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

FIFTH SECTION

DECISION

Application no. 1513/22
Ferroudja FLOUHI
against France
and 6 other applications (see appended table)

The European Court of Human Rights (Fifth Section), sitting on 24 March 2026 as a Chamber composed of:

Kateřina Šimáčková*, President*,
Andreas Zünd,
Diana Sârcu,
Mykola Gnatovskyy,
Vahe Grigoryan,
Sébastien Biancheri*, judges*,
Jean-Marie Delarue*,* ad hoc *judge*,

and Martina Keller, *Section Registrar,*

Having regard to applications nos. 1513/22, 32287/22, 32523/22, 44726/22, 12594/23, 26466/23 and 29688/24 lodged with the Court against the French Republic under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by nine French nationals ("the applicants"; see appendix) on the dates indicated in the appended table,

Noting that Mr Guyomar, the judge elected in respect of France, withdrew from the examination of this case (Rule 28 of the Rules of Court) and that the President of the Section decided to appoint Mr Delarue to sit as an *ad hoc* judge (Rule 29 § 1 (b)),

Having deliberated, decides as follows:

INTRODUCTION

1. The applicants are Harkis (members of auxiliary units, of Algerian origin, who fought alongside the French army during the Algerian War of Independence) or children of Harkis. Under Articles 6 § 1 and 13 of the Convention, they allege a breach of their right of access to a court, on account of the *Conseil d'État*'s decision finding that it lacked jurisdiction, under the

acts of State doctrine, to examine their claims for compensation on the grounds of the State's liability for negligence, caused by France's failure to intervene in Algeria to protect the Harkis and their families at the time of independence and also by its failure to organise their systematic repatriation to France. Under Article 3 § 2 of Protocol No. 4, some of the applicants claim that – given their French nationality at the time of the events in question – the refusal to repatriate them to mainland France in 1962 amounted to being deprived of their right to enter the territory of the State of which they were nationals.

Also under Articles 6 § 1 and 13 of the Convention, the applicants argue that the excessive formalism with which the administrative courts applied the four-year limitation period when rejecting their claims for compensation in respect of damage arising from inhumane living conditions in the reception camps in France for Harkis and their families breached their right of access to a court. Lastly, the applicants complain, under Articles 3, 5 and 8 of the Convention and under Articles 1 and 2 of Protocol No. 1, about the living conditions in those camps.

THE FACTS

2. The applicants, who all live in France, were represented by Mr J.-E. Nunes, Mr A. Akaba and Ms C. Dhérot (see appendix).

3. The facts of the case, as submitted by the applicants, may be summarised as follows.

A. Background and context of the cases

4. The background and context of the cases was explained in the *Tamazount and Others v. France* judgment (nos. 17131/19 and 4 others, §§ 4-20, 4 April 2024).

5. In particular, it was noted that France's responsibility for the ill-treatment sustained by the Harkis and members of other auxiliary units of the French army at the time of Algerian independence in 1961 has been recognised on a political level by successive French presidents, in solemn speeches delivered in 2001, 2012, 2016 and 2021.

6. The State's liability for negligence as a result of the inhumane living conditions inflicted on the families of Harkis in camps on their return from Algeria was recognised on a judicial level by the *Conseil d'État* in its decision of 3 October 2018 (see *Conseil d'État*, 3 October 2018, M. Tamazount, no. 410611, and *Tamazount and Others*, cited above, § 33).

7. In Law no. 2022-229 of 23 February 2022, Parliament expressed France's gratitude towards the Harkis and other members of auxiliary units and acknowledged the French State's responsibility for the inhumane reception and living conditions in France of persons repatriated from Algeria.

This Law established the Independent National Commission for the Recognition and Reparation of Damage Sustained by Harkis and other individuals repatriated from Algeria (*Commission nationale indépendante de reconnaissance et de réparation des préjudices subis par les harkis* (CNIH)) and introduced a specific lump-sum compensation scheme for those persons (for details of this compensation scheme, see paragraphs 64-71 below).

B. The circumstances of the case

1. *Applications nos. 1513/22 (Ms Ferroudja Flouhi) and 32287/22 (Mr Mohamed Flouhi)*

8. Mr Flouhi (application no. 32287/22) is an auxiliary who joined a *harka*[1] fighting alongside the French army. He was imprisoned in Algeria from 1962 to 1968, after which he was released and moved to France with his family.

9. Ms Flouhi (application no. 1513/22) is his daughter, who was born in 1959 in Algeria and arrived in France with her parents in 1968.

10. The family lived in a camp for former members of auxiliary units in Saint-Maurice-L'Ardoise (the Gard *département*) from March 1968 to March 1969.

11. In July 2017 the applicants each submitted a preliminary compensation claim with the Office of the Prime Minister, seeking compensation for the damage sustained at the end of the Algerian War of Independence and on their arrival in France.

12. On 14 November 2017, in the absence of a favourable reply, they applied to the administrative court which had territorial jurisdiction in their respective places of residence, seeking an order requiring the State to pay them the requested compensation.

13. Thus, the first applicant (Ms Flouhi) asked the Caen Administrative Court to order the State to pay her the sum of 465,708 euros (EUR).

14. The second applicant (Mr Flouhi) submitted a similar claim to the Rouen Administrative Court, seeking to obtain an order that the State was to pay him EUR 176,869.15 in compensation.

15. They both argued that the State had committed three distinct faults giving rise to its liability: first, by failing to put an end to the massacre perpetrated against the Harkis in Algeria after the ceasefire in March 1962; secondly, by failing to organise the repatriation of Harkis to France after the massacres had begun; thirdly, by subjecting the Harkis and their families to extremely precarious living conditions in the transit and reception camps that were opened for them in France.

[1] In North African tradition and history, a *harka* is a militia led by a political or religious authority for revenue-raising or punitive purposes.

16. In judgments of 25 October 2019 and 20 December 2019, the Administrative Courts rejected their applications, on identical grounds. Pursuant to the acts of State doctrine, they declined jurisdiction in respect of the damage sustained in Algeria. They also considered that the applicants had not provided supporting documents confirming their presence in one of the reception camps for the Harkis in France and thus had failed to establish that the damage allegedly sustained in France had actually occurred. The applicants appealed against those judgments.

17. In judgments of 6 November 2020 and 25 March 2021, the Nantes and Douai Administrative Courts of Appeal rejected their respective appeals. They confirmed, first, the application of the acts of State doctrine in respect of the damage sustained in Algeria. Secondly, they ruled that although it had been established in the appeal proceedings that the applicants had indeed resided for one year in the Saint-Maurice-L'Ardoise (Gard) camp between March 1968 and March 1969, their claims were time-barred and their requests for compensation had therefore to be rejected.

