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Example 1 is a judgment of 4 February 2005 delivered in the case of *Mamatkulov and Askarov v. Turkey*, in which the European Court of Human Rights considers for the first time that a refusal by a State party to the European Convention on Human Rights to comply with an interim measure indicated by a Chamber of the Court or its President on the basis of Article 39 of the Rules of the Court constitutes a violation of Article 34 of the Convention, which imposes an obligation on the Contracting Parties' not to hinder in any way the effective exercise' of the right to individual application. This represented a shift in attitude from the part of the Court. In its previous case law, while finding that there existed a general practice of States parties to the Convention to comply with such interim measures, the Court had fell short from identifying the emergence of a rule of a customary nature in the application of the European Convention on Human Rights (see especially *Cruz Varas v. Sweden*, judgment of 20 March 1991, Series A No. 201, at para. 100). Its change of position, expressed in paras. 111-129 of its judgment, is based on the views expressed by other courts or human rights treaty bodies concerning the obligatory nature of interim measures, summarized by the Court in its description of "relevant international law and practice" (paras. 40-53, here (/c4x/LouvainX/Louv2.01x/asset/_Materials_Jus_Commune_ex1_Final_.pdf)).



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