

Summaries of Final Resolutions adopted by the Committee of Ministers in 2011

(with the exception of those concerning Friendly Settlements)

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 86	ALB / Qufaj Co. Sh.P.K	54268/00	30/03/2005 18/11/2004	Access to and efficient functioning of justice: Failure to enforce a final judicial decision ordering compensation payment on the ground that the State allegedly lacked necessary funds. (Article 6 §1)	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damages, including the sums at issue in the unenforced decision, paid General measures: State institutions are required to foresee, within the limit of their annual budget, the amounts they might need to pay following a judicial decision, following the Council of Ministers' Decision No. 335 of 2010 and the Instruction of the Minister of Finances on the Implementation of the annual budget. Further efforts to ensure the enforcement of final court decisions and to create a special budget covering related payments are examined in the framework of the pending execution of the Driza group of cases (33771/02) and of the case of Puto (609/07). The judgment was translated, published and disseminated.
CM/ResDH(2011) 85	ALB / Vrioni and Others	2141/03	06/07/2009 24/03/2009	Access to and efficient functioning of justice and protection of property: Lack of legal certainty due to quashing of a final judgment recognising property rights in supervisory review proceedings. (Articles 6§1 and 1 of Protocol No.1)	Individual measures: As the property is occupied by a bona fide third party, the applicants were awarded just satisfaction in respect of pecuniary and non-pecuniary damages suffered, which was paid. General measures: The supervisory review procedure pursuant to Article 473 of the Code of Civil Procedure was repealed by Law No. 8812 of 17/05/2001.
CM/ResDH(2011) 88	AND / Pla and Puncernau	69498/01	15/12/2004 13/07/2004	Discrimination: Exclusion of an adopted child from inheritance rights due to a respective interpretation of testamentary provision by the High Court of Justice. (Article 14 read in conjunction with 8)	Individual measures: Friendly settlement with the applicants' heirs compensating for the pecuniary and non-pecuniary damages executed. General measures: Isolated case. The judgment was translated, published and disseminated.

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CM/ResDH(2011) 87	AND / Vidal Escoll and Guillán González	38196/05	26/01/2009 29/07/2008	Access to and efficient functioning of justice: Denial of a fair trial due to the impossibility to obtain enforcement of a judgment given by the High Court of Justice. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damages paid. <i>General measures:</i> Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2011) 40	ARM / Harutyunyan	36549/03	28/09/2007 28/06/2007	Access to and efficient functioning of justice: Denial of fair criminal proceedings on account of the use during trial of testimony obtained under duress. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In reopened proceedings, the applicant was found guilty of premeditated murder, sentenced him to ten years' imprisonment, but noted that he had already served this sentence. Thus the applicant remains free. <i>General measures:</i> The possibility of reopening of criminal proceedings impugned by an ECHR judgment was provided for in the Criminal Procedure Code in 2008. The judgment was published, translated and disseminated. It is included in the training curriculum of the Police Academy, the Prosecutors' School, and the Judicial School.
CM/ResDH(2011) 39	ARM / Meltex and Mesrop Movsesyan	32283/04	17/09/2008 17/06/2008	Freedom of expression: Unlawful interference due to the refusal by the National Television and Radio Commission (NTRC), on several occasions, to deliver to the applicant company a broadcasting license without giving reasons for its decisions. (Article 10)	<i>Individual measures:</i> The applicant company took part in a tender for one frequency, the results of which are set out in Decree No. 96-A of the National Television and Radio Commission, dated 16/12/2010. The applicant company did not win the tender; it could contest the results of the licensing tender in the courts. <i>General measures:</i> The National TV and Radio Commission shall decide on the winner of tenders on the basis of the results of the point-based vote and that decision shall be properly substantiated and reasoned, following amendments to the Television and Radio Broadcasting Act in 2010. The judgment was published, translated and disseminated.
CM/ResDH(2011) 89	ARM / Nikoghosyan and	11724/04+	06/03/2008 06/12/2008	Access to and efficient functioning of justice: Unfair civil proceedings concerning a	<i>Individual measures:</i> No claim for non-pecuniary damage. No just satisfaction for pecuniary damage awarded. Proceedings

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	Melkonyan			<i>property sale due to the impossibility to take part in the hearing as the summons was not received until after the hearing had been held. (Article 6 §1)</i>	were reopened and a new hearing conducted. <u>General measures:</u> The judgment was translated, published and disseminated.
CM/ResDH(2011)185	ARM / Paykar Yev Haghtanak	21638/03	02/06/2008 20/12/2007	Access to and efficient functioning of justice: <i>Denial of access to a court due to the Court of Cassation's refusal to grant the applicant company's request for deferral of payment of court fees on the ground that the Civil Procedure Code prohibited such exemption for commercial entities, with the result that the company's cassation appeal against an earlier court decision upholding the imposition of certain tax fines was not examined. (Article 6§1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The Code of Civil Procedure allows the reopening of the domestic proceedings as the most appropriate form of redress in cases where an applicant was denied access to court. The request for reopening was granted and the Court of Cassation confirmed the Tax Inspectorate's and the Commercial Court's subsequent conclusions that the applicant company had failed to meet the requirements of the tax legislation. <u>General measures:</u> On 07/04/2009, the exclusion of commercial entities from the right of deferral of payment of court fees was abolished in the Civil procedure Code. Simultaneously, the relevant provision in the Law on State Fees was also abolished. The judgment was translated, published and disseminated.
CM/ResDH(2011)188	AUT / Achleitner and 5 other cases	53911/00	23/01/2004 23/10/2003	Access to and efficient functioning of justice: <i>Excessive length of proceedings on civil rights and obligations and criminal charges before administrative authorities and courts (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Proceedings in four cases were closed. In one case the appellate proceedings are about to conclude. In one case, no information is available. <u>General measures:</u> As far as the excessive length of proceedings before the administrative authorities and courts is concerned, see CM/ResDH(2004)77 in G.S., CM/ResDH(2007)112 in Morcher and CMResDH(2007) in Alge and Others. In 2004, the Administrative Court managed to reduce the number of backlog cases pending for more than three years. The average time needed for reaching a decision on the merits in 2003 and 2004 was about 22 months, in 2005 about 21 months, in 2006 about 20 months, in 2007 about 19 months, in 2008 about 20 months and in 2009 about 19

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					months. Additional measures on the ongoing administrative reform are supervised in the context of the Rambausk group regarding excessive length of administrative proceedings, and in the context of the Koottummel group regarding the failure to hold oral hearings before the Administrative Court.
CM/ResDH(2011) 41	AUT / Coorplan-Jenni Gmbh and Hasci and 1 other case (Jurisic and Collegium Mehrerau)	10523/02+	11/12/2006 27/07/2006	Access to and efficient functioning of justice: <i>Denial of an oral hearing to companies before the Administrative Court in proceedings concerning applications to grant employment permits to their employees under the Employment of Aliens Act as well as denial of access to a court to employees as they were not considered to be parties to the proceedings in question. (Article 6 § 1 twice)</i>	Individual measures: No claim for pecuniary or non-pecuniary damages submitted. The Employment of Aliens Act is no longer applicable to the applicants as their respective spouses became Austrian citizens in 2002 and 2000. Thus they may work without restrictions. General measures: Concerning the denial of an oral hearing before the Administrative Court: see CM/ResDH(2011)187 in Schelling. Concerning the denial of access to a court: The judgment was published, translated and disseminated.
CM/ResDH(2011) 41	AUT / Eisenstecken	29477/95	03/10/2000 03/10/2000	Access to and efficient functioning of justice: <i>Absence of a public hearing in administrative proceedings before the authorities competent for real property transactions and invalidity of the Austrian reservation limiting the publicity of hearings in administrative procedures. (Article 6 §1)</i>	Individual measures: No just satisfaction for pecuniary or non-pecuniary damage awarded. General measures: The administration and the courts were informed of the judgment and requested to adapt their practice. With regard to the invalidity of the reservation limiting the publicity of hearings, courts were invited to pay particular attention to cases where no public hearing is held. The guarantees provided for by Article 6 with regard to the public hearings were incorporated in the General Administrative Procedure Act of 1991 in 2001.
CM/ResDH(2011) 91	AUT / Frodl	20201/04	04/10/2010 08/04/2010	Electoral rights: <i>Disproportionate disenfranchisement of a detainee sentenced to life imprisonment, as domestic legislation (National Assembly Election Act) did not meet all the disenfranchisement criteria, in particular that the decision should be taken by a judge and that there must be a link</i>	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. General measures: The Electoral Code was amended in 2011 to ensure that no prisoner is automatically excluded from the right to vote, as the decision on disenfranchisement has to be taken by a judge, who can exclude individuals from the right to vote if they were sentenced with final effect to a term of

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				<i>between the offence committed and issues relating to elections and democratic institution. (Article 3 of Protocol No.1)</i>	imprisonment of more than one year, on condition that there is a link between the offence committed and electoral issues or if they were sentenced to a term of imprisonment of more than five years for criminal offences committed with intent. These provisions will also apply to the elections of the Parliaments of the Länder, of community as well as district councils. According to a new provision of the Code of Criminal Procedure of 1975, the disenfranchisement decision, being taken on an equal footing with the sentence, can be appealed against. The judgment was translated, published and disseminated.
CM/ResDH(2011)41	AUT / I.H. and Others (and 24 other cases)	42780/98	20/07/2006 20/04/2006	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the re-qualification of the rape offence by the trial court, without prior change to the indictment, thus preventing a proper exercise of defence rights, resulting in a heavier sentence. (Article 6 §§ 1 and 3 (a) and (b))</i>	<u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction. Furthermore, the applicants may request reopening of the proceedings. <u>General measures:</u> Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2011)41	AUT / Kaplan	45983/99	18/04/2007 18/01/2007	Protection of family life: <i>Failure of domestic courts to deal diligently with a request of a mother to grant her custody of her son, who was eventually removed by her former husband to Turkey, which changed the jurisdiction on the case to Turkey. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The child reached the age of majority in 2006. <u>General measures:</u> Isolated violation resulting mainly from lack of diligence of the competent domestic court. The judgment was published, translated and disseminated.
CM/ResDH(2011)41	AUT / Kaya	54698/00	08/09/2006 08/06/2006	Access to and efficient functioning of justice: <i>Unfairness of certain administrative criminal proceedings for not hearing the applicant in person (Art. 6 §§ 1 and 3 c).</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Possibility for the applicant to demand reopening. <u>General measures:</u> see CM/ResDH(2007)110 in Yavuz in Alge group.