18. On this last point, the administrative courts of appeal ruled that the State's liability was engaged on account of the inhumane living conditions to which the Harkis and their families were subjected in the reception camps set up in France and that the applicants had a claim against the State, but that the starting-point of the four-year limitation period under section 1 of the Law of 31 December 1968 (see paragraph 58 below) should be set at the date on which the applicants had left the camp in which they were accommodated, with the result that their claims were time-barred. The grounds given in the respective decisions are as follows:

> "... while the State is liable for the inhumane living conditions to which [the applicant], then a child, was subjected in this camp, the nature and extent of the harmful consequences of this negligence were, in any event, known by 1969, the year in which [her] family left the camp. In these circumstances, the Minister for the Armed Forces is entitled, in objecting to the submissions seeking compensation for these harmful consequences, to rely on the four-year limitation period laid down in the provisions of the above-cited Law of 31 December 1968."

> "... While, contrary to the findings of the lower courts, the State's liability should be regarded as engaged in respect of the inhumane living conditions experienced by Mr Flouhi in the camp, the nature and extent of the harmful consequences of this negligence were known by 1969, the year in which he left the camp. In these circumstances, the Minister for the Armed Forces was entitled to rely ... on the four-year limitation period that was laid down in the provisions of the above-cited Article 1 of the Law of 31 December 1968 and took effect from 1 January 1974."

19. The applicants appealed on points of law. Relying on Article 6 § 1 of the Convention, they challenged the use by the administrative courts of appeal of the acts of State doctrine in declining jurisdiction to rule on the failure to protect the Harkis in Algeria. Relying also on this provision and on the right to an effective remedy, and on Article 14 of the Convention, they argued that the application of the four-year limitation period to certain claims and not to

others had deprived them, in a discriminatory manner, of their right of access to a court. Lastly, they argued that depriving Harkis of the social benefits payable to them, which were confiscated by the authorities in order to ensure financing for the camps, constituted a disproportionate interference with their right to the peaceful enjoyment of their possessions, in breach of Article 1 of Protocol No. 1.

20. In decisions of 23 June and 23 December 2021, the *Conseil d'État* declared those appeals inadmissible.

2. Application no. 32523/22 (Mr Mustapha Labidi)

21. The applicant was born in August 1964 in the "Joffre" camp in Rivesaltes (Pyrénées-Orientales). His family left the camp in the same year and settled in Rheims (Marne).

22. In July 2017 he filed a preliminary claim with the Office of the Prime Minister, seeking compensation for the damage that he claimed to have sustained on account of the conditions in which the Harkis were repatriated and housed in France at the time of Algerian independence.

23. On 14 November 2017, in the absence of a favourable response, the applicant submitted a compensation claim to the Châlons-en-Champagne Administrative Court, seeking an order that the State be required to pay him the sum of EUR 707,164.93.

24. In a judgment of 4 February 2019, the administrative court rejected his appeal, applying the acts of State doctrine in respect of the damage allegedly sustained by the Harkis in Algeria and accepting the objection that the applicant's claim against the State in respect of the damage sustained the Harkis in France had become time-barred. The administrative court ruled that the starting-point of the four-year limitation period should be set at the date on which the applicant had left the Rivesaltes camp in 1964 or, at the latest, at the date on which he had attained the age of majority in 1982. The applicant appealed against that judgment.

25. In a judgment of 16 March 2021, the Nancy Administrative Court of Appeal rejected his appeal, in the following terms:

> "... although (the applicant) seeks to establish the State's liability on account of the inhumane living conditions experienced by his family in the camp, the nature and extent of the harmful consequences of this negligence were, in any event, known by 1964, the year in which they left the camp. Contrary to what the applicant maintained, the triggering event for the claim is not the judicial acknowledgement of the State's liability on account of the inhumane living conditions experienced by the Harkis within the camps, or the commitments made by the French Government to recognise the tragedy experienced by the persons concerned. It follows that, in application of section 9 of the Law of 29 January 1831 as amended by section 148 of the Law of 31 December 1945, claims arising during the years 1962, 1963 and 1964 were, on the date of the entry into force of the Law of 31 December 1968, out of time, and the fact that Mr Labidi was a minor when the claims arose could not prevent the triggering of the limitation period.

> Accordingly, the Minister for the Armed Forces was entitled to rely on the four-year limitation period in opposing the claims that arose during these years."

26. The applicant appealed against that judgment on points of law.

27. In a decision on 29 December 2021, the *Conseil d'État* declared that appeal inadmissible.

3. Applicant no. 44726/22 (Ms Khadija Bakiri)

28. The applicant, who is the daughter of a Harki, was born in 1956 in Algeria. Her family settled in metropolitan France from 1963. She lived in the "Joffre" camp in Rivesaltes, then in the Saint-André-les-Alpes (Alpes-de-Haute-Provence) and Saint-Maximin-la-Sainte-Baume (Var) camps until 1978.

29. In July 2017 she filed a preliminary compensation claim with the Office of the Prime Minister, relying on the same grounds of negligence and damage as those previously raised by the other applicants.

30. On 14 November 2017, in the absence of a favourable response, she submitted a compensation claim to the Marseilles Administrative Court, seeking an order requiring the State to pay her the sum of EUR 104,337.15.

31. In a judgment of 17 March 2020, the administrative court rejected her claim. It began by applying the acts of State doctrine in respect of the claims alleging a failure to protect the Harkis in Algeria and to organise their systematic repatriation to France. Secondly, it noted that the applicant had not provided any document capable of confirming that she and her family had actually lived in the camps in question and held that she could not therefore prove the extent of the damage sustained nor a causal link between the alleged damage and the living conditions in these camps. The applicant appealed against that judgment.

