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**THE SUING PARADOX:
INFERRING APPLICANTS'
MOTIVES FROM THE
DECISIONS OF THE
EUROPEAN COURT OF
HUMAN RIGHTS ON
FREEDOM OF ASSEMBLY**

The Suing Paradox: Inferring Applicants' Motives from the Decisions of the European Court of Human Rights on Freedom of Assembly

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Abstract

Instrumental motives can only explain a minority of the applications for a violation of freedom of assembly that the European Court of Human Rights has published, even if one includes indirect benefits, like mounting international pressure, or fuelling local mobilisation. For most cases, the cost-benefit balance is clearly negative. One needs non-instrumental, expressive motives to resolve the “suing paradox”. Analysing all 691 published decisions with the help of the large language model gemini 2.5 flash, one finds traces of a substantial list of deontological concerns, and markers for emotional involvement. Applications by human subjects are a necessary condition for human rights institutions to increase the standard of protection in their member states. International law scholars interested in understanding this input by protected individuals should direct their attention to expressive motives and emotional involvement.

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1. Introduction

Why does a plaintiff go to court? For the classic private law dispute, the answer is straightforward. Plaintiff has a claim against defendant. If defendant does not act as plaintiff believes to be her entitlement, she sues. Technically, plaintiff exploits sovereign powers of the nation state to enforce her claim, if needed even against the explicit will of defendant. In the textbook case, plaintiff believes that defendant owes her some money. If she does not receive the desired amount, ultimately the bailiff will withdraw some money from defendant's bank account, or take some of the defendant's property and sell it in a foreclosure sale. Hence arguably the dominant motive for going to court is instrumental, very often even straightforwardly pecuniary.

Why does an applicant take a country to the European Court of Human Rights? At first glance, this looks like the analogous question. There is a plaintiff (just with the different technical name "applicant") and a defendant (the country against which the application is directed). But at a closer look, the analogy breaks down. Admittedly, the European Court of Human Rights has power to grant the applicant compensation, called "just satisfaction", Art. 41 ECHR. But already the wording of the provision makes it clear that granting compensation is at best secondary. The primary purpose of human rights is shielding individuals from member states interfering with their protected sphere. The court may only enforce this primary purpose under the exceptional circumstances of Rule 39 (of the Rules of Court). Under this rule, the court has power to adopt interim measures (Haeck and Herrera 2003, Saccucci 2020), but only "in cases of imminent risk of irreparable harm to a Convention right". Actually the rule has never been applied to freedom of assembly, which is the topic of this investigation (cf. Guide on Article 11 of the European Convention on Human Rights, latest version of Aug 31, 2025).

This does not exclude instrumental motives altogether. Applicants could hope to deter the defendant state, and perhaps even further states, from repeating infringements with the human right in question in the future, for instance since states dislike the negative publicity from being convicted by the European Court of Human Rights. This motive would be in line with deterrence theory in criminology (see only Nagin 1998, Drago, Galbiati et al. 2009, Engel and Nagin 2015), and with the claim that social activity may be held in check by being executed "in the shadow of the law" (Mnookin and Kornhauser 1979). Applicants might try to bypass the nation state and use the procedure in Strasbourg to mount international pressure (Hafner-Burton 2008), in particular by mobilizing non-governmental organizations (Cichowski 2007); this has been called a boomerang effect (Keck and Sikkink 2014). Applicants might plan to exploit victory at the European Court of Human Rights as a trigger for resistance to the nation state gaining momentum; this has been conceptualised as legal mobilisation (McCann 2008). Applicants might adopt a dynamic perspective and use the present case to establish precedent (Gerhardt 2011), or to protect and strengthen human rights more generally (Neier 2012).

Yet these additional instrumental motives are not only indirect. For being a sufficient reason to pursue the case up to the European Court of Human Rights, the set of plausible instrumental motives would have to survive cost benefit analysis. On the benefit side, every instrumental gain that the applicant considers at all conceivable would have to be sufficiently probable. If

there is uncertainty, a good utilitarian would calculate the expected benefit. As objective information is unlikely to be available, this would-be applicant would have to rely on her subjective estimates (Savage 1954). She would multiply the expected gain with its expected probability. The applicant would also have to be sufficiently patient. Even if the European Court of Human Rights ultimately convicts the state, this will at best occur a few years ahead. The further the benefit is out in the future, the more the applicant would discount the benefit, by her individual discount factor.

This expected benefit would have to be compared with the cost of pursuing the case. Actually taking the case to Strasbourg is only the final step in a long sequence of actions (cf. Felstiner, Abel et al. 1980, Hampson, Martin et al. 2018). In the application studied in this paper, the sequence typically starts with some intervention of national authorities with an assembly in which the applicant takes part. According to Art. 35 I ECHR, an application is only admissible if the applicant has exhausted all domestic remedies. This typically means that the applicant must have engaged in an administrative procedure, which has led to a court case before the national courts, including appeal to the national apex court. Usually these steps at the national level take years. The long procedure is not only bound to be time-consuming. Frequently, the national steps involve administrative and court fees. If the later applicant has been professionally represented, she had to pay her lawyers. To this out of pocket cost, opportunity cost may have added, for instance since the applicant has missed alternative earning opportunities. Often the most important cost is actually risk: of legal consequences by the defendant state or its agents; of economic consequences for the professional life of the defendant; of social consequences like stigma or isolation; finally of psychological consequences like fear or even trauma. Again there will typically be no objective information about the probability of these risks. A utilitarian would-be applicant must once more work with subjective estimates.

If the benefit is sufficiently important for the applicant, and estimated to be sufficiently likely, while cost and risk are sufficiently mild, and not all too probable, the outcome of cost benefit analysis may be positive. Yet one has reason to be sceptical. Cases are not uniformly distributed across the 46 States that have ratified the European Convention on Human Rights. Every year the court publishes a report and lists which countries have how often been found to violate a human right. For 2024 and Article 11 (which protects freedom of assembly and freedom of association), 201 violations have been found, 188 by Russia, 6 by Turkey, and 4 by Azerbaijan (Annual Report 2024, p. 39). Hence successful cases concentrate in countries with a problematic human rights history. In such countries, pursuing a case up to the Strasbourg court is likely to expose the applicant to a serious risk of reprisals. The first purpose of this paper is to investigate the cost benefit balance empirically. As will be shown, the intuitive scepticism is warranted.

This is why the title of the paper reads “The Suing Paradox”. The title draws an analogy to the literature in political science on “the voting paradox” (Downs 1957, Riker and Ordeshook 1973, Ferejohn and Fiorina 1974, Palfrey and Rosenthal 1983, Palfrey and Rosenthal 1985). In the case of elections, going to vote is irrational, in the sense of cost benefit analysis, since the probability of being pivotal is minuscule. But the data show that the turnout at elections is

substantial (Cancela and Geys 2016). The paradox is dissolved by the claim that voting is essentially “expressive” (Brennan and Lomasky 1993, Brennan and Hamlin 1998, Hamlin and Jennings 2018). This claim is reasonable since, in most democracies, the cost of voting is small. Arguably cost is much higher for taking a country to court. Hence while the analogy is thought provoking, in the case of suing for the violation of a human right, the burden on expressive motives is much higher. Investigating these motives is the second, complementary topic of this paper.

Deontological motives. Individuals do not only care about outcomes; they also care about principles. In the philosophical debate, this is often discussed as the distinction between utilitarian and deontological motives (for a summary account see Zamir and Medina 2011). For human rights violations, victim-oriented deontological theories (Alexander and Moore 2020) are particularly relevant. Human rights can be interpreted as standards that should be guaranteed to everyone. A relative version compares the treatment or fate of one person with the treatment or fate of another. In this perspective, no individual should endure to be treated in a grossly different, less favourable way. This interpretation dovetails with the power of fairness intuitions (Kahneman, Knetsch et al. 1986, Blount 1995, Fehr and Schmidt 1999, Fehr and Gächter 2000b, Konow 2003, Cappelen, Hole et al. 2007, Bolton and Ockenfels 2008). Individuals may also care about legal rules just because they have resulted from a legitimate law-making procedure (Kimbrough and Vostroknutov 2016, Desmet and Engel 2021). Likewise they may care about informal social rules since this is what everybody is supposed to do (Ellickson 1991). They may feel urged to take action because they consider an action or omission by the defendant state as an attack to their individual identity (Akerlof and Kranton 2000), or to the identity of a group to which they belong (Spears 2021). They may seek recognition that injustice has been done to them (Relis 2006), want to be treated as a worthy member of society (Tyler 2006), or want to challenge the governmental narrative (Sikkink 2011). Finally they may want to hold those accountable who have done harm to them (Tetlock 1985, Lerner and Tetlock 1994, Bovens 2005).

Emotions. Deontological motives are defined in contrast with cost benefit analysis. If a deontological motive is sufficiently strong, this suffices. The individual does not calculate whether taking action is worth the while; the decision rests on the mere fact that the deontological principle applies. Yet strictly speaking, the deontological principle only provides the individual with a justification. The individual must still translate this justification into action. Arguably this is where emotions step in. Rather than calculating whether this is a cause worthy of the cost or risk involved, the individual feels the urge not to remain passive (Skitka and Bauman 2008, Skitka 2010). Finding traces of emotional involvement is the third topic of this paper.

The list of candidate emotions is long. Perceiving that a deontological value has been violated could trigger anger (Berkowitz 1999). While fear triggers avoidance, anger triggers approach, i.e. taking action (Lerner and Keltner 2001). Angry people underestimate risk (Lerner and Keltner 2001). Anger has also been shown to be the bridge between perceiving inequality and collective action (Van Zomeren, Spears et al. 2010), and to unleash moral courage (Sasse, Halmburger et al. 2022). A second emotion that could trigger action is disgust (Rozin, Haidt et al. 2016). Disgust may drive legal claims (Bandes 2001). A third relevant emotion is reactance

(Brehm 1966, Brehm and Brehm 1981, Donnell, Thomas et al. 2001): a perceived attempt to mute resistance unleashes extra effort. Fourth, in economic experiments, it has been shown that a substantial fraction of participants are willing to police unfair selfishness, even if this is costly for them (Fehr and Gächter 2000a). Likewise in criminological experiments, it has been shown that bystanders are willing to police thieves, at a cost to themselves (Engel, Lanfear et al. 2025). One way of punishing a state that has overstepped its deontological limits is taking the case to international jurisdiction. Exposing a state to the scrutiny of an international court for violating its deontological duty could, fifth, also be an act of revenge (Jackson, Choi et al. 2019). Finally, perceiving blatant injustice may activate moral courage (Kidder and McLeod 2005, Osswald, Frey et al. 2011), and lead to proactive, zealous behavior.

Research question. As these considerations show, it is conceivable that applicants bring a case to the European Court of Human Rights for instrumental reasons. Their motive can be utilitarian. It can be assessed in terms of cost benefit analysis. Yet instrumental motives are unlikely to be sufficient for all cases. Probably, to explain the prevalence of applications, one also needs non-instrumental, deontological reasons. Arguably, for being activated, these deontological reasons need a trigger, which could be emotional involvement. This defines the empirical task that this paper tries to tackle. It does so for freedom of assembly, as guaranteed by Art. 11 ECHR.

Overview. In the next section, I introduce my empirical methodology. The presentation of results follows the logic of this introduction. Section 3 tries to explain applications in terms of cost benefit analysis. Section 4 traces deontological motives. Section 5 searches for emotional markers. Section 6 concludes with discussion.

2. Method

Choice of method. Classic empirical investigations start with a hypothesis: X causes Y. Attention is to the possibility that Y causes X (i.e. to reverse causality), that X' causes Y (i.e. to omitted variables), and that $\hat{X} \neq X$ is observed (i.e. to the risk that X is only measured with error). The ideal experiment solves all three problems. One randomly exposes a sufficiently large fraction of the sample to X, while the control group is not exposed to X. One observes Y. If Y in the treated group is significantly different from Y in the control group, and if the direction of the difference is as predicted by the hypothesis, one provisionally concludes that the hypothesis is supported.

