European Court
of Human Rights

Annual Report 2001

Registry of the European Court
of Human Rights
Strasbourg, 2002

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FOREWORD
TO THE FIRST ANNUAL REPORT
OF THE EUROPEAN COURT OF HUMAN RIGHTS

Since the present full-time Court took up its duties on 1 November 1998, following the entry into force of Protocol No. 11 to the European Convention on Human Rights, the need has been felt for a more detailed annual record of the Court's activities than that previously provided in the traditional "Survey". The absolute priority of getting to grips with the Court's rising case-load and the scarcity of resources for activities peripheral to the central case-processing function have meant that this objective was not achieved in the first three years of this Court's life. This year, despite the fact that those problems subsist, the Registry has produced a prototype annual report which, it is hoped, will evolve into a more comprehensive publication in the years to come. The vocation of such a report is to identify new developments and trends in the Court's case-law so as to provide an easily and rapidly accessible key for all those who follow and particularly those who apply the Court's case-law.

Increased awareness of the Court's case-law – above all when translated into effective action – is part of the solution to the current overload of the Convention mechanism. In that connection, the Evaluation Group set up by the Committee of Ministers of the Council of Europe to make proposals on the means of guaranteeing the continued effectiveness of the Court, among many other constructive proposals, said this (paragraph 65):

"The Evaluation Group favours the proposal that the Court should continue to prepare (possibly in a revised format) an annual report on its organisation and activities. This would, in particular, highlight case-law trends and areas where problems have arisen. The report would be available to the public at large and would be of particular utility for the Committee of Ministers, the Parliamentary Assembly, domestic courts and authorities and practising lawyers. It could assist all States, including those not directly concerned by a judgment, in bringing legislation and practices into line with the Court's case-law. The impact of the report would be enhanced if translations could be made available."

I fully subscribe to that view, especially the reference to translations. While the present document can hardly aspire to such far-reaching aims, it is our hope and our intention to build on this first offering to provide, in future editions, a veritable tool for all who work with the Convention, which, together with other components of the Court's publications policy and notably its Internet site, will contribute to reinforcing the effectiveness with which the guarantees of the Convention can be invoked at national level, thereby strengthening the inherently subsidiary character of the human rights protection system which it set up.

My thanks go to Mr Stanley Naismith, Head of the Publications and Information Division in the Registry, under whose responsibility this report has been produced.

Luzius Wildhaber
President
of the European Court of Human Rights

I. HISTORICAL BACKGROUND, ORGANISATION AND PROCEDURE

HISTORICAL BACKGROUND, ORGANISATION AND PROCEDURE

Historical background

A. The European Convention on Human Rights of 1950

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 entered into force in September 1953. The object of its authors was to take the first steps for the collective enforcement of certain of the rights stated in the United Nations' Universal Declaration of Human Rights of 1948.

2. In addition to laying down a catalogue of civil and political rights and freedoms, the Convention set up a system of 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 organ being composed of the Ministers for Foreign Affairs of the member States or their representatives.

3. Under the 1950 Convention Contracting States and, where the Contracting States had accepted the right of individual petition, individual applicants (individuals, groups of individuals or non-governmental organisations) could lodge complaints against Contracting States for alleged violations of Convention rights.

The complaints were first the subject of a preliminary examination by the Commission, which determined their admissibility. Where applications had been declared admissible and no friendly settlement had been reached, the Commission 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.

4. Where the respondent State had accepted the compulsory jurisdiction of the Court, 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. Individuals were not entitled to bring their cases before the Court.

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.

B. Subsequent developments

5. Since the Convention's entry into force, twelve Protocols have been adopted. Protocols Nos. 1, 4, 6, 7 and 12 to the Convention added further rights and liberties to those guaranteed and Protocol No. 2 conferred on the Court the power to give advisory opinions. Protocol No. 9 enabled individual applicants to bring their cases before the Court, subject to ratification by the respondent State and acceptance by a screening panel. Protocol No. 11

restructured the enforcement machinery (see below). The remaining Protocols concerned the organisation of and procedure before the Convention institutions.

6. From 1980 onwards, 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 aggravated by the accession of new Contracting States from 1990.

The number of applications registered annually with the Commission increased from 404 in 1981 to 2,037 in 1993. By 1997 that figure had more than doubled (4,750). By 1997 the number of unregistered or provisional files opened each year in the Commission had risen to over 12,000. The Court's statistics reflected a similar story, with the number of cases referred annually rising from 7 in 1981 to 52 in 1993 and 119 in 1997.

7. The increasing case-load had prompted a lengthy debate on the necessity for a reform of the Convention supervisory machinery. Opinions were divided at the beginning of the negotiations on restructuring the Convention system, but ultimately the solution adopted was the creation of a single full-time court. The aim was to simplify the structure with a view to shortening the length of proceedings and at the same time to strengthen the judicial character of the system by making it fully compulsory and abolishing the Committee of Ministers' adjudicative role.

On 11 May 1994 Protocol No. 11 to the European Convention on Human Rights "restructuring the control machinery" was opened for signature.

The European Court of Human Rights

A. Transitional period

8. Protocol No. 11 required ratification by all the Contracting States and entered into force one year after the last ratification had been deposited. That ratification was deposited with the Council of Europe in October 1997, ushering in a preparatory period of one year during which the judges were elected and held a number of meetings to take the necessary organisational and procedural measures for the establishment of the Court. In particular, the judges elected their office holders and drew up new draft Rules of Court.

The new European Court of Human Rights came into operation on 1 November 1998 with the entry into force of Protocol No. 11. On 31 October 1998, the old Court had ceased to function. However, the Protocol provided that the Commission should continue for one year (until 31 October 1999) to deal with cases which had been declared admissible before the date of entry into force of the Protocol.

B. Organisation of the Court

9. The European Court of Human Rights set up under the Convention as amended is composed of a number of judges equal to that of the Contracting States (currently forty-one). There is no restriction on the number of judges of the same nationality. Judges are elected by the Parliamentary Assembly of the Council of Europe for a term of six years. The terms of office of one half of the judges elected at the first election expired after three years, so as to ensure that the terms of office of one half of the judges are renewed every three years.

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. Their terms of office expire when they reach the age of seventy.

The Plenary Court elects its President, two Vice-Presidents and two Presidents of Section for a period of three years.

10. Under the Rules of Court, the Court is divided into four Sections, whose composition, fixed for three years, is geographically and gender balanced and takes account of the different legal systems of the Contracting States. Each Section is presided over by a President, two of the Section Presidents being at the same time Vice-Presidents of the Court. Section Presidents are assisted and where necessary replaced by Section Vice-Presidents.

11. Committees of three judges are set up within each Section for periods of twelve months.

12. Chambers of seven members are constituted within each Section on the basis of rotation, with the Section President and the judge elected in respect of the State concerned sitting 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. The members of the Section who are not full members of the Chamber sit as substitute members.

13. The Grand Chamber is composed of seventeen judges. The President, Vice-Presidents, Section Presidents and the judge elected in respect of the State concerned sit as *ex officio* members. The remaining judges are chosen by the drawing of lots. Where a Chamber has relinquished jurisdiction under Article 30 of the Convention (see paragraph 21 below), the Grand Chamber includes the members of the Chamber which relinquished jurisdiction, whereas in cases referred to the Grand Chamber under Article 43 of the Convention (see paragraph 28 below), the Grand Chamber does not include any judge who participated in the original Chamber's deliberations on the admissibility or merits of the case, except the President of the Chamber and the judge who sat in respect of the State Party concerned.

C. Procedure before the Court

1. General

14. 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 forms for making applications may be obtained from the Registry.

15. The procedure before the European Court of Human Rights is adversarial and public. Hearings are, in principle, 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 accessible to the public.

16. Individual applicants may submit applications themselves, but legal representation is recommended, and even required for hearings or after a decision declaring an application admissible. The Council of Europe has set up a legal aid scheme for applicants who do not have sufficient means.

17. The official languages of the Court are English and French, but applications may be drafted 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. Admissibility procedure

18. Each individual application is assigned to a Section, whose President designates a rapporteur. After a preliminary examination of the case, the rapporteur decides whether it should be dealt with by a three-member Committee or by a Chamber.

19. A Committee may decide, by unanimous vote, to declare inadmissible or strike out an application where it can do so without further examination.

20. Individual applications which are not declared inadmissible by Committees or which are referred directly to a Chamber by the rapporteur and State applications are examined by a Chamber. Chambers determine both admissibility and merits, usually in separate decisions but, where appropriate, together.

21. Chambers may at any time relinquish jurisdiction in favour of the Grand Chamber where a case raises a serious question of interpretation of the Convention or where there is a risk of departing from existing case-law, unless one of the parties objects to such relinquishment within one month of notification of the intention to relinquish.

22. The first stage of the procedure is generally written, although the Chamber may decide to hold a hearing, in which case issues arising in relation to the merits will normally also be addressed.

23. Chamber decisions on admissibility, which are taken by majority vote, must contain reasons and be made public.

3. Procedure on the merits

24. Once the Chamber has decided to admit the application, it may invite the parties to submit further evidence and written observations, including any claims for "just satisfaction" by the applicant, and to attend a public hearing on the merits of the case.

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. During the procedure on the merits, negotiations aimed at securing a friendly settlement may be conducted through the Registrar. Such negotiations are confidential.

4. Judgments

27. 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.

28. Within three months of delivery of a judgment by a Chamber, 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. Such requests are examined by a Grand Chamber panel of five judges composed of the President of the Court, the Section Presidents – with the exception of the Section President who presides over the Section to which the Chamber that gave judgment belongs – and another judge selected by rotation from among the judges who were not members of the original Chamber.

29. A Chamber's judgment becomes final at the expiry of the three-month period or earlier if the parties announce that they have no intention of requesting a referral, or after a decision of the panel rejecting the request for referral.

30. If the panel accepts the request, the Grand Chamber renders its decision on the case in the form of a judgment. The Grand Chamber decides by a majority vote and its judgments are final.

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

32. Responsibility for supervising the execution of judgments lies with the Committee of Ministers of the Council of Europe. It is thus for the Committee of Ministers to verify whether States in respect of which a violation of the Convention is found have taken adequate remedial measures to comply with the specific or general obligations arising out of the Court's judgments.

5. *Advisory opinions*

33. The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of the Convention and its Protocols.

Decisions of the Committee of Ministers to request an advisory opinion are taken by a majority vote.

34. Advisory opinions are given by the Grand Chamber and given by a majority vote. Any judge may attach to the advisory opinion a separate opinion or a bare statement of dissent.

Further reform

35. In the three years following the entry into force of Protocol No. 11 the Court's case-load increased dramatically. The number of registered applications rose from 5,979 in 1998 to 13,858 in 2001, an increase of around 130%. Concern about the Court's capacity to deal with the rising volume of cases led to calls for additional resources and speculation as to the need for further reform. At the Ministerial Conference on Human Rights held in Rome on 3-4 November 2000 to mark the fiftieth anniversary of the opening for signature of the Convention, a resolution was adopted calling upon the Committee of Ministers of the Council of Europe among other things to "initiate, as soon as possible, a thorough study of the different possibilities and options with a view to ensuring the effectiveness of the Court in the light of [the] new situation ...".

36. In response to this resolution, in February 2001 the Committee of Ministers set up an Evaluation Group, which reported in September 2001. As far as amendment of the Convention is concerned, the Group recommended that instructions be given to the appropriate bodies with a view to preparing a draft Protocol to the Convention which would notably "empower the Court to decline to examine in detail applications raising no substantial issue under the Convention". The Group further recommended that instructions be given for a feasibility study to be carried out by the appropriate bodies into "the creation within the Court of a new and separate division for the preliminary examination of applications". On 8 November 2001 the Committee of Ministers at its 109th Session adopted a declaration warmly welcoming the report of the Evaluation Group and instructing the Ministers' Deputies to pursue urgent consideration of all the recommendations, including measures involving amendment of the Convention.

37. On the occasion of the Rome Conference, Protocol No. 12 to the Convention was opened for signature. The new Protocol provides for a general prohibition of discrimination and will enter into force when ten member States of the Council of Europe have expressed their consent to be bound by it.

II. COMPOSITION OF THE COURT

COMPOSITION OF THE COURT

On 31 December 2001 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)
Mr Georg Ress, *Section President*	(German)
Sir Nicolas Bratza, *Section President*	(British)
Mr Antonio Pastor Ridruejo	(Spanish)
Mr Gaukur Jörundsson	(Icelandic)
Mr Giovanni Bonello	(Maltese)
Mrs Elisabeth Palm	(Swedish)
Mr Lucius Caflisch	(Swiss)[1]
Mr Loukis Loucaides	(Cypriot)
Mr Jerzy Makarczyk	(Polish)
Mr Pranas Kūris	(Lithuanian)
Mr Ireneu Cabral Barreto	(Portuguese)
Mr Riza Türmen	(Turkish)
Mrs Françoise Tulkens	(Belgian)
Mrs Viera Strážnická	(Slovakian)
Mr Corneliu Bîrsan	(Romanian)
Mr Peer Lorenzen	(Danish)
Mr Karel Jungwiert	(Czech)
Mr Marc Fischbach	(Luxemburger)
Mr Volodymyr Butkevych	(Ukrainian)
Mr Josep Casadevall	(Andorran)
Mr Boštjan Zupančič	(Slovenian)
Mrs Nina Vajić	(Croatian)
Mr John Hedigan	(Irish)
Mrs Wilhelmina Thomassen	(Netherlands)
Mr Matti Pellonpää	(Finnish)
Mrs Margarita Tsatsa-Nikolovska	(Citizen of the Former Yugoslav Republic of Macedonia)
Mrs Hanne Sophie Greve	(Norwegian)
Mr András B. Baka	(Hungarian)
Mr Rait Maruste	(Estonian)
Mr Egils Levits	(Latvian)
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 Paul Mahoney, *Registrar*	(British)
Mrs Maud de Boer-Buquicchio, *Deputy Registrar*	(Netherlands)

1. Elected as the judge in respect of Liechtenstein.

III. Composition of the Sections

COMPOSITION OF THE SECTIONS

(in order of precedence)

1 January - 31 October 2001

	SECTION I	SECTION II	SECTION III	SECTION IV
President	Mrs E. Palm	Mr C.L. Rozakis	Mr J.-P. Costa	Mr G. Ress
	Mrs W. Thomassen	Mr A.B. Baka	Mr W. Fuhrmann	Mr A. Pastor Ridruejo
	Mr L. Ferrari Bravo	Mr L. Wildhaber	Mr L. Loucaides	Mr L. Caflisch
	Mr Gaukur Jörundsson	Mr B. Conforti	Mr P. Kūris	Mr J. Makarczyk
	Mr R. Türmen	Mr G. Bonello	Mrs F. Tulkens	Mr I. Cabral Barreto
	Mr C. Bîrsan	Mrs V. Strážnická	Mr K. Jungwiert	Mr V. Butkevych
	Mr J. Casadevall	Mr P. Lorenzen	Sir Nicolas Bratza	Mrs N. Vajić
	Mr B. Zupančič	Mr M. Fischbach	Mrs H.S. Greve	Mr J. Hedigan
	Mr T. Panțîru	Mrs M. Tsatsa-Nikolovska	Mr K. Traja	Mr M. Pellonpää
	Mr R. Maruste	Mr E. Levits	Mr M. Ugrekhelidze	Mrs S. Botoucharova
		Mr A. Kovler		
Section Registrar	Mr M. O'Boyle	Mr E. Fribergh	Mrs S. Dollé	Mr V. Berger

From 1 November 2001

	SECTION I	SECTION II	SECTION III	SECTION IV
President	Mr C.L. Rozakis	Mr J.-P. Costa	Mr G. Ress	Sir Nicolas Bratza
Vice-President	Mrs F. Tulkens	Mr A.B. Baka	Mr I. Cabral Barreto	Mr M. Pellonpää
	Mr G. Bonello	Mr L. Wildhaber	Mr L. Caflisch	Mr A. Pastor Ridruejo
	Mr P. Lorenzen	Mr Gaukur Jörundsson	Mr P. Kūris	Mrs E. Palm
	Mrs N. Vajić	Mr L. Loucaides	Mr R. Türmen	Mr J. Makarczyk
	Mr E. Levits	Mr C. Bîrsan	Mr B. Zupančič	Mrs V. Strážnická
	Mrs S. Botoucharova	Mr K. Jungwiert	Mr J. Hedigan	Mr M. Fischbach
	Mr A. Kovler	Mr V. Butkevych	Mrs M. Tsatsa-Nikolovska	Mr J. Casadevall
	Mr V. Zagrebelsky	Mrs W. Thomassen	Mrs H.S. Greve	Mr R. Maruste
	Mrs E. Steiner	Mr M. Ugrekhelidze	Mr K. Traja	Mr S. Pavlovschi
		Mrs A. Mularoni		
Section Registrar	Mr E. Fribergh	Mrs S. Dollé	Mr V. Berger	Mr M. O'Boyle

IV. SPEECH GIVEN BY Mr LUZIUS WILDHABER, PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS, ON THE OCCASION OF THE OPENING OF THE JUDICIAL YEAR, STRASBOURG, 31 JANUARY 2002

Speech given by Mr Luzius Wildhaber, President of the European Court of Human Rights, on the occasion of the opening of the judicial year, Strasbourg, 31 January 2002

Presidents, excellencies, distinguished guests, Mr Secretary General, friends and colleagues, ladies and gentlemen,

May I begin by extending a warm welcome to all of you. I am especially pleased to be able to welcome so many senior judicial figures from the different Contracting States of the Council of Europe; you are too numerous to mention by name but may I say that your joining us this evening is continuing evidence of the close relationship which has developed between the European Court of Human Rights and the superior courts of the Contracting States. It is a particular pleasure that we are joined this evening by two presidents of international courts, President Rodríguez Iglesias of the Court of Justice of the European Communities and President Jorda of the International Criminal Tribunal for the Former Yugoslavia.

