



Revised selection of cases for publication in *Reports of Judgments and Decisions 2007*¹

Notes on citation:

Cases are listed alphabetically by applicant and by respondent State.

By default, all references are to Chamber judgments. Grand Chamber cases, whether judgments or decisions, are indicated by “[GC]”. Decisions are indicated by “(dec.)”.

For 2007 the volume number in which each selected case appears is also given in the form ‘ECHR 2007-I’ etc. For further information on the manner of citing the Court’s case-law, please see [here](#).

The Court reserves the right to report some or all of the judgments and decisions listed below in the form of extracts. The full original language version or versions of any such judgment or decision will remain available for consultation in the HUDOC database.

Table of Contents

I. Cases listed alphabetically by applicant by year	2
II. Cases listed alphabetically by respondent state by year	10

¹ This selection of cases for publication in the *Reports of Judgments and Decisions* for the year 2007 has been made by the Court’s Jurisconsult and approved by the Bureau. This selection replaces that initially made by the Publications Committee. The HUDOC database and the lists published on the Court’s website, notably the alphabetical and chronological lists, have been amended accordingly. The composition of the *Reports* for the years 1999 to 2006 inclusive remains unchanged.

I. Cases listed alphabetically by applicant by year

A

11.1.2007

[**Anheuser-Busch Inc. v. Portugal \[GC\], no. 73049/01, ECHR 2007-I**](#)

ARTICLE 1 OF PROTOCOL No. 1

Possessions

Peaceful enjoyment of possessions

Setting aside of a trade mark registration: *Article 1 of Protocol No. 1 applicable, no violation*

B

6.12.2007

[**Beian v. Romania \(no. 1\), no. 30658/05, ECHR 2007-V \(extracts\)**](#)

ARTICLE 6

Article 6 § 1 (administrative)

Fair hearing

Conflicting decisions of a supreme court: *violation*

ARTICLE 14

Discrimination (article 1 of Protocol No. 1)

Difference in treatment between persons in the same position as a result of conflicting decisions by the Supreme Court: *violation*

17.7.2007

[**Bukta and Others v. Hungary, no. 25691/04, ECHR 2007-III**](#)

ARTICLE 11

Article 11 § 1

Freedom of peaceful assembly

Dispersal of a peaceful demonstration for failure to give prior notice to the police: *violation*

C

3.4.2007

[**Copland v. the United Kingdom, no. 62617/00, ECHR 2007-I**](#)

ARTICLE 8

Article 8 § 1

Respect of correspondence

Monitoring of a State employee's telephone, e-mail and internet usage without a statutory basis: *violation*

13.11.2007

[**D.H. and Others v. the Czech Republic \[GC\], no. 57325/00, ECHR 2007-IV**](#)

ARTICLE 14

Discrimination (article 2 of Protocol No. 1)

Placement of Roma gypsy children in "special" schools: *violation*

ARTICLE 35

Article 35 § 1

Exhaustion of domestic remedy (Czech Republic)

Applicants not required by highest national court to exhaust the remedies the respondent Government alleged they should have used: *preliminary objection dismissed*

ARTICLE 46

Execution of a judgment

Measures of general character

Need for general measures not demonstrated in view of repeal of impugned legislation and the recommendations of the Committee of Ministers: *request dismissed*

13.11.2007

[**Driza v. Albania, no. 33771/02, ECHR 2007-V \(extracts\)**](#)

ARTICLE 6

Article 6 § 1 (civil)

Right to a court

Fair hearing

Supervisory review of final judgments and lack of impartiality of the Supreme Court; failure to enforce judgments and administrative decisions for the restitution of property: *violations*

ARTICLE 13

Effective remedy

Applicants' inability to enforce awards of compensation by courts or administrative bodies in the absence of adequate procedures and statutory framework: *violations*

ARTICLE 46

Execution of a judgment

Measures of general character

Applicants' inability to enforce judgments or administrative decisions for the restitution of property and/or payment of compensation owing to systemic failings in domestic legal order: *indication of appropriate statutory, administrative and budgetary measures*