It is a helpful heuristic in empirical research to ask: what would the ideal experiment look like (Angrist and Pischke 2008, 4)? For the research question of this paper, designing such an experiment would be challenging. To prevent omitted variables from causing the observed effect, one would have to standardise the case. Each participant would have to be tested on the same grievance about an action by the same state. This rules out a field experiment. For ethical reasons, participants could not be exposed to worrisome state action in the first place. Moreover, to preserve independence, and therefore enable statistical testing, it would not be enough that a larger group is the victim of one and the same state intervention. Rather one

would need multiple identical interventions occurring in parallel. A lab experiment could generate a sufficient number of independent observations. But the experimenter stepping in for government would not be credible. The experiment would lack external validity. Probably the best experimental option would be a vignette study (Atzmüller and Steiner 2010, Aguinis and Bradley 2014). But arguably the emotions triggered by a mere hypothetical are at least weaker, if not completely absent. Moreover in reality, the decision to apply to the European Court of Human Rights is the last step in a long series of events, while the vignette could at best capture the final decision.

Most importantly, experimenters must decide what they want to investigate. Typically, one and the same experiment must choose between testing an effect and testing the underlying mental mechanism. If the predicted effect is an action, it can be directly observed. By contrast, even in experiments motives can typically only be inferred. To make this practical, one needs a design that credibly excludes any alternative motive. Typically this is only feasible by a design that is much poorer than the social conflict from which the research question originates. As explained in the introduction, a multiplicity of motives could consistently explain an application to the European Court of Human Rights. One would therefore need a whole battery of experiments, each of which hones in on one motive, and excludes all others. To control for individual idiosyncrasies, one would want to test the same set of participants on all designs. Above, six instrumental, eight deontological, and six emotional motives have been listed. It would be close to impossible that participants take 20 separate experiments (not to mention the need to control for their order).

In principle I could have approached applicants and asked them about their motives (for an application of that method see Relis 2006). Yet this would not only have been hard to do, at least at scale. I would also have had to rely on applicants' ex post mental reconstructions, which are a particularly poor source for mental processes (Nisbett and Wilson 1977). Memory is not merely descriptive, it is reconstructive (Kolodner 1983). I would have to worry about motivated memory (Saucet and Villeval 2019, Amelio and Zimmermann 2023), hindsight bias (Fischhoff 1975, Stahlberg, Eller et al. 1995) and attempts of applicants to justify that they had made the right choice (Scott and Lyman 1968).

My chosen method avoids all the hitherto listed limitations. I am using all published decisions on freedom of assembly to infer applicants' motives from the text of the ruling. As I am not going back to the applicants, I do not have to worry about social desirability bias (Nederhof 1985, Grimm 2010). As I am working with decisions about real social conflicts, I do not have to worry about external validity. As I am analysing all published decisions, I do not have to worry about bias introduced by my own selection of cases.

Yet, as is well understood, every empirical method has limitations, and so has mine. While I am not myself selecting cases, my sample is still selective. There are two sources of selection. Although the court is relatively liberal with making cases public, it still does not publish all cases. I have no information about the criteria the court applies when singling out cases to be posted on its website. A second source of selection is likely even more important. Many griev-

ances go unchecked. Many checked grievances are not dealt with in legal terms. Legal argument does not always lead to a domestic administrative or judicial procedure. Not every decision by a trial court is appealed and makes its way to the national apex court. Not every decision by the apex court leads to an application to the European Court of Human Rights. This pyramid (cf. Felstiner, Abel et al. 1980) is limiting in two ways: there is severe attrition of worthy causes. Moreover in the language of identification, only treated cases are observed. There is no proper control group. All I may observe is the cases that have made it up to the top of the pyramid. Yet for the research question, these are also the only cases that matter. I want to understand why applicants have had the perseverance to exhaust all domestic legal remedies and take their case to Strasburg.

The second limitation results from professional norms. The decisions of the European Court of Human Rights are written in neutral language. Even if, in the original application, applicants' motives have been made explicit, or are implicit in loaded language, these markers have been filtered out. Consequently the material from which I can reconstruct motives is only a reflection of the actual motives. Again borrowing language from the identification literature, there is a clear measurement problem. Yet this limitation is less worrisome. In the worst of all cases, I am missing motives that have been present. But I do not have to be afraid that I will flag motives that have not been present. As always in empirical research, false negatives are a lesser concern than false positives.

Data. The European Court of Human Rights is the oldest and the most active human rights court in the world. On its website, it posts the complete text of 68,956 decisions. This is a large number, but still only a fraction of the cases that have been submitted: in the 10 years from 2014 to 2023, 467,300 cases have been allocated to one of the decision-making bodies set up by the Convention.¹ The court maintains a very well-organized database.² This has allowed me to directly filter cases that the database highlights for discussing Art. 11 ECHR.³ This has given me a wider set of 1198 cases. Art. 11 ECHR guarantees two human rights: freedom of assembly and freedom of association. In this paper, I am working with the 691 cases that discuss freedom of assembly.

Freedom of assembly is a fundamental right in a democratic society and, like the right to freedom of expression, one of the foundations of such a society (Salát 2015, Butler 2016). This right has been instrumental in nearly every major social movement throughout history (Inazu 2007) and remains vital in the information and Internet age (Lewis 2006). For the present purposes, it is also a good choice since the European Court of Human Rights has never directly helped an applicant with holding an assembly. Intervention has always come after the fact. This makes the guarantee a better test for more involved instrumental and non-instrumental motives.

Data from the European Court of Human Rights has frequently been used for empirical analysis (Aletras, Tsarapatsanis et al. 2016, Medvedeva, Vols et al. 2020, Yıldırım, Sert et al. 2023).

1 <https://www.echr.coe.int/documents/d/echr/stats-analysis-2023-eng?download=true>, p. 6. For the early years of the Convention bodies, see https://www.echr.coe.int/documents/d/echr/survey_19591998_bil.

2 <https://tinyurl.com/3d8a8v5k>.

3 The exact filtering steps are documented in the ReadMe document.

Some papers specifically investigate monetary compensation (Altwicker-Hámori, Altwicker et al. 2016, Fikfak 2018, Fikfak 2020). But to the best of my knowledge nobody has used this data to infer the motives of applicants.

Feature extraction. Only a year or two ago, coding 691 decisions for six instrumental motives, complete with a probability estimate, six cost categories, again complete with an estimate of probability and severity, eight deontological motives, and six emotions, would have been a daunting task. One would have needed a rather big budget for hiring research assistants. Happily, this task can now be delegated to large language models (Bano, Hoda et al. 2024, Coelho, Celecia et al. 2024, Heseltine and Clemm von Hohenberg 2024). Together with a co-author, I have shown that large language models are now even good enough to replace human authors for writing a complete commentary on a legal provision. Actually we have used the very same provision, i.e. freedom of assembly as protected by Art. 11 ECHR, for our proof of concept (Engel and Kruse 2026). *A fortiori* one can trust (properly prompted) large language models for finding well defined pieces of information in documents.

Specifically, I have used gemini 2.5 flash for the purpose, through the API, setting temperature to 0, to get the LLM's best estimate. For LLMs, the functional equivalent of the codebook is the prompt. The complete set of prompts is in the appendix. I also reproduce the responses for one case, as an illustration of the output. Here, I am illustrating the approach with the prompt for motives. I deliberately ask for instrumental and non-instrumental motives in the same prompt, so that the LLM may contrast them with each other.

RESEARCH QUESTION

I want to reconstruct the motives of the applicant, in the case decided by the European Court of Human Rights (or its predecessor body, the European Commission of Human Rights) that I am quoting below, from the text of the decision. In this step of my pipeline, I am asking you for a qualitative judgement: do you find traces, in the text of the judgement, of any one of the motives listed below?

LIST OF MOTIVES

I. Instrumental Motives

I want to determine what would be required to interpret lodging the application as an act that maximizes the applicant's expected utility.

What can be inferred from the text of the decision about potential benefits from lodging the application, including all national steps that have led to it?

[I1] Monetary benefits, e.g. compensation

[I2] Deterrence of future rights violations, for oneself or people about whom the applicant cares

[I3] Creating international awareness if there is the expectation that it will trigger international pressure on the national state

[I4] Mobilising or empowering other inhabitants of the defendant country, in the expectation that resistance will gain momentum

[I5] Seeking legal precedent

[I6] Upholding and strengthening the integrity and effectiveness of international human rights protection

II. Expressive Motives

Instrumental motives can be analysed in terms of a deliberate choice that weighs (expected) cost and (expected) benefit. By contrast, expressive motives are deontological. A person acts because she feels the urge to do so. Taking action only requires that an observed state of the world falls short of a standard in which the person believes. In ideal terms, these standards can be of two types: a) outcomes are (sufficiently) below the standard or b) the standard is canonised in a formal or informal rule, which is (clearly) violated.

What can be inferred from the text of the decision about potential expressive motives, in terms of

[D1] outcomes have fallen short of a standard the applicant claims should always be guaranteed

[D2] outcomes differ across individuals or cases to a degree that the applicant claims is unacceptable

[D3] disrespect for (substantive or procedural) legal rules

[D4] disrespect for informal rules

[D5] assertion of individual or professional identity

[D6] assertion of group identity

[D7] seeking official recognition that the applicant's account was correct or that the applicant's action was justified, challenging defendant's narrative

[D8] holding national authorities or the defendant state accountable

III. Emotional Triggers

While expressive motives are not subject to (some simplified version of) cost benefit analysis, a potential applicant must still make a decision. One mental mechanism that produces the decision could be an emotional trigger. Do you trace signs of one of the following emotional triggers in the text of the decision by the ECtHR?

[E1] Anger

[E2] Disgust

[E3] Reactance

[E4] Punishing sentiment

[E5] Revenge

[E6] Proactive zeal

TASK

For all identified motives (I1-I6, D1-D8, E1-E6), provide the following analysis:

1. ****Traces Found****: Report whether the motive is traceable in the text. Please consistently use the following scale: "clearly traceable", "inferred", "no".
2. ****Inference****: Please explain in natural language why you think the respective motive has (or has not) motivated the applicants.
3. ****Documentation****: Please reference each conclusion with the paragraphs of the decision from which you have inferred it. Please provide
a) the paragraph number

b) critical quotes from the text of these paragraphs, or your summary

In providing your assessment, please take into account that motives are likely to be interconnected. If you come to the conclusion that one motive is present, this may influence your assessment of the presence of another motive. Do however allow for the possibility that the decision to apply to the European Court of Human Rights may have been the result of multiple motives, and may even have required the balancing of competing motives.

Please be also mindful of the norms of legal reasoning. If you spot direct statements regarding the applicant's motives, do of course report them. But do also report elements of the decision that, to your judgement, are best explained by one of the listed motives.

For instrumental motives, in a next step I am asking

I am now asking you to put yourself in the position of the applicant. How likely is it, to your judgement, that the respective outcome obtains if you take the country to the European Court of Human Rights?

For the probability estimates I am using a seven point Likert scale, with the following values: "no", "very unlikely", "unlikely", "50 50", "likely", "very likely", "certain". I am using these qualitative measures, rather than numerical values, as in an earlier project I have found out that LLMs, like human experimental subjects, are better at handling them (Engel and McAdams 2024).

For each of the six cost items, I first ask whether the applicant would at all have to consider the respective cost. If yes, I further ask how likely and how severe the LLM estimates the cost to be.

3. Instrumental Motives

Prevalence. If I limit attention to motives that can be clearly traced in the text of the decision (left hand panel of Figure 1), a single instrumental motive stands out. In 71% of all published decisions that test for violations of freedom of assembly, it is clear that applicants want compensation. In 21% of all cases it is also apparent that they want to establish precedent. In 13% applicants clearly aim at deterring future violations of the human right. The remaining instrumental motives can only rarely be clearly established. Interestingly this also holds for attempts at mounting international pressure (6%) and at triggering local mobilisation (4%).

