



Revised selection of cases for publication in *Reports of Judgments and Decisions 2009*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.)”.

The volume composition for the years 2009 has not yet been determined. Until further notice, cases of 2009 may be cited simply by indicating the year of publication e.g. ECHR 2009, without adding a volume number. 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	11

¹ This selection of cases for publication in the *Reports of Judgments and Decisions* for the year 2009 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

17.2.2009

[A. and Others v. the United Kingdom \[GC\], no. 3455/05](#)

ARTICLE 3

Inhuman or degrading treatment

Indefinite detention of foreign nationals suspected of involvement in terrorism: *no violation*

ARTICLE 5

Article 5 § 1 (f)

Deportation or extradition

Indefinite detention of foreign nationals suspected of involvement in terrorism: *violation*

Article 5 § 4

Take proceedings

Withholding on national security grounds of material relevant to lawfulness of detention: *violations/no violations*

ARTICLE 15

Derogation in time of emergency

Validity of derogation from Article 5 § 1 obligations in respect of powers to detain foreign nationals suspected of terrorism who could not be deported for fear of ill-treatment: *not valid*

ARTICLE 41

Just satisfaction

Entitlement where unlawful detention was result of public emergency and State's inability to deport applicants to their country of origin for fear of ill-treatment: *reduced award*

18.2.2009

[Andrejeva v. Latvia \[GC\], no. 55707/00](#)

ARTICLE 14

Discrimination (article 1 of Protocol No. 1)

Refusal to take applicant's years of employment in former Soviet Union into account when calculating her entitlement to a retirement pension because she did not have Latvian citizenship: *violation*

6.10.2009

[Appel-Irrgang and Others v. Germany \(dec.\), no. 45216/07](#)

ARTICLE 2 OF PROTOCOL No. 1

Respect for parents' religious and philosophical convictions

Compulsory secular ethics classes, with no possibility of exemption for pupils in State secondary schools: *inadmissible*

15.1.2009

[Association of Citizens "Radko" and Paunkovski v. "the Former Yugoslav Republic of Macedonia", no. 74651/01 \(extracts\)](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Dissolution of a public association for negating the ethnic identity of the Macedonian people: *violation*

B

15.9.2009

["Blondje" v. the Netherlands \(dec.\), no. 7245/09](#)

ARTICLE 35

Article 35 § 2 (a)

Anonymous application

Failure to disclose identity in application to European Court: *inadmissible*

15.1.2009

[Burdov v. Russia \(no. 2\), no. 33509/04](#)

ARTICLE 41

Just satisfaction

Authorities' persistent failure to enforce domestic judgments in the applicant's favour without delay despite previous finding of violation by the Court in his case – practice incompatible with the Convention: *non-pecuniary damage award increased*

ARTICLE 46

Execution of a judgment

Respondent State required to introduce an effective remedy securing redress for non-enforcement or delayed enforcement of judgments and to grant redress to all victims in pending cases of this kind

C

20.1.2009

[Coöperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij U.A. v. the Netherlands \(dec.\), no. 13645/05](#)

ARTICLE 6

Article 6 § 1 (civil)

Adversarial trial

Refusal by the Court of Justice of the European Communities to authorise a third party to respond to the Advocate General's opinion: *inadmissible*

D

30.7.2009

[Danilenkov and Others v. Russia, no. 67336/01 \(extracts\)](#)

ARTICLE 14

Discrimination (article 11)

State's failure to afford effective judicial protection against discrimination on the ground of trade-union membership: *violation*

E

17.9.2009

[Enea v. Italy \[GC\], no. 74912/01](#)

ARTICLE 6

Article 6 § 1 (civil)

Access to court

Right of access to court of prisoner held in high-security wing of prison to assert rights of a civil nature: *violation*

Fair hearing

Right of access to court of prisoner held in high-security wing of prison to assert rights of a civil nature: *violation*

G

17.12.2009

[Gardel v. France, no. 16428/05](#)

ARTICLE 7

Article 7 § 1

Nullum crimen sine lege

Registration on national sex-offenders register for a period of thirty years running from date of completion of prison sentence: *inadmissible*

