

#### Background

Yusuf Salduz was just 17 years old when he was arrested at an unlawful protest. He was also accused of writing a slogan on a banner. Police interrogated Yusuf on the night of his arrest. No lawyer was present during the police interview because the offence fell under the remit of the state security courts. Yusuf admitted that he had taken part in the protest and had produced the banner. Yusuf later retracted the statement he made to police, alleging that he had been forced to give it. He claimed he had been beaten and insulted while in police custody. A Turkish court later relied mainly on Yusuf's statements to the police when it convicted him and sentenced him to two and a half years in prison.

#### Judgment of the European Court of Human Rights

The European court found that the absence of a lawyer during Yusuf's time in police custody had harmed his defence. This resulted in a breach of Yusuf's right, because his statements to the police were used to convict him.

#### Background

Falsely accused of manslaughter, Sergey Solovyev was locked up in a cell where he lost three years of his life. His pre-trial detention was extended even when this had not been ordered by a judge and had not been allowed under Russian law. Mr Solovyev was eventually acquitted of the crime and released.

#### Judgment of the European Court of Human Rights

The European court found that Mr Solovyev's detention had been extended without a valid judicial order, contrary to Russian law. This meant that he had been locked up arbitrarily, in violation of his basic rights. A series of similar cases before the European Court involved arbitrary, unlawful or improper detention in Russia. As a result [of these cases], Russian courts are justifying the lawfulness and the length of detention on remand with greater precision, while the number of alternative measures of restraint is steadily growing.

#### Background

Johanna Airey complained to the authorities that her husband was a violent alcoholic. She claimed that he subjected her and her four children to mental and physical violence for many years. Mrs Airey sought a legal separation to protect herself and the children.

However, no lawyer would represent her because she could not afford the fees. This meant that Mrs Airey's husband could enter or stay in the family home.

#### Judgment of the European Court of Human Rights

The European Court of Human Rights ruled that it would have been impossible for Mrs Airey to represent herself in court. In these circumstances, the lack of any legal aid from the government meant that she was effectively denied access to a court. This breached her basic rights.

#### Background

Anita Godelli never knew her mother. Abandoned at birth, she was placed in an orphanage and then taken in by a foster family. At the age of ten, Anita found out she was adopted. She asked her adoptive parents about her birth mother, but they did not tell Anita anything. Anita's difficult childhood was made worse by her inability to find out about her origins. It was only after her adoptive parents passed away that Anita, who had by this time grown old, asked the local registry office for answers. She received a copy of her birth certificate, but it did not include her birth mother's name. After taking legal action, Anita learned that Italian law prevented her from accessing information about her origins because her biological mother wanted her identity kept secret when she gave birth.

#### Judgment of the European Court of Human Rights

The European court found that the relevant Italian law did not strike a fair balance between, on the one hand, Anita's right to access information about her origins and, on the other, her birth mother's right to stay anonymous, to which preference was given. Italy violated Anita's rights.

#### Background

As the head of a public water company, Zoran Šabanović felt he had a duty to respond to newspaper allegations that the local water supply was unsafe to drink. The contamination claims were based on a report drawn up at the request of a public official. Zoran called a press conference. He told the public that the water was safe to drink. Zoran claimed that the public official who requested the study was working to promote the interests of private companies. The public official started libel proceedings against Zoran, claiming that his statements were untrue. Zoran denied this. The Montenegrin courts found Zoran guilty of defamation and gave him a three-month suspended prison sentence.

#### Judgment of the European Court of Human Rights

The European court ruled that Zoran's criminal conviction for making a "robust clarification" on an issue of great public interest, the safety of drinking water, violated his right.

