



# Luxembourg

## Ratified the European Convention on Human Rights in 1953

### National Judge: Georges Ravarani

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Marc FISCHBACH (1998-2004), Alphonse SPIELMANN (1985-1998), Léon LIESCH (1977-1985) Henri DELVAUX (1976-1977), Eugène RODENBOURG (1959-1975), Dean Spielmann (2004-2015)

The Court dealt with 25 applications concerning Luxembourg in 2015, 24 of which were declared inadmissible or struck out. It delivered 1 judgment (concerning 1 application), which found at least one violation of the European Convention on Human Rights.

Applications processed in	2013	2014	2015
Applications allocated to a judicial formation	38	23	22
Communicated to the Government	2	3	2
Applications decided:	33	26	25
- Declared inadmissible or struck out (Single Judge)	28	24	23
- Declared inadmissible or struck out (Committee)	0	2	0
- Declared inadmissible or struck out (Chamber)	3	0	1
- Decided by judgment	2	0	1
Interim measures:	1	0	5
- Granted	0	0	1
- Refused (including out of scope)	1	0	4

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/01/2016	
Total pending Applications*	28
Applications pending before a judicial formation:	7
Single Judge	1
Committee (3 Judges)	1
Chamber (7 Judges)	5
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## Luxembourg and ...

### Its contribution to the Court's budget

For 2016 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States in accordance with scales based on population and GDP; the 2016 contribution of Luxembourg to the Council of Europe's (EUR 326 million) budget is **EUR 1,031,360**.

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **679** Registry staff members of whom **1** is Luxembourgish

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Boulois v. Luxembourg](#)

03.03.2012

The case concerned the refusal to grant temporary leave of absence ("prison leave") to a prisoner who had requested it several times, and the lack of a remedy by which to contest the authorities' decisions refusing the requests.

[Article 6 is not applicable and that there are therefore been no violation of Article 6 of the European Convention on Human Rights.](#)

### Chamber

#### Right to life cases (Article 2)

#### [Pereira Henriques v. Luxembourg](#)

09.05.2006

Concerned a worker who was killed in an industrial accident. His wife and children complained that there had not been an effective investigation into the circumstances of the death of their husband and father.

[Violation of Article 2 and Article 13 \(right to an effective remedy\)](#)

[No violation of Article 6 \(right to a fair hearing\)](#)

#### Cases dealing with Article 6

#### Right to a fair hearing/trial

#### [Ewert v. Luxembourg](#)

22.07.2010

Concerned the seizure of a file, in the context of proceedings against the applicant, which contained correspondence with his lawyer. The applicant was sentenced to 20 years' imprisonment for the attempted murder of a businessman.

[Violation of Article 6](#)

[No violation of Article 8 \(right to respect for private and family life\)](#)

#### [Procola v. Luxembourg](#)

28.09.1995

Procola, a dairy constituted as an agricultural association, appealed against

decisions fixing milk quotas. The Court found that four members of the *Conseil d'Etat* had successively performed advisory and judicial functions in the same case.

[Violation of Article 6 \(right to a fair hearing\)](#)

#### Right to a fair hearing within a reasonable time

#### [Kuhn v. Luxembourg](#)

04.11.2010

Concerned the length of civil proceedings in a trial concerning the crash of a Luxair aircraft in 2002. The applicants had lost their son and had joined the proceedings as a civil party.

[Violation of Article 6 § 1](#)

#### [Leandro da Silva v. Luxembourg](#)

11.02.2010

Concerned the excessive length of proceedings resulting from a dispute with the administrative authorities. The judgment marks a significant development of the situation with regard to the exhaustion of domestic remedies.

[Violation of Article 6 § 1](#)

#### Right to assistance of counsel

#### [A.T. v. Luxembourg \(no. 30460/13\)](#)

09.04.2015

The case concerned the failure to provide A.T. with effective legal assistance after he was arrested under a European Arrest Warrant, during both the police interview and his first appearance before the investigating judge.

