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EUROPEAN COURT OF HUMAN RIGHTS, ANNUAL REPORT 2024

Abstract
The European Court of Human Rights (ECtHR) presented its annual report for 2024. As reported by ECtHR President Marko Bošnjak in the Court's 2024 Annual Report, 2024 has been a significant year for Europe and for the Council of Europe. During 2024 the European Court of Human Rights (ECtHR or the Court) has ruled on more than 36800 applications, delivering 10829 judgments. The Court, at the time of writing, has still 60350 pending applications, a high, but declining, number. The vast majority (80%) of these applications come from five States: Türkiye, Ukraine, Russia, Romania and Greece, with Russia's 2022 withdrawals from the Council of Europe and from the European Convention on Human Rights, reducing, with the impossibility to file new applications against it, the number of pending applications against the Russian Federation. The following is a selection of cases, in chronological order.

Al-Hawsawi v. Lithuania (Application no. 6383/17)

Keywords: al-Qaeda, CIA, Detention, Right to a Fair Trial, Torture.

The case concerned a national of Saudi Arabia who is currently on trial before a US military commission on suspicion of being a facilitator and financial manager of al-Qaeda. Before the European Court of Human Rights, al-Hawsawi raised multiple complaints of torture, ill-treatment, and unacknowledged detention in a secret facility in Lithuania, run by the US Central Intelligence Agency (CIA). The Court held unanimously that there had been: violations of Article 3 (prohibition of inhuman or degrading treatment) of the Convention, because of Lithuania's failure to effectively investigate al-Hawsawi's allegations and because of the complicity in the CIA secret detainee programme; violations of Article 6 § 1 (right to a fair trial within a reasonable time) and Article 2 (right to life) taken together with Article 1 of Protocol no. 6 (abolition of death penalty), because Lithuania had assisted in al-Hawsawi's transfer from its territory in spite of a real risk that he could face a denial of justice; violations of Article 5 (right to liberty and security), Article 8 (right to respect for private life) and Article 13 (right to an effective remedy).
The Court established the facts from public sources, including the 2014 declassified executive summary of the US Senate report on CIA torture, which detailed the activities of the CIA in the secret detainee programme; it also relied on testimony of experts heard by the Court in other relevant cases, such as Husayn v. Poland, Al Nashiri v. Poland and Abu Zubaydah v. Lithuania.

Alkhatib and Others v. Greece (Application no. 3566/16)

Keywords: Effective investigations, Illegal migration, Maritime surveillance, Right to life, Use of lethal force.

The case concerned a serious of gunshot wound sustained by a member of the applicant's family in 2014 near the island of Pserimos, when a vessel was intercepted transporting people illegally to Greece. The Court found a violation of Article 2 (right to life) of the Convention under its procedural head and a violation under its substantial head.
Under the procedural aspect, the Court noted that there had been a series of shortcomings taken by the Greek authorities, leading to the loss of evidence, and affecting the adequacy of the investigation. This determined the impossibility to determine whether the use of potentially lethal force was justified by the case or not.
Under the substantive aspect, the Court noted that Greece had not complied with its obligation to introduce an adequate legislative framework on the use of lethal force in maritime surveillance operations. The Court, then, considered that the Coastguard, who could have presumed that the vessel being monitored was transporting passengers, had not exercised the necessary vigilance in minimising any risk to life: the coastguards had used excessive force in the context of unclear regulations on the use of the firearms.

Ireland v. United Kingdom (Inter-State Application no. 1859/24)

Keywords: Legacy and Reconciliation Act, Northern Ireland, the Troubles.

The Government of Ireland lodged a new inter-State application against the United Kingdom under the Article 33 of the European Convention of Human Rights. The application concerns the Legacy and Reconciliation Act 2023 about the "Northern Ireland Troubles": the Government of Ireland argue that certain provisions of the Act are not compatible with the European Convention of Human Rights, as immunity from prosecution for Troubles-related offences. This is the second inter-State case between the States following Ireland v. the United Kingdom, in which the Court ruled against the United Kingdom.