#### Background

Robert Kaprykowski has had severe epilepsy since 1996. He has daily seizures and several other disorders that affect how his brain functions. Between 1998 and 2007, Robert was in and out of prison. He claimed that he was not given proper medical treatment during his time there. Throughout Robert's time in prison, doctors warned that he needed specialist treatment and constant care, without which his health and life were at risk. Robert was put in a general wing of the prison, not the medical wing. He shared cells with healthy prisoners, who, he said, ignored his seizures and did not offer to help him. Robert often felt humiliated because he lost consciousness and wet himself whilst having a seizure. He also struggled to access the medicine he needed. Robert complained to the prison authorities, but nothing ever happened.

#### Judgment of the European Court of Human Rights

The European court ruled that Robert suffered ill-treatment in prison because the Polish authorities did not provide him with proper medical care. [Robert] must have known that he risked at any moment a medical emergency with very serious results and that most of the time no immediate medical assistance was available.

#### Background

Five Swedes were watched by the Swedish secret services due to their political activities. Per Nygren, a journalist at the Gothenburg Post, had written several articles on Nazism and on the secret service. Ingrid Segerstedt-Wiberg was a prominent human rights activist. Bengt Frejd, Staffan Ehneborn and former European Parliamentarian Herman Schmid had been active on the political left in the 1960s and 70s. All five complained that material about them was still being held by the security services. Some information had also been shared between public bodies.

#### Judgment of the European Court of Human Rights

The court ruled that the government's continued storage of personal surveillance information about Mr Ehneborn, Mr Nygren, Mr Frejd and Mr Schmid had not been justified. The material related to historical political activities, many of which had occurred over 30 years beforehand. The storage of the information had been disproportionate and had violated the applicants' right. Keeping certain information on Ingrid Segerstedt-Wiberg had been justified, to protect her against a threat to her life. However, she and the other four applicants had not been able to challenge other unjustified storage of information – in violation of their basic rights. Their private life. This violated the applicant.

#### Background

Catherine Schneider was ethically opposed to hunting. She owned some land on which hunting took place. She wanted this to stop. However, under a law from 1925 she was obliged to be a member of a hunting syndicate and to allow hunting on her land.

#### Judgment of the European Court of Human Rights

The court recognised that Mrs Schneider had strong feelings against hunting. Forcing her to be part of a hunting syndicate therefore violated her right to freedom of association. Similarly, forcing her to allow hunting on her land breached her right to use her property as she wished.

### Background

Vahan Bayatyan is a Jehovah's Witness. At age 18 he refused to do military service, on the grounds of his Christian beliefs. He asked to do civilian service instead. The Armenian authorities prosecuted Mr Bayatyan, convicted him of draft evasion and sentenced him to two-and-a-half years' imprisonment.

### Judgment of the European Court of Human Rights

The Strasbourg court ruled that the Armenian authorities had failed to make any allowance for Mr Bayatyan's deeply held beliefs, such as allowing him to carry out alternative civilian service. Instead, they imposed a heavy criminal sanction. This had violated Mr Bayatyan's right.

### Background

In 1998, local authorities decided to re-route a motorway through the quiet street where Natalya Grimkovskaya lived with her parents and young son. The family home soon became uninhabitable. Hundreds of lorries passed by every hour of the day. The air became thick with car fumes. Vibrations caused the furniture in the house to shake. Plaster fell off the ceiling and walls. When potholes began to form on the road, the local authorities filled them in with coal dust, which was then lifted into the air by passing cars. Natalya's young son started to suffer from frequent breathing problems. He was found to have high levels of copper and lead in his body. Doctors recommended that he should be resettled. Complaints from local residents prompted the authorities to test pollution levels on the street. Experts found that car emissions were above safe standards. A court later gave little reasoning when it dismissed a civil claim lodged by Natalya's mother, Klara, who wanted the government to resettle her family and compensate them for the damage to their house and health.

### Judgment of the European Court of Human Rights

The European court ruled that the Ukrainian government had failed to carry out an environmental impact study before turning the street where Natalya and her family lived into a motorway. No efforts were made to reduce the road's harmful impact. Natalya was excluded from the decision-making process. This was a violation of her rights.



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