Our perception of last year is coloured by the tragic events of 11 September and their aftermath. Terrorism raises two fundamental issues which human rights law must address.

Firstly, it strikes directly at democracy and the rule of law, the two central pillars of the European Convention on Human Rights. It must therefore be possible for democratic States governed by the rule of law to protect themselves effectively against terrorism; human rights law must be able to accommodate this need. The European Convention should not be applied in such a way as to prevent States from taking reasonable and proportionate action to defend democracy and the rule of law.

The second way in which terrorism challenges democracy and human rights law is by inciting States to take repressive measures, thereby insidiously undermining the foundations of democratic society. Our response to terrorism has accordingly to strike a balance between the need to take protective measures and the need to preserve those rights and freedoms without which there is no democracy. At the same time and from a wider perspective, it is precisely situations in which there is a lack of respect for human dignity, a lack of effective human rights protection, which breed terrorism. Efforts to prevent the spread of international terrorism should therefore embrace the aims of international human rights law.

Turning to the Court's activity, in seeking to characterise the last twelve months, one word that comes to mind is effectiveness. I would first mention the Court's continuing and successful efforts to improve the effectiveness of its daily operation. The Court has never produced so many judgments and decisions; but nor has it ever received so many applications. Let me just give one or two figures: 13,858 applications were registered last year, representing an increase of some 130% since 1998 when this Court started functioning, and 31,398 provisional applications were received, an increase of about 93% since 1998. In other words, the Court's case-load continues to grow. The Court and its

Registry have once again responded by increasing output: nearly 9,000 decisions declaring applications inadmissible or striking them out, and nearly 900 judgments.

The Ministerial Conference in Rome in November 2000 to mark the fiftieth anniversary of the Convention gave a new impetus to moves to guarantee the effectiveness of the Court. As part of the follow-up, the Ministers' Deputies set up an Evaluation Group "to consider all potential means of guaranteeing the continued effectiveness of the Court with a view, if appropriate, to making proposals for reform". The Group reported, as scheduled, on 30 September last year. I am indebted in particular to its Chair, Ambassador Harman, who devoted much time and energy to the Group's work, and to Deputy Secretary General Krüger, who represented the Secretary General in the Group. The report was warmly received by the Deputies, for whose support I am grateful. The declaration at the ministerial meeting last November also warmly endorsed the report and instructed the Deputies to pursue urgent consideration of all the recommendations, including measures involving amendment to the Convention. I take this opportunity to thank the Secretary General for his assistance; his help in the process initiated by the Evaluation Group will be extremely valuable.

The Group called for a much needed increase in case-processing staff and made a number of proposals relating in particular to national measures and the execution of judgments. It also recommended that certain issues relating to the institutional status of the Court within the Council of Europe be determined urgently. Above all, the Group proposed that steps be taken for the preparation of a draft Protocol which would "empower the Court to decline to examine in detail applications raising no substantial issue under the Convention". It further recommended that "a feasibility study be carried out into the creation within the Court of a new and separate division for the preliminary examination of applications".

These are two major new ideas which will have to be thought through in the coming months by all the appropriate bodies, including the Court. Change is necessary and we must keep up the momentum. The effectiveness of the system is the goal of any change, in other words how best to ensure that the Court and the Convention continue to serve as the means by which the protection of fundamental rights is further strengthened in the domestic legal orders of our growing community of States, how to ensure that individuals within the jurisdiction of the Contracting States can assert those rights in practice most effectively within the national legal system, and only in the last resort in Strasbourg.

The search for effectiveness has led the Court to take quite radical measures as far as its own internal working methods are concerned. At its plenary administrative meeting last December, a number of recommendations by its Working Party on Working Methods were adopted, including a new procedure for Committee cases. Up till now the Registry, like the Secretariat of the European Commission of Human Rights before it, sent out what were referred to as warning letters before registration, pointing out to applicants any obstacles there might be to the admissibility of their application. This practice is to be discontinued. Applications which are obviously inadmissible will be registered and submitted directly to a Committee for decision. In addition, applicants will be notified of the Committee's decision by a letter rather than by a decision, and the letter, unlike decisions, will be in their own language. These measures will help to speed up the processing and adjudication of clearly inadmissible cases.

This marks a departure from the standards of service which the Court, like the Commission, sought to offer to individual applicants, even those whose complaints were most obviously doomed to fail the basic admissibility tests. This is, we have been forced to realise, a luxury that the Court can no longer afford. It is not a question of restricting the right of access to the Convention mechanism as such, but simply recognising that different categories of cases call for judicial treatment of varying scope.

The question of effectiveness must also be considered in connection with the place of the Convention in the overall scheme of international law and the harmonious functioning of the Court within that scheme. Indeed references to international law abounded in the Court's cases in 2001, beginning with the inter-State case, *Cyprus v. Turkey*. The Court confirmed its findings in the *Loizidou* case regarding the responsibility of the respondent State and notably that, in conformity with the relevant principles of international law, the responsibility of a Contracting State could also arise where as a consequence of military action – whether lawful or unlawful – it exercised effective control of an area outside its national territory. At the same time the Court, referring at length to the Advisory Opinion on Namibia of the International Court of Justice, held that the inhabitants of Northern Cyprus could be required to exhaust the domestic remedies made available to them by the *de facto* authorities of the territory, unless their inexistence and ineffectiveness could be proved.

Another major case decided last year was that of *Streletz, Kessler and Krenz v. Germany*. It concerned the applicants' conviction for their part in the border-policing policy followed by the German Democratic Republic. The applicants had argued that their actions had not constituted offences under the applicable criminal law, which was that of the GDR, at the time when they were carried out and that therefore their conviction was a breach of the prohibition of the retrospective application of the criminal law under Article 7 of the Convention. They further maintained that the acts in question did not constitute offences under international law either. However, the relevant provisions of GDR legislation expressly proclaimed the principle that human life must be preserved and provided for the application of the principle of proportionality in respect of the use of force. The fact that a practice was grafted on to that legislation which effectively emptied of their substance the provisions concerned could not help the applicants. Such a practice, which flagrantly infringed human rights and above all the right to life, could not attract the protection of Article 7 § 1 of the Convention. The applicants had created the appearance of legality, but then implemented a practice which blatantly disregarded those principles. The purpose of Article 7 is to prevent arbitrary prosecution, conviction or punishment, not to protect those who flout fundamental rights under a cloak of legality.

The Court thus found that the applicants' acts constituted offences defined with sufficient accessibility and foreseeability in GDR law. But it had a duty to examine the case also from the standpoint of international law, and particularly whether the same acts constituted offences defined with sufficient accessibility and foreseeability under international law. The Court found that they did, referring notably to the Universal Declaration of Human Rights and to the International Covenant on Civil and Political Rights, ratified by the GDR in 1974. The border-policing policy clearly disregarded the need to preserve human life enshrined in the relevant international instruments. The applicants could not have been ignorant of the international obligations entered into by the GDR or of repeated international criticism of the policy. Moreover, the GDR's Criminal Code expressly provided that individual criminal responsibility was to be borne by those

who violated the GDR's international obligations. The judgment sends out an important signal to regimes that pay mere lip-service to human rights and the rule of law. It also recognises that it is legitimate for a State governed by the rule of law to bring criminal proceedings against persons who have committed crimes under a former regime and that legal provisions in force at the material time can be interpreted in the light of the principles governing a State subject to the rule of law.

The case of *Al-Adsani v. the United Kingdom* raised the issue of access to a court under Article 6 § 1 of the Convention in the face of a claim of State immunity in civil proceedings brought in the United Kingdom courts alleging torture by the Kuwaiti authorities. The Court first accepted that the prohibition of torture was *ius cogens*, a peremptory norm of international law, but it was not prepared to go a step further and find that, particularly in the light of the recent evolution of international law, States were no longer entitled to immunity in respect of civil claims for damages for alleged torture inflicted outside the forum State. The Court found that the grant of sovereign immunity to a State in civil proceedings pursued the legitimate aim of complying with international law to promote comity and good relations between States. As to proportionality, it was observed that measures taken by a High Contracting Party which reflect generally recognised rules of public international law on State immunity could not in principle be regarded as imposing a disproportionate restriction on the right of access to court. Where opinions diverged – as is clear from the dissenting opinions appended to the judgment – is as to exactly what stage of evolution public international law had reached in this area. The majority felt that there was a distinction to be drawn between criminal proceedings against individuals and civil proceedings for damages against a State. There was as yet no firm evidence to support the view that, under current international law, a State no longer enjoyed immunity from civil suit in the courts of another State where acts of torture are concerned. The members of the majority were obviously influenced by practical considerations, one could say again effectiveness.

The view of the minority was that in the vertical system of international law that now existed, a *ius cogens* rule or peremptory norm overrode any other rule of international law which did not have the same status. One could say that the minority was concerned with the effectiveness of *ius cogens*. A restriction on access to court which allowed a lesser rule, that of State immunity, to prevail over the superior norm embodied in the prohibition on torture could not be in conformity with the Convention requirements.

The Court was called upon to rule on the extent of the Convention's reach in the case of *Banković and Others* against seventeen NATO member States. The Serbian applicants complained notably of violations of Articles 2 and 10 of the Convention arising out of the bombardment of the RTS television station in Belgrade during the Kosovo conflict. The essential question for the Court was whether the extra-territorial act in question – that is the bombardment – was sufficient to bring the applicants and their deceased relatives within the jurisdiction of the respondent States within the meaning of Article 1 of the Convention. The Court first established that Article 1 reflected an essentially territorial notion of jurisdiction. Recognition of the Convention's extra-territorial reach was, the Court said, exceptional, requiring, for example, effective control of the relevant territory. Moreover, the Convention was a multilateral treaty operating in an essentially regional context and notably in the legal space of the Contracting States. The Federal Republic of Yugoslavia clearly did not fall within that legal space and the applicants could not claim the protection of the Convention. We do have to realise that the Convention was never intended to cure all

the planet's ills and indeed cannot effectively do so; this brings us back to the effectiveness of the Convention and the rights protected therein. When applying the Convention we must not lose sight of the practical effect that can be given to those rights.

Turning to our guest speaker, President Iglesias, there is another factor which will, to a considerable extent, determine the long-term effectiveness of human rights protection in Europe, and that is consistency of approach between the Convention system and European Union law.

The recent developments in European Union law in the sphere of human rights protection have been remarkable. Fundamental rights are playing an increasingly important role in Community law, thanks in the first place to the Court of Justice of the European Communities. Very early on, by committing itself to verifying observance of human rights, it was able to give Community law an ethical dimension which the treaties originally did not have. In that approach its practice was informed to a considerable extent by the European Convention on Human Rights and the case-law of our Court, to which it has always attributed "particular significance", thus demonstrating from the outset its attachment to a coherent conception of fundamental rights in Europe.

It is the quality and pertinence of that case-law which, in 1992, caused it to be enshrined in the Union's founding texts. Article 6(2) of the European Union Treaty now establishes a formal link between the Union and fundamental rights, and it is significant to note, in that connection, that Article 6 names as the sole reference text the European Convention on Human Rights.

There then came the European Union's Charter of Fundamental Rights, proclaimed in Nice on 7 December 2000, which provided a satisfactory solution to the problem of the relationship between the Charter and the European Convention on Human Rights by taking the Convention as setting out the minimum level of protection to be secured, while making it clear that the minimum level did not prevent a higher level of protection. That solution, which is wholly compatible with the Convention, was all the more necessary because when the Union's member States implement Community law they may be accountable under both the latter and the European Convention on Human Rights. Hence the importance of coherent solutions in this field.

Lastly, as the latest stage to date in the process I have been describing, I must mention the Laeken Declaration of 15 December 2001, which invites the Convention on the Future of Europe, charged with preparing the institutional reform of the Union, to give thought to "whether the Charter of Fundamental Rights should be included in the basic treaty and to whether the European Community should accede to the European Convention on Human Rights". That phrase emphasises both the autonomous existence of the Community and Convention systems for the protection of fundamental rights and the interdependence between them.

Mr President, in the past neither of our Courts has spared its efforts to ensure consistency in the protection of fundamental rights in Europe, and they will continue to do so, with the same success, because that is their joint responsibility and their joint resolve. In addition to the personal consultations between us, delegations from our two Courts meet regularly, in exchanges that are as interesting as they are useful. Your case-law takes ours into account, and that is a clear signal not only of the importance of legal certainty in this

area but also of a certain conception of fundamental rights. Now that Europe has overcome its political divisions, and at a time when the European Union is preparing to welcome its first members from central and eastern Europe, it would be unacceptable for our continent to be divided again, but this time in respect of fundamental rights, when on the international stage it seeks to spread the message of the universality of human rights.

The European Union now intends to consider the future of the Charter and the question of the European Community's accession to the European Convention on Human Rights. The Council of Europe has always regarded those two options as complementary rather than as alternatives. Indeed, it is legitimate to ask whether, in view of the level of interdependence which has naturally evolved between the Convention and European Union law, and which will no doubt continue to grow, it is still justifiable to envisage the future of the two systems and their subsequent developments as if they were completely impermeable, whereas in reality they are not.

I believe that the work now in progress being carried on concurrently in Strasbourg and Brussels provides a unique opportunity for joint reflection about the new situation and the demands it makes on us if we wish to maintain a coherent and effective protection of fundamental rights in Europe. In any event, as during the preparation of the Charter, the Court and the Council of Europe are ready to participate in any discussion on the question that the European Union might wish to enter into with them.

Mr President, we are all aware of your personal contribution to the achievements of the Court of Justice and your commitment to enhancing the protection of fundamental rights in Community law. If our two Courts have such a close and warm relationship, it is largely thanks to you. You are not just a neighbour, you are also a friend and it is with great pleasure that I give you the floor.