Numbers look more balanced if I take into account that the motive cannot be clearly traced, but is suggested by the text of the decision (right hand panel of Figure 1). This alternative measurement is meaningful as the stated purpose of the reasons given by the court is justifying the decision on the merits, not informing readers about the motives of applicants. Yet as the following examples show, if a motive is only inferred, measurement is considerably more speculative. The LLM for instance writes:

[case 10, on I2: deterrence]

"By challenging a disciplinary sanction imposed for exercising his rights to freedom of peaceful assembly and expression, the applicant implicitly aimed to deter similar future violations against himself and other professionals. A successful outcome would establish a precedent that discourages national authorities from imposing such restrictions."

[case 10, on I4: local mobilisation]

"As Vice-Chairman of the Trade Union of the Guadeloupe Bar, the applicant's participation in the demonstration and subsequent challenge to the disciplinary sanction can be seen as an act to empower other lawyers and citizens. A successful outcome would affirm the right of professionals to participate in peaceful protests without fear of disproportionate sanctions, potentially encouraging broader resistance or assertion of rights."

I am reflecting the lower degree of confidence by different numerical weights. If the motive in question is "clearly traceable", the weight is 1. If the motive is only "inferred", the weight is .5. Using this more encompassing measure, the weighted prevalence of the pecuniary motive for compensation goes mildly up to 80%. For the remaining motives, however, the alternative measurement matters greatly. The intention to deter future violations, to establish precedent, and to support the cause of human rights all even are above 50%. The remaining two motives, creating international awareness and triggering local mobilisation, now are close to 50%.

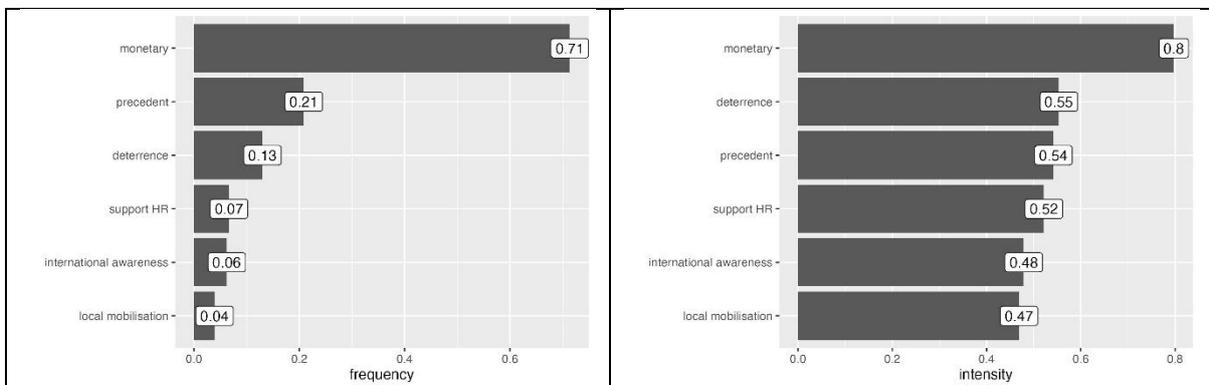


Figure 1
Perceived Instrumental Benefits
left hand side: only benefits that are "clearly traceable"
right hand side: including benefits that are only "inferred"

Estimates on the cost side look quite different (Figure 2). Even if I am only considering the "clearly traceable" items (left panel), three of them are discernible in more than three quarters of the decisions: litigation cost, psychological cost, and the fear for legal consequences in the defendant country. In more than half of the cases there is also a clear sign of lost earnings, while further social and economic consequences are only clearly visible in a fraction of the decisions. Again these percentages go up when also taking cost items into account that can

only be inferred indirectly. This matters most for the two cost categories that are rarely clearly traceable, i.e. for social and economic consequences.

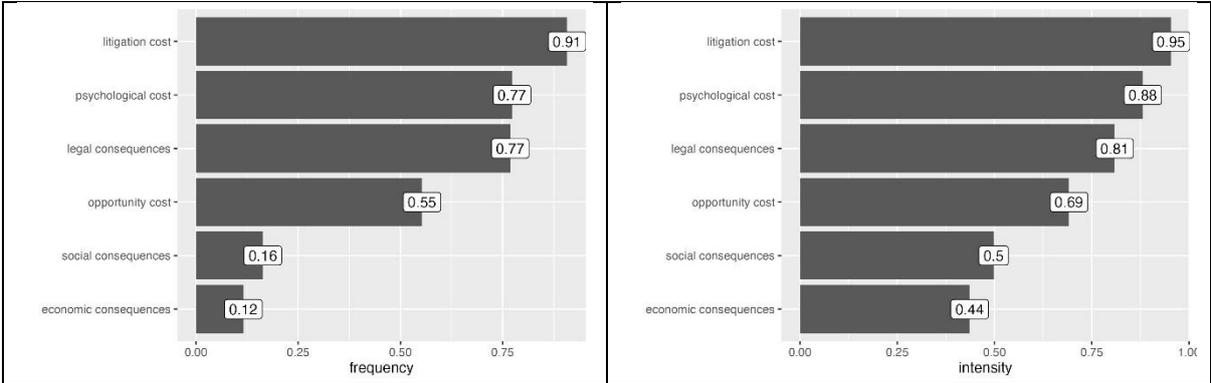


Figure 2
Perceived Cost
 left hand side: only cost categories that are “clearly traceable”
 right hand side: including cost categories that are only “inferred”

Cost-benefit analysis. Figure 3 visually represents the information that would be critical for a purely utilitarian applicant. As explained in the introduction, a utilitarian would only take action if the expected benefit exceeds the expected cost. Both expectations result from multiplications. The benefit or cost item must be multiplied with the (if needed subjective) probability that it will obtain. I have elicited both probabilities from separate requests to Gemini. The complete prompts are in the appendix. For both estimations I have used the same Likert scale running from "no", "very unlikely", "unlikely", "50 50", "likely", "very likely", "certain". For the estimations, I have translated these verbal estimates into equally spaced fractions, running from 0, .166 .. .833, 1. As Figure 3 only considers “clearly traceable” items, no item is downweighted for lack of confidence. However cost items are only weighted with .5, rather than 1, if the respective cost is estimated to be “mild”, rather than “severe”. I have refrained from introducing an analogous weight for instrumental benefits as the importance of most of them would be hard to classify as either “minor” or “major”. Note that this asymmetry makes it less likely that estimated cost exceeds estimated benefit. For every case, I have summed up all (probability weighted) benefit items, and all (probability and severity weighted) cost items, to create a single benefit and cost score.

Figure 3 visually represents these scores. Bubble size is proportional to frequency. The figure speaks a clear language. Visibly the large majority of dots is below the 45° line (and shown in red). It is rare that estimated benefit exceeds estimated cost. If applicants were exclusively motivated by utilitarian calculus, most of them should not have taken their country to the European Court of Human Rights.

Three features of the figure bear explanation. The largest fraction of cases is on the y = 1 line. This is chiefly due to the fact that, under Art. 41 ECHR, successful applicants may ask for “just satisfaction”, and stand a serious chance to get them awarded. Actually this expectation can be very precisely estimated, as the decision reports whether compensation has been granted.

Many (small) dots between $y = 0$ and $y = 1$ result from a single clearly discernible benefit that is estimated to be less than certain. Finally it is telling how many observations are at the $y = 0$ line: applicants have brought the case although not a single instrumental benefit was in sight.

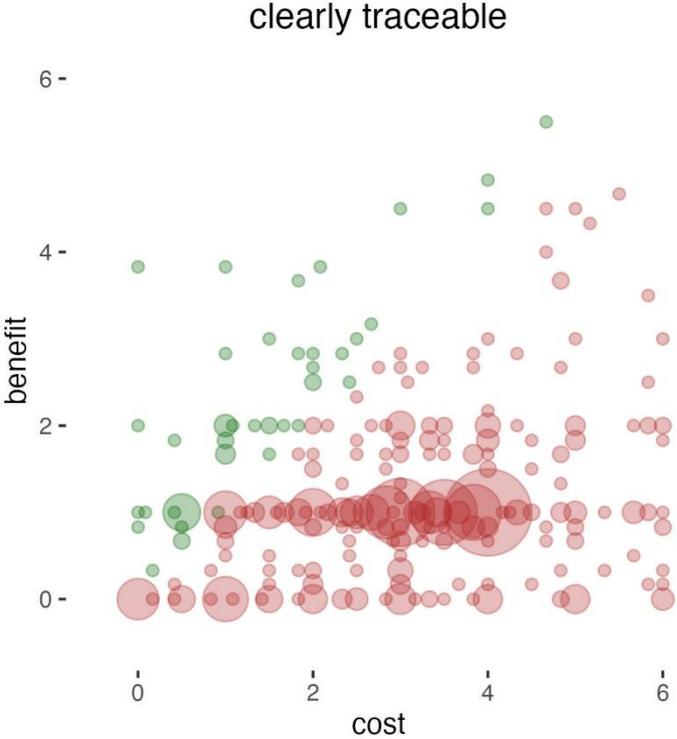


Figure 3
Cost-Benefit Analysis
 only cost and benefit items that are “clearly traceable”
 benefit: multiplied with estimated probability
 cost: multiplied with estimated probability and estimated severity
 bubble size proportional to frequency
 red: cost \geq benefit
 green: benefit $>$ cost

Figure 4 repeats the exercise with all the data from which the LLM has at least “inferred” the presence of the respective instrumental benefit, and of the respective cost item. As one should have expected from Figure 1, there are many more observations. This is chiefly due to the fact that many benefits could at best be indirectly traced. Yet with this different measurement, the main message does not change. Still the large majority of observations lies below the 45° line (and is coloured red). For a utilitarian decisionmaker, applying to the European Court of Human Rights would typically have been a bad deal.⁴

⁴ Note that bubble size is proportional to frequency within, but not across figures. The fact that most dots are so small in Figure 3 results from the very high frequency of observations on the $y = 1$ line.

