

Background

Hans Kopp was a lawyer. The authorities tapped the telephone lines of his firm during an investigation into his wife. The investigation discovered no evidence of wrongdoing. However, the authorities had recorded private legal conversations between Mr Kopp, his law partners and their clients. Mr Kopp complained that this had violated his rights and the rights of his clients, given the need to keep professional legal conversations confidential.

Judgment of the European Court of Human Rights

Swiss law did not clearly define which conversations the authorities were allowed to intercept between a lawyer and his/her clients, or set up a process where this could be supervised by a judge. This meant that the government had too much scope to intercept confidential communications, violating Mr Kopp's basic rights.



Background

Giuseppe Toniolo was detained in San Marino, on suspicion of financial wrongdoing. He was due to be extradited to Italy. Mr Toniolo claimed that he had done nothing wrong. He also claimed that his detention was unnecessary, given that he was not dangerous and there was no risk of him absconding. Nevertheless, Mr Toniolo spent five weeks in detention in San Marino. According to him, he had no access to his lawyers, and was not properly heard by a court. Mr Toniolo was eventually extradited to Italy, where he was ultimately released.

Judgment of the European Court of Human Rights

The Strasbourg court found that there was no law in San Marino which clearly stated when or why detention would be necessary for someone awaiting extradition. This meant that Mr Toniolo could be detained arbitrarily, and could not effectively make a claim to be released. This violated his right.



Background

Vladimir Kummer was a dental technician. One night in May 2010 he was walking home from a bar when he was stopped by police – allegedly for urinating in the street. The police asked for Mr Kummer's identity card, which he said he could give them if they accompanied him to his house, which was 50 metres away. Instead, Mr Kummer was taken to the local police station. He claimed that he was put in a cell, shackled, and punched in the back of the head and in the face. He was then left hanging from his outstretched arms, which were shackled to different walls. After 30 minutes in this agonising position, he was told to go home. As a result of his injuries, Mr Kummer was unable to work for 16 days. A criminal investigation concluded that the police officers involved had not done anything wrong. A later report by the Ombudsman found that a police officer had committed a disciplinary offence but there was no finding that Mr Kummer had been physically ill-treated.

Judgment of the European Court of Human Rights

Given the evidence before it, the European court could not rule on whether Mr Kummer had been beaten. However, due to the painful and unnecessary way in which he had been left hanging by his arms in the cell, the court concluded that he had been subjected to degrading treatment. The court also found that the investigation into the incident had suffered from unnecessary delays and had not been properly independent. In the circumstances, Mr Kummer's right to an effective investigation had also been breached.



Background

Jürgen Buck ran a small business in a town near Frankfurt. One day his home and offices were suddenly raided by a team of four police officers. They confiscated a range of documents. According to Jürgen, because he lived in a small town of 10,000 people, his reputation and business suffered as a result of a people suspecting him of criminal activity. However, the only reason for the search was that Jürgen's son was being investigated for speeding (which he denied). As the car was registered to Jürgen's company, the police decided to raid not only the company offices, but also his home, to find out who might have been driving. Ultimately the raid and the documents that were seized were useless to the case, as Jürgen's son was simply identified by a photograph taken by a speed camera.

Judgment of the European Court of Human Rights

The European court ruled that the speeding investigation had been for a petty offence of minor importance. The investigation was not against Jürgen himself, but against his adult son. Given this, the police raid on Jürgen's home and office in the middle of the afternoon had been disproportionate – particularly as it was unnecessary for the investigation.



Background

Michael Falzon is a former Maltese politician. Since leaving politics, he has written a weekly opinion column for the newspaper MaltaToday. In 2007 Michael wrote an article in which he criticised the behaviour of a member of parliament. The MP started libel proceedings against him. A court ordered Michael to pay the MP €2,500 in damages. His subsequent appeals before the Maltese courts were rejected.

Judgment of the European Court of Human Rights

The European court ruled that the decisions of the Maltese courts had been "very narrow in scope" and the courts had not struck a fair balance when they upheld the MP's right to reputation without explaining why this outweighed Michael's right. Michael had not acted in bad faith by raising legitimate questions, in the public interest, about the behaviour of a politician.



Background

Ingrid Hoffmann was a Jehovah's Witness. When she and her husband divorced, a court ruled that Ingrid should have custody of the couple's two children. Relying on evidence from an expert child psychologist, the court found that Ingrid had stronger emotional ties with the children and that separating them could cause emotional harm. However, this ruling was overturned by the Supreme Court. The Supreme Court accepted that it was usually best for the mother to look after young children. However, the court ruled that this did not apply in this case, on the grounds that the mother was a Jehovah's Witness and her faith could have harmful consequences on the children's well-being. She lost custody of her children and the father was given custody instead.

Judgment of the European Court of Human Rights

The European court ruled that the decision to deny Ingrid custody of her children had been based on her religion and this difference in treatment had not been acceptable. The decision had been discriminatory and without proper justification, in violation of Ingrid's rights.



Background

There was a dispute between Roma and non-Roma residents in nearby villages. A notice was displayed by the non-Roma residents, saying that the Roma residents' houses would be burnt down the following day. The local authorities were informed about the threat but refused to intervene. The non-Roma villagers then burnt down all of the Roma villagers' houses. The Roma villagers were forced to live in dreadful conditions in nearby stables, without heating or running water. They complained to the prosecutor and the local courts about the attack but their case was rejected. The Roma villagers were told that they were to blame for what had happened.

Judgment of the European Court of Human Rights

After the applicants had sent their case to the Strasbourg court, the Romanian government issued a declaration. This accepted that the Roma villagers' rights had been violated. The authorities had failed to examine their case properly, and the local courts had failed to give them their right. The government promised to pay each of the applicants around 30,000 euros in compensation and undertake widespread reforms.



Background

Allar Harkmann was arrested and taken into custody. He was held for 15 days, without a court hearing his case or examining the legality of his detention. After he was released, the criminal proceedings against him were discontinued.

Judgment of the European Court of Human Rights

The court ruled that the failure to have Mr Harkmann's detention promptly reviewed by a judge - and the lack of any chance for him to obtain compensation - had breached his right.



Background

Henriette Akofa Siliadin arrived in France from Togo when she was 14 years old. She was vulnerable and dependent on others. However, the people accompanying her took away her passport and made her work as an unpaid servant, all day long, 7 days a week for over four years. When the authorities intervened, she had to stay in hospital for six months to recover. Legal proceedings followed her release, which allowed Ms Siliadin to be awarded unpaid wages. However, the people responsible were never convicted of a crime in the French courts.

Judgment of the European Court of Human Rights

The court found that, according to French law at the time, keeping a person in domestic servitude or slavery was not explicitly outlawed. Therefore, the law had not properly protected Ms Siliadin or criminalised the actions of her captors – in violation of her basic rights.

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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