32. In a judgment of 13 May 2022, the Marseilles Administrative Court of Appeal rejected her appeal. It upheld the lower court's findings in so far as they concerned the application of the acts of State doctrine and noted that, while the applicant had substantiated in the appeal proceedings that she had lived in the camps for Harkis, her claim against France in respect of the inhumane conditions in those camps was time-barred. It set the starting-point of the four-year limitation period in 1975, the year in which the camps in question had been closed, and justified its decision as follows:

> "7. Ms Bakiri alleges that the State is liable on account of the reception and living conditions in France for former members of Algerian auxiliary units of the French army and their families. It is clear from a decision of the Prefect of the Basses-Alpes *département* of 27 April 1965, concerning a resettlement grant awarded to Mr Salem Bakiri, that [he] "had previously settled in a forestry village, then moved to the private sector in Manosque". However, Ms Bakiri (who, incidentally, did not specify the length of time that she had stayed with her family in the forestry village) and her father must be regarded, from the point of their departure from the transit and accommodation camp – which cannot be later than the date on which the camps on national territory closed in 1975 – as having sufficient information at their disposal to bring a claim for negligence

against the French State on account of the inhumane conditions in which they had lived in these camps, even if Mr Bakiri's knowledge of French was insufficient. Thus, [Ms Bakiri] cannot allege that they were unaware of their entitlement to a claim; the point at which the limitation period began to run in respect of that claim cannot be the administrative judge's decisions on negligence claims against the State by persons in a similar situation to her, as such decisions do not constitute the triggering event of the claim for which Mrs Bakiri seeks compensation, any more than the Government's statements of intention. Lastly, although Mrs Bakiri alleges non-pecuniary damage and ongoing disruption to her life, such damage exists only when the triggering event for the damage repeats itself over time, as the right to compensation in respect of the ongoing damage must be attached to each year of the period during which it occurred. In this case, the triggering event, namely the negligence committed by the State through the inhumane conditions in which Mrs Bakiri and her father lived, ceased in 1975 at the latest. In consequence, the four-year limitation period which began on 1 January 1976 had elapsed by 2017, when she applied to the court. In these circumstances, the Minister for the Armed Forces was entitled, in her pleadings before the first-instance court, to rely on the four-year limitation period set out in the above-cited provision of section 1 of the Law of 31 December 1968, in objecting to the arguments for compensation for those harmful consequences, without prejudice to the application of Law no. 2022-229 of 23 February 2022, in which France recognised the Harkis and other persons repatriated from Algeria, formerly under special civil status (*statut civil de droit local*), and [agreed to pay] reparation for the damage sustained by these persons and their families on account of the inhumane reception and living conditions in certain camps in France."

33. The applicant did not appeal on points of law, considering that any such appeal was futile in view of the decisions previously issued by the *Conseil d'État* on 3 October 2018 and 29 December 2021 on similar questions in respect of Mr Tamazount (see paragraph 6 above) and Mr Labidi (application no. 32523/22, see paragraph 27 above).

4. Application no. 12594/23 (Mr Moussa Kedjoudj)

34. The applicant is an auxiliary who joined a harka unit alongside the French army, then arrived in France with his family when Algeria achieved independence. He filed a preliminary compensation claim in July 2017 with the Office of the Prime Minister, seeking compensation for the damage sustained in Algeria and then in France.

35. On 14 November 2017, in the absence of a favourable response, he submitted a compensation claim to the Marseilles Administrative Court, asking that the State be ordered to pay him the sum of EUR 176,869.15.

36. In a judgment of 17 March 2020, the administrative court rejected his claim, in application of the acts of State doctrine. It also considered that the applicant had not shown that he had been housed in one of the structures created to receive and accommodate the Harkis.

37. In a judgment of 18 November 2022, the Marseilles Administrative Court of Appeal rejected an appeal by the applicant. It confirmed the application of the acts of State doctrine in respect of the damage allegedly sustained in Algeria and held that there was in sufficient evidence of damage

linked to the reception conditions in France. It justified its decision as follows:

> "6. Mr Kedjouj claims that, after their arrival in France in 1964, he and his family lived 'in inhumane conditions in camps for several years'. In the appeal proceedings, he submitted, for the first time, a photocopy of a document which, by his account, established that he had lived in the Boulouris forestry hamlet. However, this document, in the form of an envelope showing his name and the address of the Boulouris forestry hamlet, and a postmark mentioning the year 1973, does not establish either that he and his family lived in the hamlet concerned (and over which period), or the living conditions endured by them there. Although he wishes to show the damage resulting from, on the one hand, the harm caused to his physical health, and on the other, the socio-professional impact of his residence in that hamlet, the only documents added to the case file, namely a veteran's card, a card indicating that he had been a victim of captivity in Algeria and an invalids' card certifying 75% disability, do not suffice to establish the reality and extent of this damage, nor a causal link to the extended stay, if proven, in the Boulouris forestry hamlet."

38. The applicant, who considered that an appeal on points of law was futile in view of the settled case-law of the *Conseil d'État* (see paragraphs 6 and 27 above), did not lodge any appeal against the judgment rejecting his compensation claim.

5. *Application no. 26466/23 (Mr Abdelaziz, Mr Noureddine and Mr Salah Henine)*

39. The applicants are the sons of a Harki, and were born, respectively, in Algeria in 1963 and in France in 1970 and 1971. The oldest of the brothers stayed with his parents in the Saint-Maurice-l'Ardoise camp until 1965, when the family was permitted to settle in Mulhouse (Haut-Rhin).

40. The applicants' mother filed a preliminary compensation claim with the Minister of the Armed Forces, who rejected it on 24 May 2018. On 22 March 2019 she submitted a compensation claim to the Rouen Administrative Court, seeking an order requiring the State to pay her the sum of EUR 3,000,000 as compensation for the damage sustained in Algeria and France.

41. In a judgment of 17 December 2021, the administrative court rejected her claim, in application of the acts of State doctrine and the four-year limitation period.

42. After their mother's death on 4 March 2022, the applicants continued the proceedings that she had brought before the Douai Administrative Court of Appeal. In a judgment of 16 June 2022, that court rejected her appeal against the judgment of 17 December 2021. It found, in particular, that the limitation period for the claim against the State on account of the inhumane living conditions in the camps in France had begun to run in 1965, the year that her family had left the Saint-Maurice-l'Ardoise camp. It gave the following reasons for its decision:

> "6. It is clear from the investigation that Ms Henine stayed with her husband and her three children from 21 October 1965, the date of their repatriation, in the accommodation and transit camp of Saint-Maurice-l'Ardoise (Gard). Although the State's liability for fault must be regarded as engaged on account of the inhumane living conditions experienced by Ms Henine and her family in the camp, the nature and extent of the harmful consequences of this negligence was known by 1965, the year in which she and her family left the camp, as shown by the travel authorisation issued to her husband on 15 November 1965, enabling them to move temporarily to Mulhouse. Contrary to Ms Henine's allegations, the triggering event for the claim cannot be the judicial recognition of the State's liability for fault on account of the inhumane living conditions experienced by the Harkis within the camps. Moreover, the failure to implement measures to integrate them into French society and the existence of obstacles to learning the French language cannot be considered as acts which interrupted the limitation period. In consequence, the first-instance court acted correctly in upholding the objection based on the four-year limitation period, laid down in the above-cited provisions of section 1 of the Law of 31 December 1968 and taking effect from 1 January 1970. Ms Henine's submissions seeking compensation for the damage resulting from the reception conditions in France are manifestly ill-founded."