U v. France (Application no. 53254/20)

Keywords: Prohibition of Inhuman and Degrading Treatment, Refugee status.

The applicant is a Russian national of Chechen origin and the case concerned the procedure to remove him to Russia, as his refugee status in France had been revoked on account of the serious threat his presence posed to France national security. The Court found that French authorities had at each stage of the proceeding to enforce the removal, conducted a thorough and depth examination of the applicant's situation. Secondly, the applicant had not demonstrated that there were serious, proven grounds to believe that, if returned to Russia, he would have a real and present risk of being subjected to treatment in breach of Article 3 of the Convention.
The European Court of Human Rights held, in the Chamber judgement, that there would not be a violation of Article 3 (prohibition of torture and inhuman and degrading treatment) of the Convention if the decision to remove the applicant to Russia were enforced.

Lypovchenko and Halabudenco v. the Republic of Moldova and Russia (Applications nos. 40926/16 and 73942/17)

Keywords: Freedom of Movement, Prohibition of Inhuman Treatment, Right and Respect for Private Life, Transnistria.

The applicants Lypovchenko, a Ukrainian national, and Halabudenco, a Moldovan national, alleged various breaches of their rights in the self-proclaimed "Moldovan Republic of Transnistria." Relying on Articles 5 (right to liberty and security) and 6 (right to a fair trial) of the European Convention of Human Rights, Mr Lypovchenko complains that his arrest and conviction were unlawful and, relying on Article 3 (prohibition of inhuman or degrading treatment), complains his detention conditions were inadequate, cause of the overcrowding, lack of medical care and being forced to have psychiatric treatment. Mr Halabudenco, relying on Article 8 (right to respect for private life) and Article 3 of Protocol no. 4 (freedom of movement) of the Convention, complains that he would no longer travel to Transnistria region of Moldova because of a warrant against him issued on charges of bribe, after the de facto Tiraspol City Court revoked the bail he already had paid.
The Court found violations of Articles 3, 5 § 1, 6 of the Convention; the violation of Article 13 read in conjunction with Article 3; the violation of Article 1 of Protocol no. 1 and Article 2 of Protocol no.4. All the violations were conducted by the Russian Federation with the support to the self-proclaimed of Moldovan Republic of Transnistria.

Zăicescu and Fălticineanu v. Romania (Application no. 42917/16)

Keywords: Crimes against Humanity, Holocaust, Prohibition of Inhuman and Degrading Treatment, War Crimes.

Zăicescu and Fălticineanu are Romanian nationals, Jews, and Holocaust survivors. In 1945 two People's Tribunals were established to prosecute and punish massacres of Jewish people and, alongside others, R.D. (a lieutenant-colonel and former section head in the Romanian Army General Staff) was convicted for war crimes and crimes against humanity. In 1957 R.D.'s case was re-examined, and he was convicted solely of contributing to the creation of ghettos and concentration camps and placement of Jews in the ghettos and camps. The applicants, relying on Article 3 (prohibition of inhuman and degrading treatment) in conjunction with Article 14 (prohibition of discrimination), complained that the retrial proceedings had denied them an effective investigation into the Holocaust, and had damaged their psychological integrity as Holocaust survivors. Under article 6 § 1 (right to a fair trial) they also complained of a lack of access to the case files and under Article 1 of Protocol No. 12 to the Convention (general prohibition of discrimination) they complained of discrimination. The court rejected the part of the application regarding Article 3 and 14 because the events in question had taken place about 50 years before Romania had ratified the Convention, and some nine years before the entry into force of the Convention. The Court was satisfied that the Government had not provided relevant and sufficient reasons for the revision of historical conventions for crimes connected with the Holocaust and that the acquittals had been "excessive," leading to a violation of Article 8 read in conjunction

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with Article 14. The Court found no breaches of Article 6 § 1 and Article 1 of Protocol No. 12. The Court held that Romania was to pay the applicants 8'500€ in respect of costs and expenses.

