lawyer when first questioned by Belgian police officers acting under an international letter of request issued by a French judge, who was present at the interview.

[Application inadmissible in so far as it was lodged against Belgium and admissible in respect of France](#)

[Violation of Article 6 § 3 \(c\) \(right to legal assistance\) taken together with Article 6 § 1](#)

#### **[Messier v. France](#)**

30.06.2011

Proceedings following which a sanction has been imposed on Jean-Marie Messier by the Financial Market Authority.

[No violation of Article 6 §§ 1 and 3](#)

#### **[André and Other v. France](#)**

24.07.2008

Searches and seizures in a law firm.

[Violation of Articles 6 § 1 and 8 \(right to respect for private and family life\)](#)

#### **[Ravon v. France](#)**

21.02.2008

No access to an effective remedy in order to challenge searches by the tax authorities.

[Violation of Article 6 § 1](#)

**Cases dealing with Article 7  
(no punishment without law)**

**[X and Y v. France](#) (no. 48158/11)**

01.09.2016

The case concerned two complaints lodged by stock market professionals following the imposition of disciplinary sanctions on them by the Enforcement Committee of the *Autorité des marchés financiers* (AMF – stock market authority) for failing to comply with the rules on and the period of cover for the short selling of stocks under a capital-raising programme for the Euro Disney company.

[Complaint under Article 6 §1 \(right to a fair trial\) declared inadmissible](#)

[No violation of Article 7](#)

**[Berland v. France](#)**

03.09.2015

The case concerned the security measures imposed under a Law of 25 February 2008 on Mr Berland, who had been found to lack criminal responsibility, in connection with a murder committed prior to the entry into force of the Law.

[No violation of Article 7](#)

**[Soros v. France](#)**

06.10.2011

The case concerned George Soros, who was convicted and sentenced by the French courts for insider trading in the 1990s.

[No violation of Article 7](#)

**Cases dealing with private and family  
life (Article 8)**

Violations of Article 8

**[Ben Faiza v. France](#)**

08.02.2018

The case concerns surveillance measures taken against Mohamed Ben Faiza in connection with a criminal investigation into drug trafficking. This part of the judgment concerns the real-time geolocation of Mr. Ben Faiza's vehicle by means of a GPS device.

**[Aycaguer v. France](#)**

22.06.2017

The case concerned the applicant's refusal to undergo biological testing, the result of which was to be included in the national computerised DNA database (FNAEG).

See also press release regarding the application [Dagregorio and Mosconi v. France](#).

**[A.P., Garçon and Nicot v. France](#)**

06.04.2017

The case concerned three transgender persons of French nationality who wished to change the entries concerning their sex and their forenames on their birth certificates, and who were not allowed to do so by the courts in the respondent State. The applicants submitted, among other points, that the authorities had infringed their right to respect for their private life by making recognition of sexual identity conditional on undergoing an operation involving a high probability of sterility.

**[Brunet v. France](#)**

18.09.2014

The case concerned a complaint about Mr Brunet's details being recorded in a crime database after the discontinuance of criminal proceedings against him.

**[Mugenzi v. France, Tanda-Muzinga v. France and Senigo Longue and Others v. France](#)**

10.07.2014

Difficulties encountered by applicants - who were either granted refugee status or lawfully residing in France - in obtaining visas for their children so that their families could be reunited.

See also application [Ly v. France](#), declared inadmissible as manifestly ill-founded.

**[Winterstein and Others v. France](#)**

17.10.2013

The case concerned eviction proceedings brought against a number of traveller families who had been living in the same place for many years.

[The Court reserved in its entirety the question of the application of Article 41 \(just satisfaction\).](#)

**[M.K. v. France \(no. 19522/09\)](#)**

18.04.2013

A French national complained of the fact that his fingerprints had been retained on a database by the French authorities.

No violations of Article 8

**[Libert v. France](#)**

22.02.2018

The case concerned the dismissal of an SNCF (French national railway company)

employee after the seizure of his work computer had revealed the storage of pornographic files and forged certificates drawn up for third persons.

#### [Ben Faiza v. France](#)

08.02.2018

The case concerns surveillance measures taken against Mohamed Ben Faiza in connection with a criminal investigation into his involvement in drug-trafficking offences. This part of the judgment deals with the court order issued to a mobile telephone operator to obtain the list of cell towers pinged by Mr Ben Faiza's phone for subsequent tracking of his movements.

#### [Fédération Nationale des Syndicats Sportifs \(FNASS\) and Others v. France](#)

18.01.2018

The case concerned the requirement for a targeted group of sports professionals to notify their whereabouts for the purposes of unannounced anti-doping tests.

#### [Terrazzoni v. France](#)

29.06.2017

The case concerned the use, in the context of disciplinary proceedings against a judge, of the transcript of a telephone conversation that had been intercepted by chance in criminal proceedings in which the judge had not been involved.

