



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

**SURVEY OF ACTIVITIES**

**1998**

**(November – December 1998)**

**APERÇU**

**1998**

**(novembre – décembre 1998)**

**Information document issued by the Registrar of the European Court of Human Rights  
Document d'information du Greffier de la Cour européenne des Droits de l'Homme**

## CONTENTS

I.	Historical background, organisation and procedure . . . . .	3
	Historical background . . . . .	3
	The new European Court of Human Rights . . . . .	4
II.	Composition of the Court . . . . .	9
III.	Composition of the Sections . . . . .	11
IV.	Cases pending before the Grand Chamber on 1 November 1998 . . . . .	12
V.	Cases referred to the Court by the Commission between 1 November and 31 December 1998 . . . . .	14
VI.	Cases declared admissible by the Court in 1998 . . . . .	15
VII.	Cases in which a Grand Chamber hearing was held in 1998 . . . . .	16
VIII.	Subject-matter of cases pending before the Grand Chamber on 1 November 1998 . . . . .	17
IX.	Subject-matter of cases referred to the Court between 1 November and 31 December 1998 . . . . .	20
X.	Statistical information . . . . .	24
XI.	Statistical table by country for the period from 1 November to 31 December 98 . . . . .	25

## **I. 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 of 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 eleven Protocols have been adopted. Protocols Nos. 1, 4, 6 and 7 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 NEW 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.

## **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). 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 will expire 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. However, for a period of three years from the entry into force of Protocol No. 11 the two Presidents of Section who are not simultaneously Vice-Presidents of the Court (see paragraph 10, below) are elected for a term of office of eighteen months.

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 Vice-Presidents of Section.

11. Committees of three judges are set up within each Section for twelve month periods. Committees are an important feature in the new structure as they are responsible for much of the filtering formerly carried out by the Commission.

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 of seventeen judges is constituted for three years. Apart from the *ex officio* members - the President, Vice-Presidents and Section Presidents - the Grand Chamber is formed by rotation within two groups, which will alternate every nine months. These groups are composed with a view to geographical balance and are intended to reflect the different legal traditions.

## **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 new 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 intermediary of the Registrar. The friendly settlement 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 the judgment of a Chamber, any party may request that a 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 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 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 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.

## II. COMPOSITION OF THE COURT (in order of precedence)<sup>1</sup>

Mr Luzius WILDHABER, President	(Swiss)
Mrs Elisabeth PALM, Vice-President	(Swedish)
Mr Christos ROZAKIS, Vice-President	(Greek)
Mr Nicolas BRATZA, Section President	(British)
Mr Matti PELLONPÄÄ, Section President	(Finnish)
Mr Benedetto CONFORTI	(Italian)
Mr Antonio PASTOR RIDRUEJO	(Spanish)
Mr Luigi FERRARI BRAVO	(Italian) <sup>2</sup>
Mr Gaukur JÖRUNDSSON	(Icelandic)
Mr Georg RESS	(German)
Mr Giovanni BONELLO	(Maltese)
Mr Lucius CAFLISCH	(Swiss) <sup>3</sup>
Mr Loukis LOUCAIDES	(Cypriot)
Mr Jerzy MAKARCZYK	(Polish)
Mr Pranas KŪRIS	(Lithuanian)
Mr Ireneu CABRAL BARRETO	(Portuguese)
Mr Riza TÜRMEŒ	(Turkish)
Mr Jean-Paul COSTA	(French)
Mrs Françoise TULKENS	(Belgian)
Mrs Viera STRÁŽNICKÁ	(Slovakian)
Mr Corneliu BÎRSAN	(Romanian)
Mr Peer LORENZEN	(Danish)
Mr Willi FUHRMANN	(Austrian)
Mr Karel JUNGWIERT	(Czech)
Mr Marc FISCHBACH	(Luxemburger)
Mr Volodymyr BUTKEVYCH	(Ukrainian)
Mr Josep CASADEVALL	(Andorran)

---

<sup>1</sup> The seat of the judge in respect of the Russian Federation is currently vacant.