M.M. v. France (Application no. 133303/21)

Keywords: Egypt, Immunity of Heads of State, Protests, Right to Access to Court.

The applicant, M.M., is an Egyptian national who lives in the Unites States. In 2013 the applicant was allegedly seriously injured while taking part in protests the *coup d'état* of 3 July 2013 in Cairo (Egypt). In November 2014, whilst Egyptian President Abdel Fattah al-Sisi travelled to Paris for an official visit, the applicant lodged a criminal complaint against President Sisi for torture and acts of barbarity on account of the events of 27 July 2013. In a 2016 decision the investigating judge refused to open an investigation into the acts complained of, owing the public-international-law principle of immunity of heads of state. In a 2018 judgment the Investigation Division of the Paris Court of Appeal declared the applicant's application for civil-party status inadmissible. The applicant appealed to the Court of Cassation, which rejected his appeal on 2 September 2020. The Court found that the acts of which he had complained under Article 3 did not fall within France's jurisdiction. Under Article 6 § 1 the Court did not find anything unreasonable or arbitrary in the assessment of the domestic courts and considered that the limitation of the applicant's right to access to a court had not been disproportionate. The Court thus unanimously declared the application inadmissible.

Pietrzak and Bychawska-Siniarska and Others v. Poland (Applications nos. 27038/17 and 5237/18)

Keywords: Anti-Terrorism, Right to Respect for Private and Family Life, Secret Surveillance.

The case concerned a complaint by five Polish nationals about Polish legislation authorising a secret-surveillance regime covering both operational control and the retention of telecommunications, postal and digital communications data for potential future use by the relevant national authorities. They alleged that there was no remedy available under domestic law allowing persons who believed that they had been subjected to secret surveillance to complain about that fact and to have its lawfulness reviewed. The Court held that there had been three violations of Article 8 in respect of the complaints concerning the operational-control regime, the retention of communications data for potential use by the relevant national authorities, and the secret-surveillance regime under the Anti-Terrorism Act. Given the secret nature and wide scope of the measures provided for by the Polish legislation and the lack of effective review by which persons who believed that they had been subjected to surveillance could challenge this alleged surveillance, the Court found it appropriate to examine the legislation at issue *in abstracto*. It considered that the applicants could claim to be the victims of a violation of the Convention, and that the mere existence of the relevant legislation constituted an interference with Article 8. The Court then held that national legislation did not provide sufficient safeguards against excessive recourse to surveillance and undue interference with individuals' private life. In its view, the national operational-control regime, taken as a whole, did not comply with the requirements of Article 8. It further considered that the national legislation, under which ICT providers were required to retain communications

data in a general and indiscriminate manner for possible future use by the relevant national authorities, was insufficient to ensure that the interference with the applicants' right to respect for their private life was limited to what was "necessary in a democratic society". Lastly, the Court concluded that the secret-surveillance provisions in the Anti-Terrorism Act also failed to satisfy the requirements of Article 8 of the Convention, noting, among other points, that neither the imposition of secret surveillance nor its application in the initial three-month period were subject to any review by a body that was independent and did not include employees of the service conducting that surveillance.
The Court held that Poland was to pay a total of 3'155,5€.

Saakashvili v. Georgia (Application nos. 6232/20 and 22394/20)

Keywords: Independence of the Courts, Limitation on Use of Restrictions on Rights.