43. The applicants appealed on points of law. In a decision of 21 February 2023, the *Conseil d'État* declared their appeal inadmissible.

6. Applicant no. 29688/24 (Mr Hamid Khadir)

44. The applicant was born in Algeria in 1950. He submits, without further details, that he and his family were repatriated to France in November 1962 and that they lived in the camps set up in France for Harkis from 1963 until "at least" 29 July 1969.

45. He filed a preliminary compensation claim with the Office of the Prime Minister. Faced with the implicit refusal of 23 March 2018 constituted by the lack of response to his request, the applicant submitted a compensation claim to the Versailles Administrative Court, seeking an order requiring the State to pay him the sum of EUR 727,543.19. He argued that the State was liable for the wrongful acts consisting in the abandonment of the Harkis at the time of Algerian independence and their reception conditions in France.

46. In a judgment of 6 May 2021, the Versailles Administrative Court allowed his claim in part. With regard to the damage sustained in Algeria, it rejected his claim, in application of the acts of State doctrine, and stated that it lacked jurisdiction to rule on the matter. With regard to the damage subsequently sustained in France, the court found that the authorities' objection that the claim was time-barred had been submitted out of time, and it ordered the State to pay the applicant EUR 10,000 in compensation for the damage sustained from the inhumane living conditions in the reception and accommodation centres for the Harkis.

47. In a judgment of 20 February 2023, the Versailles Administrative Court of Appeal quashed that judgment and rejected the applicant's claims. It considered that the authorities had acted validly in relying on the four-year limitation period at first instance and held that the applicant's claim against

the State on account of the living conditions in the camps had become time-barred, at the latest, on the date on which he had attained the age of majority. It gave the following reasons for its decision:

> "11. ... Mr Khadir argues that the State was liable on account of the reception and living conditions in France for former members of auxiliary units of the French army in Algeria and their families. However, since his departure from the forestry camp in Saint-Maximin-La-Sainte Baume, which cannot be later than the date of closure of the camps in France in 1976, or since the date on which he attained the age of majority, Mr Khadir must be regarded as having sufficient information at his disposal to enable negligence to be imputed to the French State on account of the inhumane conditions in which he lived in these camps with his family. In the present case, the triggering event, namely, the State's negligence through the inhumane conditions in which Mr Khadir and his father lived, ceased from 1976 at the latest. In consequence, the Minister for the Armed Forces was entitled to rely on the four-year limitation period laid down in the above-cited provisions in objecting to the submissions seeking compensation for those harmful consequences, without prejudice to the application of Law no. 2022-229 of 23 February 2022."

48. The applicant appealed on points of law.

49. In a decision of 14 February 2024, the *Conseil d'État* declared the appeal inadmissible.

RELEVANT DOMESTIC LEGAL FRAMEWORK AND PRACTICE

A. The State's liability before the administrative courts

50. On this point, reference is made to paragraphs 80 to 83 in the "Domestic Law" section of the above-cited judgment in *Tamazount and Others,* in which it is pointed out that the conditions for public liability to be engaged require damage, a triggering event and a causal link, and that it can result from negligence on the part of the authorities or, even in the absence of negligence, from a breach of the rule that public liabilities must be borne equally.

B. The acts of State "doctrine"

51. Reference is also made to paragraphs 84 to 91 of the "Domestic Law" section of *Tamazount and Others*, cited above, in which it is noted that acts of State is a jurisprudential concept which identifies acts relating to the relations between the executive and legislative branches, and acts calling into question the conduct of France's international relations. No court has jurisdiction to review the latter's legality.

52. The *Conseil d'État* has held that damage resulting from the Government declarations on 19 March 1962, known as the "Evian Accords", "pertains to the conduct of relations between France and Algeria and cannot

therefore engage the State's liability on the basis of negligence" (CE, 27 June 2016, no. 382319).

53. This statement declining jurisdiction was repeated in 2018, more specifically concerning the State's liability for negligence allegedly committed through its failure to prevent the massacres perpetrated against members of auxiliary units of the French army in Algeria and their families in 1962 and by failing to organise their repatriation to France. The *Conseil d'État* held that the damage alleged "was indissociable from the conduct of relations between France and Algeria and could not therefore engage the State's liability on the ground of negligence" (CE, 3 October 2018, no. 410611).

C. The living conditions in the Harki reception camps in France

54. Reference is made to paragraphs 57 and 58 in the "Domestic Law" section of the *Tamazount and Others* judgment (cited above), in which the Court details the living conditions in the Harki reception camps as described in a number of studies and reports commissioned by the public authorities.

55. It is now established that, in numerous structures set up to receive and accommodate former members of auxiliary units and their families in France, the residents lacked food and care, lived in unsafe housing, were required to comply with curfews and had their correspondence monitored. Children were educated within the camps, separately from children in the surrounding towns. Numerous families were deprived of their social benefits on the grounds that those funds were needed for the camps' operational budgets.

56. The French Cabinet decided to close the camps in August 1975 and the State's administrative supervision over them ceased at the end of the same year.

57. The inhumane reception and accommodation conditions in the Harki camps in France were officially acknowledged in speeches given by successive heads of State, then in the Law of 23 February 2022 (see paragraph 63 below).

D. The four-year limitation period

58. Actions for damages against the State, *départements*, municipalities and public establishments are subject to the four-year limitation period laid down by the provisions of Law no. 68-1250 of 31 December 1968 (Law of 31 December 1968). Under sections 1 and 3 of this Law:

Section 1

> "All claims against the State, *départements* and municipalities which are not paid within a four-year period from the first day of the year following that in which the rights were acquired shall be considered time-barred."

Section 3

> "The limitation period shall not run in respect of creditors who are unable to take action, on their own behalf or through their legal representative, or as a result of an act of *force majeure*, or in respect of a person who can legitimately be regarded as being unaware of their claim or the claim of the person that they legally represent."

59. The *Conseil d'État* has held that when examining the liability of a public body, the rights to a compensation claim in respect of damage are to be regarded as having been acquired, under the provisions of section 1 of the Law of 31 December 1968, on the date on which the reality and the extent of this damage was fully disclosed, so that the damage is known and can be precisely assessed. Compensation claims for reparation in respect of damage of an ongoing nature should be attributed to each year in which the damage was sustained (CE, 6 November 2013, no. 354931).

60. The *Conseil d'État* has specified that the starting-point of the four-year limitation period laid down in section 1 of the Law of 31 December 1968 is the date on which the victim is able to identify the cause of the damage or at least to dispose of sufficient information indicating that this damage might be imputable to the State (CE, 11 July 2008, no. 301140; CE, 6 December 2002, no. 230291).

