2014 Annual Report

International Human Rights Proceedings

International Law Division
Ministry of Foreign Affairs

Contents

Foreword

The 2013 Annual Report on International Human Rights Proceedings opened up a new avenue in reporting on the Netherlands' position in cases brought before the international human rights bodies. It combined the 'old' reports to parliament on the rulings of the European Court of Human Rights and the 'old' annual report on international human rights proceedings. This year's report continues along the same path. So in this publication you will find summaries of all the judgments and decisions issued in 2014 in which the Netherlands was a party, regardless of the body hearing the case. As is customary, you will also find information connected or of direct relevance to proceedings, as well as overviews and statistics.

Many people were involved in drawing up this report. Alongside staff, seconded staff and student interns working in the International Law Division at the Ministry of Foreign Affairs, contributors included colleagues at the Ministries of Security & Justice; Social Affairs & Employment; Health, Welfare & Sport; Defence and Finance, as well as the Immigration and Naturalisation Service and the Public Prosecution Service.

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Judgments

Jeunesse (12738/10, 3 October 2014, Grand Chamber)
In 1997 the applicant, a Surinamese national, entered the Netherlands on a visa for forty-five days for the purpose of visiting a relative, after having had five successive applications denied. Although this visa expired long ago, she never left the Netherlands. She married her Dutch partner (of Surinamese origin) and they had three children, all of whom are Dutch nationals. From 1997 onwards, the applicant submitted five applications for residence. All but the first were denied because the applicant had not first obtained an authorisation for temporary stay (MVV) in Suriname. According to the Minister of Justice, the public interest in being able to pursue a restrictive immigration policy outweighed the applicant's personal interest in continuing to exercise her right to family life in the Netherlands. She could, after all, do so in Suriname. Between April and August 2010 the applicant was held in aliens detention with a view to expulsion. She was released on 5 August because she was pregnant with her third child.

The applicant claimed before the Court that refusing to grant her a residence permit violated her right under article 8 of the Convention to respect for her family life. She also alleged that there had been a violation of EU law and of articles 3 and 5 of the Convention. The latter complaint was declared inadmissible on 4 December 2012.

The Court examined whether there is a positive obligation for the Dutch authorities under article 8 to allow the applicant to reside in the Netherlands. It emphasised that in this case family life existed within the meaning of this article. It also stated that under international law, states are competent to establish rules governing the residence of foreign nationals in their territory. In its assessment, the Court took into account both the right to family life, and, more specifically, the Netherlands' right to pursue its own immigration policy. In addition, it is established case law that when two people start their family life at a time when the immigration status of one of them is still uncertain, their family life is eligible for protection under article 8 only in exceptional circumstances.

The Court therefore examined whether exceptional circumstances existed in this case. It held, first, that all the applicant's family members had Dutch nationality. Her husband and children had the right to pursue their family life in the Netherlands. What is more, the applicant had previously held Dutch nationality, but had lost it when Suriname became independent. She could not therefore be compared to other foreign nationals who have never been Dutch. Second, she had lived in the Netherlands for 16 years and the Netherlands had tolerated this state of affairs to a certain extent. In this period, she had developed strong family, social and cultural ties with the Netherlands. Third, the Court held that though there seemed to be no objective obstacle to her continuing her family life in Suriname it was likely that the family would experience a degree of hardship there. Finally, the Court noted that the authorities had taken insufficient account of the best interests of the applicant's children. It pointed out that the applicant is the primary carer, and that the children have no direct ties with Suriname and are deeply rooted in the Netherlands.

The Court concluded that on the grounds of the cumulative factors outlined above, the applicant's situation was exceptional and that the Dutch authorities had acted in violation of the right to family life enshrined in article 8 by failing to strike a fair balance between the personal interest of the applicant and her family in continuing to exercise their right to family life in the Netherlands and the Government's public interest in controlling immigration.

According to their dissenting opinion, the judges from Liechtenstein, the UK and the Netherlands came to the opposite conclusion. They concluded that in assessing the right to family life in the context of national immigration policy, states normally have a margin of appreciation. In the present case, the Court had substantially restricted this margin by shifting responsibility for the consequences of choices made by parents onto the state, a development which is not conducive to children's best interests with regard to the right to family life. Furthermore, the Court's reasoning could lead to parents exploiting their children's situation to secure a residence permit for themselves. And the judgment means that immigrants residing illegally in the Netherlands have an advantage over those who

comply with the rules and wait in their country of origin for their application to be processed. In the dissenters' view, the Court had let itself be guided more by what is considered humane than by what is right in the dispute in question.

Jaloud (47708/08, 20 November 2014, Grand Chamber)

The applicant, an Iraqi national, lost his son on 21 April 2004 when he was shot to death at a checkpoint in Al Muthanna in Iraq. A lieutenant in the Royal Netherlands Army was involved in the fatal shooting. The lieutenant was a member of the Stabilisation Force Iraq (SFIR), set up after the fall of Saddam Hussein to stabilise the region. The Dutch Public Prosecution Service (OM) decided not to prosecute the lieutenant on the grounds that he had followed the Instructions on the Use of Force during the incident. The Military Division of Arnhem Court of Appeal upheld the OM's decision.

The applicant claimed that the Netherlands had violated its procedural obligation under article 2 of the Convention (right to life) to conduct an effective and independent investigation into his son's death. The Netherlands argued that the victim's death did not fall under Dutch jurisdiction as referred to in article 1 of the Convention because, in brief, the operation in Iraq was led by the United States and the United Kingdom.

The Court rejected this argument and concluded that the Netherlands had retained full command over its troops. What is more, the victim came under the authority and control of the Netherlands because he was passing a Dutch checkpoint. As a result, the victim's death occurred within Dutch jurisdiction within the meaning of article 1. The Court concluded that the investigation into the death was sufficiently independent. However, it found that it was not sufficiently effective for the following reasons: the OM had not included ten statements made by Iraqi soldiers in the file for the appeal court; the lieutenant who fired the shots was not kept separate from witnesses before he was questioned; the list of Iraqi military personnel who fired their weapons was not included in the file; the autopsy of the

victim's body had serious shortcomings and the bullet fragments taken from the victim's body were not properly stored or examined. In addition, Arnhem Court of Appeal did not investigate whether the use of force was proportionate. The absence of the ten statements from Iraqi soldiers in the file submitted to the appeal court was relevant to this aspect of the effectiveness of the investigation.

Although the Court acknowledged the relatively difficult conditions under which Dutch military personnel and investigators had to work in Iraq, it concluded that the investigation was nevertheless insufficiently effective. Seven judges, including the Dutch judge, expressed in their concurring opinion understanding for the difficult circumstances in which the investigation took place. They regretted that the Court felt obliged to pronounce in detail on the investigation in Iraq, because this could result in the Court's role and competence being questioned. Nevertheless, they agreed with the unanimous ruling that the investigation into the fatal incident was insufficiently effective, resulting in a violation of procedural obligations under article 2 of the Convention.

Geisterfer (15911/08, 9 December 2014)

The applicant, a Dutch national, was arrested on suspicion of participation in a criminal organisation, joint perpetration of extortion and breaches of the Firearms, Ammunition and Offensive Weapons Act. After he had been held for over a year, the applicant's pre-trial detention was suspended because criminal proceedings had been postponed due to the fact that his co-defendant had to undergo surgery. During the suspension period, the district court denied the applicant's request that his pre-trial detention be lifted altogether. When the trial resumed four months later the applicant was taken back into custody. During the proceedings the applicant asked for pre-trial detention to be lifted or for suspension to continue under the same conditions as had applied in the four months that he was at liberty. The district court refused both requests. The applicant was ultimately sentenced to eighteen month's imprisonment, six months of which was suspended, with credit for time on remand. The applicant claimed before the Court that the continuation of his pre-trial detention after the four-month suspension was unjustified and that the district court's decision to extend his detention was insufficiently substantiated. He argued that this had resulted in a violation of article 5, paragraph 3 of the Convention (right to be tried within a reasonable time or to be released). According to the Court,

the case also had to be assessed in light of article 5, paragraph 1 (c) of the Convention (grounds for pre-trial detention).

The Court held that criminal offences committed in exceptional circumstances can justify detaining the suspect until trial. Disturbance to public order may be one of these circumstances. In such cases, however, it must be shown that releasing the suspect would indeed disturb public order and that public order remains under threat. The legitimacy of the continuation of pre-trial detention cannot be assessed from a purely abstract point of view, taking into consideration only the gravity of the offence. The Court concluded that the district court had insufficiently substantiated its reasons for finding further detention justified. There was no evidence that the suspension of pre-trial detention had led to any public concern. The district court did not argue that the applicant constituted a serious risk to public safety but it evidently attributed so much importance to the gravity of the charges that release could never have been possible, even subject to conditions. On these grounds the Court held that there had been a violation of article 5, paragraph 1(c) in conjunction with paragraph 3 of the Convention and the applicant was awarded compensation.

Decisions[1]

Adorisio and others (47315/13), Brigade Distressed Value Master Fund Ltd and others (48490/13), EBL Holding (49000/13) and Integrale Gemeenschappelijke Verzekeringskas (49016/13) (14 January 2014)
The applicants are former shareholders or holders of subordinated bonds issued by *SNS Reaal N.V.* and *SNS Bank N.V.*, whose shares and subordinated bonds were expropriated when the bank, which was in serious difficulties, was nationalised in February 2013. The Minister of Finance set compensation at zero because if they had not been nationalised, *SNS Reaal* and *SNS Bank* would have gone bankrupt or into liquidation,

[1] Of the much larger number of decisions declaring an application against the Netherlands inadmissible and striking it out of the list (see Annexe I, Judgments and decisions), only the decisions known to the Government are discussed here.

as a result of which the shares and bonds would have been worthless. The applicants subsequently lodged appeals with the Administrative Jurisdiction Division of the Council of State and contested the Minister's decision to set compensation at zero before the Enterprise Division of Amsterdam Court of Appeal. On 25 February 2013 the Administrative Jurisdiction Division ruled that the expropriation was lawful. The compensation proceedings before the Enterprise Division were still ongoing at the time of the ECHR judgment: the Government had lodged an appeal in cassation against the interlocutory decision of the Enterprise Division. With the exception of *EBL Holding A/S*, the applicants asserted that the proceedings before the Administrative Jurisdiction Division constituted a violation of article 6, paragraph 1 of the Convention. More specifically, they complained that they were not notified individually and in a timely manner about the expropriation; they had insufficient time to lodge an appeal against the expropriation and to prepare their case, partly because the Minister of Finance's statement of defence only became available shortly before the hearing; the reports by Ernst & Young and Cushman & Wakefield were made available to the Minister but not to the applicants; the time allowed for the hearing was too short and finally, the proceedings to test the lawfulness of the expropriation were held separately from the compensation proceedings.