<sup>2</sup> Elected as the judge in respect of San Marino.

<sup>3</sup> Elected as the judge in respect of Liechtenstein.

Mr Boštjan ZUPANČIČ	(Slovenian)
Mrs Nina VAJIĆ	(Croatian)
Mr John HEDIGAN	(Irish)
Mrs Wilhelmina THOMASSEN	(Dutch)
Mrs Margarita TSATSA-NIKOLOVSKA	(citizen of "the Former Yugoslav Republic of Macedonia")
Mr Tudor PANTIRU	(Moldovan)
Mrs Hanne Sophie GREVE	(Norwegian)
Mr András BAKA	(Hungarian)
Mr Rait MARUSTE	(Estonian)
Mr Egils LEVITS	(Latvian)
Mr Kristaq TRAJA	(Albanian)
Mrs Snejana BOTOUCHAROVA	(Bulgarian)
Mr Michele de SALVIA, Registrar	(Italian)
Mr Paul MAHONEY, Deputy Registrar	(British)
Mrs Maud DE BOER-BUQUICCHIO, Deputy Registrar	(Dutch)

### III. COMPOSITION OF THE SECTIONS

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

#### IV. CASES PENDING BEFORE THE GRAND CHAMBER ON 1 NOVEMBER 1998

The following 87 cases were pending before the former Court when Protocol No. 11 entered into force, and will thus be examined by the Grand Chamber of the new Court:

Application No.

21594/93	Ogur v. Turkey
21980/93	Bladet Tromsø A/S and Stensås v. Norway
22479/93	Oztürk v. Turkey
23168/94	Karatas v. Turkey
23462/94	Arslan v. Turkey
23500/94	E.P. v. Turkey
23536/94, 24408/94*	Baskaya and Okçuoglu v. Turkey
23556/94	Ceylan v. Turkey
23657/94	Çakici v. Turkey
23763/94	Tanrikulu v. Turkey
23885/94	OZDEP v. Turkey
23927/94, 24277/94*	Sürek and Özdemir v. Turkey
24122/94	Sürek (no. 2) v. Turkey
24146/94	Okçuoglu v. Turkey
24436/94	Cable v. the United Kingdom
24557/94	Musial v. Poland
24582/94	Elliott v. the United Kingdom
24583/94	Poinen v. the United Kingdom
24584/94	Partoon v. the United Kingdom
24645/94	Buscarini and others v. San Marino
24735/94	Sürek (no. 3) v. Turkey
24762/94	Sürek (no. 4) v. Turkey
24833/94	Matthews v. the United Kingdom
24846/94	Zielinski and Pradal v. France
24895/94	Birnie v. the United Kingdom
24919/94	Gerger v. Turkey
25088/94, 28331/95, 28443/95*	Chassagnou and others v. France
25067/94, 25068/94*	Erdogdu and Ince v. Turkey
25186/94	Sutherland v. the United Kingdom
25390/94	Rekvényi v. Hungary
25444/94	Pélessier and Sassi v. France
25642/94	Aquilina v. Malta
25644/94	T.W. v. Malta
25716/94	Janowski v. Poland
25803/94	Selmouni v. France
25937/94	Pascoe v. the United Kingdom
25939/94	Jarrett v. the United Kingdom
25940/94	Frame v. the United Kingdom
25941/94	Roger Smith v. the United Kingdom
26083/94	Waite and Kennedy v. Germany
26103/95	Van Geyseghem v. Belgium
26271/95	Battle v. the United Kingdom
26525/95	Hunt v. the United Kingdom
26614/95	Humen v. Poland
26682/95	Sürek v. Turkey
27267/95	Hood v. the United Kingdom
27341/95	Billing v. the United Kingdom
27342/95	Hiley v. the United Kingdom