#### [Versini-Campinchi and Crasnianski v. France](#)

16.06.2016

The case concerned the interception, transcription and use in disciplinary proceedings against her of conversations which the applicant, who is a lawyer, had had with one of her clients.

#### [Flamenbaum and Others v. France \(nos. 3675/04 and 23264/04\)](#)

13.12.2012

The case concerned the extension of the main runway at Deauville Airport and the resulting disturbance affecting the properties of local residents.

#### [Michaud v. France](#)

06.12.2012

The case concerned the obligation on French lawyers to report their "suspicions" regarding possible money laundering activities by their clients.

#### [Mallah v. France](#)

01.11.2011

Applicant's criminal conviction with absolute discharge for facilitating the unauthorised residence of his son-in-law.

#### [B.B. v. France, Gardel v. France, M.B. v. France](#)

17.12.2009

Inclusion of applicants' names in national judicial sex-offenders database.

### **Cases dealing with children's rights (Article 8)**

#### [Foulon v. France and Bouvet v. France](#)

21.07.2016

The case concerns children born from surrogacy agreements abroad and the French authorities' refusal to transcribe their birth certificates issued in India to the French civil-status registers.

[Violation of Article 8 \(right to respect for private and family life\) in respect of children's right to respect for their private life](#)

[No violation of Article 8 in respect of the applicants' \(intended parents and children involved together\) to respect for family life](#)

#### [Mandet v. France](#)

14.01.2016

The case concerned the quashing of the formal recognition of paternity made by the mother's husband at the request of the child's biological father.

[No violation of Article 8](#)

#### [Mennesson v. France](#) [Labassee v. France](#)

26.06.2014

The cases concerned the refusal to grant legal recognition in France to parent-child relationships that had been legally established in the United States between children born as a result of surrogacy treatment and the couples who had had the treatment.

[No violation of Article 8 concerning the applicants' right to respect for their family life in both cases](#)

[Violation of Article 8 concerning the children's right to respect for their private life in both cases](#)

### Cases dealing with parental rights (Article 8)

#### No violations of Article 8

#### [Henrioud v. France](#)

05.11.2015

Applicant's inability to secure the return of his children to Switzerland, who had been taken to France by their mother.

#### [Zambotto Perrin v. France](#)

26.09.2013

The case concerned a child born out of wedlock, anonymously at the mother's request.

#### [Harroudj v. France](#)

04.10.2012

The case concerned the refusal of permission for a French national to adopt an Algerian baby girl already in her care under the Islamic-law form of guardianship called "kafala"<sup>2</sup>.

#### [Kearns v. France](#)

10.01.2008

Inability for a biological mother to secure the return of her child to whom she had given birth anonymously, as the statutory time-limit for such a request had passed.

#### [Mauousseau and Washington v. France](#)

06.12.2007

Young girl's return to her father in the USA, her place of habitual residence, pursuant to a French court's order, the mother having retained her daughter in France after a holiday there.

### Same sex marriages (Articles 12 and 8)

#### [Chapin and Charpentier v. France](#)

09.06.2016

The case concerned the right to same-sex marriage.

No violation of Article 12 (right to marry) taken together with Article 14 (prohibition of discrimination)

No violation of Article 8 (right to respect for

private and family life) taken together with Article 14

### Adoption by same-sex couples cases (Articles 14 and 8)

#### [Gas and Dubois v. France](#)

15.03.2012

The applicants were two cohabiting women. The case concerned the refusal of the first applicant's request for simple adoption of the second applicant's child.

No violation of Articles 14 (prohibition of discrimination) and 8 (right to respect for private and family life)

#### [E.B. v. France \(no. 43546/02\)](#)

22.01.2008 (Grand Chamber)

(see p. 3)

#### [Fretté v. France](#)

26.02.2002

The applicant, a homosexual man, complained that the decision dismissing his request for authorisation to adopt a child amounted to arbitrary interference with his private and family life because it was based exclusively on unfavourable prejudice about his sexual orientation. He further complained that he had not been summoned to the hearing on his case held by the *Conseil d'Etat*.

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private life)

Violation of Article 6 (right to a fair hearing)

### Inadmissible application

#### [Bonnaud and Lecoq v. France](#)

01.03.2018

The case concerned an application for joint exercise of parental responsibility made by two women living as a couple, each of whom had a child born as a result of medically assisted reproduction.

Application declared inadmissible.

### Cases dealing with freedom of thought, conscience and religion (Article 9)

#### [Ebrahimian v. France](#)

26.11.2015

The case concerned the decision not to renew the contract of employment of a

<sup>2</sup> Islamic law prohibits adoption, creating family relationships that are comparable or similar to those resulting from biological descent. However it allows for 'kafala' or 'legal fostership'. In Muslim States except for Turkey, Indonesia and Tunisia, 'kafala' is defined as the voluntary commitment to take charge of the upkeep, education and protection of a minor.

hospital social worker because of her refusal to stop wearing the Muslim veil.

