

Human Rights Law Journal · HRLJ

HRLJ

31 October 2007

Vol. 28 No. 1-4

ISSN 0174/4704

Pages 1-160

1. ARTICLES

San Marino Colloquy

Future Developments of the European Court of Human Rights in the Light of the Wise Persons' Report

1-40

Welcome address • **Terry Davis**, Secretary General of the Council of Europe (CoE) • **Ingrid Siess-Scherz**, Former Chairperson of the Committee of Experts for the Improvement of Procedures for the Protection of Human Rights • **Gil Carlos Rodriguez-Iglesias**, Chairman of the Group of Wise Persons • **Jean-Paul Costa**, President of the EurCourtHR • **Marie-Louise Bemelmans-Videc**, Parliamentary Assembly of the CoE • **Martin Eaton**, Former Chairperson of the Steering Committee for Human Rights • **Wilhelmina Thomassen**, Former Judge of the EurCourtHR • **Thomas Hammarberg**, Commissioner for Human Rights • **NGO comments** • **Interventions** by M. Stavrinou, A. Wittling-Vogel, M. Eaton, UK Intervention, N.P. Engel • **Maud de Boer-Buquicchio**, Deputy Secretary General of the CoE • Closing address
Detailed list of contributions, see p. 1

2. DECISIONS and REPORTS

UN Human Rights Committee (UN-HRCee), Geneva/New York

- 10. VII. 07 – Enforced disappearance after arrest / State's failure to investigate places victim outside the protection of the law, Article 16 CCPR / New jurisprudence / *Kimouche v. Algeria* 41
- Inter-American Court of Human Rights (IACourtHR), San José**
- 4. VII. 06 – Death while held under psychiatric treatment / Precarious State mental health care system / Acknowledgment of State liability / *Ximenes-Lopes v. Brazil* 46
- European Court of Human Rights (EurCourtHR), Strasbourg**
- 27. VI. 06 – Necessity of prompt examination of cases concerning death in a hospital / Procedural violation of the right to life / *Byrzykowski v. Poland* 78
- 2. V. 07 – Acts (detention) and omissions (de-mining) by UNMIK (Interim Administration in Kosovo) and KFOR (International Security Force) under UN responsibility / Applications versus Troop Contributing Nations inadmissible *ratione personae* / *Behrami and Behrami v. France and Saramati v. France, Germany and Norway* 86
- 12. VII. 07 – Life imprisonment for genocide and murder committed in Bosnia / No violation of the *nullum crimen sine lege* principle by the domestic courts / *Jorgic v. Germany* 104
- 3. VII. 07 – Forced labour in the Auschwitz concentration camp for an industrial corporation (I.G. Farben) / Extinguishment of civil claims by virtue of a law providing for a general compensation scheme / No violation of property rights / *Poznanski et al. v. Germany* 116
- 7. VI. 07 – Conviction after car-bomb explosions in London / Public immunity certificate in respect of "agent material" / Use of undisclosed material before the trial judge and before the Court of Appeal / No violation of Article 6 / *Botmeh and Alami v. UK* 121
- 21. XII. 06 – Obligation to repeal restrictions on international travel / Commitment undertaken in 1996 / Refusal of passport for persons with knowledge of "State secrets" violates right to leave one's own country / *Bartik v. Russia* 128
- 28. XI. 06 – Censorship of correspondence with the European Court of Human Rights / Issue raised *ex officio* / Violation of Article 8 / *Oleksy v. Poland* 133

3. DOCUMENTATION

Jean-Bernard Marie, Strasbourg

- 1. I. 07 – International instruments relating to human rights / Classification and status of ratifications 137

4. PENDING PROCEEDINGS

European Court of Human Rights (EurCourtHR), Strasbourg

- 27. IX. 07 – Withdrawal of a politically sensitive article from municipally-owned newspaper / Freedom of expression / *Saliyev v. Russia* 158



N. P. Engel, Publisher

Kehl am Rhein

Strasbourg

Arlington, Va.