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CM/ResDH(2011) 41	AUT / Lanz	24430/94	30/04/2002 31/01/2002	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to interference with defence rights in that contacts with the defence counsel during detention on remand of the accused had taken place under the surveillance of the investigating judge as well as breach of the principle of equality of arms in that the prosecution's observations concerning the request of the accused to be freed from detention and concerning his plea of nullity and appeal had not been communicated to him. (Article 6§3 (b) and (c) as well as 5§4 and 6§1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening may be requested. General measures: As regards the violations of Articles 5§4 and 6§1, the case presents similarities to that of Bulut closed by Resolution DH(97)500 following a legislative amendment providing that communication of observations may be dispensed with only if the prosecutor supports the accused or if the appeal of the accused is upheld in full by the tribunal. The possibility of the investigative judge to be present during consultations between an accused held in detention and his or her defence counsel was restricted by an amendment of the Code of Criminal Procedure in 2002. Such supervision must be ruled by a motivated court order and has to be justified by "particularly serious circumstances" indicating that the consultation with the defence counsel might lead to an impairment of evidence. The judgment was published in Österreichische Juristenzeitung, 2002/16.
CM/ResDH(2011) 41	AUT / Löffelmann and 2 other cases	42967/98+	12/06/2009 12/03/2009	Discrimination on the ground of religion: <i>Discriminatory rejection of the objection made by members of the religious "community" of Jehova's witnesses not to perform military service or alternative civilian service based on discriminatory legal provisions restricting the exemption to membership in a recognised religious "society". (Article 14 in conjunction with Article 9)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: 1) The Jehovah's Witnesses were recognised as a religious society on 07/05/2009 by decree. Consequently, all members of the Jehovah's Witnesses will be exempted from military or civil service in accordance with the provisions of the Military Service Act or the Civilian Service Act. 2) The judgment was published, translated and disseminated. 3) Change of the Constitutional Court's case-law, which in its judgment of 2/07/2009 relating to a comparable provision to those at issue in the present cases, held that the provision must be interpreted in conformity with the ECtHR's findings and quashed the administrative authorities' decision.
CM/ResDH(2011) 41	AUT / Österreichischer	35841/02	07/03/2007	Freedom of expression: <i>Conviction for defamation under Section 111 of the</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction with regard to non-pecuniary

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	Rundfunk		07/12/2006	<i>Criminal Code in conjunction with section 33 of Media Act and prohibition to publish information and photos in the media involving value judgments with factual bases under Section 78 of the Copyright Act in conjunction with Section 7a of the Media Act. (Article 10)</i>	damage. Just satisfaction for pecuniary damage in respect of the fine and the court costs paid. Reopening of the domestic criminal proceedings may be requested. <u>General measures:</u> In cases of this kind, the Committee of Ministers has in principle acknowledged the direct effect of the Convention and its case-law in Austrian law (see Lingens judgment of 08/07/86, Resolution DH(87)2; Oberschlick judgment of 23/05/91, Resolution DH (93)60; Schwabe judgment of 28/08/92, Resolution DH(94)23). However, this direct effect did not prevent the violation of the Convention in the present case. Thus, examples for the change of domestic case-law were submitted. ECtHR's case-law relating to freedom of expression regularly form the subject matter of basic and further training courses for judges. The judgment was published, translated and disseminated.
CM/ResDH(2011)42	AUT / P.B. and J.S.	18984/02	22/10/2010 22/07/2010	Protection of private and family life: <i>Discriminatory treatment of a same-sex couple due to refusal to extend the health and accident insurance of a civil servant to his co-habiting partner (Article 14 in conjunction with Article 8).</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <u>General measures:</u> An equal approach to extension of insurance to a partner in different-sex and same-sex couples was ensured by an amendment of the Civil Servants' Sickness and Accident Insurance Act in 2010.
CM/ResDH(2011)187	AUT / Schelling and 6 other cases	55193/00+	10/02/2006 10/11/2005	Access to and efficient functioning of justice: <i>Failure to hold oral hearings before the Administrative Court, as first and only tribunal (Article 6 §1)</i>	<u>Individual measures:</u> The claim for damages for pecuniary loss was dismissed. The finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage. Requests for reopening were rejected in two cases and in four cases no information on request for reopening is available. <u>General measures:</u> Following the legislative reform 1997 and the Amended Administrative Court Act 1997, the Administrative Court may decide not to hold a hearing where it is apparent "from the pleadings before it and from the files relating to earlier administrative proceedings that an oral hearing is not likely to clarify the case further and <i>when this will not be contrary to Article 6 of the ECHR</i> ". This has resulted

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					in a considerable increase in number of hearings held. Furthermore, the Administrative Court is to pay any just satisfaction awarded from its own budget, a measure which should contribute towards preventing new, similar violations (see Alge and Others, CM/ResDH(2007)110). Additional measures concerning the ongoing administrative reform are being supervised in the context of the Koottummel group. The judgment was translated, published and disseminated.
CM/ResDH(2011)41	AUT / Wirtschafts-Trend Zeitschriften-Verlags GmbH No. 2 and 11 other cases	58547/00+	27/01/2006 27/10/2006	Freedom of expression: <i>Disproportionate interference due to conviction for defamation for publishing an article in the applicant company's magazine by domestic courts ordering payment of compensation, publication of judgment and forfeiture of the relevant issue of the magazines. (Article 10)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction with regard to non-pecuniary damage. Just satisfaction for pecuniary damage in respect of the fine and the court costs paid. Reopening of the domestic criminal proceedings may be requested. General measures: In cases of this kind, the Committee of Ministers has in principle acknowledged the direct effect of the Convention and its case-law in Austrian law (see Lingens judgment of 08/07/86, Resolution DH(87)2; Oberschlick judgment of 23/05/91, Resolution DH (93)60; Schwabe judgment of 28/08/92, Resolution DH(94)23). However, this direct effect did not prevent the violation of the Convention in the present case. Thus, examples for the change of domestic case-law were submitted. ECtHR's case-law relating to freedom of expression regularly form the subject matter of basic and further training courses for judges. The judgment was published, translated and disseminated.
CM/ResDH(2011)41	AUT / Wirtschafts-Trend Zeitschriften-Verlags GmbH No. 3 and 2 other cases	66298/01+	13/03/2006 13/12/2005	Freedom of expression: <i>Disproportionate interference due to conviction for defamation for publishing an article in the applicant company's magazine and the sentence to pay compensation as well as the granting of a permanent injunction prohibiting the applicant company from publishing the plaintiff's picture. (Article 10)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction with regard to non-pecuniary damage. Just satisfaction for pecuniary damage in respect of the fine and the court costs paid. Reopening of the domestic criminal proceedings may be requested. As the re-opening of civil proceedings is in principle not possible in Austrian law, the permanent injunction issued in 2001 remains in place. General measures: In cases of this kind, the Committee of

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					Ministers has in principle acknowledged the direct effect of the Convention and its case-law in Austrian law (see Lingens judgment of 08/07/86, Resolution DH(87)2; Oberschlick judgment of 23/05/91, Resolution DH (93)60; Schwabe judgment of 28/08/92, Resolution DH(94)23). However, this direct effect did not prevent the violation of the Convention in the present case. Thus, examples for the change of domestic case-law were submitted. ECtHR's case-law relating to freedom of expression regularly form the subject matter of basic and further training courses for judges. The judgment was published, translated and disseminated.
CM/ResDH(2011)43	BEL / Capeau	42914/98	06/06/2005 06/03/2005	Access to and efficient functioning of justice: Breach of the presumption of innocence on account of the Ministry of Justice's refusal, upheld by the Appeals Board, to grant a claim for compensation for unwarranted pre-trial detention, based on a legal provision of 1973 requiring a person whose case was dismissed to prove his/her innocence in order to get compensation. (Article 6 §2)	<i>Individual measures:</i> No request for just satisfaction submitted. <i>General measures:</i> Immediate change of practice by the respective authorities. In 2010, the requirement to adduce factual or legal elements to demonstrate one's innocence when claiming compensation for unwarranted pre-trial detention as provided for in the 1973 Act was deleted by law.
CM/ResDH(2011)191	BEL / Conka	51564/99	05/05/2002 05/02/2002	Protection of rights in detention / expulsion / prohibition of collective expulsion of aliens: Arrest of Slovakian nationals and asylum seekers of Roma origin with a view to their expulsion after they had been summoned to complete their asylum requests without giving any reasons for the arrest, failure to examine the specific situation of each individual prior to their expulsion and absence of remedy to review the lawfulness of their detention. (Article 5 §§ 1+4, Article 4 of Protocol No. 4 and	<i>Individual measures:</i> The applicants' appeal against the expulsion decision had been struck out of the list of the Conseil d'Etat for failure to pay the corresponding fees after refusal of their request for legal aid. Just satisfaction in respect of non-pecuniary damage paid. The applicants submitted no other request. <i>General measures:</i> Concerning the collective expulsion, the judgment was published and disseminated. Since 2002, upon arrival in a detention centre run by the Aliens Office each inmate is to receive an information booklet explaining i.a. the possibilities of appeal against detention or complaint about the circumstances of detention, and for requesting legal aid.

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				<i>Article 13 in conjunction with 4 of Protocol No. 4)</i>	Inmates must be informed of the reasons for their detention. Inmates are entitled to request legal aid and to make daily telephone calls free of charge to their lawyer. The lawyer's visit cannot be forbidden. On 19/07/2002 the Minister of the Interior notified the Director General of the Aliens Office in a circular that "in the event of a request for a stay of execution under extremely urgent procedure of an order to leave the territory issued in respect of an unsuccessful asylum seeker, the order shall not be executed until the Conseil d'Etat has ruled on this request". Proceedings relating to aliens were reorganised and a new administrative court, the Aliens' Disputes Board, created by new legislation in 2007. The Board decides on appeals against decisions of the office of the Commissioner-General for Refugees and Stateless Persons (CGRA). Appeals against these decisions now have the effect ipso jure of staying execution. The Board holds jurisdiction over all aspects of litigation: withdrawal and granting of refugee status or subsidiary protection, confirmation of refusal or the setting aside of the decision with referral to the CGRA. An application to set aside a decision does not automatically stay execution, but may be accompanied by such a request under an "extremely urgent procedure" until the Council adjudicates within 72 hours. Nevertheless, in 2011 in the case of M.S.S., the Court concluded that Belgium still lacked an effective remedy to challenge the decision to expel an alien seeking asylum. Execution of the M.S.S. judgment is still pending.
CM/ResDH(2011) 1	BEL / Delespesse	12949/05	27/06/2008 27/03/2008	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the Assize Court's refusal (confirmed by the Cour de cassation) to formulate individual questions to the jury on the existence of aggravating circumstances, considering that these circumstances applied equally to</i>	Individual measures: By a decision of 03/05/2007 the Ghent Court of First Instance ordered the applicant's release on parole. The applicant had the possibility to request reopening of proceedings (see below). General measures: See CM/ResDH(2009)65 in Göktepe. Before 2007, Belgian law did not provide the possibility of reopening criminal proceedings following a judgment of the European

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				<i>others who had taken part in the robbery, infringed the right of the applicant to defend himself in a practical and effective manner with respect to a decisive issue (Article 6 § 1).</i>	Court. Thus the adoption of individual measures in this case required a legislative change. Consequently, the Law amending the Criminal Investigation Code to permit the reopening of criminal proceedings entered into force on 01/12/2007. According to the case-law of the Cour de cassation, the Assize Court's President had the discretionary power to decide that questions concerning aggravating circumstances of a crime attributed to co-defendants could be formulated individually in respect of each of them. The judgment was published, translated and disseminated.
CM/ResDH(2011)92	BEL / Hakimi	665/08	29/09/2010 29/06/2010	Access to and efficient functioning of justice: Denial of access to a court due to the refusal by the court of appeal to reopen in absentia proceedings although the default judgment had been notified without mentioning any time limit for filing an appeal. (Article 6 §1)	<i>Individual measures:</i> No just satisfaction awarded. Proceedings were reopened. <i>General measures:</i> See CM/DH(2009)119 in Da Luz Domingues Ferreira
CM/ResDH(2011)189	BEL / Oval and 20 other cases	49794/99+	15/02/03 15/11/02	Access to and efficient functioning of justice: Excessive length of civil proceedings, in particular before the Brussels Court of Appeal (Article 6§1).	<i>Individual measures:</i> All cases closed by final domestic judgment. Just satisfaction in respect of non-pecuniary damage paid as awarded. <i>General measures:</i> A system of supplementary chambers and additional judges was instituted and judges were given a more active role in proceedings on the basis of a law on "measures to reduce the judicial backlog in Courts of Appeal" of 1997. The number of legal officers was increased; a law on arbitration was drafted; the Courts' organisation and management was improved. Special measures were adopted concerning the Brussels Court of Appeal and supplementary chambers created. A "Brussels judicial backlog Commission" was created and a law increased in 2002 the number of additional judges at the Brussels Court of Appeal from 25 to 50; a body of provisional advisors to absorb the backlog before courts of appeal was set up in 2001. Finally, an agreement of mutual