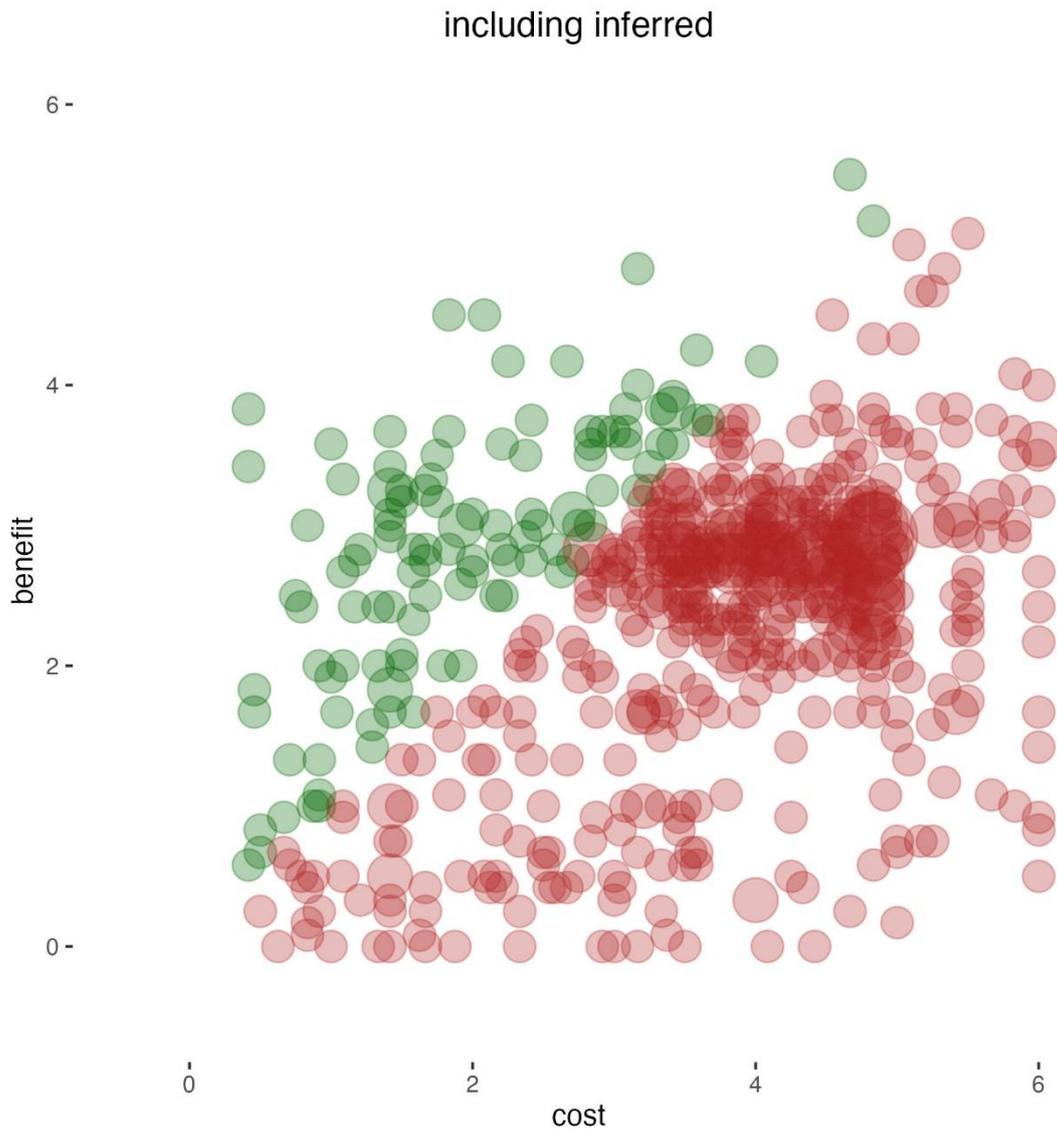


Figure 4
Cost-Benefit Analysis
 including cost and benefit items that are "inferred" (weighted with .5)
 benefit: multiplied with estimated probability
 cost: multiplied with estimated probability and estimated severity
 bubble size proportional to frequency
 red: cost \geq benefit
 green: benefit > cost

4. Expressive Motives

The previous section shows: if one assumes litigants to maximise utility, there is a "suing paradox". This strongly suggests that litigants are not, or at least not exclusively or even predominantly, utilitarian. This section investigates whether, much like the voting paradox being explained by expressive voting, the suing paradox can be explained by expressive suing.

Figure 5 suggests that this is indeed the case. Four expressive motives are “clearly traceable” in almost all decisions of the European Court of Human Rights on freedom of assembly: applicants are unwilling to accept that the defendant violates what they consider the guaranteed human rights standard. They fight for the law because they believe in the power of human rights. They want to hold the defendant country accountable for a breach of human rights. They want recognition as a victim. For these four, main expressive motives it almost makes no difference if one additionally includes decisions by the court in which the respective motive is only “inferred”.

The remaining four deontological motives are less prevalent though. Group identity plays some role, and grows in importance if decisions are included in which the motive can only be inferred. Likewise, but at a lower level, for individual identity. Fairness concerns, as expressed in one individual or group being treated differently than another, are not important. Litigants almost never fight for the maintenance of informal rules.

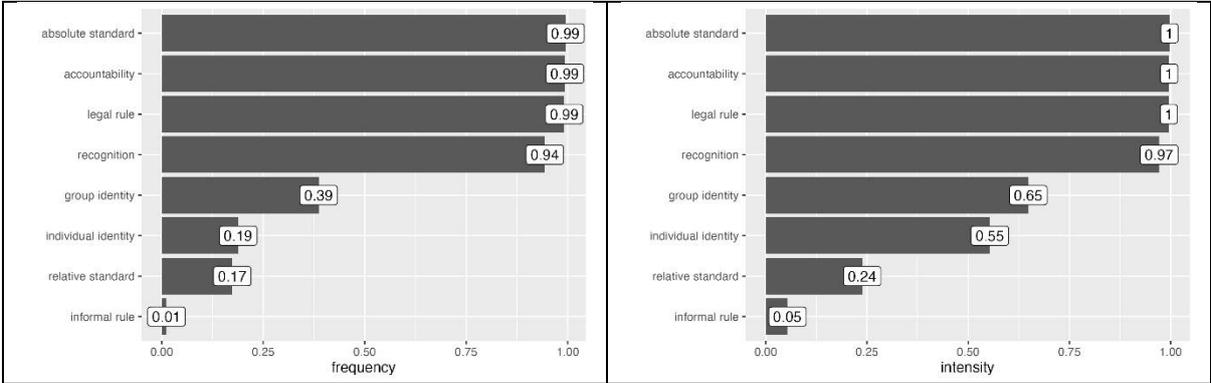


Figure 5
Expressive Motives
 left hand side: only motives that are “clearly traceable”
 right hand side: including benefits that are only “inferred”

The suing paradox framing suggests that expressive motives make up for insufficient instrumental motives. In this perspective, expressive motives would compensate for a negative cost benefit balance. For this explanation to be borne out by the data, expressive motives would have to be the stronger the more the cost benefit balance is negative. For the predominant four expressive motives, Figure 6 provides no support for this explanation. In this figure, the x-axis captures the cost benefit balance. The more it is negative, the further to the left of the figure. Yet the first three rows are essentially the same, irrespective of the cost benefit balance, and the fourth row shows little variance conditional on the cost benefit ratio. Actually, upon a moment’s reflection, this cannot be different. As Figure 5 shows, these motives are ubiquitous. If at all, the compensatory function of expressive motives can only play itself out with motives that are less prevalent. The two leftmost columns do indeed show some signs of compensation. Group identity, individual identity, and a concern about fairness, are most frequently clearly traceable if the cost benefit balance is particularly negative.

Correlation Cost-Benefit Ratio with Deontological Motives

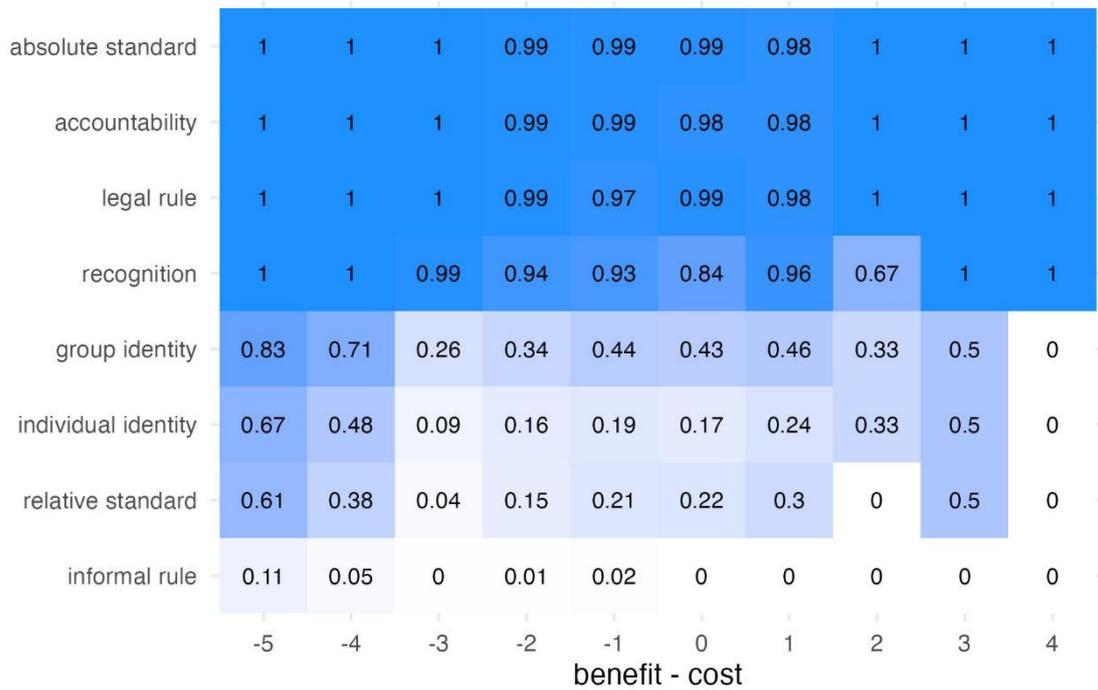


Figure 6
Compensatory or Orthogonal Effect of Expressive Motives?
 heatmap of pairwise Pearson correlations
 only "clearly traceable" motives

5. Emotional Triggers

Given the representation norms among courts, it is unsurprising that emotions are only rarely "clearly traceable" (left panel of Figure 7). If one includes emotions that can be inferred with reasonable confidence, a more important role of emotions becomes visible (right panel). The top candidates are reactance and proactive zeal. But anger can also be inferred in almost half of the decisions. A punishing sentiment and disgust are also discernible.

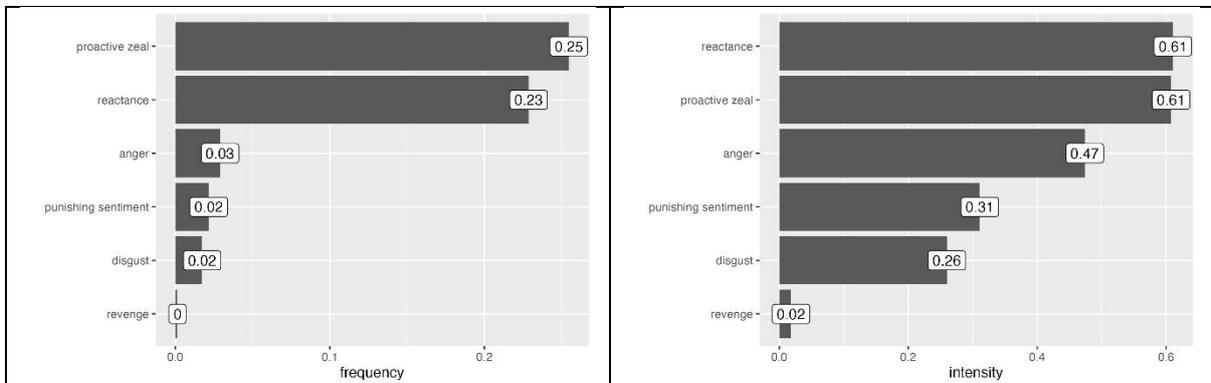


Figure 7
Emotional Triggers
 left hand side: only motives that are "clearly traceable"
 right hand side: including benefits that are only "inferred"

Figure 8 shows that, indeed, emotions play a role in activating deontological motives. Individual and group identity frequently coincide with traces of proactive zeal, but also with reactance, anger and disgust. The desire to protect an informal rule, a fairness standard, or the quest for recognition are also associated with emotions. For these deontological motives, disgust and punishing sentiments also matter.



Figure 8
Emotional Triggers for Deontological Motives
 heatmap with Pearson correlation coefficients
 "inferred" items included

Are emotions critical for overcoming a negative cost benefit ratio? Figure 9 shows weak signs of this. If the cost benefit ratio is negative, correlations with emotions are a bit higher. The difference between positive and negative cost benefit ratios is more pronounced for anger, a punishing sentiment or disgust. But no correlation coefficient is bigger than .38. This suggests that emotions contribute to the willingness to act upon deontological motives, but that emotions are not the one and only explanation.