All the applicants also claimed that their property rights under article 1 of Protocol 1 to the Convention had been violated. *Brigade Distressed Value Master Fund Ltd* and others further complained that the ruling of the Administrative Jurisdiction Division violated article 13 of the Convention. Finally, *EBL Holding A/S* argued that the expropriation of subordinated bonds affected only non-Dutch shareholders, a breach of article 14 of the Convention in conjunction with article 1 of Protocol 1 to the Convention.

The Court decided to join the four applications. It held that a number of complaints regarding the alleged violation of the right to a fair trial in the appeal proceedings before the Administrative Jurisdiction Division warranted further examination. In this connection the Court asked the Government to provide missing information and to submit observations regarding the complaints that the period for lodging an appeal was too short, that there was insufficient time to study the Minister of Finance's statement of defence and that access to the reports was restricted.

The Court declared the other complaints under article 6, paragraph 1 inadmissible. It found them manifestly ill-founded because there were no indications in the file that the proceedings before the Administrative Jurisdiction Division constituted a violation of the Convention or its Protocols. The complaints under articles 13 and 14 of the Convention were declared inadmissible on the same grounds.

With regard to the complaint regarding the violation of property rights (article 1 of Protocol 1), the Court found that the applicants had not exhausted domestic remedies. It held that the assessment of any violation of article 1 of Protocol 1 could not be divorced from the decision on compensation for the expropriation. Since the compensation proceedings were still pending, the Court declared this complaint, too, inadmissible.

N.F. (21563/08, 14 January 2014)

The applicant, an Afghan national, applied for asylum in the Netherlands in 2001. He claimed that the Taliban were looking for him because he once worked for the communist regime. During his stay in the Netherlands he converted to Christianity. Though his family were granted asylum, the applicant's asylum application was denied in 2007 on the grounds of article 1F of the Refugee Convention. During the communist regime he had worked for the KhAD/WAD, the former state security service, his last held rank being that of major. The crimes committed by the KhAD/WAD and the fact that, due to his rank, he could be held responsible for these crimes, led the Government to deny his asylum application and to impose an exclusion order on him. In a fresh decision given in 2009 the Government acknowledged that the applicant would face a real risk of being subjected to treatment contrary to article 3 of the Convention if he were removed to Afghanistan and for that reason would not expel him to that country. However, given the applicability of article 1F of the Refugee Convention, the applicant was not entitled to receive a residence permit. In 2012 the exclusion order was converted into an entry ban.

The applicant claimed that on account of his activities for KhAD/WAD and his conversion from Islam to Christianity, removing him to Afghanistan would constitute a violation of the prohibition of torture and inhuman treatment (article 3 of the Convention). He also argued that it

would be a breach of his right to family life (article 8 of the Convention). since his wife and children have all been granted residence permits. Finally, the applicant claimed that he had no effective remedy in respect of his complaints (article 13 of the Convention).

The Court held that as the Government was not planning to expel the applicant to Afghanistan for the time being, he could not claim to be a victim of an alleged violation of the Convention. On these grounds the Court found the complaints manifestly ill-founded and the application therefore inadmissible.

Y.A. (15439/09, 14 January 2014)

The applicant, an Afghan national, applied for asylum in the Netherlands in 1997. He stated that he had been a professional soldier and had worked for the KhAD/WAD, the communist regime's security service. He had also been a member of the Afghan Communist Party (PDPA). The applicant claimed to have fled because the Taliban were looking for him. In 1999, he was admitted as a refugee and in 2001 his wife and four children received permission to join him in the Netherlands. The applicant's wife and two of the children now have Dutch nationality; the other two children were granted residence permits.

In 2006 the Minister for Immigration and Integration decided to withdraw the applicant's permanent residence permit with retroactive effect and to impose an exclusion order on him. The Minister based his decision on article 1F of the Refugee Convention, stating that the applicant had held the rank of lieutenant colonel in the KhAD/WAD and on the basis of this position must be held partly responsible for the crimes committed by this organisation. In 2010 the Government decided there was a real risk that the applicant would be exposed to treatment incompatible with article 3 of the Convention if he were to return to Afghanistan, and therefore he would not be expelled to that country. It did not however regard the right to family life enshrined in article 8 of the Convention as a reason to lift his exclusion order. The applicant claimed that expulsion to Afghanistan would constitute a violation of the prohibition of torture and inhuman treatment contained in article 3 of the Convention. It would also violate his right to family life as laid down in article 8, since his wife and children have all obtained either a residence permit or Dutch nationality. Finally, the

applicant complained that that he did not have an effective remedy with regard to his complaints, in breach of article 13 of the Convention.

The Court held that as the Government was not planning to expel the applicant to Afghanistan for the time being, he could not claim to be a victim of an alleged violation of the Convention. On these grounds the Court found the complaints manifestly ill-founded and the application therefore inadmissible.

K.S. (51315/12, 21 January 2014)

The applicant, an Iranian national, applied for asylum in the Netherlands in 2008. He claimed to have been imprisoned and tortured by the Iranian authorities. In 2009 his asylum application was denied on the grounds that he had made inconsistent statements on a number of points, so that there were serious doubts regarding his detention.

In his application to the Court, the applicant claimed that the inconsistencies in his statements were the result of his psychological state resulting from the torture he had undergone. When the national procedures came to an end in 2012, he was examined by the Institute for Human Rights and Medical Assessment (IMMO), which concluded that it was highly likely his scars/physical ailments and psychological problems were the result of the reasons he gave for seeking asylum.

Having been informed of the application by the Court, the Government requested an extension of the time limit fixed for the submission of observations because the applicant had submitted a fresh asylum application. This request was granted. The second asylum application was successful, and the applicant received an asylum residence permit. The Government then asked the Court to strike the case out of the list. However, the applicant objected to this request. He further claimed that expulsion to Iran would constitute a violation of article 3 of the Convention (prohibition of torture and inhuman treatment) and that he had had no effective legal remedy with regard to his complaints (article 13 of the Convention).

The Court held that the legal and factual circumstances on which the application was based were no longer applicable. The applicant could not therefore claim to be a victim of an alleged violation of the Convention. The Court struck the application out of the list.

N.T. (53560/07, 21 January 2014)
The applicant, an Afghan national, applied for asylum in the Netherlands. His application was denied. Before the Court, he complained that expelling him to Afghanistan would be in violation of article 3 of the Convention (prohibition of torture and inhuman treatment). The applicant also claimed he had not been treated in accordance with the guarantees of a fair trial as laid down in article 6. The Court asked the applicant to submit observations regarding his application, but he chose not to provide any further information. In 2013 it emerged that the applicant's lawyer was unaware of his whereabouts at that time.

The Court was of the opinion that the fact that the applicant had not taken the trouble to inform his lawyer of his whereabouts should be taken to mean that he no longer wished to pursue his application. It therefore struck the application out of its list.

Vos (52491/08, 21 January 2014)

The applicant claimed before the Court that the time taken to rule on her appeal regarding the lawfulness of her pre-trial detention did not meet the requirement of a speedy decision as laid down in article 5, paragraph 4 of the Convention. The applicant and the Government reached a friendly settlement. The Court struck the application out of the list pursuant to article 37, paragraph 1 (b) of the Convention.

VEB NCVB and others (50494/13, 11 February 2014)
The applicants are former holders of shares and subordinated bonds issued by *SNS Reaal N.V.* and *SNS Bank N.V.* and expropriated in February 2013. The circumstances surrounding the expropriation of the shares and bonds can be found in the case of *Adorisio and others v. the Netherlands* (47315/13, 14 January 2014) discussed above.

The applicants claimed the proceedings before the Administrative Jurisdiction Division of the Council of State concerning the expropriation were in breach of article 6 of the Convention. In addition, they argued that the failure to pay compensation was a violation of their property rights under article 1, Protocol 1 of the Convention.

The Court observed first of all that VEB NCVB could only be regarded as a victim within the meaning of article 34 in its capacity as shareholder. It therefore denied VEB's request to act as the representative of 7888 named

shareholders who were not applicants or as the promoter of the collective interests of the other shareholders. The Court then pointed out that information necessary for the submission of the part of the application relating to article 6 of the Convention had not been submitted on time. It consequently rejected this complaint in accordance with article 35, paragraphs 1 and 4 of the Convention. With regard to the failure to award compensation (article 1 of Protocol 1), the Court ruled that the applicants had not exhausted domestic remedies. Since the domestic proceedings on this issue were still pending, the Court declared this complaint inadmissible.

A.K. and B.N. (72606/13, 11 March 2014)
The applicants are Iranian nationals who complained before the Court that their transfer to Italy under the terms of the EU Dublin Regulation would be in violation of their right to respect for family life under article 8 of the Convention. They were to be transferred without their teenage daughter who had gone missing shortly before the scheduled transfer date.

The Government informed the Court the applicants had in the meantime been reunited with their daughter in Italy, and they subsequently withdrew their application. The Court struck the application out of the list.

Gyatso (10642/13, 11 March 2014)
The applicant, a Chinese national, complained before the Court that following the national proceedings regarding the lawfulness of his placement in aliens' detention, no compensation as required by article 5, paragraph 5 of the Convention was awarded to him. Since a friendly settlement was subsequently reached by the applicant and the Government, the Court the application out of the list.

Micheal (33229/12, 11 March 2014)
The applicant, an Eritrean national, complained before the Court that his transfer to Italy under the EU Dublin Regulation would be in violation of articles 3 (prohibition of torture and inhuman treatment) and 4 (prohibition of slavery and forced labour) of the Convention. After the Court had indicated that an interim measure under Rule 39 of the Rules of Court would be appropriate, the applicant was granted a temporary residence permit. The Government therefore requested that the Court strike the application out of the list.

The applicant was invited to respond to this request, but failed to do so.

The Court held that it could be assumed that the applicant no longer wished to pursue his application. It therefore struck the application out of the list and lifted the interim measure.