[No violation of Article 9](#)

[\*\*Association Les Témoins de Jéhovah v. France\*\*](#)

30.06.2011<sup>3</sup>

Gifts received by "Association of Jehovah's Witnesses" were taxed under a law that was too imprecise.

[Violation of Article 9](#)

**Freedom of expression cases  
(Article 10)**

Violations of Article 10

[\*\*Ottan v. France\*\*](#)

19.04.2018

The case concerned a disciplinary sanction imposed on Mr Ottan, who is a lawyer, on the grounds of his statements to the press immediately after an acquittal.

[\*\*de Carolis and France Televisions v. France\*\*](#)

21.01.2016

The case concerned an accusation of defamation brought by Saudi Prince Turki Al Faisal on account of a documentary on the France 3 television channel concerning complaints lodged by families of the victims of the 11 September 2001 attacks.

[\*\*Bono v. France\*\*](#)

15.12.2015

The case concerned a disciplinary sanction imposed on Mr Bono, as lawyer acting for a suspected terrorist, S.A., for remarks made in his pleadings before the Court of Appeal. He claimed that the French investigating judges had been complicit in the torture of S.A. by the Syrian secret services and thus sought the exclusion of statements obtained through the use of torture.

[\*\*Eon v. France\*\*](#)

14.03.2013

The case concerned the applicant's conviction for insulting the President of France. During a visit by the President to the department of Mayenne, the applicant had waved a placard reading "Casse toi pov'con" ("Get lost, you sad prick"), a phrase uttered by the President himself several months previously.

<sup>3</sup> In the same case, a [judgment](#) on the question of just satisfaction was delivered on 5 July 2012.

The Court held that criminal penalties for conduct such as that displayed by the applicant were likely to have a chilling effect on satirical contributions to discussion of matters of public interest, such discussion being fundamental to a democratic society.

[\*\*Ressiot and Others v. France\*\*](#)

28.06.2012

The case concerned investigations carried out at the premises of *Equipe* and *Le Point* newspapers and at the homes of journalists accused of breaching the confidentiality of a judicial investigation.

The Court found that the Government had not shown that a fair balance had been struck between the various interests involved.

[\*\*Martin and Others v. France  
\(no. 30002/08\)\*\*](#)

12.04.2012

The case concerned a search of the premises of the *Midi Libre* daily newspaper ordered by an investigating judge to determine in what circumstances and conditions journalists had obtained a copy of a confidential draft report of the Regional Audit Office concerning the management of the Languedoc-Roussillon region.

[\*\*Mor v. France\*\*](#)

15.12.2011

The case concerned the conviction of a lawyer for a breach of professional confidence following an interview with the press on the subject of an expert report submitted to an investigating judge concerning deaths following vaccination against hepatitis B.

[\*\*Vellutini and Michel v. France\*\*](#)

06.10.2011

Conviction of the President and General Secretary of the municipal police officers' union (USPPM) for public defamation of a mayor, on the basis of statements made in their capacity as union officials.

[\*\*Dumas v. France\*\*](#)

15.07.2010

[\*\*Fleury v. France\*\*](#)

11.05.2010

[\*\*Haguenauer v. France\*\*](#)

22.04.2010

[\*\*Renaud v. France\*\*](#)

25.02.2010

[Orban and Others v. France](#)

15.01.2009

[Chalabi v. France](#)

18.09.2008

[July and SARL Libération v. France](#)

14.02.2008

[Mamère v. France](#)

07.11.2006

No violations of Article 10

[Giesbert and Others v. France](#)

01.06.2017

The case concerned a finding against the *Le Point* weekly magazine, its editor-in-chief, Franz-Olivier Giesbert, and a journalist, Hervé Gattegno, for publishing documents from a set of criminal proceedings before it was to be read out at a public hearing, in the high-profile Bettencourt case.

[Société de Conception de Presse et d'Édition v. France](#)

25.02.2016

The case concerned the unauthorised publication by the magazine *Choc* of a photograph of a young man, I.H., taken by his torturers while he was in captivity.

The Court found in particular that the publication of the photograph, which had not been intended for public viewing, constituted serious interference with the private life of I.H.'s relatives.

[Prompt v. France](#)

03.12.2015

The case concerned the judgment given in civil proceedings for libel against Mr Prompt, the lawyer representing Bernard Laroche, one of the protagonists in the "Grégory case", on account of a book he had published on the case. The circumstances of four-year-old Grégory Villemin's murder have still not been established.

[Bidart v. France](#)

12.11.2015

The case concerned the obligation imposed on Philippe Bidart, in the context of his release on licence, to refrain from disseminating any work or audiovisual production authored or co-authored by him concerning the offences of which he had

been convicted, and from speaking publicly about those offences.