4.12.2007

[**Dickson v. the United Kingdom \[GC\], no. 44362/04, ECHR 2007-V**](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Respect for family life

Refusal to grant artificial insemination facilities to enable a serving prisoner to father a child: *violation*

E

10.4.2007

[Evans v. the United Kingdom \[GC\], no. 6339/05, ECHR 2007-I](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Requirement of father's consent for the continued storage and implantation of fertilised eggs: *no violation*

F

29.6.2007

[Folgerø and Others v. Norway \[GC\], no. 15472/02, ECHR 2007-III](#)

ARTICLE 9

Article 9 § 1

Freedom of thought, conscience and religion

Refusal to grant full exemption from instruction in Christianity, religion and philosophy in State primary schools: *violation*

ARTICLE 2 OF PROTOCOL No. 1

Right to education

Refusal to grant full exemption from instruction in Christianity, religion and philosophy in State primary schools: *violation*

G

26.4.2007

[Gebremdhin \[Gaberamadhien\] v. France, no. 25389/05, ECHR 2007-II](#)

ARTICLE 5

Article 5 § 1 (f)

Prevent unauthorised entry into country

Continued detention of an asylum seeker in an airport waiting area following an interim indication by the Court under Rule 39 of the Rules of Court that he should not be removed to his country of origin: *no violation*

ARTICLE 13

Effective remedy

Lack of a remedy with automatic suspensive effect against an order refusing an asylum seeker held in an airport waiting area entry to French territory and requiring his removal: *violation*

H

27.11.2007

[Hamer v. Belgium, no. 21861/03, ECHR 2007-V \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (criminal)

Applicability

Proceedings resulting in the demolition of a house built without planning permission: *Article 6 applicable*

ARTICLE 1 OF PROTOCOL No. 1

Possessions

Holiday home whose destruction was only ordered several decades later after it was discovered that it had been built without planning permission: *Article 1 of Protocol No. 1 applicable*

Control of the use of property

Order for the demolition of a holiday home built in woodlands to which a ban on building applied: *no violation*

28.6.2007

[Harutyunyan v. Armenia, no. 36549/03, ECHR 2007-III](#)

ARTICLE 6

Article 6 § 1 (criminal)

Fair hearing

Use at trial of statements obtained from the accused and witnesses through torture: *violation*

I

13.12.2007

[Islamic Republic of Iran shipping lines v. Turkey, no. 40998/98, CEDH 2007-V](#)

ARTICLE 1 OF PROTOCOL No. 1

Control of the use of property

Arbitrary seizure for over a year of a ship and its cargo on suspicion of arms smuggling: *violation*

ARTICLE 34

Victim

State-owned company operating with legal and financial independence: *victim status upheld*

J

30.8.2007

[J.A. Pye \(Oxford\) Ltd and J.A. Pye \(Oxford\) Land Ltd v. the United Kingdom \[GC\], no. 44302/02, ECHR 2007-III](#)

ARTICLE 1 OF PROTOCOL No. 1

Control of the use of property

Loss of registered land by application of the law on adverse possession: *no violation*

12.7.2007

[Jorgic v. Germany, no. 74613/01, ECHR 2007-II](#)

ARTICLE 6

Article 6 § 1 (criminal)

Tribunal established by law

Allegation by the applicant that the German courts had no jurisdiction to try him for serious offences, including genocide, committed in Bosnia: *no violation*

ARTICLE 7

Article 7 § 1

Nullum crimen sine lege

Allegation by the applicant that the definition of the offence of genocide used by the domestic courts was unduly wide: *no violation*

L

11.9.2007

[L. v. Lithuania, no. 27527/03, ECHR 2007-IV](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Respect for family life

Failure to introduce implementing legislation to enable a transsexual to undergo gender-reassignment surgery and change his gender identification in official documents: *violation*

ARTICLE 41

Just satisfaction

Just satisfaction in respect of State's failure to enact implementing legislation: *State to introduce relevant legislation within set time frame or, in default, pay a specified amount in respect of pecuniary damage*