Mohamed Hussein (7049/13, 1 April 2014)
The applicant claimed to be a Somali national and a member of the minority Reer Hamar population group. He stated that he had lived illegally in Saudi Arabia for many years, being expelled to Somalia in 2009. He further claimed to have left Somalia in July 2009 because of the problems he experienced there. His asylum application was denied in 2010 on the grounds that his nationality and identity could not be established and the account of his flight lacked credibility. In addition to the fact that he had no documents establishing his nationality and identity, he made inconsistent, vague and barely credible statements about his travel route and his expulsion from Saudi Arabia to Somalia. Because the applicant knew only a few words of Somali and could not give adequate information about his clan, the Government concluded that he had not managed to plausibly establish his Somali origins.

The applicant claimed that if returned to Somali, he would face a real risk of being subjected to human rights violations by one of the warring factions there. This would constitute a violation of article 3 of the Convention (prohibition of torture and inhuman treatment). In addition, expulsion to Saudi Arabia would constitute indirect *refoulement*, given that he had previously been expelled from that country to Somalia.

The Court noted that the Government did not, for the present, intend to expel the applicant to Somalia or any other country in view of the lack of clarity regarding his nationality, identity and origin. Consequently, he could not at that time claim to be a victim of a violation of the Convention. On these grounds, the Court declared the application inadmissible.

Selimani (50108/11, 15 April 2014)
The applicant, who claimed to be an Algerian national, complained before the Court that he had not been awarded compensation under article 5, paragraph 5 of the Convention following the national proceedings regarding the lawfulness of his placement in aliens' detention. The applicant and the Government reached a friendly settlement. The court struck the application out of its list.

Fränklin-Beentjes and CEFLU-Luz da Floresta (28167/07, 6 May 2014)
The first applicant was employed by the second, a religious association. In 1999 the first applicant's house was searched by the police and a number of jerry cans were seized. The jerry cans contained a liquid used to make a brew known as 'Santo Daime' (or ayahuasca) which is drunk during religious services. The liquid contained the hallucinogenic DMT, a substance that is banned under the Opium Act. After the criminal proceedings against the first applicant were discontinued because the reasonable time requirement laid down in article 6 of the Convention had been exceeded, the first applicant lodged a complaint with the appeal court requesting the return of the jerry cans since it had been established that the ayahuasca was being used for religious purposes. She argued that the seizure of the jerry cans therefore violated her rights under article 9 of the Convention. However, this interference with her rights was considered justified by Amsterdam Court of Appeal and thereafter by the Supreme Court, on the grounds that the consumption of ayahuasca constituted a risk to public health. As a result, the applicants argued before the Court that there had been interference with their freedom to practise their religion in breach of article 9 of the Convention. They considered the liquid to be a sacrament and thus an indispensable and essential part of the practice of that religion. Finally, they claimed that they had suffered discrimination since the Dutch authorities did not act against religious bodies that use alcoholic drinks in their ceremonies. According to the applicants, this constituted a breach of article 14 in conjunction with article 9 of the Convention.

The Court ruled that the prohibition on DMT was deemed to be necessary in a democratic society to protect public health. In addition, it remarked that this substance is not only proscribed by the Opium Act but also under binding rules of international law. It therefore declared the complaint relating to article 9 of the Convention to be manifestly ill-founded. It also found the complaint under article 14 ill-founded because the ritual in question differed in its essence from other permitted religious rituals using alcohol. Furthermore, alcohol is not a banned substance under the Opium Act. The Court also considered the remaining complaints to be manifestly ill-founded and declared the application inadmissible.

Ndikumana (4714/06, 6 may 2014)
The applicant, a Burundi national, submitted an asylum application in March 2000. Because he had travelled via Germany to the Netherlands, the EU Dublin Regulation was applicable. Dutch asylum policy did not at the time

provide for reception for 'Dublin claimants'. After it was established on 23 March 2000 that his case fell within the scope of the Dublin Regulation, he was informed that he had no right to reception and care facilities. The applicant stated that he then lived on the streets in Amsterdam for a while. On 19 April 2000 he reported to the Zevenaar application centre, where he was initially denied access. The applicant claims that he was only admitted two days later, after a suicide attempt. In August 2000 he was granted a provisional asylum residence permit and later a permanent permit.

The applicant complained of a violation of articles 2 and 3 of the Convention in that he was forced by the Dutch authorities to live without food, shelter and medical care between 23 March 2000 and 21 April 2000. In addition, he claimed that he would not have been forced to live on the streets if he had not been an asylum seeker, which constitutes a violation of article 14 of the Convention (prohibition of discrimination).

The Court noted that in 2000 no reception facilities were offered by the State to Dublin claimants. At the time, a positive obligation to provide for asylum seekers' most basic needs still existed pursuant to the European Reception Directive. The Court ruled that the applicant had provided insufficient evidence to establish that he had lived on the streets without interruption for the time indicated and that he had become the victim of physical and sexual abuse and had tried to commit suicide. The Court also noted that the applicant did not take advantage of any official channels to request access to reception facilities. The need for such access only became clear to the authorities when he reported to the reception centre on 19 April 2000. Since the authorities offered him reception two nights later, they cannot be accused of total indifference. Indeed admitting him to the centre prevented any further deterioration in his circumstances.

The Court held that the complaint in respect of article 3 was manifestly ill-founded and that there was no reason to examine the complaint under article 2 any further. Since there had been no violation of the Convention, the complaint under article 14 was also ill-founded. The Court declared the application inadmissible.

Abdullahi Ali (63931/12, 27 May 2014)

The applicant, a Somali national, complained before the Court that she and her son would face a real risk of treatment contrary to article 3 of the Convention if they were transferred to Italy under the terms of the EU

Dublin Regulation. The Court indicated an interim measure preventing the transfer of the applicant and her son to Italy. Since the applicant then indicated that she wished to return voluntarily to Italy with her son and therefore to withdraw her application, the Court struck the case out of the list and lifted the interim measure.

Ahmed Omer (29240/13, 27 May 2014)
The applicant, a Somali national, complained before the Court that if returned to Somalia, he would be exposed to a real risk of treatment contrary to articles 2 and 3 of the Convention.

In view of the deterioration in the security situation in Somalia, the applicant submitted a fresh application for asylum. After being granted an asylum residence permit, he withdrew his application and the case was struck out of the list.

Anema-Kwinkelenberg and others (54749/13, 27 May 2014)
The applicants are former holders of shares and subordinated bonds issued by *SNS Reaal N.V.* and *SNS Bank N.V.* which were expropriated in February 2013. The circumstances surrounding the expropriation of the shares and bonds can be found in the case of *Adorisio and others v. the Netherlands* (47315/13, 14 January 2014) discussed above.

The applicants claimed that the proceedings before the Administrative Jurisdiction Division of the Council of State in connection with the expropriation constituted a violation of article 6 of the Convention. In addition, they argued that the failure to award them any compensation was a violation of their property rights under article 1 of protocol 1 to the Convention.

The Court noted that the information necessary for the submission of the part of the application relating to article 6 of the Convention had not been submitted on time and therefore rejected the complaint in accordance with article 35, paragraphs 1 and 4 of the Convention.

With regard to the complaint regarding the failure to pay compensation, (article 1 of Protocol 1 to the Convention), the Court held that the applicants had not yet exhausted domestic remedies since proceedings were currently pending before the Supreme Court. It therefore rejected this complaint too, declaring the application inadmissible.

Berkvens and Berkvens (18485/14, 27 May 2014)

A. L. Berkvens died on 2 July 2009, leaving his estate to the applicants, among others. The first applicant was exempt from inheritance tax, up to a certain limit, and the second applicant was not. On 22 December 2009 the first applicant made a gift to the second applicant which was subject to gift tax. In both cases the facility for enterprise succession that exempts businesses from tax was not applicable. The applicants complained under article 14 of the Convention that they had been discriminated against because the exemption from tax worth up to one million euros that normally applies to people inheriting a business did not apply to them. They argued that under the Succession Act they should have enjoyed this exemption.

The Court held that since the first applicant was not liable to inheritance tax she could not claim to be a 'victim' within the meaning of article 34 of the Convention. Her application was rejected. Although the second applicant invoked only article 14 of the Convention, the Court, of its own motion, also considered his application under article 1 of Protocol 1 in conjunction with article 1 of Protocol 12, because article 14 has no independent existence. It is up to the Court to decide whether there has indeed been discrimination as prohibited by article 14.

The Court held that the State enjoys a broad margin of appreciation with regard to taxation provided differences in the treatment of individual taxpayers serve a legitimate aim and are proportionate. It found that the distinction drawn between business assets and other assets is designed to support the economy and thus serves a legitimate aim. In addition, it effectively counters the problems it is intended to solve and does not therefore constitute a disproportionate measure. Consequently, the application was manifestly ill-founded and declared inadmissible.

I.A. (76660/12, 27 May 2014)

The applicant, a Somali national, claimed to have been born in Somaliland and to belong to the Issaq clan. She said she had fled to southern Somalia because she had married a man from another clan against her parents' wishes. At some point, her family in the south was allegedly threatened by a man from a different clan who wanted to marry their daughter. After the related deaths of her son and father-in-law she fled to the Netherlands. Her

asylum application was denied on the grounds that her statements regarding where she had lived were so vague that it could not be plausibly established that she had spent twenty years in southern Somalia and had been threatened. In 2011 she submitted a fresh asylum application in which she argued that the security situation in southern Somalia had deteriorated. This application too was denied on the grounds that it was still not possible to attach any credence to her claim to come from southern Somalia.

The applicant complained before the Court that the denial of her application for protection was a violation of article 1 of the Convention. She also claimed that her expulsion to Somalia would expose her to a real risk of treatment incompatible with articles 2 and 3 of the Convention. She further argued that on her return to Somalia she would have to go into hiding, which would amount to a violation of article 5 of the Convention. Finally, the applicant complained that, in breach of article 13, she had not had an effective remedy for her complaint of a violation of article 3 of the Convention.

