23 (1950) Nr. 16

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2010 Nr. 204

A. TITEL

Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden;
Rome, 4 november 1950

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1951, 154.

Het Verdrag is aangevuld door het Tweede, Vierde, Zesde, Zevende, Twaalfde en Dertiende Protocol en gewijzigd door het Derde, Vijfde, Achtste, Negende, Tiende en Elfde Protocol bij dit Verdrag.

Het Verdrag wordt laatstelijk gewijzigd door het in rubriek J hieronder genoemde Protocol nr. 14 van 13 mei 2004.

C. VERTALING

Voor de herziene vertaling zie *Trb.* 1990, 156.

D. PARLEMENT

Zie *Trb.* 1954, 151 en *Trb.* 1961, 8.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1951, 154, rubriek H van *Trb.* 1954, 151 en rubriek I van *Trb.* 1970, 81.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië	13-07-95	02-10-96	R	02-10-96		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Andorra	10-11-94	22-01-96	R	22-01-96		
Armenië	25-01-01	26-04-02	R	26-04-02		
Azerbeidzjan	25-01-01	15-04-02	R	15-04-02		
België	04-11-50	14-06-55	R	14-06-55		
Bosnië en Herzegovina	24-04-02	12-07-02	R	12-07-02		
Bulgarije	07-05-92	07-09-92	R	07-09-92		
Cyprus	16-12-61	06-10-62	R	06-10-62		
Denemarken	04-11-50	13-04-53	R	03-09-53		
Duitsland	04-11-50	05-12-52	R	03-09-53		
Estland	14-05-93	16-04-96	R	16-04-96		
Finland	05-05-89	10-05-90	R	10-05-90		
Frankrijk	04-11-50	03-05-74	R	03-05-74		
Georgië	27-04-99	20-05-99	R	20-05-99		
Griekenland	28-11-50	28-11-74	R	28-11-74		
Hongarije	06-11-90	05-11-92	R	05-11-92		
Ierland	04-11-50	25-02-53	R	03-09-53		
IJsland	04-11-50	29-06-53	R	03-09-53		
Italië	04-11-50	26-10-55	R	26-10-55		
Kroatië	06-11-96	05-11-97	R	05-11-97		
Letland	10-02-95	27-06-97	R	27-06-97		
Liechtenstein	23-11-78	08-09-82	R	08-09-82		
Litouwen	14-05-93	20-06-95	R	20-06-95		
Luxemburg	04-11-50	03-09-53	R	03-09-53		
Macedonië, Voormalige Joegoslavische Republiek	09-11-95	10-04-97	R	10-04-97		
Malta	12-12-66	23-01-67	R	23-01-67		
Moldavië	13-07-95	12-09-97	R	12-09-97		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Monaco	05-10-04	30-11-05	R	30-11-05		
Montenegro		14-06-06	VG	06-06-06		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	04-11-50	 31-08-54 01-12-55 –	 R R	 31-08-54 31-12-55 01-01-86		
Noorwegen	04-11-50	15-01-52	R	03-09-53		
Oekraïne	09-11-95	11-09-97	R	11-09-97		
Oostenrijk	13-12-57	03-09-58	R	03-09-58		
Polen	26-11-91	19-01-93	R	19-01-93		
Portugal	22-09-76	09-11-78	R	09-11-78		
Roemenië	07-10-93	20-06-94	R	20-06-94		
Russische Federatie	28-02-96	05-05-98	R	05-05-98		
San Marino	16-11-88	22-03-89	R	22-03-89		
Servië	03-04-03	03-03-04	R	03-03-04		
Slovenië	14-05-93	28-06-94	R	28-06-94		
Slowakije		01-01-93	VG	01-01-93		
Spanje	24-11-77	04-10-79	R	04-10-79		
Tsjechië		01-01-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	21-02-91	18-03-92	R	18-03-92		
Turkije	04-11-50	18-05-54	R	18-05-54		
Verenigd Koninkrijk, het	04-11-50	08-03-51	R	03-09-53		
Zweden	28-11-50	04-02-52	R	03-09-53		
Zwitserland	21-12-72	28-11-74	R	28-11-74		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

Denemarken

Uitgebreid tot	In werking	Buiten werking
Groenland	13-05-1953	

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Aden (< 30-11-1967)	22-11-1953	30-11-1967
Akrotiri en Dhekelia (Soevereine Basis Gebieden op Cyprus)	01-05-2004	
Anguilla	22-11-1953	
Antigua en Barbuda (< 01-11-1981)	22-11-1953	01-11-1981
Bahama's (< 10-07-1973)	22-11-1953	10-07-1973
Barbados (< 30-11-1966)	22-11-1953	30-11-1966
Belize (< 21-09-1981)	22-11-1953	21-09-1981
Bermuda	22-11-1953	
Botswana (< 30-09-1966)	22-11-1953	30-09-1966
Brits Noord Borneo (< 16-09-1963)	22-11-1953	16-09-1963
Brits Somaliland (< 26-06-1960)	22-11-1953	26-06-1960
Britse Maagdeneilanden	22-11-1953	
Brunei (< 01-01-1984)	12-10-1967	01-01-1984
Caymaneilanden	22-11-1953	
Cyprus (< 16-08-1960)	22-11-1953	16-08-1960
Dominica (< 03-11-1978)	22-11-1953	03-11-1978
Falklandeilanden	22-11-1953	
Fiji-eilanden (< 10-10-1970)	22-11-1953	10-10-1970
Gambia (< 18-02-1965)	22-11-1953	18-02-1965
Ghana (< 06-03-1957)	22-11-1953	06-03-1957
Gibraltar	22-11-1953	
Grenada (< 07-02-1974)	22-11-1953	07-02-1974

Uitgebreid tot	In werking	Buiten werking
Guernsey	22-11-1953	
Guyana (< 26-05-1966)	22-11-1953	26-05-1966
Jamaica (< 06-08-1962)	22-11-1953	06-08-1962
Jersey	22-11-1953	
Kenia (< 12-12-1963)	22-11-1953	12-12-1963
Kiribati (< 12-07-1979)	22-11-1953	12-07-1979
Lesotho (< 04-10-1966)	22-11-1953	04-10-1966
Malawi (< 01-01-1964)	22-11-1953	01-01-1964
Maleise Federatie (< 31-08-1957)	22-11-1953	31-08-1957
Malta (< 21-09-1964)	22-11-1953	21-09-1964
Man	22-11-1953	
Mauritius (< 12-03-1968)	22-11-1953	12-03-1968
Montserrat	22-11-1953	
Nigeria (< 01-10-1960)	22-11-1953	01-10-1960
Saint Kitts en Nevis (< 19-11-1983)	22-11-1953	19-11-1983
Saint Lucia (< 22-02-1979)	22-11-1953	22-02-1979
Saint Vincent en de Grenadines (<27-10-1979)	22-11-1953	27-10-1979
Salomonseilanden (< 07-07-1978)	22-11-1953	07-07-1978
Sarawak (< 16-09-1963)	22-11-1953	16-09-1963
Seychelles (< 29-06-1976)	22-11-1953	29-06-1976
Sierra Leone (< 27-04-1961)	22-11-1953	27-04-1961
Singapore (< 16-09-1963)	22-11-1953	16-09-1963
Sint-Helena, Ascension en Tristan da Cunha	22-11-1953	
Swaziland (< 06-09-1968)	22-11-1953	06-09-1968
Tanganika (< 09-12-1961)	22-11-1953	09-12-1961
Tonga (< 04-06-1970)	22-11-1953	04-06-1970
Trinidad en Tobago (< 31-08-1962)	22-11-1953	31-08-1962

Uitgebreid tot	In werking	Buiten werking
Turks- en Caicos-eilanden	22-11-1953	
Tuvalu (< 01-10-1978)	22-11-1953	01-10-1978
Uganda (< 09-10-1962)	22-11-1953	09-10-1962
Zambia (< 01-01-1964)	22-11-1953	01-01-1964
Zanzibar (< 26-04-1964)	22-11-1953	26-04-1964
Zuid-Georgië en de Zuidelijke Sandwicheilanden	22-11-1953	

Verklaringen, voorbehouden en bezwaren

Andorra, 22 januari 1996
The provisions of Article 5 of the Convention relating to deprivation of liberty shall apply without prejudice to what is laid down in Article 9, paragraph 2, of the Constitution of the Principality of Andorra.
Article 9, paragraph 2, of the Constitution states:
Police custody shall take no longer then the time needed to carry out the enquiries in relation to the clarification of the case, and in all cases the detained shall be brought before the judge within 48 hours.
The provisions of Article 11 of the Convention relating to the right to form employers', professional and trade-union associations shall be applied to the extent that they are not in conflict with what is laid down in Articles 18 and 19 of the Constitution of the Principality of Andorra.
Article 18 of the Constitution states:
The right to form and maintain employers', professional and trade-union associations shall be recognised. Without prejudice to their links with international institutions, these organisations shall operate within the limits of Andorra, shall have their own autonomy without any organic dependence on foreign bodies and shall function democratically.
Article 19 of the Constitution states:
Workers and employers have the right to defend their own economic and social interests. A law shall regulate the conditions to exercise this right in order to guarantee the functioning of the services essential to the community.
The provisions of Article 15 of the Convention concerning a time of war or public emergency shall be applied within the limits provided for in Article 42 of the Constitution of the Principality of Andorra.
Article 42 of the Constitution states:
1. A Llei Qualificada shall regulate the states of alarm and emergency. The former may be declared by the Govern in the event of natural catastrophe, for a term of fifteen days, notifying the Consell General. The latter shall be declared by the Govern for a term of thirty days in the case of interruption of the normal functioning of democratic life and this shall

require the previous authorization of the Consell General. Any extension of these states requires the necessary approval of the Consell General.
2. In the event of the state of alarm the exercise of the rights recognised in Articles 21 and 27 may be limited. In the event of the state of emergency the rights covered by Articles 9.2, 12, 15, 16, 19 and 21 may be suspended. The suspension of the rights covered by Articles 9.2 and 15 must be always carried on under the control of the judiciary notwithstanding the procedure of protection established in Article 9, paragraph 3.
The Government of the Principality of Andorra, while resolutely committing itself not to provide or authorise any derogation from obligations assumed, believes that it is necessary to emphasise that the fact that it forms a State with limited territorial dimensions requires it to pay special attention to problems of residence, work and other social measures in respect of foreigners, even if these questions are not covered by the Convention for the Protection of Human Rights and Fundamental Freedoms.