[Leroy v. France](#)

02.10.2008

[Editions Plon v. France](#)

18.05.2004

Ban imposed on the distribution of a book, *Le Grand Secret*, by the private doctor of the late President Mitterrand, in which he spoke about the difficulty of having to conceal the President's illness.

No violation of Article 10 for the interim injunction; violation of Article 10 for subsequent ban.

**Inadmissible application**

[Meslot v. France](#)

01.02.2018

The case concerned the applicant's conviction for contempt of court on the grounds of comments which he had made about a judge at a meeting during an election campaign.

Application declared inadmissible as manifestly ill-founded.

**Cases dealing with the right to freedom of assembly and association (Article 11)**

[ADEFDROMIL v. France](#)

[Matelly v. France](#)

02.10.2014

The cases concerned the prohibition on trade unions within the French armed forces.

Violation of Article 11 in both cases

In the judgment *Matelly*, the Court concluded that, while the exercise by military personnel of freedom of association could be subject to legitimate restrictions, a blanket ban on forming or joining a trade union encroached on the very essence of this freedom, and was as such prohibited by the Convention.

**Cases dealing with the right to an effective remedy (Article 13)**

[Yengo v. France](#)

21.05.2015

Concerned the conditions of detention of a prisoner, Mr Yengo, in Nouméa prison, New Caledonia. Mr Yengo complained about

those conditions and also about the lack of an effective remedy by which to complain about them to the domestic authorities.

The Court held that Mr Yengo could no longer claim to be a victim of Article 3 of the Convention prohibiting inhuman and degrading treatment, since the domestic court had awarded him some compensation for the harm sustained as a result of the detention conditions.

The Court further held that there had been a violation of Article 13.

#### **Gebremedhin v. France**

26.04.2007

Eritrean asylum-seeker held in the waiting zone of Roissy-Charles de Gaulle airport had no remedy with automatic suspensive effect against decisions denying him leave to enter and ordering his removal.

Violation of Article 13 in conjunction with Article 3 (prohibition of inhuman or degrading treatment)

No violation of Article 5 § 1 (f) (right to liberty and security)

#### **Cases related to discrimination (Article 14)**

#### **Saumier v. France**

12.01.2017

The case concerned an individual who had become ill as a result of her employer's negligence and been unable to obtain full compensation for the damage she suffered.

No violation of Article 14 taken in conjunction with Article 1 (protection of property) of Protocol No. 1

#### **Koua Poirrez v. France**

30.09.2003

French authorities' refusal to award a disabled adult's allowance to a national of Côte d'Ivoire, resident in France.

Violation of Article 14 in conjunction with Article 1 of Protocol No. 1 (protection of property)

No violation of Article 6 § 1 (right to a fair hearing within a reasonable time)

#### **Inadmissible application**

#### **Balta v. France**

08.02.2018

The case concerned the decision by the Prefect of Seine-Saint-Denis to serve formal notice on the applicant and other caravan

occupiers illegally parked in La Courneuve to leave the area.

[Application declared inadmissible.](#)

#### **Cases dealing with protection of property (Article 1 of Protocol No. 1)**

##### Violations of Article 1 of Protocol No. 1

#### **Milhau v. France**

10.07.2014

The case concerned the arrangements by which a judge, in the context of a divorce, could choose to order the compulsory transfer of an individually-owned asset in payment of a compensatory financial provision.

#### **Grifhorst v. France**

26.02.2009

Confiscation of a sum of money that the applicant had failed to declare at the France-Andorra border, combined with a fine amounting to one half of that sum.

#### **Mazurek v. France**

01.02.2000

Reduction in applicant's share of his mother's estate in relation to that of a legitimate child on account of his status as an adulterine child.

##### No violation of Article 1 of Protocol No. 1

#### **Malfatto and Mieille v. France**

06.10.2016

The case concerned some land around Anthéonor cove (*calanque*) on the Mediterranean coast in the *département* of Bouches-du-Rhône. It was designated as building land and in 1964 a permit was issued for its subdivision into plots. Under the terms of a national planning directive of 25 August 1979 and the Coastal Areas Act of 3 January 1986, the land was made subject to an absolute prohibition on construction, owing to the fact that it was located within 100 meters of the shoreline.

#### **Couturon v. France**

25.06.2015

Mr Couturon complained about the failure to award compensation for the fall in the value of his property arising from the construction of the A89 motorway nearby.

### **Arnaud and Others v. France**

15.01.2015

The case concerned new legislation which made French nationals who had settled in the Principality of Monaco liable, from 2005, to pay the solidarity tax on wealth on the same basis as if they were domiciled or resident in France.

### **Cases dealing with Article 4 of Protocol No. 7 (right not to be tried or punished twice)**

#### **Inadmissible application**

### **Krombach v. France**

29.03.2018

The case concerned Mr Krombach's criminal conviction in France for events in respect of which he submitted that he had previously been acquitted in Germany. The facts concerned the circumstances surrounding the death of Kalinka Bamberski in 1982 at Mr Krombach's home in Germany.

