European Court
of Human Rights

ANNUAL REPORT 2006

Registry of the European Court
of Human Rights
Strasbourg, 2007

Photographs: Council of Europe
Cover: the Human Rights Building (Architect: Richard Rogers Partnership)

Printed in France, May 2007

CONTENTS

FOREWORD

2006 was an eventful year for the Court. First of all, it was the final year of the term of office of my predecessor, Luzius Wildhaber. I have had the opportunity to sing his praises in public on a number of occasions, and this Annual Report also contains the address I gave at the solemn hearing to mark the opening of the judicial year on 19 January 2007, in which I paid him the homage he deserves.

During 2006 the Court was very active indeed: by the beginning of 2007, the number of applications pending had reached almost 90,000, over 65,000 of which had been allocated to a decision body. A comparison with 2005 shows an 13% increase in the overall number of new applications. The Court strove constantly to increase its efficiency by rationalising and modernising its functioning: the number of cases terminated rose by 4%, but the number of judgments delivered by 40%. The Registry carried out a restructuring of its Divisions and began implementing some of the measures recommended by Lord Woolf of Barnes in his report drawn up at the end of his management study of the Court in 2005. A specialised unit was set up within the Registry to deal with the backlog, which consists of the oldest applications. Lastly, on 1 April 2006, a fifth Section of the Court was established.

One of my priorities will be to pursue vigorous efforts within the Court and the Registry aimed at rationalising, modernising and increasing efficiency. Much has been achieved over the past eight years, but we must continue our efforts. The Court's case-law itself can help make the overall system of protection more efficient: I am thinking of the pilot judgments and of efforts to make our judgments clearer so that the Committee of Ministers can monitor their execution more easily.

The judgments adopted in 2006 concerned a large number of member States, and some addressed new issues. The very marked increase in the number of cases in 2006 did not diminish the quality of the Court's judgments, to which the most seasoned observers have paid tribute. Let me give a few examples.

In Jalloh v. Germany[1], *the Court – very divided in its votes – gave a judgment holding that Article 3 of the Convention had been breached. A public prosecutor had ordered that emetics be administered by a doctor to the applicant, who was suspected of having swallowed a tiny bag containing drugs. As a result, the applicant vomited, regurgitated the bag, and was eventually convicted of drug trafficking. The Court found that the applicant had been subjected to inhuman and degrading treatment contrary to Article 3.*

In Ramirez Sanchez v. France[2], *the Court noted that a prisoner's segregation from the prison community did not in itself amount to inhuman treatment. However, in order to avoid any risk of arbitrariness, substantive reasons had to be given when a protracted period of solitary confinement was extended and such measures, which constituted a form of "imprisonment within prison", were to be resorted to only exceptionally and after every precaution had been taken. The Court nevertheless considered that, having regard in particular to his character and the exceptional danger he posed, the conditions in which the applicant was held in solitary confinement had not reached the minimum level of severity necessary to constitute inhuman or degrading treatment within the meaning of Article 3 of the Convention.*

1. [GC], no. 54810/00, 11 July 2006.
2. [GC], no. 59450/00, 4 July 2006.

The case of Mubilanzila Mayeka and Kaniki Mitunga v. Belgium[1] *concerned, in particular, the detention for almost two months and subsequent removal to her country of origin of a five-year-old child named Tabitha. The Court observed that Tabitha had been held in the same conditions as adults in a centre originally intended for the latter, even though she was unaccompanied by her parents and no one had been assigned to look after her. No measures had been taken to ensure that she received proper counselling and educational assistance from qualified personnel. The Court held that there had been a violation of Article 3 in respect of Tabitha on account of the conditions of her detention. It also found a violation of Article 3 on account of the circumstances of her deportation. The Court further held that there had been a violation of Article 8.*

The case of Markovic and Others v. Italy[2] *concerned an action in damages brought by the applicants in the Italian courts in respect of the deaths of their relatives as a result of air strikes against the Federal Republic of Yugoslavia. The ten applicants, all nationals of the former Serbia and Montenegro, were close relatives of people who were killed during the Kosovo conflict in a NATO air strike on the headquarters of Radio Televizije Srbije (RTS) in Belgrade on 23 April 1999. The Court reiterated that it was for the national authorities to interpret and apply domestic law and that that rule also applied where domestic law referred to rules of international law or international agreements. The Court's role was confined to ascertaining whether the effects of such an interpretation were compatible with the Convention. In the instant case the Court noted that the Italian Court of Cassation's comments on the international conventions that had been cited by the applicants did not appear to contain any errors of interpretation. The Court considered that it was not possible to conclude from the manner in which the domestic law had been interpreted or the relevant international treaties applied that a "right" to reparation under the law of tort existed in circumstances such as those in the case before it. As to the Court of Cassation's ruling, it did not amount to recognition of immunity, but was merely indicative of the extent of the courts' powers of review of acts of foreign policy such as acts of war. Consequently, the Court considered that the applicants' claims had been fairly examined in the light of the Italian legal principles applicable to the law of tort and held that there had not been a violation of Article 6.*

In Tzekov v. Bulgaria[3]*, which concerned the case of an applicant injured by police bullets in the course of his arrest, the Court reiterated the principles of its case-law in relation to Article 2 with regard to police use of firearms and, in particular, the positive obligation of the State to safeguard the physical integrity of persons within its jurisdiction. Noting the inadequacy of the Bulgarian legislation at the relevant time, the Court held that there had been a violation of Article 3. However, it did not find a violation of Article 2 as it was not satisfied that the use of force by the police officers had been of such a nature or degree as to infringe the interests protected by that Article.*

In Scordino v. Italy (no. 1)[4] *the applicants, all Italian nationals, complained that they had not received adequate compensation after the Italian courts had found, applying the "Pinto Act", that the civil proceedings to which they had been parties had been excessively long. The Italian Government raised, among other things, a preliminary objection relating to the "victim" status of the applicants. In their submission, by awarding the applicants compensation the Italian courts had not only acknowledged the violation of the right to a hearing within a reasonable time but had also made good the damage sustained. The Court stressed the fact that, in order to be effective, a compensatory remedy had to be accompanied by adequate budgetary provision so that effect could be given to decisions of the courts of appeal awarding compensation, which, in accordance with the Pinto Act, were immediately enforceable. With regard to the assessment of the amount of*

1. No. 13178/03, 12 October 2006.
2. [GC], no. 1398/03, 14 December 2006.
3. No. 45500/99, 23 February 2006.
4. [GC], no. 36813/97, 29 March 2006.

compensation awarded by the Italian courts, the Court noted that in the nine cases concerned the sums awarded by the Italian courts were at the lowest 8%, and at the highest 27%, of what it generally awarded in similar Italian cases. It therefore found that various requirements had not been satisfied. Accordingly, it considered that the applicants could still claim to be "victims" of a breach of the "reasonable time" requirement.

The Court reaffirmed the importance of administering justice without delays which might jeopardise its effectiveness and credibility. It noted that in these nine cases the Italian courts had found that a reasonable time had been exceeded. However, the fact that the "Pinto" proceedings, examined as a whole, had not caused the applicants to lose their "victim" status constituted an aggravating circumstance regarding a breach of Article 6 § 1 for exceeding the reasonable time. The Court therefore held in each of the nine cases that there had been a violation of Article 6 § 1.

During 2006 a great many of the Contracting Parties to the Convention ratified Protocol No. 14, which they have all signed, and the Court is now ready to operate under the arrangements laid down by the Protocol as soon as it comes into force. Its entry into force is vital, as it will enable the Court to increase its productivity by at least 25%. Only one ratification is outstanding. Ensuring that Protocol No. 14 comes into force at the earliest opportunity is my number one priority.

You will recall that at the Third Council of Europe Summit, in May 2005 in Warsaw, the heads of State and government decided to set up a Group of Wise Persons, charged with making proposals on the medium- and long-term future of the Court and the European human rights protection system. The Group's report, published in November 2006, was officially submitted to the Committee of Ministers of the Council of Europe on 17 January 2007 by its Chairman, Mr Gil Carlos Rodríguez Iglesias, former President of the Court of Justice of the European Communities. The Ministers' Deputies were unanimous in praising the report's quality and breadth. The Court plans to issue an opinion on the report during 2007, probably in April. The Wise Persons' proposals will be considered in a positive and constructive spirit, without overlooking the fact that their report is a starting-point which leaves room for other innovative ideas.

Over the coming months and years the Court will need to develop a policy aimed at encouraging States to do whatever they can to prevent violations of the rights guaranteed by the Convention and to redress violations themselves. I am a great believer in preventing applications, although I realise that it is a long and difficult process which presupposes a close relationship with the national authorities, and in particular the judicial authorities. Nevertheless, the prevention of applications both illustrates the principle of subsidiarity and provides one of the keys to easing our Court's caseload.

We also need to create synergy between the Court and the different components of the Council of Europe: the Secretary General, the Committee of Ministers, the Parliamentary Assembly, the Commissioner for Human Rights and others. It is vital for a court such as ours to maintain excellent relations with the outside world: with international courts (especially, of course, the Court of Justice of the European Communities), with the domestic courts, the Bar associations, the Governments' Agents, non-governmental organisations and the academic world.

For the reasons outlined above, the Court is now in a crucial phase in its history. In order for it to emerge successfully, there are four main conditions which must be met. These can be summed up by the following four phrases, which are not rhetorical, but very real:

- *the independence of the Court;*
- *its efficiency;*

– *the quality of its work;*
– *lastly, the influence of its case-law.*

With the help of my colleagues and the Registry staff, I will do my utmost to ensure that these conditions are met and that the European Court of Human Rights continues to be what it has always been: a beacon of justice which makes Europe the envy of the world in these harsh and difficult times.

Jean-Paul Costa
President
of the European Court of Human Rights

I. HISTORY AND DEVELOPMENT OF THE CONVENTION SYSTEM

HISTORY AND DEVELOPMENT OF THE CONVENTION SYSTEM

A. A system in continuous evolution

1. The Convention for the Protection of Human Rights and Fundamental Freedoms was drawn up within the Council of Europe. It was opened for signature in Rome on 4 November 1950 and came into force in September 1953. Taking as their starting-point the 1948 Universal Declaration of Human Rights, the framers of the Convention sought to pursue the aims of the Council of Europe through the maintenance and further realisation of human rights and fundamental freedoms. The Convention represented the first step towards the collective enforcement of certain of the rights set out in the Universal Declaration.

2. In addition to laying down a catalogue of civil and political rights and freedoms, the Convention set up a mechanism for the enforcement of the obligations entered into by Contracting States. Three institutions were entrusted with this responsibility: the European Commission of Human Rights (set up in 1954), the European Court of Human Rights (set up in 1959) and the Committee of Ministers of the Council of Europe, the latter being composed of the Ministers for Foreign Affairs of the member States or their representatives.

3. There are two types of application under the Convention, inter-State and individual. Applications of the first type have been rare. Prominent examples are the case brought by Ireland against the United Kingdom in the 1970s relating to security measures in Northern Ireland, and several cases brought by Cyprus against Turkey over the situation in northern Cyprus.

4. The right of individual petition, which is one of the essential features of the system today, was originally an option that Contracting States could recognise at their discretion. When the Convention came into force, only three of the original ten Contracting States recognised this right. By 1990, all Contracting States (twenty-two at the time) had recognised the right, which was subsequently accepted by all the central and east European States that joined the Council of Europe and ratified the Convention after that date. When Protocol No. 11 took effect in 1998, recognition of the right of individual petition became compulsory. In the words of the Court, "individuals now enjoy at the international level a real right of action to assert the rights and freedoms to which they are directly entitled under the Convention"[1]. This right applies to natural and legal persons, groups of individuals and to non-governmental organisations.

5. The original procedure for handling complaints entailed a preliminary examination by the Commission, which determined their admissibility. Where an application was declared admissible, the Commission placed itself at the parties' disposal with a view to reaching a friendly settlement. If no settlement was forthcoming, it drew up a report establishing the facts and expressing an opinion on the merits of the case. The report was transmitted to the Committee of Ministers.

6. Where the respondent State had accepted the compulsory jurisdiction of the Court (this too having been optional until Protocol No. 11), the Commission and/or any Contracting State concerned had a period of three months following the transmission of the report to the Committee of Ministers within which to bring the case before the Court for a final, binding adjudication including, where appropriate, an award of compensation. Individuals were not entitled to bring their

1. See *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, § 122, ECHR 2005-I.

cases before the Court until 1994, when Protocol No. 9 came into force and amended the Convention so as to enable applicants to submit their case to a screening panel composed of three judges, which decided whether the Court should take it up.

If a case was not referred to the Court, the Committee of Ministers decided whether there had been a violation of the Convention and, if appropriate, awarded "just satisfaction" to the victim. The Committee of Ministers also had responsibility for supervising the execution of the Court's judgments.

The Protocols to the Convention

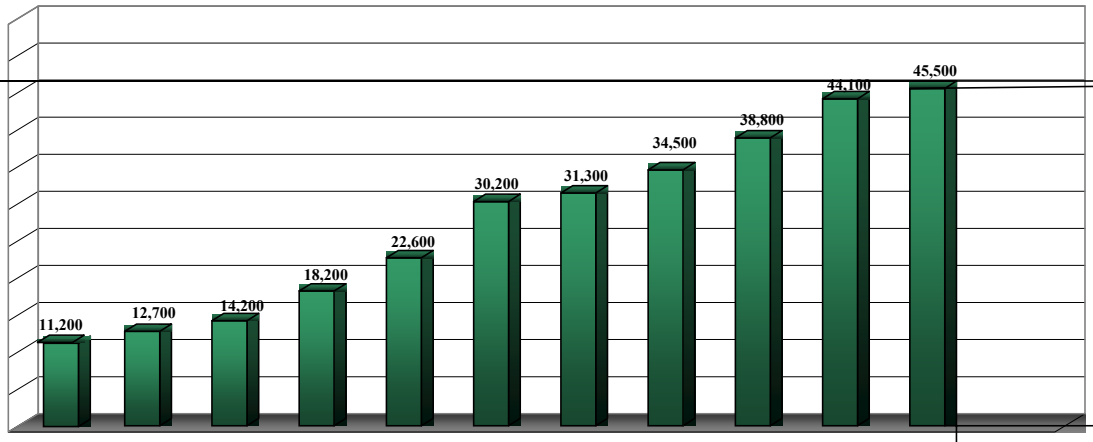
7. Since the Convention's entry into force, fourteen Protocols have been adopted. Protocols Nos. 1, 4, 6, 7, 12[1] and 13 added further rights and liberties to those guaranteed by the Convention. Protocol No. 2 conferred on the Court the power to give advisory opinions, a little-used function that is now governed by Articles 47 to 49 of the Convention[2]. As noted above, Protocol No. 9 enabled individuals to seek referral of their case to the Court. Protocol No. 11 radically transformed the supervisory system, creating a single, full-time Court to which individuals can have direct recourse. Protocol No. 14, which was adopted in 2004 and is currently in the process of ratification, will introduce a number of institutional and procedural reforms, the main objective being to expand the Court's capacity to deal with clearly inadmissible complaints as well as admissible cases that can be resolved on the basis of well-established case-law (see Part C below). The other Protocols, which concerned the organisation of and procedure before the Convention institutions, are of no practical importance today.

B. Mounting pressure on the Convention system

8. In the early years of the Convention, the number of applications lodged with the Commission was comparatively small, and the number of cases decided by the Court was much lower again. This changed in the 1980s, by which time the steady growth in the number of cases brought before the Convention institutions made it increasingly difficult to keep the length of proceedings within acceptable limits. The problem was compounded by the rapid increase in the number of Contracting States from 1990 onwards, rising from twenty-two to the current total of forty-six. The number of applications registered annually with the Commission increased from 404 in 1981 to 4,750 in 1997, the last full year of operation of the original supervisory mechanism. By that same year, the number of unregistered or provisional files opened annually in the Commission had risen to over 12,000. Although on a much lower scale, the Court's statistics reflected a similar story, with the number of cases referred annually rising from 7 in 1981 to 119 in 1997[3].

9. As the following table shows, the upward trend in the number of applications lodged has continued since the new Court came into being:

1. This is the most recent to have come into force, having taken effect in 2005.
2. There has been just one request by the Committee of Ministers for an advisory opinion, which the Court found to be inadmissible.
3. By 31 October 1998, the "old" Court had delivered a total of 837 judgments. The Commission received more than 128,000 applications during its lifetime (1955-98). It continued to operate for a further twelve months to deal with cases already declared admissible before Protocol No. 11 came into force.



By the end of 2006, there were 89,887 applications pending before the Court, approximately one-quarter (some 23,000) of which had yet to be allocated to the appropriate judicial formation (Committee or Chamber). Some 20% of the cases are directed against Russia. About 12% of the cases concern Romania and a further 10% Turkey.

The Court's capacity to handle applications has increased noticeably since 1999. In 2006, it handed down 1,560 judgments (an increase of over 40% compared to 2005):

The highest number of judgments concerned Turkey (334), Slovenia (190), Ukraine (120), Poland (115), Italy (103), Russia (102), France (96) and Romania (73). These eight States accounted for over 70% of the judgments.

In addition, the Court disposed of more than 28,000 other applications, which were either declared inadmissible or struck out for another reason. Applications can also be disposed of administratively, for example, if the applicant fails to follow up on their initial correspondence with the Court. In 2006, some 12,000 applications were disposed of in this way.

For more detailed statistics, see Chapter XI.

10. This enormous caseload has raised concerns over the continuing effectiveness of the Convention system. Further changes to the system were agreed in 2004, when Protocol No. 14 was adopted and opened for signature. By the end of 2006, only one ratification was outstanding. Although Protocol No. 14 will allow the Court to deal more rapidly with certain types of case, it cannot lessen the flow of new applications. It is widely agreed that further adaptation of the system is necessary. At the Third Summit of the Council of Europe in Warsaw in May 2005, the heads of State and government present decided to convene a Group of Wise Persons, composed of eminent legal personalities, to consider the steps that might be taken to ensure the system's continuing viability. The Group submitted its report in December 2006**.**

The European Court of Human Rights

A. Organisation of the Court

11. The Court, as currently constituted, was brought into being by Protocol No. 11 on 1 November 1998. This instrument made the Convention process wholly judicial, as the Commission's function of screening applications was entrusted to the Court itself, whose jurisdiction became compulsory. The Committee of Ministers' adjudicative function was formally abolished.

12. The provisions governing the structure and procedure of the Court are to be found in Section II of the Convention (Articles 19-51). The Court is composed of a number of judges equal to that of the Contracting States (currently forty-six[1]). Judges are elected by the Parliamentary Assembly of the Council of Europe, which votes on a shortlist of three candidates put forward by the States. The term of office is six years, and judges may be re-elected. Their terms of office expire when they reach the age of 70, although they continue to deal with cases already under their consideration.

Judges sit on the Court in their individual capacity and do not represent any State. They cannot engage in any activity which is incompatible with their independence or impartiality or with the demands of full-time office.

13. The Plenary Court has a number of functions that are stipulated in the Convention. It elects the office holders of the Court, namely, the President, the two Vice-Presidents (who also preside over a Section) and the three other Section Presidents. In each case, the term of office is three years. The Plenary Court also elects the Registrar and Deputy Registrar. The Rules of Court are adopted and amended by the Plenary Court. It also determines the composition of the Sections.

14. Under the Rules of Court, every judge is assigned to one of the five Sections, whose composition is geographically and gender balanced and takes account of the different legal systems of the Contracting States. The composition of the Sections is changed every three years.

15. The great majority of the judgments of the Court are given by Chambers. These comprise seven judges and are constituted within each Section. The Section President and the judge elected in respect of the State concerned sit in each case. Where the latter is not a member of the Section, he or she sits as an *ex officio* member of the Chamber. If the respondent State in a case is that of the Section President, the Vice-President of the Section will preside. In every case that is decided by a Chamber, the remaining members of the Section who are not full members of that Chamber sit as substitute members.

1. See Chapter II for the list of judges. Biographical details of judges can be found on the Court's website (www.echr.coe.int).

16. Committees of three judges are set up within each Section for twelve-month periods. Their function is to dispose of applications that are clearly inadmissible.

17. The Grand Chamber of the Court is composed of seventeen judges, who include, as *ex officio* members, the President, Vice-Presidents and Section Presidents. The Grand Chamber deals with cases that raise a serious question of interpretation or application of the Convention, or a serious issue of general importance. A Chamber may relinquish jurisdiction in a case to the Grand Chamber at any stage in the procedure before judgment, as long as both parties consent. Where judgment has been delivered in a case, either party may, within a period of three months, request referral of the case to the Grand Chamber. Where a request is granted, the whole case is reheard.