ARTICLE 8

Article 8 § 1

Respect for private life

Registration on national sex-offenders register for a period of thirty years running from date of completion of prison sentence: *no violation*

30.4.2009

[Glor v. Switzerland, no. 13444/04](#)

ARTICLE 8

Applicability

Obligation on person found unfit for military service to pay exemption tax: *Article 8 applicable*

ARTICLE 14

Discrimination (article 8)

Obligation on person found unfit for military service to pay exemption tax: *violation*

20.1.2009

[Güveç v. Turkey, no. 70337/01 \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (criminal)

Fair hearing

Inability of minor defendant to participate effectively in his criminal trial and lack of adequate legal representation: *violation*

H

30.6.2009

[Herri Batasuna and Batasuna v. Spain, nos. 25803/04 and 25817/04](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Dissolution of political parties with links to a terrorist organisation: *no violation*

K

3.12.2009

[Kart v. Turkey \[GC\], no. 8917/05](#)

ARTICLE 6

Article 6 § 1 (criminal)

Applicability

Inability of a parliamentarian to have his parliamentary immunity lifted to enable him to defend himself in criminal proceedings: *Article 6 § 1 applicable*

Access to court

Inability of a parliamentarian to have his parliamentary immunity lifted to enable him to defend himself in criminal proceedings: *no violation*

28.4.2009

[K.H. and Others v. Slovakia, no. 32881/04](#)

ARTICLE 6

Article 6 § 1 (civil)

Access to court

Applicants' inability to effectively present their case due to authorities' refusal to grant them access to decisive evidence: *violation*

ARTICLE 8

Article 8 § 1

Respect for private life

Respect for family life

Former patients prevented from photocopying their medical records: *violation*.

1.10.2009

[Kimlya and Others v. Russia, no. 76836/01](#)

ARTICLE 9

Article 9 § 1

Freedom of religion

Refusal to register religious groups for failure to demonstrate at least fifteen years' existence or affiliation to a centralised religious organisation: *violation*

L

24.2.2009

[L'Erabliere v. Belgium, no. 49230/07 \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (civil)

Applicability

Appeal by local environmental protection association not in nature of an *actio popularis*: *Article 6 applicable*

Access to court

Ruling that appeal was *inadmissible* because it referred to the impugned decision for a statement of the facts: *violation*

16.6.2009

[Lawyer Partners a.s. v. Slovakia, nos. 54252/07, 3274/08, 3377/08, 3505/08, 3526/08, 3741/08, 3786/08, 3807/08, 3824/08, 15055/08, 29548/08, 29551/08, 29552/08, 29555/08 and 29557/08](#)

ARTICLE 6

Article 6 § 1 (civil)

Access to court

Refusal of courts to process applicant company's civil actions submitted electronically: *violation*

M

17.12.2009

[M. v. Germany, no. 19359/04](#)

ARTICLE 5

Article 5 § 1

Deprivation of liberty

Applicant's continued placement in preventive detention beyond the maximum period authorised at the time of his placement: *violation*

Lawful arrest or detention

Applicant's continued placement in preventive detention beyond the maximum period authorised at the time of his placement: *violation*

Heavier penalty

Retrospective extension of preventive detention from a maximum of ten years to an unlimited period of time: *violation*

Retroactivity

Retrospective extension of preventive detention from a maximum of ten years to an unlimited period of time: *violation*

17.9.2009

[Manole and Others v. Moldova, no. 13936/02 \(extracts\)](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Insufficient statutory guarantees of independence of public broadcaster: *violation*

15.10.2009

[Micallef v. Malta \[GC\], no. 17056/06](#)

ARTICLE 6

Article 6 § 1 (civil)

Applicability

Injunction proceedings: *Article 6 applicable*

Impartial tribunal

Lack of statutory right to challenge a judge on the basis of his/her family ties with a party's advocate: *violation*

ARTICLE 34

Victim

Application introduced on behalf of applicant's sister, who had died while her constitutional claim concerning the alleged breach of her right to a fair trial was pending: *victim status upheld*

8.12.2009

[Muñoz Díaz v. Spain, no. 49151/07](#)

ARTICLE 14

Discrimination (article 1 of Protocol No. 1)

Refusal to recognise validity of Roma marriage for purposes of establishing entitlement to widow's pension: *violation*

O

17.3.2009

[Ould Dah v. France \(dec.\), no. 13113/03](#)

ARTICLE 7

Article 7 § 1

Nullum crimen sine lege

Universal jurisdiction of Contracting State to prosecute torture and barbaric acts despite amnesty law in State where such acts had been committed: *inadmissible*.

