

Human Rights Law Journal · HRLJ

HRLJ

31 December 2015

Vol. 35 No. 9-12

ISSN 0174/4704

Pages 313-480

1. ARTICLES	Erik Fribergh, Strasbourg	
	The European Convention and Court of Human Rights: Our Shared Treasures	313
2. DECISIONS and REPORTS		
	UN Human Rights Committee (UN-HRCee), Geneva/New York	
- 23.VII.15	– Compensation for acknowledged inhuman conditions of detention / State party reveals author’s similar complaint filed with the EurCourtHR / Author’s subsequent withdrawal of the case in Strasbourg without desired effect / Communication inadmissible / <i>M.G. v. Poland</i>	318
- 21.VII.14	– Extradition to Morocco in 2010 despite the Committee’s request for interim measures / Existence of reliable reports regarding the use of torture to extract confessions in cases of terrorism-related offences (here: <i>Belliraj</i> case) / Author’s extradition violates Article 7 (prohibition of torture) / <i>Aarrass v. Spain</i>	320
	African Court on Human and Peoples’ Rights (AfCourtHPR), Arusha	
- 20.XI.15	– 30 years’ imprisonment for armed robbery / Conviction <i>in absentia</i> without <i>pro bono</i> legal counsel / Applicant not allowed to provide the trial court with reasons for his absence (hospitalisation for several months) / Violation of the right to be heard and to defend oneself / Judgment based on extensive comparative law aspects / <i>Thomas v. Tanzania</i> ...	328
	European Court of Human Rights (EurCourtHR), Strasbourg	
- 6.X.15	– Death by acute liver failure during compulsory military service / Seven-day delay before referral to hospital / Violation of Article 2 / Failure to comply with positive obligation to protect the right to life / <i>Gültekin et al. v. Turkey</i>	342
- 17.XI.15	– CPT declares conditions in Burgas Prison “unfit for human accomodation” / Inhuman and degrading prison regime applied to the applicants, sentenced to life imprisonment, who were kept during the last ten years in permanently locked individual cells (for up to 20 hours a day) / Violation of Article 3 / <i>Dimitrov and Ribov v. Bulgaria</i>	346
- 5.XI.15	– Deprivation of liberty / Determination of “relevant” and “sufficient” grounds to justify lengthy detention on remand (19 months) in a case involving organised crime and a risk of absconding in view of the applicant’s Chinese nationality / Failure to provide explanation why the grounds regarding the initial detention remained unchanged for such a long time / Violation of Article 5 § 3 / <i>Qing v. Portugal</i>	350
- 4.XII.15	– Secret surveillance of mobile telephone communications / Shortcomings in the legal framework / Technical measures foresee direct access to all mobile telephone communications for the secret services and the police / Relevant legal provisions do not provide for adequate and effective guarantees against arbitrariness and the risk of abuse / Violation of Article 8 (right to respect for private life and correspondence) / <i>Zakharov v. Russia (GC)</i>	358
- 21.VII.15	– Legal recognition of same-sex couples / Lack of reaction on behalf of the legislator to Constitutional Court judgments (<i>inter alia</i> case of <i>Oliari</i> decided in 2010) / Continuing international movement towards legal recognition reduces the State’s margin of appreciation with regard to core protection / Inability to marry or to enter into a civil union violates the applicants’ right to respect for private and family life (Article 8) / <i>Oliari et al. v. Italy</i>	392
- 1.IX.15	– State’s margin of appreciation in the implementation of austerity measures at a time of economic crisis in order to receive financial support from the European Union / Reduction of the applicant’s retirement pension (gross amount of 1,980 Euros per month reduced in 2013 and 2014 resulting in a decrease of 4.6 % per year) / No violation of the right to property / <i>Da Silva Carvalho Rico v. Portugal</i>	418

Table of contents (continued)

Court of Justice of the European Union (CJEU), Luxembourg	
– 6.X.15 – Transfer of personal data from the EU to the United States / Inadequate level of protection / Decision 2000/520 of the Commission declared invalid / Causa Facebook / Powers of national supervisory authorities to examine claims confirmed / <i>Case of Schrems</i>	423
US Supreme Court, Washington	
– 9. XI.15 – Trooper of the Texas Department of Public Safety entitled to qualified immunity after use of deadly force / Shooting at a fugitive rather than waiting for the car driver to hit the spike strips already in place / Fugitive threatened twice during a high speed chase to kill any police officer in his path / <i>Case of Mullenix</i>	435
UK Supreme Court, London	
– 25.XI.15 – Killing of 24 unarmed civilians in 1948 by a patrol of Scots Guards in Selangor, at the time a British Protected State in the Federation of Malaya (now Malaysia) / Request for public inquiry by the appellants (who are closely related to the victims) refused by the UK Government in 2010 / Appellants appeal dismissed / Extensive reference to the Strasbourg case-law regarding the duty to investigate into any death which occurred in suspicious circumstances / Temporal and procedural aspects / <i>Case of Keyu et al.</i>	441
3. DOCUMENTATION	
European Committee for the Prevention of Torture (CPT), Strasbourg	
– 26.III.15 – Public Statement concerning Bulgaria	474
4. PENDING PROCEEDINGS	
European Court of Human Rights (EurCourtHR), Strasbourg	
– 15.XII.15 – Determination of “responsibility for publication” regarding defamatory comments posted and maintained during 3 ½ months via the Blogger.com website (Internet server provided by Google Inc.) / Google’s responsibility denied by domestic courts / Supreme Court refuses permission to appeal / Protection of the right to reputation (Article 8) / Application communicated / <i>Payam Tamiz v. United Kingdom</i>	476