V. Speech given by Mr Gil Carlos Rodríguez Iglesias, President of the Court of Justice of the European Communities, on the occasion of the opening of the judicial year, Strasbourg, 31 January 2002

SPEECH GIVEN BY MR GIL CARLOS RODRÍGUEZ IGLESIAS, PRESIDENT OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES, ON THE OCCASION OF THE OPENING OF THE JUDICIAL YEAR, STRASBOURG, 31 JANUARY 2002

Mr President, members of the European Court of Human Rights, presidents of the Constitutional Courts and of the Supreme Courts, excellencies, ladies and gentlemen, in giving me this opportunity to address this formal sitting, you do great honour to the institution of which I am President, and to me personally.

Permit me, first of all, to thank you, Mr President, for your kind invitation to take part in this formal sitting. I appreciate it not only as a mark of your friendship and collegiality, and that of the Court of which you are President, but also as a shining example of the close cooperation which has grown up over the years between the European Court of Human Rights and the Court of Justice of the European Communities. That cooperation goes back many years, but has been considerably strengthened since the "new" European Court of Human Rights was set up in 1998. Moreover, it meets a need of which both Courts are conscious.

Those two European Courts differ not only as regards the subject matter and scope of their respective competences from a material standpoint, but also in terms of their territorial jurisdiction, which is more limited in the case of the Court of Justice of the European Communities. Nevertheless, our two Courts share many common characteristics.

Permit me, in that regard, to point out first of all the novelty of the judicial models which each of our Courts embodies. Their respective situations as institutions do not correspond to any traditional model, just as the Convention for the Protection of Human Rights and Fundamental Freedoms and the Community legal order do not reflect any of the classic models of any international or national judicial system. Similarly, the legal remedies to which individuals have access before the two Courts are generally recognised as constituting ground-breaking developments in the history of legal protection.

The two Courts also have an undeniable vocation as European "constitutional" courts, which they have expressly affirmed. Thus, the European Court of Human Rights has described itself as "an international court responsible for a European constitution governing human rights", the Convention being regarded as "a constitutional instrument of European public order". Similarly, the Court of Justice of the European Communities has described the Treaty establishing the European Community, observance of which it ensures, as "the constitutional charter of a Community based on the rule of law".

In addition, each Court recognises a fundamental need for cooperation with national courts. That cooperation is of a more organic nature in the case of the Court of Justice of the European Communities, on account of the existence of the mechanism of references for preliminary rulings established by the Treaty; but in my view it is equally crucial as regards the European Court of Human Rights, inasmuch as the effective implementation of the European Convention is founded to a very great extent on the acceptance and application

by national courts of the case-law developed by that Court, just as the effectiveness of the case-law of the Court of Justice of the European Communities depends on its being applied in a legal and social context by the national courts of the member States of the European Union.

Lastly, the two Courts share an essential commitment to basic values forming an integral part of the common heritage of Europe, founded on democracy and fundamental rights, by virtue of which they contribute, together with the Supreme Courts and Constitutional Courts, to the emergence of what has been termed a “European constitutional area”.

As regards the protection of fundamental rights, it is well known that there does not currently exist any normative system comprehensively covering the relationship between the European Convention on Human Rights and the Community legal order. Because of that lacuna, the two Courts have a special responsibility for organising relations between those two legal orders.

The European Court of Human Rights has on many occasions, and applying different methods, been prompted to take cognisance of the Community aspect. I do not propose to comment on your case-law in that regard or, naturally, on any other cases pending before you which raise the question of the relationship between the Convention and the Community legal order.

Instead, I should like to take this opportunity to put forward a number of ideas on the role which, according to the case-law of the Court of Justice, the Convention plays in the Community legal order and on the possible prospects for the future.

To begin with, there are two factors which might at first glance appear contradictory but which serve to explain the special responsibility incumbent on the Court of Justice in matters concerning the protection of fundamental rights: first, the absence in the Community legal order of any exhaustive list of fundamental rights having constitutional or legislative status; and second, the essential character of respect for human rights as a pivotal element of the common heritage on which the Community is founded.

It is true to say that, in its very first judgments, the attitude shown by the Court of Justice towards the protection of fundamental rights was somewhat negative: in its response to pleas and arguments based on fundamental rights protected by the Constitutions of the member States, its initial reaction was to declare that the validity of Community measures could be assessed only by reference to Community law itself, thus excluding all reference to national laws.

Very rapidly, however ─ prompted by the Supreme Courts and Constitutional Courts of the member States ─, the Court of Justice acknowledged the central position occupied by fundamental rights in Community law, and confirmed that measures which were incompatible with respect for human rights could have no place within the Community.

In reaching that conclusion, the Court of Justice took the view that the protection of fundamental rights forms part of the general principles of law the observance of which it ensures. In establishing those general principles, the Court of Justice drew inspiration from the internal laws of the member States and from the international obligations assumed by the various States.

In looking for inspiration to the source provided by national laws, the Court of Justice has relied primarily on the constitutional traditions common to the member States.

As to the international obligations assumed by the various States, it has taken into consideration a very extensive range of international instruments, including in particular the European Social Charter, the Conventions of the International Labour Organisation and the United Nations' International Covenant on Civil and Political Rights. Those provisions for the protection of human rights are not formally applied by the Court of Justice as international rules, but are taken into account for the purposes of identifying general principles.

Amongst the international obligations assumed by the member States, the Court of Justice very quickly focused its attention on the European Convention on Human Rights, the "special significance" of which has been emphasised. Thus, the Court has on numerous occasions declared that it ensures respect for human rights ─ and I quote ─ "as laid down in particular in the European Convention on Human Rights".

Given that, without exception, all the member States of the Community have acceded to the Convention, it might be thought that its substantive provisions were binding on the Community as the repository of powers assigned to it by the member States.

However, the Court of Justice has not followed that path, and has formulated a less radical interpretation, regarding the Convention as a special source of inspiration. Nevertheless, this has made it possible, in essence, to arrive at a result which is equivalent to direct application of the substantive provisions of the Convention.

In that context, the Court of Justice, together with the Court of First Instance, has clearly shown its willingness to respect not only the provisions of the Convention but also the case-law of the European Court of Human Rights.

By way of example, I would mention the judgment of the Court of Justice of 28 March 2000 in the case of *Krombach*, which concerned the recognition, under the Brussels Convention, of a judicial decision alleged to have been delivered in violation of the right to a fair trial. The Court of Justice, recalling that the European Court of Human Rights had held on several occasions that the right of every person charged with an offence to be effectively defended by a lawyer, if need be one appointed by the court, is one of the fundamental elements in a fair trial and that an accused person does not forfeit entitlement to such a right simply because he is not present at the hearing, held that a refusal to hear the defence of an accused person who is not present at the hearing constitutes a manifest breach of a fundamental right and may thus exceptionally justify refusal to recognise a judicial decision on the ground that it is contrary to the public policy of the State in which enforcement is sought.

In conclusion, even though the Convention is not formally applied as a constituent element of Community law, being instead merely taken into account as a source of inspiration for the purposes of identifying general principles, the case-law of the Court of Justice clearly shows that it applies the Convention as if its provisions formed an integral part of Community law.

That case-law of the Court of Justice has since been constitutionally enshrined in the Treaty of Maastricht. I would refer, in particular, to the current Article 6(2) of the Treaty on European Union, which reads: "The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law."

I should not omit to mention the question of accession by the European Community to the Convention, which has for many years been the focus of much discussion. As you know, that question formed the subject, in 1996, of Opinion 2/94 of the Court of Justice, which raised an issue of competence "as Community law now stands". The Court, recalling that the Community has only those powers which have been conferred on it, held that no Treaty provision confers on the Community institutions any general power to enact rules on human rights or to conclude international conventions in that field. It further ruled out recourse to former Article 235 of the Treaty (now Article 308 EC), taking the view that, because of its fundamental institutional implications for the Community and for the member States, accession would be of constitutional significance.

I should like to emphasise that that Opinion did not in any way constitute the expression of a negative attitude on the part of the Court of Justice towards the principle of such accession, still less the manifestation of any reluctance to occupy a position subordinate to the Strasbourg Court. It should be borne in mind that that Opinion was delivered on the eve of an intergovernmental conference which could easily have created the constitutional basis for the conferment of the competence needed for accession, had the political will to do so existed.

Although the Court of Justice has always avoided adopting a position on the desirability of acceding to the Convention ─ rightly, in my view ─, some of its members, including myself, have expressed themselves personally to be in favour of such accession, which would reinforce the uniformity of the system for the protection of fundamental rights in Europe.

I cannot conclude without mentioning the new Charter of Fundamental Rights of the European Union, proclaimed on 7 December 2000 by the European Parliament, the Council and the Commission. This contains a long list of fundamental rights, not only civil and political but also social and economic, which go further than the matters dealt with by the Court of Justice in the cases determined by it.

For the time being, the Charter has no formal legal validity. Several Advocates General of the Court of Justice have commented on it, considering, in essence, that it was intended to serve, at the very least, as a "substantive point of reference". The Court of Justice has not expressed a view on that point and, that being so, you will understand that I must refrain from formulating any opinion whatever in that regard.

If, at some point in future, the Charter is formally given normative or even constitutional validity, this could increase the risk of conflict between the case-law of the European Court of Human Rights and that of the Court of Justice, having regard in particular to the differences of content and formulation between the Charter and the Convention.

I would point out, however, that those drafting the Charter, conscious of the importance of the relationship between the Charter and the Convention, have inserted provisions catering for this.

I am thinking, first of all, of the "conformity clause" contained in Article 52 of the Charter, which reads: "In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention …" Moreover, according to Article 53 of the Charter, "Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised ... by ... the European Convention for the Protection of Human Rights and Fundamental Freedoms ..."

I would also point out that the preamble to the Charter expressly refers not only to the European Convention on Human Rights but also to the case-law of the European Court of Human Rights.

Those provisions provide valuable guidance on the way in which the Charter is to be interpreted. In particular, they should make it possible for the case-law of the European Court of Human Rights to continue to be taken fully into account in the Community sphere.

Thus, rather than competing with each other and creating a schism in the protection of fundamental rights in Europe, the Convention and the Charter should serve to enrich one another.

From that point of view, it will be recalled that, according to the recent Laeken Declaration on the future of the European Union: "Thought would also have to be given to whether the Charter of Fundamental Rights should be included in the basic treaty and to whether the European Community should accede to the European Convention on Human Rights." This clearly involves complementary, not alternative, considerations. All these questions will have to be considered by the Convention on the Future of Europe which has been convened and which will start work this year.

Thus, the protection of human rights in Europe and, more particularly, in the European Community is bound to undergo development in the future.

It is very pleasing to note that such development can proceed in an atmosphere of close collaboration between our two Courts, as witness the invitation extended to me, as President of the Court of Justice of the European Communities, to address you today.

Thank you for your kind attention.

VI. VISITS

VISITS

15 January 2001	Court of Justice of the European Communities
25 April 2001	Legal Commission of the Belgian *Sénat*
27 April and 1 October 2001	Constitutional Court
18 May 2001	EFTA Court, Luxembourg
18-21 June 2001	Supreme Administrative Court, Turkey
28 June 2001	Presidents of Constitutional Courts of South America
17 September 2001	Constitutional Court, Turkey
17-20 September 2001	Constitutional Court, Lithuania
2 October 2001	Supreme Court, Ukraine
22 October 2001	Court of Cassation, France
26 October 2001	*Raad van State*, Netherlands
12 November 2001	Constitutional Court, Slovakia
15 November 2001	Supreme Court, Hungary
29 November 2001	Constitutional Court, Georgia

VII. 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 KG, 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 2001 have been accepted (or proposed) 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.

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Vaudelle v. France, no. 35683/97
Tammer v. Estonia, no. 41205/98
Bensaid v. the United Kingdom, no. 44599/98
Lietzow v. Germany, no. 24479/94
Schöps v. Germany, no. 25116/94

Decisions

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Cisse v. France (dec.), no. 51346/99
Teytaud and Others v. France (dec.), nos. 48754/99 and 49721, 49720/99 and 49723/99, 49724-49725/99 and 49729/99, 49726/99 and 49728/99, 49727/99, 49730/99
Ayuntamiento de Mula v. Spain (dec.), no. 55346/00

ECHR 2001-II

Judgments

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Ecer and Zeyrek v. Turkey, nos. 29295/95 and 29363/95
Lucà v. Italy, no. 33354/96
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Malama v. Greece, no. 43622/98
Dougoz v. Greece, no. 40907/98
Hilal v. the United Kingdom, no. 45276/99
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ECHR 2001-III

Judgments

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Marônek v. Slovakia, no. 32686/96
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Kelly and Others v. the United Kingdom, no. 30054/96 (extracts)
Shanaghan v. the United Kingdom, no. 37715/97 (extracts)

ECHR 2001-IV

Judgment

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ECHR 2001-V

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Kuna v. Germany (dec.), no. 52449/99 (extracts)

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Pellegrini v. Italy, no. 30882/96
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Decisions

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O'Hara v. the United Kingdom, no. 37555/97
Eliazer v. the Netherlands, no. 38055/97
Brennan v. the United Kingdom, no. 39846/98
Pannullo and Forte v. France, no. 37794/97
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Decisions

Jensen v. Denmark (dec.), no. 48470/99

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Osmani and Others v. the Former Yugoslav Republic of Macedonia (dec.), no. 50841/99
Verdens Gang v. Norway (dec.), no. 45710/99
Einhorn v. France (dec.), no. 71555/01

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Al-Adsani v. the United Kingdom [GC], no. 35763/97
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Fogarty v. the United Kingdom [GC], no. 37112/97 (extracts)
Yagtzilar and Others v. Greece, no. 41727/98 (not final)
Metropolitan Church of Bessarabia and Others v. Moldova, no. 45701/99 (referral request pending)
Gorzelik and Others v. Poland, no. 44158/98 (not final)

Decisions

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Desmots v. France, no. 41358/98 (extracts)
Alvarez Sanchez v. Spain, no. 50720/99
French Christian Federation of Jehovah's Witnesses v. France, no. 53430/99
Giacometti and Others v. Italy, no. 34939/97
Papon v. France, no. 54210/00 (extracts)
Correia de Matos v. Portugal, no. 48188/99
Honecker and Others v. Germany, nos. 53991/00 and 54999/00
Petersen v. Germany, no. 39793/98
Knauth v. Germany, no. 41111/98
Banković and Others v. Belgium, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Turkey and the United Kingdom [GC], no. 52207/99

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 databases, containing the full text of all judgments and of admissibility decisions, other than those taken 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 databases are accessible via simple or advanced search screens 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.

VIII. Short survey of cases examined by the Court in 2001

SHORT SURVEY OF CASES EXAMINED BY THE COURT IN 2001

In 2001 the Court delivered 888 judgments[1], an increase of just under 30% compared to the previous year[2]. The Grand Chamber delivered 19 judgments on the merits[3]. Of the remaining 706 judgments on the merits delivered by Chambers, 23 were final judgments pursuant to the transitional provisions of Protocol No. 11. Judgments were delivered for the first time in respect of Croatia, Estonia, Moldova, the Former Yugoslav Republic of Macedonia and Ukraine[4].

Series of similar cases

As in previous years, a significant proportion of the judgments delivered – 480, that is, more than half of all judgments – dealt exclusively or primarily with complaints about the excessive length of court proceedings. Moreover, in a number of cases there were subsidiary complaints about the length of court proceedings. In particular, the continuing existence in Italy of a "practice that is incompatible with the Convention"[5] gave rise to 359 judgments, a figure comparable to that in 2000[6]. However, whereas a large percentage of the judgments concerning Italy in 2000 related to friendly settlements, only eleven settlements were reached in 2001; of the remaining 348 judgments, violations were found in all but four[7]. As in 2000, the vast majority of cases involved proceedings in the civil and administrative courts (including the Audit Court), although there was a fairly considerable increase in the number of cases involving proceedings in the criminal courts[8].