The Court had consistently held that Article 4 of Protocol No. 7 only concerned "courts in the same State" and therefore did not prevent an individual from being prosecuted or punished by the courts of a State Party to the Convention on the grounds of an offence of which he or she had been acquitted or convicted by a final judgment in another State Party.

Application declared inadmissible because the complaint was incompatible with the provisions of the Convention.

## **Noteworthy cases, decisions delivered**

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### **Charron and Merle-Montet v. France**

08.02.2018

The application concerned a female married couple who had applied for medically assisted reproduction by means of artificial insemination. The application was rejected by Toulouse Hospital on the grounds that "the Bioethics Law currently in force in France did not authorise such medical provision for same-sex couples".

Application declared inadmissible for failure to exhaust domestic remedies.

### **Afiri and Biddarri v. France**

25.01.2018

The case concerned the decision to withdraw the life-sustaining treatment being administered to a 14-year-old girl in a vegetative state following acute cardio-respiratory failure.

Application declared inadmissible.

### **Szpinier v. France**

25.01.2018

In a press article published just after the trial in the "gang of barbarians" case, the applicant, who was the lawyer of the victim's family, referred to the fact that the father of the principal prosecutor B. had been a Nazi collaborator, and described B. as "genetically a traitor". Disciplinary proceedings were brought against the applicant on that account.

Application declared inadmissible.

### **Hallier and Others v. France**

18.01.2018

The case concerned the inability of a lesbian (Ms Lucas) to obtain paternity leave following the birth of her partner's child. Ms Hallier and Ms Lucas have lived as a couple for many years and are in a civil partnership.

Application declared inadmissible.

### **Boudelal v. France**

06.07.2017

The application concerned the authorities' refusal to reinstate the applicant as a French national.

Application declared inadmissible.

### **Dagregorio and Mosconi v. France**

22.06.2017

The applicants are two trade unionists who took part in the occupation and immobilisation of the SNCM ferry "Pascal Paoli" during the company takeover by a financial operator. The case concerned their refusal to undergo biological testing, the results of which were to be included in the national computerised DNA database (FNAEG). The applicants, having been convicted at first instance and on appeal, did not lodge an appeal on points of law.

Application declared inadmissible.

### **de Mortemart v. France**

15.06.2017

The case concerned a request to declassify part of a protected site, corresponding to the applicant's private property.



Application declared inadmissible.

**Janssen Cilag S.A.S. v. France**

13.04.2017

The case concerned search and seizure operations carried out at the applicant company's premises.

Application declared inadmissible as manifestly ill-founded.

**Poulain v. France**

13.04.2017

The case concerned the allegedly excessive length of a set of liquidation proceedings.

Application declared inadmissible for failure to exhaust domestic remedies.

**Gouri v. France**

23.03.2017

The case concerned the applicant's request for the payment by France of a supplementary disability allowance, which was denied because she was living in Algeria.

Application declared inadmissible

**Labaca Larrea v. France and two other applications**

02.03.2017

The case concerned the detention in France of three ETA members in a prison located at a great distance from the residences of their families.

Applications declared inadmissible.

**UBS AG v. France (no. 29778/15)**

12.01.2017

The case concerned a sum of 1.1 billion euros required by way of security in the context of the court supervision of a bank that was placed under formal investigation for illegal direct selling of banking products and aggravated laundering of the proceeds of tax fraud.

Application declared inadmissible.

**Colonna v. France**

08.12.2016

The case concerns the assassination of the Prefect for the French Region of Corsica, Claude Erignac, in 1998.

Application declared inadmissible.

**Oran-Martz v. France**

02.06.2016

The case concerned a conviction for a vexatious civil-party claim.

Application declared inadmissible as manifestly ill-founded.

**Dupré v. France**

26.05.2016

The case concerned the election, in 2011, of two additional French members to the European Parliament, an election in which the applicant, Mr Dupré, could neither stand for election nor vote.

Application declared inadmissible as manifestly ill-founded.

**Ursulet v. France**

31.03.2016

The case concerned the arrest of Mr Ursulet, a lawyer, on account of a number of road traffic offences, and the fact that he had been held in a police station.

Application declared inadmissible as manifestly ill-founded.

**M'Bala M'Bala v. France**

10.11.2015

Conviction of Dieudonné M'Bala M'Bala, a comedian with political activities, for public insults directed at a person or group of persons on account of their origin or of belonging to a given ethnic community, nation, race or religion, specifically in this case persons of Jewish origin or faith.

Application dismissed as being incompatible with the provisions of the Convention, in accordance with Article 35 §§ 3 (a) and 4 (admissibility criteria).

**Matis v. France**

29.10.2015

The case concerned the reasons given for a conviction by an Assize Court of Appeal, with particular reference to the content of the "statement of reasons form" appended to the judgement, an issue on which the Court decided for the first time.