27346/95	Barron v. the United Kingdom
27357/95	Rodgers v. the United Kingdom
27389/95	McDaid v. the United Kingdom
27409/95	Hugh Campbell v. the United Kingdom
27760/95	Young v. the United Kingdom
27762/95	Finch v. the United Kingdom
27772/95	Gooch v. the United Kingdom
28009/95	Smart v. the United Kingdom
28144/95	Dalban v. Romania
28396/95	Wille v. Liechtenstein
28790/95	Roberts v. the United Kingdom
28802/95	Tsavachidis v. Greece
28934/95	Beer and Regan v. Germany
29183/95	Fressoz and Roire v. France
29340/95	Civet v. France
29515/95	Larkos v. Cyprus
30236/96	Gareth Smith v. the United Kingdom
30239/96	Evans v. the United Kingdom
30276/96	Potter v. the United Kingdom
30277/96	Boullemier v. the United Kingdom
30460/96	Graham v. the United Kingdom
30461/96	Ledger v. the United Kingdom
30462/96	Wardle v. the United Kingdom
30544/96	Garcia Ruiz v. Spain
31107/96	Iatridis v. Greece
31195/96	Nikolova v. Bulgaria
31399/96	Lewis v. the United Kingdom
31400/96	Wilson v. the United Kingdom
31423/96	Papachelas v. Greece
31434/96	Curran v. the United Kingdom
31899/96	Bruce v. the United Kingdom
32024/96	Nash v. the United Kingdom
32944/96	Powell v. the United Kingdom
33158/96	Laino v. Italy
33440/96	Ferrari v. Italy
34256/96	Di Mauro v. Italy
34884/97	Bottazi v. Italy
35265/96	A.P. v. Italy
35284/97	A.L.M. v. Italy

[The case of Zubani v. Italy was also pending with regard to just satisfaction.]

[\* Joined applications]

**V. CASES REFERRED TO THE COURT BY THE COMMISSION BETWEEN  
1 NOVEMBER AND 31 DECEMBER 1998**

The following 44 cases were referred to the Court by the European Commission of Human Rights between 1 November and 31 December 1998:

Application No.

22774/93	Immobiliare Saffi v. Italy
23118/93	Nilsen and Johnsen v. Norway
23541/94	García Alva v. Germany
23867/94	Prinz v. Austria
24479/95	Lietzow v. Germany
24638/94	Carbonara and Ventura v. Italy
24773/94	Wabl v. Austria
24954/94	Tierce v. San Marino
25116/95	Schöps v. Germany
25594/94	Hashman and Harrup v. the United Kingdom
25792/94	Trzaska v. Poland
25874/94	Kawka v. Poland
25878/94	Cooke v. Austria
25989/94	Van Vlimmeren and Van Ilverenbeek v. Netherlands
26449/95	Spacek Ltd. v. the Czech Republic
26494/95	J.T. v. the United Kingdom
26602/95	W.R. v. Austria
26757/95	Wojcik v. Poland
26780/95	Escoubet v. Belgium
27644/95	Athanassoglou and others v. Switzerland
27781/95	Trome S.A. v. Spain
27798/95	H.A. v. Switzerland
28342/95	Brumarescu v. Romania
28358/95	Baranowski v. Poland
28488/95	McGonnell v. the United Kingdom
28541/95	Pellegrin v. France
29192/95	Ciliz v. the Netherlands
29357/95	Gast and Popp v. Germany
29569/95	Buscemi v. Italy
29813/96, 30229/96*	A.A.G., J.M.F. and others v. Portugal
29827/96	Jaegert v. France
30148/96	M.K. v. France
30342/96	Academy Trading Ltd. and others v. Greece
30962/96	Yahiaoui v. France
31464/96	Douiyeb v. the Netherlands
31534/96	Matter v. the Slovak Republic
31631/96	Procaccini v. Italy
32819/96	C.C. v. the United Kingdom
33202/96	Beyeler v. Italy
33745/96	Scarth v. the United Kingdom
34165/96, 34166/96, 34167/96, 34168/96, 34169/96, 34170/96, 34171/96, 34172/96, 34173/96*	Gonzalez and others v. France
34374/97	Baghli v. France
34553/97	Dulaurans v. France
39221/98, 41963/98*	Scozzari and Giunta v. Italy

[\* Joined applications]