Other States in respect of which the length of court proceedings gave rise to significant numbers of judgments were Turkey (29 judgments, virtually all concerning criminal proceedings[9]), France (29 judgments, concerning a variety of jurisdictions[10]), Portugal (25 judgments, concerning mainly civil proceedings[11]), and Poland (14 judgments, concerning both civil and criminal proceedings[12]).

Having established in its *Kudła v. Poland* judgment[13] that Article 13 of the Convention confers a right to an effective remedy in respect of a complaint about the undue length of court proceedings, the Court was required in the course of 2001 to examine the effectiveness of remedies provided in Austria[14], Croatia[15] and France[16]. Article 13 was also invoked in the case of *Selva v. Italy*[17], in which the Government did not contest that no effective remedy existed at the relevant time. However, reference was made to a law[18] which had in the meantime been adopted with the specific purpose of creating an appropriate domestic remedy and in fact the Court had by then already rejected several applications on the basis of non-exhaustion of the remedy, despite the fact that the law had come into force after the introduction of the applications[19].

Three other groups of cases accounted for considerable numbers of judgments. Firstly, 133 judgments concerned the issue of delay in payment of compensation for expropriation in Turkey, initially addressed by the Court in the *Akkuş v. Turkey* judgment[20]. The Court concluded that there had been a violation of Article 1 of Protocol No. 1 in all of these judgments except three, in which friendly settlements were reached. Secondly, 38 friendly settlement judgments in respect of Turkey concerned the allegation that detainees had not been brought promptly before a judge. Certain of these cases also involved other complaints, in particular about ill-treatment in custody. Thirdly, 37 judgments in respect of Italy concerned the difficulties faced by landlords in recovering possession of their property, due to the lack of police assistance. This issue was examined by the Court in 1999

in the case of *Immobiliare Saffi v. Italy*[21], and all but three of the judgments in 2001 related to friendly settlements. It may be noted that in 1999 and 2000 only a handful of judgments dealt with the issues raised in these three groups of cases, which consequently represented a considerable additional burden for the Court in 2001.

Core rights (Articles 2 and 3)

The right to life continued to be at issue in a number of judgments concerning Turkey although for the most part the incidents dated back to 1993-94. Six cases involved disappearances, raising issues under Article 2 and Article 5, and violations both provisions were found in three of these[22], while friendly settlements were reached in a further two[23]; in one case, in which abduction by unidentified persons was alleged, the Court concluded that there been no substantive violation of Article 2, but found that there had been a violation of its procedural requirements on account of the failure of the authorities to conduct an effective investigation[24]. Procedural violations were found in other disappearance cases, as well as in two judgments concerning deprivation of life, in which it was also held that there had been violations of the substantive provisions of Article 2: one concerned the death of a detainee[25], and the other a murder committed by village guards[26].

The effectiveness of investigations into deaths resulting from the use of force also featured in several judgments relating to other States: in a series of four similar cases against the United Kingdom concerning shootings in Northern Ireland, the Court considered that the inquest system in Northern Ireland did not provide sufficient safeguards to satisfy the procedural requirements of Article 2[27], while in one application against Cyprus it held that there had been no violation of Article 2[28].

Disappearances were also one of the major issues in the only inter-State case examined in 2001. The application, brought by Cyprus against Turkey[29], raised numerous complaints and in particular alleged that Turkey had continued to violate various Articles of the Convention after the adoption of two reports by the European Commission of Human Rights. Although the events at issue, including the disappearances, go back to 1974, the Court considered that the subsequent failure to carry out effective investigations constituted a violation of both Article 2 and Article 5 of the Convention.

Finally, in relation to Article 2, mention should be made of the case of *Banković and Others*, brought by a number of citizens of the Federal Republic of Yugoslavia against the seventeen Contracting States also members of NATO in connection with the NATO air strikes[30]. The application was declared inadmissible by a decision of the Grand Chamber, on the ground of the absence of any jurisdictional link between the victims of the acts complained of and the respondent States.

Allegations of ill-treatment of detainees gave rise to a considerable number of applications against Turkey, but apart from two judgments in which violations of Article 3 were found[31], the cases ended in friendly settlements, consolidating a trend instituted by *Denmark v. Turkey* in April 2000[32]. Nineteen such settlements were concluded, in many of which the Government made a declaration similar to that in the inter-State case, acknowledged the unacceptability of ill-treatment, expressing regret for its occurrence in individual cases and undertaking to take appropriate steps to eliminate its use in the future. As far as other States are concerned, a violation of Article 3 was found in a case brought by several Turkish Cypriots against Cyprus[33], while in the case of a mafioso imprisoned in

Italy the Court held that, although there had been no substantive breach of that provision, there had been a violation of its procedural requirements due to the failure to conduct an effective investigation into the applicant's allegations[34].

Conditions of detention were found to be in violation of Article 3 in several judgments: in Greece, conditions in both detention on remand[35] and in detention pending expulsion[36] were at issue, while in the United Kingdom cases involved the adequacy of the care provided for a mentally disturbed prisoner who later committed suicide[37] and the treatment of a seriously handicapped detainee[38]. In one Lithuanian case, it was held that there had been no violation of Article 3, except with regard to a body search[39]. It may be noted in connection with treatment of detainees that several applications raising the question of the compatibility with Article 3 of detention of very elderly persons were declared inadmissible[40].

The familiar issue of expulsion was raised in connection with Article 3 in a few cases, several of which were struck out or resulted in a friendly settlement[41]. Moreover, two applications in respect of France concerning extradition to the United States of America were declared inadmissible[42].

Procedural safeguards (Articles 5, 6 and 7)

As in previous years, Article 6 figured prominently in judgments, even leaving aside those concerning the length of court proceedings[43]. In a leading judgment, the Grand Chamber confirmed the case-law of the European Commission of Human Rights in concluding that Article 6 was not applicable to proceedings relating to the assessment of taxes[44], while in several other cases the Grand Chamber dealt with different aspects of the right to a court and in particular the effect of various types of immunity on the right of access to a court. In three judgments concerning State immunity[45], the Court accepted that the limitation on the right of access to a court which the application of such immunity entails is not disproportionate and thus did not violate Article 6. No violation was found in two further similar cases raising somewhat analogous issues in the United Kingdom, namely the striking out of claims against the social services on the ground that no duty of care was owed by them in the exercise of their statutory duties[46].

A further element of the right to a court which continues to give rise to violations of Article 6 on a regular basis is the refusal or failure of State authorities to implement or comply with binding judgments of national courts. This issue was first addressed by the Court in a Greek case in 1997[47], and several judgments delivered in 2001 also related to Greece. Violations were found in two[48], while friendly settlements were reached in a further two. A similar issue arose in an Italian case[49], and also in the Court's first judgment in a Ukrainian case, which related to a friendly settlement[50].

The right to an independent and impartial tribunal arose in two situations in respect of which established case-law already existed, namely the functioning of the court martial system in the United Kingdom[51] and the composition of national security courts in Turkey[52]. Moreover, in a further series of twelve judgments, the Court found that martial-law courts in Turkey could not be regarded as independent and impartial in the circumstances of these cases[53]. It is also worth noting that in one of the judgments concerning national security courts, the Court departed from its earlier policy of refraining from examining the fairness of the proceedings once it had identified a lack of

independence and impartiality and concluded that there had also been several breaches of Article 6 § 3.

As far as the fairness of proceedings is concerned, one of the recurrent themes under Article 6 is the effect on the adversarial nature of proceedings of the non-communication to a party of submissions or evidence. In the French system, the non-communication to unrepresented appellants in Court of Cassation proceedings of the observations of the *avocat général* was held to be in violation of Article 6 § 1 in two Chamber judgments[54]. Both cases were subsequently accepted for rehearing by the Grand Chamber. In contrast, the Grand Chamber held in the case of *Kress v. France* that the alleged absence of an opportunity to respond to the submissions of the Government Commissioner in proceedings before the *Conseil d'Etat* did not constitute a violation although, applying existing case-law principles it concluded that the subsequent participation of the Commissioner in the deliberations of the *Conseil d'Etat* was incompatible with Article 6[55]. A further case relating to the non-communication to the parties of the report of the *conseiller rapporteur* in proceedings before the Court of Cassation was struck out[56]. Two Finnish cases raised the issue of non-communication to the parties in administrative proceedings of opinions obtained by the court[57], while in two Austrian cases violations were found due, firstly, to the non-communication of an appeal against a costs order[58] and, secondly, to the non-disclosure to a parent of new evidence on the basis of which an appellate court decided to authorise the taking of children into care[59]. A related issue arose in a case concerning Switzerland, in which the issue was the absence of an opportunity for a party to appeal proceedings to respond to the opinion which the first-instance court had submitted to the appellate court[60]. Finally, the question of non-disclosure of material by the prosecution authorities re-emerged in two further cases against the United Kingdom. Applying the criteria developed by the Grand Chamber in the cases of *Rowe and Davis*, *Jasper* and *Fitt*[61], the Court found a violation in one of the cases but no violation in the other[62].

Issues of non-disclosure were also examined in the context of review of the lawfulness of detention[63], and in the same context the Court held in three parallel judgments against Germany that there had been a breach of Article 5 § 4 of the Convention on account of the refusal to grant detainees access to the prosecution file[64]. In that connection, the Court emphasised that "in view of the dramatic impact of deprivation of liberty on the fundamental rights of the person concerned, proceedings conducted under Article 5 § 4 of the Convention should in principle also meet, to the largest extent possible under the circumstances of an on-going investigation, the basic requirements of a fair trial, such as the right to an adversarial procedure".

Problems relating to the examination of witnesses, which have been dealt with by the Court on numerous occasions in the past, re-emerged in several isolated cases. One Italian case presented the dilemma between the right of an accused to examine witnesses against him and the right of the witness to remain silent, being a co-accused, albeit in separate proceedings[65]. The Court concluded that there had been a violation of Article 6 § 3 (d) in that the applicant had not been given an opportunity to have the witness questioned. In a German case, the absence of an opportunity to question the victim of alleged sexual abuse was similarly held to constitute a violation[66]. By way of contrast, the Court found in its first judgment against the Former Yugoslav Republic of Macedonia that the absence of any opportunity to question witnesses held in prison abroad did not violate Article 6 § 3 (d)[67].

Finally, in two judgments, the Grand Chamber held that the convictions of several former senior officials and a border guard from the German Democratic Republic in connection with the policy of shooting fugitives did not breach Article 7 of the Convention[68]. The Court rejected the applicants' argument that the shooting of fugitives was not a criminal offence in the German Democratic Republic at the material time.

Civil and political rights (Articles 8, 9, 10 and 11)

The number of judgments dealing with complaints under these provisions was relatively low in 2001. In five similar judgments the Grand Chamber examined the refusal to grant Gypsies in the United Kingdom permission to station caravans on land which they owned and concluded that there had been no violation[69]. In another judgment concerning the United Kingdom, the Court held that there had been a violation of Article 8 on account of the failure of the authorities to carry out sufficiently thorough investigations into the effect of airport noise[70]. However, a request for referral of the case to the Grand Chamber is pending.

With regard to family life, there were few child-care cases, the notable exception being *K. and T. v. Finland*[71], which was the first Grand Chamber judgment in a case previously decided by a Chamber. The Grand Chamber essentially confirmed the conclusions of the Chamber, finding for the first time that the actual taking into care of a child had violated the right to respect for family life. Otherwise, the only cases of interest in this area were three judgments in respect of Germany concerning the refusal to grant natural fathers access to their children[72]. Violations were found in two of the judgments, in respect of which requests for referral to the Grand Chamber have been lodged.

Also under Article 8, the classic issues of expulsion and censorship of prisoners' correspondence arose in a number of individual cases[73].

Under Article 9, the only judgment of significance was the first judgment in respect of Moldova, in which the Court concluded that there had been a violation as a result of the refusal of the authorities to grant official recognition to a particular Church[74], although a violation was also found in the inter-State case in connection with restrictions on religious freedom in the northern part of Cyprus.

As far as Article 10 is concerned, there were several judgments dealing with isolated issues of freedom of expression in Austria[75], Estonia[76], France[77], Italy[78], Luxembourg[79], Slovakia[80], and Switzerland[81], in virtually all of which the Court held that there had been a violation. The exception was the judgment in respect of Estonia, which concerned the use of insulting terms.

In the latest of a series of cases concerning the dissolution of political parties in Turkey, the Court concluded by four votes to three that there had been no violation of Article 11[82]. However, a request for referral of the case to the Grand Chamber has been accepted. Four other judgments (not including the inter-State case) raised issues under Article 11: two of these related to membership of the Freemasons in Italy, in both of which violations were found[83], while the other two concerned the refusal of the Bulgarian authorities to grant permission for public meetings of a "Macedonian" association (violation)[84] and the refusal of the Polish authorities to register a Silesian association (no violation)[85].

Property rights (Article 1 of Protocol No. 1)

Apart from the series of Turkish and Italian cases and the cases which have already been mentioned, and eight cases concerning the alleged destruction of villages by the security forces in Turkey, all but one of which[86] resulted in friendly settlements, there were relatively few judgments dealing with issues under Article 1 of Protocol No. 1. The Grand Chamber held in the case of *Prince Hans-Adam II of Liechtenstein v. Germany* that there had been no violation with regard to the applicant's claim for the return of a work of art which had been confiscated by the authorities in Czechoslovakia for the purpose of post-war reparations[87]. Otherwise, judgments concerning principally Greece and Italy related to the unlawful occupation of land by State authorities[88], and prolonged restrictions on the use of land[89]. In two further Greek cases, the Court concluded that there had been a violation due to the inadequacy of the compensation paid in respect of expropriations[90].

The foregoing survey is not intended to be exhaustive but seeks to identify the main themes of the Court's case-law, and in particular its judgments, during 2001, in order to highlight the principal issues which the Court has been required to address. A number of judgments which have not been mentioned are nonetheless not without significance, and in some cases their legal interest may be extended beyond the State concerned. In that connection, reference is made to the Article-by-Article list below.

NOTES

1. The judgments dealt with 933 applications. One judgment concerned two States.
2. In 2000 a total of 695 judgments were delivered. The figure for 1999 was 177.
3. There were two further Grand Chamber judgments, one concerning just satisfaction and one striking the case out of the list.
4. The judgment in respect of Ukraine was a friendly settlement.
5. See *Bottazzi v. Italy* [GC], no. 34884/97, ECHR 1999-V.
6. In 2000 there were 378 judgments concerning the length of proceedings in Italy. Violations were found in 218 and friendly settlements were reached in 159. In one case, the Court declined jurisdiction.
7. In the case of *Ferrazzini v. Italy* [GC], no. 44759/98 (to be reported in ECHR 2001-VII), the Grand Chamber concluded that Article 6 was not applicable to the proceedings at issue. In another case, the Court declined jurisdiction.
8. The figure more than doubled from 12 in 2000 to 29 in 2001 and, whereas half of the cases in 2000 were settled, violations were found in every case in 2001.
9. Violations were found in all but three.
10. Violations were found in 21 of the judgments, the remaining eight relating to friendly settlements.
11. More than half of these judgments related to friendly settlements.
12. Violations were found in all but one, which related to a friendly settlement.
13. *Kudła v. Poland* [GC], no. 30210/96, ECHR 2000-XI.
14. See *Basic v. Austria*, no. 29800/96, and *Holzinger v. Austria (no. 1)*, no. 23459/94 (both to be reported in ECHR 2001-I), and also *Pallanich v. Austria*, no. 30160/96, and *Holzinger v. Austria (no. 2)*, no. 28898/95, 30 January 2001.
15. See *Horvat v. Croatia*, no. 51585/99, ECHR 2000-VIII. See also *Rajak v. Croatia*, no. 49706/99, 28 June 2001, and *Cerin v. Croatia* (dec.), no. 54727/00, 8 March 2001.
16. See *Giummara v. France* (dec.), no. 61166/00, 12 June 2001.
17. *Selva v. Italy*, no. 51672/99, 11 December 2001.
18. Law no. 89 of 24 March 2001 (the "Pinto law").
19. See *Brusco v. Italy* (dec.), no. 69789/01, 6 September 2001 (to be reported in ECHR 2001-IX), which concerned criminal proceedings, and *Giacometti and others v. Italy* (dec.), no. 34939/97, 8 November 2001, which concerned civil proceedings.
20. *Reports of Judgments and Decisions* 1997-IV.