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					commitment to counteract the judicial backlog was negotiated between the Ministry of Justice and the executives (chefs de corps) of the Brussels Courts. The judgment was published and disseminated.
CM/ResDH(2011) 1	BEL / Pressos Compania Naviera S.A. and Others	17849/91	20/11/1995 (Merits) 03/07/1997 (Just satisfaction)	Protection of property: Deprivation of property due to legislation from 1988 exempting with retrospective effect the State from liability for damage occasioned to shipping as a result of pilots' negligence. (Articles 1 of Protocol No.1 and Article 6 §1)	Individual measures: For 25 applicant companies out of 26, the liability for each of the casualties was duly identified by the national courts. In one case just satisfaction for pecuniary damage was awarded by the ECtHR. Just satisfaction for non-pecuniary damage paid. General measures: Change in case-law of domestic courts. The Act on the piloting of sea-going vessels 1967 was amended in 1996 and the reference to the State's exemption for pilots' liability deleted. Following criticism by the Conseil d'Etat, an overall reform of the legislation on the piloting of sea-going ships was undertaken and completed in 2002.
CM/ResDH(2011) 190	BEL / Stratégies et Communications and Dumoulin and one other case	37370/97+	15/10/2002 15/07/2002	Access to and efficient functioning of justice: Excessive length of criminal proceedings in the investigation phase, in cases in which the applicants were respectively accused or civil parties and lack of effective remedy in this respect. (Articles 6 §1 and 13)	Individual measures: All cases closed by final domestic judgment. Just satisfaction in respect of non-pecuniary damage paid as awarded. General measures: New guidelines on the supervision of the efficiency of long preliminary investigations was circulated by the General Prosecutor to public prosecutors in 2005 asking for detailed reports on cases in which preliminary investigations have lasted for more than one year. The examination of an effective remedy continues in the framework of the De Clerck group of cases.
CM/ResDH(2011) 2	BGR / Bonev	60018/00	08/03/2006 08/06/2006	Access to and effective functioning of justice: Unfair criminal proceedings due to inability of the accused to cross-examine the witnesses whose statements had served as the main basis for his conviction and sentencing for murder. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant's trial was reopened on the basis of the Code of Criminal Procedure's provisions and he was acquitted. General measures: An amendment to the Code of Criminal Procedure in 2000 obliged domestic courts either to appoint a lawyer for the accused or to explain the consequences of his

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					consent to witness statements given at the preliminary investigation to be read out at the trial. These rules were maintained in the new CCP of 2005. Previously, the Supreme Court had already found that witness statements during the preliminary investigation may only be read out at the trial and admitted as evidence if the witness was impossible to locate (decisions of 1981 and 1991). The judgment was published, translated and disseminated.
CM/ResDH(2011)193	BGR / Hasan and Chaush and Supreme Holy Council of the Muslim Community	30985/96+	26/10/2000 Grand Chamber	Freedom of religion: <i>Unjustified interference in the internal organisation of the divided Muslim community due to the replacement of its recognised leadership and participation of the executive in the organisation of a conference aiming at the reunification of the community; repeated refusal by the authorities to comply with the Supreme Court's judgments quashing the refusal to register the new leadership of the community and lack of effective remedy in this respect. (Articles 9 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid as awarded. Two rival factions continue to dispute the direction of the Muslim community. The most recent national conference elected new governing bodies and adopted a new statute. On the basis of a final judgment of the Sofia Court of Appeal its results were registered in April 2011. Domestic authorities abstained from any measure which could have the effect of favouring one of the rival factions. <i>General measures:</i> The new Religious Denominations Act of 2002 provides that a judicial body - the Sofia City Court - and no longer the executive, is competent to register religious communities wishing to obtain legal personality. The information concerning the religious organisation's governing bodies and legal representatives is recorded in a public register at the Sofia City Court. The judgment was translated, published and disseminated to relevant authorities and religious communities. It was also used in training activities of the National Institute of Justice.
CM/ResDH(2011)192	BGR / Kalkanov	19612/02	09/01/2009 09/10/2008	Access to and efficient functioning of justice: <i>Unfair civil proceedings due to the refusal by the Supreme Court of Cassation to examine a decisive argument raised by the plaintiff. (Article 6 §1)</i>	<i>Individual measures:</i> No just satisfaction claimed. No request for reopening of the impugned proceedings submitted. <i>General measures:</i> Erroneous conclusion of the Supreme Court of Cassation disproved by the facts of the case. Isolated incident.
CM/ResDH(2011)	BGR / M.C.	39272/98	04/03/2004	Right to life and to private life and to	<i>Individual measures:</i> Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
3			04/12/2003	effective investigations: <i>Failure to apply effectively a criminal-law system punishing all forms of rape and sexual abuse, even in the absence of physical resistance by the victim; authorities relied too much on the absence of direct evidence of rape – such as marks of violence – whereas it should have focused on the absence of consent. (Articles 3 and 8)</i>	damage paid. The applicant's lawyer informed the Committee of Ministers that his client did not wish to have the domestic proceedings in her case reopened. General measures: The Legislation Council at the Ministry of Justice considered not necessary to modify the Criminal Code in execution of this judgment. However, in 2005 the National Investigation Office methodological instructions on the investigation of rape were communicated to all regional investigating services and a circular letter specifying the concrete obligations for investigating authorities in such cases was issued on 16/10/2007 by Ministry of Interior and addressed to the directors of all police services. The judgment was published, translated and disseminated.
CM/ResDH(2011)4	BGR / Prikyan and Angelova	44624/98	16/05/2006 16/02/2006	Access to and effective functioning of justice: <i>Lack of adversarial proceedings before the Supreme Court of Cassation due to the inability to submit arguments decisive for the outcome of the action brought to recover possession of a flat, as the Supreme Court of Cassation had determined that the period for adverse possession had lapsed without submitting this issue for discussion.(Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants had the possibility to ask for reopening of the proceedings. General measures: According to the new 2007 Code of Civil Procedure only grounds for cassation raised by the parties can be examined in proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2011)5	BGR / Raichinov	47579/99	20/07/2006 20/04/2006	Freedom of expression: <i>Disproportionate interference due to the sentencing of a high-rank official – following ex officio prosecution - to a fine and a public reprimand for having voiced at a working meeting his personal opinion on the Deputy Prosecutor General. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary (amount of the fine) and non-pecuniary damage paid. The public reprimand was never enforced. Proceedings were reopened and the applicant acquitted. General measures: Following amendments of the Criminal Code of 2000, insult may only be prosecuted on private initiative and imprisonment no longer imposed for this kind of offences. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 8	BGR / Stankov and Tzvyatkov	68490/01+	12/10/2007 12/07/2007	Access to and effective functioning of justice: Denial of access to a court in proceedings for damages due to unjustified pre-trial detention or unjustified criminal proceedings due to excessive court fees depriving the claimants of almost all the State compensation awarded. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: A modest flat-rate court fee is due for filing a claim depending on the type of claimant, following new provisions of the State and Municipalities Responsibility for Damage Act 2008. The court fee due for each subsequent appeal or request for reopening is half these amounts. The claimants pay all costs incurred only if their claim was rejected in its entirety or if they withdrew or waived their claim entirely. If the court decides in favour of the claim, in whole or in part, the defendant is ordered to pay the costs relating to such proceedings as well as the claimant's state fee. The judgment was published, translated and disseminated.
CM/ResDH(2011) 46	BGR / United Macedonian Organisation Ilinden and Ivanov and Ivanov and Others	44079/98+	15/02/2006 20/10/2005	Freedom of association: Freedom of assembly of organisations which aim to achieve "the recognition of the Macedonian minority in Bulgaria" due to prohibitions of their meetings between 1998 and 2003 and lack of effective remedies to complain against these prohibitions. (Articles 11 and 13)	Individual measures: Since 2006, most of the meetings planned by the applicant organisations had been authorised and organised in a satisfactory manner. Some requests for organisation of meetings had been rejected only on grounds compatible with the requirements of the Convention. The police ensured the security of the participants and the public order at the authorised meetings. General measures: See Final Resolution ResDH(2004)78 in Stankov and UMO Ilinden: in this case the judgment was translated and sent to the mayors of the towns directly concerned by this case. As the violations found in the present cases concern other towns, the dissemination scope of the judgment was extended and they were also sent to district courts, to the competent prosecutors and to the directors of the National Security Service, the Police Directorate of Sofia and the Directorate of the Interior of Blagoevgrad. Several training activities were organised for judges and prosecutors.
CM/ResDH(2011) 6	BGR / Yanakiev	40476/98	10/11/2006 10/08/2006	Access to and effective functioning of justice: Denial of access to court due to a refusal by the Supreme Administrative Court	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. The applicant had the possibility to ask for the consequences of the violation to be

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>to examine the substance of the applicant's appeal against an administrative decision (i.e. the tacit refusal of a mayor to approve the purchase of a flat belonging to a state enterprise). (Article 6 §1)</i>	erased through the reopening of the proceedings. <u>General measures:</u> Isolated case. A new Code of Administrative Procedure from 2006 superseded the legislation applicable at the time. The judgment was published, translated and disseminated.
CM/ResDH(2011)7	BGR / Zeleni Balkani	63778/00	12/07/2007 12/04/2007	Freedom of assembly: <i>Unlawful prohibition by municipal decision of a public assembly and the lack of an effective remedy against this prohibition as the domestic court decision declaring the municipality's prohibition null and void was not delivered within the prescribed time-limit of five days but almost a year after the planned even . (Articles 11 and 13)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Isolated case concerning the right to assembly. As regards appeals against prohibitions, the amended Meetings and Marches Act of 2010 provides that organisers of meetings and outdoor demonstrations must inform the mayor of the municipality concerned in writing at least 48 hours in advance. The mayor may ban a meeting for the reasons set out in the law, no later than 24 hours after the notification. The mayor's decision may be appealed before the competent administrative court, which must give its decision, which is final, within 24 hours. The judgment was published, translated and disseminated.
CM/ResDH(2011)93	BIH / Rodic and Others	22893/05	01/12/2008 01/09/2008	Conditions of detention: <i>Failure of the authorities to protect prisoners convicted for war crimes from ethnically-motivated persecution by their fellow prisoners; lack of an effective remedy in this regard. (Articles 3 and 13)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Improved distribution of "risk" convicts, reinforcement of prison personnel; improved inspections and complaint management and construction of a new correctional institution in Mostar.
CM/ResDH(2011)45	BIH / Sobota-Gajic	27966/06	06/02/2008 06/11/2007	Protection of family life: <i>Failure of authorities for six years to take all reasonable measures to facilitate a mother's reunion with her son despite several domestic decisions in her favour. (Article 8)</i>	<u>Individual measures:</u> The judgment awarding custody to the applicant was executed and she was reunited with her son. Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The 2002 Family Act of Republika Srpska (the entity of the respondent state in which the events at issue took place) now authorises courts to give interim orders during the course of custody and maintenance proceedings. Consequently, social care centres are no longer authorised to