Armenië, 26 april 2002
In accordance with Article 57 of the Convention (as amended by Protocol No.11) the Republic of Armenia makes the following reservation:
The provisions of Article 5 shall not affect the operation of the Disciplinary Regulations of the Armed Forces of the Republic of Armenia approved by Decree No. 247 of 12 August 1996 of the Government of the Republic of Armenia, under which arrest and isolation as disciplinary penalties may be imposed on soldiers, sergeants, ensigns and officers.
Extract of the Disciplinary Regulations of the Armed Forces of the Republic of Armenia (approved by Decree No. 247 of 12 August 1996 of the Government of the Republic of Armenia)
Paragraph 51. Disciplinary penalties may be imposed on a serviceman for the breach of disciplinary order or public order and he will be subject to individual disciplinary responsibility.
[Servicemen who are subject to disciplinary sanctions]
Disciplinary penalties to be imposed on soldiers and sergeants:
Paragraph 54
a. reprimand;
b. severe reprimand;
c. deprivation for conscripted soldiers of scheduled leave from their unit;
d. detaining of conscripted soldiers for up to five extra tours of duty;
e. arrest and isolation in the guard-house for up to ten days in the case of conscripted soldiers and for up to seven days in the case of soldiers serving under a contract;
f. deprivation of the badge of excellence;
g. early transfer to the reserve in the case of soldiers serving under a contract.

Paragraph 55
The following disciplinary penalties may be imposed on conscripted sergeants:
a. reprimand;
b. severe reprimand;
c. deprivation of regularly scheduled leave from the unit;
d. arrest and isolation in the guard-house for up to ten days;
e. deprivation of the badge of excellence;
f. demotion in post;
g. demotion in rank by one grade;
h. demotion in rank by one grade with transfer to a lower post;
i. deprivation of the rank, as well as transfer to a lower post.
Paragraph 56
The following penalties may be imposed on sergeants serving under contract:
a. reprimand;
b. severe reprimand;
c. arrest and isolation in the guard-house for up to seven days;
d. deprivation of the badge of excellence;
e. demotion in post;
f. deprivation of the rank, as well as transfer to a lower post;
g. early transfer to the reserve;
h. deprivation of the sergeant's rank with the transfer to the reserve during peaceful period.
Paragraph 67
The following penalties may be imposed on ensigns:
a. reprimand;
b. severe reprimand;
c. arrest and isolation in the guard-house for up to seven days;
d. issue of a warning on service misfit;
e. demotion in post;
f. demotion in rank of senior ensign by one grade;
g. demotion in rank of senior ensign by one grade with transfer to a lower post;
h. early transfer to the reserve;
i. deprivation of the rank of ensign, senior ensign with the transfer to the reserve during peaceful period.
Paragraph 74
The following penalties may be imposed on army officers (with the exception of high officers' staff):
a. reprimand;
b. severe reprimand;
c. arrest and isolation in the guard-house for up to five days (officers commanding a regiment and a brigade, officers with colonelcy are not subject to isolation);
d. issue of a warning on service misfit;
e. demotion in post;

f. demotion in rank by one grade starting from the lieutenant colonels and persons having lower ranks;
g. early transfer to the reserve starting from the deputies of officers commanding a regiment and a brigade and officers having lower posts.
[Authorities entitled to impose disciplinary penalties]
Paragraph 62
Subparagraph d. Officers commanding a company are entitled to arrest and isolate soldiers, sergeants in the guard-house for up to three days.
Paragraph 63
Subparagraph d. Officers commanding a battalion are entitled to arrest and isolate in the guard-house conscripted soldiers and sergeants for up to five days and soldiers and sergeants serving under a contract for up to three days.
Paragraph 64
Subparagraph d. Officers commanding a regiment and a brigade are entitled to arrest in the guard-house conscripted soldiers and sergeants for up to ten days and servicemen and sergeants serving under a contract for up to seven days.
Paragraph 70
Subparagraph b. Officers commanding a regiment and a brigade are entitled to arrest and isolate ensigns in the guard-house for up to three days.
Paragraph 71
Subparagraph b. Officers commanding a brigade and a division are entitled to arrest and isolate ensigns in the guard-house for up to five days.
Paragraph 72
Subparagraph b. Officers commanding corps are entitled to arrest and isolate ensigns in the guard-house for up to seven days.
Paragraph 77
Subparagraph c. Officers commanding a regiment and a brigade are entitled to arrest and isolate officers of ensigns in the guard-house for up to three days.
Paragraph 78
Subparagraph a. Officers commanding corps, a brigade and a division are entitled to arrest and isolate officers of ensigns in the guard-house for up to four days.
Paragraph 79
Subparagraph a. Army commander is entitled to arrest and isolate officers in the guard-house for up to five days.

Azerbeidzjan, 15 april 2002
The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).
According to Article 57 of the Convention, the Republic of Azerbaijan makes a reservation in respect of Articles 5 and 6 to the effect that the

provisions of those Articles shall not hinder the application of extrajudicial disciplinary penalties involving the deprivation of liberty in accordance with Articles 48, 49, 50, 56-60 of the Disciplinary Regulations of Armed Forces adopted by the Law of the Republic of Azerbaijan No. 885 of 23 September 1994.

Disciplinary Regulations of Armed Forces adopted by the Law of the Republic of Azerbaijan No. 885 of 23 September 1994 (Official Gazette of the Supreme Council of the Republic of Azerbaijan » (« Azerbaycan Respublikasi Ali Sovetinin Melumati »), 1995, No. 5–6, Article 93)

48. Soldiers and sailors:
    .d) can be arrested up to 10 days in "hauptvakht" (military prison).
49. Temporary service ensigns:
    .g) can be arrested up to 10 days in "hauptvakht" (military prison).
50. Outer-limit service ensigns:
    .g) can be arrested up to 10 days in "hauptvakht" (military prison).
56. Battalion (4th degree naval) commander has the power:
    .g) to arrest soldiers, sailors and ensigns up to 3 days.
57. Company (3rd degree naval) commander has the power:
    .g) to arrest soldiers, sailors and ensigns up to 5 days.
58. Regiment (brigade) commander has the power:
    .g) to arrest soldiers, sailors and ensigns up to 7 days.
59. Division, special brigade (naval brigade) commanders have the additional powers other than those given to the Regiment (brigade) commanders:
    .a) to arrest soldiers, sailors and ensigns up to 10 days.
60. Corps commanders, commanders of any type of army, of the different types of armed forces, as well as deputies of Defense Minister have the power to wholly impose the disciplinary penalties, prescribed in the present Regulations, in respect of soldiers, sailors and ensigns under their charge,

According to Article 57 of the Convention, the Republic of Azerbaijan makes a reservation in respect of Article 10, paragraph 1, to the effect that the provisions of that paragraph shall be interpreted and applied in accordance with Article 14 of the Law of the Republic of Azerbaijan "on Mass Media" of 7 December 1999.

Law of the Republic of Azerbaijan "on Mass Media" of 7 December 1999

(Compilation of Legislation of the Republic of Azerbaijan
(« Azerbaycan Respublikasinin Qanuvericilik Toplusu »), 2000, n° 2, Article 82)

Article 14:

. the establishment of mass media by legal persons and citizens of foreign states in the territory of the Republic of Azerbaijan shall be regulated by interstate treaties concluded by the Republic of Azerbaijan ("legal person of a foreign state" means a legal person of which the charter fund or more than 30% of the shares are owned by legal persons or

citizens of foreign states, or a legal person of which 1/3 of founders are legal persons or citizens of foreign states).

Estland, 16 april 1996
The Republic of Estonia, in accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], declares that while pending the adoption of amendments to the Code on Civil Procedure within one year from entry into force of the Ratification Act, she cannot ensure the right to a public hearing at the appellate court level (Ringkonnakohtus) as provided in Article 6 of the Convention, in so far as cases foreseen by Articles 292 and 298 of the Code on Civil Procedure (published in the Riigi Teataja [State Gazette] I 1993, 31/32, 538; 1994, 1, 5; 1995, 29, 358; 1996, 3, 57) may be decided through written procedure.
In the reservation to Article 6 of the Convention, made in accordance with Article 64 of the Convention, the Republic of Estonia referred to Articles 292 and 298 of the Code on Civil Procedure. Hereby the unofficial translation of the referred Articles is provided.
Article 292 – Deciding a Case based solely on an application.
(1) The Court shall decide on an appeal or special application without further proceedings, if it unanimously finds that:

1. the application is manifestly ill-founded or the person who filed the application has no right to appeal. In this case, the court shall refuse the application;
2. while the case was heard in the Court of First Instance, the procedural norms were violated which, in accordance with the law, results in the revocation of the decision or order (Article 318) and which the Court of Appeal cannot leave unaddressed. In that case, the decision or order shall be disaffirmed and the case shall be referred back to the Court of First Instance for a new trial;
3. the copy of the decision of the Court of Appeal shall be sent to the parties involved within five days from the day the decision was signed.

(2) The Court of Appeal does not have the right to decide upon an appeal or a special application against the other party, if the Court of First Instance or the Court of Appeal has not given the other party an opportunity to respond to the application.
Article 298 - Settling a Case through written procedure
The court may settle the case through written procedure without public hearing:

1. if the respondent to the appeal agrees with it;
2. if the application claims the violation of procedural norms or the incorrect application of a substantive norm in the Court of First Instance.

Finland, 16 mei 2001
Whereas the instrument of ratification contained a reservation to Article 6, paragraph 1, of the Convention, whereas after partial withdrawals of the reservation on 20 December 1996, 30 April 1998 and 1 April 1999, the reservation reads as follows:
For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:
1. proceedings before the Water Courts when conducted in accordance with Chapter 16, Section 14 of the Water Act;
and proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial Procedure and proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied if the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force;
and the consideration of criminal cases before the Supreme Court and the Courts of Appeal if the case has been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court;
and proceedings before the Water Court of Appeal as regards the consideration of criminal and civil cases in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act Amending the Code of Judicial Procedure on 1 May 1998; and the consideration of petition, appeal and executive assistance cases, in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996;
2. the consideration by a County Administrative Court or the Supreme Administrative Court of an appeal on a submission from a decision given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996, as well as of consideration of an appeal on such a matter in a superior appellate authority;
3. proceedings, which are held before the Insurance Court as the Court of Final Instance, in accordance with Section 9 of the Insurance Court Act, if they concern an appeal which has become pending before the entry into force of the Act Amending the Insurance Court Act on 1 April 1999;
4. proceedings before the Appellate Board for Social Insurance, in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance, if they concern an appeal which has become pending before the entry into force of the Act Amending the Health Insurance Act on 1 April 1999.

Whereas the relevant provisions of the Finnish legislation have been amended so as they no longer correspond to the present reservation as far as they concern proceedings before the Water Courts and the Water Court of Appeal, and as the present reservation concerning the proceedings before the County Administrative Courts and the Supreme Administrative Court is no longer relevant,

Now therefore Finland withdraws the reservation in paragraph 1 above, as far as it concerns proceedings before the Water Courts and before the Water Court of Appeal. Finland also withdraws the reservation in paragraph 2 above concerning proceedings before the County Administrative Courts and the Supreme Administrative Court.