18. The effect of Protocol No. 14 on the organisation of the Court is explained in Part C below.

B. Procedure before the Court

1. General

19. Any Contracting State (State application) or individual claiming to be a victim of a violation of the Convention (individual application) may lodge directly with the Court in Strasbourg an application alleging a breach by a Contracting State of one of the Convention rights. A notice for the guidance of applicants and the official application form are available on the Court's website. They may also be obtained directly from the Registry.

20. The procedure before the European Court of Human Rights is adversarial and public. It is largely a written procedure. Hearings, which are held only in a very small minority of cases, are public, unless the Chamber/Grand Chamber decides otherwise on account of exceptional circumstances. Memorials and other documents filed with the Court's Registry by the parties are, in principle, accessible to the public.

21. Individual applicants may present their own cases, but they should be legally represented once the application has been communicated to the respondent Government. The Council of Europe has set up a legal aid scheme for applicants who do not have sufficient means.

22. The official languages of the Court are English and French, but applications may be submitted in one of the official languages of the Contracting States. Once the application has been declared admissible, one of the Court's official languages must be used, unless the President of the Chamber/Grand Chamber authorises the continued use of the language of the application.

2. The handling of applications

23. Each application is assigned to a Section, where it will be dealt with by a Committee or a Chamber.

An individual application that clearly fails to meet one of the admissibility criteria is referred to a Committee, which will declare it inadmissible or strike it out. A unanimous vote is required, and the Committee's decision is final. All other individual applications, as well as inter-State applications, are referred to a Chamber. One member of the Chamber is designated to act as judge rapporteur for the case. The identity of the rapporteur is not divulged to the parties. The application is communicated to the respondent Government, which is asked to address the issues of admissibility and merits that arise, as well as the applicant's claims for just satisfaction. The parties will also be invited to consider whether a friendly settlement is possible. The Registrar facilitates

friendly settlement negotiations, which are confidential and without prejudice to the parties' positions.

24. The Chamber determines both admissibility and merits. As a rule, both aspects are taken together in a single judgment, although the Chamber may take a separate decision on admissibility, where appropriate. Such decisions, which are taken by majority vote, must contain reasons and be made public.

25. The President of the Chamber may, in the interests of the proper administration of justice, invite or grant leave to any Contracting State which is not party to the proceedings, or any person concerned who is not the applicant, to submit written comments, and, in exceptional circumstances, to make representations at the hearing. A Contracting State whose national is an applicant in the case is entitled to intervene as of right.

26. Chambers decide by a majority vote. Any judge who has taken part in the consideration of the case is entitled to append to the judgment a separate opinion, either concurring or dissenting, or a bare statement of dissent.

27. A Chamber judgment becomes final three months after its delivery. Within that time, any party may request that the case be referred to the Grand Chamber if it raises a serious question of interpretation or application or a serious issue of general importance. If the parties declare that they will not make such a request, the judgment will become final immediately. Where a request for referral is made, it is examined by a panel of five judges composed of the President of the Court, two Section Presidents designated by rotation, and two more judges also designated by rotation. No judge who has considered the admissibility and/or merits of the case may be part of the panel that considers the request. If the panel rejects the request, the Chamber judgment becomes final immediately. A case that is accepted will be reheard by the Grand Chamber. Its judgment is final.

28. All final judgments of the Court are binding on the respondent States concerned.

29. Responsibility for supervising the execution of judgments lies with the Committee of Ministers of the Council of Europe. The Committee of Ministers verifies whether the State in respect of which a violation of the Convention is found has taken adequate remedial measures, which may be specific and/or general, to comply with the Court's judgment.

30. The changes in procedure that Protocol No. 14 will bring about are described below.

C. Protocol No. 14

31. Protocol No.14 will change the current organisation and procedure of the Court in a number of respects. When it takes effect, judges will be elected for a single term of nine years. The present judicial formations will be modified. The function discharged by a Committee will be taken on by a single judge, who cannot be the judge sitting in respect of the State concerned. The judge will be assisted by a new category of Court officers, to be known as rapporteurs. Committees will have the power to give judgment in cases to which well-established case-law is applicable. The competence of Chambers will not change, although the Plenary Court may request the Committee of Ministers to reduce their size from seven members to five for a fixed period of time. The procedures before the Chambers and the Grand Chamber will remain as described above, although the Council of Europe Commissioner for Human Rights will be entitled to submit written comments and take part in the hearing in any case.

32. Protocol No. 14 will institute two new procedures regarding the execution phase. The Committee of Ministers will be able to request interpretation of a judgment of the Court. It will also be able to take proceedings in cases where, in its view, the respondent State refuses to comply with a judgment of the Court. In such proceedings, the Court will be asked to determine whether the State has respected its obligation under Article 46 of the Convention to abide by a final judgment against it.

II. COMPOSITION OF THE COURT

COMPOSITION OF THE COURT

At 31 December 2006 the Court was composed as follows (in order of precedence):

Mr	Luzius Wildhaber, *President*	(Swiss)
Mr	Christos L. Rozakis, *Vice-President*	(Greek)
Mr	Jean-Paul Costa, *Vice-President*	(French)
Sir	Nicolas Bratza, *Section President*	(British)
Mr	Boštjan Zupančič, *Section President*	(Slovenian)
Mr	Peer Lorenzen, *Section President*	(Danish)
Mr	Giovanni Bonello	(Maltese)
Mr	Loukis Loucaides	(Cypriot)
Mr	Ireneu Cabral Barreto	(Portuguese)
Mr	Rıza Türmen	(Turkish)
Mrs	Françoise Tulkens	(Belgian)
Mr	Corneliu Bîrsan	(Romanian)
Mr	Karel Jungwiert	(Czech)
Mr	Volodymyr Butkevych	(Ukrainian)
Mr	Josep Casadevall	(Andorran)
Mrs	Nina Vajić	(Croatian)
Mr	John Hedigan	(Irish)
Mr	Matti Pellonpää	(Finnish)
Mrs	Margarita Tsatsa-Nikolovska	(citizen of "the former Yugoslav Republic of Macedonia")
Mr	András B. Baka	(Hungarian)
Mr	Rait Maruste	(Estonian)
Mr	Kristaq Traja	(Albanian)
Mrs	Snejana Botoucharova	(Bulgarian)
Mr	Mindia Ugrekhelidze	(Georgian)
Mr	Anatoly Kovler	(Russian)
Mr	Vladimiro Zagrebelsky	(Italian)
Mrs	Antonella Mularoni	(San-Marinese)
Mrs	Elisabeth Steiner	(Austrian)
Mr	Stanislav Pavlovschi	(Moldovan)
Mr	Lech Garlicki	(Polish)
Mr	Javier Borrego Borrego	(Spanish)
Mrs	Elisabet Fura-Sandström	(Swedish)
Mrs	Alvina Gyulumyan	(Armenian)
Mr	Khanlar Hajiyev	(Azerbaijani)
Mrs	Ljiljana Mijović	(citizen of Bosnia and Herzegovina)
Mr	Dean Spielmann	(Luxembourger)
Mrs	Renate Jaeger	(German)
Mr	Egbert Myjer	(Netherlands)
Mr	Sverre Erik Jebens	(Norwegian)
Mr	David Thór Björgvinsson	(Icelandic)
Mrs	Danutė Jočienė	(Lithuanian)
Mr	Ján Šikuta	(Slovakian)
Mr	Dragoljub Popović	(Serbian)
Mrs	Ineta Ziemele	(Latvian)
Mr	Mark Villiger	(Swiss)[1]
Mrs	Isabelle Berro-Lefèvre	(Monegasque)
Mr	Erik Fribergh, *Registrar*	(Swedish)
Mr	Michael O'Boyle, *Deputy Registrar*	(Irish)

1. Elected as the judge in respect of Liechtenstein.

III. COMPOSITION OF THE SECTIONS

COMPOSITION OF THE SECTIONS
(in order of precedence)

Before 1 April 2006

	Section I	**Section II**	**Section III**	**Section IV**
President	Mr C.L. Rozakis	Mr J.-P. Costa	Mr B. Zupančič	Sir Nicolas Bratza
Vice-President	Mr L. Loucaides	Mr A.B. Baka	Mr J. Hedigan	Mr J. Casadevall
	Mrs F. Tulkens	Mr I. Cabral Barreto	Mr L. Caflisch	Mr L. Wildhaber
	Mr P. Lorenzen	Mr R. Türmen	Mr C. Bîrsan	Mr G. Bonello
	Mrs N. Vajić	Mr K. Jungwiert	Mrs M. Tsatsa-Nikolovska	Mr M. Pellonpää
	Mrs S. Botoucharova	Mr V. Butkevych	Mr V. Zagrebelsky	Mr R. Maruste
	Mr A. Kovler	Mr M. Ugrekhelidze	Mrs A. Gyulumyan	Mr K. Traja
	Mrs E. Steiner	Mrs A. Mularoni	Mrs R. Jaeger	Mr S. Pavlovschi
	Mr K. Hajiyev	Mrs E. Fura-Sandström	Mr E. Myjer	Mr L. Garlicki
	Mr D. Spielmann	Mrs D. Jočienė	Mr David Thór Björgvinsson	Mr J. Borrego Borrego
	Mr S.E. Jebens	Mr D. Popović	Mrs I. Ziemele	Mrs L. Mijović
				Mr J. Šikuta
Section Registrar	Mr S. Nielsen	Mrs S. Dollé	Mr V. Berger	Mr M. O'Boyle
Deputy Section Registrar	Mr S. Quesada	Mr S. Naismith	Mr M. Villiger	Mrs F. Elens-Passos

From 1 April 2006

	Section I	**Section II**	**Section III**	**Section IV**	**Section V**
President	Mr C.L. Rozakis	Mr J.-P. Costa	Mr B. Zupančič	Sir Nicolas Bratza	Mr P. Lorenzen
Vice-President	Mr L. Loucaides	Mr A.B. Baka	Mr J. Hedigan	Mr J. Casadevall	Mrs S. Botoucharova
	Mrs F. Tulkens	Mr I. Cabral Barreto	Mr L. Caflisch[1]	Mr G. Bonello	Mr L. Wildhaber
	Mrs N. Vajić	Mr R. Türmen	Mr C. Bîrsan	Mr M. Pellonpää	Mr K. Jungwiert
	Mr A. Kovler	Mr M. Ugrekhelidze	Mr V. Zagrebelsky	Mr K. Traja	Mr V. Butkevych
	Mrs E. Steiner	Mrs A. Mularoni	Mrs A. Gyulumyan	Mr S. Pavlovschi	Mrs M. Tsatsa-Nikolovska
	Mr K. Hajiyev	Mrs E. Fura-Sandström	Mr E. Myjer	Mr L. Garlicki	Mr R. Maruste
	Mr D. Spielmann	Mrs D. Jočienė	Mr David Thór Björgvinsson	Mrs L. Mijović	Mr J. Borrego Borrego
	Mr S.E. Jebens	Mr D. Popović	Mrs I. Ziemele	Mr J. Šikuta	Mrs R. Jaeger
			Mrs I. Berro-Lefèvre[2]		Mr M. Villiger[5]
Section Registrar	Mr S. Nielsen	Mrs S. Dollé	Mr V. Berger	Mr L. Early	Mrs C. Westerdiek
Deputy Section Registrar	Mr S. Quesada	Mr S. Naismith	Mr M. Villiger[3] Mrs F. Aracı[4]	Mrs F. Elens-Passos	Mr S. Phillips

1. Until 31 August 2006/2. From 11 September 2006/3. Until 31 August 2006/4 and 5. From 1 September 2006.

IV. SPEECH GIVEN BY MR LUZIUS WILDHABER, FORMER PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS, ON THE OCCASION OF THE OPENING OF THE JUDICIAL YEAR, 19 JANUARY 2007

SPEECH GIVEN BY
MR LUZIUS WILDHABER,
FORMER PRESIDENT OF THE EUROPEAN COURT
OF HUMAN RIGHTS,
ON THE OCCASION OF THE OPENING
OF THE JUDICIAL YEAR,
19 JANUARY 2007

Mr Chairman of the Committee of Ministers, Ministers, Presidents, Excellencies, Mr Secretary General, dear colleagues and friends, ladies and gentlemen,

I am here because the time has come to say "au revoir" and to thank you from the bottom of my heart for your collegiality, your faithfulness and your friendship.

It has been my immense privilege to preside over the unique institution which is the European Court of Human Rights for over eight years. A privilege not only because it is a passionately interesting job, because the variety, diversity and richness of the cases that reach us is fantastic, because I have had the pleasure of working in a richly diverse multicultural environment with congenial, committed and enthusiastic colleagues, but above all because of what this Court represents for hundreds of millions of Europeans and beyond. The Court is often described as the jewel in the Council of Europe's crown, but it is more than that. It is the symbol, and indeed the practical expression, of an ideal, an aspiration for a society in which the marriage of effective democracy and the rule of law provides the basis for political stability and economic prosperity, while allowing the self-fulfilment of individuals. The European Convention on Human Rights offers a model for an international community bound together by respect for common standards and their collective enforcement. It is the legacy of the twentieth century, with its battlefields and its camps, to the twenty-first century, with its new challenges and fears. The rights and freedoms it guarantees are both timeless and universal.

I therefore believe that it would be hard to overestimate the importance of this Court. But the system set up by the European Convention on Human Rights is not confined to the work of one body. Its effectiveness depends necessarily on the active participation of the other branches of the Council of Europe and on the governments of the member States working together in the Committee of Ministers. More than that, it also and above all depends on the active and positive participation of the national authorities, particularly the judicial authorities, many of which are represented here today. That is a message I have repeated throughout my term of office, and I have had the great privilege and pleasure of visiting practically all the national supreme and constitutional courts which are our partners in this system. My colleagues and I have advocated a continuous dialogue between these courts and Strasbourg and I am delighted that today's seminar was so well attended. This shows the high level of interest and involvement of national judges and, frankly, that is how it should be. It is your Convention as much as it is ours – it is also your heritage to preserve and nurture and to turn into a living reality which will help and profit the citizens and inhabitants of your countries.

Together we have undertaken and accomplished much during these last eight years, and the Court is now firmly established on the map of Europe. Despite certain initial difficulties, we managed to merge the former Commission with the former Court. We have fought the good fight against what Lord Woolf of Barnes identified as an eightfold rise in the number of cases since 1998, and have come off quite well. I firmly believe, in fact, that we have acquitted ourselves very well. We have constantly striven to rationalise our working methods and reorganise our priorities, and

thus raise our productivity, but the quality of our judgments has not suffered as a result. It is broadly recognised, likewise, that our Court is well managed and has a good working atmosphere.

Our case-law, which has always rejected a sterile positivism, preferring to adhere to the doctrine of the living instrument, is a beacon and a symbol visible from well beyond the frontiers of Europe. As I have already mentioned, we have maintained a living dialogue with our colleagues in the national supreme and constitutional courts and in other international courts, and my visits to those courts, almost always in the company of the national judge, have been a priority for me. The Court has adopted guidelines on judges' attendance and their official journeys and will soon, I very much hope, adopt its code of ethics. The list of accomplishments I could mention is a long one, but I will stop there.

Over these eight years the Court has undergone some sweeping changes. "Change" had been our catchword all along. From the beginning in 1998, we were faced with a dramatically rising caseload and the need to adapt working methods. I would like to pay tribute to my colleagues and to the members of the Registry for their efforts and their openness to change, for their willingness to support the complete computerisation of what we might call our "production lines". We should not be complacent, however. More needs to be done. The time taken to process and adjudicate substantial cases is still too long, in some cases unacceptably long, and this undermines the credibility of the system. We were aware early on that the Convention mechanism must continue to evolve. Today we are still aware that it has to continue to evolve. In this respect too efforts have been made, notably the elaboration and adoption of Protocol No. 14 and more recently the Wise Persons exercise. One conclusion from all this activity is that no one has yet discovered the miracle cure, undoubtedly because ultimately the answer lies mostly in the domestic legal systems and to change them is inevitably a slow and lengthy process. In the meantime the Strasbourg machinery has to be made more efficient, and that is what Protocol No. 14 is designed to achieve. As you know, we are waiting for one more ratification – that of the Russian Federation – for it to come into force. I can only stress that the Protocol would have an important contribution to make in enabling the Court to confront the growing volume of cases, while helping to limit the increase in costs. One of the underlying aims of Protocol No. 14, and above all the accompanying recommendations and resolutions, is to redress the balance between the international machinery and domestic authorities by strengthening the principle of subsidiarity. Again, the idea is that citizens should be able to vindicate their rights in the national courts; however well organised, international protection of human rights can never be as effective as a well-functioning national system of protection.

Everything would seem to plead for a rapid entry into force of Protocol No. 14. The Court is ready for it, the necessary draft rules have been adopted, the working methods have been adjusted, and this has helped to achieve substantial increases in productivity. We should not have to wait for any further evolution as a result of the Wise Persons' report; we should move forward now.

In my last official act as President of the Court, in a speech to the Ministers' Deputies, I therefore made a plea to the authorities of the Russian Federation to play the game, to be fully part of the Convention system and to give the Court the tools it needs to pursue its drive to increase the efficiency of its processes. Protocol No. 14 is in no way a revolutionary text, but it does offer practical solutions for certain problems, notably the single-judge mechanism for clearly inadmissible cases and the three-judge committee for repetitive cases. The Wise Persons' report builds on such measures and assumes their implementation.

Allow me one final, important question which may appear deceptively simple. How do we see a European Court of Human Rights? What is it and what should it be? Should it be an instrument of European integration? Should it do the job of non-governmental organisations? Should it be what I sometimes call a "fighting machine" for human rights or for certain theories concerning human

rights? Should it espouse a political role and if so, what sort of role? Should it, as some American writers would put it, be the defender of the "system", which must presumably mean that the Court should defend the ruling class or governmental system of each member State? These questions would surely deserve elaborate answers, and there is no time for that. But I would give a deceptively simple answer and say that a court should be just that and no more than that: it should be a court. It should, in total independence and impartiality and in orderly, fair and foreseeable procedures decide the issues for which it is competent. If it assigns to itself other roles, if it is less than independent and succumbs to governmental pressures, it cannot really fulfil its beneficial functions and will lose first its credibility and then its usefulness. It is granted that the European Court of Human Rights decides social conflicts and will therefore not always be able to please everybody, and it will not always be popular with governments. But that is unavoidable, and accepting that is an inescapable part of belonging to the community of democratic States.

Ladies and gentlemen, looking back over my time as President and as judge, there are so many rich and vivid memories: of my colleagues and friends, of the important cases, of my visits to national courts, of my meetings with fellow judges from throughout the Council of Europe countries. I am ever so grateful for all these memories, for all the support I have been given, for the friendship with which I have been privileged. Of course it is a wrench to leave the Court, but I do so with a sense that we have done the very best we could with the limited resources available to us. I am also confident that I have handed over responsibility to a new President who is perfectly capable of taking on this mission, whose wide experience in the judicial and other domains particularly qualify him for the post and for whom I have the highest respect as a judge and a person.

Obviously, I would not like to hand over my duties and office to a French judge without doing so in French. Dear Jean-Paul, we all know that you are an experienced judge, quick of thought, with a clear and elegant style, but at the same time precise and lucid, with sound common sense. You have proved yourself at the Court, and before that in the course of a brilliant and impressive career in France. I also know your qualities as a human being and a friend, and am grateful for them. My colleagues and I have placed our trust in you, and it only remains for me to wish you (and Brigitte) good fortune, success and good health, for your own well-being and for the Court's.

V. SPEECH GIVEN BY MR JEAN-PAUL COSTA, PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS, ON THE OCCASION OF THE OPENING OF THE JUDICIAL YEAR, 19 JANUARY 2007

SPEECH GIVEN BY MR JEAN-PAUL COSTA, PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS, ON THE OCCASION OF THE OPENING OF THE JUDICIAL YEAR, 19 JANUARY 2007

Mr Chairman of the Committee of Ministers, Minister, Presidents, Excellencies, Monsieur le Préfet, Secretary General, Deputy Secretary General, dear colleagues and friends, ladies and gentlemen,

I wish to thank you all, on behalf of the Court, for attending in such numbers today this official opening of the judicial year at the European Court of Human Rights. The presence of such a large audience, and the high offices held by its individual members, honour my colleagues and myself. They reflect the respect and esteem in which our Court is held, throughout Europe and even beyond our continent, and they encourage and reassure us at a delicate moment in its already fifty-year-old history.