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<p>give such orders. The 2003 Enforcement Procedure Act of Republika Srpska provides that a child should be returned voluntarily by the person mentioned in the enforcement order, within three days after the receipt of such decision. Domestic courts will impose fines in case of non-compliance and/or request assistance from the custody authorities. Courts must give priority to the child's interests during the enforcement of a custody order. As a last resort, the child will be taken forcibly. Child abduction also falls within the ambit of the 2005 Domestic Violence Act of Republika Srpska. Police, public prosecutors, custody authorities and courts are responsible for providing protection for the victims and to examine these cases as a matter of priority. The judgment was published, translated and disseminated to all administrative bodies and courts involved in the present case as well as to other authorities, including the Minister of Health and Social Security, the Office of the Legal Representative, the Prime Minister in Republika Srpska, the Prime Minister in the Federation of Bosnia and Herzegovina and the Constitutional Court and the Chairman of the Council of Ministers in Bosnia and Herzegovina.</p>
<p>CM/ResDH(2011)44</p>	<p>BIH / Suljagic</p>	<p>27912/02</p>	<p>03/02/2010 03/11/2009</p>	<p>Protection of property: Pilot judgment (systemic issue - 1350 similar applications submitted on behalf of more than 13500 applicants): Disproportionate interference with property rights due to deficient implementation of legislation on "old" foreign currency savings deposited prior to the dissolution of the Socialist Federative Republic of Yugoslavia. (Article 1 of Protocol No. 1)</p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Federation BIH issued government bonds intended for the repayment of the "old" foreign currency savings. The payment of the outstanding instalments due on 27/03/2009 and 27/09/2009 was ordered and this decision published in the Federation Official Gazette No. 17/2010. The actual payment of the instalments took place on 16/07/2010. The relevant deadlines have been extended to enable those who have not yet obtained a verification certificate to acquire one. Default interest at the statutory rate will be paid in the event of late payment of any forthcoming instalment. The judgment was published, translated in all official languages and disseminated. On 16/11/2010 the Court</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					decided to close the pilot-judgment procedure in the present case (see decision in Zadrić).
CM/ResDH(2011)47	CRO / Buj	24661/02	01/09/2006 01/06/2006	Access to and efficient functioning of justice: Excessive length of land registry proceedings and lack of effective remedy in this respect. (Articles 6 §1 and 13)	Individual measures: The proceedings were concluded and the applicant's title was recorded in the land register. Just satisfaction in respect of non-pecuniary damage paid. General measures: A reform of land registry proceedings aiming at: (i) decreasing the number of pending land registry cases, (ii) shortening overall duration of proceedings in land registry cases in accordance with the "reasonable time" requirement and (iii) transferring all registry data on mortgage and ownership rights into electronic form was implemented in 2006.
CM/ResDH(2011)48	CRO / Cosic and Paulic	28261/06+	05/06/2009 15/01/2009	Protection of home: Disproportionate interference due to domestic courts ordering to vacate flats owned by the state, in breach of any procedural safeguards in the eviction proceedings. (Article 8)	Individual measures: In the Čosić case, the Ministry of Defence decided not to institute enforcement proceedings and the applicant could apply to buy the flat at issue enjoying a right of pre-emption. In the Paulić case, the authorities withdrew their enforcement motion. Just satisfaction in respect of non-pecuniary damage paid. General measures: In 2010 the Constitutional Court rendered a binding decision finding that any interference with the right to peaceful enjoyment of possession should comply with the principles of rule of law, public interest and proportionality. This change of case-law is binding on all courts in the country. The judgment was published, translated and disseminated.
CM/ResDH(2011)49	CRO / Gabric	9702/04	05/05/2009 02/05/2009	Protection of property: Disproportionate interference due to the confiscation - for failing to declare foreign currency at the border - of the sums concerned by customs authorities in addition to the imposition of a fine. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction in respect of pecuniary damage in the amount of the confiscated sums paid. The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. General measures: According to the new law on preventing money laundering and financing terrorism 2009, individuals have an obligation to declare at the border customs control any transfer of cash amounting to at least 10 000 EUR, roughly

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					the double amount in comparison with previous rules. Change of case law by the High Misdemeanor Court, in particular concerning the application of the Law on Preventing Money Laundering and Financing Terrorism, finding that the confiscation of undeclared cash carried over the border should no longer be applied, if the purpose of punishment could be achieved by fining the offender. The relevant administrative authorities have been notified on the new case-law. The judgment was published, translated and disseminated.
CM/ResDH(2011)97	CRO / Gashi	32457/05	09/01/2009 09/10/2008	Protection of property: Deprivation of property purchased under the Protected Tenancies Act as result of the annulment of the sale contract by a final judicial decision, following an action brought by the State Attorney's Office. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary damage corresponding to value of the flat in question paid. <i>General measures:</i> Isolated violation resulting from the particular circumstances of the case. The judgment was translated, published and disseminated.
CM/ResDH(2011)97	CRO / Kozlica and 4 other cases (Lesnina D.D., Nikolac, NogolicaNo.3 and Uljar and Others)	29182/03+	02/11/2006 02/02/2007	Access to and efficient functioning of justice: Excessive length of civil proceedings and lack of effective remedy. (Articles 6 §1 and 13)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See CM/ResDH(2005)60 in Horvat. The Act amending the Code of Civil of 2003 strengthened procedural discipline and accelerating civil proceedings. The judgment was translated, published and disseminated.
CM/ResDH(2011)97	CRO / Meznicaric	71615/01	15/07/2005 30/11/2005	Access to and efficient functioning of justice: Lack of independence of a tribunal due to the examination of a constitutional complaint by a judge who had previously acted as legal counsel of the applicants' opponents in the principal proceedings. (Article 6 §1)	<i>Individual measures:</i> The earlier actions of the judge in question for the applicant's opponents had been minor and the procedural shortcomings found are not of such gravity that a serious doubt is cast on the outcome of the domestic proceedings. Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Isolated problem of the application of law, therefore no other measure appears necessary. The judgment was translated, published and disseminated.
CM/ResDH(2011)	CRO / Peric	34499/06	27/03/2008	Access to and efficient functioning of	<i>Individual measures:</i> Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
97			27/06/2008	justice: <i>Unfair civil proceedings due to refusal of the trial court to hear evidence from witnesses called by the applicant on the grounds that the facts had been sufficiently established, even though it subsequently admitted testimony from defence witnesses. (Article 6 §1)</i>	pecuniary damage paid. Reopening of proceedings possible. General measures: Violation of non-structural character. The judgment was translated, published and disseminated.
CM/ResDH(2011) 50	CRO / Kovac	503/05	12/10/2007 12/07/2007	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the lacking opportunity to challenge a witness statement, which was of decisive importance for the conviction of the accused for sexual abuse of a child. (Article 6 §1, taken together with Article 6 §3 (d))</i>	Individual measures: The criminal proceedings were reopened in 2007. Just satisfaction in respect of non-pecuniary damage paid. General measures: Isolated case resulting from a wrongful application of the law according to which the investigating judge shall order the video recording of testimony given by a child who is a victim of an offence. If the parties to the proceedings are not present during the examination of the child, either during the investigation or at the court hearing, they may ask questions through the investigating judge, psychologist, counsellor or other qualified person. When a child or a younger minor has been questioned in such manner, his or her statement shall always be read out or the recording of the testimony viewed at the court hearing. The judgment was published, translated and disseminated.
CM/ResDH(2011) 194	CRO / Olujic	22330/05	05/05/2009 05/02.2009	Access to and efficient functioning of justice: <i>Lack of impartiality of the members of the National Judicial Council (NJC) in disciplinary proceedings against a judge; unjustified exclusion of the public from those proceedings; failure to respect the principle of equality of arms due to refusal to hear evidence from any of the witnesses called on behalf of the judge; excessive length of proceedings, in particular those before the Constitutional Court. (Article 6§1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant had the right to request reopening of the disciplinary proceedings. General measures: Proceedings before the National Judicial Council were reformed in 2011 and rules on the exclusion of the public and on objective impartiality were changed. The principle of equality of arms was granted. Concerning the length of proceedings before the Constitutional Court, the Constitution was amended in 2010 specifying time limits for its rulings.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)195	CRO / Pesa and 2 other cases	40523/08+	08/07/2010 08/04/2010	Protection of rights in detention and presumption of innocence: <i>Unjustified detention and delayed decision on the constitutionality of detention and statements by public officials (General Prosecutor, the Head of the Police, the Prime Minister and the President) published in the press, prejudging the assessment of facts by the competent judicial authority. (Article 6§1)</i>	Individual measures: No just satisfaction in respect of non-pecuniary damage awarded. The applicants had been released. General measures: The judgments were translated, published and disseminated. The Ministry of Interior adopted "Guidelines for relations with the media" containing instructions for police employees on modalities how to provide relevant information to the public without jeopardizing the rights of those involved in an incident or investigation. In 2010, a Third Section of the Constitutional Court was established in charge of deciding on constitutional complaints in cases which require special promptness, such as complaints relating to the constitutionality of detention.
CM/ResDH(2011)51	CRO / Prezec	48185/07	15.01/2010 15/10/2009	Access to and efficient functioning of justice: <i>Failure to grant the accused free legal assistance at the trial stage in criminal proceedings and failure of the counsel assigned at the appeal stage to contact the accused and become acquainted with his version of the facts. (Article 6 §§1 and 3 (c))</i>	Individual measures: The finding of a violation together with the possibility open to the applicant under national law to seek a fresh trial constituted in itself just satisfaction. The Supreme Court quashed the judgment at issue and ordered a retrial. However, on 08/12/2009, the Pula Municipal Court discontinued the proceedings due to the statute of limitation. General measures: Isolated violation resulting from the particular circumstances of the case. The judgment was published, translated and disseminated.
CM/ResDH(2011)52	CRO / Vajagic	30431/03	11/12/2006 20/07/2006	Protection of property: <i>Failure of the authorities to decide on the amount of compensation for the expropriation in 1976 of certain properties, due to delays caused by successive remittals which disclosed a deficiency in the procedural system and lack of an effective remedy. (Article 1 of Protocol No. 1 and Article 13)</i>	Individual measures: The proceedings were still pending when the Court delivered its judgment. Subsequently the applicants withdrew their claim and domestic proceedings were discontinued on 15/02/2010. Just satisfaction corresponding to the difference between the value of their property and the compensation obtained at national level by decision of the Ministry of Justice of 19/05/2006 was paid. General measures: Following the new Expropriation Act of 1994 the decision on compensation should be given at the same time as the actual expropriation took place. Administrative authorities were informed in writing of the need to conclude similar proceedings concerning expropriation

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<p>compensation as soon as possible. In the case of successive remittals, the second-instance body would apply new case-law and award an advance payment to the party concerned pending the final resolution of the issue.</p> <p>As concerns Article 13: The necessary measures have been taken in the framework of the case of Počuča (Application no. 38550/02). The judgment was published, translated and disseminated.</p>
CM/ResDH(2011)53	CRO / Vrbica	32540/05	01/07/2010 01/04/2010	Protection of property and access to and efficient functioning of justice: <i>Unlawful interference with property rights and denial of access to a court resulting from the refusal of the domestic courts on to enforce a foreign judgment, which had been recognised in Croatia, on the ground that the ten-year limit for seeking enforcement had expired. (Article 1 of Protocol No. 1 and Article 6 §1)</i>	<p>Individual measures: The proceedings were reopened upon the applicant's request and the Municipal Court of Koprivnica considered that the running of the statute of limitation in respect of the foreign award had been interrupted. No request for just satisfaction submitted.</p> <p>General measures: Isolated violation resulting from the misapplication of the domestic law. The judgment was published, translated and disseminated.</p>
CM/ResDH(2011)197	CYP / Kafkaris	21906/04	12/02/2008 Grand Chamber	No punishment without law: <i>The law applicable at the time of the offence resulting in a conviction for murder was not sufficiently precise to enable the perpetrator to discern, to a degree that was reasonable in the circumstances, the scope of the penalty of life imprisonment and the manner of its execution. (Article 7)</i>	<p>Individual measures: No claim for just satisfaction submitted.</p> <p>General measures: In 1996 a new Prisons Law replaced the Prison (General) Regulations 1981 which had given rise to the present violation. Some further significant amendments were introduced in 2009 replacing provisions on the conditional release of prisoners including life-prisoners, by order of the President of the Republic with the agreement of the Attorney-General by new provisions establishing an independent Release Board for prisoners on licence. A life prisoner who has served at least twelve years of his sentence can apply to the Release Board for conditional release. The judgment was published, translated and disseminated.</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 196	CYP / Kyriakides and 1 other case	39058/05+	16/01/2009 16/10/2008	Protection of private life: Failure of the Supreme Court to provide adequate grounds for a decision overturning an award of compensation for non-pecuniary damage to senior police officers following their unjustified dismissal by State authorities in disregard of their right to protection of their reputation. (Article 8)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid in one case. No claim submitted in the other case. General measures: Misapplication of domestic law. The judgments were translated, published and disseminated.
CM/ResDH(2011) 54	CYP / Serghides and Christoforou	44730/98	05/02/2003 05/11/2002 (Merits) 24/09/2003 10/06/2003 (Just satisfaction)	Protection of property and access to and efficient functioning of justice: Unlawful interference with property rights due to expropriation of land without compensation following a street-widening scheme; excessive length of proceedings before the Supreme Court and denial of access to a court in order to determine the lawfulness of the action complained of. (Article 1, Protocol No. 1, and Article 6 §1 twice)	Individual measures: Just satisfaction in respect of the pecuniary and non-pecuniary damage paid. General measures: A series of circulars of the Supreme Court between 1995-2003 facilitated the acceleration of proceedings in all national courts; the average length of proceedings before the Supreme Court in administrative cases is now approximately one year. These circulars are binding on the judicial authorities and non-compliance with them may entail disciplinary sanctions. Their efficiency is examined in the context of the Gregoriou group. In relation to the right to effective access to a court, the direct effect of the Convention ensures Convention conformity as underlined by the Supreme Court's case-law. The Supreme Court also established that every individual has the right to reasonable compensation in cases of expropriation, irrespective of the method of expropriation. The judgment was published, translated and disseminated.
CM/ResDH(2011) 9	CZE / Chmelir	64935/01	12/10/2005 07/07/2005	Access to and efficient functioning of justice: Justified doubts with regard to the objective impartiality of a High Court judge who, in a second set of proceedings, was defendant in an action brought by the applicant and who had imposed a severe fine on the latter when requesting his withdrawal in the first set of proceedings.	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. According to an amendment of the Law No. 182/1993 on the Constitutional Court, reopening of proceedings became possible following the finding of a violation. On the applicant's request the Constitutional Court reopened the proceedings and quashed the High Court's judgement in 2008. General measures: The judgment was published, translated and