Since according to information supplied by the Government at the time of the Court's assessment of the case, it was not possible to forcibly return the applicant to Somalia, the Court held that there was currently no risk of treatment contrary to article 3 of the Convention or of any imminent violation of any of the other articles invoked. Since expulsion was not imminent and it was not clear when this situation might change, the Court considered it less than efficient to proceed to an assessment of the present conditions in Somalia since it was possible those conditions would have changed by the time the Government decided removal could take place. Furthermore, the applicant could take advantage of domestic remedies to challenge any future expulsion; she could also seek to have her application to the Court restored if no domestic remedies be available to her. The Court struck the application out of the list.

Jama Dubad (21262/13, 27 May 2014)

The applicant, a Somali national, complained before the Court that his expulsion to Somalia would expose him to real risk of treatment contrary to article 3 of the Convention. On 28 March 2013 the Court indicated that it would not be desirable for the applicant to be expelled during the proceedings before the Court (Rule 39 of the Rules of Court). The applicant however returned voluntarily to Somalia; the Court struck the application out of its list and lifted the interim measure.

Prak (3869/08, 27 May 2014)
The applicant, a Dutch national, complained under article 5, paragraph 1 of the Convention that the extension of his TBS order entailing committal to a custodial clinic did not accord with the standards set out in articles 590o and 590oa of the Code of Criminal Procedure. In addition, he claimed that the proceedings were not pursued with the necessary speed, in violation of article 5, paragraph 4 of the Convention.

The applicant and the Government reached a friendly settlement and the Court struck the application out of the list.

Stichting Ostade Blade (8406/06, 27 May 2014)
The applicant foundation, publisher of the magazine 'Ravage', published a press release in 1996 announcing that the following day's issue would include a letter from the 'Earth Liberation Front' claiming responsibility for a recent bomb attack.

As a result, the police carried out a search of the magazine's premises, under the supervision of an investigating judge, in order to find the letter. Prior to the search, one of the editors present on the premises was informed of the aim of the search. He stated that neither the letter nor the magazine's subscriber database were on the premises. It was decided to conduct a search nonetheless. The police took away computers and other items and materials for further investigation. When the police tried to leave the premises with the objects they had seized, the door proved to be locked and they were compelled to kick it open. Outside they were confronted by supporters of the applicant foundation who opposed the search. These individuals tried to snatch the seized items from the police.

In the end the police took the items away, examined them and returned them a few days later. On the orders of the investigating judge, the copies made of the seized documents and files were then destroyed. It transpired later that the letter the police were looking for had been destroyed by the applicant foundation, but that the subscriber database was on the magazine's computer system.

The applicant foundation brought proceedings before the civil law sector of the district court, claiming compensation for pecuniary and non-pecuniary losses suffered as a consequence of the violation of their right to freedom of expression and privacy, and of the principle that the public burden should be shared equally. The district court dismissed the claims on the

grounds that the search was justified by the public interest in discovering the identity of the perpetrators of the attacks. The applicant foundation lodged an appeal, restating its claims under articles 10 (freedom of expression) and 8 (right to privacy) of the Convention. The appeal court ruled that the applicant foundation had not proved that the search had failed to meet the requirements of proportionality and subsidiarity. Furthermore, the editor had failed to prove that he had suffered any damage. The appeal court therefore dismissed the appeal. In cassation proceedings, the Supreme Court ruled that the appeal court had incorrectly laid the burden of proof with regard to whether the search had met the requirement of subsidiarity on the applicant foundation, and had insufficiently substantiated its finding that the search was not disproportionate. In addition, it had not dealt adequately with the complaint under article 8 of the Convention. The Supreme Court referred the case to another appeal court. The latter court concluded that the search had in fact respected the requirements of subsidiarity and proportionality insofar as it was part of the investigation into the perpetrators of the bomb attacks, but it found that the search was also intended to find possible links between the perpetrators and the magazine. This was not specified in the grounds on which the search was based. The appeal court therefore ruled that in so far as the search was intended to achieve the latter aim, it was in breach of articles 10 and 8 of the Convention. However, the appeal court ruled that the applicant foundation had not succeeded in establishing that it would not have suffered any damage if the State had limited the search to its first aim. The claim for compensation was therefore dismissed.

The applicant complained before the Court that the search was in violation of its right to receive and impart information in accordance with article 10 of the Convention. It also claimed that the failure of the domestic courts to award compensation was in breach of its right to an effective remedy (article 13 of the Convention).

The Court first examined whether the protection of journalists' sources, as established in case law, was at issue. In this case, the perpetrator of several bomb attacks was seeking publicity through an anonymous letter to a magazine. In the Court's view, such situations are not covered by protection of sources. Furthermore, in this case freedom of expression could be subjected to constraints prescribed by law which were necessary to prevent crime and discover the identity of the person suspected of the bomb attacks. This part of the application was therefore declared manifestly ill-founded.

The Court also declared the complaint regarding compensation manifestly ill-founded since a domestic court had already ruled on the matter. The fact that the outcome of this assessment was not in the applicant's favour did not mean that the applicant had had no effective remedy.

The Court declared the application inadmissible in its entirety.

Y.M. (71247/13, 27 May 2014)
The applicant, a Somali national, complained before the Court that his expulsion to Somalia would expose him to a real risk of treatment contrary to articles 2 and 3 of the Convention.

Since the applicant was subsequently granted a residence permit under the amended policy regarding Somali asylum seekers, the Court struck the application out of its list.

G.M. (30900/14, 17 June 2014)
The applicant, a Somali national, complained before the Court that if she and her minor children were transferred to Italy under the EU Dublin Regulation they would be exposed to a real risk of treatment contrary to article 3 of the Convention. The Court indicated that an interim measure under Rule 39 would be appropriate to prevent the expulsion of the applicant and her children. On 6 May 2014 the applicant informed the Court the Government was no longer planning to expel them as the deadline for transfer had expired. She therefore wished to withdraw her application. Seeing no reason to continue its examination of the case, the Court struck the application out of the list and lifted the interim measure.

Haji (30162/13, 24 June 2014)
The applicant, a Somali national, complained that her expulsion and that of her son, who was born in the Netherlands, to Somalia would be in breach of articles 3 and 8 of the Convention. She also claimed that no effective remedy for her complaints had been available to her before a national authority (article 13). On 17 June 2013 the applicant and her son were granted an asylum residence permit. The Court accordingly struck the application out of its list.

Abdulkhadir Mohamed (20673/13), Abdullahi Ismael (32894/11), Hersi Dirye Faarah (18135/13), Husein Abuukar (30268/13), Mahamuud (17848/13) (1 July 2014)
The applicants complained that their expulsion to Somalia would be in breach of article 3 of the Convention. In addition, two of the applicants (Mahamuud and Husein Abuukar) complained of a violation of article 2 of the Convention. Another applicant (Abdulkhadir Mohamed) claimed

that no effective remedy had been available to him before a national authority (article 13). Since in the first half of 2014 it was impossible to forcibly remove people to any part of Somalia and there was no indication that this situation might change in the near future, no violation of article 3 or of the other articles invoked was imminent at the time of the Court's assessment of the case. The Court considered continued examination of the case unjustified. The applicants could challenge any future removal under domestic law or seek to have their application to the Court restored. The Court struck all the applications out of its list.

Munyaneza and Bajyanama (45225/12, 1 July 2014)
The first applicant is a Rwandan national and the second a Dutch national. They complained that the refusal of the first applicant's application for a residence permit had made it impossible for him to exercise his right to pursue his family life, a violation of article 8 of the Convention. When the Government granted the first applicant's fresh application for a regular residence permit, the application was withdrawn and the Court struck the case out of its list.

Hersi Jama (20010/13), Jiamile (29664/13), Mahamed Ahmed (70517/11), Rage (29841/10) (1 July 2014)
The applicants complained that their expulsion to Somalia, after their applications for asylum in the Netherlands had been denied, would be in breach of article 3 of the Convention. In addition, one applicant (Mahamed Ahmed) also invoked articles 1, 2, and 5 of the Convention. Yet another (Rage) claimed no effective remedy had been available to him before a national authority (article 13). In all four cases, the Court indicated that an interim measure under Rule 39 would be appropriate, suspending the applicants' expulsion to Somalia pending the proceedings before the Court.

Since in the first half of 2014 it was impossible to forcibly remove people to any part of Somalia and there was no indication that this situation might change in the near future, no violation of article 3 or of the other articles invoked was imminent at the time of the Court's assessment of the case. The Court considered continued examination of the case unjustified. The applicants could challenge any future removal under domestic law or seek to have their applications to the Court restored. The Court struck all the applications out of its list and lifted the interim measures.

Emmanuel (14117/14, 23 September 2014)
The applicant, a Nigerian national, applied for a residence permit for the purpose of exercising family life with her four children in the Netherlands. Her application was denied. She complained before the Court that the refusal of her application for a residence permit was in breach of article 8 of the Convention (right to respect for private and family life).

Since the applicant was granted a residence permit in May 2014, the Court struck the application out of its list in accordance with article 37, paragraph 1 (a) of the Convention.

Stolk (63072/10, 7 October 2014)
The applicant, a Dutch national, had worked for the same employer since 2003. In 2010 his employer asked the Employee Insurance Agency (UWV) to authorise the termination of the applicant's employment contract. The UWV granted authorisation and the applicant's contract was subsequently terminated.

There was no legal remedy available to challenge the UWV's decision to grant authorisation to terminate the employment contract. The applicant therefore submitted a complaint to the Court claiming that the procedure at the UWV was in breach of article 6 of the Convention (right to a fair trial). He had challenged his actual dismissal before the Dutch courts under article 7:681 of the Civil Code (manifestly wrongful dismissal) and article 7:682 of the Civil Code (reinstatement).

The Court noted that the procedure at the UWV did not concern the determination of the employee's civil rights and obligations, but that he could invoke article 6 of the Convention with regard to his actual dismissal which took place as a result of the authorisation granted by the UWV. The Court further noted that though the applicant had started proceedings under national law, he had failed to institute appeal proceedings. The reason he gave for this was that appealing the district court's decision could not have resulted in the outcome he wished, namely reinstatement in his former position. The Court concluded that the fact that appeal would not have led to the desired outcome did not mean that no effective remedy was available. It pointed out that it is not its task to create, through interpretation of article 6, paragraph 1, civil rights and obligations which have no legal basis in the law of the contracting state. Since the applicant had not exhausted domestic remedies, the Court declared his application

inadmissible pursuant to article 35, paragraphs 1 and 4 of the Convention.