## **VI. CASES DECLARED ADMISSIBLE BY THE COURT IN 1998**

The following 25 applications were declared admissible by the Court in 1998 (1 November to 31 December 1998):

35052/97	Millan I Tornes v. Andorra
35401/97	Mauer v. Austria
37439/97	Agga v. Greece
27648/95	Pfleger v. Austria
33289/96	M.J.S.N. v. Portugal
33953/96	Nunes Violante v. Portugal
34562/97	Antunes v. Portugal
36719/97	Sacomanno v. Italy
35742/97	Ledonne v. Italy
38414/97	Ledonne v. Italy
32340/96	Curley v. the United Kingdom
33290/96	Salgueiro Silva Mouta v. Portugal
34139/96	Laureano Santos v. Portugal
29769/96	Curutiu v. Romania
38781/97	Badenes v. France
38840/97	Camilla v. France
35382/97	Comingersoll S.A. v. Portugal
35586/97	Santos v. Portugal
38695/97	Garcia Manibardo v. Spain
24952/94	Costantino v. Italy
37752/97	Gelli v. Italy
36932/97	Caillot v. France
39843/98	Jaffredou v. France
28389/95	Rushiti v. Austria
35592/97	Marques Gomes Galo v. Portugal

**VII. CASES IN WHICH A GRAND CHAMBER HEARING WAS HELD IN 1998**

12 November 1998

**Fressoz and Roire v. France**

18 November 1998

**Janowski v. Poland**  
**García Ruiz v. Spain**

19 November 1998

**Matthews v. the United Kingdom**

25 November 1998

**Waite and Kennedy v. Germany and Beer and Regan v. Germany**  
**Van Geyselhem v. Belgium**

26 November 1998

**Papachelas v. Greece**

9 December 1998

**Cable and 35 others v. the United Kingdom**

10 December 1998

**Pélissier and Sassi v. France**  
**Buscarini and others v. San Marino**

16 December 1998

**Musial v. Poland**  
**Chassagnou and others v. France**

17 December 1998

**Iatridis v. Greece**  
**Nikolova v. Bulgaria**

## VIII. SUBJECT-MATTER OF CASES PENDING BEFORE THE GRAND CHAMBER ON 1 NOVEMBER 1998

- Sariye OGUR v. Turkey (Application No. 21594/93) concerns the death of the applicant's son during a security forces operation.
- BLADET TROMSØ and others v. Norway (Application No. 21980/93) concerns a judgment in which the court held that certain statements published by the applicant newspaper were to be considered null and void and the applicants were ordered to pay compensation to the aggrieved parties.
- Ünsal ÖZTÜRK v. Turkey (Application No. 22479/93) concerns the conviction of a publisher for incitement to hatred and enmity.
- Hüseyin KARATAS v. Turkey (Application No. 23168/94), Günay ARSLAN v. Turkey (Application No. 23462/94), E.P. v. Turkey (Application No. 23500/94), Münir CEYLAN v. Turkey (Application No. 23556/94), Ahmet Zeki OKÇUOĞLU v. Turkey (Application No. 24246/94), Haluk GERGER v. Turkey (Application No. 24919/94), Ümit ERDOĞDU and Selami INCE v. Turkey (Applications Nos. 25067/94 and 25068/94), Kamil Tekin SÜREK v. Turkey (Application No. 26682/95), Fikret BASKAYA and Mehmet Selim OKÇUOĞLU v. Turkey (Applications Nos. 23536/94 and 24408/94), Kamil Tekin SÜREK and Yücel ÖZDEMİR v. Turkey (Applications Nos. 23927/94 and 24277/94), Kamil Tekin SÜREK v. Turkey (Application No. 24122/94), Kamil Tekin SÜREK v. Turkey, (Application No. 24735/94), and Kamil Tekin SÜREK v. Turkey, (Application No. 24762/94) concern criminal convictions in respect of various forms of statement made or published by the applicants.
- Izzet ÇAKIÇI v. Turkey (Application No. 23657/94) concerns the disappearance of the applicant's brother after he had allegedly been taken into custody.
- Selma TANRIKULU v. Turkey (Application No. 23763/94) concerns the murder of the applicant's husband, allegedly by the security forces.
- ÖZDEP (PARTY FOR LIBERTY AND DEMOCRACY) v. Turkey (Application No. 23885/94) concerns the dissolution of a political party by the Constitutional Court.
- CABLE and others v. the United Kingdom (Applications Nos. 24436/94, 24582/94, 24583/94, 24584/94, 24895/94, 25937/94, 25939/94, 25940/94, 25941/94, 26271/95, 26525/95, 27267/95, 27341/95, 27342/95, 27346/95, 27357/95, 27389/95, 27409/95, 27760/95, 27762/95, 27772/95, 28009/95, 28790/95, 30236/96, 30239/96, 30276/96, 30277/96, 30460/96, 30461/96, 30462/96, 31399/96, 31400/96, 31434/96, 31899/96, 32024/96 and 32944/96) concern the independence and impartiality of courts martial.
- Zbigniew MUSIAL v. Poland (Application No. 24557/94) concerns the length of time taken to review the applicant's psychiatric detention.
- Cristoforo BUSCARINI, Emilio DELLA BALDA and Dario MANZAROLI v. San Marino (Application No. 24645/94) concerns the obligation of Members of Parliament to swear an oath on the Bible.