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				(Article 6 §1	disseminated.
CM/ResDH(2011) 9	CZE / Faltejsek	24021/03	15/08/2008 15/05/2008	Access to and efficient functioning of justice: Denial of access to Constitutional Court due to its restrictive interpretation of the admissibility rules. (Article 6 §1)	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction. General measures: The case is different from that of Běleš and others (see CM/ResDH (2007)115) and constitutes an isolated incident, as in other similar cases the Constitutional Court had declared appeals admissible even though the appellants had not lodged a plea of nullity. The judgment was published, translated and disseminated. Awareness of Constitutional Court raised.
CM/ResDH(2011) 9	CZE / Fesar (clone of Smatana)	76576/01	06/04/2009 13/11/2008	Protection of rights in detention: Unjustified length of pre-trial detention, lack of speedy examination of a constitutional appeal against continued detention. (Article 5 §§3+4)	Individual measures: No claim for just satisfaction submitted. The applicant was released. General measures: see CM/ResDH(2011)9 in Smatana.
CM/ResDH(2011) 9	CZE / Geco	4401/03	21/12/2006 21/09/2006	Access to and efficient functioning of justice: Denial of access to Constitutional Court due to its restrictive interpretation of the admissibility rules. (Article 6 §1)	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. General measures: Change in Constitutional Court's practice and legislative reform 2004 eliminating uncertainties concerning admissibility rules concerning constitutional complaints, see CM/ResDH(2007)115) in Beles. The judgment was published, translated and disseminated. Awareness of Constitutional Court raised.
CM/ResDH(2011) 98	CZE / Heglas	5935/02	01/03/2007	Protection of private life: Interference due to unlawful acts carried out by the authorities in criminal investigations: obtaining extracts from the applicant's telephone calling list, and recording of a conversation by means of a body-planted listening device. (Article 8)	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. General measures: According to the relevant provisions of the Code of Criminal Procedure (2002) a judge can grant access to telecommunication data by a reasoned order in writing. The conditions for the use of monitoring devices (called "operative investigative means") by the police in the course of proceedings concerning intentional criminal offences are also

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					set out. Authorisation by a prosecutor is needed for audio and video surveillance of persons and objects; authorisation by a judge is needed if home or correspondence are affected. The Supreme Prosecutor's Office published interpretation guidance in 2004. The judgment was translated, published and disseminated.
CM/ResDH(2011) 9	CZE / Malhous	33071/96	12/07/2001 12/07/2001	Access to and efficient functioning of justice: <i>Absence of a public hearing before an independent and impartial tribunal in the restitution proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction. <i>General measures:</i> Isolated incident. The judgment was published, translated and disseminated.
CM/ResDH(2011) 9	CZE / Melich and Beck	35450/04	24/10/2008 24/07/2008	Access to and efficient functioning of justice: <i>Unfair criminal proceedings, in particular as regards the presumption of innocence and the obtaining of evidence. (Article 6 §§1, 2 and 3(d))</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction. Reopening of criminal proceedings possible. <i>General measures:</i> Single incident. The judgment was published, translated and disseminated.
CM/ResDH(2011) 55	CZE / Peskova	22186/03	26/02/2010 26/11/2009	Protection of property: <i>Absence of adequate and reasonable compensation for the privation of property acquired under the communist regime. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2007)30 adopted in the cases of Pincová and Pinc and Zvolský and Zvolská.
CM/ResDH(2011) 9	CZE / Rechtova	27088/05	26/09/2008 26/06/2008	Access to and efficient functioning of justice: <i>Denial of access to Constitutional Court due to its restrictive interpretation of the admissibility rules. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction. <i>General measures:</i> The cases present certain similarities to the Běleš and others case (see CM/ResDH(2007)115) following which Constitutional Court's change of practice was announced in February 2003, and the new legislation concerning the admissibility requirements of constitutional appeals entered into force in 2004. In the present two cases the Constitutional Court applied the relevant law in its transitory version, i.e. read in the light of the 2003 communication and as it stood before the 01/04/2004 amendment; the violations appear therefore

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					to be isolated incidents The judgment was published, translated and disseminated.
CM/ResDH(2011)9	CZE / Regalova	40593/05	03/10/2008 03/07/2008	Access to and efficient functioning of justice: Denial of access to Constitutional Court due to its restrictive interpretation of the admissibility rules. (Article 6 §1)	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction. General measures: The cases present certain similarities to the Běleš and others case (see CM/ResDH(2007)115) following which Constitutional Court's change of practice was announced in February 2003, and the new legislation concerning the admissibility requirements of constitutional appeals entered into force in 2004. In the present two cases the Constitutional Court applied the relevant law in its transitory version, i.e. read in the light of the 2003 communication and as it stood before the 01/04/2004 amendment; the violations appear therefore to be isolated incidents The judgment was published, translated and disseminated.
CM/ResDH(2011)99	CZE / Reslova and 6 other cases	7550/04	18/10/2006 18/07/2006	Protection of private and family life: Domestic courts' failure to exercise special diligence in proceedings concerning parental rights and enforcement of visiting rights; excessive length of the civil proceedings; lack of an effective remedy in respect of the length of proceedings. (Articles 8, 6 §1 and 13)	Individual measures: Most of the applicants' children have reached majority. Visiting rights in respect of the other children in question were established by the national courts. Just satisfaction in respect of non-pecuniary damage paid. General measures: An amendment to the Code of Civil Procedure in 2008 and the Act on Social and Legal Protection of Children 2008 reformed child custody proceedings, execution of court decisions concerning minors and co-operation of local authorities in execution proceedings. The reform's aim is to ensure speedy decision-making and the possibility of mediation and peaceful settlement of disputes between parents, with courts' obligation to seek the child's opinion. By virtue of an interim measure, courts may also order placement of a child whose life or favourable development is threatened, in a "suitable environment" during the necessary period. The provisions of the Code of Civil Procedure on the execution of court decisions concerning minor children were completely rewritten. Measures concerning length of proceedings and an

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					effective remedy are examined in the context of the Bořánková group. The judgment was translated, published and disseminated. Training activities were held at the Judicial Academy and regional courts.
CM/ResDH(2011)9	CZE / Smatana	18642/04	31/03/2008 27/09/2007	Protection of rights in detention: <i>Unjustified prolongation of detention; lack of speedy revision in appeal proceedings; insufficient certainty concerning the right to compensation for unlawful detention. (Article 5 §§3+4+5)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant is serving his prison sentence. General measures: The Code of Criminal Procedure as amended in 2002 included new provisions limiting the duration of detention on remand (see CM/ResDH(2004)33 in Punzelt). Domestic courts must reassess at regular intervals whether continued detention is justified and examine whether there are serious reasons why criminal proceedings are still pending. Additional guarantees ensure that proceedings on the lawfulness of detention are carried out promptly. The possibility of compensation for pecuniary and non-pecuniary damage resulting from unjustified pre-trial detention, where criminal proceedings are stayed or result in acquittal or a decision concerning the detention has been quashed as being unlawful were explicitly provided for by amendment No. 160/2006 to Act No. 82/1998. The Constitutional Court adopted (on 06/05/2008) an opinion to unify its jurisprudence on this matter changing its practice. The judgment was published, translated and disseminated.
CM/ResDH(2011)9	CZE / Stefanec	75615/01	18/10/2006 18/07/2006	Access to and efficient functioning of justice and freedom of expression: <i>Denial of access to the Constitutional Court which limited its consideration to constitutional questions only and disproportionate interference due to the imposition of an administrative fine for having organised a demonstration which had been banned, pursuant to provisions of the Right of Assembly Act 1990, the application of which</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. Pecuniary damage in the amount of the imposed fine paid. General measures: * In 2003, a new Code of Administrative Justice provided for judicial review by the administrative courts for acts of the administrative authorities. * Isolated case resulting from particular circumstances. The judgment was published, translated and disseminated. The Freedom of Assembly Act clearly sets out

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>were not sufficiently foreseeable. (Articles 6 §1 and 10)</i>	the conditions for fining organisers of illegal demonstrations.
CM/ResDH(2011)200	DNK / Amrollahi	56811/00	11/10/2002 11/07/2002	Protection of family life and expulsion: <i>Disproportionate interference with family life in case of enforcement of an expulsion order concerning an Iranian national. (Article 8)</i>	<i>Individual measures:</i> The expulsion decision was revoked. No claim for just satisfaction submitted. <i>General measures:</i> Single incident resulting from the particular circumstances of the case. The judgment was published and disseminated to the authority concerned.
CM/ResDH(2011)199	DNK / Hasslund	36244/06	11/03/2009 11/12/2008	Access to and efficient functioning of justice: <i>Excessive length of joint criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The proceedings are closed. Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Excessive delays had occurred before the Leave to Appeal Board, in particular, as the cases became dormant by mistake. Isolated incidents resulting from the particular circumstances of the cases. The judgment was published and disseminated to the authority concerned.
CM/ResDH(2011)199	DNK / Iversen	5989/03	28/12/2006 28/09/2006	Access to and efficient functioning of justice: <i>Length of civil proceeding in a medically complex case before administrative bodies and civil courts terminated by a friendly settlement on domestic level. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The excessive length of civil proceedings does not appear to be a systemic problem. The judgment was published and disseminated.
CM/ResDH(2011)199	DNK / Moesgaard Petersen	32848/06	11/03/2009 11/12/2008	Access to and efficient functioning of justice: <i>Excessive length of joint criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The proceedings are closed. Just satisfaction in respect of non-pecuniary damage. <i>General measures:</i> Excessive delays had occurred before the Leave to Appeal Board, in particular, as the cases became dormant due to a mistake. Isolated incidents resulting from the particular circumstances of the cases. The judgment was published and disseminated to the authority concerned.
CM/ResDH(2011)198	DNK / Topp	25907/02	01/12/2005 Friendly settlement	Access to and efficient functioning of justice: <i>Length of proceedings before the Probate Court regarding ownership of a</i>	<i>Individual measures:</i> The sum agreed upon was paid.