The case concerned two separate sets of criminal proceedings brought against Mikheil Saakashvili, former President of Georgia. The first set of proceedings concerned an attack in 2005 on a member of parliament, while the second set concerned his granting a pardon in 2008 to four former high-ranking officers of the Ministry of the Interior who had been convicted of murder. Both sets of proceedings took place after the newly formed government in 2012 officially declared that investigating the wrongdoings of the past would be a key priority. In the case the Court that there had been no violations of Article 6 §§ 1 and 3 as concerned either the way in which the national courts had dealt with the evidence against Mr Saakashvili or the alleged lack of independence or impartiality of the judge who had examined the second criminal case against him; and that there had been no violation of Article 7. Mr Saakashvili could have foreseen, in the circumstances of the case, that using his power of clemency to pervert the course of justice in a murder case would render him criminally liable under Georgian law. The Court also rejected as inadmissible Mr Saakashvili's complaints under Article 18, it found that he had not substantiated his allegation that there had been an ulterior motive – hindering his participation in Georgian politics – behind his prosecution. The Court considered in this respect that the charges brought against Mr Saakashvili had been serious and well-founded, that there had been a significant body of both direct and concordant circumstantial evidence against him in the case file, that the national courts had conducted fully adversarial proceedings during which his lawyer had been able to confront all the major witnesses and otherwise contest the evidence against him and that, above all, the court decisions had been duly reasoned.

The J. Paul Getty Trust and Others v. Italy (Application no. 35271/19)

Keywords: Enjoyment of Possessions, Export of Cultural Heritage, Protection of Cultural Heritage.

In the case the Court held that there had been no violation of Article 1 of Protocol No. 1. The case concerned a confiscation order, issued by the Italian authorities, aimed at the recovery of a cultural heritage object, specifically the "Victorious Youth," a bronze statue dating from the classical Greek period attributed to Lysippus. The statue, which had been allegedly illegally purchased by the J. Paul Getty Trust, is currently

housed at the Getty Villa Museum in Malibu. The Italian authorities acted with the purpose of recovering an unlawfully exported piece of cultural heritage. The Court reiterated that the protection of a country's cultural and artistic heritage was a legitimate aim for the purposes of the Convention. It furthermore noted that several international instruments stressed the importance of protecting cultural goods from unlawful exportation. As to the protection afforded by the Convention, the Court considered that that the legitimacy under of State measures aimed at protecting cultural heritage against unlawful exportation from the country of origin, or at ensuring its recovery and return therein in cases where the unlawful act had nonetheless taken place, in both cases with a view to facilitating in the most effective way wide public access to works of art, could not be called into question. The Court further held that owing, in particular, to the Getty Trust's negligence or bad faith in purchasing the statue despite being aware of the claims of the Italian State and their efforts to recover it, the confiscation order had been proportionated to the aim of ensuring the return of an object that was part of Italy's cultural heritage.

Adrey Rylkov Foundation and Others v. Russia (application no. 37949/18 and 84 others)

Keywords: Freedom of Association, Freedom of Expression.

The case of Adrey Rylkov Foundation and Others v. Russia concerned the designation by the Russian Government of four applicant organisations as "undesirable" and the prosecution of individuals for engaging in activities with other "undesirable" organizations. The Court held unanimously that there had been a violation of Article 11 of the Convention in respect of the Free Russia Foundation, the Ukrainian World Congress, the Association of Schools of Political Studies, and Společnost svobody informance, z.s., and a violation of Article 10 and Article 11 in respect of all applicants who had been convicted for their involvement with "undesirable organizations". The Court found that the legal provisions dealing with the designation of "undesirable organizations" had not met the "quality of law" requirement, as it had not been clear what otherwise legitimate actions on the part of the applicants would lead to either a designation as "undesirable" or to sanctions.

Ukraine v. Russia (re Crimea) (applications nos. 20958/14 and 38334/18)

Keywords: Administrative Practice, Enforced Disappearances, Inter-State Application, Principle of "Lawfulness", Right to Life.