9.6.2009

[Opuz v. Turkey, no. 33401/02](#)

ARTICLE 2

Positive obligations

Article 2 § 1

Life

Fatal injuries sustained by applicant's mother in domestic violence case in which authorities had been aware of the perpetrator's history of violence: *violation*

ARTICLE 3

Inhuman treatment

Degrading treatment

Positive obligations

Failure of authorities to take adequate measures to protect applicant and her family from domestic violence: *violation*

ARTICLE 14

Discrimination (articles 2 and 3)

Failure of judicial system to provide adequate response to serious domestic violence: *violation*

S

22.12.2009

[Sejdic and Finci v. Bosnia and Herzegovina \[GC\], nos. 27996/06 and 34836/06](#)

ARTICLE 14

Discrimination (article 3 of Protocol No. 1)

Inability of a Roma and a Jew to stand for parliamentary elections: *violation*

ARTICLE 1 OF PROTOCOL No. 12

General prohibition of discrimination

Inability of a Roma and a Jew to stand for election to highest political office in the country: *violation*

10.2.2009

[Sergey Zolotukhin v. Russia \[GC\], no. 14939/03](#)

ARTICLE 4 OF PROTOCOL No. 7

Non bis in idem

Administrative conviction of "minor disorderly acts" and subsequent criminal prosecution for "disorderly acts" concerning the same facts: *violation*

2.6.2009

[Szuluk v. the United Kingdom, no. 36936/05](#)

ARTICLE 8

Article 8 § 1

Respect for correspondence

Monitoring of prisoner's correspondence with his medical specialist: *violation*

T

8.10.2009

[Tebieti Muhafize Cemiyeti and Israfilov v. Azerbaijan, no. 37083/03](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Dissolution of association for alleged breaches of the law and its own charter: *violation*

10.3.2009

[Times Newspapers Ltd. \(nos. 1 and 2\) v. the United Kingdom, nos. 3002/03 and 23676/03](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Rule that new cause of action accrues every time defamatory material on the Internet is accessed: *no violation*

V

18.9.2009

[Varnava and Others v. Turkey \[GC\], nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90](#)

ARTICLE 2

Positive obligations

Failure to conduct effective investigation into fate of Greek Cypriots missing since Turkish military operations in northern Cyprus in 1974: *violation*

Article 2 § 1

Effective investigation

Failure to conduct effective investigation into fate of Greek Cypriots missing since Turkish military operations in northern Cyprus in 1974: *violation*

ARTICLE 3

Inhuman treatment

Silence of authorities in face of real concerns about the fate of Greek Cypriots missing since Turkish military operations in northern Cyprus in 1974: *violation*

ARTICLE 5

Article 5 § 1

Liberty of person

Failure to conduct effective investigation into arguable claim that missing Greek Cypriots may have been detained during Turkish military operations in northern Cyprus in 1974: *violation*

ARTICLE 35

Article 35 § 1

Six-month period

Application in disappearance case lodged more than six months after the respondent State's ratification of the right of individual petition: *preliminary objection dismissed*

Article 35 § 2 (b)

Substantially the same application

Court's jurisdiction where it had already examined case concerning substantially same facts in an inter-State case: *preliminary objection dismissed*

Article 35 § 3

Ratione temporis

Court's temporal jurisdiction in respect of disappearances that had occurred some thirteen years before the respondent State recognised the right of individual petition: *preliminary objection dismissed*

30.6.2009

[Verein Gegen Tierfabriken Schweiz \(VgT\) v. Switzerland \(no. 2\) \[GC\],
no. 32772/02](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Continued prohibition of the broadcasting of a commercial on television despite European Court's finding of an infringement of freedom of expression: *violation*