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				<i>house which was part of the estate of a deceased person. (Article 6§1)</i>	
CM/ResDH(2011)199	DNK / Vasileva	52792/99	25/12/2003 25/09/2003	Protection of rights in detention: <i>Disproportionate arrest and detention at a police station for travelling on a bus without valid ticket, without taking particular account of the person's age (67) and the trivial nature of the offence of which she was accused. (Article 5 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Isolated incident. On 31/10/2003, the Ministry of justice sent out a circular underlining the essential points of the judgment to the police and the prosecution. The judgment was published and disseminated.
CM/ResDH(2011)267	ESP / Diaz Ochoa	423/03	22/09/2006 22/06/2006	Access to and efficient functioning of justice: <i>Denial of access to a court due to lacking information on labour proceedings brought against the applicant in the context of which he was ordered to pay certain sums and the dismissal of all legal actions undertaken by him due to excessive formalism. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of loss of opportunity and the non-pecuniary damage paid. On domestic level, the seizure of sums was suspended and the sum repaid. The applicant's appeal before the Constitutional Court was declared inadmissible due to constitutional irrelevance. General measures: Isolated case due to an erroneous application of the rules on summons and their delivery. The question of excessive formalism of domestic courts in the application of procedural rules in being dealt with in the Stone Court Shipping group. The judgment was published and disseminated.
CM/ResDH(2011)266	ESP / Iribarren Pinillos	36777/03	08/04/2009 08/01/2009	Protection against ill-treatment and access to and efficient functioning of justice: <i>Disproportionate use of force by anti-riots police officers' resulting in injuries and ultimately invalidity; lack of effective remedy due to domestic tribunals' refusal to grant compensation for the damage sustained although the State's responsibility had been legally established; excessive length of criminal proceedings. (Articles 3 and 6 §1)</i>	Individual measures: Just satisfaction in respect of both the pecuniary and the non-pecuniary damage paid. General measures: The Constitutional Court extended in 2008 its case-law, which is binding for lower courts, with regard to the conduct of investigations in cases of ill-treatment and excessive use of force underlining the diligence requirement and rules concerning evidence and the burden of proof. Police and security forces training programmes were reviewed to insert more human rights aspects. In the General Judicial Council's document on "Key judicial indicators" the average length of administrative proceedings is reasonable on all three levels. The judgment was published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)159	ESP / Martinez Sala and Others	58438/00	02/02/2005 02/11/2004	Protection against ill-treatment in detention: Failure to hold an effective official investigation into the allegations of ill-treatment in custody. (Article 3 procedural limb)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was translated, published and disseminated.
CM/ResDH(2011)265	ESP / Muñoz Diaz	49151/07	08/03/2010 08/12/2009	Protection of property and discrimination: Refusal of the authorities to grant a member of the Roma community and married according to the rites of that community, the reversionary pension granted to surviving spouses, due to the fact that her marriage was void of civil effects. (Article 14 in conjunction with Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction in respect of both the pecuniary and the non-pecuniary damage paid. The applicant's right to the reversionary pension has been recognised since 1 January 2007. <i>General measures:</i> Law No. 40/2007 recognises the right to a reversionary pension in exceptional circumstances taking into account the applicants good faith confirmed by constitutional case-law. The judgment was published and disseminated within the judicial system. It was discussed in the media.
CM/ResDH(2011)159	ESP / Soto Sanchez	66990/01	25/02/2004 25/11/2003	Access to and efficient functioning of justice: Excessive length of "amparo" proceedings which had been brought before the Constitutional Court. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings are closed. <i>General measures:</i> The judgment was translated, published and disseminated.
CM/ResDH(2011)56	FIN / Bruncrona	41673/98	16/02/2005 16/11/2004 (Merits) 25/07/2006 25/04/2006, (Just satisfaction)	Protection of property: Disproportionate interference on account of the procedure adopted in terminating the applicants' proprietary interest in certain islands, i.e. by a simple letter with no prior notice of the expiry date of the lease.(Article 1 of Protocol No1)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage arising from the irregular procedure used to terminate the proprietary interest in the islands, i.e. by compensating the monies from which the applicants could never derive any corresponding benefit, was paid. The applicants made no claim in respect of non-pecuniary damage. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2011)56	FIN / I.	20511/03	17/10/2008 17/07/2008	Protection of private life: Authorities' failure to protect patient records against unauthorised access by medical personnel of a public hospital as the records system in place did not conform to the requirements	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. Following the applicant's suspicions about an information leak, access to her medical records was restricted to the treating clinic's personnel, and following her complaint to the County Administrative Board a

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>of the relevant domestic law, in particular the Personal Files Act. (Article 8)</i>	retroactive control of data access was established. <i>General measures:</i> Isolated incident. The judgment was sent out to the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the Parliament/Constitutional Law Committee, the Supreme Court, the Supreme Administrative Court, the Ministries of Justice, of Social Affairs and Health and of the Interior, the Office of the Data Protection Ombudsman, the National Supervisory Authority for Welfare and Health and to the Turku District and Appeal Courts.
CM/ResDH(2011)56	FIN / Johansson	10163/02	06/12/2007 06/09/2007	Protection of private and family life: <i>Disproportionate interference due to the refusal of the Population Registration Authority to register the name "Axl" for a couple's son on the ground that the spelling did not comply with Finnish name practice. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damages paid. The applicants' son was given the forename of their choice. <i>General measures:</i> The judgment was sent out to the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the Parliament/Constitutional Law Committee, the Supreme Court, the Supreme Administrative Court, the Ministry of Justice, the Office of the Prosecutor General, the Helsinki Administrative Court, the Population Register center and the Hyvinkää local register office. No structural changes are needed.
CM/ResDH(2011)202	FIN / Juppala	18620/03	02/03/2009 02/12/2008	Freedom of expression: <i>Unjustified conviction for defamation for having expressed suspicion that the applicant's son-in-law had ill-treated his son (the applicant's grand-son) without sufficient reasoning. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid. Reopening of impugned proceedings possible. <i>General measures:</i> The judgment was published and disseminated to domestic authorities, including the Parliament/Constitutional Law Committee, the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the Supreme Court, the Supreme Administrative Court, the Ministries of Justice and Interior, the Tampere District Court and the Turku Court of Appeal.
CM/ResDH(2011)56	FIN / K.U.	2872/02	02/03/2009 02/12/2008	Protection of private life: <i>Lack of effective protection due to the fact that the identity</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. The applicant can no longer bring

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>of the person who had posted an advertisement of a sexual nature about a minor could not be obtained from the Internet provider pursuant to the legislation in place at the time. (Article 8)</i>	private prosecution as the offence is time-barred (two years from the time when the act was committed). <u>General measures:</u> The lack of the framework for reconciling the various competing interests in this field, had been addressed in 2004. According to Section 17 of the Exercise of Freedom of Expression in Mass Media Act, on the request of police, a public prosecutor or an injured party, a court may order the keeper of a transmitter, server or other similar device to release information required for the identification of the sender of a network message to the requester, provided that there are reasonable grounds to believe that the contents of the message are such that providing it to the public is a criminal offence. However, the release of the identifying information to the injured party may be ordered only in the event that he or she has the right to bring a private prosecution for the offence. The request shall be filed with the court within three months of the publication of the message in question.
CM/ResDH(2011)201	FIN / Kallio and Hannu Lehtinen	40199/02+	22/10/2008 22/07/2008	Access to and efficient functioning of justice: <i>Unfairness of tax surcharge proceedings due to the administrative courts' refusal to hold oral hearings and to hear the defendants' testimony or that of witnesses. (Article 6 §1)</i>	<u>Individual measures:</u> The applicants may therefore request re-opening of the administrative proceedings. Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published and disseminated to domestic authorities concerned.
CM/ResDH(2011)204	FIN / Karhuvaara and Iltalehti and 1 other case	53678/00	16/02/2005 16/11/2004	Freedom of expression: <i>Disproportionate interference due to an editor-in-chief's and a newspaper company's conviction to fines and damages for invasion of privacy under particularly aggravating circumstances for publishing articles on a criminal trial for drunken and disorderly behaviour of Mr. A, who was married to a member of Parliament. (Article 10)</i>	<u>Individual measures:</u> The conviction of the first applicant was not mentioned in his criminal records. Just satisfaction compensating the fines and damages and non-pecuniary damage paid. Reopening of criminal proceedings possible. <u>General measures:</u> The judgment was published and disseminated.

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CM/ResDH(2011)206	FIN / Natunen	21022/04	30/06/2009 31/03/2009	Access to and efficient functioning of justice: <i>Lack of adequate time and facilities for the preparation of the applicant's defence, due to the destruction, by the authorities presumably, during the pre-trial investigation, of certain telephone recordings which made it impossible for the defence to verify its assumptions as to the relevance of the recordings and to prove their correctness before the trial courts (Article 6(1) taken together with 6(3)(b).</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant lodged an extraordinary appeal with the Supreme Court, which decided not to set aside the judgment of the Helsinki Court of Appeal convicting the applicant, on the grounds inter alia that the conviction was not based solely on the telephone recordings but also on other evidence. General measures: Superfluous information obtained through interception of telecommunications but not related to the offence, or pertaining to an offence other than that covered by the authorisation, is to be destroyed after the case has been definitively decided following an amendment of the relevant legislation in 2004.
CM/ResDH(2011)205	FIN / W. and 3 other cases	14151/02+	24/07/2007 24/04/2007	Access to and efficient functioning of justice: <i>Unfairness of criminal proceedings relating to convictions for sexual abuse of children as the accused had not been given the opportunity to put questions to the victims, and the only direct evidence were the children's' videotaped statements. (Article 6 §1 taken together with 6 §3(d))</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Reopening of impugned proceedings possible. General measures: The testimony of a person under 15, or a mentally disturbed person, recorded on audio or videotape during a pre-trial investigation may be used as evidence only on condition that the accused has been provided with an opportunity to have questions put to the person testifying, following an amendment of Code of Judicial in 2003. The judgment was published and disseminated.
CM/ResDH(2011)101	FRA / Barbier	76093/01	17/04/2006 17/01/2006	Access to and efficient functioning of justice: <i>Denial of access to a court as a result of the failure by the prison service to transmit a detainee's note to appeal in due time to the prison registry and lack of adversarial proceedings at the hearing before the Court of Cassation. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant may apply for reopening. General measures: Prison staff's attention was drawn to the need to transmit detainees' appeals as rapidly as possible in an instruction of 2005. An audit of rules of procedure in prison is under way with a view to drafting model rules. In 2003-2004, the National Prison Administration college initiated a programme of initial and further training, for administrative and security staff in prisons. The judgment was published and disseminated.