61. When applying those principles to the particular cases of liability proceedings brought by Harkis or their descendants, and where the State relies on the four-year limitation period in order to object to a claim, the administrative courts of appeal consistently hold that the date on which the applicants had sufficient information at their disposal regarding the nature and extent of the damage sustained in the accommodation camps and on the possibility of imputing that damage to the State is the date on which they left those camps, the date on which the camps were closed, or, at the latest, the date on which the applicants attained the age of majority. In application of the Law of 31 December 1968, the courts have found that the four-year limitation period ran from the first day of the year following the starting-point as calculated in this way. As a result, the relevant claims were considered to have become time-barred, at the latest, during the 1980s (see paragraphs 18, 25, 32, 42 and 47 above).

62. Although the four-year limitation period, which is not a matter of public policy that a court can raise of its own motion, was not relied upon [by the State] in a 2018 case in which the *Conseil d'État* held that the State was liable for negligence on account of the inhumane living conditions sustained by Harki families in the camps upon their return from Algeria (see paragraph 6 above), this rule was then almost systematically relied upon by the authorities to quash all other compensation claims made by former residents of those camps on the same basis of State liability for negligence.

E. Lump-sum compensation scheme created by Law no. 2022-229 of 23 February 2022

1. The Law of 23 February 2022 and its implementing decrees

63. Under the terms of section 1 of the Law of 23 February 2022 in which the Nation acknowledged its responsibility towards the Harkis and the other persons repatriated from Algeria, formerly under special civil status (*statut civil de droit local*), and also introduced a system of compensation for the damage sustained by those persons and their families as a result of the inhumane reception and living conditions in the reception camps in France ("Law of 23 February 2022"):

> "The Nation expresses its gratitude towards the Harkis, Moghaznis and members of numerous auxiliary units and persons with special civil status who served alongside France in Algeria, and who were abandoned by France. It acknowledges its responsibility in respect of the inhumane reception and living conditions in France following the Government declarations on Algeria of 19 March 1962, [when] repatriated persons from Algeria, formerly under special civil status, and members of their families, were housed in all kinds of structures, where they were subjected to particularly unsafe living conditions, as well as hardships and restrictions on their individual freedoms, resulting in exclusion, suffering and long-term trauma."

64. Section 3 of the Law of 23 February 2022 provides for the possibility for former members of auxiliary units and their families to receive compensation for the damage arising from the living conditions in the camps that were set up for them. Under this provision:

> "The persons mentioned in section 1, their spouses and their children who resided, between 20 March 1962 and 31 December 1975, in one of the camps set up to receive them (the list of which is to be drawn up by decree), may obtain compensation for the damage arising from their inhumane reception and living conditions in those camps. The compensation shall take the form of a lump sum, calculated on the basis of the length of their stay in those structures, to be paid under the conditions and according to a scale established by decree. The amount is intended to cover all damage, of any kind, sustained during their stay. Where applicable, any sums already received as compensation for the same damage shall be deducted from this amount."

65. The terms of this compensation are laid down by Articles 8 and 9 of Decree no. 2022-394 of 18 March 2022 on the Independent National Commission for the Recognition and Reparation of Damage Sustained by Harkis and other individuals repatriated from Algeria formerly under special civil status and members of their families (CNIH).

66. The reception centres conferring a right to compensation are exhaustively enumerated in Article 8 of the decree. On a proposal from the CNIH, decrees of 21 September 2023 and 3 September 2025 extended the scope of the compensation scheme to 82 more sites.

67. This new scheme is based on a presumption of damage sustained as a result of the inhumane living conditions in these camps. Claimants, who must specify the dates during which they lived in one or several of the sites, are not

required to provide evidence of the damage or to establish a causal link between the damage and their stay in the camps.

68. The scale for the lump-sum compensation, to be awarded on the basis of duration of residence in the camps, is laid down in Article 9 of the decree of 18 March 2022.

69. By a decree of 20 March 2025, the scale was increased.

70. Thus, the compensation paid to persons who resided in the Bias or Saint-Maurice-l'Ardoise camps is henceforth set at EUR 4,000 for each year spent in those camps. For the other camps, the compensation amount is EUR 4,000 for the first year (or EUR 3,000 if the duration of the stay was less than 3 months in that first year) then EUR 1,000 for each year begun in the camp.

2. Case-law of the administrative courts

71. In a decision of 22 December 2022 (nos. 464247, 464249, 464250, 464252, 468852), the *Conseil d'État* stated that the lump-sum compensation scheme established by the Law of 23 February 2022 was intended to facilitate the compensation of victims of the inhumane reception and accommodation conditions in France, in that it prevented the limitation period being applied to their claims against the State. It noted that this scheme also establishes a presumption of damage, and a presumption that the damage is imputable to official negligence. The decision contained the following reasoning:

> "7. This legal scheme in respect of the State's liability for negligence is intended to facilitate the granting of compensation for damage arising from the extremely unsafe conditions in which those persons and their families lived, sometimes for several long years, and from the breach of their individual freedoms and the various hardships that they suffered during their stay in the respective reception camps. The lump-sum nature of the scheme means that the individuals concerned are not required to provide evidence of this damage, or of a causal link between the damage and the authorities' negligence. The Law of 23 February 2022 also prevents the State from raising an objection that the limitation period has expired under the provisions of the Law of 31 December 1968 on the limitation period for claims against the State, *départements*, municipalities and public institutions."

72. In an opinion of 6 October 2023 (no. 475115), the *Conseil d'État* specified the scope of the Law of 23 February 2022. It indicated, first, that the new lump-sum compensation scheme completely replaces the ordinary law governing administrative liability, and that, in consequence, from the date of entry into force of that Law, claims by former members of auxiliary units seeking compensation under ordinary law for damage arising from the inhumane reception and living conditions in the accommodation camps were no longer admissible. The opinion contained the following reasoning:

> "2. The provisions of the Law of 23 February 2022 cited under point 1 introduced a lump-sum compensation scheme for the damage arising from the inhumane reception and living conditions in the premises where the Harkis, Moghaznis and members of numerous auxiliary units and persons with special civil status who fought for France in

> Algeria, and members of their families, were housed in France between 1962 and 1975. Since its entry into force, this particular compensation scheme prevents the lodging of an action under ordinary law alleging the State's liability in respect of the same damage."