The case of Ukraine v. Russia (re Crimea) (applications nos. 20958/14 and 38334/18) concerned Ukraine's allegations of a pattern ("administrative practice") of violations of the Convention by the Russian Federation in Crimea beginning in February 2014. It also concerned allegations of a pattern of persecution of Ukrainians for their political stance and/or pro-Ukrainian activity ("Ukrainian political prisoners") which had occurred in Crimea but also in other parts of Ukraine or in the Russian Federation since early 2014. The Ukrainian Government alleged that those human-rights violations had been part of a campaign of repression, which included in particular disappearances; ill-treatment; unlawful detention; impossibility to opt out of Russian citizenship; suppression of Ukrainian media and of the Ukrainian language in schools; pre-trial detention in

overcrowded conditions; prosecution and conviction on fabricated charges without a fair trial in reprisal for any pro-Ukrainian stance; and, transfers from Crimea to prisons in Russia. The Court held, unanimously, that there had been violations of Articles 2, 3, 5, 6, 7, 8, 9, 10, 11, 14 and 18 of the Convention, and Article 1 of Protocol No. 1, Article 2 of Protocol No. 1 and Article 2 of Protocol No. 4 to the Convention. It also held, unanimously, that the Russian Federation had failed to comply with its obligations under Article 38 of the Convention. Lastly, the Court held, unanimously, under Article 46, that Russia had to take measures as soon as possible for the safe return of the relevant prisoners transferred from Crimea to penal facilities located on the territory of the Russian Federation. The Court considered that it had sufficient evidence – intergovernmental and nongovernmental organisation reports, corroborated by witness testimony and other material – to conclude beyond reasonable doubt that the incidents had been sufficiently numerous and interconnected to amount to a pattern or system of violations. Moreover, the apparent lack of an effective investigation into the incidents and/or the general application of the measures to all people concerned, among other things, proved that the Russian authorities had officially tolerated such practices. It emphasised that such practices had taken place within the context of the full-scale application of Russian law in Crimea. That situation was in breach of international humanitarian law (IHL) which if there was an obligation to respect the laws already in force on occupied territory, which in this case would have been the pre-existing Ukrainian law. Confirming that IHL was to be considered in its assessment of the case, it found that Russia had extended the application of its law to Crimea in breach of the Convention. Lastly, it found that there had been a pattern of retaliatory prosecution and misuse of criminal law and a general crackdown on political opposition to Russian policies in Crimea, which had been developed and publicly promoted by prominent representatives of the Russian authorities. Lastly, the Court held that Russia had to take measures to ensure, as soon as possible, the safe return of the relevant prisoners transferred from Crimea to penal facilities located on the territory of the Russian Federation.

Yüksel Yalçınkaya v. Türkiye (Application no. 15669/20)

Keywords: No Punishment without Law, Right to a Fair Trial, Terrorism.

The European Court of Human Rights (ECHR) has notified the Turkish Government of another 1,000 applications concerning convictions for terrorism offenses based on the use of the ByLock messaging application. This is the third batch, following notifications of 2,000 applications in December 2023 and April 2024, bringing the total to 3,000. These cases relate to convictions for membership in the FETÖ/PDY, considered by Turkish authorities to be responsible for the failed coup attempt on 15 July 2016. The convictions were primarily based on the use of ByLock, which Turkish courts deemed an exclusive communication tool for FETÖ/PDY members. The applicants argue their convictions violate Article 7 (no punishment without law) and Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights. These core issues were previously judged in the Grand Chamber case Yüksel Yalçınkaya v. Türkiye. The ECHR has not put any questions to the parties or required observations for these new applications but allows the Turkish Government to submit observations on factual aspects only. The applicants are 1,000 Turkish nationals who filed their applications between 2019 and 2023.

M.D. and Others v. Hungary (application no. 60778/19)

Keywords: Asylum, Prohibition of Collective Expulsion of Aliens.