23.10.2007

[Lindon, Otchakovsky-Laurens and July v. France \[GC\], nos. 21279/02 and 36448/02, ECHR 2007-IV](#)

ARTICLE 6

Article 6 § 1 (criminal)

Impartial tribunal

Impartiality of a court of appeal when two of the judges who ruled that the reproduction in a newspaper of certain passages from a novel was defamatory had already held the passages to be defamatory in previous proceedings against the author and publisher: *no violation*

ARTICLE 10

Article 10 § 1

Freedom of expression

Author and publisher of a novel convicted for defamation of extreme right-wing party and its president: *no violation*

Newspaper director convicted for defamation after publishing a petition repeating the impugned passages and protesting against the aforementioned convictions: *no violation*

O

29.6.2007

[O'Halloran and Francis v. the United Kingdom \[GC\], nos. 15809/02 and 25624/02, ECHR 2007-III](#)

ARTICLE 6

Article 6 § 1 (criminal)

Fair hearing

Obligation for the registered keeper of a vehicle to provide information identifying the driver where a road-traffic offence is suspected: *no violation*

P

7.6.2012

[Parti nationaliste basque – Organisation régionale d’Iparralde v. France, no. 71251/01, ECHR 2007-II](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Statutory ban on financing of a French political party by a foreign political party: *no violation*

R

15.5.2007

[Ramsahai v. the Netherlands \[GC\], no. 52391/99, ECHR 2007-II](#)

ARTICLE 2

Article 2 § 1

Life

Effectiveness of an investigation into a fatal shooting by a police officer, extent to which victim's relatives were able to participate, lack of a public hearing of the relatives' legal challenge against the decision not to prosecute the police officer: *violation/no violation*

Article 2 § 2

Use of force

Fatal shooting by a police officer during an attempted arrest: *no violation*

S

10.12.2007

[Stoll v. Switzerland \[GC\], no. 69698/01, ECHR 2007-V](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Conviction of a journalist for the publication of a diplomatic document on strategy classified as confidential: *no violation*

20.9.2007

[Sultani v. France, no. 45223/05, ECHR 2007-IV \(extracts\)](#)

ARTICLE 3

Expulsion

Risk of deportation to Afghanistan: *deportation would not constitute a violation*

ARTICLE 35

Article 35 § 1

Effective domestic remedy (France)

Decision concerning deportation when there was a risk of treatment proscribed by Article 3 – remedy with no suspensive effect: *preliminary objection dismissed*

ARTICLE 4 OF PROTOCOL No. 4

Prohibition of collective expulsion of aliens

Risk of deportation on a collective flight used to deport illegal immigrants: *deportation would not constitute a violation*

15.1.2007

[Sisojeva and Others v. Latvia \[GC\], no. 60654/00, ECHR 2007-I](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Respect for family life

Alleged inability of members of a family to regularise their immigration status: *striking out*

ARTICLE 34

Hinder exercise of the right of petition

Police questioning touching on an application to the Court after the applicant was interviewed on Russian television: *no violation*

ARTICLE 37

Continued examination not justified

Failure by the applicants to act upon respondent Government's proposals to regularise their immigration status: *striking out of Article 8 complaint*

T

22.2.2007

[Tatishvili v. Russia, no. 1509/02, ECHR 2007-I](#)

ARTICLE 6

Article 6 § 1 (civil)

Fair hearing

Failure by domestic courts to give reasons for their decisions: *violation*

ARTICLE 2 OF PROTOCOL No. 4

Freedom to choose residence

Refusal by the authorities to register the applicant as resident at her home address: *violation*

20.3.2007

[Tysi c v. Poland, no. 5410/03, ECHR 2007-I](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Refusal to perform a therapeutic abortion despite risks of serious deterioration of the mother's eyesight: *violation*

V

19.4.2007

[Vilho Eskelinen and Others v. Finland \[GC\], no. 63235/00, ECHR 2007-II](#)