Appendix including a summary of the respective laws referred to in the partial withdrawal of reservations

The Water Court of Appeal was abolished by the Administrative Courts Act (430/1999) which entered into force on 1 November 1999. The Water Court of Appeal was merged with the Vaasa County Administrative Court, and the new court is called the Vaasa Administrative Court.

Chapter 15 of the Water Act, concerning the water courts, was repealed by the Act on the Amendment of the Water Act (88/2000) which entered into force on 1 March 2000, being part of a reform of the Finnish environmental legislation. The water courts were abolished and replaced by three environmental permit authorities.

According to Section 11 (1) of the Act on the Implementation of Environmental Legislation, the cases pending before the water courts were transferred to the environmental permit authorities insofar as petitions and requests for executive assistance referred to in the Water Act were concerned, appeal cases were transferred to the Vaasa Administrative Court and criminal cases to the competent district courts. As regards civil cases, the water courts were to decide which of them would still be considered as civil cases and which ones could be converted into petition cases to be handled by the environmental permit authorities. According to Section 17 of the Act on the Implementation of Environmental Legislation, also the Vaasa Administrative Court was to transfer the pending civil and criminal cases to the competent courts of appeal, applying, where appropriate, Section 11 (2) of the same Act to the civil cases. Because there no longer are any provisions on the consideration of civil cases in the Water Act, and nor does the Act on the Implementation of Environmental Legislation contain separate provisions on the application of the earlier legislation to cases which have been brought before a water court or the Water Court of Appeal as a civil case and the consideration of which shall continue before another competent court as a civil case, the transferred cases shall be covered by the procedural rules existing at the time of transfer. Therefore it is no longer possible that the transferred civil cases could become subject to one of the procedures in respect of which the reservation to the Convention was made.

The reservation made in respect of proceedings before Water Courts when conducted in accordance with Chapter 16, Section 14 of the Water

Act, concerning the holding of an oral hearing in a petition case after inspection, may also be withdrawn as a result of the reform of the environmental legislation. According to Chapter 16, Section 14 of the Act on the Amendment of the Water Act, the competent authorities for the consideration of petitions are the environmental permit authorities. The reservation made to Article 6 of the Convention only concerned the administrative judicial procedure applied to administrative courts and not the administrative procedure applied to other authorities.
The transitional provision concerning civil and criminal cases before the water courts may be withdrawn as there are no longer such pending cases to which the provisions of the Code of Judicial Procedure, which were in force before the Act on the Amendment of the Code of Judicial Procedure entered into force on 1 May 1998, could be applied.
According to the transitional provision in Section 82 of the Administrative Judicial Procedure Act, the Act shall not be applied to appeals or submissions made in respect of decisions given before the entry into force of the Act, nor to the consideration of such cases by a superior appellate authority on account of appeal. There are hardly any appeal cases pending before the administrative courts and the Supreme Administrative Court, where the decision subject to appeal has been given before the entry into force of the Administrative Judicial Procedure Act on 1 December 1996.

Frankrijk, 3 mei 1974
The Government of the Republic, in accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], makes a reservation in respect of Articles 5 and 6 thereof, to the effect that those articles shall not hinder the application of the provisions governing the system of discipline in the armed forces contained in Section 27 of Act No. 72-662 of 13 July 1972, determining the general legal status of military servicemen, nor of the provisions of Article 375 of the Code of Military Justice.
The Government of the Republic, in accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], makes a reservation in respect of paragraph 1 of Article 15, to the effect, firstly, that the circumstances specified in Article 16 of the Constitution regarding the implementation of that Article, in Section 1 of the Act of 3 April 1878 and in the Act of 9 August 1849 regarding proclamation of a state of siege, and in Section 1 of Act No. 55-385 of 3 April 1955 regarding proclamation of a state of emergency, and in which it is permissible to apply the provisions of those texts, must be understood as complying with the purpose of Article 15 of the Convention and that, secondly, for the interpretation and application of Article 16 of the Constitution of the Republic, the terms to the extent strictly required by the exigencies of the situation shall not restrict the power of the President of the Republic to take the measures required by the circumstances.

The Government of the Republic further declares that the Convention shall apply to the whole territory of the Republic, having due regard, where the overseas territories are concerned, to local requirements, as mentioned in Article 63 [Article 56 since the entry into force of the Protocol No 11].

Ierland, 25 februari 1953
The Government of Ireland do hereby confirm and ratify the aforesaid Convention and undertake faithfully to perform and carry out all the stipulations therein contained, subject to the reservation that they do not interpret Article 6.3.c of the Convention as requiring the provision of free legal assistance to any wider extent than is now provided in Ireland.

Kroatië, 5 november 1997
In accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11], the Republic of Croatia does hereby make the following reservation in respect of the right to a public hearing as guaranteed by Article 6, paragraph 1, of the Convention:
The Republic of Croatia cannot guarantee the right to a public hearing before the Administrative Court in cases in which it decides on the legality of individual acts of administrative authorities. In such cases the Administrative Court in principle decides in closed session.
The relevant provision of the Croatian law referred to above is Article 34, paragraph 1, of the Law on Administrative Disputes, which reads as follows: "In administrative disputes the Administrative Court decides in closed session."

Liechtenstein, 8 september 1982
In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Principality of Liechtenstein makes the reservation that the right to respect for family life, as guaranteed by Article 8 of the Convention, shall be exercised, with regard to aliens, in accordance with the principles at present embodied in the Ordinance of 9 September 1980 (LGBl. 1980 No. 66).

Liechtenstein, 24 mei 1991
In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Principality of Liechtenstein makes the reservation that the principle that hearings must be held and judgments pronounced in public, as laid down in Article 6, paragraph 1, of the Convention, shall apply only within the limits deriving from the principles at present embodied in the following Liechtenstein laws:
– Act of 10 December 1912 on civil procedure, LGBl. 1912 No. 9/1
– Act of 10 December 1912 on the exercise of jurisdiction and the competence of the courts in civil cases, LGBl. 1912 No. 9/2
– Code of Criminal Procedure of 18 October 1988, LGBl. 1988 No. 62

– Act of 21 April 1922 on non-contentious procedure, LGBl. 1922 No. 19
– Act of 21 April 1922 on national administrative justice, LGBl. 1922 No. 24
– Act of 5 November 1925 on the Supreme Court ("Haute Cour"), LGBl. 1925 No. 8
– Act of 30 January 1961 on national and municipal taxes, LGBl. 1961 No. 7
– Act of 13 November 1974 on the acquisition of immovable property, LGBl. 1975 No. 5.
The statutory provisions of criminal procedure relating to juvenile delinquency, as contained in the Act on Criminal Procedure in Matters of Juvenile Delinquency of 20 May 1987, LGBl. 1988 No. 39.

Litouwen, 20 juni 1995
The provisions of Article 5, paragraph 3, of the Convention shall not affect the operation of the Disciplinary Statute (Decree No. 811, October 28, 1992) adopted by the Government of the Republic of Lithuania under which arrest as disciplinary sanction may be imposed upon soldiers, NCO's and officers of the National Defence Forces.

Litouwen, 2 mei 2006
The Republic of Lithuania withdraws the reservation made to Article 5, paragraph 3 of the Convention. The reservation withdrawn reads as follows:
The provisions of Article 5, paragraph 3, of the Convention shall not affect the operation of the Disciplinary Statute (Decree No. 811, October 28, 1992) adopted by the Government of the Republic of Lithuania under which arrest as disciplinary sanction may be imposed upon soldiers, NCO's and officers of the National Defence Forces.

Malta, 12 december 1966 en 23 januari 1967
The Government of Malta declares that it interprets paragraph 2 of Article 6 of the Convention in the sense that it does not preclude any particular law from imposing upon any person charged under such law the burden of proving particular facts.
The Government of Malta, having regard to Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], and desiring to avoid any uncertainty as regards the application of Article 10 of the Convention, declares that the Constitution of Malta allows such restrictions to be imposed upon public officers with regard to their freedom of expression as are reasonably justifiable in a democratic society. The Code of conduct of public officers in Malta precludes them from taking an active part in political discussions or other political activity during working hours or on official premises.
The Government of Malta, having regard to Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11] decla-

res that the principle of lawful defence admitted under sub-paragraph a of paragraph 2 of Article 2 of the Convention shall apply in Malta also to the defence of property to the extent required by the provisions of paragraphs a and b of section 238 of the Criminal Code of Malta, the text whereof, along with the text of the preceding section 237, is as follows:

237. No offence is committed when a homicide or a bodily harm is ordered or permitted by law or by a lawful authority, or is imposed by actual necessity either in lawful self-defence or in the lawful defence of another person.

238. Cases of actual necessity of lawful defence shall include the following:

a. where the homicide or bodily harm is committed in the act of repelling, during the night-time, the scaling or breaking of enclosures, walls, or the entrance doors of any house or inhabited apartment, or of the appurtenances thereof having a direct or an indirect communication with such house or apartment;

b. where the homicide or bodily harm is committed in the act of defence against any person committing theft or plunder, with violence, or attempting to commit such theft or plunder;

c. where the homicide or bodily harm is imposed by the actual necessity of the defence of one's own chastity or of the chastity of another person.

Moldavië, 12 september 1997

The Republic of Moldova declares that it will be unable to guarantee compliance with the provisions of the Convention in respect of omissions and acts committed by the organs of the self-proclaimed Trans-Dniester republic within the territory actually controlled by such organs, until the conflict in the region is finally settled.

In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Republic of Moldova formulates a reservation to Article 5 with a view to retaining the possibility of applying disciplinary sanctions to soldiers in the form of arrest warrants issued by superior officers, as laid down in Articles 46, 51-55, 57-61 and 63-66 of the Disciplinary Regulations of the Armed Forces, adopted under Law No. 776-XIII of 13 March 1996.

Appendix to the reservation (...)

Disciplinary Regulations of the Armed Forces

Article 46.

The following disciplinary penalties may be imposed on conscripts:

a) preliminary warning;
b) warning;
c) severe warning;
d) withholding of furlough;

e) imposition of extra duties (apart from guard and emergency service) and chores – up to a maximum of 5 tours of duty (maximum of 8 working hours per day);
f) detention for a maximum of 10 days;
g) demotion in terms of duties;
h) demotion by one rank;
i) removal of the rank of sergeant.

Article 51.

Officers commanding a company are entitled to:
a) issue preliminary warnings, warnings and severe warnings;
b) withhold furlough;
c) impose extra duties or chores, up to a maximum of 4 tours of duty for soldiers and 2 for sergeants;
d) impose on soldiers the penalty of detention for a maximum of 72 hours (3 days).

Article 52.

