

Sélection d'affaires

Affaire Fressoz et Roire

(21 janvier 1999)

Roger Fressoz, ancien directeur de la publication de l'hebdomadaire satirique *Le Canard enchaîné*, et Claude Roire, journaliste, ont tous deux été condamnés pour recel de photocopies à la suite de la publication en 1989 de photocopies des avis d'imposition du président de Peugeot de l'époque, Jacques Calvet. La Cour a notamment constaté que ni la matérialité des faits relatés ni la bonne foi des requérants n'avaient été mises en cause et que le journaliste avait agi dans le respect des règles de la profession journalistique.

Violation de l'article 10 (liberté d'expression)

Affaire Selmouni

(28 juillet 1999)

Ahmed Selmouni dénonçait les sévices qu'il avait subis durant sa garde à vue en 1991. La Cour a estimé que les actes de violence physique et mentale commis sur le requérant, pris dans leur ensemble, avaient provoqué des douleurs et des souffrances " aiguës " et avaient revêtu un caractère particulièrement grave et cruel.

Violation de l'article 3 (interdiction de la torture)

Violation de l'article 6 § 1 (droit à un procès dans un délai raisonnable)

Affaire Mazurek

(1^{er} février 2000)

L'affaire concernait la réduction de moitié des droits de Claude Mazurek dans la succession de sa mère, par rapport à un enfant légitime, du fait de son statut d'enfant adultérin. La Cour a estimé qu'un enfant adultérin ne saurait se voir reprocher des faits qui ne lui sont pas imputables.

Violation de l'article 1 du Protocole n° 1 (protection de la propriété) combiné avec l'article 14 (interdiction de la discrimination)

Affaire Koua Poirrez

(30 septembre 2003)

L'affaire concernait le refus des autorités françaises d'octroyer à Étien Laurent Koua Poirrez, résidant en France, une allocation d'adulte handicapé, au motif qu'il n'était pas de nationalité française et qu'il n'existait pas d'accord de réciprocité pour l'attribution d'une telle allocation entre la France et la Côte d'Ivoire dont il était ressortissant. La Cour a estimé qu'en ratifiant la Convention la France s'était engagée à reconnaître à toute personne relevant de sa juridiction, comme c'est le cas du requérant, les droits et libertés définis par la Convention.

Non-violation de l'article 6 § 1 (droit à un procès équitable)

Violation de l'article 14 (interdiction de la discrimination) combiné avec l'article 1 du Protocole n° 1 (protection de la propriété)

Affaire Editions Plon

(18 mai 2004)

L'affaire portait sur le maintien de l'interdiction de la diffusion de l'ouvrage *Le Grand Secret*, rédigé notamment par le docteur Oubier, médecin personnel du président Mitterrand, relatant les difficultés rencontrées par le président pour dissimuler la maladie du chef de l'État.

Violation de l'article 10 (liberté d'expression)

Affaire Vo

(8 juillet 2004)

À la suite d'une confusion résultant de l'homonymie entre deux patientes, un médecin procéda à un examen de Thi-Nho Vo, enceinte de six mois, et provoqua une rupture de la poche des eaux, rendant nécessaire un avortement thérapeutique. La requérante dénonçait le refus des autorités de qualifier d'homicide involontaire l'atteinte à la vie de l'enfant à naître qu'elle portait. La Cour a estimé qu'il n'était ni souhaitable, ni même possible, actuellement, de répondre dans l'abstrait à la question de savoir si l'enfant à naître est une " personne " au sens de l'article 2 de la Convention.

Non-violation de l'article 2 (droit à la vie)

Affaire Siliadin

(26 juillet 2005)

Sima-Akoko Siliadin soutenait que le droit pénal français ne lui avait pas assuré une protection suffisante et effective contre la " servitude " à laquelle elle avait été soumise, à tout le moins, contre le travail " forcé et obligatoire " exigé d'elle, qui en réalité avait fait d'elle une esclave domestique. La Cour a estimé que la législation pénale française en vigueur à l'époque n'a pas assuré à la requérante une protection concrète et effective contre les actes dont elle avait été victime.

Violation de l'article 4 (interdiction de la servitude)

Affaire Ramirez Sanchez

(4 juillet 2006)

Poursuivi dans le cadre d'enquêtes relatives à plusieurs attentats terroristes commis en France, Ilich Ramirez Sanchez, plus connu sous le nom de " Carlos ", a été condamné à la réclusion criminelle à perpétuité en 1997. Il dénonçait son maintien prolongé à l'isolement.

Non-violation de l'article 3 (interdiction des traitements inhumains ou dégradants)

Violation de l'article 13 (droit à un recours effectif)

Leacutevolution De La Doctrine Dutilisation Des Forces Speacuteciales Franccedilaises

Camilla Rothe



Leacutevolution De La Doctrine Dutilisation Des Forces Speacuteciales Franccedilaises:

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