II. Cases listed alphabetically by respondent state by year

Azerbaijan

8.10.2009

[Tebieti Muhafize Cemiyeti and Israfilov v. Azerbaijan, no. 37083/03](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Dissolution of association for alleged breaches of the law and its own charter: *violation*

Belgium

24.2.2009

[L'Erabliere v. Belgium, no. 49230/07 \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (civil)

Applicability

Appeal by local environmental protection association not in nature of an *actio popularis*:

Article 6 applicable

Access to court

Ruling that appeal was *inadmissible* because it referred to the impugned decision for a statement of the facts: *violation*

Bosnia and Herzegovina

22.12.2009

[Sejdic and Finci v. Bosnia and Herzegovina \[GC\], nos. 27996/06 and 34836/06](#)

ARTICLE 14

Discrimination (article 3 of Protocol No. 1)

Inability of a Roma and a Jew to stand for parliamentary elections: *violation*

ARTICLE 1 OF PROTOCOL No. 12

General prohibition of discrimination

Inability of a Roma and a Jew to stand for election to highest political office in the country: *violation*

France

17.3.2009

[Ould Dah v. France \(dec.\), no. 13113/03](#)

ARTICLE 7

Article 7 § 1

Nullum crimen sine lege

Universal jurisdiction of Contracting State to prosecute torture and barbaric acts despite amnesty law in State where such acts had been committed: *inadmissible*.

17.12.2009

[Gardel v. France, no. 16428/05](#)

ARTICLE 7

Article 7 § 1

Nullum crimen sine lege

Registration on national sex-offenders register for a period of thirty years running from date of completion of prison sentence: *inadmissible*

ARTICLE 8

Article 8 § 1

Respect for private life

Registration on national sex-offenders register for a period of thirty years running from date of completion of prison sentence: *no violation*

Germany

6.10.2009

[Appel-Irrgang and Others v. Germany \(dec.\), no. 45216/07](#)

ARTICLE 2 OF PROTOCOL No. 1

Respect for parents' religious and philosophical convictions

Compulsory secular ethics classes, with no possibility of exemption for pupils in State secondary schools: *inadmissible*

17.12.2009

[M. v. Germany, no. 19359/04](#)

ARTICLE 5

Article 5 § 1

Deprivation of liberty

Applicant's continued placement in preventive detention beyond the maximum period authorised at the time of his placement: *violation*

Lawful arrest or detention

Applicant's continued placement in preventive detention beyond the maximum period authorised at the time of his placement: *violation*

Heavier penalty

Retrospective extension of preventive detention from a maximum of ten years to an unlimited period of time: *violation*

Retroactivity

Retrospective extension of preventive detention from a maximum of ten years to an unlimited period of time: *violation*

Italy

17.9.2009

[Enea v. Italy \[GC\], no. 74912/01](#)

ARTICLE 6

Article 6 § 1 (civil)

Access to court

Right of access to court of prisoner held in high-security wing of prison to assert rights of a civil nature: *violation*

Fair hearing

Right of access to court of prisoner held in high-security wing of prison to assert rights of a civil nature: *violation*

Latvia

18.2.2009

[Andrejeva v. Latvia \[GC\], no. 55707/00](#)

ARTICLE 14

Discrimination (article 1 of Protocol No. 1)

Refusal to take applicant's years of employment in former Soviet Union into account when calculating her entitlement to a retirement pension because she did not have Latvian citizenship: *violation*

Malta

15.10.2009

[Micallef v. Malta \[GC\], no. 17056/06](#)

ARTICLE 6

Article 6 § 1 (civil)

Applicability

Injunction proceedings: *Article 6 applicable*

Impartial tribunal

Lack of statutory right to challenge a judge on the basis of his/her family ties with a party's advocate: *violation*

ARTICLE 34

Victim

Application introduced on behalf of applicant's sister, who had died while her constitutional claim concerning the alleged breach of her right to a fair trial was pending: *victim status upheld*

Moldova

17.9.2009

[Manole and Others v. Moldova, no. 13936/02 \(extracts\)](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Insufficient statutory guarantees of independence of public broadcaster: *violation*

Netherlands

20.1.2009

[Cooperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij U.A. v. the Netherlands \(dec.\), no. 13645/05](#)