Öztürk (30894/09, 14 October 2014)
The applicant, a Turkish national, had been in detention since 1999. In 2007 he was transferred to the 'Dordtse Poorten' custodial institution in Dordrecht. In the same year, this institution was informed by the Correctional Institutions Agency of the Ministry of Justice about a project on biometric data. Prompted by the discovery of prisoners with false identities, the project was a one-off catch-up exercise intended to establish the identity of all prisoners. As a result, the applicant was asked to allow the authorities to take his fingerprints and a digital photograph. The applicant refused, firstly because he had already supplied personal data when admitted to the institution and secondly because the data would be stored in a national database for an unknown length of time. This led to three days in solitary confinement, regarding which the applicant lodged a complaint. After a second disciplinary measure was imposed for refusal to cooperate, and after the authorities had threatened to report him to the Public Prosecution Service the applicant agreed to allow his fingerprints and photo to be taken.
The applicant complained before the Court that the obligation to cooperate in the taking of fingerprints and his digital photograph and the storage of those data in a national database was in breach of article 8 of the Convention (right to respect for private and family life).

The Court held that the burden of proof regarding the way in which biometric data are stored lay with the Government, not with the applicant. The Government had proved that the biometric data were used only once to establish the applicant's identity and were subsequently destroyed. They were never stored in a national database.

The Court rejected the application on the grounds that it was manifestly ill-founded, in accordance with article 35, paragraphs 3 (a) and 4 of the Convention. The application was declared inadmissible.

Wiesman (49111/08, 4 November 2014)
The applicant, a Dutch national, was arrested by the police on 8 July 2005. He was under the influence of drugs and according to the police constituted a danger to himself and to others. A degree of force had to be used to effect the arrest. The applicant was examined by a doctor who stated that he could be remanded in custody. After half an hour the applicant was transferred to a hospital as his shoulder appeared to be dislocated. Following a medical procedure to stabilise the shoulder, an X-ray revealed that it was

fractured. As a result, on 19 July 2005 he underwent prosthetic shoulder replacement surgery in another hospital. This led to a loss of function in the left shoulder. The applicant lodged a complaint against the police, claiming that their actions during his arrest had led to his physical problems. The Public Prosecution Service decided not to prosecute the police. The applicant then lodged a complaint with Arnhem Court of Appeal against this decision, but his complaint was dismissed.

The applicant complained before the Court that in violation of article 8 of the Convention (respect for private and family life), the authorities had failed to conduct a proper investigation into his allegations of mistreatment by the police. The Court considered it more appropriate to examine the application in light of the procedural requirements arising from article 3 (prohibition of torture and degrading treatment).

The parties failed to reach a settlement. In a unilateral declaration the Government acknowledged that the investigation into the applicant's complaint following his arrest and detention did not meet the criteria for an effective investigation which arise from the procedural requirements of article 3. It was willing to award the applicant compensation. The applicant indicated that he was not satisfied with the terms of the declaration. With regard to the complaint concerning a proper investigation the Court held the declaration and the amount offered to be sufficient. It therefore struck this complaint out of its list pursuant to article 37, paragraph 1 (c) of the Convention.

With regard to any substantive violation of the article 3, the Court concluded that a causal link between the actions of the police and the applicant's injuries had not been clearly established. Consequently, the Court declared this part of the application inadmissible and rejected it pursuant to article 35, paragraphs 3 (a) and 4 of the Convention.

Ahachak (40060/13), Janssen (53189/13), Van Akerlaken (67732/13) and Wehelie (70992/13) (13 November 2014)

The applicants, Moroccan, Dutch and Somali nationals, were all subjected to a TBS order and confined in a custodial clinic. In all cases the TBS orders were extended on several occasions, leading to the maximum applicable period of four years being exceeded. Under article 38e, paragraph 1 of the Criminal Code in conjunction with article 359, paragraph 7 of the Code of Criminal Procedure, a period of four years may

only be exceeded if the offence for which it is imposed 'is directed against or endangers the physical integrity of one or more persons', in other words is a crime of violence. The applicants complained before the Court that the decisions extending their TBS orders were in violation of article 5, paragraph 1 of the Convention. They claimed that the courts had given insufficient reasons why the extensions beyond four years were necessary because the offences were directed against or endangered the physical integrity of one or more persons. Applicant Wehelie further argued that her detention under the TBS order was contrary to article 7, paragraph 1 (no punishment without law) and article 3 (prohibition of torture) of the Convention.

The Court ruled that unlike in the *Van der Velden* case (21203/10), the applications had not been submitted within six months of the final national decision. In the present case, the final decision was in each case the decision first extending the TBS order beyond the initial four years. The Court therefore declared the applications inadmissible under article 35, paragraphs 1 and 4 of the Convention. With regard to the other complaints, it concluded that there was insufficient evidence to establish a violation of article 7, paragraph 1 and article 3 of the Convention. The Court declared them manifestly ill-founded and rejected them pursuant to article 35, paragraphs 3 (a) and 4 of the Convention.

H. (978/09) and J. (992/09) (13 November 2014)

The applicants, Afghan nationals, applied for admission as refugees and later for an extension of their residence permits. The applications were denied because there were grounds for believing that they were guilty of war crimes and crimes against humanity committed when they were working for the Afghan intelligence services (putting them within the scope of article 1F of the UN Refugee Convention).

In 1997, the then State Secretary for Justice informed the House of Representatives that on the basis of the Netherlands' treaty obligations he would in future inform the Public Prosecution Service of all applications denied on the above grounds. As a result, criminal proceedings were instituted against both applicants and both received a prison sentence.

The applicants complained before the Court that the Government had acted in breach of article 6, paragraph 1 (right to a fair trial) and of article 8 (right to privacy) of the Convention by making use in the criminal proceedings of statements given during the asylum procedure.

Applicant H. also argued that his rights under article 6, paragraph 3 of the Convention had been violated since his conviction was based on the testimony of a witness whom the defence had been unable to cross-examine. Given their related background, the Court decided to join the cases.

The Court held that in some cases international law imposes a duty to prosecute if there are sufficient grounds. It is not the Court's place to review under article 6 of the Convention such a decision to prosecute. The Court noted that as the Netherlands is a party to the relevant international instruments, including the Geneva Conventions and the Convention against Torture, it was obliged to institute criminal proceedings against the applicants. It concluded that statements given during the asylum procedure may also be used by other government agencies in the exercise of their powers. The confidentiality of the asylum procedure does not stand in the way of this. Given that the applicants had the right to remain silent and were never induced to admit to any crimes, the Court declared the complaint regarding a violation of article 6 of the Convention manifestly ill-founded and rejected it pursuant to article 35, paragraphs 3 (a) and 4 of the Convention. It also considered the complaints under article 8 and article 6, paragraph 3 (d) to be manifestly ill-founded, as there was no evidence these provisions had been violated. The applications were declared inadmissible.

V. (60345/13), Elgouille (66982/13) and Kuiters (79970/13) (2 December 2014)

The applicants, who are Dutch nationals, had all been subjected to a TBS order that had been extended several times, in all cases exceeding the four-year limit. Under article 38e, paragraph 1 of the Criminal Code in conjunction with article 359, paragraph 7 of the Code of Criminal Procedure the four-year period may only be exceeded if the offence in question is directed against or endangers the physical integrity of one or more persons', in other words is a crime of violence. The applicants complained before the Court that the decisions extending their TBS orders were in violation of article 5, paragraph 1 of the Convention.

The applicants limited their complaint to the question of whether the procedure followed was 'a procedure prescribed by law' in accordance with article 359, paragraph 7 of the Code of Criminal Procedure. They claimed that the judgments in their cases did not specify that they had been convicted of crimes of violence, invoking the *Van der Velden* case, in which the Court ruled that an open-ended TBS order must be explicitly substantiated. In 2013 the Supreme Court gave a ruling in response to this case (LJN BY8434).

The Supreme Court held that if the court imposing the TBS order did not explicitly state in its substantiation that the order was imposed for a crime of violence, this does not mean the order cannot be extended. What is important is whether this is evident from the other content of the judgment. If this is the case, it cannot then be said that the possibility of extension of the TBS order beyond four years was unforeseeable. The Court adopted the same reasoning and concluded that in all three cases there was no doubt that the applicants had been convicted of a crime of violence. It was therefore clear that the TBS orders were not subject to a maximum term. The Court concluded that in all three cases the TBS orders were extended in accordance with a procedure prescribed by law. It therefore declared the applications inadmissible pursuant to article 35, paragraphs 3 (a) and 4 of the Convention.

Onroerend Goed Maatschappij De Linde Groesbeek B.V and others (19165/11, 16 December 2014)
The applicants complained that the length of civil proceedings concerning a land issue in which they were involved violated the reasonable time requirement of article 6 of the Convention. The Court noted that the applicants and the Government had reached a friendly settlement and accordingly struck the application out of its list of cases.

The Netherlands as intervening party

Tarakhel v. Switzerland (29217/12, 4 November 2014, Grand Chamber)
This case concerned the members of an Afghan family, consisting of the parents and six minor children. They were to be transferred under the EU Dublin Regulation from Switzerland to Italy, the country where they all, except for the youngest child, first entered Europe. The applicants claimed that forcible return to Italy without individual guarantees concerning their care would be in violation of article 3 of the

Convention (prohibition of torture and inhuman treatment), principally on account of the poor reception facilities and living conditions for asylum seekers in that country. This would expose them to the risk of inhuman treatment. According to the applicants, the Swiss authorities had not assessed this risk properly and had given sufficient consideration to the family's interests, in violation of article 8 (right to respect for private and family life) and article 13 (right to an effective remedy) of the Convention. Though the judgment of the Court would only be legally binding on Italy, it was expected to constitute a 'leading judgment' which other European countries would take into account in their legal practice. In view of the obvious relevance of this dispute to European asylum policy, the Netherlands and several other countries decided to seek leave to intervene in the proceedings.

The Court held that there were systemic deficiencies in reception arrangements for asylum seekers in Italy: a lack of capacity, overfull facilities and unhealthy and violent conditions. It emphasised, however, that the situation in Italy was not comparable to that in Greece, as established in the M.S.S. judgment (21/11/2011; no. 30696/09), which led to the suspension of Dublin transfers to Greece. The current case therefore called for a different approach.