21. *Immobiliare Saffi v. Italy* [GC], no. 22774/93, ECHR 1999-V.
22. *Çiçek v. Turkey*, no. 25704/94, 27 February 2001, *Akdeniz and Others v. Turkey*, no. 23954/94, 31 May 2001 and *İrfan Bilgin v. Turkey*, no. 25659/94, 17 July 2001. In each of these cases, the European Commission of Human Rights had taken evidence.
23. *Aydın and Others v. Turkey* (friendly settlement), nos. 28293/95, 29494/95 and 30219/96, 10 July 2001, and *İ.İ. and Others v. Turkey* (friendly settlement), nos. 30953/96, 30954/96, 30955/96 and 30956/96, 6 November 2001.
24. *Şarli v. Turkey*, no. 24490/94, 22 May 2001. The European Commission of Human Rights had taken evidence in this case.
25. *Tanli v. Turkey*, no. 26129/95, 10 April 2001 (to be reported in ECHR 2001-III).
26. *Avşar v. Turkey*, no. 25657/94, 10 July 2001 (to be reported in ECHR 2001-VII).
27. *McKerr v. the United Kingdom*, no. 28883/95 (to be reported in ECHR 2001-III), *Hugh Jordan v. the United Kingdom*, no. 24746/94, *Kelly and Others v. the United Kingdom*, no. 30054/96, and *Shanaghan v. the United Kingdom*, no. 37715/97 (extracts of the last three judgments to be reported in ECHR 2001-III).
28. *Denizci and Others v. Cyprus*, nos. 25316-21/94 and no. 27207/95 (to be reported in ECHR 2001-V).
29. *Cyprus v. Turkey* [GC], no. 25781/94 (to be reported in ECHR 2001-IV).
30. *Banković and Others v. Belgium, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Turkey and the United Kingdom* (dec.) [GC], no. 52207/99 (to be reported in ECHR 2001).
31. *Akdeniz and Others v. Turkey*, referred to above, and *Altay v. Turkey*, no. 22279/93, 22 May 2001.
32. *Denmark v. Turkey* (friendly settlement), no. 34382/97 (to be reported in ECHR 2000-IV).
33. *Denizci and Others v. Cyprus*, referred to above.
34. *Indelicato v. Italy*, no. 31143/96, 18 October 2001.
35. *Peers v. Greece*, no. 28524/95 (to be reported in ECHR 2001-III).
36 *Dougoz v. Greece*, no. 40907/98 (to be reported in ECHR 2001-II).
37. *Keenan v. the United Kingdom*, no. 27229/95 (to be reported in ECHR 2001-III).
38. *Price v. the United Kingdom*, no. 33394/96 (to be reported in ECHR 2001-VII).
39. *Valašinas v. Lithuania*, no. 44558/98 (to be reported in ECHR 2001-VIII).
40. See *Sawoniuk v. the United Kingdom* (dec.), no. 63716/00, and *Papon v. France* (dec.), no. 64666/01 (both to be reported in ECHR 2001-VI), and also *Priebke v. Italy* (dec.), no. 48799/99, 5 April 2001.
41. However, see also *Hilal v. the United Kingdom*, no. 45276/99 (to be reported in ECHR 2001-II), concerning deportation to Tanzania (violation), and *Bensaid v. the United Kingdom*, no. 44599/98 (to be reported in ECHR 2001-I), concerning deportation of a person suffering from schizophrenia to Algeria (no violation).
42. *Nivette v. France* (dec.), no. 44190/98 (to be reported in ECHR 2001-VII), and *Einhorn v. France* (dec.), no. 71555/01 (to be reported in ECHR 2001-X).
43. It should also be noted that violations were found in several applications against France and Poland due to the length of pre-trial detention.
44. *Ferrazzini v. Italy*, referred to above.
45. *McElhinney v. Ireland* [GC], no. 31253/96, *Al-Adsani v. the United Kingdom* [GC], no. 35763/97 (both to be reported in ECHR 2001), and *Fogarty v. the United Kingdom* [GC], no. 37112/97, 21 November 2001 (to be reported in ECHR 2001).
46. *Z and Others v. the United Kingdom* [GC], no. 29392/95, and *T.P. and K.M. v. the United Kingdom* [GC], no. 28945/95 (both to be reported in ECHR 2001-V). It should be noted, however, that the failures of the social services were held to have violated Articles 3 and 8 respectively in these cases.
47. Hornsby v. Greece, judgment of 19 March 1997, *Reports of Judgments and Decisions* 1997-II.
48. *Pialopoulos and Others v. Greece*, no. 37095/97, 15 February 2001, and *Logothetis v. Greece*, no. 46352/99, 12 April 2001.
49. *Sciortino v. Italy*, no. 30127/96, 18 October 2001. In this case, however, the issue was examined under Article 1 of Protocol No. 1.
50. *Kaysin and Others v. Ukraine* (friendly settlement), no. 46144/99, 3 May 2001.
51 See *Wilkinson and Allen v. the United Kingdom*, nos. 31145/96 and 35580/97, 6 February 2001, and *Mills v. the United Kingdom*, no. 35685/97, 5 June 2001.
52. See *Mehdi Zana v. Turkey*, no. 29851/96, 6 March 2001, *Altay v. Turkey*, referred to above, *Sadak and Others v. Turkey*, nos. 29900/96, 29901/96, 29902/96 and 29903/96 (to be reported in ECHR 2001-VIII), and *Ercan v. Turkey* (friendly settlement), no. 31246/96, 25 September 2001.
53. See, in particular, *Şahiner v. Turkey*, no. 29279/95 (to be reported in ECHR 2001-IX).
54. *Adoud and Bosoni v. France*, nos. 35237/97 and 34595/97, 27 February 2001, and *Meftah v. France*, no. 32911/96, 26 April 2001.

55. *Kress v. France* [GC], no. 39594/98 (to be reported in ECHR 2001-VI).
56. *S.G. v. France* (striking out), no. 40669/98, 18 September 2001.
57. *K.S. v. Finland*, no. 29346/95, and *K.P. v. Finland*, no. 31764/96, 31 May 2001. Violations were found in both.
58. *Beer v. Austria*, no. 30428/96, 6 February 2001.
59. *Buchberger v. Austria*, no. 32899/96, 20 December 2001. The situation was also held to violate Article 8.
60. *F.R. v. Switzerland*, no. 37292/97, 28 June 2001. A violation was found.
61. *Rowe and Davis v. the United Kingdom* [GC], no. 28901/95, ECHR 2000-II, *Jasper v. the United Kingdom* [GC], no. 27052/95, 16 February 2000, and *Fitt v. the United Kingdom* [GC], no. 29777/96, ECHR 2000-II.
62. See, respectively, *Atlan v. the United Kingdom*, no. 36533/97, 19 June 2001, and *P.G. and J.H. v. the United Kingdom*, no. 44787/98 (to be reported in ECHR 2001-IX). In the latter case, the Court concluded that there had been violations of Article 8 due to the absence of a legal basis for the use of covert listening devices but also found that the use at trial of the evidence obtained unlawfully did not breach Article 6.
63. See *Kawka v. Poland*, no. 25874/94, 9 January 2001, and *Ilijkov v. Bulgaria*, no. 33977/96, 26 July 2001.
64. *Lietzow v. Germany*, no. 24479/94, and *Schöps v. Germany*, no. 25116/94 (both to be reported in ECHR 2001-I), and also *Garcia Alva v. Germany*, no. 23541/94, 13 February 2001.
65. *Lucà v. Italy*, no. 33354/96 (to be reported in ECHR 2001-II).
66. *P.S. v. Germany*, no. 33900/96, 20 December 2001. A similar case, *S.N. v. Sweden* (dec.), no. 34209/96, was declared admissible on 16 January 2001 and is currently pending.
67. *Solakov v. the Former Yugoslav Republic of Macedonia*, no. 47023/99 (to be reported in ECHR 2001-X).
68. *Streletz, Kessler and Krenz v. Germany* [GC], nos. 34044/96, 35532/97 and 44801/98, and *K.-H.W. v. Germany* [GC], no. 37201/97 (both to be reported in ECHR 2001-II).
69. *Chapman v. the United Kingdom* [GC], no. 27238/95 (to be reported in ECHR 2001-I), *Beard v. the United Kingdom* [GC], no. 24882/94, *Coster v. the United Kingdom*, no. 24876/94, *Lee v. the United* Kingdom [GC], no. 25289/94, and *Jane Smith v. the United Kingdom* [GC], no. 25154/94, 18 January 2001.
70. *Hatton and Others v. the United Kingdom*, no. 36022/97 (to be reported in ECHR 2001-IX).
71. *K. and T. v. Finland* [GC], no. 25702/94 (to be reported in ECHR 2001-VII).
72. *Sahin v. Germany*, no. 30943/96, *Sommerfeld v. Germany*, no. 31871/96, and *Hoffmann v. Germany*, no. 34045/96, 11 October 2001.
73. On expulsion, see *Ezzouhdi v. France*, no. 47160/99, 13 February 2001. On prisoners' correspondence, see *Natoli v. Italy*, no. 26161/95, 9 January 2001, *Di Giovine v. Italy*, no. 39920/98, 26 July 2001, *Peers v. Greece*, *Valašinas v. Lithuania* both referred to above, and *Erdem v. Germany*, no. 38321/97 (to be reported in ECHR 2001-VII).
74. *Metropolitan Church of Bessarabia and Others v. Moldova*, no. 45701/99 (to be reported in ECHR 2001).
75. *Jerusalem v. Austria*, no. 26958/95 (to be reported in ECHR 2001-II).
76. *Tammer v. Estonia*, no. 41205/98 (to be reported in ECHR 2001-I).
77. *Association Ekin v. France*, no. 39288/98 (to be reported in ECHR 2001-VIII).
78. *Perna v. Italy*, no. 48898/99, 25 July 2001. This case is now pending before the Grand Chamber.
79. *Thoma v. Luxembourg*, no. 38432/97 (to be reported in ECHR 2001-III).
80. *Marônek v. Slovakia*, no. 32686/96 (to be reported in ECHR 2001-III), and *Feldek v. Slovakia*, no. 29032/95 (to be reported in ECHR 2001-VIII).
81. *VgT Verein gegen Tierfabriken v. Switzerland*, no. 24699/94 (to be reported in ECHR 2001-VI).
82. *Refah Partisi (Welfare Party) and Others v. Turkey*, nos. 41340/98, 41342/98, 41343/98 and 41344/98, 31 July 2001.
83. *Grande Oriente d'Italia di Palazzo Giustiniani v. Italy*, no. 35972/97 (to be reported in ECHR 2001-VIII), and *N.F. v. Italy*, no. 37119/97 (to be reported in ECHR 2001-IX).
84. *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos. 29225/95 and 29221/95 (to be reported in ECHR 2001-IX).
85. *Gorzelik and Others v. Poland*, no. 44158/98 (to be reported in ECHR 2001).
86. *Dulaş v. Turkey*, no. 25801/94, 30 January 2001. These cases also raised issues under other provisions of the Convention, in particular Articles 3 and 8.
87. *Prince Hans-Adam II of Liechtenstein v. Germany* [GC], no. 42527/98 (to be reported in ECHR 2001-VIII).
88. See *Zwierzyński v. Poland*, no. 34049/96 (to be reported in ECHR 2001-VI), and *Yagtzilar and Others v. Greece*, no. 41727/98 (to be reported in ECHR 2001). Violations were found in both cases.
89. *Pialopoulos and Others v. Greece* referred to above, *Elia S.r.l. v. Italy*, no. 37710/97 (to be reported in ECHR 2001-IX), and *Cooperative La Laurentina v. Italy*, no. 23529/94, 2 August 2001. Violations were

found in the first two cases but not in the third, in respect of which a request for referral to the Grand Chamber is pending.
90. *Platakou v. Greece*, no. 38460/97 (to be reported in ECHR 2001-I), and *Malama v. Greece*, no. 43622/98 (to be reported in ECHR 2001-II).

IX. SUBJECT MATTER OF JUDGMENTS DELIVERED BY THE COURT IN 2001

SUBJECT MATTER OF JUDGMENTS DELIVERED BY THE COURT IN 2001

Article 2

Cases concerning principally the right to life

Death in police custody in Turkey (*Tanli*)

Shooting by security forces in Turkey (*Akman*)

Murder by village guards in Turkey (*Avşar*)

Killing by unidentified perpetrators in Cyprus, alleged failure to take preventive measures and effectiveness of the investigation (*Denizci and Others*)

Death allegedly resulting from ill-treatment on arrest in the Netherlands (*Köksal*)

Prisoner's suicide in the United Kingdom (*Keenan*)

Effectiveness of investigations in the United Kingdom into shootings in Northern Ireland (*Hugh Jordan*; *McKerr*; *Kelly and Others*; *Shanaghan*)

Disappearances following the Turkish occupation of Cyprus, and lack of an effective investigation (*Cyprus v. Turkey*)

Disappearance of detainees in Turkey (*Çiçek*; *Akdeniz and Others*; *İrfan Bilgin*; *İ.İ. and Others*)

Disappearances in Turkey (*Aydın*)

Disappearance after abduction by an unidentified group of armed men in Turkey (*Şarli*)

Serious injury of a suspect in a fall from a balcony while in the hands of police carrying out a search of an apartment in Turkey (*Berktay*)

Alleged denial of access to medical services in northern Cyprus (*Cyprus v. Turkey*)

Article 3

Cases concerning principally physical integrity

Ill-treatment in custody in Turkey (*Çiçek*; *Gelgeç and Özdemir*; *Çavuşoğlu*; *Tanli*; *Altay*; *Kemal Güven*; *Akdeniz and Others*; *Değer*; *Avcı*; *Orak*; *Boğa*; *Doğan*; *Parlak and Others*; *Kizılgedik*; *Boğ*; *Demir*; *Şenses*; *Ercan*; *Akbay*; *Saki*; *Acar*; *Güngü*)

Ill-treatment in detention in Cyprus (*Denizci and Others*)

Ill-treatment in prison in Italy, and effectiveness of the investigation (*Indelicato*)

Serious injury of a suspect in a fall from a balcony while in the hands of police carrying out a search of an apartment in Turkey (*Berktay*)

Conditions of detention in Greece pending expulsion (*Dougoz*) and in detention on remand (*Peers*)

Conditions of detention of a seriously handicapped person in the United Kingdom (*Price*)

Treatment of a prisoner with a history of mental disorder in the United Kingdom (*Keenan*)

Prison conditions, alleged victimisation and body search of a prisoner in Lithuania (*Valašinas*)

Abusive remarks by prison guards during a strip search in Poland (*Iwańczuk*)

Destruction of possessions and homes by the security forces in Turkey (*Dulaş*; *Kemal Güven*; *Cemal and Nurhayat Güven*; *Aygördü and Others*; *Ağgül and Others*; *İnce and Others*; *Aydın*; *İşçi*)