(1) Officers commanding a battalion are entitled to:
a) issue preliminary warnings, warnings and severe warnings;
b) withhold furlough;
c) impose extra duties or chores, up to a maximum of 5 tours of duty for soldiers and 3 for sergeants;
d) impose on soldiers the penalty of detention for a maximum of 5 days.

(2) In addition to the sanctions listed above, commanders-in-chief of independent military units holding disciplinary authority over a battalion in accordance with Article 10 are entitled to impose the disciplinary sanctions set out in Article 53 (e) and (h).

Article 53.

Officers commanding a regiment are entitled to:
a) issue preliminary warnings, warnings and severe warnings;
b) withhold furlough;
c) impose extra duties or chores, up to a maximum of 5 tours of duty for soldiers and 3 for sergeants;
d) impose on soldiers the penalty of detention for a maximum of 7 days;
e) demote conscripted sergeants in terms of duties;
f) remove the military rank of corporal;
g) demote soldiers by one rank, from the rank of sergeant-major downwards, including demotion in terms of duties;
h) remove the rank of conscripted sergeants, including demotion in terms of duties.

Article 54.

In addition to the powers granted to officers commanding regiments, officers commanding brigades are entitled to impose on soldiers and sergeants the penalty of detention for a maximum of 10 days.

Article 55.

The following disciplinary penalties may be imposed on professional soldiers:

a) preliminary warning, warning and severe warning;
b) imposing the penalty of detention (apart from women soldiers) for a maximum of 10 days;
c) notification of partial unsuitability for duty;
d) demotion in terms of duties;
e) relegating soldiers to the reserve before the expiry of their contracts.
Article 57.
Officers commanding a company are entitled to:
a) issue preliminary warnings, warnings and severe warnings;
b) impose on soldiers the penalty of detention for a maximum of 2 days.
Article 58.
(1) Officers commanding a battalion are entitled to:
a) issue preliminary warnings, warnings and severe warnings;
b) impose the penalty of detention for a maximum of 3 days.
(2) Commanders (heads) of independent military units holding disciplinary authority over a battalion in accordance with Article 10 are also entitled to impose the disciplinary sanctions set out in Article 59 (c) and (d).
Article 59.
Officers commanding a regiment are entitled to:
a) issue preliminary warnings, warnings and severe warnings;
b) impose the penalty of detention for a maximum of 5 days;
c) notify soldiers of partial unsuitability for duty;
d) relegating soldiers, corporals, lower-ranking sergeants, sergeants and sergeant-majors to the reserve before the expiry of their contracts.
Article 60.
In addition to the powers set out in Article 59, officers commanding brigades are also entitled to:
a) impose the penalty of detention for a maximum of 7 days;
b) demote soldiers by one rank.
Article 61.
The following disciplinary sanctions may be imposed on officers:
a) preliminary warning, warning and severe warning;
b) arrest of lower-ranking officers for a maximum period of 10 days;
c) arrest of higher-ranking officers for a maximum period of 5 days;
d) notification of partial unsuitability for duty;
e) demotion in terms of duties;
f) demotion by one rank.
Article 63.
(1) Officers commanding companies and battalions are entitled to issue preliminary warnings, warnings and severe warnings.
(2) Commanders of independent military units holding disciplinary authority over a battalion in accordance with Article 10 are also entitled to impose on lower-ranking officers the penalty of detention for a maximum of 3 days, and to notify them of partial unsuitability for duty.
Article 64.

In addition to the powers set out in Article 63, officers commanding regiments are entitled to impose on lower-ranking officers the penalty of detention for a maximum of 5 days.
Article 65.
In addition to the powers set out in Article 64, officers commanding brigades are also entitled to:
a) impose on lower-ranking officers the penalty of detention for a maximum of 7 days, and on higher-ranking officers detention for a maximum of 3 days;
b) demote lower-ranking officers by one rank.
Article 66.
In addition to the powers set out in Article 65, Vice-Ministers of Defence, Vice-Ministers of the Interior, Vice-Ministers for National Security and Deputy Heads of the Department of Civil Protection and Emergency Situations are entitled to:
a) impose on lower-ranking officer the penalty of detention for a maximum of 10 days, and on higher-ranking officers detention for a maximum of 5 days;
b) demote officers by one rank, from the deputy commanders of military units downwards.

Monaco, 5 oktober 2004
The Principality of Monaco undertakes to respect the provisions of the Convention while emphasising that the fact that it forms a State with limited territorial dimensions requires paying special attention to the issues of residence and work as well as to social measures in respect of foreigners, even if these matters are not covered by the Convention.

Monaco, 30 november 2005
The Principality of Monaco recognises the principle of hierarchy of norms, essential guarantee of the rule of law. In the Monegasque legal system, the Constitution, freely granted by the Sovereign Prince – who is its source – to His subjects, constitutes the supreme norm of which He is the guardian and the arbitrator, as well as the other norms of a constitutional value constituted by the special conventions with France, the general principles of international law regarding the sovereignty and independence of States, as well as the Statutes of the Sovereign Family. International treaties and agreements regularly signed and ratified by the Prince are superior in authority to laws. Therefore, the Convention for the protection of Human Rights has an infra-constitutional, yet supra-legislative value.
The Principality of Monaco rules out any implication of its international responsibility with regard to Article 34 of the Convention, concerning any act or any decision, any fact or event prior to the entry into force of the Convention and its Protocols in respect of the Principality.
The Principality of Monaco declares that the provisions of Articles 6, paragraph 1, and 13 of the Convention apply without prejudice to the

provisions, on the one hand, of Article 3, sub-paragraph 2, of the Constitution of the Principality according to which the Prince may in no instance be subjected to legal proceedings, His person being sacred and, on the other hand, of Article 15 of the Constitution relating to the royal prerogatives of the Sovereign, concerning more precisely the right of naturalisation and of re-instatement of nationality.

The provisions of Article 10 of the Convention apply without prejudice to the provisions, on the one hand of Article 22 of the Constitution establishing the principle of the right to respect for private and family life, especially concerning the person of the Prince whose inviolability is guaranteed in Article 3, sub-paragraph 2, of the Constitution and, on the other hand, of Articles 58 to 60 of the Criminal Code concerning the offence against the person of the Prince and His family.

Commentary

Article 3, sub-paragraph 2, of the Constitution establishes: "The person of the Prince is inviolable". Article 15 of the Constitution establishes: "Following the consultation of the Crown Council, the Prince exercises the prerogative of mercy and of amnesty, as well as the prerogative of naturalisation and of re-instatement of nationality".

Article 22 of the Constitution establishes: "Everyone has the right to respect for his private and family life (…)". Article 58 of the Criminal Code establishes: "The offence towards the person of the Prince, if committed in public, is sanctioned with imprisonment from six months to five years, and the fine provided for in numeral 4 of Article 26. In the opposite case, it is sanctioned with imprisonment from six months to three years and the fine provided for in numeral 3 of Article 26." Article 59 of the Criminal Code establishes: "The offence towards the Prince's family members, if committed in public, is sanctioned with imprisonment from six months to three years, and the fine provided for in numeral 3 of Article 26. In the opposite case, it is sanctioned with imprisonment from three months to one year and the fine provided for in numeral 2 of Article 26. Article 60 of the Criminal Code establishes: "Any writing aiming to publicly undermine the Prince or his family, and done with the intention to harm, is sanctioned with the fine provided for in numeral 4 of Article 26".

The Principality of Monaco declares that the provisions of Articles 6, paragraph 1, 8 and 14 of the Convention apply without prejudice to the provisions, on the one hand of Article 25, sub-paragraph 2, of the Constitution on the priority of employment for Monegasques and, on the other hand, of Articles 5 to 8 of the Law No. 1144 of 26 July 1991 and of Articles 1, 4 and 5 of the Law No. 629 of 17 July 1957, relating to the prerequisite authorisations for the exercise of a professional activity, as well as of Articles 6, sub-paragraph 1, and 7, sub-paragraph 2, of the same law concerning the order of dismissal and re-employment."

Commentary

Article 25, sub-paragraph 2, of the Constitution establishes: "Priority is secured to Monegasques for the accession to public and private employ-

ment, within the conditions provided for by the law or the international conventions". The conditions which secure the prioriy of employment to Monegasques are specified in the statutes of the public office and in various texts instituting a preferential treatment within certain sectors of activity: Ord. of 1 April 1921 (doctors); Law No. 249 of 24 July 1938 (dental surgeons); Law No. 1047 of 8 July 1982 (lawyers); Law No. 1231 of 12 July 2000 (chartered accountants); Ord.-Law No. 341 of 24 March 1942 (architects); Sovereign Ord. No. 15.953 of 16 September 2003 (shipping brokers); they may also follow from the power of nomination of the Prince: Ord. of 4 March 1886 (notaries). The conditions concerning the priority for employment which are intended to facilitate the exercice, by Monegasques, of a first independent activity are foreseen by Article 3 of the Ministerial Decree No. 2004-261 of 19 May 2003 (assistance and loan for professional settlement).

Article 5 of the law No. 1144 of 26 July 1991 concerning the exercice of certain economic and legal activities establishes: "The exercice of the activities foreseen in Article 1 [crafts, commercial, industrial and professional activities carried out on an independent basis] by individual foreign nationals is subordinated to the obtention of an administrative authorisation (sub-paragraph 1). The opening or the running of an agency, a branch or administrative or representative office, a firm or a company whose seat is located abroad is also subordinated to an administrative authorisation (sub-paragraph 2). The authorisation, given by decision from the State Minister, determines restrictively, for the duration it fixes, the activities which may be exercised, the premises where they will be deployed and indicates, where necessary, the conditions of their exercise (sub-paragraph 3). The authorisation is personal and non-transferable (sub-paragraph 4). Any modification of the activities carried out or any change of the owner of the former autorisation or of the premises requires the issuance of a new authorisation under the conditions provided for by the two preceding sub-paragraphs (sub-paragraph 5). "[The refusal of authorisation shall not be motivated: Article 8, sub-paragraph 2, a contrario to the law No. 1144].

Article 6 of the law No. 1144 establishes: "Any individual foreign national, who is the tenant manager of a business is submitted to the provisions of the previous article, in addition to those resulting from the law on tenancy. The effects of the declaration made by the Monegasque lessor or that of the authorisation held by the foreign national lessor, are suspended during the life of the lease".

Article 7 of the law No. 1144 establishes: "The partners referred to under numerals 1 and 2 of Article 4 [i. e. partners of a company established in the form of a public company whose purpose is the exercice of professional activities, as well as partners in a commercial partnership or in limited partnership whose purpose is the exercice of commercial, industrial or professional activities], when in possession of a foreign nationality, must obtain an administrative authorisation, issued following a decision from the State Minister".