The Court further held that as a vulnerable group, asylum seekers merit special protection, particularly minors even when in the company of their parents. It concluded that in view of the fact that in Italy there are not enough places in reception facilities for asylum seekers, who could therefore end up being housed in reception centres where conditions are poor, the Swiss authorities should have obtained prior individual guarantees from Italy that the applicants would be housed in circumstances appropriate to the age of their children and that the family would be kept together. The transfer of the applicants to Italy could be in violation of article 3 of the Convention if such guarantees were not obtained. The Court declared the other complaints inadmissible.

In their dissenting opinion the Andorran, Swiss and Monegasque judges came to a different conclusion. They argued that the living conditions faced by the applicants in Italy did not constitute such hardship as to fall within the scope of article 3 of the Convention. In view of the facts, it could not be

demonstrated that the applicants would be exposed to a concrete risk of inhuman treatment in Italy. There was also a degree of uncertainty about the criterion of vulnerability. The question was whether individual guarantees must be obtained prior to transfer only for families with children or for all vulnerable asylum seekers.

European Committee of Social Rights[2]

Conference of European Churches (CEC) (90/2013, 1 July 2014)

The CEC complained that the Linkage Act deprives illegal aliens residing in the Netherlands of their right to food, clothing and shelter. More specifically, it claimed that the relevant Dutch legislation is in breach of article 13, paragraph 4 (right to social and medical assistance) and article 31, paragraph 2 (right to housing) of the European Social Charter (ESC) because it excludes failed asylum seekers from access to food, clothing and shelter.

After the ECSR had invited the Government on 25 October 2013 to adopt immediate measures to prevent 'serious irreparable injury to the integrity of the persons at immediate risk of destitution' (but did not ask for the suspension of the Act or some of its provisions), it concluded in its final report that both articles of the Charter had been violated. The ECSR did not accept the Government's argument that persons residing illegally in the Netherlands are explicitly excluded from the personal scope of the Charter pursuant to the Appendix. The relevant provision of the Charter, in the ESCR's view, should not be read in this way if human dignity is at stake. This is the case if access to basic provisions like food, clothing and shelter is at issue. The ECSR also concluded that access to basic provisions may not be dependent on, for example, cooperation in expulsion procedures. In accordance with the Social Charter, the report was transmitted to the Committee of Ministers of the Council of Europe, which closed the procedure by adopting a resolution containing recommendations addressed to the Government.

[2] The European Committee of Social Rights (ECSR) is the supervisory treaty body for the European Social Charter. Among its tasks is handling collective complaints from enrolled organisations and publishes reports on this subject.

European Federation of National Organisations working with the Homeless (FEANTSA) (86/2012, 2 July 2014)

The complaint concerned the accessibility, availability and quality of community shelter for the homeless. More specifically, it stated that the policy of excluding homeless people without a local connection from shelter was in breach of many provisions of the ESC.

On 25 October 2013 the ECSR invited the Government to adopt immediate measures to prevent 'serious irreparable injury to the integrity of the persons at immediate risk of destitution'. On the same date, the ESCR rejected the Government's request that it postpone its consideration of the complaint or to strike it out of its list. The Government had made this request since on the basis of a national survey the State Secretary for Health, Welfare and Sport had already acknowledged that the statutory system governing access to shelter did not guarantee access in practice and that the policy therefore needed amending and measures to this end had already been announced. The Government was of the opinion that in these circumstances a ruling from an international body would be inappropriate or premature.

In its final report the ESCR concluded that articles 13 (right to social and medical assistance), 19 (right of migrant workers and their families to protection and assistance), 30 (right to protection against poverty and social exclusion) and 31 (right to housing) had been violated because the Social Support Act provided insufficient guarantees that the facilities to which these rights refer were available in practice and of sufficient quality for anyone in need. With regard to articles 13 and 31, the ESCR concluded that these were equally applicable to homeless persons residing illegally in the Netherlands. In his partly dissenting opinion Luis Jimena Quesada, member and President of the Committee, stated that the latter conclusion also applied to article 30.

In accordance with the Social Charter, the report was transmitted to the Committee of Ministers of the Council of Europe, which closed the procedure by adopting a resolution containing recommendations addressed to the Government.

Committee of Ministers[3]

Brand (49902/99, 11 May 2004), Morsink (48865/99, 11 May 2004) and Nelissen (6051/07, 5 April 2011)

In all three cases the Court ruled that article 5, paragraph 1 of the Convention had been violated since the applicants had had to wait too long in pre-placement detention after serving their sentences.

On 25 November 2014 a joint Action Report was sent to the Committee, informing it that by judgment of 21 December 2007 the Supreme Court had ruled that pre-placement detention lasting longer than four months was unlawful. It was established that compensation would be paid in cases where this period exceeded the permissible limit. Since that date the number of places available in custodial clinics has been increased and the waiting period has fallen to an average of 100 days. The Committee ruled on 17 December 2014 that the measures put in place could prevent future violations and adopted a Final Resolution closing these cases.

G.R. (22251/07, 10 January 2012)

The Court ruled that there had been a violation of article 13 in conjunction with article 8 of the Convention in this case because the authorities had refused to exempt the applicant from administrative charges connected with his application for a residence permit. In addition, there was no justification for their request that he supply additional proof of his lack of resources. On 25 November 2014 an Action Report was sent to the Committee, stating that the applicant had been exempted from the administrative charges and that the relevant statutory provisions had been amended. Henceforth foreign nationals who were unable to pay administrative charges and invoked article 8 of the Convention could be exempted from paying the charges. Applications for exemption would be individually assessed on the basis of the facts and circumstances of the case. On 17 December 2014 the Committee decided that the measures taken would prevent similar violations in the future and adopted a Final Resolution closing the case.

[3] The Committee of Ministers supervises the execution of judgments under article 46, paragraph 2 of the Convention. Pursuant to article 39, paragraph 4 it also supervises the execution of the terms of friendly settlements. Here we report on measures taken by the Government in 2014 to execute judgments rendered against the Netherlands in previous years which are on the Committee's agenda.

United Nations treaty bodies

Human Rights Committee

Gert Jan Timmer (2097/2011, 24 July 2014)
The author was ordered by the single judge trying criminal cases to pay a fine of €220 for assaulting a police officer and refusing to identify himself. The appeal court decided that the author's appeal would not be considered in line with the rules on leave to appeal in minor cases. The author claimed that this violated his rights under article 14, paragraph 5 of the International Covenant on Civil and Political Rights, since the absence of a duly reasoned written judgment from the district court hampered the submission of his appeal and he was therefore effectively unable to exercise his right to appeal. In addition, he asserted that his rights under the article had been violated because, partly due to the absence of a reasoned written judgment, there had been no substantive review of his conviction and sentence.

On 13 March 2012 the State informed the Human Rights Committee that – bearing in mind the Committee's Views in the *Mennen v. the Netherlands* case (1797/2008, 27 July 2010) – it acknowledged that a violation of article 14, paragraph 5 of the Covenant had taken place. It was willing to pay the author €1,000 in compensation and to reimburse him for the costs he had incurred in the proceedings before the Committee. However, the author took the view that compensation did not provide an effective remedy since the State had not allowed a review of his conviction which could have restored his reputation. The Committee agreed and found that a violation of the provision in question had indeed taken place. It concluded that the author should be provided with an effective remedy or other appropriate and adequate solution and that the State should amend its legislation to prevent similar violations in the future.

Committee on the Elimination of Discrimination against Women (CEDAW)

Elisabeth de Blok and others (36/2012, 19 March 2014)
The authors, all self-employed, gave birth in the period between 2004 and 2008. Until 1 August 2004, the Incapacity Insurance (Self-employed Persons) Act (WAZ) provided for compulsory public insurance against the risk of loss of earnings owing to inability to work, pregnancy and childbirth. On that date, entitlement to insurance under the Act was terminated largely due to lack of support among the target group.

Self-employed persons then had the option of taking out private insurance. In June 2008 a state maternity scheme was reintroduced for self-employed women. The authors argued that the absence of a state scheme in the period between 2004 and 2008 constituted a breach of article 11, paragraph 2, opening words and (b) of the Convention. This article obliges the State to take appropriate measures to eliminate discrimination against women on the grounds of maternity in the field of employment, including by providing for paid maternity leave.

The CEDAW Committee took the view that by abolishing the scheme for self-employed women the State had violated article 11, paragraph 2 (b) of the Convention, particularly as the new scheme did not have retroactive force. Pregnant women were directly and adversely affected, which gave rise to direct discrimination on grounds of gender. The Committee recommended that the State provide reparation to the authors as well as all persons in the same circumstances.

On 15 September the Government replied to the Committee stating that it would not follow the recommendations and giving reasons why. Its main arguments were that as is abundantly clear from its wording, article 11 is solely intended to cover employees and that a state scheme is not the only appropriate measure within the meaning of this provision, particularly in a situation where there is little support for such a scheme.

Other developments[4]

Council of Europe[5]

Reform of the ECHR supervisory mechanism

The Brighton Declaration has given new impetus to efforts to reform the supervisory mechanism and reduce the Court's workload. Protocols 15 and 16 to the Convention, in which a number of recommendations in the Declaration were elaborated, were sent to the Dutch House of Representatives for approval in 2014. The Declaration also expressed the need for open dialogue between the States parties and the Court, particularly as regards procedural issues. In 2014 this resulted in proposals from a working party on the consultation of government agents/experts in the process of adopting amendments to the Rules of the Court.

In the same year a working party under Dutch chairmanship started working on proposals regarding the long-term future of the Court. This work will continue in 2015.

Accession EU to the ECHR

On 18 December the European Court of Justice (ECJ) published its long-awaited opinion (2/13) on the draft accession agreement. Accession will subject the acts of the EU to external supervision under the ECHR. The aim is enhance consistency in the interpretation and application of human rights throughout Europe and to strengthen supervision. The draft accession agreement, on which the negotiators of the Council of Europe and the EU agreed in April 2013, was however in the ECJ's opinion incompatible with the EU and FEU treaties on a number of counts. The ECJ held that the agreement had taken too little account of the specific characteristics of the Union, which cannot be equated with a state. It further held that it would give rise to problems if the ECtHR was given the power to decide on questions relating to the common foreign and security policy, since the ECJ itself generally has no jurisdiction over such matters. If solutions are found to these problems, actual accession can only take place after the EU and the Council of Europe have adopted the text of the treaty at the highest level and once all parties have ratified it.