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CM/ResDH(2011) 101	FRA / Beaucaire	22945/02	06/09/2006 06/06/2006	Access to and efficient functioning of justice: Excessive length of proceedings before the administrative courts. (Article 6 §1)	Individual measures: The proceedings were closed. Just satisfaction in respect of non-pecuniary damage paid. General measures: see CM/ResDH(2008)12 in Raffi group.
CM/ResDH(2011) 208	FRA / Bousarra	25672/07	23/12/2010 23/09/2010	Protection of family life: Disproportionate interference due to expulsion of a Moroccan national on grounds of public order. (Article 8)	Individual measures: Just satisfaction for non-pecuniary damage paid. The expulsion was revoked and the applicant notified thereof. General measures: The judgment was brought to the attention of the office of the Ministry of the Interior responsible for expulsion proceedings.
CM/ResDH(2011) 209	FRA / Brusco	1466/07	14/01/2011 14/10/2010	Access to and efficient functioning of justice: Unfair criminal proceedings due to the obligation to swear an oath to tell the truth during placement in custody as a witness, despite a later charge with a criminal offence, thereby infringing the right not to assist in one's own incrimination and to remain silent. (Article 6 §§1+3)	Individual measures: Just satisfaction for non-pecuniary damage paid. The review of the impugned judgment may be requested. General measures: Various laws amending the criminal procedure brought about radical change in the conditions under which a witness may be examined. Today, the status of witness examined under oath and that of person in police custody, who never testifies under oath in the case concerning him or her, are clearly distinct. Since 2000, a person may, immediately upon arrest, ask to confer with a lawyer. The law of 2011 amending the Code of Criminal Procedure firstly provides that a person placed in custody shall be informed that he or she has the right to make statements, to answer the questions asked or to remain silent and, secondly, enables the lawyer to attend the hearings and cross-examinations of the person in custody. The judgment was published and disseminated.
CM/ResDH(2011) 61	FRA / Crochard and 6 other cases	68255/01	14/06/2004 03/02/2004	Access to and efficient functioning of justice: Unfair proceedings before the employment chamber of the Court of Cassation due to the failure to communicate to the parties the whole or part of the	Individual measures: The finding of violations constituted in itself sufficient just satisfaction in respect of the non-pecuniary damage. The ECtHR noted, that it does not emerge from the circumstances of the case that the absence of disclosure of the facts, of the procedure and of the reporting judge's grounds of

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				<i>reporting judge's report and of the advocate general's submissions, as well as to the impossibility for the parties to reply to them. (Article 6 §1)</i>	appeal before the Court of Cassation had any kind of influence on the outcome of the proceedings. <u>General measures:</u> The Court of Cassation modified its procedures. The reporting judge's report, which identifies the legal issue at stake in the case, is now sent with the case file to the public prosecutor and to the parties. The opinion on the decision to be issued and the draft judgments suggested by the reporting judge during the deliberations of the Court of Cassation are neither communicated to the advocates general nor to the parties. Advocates general no longer attend either the pre-hearing preparatory meeting or the deliberations. Prior to the hearing, the parties' counsel are provided with the advocate general's submissions and are entitled to reply to them orally or in a note sent for the court's deliberation.
CM/ResDH(2011) 102	FRA / Daoudi	19576/08	03/03/2010 03/12/2009	Protection against ill-treatment: <i>Risk of ill-treatment in case of deportation of an Algerian national, convicted of preparing an act of terrorism and using a forged document, to Algeria. (Article 3 conditional)</i>	<u>Individual measures:</u> The deportation was stayed by decision of the National Court of Asylum. Finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. <u>General measures:</u> The judgment was brought to the attention of the Private Office of the Interior Minister, the General Directorate of National Police and the legal department responsible for matters relating to deportations on public order grounds and the execution of expulsion orders.
CM/ResDH(2011) 101	FRA / Debboub and 1 other case (Blondet)	37786/97+	09/02/2000 09/11/1999	Protection of rights in detention: <i>Excessive length of detention on remand. (Article 5 §3)</i>	<u>Individual measures:</u> The finding of the violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. <u>General measures:</u> see CM/ResDH52003)50 in Muller.
CM/ResDH(2011) 102	FRA / Dubus	5242/04	11/09/2009 11/06/2009	Access to and efficient functioning of justice; <i>denial of a fair hearing due to the lack of independence and impartiality of disciplinary proceedings initiated by the Banking Commission against the applicant company. (Article 6§1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage paid. <u>General measures:</u> The merger of the banking and insurance licensing and supervisory authorities within a single authority, the Prudential Supervisory Authority, was the result of Order 76/2010 amending the Monetary and Financial Code. The

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					Prudential Supervisory Authority consists of a College of 16 members and a Sanctions Committee of 5 members. The functions of a member of the Sanctions Committee are incompatible with those of a member of the College. The College alone has the power to decide to open sanctions proceedings following the establishment of deficiencies during inspections. The Sanctions Committee has sole power to impose disciplinary sanctions and ensures compliance with the adversarial principle. The Order also clarifies the functions of the Secretary General, who is responsible for the organisation of document-based and on-the-spot inspections.
CM/ResDH(2011) 101	FRA / Grifhorst and Moon	28336/02 39973/03	26/05/2009 26/02/2009 09/10/2009 09/07/2009	Protection of property: <i>Interference due to the disproportionate nature of the penalty imposed for failure to declare a sum of money to the customs authorities under the Customs Code. (Article 1 of Protocol No.1)</i>	Individual measures: Friendly settlements. General measures: Automatic confiscation was abolished and the maximum possible fine has been reduced to a quarter of the sum constituting the offence, following the revision of the Customs Code in 2004. Undeclared sums are now frozen for a maximum of six months during which confiscation may be pronounced where there is plausible indication or reason to believe that the person concerned may have committed other offences. The judgments were published and disseminated.
CM/ResDH(2011) 101	FRA / Gruais and Bousquet	67881/01	10/04/2006 10/01/2006	Access to and efficient functioning of justice: <i>Lack of access to a court due to the dismissal of appeals by the Court of Cassation, as out of time in a particularly restrictive manner. (Article 6 §1)</i>	Individual measures: Reopening of proceedings possible. Just satisfaction in respect of non-pecuniary damage paid. General measures: Case due to material error. The judgment was transmitted to the authority concerned, the Court of Cassation.
CM/ResDH(2011) 101	FRA / Guillard	24488/04	15/04/2009 15/01/2009	Access to and efficient functioning of justice: <i>Denial of access to a court on account of the narrow interpretation by the Conseil d'Etat of the conditions for abandonment of proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The judgment was published and disseminated.

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CM/ResDH(2011)101	FRA / Kanoun	35589/97	03/01/2001 03/10/2000	Access to and efficient functioning of justice: Excessive length of two sets of civil proceedings in particular before the Cour de cassation. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See CM/ResDH(2003)88 in Hermant
CM/ResDH(2011)212	FRA / Krombach and Mariani	29731/96+	13/05/2001	Access to and efficient functioning of justice: Impossibility to be represented by a lawyer in absentia proceedings before assize courts, according to the letter of Article 630 of the Code of Criminal Procedure. (Article 6 §§1+3 c, d and e)	Individual measures: The finding of a violation constitutes sufficient redress for non-pecuniary damage. General measures: The impugned provisions were annulled in 2004 "for the adaptation of justice to trends in crime" and the "in absentia" procedure replaced by the procedure of "criminal default" in the Code of Criminal Procedure. The judgment was published and disseminated.
CM/ResDH(2011)58	FRA / Laine	41476/98	17/04/2002 17/01/2002	Access to and efficient functioning of justice: Excessive length of proceedings before commercial courts. (Article 6 §1)	Individual measures: Domestic proceedings closed. Just satisfaction in respect of pecuniary and non-pecuniary damage paid. For General measures see CM/ResDH(2002)47 in Malve and CM/ResDH(2002)118 in Gerber.
CM/ResDH(2011)104	FRA / Mamère	12697/03	07/02/2007 07/11/2006	Freedom of expression: Disproportionate interference due to conviction of a politician in criminal proceedings to pay a fine as well as damages for statements he made during a television programme in the course of which the Chernobyl nuclear accident was mentioned (Article 10)	Individual measures: No just satisfaction claimed. the applicant had the possibility to request the re-examination of the domestic decision at issue and two other means are available to modify the applicant's criminal record, if so he wishes. General measures: See CM/ResDH(2011)57 in Paturel group. The relevant legal provision of the 1881 Act on the Freedom of Press, which makes it impossible for persons prosecuted for defamation to free themselves from liability by proving the truth of the defamatory facts when those facts date back more than ten years, was declared contrary to the Constitution by a decision of the Constitutional Council in 2011. The judgment was published and disseminated.
CM/ResDH(2011)207	FRA / Matheus	62740/00	01/07/2005 31/03/2005	Access to and efficient functioning of justice and protection of property: Failure to execute a final judicial decision	Individual measures: Just satisfaction for non-pecuniary damage paid. On domestic level, compensation had been granted for the loss of property and for moral damages due to

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				<i>concerning a plot of land undermining the right to effective judicial protection and inability to obtain police assistance to evict the unlawful occupiers. (Articles 6 §1 and 1 of Protocol No. 1)</i>	gross negligence committed by the State in refusing to execute the judicial decision at issue. <u>General measures:</u> Case due to erroneous application of law in its specific circumstances by the relevant authorities, that is the bailiffs and especially the Prefect. The judgment was published and disseminated.
CM/ResDH(2011)211	FRA / Mouisel and Henaf	67263/01+	21/05/2003 14/11/2002	Protection against ill-treatment / conditions of detention: <i>Inhuman and /or degrading treatment of sick prisoners who, in the Mouisel case, had been kept in detention despite the prisoner's state of health and due, in both cases, to their subjection to disproportionate security measures as well as to the conditions of detention, transfer to hospital and inappropriate medical treatment. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid in the first case. No claim made in the second case. <u>General measures:</u> Evolution of legislation increasing the powers of the judge responsible for the execution of sentences in respect of seriously ill prisoners: Under the Code of Criminal Procedure as amended in 2000, the need to undergo treatment may be taken into account in a decision to grant parole. Under the Law 2002 on patients' rights, prisoners' sentences may be suspended if they are suffering from a life-threatening illness or if their condition is incompatible in the long term with their continued detention. The judge must arrange for two expert assessments in order to determine suspension or lifting of a sentence. 21 persons were released in 2002 on the basis of this provision and 63 in 2003. As far as the conditions of detention and transfer to hospital are concerned, a circular was sent by the Ministry of Justice to all directors of prisons as well as to the director of the National College of Prison Administration in 2003 to set up the terms and conditions for the organisation of prisoners' transfer to hospital: it is up to the head of the prison to issue a decision in writing, indicating whether the prisoner is to be handcuffed or fettered, taking into account inter alia his or her state of health. Concerning the medical consultation itself, three levels of supervision are possible: absence of prison staff with or without means of restraint, supervision by prison staff but without means of restraint, or supervision by prison staff with means of restraint. In any case, the measures taken must not impinge on the confidentiality of the medical

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					conversation.
CM/ResDH(2011)59	FRA / Naudo and Maloum	35469/06+	08/01/2010 08/10/2009	Protection of rights in detention: Excessive length of the applicants' detention on remand. (Article 5 §3)	<i>Individual measures:</i> The periods of detention on remand at issue had terminated; no just satisfaction granted. <i>For General measures:</i> See ResDH (2003)50 in Muller and CM/ResDH(2007)39 in Etcheveste and Bidart.
CM/ResDH(2011)101	FRA / Ouattara and 1 other case (Malet)	57470/00+	30/11/2005 02/08/2005	Access to and efficient functioning of justice: Excessive length of certain proceedings before criminal courts. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. All proceedings closed. <i>General measures:</i> See CM/ResDH(2007)39 in Barillot group.
CM/ResDH(2011)101	FRA / Pannullo and Forte	37794/97	30/01/2002 30/10/2001	Protection of private and family life: Disproportionate interference due to delayed return, by the French authorities, to parents residing in Italy, of the body of their child deceased in a French hospital in the context of investigations into the child's death. (Article 8)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <i>General measures:</i> The judgment was translated, published and disseminated.
CM/ResDH(2011)57	FRA / Paturel and 9 other cases	54968/00+	22/03/2006 22/12/2005	Freedom of expression: Disproportionate interference due to criminal or civil convictions or findings in proceedings for defamation, for condoning or complicity in condoning war crimes, or for violating the secrecy of judicial investigation or professional secrecy - on the basis of extracts from books published by them (Paturel, Dupuis and others, Orban and others), pamphlets and banners used in the context of election campaigns (Brasilier and Desjardin), articles that they had published (Chalabi, Giniewski, Brunet-Lecomte and Tanant and the two cases of Brunet-Lecomte and SARL Lyon-Mag) or comments	<i>Individual measures:</i> The just satisfaction awarded covered the fines and damages applicants were ordered to pay. As regards the registration of the conviction in the criminal record, only another court ruling can annul the content of the criminal record. In this respect, the applicant had the possibility to request the re-examination of the domestic decision at issue. There are two additional means: Rehabilitation, which is automatically granted in certain cases (within time limits that vary according to the severity of the conviction) or may be claimed before courts and application for exemption from registration into the criminal record, enabling convicted persons to apply to the court that ordered the conviction to exempt them from having it entered in the criminal record. <i>General measures:</i> The legislative texts are not called into question. That is why steps were taken to ensure extensive