ARTICLE 6

Article 6 § 1 (civil)

Adversarial trial

Refusal by the Court of Justice of the European Communities to authorise a third party to respond to the Advocate General's opinion: *inadmissible*

15.9.2009

["Blondje" v. the Netherlands \(dec.\), no. 7245/09](#)

ARTICLE 35

Article 35 § 2 (a)

Anonymous application

Failure to disclose identity in application to European Court: *inadmissible*

Slovakia

28.4.2009

[K.H. and Others v. Slovakia, no. 32881/04](#)

ARTICLE 6

Article 6 § 1 (civil)

Access to court

Applicants' inability to effectively present their case due to authorities' refusal to grant them access to decisive evidence: *violation*

ARTICLE 8

Article 8 § 1

Respect for private life

Respect for family life

Former patients prevented from photocopying their medical records: *violation*.

16.6.2009

[Lawyer Partners a.s. v. Slovakia, nos. 54252/07, 3274/08, 3377/08, 3505/08, 3526/08, 3741/08, 3786/08, 3807/08, 3824/08, 15055/08, 29548/08, 29551/08, 29552/08, 29555/08 and 29557/08](#)

ARTICLE 6

Article 6 § 1 (civil)

Access to court

Refusal of courts to process applicant company's civil actions submitted electronically: *violation*

Russia

15.1.2009

[Burdov v. Russia \(no. 2\), no. 33509/04](#)

ARTICLE 41

Just satisfaction

Authorities' persistent failure to enforce domestic judgments in the applicant's favour without delay despite previous finding of violation by the Court in his case – practice incompatible with the Convention: *non-pecuniary damage award increased*

ARTICLE 46

Execution of a judgment

Respondent State required to introduce an effective remedy securing redress for non-enforcement or delayed enforcement of judgments and to grant redress to all victims in pending cases of this kind

10.2.2009

[Sergey Zolotukhin v. Russia \[GC\], no. 14939/03](#)

ARTICLE 4 OF PROTOCOL No. 7

Non bis in idem

Administrative conviction of “minor disorderly acts” and subsequent criminal prosecution for “disorderly acts” concerning the same facts: *violation*

30.7.2009

[Danilenkov and Others v. Russia, no. 67336/01 \(extracts\)](#)

ARTICLE 14

Discrimination (article 11)

State's failure to afford effective judicial protection against discrimination on the ground of trade-union membership: *violation*

1.10.2009

[Kimlya and Others v. Russia, no. 76836/01](#)

ARTICLE 9

Article 9 § 1

Freedom of religion

Refusal to register religious groups for failure to demonstrate at least fifteen years' existence or affiliation to a centralised religious organisation: *violation*

Spain

30.6.2009

[Herri Batasuna and Batasuna v. Spain, nos. 25803/04 and 25817/04](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Dissolution of political parties with links to a terrorist organisation: *no violation*

8.12.2009

[Muñoz Díaz v. Spain, no. 49151/07](#)

ARTICLE 14

Discrimination (article 1 of Protocol No. 1)

Refusal to recognise validity of Roma marriage for purposes of establishing entitlement to widow's pension: *violation*

Switzerland

30.4.2009

[Glor v. Switzerland, no. 13444/04](#)

ARTICLE 8

Applicability

Obligation on person found unfit for military service to pay exemption tax: *Article 8 applicable*

ARTICLE 14

Discrimination (article 8)

Obligation on person found unfit for military service to pay exemption tax: *violation*

30.6.2009

[Verein Gegen Tierfabriken Schweiz \(VgT\) v. Switzerland \(no. 2\) \[GC\], no. 32772/02](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Continued prohibition of the broadcasting of a commercial on television despite European Court's finding of an infringement of freedom of expression: *violation*

"The Former Yugoslav Republic of Macedonia"

15.1.2009

[Association of Citizens "Radko" and Paunkovski v. "the Former Yugoslav Republic of Macedonia", no. 74651/01 \(extracts\)](#)

ARTICLE 11

Article 11 § 1

Freedom of association

Dissolution of a public association for negating the ethnic identity of the Macedonian people: *violation*