73. The *Conseil d'État* further specified that, since the Law in question was only applicable once it had entered into force, the compensation claims made prior to that date and still pending before the courts were to be determined under the rules of ordinary law, and that the persons concerned were entitled to submit a fresh claim under the new lump-sum scheme in order to receive compensation for their damage. The opinion contained the following reasoning:

> "3. In the absence of transitional provisions, the provisions of the Law of 23 February 2022 are not applicable to claims alleging the State's liability in respect of the reception and living conditions in France that were pending before the administrative courts on the date on which the Law entered into force. With regard to these claims, it is for the administrative courts to rule on the disputes pending before them, in application of the rules of ordinary law concerning State liability, including the rules governing limitation periods if these were used to object to the compensation claim, with the persons concerned retaining their right to submit a compensation claim, based on the provisions of the Law of 23 February 2022, to the National Commission created by section 4 of that Law."

74. In the event of a dispute over the amount of compensation awarded through the lump-sum compensation scheme, claimants can apply for judicial review of the CNIH's decision (see, for example, Marseilles Administrative Court of Appeal, 13 November 2015, no. 25MA03055).

F. Activity Report of the Independent National Commission for the Recognition and Reparation of Damage Sustained by Harkis (CNIH)

75. The CNIH's Activity Report for the period 2023-25 states that, since its creation in 2022, the Commission has dealt with 25,742 compensation claims and awarded compensation to 19,166 persons, for a total sum of EUR 165.33 million. Furthermore, an additional EUR 10.3 million was awarded following appeals. As of 31 December 2024, 600 appeals had been lodged with the administrative courts against the CNIH's decisions.

COMPLAINTS

76. Under Article 6 § 1 and Article 13 of the Convention, the applicants complained that, first, the domestic courts' decisions to declare that they did not have jurisdiction, under what is known as the "acts of State" doctrine, to examine the applicants' claims to compensation based on the State's liability for negligence by failing to intervene in Algeria to protect the Harkis and their families and to organise their systematic repatriation to France, had breached

their right of access to a court. Secondly, they claimed that the domestic courts had applied the four-year limitation period with excessive formalism, thus depriving them of their right of access to a court to obtain compensation for the damage sustained from the inhumane living conditions in the reception and accommodation camps for Harkis.

77. Relying on Articles 3, 5 and 8 of the Convention and Articles 1 and 2 of Protocol No. 1, the applicants complained of their living conditions in the reception and accommodation camps for Harkis.

78. Relying on Article 14 of the Convention taken in conjunction with Article 6 § 1, the applicants complained that the application of the limitation period to certain claims and not to others had been unfair and constituted discrimination.

79. The applicants complained under Article 3 § 2 of Protocol No. 4 that, since they had French nationality at the time of the events in question, the refusal to repatriate them to France in 1962 had amounted to depriving them of the right to enter the territory of the State of which they were nationals.

THE LAW

A. Joinder of the applications

80. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Preliminary observations on the exhaustion of domestic remedies

81. The Court notes that certain applicants (nos. 44726/22 and 12594/23) did not appeal on points of law (see paragraphs 33 and 38 above). It accepts, however, that given the authorities' systematic use of the limitation-period rule and the decisions by the *Conseil d'État* in which this rule had been applied, before and after the relevant proceedings (see paragraphs 62, 20, 27, 43 and 49 above), the applicants could legitimately have considered it futile to lodge an appeal on points of law against the judgments concerning them. In any event, the complaints are all inadmissible, for the following reasons.

C. The complaints under Articles 6 § 1 and 13 of the Convention

82. The Court notes that the applicants' complaints under Article 13 are substantially identical to those under Article 6 § 1. It notes that Article 6 constitutes a *lex specialis* compared to Article 13 since the requirements of the latter are included in the stricter requirements of the former (see, for example, *Baka v. Hungary* [GC], no. 20261/12, § 181, 23 June 2016). In consequence, it considers that there is no need to examine separately the admissibility of the complaints under Article 13.

1. Complaint under Article 6 § 1 of the Convention on the application of the acts of State doctrine

83. The applicants submitted that the domestic courts' application of the acts of State doctrine and of the four-year limitation period to their claims had breached their right of access to a court as guaranteed by Article 6 § 1 of the Convention, which reads:

> "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law ..."

84. The Court notes that the *Conseil d'État* and the administrative courts of appeal found that they did not have jurisdiction to examine the applicants' compensation claims seeking reparation for the damage which resulted, in the latter's view, from France's failure to intervene in 1962 to protect the Harkis and their families who had remained in Algeria, and to organise their systematic repatriation to France.

85. The Court observes that this finding of lack of jurisdiction, based on the acts of State doctrine, prevented the applicants from obtaining a decision on the merits of their compensation claims, which they based on the public authorities' liability for negligence, and had thus amounted to a restriction of their right of access to a court.

86. The Court reiterates that it considered, in the above-cited *Tamazount and Others* judgment, that such a restriction was justified, meaning that it pursued a legitimate aim and was proportionate to it (ibid., §§ 106-27). It held that, having regard to all the circumstances of the case, the *Conseil d'État*'s finding that it did not have jurisdiction, based on the acts of State doctrine and appliable only to the applicants' requests concerning the State's alleged liability for negligence, could not be considered as exceeding the States' margin of appreciation in limiting a person's right of access to a court. In the above judgment, it concluded that there had been no violation of Article 6 § 1 of the Convention on account of the application of the acts of State doctrine to the dispute regarding compensation for damage arising from France's failure to intervene in 1962 to protect the Harkis and their families who remained in Algeria and to organise their systematic repatriation to France.

87. The Court considers that, in the circumstances of the present case, there is no reason to depart from its assessment in the above-cited judgment and that the complaint must be rejected as manifestly ill-founded, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

2. Complaint under Article 6 § 1 of the Convention concerning the application of the four-year limitation period

88. The applicants complained of the excessive formalism with which, in their view, the administrative courts had applied the four-year limitation period to their particular situation. They argued that the administrative courts

should have taken into account the defence argument that they had been unaware of their entitlement to a claim, which, pursuant to Article 3 of the Law of 31 December 1968, postponed the starting point of the limitation period. In their submission, they had been unaware that their claim could be imputed to the State until 2016, when France's liability was acknowledged in a speech by the French President (see paragraph 5 above), or at the very least until 3 October 2018, the date on which the State was found liable for negligence by the *Conseil d'État* (see paragraph 6 above).

