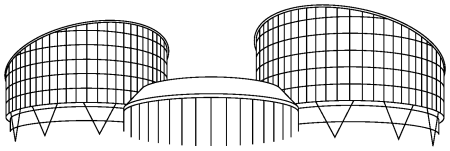

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF ULAY v. TURKEY

(Application no. 8626/06)

JUDGMENT

STRASBOURG

13 February 2018

FINAL

13/05/2018

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Ulay v. Turkey,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Robert Spano, *President,*
Paul Lemmens,
Ledi Bianku,
Işıl Karakaş,
Nebojša Vučinić,
Valeriu Griţco,
Jon Fridrik Kjølbro, *judges,*
and Stanley Naismith, *Section Registrar,*

Having deliberated in private on 16 January 2018,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 8626/06) against the Republic of Turkey lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Turkish national, Mr Soner Ulay ("the applicant"), on 16 March 2003.

2. The applicant was represented by Mr C. Tınarlıoğlu, a lawyer practising in Kocaeli. The Turkish Government ("the Government") were represented by their Agent.

3. The applicant alleged, in particular, that he had been convicted on the basis of his statements taken in the absence of a lawyer. He further argued that he had been subjected to ill-treatment and coerced into making self-incriminatory statements while in police custody and that he could not have witnesses on his behalf examined.

4. On 4 September 2009 the application was communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1984 and lives in Gebze.

6. On 17 August 2002 a certain H.A. was found dead in a junkyard. The police initiated an investigation into the matter to find the perpetrators.

7. On 20 August 2002 the applicant, a minor at the time, was brought to the police headquarters, where he was searched. Following the search, he went through a medical examination. The report drawn up after that examination noted that he did not have any complaints and that there were no signs of injury on his body.

8. On 21 August 2002 at 1.30 p.m. another report was issued in respect of the applicant, indicating that there were no traces of ill-treatment on him. He was released afterwards.

9. The same day the applicant's house was searched by the police, who seized certain objects. The search records prepared by the police noted that the applicant was suspected of having committed the crime.

10. At around 11 p.m. the applicant was brought to the police headquarters once again, together with some others.

11. On 22 August 2002 he gave his statements before the police in the absence of a lawyer and indicated that he had spent the day with his friends on 16 August 2002, the day H.A. had been killed. The medical report prepared following his examination reiterated the findings of the previous reports, noting no signs of injury on his body. Several members of the applicant's family were also questioned the same day. The applicant and the others were all released after their questioning.

12. On 26 August 2002 the applicant turned eighteen years of age.

13. On 20 September 2002 the applicant was questioned by the police once again. In the absence of a lawyer, he submitted that he had known H.A. as the grandmother of one of his friends and that when he had heard of the murder, he had speculated with his friends that she could have been killed for the jewellery she wore.

14. A police report prepared on 11 October 2002 established that according to the results of a DNA test, the blood stains on a tile-cutting machine found at the applicant's house matched the sample tissues taken from the deceased. Subsequently, the applicant, other members of his family and his friend A.S. were arrested. The search and arrest records held by the police noted that all of those arrested had been placed in police custody following their medical examinations. The medical report concerning the applicant noted no signs of injury.

15. On 12 October 2002 the police conducted a reconstruction of the events at the applicant's house, during which he confessed to having killed H.A. He maintained that he had hit her on the head with a wooden club in the basement of their house, with the intention of stealing her jewellery, and that he had put her in a nylon bag afterwards as he had panicked. He went on to describe in detail how he had disposed of the body and showed the police the pushcart he had used to that effect. According to the police records bearing the applicant's signature, the applicant did not benefit from the assistance of a lawyer during the reconstruction of events and was not informed of his rights to request legal assistance and to remain silent.