Turkey

20.1.2009

[Güveç v. Turkey, no. 70337/01 \(extracts\)](#)

ARTICLE 6

Article 6 § 1 (criminal)

Fair hearing

Inability of minor defendant to participate effectively in his criminal trial and lack of adequate legal representation: *violation*

9.6.2009

[Opuz v. Turkey, no. 33401/02](#)

ARTICLE 2

Positive obligations

Article 2 § 1

Life

Fatal injuries sustained by applicant's mother in domestic violence case in which authorities had been aware of the perpetrator's history of violence: *violation*

ARTICLE 3

Inhuman treatment

Degrading treatment

Positive obligations

Failure of authorities to take adequate measures to protect applicant and her family from domestic violence: *violation*

ARTICLE 14

Discrimination (articles 2 and 3)

Failure of judicial system to provide adequate response to serious domestic violence: *violation*

18.9.2009

[Varnava and Others v. Turkey \[GC\], nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90](#)

ARTICLE 2

Positive obligations

Failure to conduct effective investigation into fate of Greek Cypriots missing since Turkish military operations in northern Cyprus in 1974: *violation*

Article 2 § 1

Effective investigation

Failure to conduct effective investigation into fate of Greek Cypriots missing since Turkish military operations in northern Cyprus in 1974: *violation*

ARTICLE 3

Inhuman treatment

Silence of authorities in face of real concerns about the fate of Greek Cypriots missing since Turkish military operations in northern Cyprus in 1974: *violation*

ARTICLE 5

Article 5 § 1

Liberty of person

Failure to conduct effective investigation into arguable claim that missing Greek Cypriots may have been detained during Turkish military operations in northern Cyprus in 1974: *violation*

ARTICLE 35

Article 35 § 1

Six-month period

Application in disappearance case lodged more than six months after the respondent State's ratification of the right of individual petition: *preliminary objection dismissed*

Article 35 § 2 (b)

Substantially the same application

Court's jurisdiction where it had already examined case concerning substantially same facts in an inter-State case: *preliminary objection dismissed*

Article 35 § 3

Ratione temporis

Court's temporal jurisdiction in respect of disappearances that had occurred some thirteen years before the respondent State recognised the right of individual petition: *preliminary objection dismissed*

3.12.2009

[Kart v. Turkey \[GC\], no. 8917/05](#)

ARTICLE 6

Article 6 § 1 (criminal)

Applicability

Inability of a parliamentarian to have his parliamentary immunity lifted to enable him to defend himself in criminal proceedings: *Article 6 § 1 applicable*

Access to court

Inability of a parliamentarian to have his parliamentary immunity lifted to enable him to defend himself in criminal proceedings: *no violation*

United Kingdom

17.2.2009

[A. and Others v. the United Kingdom \[GC\], no. 3455/05](#)

ARTICLE 3

Inhuman treatment

Degrading treatment

Indefinite detention of foreign nationals suspected of involvement in terrorism: *no violation*

ARTICLE 5

Article 5 § 1 (f)

Deportation or extradition

Indefinite detention of foreign nationals suspected of involvement in terrorism: *violation*

Article 5 § 4

Take proceedings

Withholding on national security grounds of material relevant to lawfulness of detention: *violations/no violations*

ARTICLE 15

Derogation in time of emergency

Validity of derogation from Article 5 § 1 obligations in respect of powers to detain foreign nationals suspected of terrorism who could not be deported for fear of ill-treatment: *not valid*

ARTICLE 41

Just satisfaction

Entitlement where unlawful detention was result of public emergency and State's inability to deport applicants to their country of origin for fear of ill-treatment: *reduced award*

10.3.2009

[Times Newspapers Ltd. \(nos. 1 and 2\) v. the United Kingdom, nos. 3002/03 and 23676/03](#)

ARTICLE 10

Article 10 § 1

Freedom of expression

Rule that new cause of action accrues every time defamatory material on the Internet is accessed: *no violation*

2.6.2009

[Szuluk v. the United Kingdom, no. 36936/05](#)

ARTICLE 8

Article 8 § 1

Respect of correspondence

Monitoring of prisoner's correspondence with his medical specialist: *violation*