Article 8 of the law No. 1144 establishes: “The provisions of this section apply also to individuals in possession of the Monegasque nationality, who intend to provide, subject to payment and in whichever form, banking, credit, advice or assistance services in the legal, tax, financial and stock exchange fields, as well as brokerage, portfolio management or property management services with a power of disposal; they apply also to the same persons who are partners in one of the companies referred to in Article 4 and whose purpose is the exercice of these same activities (sub-paragraph 1). The administrative decision must be motivated with reference to the professional competencies and to the financial and moral guaranties presented (sub-paragraph 2)”.

Article 1 of the law No. 629 of 17 July 1957 aiming to settle the conditions of recruitment and dismissal in the Principality establishes: “No foreigner may hold a private job in Monaco without a work permit nor may he or she hold a job in a profession other than that indicated on this permit”.

Article 4 of the law No. 629 establishes: “Any employer who intends to engage or re-engage a worker with a foreign nationality must obtain, prior to the later taking up his or her duty, a written authorisation from the directorate for labour and employment”.

Article 5 of the law No. 629 establishes: “For candidates having the necessary ability to work, and in the absence of workers of Monegasque nationality, the authorisation foreseen in the previous article is given according to the following order of priority: 1. foreigners married to a Monegasque having kept her nationality and not legally separated, and foreigners born directly from a Monegasque; 2. foreigners resident in Monaco and having already carried out a professional activity there; 3. foreigners resident in the adjacent communes where they have been authorised to work”.

Article 6, paragraph 1, of the law No. 629 establishes: “Dismissal for suppression of posts or reduction of staff may be carried out, for a given professional category, only in the following order: 1. foreigners resident outside Monaco and the adjacent communes; 2. foreigners resident in the adjacent communes; 3. foreigners resident in Monaco; 4. foreigners married to a Monegasque (…) and foreigners born directly from a Monegasque; 5. Monegasques (.)”.

Article 7, sub-paragraph 2, of the law No. 629 establishes: “Re-engagements are done in the reverse order than the one for dismissals (.)”.

The Principality of Monaco declares that the provisions of Article 10 of the Convention apply without prejudice to the provisions of Article 1 of the law No. 1122 of 22 December 1988 concerning the distribution of radio and television broadcasts and to Sovereign Order No. 13.996 of 18 May 1999 approving the concession of public telecommunication services which entails the establishment of a monopoly in the field of broadcasting. This monopoly does not concern programs but only the technical modalities of broadcasting.

Commentary
Article 1 of the law No. 1122 of 22 December 1988 establishes: "The distribution, in each building, of radio-electrical waves to users of acoustical or visual broadcasting devices is ensured, under the conditions provided for by this law, by way of a public service installation which substitutes itself to private external receiving aerials".
The Sovereign Order No. 13.996 of 18 May 1999 establishes: "The concession of public broadcasting services signed on 11 May 1999 by Our Domain Administrator and Mr Jean Pastorelli, Deputy President of "Monaco télécom, SAM", a public limited company with a capital of 10.000.000 F, as well as the terms and conditions of the said concession and their appendices are hereby approved".

Nederlanden, het Koninkrijk der, 3 januari 1986
The island of Aruba, which is at present still part of the Netherlands Antilles, will obtain internal autonomy as a country within the Kingdom of the Netherlands as of 1 January 1986. Consequently the Kingdom will from then on no longer consist of two countries, namely the Netherlands (the Kingdom in Europe) and the Netherlands Antilles (situated in the Caribbean region), but will consist of three countries, namely the said two countries and the country Aruba.
As the changes being made on 1 January 1986 concern a shift only in the internal constitutional relations within the Kingdom of the Netherlands, and as the Kingdom as such will remain the subject under international law with which treaties are concluded, the said changes will have no consequences in international law regarding to treaties concluded by the Kingdom which already apply to the Netherlands Antilles, including Aruba. These treaties will remain in force for Aruba in its new capacity of country within the Kingdom. Therefore these treaties will as of 1 January 1986, as concerns the Kingdom of the Netherlands, apply to the Netherlands Antilles (without Aruba) and Aruba.
Consequently the treaties referred to in the annex, to which the Kingdom of the Netherlands is a Party and which apply to the Netherlands Antilles, will as of 1 January 1986 as concerns the Kingdom of the Netherlands apply to the Netherlands Antilles and Aruba.
List of Conventions referred to by the Declaration
(...)
Convention for the Protection of Human Rights and Fundamental Freedoms.
(...)

Oekraïne, 11 september 1997
The provisions of Article 5, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 shall apply in the part that does not contradict paragraphs 50, 51, 52 and 53 of the Interim Disciplinary Statute of the Armed Forces of Ukraine approved

by the Decree No 431 of the President of Ukraine dated 7 October 1993, concerning the imposition of arrest as a disciplinary sanction.
Appendix to the reservation (...)
The Interim Disciplinary Statute of the Armed Forces of Ukraine
Disciplinary penalties which are imposed on soldiers, sailors, sergeants and sergeants-majors
Article 50. On soldiers (sailors) of fixed-date service can be imposed such sanctions:
a) remark;
b) reprimand;
c) severe reprimand;
d) deprivation of regular release from location of military unit or from ship on the bank;
e) appointment out of turn on duty to work – till 5 duties;
f) arrest with supervision in the guard-room till 10 days;
g) deprivation of breastplate "Excellent specialist";
h) reducing of the senior soldier (senior sailor) to the rank.
Article 51. On soldiers and sailors of contract service can be imposed such sanctions:
a) remark;
b) reprimand;
c) severe reprimand;
d) appointment out of turn on duty to work – till 5 duties;
e) arrest with supervision in the guard-room till 10 days;
f) deprivation of breastplate "Excellent specialist of the Armed Forces of Ukraine";
g) reducing of the senior soldier (senior sailor) to the rank;
h) discharge from military service for service incompliance.
Article 52. On sergeants and sergeants-majors of fixed-date service can be imposed such sanctions:
a) remark;
b) reprimand;
c) severe reprimand;
d) deprivation of regular release from location of military unit or from ship on the bank;
e) arrest with supervision in the guard-room till 10 days;
f) deprivation of breastplate "Excellent specialist";
g) demotion;
h) demotion in military rank by one grade;
i) demotion in military rank by one grade with transfer to a lower post;
j) reducing of the sergeant (sergeant-major) to the rank.
Article 53. On sergeants and sergeants-majors of contract service can be imposed such sanctions:
a) remark;
b) reprimand;
c) severe reprimand;
d) arrest with supervision in the guard-room till 7 days;

e) deprivation of breastplate “Excellent specialist of the Armed Forces of Ukraine”;
f) demotion;
g) demotion in military rank by one grade;
h) demotion in military rank by one grade with transfer to a lower post;
i) reducing of the sergeant (sergeant-major) to the rank;
j) discharge from military service for service incompliance.

Ukraine fully recognises on its territory the validity of Article 6, paragraph 3.d, of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 in regard to the defendant’s right to obtain the attendance and examination of witnesses (Articles 263 and 303 of the Criminal Procedure Code of Ukraine) and as regards the rights of the suspect and persons charged in pre-trial proceedings to submit petitions for the attendance and examination of witnesses and the confrontation with them in accordance with Articles 43, 431 and 142 of the above-mentioned Code.

Appendix to the reservation (...)

Article 263. The Defendant’s Rights during the Trial

During the court session, the defendant shall have the right:

1. to make challenges;
   11. to have the case tried by a bench of judges in the cases prescribed by law;
2. to be provided with a defence counsel or deal with his own defence;
3. to make requests (pleas) and express his views on the requests (pleas) of other persons;
4. to request the Court to add documents to the case file, summon witnesses, appoint expert commissions and call for further evidence;
5. to give evidence on the substance of the case at any stage in the trial or refuse to give evidence and answer questions;
6. to request the court to make public the evidence available in the case;
7. to put questions to other defendants, witnesses, experts, specialists, the victim, a civil plaintiff or a civil respondent;
8. to take part in the examination of material evidence, the scene of the offence and documents;
9. to take part in the Court proceedings in the absence of a defence counsel;
10. to make the final address to the Court.

Article 303. The Questioning of a Witness

Witnesses shall be questioned individually and in the absence of other witnesses not yet questioned.

Before being questioned on the substance of the case, each witness shall be asked questions to elucidate his relations with the defendant and the victim and shall be invited to say everything he knows about the case.

After the witness has said everything he knows about the case, he shall be questioned by the public prosecutor, the prosecuting lawyer, the victim, the civil plaintiff, the civil respondent, the defence counsel, the

counsel for the civil respondent, the defendant, the judge and the people's assessors.
If a witness is summoned to the Court session at the request of the public prosecutor or other participants in the trial, first the participant in the trial who requested the summoning of the witness shall be the first to question the witness. A witness summoned by the Court itself shall be questioned according to the general procedure.
Throughout the questioning of the witness by the participants in the trial, the Court shall be entitled to ask him questions with a view to clarifying and supplementing his answers.
Witnesses who have been questioned shall remain in the courtroom and may not leave it until the end of the trial without the consent of the presiding judge.
Article 43. The accused and his rights
The term "accused" shall denote a person whom it has been decided to bring to court as an accused person according to the procedure established by the present Code. After he has been brought to court, the accused shall be referred to as a defendant.
The accused shall be entitled to know the charge against him; to give evidence about the charge or to refuse to give evidence and answer questions; to be provided with a defence counsel and see him before the first questioning; to submit evidence; to lodge pleas; to be acquainted with all the documents of the case after the completion of the preliminary investigation or inquiry; to take part in the judicial proceedings at the court of first instance; to make challenges; to lodge appeals against the actions and decisions of the person carrying out the inquiry, the investigator, the public prosecutor, the judge and the court.
The defendant shall be entitled to make the final address to the court.
Article 431. The suspect
The following shall be considered suspects:
1. a person detained on suspicion of committing an offence;
2. a person against whom a preventive measure has been taken until it is decided to bring him to court as the accused.
The suspect shall be entitled to know of what he is suspected; to give evidence or refuse to give evidence and answer questions; to be provided with a defence counsel and see him before the first questioning; to submit evidence; to lodge pleas and make challenges; to apply for reconsideration by the public prosecutor of the legality of his detention; to make appeals against the actions and decisions of the person carrying out operational investigative activities and inquiries, the investigator and the public prosecutor.
The fact that the suspect has been informed of his rights shall be mentioned in the record of detention or the decision to apply a preventive measure.
Article 142. Explaining to the Accused his Rights during the Investigation
When bringing a charge, the investigator shall be required to explain to the accused that during the preliminary investigation he is entitled:

1. to be informed of the charge against him;
2. to make a statement in respect of the charge or refuse to make a statement and answer questions;
3. to submit evidence;
4. to request the questioning of witnesses, cross-examinations and expert examinations, call for evidence and have it added to the case file and make requests on any other matters of significance for establishing the truth in the case;
5. to challenge the investigator, public prosecutor, expert, specialist and interpreter;
6. with the investigator's consent, to be present when certain stages of the investigation are carried out;
7. to be acquainted with all the documents of the case after the completion of the preliminary investigation;
8. to be provided with a defence counsel and see him before the first questioning;
9. to lodge appeals against the actions and decisions of the investigator and the public prosecutor.