The applicants are an Afghan family of six, they currently live in Oldenburg (Germany). The case concerns the family's removal from Hungary to Serbia. The family, who had fled Iran, arrived in January 2019 at the Röszke transit zone situated at the Hungarian border with Serbia. The Hungarian authorities rejected their asylum application and ordered their removal to Serbia. Serbia refused to readmit them, and their destination country was changed to Afghanistan. Instead of being expelled to Afghanistan, however, the applicant family allege that in May 2019 they were driven from the transit zone and made to cross the border to Serbia. According to the Hungarian Government, the family had wanted to leave for Serbia. Relying on Article 4 of Protocol No. 4 on the prohibition of collective expulsion to the European Convention on Human Rights, taken alone and in conjunction with Article 13 on the right to an effective remedy of the European Convention, the applicants complain that they were forced to return to Serbia, without a valid decision ordering their expulsion to that State, without regard for the Serbian authorities' refusal to readmit them and without their having had access to an interpreter or a lawyer. The Court found a violation of Article 4 of Protocol No. 4. The Court held that Hungary was to pay €9'000 for non-pecuniary damage to the applicants jointly.

M.A. and Z.R. v. Cyprus (application no. 39090/20)

Keywords: Prohibition of Inhuman or Degrading Treatment, Refugees, Right to Liberty and Security.

The applicants, M.A. and Z.R., are Syrian nationals who live in Lebanon. They fled Idlib in early 2016 because of the war, the targeting of civilians and the destruction of their homes. After spending four years in a refugee camp in Lebanon, they, decided to seek asylum in Cyprus in 2020.The case concerns their interception at sea by the Cypriot authorities and their immediate return to Lebanon. Relying on Articles 3 on the prohibition of inhuman or degrading treatment, 5 on the right to liberty and security and 13 on the right to an effective remedy of the European Convention and of Article 4 of Protocol No. 4 on the prohibition of collective expulsion of aliens to the Convention, the applicants complain that the Cypriot authorities refused to allow them access to an asylum procedure and returned them to Lebanon as part of a collective measure without an examination of their asylum claim or of their individual circumstances.

Eldar Hasanov v. Azerbaijan (application no. 12058/21)

Keywords: Prohibition of Inhuman or Degrading Treatment, Right to Have Lawfulness of Detention Decided Speedily by a Court, Right of Individual Petition, Right to Liberty and Security.

The applicant, Eldar Humbatoglu Hasanov, is an Azerbaijani national who was born in 1955 and is serving a prison sentence in Baku. He is a former Prosecutor General (1995 to 2000) and former Ambassador of

Azerbaijan (2001 to 2020). The case concerns his arrest and pre-trial detention for abuse of official authority, use of State funds otherwise than for their designated purpose, money laundering, embezzlement, and forgery committed in the Azerbaijani Embassy in Serbia. Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 §§ 1, 3 and 4 (right to liberty and security/right to have lawfulness of detention decided speedily by a court), and 18 (limitation on use of restrictions on rights) the applicant complains that there were no reasonable grounds for his arrest and pre-trial detention, that the judicial review of his pre-trial detention was inadequate and that he was not provided with adequate medical treatment while in custody. Relying on Article 34, he complains that the Azerbaijani Government failed to comply with interim measures indicated by the Court under Rule 39, in violation of his right of individual petition.

Y and Others v. Switzerland (application no. 9577/21)

Keywords: Asylum, Right to Life.

The applicants are a family of seven Albanian nationals, who currently live in Switzerland. In 2019 the applicants applied for asylum in Switzerland, owing to the alleged risk to their lives because of threats connected to the first applicant's work related to study and denunciation of the crimes committed by the communist regime. The case concerns the rejection of their applications and potential deportation to Albania. Relying on Article 2 and Article 3 the applicants complain that their removal to Albania would breach their Convention rights under those Articles. They also rely on Article 13. The Court found no violation of Articles 2 and 3 - in case of the applicants' removal to Albania.

Yüksek v. Türkiye (application no. 4/18)

Keywords: Pre-Trial Detention, Right to Freedom of Expression, Right to Liberty and Security, Terrorism.