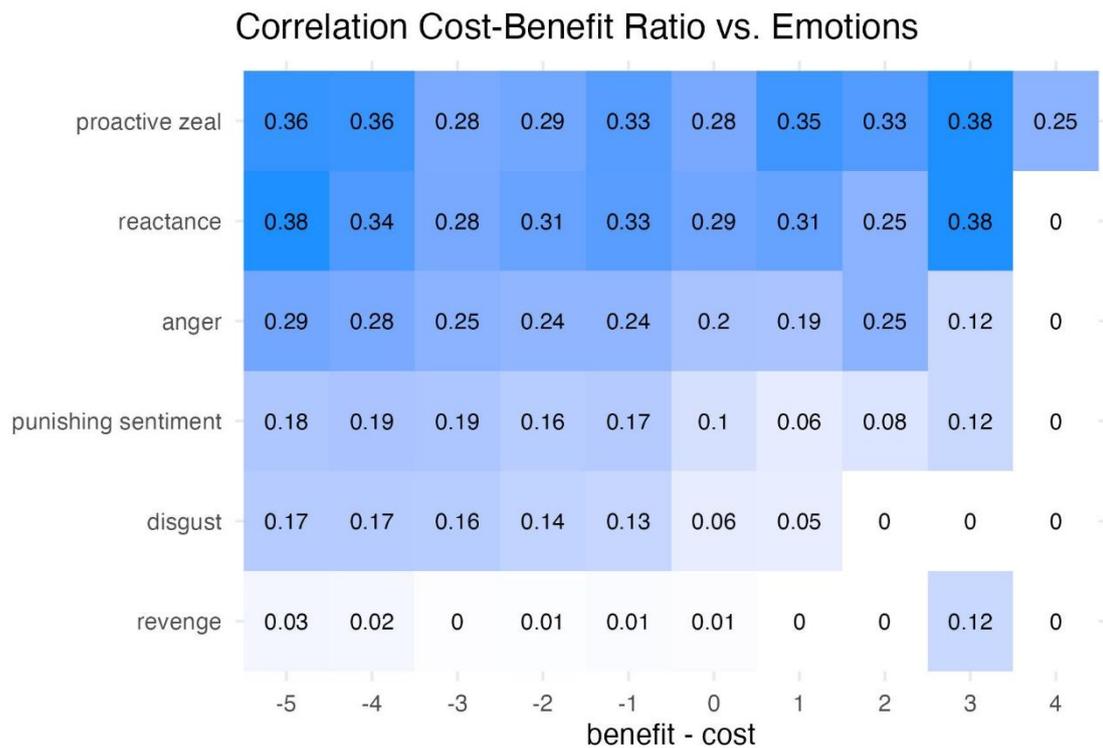


Figure 9
Compensatory Effect of Emotions
 heatmap with Pearson correlation coefficients
 "inferred" items included

Finally Figure 10 shows that instrumental motives are also associated with emotions. Actually for most motives and most emotions, correlation coefficients are not substantially smaller than for deontological motives (Figure 8). However there is one clear exception: the desire to be compensated monetarily is even negatively associated with proactive zeal, reactance and a desire for revenge. These findings suggest that the remaining, more indirect instrumental motives are different in kind. Despite the fact that they can be modelled in utilitarian terms, the very fact that an applicant cares in the first place already signals that the applicant does not, or at least does not predominantly, calculate whether the cost and risk of the application are worth the while. Rather, in a way that is similar to motives that are deontological in the first place, the applicant cares about these instrumental goals as such, even if pursuing them may appear a bad deal.

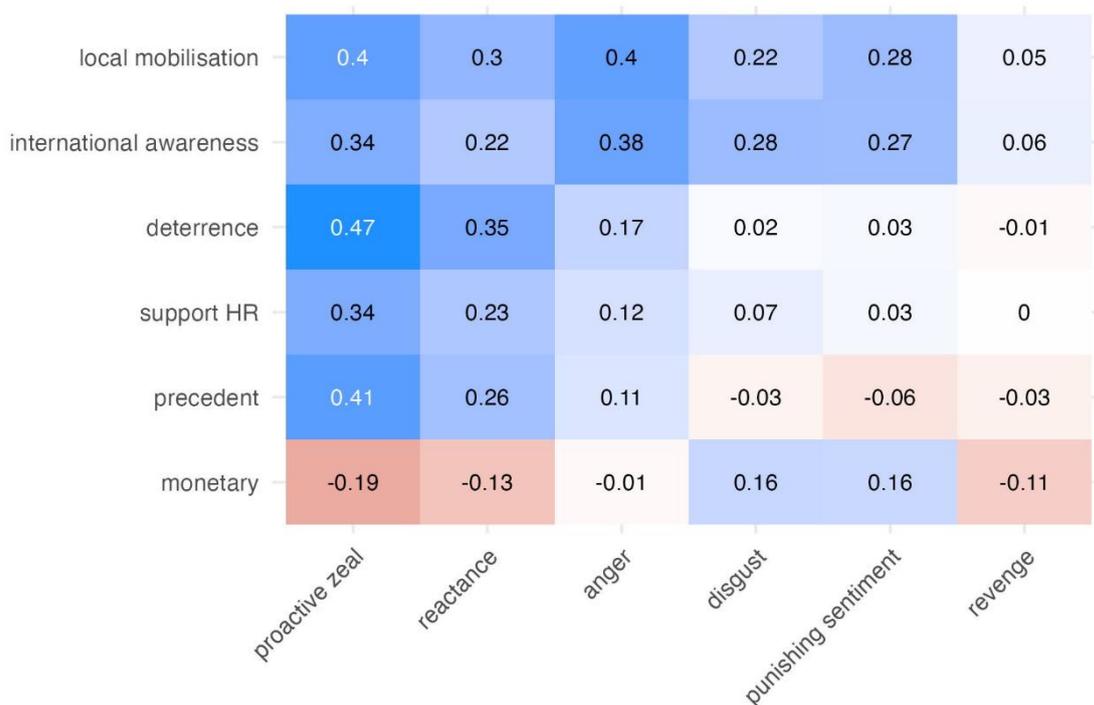


Figure 10
Association of Instrumental Motives with Emotions
 heatmap with Pearson correlation coefficients
 "inferred" items included

6. Discussion

Summary. Can the decision to pursue a case up till the European Court of Human Rights be explained by utility maximisation? Even if one includes more indirect benefits, like creating international awareness or local mobilisation, and even if one includes motives that are not "clearly traceable" and accepts mere signals that must be "inferred", in the large majority of cases the balance between benefit and cost is negative. The "suing paradox" is real. Compared with its intellectual cousin, the voting paradox, this is remarkable. While, at least in most countries, voting is a decision with a very low cost, the cost and risk involved in suing a country in front of an international court is substantial.

As with the voting paradox, "expressive motives" are needed to dissolve the paradox. And indeed, non-instrumental motives can be clearly traced in almost all published decisions by the European Court of Human Rights on freedom of assembly. Applicants visibly care about the standard of human rights protection, they cherish that a freedom is legally guaranteed, they want to hold the defendant country accountable for violating the human right, and they want to get recognition for the injustice they had to suffer. Actually these four motives are orthogonal to instrumental motives. They are active irrespective of the cost benefit ratio. Further deontological motives however serve a weak compensatory function: cases in which the cost

benefit ratio is particularly negative are sometimes associated with more pronounced signs of group identity, individual identity, and hurt fairness perceptions.

There are traces of emotional involvement. Reactance, proactive zeal and anger are relatively frequent, but punishing sentiments and disgust are also observed. There are weak signs that emotions trigger the activation of deontological motives. This in particular holds for anger, punishing sentiments and disgust. Interestingly, emotions are also positively associated with the more indirect instrumental motives. This suggests that, despite the possibility to model them in utility terms, goals like creating international awareness, or enhancing local mobilisation, are actually pursued in their own right, even if cost or risk are prohibitive.

Limitations. Every empirical investigation has limitations, and so does this. One limitation results from the source of evidence. I do not directly interact with applicants. I must infer their motives from the text of the decision by the European Court of Human Rights. The court's reasoning has a different stated purpose. It is meant to justify the decision the court has taken. But this indirect source of evidence has a set of advantages: I do not have to worry about biased ex post mental reconstructions. I can exploit a much bigger sample. Actually I am analysing all decisions discussing freedom of assembly that the court has ever published.

Despite being more comprehensive, my source of evidence is still incomplete. I only see the cases that the court has decided to publish, and therefore have to work with a selective sample. More limiting even, I only see cases that have made it up to the European Court of Human Rights. I therefore miss any case that has closed before, or has never been brought to the attention of any court for that matter. This also implies that I do not have a control group. This excludes statistical tests for causal effects.

The third limitation concerns the precision of my measurement. I can confidently ask the LLM whether it finds traces of each item on my list of motives and cost categories. I can also ask for an estimate of the probability to obtain a certain benefit, or to incur a certain cost. But I cannot create a credible monetary equivalent of each of these items, and must simply add up the estimated probabilities of each of them.

Conclusion. For all these reasons, the evidence presented in this paper should be taken for what it is. It is theory guided, empirical, and quantitative. But I cannot claim identification of mental effects. All I can offer is rich quantitative description. Still this data strongly suggests that the decision to take a country to a human rights court is chiefly resulting from non-instrumental, expressive motives, and that emotions play an important role in the willingness to bring the case. Without applicants, human rights courts could not play their intended role of gradually increasing the human rights standard in member states. This paper suggests that non-instrumental motives, and even emotions, of the applicants are a necessary condition for this function to be fulfilled. Otherwise the "suing paradox" would paralyse human rights institutions.

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Appendix

I. Prompts and Example Responses

1. Motives

a. Prompt

RESEARCH QUESTION

I want to reconstruct the motives of the applicant, in the case decided by the European Court of Human Rights (or its predecessor body, the European Commission of Human Rights) that I am quoting below, from the text of the decision. In this step of my pipeline, I am asking you for a qualitative judgement: do you find traces, in the text of the judgement, of any one of the motives listed below?

LIST OF MOTIVES

I. Instrumental Motives

I want to determine what would be required to interpret lodging the application as an act that maximizes the applicant's expected utility.

What can be inferred from the text of the decision about potential benefits from lodging the application, including all national steps that have led to it?

[I1] Monetary benefits, e.g. compensation

[I2] Deterrence of future rights violations, for oneself or people about whom the applicant cares

[I3] Creating international awareness if there is the expectation that it will trigger international pressure on the national state

[I4] Mobilising or empowering other inhabitants of the defendant country, in the expectation that resistance will gain momentum

[I5] Seeking legal precedent

[I6] Upholding and strengthening the integrity and effectiveness of international human rights protection

II. Expressive Motives

Instrumental motives can be analysed in terms of a deliberate choice that weighs (expected) cost and (expected) benefit. By contrast, expressive motives are deontological. A person acts because she feels the urge to do so. Taking action only requires that an observed state of the world falls short of a standard in which the person believes. In ideal terms, these standards can be of two types: a) outcomes are (sufficiently) below the standard or b) the standard is canonised in a formal or informal rule, which is (clearly) violated.

What can be inferred from the text of the decision about potential expressive motives, in terms of

[D1] outcomes have fallen short of a standard the applicant claims should always be guaranteed

- [D2] outcomes differ across individuals or cases to a degree that the applicant claims is unacceptable
- [D3] disrespect for (substantive or procedural) legal rules
- [D4] disrespect for informal rules
- [D5] assertion of individual or professional identity
- [D6] assertion of group identity
- [D7] seeking official recognition that the applicant's account was correct or that the applicant's action was justified, challenging defendant's narrative
- [D8] holding national authorities or the defendant state accountable

III. Emotional Triggers

While expressive motives are not subject to (some simplified version of) cost benefit analysis, a potential applicant must still make a decision. One mental mechanism that produces the decision could be an emotional trigger. Do you trace signs of one of the following emotional triggers in the text of the decision by the ECtHR?

- [E1] Anger
- [E2] Disgust
- [E3] Reactance
- [E4] Punishing sentiment
- [E5] Revenge
- [E6] Proactive zeal

TASK

For all identified motives (I1-I6, D1-D8, E1-E6), provide the following analysis:

1. ****Traces Found****: Report whether the motive is traceable in the text. Please consistently use the following scale: "clearly traceable", "inferred", "no".
2. ****Inference****: Please explain in natural language why you think the respective motive has (or has not) motivated the applicants.
3. ****Documentation****: Please reference each conclusion with the paragraphs of the decision from which you have inferred it. Please provide
 - a) the paragraph number
 - b) critical quotes from the text of these paragraphs, or your summary

In providing your assessment, please take into account that motives are likely to be interconnected. If you come to the conclusion that one motive is present, this may influence your assessment of the presence of another motive. Do however allow for the possibility that the decision to apply to the European Court of Human Rights may have been the result of multiple motives, and may even have required the balancing of competing motives.