89. The Court reiterates that the legal time-limits for statutory limitation (*prescription*), which constitutes one of the legitimate restrictions on the right to a tribunal, serves several important purposes, namely to ensure legal certainty and finality, to protect potential defendants from stale claims which might be difficult to counter, and to prevent any injustice which might arise if courts were required to decide upon events which took place in the distant past on the basis of evidence which might have become unreliable and incomplete because of the passage of time (see *Loste v. France*, no. 59227/12, § 68, 3 November 2022, and the references cited therein). In principle, in laying down such regulation, the Contracting States enjoy a certain margin of appreciation (ibid., and *Sanofi Pasteur v. France*, no. 25137/16, § 57, 13 February 2020).

90. Furthermore, the Court has emphasised on several occasions that the principle of legal certainty, which guarantees a certain stability in legal situations and contributes to public confidence in the courts, constitutes one of the fundamental aspects of the rule of law (see, among other authorities, *Lupeni Greek Catholic Parish and Others v. Romania* [GC], no. 76943/11, § 116, 29 November 2016).

91. That being so, the Court has also held that in cases concerning compensation for victims of bodily harm, the persons concerned should be entitled to take legal action where they were actually capable of evaluating the injury sustained, and that making them subject to a limitation period which had expired before the date on which the injury had been assessed might have infringed their right to a tribunal (see *Sanofi Pasteur*, cited above, § 53). As regards the balance to be struck, in the context of limitation periods, between the victim's right of access to the courts and the defendant's right to legal certainty, the Court has pointed out that, in applying the relevant procedural rules, domestic courts should avoid both excessive formalism that would impair the fairness of the proceedings and excessive flexibility such as would render nugatory the procedural requirements laid down in statutes (see *Sanofi Pasteur*, cited above, § 57).

92. In the present case, as a preliminary point, the Court notes that the applicants do not contest the principle of using the four-year limitation period in assessing a public authority's liability, or even in terms of its duration, but complain of the excessive formalism with which the administrative courts applied this rule to their particular situation. In this regard, it notes that it has

already considered that a four-year limitation period does not in itself seem unduly short with regard to administrative liability (see *Vo v. France* [GC], no. 53924/00, § 93, ECHR 2004-VIII, and *Loste*, cited above, § 70).

93. The Court further notes that, under the relevant domestic law, the starting-point of the four-year limitation period is fixed at the date on which the victim was able to identify the cause of the damage or at least had sufficient information at his or her disposal to indicate that this damage could be imputed to the State (see paragraph 60 above).

94. Pursuant to section 1 of the Law of 31 December 1968 and the case-law on the starting-point of the limitation period, the administrative courts considered that the applicants' claims were time-barred on the grounds that the full extent of the facts imputable to the authorities were known at the latest on the date of the closure of the camps and that they had sufficient information at their disposal to bring a claim for compensation against the State as from that date or, at the latest, on the date that they reached the age of majority (see paragraphs 18, 25, 32, 42 and 47 above). Although the four-year limitation period was put forward by the authorities in their defence in all of the relevant applications, the courts refused to accept that political and judicial acknowledgment, after those dates, of the ill-treatment sustained by the Harkis and members of other auxiliary units of the French army at the time of Algerian independence could determine the starting-point of the limitation period.

95. The Court notes that the applicants' claims for damages were lodged with the domestic courts at a time when the general rules governing liability were applicable and could be applied to the courts' recognition of the State's liability for the inhumane reception and living conditions of the Harkis and other members of auxiliary units in certain camps in France (see paragraph 6 above).

96. Admittedly, the legal consequences of this acknowledgment were subsequently considerably limited by the fact that the authorities used the four-year limitation period to object to the claims and by the courts' application of that rule, given the concurrent implementation of a specific compensation scheme (see paragraphs 63 and seq. above).

97. That being said, the Court notes that it was foreseen that the new compensation scheme created by the Law of 23 February 2022 – which completely replaces civil-law proceedings, henceforth inadmissible (see paragraph 72 above) – would specifically allow victims to seek compensation for the damage resulting from the inhumane living conditions in the reception camps in France for the Harkis and other members of auxiliary units, and that the limitation period for claims could not be used against such claimants.

98. Furthermore, this new scheme is more favourable to the claimants than the ordinary-law system, since it is based on the double presumption that, first, damage was indeed sustained as a result of the degrading living

conditions in the camps in question and, second, that that damage was imputable to the State (see paragraph 76 above).

99. Thus, the major obstacle that previously hindered ordinary-law claims (the length of time that had elapsed since the events took place, leading to evidentiary difficulties before the lower courts and the time-barring of claims) has now been circumvented by the new compensation scheme introduced by the Law of 23 February 2022.

100. The Court considers that the domestic authorities made difficult decisions in order to strike a balance between, on the one hand, the defendant's right to legal certainty, sixty years after the events, and on the other, a wish to satisfy the Harkis' legitimate demands.

101. It notes in particular that although the applicants' compensation claims under ordinary law were rejected by the domestic courts, pursuant to the rule of statutory limitation, applied by the State with a view to the effective implementation of the new scheme, this does not prevent the applicants from lodging fresh compensation claims on the specific grounds of the Law of 23 February 2022 (see paragraph 73 above). The same applies to those applicants whose compensation appeals were rejected due to lack of evidence of the reality of the damage caused. The new lump-sum compensation scheme is more favourable to them, in that the reality of the damage and the causal link with residence in the camps is presumed, without it being necessary to provide evidence other than that of their presence in the camps on the dates set out in the relevant implementing regulations. Furthermore, in the three years of its existence the new scheme has allowed more than 19,000 compensation claims, as attested by the most recent CNIH report (for the period 2023-25; see paragraph 75 above).

102. The applicants can thus, if they have not already done so, and despite the time-barring of their claims by the competent courts, apply to the CNIH for compensation under the Law of 23 February 2022. Through this acknowledgement of liability and the implementation of the new legislative scheme, which specifically circumvents the obstacle of a limitation period, the domestic authorities sought to guarantee compensation to the Harkis and other members of auxiliary units who served France during the Algerian War of Independence, and their families, for the inhumane living conditions in the camps covered by the texts, in which the applicants claim to have been housed.

103. In view of all the foregoing considerations, the Court concludes that the application of the four-year limitation period and the method for determining the starting-point for that period was not disproportionate, having regard to the State's margin of appreciation in this area. It follows that the complaint is manifestly ill-founded and must be rejected, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

D. The complaint under Article 14 of the Convention in conjunction with Article 6 § 1

104. The applicants (with the exception of Mr Henine and Mr Khadir, in applications nos. 26466/23 and 29688/24 respectively) claim that they are victims of discrimination in respect of the right of access to a court. The applicants rely on Article 6 § 1 of the Convention, already cited, and Article 14 of the Convention, which reads as follows:

> "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

105. They claim that the discretionary application of the four-year limitation period to certain claims from Harkis and not to others is discriminatory.