ARTICLE 6

Article 6 § 1 (civil)

Applicability

Dispute regarding police personnel's entitlement to a special allowance: *Article 6 applicable* (new approach in cases involving civil servants)

W

16.10.2007

[Wieser and Bicos Beteiligungen GmbH v. Austria, no. 74336/01, ECHR 2007-IV](#)

ARTICLE 8

Article 8 § 1

Respect for correspondence

Failure to comply with procedural safeguards in search and seizure of electronic data on a lawyer's computer system: *violation*

II. Cases listed alphabetically by respondent state by year

Albania

13.11.2007

[Driza v. Albania, no. 33771/02, ECHR 2007-V \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (civil)

Right to a court

Fair hearing

Supervisory review of final judgments and lack of impartiality of the Supreme Court; failure to enforce judgments and administrative decisions for the restitution of property: *violations*

ARTICLE 13

Effective remedy

Applicants' inability to enforce awards of compensation by courts or administrative bodies in the absence of adequate procedures and statutory framework: *violations*

ARTICLE 46

Execution of a judgment

Measures of general character

Applicants' inability to enforce judgments or administrative decisions for the restitution of property and/or payment of compensation owing to systemic failings in domestic legal order: indication of appropriate statutory, administrative and budgetary measures.

Armenia

28.6.2007

[Harutyunyan v. Armenia, no. 36549/03, ECHR 2007-III](#)

ARTICLE 6

Article 6 § 1 (criminal)

Fair hearing

Use at trial of statements obtained from the accused and witnesses through torture: *violation*

Austria

16.10.2007

[Wieser and Bicos Beteiligungen GmbH v. Austria, no. 74336/01, ECHR 2007-IV](#)

ARTICLE 8

Article 8 § 1

Respect for correspondence

Failure to comply with procedural safeguards in search and seizure of electronic data on a lawyer's computer system: *violation*

Belgium

27.11.2007

[Hamer v. Belgium, no. 21861/03, ECHR 2007-V \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (criminal)

Applicability

Proceedings resulting in the demolition of a house built without planning permission: *Article 6 applicable*

ARTICLE 1 OF PROTOCOL No. 1

Possessions

Holiday home whose destruction was only ordered several decades later after it was discovered that it had been built without planning permission: *Article 1 of Protocol No. 1 applicable*

Control of the use of property

Order for the demolition of a holiday home built in woodlands to which a ban on building applied: *no violation*

Czech Republic

13.11.2007

[D.H. and Others v. the Czech Republic \[GC\], no. 57325/00, ECHR 2007-IV](#)

ARTICLE 14

Discrimination (article 2 of Protocol No. 1)

Placement of Roma gypsy children in "special" schools: *violation*

ARTICLE 35

Article 35 § 1

Exhaustion of domestic remedy (Czech Republic)

Applicants not required by highest national court to exhaust the remedies the respondent Government alleged they should have used: *preliminary objection dismissed*

ARTICLE 46

Execution of a judgment

Measures of general character

Need for general measures not demonstrated in view of repeal of impugned legislation and the recommendations of the Committee of Ministers: *request dismissed*

Finland

19.4.2007

[Vilho Eskelinen and Others v. Finland \[GC\], no. 63235/00, ECHR 2007-II](#)

ARTICLE 6

Article 6 § 1 (civil)

Applicability

Dispute regarding police personnel's entitlement to a special allowance: *Article 6 applicable* (new approach in cases involving civil servants)

France

26.4.2007

[Gebremdhin \[Gaberamadhien\] v. France, no. 25389/05, ECHR 2007-II](#)

ARTICLE 5

Article 5 § 1 (f)

Prevent unauthorised entry into country

Continued detention of an asylum seeker in an airport waiting area following an interim indication by the Court under Rule 39 of the Rules of Court that he should not be removed to his country of origin: *no violation*

ARTICLE 13

Effective remedy

Lack of a remedy with automatic suspensive effect against an order refusing an asylum seeker held in an airport waiting area entry to French territory and requiring his removal: *violation*