The investigator shall record that the accused's rights have been explained to him in the decision to bring a charge against him, and the accused shall confirm this by his signature.

Oekraïne, 10 juli 2000

The provisions of Article 5, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 shall apply in the part that does not contradict Articles 48, 49, 50 and 51 of the Disciplinary Statute of the Armed Forces of Ukraine concerning the imposition of arrest as a disciplinary sanction.

The amendments (…) were purely formal and consisted mainly in a renumbering of certain provisions of the Interim Disciplinary Statute (Articles 50, 51, 52 and 53 became Articles 48, 49, 50 and 51).

The above-mentioned Articles (…) are now worded as follows:

The Law of Ukraine "On Disciplinary Statute of the Armed Forces of Ukraine" of 24 March 1999

Disciplinary penalties which are imposed on soldiers (sailors), sergeants (sergeants-majors)

Article 48. On soldiers (sailors) of fixed-date service can be imposed such sanctions:

a) remark;
b) reprimand;
c) severe reprimand;
d) deprivation of regular release from location of military unit or from ship on the bank;
e) appointment out of turn on duty to work – till 5 duties;
f) arrest with detention in the guard-room till 10 days;
g) reducing of the senior soldier (senior sailor) to the rank.

Article 49. On soldiers (sailors) of contract service can be imposed such sanctions:
a) remark;
b) reprimand;
c) severe reprimand;
d) warning of service incompliance;
e) appointment out of turn on duty to work – till 5 duties;
f) arrest with detention in the guard-room till 10 days;
g) reducing to the senior soldier (senior sailor) rank;
h) discharge from military service by contract for non-execution of terms of contract or service incompliance.
Article 50. On sergeants (sergeants-majors) of fixed-date service can be imposed such sanctions:
a) remark;
b) reprimand;
c) severe reprimand;
d) deprivation of regular release from location of military unit or from ship on the bank;
e) arrest with detention in the guard-room till 10 days;
f) demotion;
g) demotion in military rank by one grade;
h) demotion in military rank by one grade with transfer to a lower post;
i) reducing of the sergeant (sergeant-major) to the rank.
Article 51. On sergeants (sergeants-majors) of contract service can be imposed such sanctions:
a) remark;
b) reprimand;
c) severe reprimand;
d) warning of imperfect service compliance;
e) arrest with detaining in the guard-room till 7 days;
f) demotion;
g) demotion in military rank on one grade;
h) demotion in military rank on one grade with transferring to lower post;
i) reducing to the sergeant (sergeant-major) rank;
j) discharge from military service by contract for non-execution of terms of contract or service incompliance.

Oostenrijk, 3 september 1958
The provisions of Article 5 of the Convention shall be so applied that there shall be no interference with the measures for the deprivation of liberty prescribed in the laws on administrative procedure, BGBl No. 172/1950, subject to review by the Administrative Court or the Constitutional Court as provided for in the Austrian Federal Constitution.
The provisions of Article 6 of the Convention shall be so applied that there shall be no prejudice to the principles governing public court hea-

rings laid down in Article 90 of the 1929 version of the Federal Constitution Law.

Portugal, 9 november 1978
Article 5 of the Convention will be applied subject to Articles 27 and 28 of the Military Discipline Regulations, which provide for the placing under arrest of members of the armed forces.
Articles 27 and 28 of the Military Discipline Regulations read as follows:
Article 27
1. Arrests consist of the detention of the offender in a building intended for the purpose, in an appropriate place, barracks or military establishment, in suitable quarters on board ship or, failing these, in a place determined by the competent authority.
2. Between the reveille and sundown, during the period of detention, the members of the armed forces can perform the duties assigned to them.
Article 28
Close arrest consists of the detention of the offender in a building intended for the purpose.
Article 7 of the Convention will be applied subject to Article 309 of the Constitution of the Portuguese Republic, which provides for the indictment and trial of officers and personnel of the State Police Force (PIDE-DGS).
Article 309 of the Constitution reads as follows:
Article 309
1. Law No. 8/75 of 25 July shall remain in force with the amendments made by Law No. 16/75 of 23 December and Law No. 18/75 of 28 December.
2. The offences referred to in Articles 2.2, 3, 4.b and 5 of the Law referred to in the foregoing paragraph may be further defined by law.
3. The exceptional extenuating circumstances as provided for in Article 7 of the said Law may be specifically regulated by law.
(Act No. 8/75 lays down the penalties applicable to officers, officials and associates of the former General Directorate of Security (beforehand the International and State Defence Police), disbanded after 25 April 1974, and stipulates that the military courts have jurisdiction in such cases).

Roemenië, 27 juni 1994
Article 5 of the Convention does not exclude the application by Romania of the provisions of Article 1 of Decree No. 976 of 23 October 1968 regulating the system of military discipline, provided that the period of the deprivation of liberty does not exceed the time-limits specified by the legislation in force.
Article 1 of Decree No. 976/1968 of 23 October 1968 stipulates: For breaches of military discipline provided for in the military regulations, the commanding officers and commanders-inchief may apply to servicemen the disciplinary sanction of arrest for up to 15 days.

Roemenië, 11 augustus 2004
In accordance with the Law No. 345 of 12 July 2004, the Republic of Romania withdraws the (…) reservation concerning Article 5, contained in the intrument of ratification deposited on 20 June 1994 (…).

Russische Federatie, 5 mei 1998
In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Russian Federation declares that the provisions of Article 5, paragraphs 3 and 4, shall not prevent the application of the following provisions of the legislation of the Russian Federation:
– the temporary application, sanctioned by the second paragraph of point 6 of Section Two of the 1993 Constitution of the Russian Federation, of the procedure for the arrest, holding in custody and detention of persons suspected of having committed a criminal offence, established by Article 11, paragraph 1, Article 89, paragraph 1, Articles 90, 92, 96, 961, 962, 97, 101 and 122 of the RSFSR Code of Criminal Procedure of 27 October 1960, with subsequent amendments and additions;
– Articles 51–53 and 62 of the Disciplinary Regulations of the Armed Forces of the Russian Federation, approved by Decree no. 2140 of the President of the Russian Federation of 14 December 1993 – based on Article 26, paragraph 2, of the Law of the Russian Federation "On the Status of Servicemen" of 22 January 1993 – instituting arrest and detention in the guard-house as a disciplinary measure imposed under extra-judicial procedure on servicemen – private soldiers, seamen, conscripted non-commissioned officers, non commissioned officers and officers.
The period of validity of these reservations shall be the period required to introduce amendments to the Russian federal legislation which will completely eliminate the incompatibilities between the said provisions and the provisions of the Convention.
Appendices to the reservation
Code of criminal procedure of the RSFSR (The text of the extracts include all amendments and additions as at 1 October 1997. Official publishing sources are indicated in the texts of the articles) adopted by the third session of the Supreme Soviet of the RSFSR (fifth convocation) on 27 October 1960 ("Vedomosti Verkhovnogo Soveta RSFSR", 1960, No. 40, page 593)
"Article 11, paragraph 1 – Personal inviolability
No one may be arrested otherwise than on the basis of a judicial decision or a prosecutor's order (wording of the Decree of the Presidium of the Supreme Soviet of the RSFSR of 8 August 1983; of the Law of the Russian Federation of 23 May 1992; of the Federal Law of 15 June 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1983, No. 32, page 1153 – Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 1389; Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1996, No. 25, page 2964)."
"Article 89, paragraph 1 – Application of preventive measures

When there are sufficient grounds for believing that an accused person would evade an inquiry, preliminary investigation or trial or will obstruct the establishment of the truth in a criminal case or will engage in criminal activity, as well as in order to ensure execution of a sentence, the person conducting the inquiry, the investigator, the prosecutor and the court may apply one of the following preventive measures in respect of the accused: a written undertaking not to leave a specified place; a personal guarantee or a guarantee by a public organisation; placing in custody."

"Article 90 – Application of a preventive measure in respect of a suspect

In exceptional cases a preventive measure may be applied to a person suspected of having committed a criminal offence even before a charge is brought against him. In such a case the charge shall be brought not later than ten days from the time of the application of the preventive measure. If no charge is brought within this period, the preventive measure shall be cancelled."

"Article 92 – Order and decision on the application of a preventive measure

On the application of a preventive measure a person conducting an inquiry, an investigator and a prosecutor shall make a reasoned order, and a court shall give a reasoned decision specifying the criminal offence which the individual concerned is suspected of having committed, as well as the grounds for choosing the preventive measure applied. The order or decision shall be notified to the person concerned, to whom at the same time the procedure for appealing against the application of the preventive measure shall be explained.

A copy of the order or decision on the application of the preventive measure shall be immediately handed to the person concerned (wording of the Law of the Russian Federation of 23 May 1992 – Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 1389)."

"Article 96 – Placing in custody

Placing in custody as a preventive measure shall be done in accordance with the requirements of Article 11 of this Code concerning criminal offences for which the law prescribes a penalty in the form of deprivation of freedom for a period of more than one year. In exceptional cases, this preventive measure may be applied in criminal matters for which a penalty in the form of deprivation of freedom for a period of less than one year is prescribed by law (wording of the Decrees of the Presidium of the Supreme Soviet of the RSFSR of 10 September 1963, of 21 May 1970, of 17 April 1973, of 15 July 1974, of 11 March 1977 and of 8 August 1983; of the Laws of the Russian Federation of 23 May 1992, of 29 April 1993 and of 1 July 1993; of the Federal Laws of 1 July 1994, of 17 December 1995, of 15 June 1996 and of 21 December 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1963, No. 36, page 661; 1970, No. 22, page 442; 1973, No. 16, page 353; 1974, No. 29, page 782; 1977, No. 12, page 257; and 1983, No. 32, page 1153 – Vedomosti

Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 389, 1993, No. 22, page 789, No. 32, page 1231 – Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1994, No. 10, page 1109, 1995, No. 51, page 4973; 1996, No. 25, page 2964, and No. 52, page 5881)."

"Article 961 – Procedure for detaining persons placed in custody

The procedure for detaining persons in respect of whom placing in custody has been chosen as a preventive measure is laid down in the Regulations (Polojenie) on pre-trial custody.