16. Subsequently, the applicant was taken back to police station, where he reiterated his confession in the absence of a lawyer. He also added certain details such as the locations of the jewellery stores in Istanbul and İzmir where he had changed the deceased's jewellery, and how he had spent the money in İzmir with his friend A.S., who had not known how he had obtained it. His statements were transcribed on a form, on the first page of which there was a pre-printed message stating, *inter alia*, that the person being questioned had been informed of his right to remain silent and to choose a lawyer, and that he refused legal assistance.

17. On 13 October 2002, at the end of the applicant's police custody, another medical report was drawn up, again indicating no signs of ill-treatment on his body.

18. On 13 October 2002 the applicant was questioned by the Gebze Public Prosecutor. Pursuant to his request, he was assisted by a lawyer appointed by the Bar Association during the questioning. He reiterated his previous statements and maintained that he accepted those he had made before the police. He argued, however, that electric shocks had been administered to him through his penis and small toe during his time in police custody.

19. A medical examination conducted pursuant to the Public Prosecutor's request revealed no traces of injury on the applicant's penis, small toe or any other part of his body.

20. On the same day the applicant repeated his previous statements before the investigating judge and claimed once again that he had been subjected to electric shocks while in police custody. He was subsequently placed in detention on remand.

21. On 22 October 2002 the Public Prosecutor filed an indictment with the Gebze Assize Court, accusing the applicant of murder and robbery.

22. At the first hearing held on 19 November 2002, the applicant denied his previous statements and argued that he had had to confess to having committed the murder as a result of the ill-treatment inflicted on him. He requested that the appointed lawyer who had been present during his questioning by the Public Prosecutor and the investigating judge be heard as a witness. The court rejected that request.

23. In a petition dated 11 September 2003, the applicant argued that he had been coerced into making self-incriminating statements, in that he had been subjected to ill-treatment and psychological duress by the police, who had threatened him with bringing charges against his family members if he did not confess to having murdered H.A. He submitted that his waiver of his right to legal assistance had not been unequivocal, which had been proven by the fact that he had requested a lawyer before the Public Prosecutor, as soon as his police custody ended. He further contested the relevance of the DNA examination with regard to the tile-cutting machine, arguing that the court should conduct an examination of the wooden club indicated in his

police statements, in order to prove that his confessions had not been genuine.

24. On 16 October 2003 the Gebze Assize Court held that it lacked jurisdiction and forwarded the case to the Kocaeli Juvenile Court as the applicant had been a minor at the time of the murder. During the course of the thirteen hearings before it, the Assize Court obtained a report from the Istanbul Forensics Institute and heard all the police officers involved in the applicant's questioning. It further examined two witnesses, namely, the owners of the jewellery stores described by the applicant, who stated that they had not seen him before.

25. During the course of the hearings before the Juvenile Court, the applicant requested the court to obtain a new forensics report, claiming that there were discrepancies between the police report and that prepared by the Istanbul Forensics Institute, as the latter noted that no blood sample could be found on either the tile-cutting machine or the wooden club. The court rejected that request. Nevertheless, it re-examined and accepted the applicant's request to have the appointed lawyer heard. In his statements before the court, that lawyer submitted that he had first seen the applicant during the interview at the Public Prosecutor's office and had suspected that he might have been ill-treated as he had been nervous. The court also heard a number of other witnesses, including his friend A.S., who indicated that the applicant had spent a considerable amount of money in İzmir.

26. In his submissions before the Juvenile Court, the applicant maintained that he had not been assigned a lawyer while in police custody and claimed that he had been coerced into making a false confession although he had not committed the murder. He added that he had withdrawn the money he had spent after the events with his father's debit card. Following that latter submission, the court obtained the transcripts of the applicant's father's bank account, which showed no such transaction.

27. On 31 May 2004 the Juvenile Court found the applicant guilty as charged and sentenced him to twenty-six years and eight months' imprisonment. The court noted that it did not take account of the statements made by the applicant during his questioning by the police, as in any event it found him guilty on the basis of his subsequent statements confessing his acts, the records of the reconstruction of events, the forensics reports, the statements of A.S., and the bank transcripts which rebutted his defence with regard to the money he had spent after the murder.