7.6.2012

[Parti nationaliste basque – Organisation régionale d’Iparralde v. France, no. 71251/01, ECHR 2007-II](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Statutory ban on financing of a French political party by a foreign political party: *no violation*

20.9.2007

[Sultani v. France, no. 45223/05, ECHR 2007-IV \(extracts\)](#)

ARTICLE 3

Expulsion

Risk of deportation to Afghanistan: *deportation would not constitute a violation*

ARTICLE 35

Article 35 § 1

Effective domestic remedy (France)

Decision concerning deportation when there was a risk of treatment proscribed by Article 3 – remedy with no suspensive effect: *preliminary objection dismissed*

ARTICLE 4 OF PROTOCOL No. 4

Prohibition of collective expulsion of aliens

Risk of deportation on a collective flight used to deport illegal immigrants: *deportation would not constitute a violation*

23.10.2007

[Lindon, Otchakovsky-Laurens and July v. France \[GC\], nos. 21279/02 and 36448/02, ECHR 2007-IV](#)

ARTICLE 6

Article 6 § 1 (criminal)

Impartial tribunal

Impartiality of a court of appeal when two of the judges who ruled that the reproduction in a newspaper of certain passages from a novel was defamatory had already held the

passages to be defamatory in previous proceedings against the author and publisher: *no violation*

ARTICLE 10
Article 10 § 1

Freedom of expression

Author and publisher of a novel convicted for defamation of extreme right-wing party and its president: *no violation*

Newspaper director convicted for defamation after publishing a petition repeating the impugned passages and protesting against the aforementioned convictions: *no violation*

Germany

12.7.2007

[Jorgic v. Germany, no. 74613/01, ECHR 2007-II](#)

ARTICLE 6
Article 6 § 1 (criminal)

Tribunal established by law

Allegation by the applicant that the German courts had no jurisdiction to try him for serious offences, including genocide, committed in Bosnia: *no violation*

ARTICLE 7
Article 7 § 1

Nullum crimen sine lege

Allegation by the applicant that the definition of the offence of genocide used by the domestic courts was unduly wide: *no violation*

Hungary

17.7.2007

[Bukta and Others v. Hungary, no. 25691/04, ECHR 2007-III](#)

ARTICLE 11
Article 11 § 1

Freedom of peaceful assembly

Dispersal of a peaceful demonstration for failure to give prior notice to the police: *violation*

Latvia

15.1.2007

[Sisojeva and Others v. Latvia \[GC\], no. 60654/00, ECHR 2007-I](#)

ARTICLE 8
Article 8 § 1

Respect for private

Respect for family life

Alleged inability of members of a family to regularise their immigration status: *striking out*

ARTICLE 34

Hinder exercise of the right of petition

Police questioning touching on an application to the Court after the applicant was interviewed on Russian television: *no violation*

ARTICLE 37

Continued examination not justified

Failure by the applicants to act upon respondent Government's proposals to regularise their immigration status: *striking out of Article 8 complaint*

Lithuania

11.9.2007

[L. v. Lithuania, no. 27527/03, ECHR 2007-IV](#)

ARTICLE 8

Respect for private life

Respect for family life

Failure to introduce implementing legislation to enable a transsexual to undergo gender-reassignment surgery and change his gender identification in official documents: *violation*

ARTICLE 41

Just satisfaction

Just satisfaction in respect of State's failure to enact implementing legislation: *State to introduce relevant legislation within set time frame or, in default, pay a specified amount in respect of pecuniary damage*

Netherlands

15.5.2007

[Ramsahai v. the Netherlands \[GC\], no. 52391/99, ECHR 2007-II](#)

ARTICLE 2

Article 2 § 1

Life

Effectiveness of an investigation into a fatal shooting by a police officer, extent to which victim's relatives were able to participate, lack of a public hearing of the relatives' legal challenge against the decision not to prosecute the police officer: *violation/no violation*