Today's ceremony has special significance, first of all because it coincides with the departure of my predecessor, President Luzius Wildhaber, who reached at midnight last night the age-limit fixed for judges by the Convention which governs our institution.

To begin with, and I perform this duty with pleasure and sincerity, I wish to pay the homage he deserves to Luzius Wildhaber. He was elected judge in respect of Switzerland in 1991 and became the Court's President in 1998, thanks to the confidence placed in him by his peers, as expressed by very comfortable majorities then and on two subsequent occasions. Luzius Wildhaber's accession to the presidency coincided with the entry into force of Protocol No. 11, which effected a thoroughgoing reform of our system. During his successive terms of office it has faced an increase which some have described as exponential. The number of new applications has multiplied by six in eight years, and is now running at around 40,000 per year. Thanks to the untiring efforts of the judges and Registry staff, and also to the additional resources provided to the Court by the member States of the Council of Europe, the Court has been able to cope, even though the current number of pending cases – nearly 90,000 – has reached a level beyond which growth threatens to become unmanageable. I will return to that point.

Luzius Wildhaber has presided over and directed this Court with competence and wisdom, with firmness and humanity, with brio and efficiency. In particular, he has done everything he could, personally, and with no little success to make our institution better known among all national judicial systems and all State authorities, including those in the countries which have entered the European human rights protection system most recently. Through his action he has considerably increased awareness throughout Europe of exactly what is at stake behind such protection. For that, and for many other aspects of his activity during his time in Strasbourg, I wish to thank him and give him the credit which is his due. Luzius Wildhaber will leave behind him in history the memory not only of an eminent judge and jurist but also of a great President. I know, or rather am beginning to appreciate even more, that to succeed him is an honour and will not be an easy task.

Ladies and gentlemen, according to our tradition, this ceremony provides an opportunity to retrace the activity of the Court over the previous year. I will do that fairly briefly, in order to devote most of my remarks to the prospects for the future.

I know that statistics can be tedious. Therefore, I shall limit myself to giving you some figures in order to provide a picture of the considerable judicial activity carried out during the year 2006. More than 39,000 applications were registered or, to be more precise, were allocated to a decision body, in other words required a judicial decision. Nearly 30,000 were finally disposed of by a decision or a judgment. The difference shows an unfortunate "deficit", amounting to almost 10,000 applications. The number of pending cases, at the beginning of 2007, is practically 90,000, over 65,000 of which have been allocated to a decision body. A comparison with the year 2005 shows a growth in the overall number of new applications of 13%. The number of cases pending at the end of the year increased by 12%. Those figures are alarming, the more so because there is a persistent pattern of growth over the years, even if some progress has been made in reducing the deficit.

Faced with such a situation, the Court, of course, has not remained inactive. In 2006 the number of cases terminated rose by 4%, but the number of judgments delivered increased by around 40%, reflecting the Court's policy of concentrating more resources on meritorious cases. In the last two years, the total number of terminated applications has risen by 40%, whilst, obviously, the financial and human resources provided to the Court, even if growing, have not been increased in anything like the same proportion.

In fact, our Court endeavours to increase its efficiency continuously, by rationalising and modernising its functioning. The Registry has carried out a restructuring of the Divisions, and has started the implementation of some of the steps recommended by Lord Woolf of Barnes in his report drawn up at the end of his management study of the Court in 2005. A specialised unit has been set up within the Registry in order to deal with the backlog, which consists of the oldest applications. Finally, on 1 April 2006 we established a fifth Section of the Court, the creation of which has reduced the number of judges in each Section, and the number of judges who are sitting as substitutes in each case, and has naturally increased the number of cases dealt with by every judge. I should add that very significant efforts have been made by the judges and the staff in order to ensure that the Court is ready to operate within the context of Protocol No. 14 as soon as it comes into force. Those efforts have targeted the working methods and the Rules of Court. According to a provisional assessment, without any increase in resources, the application of Protocol No. 14 will enable the Court to increase its productivity by at least 25%. This already shows that, although it cannot suffice by itself, the Protocol is indispensable to us. I will come back to it later.

Activity of such intensity as regards the quantitative aspects of our work has not, I believe, diminished the quality of the judgments given by the Court. Even if, as with any court, some decisions may be criticised (and of course our judgments are not all unanimous), it seems to me that observers all concur that the quality and the impact of the rulings given in Strasbourg deserve respect. Some of our judgments, again in 2006, have settled new issues or concerned a wide range of member States.

Let me give just a few examples from our recent case-law.

The case of *Sørensen and Rasmussen v. Denmark*[1] gave the Court the opportunity to consider social rights. The Court held that clauses in employment contracts providing for a trade union monopoly, in other words clauses providing for a "closed shop", were in breach of the negative freedom of association, specifically applied to trade unions, violating Article 11 of the Convention.

1. [GC], nos. 52562/99 and 52620/99, 11 January 2006.

In *Giniewski v. France*[1], the Court found a violation of freedom of expression, in so far as the author of an article in a daily newspaper had been convicted of defamation, even if the sanctions were very moderate. The article expressed the opinion that the doctrine of the Catholic Church on Judaism might have led to contemporary anti-Semitism, thus indirectly resulting in the concentration camps.

In its judgment in *Sejdovic v. Italy*[2], the Court found to be contrary to the principles of a fair trial the fact that an accused person had been judged *in absentia*, although it had not been shown that he had been attempting to evade justice or had unequivocally waived his right to defend himself in person, no possibility having been offered to him to have a court decide again on the criminal charge against him.

In *Stec and Others v. the United Kingdom*[3], having considered that the creation of welfare benefits, even without contributions by the beneficiary, generated a proprietary interest falling within the ambit of Article 1 of Protocol No. 1, concerning protection of property, the Court found that the advantage given to women by the British legislation was not contrary to the prohibition of discrimination under Article 14 of the Convention taken in conjunction with Protocol No. 1. In reaching that conclusion, the Court made reference in particular to a ruling by the European Court of Justice, deeming it necessary to give "a specific weight to the highly persuasive value of the conclusion reached by the ECJ".

Like the earlier case of *Broniowski v. Poland*[4], the case of *Hutten-Czapska v. Poland*[5] gave the Court the opportunity to deliver a pilot judgment. This procedure, which in my opinion is hopeful for the future, consists of finding the existence of a systemic violation (in the instant case of Article 1 of Protocol No. 1), then of holding that the State, while retaining the choice of the means, must secure in its legal order a mechanism which will redress the systemic violation. In *Hutten-Czapska*, the problem concerned the rent-control system, and the operative paragraphs of the Court's judgment held that Poland had to maintain a fair balance between the interests of landlords and the general interests of the community, in accordance with the standards of protection of property rights under the Convention.

Finally, in *Jalloh v. Germany*[6], the Court – very divided in its votes – gave a judgment whereby it held that Article 3 of the Convention had been breached. A public prosecutor had ordered that emetics be administered by a doctor to the applicant, who was suspected of having swallowed a tiny bag containing drugs. As a result, the applicant vomited, regurgitated the bag, and was eventually convicted of drug trafficking. The Court found that the applicant had been subjected to inhuman and degrading treatment contrary to Article 3.

Those examples, among many others I could have mentioned, show that the huge quantity of cases that the Court must cope with does not prevent it from giving very important and carefully drafted rulings. Despite the absence of an *erga omnes* effect, its judgments influence judges and lawmakers in all States Parties, and do contribute to harmonising European standards in the field of rights and freedoms. In this respect, I would like to pay tribute to the domestic courts, which apply more and more readily – and sometimes even anticipate – the Strasbourg case-law, thus making judicial cooperation a reality.

1. No. 64016/00, 31 January 2006.
2. [GC], no. 56581/00, 1 March 2006.
3. [GC], nos. 65731/01 and 65900/01, 12 April 2006.
4. [GC], no. 31443/96, ECHR 2004-V.
5. [GC], no. 35014/97, 19 June 2006.
6. [GC], no. 54810/00, 11 July 2006.

I shall now turn to what I regard as the essential question: What role does our Court play? What are its future prospects?

To my mind the European Court of Human Rights occupies a crucial position, through its very existence and thanks to its case-law, in the slow, gradual improvement in human rights protection. For me, the most important Convention Article is the first: "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention." The High Contracting Parties are the forty-six member States, but I hope that in the near future the European Union will also become a High Contracting Party. The fact that progress has broken down on the Treaty establishing a Constitution for Europe is a regrettable historical accident but, firm believer as I am in the European ideal, I am well aware that progress in European construction is not always even and sometimes comes to a temporary standstill. However, as Galileo said about our planet, "*Eppur, si muove*" – "And yet it does move" – so Europe keeps moving and always ends up going forward, and not just judicial Europe.

It is primarily for the member States of the Council of Europe to secure respect for the rights and freedoms of persons, whether nationals or aliens, within their jurisdiction for the purposes of Article 1, which I have just cited. Might I be accused of optimism, of fastidiously ignoring brutal reality perhaps, if I say that on the whole, since the signature of the Convention in 1950, this obligation to respect human rights has been discharged more and more satisfactorily? Dictatorships have disappeared and given way to democratic regimes in the south of our continent; the Berlin Wall has fallen and the Iron Curtain has been lifted, more than fifteen years ago already. Despite serious conflicts such as the war in the former Yugoslavia, the Kurdish and Chechen problems, despite terrorism, which as long ago as 1978 the Court described as a serious violation of human rights which States have a duty to combat, in the long term and on the whole barbarism is in retreat, democracy is moving forwards, human rights are flourishing.

This process is largely due to the States themselves and their peoples. But, without forgetting the contribution of public opinion, which is increasingly international, non-governmental organisations, the press and Bar associations, how can the essential contribution of our Court be denied? The Court did not spring into existence spontaneously; it was called into being by the Convention (and therefore by the States), whose Article 19 is the echo or mirror of Article 1 – "To ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention ..., there shall be set up a European Court of Human Rights ..."

Its decisions, whether rejecting an application or finding against a State, are authoritative and trace the demarcation line between what is tolerable and what is not. We – and my colleagues and I are proud of this – are the institution which has the duty and the power to cry "stop!", and we do so by virtue of the solemn undertaking freely given by the States. I find it admirable incidentally that they have given such an undertaking, inasmuch as in doing so they are accepting that justice must take precedence over State interest.

Pascal said: "Justice without force is powerless; force without justice is tyrannical", but he went on to say: "Justice and force must therefore be brought together; and to that end let what is just be strong or let what is strong be just." It seems to me that the text signed in Rome on 4 November 1950, the Convention, constitutes a wager which I hesitate to call Pascalian, and it is this: to ensure, by abandoning sovereignty, that European justice in the field of human rights is strong, which means respected.

But before being strong, justice still has to be just. And I sometimes hear it said that our Court is not just, that its decisions are not legal but political. I myself have heard this accusation on the occasion of various official visits, and experience has taught me that when one explains the true

state of affairs calmly the accusation tends to fade away – the accusers desist. I vigorously proclaim my innocence, and I believe all my colleagues would also plead not guilty. In a world that is itself politicised as much as it is mediatised, the men and women who make up our Court give justice through their arduous but very honest labours, justice which is based on Law, which is not an exact science, and on fairness, which is an essentially subjective concept. I deny that they give political decisions, or that they practise I know not what double or triple standards, because that is quite simply untrue. Our judgments, as I have said, are open to criticism. We may make mistakes, but we do not give way to any kind of politicisation.

Lastly, I turn to the future of the Strasbourg Court. I note first of all that it is now universally known and respected, even far beyond the shores of Europe, "old Europe". But its future depends on its effectiveness. If it lacked effectiveness, it would lose its credibility, its moral and legal authority and, ultimately, its *raison d'être*. That effectiveness certainly depends on us, who are doing everything that ingeniousness and energy can accomplish to find pragmatic ways of cutting down our lengthening list. But it also depends on you. It depends on national courts and authorities, which are primarily responsible for application of the European Convention on Human Rights. The more remedies are applied at national level the less the flood of applications to Strasbourg will be justified, not to mention the indispensable prevention of violations by amending legislation and changing practices.

Let us not be under any illusions: the spring will not run dry anytime soon. But between a spring running dry and a tsunami there is plenty of room for the principle of subsidiarity to make effective progress.

The future of our Court also depends on you, the representatives of the States. I do not intend to speak here and now – for this is neither the time nor the place – of the budgetary and human resources that are indispensable for the Council of Europe and the Court alike, which are both, together – though I am sure there is no need to remind you of this – pillars of greater Europe, and of a still greater Europe. But I am thinking of Protocol No. 14, and in the longer term of the follow-up to the Wise Persons' report.

It was the member States who decided that Protocol No. 14 was needed. It followed on from the work of the Evaluation Group set up by the interministerial conference in Rome as far back as November 2000, whose report was produced in September 2001. These initiatives formed part of a process that President Wildhaber called a "reform of the reform", because it rapidly became clear that Protocol No. 11 would no longer be sufficient to ensure the effectiveness of the system.

Protocol No. 14 was drawn up as a result of intergovernmental work. It was completed and opened for signature as long ago as 13 May 2004. Since then the forty-six member States have signed it and forty-five have ratified it. Only one name is still missing, and that is all the more surprising because the highest authorities of the State in question have declared themselves in favour of our Court and its reinforcement. I will not repeat Cato's phrase "*Delenda est Carthago*", as it is not a question of destroying but of consolidating and building, but I will repeat – and go on repeating – "Protocol No. 14 must be brought into force". And the sooner the better. I firmly believe that this categorical imperative, as Kant might have called it, is also a decision based on practical reason, to mention another concept he discussed. And so I hope – I am sure – that reason will prevail.

Rapid ratification would be all the more logical because at the Third Council of Europe Summit, in May 2005 in Warsaw, the heads of State and government decided to set up a Group of Wise Persons, charged with making proposals on the medium- and long-term future of the Court and the European human rights protection system. The Group's terms of reference even required the

Wise Persons to examine in their report the initial effects of the application of Protocol No. 14! But their report has already been produced, and was officially submitted, two days ago, by its Chairman Mr Gil Carlos Rodríguez Iglesias, former President of the Court of Justice of the European Communities, to the Committee of Ministers of the Council of Europe, and the Ministers' Deputies unanimously praised its quality and breadth. I myself thank the eleven Wise Persons for their work and their proposals, on which our Court will give its opinion. But at the risk of repeating myself I would point out that the Wise Persons' report *presupposes* Protocol No. 14; it is in no way a substitute for it, still less a "Plan B" (if I may use such a term).

As you can see then, the Court is confronted with difficult problems, particularly in terms of managing its timetable, which are creating regrettable uncertainty, including uncertainty about the personal situation of my colleagues.

That being said, over and above these technical difficulties, which can be solved, especially if Protocol No. 14 quickly comes into force, it is the future of the system which is at stake. This system is based on a unique mechanism, namely direct access for 800 million people to an international court charged with ensuring as a last resort the protection of their most fundamental rights.

I personally am in favour of the right of individual petition, for which a hard battle had to be fought, and am therefore in favour of retaining it.

But let us not shrink from the truth. I have laid too much emphasis in the past on the principle of reality, looking beyond appearances, not to realise now that, without far-reaching reforms – some would say radical reforms – the flood of applications reaching a drowning court threatens to kill off individual petition *de facto*. In that case, individual petition will become a kind of catoblepas, the animal which, according to ancient fable, used to feed on its own flesh!

In 2006 the Court gave more than 1,500 judgments on the merits, which is almost twice as many in a single year as all the judgments delivered by the former Court in nearly forty years, from 1960 to 1998! But that high number must not hide from view the fact that nearly 95% of adjudications in 2006 took the form not of judgments on the merits but of decisions in which the Court ruled applications inadmissible or struck them out of its list. Does it redound to the glory of a court which has high ambitions and heavy responsibilities to dismiss so many applications as being entirely without foundation? Does ruling on the merits of only one out of every twenty complaints constitute effective defence of human rights? As things stand at present, our Court cannot do otherwise. Let us all strive to make sure that in the future things will be different. And let us start by giving the instruments we need the requisite legal force for them to be able to produce their positive effects.

Ladies and gentlemen, I know that I have spoken at some length. But since January is the month for good wishes, allow me, before I conclude, firstly to convey to all of you on behalf of all my colleagues and myself my best wishes for 2007, and secondly to express the fervent hope that the greatest system for the protection of rights and freedoms which exists in the world can find a new lease of life and emerge from its present difficulties – with your assistance, I repeat – composed and strengthened.

One of the slogans in May 1968 in France was: "Be realistic, demand the impossible!" It is, on the contrary, because I believe it is possible that I consider my wish to be realistic.

Thank you for your attention.

VI. VISITS

VISITS

12 January 2006	Mrs Micheline Calmy-Rey, Federal Councillor, Head of the Federal Department of Foreign Affairs, Switzerland
19 January 2006	Mrs Tülay Tuğcu, President of the Constitutional Court, Turkey
20 January 2006	Mr Petr Pithart, First Vice-President of the Senate, and Mrs Iva Brožová, President of the Supreme Court, Czech Republic
20 January 2006	Mr Jean-Louis Nadal, Principal State Counsel at the Court of Cassation, Mr Régis de Gouttes, Principal Advocate-General, and Mr Jean-Baptiste Avel, special adviser to Principal State Counsel for international affairs, France
24 January 2006	Mr Sergey Stanishev, Prime Minister, Bulgaria
24 January 2006	Parliamentary delegation, Liechtenstein
15 February 2006	Mr Rasim Ljajić, Minister for Human and Minority Rights and President of the National Council for Cooperation with the International Criminal Tribunal for the former Yugoslavia, Serbia and Montenegro
11 April 2006	Mr Vlado Buchkovski, Prime Minister, "The former Yugoslav Republic of Macedonia"
18 May 2006	Mrs María Emilia Casas Baamonde, President of the Constitutional Court, Spain
18 May 2006	Mr Pascal Clément, Minister of Justice, France
20 June 2006	Mr Osman Arslan, President of the Court of Cassation, Turkey
22 June 2006	Mr Margarit Ganev, Deputy Minister of Justice, Mr Petar Rashkov, Head of the International Cooperation and European Integration Directorate at the Ministry of Justice, and Mr Georgi Rupchev, Head of the International Legal Cooperation Department at the Ministry of Justice, Bulgaria
27 June 2006	Mr Franco Frattini, Vice-President of the European Commission and European Commissioner for Justice

28 June 2006	Mr Recep Tayyip Erdoğan, Prime Minister, Turkey
26 September 2006	Mr Michel Petite, Director-General of the Legal Service of the European Commission
3 October 2006	Mr Adnan Terzić, Prime Minister, Bosnia and Herzegovina
17 October 2006	Supreme Court, Latvia
19 October 2006	Mrs Vida Petrović-Škero, President of the Supreme Court, Serbia
14 December 2006	Mr Štefan Harabin, Deputy Prime Minister and Minister of Justice, Slovakia

VII. ACTIVITIES OF THE GRAND CHAMBER AND SECTIONS

ACTIVITIES OF THE GRAND CHAMBER AND SECTIONS

1. Grand Chamber

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

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

The Grand Chamber held 16 oral hearings.

The Grand Chamber adopted 1 decision on admissibility and delivered 25 judgments on the merits (concerning 27 applications), 8 in relinquishment cases and 17 in rehearing cases, as well as 5 striking-out friendly-settlement judgments.

2. First Section

In 2006 the Section held 40 Chamber meetings. Oral hearings were held in 6 cases and delegates took evidence in 1 case. The Section delivered 264 judgments, of which 259 concerned the merits, 3 concerned friendly settlements and 2 concerned the striking out of cases. The Section applied Article 29 § 3 of the Convention (combined examination of admissibility and merits) in 581 cases and 192 judgments were delivered under this procedure.

Of the applications examined by a Chamber

(a) 136 were declared admissible;
(b) 56 were declared inadmissible;
(c) 106 were struck out of the list; and
(d) 694 were communicated to the State concerned for observations, of which 534 were communicated by the President.

In addition, the Section held 44 Committee meetings. 5,947 applications were declared inadmissible and 58 applications were struck out of the list. The total number of applications rejected by a Committee represented 97% of the inadmissibility and striking-out decisions adopted by the Section during the year.

At the end of the year 18,248 applications were pending before the Section.

3. Second Section

In 2006 the Section held 43 Chamber meetings (including 3 in the framework of the Section's former composition). Oral hearings were held in 6 cases. The Section delivered 373 judgments (including 13 in its former composition), of which 363 concerned the merits, 4 concerned friendly settlements, 3 were striking-out judgments, 2 dealt with just satisfaction and 1 concerned revision of an earlier judgment. The Section applied Article 29 § 3 of the Convention (combined examination of admissibility and merits) in 593 cases and 293 judgments were delivered under this procedure.