Failure of the social services in the United Kingdom to remove children from parents known to be neglecting them (*Z and Others*)

Striking out in the United Kingdom of a claim for damages against a foreign government in respect of alleged torture, on grounds of State immunity (*Al-Adsani*)

Discrimination against Greek Cypriots in northern Cyprus (*Cyprus v. Turkey*)

Threatened expulsion of a person suffering from schizophrenia from the United Kingdom to Algeria (*Bensaid*)

Threatened expulsion from Hungary to China (*Yang Chun Jin alias Yang Xiaolin*), from Germany to Iran (*Kalantari*), from the United Kingdom to Tanzania (*Hilal*), and of a Chechen from the Netherlands to Russia (*K.K.C.*)

Article 5

Cases concerning principally the right to liberty and security

Alleged detention of missing persons in Cyprus following the Turkish occupation, lack of an effective investigation and security of Greek Cypriots in northern Cyprus (*Cyprus v. Turkey*)

Unacknowledged detention in Turkey (*Çiçek*; *Akdeniz and Others*; *İrfan Bilgin*)

Lawfulness of detention in Turkey (*Cihan*; *Tanli*; *Akbay*; *Tuncay and Özlem Kaya*) and in Cyprus (*Denizci and Others*)

Lawfulness of detention pending expulsion from Greece (*Dougoz*)

Continuation of detention on remand in Poland by virtue of a practice lacking any legal basis (*Kawka*)

Continuation of detention in France without a formal order, on the basis of a decision of the Indictment Chamber to obtain further information (*Laumont*)

Continuation of confinement in a secure institution in the Netherlands after expiry of the detention order (*Rutten*)

Delay in transferring detainees in Italy from prison to house arrest (*Mancini*)

Absence of reasonable suspicion justifying detention in Turkey (*Berktay*) and in the United Kingdom (*O'Hara*)

Adequacy of the reasons given for arrest in Switzerland (*H.B.*)

Failure to bring a detainee promptly before a judge in the United Kingdom (*O'Hara*)

Independence of investigating judges responsible for ordering detention on remand in Switzerland (*I.O.; H.B.*)

Lack of power of the judge before whom a detainee was brought to order release on bail in respect of certain charges in the United Kingdom (*S.B.C.*)

Length of detention on remand in Bulgaria (*Ilijkov*), in France (*Gombert and Gochgarian*; *Richet*; *Bouchet*; *Zannouti*), in Germany (*Erdem*) and in Poland (*Szeloch*; *Kreps*; *Iłowiecki*; *Olstowski*)

Refusal to accept a particular form of bail in Poland (*Iwańczuk*)

Lack of a remedy in respect of unlawful detention in Greece (*Dougoz*) and in Turkey (*Yeşiltepe*; *Çakmak*; *Ercan*; *Akbay*; *Tuncay and Özlem Kaya*)

Scope of court review of the lawfulness of detention in Bulgaria, and non-communication of the prosecutor's submissions (*Ilijkov*)

Independence of a specialist judge participating in a review of psychiatric detention in Switzerland after having given an expert opinion (*D.N.*)

Absence of any right for a detainee in Poland to attend hearings on detention on remand (*Kawka*)

Refusal of access to the prosecution file in connection with continuation of detention on remand in Germany (*Garcia Alva*; *Lietzow*; *Schöps*)

Refusal of access to the investigation file in Switzerland (*I.O.*)

Non-communication of the prosecutor's submissions concerning continuing detention on remand in Poland (*Kawka*)

Speed of review of the lawfulness of continuing confinement in a secure institution in the Netherlands (*Rutten*)

Length of time taken to decide on requests for release from detention on remand in Poland (*Iłowiecki*)

Length of time between periodic reviews of a discretionary life sentence in the United Kingdom (*Hirst*)

Absence of a right in Italy to compensation for detention on remand, following acquittal (*N.C.*)

Absence of a right to compensation for unlawful detention in France (*Bouchet*), in Turkey (*Yeşiltepe*; *Çakmak*; *Akbay*) and in the United Kingdom (*S.B.C.*; *O'Hara*)

Article 6

Cases concerning principally the right to a fair trial

Applicability of Article 6 to tax assessment proceedings in Italy (*Ferrazzini*)

Access to court for Greek Cypriots in northern Cyprus (*Cyprus v. Turkey*)

Access to court in connection with permits for reindeer hunting in Sweden (*Muonio Saami Village*)

Access to court in connection with the expiry of a drinks licence in France (*Kervoëlen*)

Access to court in connection with allegedly discriminatory building restrictions in Austria (*Siebenhandl*)

Access to court to obtain the return of property seized in the context of criminal proceedings against third parties in France (*Baumann*)

Lack of access to court in Poland due to the high level of court fees (*Kreuz*)

Unavailability of legal aid in Gibraltar for an appeal to the Privy Council in the United Kingdom (*Duyonov and Others*)

Rejection of an appeal in Greece following unsuccessful attempts to effect personal service (*Tsironis*)

Rejection in Greece, in 1997, on the ground of prescription, of a claim for compensation in respect of an expropriation in 1933 (*Yagtzilar and Others*)

Striking out of claims against local authorities in the United Kingdom on the ground that they owed no duty of care in exercising their statutory powers in relation to child care (*Z and Others; T.P. and K.M.*)

Issuing of a national security certificate, precluding operation of legislation on non-discrimination in employment in the United Kingdom (*Devlin*)

Striking out of civil claim in the United Kingdom on grounds of State immunity (*Al-Adsani*)

State immunity bar on a claim for damages in Ireland in respect of the actions of a foreign soldier (*McElhinney*) and on a claim of sex discrimination in the United Kingdom in respect of refusal of employment by a foreign embassy (*Fogarty*)

Exclusion of the jurisdiction of the courts in Germany with regard to the confiscation of property by Czechoslovakia for the purpose of post-war reparations, and the fairness of the proceedings (*Prince Hans-Adam II of Liechtenstein*)

Temporal limitation on and scope of the jurisdiction of the Supreme Administrative Court in Poland (*Potocka and Others*)

Scope of court review of refusal of planning permission in the United Kingdom (*Chapman*; *Jane Smith*)

Rejection of a civil claim in Greece as out of time, due to a bailiff's error, failure of the courts to examine the merits of a procedural request, and suspension of time-limits in favour of the State during court vacations (*Platakou*)

Striking out of a cassation appeal in France on the ground of the appellant's failure to implement the judgment appealed against (*Mortier*)

Absence of an appeal against the refusal to grant fathers in Germany access to their children born out of wedlock (*Sommerfeld*; *Hoffmann*)

Failure of the authorities in Ukraine to pay invalidity pensions awarded by a court (*Kaysin and Others*)

Passing of legislation in Greece affecting the outcome of pending court proceedings (*Agoudimos and Cefallonian Sky Shipping Co.*)

Termination of proceedings relating to constitutional complaints in Croatia following the entry into force of new legislation (*Truhli*)

Failure of authorities to comply with court judgments in Greece (*Pialopoulos and Others*; *Logothetis*; *Kolokitha*; *Marinakos*) and in Italy (*Sciortino*)

Alleged failure of the authorities in Greece to provide a party to court proceedings with evidence (*Haralambidis and Others*)

Exequatur in Italy of ecclesiastical court judgment, despite alleged infringement of the right to adversarial proceedings (*Pellegrini*)

Adequacy of the reasons given for court decisions in Finland (*Hirvisaari*)

Decision by an appellate court in Austria on the basis of new evidence not disclosed to a party (*Buchberger*)

Non-communication of an appeal against a costs order in Austria (*Beer*)

Non-communication to parties of opinions obtained by the courts in administrative proceedings in Finland (*K.S.*; *K.P.*)

Non-communication to the parties of the report of the *conseiller rapporteur* in proceedings before the Court of Cassation in France (*S.G.*)

Absence of an opportunity to respond to an opinion submitted to an appellate court by the first-instance court in Switzerland (*F.R.*)

Absence of an opportunity to respond to the submissions of the Government Commissioner in proceedings before the *Conseil d'Etat* in France, and participation of the Government Commissioner in the deliberations of the *Conseil d'Etat* (*Kress*)

Lack of an oral hearing in proceedings in the administrative courts in Sweden (*Jakola*)

Lack of a public hearing in proceedings relating to the restitution of property in the Czech Republic (*Malhous*)

Absence of public hearing and of public pronouncement of judgment in child custody proceedings in the United Kingdom (*B. and P.*)

Absence of public pronouncement of judgment in proceedings concerning compensation for detention on remand in Austria (*Lamanna*)

Impartiality of a judge in Poland participating in a decision on a request made by her (*Werner*)

Exclusion of a cassation appeal in the Netherlands against a conviction *in absentia* in the Netherlands Antilles (*Eliazer*)

Rejection of an appeal by the Court of Cassation in France on the basis of a five-day time-limit, despite the appellant being resident in French Polynesia (*Tricard*)

Rejection of an *amparo* appeal in Spain as out of time although it had been posted within the twenty-day time-limit (*Rodriguez Valin*)

Dismissal of appeals on points of law in Belgium on the ground of the appellants' failure to surrender into custody (*Goedhart*; *Stroek*)

Conviction in France of a person under guardianship in his absence and without notification of the proceedings to his guardian (*Vaudelle*)

Non-notification of the trial hearing and appeal hearing in criminal proceedings in the Netherlands (*Holder*)

Fairness of criminal proceedings in Turkey (*Kamil T. Sürek*)

Unfairness of a trial in the United Kingdom due to frequent interruptions by the judge (*C.G.*)

Non-disclosure of material by the prosecution in the United Kingdom, on grounds of public interest immunity (*Atlan*; *P.G. and J.H.*)

Use in criminal proceedings in the United Kingdom of evidence obtained in breach of Article 8 of the Convention (*P.G. and J.H.*)

Obligation to submit documents to the tax authorities in the context of criminal tax proceedings in Switzerland (*J.B.*)

Failure to communicate the observations of the *avocat général* to unrepresented appellants in Court of Cassation proceedings in France (*Adoud and Bosoni*; *Meftah*)

Fairness of the application of a statutory presumption in the United Kingdom that assets were acquired through drug trafficking (*Phillips*)

Lack of an oral hearing in criminal proceedings in Austria (*Baischer*)

Trial of civilians by military courts in northern Cyprus (*Cyprus v. Turkey*)

Independence and impartiality of courts martial in the United Kingdom (*Wilkinson and Allen*; *Mills*)

Independence and impartiality of national security courts (*Zana*; *Altay*; *Sadak and Others*; *Ercan*; *Tuncay and Özlem Kaya*) and of martial-law courts (*Şahiner*; *Ari*; *Yılmaz*; *Ketenoğlu*; *Yıldırım*; *Tamkoç*; *Yalgın*; *Güneş*; *Kızılöz*; *Fikret Doğan*; *Yakış*; *Yalgın and Others*) in Turkey

Conviction in Austria of the main user of a car involved in an incident, despite the absence of identification (*Telfner*)

Absence of a separate regime for remand prisoners in Greece (*Peers*)

Confiscation, following conviction, on the basis of a statutory presumption in the United Kingdom that assets were acquired through drug trafficking (*Phillips*)

Refusal, on ground of continuing suspicion, of compensation for detention on remand in Austria (*Lamanna*; *Weixelbraun*)

Failure to give an expert adequate time to study new material presented during a trial in France, and refusal to order a further expert report (*G.B.*)

Reclassification of charge by an appellate court in Hungary (*Dallos*)

Reclassification of charge in Turkey without giving the defence a proper opportunity to submit arguments (*Sadak and Others*)

Trial in Switzerland in the absence of the accused, who was prevented by a court order from leaving the United States (*Medenica*)

Lack of access to a lawyer in Turkey (*Ercan*; *Tuncay and Özlem Kaya*)

Deferral of access to a lawyer following arrest in the United Kingdom, police supervision of a detainee's consultation with his lawyer, and use at trial of admissions made by the accused to the police in the absence of a lawyer (*Brennan*)

Denial of access to lawyer during pre-trial questioning in Turkey (*Erdemli*)

Refusal to appoint a legal aid lawyer for a cassation appeal in Poland (*R.D.*)

Impossibility for a lawyer to represent an accused tried *in absentia* in France (*Krombach*)

Refusal in Belgium to allow legal representation of an accused who failed to appear in person (*Goedhart*; *Stroek*)

Refusal of a court in Italy to call witnesses requested by the accused (*Perna*)

Use at a trial in Italy of statements made during the investigation by a co-accused being tried in separate proceedings (*Lucà*)

Absence of an opportunity for accused in Turkey to question witnesses (*Sadak and Others*)

Absence of an opportunity for an accused in the Former Yugoslav Republic of Macedonia to question witnesses imprisoned abroad (*Solakov*)

Absence of an opportunity for an accused in Germany to question the victim of an alleged sexual abuse (*P.S.*)

Article 7

Cases concerning principally non-retroactivity of criminal offences and penalties

Retroactive application of a heavier penalty for a criminal offence in Turkey (*Ecer and Zeyrek*)

Conviction in Germany of former senior East German officials and a border guard in respect of the shooting of fugitives, allegedly not a criminal offence in the German Democratic Republic at the material time (*Streletz, Kessler and Krenz*; *K.-H.W.*)

Article 8

Cases concerning principally the right to respect for private and family life, home and correspondence

Lack of respect for private and family life and homes of Greek Cypriots in northern Cyprus (*Cyprus v. Turkey*)

Divulgation of a judge's membership of the Freemasons in Italy (*N.F.*)

Noise nuisance from night flights in the United Kingdom (*Hatton and Others*)

Absence of a legal basis for the installation of a covert listening device in private property and for the covert recording of voice samples at a police station in the United Kingdom, and acquisition by the police of information concerning the use of a private telephone (*P.G. and J.H.*)

Delay in returning the body of a child to its parents in France (*Pannullo and Forte*)

Refusal to grant fathers in Germany access to their children born out of wedlock (*Sahin*; *Sommerfeld*; *Hoffmann*)

Failure of the social services in the United Kingdom to involve a parent in decisions concerning the care of her child following removal of the child due to suspected sexual abuse (*T.P. and K.M.*)

Taking of children into care in Finland, failure of the authorities to take proper steps to reunite them with their parents and restrictions on the parents' access to them (*K. and T.*)

Decision by an appellate court in Austria to authorise the taking of children into care, on the basis of new evidence not disclosed to the parent (*Buchberger*)

Threatened expulsion of a person suffering from schizophrenia from the United Kingdom to Algeria (*Bensaid*)

Threatened expulsion of foreign nationals after lengthy periods of residence in Belgium (*Sahli*) and France (*Ezzouhdi*; *Abdouni*)

Separation of a foreigner from his wife in Switzerland due to the refusal to renew his residence permit following his conviction (*Boultif*)

Refusal to grant a residence permit to the child of foreign parents in order to allow family reunification in the Netherlands (*Sen*)

Destruction of possessions and homes by the security forces in Turkey (*Dulaş*; *Kemal Güven*; *Cemal and Nurhayat Güven*; *Aygördü and Others*; *Ağgül and Others*; *İnce and Others*; *Aydın*; *İşçi*)

Refusal of planning permission in the United Kingdom for Gypsies to station residential caravans on land owned by them (*Chapman*; *Beard*; *Coster*; *Lee*; *Jane Smith*)

Refusal to allow displaced persons access to their homes in northern Cyprus (*Cyprus v. Turkey*)

Control of prisoners' correspondence in Italy (*Natoli*; *Di Giovine*), in Germany (*Erdem*), in Greece (*Peers*) and in Lithuania (*Valašinas*)

Interferences with correspondence in northern Cyprus (*Cyprus v. Turkey*)

Article 9

Cases concerning principally freedom of religion

Conviction of a Jehovah's Witness for refusing to perform military service in Bulgaria (*Stefanov*)