Article 2 § 2

Use of force

Fatal shooting by a police officer during an attempted arrest: *no violation*

Norway

29.6.2007

[Folgerø and Others v. Norway \[GC\], no. 15472/02, ECHR 2007-III](#)

ARTICLE 9

Article 9 § 1

Freedom of thought, conscience and religion

Refusal to grant full exemption from instruction in Christianity, religion and philosophy in State primary schools: *violation*

ARTICLE 2 OF PROTOCOL No. 1

Right to education

Refusal to grant full exemption from instruction in Christianity, religion and philosophy in State primary schools: *violation*

Poland

20.3.2007

[Tysi ac v. Poland, no. 5410/03, ECHR 2007-I](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Refusal to perform a therapeutic abortion despite risks of serious deterioration of the mother's eyesight: *violation*

Portugal

11.1.2007

[Anheuser-Busch Inc. v. Portugal \[GC\], no. 73049/01, ECHR 2007-I](#)

ARTICLE 1 OF PROTOCOL No. 1

Possessions

Peaceful enjoyment of possessions

Setting aside of a trade mark registration: *Article 1 of Protocol No. 1 applicable, no violation*

Romania

6.12.2007

[Beian v. Romania \(no. 1\), no. 30658/05, ECHR 2007-V \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (administrative)

Fair hearing

Conflicting decisions of a supreme court: *violation*

ARTICLE 14

Discrimination (article 1 of Protocol No. 1)

Difference in treatment between persons in the same position as a result of conflicting decisions by the Supreme Court: *violation*

Russia

22.2.2007

[Tatishvili v. Russia, no. 1509/02, ECHR 2007-I](#)

ARTICLE 6

Article 6 § 1 (civil)

Fair hearing

Failure by domestic courts to give reasons for their decisions: *violation*

ARTICLE 2 OF PROTOCOL No. 4

Freedom to choose residence

Refusal by the authorities to register the applicant as resident at her home address: *violation*

Switzerland

10.12.2007

[**Stoll v. Switzerland \[GC\], no. 69698/01, ECHR 2007-V**](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Conviction of a journalist for the publication of a diplomatic document on strategy classified as confidential: *no violation*

Turkey

13.12.2007

[**Islamic Republic of Iran shipping lines v. Turkey, no. 40998/98, CEDH 2007-V**](#)

ARTICLE 1 OF PROTOCOL No. 1

Control of the use of property

Arbitrary seizure for over a year of a ship and its cargo on suspicion of arms smuggling: *violation*

ARTICLE 34

Victim

State-owned company operating with legal and financial independence: *victim status upheld*

United Kingdom

3.4.2007

[**Copland v. the United Kingdom, no. 62617/00, ECHR 2007-I**](#)

ARTICLE 8

Article 8 § 1

Respect for correspondence

Monitoring of a State employee's telephone, e-mail and internet usage without a statutory basis: *violation*

10.4.2007

[**Evans v. the United Kingdom \[GC\], no. 6339/05, ECHR 2007-I**](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Requirement of father's consent for the continued storage and implantation of fertilised eggs: *no violation*

29.6.2007

[**O'Halloran and Francis v. the United Kingdom \[GC\], nos. 15809/02 and 25624/02, ECHR 2007-III**](#)

ARTICLE 6

Article 6 § 1 (criminal)

Fair hearing

Obligation for the registered keeper of a vehicle to provide information identifying the driver where a road-traffic offence is suspected: *no violation*

30.8.2007

[J.A. Pye \(Oxford\) Ltd and J.A. Pye \(Oxford\) Land Ltd v. the United Kingdom \[GC\], no. 44302/02, ECHR 2007-III](#)

ARTICLE 1 OF PROTOCOL No. 1

Control of the use of property

Loss of registered land by application of the law on adverse possession: *no violation*

4.12.2007

[Dickson v. the United Kingdom \[GC\], no. 44362/04, ECHR 2007-V](#)

ARTICLE 8

Article 8 § 1

Respect for private life

Respect for family life

Refusal to grant artificial insemination facilities to enable a serving prisoner to father a child: *violation*