- Denise MATTHEWS v. the United Kingdom (Application No. 24833/94) concerns the exclusion of Gibraltar from elections to the European Parliament.
- Benoît ZIELINSKI and Patrick PRADAL v. France (Application No. 24846/94) concerns the fairness of civil proceedings against the State.
- Marie-Jeanne CHASSAGNOU and others v. France (Applications Nos. 25088/94, 28331/95 and 28443/95) concerns the obligation of the applicants, who are opposed to hunting, to belong to statutory hunting associations and permit hunting on their land.
- Euan SUTHERLAND v. the United Kingdom (Application No. 25186/94) concerns the prohibition on male homosexual relationships under the age of 18.
- László REKVÉNYI v. Hungary (Application No. 25390/94) concerns the constitutional prohibition on career members of the police joining political parties and engaging in political activities.
- François PELISSIER and Philippe SASSI v. France (Application No. 25444/94) concerns the reclassification of an offence by a Court of Appeal, allegedly without the accused being given an opportunity to make submissions in this respect.
- Joseph AQUILINA v. Malta (Application No. 25642/94) and T.W. v. Malta (Application No. 25644/94) concern the procedure for bringing before a judge persons arrested on suspicion of having committed an offence.
- Józef Michal JANOWSKI v. Poland (Application No. 25716/94) concerns the conviction of a journalist for insulting civil servants in carrying out their duties after he intervened in an altercation between the police and fruit and vegetable sellers.
- Ahmed SELMOUNI v. France (Application No. 25803/94) concerns the alleged ill-treatment of the applicant while he was in police custody, and the length of subsequent proceedings which he joined as a *partie civile*.
- Nicole VAN GEYSEGHEM v. Belgium (Application No. 26103/95) concerns the refusal of a criminal appeal court to allow a lawyer to plead on behalf of the appellant in the latter's absence.
- Richard WAITE and Terry KENNEDY v. Germany (Application No. 26803/94) and Karlheinz BEER and Philip REGAN v. Germany (Application No. 28934/95) concern access to court in respect of employment disputes with the European Space Agency.
- Edward HUMEN v. Poland (Application No. 26614/95) concerns the length of court proceedings.
- Ionel DALBAN v. Romania (Application No. 28114/95) concerns the conviction of the director of a weekly magazine for defamation.