[4] This is a summary of several issues connected with complaints procedures.

[5] Documents relating to these issues can be found at www.coe.int.

United Nations

Reporting to treaty bodies

In 2014 three reports were submitted:
- the sixth periodic report under the Convention on the Elimination of Discrimination against Women (CEDAW);
- the interim report in the framework of the second cycle of the Universal Periodic Review (UPR);
- follow-up information relating to the consideration in 2013 of the periodic report under the Convention against Torture (CAT).

In March 2014, at the sixth session of the Committee on Forced Disappearances, the first report by the Netherlands under the International Convention for the Protection of All Persons against Forced Disappearance (CED) was considered.[6]

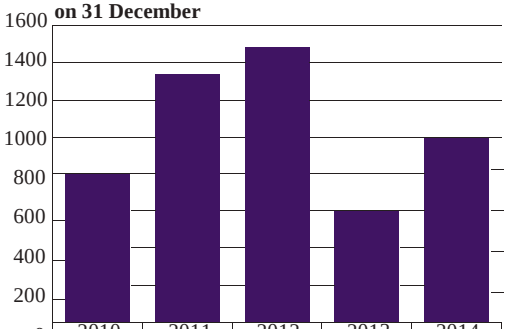
[6] Documents relating to this session can be found on the OCHR website: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=913&Lang=en

Annexes

Annexe I

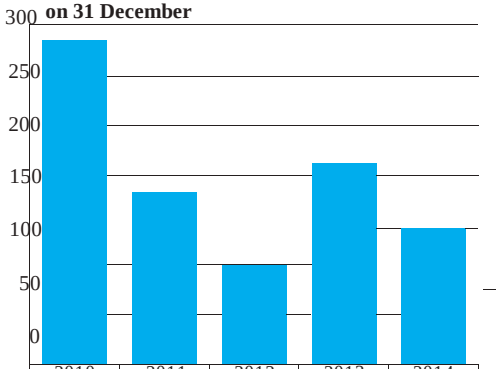
European Court of Human Rights: statistics[7]

Cases against the Netherlands pending before the ECtHR on 31 December



	2010	2011	2012	2013	2014
• Annual total	805	1334	1482	603	960

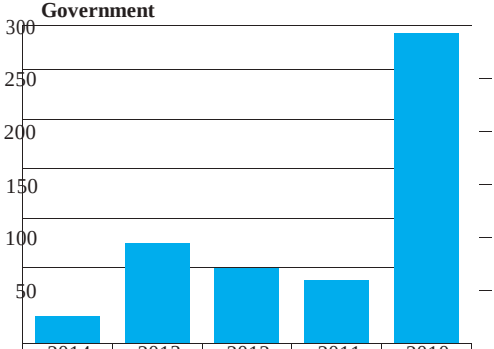
Cases being processed by the Government on 31 December



	2010	2011	2012	2013	2014
• Annual total	284	133	100	162	107

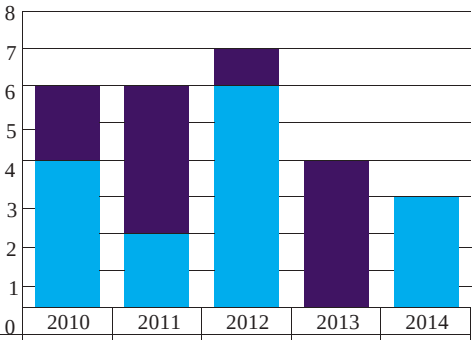
[7] Statistics for all the member states of the Council of Europe are contained in *Survey of Activities 2014* published by the Court Registry.

New cases communicated by the ECtHR to the Government



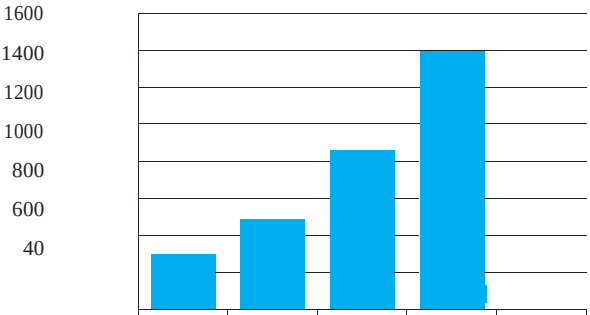
	2014	2013	2012	2011	2010
Annual total	27	74	44	37	291

Judgments



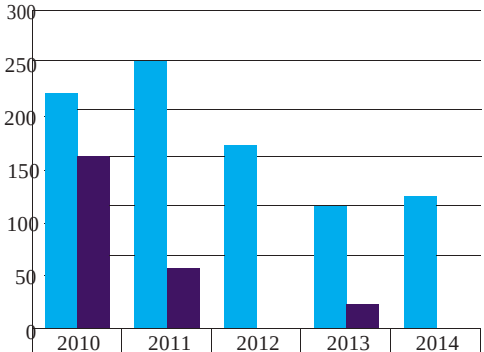
	2010	2011	2012	2013	2014
no violation	2	4	1	4	0
violation	4	2	6	0	3

Decisions on admissibility and to strike applications out of the list



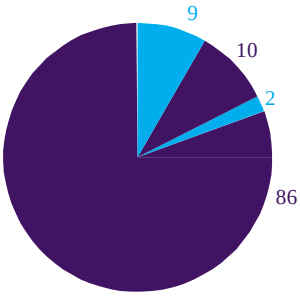
	2010	2011	2012	2013	2014
Annual total	299	485	859	1389	94

Interim measures



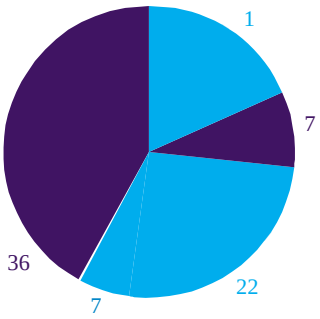
	2010	2011	2012	2013	2014
Applied for	217	250	164	102	110
Granted	156	37	15	25	10

Cases being processed by the Government, numbers per category in 2014



- Criminal (procedural) law (9)
- Administrative law (10)
- Civil law (2)
- Other administrative law: immigration law (86)

Immigration cases by nationality on 31 December 2014



- Somalia (16)
- Iran (7)
- Other (22)
- Democratic Republic of Congo (5)
- Afghanistan (36)

Judgments and decisions[8]

Judgments

Name	App. no.	Date
Geisterfer	15911/08	9 December 2014 (*)
Jaloud	47708/10	20 November 2014 (*)
Jeunesse	12738/10	3 November 2014 (*)

Decisions[9]

Name	App. no.	Date
A.F.	37515/10	6 February 2014
A.K. and B.N.	72606/10	11 March 2014 (*)
Abdi Ali	48913/1	26 June 2014
Abdidahir Cisman	34698/10	26 June 2014
Abdulahi Jibril	40084/13	24 June 2014
Abdulkhadir Mohamed	20673/13	1 July 2014 (*)
Abdulrahman	80878/13	19 March 2014
Abdullahi Ali	63931/12	27 May 2014 (*)
Abdullahi Halane	51949/10	26 June 2014
Abdullahi Ismael	32894/11	1 July 2014 (*)
Abdullahi Muse	43618/09	26 June 2014
Abdulle Haayow	47526/13	26 June 2014
Abdul Wahed Abdulrahman Sharif	67566/12	26 June 2014
Abukar	44492/13	26 June 2014
Adorisio and others	47315/13	
+Brigade Distressed Value Master Fund Ltd. e.a.	48490/13	
+EBL Holding	49000/13	14 January 2014 (*)
+Integrale Gem. Verzekeringskas	49016/13	

[8] Cases marked (*) are summarised in the section entitled 'Council of Europe'.

[9] These cases were either declared inadmissible or struck out of the list.

Name	App. no.	Date
Name	App. no.	Date
Ahachak	40060/13	13 November 2014 (*)
Ahmed Abdallah	81283/12	12 June 2014
Ahmed Mahamud	62566/13	6 November 2014
Ahmed Omer	29240/13	27 May 2014 (*)
Ali Rooble	46538/10	26 June 2014
Anema-Kwinkelenberg e.a.	54749/13	27 May 2014 (*)
Awaale Rooble	46392/13	26 June 2014
Awad Mohamud	44667/13	26 June 2014
Awale	47993/13	26 June 2014
Awees Ali	1379/12	26 June 2014
Awil Abshir	22588/10	26 June 2014
Ben Amar	21561/0	2 December 2014
Berkvens and Berkvens	18485/14	27 May 2014 (*)
Bohle and Meijer	12665/09	11 September 2014
Cambungo e.a.	31917/13	6 February 2014
Egal	33837/13	10 July 2014
Elgouille	66982/13	2 December 2014 (*)
Emmanuel	14117/14	23 September 2014 (*)
F.M.	30756/12	25 November 2014
Franklin Beentjes and Ceflu-Luz		
Da Floresta	28167/07	6 May 2014 (*)
G.M.	30900/14	17 June 2014 (*)
Golovanov		594/14
Gyatso	10642/13	11 March 2014 (*)
H.	978/09	13 November 2014 (*)
Habib Kamil	43051/09	26 June 2014
Haji	30162/13	24 June 2014 (*)
Hani Mohamed Nur	44186/13	26 June 2014
Hersi Dirye Faarah	18135/13	1 July 2014 (*)
Hersi Jama	20010/13	1 July 2014 (*)
Husein Abuukar	30268/13	1 July 2014 (*)
Hussein Mahamed	6932/11	26 June 2014
I.A.	76660/12	27 May 2014 (*)