Application declared inadmissible as manifestly ill-founded.

**Benmouna and Others v. France**

08.10.2015

Suicide by hanging of M.B., who had been taken into police custody in connection with an offence of attempted aggravated extortion.

Application declared inadmissible as manifestly ill-founded.

**Okitaloshima Okonda Osungu v. France and Selpa Lokongo v. France**

01.10.2015

Concerned the authorities' refusal to award the applicants family benefits for their

children who had joined them in France without complying with the family reunification procedure.

[Applications declared inadmissible as manifestly ill-founded.](#)

**[M.K. v. France \(no. 76100/13\)](#)**

01.09.2015

The case concerned the applicant's deportation to Algeria, where he alleges that he would risk being subjected to treatment contrary to Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

[Application declared inadmissible as manifestly ill-founded.](#)

**[Renard v. France and three other applications](#)**

25.08.2015

Issue whether the Court of Cassation's refusal to refer questions to the Constitutional Council for a preliminary ruling on constitutionality was compatible with the right of access to a court under Article 6 § 1 of Convention. The applicants also complained under Article 13 (right to an effective remedy) of the Convention.

[Applications declared inadmissible for failure to exhaust domestic remedies as concerns Article 6 § 1 and as being manifestly ill-founded in respect of Article 13.](#)

**[Canonne v. France](#)**

02.06.2015

Mr Canonne complained about the fact that the domestic courts had inferred his paternity from his refusal to submit to the genetic tests ordered by them.

[Application declared inadmissible as manifestly ill-founded.](#)

**[Barras v. France](#)**

17.03.2015

Applicant's inability to recover property belonging to him which has been occupied under an open-ended rent-free loan for over 50 years.

[Application declared inadmissible as manifestly ill-founded.](#)

**[NML Capital Ltd v. France](#)**

13.01.2015

Attempts by a creditor of the Republic of Argentina, a State which defaulted on its debt in 2001, to obtain repayment of its loan by having assets belonging to Argentina seized in France. In application of

the diplomatic immunity in relation to enforcement, the French ordinary courts refused to grant the applicant company's request, and it then applied to the European Court of Human Rights.

The Court has declared the application inadmissible, holding that the applicant company still had available to it an effective domestic remedy, namely before the French administrative courts.

**[Ly v. France](#)**

10.07.2014

Difficulties encountered by Mr Ly, who was legally residing in France, in obtaining visa for his daughter.

[Application declared inadmissible as manifestly ill-founded.](#)

**[Khider v. France](#)**

25.10.2013

The applicant, a convicted prisoner who had made several escapes and attempted escapes, was classified by the authorities as a "high-risk prisoner". He alleged that his conditions of detention were particularly strict, including frequent changes of establishment, prolonged periods in solitary confinement, and strip-searches.

[Application declared inadmissible.](#)

**[Robineau v. France](#)**

26.09.2013

In this case a suspect died after throwing himself out of a window of the courthouse to which he had been taken.

[Application declared inadmissible.](#)

**[Marc-Antoine v. France](#)**

04.06.2013

In connection with a hearing before the *Conseil d'État* the applicant complained that, unlike the "public rapporteur" (rapporteur public) at the *Conseil d'État*, he was not given a copy of the draft decision of the reporting judge.

[Application declared inadmissible.](#)

**[Mandil v. France, Barreau and Others v. France, Deceuninck v. France](#)**

13.12.2011

Breach of a duty of confidentiality in negotiations on a friendly settlement between the French State and members of the organisation "Les faucheurs volontaires" who had lodged a complaint against France with the European Court of Human Rights. That stage of negotiations with a view to reaching a friendly settlement between the parties, expressly

provided for by the Convention and which may take place at any time, must remain strictly confidential, a point of which the parties had been informed.

The Court declared the applications inadmissible for failure to respect duty of confidentiality in friendly settlement negotiations.

#### **Atallah v. France**

30.08.2011

A Lebanese lawyer who was lethally wounded in Beirut by a soldier from the French contingent of UNIFIL or the Multinational Security Force.

Application declared inadmissible.

#### **Beghal v. France**

06.09.2011

Complaints concerning the prohibition of inhuman or degrading treatment and the right to respect for private and family life.

Application declared inadmissible.

#### **Rinck v. France**

17.11.2010

Appeal against a road traffic penalty.

Application declared inadmissible (no significant disadvantage – new admissibility criterion introduced by Protocol no. 14)

#### **Cases concerning the wearing of conspicuous religious symbols**

30.06.2009

Applications declared inadmissible.

#### **Hakkar v. France**

07.04.2009

The applicant submitted a number of complaints concerning criminal proceedings against him which had been reopened after a judgment finding a violation of the Convention.

Application declared inadmissible.