- Herbert WILLE v. Liechtenstein (Application No. 28396/95) concerns a letter written by the Prince of Liechtenstein to the President of the Administrative Court, informing him that the Prince would not appoint him to public office in the future on account of views he had expressed on constitutional matters.
- Gabriel TSAVACHIDIS v. Greece (Application No. 28802/95) concerns the alleged secret surveillance of a Jehovah's Witness by the National Intelligence Service.
- Roger FRESSOZ and Claude ROIRE v. France (Application No. 29183/95) concerns the conviction of the applicants in respect of the publication in *Le Canard Enchaîné* of extracts from photocopies of tax declarations submitted to the tax authorities by the chief executive of a major company.
- Daniel CIVET v. France (Application No. 29340/95) concerns the length of detention on remand.
- Xenis LARKOS v. Cyprus (Application No. 29515/95) concerns the eviction of the applicant from a State-owned apartment, and in particular the lack of protection vis-à-vis tenants of property owned by private landlords.
- Faustino-Francisco GARCIA RUIZ v. Spain (Application No. 30544/96) concerns the alleged failure of a court to deal with a matter raised on appeal.
- Georgios IATRIDIS v. Greece (Application No. 31107/96) concerns the eviction of the applicant from property belonging to the State.
- Ivanka NIKOLOVA v. Bulgaria (Application No. 31195/96) concerns the ordering of the applicant's detention by a prosecutor, before whom she did not appear.
- Aristomenis and Eugène PAPACHELAS v. Greece (Application No. 31423/96) concerns the absence of pecuniary compensation for an expropriation, due to an irrebuttable presumption that the benefits accruing to the owners from the development constitutes adequate compensation in itself.
- Michele LAINO v. Italy (Application No. 33158/96), Marcella FERRARI v. Italy (Application No. 33440/96), Sebastiano DI MAURO v. Italy (Application No. 34256/96), Emilio BOTTAZZI v. Italy (Application No. 34884/97), A.P. v. Italy (Application No. 35265/96), and A.L.M. v. Italy (Application No. 35284/97) concern the length of court proceedings.

**IX. SUBJECT-MATTER OF CASES REFERRED TO THE COURT BETWEEN 1 NOVEMBER AND 31 DECEMBER 1998**

- IMMOBILIARE SAFFI v. Italy (Application No. 22774/93) concerns the impossibility for the applicant to secure enforcement of an eviction order, due to the Prefect's exercise of his authority to stay the grant of police assistance.
- Arnold NILSEN and Jan Gerhard JOHNSEN v. Norway (Application No. 23118/93) concerns an award against the applicants, two police representatives, in respect of their criticism of a book on police brutality.
- Luis Antonio GARCÍA ALVA v. Germany (Application No. 23541/94), Hugo LIETZOW v. Germany (Application No. 24479/94) and Jörg Rudolf SCHÖPS v. Germany (Application No. 25116/94) concern restrictions on detainees' access to the prosecution file in proceedings relating to review of the lawfulness of detention.
- Josef PRINZ v. Austria (Application No. 23867/94) and Michael Edward COOKE v. Austria (Application No. 25878/94) concern the holding of criminal appeal hearings in the absence of the appellants.
- Elena, Pasquale and Augusto CARBONARA and Constantino VENTURA v. Italy (Application No. 24638/94) concerns the occupation of land with a view to expropriation.
- Andreas WABL v. Austria (Application No. 24773/94) concerns an injunction issued against a Member of Parliament, prohibiting him from repeating accusations of "Nazi journalism" against a newspaper.
- Jean-Marc TIERCE v. San Marino (Application No. 24954/94) concerns the impartiality of the *Commissario della Legge* in criminal proceedings and the absence of an oral hearing on appeal.
- Joseph HASHMAN and Wanda HARRUP v. the United Kingdom (Application No. 25594/94) concerns a binding over order in respect of behaviour *contra bonos mores*.
- Andrzej TRZASKA v. Poland (Application No. 25792/94) concerns the length of the applicant's detention on remand, the proceedings in which the lawfulness of his detention was examined and the length of the criminal proceedings against him.
- Jacek KAWKA v. Poland (Application No. 25874/94) concerns the continuation of the applicant's detention on remand after expiry of the last detention order, pursuant to a practice whereby the lodging of an indictment constituted the basis for continuing detention.
- Adrianus A. VAN VLIMMEREN and Petrus VAN ILVERENBEEK v. the Netherlands (Application No. 25989/94) concerns the length of proceedings and the effect thereof on access to court.
- SPACEK Ltd. v. the Czech Republic (Application No. 26449/95) concerns the imposition of additional income tax, including a penalty, on the basis of regulations which were not published in the Official Gazette.