Of the applications examined by a Chamber

(a) 31 were declared admissible;
(b) 128 were declared inadmissible;
(c) 133 were struck out of the list (including 1 which had previously been declared admissible); and
(d) 641 were communicated to the State concerned for observations, of which 502 were communicated by the President.

In addition, the Section held 78 Committee meetings. 4,477 applications were declared inadmissible and 94 applications were struck out of the list. The total number of applications rejected by a Committee represented 94.6% of the inadmissibility and striking-out decisions adopted by the Section during the year.

At the end of the year 10,163 applications were pending before the Section.

4. Third Section

In 2006 the Section held 42 Chamber meetings[1]. An oral hearing was held in one case. The Section delivered 446 judgments[2], of which 434 concerned the merits, 10 concerned friendly settlements and 2 concerned the striking out of cases. The Section applied Article 29 § 3 of the Convention (combined examination of admissibility and merits) in 872 cases and 371 judgments were delivered under this procedure.

Of the applications examined by a Chamber

(a) 33 were declared admissible;
(b) 725 were declared inadmissible;
(c) 103 were struck out of the list; and
(d) 873 were communicated to the State concerned for observations, of which 795 were communicated by the President.

In addition, the Section held 42 Committee meetings. 4,752 applications were declared inadmissible and 86 applications were struck out of the list. The total number of applications rejected by a Committee represented 85.4% of the inadmissibility and striking-out decisions adopted by the Section during the year.

At the end of the year 15,333 applications were pending before the Section.

5. Fourth Section

In 2006 the Section held 40 Chamber meetings. Oral hearings were held in 4 cases. The Section delivered 293 judgments (including 2 in a former composition), of which 281 concerned the merits and 8 concerned friendly settlements. Article 29 § 3 of the Convention (combined examination of admissibility and merits) was applied in 480 cases and 236 judgments were delivered under this procedure.

1. Including two meetings in its composition before 1 November 2004.
2. Including two judgments in its composition before 1 November 2004, of which one concerned the striking out of a case.

Of the applications examined by a Chamber

(a) 48 were declared admissible;
(b) 146 were declared inadmissible;
(c) 88 were struck out of the list; and
(d) 542 were communicated to the State concerned for observations, of which 396 were communicated by the President.

In addition, the Section held 54 Committee meetings. 7,431 applications were declared inadmissible and 115 applications were struck out of the list. The total number of applications rejected by a Committee represented 96.99% of the inadmissibility and striking-out decisions adopted by the Section during the year.

At the end of the year 7,407 applications were pending before the Section.

6. Fifth Section

The newly constituted Fifth Section, which started work on 1 April 2006, held 28 Chamber meetings. No oral hearings were held. The Section delivered 164 judgments, of which 163 concerned the merits and 1 concerned a friendly settlement. The Section applied Article 29 § 3 of the Convention (combined examination of admissibility and merits) in 437 cases and 145 judgments were delivered under this procedure.

Of the applications examined by a Chamber

(a) 19 were declared admissible;
(b) 72 were declared inadmissible;
(c) 82 were struck out of the list; and
(d) 453 were communicated to the State concerned for observations, of which 396 were communicated by the President.

In addition, the Section held 29 Committee meetings. 3,509 applications were declared inadmissible and 41 applications were struck out of the list. The total number of applications rejected by a Committee represented 95.8% of the inadmissibility and striking-out decisions adopted by the Section during the year.

At the end of the year 13,798 applications were pending before the Section.

VIII. PUBLICATION OF THE COURT'S CASE-LAW

PUBLICATION OF THE COURT'S CASE-LAW

A. Reports of Judgments and Decisions

The official collection of selected judgments and decisions of the Court, *Reports of Judgments and Decisions* (cited as ECHR), is published by Carl Heymanns Verlag GmbH, Luxemburger Straße 449, D-50939 Köln (Tel.: (+49) 221/94373-0; Fax: (+49) 221/94373-901; Internet address: http://www.heymanns.com). The publisher offers special terms to anyone purchasing a complete set of the judgments and decisions and also arranges for their distribution, in association with the following agents for certain countries:

Belgium: Etablissements Emile Bruylant, 67 rue de la Régence, B-1000 Bruxelles

Luxembourg: Librairie Promoculture, 14 rue Duscher (place de Paris), B.P. 1142, L-1011 Luxembourg-Gare

The Netherlands: B.V. Juridische Boekhandel & Antiquariaat A. Jongbloed & Zoon, Noordeinde 39, NL-2514 GC 's-Gravenhage

The published texts are accompanied by headnotes and summaries and a separate volume containing indexes is issued for each year. The following judgments and decisions delivered in 2006 have been accepted for publication. Grand Chamber cases are indicated by [GC]. Where a Chamber judgment is not final or a request for referral to the Grand Chamber is pending, the decision to publish the Chamber judgment is provisional.

Judgments

Sørensen and Rasmussen v. Denmark [GC], nos. 52562/99 and 52620/99, 11 January 2006
Mizzi v. Malta, no. 26111/02, 12 January 2006 (extracts)
Aoulmi v. France, no. 50278/99, 17 January 2006 (extracts)
Danell and Others v. Sweden (friendly settlement), no. 54695/00, 17 January 2006
Elli Poluhas Dödsbo v. Sweden, no. 61564/00, 17 January 2006
Rodrigues da Silva and Hoogkamer v. the Netherlands, no. 50435/99, 31 January 2006
Giniewski v. France, no. 64016/00, 31 January 2006
Mürsel Eren v. Turkey, no. 60856/00, 7 February 2006
Turek v. Slovakia, no. 57986/00, 14 February 2006 (extracts)
Christian Democratic People's Party v. Moldova, no. 28793/02, 14 February 2006
Tüm Haber Sen and Çınar v. Turkey, no. 28602/95, 21 February 2006
Sejdovic v. Italy [GC], no. 56581/00, 1 March 2006
Van Glabeke v. France, no. 38287/02, 7 March 2006
Yassar Hussain v. the United Kingdom, no. 8866/04, 7 March 2006
Blečić v. Croatia [GC], no. 59532/00, 8 March 2006
Menesheva v. Russia, no. 59261/00, 9 March 2006
Svipsta v. Latvia, no. 66820/01, 9 March 2006 (extracts)
Cenbauer v. Croatia, no. 73786/01, 9 March 2006
Eko-Elda AVEE v. Greece, no. 10162/02, 9 March 2006
Ždanoka v. Latvia [GC], no. 58278/00, 16 March 2006
Campagnano v. Italy, no. 77955/01, 23 March 2006

Sukhovetskyy v. Ukraine, no. 13716/02, 28 March 2006
Achour v. France [GC], no. 67335/01, 29 March 2006
Scordino v. Italy (no. 1) [GC], no. 36813/97, 29 March 2006
Musci v. Italy [GC], no. 64699/01, 29 March 2006 (extracts)
Cocchiarella v. Italy [GC], no. 64886/01, 29 March 2006
Sarı and Çolak v. Turkey, nos. 42596/98 and 42603/98, 4 April 2006 (extracts)
Stankiewicz v. Poland, no. 46917/99, 6 April 2006
Martinie v. France [GC], no. 58675/00, 12 April 2006
Stec and Others v. the United Kingdom [GC], nos. 65731/01 and 65900/01, 12 April 2006
Zubko and Others v. Ukraine, nos. 3955/04, 5622/04, 8538/04 and 11418/04, 26 April 2006 (extracts)
Sannino v. Italy, no. 30961/03, 27 April 2006
Ergin v. Turkey (no. 6), no. 47533/99, 4 May 2006 (extracts)
Grant v. the United Kingdom, no. 32570/03, 23 May 2006
Weissman and Others v. Romania, no. 63945/00, 24 May 2006 (extracts)
Fodale v. Italy, no. 70148/01, 1 June 2006
Segerstedt-Wiberg and Others v. Sweden, no. 62332/00, 6 June 2006
Sürmeli v. Germany [GC], no. 75529/01, 8 June 2006
Woś v. Poland, no. 22860/02, 8 June 2006
Lupsa v. Romania, no. 10337/04, 8 June 2006
Lykourezos v. Greece, no. 33554/03, 15 June 2006
Hutten-Czapska v. Poland [GC], no. 35014/97, 19 June 2006
Babylonová v. Slovakia, no. 69146/01, 20 June 2006
Zarb Adami v. Malta, no. 17209/02, 20 June 2006
Vayiç v. Turkey, no. 18078/02, 20 June 2006 (extracts)
Draon v. France (just satisfaction/striking out) [GC], no. 1513/03, 21 June 2006
Maurice v. France (just satisfaction/striking out) [GC], no. 11810/03, 21 June 2006
Öllinger v. Austria, no. 76900/01, 29 June 2006
Ramirez Sanchez v. France [GC], no. 59450/00, 4 July 2006
Salah v. the Netherlands, no. 8196/02, 6 July 2006 (extracts)
Jalloh v. Germany [GC], no. 54810/00, 11 July 2006
Jäggi v. Switzerland, no. 58757/00,13 July 2006
Keegan v. the United Kingdom, no. 28867/03, 18 July 2006
Mamič v. Slovenia (no. 2), no. 75778/01, 27 July 2006 (extracts)
Olaechea Cahuas v. Spain, no. 24668/03, 10 August 2006 (extracts)
Matijašević v. Serbia, no. 23037/04, 19 September 2006
Monnat v. Switzerland, no. 73604/01, 21 September 2006
Wainwright v. the United Kingdom, no. 12350/04, 26 September 2006
Fleri Soler and Camilleri v. Malta, no. 35349/05, 26 September 2006
McKay v. the United Kingdom [GC], no. 543/03, 3 October 2006
The Moscow Branch of the Salvation Army v. Russia, no. 72881/01, 5 October 2006
Bolat v. Russia, no. 14139/03, 5 October 2006 (extracts)
Marcello Viola v. Italy, no. 45106/04, 5 October 2006 (extracts)
L.L. v. France, no. 7508/02, 10 October 2006
Paulík v. Slovakia, no. 10699/05, 10 October 2006 (extracts)
Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, 12 October 2006
Okkalı v. Turkey, no. 52067/99, 17 October 2006 (extracts)
Hermi v. Italy [GC], no. 18114/02, 18 October 2006
Üner v. the Netherlands [GC], no. 46410/99, 18 October 2006
Khudobin v. Russia, no. 59696/00, 26 October 2006 (extracts)
Chraidi v. Germany, no. 65655/01, 26 October 2006
Jeličić v. Bosnia and Herzegovina, no. 41183/02, 31 October 2006

Földes and Földesné Hajlik v. Hungary, no. 41463/02, 31 October 2006
Giacomelli v. Italy, no. 59909/00, 2 November 2006
Radovici and Stănescu v. Romania, nos. 68479/01, 71351/01 and 71352/01, 2 November 2006 (extracts)
Dacosta Silva v. Spain, no. 69966/01, 2 November 2006
Mamère v. France, no. 12697/03, 7 November 2006
Sacilor-Lormines v. France, no. 65411/01, 9 November 2006
Luluyev and Others v. Russia, no. 69480/01, 9 November 2006 (extracts)
Imakayeva v. Russia, no. 7615/02, 9 November 2006 (extracts)
Kaste and Mathisen v. Norway, nos. 18885/04 and 21166/04, 9 November 2006
Jussila v. Finland [GC], no. 73053/01, 23 November 2006
Apostol v. Georgia, no. 40765/02, 28 November 2006
Oya Ataman v. Turkey, no. 74552/01, 5 December 2006
Csikós v. Hungary, no. 37251/04, 5 December 2006 (extracts)
Bajrami v. Albania, no. 35853/04, 12 December 2006 (extracts)
Burden v. the United Kingdom, no. 13378/05, 12 December 2006
Markovic and Others v. Italy [GC], no. 1398/03, 14 December 2006
Lupaş and Others v. Romania, nos. 1434/02, 35370/02 and 1385/03, 14 December 2006 (extracts)
Tarariyeva v. Russia, no. 4353/03, 14 December 2006 (extracts)
Radio Twist, a.s., v. Slovakia, no. 62202/00, 19 December 2006
Bartik v. Russia, no. 55565/00, 21 December 2006

Decisions

Içyer v. Turkey (dec.), no. 18888/02, 12 January 2006
Hingitaq and Others v. Denmark (dec.), no. 18584/04, 12 January 2006
Kolk and Kislyiy v. Estonia (dec.), nos. 23052/04 and 24018/04, 17 January 2006
Kurtulmuş v. Turkey (dec.), no. 65500/01, 24 January 2006
Köse and Others v. Turkey (dec.), no. 26625/02, 24 January 2006
Melchior v. Germany (dec.), no. 66783/01, 2 February 2006
Thevenon v. France (dec.), no. 2476/02, 28 February 2006
Z. and T. v. the United Kingdom (dec.), no. 27034/05, 28 February 2006
Saydam v. Turkey (dec.), no. 26557/04, 7 March 2006
Valico S.r.l. v. Italy (dec.), no. 70074/01, 21 March 2006
Van Vondel v. the Netherlands (dec.), no. 38258/03, 23 March 2006
Bompard v. France (dec.), no. 44081/02, 4 April 2006
Molka v. Poland (dec.), no. 56550/00, 11 April 2006
Kerechashvili v. Georgia (dec.), no. 5667/02, 2 May 2006 (extracts)
McBride v. the United Kingdom (dec.), no. 1396/06, 9 May 2006
Estate of Kresten Filtenborg Mortensen v. Denmark (dec.), no. 1338/03, 15 May 2006
Lederer v. Germany (dec.), no. 6213/03, 22 May 2006
Matyjek v. Poland (dec.), no. 38184/03, 30 May 2006
Szabo v. Sweden (dec.), no. 28578/03, 6 June 2006
Houdart and Vincent v. France (dec.), no. 28807/04, 6 June 2006 (extracts)
Weber and Saravia v. Germany (dec.), no. 54934/00, 29 June 2006
Treska v. Albania and Italy (dec.), no. 26937/04, 29 June 2006 (extracts)
Gavella v. Croatia (dec.), no. 33244/02, 11 July 2006 (extracts)
Konrad and Others v. Germany (dec.), no. 35504/03, 11 September 2006
Dogmoch v. Germany (dec.), no. 26315/03, 18 September 2006
Quark Fishing Ltd v. the United Kingdom (dec.), no. 15305/06, 19 September 2006

Palusiński v. Poland (dec.), no. 62414/00, 3 October 2006
Association SOS Attentats and de Boëry v. France (dec.) [GC], no. 76642/01, 4 October 2006
Trocellier v. France (dec.), no. 75725/01, 5 October 2006
Pokis v. Latvia (dec.), no. 528/02, 5 October 2006
Coopérative des agriculteurs de la Mayenne and Coopérative laitière Maine-Anjou v. France (dec.), no. 16931/04, 10 October 2006
Asci v. Austria (dec.), no. 4483/02, 19 October 2006
Chroust v. the Czech Republic (dec.), no. 4295/03, 20 November 2006
Parry v. the United Kingdom (dec.), no. 42971/05, 28 November 2006
Artyomov v. Russia (dec.), no. 17582/05, 7 December 2006
Van der Velden v. the Netherlands (dec.), no. 29514/05, 7 December 2006
Ben El Mahi v. Denmark, no. 5853/06, 11 December 2006

B. The Court's Internet site

The Court's website (http://www.echr.coe.int) provides general information about the Court, including its composition, organisation and procedure, details of pending cases and oral hearings, as well as the text of press releases. In addition, the site gives access to the Court's case-law database (HUDOC), containing the full text of all judgments and of admissibility decisions, other than those adopted by Committees of three judges, since 1986 (plus certain earlier ones), as well as resolutions of the Committee of Ministers in so far as they relate to the European Convention on Human Rights. The database is accessible via an advanced search screen and a powerful search engine enables the user to carry out searches in the text and/or in separate data fields. A user manual and a help function are provided.

In 2006 the Court's site had 152 million hits in the course of 2.2 million user sessions.

The Court's database is also available as a CD-ROM (http://www.echr.coe.int/HUDOCCD/Default.htm).

In addition, monthly Case-law Information Notes are accessible at http://www.echr.coe.int/echr/NoteInformation/en. These contain summaries of cases which the Section Registrars and the Head of the Publications and Case-Law Information Division have highlighted for their particular interest (judgments, applications declared admissible or inadmissible and cases which have been communicated to the respondent Government for observations).

IX. SELECTION OF JUDGMENTS DELIVERED BY THE COURT IN 2006

SELECTION OF JUDGMENTS DELIVERED BY THE COURT IN 2006[1]

Article 1

Responsiblility of States

"Jurisdictional link" existed between foreign plaintiffs and the respondent State, even when the proceedings concerned events in the plaintiffs' country of origin: *Government's preliminary objections dismissed*

Markovic and Others v. Italy, no.1398/03, no. 92

Article 2

Article 2 § 1

Life

Death of suspect held at police station and failure to conduct an effective investigation: *violations*

Ognyanova and Choban v. Bulgaria, no. 46317/99, no. 83

Death of conscript while performing military service and effectiveness of subsequent investigation: *violation*

Ataman v. Turkey, no. 46252/99, no. 85

Suspect accidentally shot dead by police officer pursuing him: *no violation*

Yaşaroğlu v. Turkey, no. 45900/99, no. 87

Disappearance in Chechnya of applicant's son following Russian military commander's instruction to shoot him, and ineffectiveness of ensuing investigation: *violation*

Bazorkina v. Russia, no. 69481/01, no. 88

Inadequate medical care leading to prisoner's bleeding to death, and failure to conduct an effective investigation: *violation*

Tarariyeva v. Russia, no. 4353/03, no. 92

Positive obligations

Effectiveness of investigation into murders involving a criminal organisation: *no violation*

Bayrak and Others v. Turkey, no. 42771/98, no. 82

1. The cases are listed with their name and application number. Where applicable, the two-digit number at the end of each reference line indicates the issue of the Case-Law Information Note where the judgment was summarised. Depending on the Court's findings, a judgment may appear under several keywords. All judgments and admissibility decisions (other than those taken by committees) are available in full text in the Court's case-law database (HUDOC), which is accessible via the Court's website: http://www.echr.coe.int. The monthly Information Notes are accessible at http://www.echr.coe.int/echr/NoteInformation/en and http://www.echr.coe.int/echr/NoteInformation/fr.