28. The applicant appealed against the judgment, arguing that he might have made contradictory remarks as he had been confused with the questions of the judges. Reiterating his submissions with regard to his alleged ill-treatment, he maintained that he had not been assigned a lawyer while in police custody although he had requested one.

29. On 16 June 2005 the Court of Cassation quashed the judgment, finding that the applicant's sentence needed to be re-evaluated in the light of the new Penal Code, which had entered into force following the judgment.

30. On 27 July 2005 the Juvenile Court sentenced the applicant to a total of twenty-one years' imprisonment. On 12 October 2006 the Court of Cassation quashed the judgment once again, this time as a result of the Juvenile Court's failure to hold a hearing while re-evaluating the sentence.

31. On 15 February 2007, after holding a hearing and assessing the applicant's final submissions, the Juvenile Court sentenced him to twenty-one years' imprisonment for murder and robbery. That judgment was upheld by the Court of Cassation on 19 July 2007.

II. RELEVANT DOMESTIC LAW

32. The relevant provisions of the former Code of Criminal Procedure (Law no. 1412), namely Articles 135, 136 and 138, provided that anyone suspected or accused of a criminal offence had a right of access to a lawyer from the moment they were taken into police custody. Article 138 stipulated that for minors, legal assistance was obligatory.

33. Article 18 of the Regulation on arrest, custody and questioning (*Yakalama, Gözaltına Alma ve İfade Alma Yönetmeliği*) in force at the time set forth, *inter alia*, that an arrested minor should be provided with a legal representative even in the absence of such a request.

34. According to Article 6 § 5 of the same Regulation, in the course of the arrest and irrespective of the offence, those arrested should be informed of the reasons for their arrest and the allegations against them, as well as their rights to remain silent and to have legal assistance. That information would be provided immediately and in writing. It could be given to the arrested person verbally only in cases where written information was not possible.

THE LAW

I. ALLEGED VIOLATIONS OF ARTICLE 6 OF THE CONVENTION

35. The applicant complained about the lack of legal assistance available to him while in police custody. He further argued that the court had failed to hear a certain witness on his behalf. He relied on Articles 5 and 6 §§ 1 and 3 (b), (c) and (d) of the Convention. The Court will examine these complaints under Article 6 §§ 1 and 3 (c) and (d) of the Convention, the relevant parts of which read as follows:

"1. In the determination of ... any criminal charge against him, everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...

3. Everyone charged with a criminal offence has the following minimum rights:

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him..."

A. Alleged violation of Article 6 §§ 1 and 3 (c)

1. The parties' submissions

36. The applicant complained that although he had been a minor at the time, he had been denied legal assistance while in police custody and that the domestic court had convicted him on the basis of the self-incriminating statements he had made during that time.

37. The Government argued first of all that the applicant had failed to exhaust domestic remedies in that he had not raised his complaint concerning the lack of legal assistance before the domestic authorities, and in particular before the Court of Cassation. As regards the merits, they maintained that the applicant had benefited from legal assistance during the preliminary investigation as he had made his statements before the Public Prosecutor and the investigating judge in the presence of a lawyer. They stated that the only period where he had not been assisted by a lawyer was his police custody. They contended however that that fact had not caused prejudice to the fairness of the trial as the applicant had reiterated the statements he had made during that time in the subsequent stages of the proceedings. The Government argued moreover that the applicant's police statements had not affected the domestic court's judgment, which had reached its conclusion on the basis of a variety of evidence obtained during the course of the proceedings. They concluded therefore that there had been no violation of the applicant's right to a fair trial.

2. The Court's assessment

(a) Admissibility

38. The Government argued that the applicant had failed to exhaust domestic remedies as he had failed to bring his complaint to the attention of the domestic authorities.

39. The Court observes that at various stages of the domestic proceedings the applicant maintained that he had not benefited from the assistance of a lawyer. Besides having raised the matter before both the Gebze Assize Court and Kocaeli Juvenile Court, he pointed out in his

appeal petition before the Court of Cassation that he had not been assigned a lawyer during his time in police custody despite his request to that effect. In view of the above, the Court rejects the Government's objection.

40. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

(b) Merits

(i) General principles

41. The general principles with regard to the starting point of a "criminal charge", the right to legal assistance, the right to be informed of that right and the privilege against self-incrimination, the waiver of the right to legal assistance, the temporary restriction of access to a lawyer for compelling reasons, and the impact of the procedural failings in the pre-trial stage on the overall fairness of the proceedings are set forth in the Court's *Simeonovi v. Bulgaria* judgment ([GC], no. 21980/04, §§ 110-119, ECHR 2017 (extracts)). The relevant factors for the assessment of the overall fairness listed in the judgment of *Ibrahim and Others v. the United Kingdom* ([GC], nos. 50541/08 and 3 others, § 265, ECHR 2016) are also reiterated in the *Simeonovi* judgment ((cited above), § 120).

(ii) Application of the general principles to the present case

42. The Court notes that the applicant was arrested a total of four times. Following the first three arrests he was brought to the police headquarters together with several other people and was released after his questioning and medical examination. Nevertheless, it does not consider it necessary to examine whether there was any "criminal charge" against the applicant during those first three arrests, as in any event the applicant's complaints only relate to his fourth arrest conducted on 11 October 2002 and the subsequent criminal proceedings.

43. The Court observes that the day after his last arrest, the applicant was taken for a reconstruction of events with the police at his house, where he confessed to having committed the murder. The records of the reconstruction of events did not indicate anything to suggest that the applicant was informed of his right to legal assistance and it appears that he made his submissions in the absence of such assistance. The applicant was informed of his rights only before his subsequent questioning at the police headquarters, during which he reiterated his confession, once again without the assistance of a lawyer. The instructions as regards the applicant's procedural rights, including his right to remain silent and the right to have a lawyer assigned, and his waiver of those rights, were pre-printed on the form on which his statements were transcribed.

44. The Court notes that the self-incriminating statements made by the applicant during his questioning at the police headquarters were not taken into account by the domestic court, which indicated that it found the applicant guilty on the basis of a number of other items of evidence, including the records of the reconstruction of the events. Consequently, the Court will not dwell on whether the applicant's waiver of his right to legal assistance was unequivocal and will examine the impact of the lack of legal assistance during the pre-trial stage on the overall fairness of the proceedings solely with regard to use of the statements he made during the reconstruction of events.

45. As for the existence of compelling reasons, the Government mentioned no such exceptional circumstances, and it is not the Court's task to assess of its own motion whether they existed in the present case (see *Simeonovi* (cited above, § 130). It therefore sees no such reason which could have justified restricting the applicant's access to a lawyer while he was in police custody. Accordingly, it must apply a very strict scrutiny in assessing whether the absence of a lawyer undermined the fairness of the proceedings. Moreover, the burden of proof is on the Government to demonstrate convincingly why, exceptionally and in the specific circumstances of the case, the overall fairness of the trial was not irretrievably prejudiced (see *Ibrahim and Others* (cited above), § 265; *Sitnevskiy and Chaykovskiy v. Ukraine*, nos. 48016/06 and 7817/07, § 77, 10 November 2016; and *Simeonovi* (cited above), § 132).

46. In this respect, the Government put forward that although the applicant's right to access to legal assistance had been restricted during his time in police custody, he had benefited from the assistance of a lawyer when he reiterated his confession during the subsequent stages of the preliminary investigation, that is, before the Public Prosecutor and the investigating judge. They further contended that the incriminating police statements made by the applicant had had no effect on the outcome of the proceedings, as the domestic court had relied on a number of items of evidence in support of its conclusion.

47. In assessing the overall fairness of the proceedings, the Court notes first of all that while the applicant was still a minor at the time of the murder, he turned eighteen before his last arrest on 11 October 2002. Accordingly, although he argued that he should have benefited from the legal provisions regulating the procedural rights of minors, which required the appointment of a legal representative even in the absence of a request from him, the Court considers that those provisions were not applicable in his case. Nevertheless, that fact does not affect the Court's assessment, as in either event the lack of legal assistance for the applicant while in police custody was a limitation which did not follow from domestic law.