#### **Ould Dah v. France**

17.03.2009

Conviction in France for offences committed in Mauritania on the basis of France's "universal jurisdiction". Complaint under Article 7 (no punishment without law).

Application declared inadmissible.

#### **Garretta v. France and Karchen v. France**

04.03.2008

"Contaminated blood" case. Complaints concerned the right not to be tried or punished twice and the right to life.

Applications declared inadmissible.

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## Noteworthy pending cases

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### Detention conditions

#### **J.M.B. v. France (no. 9671/15) and 9 other applications**

Communicated to the parties in February 2016

The case concerns the ten applicants' conditions of detention in the Ducos Prison in Martinique. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private life) of the Convention, the applicants complain about the physical conditions of their detention. They explain that they are locked up for most of the day in overcrowded cells, which are infested with insects and rodents and are poorly lit. They complain of a climate of violence in the prison, difficulty in obtaining access to medical services and, occasionally, exposure to second-hand smoking. They also rely on Article 13 (right to an effective remedy) of the Convention, considering that they have no remedy available that would enable them to have their conditions of detention brought to a speedy end.

#### **F.R. v. France (no. 12792/15) and 3 other applications**

Communicated to the parties in February 2016

The case concerns the four applicants' conditions of detention in the Nîmes Prison in the *département* of Gard.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private life) of the Convention, the applicants complain about the physical conditions of their detention. They explain that they suffer from a lack of personal space and privacy, and allege that they are locked up in dilapidated and noisy cells. They complain of poor hygiene conditions and a climate of violence within the prison. They allege that they are sometimes subjected to second-hand smoking. They also rely on Article 13 (right to an effective remedy) of the Convention, considering that they have no remedy available that would enable them to have their conditions of detention brought to a speedy end.

### Expulsions or removal of foreigners and the right to asylum

Strangers placed in a waiting zone, the applicants complain, in particular, about the ineffectiveness of the appeals lodged by them in order to avoid expulsion.

**M. F. v. France (no. 13437/13)**

Communicated to the French Government in April 2014

**Hirtu and Others v. France (no. 24720/13)**

Communicated to the French Government in April 2014

Forced evacuation of an unauthorised encampment of Romanian Roma in the Paris region.

Complaints under Articles 3 (inhuman or degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the Convention.

**Gjutaj and Others v. France (no. 63141/13)**

Communicated to the French Government in October 2013

The applicants, families made up of couples accompanied by children aged between one and eleven years, allege in particular that the emergency accommodation in tents currently made available to them does not meet the requirements of Article 3 (prohibition of inhuman or degrading treatment) of the Convention, having regard in particular to their status as asylum seekers and the presence of a large number of minor children.

**Fairness of proceedings**

**Ider v. France (no. 20933/13)**

Communicated to the parties in September 2015

The applicant was sentenced to twenty-five years' imprisonment and payment of a fine of 2,700,000 euros (EUR) for various drugs offences.

Relying on Article 6 § 1 (right to a fair trial) of the Convention, the applicant complains of the fact that no reasons were given by the Assize Court of Appeal despite the fact that it was composed exclusively of professional judges.

**Hôpital local Saint-Pierre d'Oléron and 23 Others v. France (no. 18096/12)**

Communicated to the parties in September 2015

The applicants allege a violation of Article 6 § 1 (right to a fair trial) of the Convention on account of a change in the legislation during the proceedings concerning them. In

their view, the retroactive application of section 14 of the Law of 20 December 2010 was not justified on any general-interest grounds.

The applicants also rely on Article 14 (prohibition of discrimination), read in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention, on account of a difference in treatment in the enjoyment of the right to exemption from the employer's contribution to the social insurance, industrial injury and family allowance schemes.

**Thiam v. France (no. 80018/12)**

Communicated to the parties in August 2015

The case concerns the applicant's conviction for concerted fraud. The fraud consisted in purchasing mobile telephones under false identities, and obtaining telephone subscriptions using illegally obtained data about bank cards and payment cards. One of the fraudulently debited bank accounts belonged to Nicolas Sarkozy, President of the Republic.

Relying on Article 6 §§ 1 and 3 (d) (right to question witnesses) of the Convention, the applicant complains that the President of the Republic's application to join the proceedings as a civil party had been declared admissible. Also under Article 6 § 1 (right to a fair hearing) of the Convention, the applicant alleges that the functions of the President of the Republic, which enabled him to appoint judges and prosecutors, cast legitimate doubt on the independence and impartiality of the judges and magistrates called upon to adjudicate in cases in which the President was a party and ran counter to the principle of equality of arms between the parties.

**Beltre Beltre and 10 Others v. France (no. 42837/11)**

Communicated to the parties in January 2015

The applicants allege a violation of Article 6 § 1 (right to a fair trial) and Article 6 § 3 of the Convention on the grounds that they were not informed of their right to remain silent and were not provided with effective legal assistance during questioning in police custody.