Effectiveness of investigation into death of drug addict three days after his arrest: *violation*
Scavuzzo-Hager and Others v. Switzerland, no. 41773/98, no. 83

Reaction of police when suspect lost consciousness in the course of his arrest: *no violation*
Scavuzzo-Hager and Others v. Switzerland, no. 41773/98, no. 83

Effectiveness of investigation into the deaths, during a police operation, of three members of an illegal armed organisation: *violation*
Perk and Others v. Turkey, no. 50739/99, no. 84

Death of Aids sufferer in a sobering-up cell at a police station: *violation*
Taïs v. France, no. 39922/03, no. 87

Lack of effective and speedy investigation into death of applicant's wife and the serious damage to his son's health following delivery by caesarean section: *violation*
Byrzykowski v. Poland, no. 11562/05, no. 87

Insufficient security measures around area mined by the military and used by villagers as pasture land: *violation*
Paşa and Erkan Erol v. Turkey, no. 51358/99, no. 92

Article 2 § 2

Use of force

Arrest by two police officers of very agitated drug addict who died three days later: *no violation*
Scavuzzo-Hager and Others v. Switzerland, no. 41773/98, no. 83

Deaths of three persons belonging to an illegal armed organisation during a police operation: *no violation*
Perk and Others v. Turkey, no. 50739/99, no. 84

Killings in Chechnya by agents of the Russian State followed by inadequate criminal investigation: *violation*
Estamirov and Others v. Russia, no. 60272/00, no. 90
Luluyev and Others v. Russia, no. 69480/01, no. 91

Fleeing suspect injured in the back by police bullet: *no violation*
Tzekov v. Bulgaria, no. 45500/99

Article 3

Torture

Ill-treatment by police officers and effectiveness of investigation: *violation*
Mikheyev v. Russia, no. 77617/01, no. 82
Menesheva v. Russia, no. 59261/00, no. 84
Hüseyin Esen v. Turkey, no. 49048/99, no. 88

Torture in police custody of young man who signed a confession: *violation*
Sheydayev v. Russia, no. 65859/01, no. 92

Inhuman or degrading treatment

Prisoner suffering from tuberculosis wrongly diagnosed and kept in inadequate conditions: *violation*
Melnik v. Ukraine, no. 72286/01, no. 84

Treatment while in police custody and attempts to carry out gynaecological examination: *no violation/inadmissible*
Devrim Turan v. Turkey, no. 879/02, no. 84

Exceptionally lengthy period of detention: *no violation*
Léger v. France, no. 19324/02, no. 85[1]

Overpopulation in detention facility, confinement and lack of food and water: *violation*
Kadiķis v. Latvia (no. 2), no. 62393/00, no. 86

Detention in overcrowded unsanitary prison: *violation*
Mamedova v. Russia, no. 7064/05, no. 87

Prolonged detention in solitary confinement: *no violation*
Ramirez Sanchez v. France, no. 59450/00, no. 88

Strip-search of prisoner; civil action introduced after application: *violation*
Salah v. the Netherlands, no. 8196/02, no. 88
Baybaşın v. the Netherlands, no. 13600/02, no. 88

Continuing detention despite emergence of mental illness and suicidal tendencies: *violation*
Rivière v. France, no. 33834/03, no. 88

Severe ill-treatment immediately following arrest and lack of appropriate medical care thereafter: *violation*
Boicenco v. Moldova, no. 41088/05, no. 88

Forcible administration of emetics to drug trafficker in order to recover a plastic bag he had swallowed containing drugs: *violation*
Jalloh v. Germany, no. 54810/00, no. 88

Conditions of detention and lack of medical assistance: *violations*
Popov v. Russia, no. 26853/04, no. 88

Three months' detention in a police detention centre not suited to the requirements of continued incarceration: *violation*
Kaja v. Greece, no. 32927/03, no. 88

1. Case subsequently referred to the Grand Chamber under Article 43 of the Convention.

Anguish and distress resulting from disappearance of applicants' relative and ineffectiveness of ensuing investigation: *violation*

Bazorkina v. Russia, no. 69481/01, no. 88
Luluyev and Others v. Russia, no. 69480/01, no. 91

Strip-search of family members paying a prison visit: *no violation*

Wainwright v. the United Kingdom, no. 12350/04, no. 89

Lack of qualified and timely medical assistance to HIV-positive detainee suffering from epilepsy: *violation*

Khudobin v. Russia, no. 59696/00, no. 90

Detention of five-year-old child without her family in a centre for adults and subsequent deportation: *violation*

Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, no. 90

Anxiety of mother whose child was detained abroad and subsequently deported: *violation*

Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, no. 90

Minimum suspended sentences imposed on persons found guilty of ill-treating a minor: *violation*

Okkalı v. Turkey, no. 52067/99, no. 90

Handcuffing of prisoner recovering from internal surgery and transport in ordinary prison van two days later: *violation*

Tarariyeva v. Russia, no. 4353/03, no. 92

Alleged ill-treatment during detention in psychiatric hospital and failure to conduct a thorough and effective investigation in this regard: *no violation/violation*

Filip v. Romania, no. 41124/02, no. 92

Use of a tear gas known as "pepper spray" to break up demonstration: *no violation*

Oya Ataman v. Turkey, no. 74552/01, no. 92

Lengthy detention in unsanitary prison cell of inadequate size: *violation*

Cenbauer v. Croatia, no. 73786/01

Positive obligations

Insufficient legal and administrative framework governing the use of firearms in the police force and ineffective investigation into the wounding of a fleeing suspect: *violations*

Tzekov v. Bulgaria, no. 45500/99

Expulsion

Expulsion to Algeria of applicant suffering from hepatitis C and son of a "harki": *no violation*

Aoulmi v. France, no. 50278/99, no. 82

Conditions of deportation of five-year-old child without her parents: *violation*

Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, no. 90

Extradition

Extradition of applicant to Peru after assurances had been obtained from the Peruvian government: *no violation*

Olaechea Cahuas v. Spain, no. 24668/03, no. 88

Article 5

Article 5 § 1

Deprivation of liberty

Lack of records concerning arrest of applicant and ensuing five-day detention ordered by judge neglecting procedural guarantees: *violation*

Menesheva v. Russia, no. 59261/00, no. 84

Alleged arbitrariness of applicant's continued detention during exceptionally lengthy period: *no violation*

Léger v. France, no. 19324/02, no. 85

Detention of five-year-old foreign national without her family in a centre for adult illegal immigrants: *violation*

Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, no. 90

Lawful arrest or detention

Automatic extension of pre-trial detention: *violation*

Svipsta v. Latvia, no. 66820/01, no. 84

Detention ordered without sufficient reasoning or consideration of less intrusive measures: *violation*

Ambruszkiewicz v. Poland, no. 38797/03, no. 86

Prolongation of detention on remand without lawful order: *violation*

Boicenco v. Moldova, no. 41088/05, no. 88

Unrecorded and unacknowledged detention in Chechnya: *violation*

Bazorkina v. Russia, no. 69481/01, no. 88
Luluyev and Others v. Russia, no. 69480/01, no. 91

Unjustified committal to psychiatric hospital in breach of domestic legislation: *violation*

Filip v. Romania, no. 41124/02, no. 92

After conviction

Disciplinary punishment of house arrest imposed on member of the *Guardia Civil* by his superior: *violation*

Dacosta Silva v. Spain, no. 69966/01, no. 91

Prevent unauthorised entry into country

Seven-day detention in reception centre after asylum-seeker had been granted "temporary admission": *no violation*

Saadi v. the United Kingdom, no. 13229/03, no. 88[1]

Article 5 § 2

Information on reasons for arrest

Seventy-six-hour delay in informing "temporarily admitted" asylum-seeker of grounds for his later detention in a reception centre: *violation*

Saadi v. the United Kingdom, no. 13229/03, no. 88[1]

Article 5 § 3

Judge or other officer

Independence of prosecutor ordering detention on remand: *violation*

Jasiński v. Poland, no. 30865/96, no. 82

Brought "promptly" before a judge or other officer

Release after fifteen days, but before appeal against custody order was heard: *violation*

Harkmann v. Estonia, no. 2192/03, no. 88

Release pending trial

Impossibility of applying for bail before the court examining the lawfulness of the arrest or detention of persons charged with scheduled offences: *no violation*

McKay v. the United Kingdom, no. 543/03, no. 90

Detention on remand

Automatic detention on remand: *violation*

Boicenco v. Moldova, no. 41088/05, no. 88

Length of pre-trial detention

Unreasonable length of pre-trial detention without relevant and sufficient grounds: *violation*

Hüseyin Esen v. Turkey, no. 49048/99, no. 88

Length of detention on remand (five years and six months) in context of international terrorism: *no violation*

Chraidi v. Germany, no. 65655/01, no. 90

Five-year pre-trial detention in proceedings concerning importation of drugs and trafficking by organised criminal group: *violation*

Adamiak v. Poland, no. 20758/03, no. 92

1. Case subsequently referred to the Grand Chamber under Article 43 of the Convention.

Article 5 § 4

Review of lawfulness of detention

Orders extending pre-trial detention without adequate grounds – defence unable to access investigation file – lack of adequate judicial remedy to control lawfulness of detention after committal for trial: *violation*

Svipsta v. Latvia, no. 66820/01, no. 84

Applicant refused leave to attend hearing in order to plead release on account of the particular conditions of her detention, and to instruct counsel: *violation*

Mamedova v. Russia, no. 7064/05, no. 87

Take proceedings

Unfairness of proceedings to review the lawfulness of detention: *violation*

Fodale v. Italy, no. 70148/01, no. 87

Inability to secure an effective examination of the lawfulness of pre-trial detention: *violation*

Hüseyin Esen v. Turkey, no. 49048/99, no. 88

Speediness of review

Applications for immediate release from medical confinement never examined: *violation*

Van Glabeke v. France, no. 38287/02, no. 84

Absence of speedy judicial review of lawfulness of applicant's committal to psychiatric hospital: *violation*

Filip v. Romania, no. 41124/02, no. 92

Procedural guarantees of review

Applicant refused leave to attend hearing in order to plead release on account of the particular conditions of her detention, and to instruct counsel: *violation*

Mamedova v. Russia, no. 7064/05, no. 87

Article 5 § 5

Compensation

Lawful detention under domestic law and no provision for compensation for detention in breach of Article 5: *violation*

Harkmann v. Estonia, no. 2192/03, no. 88

Article 6

Article 6 § 1 (civil)

Applicability

Surcharge levied in proceedings against State secondary school accountant: *Article 6 applicable*

Martinie v. France, no. 58675/00, no. 85

Delay in registration of ownership change following inheritance proceedings: *Article 6 applicable*

Buj v. Croatia, no. 24661/02, no. 87

Pecuniary dispute between active navy officer and his command: *Article 6 not applicable*

Kanayev v. Russia, no. 43726/02, no. 88

Dispute over right to continue specialist medical training begun in a different country: *Article 6 applicable*

Kök v. Turkey, no. 1855/02, no. 90

Proceedings before ministerial disciplinary commission concerning recall from post as head of research institute and transfer to post with lower grade: *Article 6 applicable*

Stojakovic v. Austria, no. 30003/02, no. 91

Access to a court

Impossibility of introducing action for disavowal of paternity: *violation*

Mizzi v. Malta, no. 26111/02, no. 82

Refusal to admit cassation appeal following entry into force of new time-limit for lodging such appeals: *violation*

Melnyk v. Ukraine, no. 23436/03, no. 84

Non-enforcement of final judgment quashed following adoption of ministerial instruction giving different interpretation of relevant law: *violation*

Sukhobokov v. Russia, no. 75470/01, no. 85

Dismissal of action for failure to pay stamp duty of excessive amount: *violation*

Weissman and Others v. Romania, no. 63945/00, no. 86

Dismissal of appeal on points of law on the ground that the facts on which the court of appeal had based its judgment were not specified by the applicant: *violation*

Liakopoulou v. Greece, no. 20627/04, no. 86

Domestic court's failure to examine civil action and apparent loss of case file: *violation*

Dubinskaya v. Russia, no. 4856/03, no. 88

Trade union unable to challenge competition authority's decision impacting on collective labour agreement to which union was a party: *struck out under Article 37 § 1 (c) following a unilateral declaration by the Government*

Swedish Transport Workers' Union v. Sweden, no. 53507/99, no. 88

Refusal of work permits for foreign nationals, oral hearing and intended employee's access to a tribunal: *violation*

Jurisic and Collegium Mehrerau v. Austria, no. 62539/00, no. 88
Coorplan-Jenni GmbH and Hascic v. Austria, no. 10523/02, no. 88

Statutory prevention of enforcement of final judgment in applicant's favour: *violation*

Jeličić v. Bosnia and Herzegovina, no. 41183/02, no. 90

Compensation awarded by Constitutional Court significantly lower than amounts awarded by European Court in similar cases: *violation*

Tomašić v. Croatia, no. 21753/02, no. 90

Obligation to pay expenses prior to initiation of enforcement proceedings resulting in indigent creditor being unable to obtain enforcement in his favour: *violation*

Apostol v. Georgia, no. 40765/02, no. 91

Lack of access to a court on account of rule requiring agreement of all joint owners in order to bring an action for recovery of property held in common: *violation*

Lupaş and Others v. Romania, nos. 1434/02, 35370/02 and 1385/03, no. 92

Lack of access to a court in respect of claims raised before the Polish-German Reconciliation Foundation regarding forced labour during the Second World War: *violation*

Woś v. Poland, no. 22860/02

Fair hearing

State Counsel's position in proceedings before Court of Audit on appeal from judgment levying surcharge against public accountant: *violation*

Martinie v. France, no. 58675/00, no. 85

Inadequate amount of compensation for expropriation on account of retrospective application of law: *violation*

Scordino v. Italy (no. 1), no. 36813/97, no. 85

Failure by the domestic courts to examine a relevant and important ground of appeal by the applicant: *violation*

Pronina v. Ukraine, no. 63566/00, no. 88

Non-enforcement and abusive quashing of final judgment: *violation*

Oferta Plus S.r.l. v. Moldova, no. 14385/04, no. 92

Adversarial trial

Leave to appeal refused in preliminary procedure of admission of cassation appeals: *no violation*

Sale v. France, no. 39765/04, no. 84

Equality of arms

Presence of Government Commissioner at deliberations of the *Conseil d'Etat*: *violation*

Martinie v. France, no. 58675/00, no. 85

Refusal to reimburse costs borne in respect of public prosecutor's unsuccessful civil-law claim in favour of a third party: *violation*

Stankiewicz v. Poland, no. 46917/99, no. 85

Public hearing

Inability of public accountant against whom surcharge had been levied to request public hearing in Court of Audit: *violation*

Martinie v. France, no. 58675/00, no. 85

Oral hearing

Lack of oral hearing in proceedings concerning recall from post and transfer to post with lower grade for disciplinary reasons: *violation*

Stojakovic v. Austria, no. 30003/02, no. 91

Reasonable time

Insufficient amount and delay in payment of awards made in context of compensatory remedy available to victims of excessively lengthy proceedings: *violation*

Scordino v. Italy (no. 1), no. 36813/97, no. 85

Insufficiency of measures taken following international abduction of child: *violation*

Bianchi v. Switzerland, no. 7548/04, no. 87

Incompatibility with Convention of domestic decision given in context of compensatory remedy available to victims of excessively lengthy proceedings: *violation*

Sukobljević v. Croatia, no. 5129/03, no. 91

Independent and impartial tribunal

Decision by prosecution authorities, not appealable to a tribunal, to suspend a privatisation: *violation*

Zlínsat, spol. s r.o., v. Bulgaria, no. 57785/00, no. 87

Appointment to key post in ministry responsible for mines of member of the *Conseil d'Etat* who had taken part in proceedings involving questions of mining law: *violation*

Sacilor-Lormines v. France, no. 65411/01, no. 91

Overlap of the *Conseil d'Etat*'s consultative and judicial functions in the context of the same proceedings involving questions of mining law: *no violation*

Sacilor-Lormines v. France, no. 65411/01, no. 91

Impartiality of court and its president who had accepted favours from applicant's opponent without payment: *violation*

Belukha v. Ukraine, no. 33949/02, no. 91

Ministerial appeals commission dealing with civil servants' disciplinary matters qualified as "tribunal"

Stojakovic v. Austria, no. 30003/02, no. 91

Tribunal established by law

Non-compliance with rules on participation of lay judges: *violation*
Fedotova v. Russia, no. 73225/01, no. 85

Article 6 § 1 (criminal)

Applicability

Proceedings for imposition of tax surcharge: *Article 6 applicable*
Jussila v. Finland, no. 73053/01, no. 91

Access to a court

Lack of clear procedure and court's failure to rule on admissibility of appeal: *violation*
Hajiyev v. Azerbaijan, no. 5548/03, no. 91

Jurisdiction declined as impugned NATO air strike had to be considered an act of war and as there was no express right to claim compensation from State for damage sustained as a result of a breach of the rules of international law: *no violation*
Markovic and Others v. Italy, no. 1398/03, no. 92

Fair hearing

Use in evidence of plastic bag containing drugs retrieved by forcible administration of emetics: *violation*
Jalloh v. Germany, no. 54810/00, no. 88

Participation of defendant in hearings by video link: *no violation*
Marcello Viola v. Italy, no. 45106/04, no. 90

Use of evidence obtained in breach of Article 3 and in the absence of a lawyer: *violation*
Göçmen v. Turkey, no. 72000/01, no. 90

Conviction of offence prompted by the police: *violation*
Khudobin v. Russia, no. 59696/00, no. 90

Loss of victim status following supervisory review as a result of which the applicant was notified of the appeal hearing and his conviction set aside: *no violation*
Zaytsev v. Russia, no. 22644/02, no. 91

Reclassification by appellate court of offence as complicity in that offence at the stage of delivering judgment: *violation*
Mattei v. France, no. 34043/02, no. 92

Equality of arms

Failure to communicate documents from Ministry of Defence's case file having formed the basis for a judgment upholding a civil servant's dismissal from the army: *violation*
Şenay Aksoy v. Turkey, no. 59741/00, no. 90

Public hearing

Hearings in trial and appeal courts held in private under summary procedure requested by the defendant: *no violation*

Hermi v. Italy, no. 18114/02, no. 90

Applicant's sentence increased by appeal court sitting *in camera* without his presence or that of his lawyer: *violation*

Csikós v. Hungary, no. 37251/04, no. 92

Oral hearing

Defendant summoned to appeal hearing but not appearing regarded by authorities as having waived his right to appear: *no violation*

Hermi v. Italy, no. 18114/02, no. 90

Tax surcharge imposed without oral hearing: *no violation*

Jussila v. Finland, no. 73053/01, no. 91

Reasonable time

Period to be taken into account: accused person being a fugitive during part of the proceedings: *violation*

Vayiç v. Turkey, no. 18078/02, no. 87

Independent and impartial tribunal

Defence counsel found in contempt of court by the same judges before whom the contempt had taken place and judges' use of emphatic language when convicting him: *violation*

Kyprianou v. Cyprus, no. 73797/01, no. 82

Impartiality of judge who had on many occasions dealt with applicant's petitions for release: *no violation*

Jasiński v. Poland, no. 30865/96, no. 82

Independence and impartiality of military court judging civilian in criminal proceedings: *violation*

Ergin v. Turkey (no. 6), no. 47533/99, no. 86

Article 6 § 2

Presumption of innocence

Compensation for prison sentence set aside for lack of evidence subject to total certainty of convicted person's innocence: *violation*

Puig Panella v. Spain, no. 1483/02, no. 85

Lawfulness of search of applicant's offices and of disclosure of psychiatric information: *violation*

Panteleyenko v. Ukraine, no. 11901/02, no. 87

Comments by judge refusing defendant's costs order following acquittal after prosecution witness had failed to give testimony: *violation*

Yassar Hussain v. the United Kingdom, no. 8866/04

Court's statement of applicant's guilt at the moment of ordering his extended detention on remand: *violation*

Matijašević v. Serbia, no. 23037/04

Article 6 § 3

Rights of the defence

Conviction *in absentia* of untraceable applicant declared a runaway without having informed him of the proceedings against him: *violation*

Sejdovic v. Italy, no. 56581/00, no. 84

Article 6 § 3 (a) and (b)

Information on nature and cause of accusation
Adequate time and facilities

Reclassification of charge from attempted rape to rape following assize court hearing: *violation*

Miraux v. France, no. 73529/01, no. 89

Reclassification by appellate court of offence as complicity in that offence at the stage of delivering judgment: *violation*

Mattei v. France, no. 34043/02, no. 92

Article 6 § 3 (c)

Defence through legal assistance

Failure of authorities to remedy manifest shortcomings on the part of officially appointed counsel: *violation*

Sannino v. Italy, no. 30961/03, no. 85

Article 6 § 3 (d)

Examination of witnesses

Failure to weigh and review reasons for accepting anonymous witness testimony forming the basis for conviction: *violation*

Krasniki v. the Czech Republic, no. 51277/99, no. 83

Inability of applicant to examine or have examined any witnesses at any stage of the proceedings: *violation*

Vaturi v. France, no. 75699/01, no. 85

Court's refusal to hear defence witnesses despite earlier granting of requests to that effect: *violation*

Popov v. Russia, no. 26853/04, no. 88

Article 7

Article 7 § 1

Nullum crimen sine lege

Sentence subject to rules on recidivism as a result of application of new law: *no violation*
Achour v. France, no. 67335/01, no. 85

Article 8

Private life

Impossibility of challenging legal presumption of paternity in court: *violation*
Mizzi v. Malta, no. 26111/02, no. 82

Alleged former collaborator with State security agency unable to challenge his registration in agency files in proceedings guaranteeing equal treatment of both parties: *violation*
Turek v. Slovakia, no. 57986/00, no. 83

Personal disqualifications imposed on a bankrupt and attached automatically to the bankruptcy order: *violation*
Albanese v. Italy, no. 77924/01, no. 84

Transsexual denied legal recognition of her gender change and refused retirement pension from the age applicable to other women: *violation*
Grant v. the United Kingdom, no. 32570/03, no. 86

Travel ban on account of unpaid taxes: *violation*
Riener v. Bulgaria, no. 46343/99, no. 86

No legal possibility of cancelling registration at applicant's home address of previous owner who was unable to establish a new permanent residence: *violation*
Babylonová v. Slovakia, no. 69146/01, no. 87

Lawfulness of a search of the applicant's offices and of the disclosure of psychiatric information: *violation*
Panteleyenko v. Ukraine, no. 11901/02, no. 87

Disregard for procedures for strip-searching visitors to a prison: *violation*
Wainwright v. the United Kingdom, no. 12350/04, no. 89

Reproduction in divorce decree of extract from personal medical document: *violation*
L.L. v. France, no. 7508/02, no. 90

Impossibility of challenging in court a judicial declaration of paternity: *violation*
Paulík v. Slovakia, no. 10699/05, no. 90

Refusal of retrial to challenge paternity finding because scientific progress (DNA test) not a valid ground for such a challenge: *violation*
Tavıı v. Turkey, no. 11449/02, no. 91

Continued storage in security police files of information relating to bomb threats against one of the applicants in 1990: *no violation*

Segerstedt-Wiberg and Others v. Sweden, no. 62332/00

Continued storage in security police files of information relating to some applicants' political activities in the 1960s and other applicants' membership of a party of Marxist-Leninist revolutionaries: *violation*

Segerstedt-Wiberg and Others v. Sweden, no. 62332/00

Private and family life

Refusal to allow foreign mother without residence permit to remain in the Netherlands in order to share in the care of Dutch child born there: *violation*

Rodrigues da Silva and Hoogkamer v. the Netherlands, no. 50435/99, no. 82

Refusal to allow widow to transfer her late husband's urn to a family burial plot in a different city: *no violation*

Elli Poluhas Dödsbo v. Sweden, no. 61564/00, no. 82

Father's consent required for continued storage and implantation of fertilised eggs: *no violation*

Evans v. the United Kingdom, no. 6339/05, no. 84[1]

Contact of person held in police custody with relatives: *violation*

Sarı and Çolak v. Turkey, nos. 42596/98 and 42603/98, no. 85

Husband in prison refused permission for artificial insemination: *no violation*

Dickson v. the United Kingdom, no. 44362/04, no. 85[2]

Insufficiency of measures taken following international abduction of child: *violation*

Bianchi v. Switzerland, no. 7548/04, no. 87

Refusal to authorise DNA test on deceased person requested by putative son wishing to establish his parentage with certainty: *violation*

Jäggi v. Switzerland, no. 58757/00, no. 88

Forcible entry in order to search house at address indicated by suspect without proper police verification as to its current residents: *violation*

Keegan v. the United Kingdom, no. 28867/03, no. 88

Withdrawal of residence permit and imposition of ten-year exclusion order resulting in applicant's separation from his partner and two children: *no violation*

Üner v. the Netherlands, no. 46410/99, no. 90

Lack of prior environmental study and failure to suspend operation of plant located close to dwellings and generating toxic emissions: *violation*

Giacomelli v. Italy, no. 59909/00, no. 91

1. Case subsequently referred to the Grand Chamber under Article 43 of the Convention. The Grand Chamber delivered judgment on 10 April 2007.
2. Case subsequently referred to the Grand Chamber under Article 43 of the Convention.