- J.T. v. the United Kingdom (Application No. 26494/95) concerns the impossibility for a person committed to psychiatric hospital to apply to court to change the "nearest relative".
- W.R. v. Austria (Application No. 26602/95) concerns the length of disciplinary proceedings against a lawyer.
- Robert WÓJCIK v. Poland (Application No. 26757/95) concerns the length of detention on remand and the length of criminal proceedings, as well as the absence any right for a detained person to be heard personally or through a representative in proceedings relating to review of the lawfulness of detention.
- Alain ESCOUBET v. Belgium (Application No. 26780/95) concerns the temporary withdrawal of a driving licence following a road traffic accident.
- Andy ATHANASSOGLU and others v. Switzerland (Application No. 27644/95) concerns alleged lack of access to a court to contest the renewal of an operating permit for a nuclear power station.
- TROME S.A. v. Spain (Application No. 27781/95) concerns the refusal to allow the applicant company to participate in proceedings relating to the interpretation of a judgment ordering return of certain property, which it had acquired in the meantime.
- H.A. v. Switzerland (Application No. 27798/95) concerns secret surveillance and the keeping of information about the applicant in a card-index.
- Dan BRUMARESCU v. Romania (Application No. 28342/95) concerns the annulment by the Supreme Court of Justice of a final judgment recognising the applicant's title to his parents' house, nationalised in 1950.
- Janusz BARANOWSKI v. Poland (Application No. 28358/95) concerns the lawfulness of the applicant's detention on remand and the conduct of the proceedings relating to the lawfulness of his detention.
- Richard James Joseph McGONNELL v. the United Kingdom (Application No. 28488/95) concerns proceedings before the Royal Court in Guernsey in which the applicant applied for and was refused planning permission for a change of land use.
- Gilles PELLEGRIN v. France (Application No. 28541/95) concerns the length of proceedings relating to the applicant's contractual employment by the State.
- Mehmet CILIZ v. the Netherlands (Application No. 29192/95) concerns the expulsion in 1995, after his separation from his wife, of a Turkish national who had lived in the Netherlands since 1988, and with whom he had a child.
- Gabriele GAST and Dieter POPP v. Germany (Application No. 29357/95) concerns the length of proceedings before the Federal Constitutional Court.

- Vincenzo BUSCEMI v. Italy (Application No. 29569/95) concerns the taking of a child into care and the alleged lack of impartiality of a judge.
- A.A.G. and J.M.F. and others v. Portugal (Applications Nos. 29813/96 and 30229/96) concerns lengthy delays in fixing and paying final compensation for expropriated land.
- Jean JAEGERT v. France (Application No. 29827/96) concerns the failure to notify an unrepresented appellant of the appeal hearing.
- M.K. v. France (Application No. 30148/96) concerns the opening by prison authorities of a letter addressed to a detainee by the European Commission of Human Rights.
- ACADEMY TRADING LTD. and others v. Greece (Application No. 30342/96) concerns the fairness and length of civil proceedings relating to an action for damages arising out of shipping loans.
- Amar YAHIAOUI v. France (Application No. 30962/96) concerns the length of detention on remand.
- Abdelaziz DOUIYEB v. the Netherlands (Application No. 31464/96) concerns a clerical error in the specification of the criminal charge on which the applicant's detention was based.
- Wilibald Rudolf MATTER v. the Slovak Republic (Application No. 31534/96) concerns forced psychiatric examinations and the length of proceedings.
- Rina PROCACCINI v. Italy (Application No. 31631/96) concerns the length of proceedings brought by a public employee.
- C.C. v. the United Kingdom (Application No. 32819/96) concerns the automatic refusal of bail in the case of certain serious offences when the accused has a previous conviction for one of those offences.
- Ernst BEYELER v. Italy (Application No. 33202/96) concerns the exercise by the State of a right of pre-emption over a Van Gogh painting of which the applicant claims to be the true owner.
- Norman SCARTH v. the United Kingdom (Application No. 33745/96) concerns the refusal of an oral hearing in arbitration proceedings.
- Jeanine GONZALEZ and others v. France (Applications Nos. 34165/96, 34166/96, 34167/96, 34168/96, 34169/96, 34170/96, 34171/96, 34172/96 and 34173/96) concerns the rejection of the applicants' civil claims as a result of the adoption of amending legislation during the proceedings.
- Mohamed BAGHLI v. France (Application No. 34374/97) concerns the expulsion of the applicant, who has lived in France since the age of five.