[Violation of Article 6 § 3 \(c\) \(right to assistance of counsel\) taken together with Article 6 § 1 \(right to a fair trial\) on account of a failure to provide legal assistance during a police interview](#)

[No violation of Article 6 § 3 \(c\) taken together with Article 6 § 1 as regards the lack of access to the case file prior to the applicant's first appearance before the investigating judge](#)

[Violation of Article 6 § 3 \(c\) taken together with Article 6 § 1 on account of the lack of communication between the applicant and his lawyer prior to his first appearance before the investigating judge](#)

**Freedom of expression cases  
(Article 10)**

**[Saint-Paul Luxembourg S.A. v. Luxembourg](#)**

18.04.2013

The case concerned a search and seizure warrant issued by an investigating judge against a newspaper after the latter had published an article which was the subject of a complaint to the judicial authorities by an individual mentioned in the article and his employer.

[Violation of Article 8 \(right to respect for private and family life\)](#)

[Violation of Article 10](#)

**[Backes v. Luxembourg](#)**

08.07.2008

The applicant is a former executive in the company Clearstream and the co-author of a book entitled *Revelations*. He was convicted for insulting a Luxembourg lawyer, to whom he had referred in a passage of the book.

[No violation of Article 10](#)

[No violation of Article 6 \(right to a fair trial\)](#)

**[Roemen and Schmit v. Luxembourg](#)**

25.02.2003

Concerned searches carried out in a journalist's home, his office and his lawyer's office after he wrote an article about a Luxembourg Minister accused of tax evasion.

[Violation of Articles 10 and 8 \(right to respect for private and family life\)](#)

**[Thoma v. Luxembourg](#)**

29.03.2001

Concerned the conviction of a journalist for quoting, during a radio programme, a fellow journalist who had written that all but one of the Water and Forestry commission officials were corruptible.

[Violation of Article 10](#)

**Cases dealing with property issues  
(Article 1 of Protocol No. 1)**

**[Kemp and Others v. Luxembourg](#)**

24.04.2008

Concerned the State's acquisition in 1970 of plots of land that had belonged to the applicants' parents, for the purposes of building a new motorway, although its route ultimately diverged from the original

plan. The applicants' request to recover the disputed plots of land was refused.

[No violation of Article 1 of Protocol No. 1](#)

[Violation of Article 6 \(right to a fair hearing\)](#)

**[Schneider v. Luxembourg](#)**

10.07.2007

Concerned the applicant's obligation to join a hunting association and allow hunters onto her land, whereas she was opposed to hunting for moral reasons.

[Violation of Article 1 of Protocol No. 1 and of Article 11 \(freedom of assembly and association\)](#)

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**Noteworthy cases, decisions delivered**

**[Thilgen v. Luxembourg](#)**

10.03.2009

Concerned the Luxembourg authorities' obligation to investigate following a complaint filed by the applicant in relation to the death of his sister during emergency hospitalisation. He complained that the investigation had not been effective.

[Friendly settlement](#)

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**Other noteworthy cases, judgments delivered**

**[Wagner and J.M.W.L. v. Luxembourg](#)**

28.06.2007

Concerned the Luxembourg authorities' refusal to declare a Peruvian decision granting full adoption of a minor enforceable, on the ground that Luxembourg law prohibited adoption by an unmarried person.

[Violation of Articles 6 \(right to a fair trial\) and 8 \(right to respect for private and family life\), and of Article 14 \(prohibition of discrimination\) taken in conjunction with Article 8](#)

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**Noteworthy pending cases**

**[Nicolas and Boulevardpresse SARL v. Luxembourg \(nos. 66992/13 and 66995/13\)](#)**

[Communicated](#) to the Luxembourg Government in September 2014

By decision of the Attorney-General the applicants, who are editors, were no longer

sent copies of the records of hearings and were denied access to the press briefings. Relying on Article 10 (freedom of expression) of the Convention, the applicants allege that the measures taken by the Attorney-General amounted to interference with their right to freedom of expression. They further complain under Article 14 (prohibition of discrimination), read in conjunction with Article 10 of the Convention, of discrimination in the exercise of their freedom of expression on account of the measures in question. The applicants also allege a violation of Article 1 of Protocol No. 12 (general prohibition of discrimination) to the Convention.

**Smaniotto v. Luxembourg (no. 63296/14)**

[Communicated](#) to the Luxembourg Government in December 2014

Refusal by the Court of Appeal to grant a right of reply on the Internet to a former employee of Radio Télé Luxembourg ("RTL") who had been mentioned by name on the Internet in the context of a case attracting widespread media coverage. The applicant relies in particular on Article 6 (right to a fair hearing) and Article 10 (freedom of expression) of the Convention.

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**Contact Information**  
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