Please be also mindful of the norms of legal reasoning. If you spot direct statements regarding the applicant's motives, do of course report them. But do also report elements of the decision that, to your judgement, are best explained by one of the listed motives.

Here is the text of the decision:

b. Example Response

```
```json
{
 "case_id": "case_131",
 "motives": {
 "I1": {
 "assessment": "clearly traceable",
 "traces_verbal": "The applicants explicitly claimed monetary compensation for non-pecuniary damage suffered due to the alleged violations of their rights. The Court awarded specific amounts to the first three applicants.",
 "traces_references": "247: 'The first applicant claimed 300,000 Ukrainian hryvnias (UAH), the second applicant claimed UAH 500,000, and the third applicant claimed 25,000 euros (EUR) in respect of non-pecuniary damage.'; 249: 'Ruling on an equitable basis, as required by Article 41 of the Convention, the Court awards the first applicant EUR 3,000, the second applicant EUR 4,000 and the third applicant EUR 4,000, plus any tax that may be chargeable.'"
 },
 "I2": {
 "assessment": "inferred",
 "traces_verbal": "The applicants, as leaders and members of a nationalist party involved in a large-scale opposition movement, challenged their convictions for mass disorder and alleged violations of fair trial and freedom of assembly. A successful outcome would inherently serve to deter future similar rights violations against themselves and other participants in political protests. The second applicant's statement about the 'struggle of the Ukrainian nation' suggests a broader concern for the rights of his group and nation.",
 "traces_references": "3: 'The applicants alleged, in particular, that their confinement in a metal cage during their trial constituted degrading treatment, that they had not had a fair trial, and that their conviction for mass disorder in connection with their participation in events on 9 March 2001 in Kyiv had violated their rights to freedom of expression and peaceful assembly.'; 63: 'In his appeal, the second applicant also complained that he had been ill-treated by the police after his arrest, and that he saw his sentence as recognition of his role in the struggle of the Ukrainian nation against President Kuchma's "criminal regime" engaged in the "genocide" of Ukrainians.'"
 },
 "I3": {
 "assessment": "inferred",
 "traces_verbal": "The applicants were prominent figures (leaders/members of a nationalist party) in a significant opposition movement. Bringing their case to the European Court of Human Rights, an international body, would naturally draw international attention to the alleged human rights abuses in Ukraine. The existence of PACE Resolution 1346 (2003) already highlighting concerns about 'disproportionate penalties' for participants in the same demonstration (para 88) indicates that international awareness and pressure were already factors, which the application to the ECtHR would aim to amplify.",
 "traces_references": "6: 'According to the applicants, at the relevant time the first three applicants were leaders, the fourth, fifth and seventh applicants were members, and the sixth applicant was a supporter of the Ukrainian National Assembly ("the UNA"), a nationalist party.'; 7: 'In late 2000 and early 2001 a group of politicians and organisations who were in opposition to the then President of
```

Ukraine Leonid Kuchma launched a series of large-scale rallies and demonstrations and a civil campaign known as "Ukraine without Kuchma" movement.'; 88: 'PACE Resolution 1346 (2003) "Honouring of obligations and commitments by Ukraine" reads in the relevant part as follows: ... 5.3. the application of disproportionate penalties to persons who participated in the political demonstration on 9 March 2001 and who are still in prison and, therefore, could be considered as political prisoners in Ukraine; ...'"

},

"I4": {

"assessment": "inferred",

"traces\_verbal": "As leaders and members of a nationalist party involved in a major opposition movement, the applicants' legal challenge against their convictions for participating in a political rally could serve to inspire and empower other inhabitants of Ukraine who were part of the 'Ukraine without Kuchma' movement or other opposition groups. The second applicant's framing of his sentence as part of a national struggle against a 'criminal regime' suggests a desire to galvanize broader resistance.",

"traces\_references": "6: 'According to the applicants, at the relevant time the first three applicants were leaders, the fourth, fifth and seventh applicants were members, and the sixth applicant was a supporter of the Ukrainian National Assembly ("the UNA"), a nationalist party.'; 7: 'In late 2000 and early 2001 a group of politicians and organisations who were in opposition to the then President of Ukraine Leonid Kuchma launched a series of large-scale rallies and demonstrations and a civil campaign known as "Ukraine without Kuchma" movement.'; 63: 'In his appeal, the second applicant also complained that he had been ill-treated by the police after his arrest, and that he saw his sentence as recognition of his role in the struggle of the Ukrainian nation against President Kuchma's "criminal regime" engaged in the "genocide" of Ukrainians.'"

},

"I5": {

"assessment": "inferred",

"traces\_verbal": "The applicants raised several complex legal issues concerning fair trial rights (Article 6) and freedom of assembly/expression (Article 10/11) in the context of a political protest. A favorable ruling from the ECtHR, particularly on the proportionality of sanctions for protest activities and the procedural fairness of trials for political activists, could establish important legal precedents for future cases in Ukraine and potentially other Convention states.",

"traces\_references": "3: 'The applicants alleged, in particular, that their confinement in a metal cage during their trial constituted degrading treatment, that they had not had a fair trial, and that their conviction for mass disorder in connection with their participation in events on 9 March 2001 in Kyiv had violated their rights to freedom of expression and peaceful assembly.'; 101: 'The applicants complained of various violations of Article 6 of the Convention...'; 177: 'Relying on Articles 10 and 11 of the Convention, the applicants complained that denial of access to the Shevchenko monument on 9 March 2001 had infringed their right to freedom of peaceful assembly. They further complained that their arrest and conviction had infringed their right to freedom of expression and assembly.'"

},

"I6": {

"assessment": "inferred",

"traces\_verbal": "By pursuing their case through the ECtHR, the applicants are actively engaging with and seeking to enforce the international human rights pro-

tection system. A successful outcome, particularly one that finds violations of fundamental rights like fair trial and freedom of assembly, contributes to the perceived integrity and effectiveness of the Convention system as a whole.",

"traces\_references": "3: 'The applicants alleged, in particular, that their confinement in a metal cage during their trial constituted degrading treatment, that they had not had a fair trial, and that their conviction for mass disorder in connection with their participation in events on 9 March 2001 in Kyiv had violated their rights to freedom of expression and peaceful assembly.'; 101: 'The applicants complained of various violations of Article 6 of the Convention...'; 177: 'Relying on Articles 10 and 11 of the Convention, the applicants complained that denial of access to the Shevchenko monument on 9 March 2001 had infringed their right to freedom of peaceful assembly. They further complained that their arrest and conviction had infringed their right to freedom of expression and assembly.'"

},

"D1": {

"assessment": "clearly traceable",

"traces\_verbal": "The applicants' complaints directly allege that the state's actions fell short of fundamental human rights standards guaranteed by the Convention, including the right to be free from degrading treatment, the right to a fair trial, and the rights to freedom of expression and peaceful assembly.",

"traces\_references": "3: 'The applicants alleged, in particular, that their confinement in a metal cage during their trial constituted degrading treatment, that they had not had a fair trial, and that their conviction for mass disorder in connection with their participation in events on 9 March 2001 in Kyiv had violated their rights to freedom of expression and peaceful assembly.'; 91: 'The first six applicants complained about their confinement in a metal cage... alleging that this amounted to treatment prohibited by Article 3 of the Convention.'; 101: 'The applicants complained of various violations of Article 6 of the Convention...'; 177: 'Relying on Articles 10 and 11 of the Convention, the applicants complained that denial of access to the Shevchenko monument on 9 March 2001 had infringed their right to freedom of peaceful assembly. They further complained that their arrest and conviction had infringed their right to freedom of expression and assembly.'"

},

"D2": {

"assessment": "no",

"traces\_verbal": "The text does not contain any explicit claims from the applicants that the outcomes of their case differed unacceptably across individuals or cases. Their complaints focus on the violations they personally experienced.",

"traces\_references": ""

},

"D3": {

"assessment": "clearly traceable",

"traces\_verbal": "The applicants consistently alleged numerous breaches of both substantive and procedural legal rules, including lack of judicial impartiality, reliance on absent witnesses, improper removal from the courtroom, and inadequate legal assistance, all of which are enshrined in the Convention and national law.",

"traces\_references": "3: 'they had not had a fair trial'; 62: 'All the applicants appealed, arguing in particular that the trial court had erred in the assessment of evidence and that, in fact, the evidence did not support the finding of their guilt. They also argued that the trial court had relied on the statements of absent witnesses, depriving the applicants of the opportunity to confront them, and had

breached procedural rules in admitting video evidence.'; 63: 'the first two applicants also argued that the trial court had not been impartial and had been biased towards the prosecution, had removed the second applicant from the courtroom without sufficient grounds, and had refused the second applicant's request to discontinue his and other defendants' confinement in the metal cage.'; 103: 'The second applicant complained that the pre-trial testimony of one of the aggrieved parties... had been read out during the trial, and that he had had no opportunity to confront them.'; 129: 'The applicant submitted that he had been removed from the courtroom... and as a result had been deprived of an opportunity to participate in the proceedings during a substantial part of the trial.'; 141: 'The applicant submitted that after his chosen lawyer M. had failed to appear in court... the trial court had appointed a legal aid lawyer for him.'; 163: 'The applicants submitted that the members of the tribunal which had tried their case had not been impartial.'

```

 },
 "D4": {
 "assessment": "no",
 "traces_verbal": "The decision focuses on alleged violations of formal legal rules and Convention articles. There is no mention of the applicants complaining about disrespect for informal rules.",
 "traces_references": ""
 },
 "D5": {
 "assessment": "inferred",
 "traces_verbal": "The second applicant's statement in his appeal, viewing his sentence as 'recognition of his role in the struggle of the Ukrainian nation against President Kuchma's \"criminal regime\"', strongly asserts his individual identity as a participant in a significant political struggle. This suggests that his actions, including lodging the application, were partly driven by a desire to affirm his personal commitment and role.",
 "traces_references": "63: 'In his appeal, the second applicant also complained that he had been ill-treated by the police after his arrest, and that he saw his sentence as recognition of his role in the struggle of the Ukrainian nation against President Kuchma's \"criminal regime\" engaged in the \"genocide\" of Ukrainians.'"
 },
 "D6": {
 "assessment": "clearly traceable",
 "traces_verbal": "The applicants were explicitly identified as leaders, members, or supporters of the Ukrainian National Assembly (UNA) and Ukrainian National Self-Defence Force (UNSO), nationalist organizations. Their participation in the 'Ukraine without Kuchma' movement and the rally was a collective action. The slogans they chanted ('UNSO on the attack, UNA to power!') directly assert their group identity and objectives. Their complaints about their conviction for participating in the rally can be seen as defending the right of their group to assemble and express dissent.",
 "traces_references": "6: 'According to the applicants, at the relevant time the first three applicants were leaders, the fourth, fifth and seventh applicants were members, and the sixth applicant was a supporter of the Ukrainian National Assembly (\"the UNA\"), a nationalist party. At the relevant time, the UNA was associated with an unregistered organisation known as the Ukrainian National Solidarity Organisation or Ukrainian National Self-Defence Force (\"the UNSO\").'; 34: 'The second applicant also testified, in particular, that he had indeed chanted \"UNSO on the attack, UNA to power!\" and \"Impale the traitors!\"'; 52: 'The second applicant had incited disorder among the participants, in particular by chanting the

```

slogans: "Form a column of six in line", "There will be a reward for each trophy!", "Impale the traitors!", "UNSO on the attack, UNA to power!"; 55: 'The second applicant had directed and helped the protesters pull the metal street barrier away from the police cordon and had chanted "Forward!", "UNSO on the attack, UNA to power!"; 56: 'The third applicant had chanted "UNSO on the attack, UNA to power!'"

},

"D7": {

"assessment": "clearly traceable",

"traces\_verbal": "The applicants consistently challenged the domestic courts' findings of fact, asserting that they participated peacefully and that the events were provoked by authorities. Their application to the ECtHR, seeking a finding of Convention violations, was a direct attempt to obtain official recognition for their account of events and to challenge the state's narrative that they were violent rioters. The Court's finding that the rally was 'intended to be an obstructive, but peaceful, gathering' (para 207) validates their challenge to the state's narrative.",

"traces\_references": "13: 'According to the applicants, they participated in the protests but behaved peacefully.'; 34: 'The other applicants pleaded not guilty. They testified that they had been at the scene of the events and participated in a peaceful political rally and march, but had not committed any acts of violence. The first, second and third applicants testified that in the course of the events of 9 March 2001 they had attempted to prevent some of the other protesters from acting violently.'; 63: 'They also argued that the authorities had provoked the protesters by placing large police contingents in riot gear in their path.'; 186: 'They alleged that the actions of the police on 9 March 2001 had been aimed at provoking the protesters with the aim of prosecuting them and thus disrupting the protest movement. Their arrests and conviction thus amounted to political persecution.'; 197: 'Nevertheless, the applicants contested the findings of the domestic courts concerning their role in those clashes and asserted that they had not engaged in any acts of violence. The first three applicants also maintained that they had not incited the other protesters to violence and had indeed attempted to stop some of them from attacking the police.'"

},

"D8": {

"assessment": "clearly traceable",

"traces\_verbal": "By alleging multiple violations of the Convention by the Ukrainian state, including degrading treatment, unfair trial, and suppression of freedom of assembly, the applicants were directly seeking to hold the national authorities and the defendant state accountable for their actions. The second applicant's strong condemnation of the 'criminal regime' further underscores this motive.",

"traces\_references": "3: 'The applicants alleged, in particular, that their confinement in a metal cage during their trial constituted degrading treatment, that they had not had a fair trial, and that their conviction for mass disorder in connection with their participation in events on 9 March 2001 in Kyiv had violated their rights to freedom of expression and peaceful assembly.'; 63: 'In his appeal, the second applicant also complained that he had been ill-treated by the police after his arrest, and that he saw his sentence as recognition of his role in the struggle of the Ukrainian nation against President Kuchma's "criminal regime" engaged in the "genocide" of Ukrainians.'; 186: 'They alleged that the actions of the police on 9 March 2001 had been aimed at provoking the protesters with the aim of prosecuting them and thus disrupting the protest movement. Their arrests and conviction thus amounted to political persecution.'"