- Michelle Christine DULAURANS v. France (Application No. 34553/97) concerns the rejection of an appeal on the basis of an alleged error by the appeal court.
  
- Dolorata SCOZZARI and Carmela GIUNTA v. Italy (Applications Nos. 39221/98 and 41963/98) concerns the taking of children into care, the refusal to consider placing them in the care of their grandmother, restrictions on the mother's access to them and the decision to place the children in a children's home run by persons previously convicted of sexual abuse.

## X. STATISTICAL INFORMATION

(i) Applications declared admissible in 1998:

Section I	Section II	Section III	Section IV	Total
2	6	8	9	25

(ii) Applications declared inadmissible in 1998:

Section I		Section II		Section III		Section IV		Total
Chamber	Committee	Chamber	Comittee	Chamber	Committee	Chamber	Comittee	
3	16	8	13	5	17	8	49	119

**Total number of decisions (not including partial decisions) : 144**

(iii) Applications communicated in 1998:

Section I	Section II	Section III	Section IV	Total
4	17	7	10	38

**Total number of applications communicated : 38**

**XI. STATISTICAL TABLE BY COUNTRY FOR THE PERIOD 1.11.98 TO 31.12.98**

Government	Provisional files opened	Applications registered	Applications communicated	Applications declared admissible	Applications declared inadmissible	Applications pending on 1.1.99 <sup>1</sup>
Albania	0	0	0	0	0	2
Andorra	1	0	0	1	0	2
Austria	149	20	0	3	4	365
Belgium	80	14	0	0	1	63
Bulgaria	96	18	1	0	5	99
Croatia	36	8	0	0	1	21
Cyprus	8	1	0	0	0	12
Czech Rep.	63	8	0	0	2	93
Denmark	47	9	0	0	3	46
Estonia	9	1	0	0	0	5
Finland	90	23	2	0	3	208
France	602	64	3	4	3	471
Germany	412	51	2	0	8	299
Greece	70	9	3	1	1	65
Hungary	53	8	0	0	3	90
Iceland	5	3	0	0	0	13
Ireland	14	4	0	0	0	25
Italy	686	303	14	5	8	1191
Latvia	8	4	0	0	3	7
Liechtenstein	0	0	0	0	0	3
Lithuania	28	9	0	0	4	20
Luxembourg	8	4	0	0	1	24
FYR Macedonia	5	0	0	0	0	5
Malta	0	0	0	0	0	5
Moldova	10	4	0	0	1	12
Netherlands	103	19	2	0	4	131
Norway	16	2	0	0	0	41
Poland	526	32	2	0	14	851
Portugal	41	6	3	8	1	83
Romania	88	16	0	1	1	196
Russia (Fed.)	211	51	0	0	4	118
San Marino	2	1	0	0	0	13
Slovak Rep.	84	5	0	0	3	84
Slovenia	41	6	0	0	0	48
Spain	115	20	1	1	7	160
Sweden	105	36	0	0	7	153
Switzerland	118	22	0	0	2	136
Turkey	220	73	1	0	8	1825
Ukraine	176	44	0	0	9	198
United Kingdom	290	77	5	1	8	588
Other	29	0	-	-	-	-
<b>TOTAL</b>	<b>4645</b>	<b>975</b>	<b>38<sup>2</sup></b>	<b>25</b>	<b>119</b>	<b>7771</b>

<sup>1</sup> Including cases already pending when Protocol No. 11 entered into force.

<sup>2</sup> One application was brought against both Germany and the United Kingdom