Restrictions on the freedom of religion of Greek Cypriots and Maronites in northern Cyprus (*Cyprus v. Turkey*)

Refusal to grant official recognition to a church in Moldova (*Metropolitan Church of Bessarabia and Others*)

Article 10

Cases concerning principally freedom of expression

Conviction of a journalist in Estonia for using insulting language (*Tammer*)

Injunction against a municipal councillor in Austria, prohibiting the repetition of statements about sects (*Jerusalem*)

Award of damages against a radio journalist in Luxembourg for repeating allegations without dissociating himself from them (*Thoma*)

Conviction of a journalist in Italy for defamation of a prosecutor (*Perna*) and court proceedings for defamation in Slovakia (*Marônek*; *Feldek*)

Conviction of a magazine owner in Turkey for making propaganda in favour of an illegal organisation (*Kamil T. Sürek*)

Censorship of school books for Greek Cypriots in northern Cyprus (*Cyprus v. Turkey*)

Refusal in Switzerland to broadcast a "political" advertisement by an association for the protection of animals (*VgT Verein gegen Tierfabriken*)

Prohibition in France of a book about Basque independence published abroad (*Association Ekin*)

Article 11

Cases concerning principally freedom of association

Denial of freedom of association of Greek Cypriots in northern Cyprus (*Cyprus v. Turkey*)

Dissolution of a political party in Turkey (*Refah Partisi (Welfare Party) and Others*)

Obligation of candidates for posts in regional organisations in Italy to declare that they are not Freemasons (*Grande Oriente d'Italia di Palazzo Giustiniani*)

Imposition of a disciplinary sanction on a judge in Italy on account of his membership of the freemasons (*N.F.*)

Refusal of permission for public meetings in Bulgaria (*Stankov and the United Macedonian Organisation Ilinden*)

Refusal to register an association in Poland (*Gorzelik and Others*)

Article 13

Cases concerning principally the right to an effective remedy before a national authority

Remedies in respect of a death in police custody in Turkey (*Tanli*)

Remedies in respect of murder by village guards in Turkey (*Avşar*)

Remedies in respect of disappearances in Turkey (*Çiçek*; *Şarli*; *Akdeniz and Others*; *İrfan Bilgin*)

Remedies in respect of displaced persons in Cyprus (*Cyprus v. Turkey*)

Remedies in respect of the destruction of possessions and home by the security forces in Turkey (*Dulaş*)

Remedies in the United Kingdom in respect of the treatment of a prisoner with a history of mental disorder and his subsequent suicide (*Keenan*)

Remedies in respect of expulsion from the United Kingdom (*Bensaid*; *Hilal*)

Remedies in respect of negligence of the social services in the United Kingdom in exercising their statutory duties in relation to child care (*Z and Others*; *T.P. and K.M.*)

Remedies in respect of the length of civil proceedings in Croatia (*Horvat*)

Remedies in respect of the use of covert listening devices in the United Kingdom (*P.G. and J.H.*)

Scope of judicial review of decisions relating to airport noise in the United Kingdom (*Hatton and Others*)

Remedies in respect of the temporary impossibility of recovering debts due to the placement of companies under special receivership in Italy (*Saggio*; *F.L.*)

Remedies in respect of the refusal to grant official recognition to a church in Moldova (*Metropolitan Church of Bessarabia and Others*)

Article 14

Cases concerning principally the prohibition of discrimination

Difference in the age of consent for homosexual and heterosexual relations in the United Kingdom (*Sutherland*)

Imposition of allegedly discriminatory building restrictions on property in Austria (*Siebenhandl*)

Discrimination between natural fathers and divorced fathers in Germany (*Sahin*; *Sommerfeld*; *Hoffmann*)

Article 1 of Protocol No. 1

Cases concerning principally the right of property

Destruction of possessions and homes by the security forces in Turkey (*Dulaş*; *Kemal Güven*; *Cemal and Nurhayat Güven*; *Aygördü and Others*; *Ağgül and Others*; *İnce and Others*; *Aydın*; *İşçi*)

Property rights of Greek Cypriots in northern Cyprus, alleged failure to protect property from interferences by private individuals, and denial of access to and use of property belonging to displaced persons in northern Cyprus (*Cyprus v. Turkey*)

Claim of an heir in Germany for return of a work of art confiscated by Czechoslovakia for the purpose of post-war reparations (*Prince Hans-Adam II of Liechtenstein*)

Temporary impossibility of recovering debts due to the placement of companies under special receivership in Italy (*Saggio*; *F.L.*)

Refusal of planning permission in the United Kingdom for Gypsies to station residential caravans on land owned by them (*Chapman*; *Coster*; *Lee*; *Jane Smith*)

Prolonged restriction on the use of property in Greece, without compensation (*Pialopoulos and Others*)

Prolonged building prohibitions in Italy, due to the inactivity of a local authority (*Cooperativa La Laurentina*; *Elia S.r.l.*)

Continued occupation of property by a public authority in Poland despite annulment of the expropriation (*Zwierzyński*)

Occupation of land in Greece in 1925 and subsequent expropriation without compensation (*Yagtzilar and Others*)

Sale by forced auction in Greece following unsuccessful attempts to effect personal service (*Tsironis*)

Confiscation of assets acquired through drug trafficking in the United Kingdom (*Phillips*)

Adequacy of compensation for expropriation in Greece (*Platakou*; *Malama*)

Article 2 of Protocol No. 1

Cases concerning principally the right to education

Interference with the education of Gypsy children in the United Kingdom (*Coster*; *Lee*; *Jane Smith*)

Denial of appropriate secondary schools for Greek Cypriots in northern Cyprus (*Cyprus v. Turkey*)

Article 2 of Protocol No. 4

Cases concerning principally freedom of movement

Seizure of a passport in France (*Baumann*)

Restrictions on movements of Turkish Cypriots in Cyprus (*Denizci and Others*)

Article 1 of Protocol No. 6

Cases concerning principally the abolition of the death penalty

Threatened expulsion from Hungary to China (*Yang Chun Jin alias Yang Xiaolin*)

Article 2 of Protocol No. 7

Cases concerning principally the right of appeal in criminal matters

Impossibility for a person convicted *in absentia* in France to appeal to the Court of Cassation (*Krombach*)

Article 4 of Protocol No. 7

Cases concerning principally the right not to be tried or punished twice

Conviction in criminal proceedings in Austria following the imposition of a fine in administrative proceedings arising out of the same facts (*Fischer*)

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In addition, the following judgments were delivered in 2001:

479 judgments concerning principally the length of court proceedings in Italy (357 judgments), France and Portugal (25 judgments each), Turkey (17 judgments), Austria and Greece (9 judgments each), Poland (8 judgments), Slovakia (6 judgments), Germany (5 judgments), Croatia (3 judgments), Belgium and Denmark (2 judgments each), Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Slovenia, Spain and Sweden (one judgment each);

133 judgments concerning principally the delay in the payment of compensation for expropriations in Turkey;

39 judgments concerning principally the failure to bring detainees promptly before a judge in Turkey;

37 judgments concerning principally the staggering of the granting of police assistance to enforce eviction orders and the prolonged non-enforcement of judicial decisions ordering evictions in Italy;

3 just satisfaction judgments and 3 revision judgments.

NB. The foregoing summaries are intended to highlight the issues raised in the particular case and do not indicate the Court's conclusion. Thus, a statement such as "ill-treatment in custody ..." covers cases in which no violation was found or in which a friendly settlement was reached as well as cases in which a violation was found.

X. CASES ACCEPTED FOR REFERRAL TO THE GRAND CHAMBER AND CASES IN WHICH JURISDICTION WAS RELINQUISHED BY A CHAMBER IN 2001

Cases accepted for referral to the Grand Chamber and cases in which jurisdiction was relinquished by a Chamber in 2001

A. Cases accepted for referral to the Grand Chamber

Kingsley v. the United Kingdom (no. 35605/97), judgment of 7 November 2000 [Section III]

The case concerns the impartiality of a statutory body which had made adverse findings in relation to the applicant prior to proceedings against him.

Göç v. Turkey (no. 36590/97), judgment of 9 November 2000 [Section IV]

The case concerns the non-disclosure of submissions made by the public prosecutor in the context of criminal proceedings.

N.C. v. Italy (no. 24952/94), judgment of 11 January 2001 [Section II]

The case concerns the absence of a right to compensation, following acquittal, in respect of allegedly unlawful detention.

Adoud and Bosoni v. France (nos. 34595/97 and 35237/97), judgment of 27 February 2001 [Section III], and *Meftah v. France* (no. 32911/96), judgment of 24 April 2001 [Section III]

The cases concern the non-disclosure of the observations of the *avocat général* at the Court of Cassation to unrepresented appellants in criminal proceedings.

Perna v. Italy (no. 48898/99), judgment of 25 July 2001 [Section II]

The case concerns the refusal of a court to call witnesses and admit evidence requested by the accused in defamation proceedings.

Refah Partisi (the Welfare Party) and Others v. Turkey (nos. 41340/98, 41342-44/98), judgment of 31 July 2001 [Section III]

The case concerns the dissolution of a political party of Islamic persuasion, on the ground that it constituted a centre of activities against secularism and thus undermined democracy.

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

I. v. the United Kingdom (no. 25680/94) and *Goodwin v. the United Kingdom* (no. 28957/95) [Section III]

The cases concern lack of legal recognition of transsexuals.

Slivenko v. Latvia (no. 48321/99) [Section II]

The case concerns the expulsion from Latvia of applicants having always lived there and having no other nationality.

Calvelli and Ciglio v. Italy (no. 32967/96) [Section II]

The case concerns the application of a time-bar, as a result of procedural delays, to the prosecution of a doctor for involuntary manslaughter [the Grand Chamber delivered its judgment on 17 January 2002].

Stafford v. the United Kingdom (no. 46295/99) [Section III]

The case concerns the recall to prison, following the commission of a non-violent offence, of a person released on licence from a mandatory life sentence.

Ilaşcu and Others v. Moldova and the Russian Federation (no. 48787/99) [Section I]

The case concerns the question of the responsibility of Moldova and Russia for events in Transnistria, where Russian troops were stationed and accused of supporting the separatists.

Mastromatteo v. Italy (no. 37703/97) [Section II]

The case concerns the murder of the applicant's son by prisoners on home leave.

Polacek and Polackova v. the Czech Republic (no. 38645/97) and *Gratzinger and Gratzingerova v. the Czech Republic* (no. 39794/98) [Section III]

The cases concern a nationality requirement in respect of the restitution of seized property.

XI. STATISTICAL INFORMATION

STATISTICAL INFORMATION

Judgments delivered in 2001[1]	
Grand Chamber	21(23)
Section I	14
Section II	53
Section III	45(46)
Section IV	4(5)
Sections in former compositions	751(792)
Total	**888(933)**

Type of judgment					
	Merits	Friendly Settlement	Struck out	Other	Total
Grand Chamber	19(21)	0	1	1[2]	21(23)
Former Section I	215(222)	62(75)	1	2(3)[3]	280(301)
Former Section II	122	51	1	1[2]	175
Former Section III	132(143)	9	2	2(4)[3]	145(158)
Former Section IV	132(138)	18(19)	1	0	151(158)
Section I	9	5	0	0	14
Section II	50	3	0	0	53
Section III	43(44)	2	0	0	45(46)
Section IV	3(4)	1	0	0	4(5)
Total	**725(753)**[4]	**151(165)**	**6**	**6(9)**	**888(933)**

1. A judgment or decision may concern more than one application – the number of applications is given in brackets
2. Just satisfaction.
3. One just satisfaction and one revision judgment.
4. Of the 706 judgments on merits delivered by Sections, 23 were final judgments.

Decisions adopted in 2001		
I. Applications declared admissible		
Grand Chamber		2
Section I		22(23)
Section II		16(17)
Section III		18
Section IV		9(10)
Former Section I		97(106)
Former Section II		211(213)
Former Section III		200(206)
Former Section IV		142(144)
Total		**717(739)**
II. Applications declared inadmissible		
Grand Chamber		1
Section I	Chamber	14
	Committee	323
Section II	Chamber	11(12)
	Committee	617
Section III	Chamber	15
	Committee	363(391)
Section IV	Chamber	2
	Committee	471(485)
Former Section I	Chamber	71
	Committee	1178(1184)
Former Section II	Chamber	79(81)
	Committee	1571(1574)
Former Section III	Chamber	89(90)
	Committee	1895(1896)
Former Section IV	Chamber	87(98)
	Committee	1607(1711)
Total		**8394(8565)**
III. Applications struck off		
Section I	Chamber	1
	Committee	7
Section II	Chamber	0
	Committee	10
Section III	Chamber	4
	Committee	5
Section IV	Chamber	5
	Committee	6
Former Section I	Chamber	28
	Committee	28
Former Section II	Chamber	38(220)
	Committee	31
Former Section III	Chamber	22
	Committee	34
Former Section IV	Chamber	9(11)
	Committee	12
Total		**240(424)**
Total number of decisions (not including partial decisions)		**9351(9728)**

Applications communicated in 2001	
Section I	76(78)
Section II	38
Section III	28(30)
Section IV	50(420)
Former Section I	316(331)
Former Section II	234(239)
Former Section III	185(194)
Former Section IV	231(235)
Total number of cases communicated	**1159(1565)**

Development in the number of individual applications lodged with the Court (formerly the Commission)

	1955 - 1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	TOTAL
Provisional files	28315	2831	2869	3675	4108	4900	4942	5550	5875	9323	9968	10201	12143	12469	16353	20578	26331	31393	211824
Applications registered	11295	596	706	860	1009	1445	1657	1648	1861	2037	2944	3481	4758	4750	5981	8400	10482	13858	77768
Decisions taken	10566	582	511	590	654	1338	1216	1659	1704	1765	2372	2990	3400	3777	4420	4251	7862	9728	59385
Applications declared inadmissible or struck off the list	10186	512	469	559	602	1243	1065	1441	1515	1547	1789	2182	2776	3073	3658	3520	6776	8989	51902
Applications declared admissible	380	70	42	31	52	95	151	217	189	218	582	807	624	703	762	731	1086	739	7479
Decisions to reject in the course of the examination of the merits	8	0	0	0	0	0	0	1	0	1	1	0	0	1	0	0	0	0	12
Judgments delivered by the Court	94	11	17	32	26	25	30	72	81	60	50	56	72	106	105	177	695	888	2597

XII. Statistical tables by State

Dossiers Provisories et Requêtes / *Provisional Files and Applications*

Etat *State*	Dossiers provisoires ouverts *Provisional files opened*			Requêtes enregistrées *Applications registered*			Requêtes déclarées irrecevables ou rayées du rôle *Applications declared inadmissible or struck off*			Requêtes communiquées au Gouvernement pour observations *Applications referred to Government for observations*			Requ r *Applic a*
	1999	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***
Albania/*Albanie*	8	11	19	1	4	3	2	1	1	-	-	-	-
Andorra/*Andorre*	-	5	-	1	3	3	1	1	4	-	-	-	-
Austria/*Autriche*	355	379	353	227	241	229	153	227	208	28	39	13	9
Belgium/*Belgique*	262	263	220	136	74	108	29	30	79	26	10	8	11
Bulgaria/*Bulgarie*	400	549	478	196	302	406	57	93	232	6	17	13	2
Croatia/*Croatie*	156	143	157	104	87	116	32	81	75	1	28	14	-
Cyprus/*Chypre*	28	28	35	17	16	20	5	13	14	2	9	6	3
Czech Republic/*République Tchèque*	283	453	458	151	199	367	61	74	267	12	3	16	4
Denmark/*Danemark*	121	118	114	56	56	52	57	47	50	6	8	10	2
Estonia/*Estonie*	54	73	126	29	46	89	7	19	24	-	4	1	2
Finland/*Finlande*	175	170	182	144	109	105	85	125	123	9	16	28	3
France/*France*	2581	2808	2796	870	1032	1117	280	626	891	121	104	89	51
Georgia/*Georgie*	10	24	27	-	7	22	-	2	3	-	-	4	-
Germany/*Allemagne*	1599	1626	1513	535	595	714	331	642	527	11	38	11	1
Greece/*Grèce*	184	233	236	144	123	193	70	99	96	23	42	49	17
Hungary/*Hongrie*	229	358	350	94	162	173	53	67	86	1	12	12	1
Iceland/*Islande*	4	6	6	1	4	3	3	3	6	2	1	2	2
Ireland/*Irlande*	37	61	51	20	18	16	6	18	24	1	4	2	3
Italy/*Italie*	3645	5127	7500	882	868	590	255	277	265	871	342	251	423
Latvia/*Lettonie*	73	99	216	29	79	126	11	24	58	1	9	11	-
Liechtenstein/*Liechtenstein*	1	1	1	1	3	-	1	3	1	-	-	-	-
Lithuania/*Lituanie*	164	275	314	76	184	152	23	72	150	14	4	2	3