```

},
"E1": {
 "assessment": "inferred",
 "traces_verbal": "The applicants' experience of arrest, alleged ill-treatment,
confinement in a metal cage, and conviction for political protest, combined with
the second applicant's strong language about a 'criminal regime' and 'genocide',
strongly suggests underlying anger at the perceived injustice and oppression. The
second applicant's disruptive behavior in court, leading to his removal, could also
be an expression of anger and frustration.",
 "traces_references": "20: 'According to the Government, the presiding judge
issued warnings to the second applicant in connection with his conduct in the court-
room on ten occasions between 18 December 2001 and 14 March 2002.'; 23: 'On
the same day the trial court found that the second applicant was behaving disrup-
tively and decided to exclude him from the courtroom.'; 31: 'The court considered
this remark disrespectful and decided to remove the second applicant from the
courtroom for the duration of the trial...'; 63: 'In his appeal, the second applicant
also complained that he had been ill-treated by the police after his arrest, and that
he saw his sentence as recognition of his role in the struggle of the Ukrainian
nation against President Kuchma's "criminal regime" engaged in the "genocide" of
Ukrainians.'"
},
"E2": {
 "assessment": "inferred",
 "traces_verbal": "The second applicant's use of terms like 'criminal regime'
and 'genocide' to describe the state's actions (para 63) conveys a strong sense of
moral outrage and revulsion, which can be interpreted as disgust. The complaints
about degrading treatment (metal cage) and ill-treatment could also evoke such a
sentiment.",
 "traces_references": "63: 'In his appeal, the second applicant also complained
that he had been ill-treated by the police after his arrest, and that he saw his
sentence as recognition of his role in the struggle of the Ukrainian nation against
President Kuchma's "criminal regime" engaged in the "genocide" of Ukrainians.';
91: 'The first six applicants complained about their confinement in a metal cage
during their trial... alleging that this amounted to treatment prohibited by Article
3 of the Convention.'"
},
"E3": {
 "assessment": "inferred",
 "traces_verbal": "The applicants were actively involved in a political protest
that was met with state interference, arrests, and convictions. Their continued
legal challenges, despite facing imprisonment and the state's narrative, demon-
strate a strong reaction against the curtailment of their freedoms. The second ap-
plicant's disruptive behavior in court and defiant slogans can be seen as expres-
sions of resistance to the imposed restrictions.",
 "traces_references": "3: 'The applicants alleged, in particular, that their con-
finement in a metal cage during their trial constituted degrading treatment, that
they had not had a fair trial, and that their conviction for mass disorder in connec-
tion with their participation in events on 9 March 2001 in Kyiv had violated their
rights to freedom of expression and peaceful assembly.'; 20: 'According to the
Government, the presiding judge issued warnings to the second applicant in con-
nection with his conduct in the courtroom on ten occasions...'; 31: 'The court con-
sidered this remark disrespectful and decided to remove the second applicant from
the courtroom...'; 34: 'The second applicant also testified, in particular, that he

```



## RESEARCH QUESTION

I want to reconstruct the motives of the applicant, in the case decided by the European Court of Human Rights (or its predecessor body, the European Commission of Human Rights) that I am quoting below, from the text of the decision.

## TASK

In an earlier step of my pipeline, I have asked you for a qualitative judgement: do you find traces, in the text of the judgement, of items on a list of potential motives. One block of motives was instrumental. It read:

- [I1] Monetary benefits, e.g. compensation
- [I2] Deterrence of future rights violations, for oneself or people about whom the applicant cares
- [I3] Creating international awareness if there is the expectation that it will trigger international pressure on the national state
- [I4] Mobilising or empowering other inhabitants of the defendant country, in the expectation that resistance will gain momentum
- [I5] Seeking legal precedent
- [I6] Upholding and strengthening the integrity and effectiveness of international human rights protection

Instrumental motives are utilitarian. A person engages in an action (taking the defendant country to the European Court of Human Rights, in the specific case) because she deems one or several of the 6 outcomes desirable. A textbook utilitarian would qualify the outcome with the expected probability of obtaining it, through the action in question. I am now asking you to put yourself in the position of the applicant. How likely is it, to your judgement, that the respective outcome obtains if you take the country to the European Court of Human Rights?

## TEXT OF THE DECISION

The only source of evidence on which we can build this judgement is the decision by the European Court of Human Rights. We can therefore only assess the likelihood in hindsight. Yet we have no access to ex ante evidence. This is why I am now quoting the decision.

\*\*\*

## RESPONSE OPTIONS

Please respond, separately for each of the 6 items, with one of the following responses:

"no", "very unlikely", "unlikely", "50 50", "likely", "very likely", "certain".

## FORMATTING REQUIREMENTS

Please provide your responses in a single JSON file.

The entirety of your response MUST be a single, raw JSON object.

STRICTLY ENFORCED: DO NOT include any introductory text, concluding remarks, or surrounding formatting whatsoever (no backticks ```, no "json" label, no wrappers).

The very first character of your response MUST be the opening curly brace: {

The file must have this structure:

```
{
 "case_id": "[case_id, provided in the first line of this prompt]",
 "instrumental_probabilities": {
 "I1": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of obtaining monetary
benefits]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "I2": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of deterring future vio-
lations]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "I3": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of creating international
awareness/pressure]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "I4": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of mobilizing/empower-
ing other inhabitants]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "I5": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of successfully seeking
legal precedent]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "I6": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
```

```

 "reasoning": "[Inference explaining the likelihood of strengthening inter-
national human rights protection]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 }
}
}

```

**b. Example Response**

```

{
 "case_id": "case_131",
 "instrumental_probabilities": {
 "I1": {
 "probability": "certain",
 "reasoning": "The applicants explicitly claimed monetary compensation for
non-pecuniary damage, and the Court awarded specific amounts to the first three
applicants. Therefore, this outcome was achieved.",
 "traces_references": "247, 249"
 },
 "I2": {
 "probability": "very likely",
 "reasoning": "The Court found violations of Article 6 (right to confront wit-
nesses) for the second and third applicants and Article 11 (freedom of peaceful
assembly) for the first three applicants, specifically noting the disproportionate
sentences for their protest activities. These findings, particularly regarding the
state's response to political protests, would serve as a strong deterrent against
similar future violations for the applicants and others involved in political activism.
The second applicant's broader framing of his struggle supports this motive.",
 "traces_references": "3, 63, 124, 235, 238"
 },
 "I3": {
 "probability": "very likely",
 "reasoning": "The applicants were leaders and members of a significant oppo-
sition movement. Bringing their case to the European Court of Human Rights, an
international body, inherently generates international awareness. The existing
PACE Resolution 1346 (2003) already highlighted concerns about 'disproportionate
penalties' for participants in the same demonstration, indicating prior international
attention. A successful ECHR judgment would amplify this awareness and poten-
tially trigger further international pressure on Ukraine regarding human rights
practices.",
 "traces_references": "6, 7, 88"
 },
 "I4": {
 "probability": "likely",
 "reasoning": "As prominent figures in an opposition movement, a successful
ECHR judgment, especially one finding violations of fundamental rights in the con-
text of political protest, would likely be seen as a validation of their cause. This
could inspire and empower other inhabitants of Ukraine involved in the 'Ukraine
without Kuchma' movement or other opposition groups, potentially giving momen-
tum to resistance against perceived state abuses. The second applicant's state-
ment about the 'struggle of the Ukrainian nation' suggests this intent.",
 "traces_references": "6, 7, 63"
 }
 }
}

```

```

 },
 "I5": {
 "probability": "very likely",
 "reasoning": "The applicants raised several complex legal issues under Article
6 (fair trial, witness confrontation, legal assistance) and Article 11 (freedom of
assembly, proportionality of sanctions for protest). The Court's judgment, by clar-
ifying the application of these articles in the context of political protests and es-
tablishing specific findings (e.g., on 'good reason' for absent witnesses and the
proportionality of sentences), contributes to the body of ECHR case-law and sets
precedents for future similar cases in Ukraine and other Convention states.",
 "traces_references": "3, 101, 106-108, 124, 177, 235"
 },
 "I6": {
 "probability": "certain",
 "reasoning": "By successfully bringing a case to the European Court of Human
Rights and obtaining findings of Convention violations, the applicants directly en-
gaged with and utilized the international human rights protection system. This
process, and the resulting judgment, inherently reinforces the integrity, authority,
and effectiveness of the Convention system as a mechanism for upholding human
rights.",
 "traces_references": "3, 101, 177, 238"
 }
 }
}
}

```

### 3. Cost

#### a. Prompt

#### RESEARCH QUESTION

I want to reconstruct the motives of the applicant, in the case decided by the European Court of Human Rights (or its predecessor body, the European Commission of Human Rights) that I am quoting below, from the text of the decision.

One possibility is utilitarian. The applicant finds it worth the while pursuing her case all the way up to the European Court of Human Rights. A textbook utilitarian engages in cost benefit analysis. In an earlier step of my pipeline, I have asked you to a) find traces in the text of the decision by the court of utilitarian motives for the applicant and b) estimate (from the perspective of the applicant) the probability of attaining the respective instrumental goal with the help of the court. In this step of the pipeline, I want you to turn to the cost side.

#### TASK

I do not have direct evidence about the decision the applicant had to make. All I have is the reflection of this decision in the ruling of the court. For each of the following potential categories of cost, I am asking you two related questions:

a) do you find traces of the respective cost?

Include traces that suggest the applicant has anticipated the respective cost.

b) if yes, do you think the applicant has estimated this cost to be mild or severe?

In assessing the severity of the cost or risk, please put yourself into the position of the applicant. Given the information about her that can be gleaned from the text of the decision, how severe will she consider the cost or risk? Also take into account whether the cost or risk is likely to repeat; this might even make a cost or risk severe that appears mild in isolation.

Please consider the following categories of cost:

[C1] financial cost of court proceedings

[C2] financial opportunity cost (loss of alternative earning opportunities)

[C3] risk of legal consequences (by the defendant state, or agents under its influence)

[C4] risk of economic consequences (e.g. denial of professional opportunities, harm inflicted by private parties)

[C5] risk of social consequences (e.g. stigma, isolation)

[C6] risk of psychological consequences (e.g. fear, stress, trauma)

## SCOPE

According to Art. 35 ECHR, taking the defendant state to the European Court of Human Rights requires exhausting domestic legal remedies. This is why your assessment should not be confined to the final step (applying to the ECtHR), but include the required steps at the national level.

## MATERIALS

In the following, I am quoting

1. the full text of the decision taken by the European Court of Human Rights
2. your own qualitative assessment of motives for applying to the court that can be gleaned from the text of the decision

\*\*\*

## RESPONSE OPTIONS

Please respond to each of the 6 questions with

"assessment", which can be either "clearly traceable", "inferred" or "no";

"severity", which can be either "severe", "mild" or "negligible";

"traces\_verbal", with a short verbal explanation of your assessments;

"traces\_references", a list of critical paragraph numbers

## FORMATTING REQUIREMENTS

Please respond to the six questions in JSON format, as in the example below