In cases where persons referred to in the preceding paragraph of this article are detained for up to three days in places of detention, they shall be subject to the rules laid down in the Regulations on procedure for short-term detention of persons suspected of having committed a criminal offence (brought into effect by the Decree of the Presidium of the Supreme Soviet of the RSFSR of 21 May 1970; wording of the Decrees of the Presidium of the Supreme Soviet of the RSFSR of 30 December 1976 and 8 August 1983 – Vedomosti Verkhovnogo Soveta RSFSR, 1970, No. 22, page 442; 1977, No. 1, pages 2; 1983, No. 32, page 1153)."

"Article 962 – Time-limits for detaining persons placed in custody in temporary detention centres

Suspects and accused persons who have been placed in custody as a preventive measure may be detained in a temporary detention centre for not more than three days.

Suspects and accused persons detained in an investigation centre may be transferred to a temporary detention centre when this is necessary for the carrying out of investigatory activities and the judicial examination of cases beyond the boundaries of the populated area within which the investigation centre is situated and from which the persons concerned cannot be conveyed every day. Such transfer may be effected for the duration of investigatory activities and court proceedings but not for more than 10 days in any one month (brought into effect by the Decree of the Presidium of the Supreme Soviet of the RSFSR of 21 May 1970; wording of the Federal Law of 15 June 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1970, No. 22, page 442; Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1996, No. 25, page 2964)."

"Article 97 – Time-limits for keeping in custody

A period of custody during the investigation of offences in criminal cases may not last longer than two months. This time-limit may be extended up to three months by a district or municipal prosecutor, a military prosecutor of a garrison, strategical unit or group of units and comparable prosecutors if it is impossible to complete the investigation and there are no grounds for altering the preventive measure. A further extension up to six months from the day of placement in custody may be effected only on account of the special complexity of the case by a prosecutor of a subject of the Russian Federation, a prosecutor of a military district, a military force grouping, naval fleet, the Strategic Missile

Forces, the Federal Frontier Service of the Russian Federation or comparable prosecutors.
An extension of the time-limit for keeping persons in custody beyond six months shall be permissible in exceptional cases and solely in respect of persons accused of committing serious criminal offences or highly serious criminal offences. Such an extension shall be effected by a deputy of the Prosecutor General of the Russian Federation (up to one year) and by the Prosecutor General of the Russian Federation (up to 18 months).
No further extension of the time-limit shall be permissible, and the accused held in custody shall be releasable immediately.
The documents of a completed investigation of a criminal case shall be produced for consultation by the accused and his defence counsel not later than one month before the expiry of the maximum time-limit for holding in custody as prescribed in the second paragraph of the present article. In the event of the accused being unable to consult the case documents before the expiry of the maximum time-limit for holding in custody, the Prosecutor General of the Russian Federation, a prosecutor of a subject of the Russian Federation, a prosecutor of a military district, a military force grouping, a naval fleet, the Strategic Missile Forces, the Federal Frontier Service of the Russian Federation and comparable prosecutors may, not later than five days before the expiry of the maximum time-limit for holding in custody, apply to the judge of the "oblast", "kray" or comparable court for an extension of this time-limit.
Not later than five days from the day of receipt of the application, the judge shall take one of the following decisions:
1. decision to extend the time-limit for holding in custody up to the completion by the accused and his counsel of their consultation of the documents of the case and the referral of the case to the court by the prosecutor, but not for more than six months;
2. decision to reject the prosecutor's application and to release the person concerned from custody.
Under the same procedure the time-limit for holding in custody may be extended in the case of need to accede to a request by the accused or his counsel to pursue the preliminary investigation further.
If a court returns for a new investigation a case regarding which the time-limit for holding the accused in custody has expired but the circumstances of the case preclude any modification of the preventive measure in the form of holding in custody, the time-limit for holding in custody shall be extended by the prosecutor supervising the investigation for up to one month from the date on which the case reaches him. Any further extension of the time-limit shall take account of the time spent by the accused in custody before the referral of the case to the court and shall be effected in the manner and within the limits prescribed in the first and second paragraphs of this article.
An extension of the time-limit for holding in custody in accordance with the present article shall be a ground for appealing to a court against the

holding in custody and for a judicial verification of its legality and justification under the procedure provided for in Articles 2201 and 2202 of the present Code (wording of the Decree of the Presidium of the Supreme Soviet of the RSFSR of 11 December 1989; of the Law of the Russian Federation of 23 May 1992; of the Federal Law of 31 December 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1989, No. 50, page 1478 – Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 1389; Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1997, No. 1, page 4)."

"Article 101 – Cancellation or modification of a preventive measure

A preventive measure shall be cancelled when it ceases to be necessary, or else changed into a stricter or a milder one if the circumstances of the case so require. The cancellation or modification of a preventive measure shall be effected by a reasoned order of the person carrying out the inquiry, the investigator or the prosecutor, or by a reasoned court decision after the case has been transferred to a court.

The cancellation or modification, by the person conducting the inquiry or by the investigator, of a preventive measure chosen on the prosecutor's instructions shall be permissible only with the prosecutor's approval."

"Article 122 – Apprehension of a person suspected of committing a criminal offence

An organ of inquiry may apprehend a person suspected of committing a criminal offence punishable by a custodial sentence in one of the following instances only:

1. when the said person was caught at the time of commission of the criminal offence or immediately after its commission;
2. when eye witnesses, including victims, directly indicate that person as the perpetrator of the criminal offence;
3. when clear traces of the criminal offence are found on the suspected person or his clothing, with him or at his home.

When there are other factors constituting grounds for suspecting an individual of having committed a criminal offence, the individual may be apprehended only if he has attempted to escape or if he has no fixed abode or if he has not been identified.

On every case of apprehension of a person suspected of committing a criminal offence the organ of inquiry shall draw up a report indicating the relevant grounds and reasons, the day, time, year, month and place of apprehension, the explanations of the person apprehended and the time of drawing up the report, and shall inform the prosecutor in writing within 24 hours. The apprehension report shall be signed by the person who drew it up and by the person apprehended. Within 48 hours of being notified of the apprehension the prosecutor shall be required either to approve the placing of the person apprehended in custody or to release that person (wording of the Decree of the Presidium of the

Supreme Soviet of the RSFSR of 30 December 1976, – Vedomosti Verkhovnogo Soveta RSFSR, 1977, No. 1, page 2)."
Disciplinary regulations of the armed forces of the Russian Federation – (The text of the extracts include all amendments and additions as at 1 October 1997. Official publishing sources are indicated in the texts of the articles)
Approved by Decree No. 2140 of the President of the Russian Federation, of 14 December 1997 (Collection of Instruments of the President and the Government of the Russian Federation, 1993, No. 51, page 4931)
"51. The following punishments may be imposed on private soldiers and seamen:

a. reprimand;
b. severe reprimand;
c. deprivation of conscripted soldiers and seamen of scheduled leave from their unit or ship;
d. detailing of conscripted soldiers and seamen to up to five extra tours of duty;
e. arrest and detention in the guard-house for up to seven days in the case of soldiers and seamen serving under a contract and for up to ten days in the case of conscripted soldiers and seamen;
f. deprivation of the badge of excellence;
g. early transfer to the reserve in the case of soldiers and seamen serving under a contract."

"52. The following punishments may be imposed on conscripted non-commissioned officers:

a. reprimand;
b. severe reprimand;
c. deprivation of ordinary leave from the unit or ship;
d. arrest and detention in the guard-house for up to ten days;
e. deprivation of the badge of excellence;
f. demotion in post;
g. demotion in rank by one grade;
h. demotion in rank by one grade with transfer to a lower post."

"53. The following punishments may be imposed on non-commissioned officers serving under a contract:

a. reprimand;
b. severe reprimand;
c. arrest and detention in the guard-house for up to seven days;
d. deprivation of the badge of excellence;
e. demotion in post;
f. early transfer to the reserve.

The punishments specified in item (c) of the present article and in items (c)-(e) of Article 51 may not be imposed on women serving as private soldiers, seamen and non-commissioned officers."
"62. The following punishments may be imposed on officers:

a. reprimand;

b. severe reprimand;
c. arrest and detention in the guard-house for up to five days;
d. warning about inadequate suitability for duty;
e. demotion in post;
f. early transfer to the reserve.

The punishment specified in item (c) of the present article may not be imposed on women serving as officers".

San Marino, 22 maart 1989

The Government of the Republic of San Marino, although confirming its firm undertaking neither to foresee nor to authorise derogations of any kind from the obligations subscribed, feels compelled to stress that the fact of being a State of limited territorial dimensions calls for particular care in matters of residence, work and social measures for foreigners even if they are not covered by the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto.

With regard to the provisions of Article 11 of the Convention on the right to form trade unions, the Government of the Republic of San Marino declares that in San Marino two trade unions exist and are active, that Articles 2 and 4 of Law No. 7 of 17 February 1961 on the protection of employment and employees foresee that associations or trade unions must register with the Law Court and that such registration may be obtained provided the association includes at least six categories of employees and a minimum of 500 members.

Servië, 3 maart 2004

The right to a public hearing enshrined in Article 6, paragraph 1, of the Convention shall be without prejudice to the application of the principle that courts in Serbia do not, as a rule, hold public hearings when deciding in administrative disputes. The said rule is contained in Article 32 of the Law on Administrative Disputes (Sluzbeni list Savezne Republike Jugoslavije, No. 46/96) of the Republic of Serbia.

Servië, 20 juli 2006

[Reservation contained in the instrument of ratification deposited on 3 March 2004 (...) and updated by a letter (...) dated 20 July 2006]

While affirming its willingness fully to guarantee the rights enshrined in Articles 5 and 6 of the Convention, Serbia and Montenegro declares that the provisions of Article 5, paragraph 1[.c] and Article 6, paragraphs 1 and 3, shall be without prejudice to the application of Articles 75 to 321 of the Law on Minor Offences of the Republic of Serbia (Sluzbeni glasnik Socijalisticke Republike Srbije, No. 44/89; Sluzbeni glasnik Republike Srbije, Nos. 21/90, 11/92, 6/93, 20/93, 53/93, 67/93, 28/94, 16/97, 37/97, 36/98, 44/98, 65/2001) that regulate proceedings before magistrates' courts.