**Right not to be tried or punished twice  
(Article 4 of Protocol No. 7)**

**Ghoumid and 4 Others v. France**  
**(no. 52273/16)**

Communicated to the French Government in May 2017

**Nodet v. France** (no. 47342/14)

Communicated to the parties in August 2015

The applicant was initially ordered by the financial markets supervisory authority to pay a fine of EUR 250,000 for market manipulation. He was subsequently sentenced to three months' imprisonment, suspended, for impeding the proper functioning of the financial markets.

The applicant alleges a violation of Article 4 of Protocol No. 7 on the grounds that the two penalties concerned the same facts.

**Injury during arrest**

**Chebab v. France** (no. 542/13)

Communicated to the parties in February 2015

The case concerns the circumstances in which Mr Chebab was shot by a police officer, and also the follow-up given to his injuries and to his complaint and application to join the proceedings as a civil party.

The applicant complains that his life was endangered by the use of force against him and considers that the national authorities did not fulfil their obligation to conduct an effective investigation, and did not justify their failure to meet the obligation to protect his right to life. Mr Chebab relies on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the Convention.

**Domestic violence / abuse**

**Association Innocence en Danger v. France** (no. 15343/15) and **Association Enfance et Partage v. France** (no. 16806/15)

Applications communicated to the French Government on 27 September 2017

These applications concern the death of an eight-year-old girl following ill-treatment by her parents.

The applicants rely on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 13 (right to an effective remedy) and 34 (right of individual application) of the Convention.

**Private and/or family life**  
**(Article 8)**

**Ghoumid and 4 Others v. France**  
**(no. 52273/16)**

Communicated to the French Government in May 2017

The case concerns the decision to revoke the citizenship of the five applicants in April 2015 following their conviction in 2007 for involvement in a conspiracy to prepare a terrorist act.

Relying on Article 8 read in conjunction with Article 14 (prohibition of discrimination) of the Convention, the applicants contend that the decision to revoke their citizenship infringed their right to identity. Furthermore, under Article 4 of Protocol No. 7 (right not to be tried or punished twice) to the Convention, they argue that the measure is a "disguised penalty" aimed at punishing the acts of which they were convicted in 2007.

**Respect for lawyers' homes and correspondence**  
**(Article 8)**

**Tuheiaava v. France** (no. 25038/13)

Communicated to the French Government in August 2015

The case concerns the visit paid to the applicant's legal practice by the President of the Papeete Bar Association in order to verify that the practice existed and to check the accounts. Disciplinary proceedings were subsequently brought against the applicant for failure to comply with his tax obligations, and he was temporarily barred from practising.

Relying on Articles 8 and 6 (right to a fair trial) of the Convention, the applicant contends that the visit by the President of the Bar Association to his practice, in his absence, was in breach of his right to respect for his home. He also complains of the use in the disciplinary proceedings of the findings made during the visit.

**Ordre des avocats de Brest and Laurent v. France** (no. 28798/13)

Communicated to the French Government in August 2015

The case concerns an exchange of notes between the applicant, a lawyer, and his clients, who were under police escort, while

they awaited the outcome of the deliberations in their case. The applicant handed notes to all of his clients, which the head of the escort team intercepted and read before handing them back.

Relying on Article 8 of the Convention, the applicant complains of a breach of his right of correspondence with his clients.

**Information Act  
of 24 July 2015 on surveillance  
arrangements**

**Association confraternelle de la presse  
judiciaire and 11 Others v. France**  
**(no. 49526/15)**

Communicated to the parties in April 2017

The applicants are journalists, lawyers, a journalists' association, the Paris Bar Association and the National Bar Council.

The applicants rely on Article 8 (right to private life) of the Convention, taken alone and in conjunction with Article 10 (freedom of expression) and Article 13 (right to an effective remedy), alleging that the provisions of the Act of 24 July 2015 on surveillance arrangements do not satisfy the requirements of a sufficient legal basis.

**Freedom of expression**

**Baldassi and 6 Others v. France**  
**(no. 15271/16)**

Communicated to the parties in April 2017

The applicants are members of the "Collectif Palestine 68", a local group backing the international boycott campaign launched in 2005 following the International Court of Justice's advisory opinion on the unlawful nature of the Israeli separation wall. In 2010 the applicants took part in an action in a hypermarket in the commune of Illzach (France) calling for a boycott of Israeli products. The participants also gave customers a petition to sign, requesting the hypermarket to stop selling products imported from Israel. The applicants were convicted of incitement to discrimination.

Relying on Article 7 of the Convention (no punishment without law), the applicants complain that they were convicted on the basis of provisions – sections 23 and 24 of the Freedom of the Press Act of 29 July 1881 – which do not concern economic discrimination. Under Article 10 (freedom of expression) of the Convention, they complain of being convicted for taking part in an action calling for a boycott of Israeli products as part of the "BDS" campaign.

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