Dossiers Provisories et Requêtes / ***Provisional Files and Applications***

Etat *State*	Dossiers provisoires ouverts *Provisional files opened*			Requêtes enregistrées *Applications registered*			Requêtes déclarées irrecevables ou rayées du rôle *Applications declared inadmissible or struck off*			Requêtes communiquées au Gouvernement pour observations *Applications referred to Government for observations*			Requêtes déclarées recevables *Applications declared admissible*		
	1999	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***
Luxemburg/*Luxembourg*	29	34	54	12	15	11	8	25	10	4	5	1	-	2	2
Malta/*Malte*	12	3	7	6	3	2	2	7	1	1	2	-	1	-	1
Moldova/*Moldovie*	134	118	151	32	63	44	6	48	23	2	1	7	-		3
Netherlands/*Pays-Bas*	278	305	315	206	175	200	121	170	218	8	14	17	1	11	5
Norway/*Norvège*	41	62	61	20	30	49	11	33	54	2	2	1	3	-	3
Poland/*Pologne*	2895	3108	3361	691	775	1763	358	741	1411	33	43	94	3	17	26
Portugal/*Portugal*	151	190	185	112	98	141	22	72	72	26	41	56	17	26	39
Romania/*Roumanie*	1060	1996	1515	295	639	542	33	217	537	46	8	35	1	31	1
Russia/*Russie*	1790	1970	4239	971	1323	2108	348	915	1253	4	28	21	-	-	2
San Marino/*Saint-Marin*	1	3	3	-	1	3	1	3	2	1	3	-	1		-
Slovak Republic/Republique *Slovaque*	227	381	487	163	284	343	42	102	159	14	42	12	3	7	8
Slovenia/*Slovénie*	116	183	227	86	55	206	25	37	78	1	3	8	1	-	1
Spain/*Espagne*	315	433	337	227	284	806	130	228	231	27	18	386	12	2	2
Sweden/*Suède*	302	393	370	175	233	247	102	137	110	6	14	7	1	8	4
Switzerland/*Suisse*	290	297	285	156	187	162	94	191	210	3	8	9	2	10	2
FYRO Macedonia/ERY *Macédoine*	31	40	52	16	18	32	9	16	13	2	4	7	-	-	4
Turkey/*Turquie*	515	911	1147	653	735	1059	153	394	384	279	330	251	112	279	90
Ukraine/*Ukraine*	764	1487	2058	434	727	1062	310	431	510	5	26	13	4	1	1
United Kingdom/*Royaume-Uni*	1028	1467	1176	431	625	474	223	465	529	45	163	99	32	32	34
Other or not stated/*Autre ou non déterminé*	230	140	211	-	-	-	-	-	-	-	-	-	-	-	-
Total	**20578**	**26331**	**31393**	**8400**	**10482**	**13858**	**3520**	**6776**	**8989**	**1644**	**1445**	**1566**	**731**	**1086**	**739**

Arrêts (1/2) / *Judgments (1/2)*

Etat *State*	Arrêts (Chambre et Grande Chambre) *Judgments (Chamber and Grand Chamber)*			Arrêts (définitif-après renvoi devant la Grande Chambre) *Judgments (final-after referral to Grand Chamber)*			Arrêts (règlement amiable) *Judgments (friendly settlements)*			Arrêts (radiation) *Judgments (striking out)*		
	1999	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***
Albania/*Albanie*	-	-	-	-	-	-	-	-	-	-	-	-
Andorra/*Andorre*	-	-	-	-	-	-	1	-	-	-	-	-
Austria/*Autriche*	3	15	17	-	-	-	-	6	1	-	-	-
Belgium/*Belgique*	1	1	4	-	-	-	-	1	1	-	-	-
Bulgaria/*Bulgarie*	1	3	2	-	-	-	-	-	1	-	-	-
Croatia/*Croatie*	-	-	5	-	-	-	-	-	-	-	-	-
Cyprus/*Chypre*	1	3	1	-	-	-	-	1	1	-	-	-
Czech Republic/*République Tchèque*	1	4	1	-	-	-	-	-	1	-	-	-
Denmark/*Danemark*	-	1	1	-	-	-	-	5	1	-	-	-
Estonia/*Estonie*	-	-	1	-	-	-	-	1	-	-	-	-
Finland/*Finlande*	-	5	3	-	-	1	-	2	-	-	1	-
France/*France*	20	60	35	-	-	-	3	11	8	-	2	2
Georgia/*Georgie*	-	-	-	-	-	-	-	-	-	-	-	-
Germany/*Allemagne*	2	3	16	-	-	-	-	-	-	1	-	1
Greece/*Grèce*	5	15	16	-	-	-	1	3	5	-	1	-
Hungary/*Hongrie*	1	1	2	-	-	-	-	-	-	-	-	1
Iceland/*Islande*	-	-	-	-	-	-	-	2	-	-	-	-
Ireland/*Irlande*	-	2	1	-	-	-	-	1	-	-	-	-
Italy/*Italie*	45	236	365	-	-	-	25	160	45	-	-	-
Latvia/*Lettonie*	-	-	-	-	-	-	-	-	1	-	-	-
Liechtenstein/*Liechtenstein*	1	-	-	-	-	-	-	-	-	-	-	-
Lithuania/*Lituanie*	-	4	2	-	-	-	-	1	-	-	-	-

Arrêts (1/2) / *Judgments (1/2)*

Etat *State*	Arrêts (Chambre et Grande Chambre) *Judgments (Chamber and Grand Chamber)*			Arrêts (définitif-après renvoi devant la Grande Chambre) *Judgments (final-after referral to Grand Chamber)*			Arrêts (règlement amiable) *Judgments (friendly settlements)*			Arrêts (radiation) *Judgments (striking out)*		
	1999	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***
Luxemburg/*Luxembourg*	-	1	2	-	-	-	-	-	-	-	-	-
Malta/*Malte*	2	1	-	-	-	-	-	-	-	-	-	-
Moldova/*Moldovie*	-	-	1	-	-	-	-	-	-	-	-	-
Netherlands/*Pays-Bas*	1	4	3	-	-	-	1	1	4	-	1	-
Norway/*Norvège*	2	1	1	-	-	-	-	-	-	-	-	-
Poland/*Pologne*	3	12	19	-	-	-	-	2	1	-	5	-
Portugal/*Portugal*	8	11	10	-	-	-	5	9	15	-	-	-
Romania/*Roumanie*	2	3	-	-	-	-	-	-	-	-	-	-
Russia/*Russie*	-	-	-	-	-	-	-	-	-	-	-	-
San Marino/*Saint-Marin*	1	2	-	-	-	-	-	-	-	-	-	-
Slovak Republic/Republique *Slovaque*	2	3	5	-	-	-	-	3	3	-	-	-
Slovenia/*Slovénie*	-	2	1	-	-	-	-	-	-	-	-	-
Spain/*Espagne*	2	3	2	-	-	-	1	-	-	-	-	-
Sweden/*Suède*	-	-	-	-	-	-	-	1	3	-	-	-
Switzerland/*Suisse*	-	6	7	-	-	-	-	1	1	-	-	-
FYRO Macedonia/ERY *Macédoine*	-	-	1	-	-	-	-	-	-	-	-	-
Turkey/*Turquie*	18	26	171	-	-	-	-	12	57	1	1	1
Ukraine/*Ukraine*	-	-	-	-	-	-	-	-	1	-	-	-
United Kingdom/*Royaume-Uni*	12	19	30	-	-	-	2	6	1	-	2	1
Total	**135**	**447**	**725**	**-**	**-**	**1**	**39**	**229**	**151**	**2**	**13**	**6**

Arrêts (2/2) / *Judgments (2/2)*

Etat *State*	Arrêts (satisfaction équitable) *Judgments (just satisfaction)*			Arrêts (exceptions préliminaires) *Judgments (preliminary objections)*			Arrêts (interprétation) *Judgments (interpretation)*			Arrêts (révision) *Judgments (revision)*		
	1999	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***
Albania/*Albanie*	-	-	-	-	-	-	-	-	-	-	-	-
Andorra/*Andorre*	-	-	-	-	-	-	-	-	-	-	-	-
Austria/*Autriche*	-	-	-	-	-	-	-	-	-	-	-	-
Belgium/*Belgique*	-	-	-	-	-	-	-	-	-	-	-	-
Bulgaria/*Bulgarie*	-	-	-	-	-	-	-	-	-	-	-	-
Croatia/*Croatie*	-	-	-	-	-	-	-	-	-	-	-	-
Cyprus/*Chypre*	-	-	-	-	-	-	-	-	-	-	-	-
Czech Republic/*République Tchèque*	-	-	-	-	-	-	-	-	-	-	-	-
Denmark/*Danemark*	-	-	-	-	-	-	-	-	-	-	-	-
Estonia/*Estonie*	-	-	-	-	-	-	-	-	-	-	-	-
Finland/*Finlande*	-	-	-	-	-	-	-	-	-	-	-	-
France/*France*	-	-	-	-	-	-	-	-	-	-	-	-
Georgia/*Georgie*	-	-	-	-	-	-	-	-	-	-	-	-
Germany/*Allemagne*	-	-	-	-	-	-	-	-	-	-	-	-
Greece/*Grèce*	-	2	-	-	-	-	-	-	-	-	-	-
Hungary/*Hongrie*	-	-	-	-	-	-	-	-	-	-	-	-
Iceland/*Islande*	-	-	-	-	-	-	-	-	-	-	-	-
Ireland/*Irlande*	-	-	-	-	-	-	-	-	-	-	-	-
Italy/*Italie*	1	-	-	-	-	-	-	-	-	-	-	3
Latvia/*Lettonie*	-	-	-	-	-	-	-	-	-	-	-	-
Liechtenstein/*Liechtenstein*	-	-	-	-	-	-	-	-	-	-	-	-
Lithuania/*Lituanie*	-	-	-	-	-	-	-	-	-	-	-	-

Arrêts (2/2) / *Judgments (2/2)*

Etat *State*	Arrêts (satisfaction équitable) *Judgments (just satisfaction)*			Arrêts (exceptions préliminaires) *Judgments (preliminary objections)*			Arrêts (interprétation) *Judgments (interpretation)*			Arrêts (révision) *Judgments (revision)*		
	1999	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***	***1999***	***2000***	***2001***
Luxemburg/*Luxembourg*	-	-	-	-	-	-	-	-	-	-	-	-
Malta/*Malte*	-	-	-	-	-	-	-	-	-	-	-	-
Moldova/*Moldovie*	-	-	-	-	-	-	-	-	-	-	-	-
Netherlands/*Pays-Bas*	-	-	-	-	-	-	-	-	-	-	-	-
Norway/*Norvège*	-	-	-	-	-	-	-	-	-	-	-	-
Poland/*Pologne*	-	-	-	-	-	-	-	-	-	-	-	-
Portugal/*Portugal*	-	-	1	-	-	-	-	-	-	-	-	-
Romania/*Roumanie*	-	-	1	-	-	-	-	-	-	-	-	-
Russia/*Russie*	-	-	-	-	-	-	-	-	-	-	-	-
San Marino/*Saint-Marin*	-	-	-	-	-	-	-	-	-	-	-	-
Slovak Republic/Republique *Slovaque*	-	-	-	-	-	-	-	-	-	-	-	-
Slovenia/*Slovénie*	-	-	-	-	-	-	-	-	-	-	-	-
Spain/*Espagne*	-	1	-	-	-	-	-	-	-	-	-	-
Sweden/*Suède*	-	-	-	-	-	-	-	-	-	-	-	-
Switzerland/*Suisse*	-	-	-	-	-	-	-	-	-	-	-	-
FYRO Macedonia/ERY *Macédoine*	-	-	-	-	-	-	-	-	-	-	-	-
Turkey/*Turquie*	-	-	-	-	-	-	-	-	-	-	-	-
Ukraine/*Ukraine*	-	-	-	-	-	-	-	-	-	-	-	-
United Kingdom/*Royaume-Uni*	-	2	1	-	-	-	-	1	-	-	-	-
Total	**1**	**5**	**3**	**-**	**-**	**-**	**-**	**1**	**-**	**-**	**-**	**3**

Judgments 2001

State concerned	Cases which gave rise to a finding of		Cases which gave rise to no finding on the merits		Just satisfaction	TOTAL
	At least one violation	Non-violation	Cases struck out of the list or friendly settlement	Cases not examined on the merits		
ALBANIA	-	-	-	-	-	**-**
ANDORRA	-	-	-	-	-	**-**
AUSTRIA	14	-	1	3	-	**18**
BELGIUM	2	2	1	-	-	**5**
BULGARIA	2	-	1	-	-	**3**
CROATIA	4	1	-	-	-	**5**
CYPRUS	1	-	1	-	-	**2**
CZECH REPUBLIC	1	-	1	-	-	**2**
DENMARK	-	1*	1	-	-	**2**
ESTONIA	-	1	-	-	-	**1**
FINLAND	4	-	-	-	-	**4**
FRANCE	32	3	10	-	-	**45**
GEORGIA	-	-	-	-	-	**-**
GERMANY	13	3	1	-	-	**17**
GREECE	14	1	5	1	-	**21**
HUNGARY	1	1	1	-	-	**3**
ICELAND	-	-	-	-	-	**-**
IRELAND	-	1	-	-	-	**1**
ITALY	359	5	45	4	-	**413**
LATVIA	-	-	1	-	-	**1**
LIECHTENSTEIN	-	-	-	-	-	**-**
LITHUANIA	2	-	-	-	-	**2**
LUXEMBOURG	2	-	-	-	-	**2**
FORMER YUGOSLAV REPUBLIC OF MACEDONIA	-	1	-	-	-	**1**
MALTA	-	-	-	-	-	**-**
MOLDOVA	1	-	-	-	-	**1**
NETHERLANDS	2	1	4	-	-	**7**
NORWAY	-	1	-	-	-	**1**
POLAND	17	2	1	-	-	**20**
PORTUGAL	10	-	15	-	1	**26**
ROMANIA	-	-	-	-	1	**1**
RUSSIAN FEDERATION	-	-	-	-	-	**-**
SAN MARINO	-	-	-	-	-	**-**
SLOVAKIA	5	-	3	-	-	**8**
SLOVENIA	1	-	-	-	-	**1**
SPAIN	2	-	-	-	-	**2**
SWEDEN	-	-	3	-	-	**3**
SWITZERLAND	6	1	1	-	-	**8**
TURKEY	169	2*	58	-	-	**229**
UKRAINE	-	-	1	-	-	**1**
UNITED KINGDOM	19	11	2	-	1	**33**
TOTAL	**683**	**38**	**157**	**8**	**3**	**889**

* Case against Turkey and Denmark (counted as 2)