Arbitrary expulsion of well-integrated foreigner leading a genuine family life in the respondent State: *violation*

Lupsa v. Romania, no. 10337/04

Family life

Granting by Supreme Court of custody of two children to person with whom they were living instead of the father, given the preference expressed by the children to stay with the former: *violation*

C. v. Finland, no. 18249/02, no. 86

Putative father unable to seek legal paternity by means of procedure directly accessible to him: *violation*

Różański v. Poland, no. 55339/00, no. 86

Taking into care of children from large family on the sole ground that the family's housing was inadequate: *violation*

Wallová and Walla v. the Czech Republic, no. 23848/04, no. 90

Detention and deportation of five-year-old child travelling alone to join her mother who had obtained refugee status in a different country: *violation (in respect of mother and child)*

Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, no. 90

No specific remedy for preventing or punishing child abduction from the territory of the respondent State, resulting in non-enforcement of custody award: *violation*

Bajrami v. Albania, no. 35853/04, no. 92

Applicant banned from entering country in which proceedings leading to deprivation of his parental rights ended without his having been heard: *violation*

Hunt v. Ukraine, no. 31111/04, no. 92

Expulsion

Expulsion to Algeria of applicant having close links with France: *no violation*

Aoulmi v. France, no. 50278/99, no. 82

Home

No legal possibility of cancelling registration at applicant's home address of previous owner unable to establish new permanent residence: *violation*

Babylonová v. Slovakia, no. 69146/01, no. 87

Allegedly illegal search of applicant's home: *violation*

H.M. v. Turkey, no. 34494/97, no. 88

Lack of prior environmental study and failure to suspend operation of plant located close to dwellings and generating toxic emissions: *violation*

Giacomelli v. Italy, no. 59909/00, no. 91

Search and seizure in Chechnya by agents of the Russian State without any authorisation or safeguards: *violation*

Imakayeva v. Russia, no. 7615/02, no. 91

Article 9

Freedom of religion

Denial in bad faith of re-registration, resulting in applicant association's loss of legal status: *violation*

The Moscow Branch of the Salvation Army v. Russia, no. 72881/01, no. 90

Article 10

Freedom of expression

Defence counsel found in contempt of court following intemperate outburst: *violation*

Kyprianou v. Cyprus, no. 73797/01, no. 82

Journalists sentenced to pay damages and interests to high-ranking police officer and judge: *no violation*

Stângu and Scutelnicu v. Romania, no. 53899/00, no. 82

Conviction for defamation of the Christian community: *violation*

Giniewski v. France, no. 64016/00, no. 82

Conviction for contempt of court of accused for the terms of his pleadings while defending himself: *violation*

Saday v. Turkey, no. 32458/96, no. 84

Parliamentary candidate convicted of defamation for allegations of abuse of power by Deputy Speaker of Parliament: *violation*

Malisiewicz-Gąsior v. Poland, no. 43797/98, no. 85

Criminal conviction of investigating journalist for having obtained, in breach of official secret, information about previous convictions of private persons: *violation*

Dammann v. Switzerland, no. 77551/01, no. 85

Criminal conviction of journalist for having published confidential report by ambassador on strategies to be adopted in diplomatic negotiations: *violation*

Stoll v. Switzerland, no. 69698/01, no. 85[1]

Criminal conviction of journalist by military court for publishing an article criticising the ceremony to mark departures for military service: *violation*

Ergin v. Turkey (no. 6), no. 47533/99, no. 86

Conviction for defamation of Catholic archbishop: *violation*

Klein v. Slovakia, no. 72208/01, no. 90

Conviction for criticising a court's judgment: *violation*

Kobenter and Standard Verlags GmbH v. Austria, no. 60899/00, no. 91

1. Case subsequently referred to the Grand Chamber under Article 43 of the Convention.

Issue of magazine withdrawn from sale and its further distribution prohibited as it had disclosed documents classified as secret in the context of a parliamentary inquiry: *no violation*

Leempoel and S.A. ED. Ciné Revue v. Belgium, no. 64772/01, no. 91

Conviction of politician for libel of a civil servant: *violation*

Mamère v. France, no. 12697/03, no. 91

Editor-in-chief convicted of defamation for having written and published an article labelling an anti-Semitist as a "local neo-fascist": *violation*

Karman v. Russia, no. 29372/02, no. 92

Journalist convicted of defamation for having reported and commented on mayor's criminal conviction: *violation*

Dąbrowski v. Poland, no. 18235/02, no. 92

Injunction prohibiting broadcaster from showing the picture of convicted neo-Nazi once he had been released on parole: *violation*

Österreichischer Rundfunk v. Austria, no. 35841/02, no. 92

Continued storage in security police files of information relating to some applicants' political activities in the 1960s and other applicants' membership of a party of Marxist-Leninist revolutionaries: *violation*

Segerstedt-Wiberg and Others v. Sweden, no. 62332/00

Forcibly suspended sale of tape of television documentary critical of Switzerland's position during the Second World War: *violation*

Monnat v. Switzerland, no. 73604/01

Absolute prohibition on publishing photograph of business magnate alongside newspaper reports on investigations into his suspected tax evasion: *violation*

Verlagsgruppe News GmbH v. Austria (no. 2), no. 10520/02, no. 92

Freedom to impart information

Radio station ordered to pay damages and costs and to issue apology for having broadcast unlawfully obtained telephone conversation between government officials: *violation*

Radio Twist, a.s., v. Slovakia, no. 62202/00, no. 92

Article 11

Freedom of peaceful assembly

Prohibition of meeting at cemetery intended to counter gathering in memory of killed SS soldiers by commemorating Jews killed by the SS: *violation*

Öllinger v. Austria, no. 76900/01, no. 87

Forceful breaking up by police of peaceful demonstration held in park during a busy period without submission of mandatory prior notification: *violation*

Oya Ataman v. Turkey, no. 74552/01, no. 92

Freedom of association

Temporary ban on political party on account of unauthorised gatherings: *violation*
Christian Democratic People's Party v. Moldova, no. 28793/02, no. 83

Dissolution of trade union formed by civil servants: *violation*
Tüm Haber Sen and Çınar v. Turkey, no. 28602/95, no. 83

Requirement to obtain ministerial authorisation for participating in association meetings abroad: *violation*
İzmir Savaş Karşıtları Derneği and Others v. Turkey, no. 46257/99, no. 84

Denial in bad faith of re-registration, resulting in applicant association's loss of legal status: *violation*
The Moscow Branch of the Salvation Army v. Russia, no. 72881/01, no. 90

Compulsory transfer of civil servant on account of his trade union activities: *violation*
Metin Turan v. Turkey, no. 20868/02, no. 91

Refusal to recognise legal personality of civil service trade union already active for several years: *violation*
Demir and Baykara v. Turkey, no. 34503/97, no. 91

Refusal to register political party on the ground that one of its aims was anti-constitutional: *violation*
Linkov v. the Czech Republic, no. 10504/03, no. 92

Continued storage in security police files of information relating to some applicants' political activities in the 1960s and other applicants' membership of a party of Marxist-Leninist revolutionaries: *violation*
Segerstedt-Wiberg and Others v. Sweden, no. 62332/00

Not join trade unions

Obligation to join trade union as condition of employment: *violation*
Sørensen and Rasmussen v. Denmark, nos. 52562/99 and 52620/99, no. 82

Interests of members

Collective agreement already in force for two years declared null and void by court order: *violation*
Demir and Baykara v. Turkey, no. 34503/97, no. 91

Article 12

Found a family

Husband in prison refused permission for artificial insemination: *no violation*
Dickson v. the United Kingdom, no. 44362/04, no. 85[1]

Article 13

Effective remedy

Lack of effective remedy as regards personal disqualifications imposed on a bankrupt and attached automatically to the bankruptcy order: *violation*
Albanese v. Italy, no. 77924/01, no. 84

Lack of effective investigation into death of conscript while performing military service: *violation*
Ataman v. Turkey, no. 46252/99, no. 85

Travel ban on account of unpaid taxes: violation
Riener v. Bulgaria, no. 46343/99, no. 86

Lack of effectiveness of domestic remedies concerning length of judicial proceedings: *violation*
Sürmeli v. Germany, no. 75529/01, no. 87

Lawfulness of search of applicant's offices and of disclosure of psychiatric information: *violation*
Panteleyenko v. Ukraine, no. 11901/02, no. 87

Absence of remedy in domestic law enabling detainee to contest his placement in solitary confinement: *violation*
Ramirez Sanchez v. France, no. 59450/00, no. 88

Effectiveness of criminal proceedings having resulted in conviction of police officers but subsequently discontinued under statute of limitations: *violation*
Hüseyin Esen v. Turkey, no. 49048/99, no. 88

Courts unable to examine issues of proportionality or reasonableness in proceedings for damages for forcible entry and search allegedly conducted with malice: *violation*
Keegan v. the United Kingdom, no. 28867/03, no. 88

No grounds for civil liability in respect of negligence of prison officers during strip-searches on account, in particular, of lack of general tort of invasion of privacy: *violation*
Wainwright v. the United Kingdom, no. 12350/04, no. 89

No remedy whereby transfer of civil servant by governor of state-of-emergency region could be challenged: *violation*
Metin Turan v. Turkey, no. 20868/02, no. 91

1. Case subsequently referred to the Grand Chamber under Article 43 of the Convention.

Article 14

Discrimination (Article 4 § 3 (d))

Discrimination against men resulting from negligible percentage of women requested to undertake jury service: *violation*

Zarb Adami v. Malta, no. 17209/02, no. 87

Discrimination (Article 8)

Impossibility of disclaiming paternity established by final judicial decision, in contrast with presumed paternity: *violation*

Paulík v. Slovakia, no. 10699/05, no. 90

Discrimination (Article 1 of Protocol No. 1)

Differences in entitlement of men and women to certain industrial injuries social security benefits: *no violation*

Stec and Others v. the United Kingdom, nos. 65731/01 and 65900/01, no. 85

Alleged discrimination against unmarried cohabiting family members in relation to their future liability for inheritance tax in comparison with survivors of a marriage or a civil partnership: *no violation*

Burden v. the United Kingdom, no. 13378/05, no. 92

Discrimination (Article 2 of Protocol No. 1)

Placement of Roma children in "special" schools: *no violation*

D.H. and Others v. the Czech Republic, no. 57325/00, no. 83[1]

Article 34

Victim

Decision by prosecuting authorities, not appealable to a tribunal, to suspend a privatisation: *violation*

Zlínsat, spol. s r.o, v. Bulgaria, no. 57785/00, no. 87

Lack of adequate redress for excessive length of proceedings: *violation*

Grässer v. Germany, no. 66491/01, no. 90

Compensation awarded by Constitutional Court significantly lower than amounts awarded by European Court in similar cases: *victim status granted*

Tomašić v. Croatia, no. 21753/02, no. 90

Applicants could claim to be directly affected by inheritance law, given their advanced age and the very high probability that one of them would be liable to pay inheritance tax upon the death of the other: *victim status granted*

Burden v. the United Kingdom, no. 13378/05, no. 92

1. Case subsequently referred to the Grand Chamber under Article 43 of the Convention.

Complaint by mayor that the authorities had not taken the necessary security measures in his village to protect his son's life, while his administrative and parental responsibility was engaged in the accident in question: *victim status rejected*

Paşa and Erkan Erol v. Turkey, no. 51358/99, no. 92

Hinder exercise of the right of petition

Hindrance of right of individual application as a result of failure by respondent State to comply with measure indicated under Rule 39: *violation*

Aoulmi v. France, no. 50278/99, no. 82

Police inquiry into payment of taxes by applicant's translator and representative before the Court in connection with her claim for just satisfaction: *violation*

Fedotova v. Russia, no. 73225/01, no. 85

Failure to comply with indication by the Court not to extradite the applicant: *failure to comply with obligations under Article 34*

Olaechea Cahuas v. Spain, no. 24668/03, no. 88

Prisoner intimidated by illicit pressure from State officials: *failure to comply with obligations under Article 34*

Popov v. Russia, no. 26853/04, no. 88

Denial of access to detained applicant and his medical file: *failure to comply with obligations under Article 34*

Boicenco v. Moldova, no. 41088/05, no. 88

Criminal proceedings against chief executive officer and order for his detention with the aim of discouraging his company from pursuing its application before the Court: *violation*

Oferta Plus S.r.l. v. Moldova, no. 14385/04, no. 92

Refusal to allow applicant company's counsel to confer with its chief executive officer in a detention facility without being separated by a glass partition: *violation*

Oferta Plus S.r.l. v. Moldova, no. 14385/04, no. 92

Non-governmental organisation

Public broadcaster qualified as a "non-governmental organisation" in light of its editorial independence and institutional autonomy: *victim status granted*

Österreichischer Rundfunk v. Austria, no. 35841/02, no. 92

Article 35

Article 35 § 1

Exhaustion of domestic remedies (Croatia)

Incompatibility with the Convention of domestic decision given in the context of a compensatory remedy available to victims of excessively lengthy proceedings: *violation*

Sukobljević v. Croatia, no. 5129/03, no. 91

Exhaustion of domestic remedies (France)

Applicant's decision not to pursue divorce proceedings in Court of Cassation after rejection of his application for legal aid: *preliminary objection dismissed*

L.L. v. France, no. 7508/02, no. 90

Exhaustion of domestic remedies (Georgia)

Constitutional complaint not an appropriate remedy for applicant financially barred from initiating enforcement proceedings: *preliminary objection dismissed*

Apostol v. Georgia, no. 40765/02, no. 91

Exhaustion of domestic remedies (Hungary)

Constitutional complaint not an effective remedy as the impugned criminal appellate proceedings could not be reopened in consequence: *preliminary objection dismissed*

Csikós v. Hungary, no. 37251/04, no. 92

Exhaustion of domestic remedies (Italy)

Application for leave to appeal out of time by applicant convicted *in absentia* and declared a runaway: *preliminary objection dismissed*

Sejdovic v. Italy, no. 56581/00, no. 84

Exhaustion of domestic remedies (the Netherlands)

Strip-search of prisoner; no need to bring civil action against the State following unsuccessful appeal by prisoner objecting to his continued detention in a maximum security institution: *preliminary objection dismissed*

Salah v. the Netherlands, no. 8196/02, no. 88
Baybaşın v. the Netherlands, no. 13600/02, no. 88
Sylla v. the Netherlands, no. 14683/03

Article 35 § 3

Competence *ratione temporis*

Alleged violation based on facts occurring before ratification of the Convention: *preliminary objection allowed*

Blečić v. Croatia, no. 59532/00, no. 84

Article 37

Article 37 § 1

Matter resolved

Ex gratia payment to holders of fishing rights unable to have their complaint examined by a domestic court: *struck out*

Danell and Others v. Sweden, no. 54695/00, no. 82

Continued examination not justified

Legislative review of limitations on access to a court, and Government's acknowledgment of a violation and offer to pay the applicant compensation: *struck out*
Swedish Transport Workers' Union v. Sweden, no. 53507/99, no. 88

Payment in full of "frozen" foreign currency deposits to some applicants, and domestic proceedings in Croatia still open to a further applicant: *struck out*
Kovačić and Others v. Slovenia, nos. 44574/98, 45133/98 and 48316/99, no. 91

Article 37 § 2

Change of mind of applicant having withdrawn her application: *application not restored*
Stec and Others v. the United Kingdom, nos. 65731/01 and 65900/01, no. 85

Article 38

Furnish all necessary facilities

Government's repeated failure to submit documents requested by the Court: *failure to comply with obligations under Article 38 § 1*
Imakayeva v. Russia, no. 7615/02, no. 91

Article 41

Just satisfaction

Compensation for disability not detected prenatally owing to error: *friendly settlement*
Draon v. France, no. 1513/03, no. 87
Maurice v. France, no. 11810/03, no. 87

Strip-search of prisoner; pending civil action for non-pecuniary damage arising out of Convention violation: *Article 41 reserved pending outcome of domestic proceedings*
Salah v. the Netherlands, no. 8196/02, no. 88
Baybaşın v. the Netherlands, no. 13600/02, no. 88
Sylla v. the Netherlands, no. 14683/03

Damage suffered by villagers deprived of access to their village for nearly ten years: *financial award*
Doğan and Others v. Turkey, nos. 8803-8811/02, 8813/02 and 8815-8819/02, no. 88

Restitution of nationalised property: *friendly settlements*
Smoleanu v. Romania, no. 30324/96
Lindner and Hammermayer v. Romania, no. 35671/97
Popovici and Dumitrescu v. Romania, no. 31549/96

Article 46

Execution of judgment

Respondent State to remove every obstacle to the award of compensation bearing a reasonable relation to the value of the expropriated property, and thus ensure, by appropriate statutory, administrative and budgetary measures, that the right in question is guaranteed effectively and rapidly in respect of all claimants affected by the expropriation of property, in accordance with the principles of the protection of pecuniary rights set forth in Article 1 of Protocol No. 1, in particular the principles applicable to compensation arrangements

Scordino v. Italy (no. 1), no. 36813/97, and eight other Italian cases, no. 85

Respondent State to take all measures necessary to ensure that the domestic decisions taken under the "Pinto Act" are not only in conformity with the case-law of the Court but also executed within six months of being deposited with the registry of the court concerned

Scordino v. Italy (no. 1), no. 36813/97, and eight other Italian cases, no. 85

Government bill introducing remedy with a view to preventing procedural delays: *unnecessary for the Court to indicate general measures to be taken at national level*

Sürmeli v. Germany, no. 75529/01, no. 87

Respondent State to secure in its domestic legal order a mechanism maintaining a fair balance between the interests of landlords and the general interest of the community

Hutten-Czapska v. Poland, no. 35014/97, no. 87

Retrial or reopening of proceedings in order to redress violation found in respect of person convicted *in absentia*

Sejdovic v. Italy, no. 56581/00, no. 84
Kunov v. Bulgaria, no. 24379/02

Reopening of administrative proceedings most appropriate form of redress where an applicant has not had access to a tribunal, in breach of Article 6.