48. In that connection, the Court observes that pursuant to the legislation in force at the time, the applicant had the right to legal assistance and to be

informed of his procedural rights from the moment he was placed into police custody (see paragraphs 32 and 34 above). However, there is no document in the present case that can even arguably demonstrate that the applicant was at least informed of his basic rights before confessing to the murder during the reconstruction of events. The fact that the applicant was subsequently informed of his rights at the police headquarters and decided not to act on them immediately does not alter this finding (see *Bozkaya v. Turkey*, no. 46661/09, § 47, 5 September 2017).

49. The Court further observes that at the material time there was no statutory basis for the so-called "reconstruction of events" under the former Code of Criminal Procedure, a factor that supports the view that that method of collecting evidence was not accompanied by the relevant procedural safeguards (see *Bozkaya*, cited above, § 48).

50. Although, as pointed out by the Government, the applicant benefited from the assistance of an officially appointed lawyer when he repeated his confession before the Gebze Public Prosecutor and the investigating judge, the Court cannot but take into account the fact that he had his first contact with that lawyer at the office of the Public Prosecutor, in the presence of the latter, without having had any prior consultation (see paragraph 25 above). The Court notes that the applicant was represented by another lawyer during the trial stage and consistently denied his previous statements throughout the proceedings before the domestic courts, challenging the use of evidence obtained from him in the absence of a lawyer, and allegedly by coercion.

51. As mentioned above, in reaching its conclusion, the Juvenile Court partly took account of the applicant's objection to the use of his statements during police custody and excluded the statements obtained from him during his questioning at the police headquarters (see paragraphs 27 and 44 above). However, it went on to rely on the self-incriminating statements made by the applicant during the reconstruction of events, without having carried out an examination of either the reliability or the admissibility of those statements. Thus, those early admissions and statements, obtained in the context of the reconstruction and without the assistance of a lawyer, formed a significant part of the evidence against him. In that connection, the Court also takes account of the domestic court's refusal to clarify the discrepancies in the forensics reports regarding the blood samples and the object used in the murder, which formed a crucial part of the body of evidence against the applicant (see paragraph 25 above). Moreover, the applicant's complaints in respect of the violation of his procedural rights were not addressed by the Court of Cassation, which dealt with the applicant's appeal in a formalistic manner (see *Bozkaya*, cited above, § 50).

52. It is true that the applicant could not be considered as particularly vulnerable and there is no evidence before the Court that would indicate that any compulsion was involved. Nevertheless, in view of the factors assessed above, the Court concludes that the fairness of the proceedings was

irretrievably prejudiced by the restriction on the applicant's access to legal advice during the reconstruction of events and that the Government have failed to demonstrate convincingly why this was not so.

53. There has accordingly been a violation of Article 6 § 3 (c) of the Convention.

B. Alleged violation of Article 6 §§ 1and 3 (d)

54. In the application form, the applicant complained under Article 6 §§ 1 and 3 (d) of the Convention, that his right to have witnesses examined on his behalf had been violated by the domestic court, in that the court had rejected his request to have the appointed lawyer heard.

55. The Government argued that the applicant had failed to exhaust domestic remedies as he had not requested the examination of any witness during the course of the proceedings before either the trial courts or the Court of Cassation.

56. The Court considers that it is not necessary to examine whether the applicant exhausted domestic remedies within the meaning of Article 35 § 1, since in any event this part of the application is inadmissible for the following reasons.

57. The Court observes that the proceedings against the applicant were still pending before the Gebze Assize Court when he lodged the present application on 16 March 2003. Later in the same year, the Gebze Assize Court forwarded the case to the Kocaeli Juvenile Court, which heard the appointed lawyer called by the applicant as a witness on his behalf (see paragraph 25 above). In that connection, the Court points out that the applicant did not raise any other complaints with regard to the examination of witnesses during the subsequent stages of the criminal proceedings against him.

58. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

II. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

59. The applicant complained under Articles 3 and 13 of the Convention that he had been subjected to ill-treatment and psychological duress during his time in police custody, in that he had been blindfolded, subjected to electric shocks and threatened, and that the domestic authorities had not taken any steps to investigate the matter. He further contested the findings in the reports, arguing that the police had been present during the medical examinations.

60. The Court observes that the medical reports drawn up at the beginning and end of the applicant's police custody revealed no traces of ill-treatment on his body. It further observes that one day after the end of his

police custody, the applicant was examined once again, in order to establish whether he had received electric shocks through his genitals as he had alleged before the Gebze Public Prosecutor. The report prepared following that examination indicated no such signs on the applicant either. Although the applicant contested the findings in the reports, arguing that the police had been present while he had been examined, he did not seek to undergo another examination and obtain a new report in support of his claims during his pre-trial detention. In that regard, the Court considers that the treatment complained of by the applicant, namely the administration of electric shocks, is of such a serious nature that it would have left traces which could be detected even long time after the applicant's police custody (see, among others, *Karadeniz v. Turkey* (dec.), no. 53048/99, 21 March 2006, and *İpek and Others v. Turkey* (dec.), nos. 17019/02 and 30070/02, 17 October 2006).

61. In these circumstances, the Court finds that the applicant has failed to substantiate his allegations of ill-treatment. Moreover, in the absence of an arguable claim and any evidence on which to start an investigation about the applicant's allegations, there is nothing to call into question the manner in which the domestic judicial authorities acted in that regard (see *Mehmet Şahin and Others v. Turkey*, no. 5881/02, § 34, 30 September 2008).

62. Consequently, the complaints under this head are inadmissible for being manifestly ill-founded pursuant to Article 35 §§ 3 and 4 of the Convention.

63. Finally, relying on Article 5 § 1 of the Convention, the applicant argued that he had been unlawfully taken into police custody several times.

64. The Court notes that in the application form, the applicant complained solely about the illegality of his arrests between 20 and 22 August 2002. It observes that during those two days the applicant was taken into police custody twice and was eventually released on the latter date, that is, more than six months before he lodged the present application with the Court. In a letter dated 5 May 2008, he raised the same complaint with regard to the last two occasions he had been placed in police custody, that is, on 20 September and 11 October 2002. Those impugned periods ended on 20 September and 13 October 2002, respectively, again more than six months before he brought the issue before the Court.

65 The Court holds accordingly that this part of the application is inadmissible for non-compliance with the six-month time-limit under Article 35 §§ 1 and 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

66. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

67. The applicant claimed 100,000 euros (EUR) in respect of pecuniary and EUR 100,000 in respect of non-pecuniary damage.

68. The Government contested these claims, considering the requested amounts unsubstantiated and excessive.

69. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. As for the non-pecuniary damage, it considers that the finding of a violation in itself constitutes sufficient just satisfaction (see *Dvorski v. Croatia* [GC], no. 25703/11, § 117, ECHR 2015).

70. The Court further notes that Article 311 of the Code of Criminal Procedure allows for the reopening of the domestic proceedings in the event that the Court finds a violation of the Convention (see *Balta and Demir v. Turkey*, no. 48628/12, § 70, 23 June 2015).

B. Costs and expenses

71. The applicant also claimed EUR 2,000 for the costs and expenses.

72 The Government contested these amounts and submitted that the applicant had failed to support his claims with documentary evidence.

73. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, the applicant did not submit any documents in support of his claim. Accordingly, the Court does not make any award under this head.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 §§ 1 and 3 (c) admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 6 §§ 1 and 3 (c) of the Convention;

3. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant;

4. *Dismisses* the applicant's claim for just satisfaction.

Done in English, and notified in writing on 13 February 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith	Robert Spano
Registrar	President