```
{ "case_id": "case_131", "cost": { "C1": { "assessment": "clearly traceable", "severity": "mild", "traces_verbal": "The applicants were represented by a private lawyer throughout the domestic trial, appeals, and ECtHR proceedings. While they claimed no costs before the ECtHR, the lengthy domestic trial and multiple appeals necessarily involved substantial legal fees and administrative expenses.", "traces_references": "11, 42, 54, 62, 143, 145, 250" }, "C2": { "assessment":
```

"clearly traceable", "severity": "severe", "traces\_verbal": "The first six applicants were remanded in custody pending investigation and trial, and subsequently served multi-year prison sentences. This represents a severe loss of alternative earning opportunities over a period of several years.", "traces\_references": "39, 138, 459, 460" }, "C3": { "assessment": "clearly traceable", "severity": "severe", "traces\_verbal": "The applicants faced severe legal consequences including convictions for mass disorder and long prison sentences of up to five years. The risk of further legal repercussions was evident in the Deputy Prosecutor General's request for extraordinary review and the state's aggressive prosecution.", "traces\_references": "44, 59, 138, 156, 157, 186" }, "C4": { "assessment": "inferred", "severity": "severe", "traces\_verbal": "As leaders and members of a nationalist political party (UNA), a criminal conviction for mass disorder carries a severe risk of being blacklisted from professional or political opportunities in the defendant state. PACE Resolution 1346 specifically identifies them as potential political prisoners, highlighting the professional detriment.", "traces\_references": "16, 17, 189" }, "C5": { "assessment": "clearly traceable", "severity": "severe", "traces\_verbal": "The applicants were held in a metal cage during their public trial, a measure designed to cause public humiliation and stigma. However, for these nationalist leaders, this social consequence might be viewed as a 'badge of honor' among supporters, though severe in a broader societal context.", "traces\_references": "13, 16, 19, 63, 194" }, "C6": { "assessment": "clearly traceable", "severity": "severe", "traces\_verbal": "The applicants faced severe psychological stress due to confinement in a metal cage , alleged ill-treatment in custody (specifically for the second applicant who suffered a concussion and fractured rib) , and the trauma of inadequate detention conditions leading to tuberculosis.", "traces\_references": "13, 163, 164, 170, 194, 196" } } }

#### b. Example Response

```
{
 "case_id": "case_131",
 "cost": {
 "C1": {
 "assessment": "clearly traceable",
 "severity": "severe",
 "traces_verbal": "The applicants were represented by a lawyer throughout the domestic proceedings and before the ECtHR. The first applicant explicitly stated he was 'unable to ensure his lawyer's attendance or pay for his services', leading to the appointment of legal aid lawyers. This indicates that financial costs were a significant burden.",
 "traces_references": "2, 28, 33, 141, 142, 145, 250"
 },
 "C2": {
 "assessment": "clearly traceable",
 "severity": "severe",
 "traces_verbal": "The first six applicants were arrested, remanded in custody, and subsequently convicted and sentenced to prison terms ranging from two to five years. The second applicant spent approximately two and a half years in detention. This represents a direct and severe loss of alternative earning opportunities over a prolonged period.",
 "traces_references": "15, 59, 74, 76, 223"
 }
 },
}
```

```

"C3": {
 "assessment": "clearly traceable",
 "severity": "severe",
 "traces_verbal": "The applicants faced severe legal consequences, including arrest, charges of mass disorder, conviction, and long prison sentences (up to five years). The state's continued legal scrutiny, as evidenced by the Deputy Prosecutor General's request for extraordinary review, indicates ongoing legal risk.",
 "traces_references": "15, 16, 44, 59, 68, 223"
},
"C4": {
 "assessment": "inferred",
 "severity": "severe",
 "traces_verbal": "As leaders and members of a nationalist political party involved in a major opposition movement, their convictions for 'mass disorder' would likely lead to significant professional and economic disadvantages, such as denial of employment opportunities or political blacklisting, after their release from prison. PACE Resolution 1346 (2003) referring to them as 'political prisoners' underscores the politically charged nature of their convictions and potential long-term economic impact.",
 "traces_references": "6, 7, 44, 88"
},
"C5": {
 "assessment": "clearly traceable",
 "severity": "severe",
 "traces_verbal": "The first six applicants were confined in a metal cage during their public trial, which they complained constituted 'degrading treatment'. This public display of confinement is inherently stigmatizing and designed to cause humiliation. While the second applicant framed his sentence as 'recognition of his role in the struggle of the Ukrainian nation', suggesting a potential counter-narrative within his political group, the broader societal stigma and isolation would still be severe.",
 "traces_references": "19, 63, 91"
},
"C6": {
 "assessment": "clearly traceable",
 "severity": "severe",
 "traces_verbal": "The applicants endured arrest, detention, and a lengthy trial. The first six applicants were subjected to confinement in a metal cage, which they alleged was 'degrading treatment'. The second applicant specifically reported 'ill-treatment by the police after his arrest', resulting in 'concussion and a fractured rib', and also complained about 'conditions of his detention' and 'lack of adequate medical treatment for his tuberculosis'. These experiences are highly likely to cause severe psychological distress and trauma.",
 "traces_references": "19, 63, 70, 71, 75, 91"
}
}
}
}

```

**4. Probability of Cost**  
**a. Prompt**

RESEARCH QUESTION

I want to apply cost-benefit analysis to the decision of an applicant to apply to the European Court of Human Rights. As this is the only source of evidence, I want to infer cost and benefit from the decision published by the Court.

## TASK

This step of my pipeline is about the following 6 cost items.

[C1] financial cost of court proceedings

[C2] financial opportunity cost (loss of alternative earning opportunities)

[C3] risk of legal consequences (by the defendant state, or agents under its influence)

[C4] risk of economic consequences (e.g. denial of professional opportunities, harm inflicted by private parties)

[C5] risk of social consequences (e.g. stigma, isolation)

[C6] risk of psychological consequences (e.g. fear, stress, trauma)

In an earlier step of the pipeline, you had already responded to two questions:

- is the cost item "clearly traceable", can it be "inferred", or is there "no" sign of it?

- provided the answer is not "no": can the cost be estimated to be "severe", "mild" or "negligible"?

In this step, for each cost item that is either "clearly traceable" or "inferred", I am asking you how probable this cost is. I am now asking you to put yourself in the position of the applicant. How likely is it, to your judgement, that the applicant has to incur the respective cost if she takes the country to the European Court of Human Rights?

## MATERIALS

In the following, I am quoting

1. the full text of the decision taken by the European Court of Human Rights
2. your own qualitative assessment of cost when applying to the court that can be gleaned from the text of the decision

## RESPONSE OPTIONS

Please respond, separately for each of the 6 items, with one of the following responses:

"no", "very unlikely", "unlikely", "50 50", "likely", "very likely", "certain".

NOTE: if, in the earlier step of the pipeline, you had found "no" sign of the respective cost item, the probability must of course be "no" as well.

## FORMATTING REQUIREMENTS

Please provide your responses in a single JSON file.

The entirety of your response MUST be a single, raw JSON object.

STRICTLY ENFORCED: DO NOT include any introductory text, concluding remarks, or surrounding formatting whatsoever (no backticks ```, no "json" label, no wrappers).

The very first character of your response MUST be the opening curly brace: {

The file must have this structure:

```
{
 "case_id": "[case_id, provided in the first line of this prompt]",
 "cost_probabilities": {
 "C1": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of financial cost of court
proceedings]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "C2": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of financial opportunity
cost]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "C3": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of risk of legal conse-
quences]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "C4": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of risk of economic conse-
quences]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "C5": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
 "reasoning": "[Inference explaining the likelihood of risk of social conse-
quences]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 },
 "C6": {
 "probability": "[no | very unlikely | unlikely | 50 50 | likely | very likely |
certain]",
```

```

 "reasoning": "[Inference explaining the likelihood of risk of psychological
consequences]",
 "traces_references": "[Paragraph numbers, e.g., 22, 54-56]"
 }
}
}

```

**b. Example Response**

```

{
 "case_id": "case_131",
 "cost_probabilities": {
 "C1": {
 "probability": "certain",
 "reasoning": "The applicants were represented by a lawyer throughout the
domestic proceedings and before the ECtHR. The first applicant explicitly stated he
was 'unable to ensure his lawyer's attendance or pay for his services', leading to
the appointment of legal aid lawyers. This indicates that financial costs were a
significant burden and were certainly incurred by the applicants in pursuing their
legal challenge, both domestically and internationally.",
 "traces_references": "2, 28, 33, 141, 142, 145, 250"
 },
 "C2": {
 "probability": "certain",
 "reasoning": "The first six applicants were arrested, remanded in custody, and
subsequently convicted and sentenced to prison terms ranging from two to five
years. The second applicant spent approximately two and a half years in detention.
From the applicant's perspective, the risk of imprisonment and thus a severe loss
of alternative earning opportunities was a direct and highly probable consequence
of their legal proceedings.",
 "traces_references": "15, 59, 74, 76, 223"
 },
 "C3": {
 "probability": "certain",
 "reasoning": "The applicants faced severe legal consequences, including ar-
rest, charges of mass disorder, conviction, and long prison sentences (up to five
years) as a direct result of their participation in the protest and the subsequent
state prosecution. These consequences were the primary reason for their applica-
tion to the ECtHR, making it certain that they would incur such legal costs by
pursuing this path.",
 "traces_references": "15, 16, 44, 59, 68, 223"
 },
 "C4": {
 "probability": "very likely",
 "reasoning": "As leaders and members of a nationalist political party involved
in a major opposition movement, their convictions for 'mass disorder' and being
labeled 'political prisoners' would make it very likely that they would face signifi-
cant professional and economic disadvantages, such as denial of employment op-
portunities or political blacklisting, after their release from prison.",
 "traces_references": "6, 7, 44, 88"
 },
 "C5": {
 "probability": "certain",

```

```

 "reasoning": "The first six applicants were confined in a metal cage during
their public trial, which they complained constituted 'degrading treatment'. This
public display of confinement is inherently stigmatizing and designed to cause hu-
miliation, leading to certain social consequences like stigma and isolation.",
 "traces_references": "19, 63, 91"
 },
 "C6": {
 "probability": "certain",
 "reasoning": "The applicants endured arrest, detention, and a lengthy trial,
including confinement in a metal cage. The second applicant specifically reported
'ill-treatment by the police after his arrest', resulting in 'concussion and a fractured
rib', and also complained about 'conditions of his detention' and 'lack of adequate
medical treatment for his tuberculosis'. These experiences would certainly lead to
severe psychological distress and trauma.",
 "traces_references": "19, 63, 70, 71, 75, 91"
 }
}
}
}

```