Yanakiev v. Bulgaria, no. 40476/98

Article 1 of Protocol No. 1

Peaceful enjoyment of possessions

Refusal by tax authorities to pay applicant company interest for late payment in respect of reimbursement of monies unduly paid by the latter in tax: *violation*

Eko-Elda AVEE v. Greece, no. 10162/02, no. 84

Impossibility of pursuing claim before the courts due to excessive amount of stamp duty: *violation*

Weissman and Others v. Romania, no. 63945/00, no. 86

Delays in enforcing judgments awarding salary arrears to judges: *violation*

Zubko and Others v. Ukraine, nos. 3955/04, 5622/04, 8538/04 and 11418/04, no. 86

Impossibility of recovering property or obtaining adequate rent from tenants: *violation*

Hutten-Czapska v. Poland, no. 35014/97, no. 87

Impossibility of obtaining enforcement of final judgment ordering release of money in "frozen" foreign currency bank account: *violation*

Jeličić v. Bosnia and Herzegovina, no. 41183/02, no. 90

Impossibility of building on land designated for expropriation at some undetermined date and lack of compensation: *violation*

Skibińscy v. Poland, no. 52589/99, no. 91

Deprivation of property

Inadequate amount of compensation for expropriation: *violation*

Scordino v. Italy (no. 1), no. 36813/97, no. 85

Absence of compensation for *de facto* occupation and subsequent transfer of property title to the State due to statutory limitation period of twenty years: *violation*

Börekçioğulları (Çökmez) v. Turkey, no. 58650/00, no. 90

Control of the use of property

Decision by prosecuting authorities, not appealable to a tribunal, to suspend a privatisation: *violation*

Zlínsat, spol. s r.o., v. Bulgaria, no. 57785/00, no. 87

Requisitioning of building for government use and imposition of quasi-lease agreement having lasted sixty-five years: *violation*

Fleri Soler and Camilleri v. Malta, no. 35349/05, no. 89

Requisitioning of building for third-party use and imposition of quasi-lease agreement having lasted twenty-two years: *violation*

Ghigo v. Malta, no. 31122/05, no. 89

Extension of lease agreed with former landlord without payment of rent for several years as a consequence of failure by new owner to comply with formalities for termination of lease: *violation*

Radovici and Stănescu v. Romania, nos. 68479/01, 71351/01 and 71352/01, no. 91

Article 2 of Protocol No. 1

Right to education

Annulment of successful results of candidate sitting university admission exams given his poor results in previous years: *violation*

Mürsel Eren v. Turkey, no. 60856/00, no. 83

Placement of Roma children in "special" schools: *no violation*

D.H. and Others v. the Czech Republic, no. 57325/00, no. 83[1]

Refusal to recognise specialist medical training undertaken abroad for failure to satisfy the relevant criteria: *no violation*

1. Case subsequently referred to the Grand Chamber under Article 43 of the Convention.

Kök v. Turkey, no. 1855/02, no. 90

Article 3 of Protocol No. 1

Free expression of opinion of the people

Immediate application during current parliamentary term of provision disqualifying those engaging in professional activities from sitting as members of parliament: *violation*
Lykourezos v. Greece, no. 33554/03, no. 87

Vote

Suspension of bankrupt's electoral rights attached automatically to bankruptcy order: *violation*
Albanese v. Italy, no. 77924/01, no. 84

Stand for election

Former leading member of Soviet-era communist party disqualified as parliamentary candidate: *no violation*
Ždanoka v. Latvia, no. 58278/00, no. 84

Refusal to register candidate in parliamentary elections for failure to pay electoral deposit: *no violation*
Sukhovetskyy v. Ukraine, no. 13716/02, no. 84

Article 2 of Protocol No. 4

Freedom of movement

Fine unlawfully imposed on foreigner for failure to register his changed whereabouts: *violation*
Bolat v. Russia, no. 14139/03, no. 90

Freedom to choose residence

Fine unlawfully imposed on foreigner for failure to register his changed whereabouts: *violation*
Bolat v. Russia, no. 14139/03, no. 90

Absolute prohibition for lengthy period on a person having had access to "State secrets" to travel abroad: *violation*
Bartik v. Russia, no. 55565/00, no. 92

Freedom to leave a country

Travel ban on account of unpaid taxes: *violation*
Riener v. Bulgaria, no. 46343/99, no. 86

Withdrawal of suspect's passport for over a decade while criminal proceedings were pending: *violation*

Földes and Földesné Hajlik v. Hungary, no. 41463/02, no. 90

Article 1 of Protocol No. 7

Expulsion of aliens

Expulsion in the absence of judicial decision although such was required by domestic law: *violation*

Bolat v. Russia, no. 14139/03, no. 90

Expulsion without providing deportee with any indication of offence of which he was suspected: *violation*

Lupsa v. Romania, no. 10337/04

Article 4 of Protocol No. 7

Non bis in idem

Legal classification of similar charges in two successive sets of proceedings against the applicant based on separate facts: *no violation*

Marcello Viola v. Italy, no. 45106/04, no. 90

X. CASES ACCEPTED FOR REFERRAL TO THE GRAND CHAMBER AND CASES IN WHICH JURISDICTION WAS RELINQUISHED BY A CHAMBER IN FAVOUR OF THE GRAND CHAMBER IN 2006

CASES ACCEPTED FOR REFERRAL TO THE GRAND CHAMBER AND CASES IN WHICH JURISDICTION WAS RELINQUISHED BY A CHAMBER IN FAVOUR OF THE GRAND CHAMBER IN 2006

A. Cases accepted for referral to the Grand Chamber

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

The panel accepted referral requests in the following 13 cases:

Anheuser-Busch Inc. v. Portugal, no. 73049/01
J.A. Pye (Oxford) Ltd and J.A. Pye (Oxford) Land Ltd v. the United Kingdom, no. 44302/02
Ramsahai v. the Netherlands, no. 52391/99
D.H. and Others v. the Czech Republic, no. 57325/00
Evans v. the United Kingdom, no. 6339/05
Stoll v. Switzerland, no. 69698/01
Arvanitaki-Roboti and Others v. Greece, no. 27278/03
Léger v. France, no. 19324/02
Dickson v. the United Kingdom, no. 44362/04
Shevanova v. Latvia, no. 58822/00
Kaftailova v. Latvia, no. 59643/00
Kakamoukas and Others v. Greece, no. 38311/02
Saadi v. the United Kingdom, no. 13229/03

B. Cases in which jurisdiction was relinquished by a Chamber in favour of the Grand Chamber

First Section

Folgerø and Others v. Norway, no. 15472/02
Kafkaris v. Cyprus, no. 21906/04
Lindon and Others v. France, nos. 21279/02 and 36448/02

Second Section

Behrami v. France, no. 71412/01
Saramati v. France, Germany and Norway, no. 78166/01
E.B. v. France, no. 43546/02
Ramanauskas v. Lithuania, no. 74420/01

Third Section

El Majjaoui and Stichting Touba Moskee v. the Netherlands, no. 25525/03

Fourth Section

Vilho Eskelinen and Others v. Finland, no. 63235/00
Jussila v. Finland, no. 73053/01
McKay v. the United Kingdom, no. 543/03
O'Halloran v. the United Kingdom, no. 15809/02
Francis v. the United Kingdom, no. 25624/02

Fifth Section

The Section took no decision to relinquish cases to the Grand Chamber.

XI. STATISTICAL INFORMATION

STATISTICAL INFORMATION

Judgments, decisions and communications, by Court composition (2006)[1]

Judgments delivered in 2006	
Grand Chamber	30 (32)
Section I	253 (263)
Section II	360 (447)
Section III	444 (469)
Section IV	291 (316)
Section V (operational from 1 April 2006)	164 (173)
Sections in former compositions	18 (20)
Total	**1,560 (1,720)**

Type of judgment[2]					
	Merits	Friendly settlement	Striking out	Other	Total
Grand Chamber	25 (27)	3	0	2	30 (32)
Former Section I	0	0	0	1	1
Former Section II	12	0	0	1	13
Former Section III	0	0	1(3)	1	2 (4)
Former Section IV	2	0	0	0	2
Section I	248 (258)	3	2	0	253 (263)
Section II	351 (438)	4	3	2	360 (447)
Section III	430 (441)	10	1	3 (17)	444 (469)
Section IV	279 (303)	7 (8)	0	5	291 (316)
Section V	163 (172)	1	0	0	164 (173)
Total	**1,510 (1,653)**	**28 (29)**	**7(9)**	**15 (29)**	**1,560 (1,720)**

1. A judgment or decision may concern more than one application: when both figures are given, the number of applications is shown in brackets. The statistical information provided in this chapter is provisional. For a number of reasons (in particular, different methods of calculation of unjoined applications dealt with in a single decision), discrepancies may arise between the different tables.
2. The term "former Section" refers to the Section in its composition prior to 1 November 2004.

Decisions adopted in 2006		
I. Applications declared admissible[1]		
Grand Chamber		0
Section I		130 (136)
Section II		28 (31)
Section III		30 (33)
Section IV		48 (50)
Section V		17 (19)
Total		**253 (269)**
II. Applications declared inadmissible		
Grand Chamber		0
Section I	Chamber	56
	Committee	5,947
Section II	Chamber	98 (128)
	Committee	4,477
Section III	Chamber	703 (725)
	Committee	4,752
Section IV	Chamber	145 (146)
	Committee	7,431
Section V	Chamber	71 (72)
	Committee	3,509
Total		**27,189 (27,243)**
III. Applications struck out		
Grand Chamber		1
Section I	Chamber	106
	Committee	58
Section II	Chamber	131 (133)
	Committee	94
Section III	Chamber	79 (103)
	Committee	86
Section IV	Chamber	87 (88)
	Committee	115
Section V	Chamber	81 (82)
	Committee	41
Total		**879 (907)**
Total number of decisions (excluding partial decisions)		**28,321 (28,419)**

1. Excluding applications declared admissible in a judgment covering both the admissibility and the merits in accordance with Article 29 § 3 of the Convention.

Applications communicated in 2006	
Section I	694
Section II	632 (641)
Section III	873
Section IV	539
Section V	453
Total number of applications communicated	**3,191 (3,200)**

Events in total (2005-2006)

1. **Applications lodged** [round figures (50)]	**2006**	2005	+/-
Applications lodged	**51,300**	45,500	+13%

2. **Applications allocated to a judicial formation** (Committee/Chamber) [round figures (50)]	**2006**	2005	+/-
Applications allocated	**39,350**	35,400	+11%

3. **Interim procedural events**	**2006**	2005	+/-
Applications communicated to Government for observations	**3,210**	2,860	+12%
Applications declared admissible	**1,634**	1,036	+58%
– in separate decision	**266**	399	-33%
– in judgment on merits	**1,368**	637	+115%

4. Applications disposed of **2006pplimA 0 0.4A 0 0**

Applications not allocated to a judicial formation	**23,400**	24,200	-3%
Applications pending before a judicial formation	**66,500**	56,800	+17%
– Chamber (7 judges)	**22,950**	21,900	+5%
– Committee (3 judges)	**43,550**	34,900	+25%

Events other than judgments, by respondent State (2006)

State	Applications lodged	Applications allocated to a decision body	Applications declared inadmissible or struck out	Applications referred to Government	Applications declared admissible
Albania	63	52	28	15	2
Andorra	6	8	9	1	–
Armenia	94	98	95	10	1
Austria	450	341	150	30	18
Azerbaijan	445	223	57	13	5
Belgium	227	106	110	22	17
Bosnia and Herzegovina	302	240	149	32	1
Bulgaria	923	746	832	110	37
Croatia	657	642	352	50	22
Cyprus	78	56	64	31	8
Czech Republic	2,774	2,476	1,264	79	32
Denmark	108	66	96	4	4
Estonia	233	183	88	6	3
Finland	291	262	187	11	23
France	2,860	1,832	1,374	86	119
Georgia	117	105	33	22	2
Germany	2,217	1,587	1,121	28	8
Greece	446	371	236	66	45
Hungary	574	425	302	37	32
Iceland	14	12	7	2	–
Ireland	72	40	53	–	–
Italy	1,300	934	580	377	79
Latvia	406	269	75	24	11

Events other than judgments, by respondent State (2006) (continued)

State	Applications lodged	Applications allocated to a decision body	Applications declared inadmissible or struck out	Applications referred to Government	Applications declared admissible
Liechtenstein	1	1	–	–	1
Lithuania	236	203	169	25	9
Luxembourg	59	31	17	8	4
Malta	28	16	10	4	5
Moldova	724	519	248	99	36
Monaco	7	4	1	–	–
Netherlands	537	397	333	13	6
Norway	84	67	61	5	10
Poland	4,646	3,990	5,816	254	111
Portugal	294	216	124	29	17
Romania	4,878	3,312	2,323	287	58
Russia	12,241	10,177	4,856	380	151
San Marino	–	2	3	–	–
Serbia*	688	586	421	40	1
Slovakia	542	486	130	63	40
Slovenia	1,743	1,340	226	40	193
Spain	520	359	284	15	3
Sweden	484	371	435	12	5
Switzerland	335	277	170	5	5
"The former Yugoslav Rep. of Macedonia"	384	289	66	29	10
Turkey	2,353	2,330	3,166	497	362
Ukraine	4,269	2,482	1,076	313	131
United Kingdom	1,608	844	963	39	7
Total	**51,318**	**39,373**	**28,160**	**3,213**	**1,634**

* Since 3 June 2006, the Republic of Serbia continues the membership of the Council of Europe previously exercised by the Union of States of Serbia and Montenegro (Decision of the Committee of Ministers of 14 June 2006).

Judgments, by respondent State (2006)

State	Judgments (merits)	Judgments (final – after referral to Grand Chamber)	Judgments (just satisfaction)	Judgments (friendly settlements)	Judgments (striking out)	Judgments (preliminary objections)	Judgments (interpretation)	Judgments (revision)
Albania	2	–	–	–	–	–	–	–
Andorra	–	–	1	–	–	–	–	–
Armenia	–	–	–	–	–	–	–	–
Austria	21	–	–	–	–	–	–	–
Azerbaijan	1	–	–	–	2	–	–	–
Belgium	5	–	–	2	–	–	–	–
Bosnia and Herzegovina	1	–	–	–	–	–	–	–
Bulgaria	45	–	–	–	–	–	–	–
Croatia	22	–	–	–	–	–	–	–
Cyprus	15	–	–	–	–	–	–	–
Czech Republic	38	–	1	–	–	–	–	–
Denmark	2	–	–	–	–	–	–	–
Estonia	1	–	–	–	–	–	–	–
Finland	15	–	1	1	–	–	–	–
France	91	2	2	–	1	–	–	–
Georgia	5	–	–	–	–	–	–	–
Germany	8	–	–	2	–	–	–	–
Greece	53	–	1	1	–	–	–	–
Hungary	32	–	–	–	–	–	–	–
Iceland	–	–	–	–	–	–	–	–
Ireland	–	–	–	–	–	–	–	–
Italy	92	9	–	2	–	–	–	–
Latvia	9	1	–	–	–	–	–	–

Events other than judgments, by respondent State (1 November 1998-2006)

State	Applications lodged	Applications allocated to a decision body	Applications declared inadmissible or struck out	Applications referred to Government	Applications declared admissible
Albania	243	150	75	28	4
Andorra	25	22	18	2	2
Armenia	695	378	209	34	2
Austria	3,445	2,294	1,975	270	156
Azerbaijan	1,480	785	422	36	8
Belgium	2,102	995	818	145	89
Bosnia and Herzegovina	935	649	266	38	2
Bulgaria	5,754	4,199	2,548	357	148
Croatia	4,389	3,540	2,285	278	103
Cyprus	421	305	202	78	33
Czech Republic	8,420	6,494	3,205	412	123
Denmark	1,000	558	532	52	22
Estonia	1,192	872	485	26	14
Finland	1,994	1,577	1,218	149	84
France	23,601	11,558	9,000	916	590
Georgia	425	318	140	52	11
Germany	16,071	8,637	6,140	201	69
Greece	2,951	2,144	1,409	479	295
Hungary	3,704	2,544	1,559	181	92
Iceland	73	51	41	8	6
Ireland	525	247	227	14	12
Italy	24,173	8,553	5,537	2,407	1,617
Latvia	2,070	1,276	631	93	29

Events other than judgments, by respondent State (1 November 1998-2006) (continued)

State	Applications lodged	Applications allocated to a decision body	Applications declared inadmissible or struck out	Applications referred to Government	Applications declared admissible
Liechtenstein	25	21	17	3	3
Lithuania	2,725	2,236	1,813	106	46
Luxembourg	382	160	120	31	15
Malta	110	57	38	21	14
Moldova	2,901	2,084	842	276	92
Monaco	15	5	1	–	–
Netherlands	3,642	2,352	2,140	168	57
Norway	605	408	338	29	17
Poland	35,401	23,796	21,320	889	377
Portugal	1,914	1,197	870	227	151
Romania	24,659	15,238	7,554	685	192
Russia	50,463	37,247	21,773	1,233	353
San Marino	23	21	19	10	8
Serbia	2,124	1,700	805	46	1
Slovakia	3,828	2,882	1,715	300	133
Slovenia	3,577	2,830	829	317	201
Spain	5,370	3,867	3,232	486	38
Sweden	3,602	2,463	2,201	128	37

Judgments, by respondent State (1 November 1998-2006)

State	Judgments (merits)	Judgments (final – after referral to Grand Chamber)	Judgments (just satisfaction)	Judgments (friendly settlements)	Judgments (striking out)	Judgments (preliminary objections)	Judgments (interpretation)	Judgments (revision)
Albania	4	–	–	–	–	–	–	–
Andorra	1	–	1	1	–	–	–	–
Armenia	–	–	–	–	–	–	–	–
Austria	122	–	1	16	1	–	–	1
Azerbaijan	1	–	–	–	2	–	–	–
Belgium	56	–	–	7	4	–	–	–
Bosnia and Herzegovina	1	–	–	–	–	–	–	–
Bulgaria	112	1	–	3	–	–	–	–
Croatia	76	–	–	25	–	–	–	–
Cyprus	29	2	1	3	–	–	–	–
Czech Republic	109	–	1	7	–	–	–	–
Denmark	8	1	–	9	1	–	–	–
Estonia	11	–	–	1	–	–	–	–
Finland	55	1	1	6	1	–	–	–
France	481	3	4	40	9	–	–	3
Georgia	9	–	–	–	1	–	–	–
Germany	64	3	1	3	4	–	–	1
Greece	266	–	15	17	2	–	–	1
Hungary	86	–	–	4	2	–	–	–
Iceland	4	–	–	2	–	–	–	–
Ireland	11	–	–	1	–	–	–	–
Italy	1,282	11	7	324	8	–	–	15
Latvia	16	1	–	1	–	–	–	–

Judgments, by respondent State (1 November 1998-2006) (continued)

State	Judgments (merits)	Judgments (final – after referral to Grand Chamber)	Judgments (just satisfaction)	Judgments (friendly settlements)	Judgments (striking out)	Judgments (preliminary objections)	Judgments (interpretation)	Judgments (revision)
Liechtenstein	4	–	–	–	–	–	–	–
Lithuania	25	–	–	3	2	–	–	–
Luxembourg	11	–	–	1	–	–	–	–
Malta	15	–	–	–	–	–	–	–
Moldova	42	–	2	–	1	–	–	–
Monaco	–	–	–	–	–	–	–	–
Netherlands	48	–	1	8	3	–	–	–
Norway	10	–	–	–	–	–	–	–
Poland	335	2	2	32	7	–	–	–
Portugal	75	–	2	53	1	–	–	–
Romania	158	1	8	13	5	–	–	1
Russia	205	–	–	–	–	–	–	–
San Marino	8	–	–	1	1	–	–	–
Serbia	1	–	–	–	–	–	–	–
Slovakia	106	1	1	18	1	–	–	–
Slovenia	193	–	–	1	1	–	–	–
Spain	30	–	1	1	–	–	–	–
Sweden	19	–	–	14	2	–	–	–
Switzerland	32	–	–	2	–	–	–	–
"The former Yugoslav Rep.of Macedonia"	13	–	–	1	–	–	–	–
Turkey	1,097	7	4	183	15	2	–	2
Ukraine	260	–	1	1	1	–	–	–
United Kingdom	164	5	3	30	3	–	–	1
Total	**5,655**	**39**	**57**	**832**	**78**	**2**	**–**	**25**

Violations by Article and by country 2006

2006	Judgments finding at least one violation	Friendly settlements, striking-out judgments	Other judgments*	Right to life – deprivation of life	Lack of effective investigation	Inhuman or degrading treatment or punishment	Prohibition of torture	Lack of effective investigation	Prohibition of slavery/forced labour	Right to liberty and security	Length of proceedings	Right to a fair trial	No punishment without law	Freedom of thought, conscience and religion	Right to respect for private and family life	Freedom of expression	Freedom of assembly and association	Right to an effective remedy	Right to marry	Prohibition of discrimination	Protection of property	Right to education	Right to free elections	Right not to be tried or punished twice	Other Articles of the Convention	Number of judgments
	Total	Total	Total	Total	2	2	3	3	3	4	5	6	6	7	8	9	10	11	12	13	14	P1-1	P1-2	P1-3	P7-4		Total
Albania	2											1			1							1					2
Andorra				1																							1
Armenia																											0
Austria	20	1										11	3		1		7	1		1	2						21
Azerbaijan	1		2									1															3
Belgium	4	1	2					2			1	1	2		2												7
Bosnia and Herzegovina	1											1										1					1
Bulgaria	43	2			1	1		7	3		41	9	16		2		1	2		10		5				1	45
Croatia	21			1				1				2	16							6		2					22
Cyprus	15												15							5							15
Czech Republic	37	1		1							1	8	27		5		1	1		4		2					39
Denmark	2												1					1									2
Estonia	1										2																1
Finland	12	3	1	1									7		4		2			2							17
France	87	6	1	2	1	1		2			7	51	25	1	2		3			9		5				1	96
Georgia	5								2			2			1					1							5
Germany	6	2	2					1				2	4							1							10
Greece	53		1	1				2			2	13	32			2				9		4		1			55
Hungary	31										2	1	27													1	31
Iceland																											0
Ireland																											0
Italy	96	5	2								3	11	17		31					25		50		10		3	103
Latvia	9	1						2			11	1	3		7	1				2						4	10
Liechtenstein	1												1														1

* Other judgments: just satisfaction, revision judgments, preliminary objections and lack of jurisdiction.