Name	App. no.	Date
Ibrahim	67479/11	26 June 2014
J.	992/09	
Jama Dubad	21262/13	27 May 2014 (*)
Janssen	53189/13	13 November 2014 (*)
Jiamile	29664/13	1 July 2014 (*)
K.S.	51315/12	21 January 2014 (*)
Kalinle	2176/09	26 June 2014
Khorram Tousi	18546/11	3 April 2014
Kuiters	79970/13	2 December 2014 (*)
Lun Mang	48887/13	4 December 2014
M.M.Q.	51731/14	6 August 2014
Maahi Mahdi	44197/13	26 June 2014
Mahamed Ahmed	70517/11	1 July 2014 (*)
Mahamed Ali	47812/13	26 June 2014
Mahamed Muumin and Ahmed Osman	38657/13	26 June 2014
Mahamuud	17848/13	1 July 2014 (*)
Mahdi Ise	73790/10	26 June 2014
Micheal	33229/12	11 March 2014 (*)
Mohamed Abdille	18444/10	26 June 2014
Mohamed Abdirahman and Abdulfetah	60784/13	26 June 2014
Mohamed Barise	51163/13	26 June 2014
Mohamed Hussein	7049/13	1 April 2014 (*)
Mohammed Abdi	46390/13	26 June 2014
Mohamud Yassin and others	64098/13	6 February 2014
Munyaneza and Bajyanama	45225/12	1 July 2014 (*)
Muse Adan	75170/10	26 June 2014
N.F.	21563/08	14 January 2014 (*)
N.T.	53560/07	21 January 2014 (*)
Ndikumana	4714/06	6 May 2014 (*)
Oda Fad'Os Al-Jabory	28638/14	29 April 2014
Onroerend Goed Mij. De	19165/11	16 December 2014 (*)
Linde Groesbeek B.V. and Özturk	30894/09	14 October 2014 (*)

Name	App. no.	Date
Name	App. no.	Date
Pirouz	29327/11	6 February 2014
Prak	3869/08	27 May 2014 (*)
Rage	29841/10	1 July 2014 (*)
Saleh	80887/13	26 June 2014
Selimani	50108/11	15 April 2014 (*)
Set Myo Oo	76022/12	6 November 2014
Shahow Fidhay	60088/10	3 April 2014
Sheik Abdi	44146/13	26 June 2014
Stichting Ostade Blade	8406/06	27 May 2014 (*)
Stolk	63072/06	7 October 2014 (*)
V.	60345/13	2 December 2014 (*)
Van Akerlaken	67732/13	13 November 2014
VEB NCVB and others	50494/13	11 February 2014 (*)
Vos	52491/08	21 January 2014
Wahidi	62845/12	9 January 2014
Wehelie	70992/13	13 November 2014
Wiesman	49111/08	4 November 2014 (*)
Y.A.	15439/09	14 January 2014 (*)
Y.M.	71247/13	27 May 2014 (*)

Cases being processed by the Government on 31 December 2014

Name	App. no.	Article ECHR
A. and B.	10827/12	arts. 3, 13
A.A.	66848/10	arts. 3, 8
A.A.Q.	42331/05	arts. 2, 3, 8 and 13
A.G.R.	13442/08	art. 3
A.K.C.	36953/09	art. 3
A.M.	29094/09	art. 3
A.M.E. (concluded 13/1/15)	51428/10	arts. 3, 13
A.N. and L.K.	29043/14	art. 3

Name	App. no.	Article
Name	**App. no.**	**Article ECHR**
A.R.	26268/09	arts. 3, 8
A.R.	63104/11	arts. 3, 8 and 13
A.W.Q. and D.H.	25077/06	art. 3
Abdulfatah	55830/10	arts. 3, 8
Abdullahi Ahmed	40858/10	art. 3
Adorisio and others + Brigade	47315/13	art. 6
Value Master Fund Ltd e.a. + Integrale	48490/13	
Gemeenschappelijke Verzekeringskas	49016/13	
Ahdour	45140/10	art. 8, i.c.w. 14
Ahmed Hasan (concluded 19/2/15)	42165/12	art. 3
Ahmed Sheekh	80450/13	art. 8
Aiaz	17085/11	arts. 3, 13
Ali Abdalla and Saleh Yeslam	31672/13	arts. 8, 13 and 14
Ali Hassan	23710/10	arts. 8, 13 and 14
Azizi	73877/10	arts. 3, 8, 9 and
Bahri-el Outmani	52904/07	arts. 8, 13
Basarat	43108/12	art. 6
Ben Amar	2156/10	art. 6
Bushara Alrayah Bushara e.a	7211/06	art. 3
Cabdi Qadir Mucalim	5888/10	art. 3
Cerci	25392/14	art. 6
Cüzdan	6315/08	art. 8
E.K.	72586/11	art. 3
E.M.	32452/14	arts. 3, 8
E.S.	28214/10	art. 3
E.T.	46563/14	arts. 3, 13
F.	61060/11	arts. 3, 8 and 13
F.A.	39670/11	arts. 2, 3, 8 and
Farah Ilmi	13943/10	arts. 8, 13
G.	44270/10	arts. 3, 13
G.G.S.	53926/09	arts. 3, 8 and 13
G.R.S.	77691/11	arts. 3, 8
Garib	43494/09	art. 2, Prot. 4

Gereghiher Geremedhin	45558/09	art. 8
Gillissen	39966/09	art. 6
H.N.	20651/11	art. 3
H.U.N.	63857/09	arts. 3, 13
Habi	16049/07	art. 8
Haroetjoenjan	10664/13	art. 8
Hashemi	61379/14	art. 3
Herman	35965/14	art. 5
Hersi Abdulle (concluded 23/1/15)	6744/12	art. 8
J.A.	21459/14	art. 3
J.W.	16177/14	art. 3
Jalal	32373/11	arts. 3, 8 and 13
Justice	64724/10	art. 3
K.O.J.	7149/12	art. 3
Khan	13090/13	art. 3
L.N.	28686/14	art. 3
Lacroix	47367/09	art. 6
M.A.A.	59207/10	arts. 3, 13
M.M.	15993/09	art. 3
M.M.R.	64047/10	arts. 2 en 3
M.O.S.H. (concluded 3/2/15)	63469/09	arts. 3, 8
M.R.	60814/14	art. 3
M.R.A.	46856/07	arts. 3, 8
Mahamed Sambuto	3303/11	art. 3
Mamadshahkhan	48294/10	arts. 3, 13
Mfwa Muyuku	46970/07	arts. 3, 13
Mohamed Hassan	7186/14	arts. 8 and 14, and art. 1 of Prot. 12
Mohammed Naser Oman	38903/14	arts. 8, 14
Murray	10511/10	arts. 3, 5 and 13
Ndabarishye Rugira	10260/13	art. 3
Ndjabu Ngabu and others	39321/14	art. 3
Nodrat	20732/10	arts. 3, 8 and 13

Name	App. no.	Article

Name	App. no.	Article ECHR
Nzapali	6107/07	arts. 3, 8 and 13
O. (concluded 3/2/15)	24716/14	art. 3
Omid	34151/11	art. 3
Othymia Investments BV	75292/10	arts. 8, 13
Özcelik	69810/12	art. 6
P.N.	10944/13	arts. 3, 8 and 13
Popalzay	43538/11	arts. 3, 8 and 13
Pormes	25402/14	art. 8
Porsadeghi	78146/12	arts. 2, 3, 5, 6, 8, 9, 10
Q.A.	23816/08	art. 6
Renfrum and Van Hetten	30719/12	arts. 8, 14
Rohamian	58719/14	art. 3
S.B.	63999/13	arts. 3, 13
S.D.M. and others	8161/07	arts. 2, 3
S.F.	8159/11	arts. 3, 8 and 13
S.H.S.	12037/10	arts. 3, 8
S.M.H.	5868/13	art. 3
S.R. (II)	46727/10	arts. 3, 8
S.S.	39575/06	art. 3
Saber Yacoub	20102/13	arts. 3, 13
Said Good	50613/12	arts. 3, 5
Saidi	67743/14	art. 3
Saraj Zada	3540/11	arts. 3, 8 and 13
Sedieqi	1390/11	arts. 3, 8 and 13
Soleimankheel e.a.	41509/12	arts. 3, 8 and 13
Storimans-Verhulst v. Russ. Fed.	26302/10	arts. 2, 13
Telahun Hagos	54000/11	arts. 2, 3 and 5
Telegraaf Media and vd Graaf	33847/11	art. 10
Tsankashvili	28199/12	arts. 3, 13
U.A.H.M.	49929/11	art. 3
Van Engel	600/14	art. 8
Van Velzen	21496/10	art. 6

Yeshtla	37115/11	art. 8
Z.L.	33314/09	arts. 3, 6

Committee of Ministers of the Council of Europe

Cases being processed by the Government on 31 December 2014

ECtHR

Name	App. no.	Date judgment/decision
Mathew	24919/03	29 September 2005
Geerings	30810/03	1 March 2007
Voskuil	64752/01	22 November 2007
Sanoma Uitgevers B.V.	38224/03	14 September 2010
Vidgen	29353/06	10 July 2012
Van der Velden	21203/10	31 July 2012
Telegraaf Media NL Landelijke Media B and others	39315/06	22 November 2012
K.	11804/09	27 November 2012
Jeunesse	12738/10	3 October 2014

ECSR

Name	Comm. no.
Feantsa (European Federation of National Organisations working with The Homeless)	86/2012
CEC (Conference of European Churches)	90/2013

Annexe II

United Nations treaty bodies

In 2014 the UN treaty bodies:
- informed the government of 8 new communications;
- established Views in 2 cases (Human Rights Committee) in both of which a violation was found to have occurred;
- struck no communications out of the list.

Human Rights Committee

Cases being processed by the Government on 31 December 2014

Name	Comm. no.	Article ICCPR
Abdoellaeva	2498/2014	arts. 23, 24, 26
Eduardo Lutete Kemevuako	2050/2011	art. 17
George Egyir	2299/2013	arts. 7, 17 and 26
Hashemi	2489/2014	arts. 23, 24 and 26
Hayet Mohdadi	2354/2014	art. 14, 3(b), 3(e), para. 5
Mohamed Rabbae and others	2124/2011	arts. 20, 26 and 27
Natalien Kurt	2326/2014	art. 14, para. 4 and art. 17
Said Lamrini	2362/2014	arts. 14, 17
S.Y.	2392/2014	art. 2, para 3, art. 14, para. 5

Committee on the Elimination of Discrimination against Women

Cases being processed by the Government on 31 December 2014

Name	Comm. no.	Article CEDAW
D.G.	52/2013	arts. 2, 5, 6 11, 12 and 16
Tsatsral Naran	39/2012	arts. 1, 2 (e), 3 and 6

Committee against Torture

Cases being processed by the Government on 31 December 2014

Name	Comm. no.	Article CAT
Aleksander Pechkunov	611/2014	art. 3
Fatouma Bah	613/2014	art. 3
Moussa Camara	569/2013	art. 3
N. Kandasamy	623/2014	art. 3

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