[Declaration contained in a Note Verbale (…) deposited with the instrument of ratification on 3 March 2004 (…) and updated by a letter (…) dated 20 July 2006]
Brief Statement
(…)
The relevant provisions of the laws referred to in this reservation regulate the following matters:
– proceedings before the magistrates' courts, including rights of the accused, rules of evidence and legal remedies (Articles 75 to 89 and 118 to 321 of the Law on Minor Offences of the Republic of Serbia);
– establishment and organization of the magistrates'courts (Articles 89a to 115 of the Law on Minor Offences of the Republic of Serbia); and
– measures for securing the presence of the accused (Articles 183 to 192 of the Law on Minor Offences of the Republic of Serbia). (…)

Slowakije, 30 juni 1993
During the ceremony of accession to the Council of Europe, the Minister of Foreign Affairs of Slovakia declared that the reservation made by the Czech and Slovak Federal Republic to Articles 5 and 6 of the Convention will remain applicable. The reservation reads as follows:
"The Czech and Slovak Federal Republic in accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11] makes a reservation in respect of Articles 5 and 6 to the effect that those articles shall not hinder to impose disciplinary penitentiary measures in accordance with Article 17 of the Act No. 76/1959 of Collection of Laws, on Certain Service Conditions of Soldiers."
The terms of section 17 of the Law on certain conditions of service of members of the armed forces, No. 76/1959 in the Compendium of Legislation, are as follows:
Section 17
Disciplinary Sanctions
1. Disciplinary sanctions shall comprise: a reprimand, penalties for petty offences, custodial penalties, demotion by one rank, and in the case of non-commissioned officers, reduction to the ranks.
2. Disciplinary custodial penalties shall comprise: confinement after duty, light imprisonment and house arrest.
3. The maximum duration of a disciplinary custodial penalty shall be 21 days.

Spanje, 4 oktober 1979
In pursuance of Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], Spain makes reservations in respect of the application of the following provisions:
Article 11, insofar as it may be incompatible with Articles 28 and 127 of the Spanish Constitution.
Brief statement of the relevant provisions:

Article 28 of the Constitution recognises the right to organise, but provides that legislation may restrict the exercise of this right or make it subject to exception in the case of the armed forces or other corps subject to military discipline and shall regulate the manner of its exercise in the case of civil servants.
Article 127, paragraph 1, specifies that serving judges, law officers and prosecutors may not belong to either political parties or trade unions and provides that legislation shall lay down the system and modalities as to the professional association of these groups.
Spain declares that it interprets the provisions of the last sentence in Article 10, paragraph 1, as being compatible with the present system governing the organisation of radio and television broadcasting in Spain.
The provisions of Articles 15 and 17 to the effect that they permit the adoption of the measures contemplated in Articles 55 and 116 of the Spanish Constitution.

Spanje, 28 mei 1986
At the time of deposit of the instrument of ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, on 29 September 1979, Spain formulated a reservation to Articles 5 and 6 to the extent to which those Articles might be incompatible with the provisions of the Code of Military Justice – Chapter XV of Part II and Chapter XXIV of Part III – concerning the disciplinary regime of the Armed Forces.
I have the honour to inform you, for communication to the Parties to the Convention, that these provisions have been replaced by Basic Law 12/1985 of 27 November – Chapter II of Part III and Chapters II, III and IV of Part IV – concerning the disciplinary regime of the Armed Forces, which will enter into force on 1 June 1986.
The new legislation amends the former provisions by reducing the duration of the sanctions imposing deprivation of liberty which can be applied without judicial intervention by increasing the guarantees of persons during the preliminary investigation.
Spain confirms nevertheless its reservation to Articles 5 and 6 to the extent to which those Articles might be incompatible with the provisions of Basis Law 12/1985 of 27 November – Chapter II of Part III and Chapters II, III and IV of Part IV – concerning the disciplinary regime of the Armed Forces, which will enter into force on 1 June 1986.

Spanje, 23 mei 2007
Spain, in accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], reserves itself the implementation of Articles 5 and 6 insofar as they could be incompatible with the Organic Law 8/1998, of 2 December, Chapters II and III of Tile III and Chapters I, II, III, IV and V of Title IV of the Disciplinary Regime of the Army Forces, which came into force on 3 February 1999.

Tsjechië, 2 augustus 1993
During the ceremony of accession to the Council of Europe, the Minister of Foreign Affairs of the Czech Republic declared that the reservation made by the Czech and Slovak Federal Republic to Articles 5 and 6 of the Convention will remain applicable. The reservation reads as follows:
The Czech and Slovak Federal Republic in accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11] makes a reservation in respect of Articles 5 and 6 to the effect that those articles shall not hinder to impose disciplinary penitentiary measures in accordance with Article 17 of the Act No. 76/1959 of Collection of Laws, on Certain Service Conditions of Soldiers.
The terms of section 17 of the Law on certain conditions of service of members of the armed forces, No. 76/1959 in the Compendium of Legislation, are as follows:
Section 17
Disciplinary Sanctions
1. Disciplinary sanctions shall comprise: a reprimand, penalties for petty offences, custodial penalties, demotion by one rank, and in the case of non-commissioned officers, reduction to the ranks.
2. Disciplinary custodial penalties shall comprise: confinement after duty, light imprisonment and house arrest.
3. The maximum duration of a disciplinary custodial penalty shall be 21 days.

Verenigd Koninkrijk, het, 1 april 2004
The Government of the United Kingdom declares that it extends the Convention to the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, being a territory fo whose international relations the United Kingdom is responsible.
The Government of the United Kingdom declares on behalf of the above territory that the Government accepts the competence of the Court to receive applications as provided by Article 34 of the Convention.

Verenigd Koninkrijk, het, 14 januari 2006
The Government of the United Kingdom hereby accepts, on a permanent basis, the above competence of the Court on a permanent basis for the following territories: Falklands Islands, Gibraltar, South Georgia and the South Sandwich Islands.
The Government renews the period of acceptance of the above competence of the Court for the period of five years with effect form 14 January 2006 for the following territories: Anguilla, Bermuda, the Bailiwick of Guernsey, Montserrat, St Helena, St Helena Dependencies; and also accepts the above competence of the Court for the period of five years form 14 January 2006 for the Turks and Caicos Islands.

The Government confirms, for the purposes of record, that the Convention applies to the following territories: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, the Bailiwick of Guernsey, Isle of Man, the Bailiwick of jersey, Montserrat, St Helena, St Helena Dependencies, South Georgia and the South Sandwich Islands, Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Turks and Caicos Islands.

Verenigd Koninkrijk, het, 21 februari 2006
... that the Government of the United Kingdom hereby accepts the above competence of the Court on a permanent basis for the Cayman Islands and the Bailiwick of Guernsey.

Verenigd Koninkrijk, het, 23 februari 2006
[Note by the Secretariat: In accordance with the letter from the Permanent Representative of the United Kingdom, dated 21 February 2006, registered at the Secretariat General on 23 February 2006 – Or. Engl. – the current situation of territories for whose international relations the United Kingdom is responsible is the following:
1. Application of the Convention:
Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, the Bailiwick of Guernsey, Isle of Man, the Bailiwick of Jersey, Montserrat, St Helena, St Helena Dependencies, South Georgia and South Sandwich Islands, Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Turks and Caicos Islands.
2. Recognition of the right of individual petition before the European Court of Human Rights:
Territorial extension renewed for a period of five years as from 14 January 2006: Anguilla, Bermuda, Montserrat, St Helena, St Helena Dependencies, Turks and Caicos Islands.
Territorial extension accepted on a permanent basis as from 14 January 2001: Bailiwick of Jersey.
Territorial extension accepted on a permanent basis as from 1 June 2003: Isle of Man.
Territorial extension accepted on a permanent basis as from 1 May 2004 : Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus.
Territorial extension accepted on a permanent basis as from 14 January 2006: Falkland Islands, Gibraltar, South Georgia and South Sandwich Islands.
Territorial extension accepted on a permanent basis as from 23 February 2006: Bailiwick of Guernsey, Cayman Islands.]

Verenigd Koninkrijk, het, 28 september 2009
I have the honour to refer to Article 56 (4) of the European Convention on Human Rights under which a State may accept the competence of the European Court of Human Rights to receive application from persons, non-governmental organisations or groups of individuals in respect of

any of the territories for the international relations of which it is responsible to which the Convention has been extended.
On instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, I have the honour to inform you that the Government of the United Kingdom hereby accepts the above competence of the Court on a permanent basis for the British Virgin Islands.

Verenigd Koninkrijk, het, 15 oktober 2009
I have the honour to refer to Article 56 (4) of the European Convention on Human Rights and the declaration contained in a letter dated 14 January 2006 from the United Kingdom Permanent Representative, concerning the extension, for the period of five years, of the competence of the European Court of Human Rights to receive application from persons, non-governmental organisations or groups of individuals to, inter alia, the Turks and Caicos Islands, being a territory for the international relations of which the United Kingdom is responsible.
On instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, I have the honour to inform you that the Government of the United Kingdom hereby accepts the above competence of the Court on a permanent basis for the Turks and Caicos Islands.

G. INWERKINGTREDING

Zie *Trb.* 1954, 151, *Trb.* 1956, 5, *Trb.* 1970, 81, *Trb.* 1979, 150 en *Trb.* 1989, 153.

De bepalingen van het Verdrag worden gewijzigd door de inwerkingtreding op 1 juni 2010 van het in rubriek J hieronder genoemde Protocol nr. 14 bij het Verdrag.

J. VERWIJZINGEN

Voor verwijzingen en andere verdragsgegevens zie *Trb.* 1951, 154, *Trb.* 1954, 151, *Trb.* 1956, 5, *Trb.* 1961, 8, *Trb.* 1964, 163, *Trb.* 1969, 223, *Trb.* 1970, 81, *Trb.* 1974, 215, *Trb.* 1979, 150, *Trb.* 1981, 13, *Trb.* 1982, 188, *Trb.* 1985, 68, *Trb.* 1989, 153, *Trb.* 1990, 156 en *Trb.* 1998, 87.

Verbanden

Het Verdrag wordt gewijzigd door:

Titel	:	Tiende Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden; Straatsburg, 25 maart 1992

Tekst : *Trb.* 1992, 70[1)] (Engels, Frans en vertaling)
Laatste *Trb.* : *Trb.* 1998, 94

Titel : Protocol nr. 14 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, betreffende wijziging van het controlesysteem van het Verdrag;
Straatsburg, 13 mei 2004
Tekst : *Trb.* 2004, 191 (Engels en Frans)
Trb. 2004, 285 (vertaling)
Laatste *Trb.* : *Trb.* 2010, 112

Het Verdrag wordt aangevuld door:

Titel : Protocol nr. 12 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden;
Rome, 4 november 2000
Tekst : *Trb.* 2001, 18 (Engels, Frans en vertaling)
Laatste *Trb.* : *Trb.* 2005, 184

Titel : Protocol nr. 13 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, inzake de afschaffing van de doodstraf onder alle omstandigheden;
Vilnius, 3 mei 2002
Tekst : *Trb.* 2002, 119 (Engels, Frans en vertaling)
Laatste *Trb.* : *Trb.* 2006, 49

Overige verwijzingen

Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
Laatste *Trb.* : *Trb.* 2007, 146

Uitgegeven de *vijfde* juli 2010.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN

[1)] In *Trb.* 1998, 87 is ten onrechte *Trb.* 1992, 94 als verwijzing naar de tekst en vertaling opgenomen.

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