Violations by Article and by country 2006 (continued)

2006	Judgments finding at least one violation	Judgments finding no violation	Friendly settlements, striking-out judgments	Other judgments*	Right to life – deprivation of life	Lack of effective investigation	Prohibition of torture	Inhuman or degrading treatment or punishment	Lack of effective investigation	Prohibition of slavery/forced labour	Right to liberty and security	Right to a fair trial	Length of proceedings	No punishment without law	Freedom of thought, conscience and religion	Right to respect for private and family life	Freedom of expression	Freedom of assembly and association	Right to an effective remedy	Prohibition of discrimination	Right to marry	Protection of property	Right to education	Right to free elections	Right not to be tried or punished twice	Other Articles of the Convention	Number of judgments
	Total	Total	Total	Total	2	2	3	3	3	4	5	6	6	7	8	9	10	11	12	13	14	P1-1	P1-2	P1-3	P7-4		Total
Lithuania	6		1								2	1	3		1							1					7
Luxembourg	2					1						1	1							2							2
Malta	8											1	3		1						2	3					8
Moldova	18			2			1	3	2		4	14	1					1		2		10				3	20
Monaco																											0
Netherlands	6	1						3							2		1										7
Norway	1											1															1
Poland	107	8				1					47	5	51		11		2			2		2				1	115
Portugal	4			1								1	1				1					1					5
Romania	64	3	5	1					2		3	24	7		4							39				3	73
Russia	96	5		1	6	6	3	9	2		19	64	18		2	1	2	1		12		49				6	102
San Marino																											0
Serbia	1											1															1
Slovakia	35											1	32		3		2			6	1						35
Slovenia	185	4	1					1	1				183							175							190
Spain	5										1	3														1	5
Sweden	3	2	3									1	2		1		1	1		1		1					8
Switzerland	9					1					1	1	1		2		3										9
"Former Yugoslav Rep. of Macedonia"	7	1											7							1							8
Turkey	312	6	10	6	9	21	3	24	1		69	93	48		8		35	7		55		82	1				334
Ukraine	119	1				1		3				97	12		4		1			24		66				1	120
United Kindgom	10	8	5								1	3	1		4					2	1						23
Sub Total	**1,445**	**61**	**36**	**18**	17	33	7	60	13	0	217	427	567	1	99	4	62	15	0	357	6	324	1	11	0	25	**1,560**
Total	**1,560**																										

* Other judgments: just satisfaction, revision judgments, preliminary objections and lack of jurisdiction.

Violations by Article and by country 1999-2006

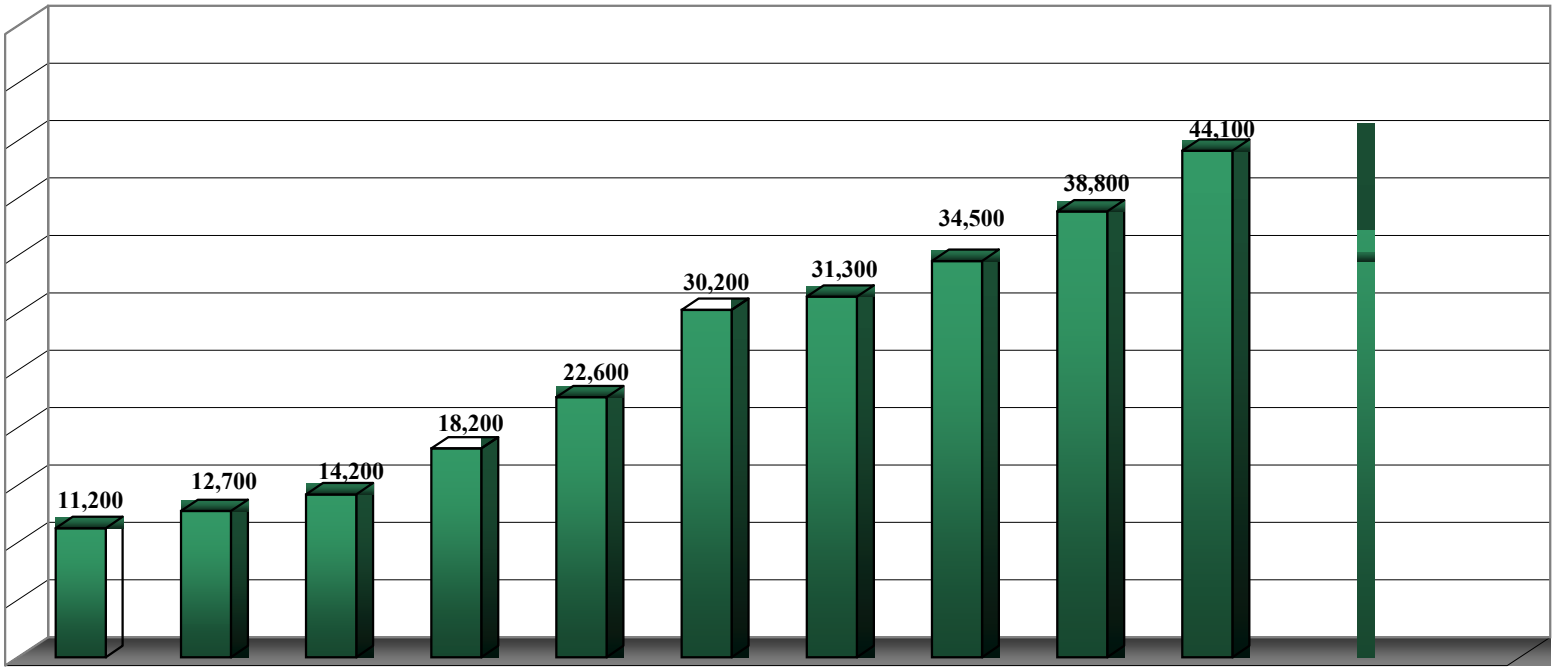
1999-2006	Judgments finding at least one violation	Judgments finding no violation	Friendly settlements, striking-out judgments	Other judgments*	Right to life – deprivation of life	Lack of effective investigation	Prohibition of torture	Inhuman or degrading treatment or punishment	Lack of effective investigation	Prohibition of slavery/forced labour	Right to liberty and security	Right to a fair trial	Length of proceedings	No punishment without law	Right to respect for private and family life	Freedom of thought, conscience and religion	Freedom of expression	Freedom of assembly and association	Right to an effective remedy	Right to marry	Prohibition of discrimination	Protection of property	Right to education	Right to free elections	Right not to be tried or punished twice	Other Articles of the Convention	Number of judgments
	Total	Total	Total	Total	2	2	3	3	3	4	5	6	6	7	8	9	10	11	12	13	14	P1-1	P1-2	P1-3	P7-4		Total
Albania	3	1										2			1							1					4
Andorra	1		1	1																	1						3
Armenia																											0
Austria	111	8	17	5							1	45	45		6		18	1		2	9				3		141
Azerbaijan	1		2									1															3
Belgium	50	6	11					2			3	21	33		4		1			2						1	67
Bosnia and Herzegovina	1											1										1					1
Bulgaria	109	4	3		6	5		15	6		126	16	45		4	2	2	6		24	2	9				1	116
Croatia	72	3	25	1				1				26	41		4					15		2					101
Cyprus	29	1	3	2				2			1	5	22				1			6	2	2		1		1	35
Czech Republic	106	3	7	1							7	26	73		5		1	1		12	1	4					117
Denmark	5	5	10								1	2		1			1									20	
Estonia	9	2	1					1			5	2	1	3													12
Finland	47	29	0 7	0 1			101			10		5			3		2										
France	431	48	49	13	1	2	1	6		1	23	161	245	2	11												

Violations by Article and by country 1999-2006 (continued)

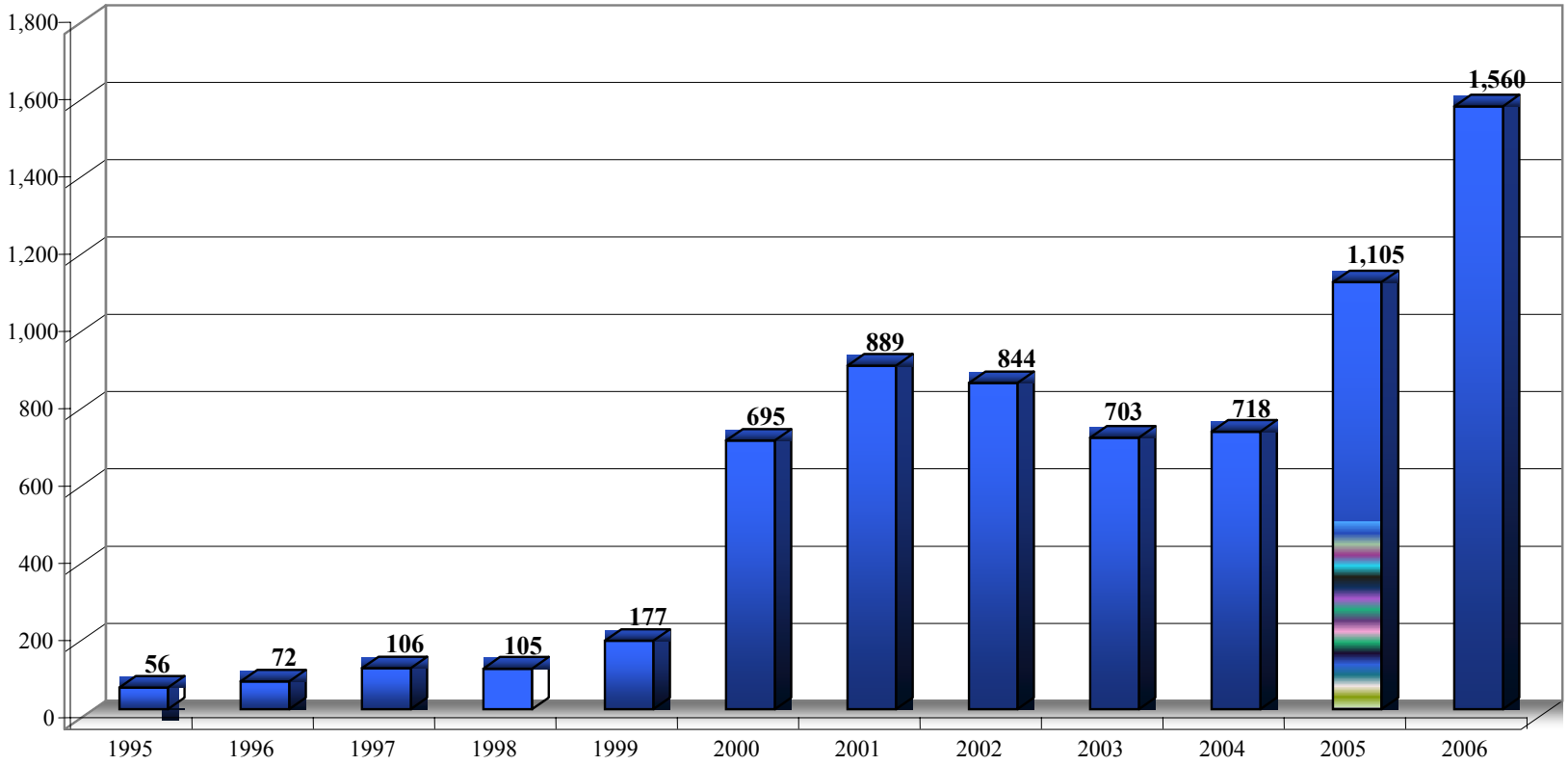
Events (1955-2006)

1955-1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
0.72 r																
0.71( )180(0.72 r)167( )93( )20( )13( )-153( )-280( )-233( )-553( )-953( )-1167( )-262 r																

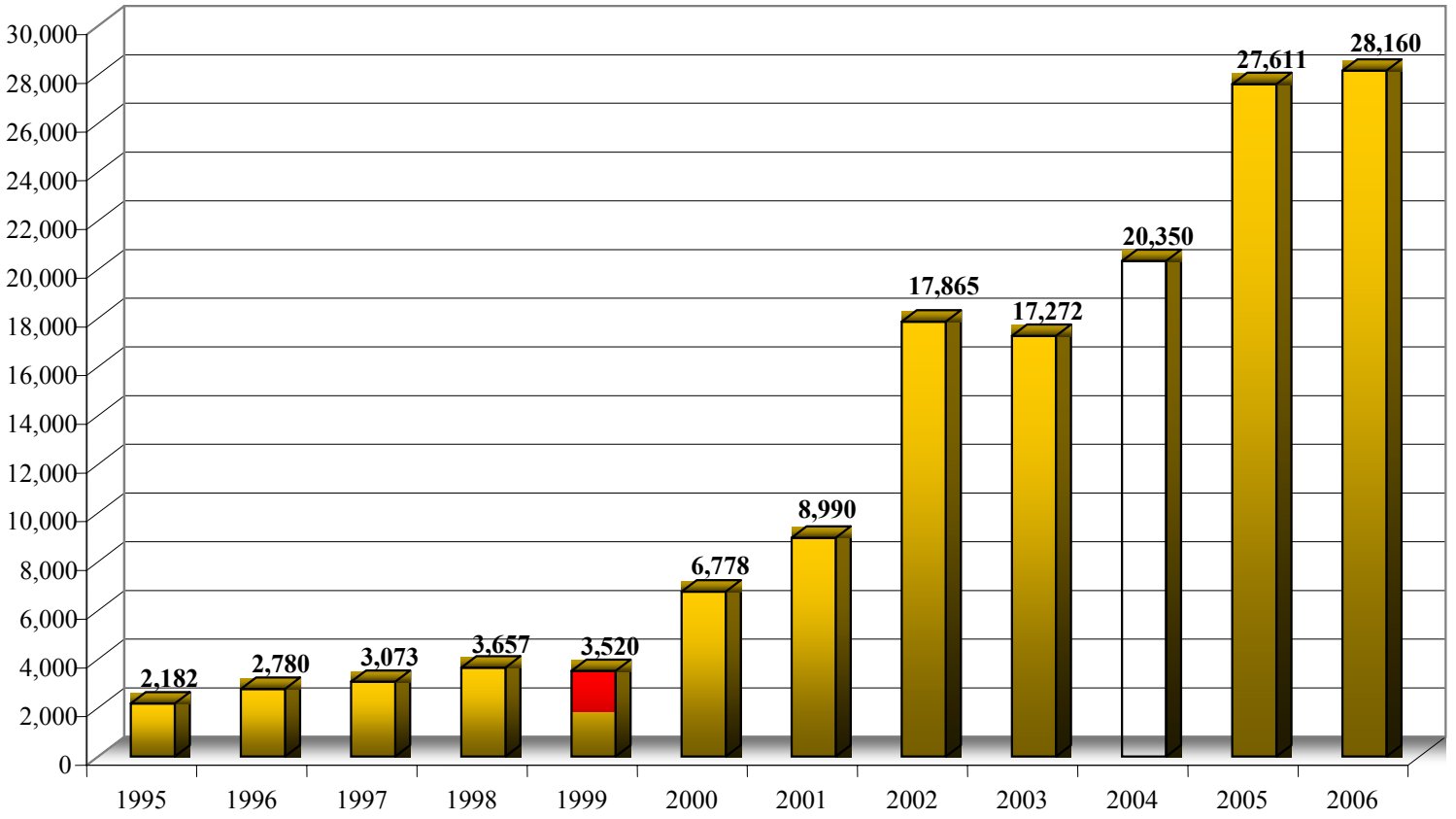
Applications lodged (1995-2006)



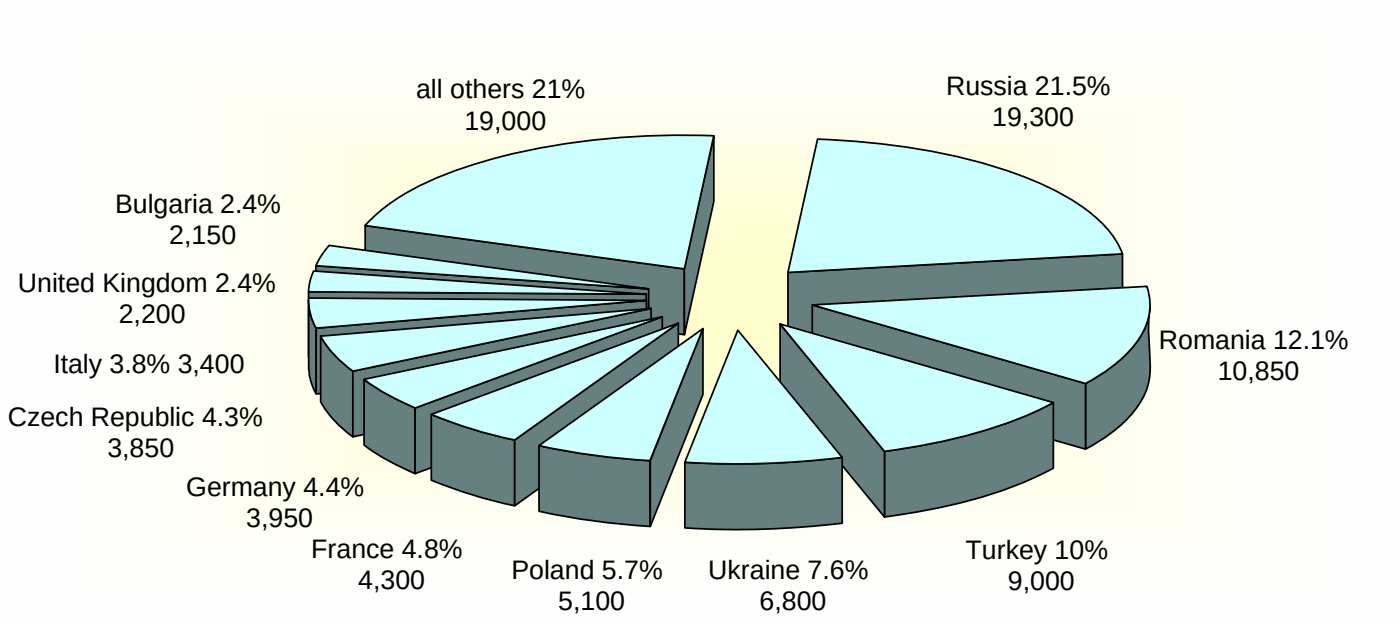
Judgments (1995-2006)



Applications declared inadmissible or struck out
(1995-2006)



Cases pending on 31 December 2006 (main States)



Total number of pending cases: 89,900 (rounded up to the nearest 50)

Cases pending on 31 December 2006, by respondent State