106. The Court notes that the applicants did not provide any evidence to support their allegations. Having regard to the facts of the case and to its findings under Article 6 § 1 of the Convention, set out in paragraphs 92 to 103 above, the Court considers that the examination of this complaint, as submitted, does not disclose any appearance of a violation of Article 14 of the Convention.

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

E. Other complaints

108. Relying on Articles 3, 5 and 8 of the Convention and Articles 1 and 2 of Protocol No. 1, the applicants argued that they sustained inhumane and degrading treatment as a result of their confinement in the Harki reception camps in France, the opening of their correspondence and parcels by the authorities, reallocation of the social benefits owed to their families to fund the camp, and education in schools inside the camp rather than in the ordinary education system.

109. The Court, being master of the characterisation to be given in law to the facts of a case, considers that the inhumane attitude of the national authorities complained of by the applicants with regard to their educational needs is covered by its determination of the issues under Article 3 and 8 of the Convention. Thus, it will examine the applicants' complaints in their applications solely under Articles 3, 5 and 8 of the Convention and Article 1 of Protocol No. 1.

110. As regards its jurisdiction *ratione temporis*, the Court refers to its finding in the above-cited *Tamazount and Others* judgment (§§ 133-39) that it had jurisdiction to examine the applicants' complaints under Articles 3 and 8 of the Convention and Article 1 of Protocol No. 1 concerning their living

conditions in the Harki reception camps from the date on which the Convention and Protocol No. 1 entered into force in respect of France, namely, from 3 May 1974. The same applies to the complaints under Article 5 of the Convention raised in applications nos. 44726/22, 12594/23, 29688/24 and those under Article 3 § 2 of Protocol No. 4, raised in applications nos. 44726/22, 12594/23 and 26466/23.

111. It is apparent from the applicants' own submissions in applications nos. 1513/22 and 32287/22 that they left the accommodation camps in question in 1969 and were thus no longer living there on the date of 3 May 1974. In these circumstances, their claims must be dismissed on the grounds of incompatibility *ratione temporis*, pursuant to Article 35 § 3 (a) and § 4 of the Convention.

112. Concerning all the other applicants, whose alleged dates of residence in the camps cover a period after 3 May 1974 or are insufficiently precise to rule out the possibility that they were present after that date, the Court observes that their applications were all lodged after the entry into force of the Law of 23 February 2022 establishing the new compensation scheme and the decrees of 18 March 2022, enabling its effective implementation (see paragraphs 63 and 64 above). It notes that neither that Law nor the implementing decrees laid down any time-limit for lodging compensation claims under the new scheme and that the *Conseil d'État* clarified, in its opinion of 6 October 2025 (see paragraph 73 above), that individuals who lodged their compensation claims before the new scheme came into force are still able to lodge such a claim, based on the provisions of the Law of 23 February 2022, with the National Commission created by section 4 of that Law. Further, the administrative courts of appeal which examined the applicants' appeals deemed it appropriate to state explicitly that, while their ordinary-law claims were being rejected pursuant to the four-year limitation period, this was "without prejudice to the application of Law no. 2022-229 of 23 February 2022" (see paragraphs 32 and 47 above).

113. The Court concludes that the compensation scheme specifically created in domestic legislation to provide redress for the alleged violations is accessible to the applicants. It reiterates that, through the implementation of this new compensation scheme, the domestic authorities were seeking to provide redress for the inhumane living conditions in the camps covered by the legislation, and in which the applicants claim to have been housed (see paragraph 102 above).

114. Lastly, the Court notes that, in the event of a dispute over the amount of compensation awarded under the lump-sum scheme, it is open to the applicants to apply for judicial review before the administrative courts (see paragraph 74 above). In that connection, the Court observes that the fact of directing the applicants to the new compensation scheme was without prejudice to the possibility of re-examining the effectiveness of the remedy in question, and in particular the capacity of the domestic courts to establish

case-law that is consistent and compatible with Convention requirements (see *Korenjak v. Slovenia* (dec.), no. 463/03, § 73, 15 May 2007, and *Şefik Demir v. Turkey* (dec.), no. 51770/07, § 34, 16 October 2012), and the effective execution of its decisions.

115. The Court has no information to suggest that the new compensation scheme created by the Law of 23 February 2022 does not, in principle, offer prospects of appropriate redress for complaints under the Convention.

116. In those conditions, in the specific circumstances of the present case and in keeping with the principle of subsidiarity, it considers that the applicants should make use of the scheme at their disposal under domestic law enabling them, in principle, to receive appropriate redress for the complaints under Article 3, 5 and 9 of the Convention and Article 1 of Protocol No. 1.

117. It follows that, for the period subsequent to 3 May 1974, the complaints must be rejected for non-exhaustion of domestic remedies, pursuant to Article 35 §§ 1 and 4 of the Convention.

118. In the light of all the foregoing considerations, the Court concludes that the complaints in applications nos. 1513/22 and 32287/22 must be rejected for incompatibility *ratione temporis* and those in applications nos. 32523/22, 44726/22, 12594/23, 26466/23 and 29688/24 must be rejected for non-exhaustion of domestic remedies.

For these reasons, the Court, unanimously,

1. *Decides* to join the applications;

2. *Declares* the applications inadmissible.

Done in French and notified in writing on 30 April 2026.

Martina Keller Deputy Registrar	Kateřina Šimáčková President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	1513/22	Flouhi v. France	22/12/2021	**Ferroudja FLOUHI** 1959 Saint-Jean des Baisants French	Jean-Emmanuel NUNES
2.	32287/22	Flouhi v. France	22/06/2022	**Mohamed FLOUHI** 1935 Ménilles French	Jean-Emmanuel NUNES
3.	32523/22	Labidi v. France	28/06/2022	**Mustapha LABIDI** 1964 Avignon Montfavet French	Jean-Emmanuel NUNES
4.	44726/22	Bakiri v. France	13/09/2022	**Khadija BAKIRI** 1956 Pau French	Jean-Emmanuel NUNES
5.	12594/23	Kedjoudj v. France	18/03/2023	**Moussa KEDJOUDJ** 1942 La Ciotat French	Jean-Emmanuel NUNES
6.	26466/23	Henine v. France	21/06/2023	**Salah HENINE** 1971 Le-Grand-Quevilly French **Abdelaziz HENINE** 1963 Le-Grand-Quevilly French **Noureddine HENINE** 1970	Ahmed AKABA

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
				Le-Grand-Quevilly French	
7.	29688/24	Khadir v. France	14/06/2024	**Hamid KHADIR** 1950 Sartrouville French	Charlène DHEROT