The applicant, Kamuran Yüksek, is a Turkish national. He was detained in Diyarbakır at the time of lodging his application. The case concerns Mr Yüksek's pre-trial detention for four months before his conviction in 2017 for membership of a terrorist organisation. At the time he was co-chair of the Democratic Regions Party, a left-wing pro-Kurdish political party, and had made statements at public meetings and to the media calling for people to struggle against the government's policies. He had also referred to some actions of the public authorities as "political genocide" and the killing of three members of his party as a "war crime." Relying on Article 5 §§ 1 and 3, Mr Yüksek alleges that there was no evidence to prove that he had committed the offence of which he had stood accused and that his being placed in pre-trial detention was on account of his political opinions. Also relying on Article 10, he alleges that the decisions ordering his initial and continued pre-trial detention infringed his freedom to express his opinion as an opposition-party politician. He submits that his speeches had not contained terrorist propaganda or incitement to violence but had instead been a call for a peaceful and democratic solution to the Kurdish issue. The Court found violations of Article 10, of Article 5 § 1, and of Article 5 § 3. The Court decided that finding of a violation constitutes sufficient just satisfaction for

any non-pecuniary damage sustained by Yüksek and that Türkiye was to pay him €1'500 for costs and expenses.

Kobaliya and Others v. Russia (application no. 39446/16 and 106 others)

Keywords: Freedom of Assembly and Association, Freedom of Expression, NGOs.

The case Kobaliya and Others v. Russia concerned the evolving legislative framework in Russia requiring many NGOs, media organisations and individuals to register as "foreign agents," and its repercussions on their activities and private life. In the case the Court held that there had been a violation of Articles 10 and 11 of the ECHR as concerned all the applicants, and a violation of Article 8 as concerned the individual applicants. The Court found that the currently applicable legislation was stigmatising, misleading and used in an overly broad and unpredictable way, leading the Court to conclude that the legislation's purpose was to punish and intimidate rather than to address any alleged need for transparency or legitimate concerns over national security. It mentioned the obligation for the designated organisations and individuals to label everything they published with a notice announcing their status as "foreign agents", their exclusion from all electoral processes, restrictions on teaching professions, denial of access to young audiences and deprivation of revenue from private advertisers, as well as the manifestly disproportionate sanctions. Such restrictions had a chilling impact on public discourse and civic engagement. They created a climate of suspicion and distrust towards independent voices and undermined the very foundations of a democratic society. It found that the legislative framework had become more restrictive since 2012, impacting a far greater number of NGOs, media organisations and individuals and moving even further from Convention standards. The Court held that Russia was to pay the applicants amounts ranging from €5'500 to €10'000 in respect of non-pecuniary damage, and various other amounts in respect of pecuniary damage and costs and expenses.

M.B. v. France (application no. 31913/21)

Keywords: Freedom of Movement, Right to a Fair Hearing, Terrorism.

The applicant, M.B., is a Tunisian national who was born in 1988 and lives in Montreal (Canada). The case concerns a preventive measure taken against the applicant on counter-terrorism grounds. In an order of 19 November 2020, the Minister of the interior placed the applicant under an individual administrative control and monitoring order prohibiting him from travelling outside the Paris, Hauts-de-Seine, Seine-Saint-Denis and Val-de-Marne départements without prior authorisation and requiring him to report to a police station close to his home once a day, for a period of three months. Relying on Article 2 of Protocol No. 4 on freedom of movement, the applicant complains, first, of the lack of clarity and foreseeability of the legal basis for the measures imposed on him and, second, of disproportionate interference with his freedom of movement. Relying on Article 6 § 1 on the right to a fair hearing, he complains that he was never heard by the domestic courts in a public hearing and that their reliance on evidence in the form of "notes blanches" (short, unsigned

reports produced by the intelligence services) was unfair. The Court found no violation of Article 2 of Protocol No. 4

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