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				<i>they had made (Haguenuer). (Article 8)</i>	publicity for the judgments, so that the competent courts directly applying the Convention might take them into account in practice. The judgments were published and widely disseminated.
CM/ResDH(2011)101	FRA / Perhirin and 2 other cases (Broca and Texier-Micault / Watt)	44081/98+	08/07/2003 08/04/2003	Access to and efficient functioning of justice: <i>Excessive length of certain proceedings concerning civil rights and obligations or the determination of criminal charges before administrative courts. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See CM/ResDH(2005)63 in the Sapl group.
CM/ResDH(2011)101	FRA / Pessino	40403/02	12/02/2007 10/10/2006	Ne bis in idem: <i>Inability to foresee the Court of Cassation's departure from precedent case-law and to realise that the acts committed (continuation of construction work in spite of an administrative court ordering the suspension of the planning permission) may carry a criminal sanction. (Article 7)</i>	Individual measures: Just satisfaction for pecuniary damage in the amount of the fine imposed paid. The finding of a violation was sufficient in respect for non-pecuniary damage. General measures: The judgment was published and disseminated.
CM/ResDH(2011)60	FRA / Plasse-Bauer	21324/02	28/05/2006 28/02/2006	Access to and efficient functioning of justice: <i>Lack of sufficient efforts to enforce a domestic court decision awarding visiting rights to a mother and laying down the conditions for their exercise, in particular concerning the presence of an association as third party. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. The applicant's daughter came of age in 2004. General measures: No systemic problem. In 2007, neutral structures for exercise of visiting rights have been recognised by law in the Civil Code, expressly providing that meetings between a parent and his or her child taking place in a neutral structure are one of the means available to judges competent for family matters when organising visiting rights. The judgment was published and disseminated to the authorities concerned.
CM/ResDH(2011)101	FRA / Roland Dumas	34875/07	15/10/2010 15/07/2010	Freedom of expression: <i>Disproportionate interference due to conviction for</i>	Individual measures: Just satisfaction in respect of pecuniary damage paid. The finding of the violation constituted in itself

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				<i>defamation following publication of a book in which a former defendant described his own trial. (Article 10)</i>	sufficient just satisfaction in respect of any non-pecuniary damage. <i>General measures:</i> See CM/ResDH(2011)57 in Patuere group.
CM/ResDH(2011)101	FRA / Sartory	40589/07	01/03/2010 24/09/2009	Access to and efficient functioning of justice: <i>Excessive length of proceedings before the administrative courts regarding the applicant's transfer to a different post. Article 6 §1)</i>	<i>Individual measures:</i> No just satisfaction claimed. <i>General measures:</i> This case presents similarities to the SAPL case (CMResDH(2005)63). Isolated incident. The judgment was published and disseminated.
CM/ResDH(2011)210	FRA / Siliadin	73316/01	26/10/2005 26/07/2005	Slavery and forced labour: <i>Lack of specific and effective protection against servitude in criminal law resulting to the recruitment of a minor Togolese citizen as an unpaid servant for a couple who made her work seven days a week and had confiscated her passport. (Article 4)</i>	<i>Individual measures:</i> No claim for just satisfaction for pecuniary or non-pecuniary damage submitted. Under civil law, the domestic courts granted the applicant the sums owed to her in respect of unpaid wages plus an indemnity, and a sum in compensation for the "significant psychological trauma" suffered. Under criminal law, the decision acquitting the persons who had held the applicant in "servitude" has the status of res judicata. <i>General measures:</i> Following an amendment of the Criminal Code in 2003, relevant offences are now defined as "obtaining from a person whose vulnerability or state of dependence are obvious or known to the offender the performance of services without payment or for one which clearly bears no relation to the amount of work performed" and "subjecting a person, whose vulnerability or dependence is obvious or known to the offender, to working or living conditions incompatible with human dignity. To establish these offences, knowledge of the person's vulnerability or dependence replaces the criterion of "abuse" of the person's state of weakness or dependence used in the texts applicable at the material time. The law instituted a presumption of vulnerability for minors or for persons against whom the offences are committed on arrival in the national territory. The penalties were increased to 5 years in prison and 150 000 Euro fine, or 7 years in prison and 200 000 Euro fine if the offences are committed against a minor or a number of

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					persons. Furthermore, a law defined in 2007 a new criminal offence of trafficking in human beings punishable by ten years' imprisonment and a fine of 1,5 mio Euro when committed against a minor.
CM/ResDH(2011)103	FRA / Zervudacki and X	73947/01+	27/10/2006	Protection of rights in detention: <i>Unlawful detention from the expiry of police custody until presentation before a judge and inability to obtain speedy review of the lawfulness of detention. (Article 5 §1+4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Detention ended. <i>General measures:</i> The gap in legislation caused by the lack of references to the period of "mise à disposition" was filled by a law in 2004 determining, among other things, time-limits and procedures for detention between the end of the police custody and the actual presentation before the investigating judge. The Minister of Justice issued an instruction to principal state prosecutors and presidents of courts of appeal on the consequences to be drawn from the present case. Concerning speedy review, the instruction recalls the need to limit as strictly as possible the length of the "mises à disposition". Ordinary courts exercise effective control of the time-limit and that failure to comply with the time-limit leads to the annulment of the proceedings and the release of the person concerned. Attention is drawn, in this respect, to the constant jurisprudence of the criminal chamber of the Court of Cassation.
CM/ResDH(2011)62	FRA / Zielinski and Pradal and Gonzalez and others, Aubert and others and 8 other cases	24846/94+	28/10/1999 final	Access to and efficient functioning of justice or protection of property: <i>Denial of a fair trial as well as disproportionate interference with property due to the application of legislative provisions which definitively and retroactively settled the merits of pending proceedings before domestic courts without any "compelling grounds of the general interest" ("validatory legislation"); excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> In all cases except the Chiesi S.A. case, the Court granted just satisfaction in respect of pecuniary damage and, where appropriate, non-pecuniary damage. In the cases of Zielinski and Pradal and Gonzalez and others, the proceedings whose length was found to be excessive were closed. <i>General measures:</i> In 2001 and 2004 respectively, the Cour de Cassation and the Conseil d'Etat adopted in their case-law the criterion of "compelling grounds of the general interest" as the sole justification for validatory legislation which conflict with rights protected by the Convention. Recent developments in the case-law of the Conseil d'Etat concerning the action for

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					liability deriving from law provisions indicate a concern to align with ECtHR case-law. The judgments were sent out to all courts concerned and to the Conseil Constitutionnel, which rejects any law revalidating a law annulled by judicial decision which fails to respect the res iudicata principle and which does not satisfy the criterion of sufficient motivation in the public interest or which is not proportionate to the objective pursued. In 2009 the Director of Legal Affairs of the Ministry for Foreign and European Affairs sent a note to the legal directorates of all ministries, to the Conseil d'Etat - and to the Secretariat General of the government which ensures inter-ministerial coordination - recapitulating ECtHR decisions concerning validating legislation to raise awareness. The Parliament has a legal service fully informed of the development of the ECtHR's case-law. Finally, concerning excessive length of civil proceedings, see CM/ResDH(2008)39 in the case of C.R. and 9 other cases. The respective provisions of the Code of Judicial Organisation provide an effective remedy of compensation in case of excessive length of civil proceeding.
CM/ResDH(2011)108	GEO / "Iza" Ltd and Makrakhidze and 2 other cases	28537/02+	27/12/2005 27/09/2005	Access to and efficient functioning of justice, protection of property and lack of effective remedy: Failure of the State budgetary institutions to enforcement final judgments on grounds of limited resources - persistent problem recognised by the domestic authorities. (Articles 6 §1, 1 of Protocol No. 1 and 13)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <i>General measures:</i> A special budget was voted in 2007 for the payment of State debt. In 2008 and subsequently an annual fund, called the "Government Fund", of 20 million laris was voted with a view to reimbursing preceding years' debts and enforcing judicial decisions. This fund is attached to the Finance Ministry. The administrative organs responsible for enforcement were reformed by the creation of the National Bureau of Enforcement and the gradual establishment of a mixed bailiff system. Enforcement procedures are governed by the Civil Code, the Code of Civil Procedure and the Enforcement Procedures Act as amended in 2010. Forcible execution of cases in which the State is debtor is carried out by a special Department which requests the Finance Ministry to

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					pay the amount owed from the Government Fund to the creditor. The Code of Civil Procedure provides compensation for damages also of loss of income. The introduction of a legal obligation to pay default interest in the event of non-compliance with a judicial decision requiring the payment of sums of money is under examination. The judgment was published, translated and disseminated.
CM/ResDH(2011) 63	GEO / Donadze	74644/01	07/06/2006 07/03/2006	Access to and efficient functioning of justice: <i>Unfair proceedings due to the absence of an effective examination of the claimant's arguments by civil courts in proceedings for compensation against his employer, the Academy of Sciences of Georgia. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction covering, on an equitable basis, the global damages paid. <i>General measures:</i> The Code of Civil Procedure was amended on 13/07/2006 and 13/072007, providing that the conduct of proceedings should be based on the adversarial principle and that decisions delivered by courts should be reasoned, on pain of being struck down. Parties to a trial have the same rights and the same opportunity to argue their own claims and to contest the arguments, claims and evidence presented by the other party. The principle of the equality of all citizens before the law is enshrined in the following terms: "Justice is dispensed by a competent court on the basis of the principle of the equality of all citizens before the law". Within 14 days after the public reading of a judgment, the court prepares a reasoned decision to be transmitted to the parties. The reasoning of the appeal courts' judgments is supervised by the Court of Cassation. The judgment was translated, published and disseminated.
CM/ResDH(2011) 64	GEO / Gurgenzidze	71678/01	17/01/2007 17/10/2006	Protection of private life: <i>Failure to protect the applicant's private life following the publication in a newspaper of his photograph and a series of insulting interviews due to the rejection by courts of his request for compensation for non-pecuniary damage.(Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. <i>General measures:</i> The judgment was translated, published and disseminated.

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CM/ResDH(2011) 106	GEO / Kharitonashvili	41957/04	10/05/2009 10/02/2009	Access to and efficient functioning of justice: Excessive length of civil proceedings regarding an eviction (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The Code of Civil Procedure, as amended in 2008, lays down time-limits and procedures: Civil courts are to consider eviction cases within a maximum of one month. During the preparatory phase, the judge fixes a 14-day time-limit for the defendant to submit information, in complex cases 21 days. Such delay may only be extended in circumstances, such as illness, the death of a relative or any other particular, objective circumstance which makes participation in the trial impossible. Parties are under an obligation to help ensure that cases are examined within the time-limits set by law. Time limits are foreseen for the submission of documents or expert reports. Failure to respect such limits incurs a fine. The judgment was published, translated and disseminated.
CM/ResDH(2011) 109	GEO / Kidzinidze	69852/01	07/07/2008 29/01/2008	Access to and efficient functioning of justice: Excessive length of proceedings before the Supreme Court of the Autonomous Republic of Abkhazeti as well as denial of access to a court due to the implicit refusal of the court of Batoumi to consider an appeal. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. Following the judicial reform begun in 2005 the Supreme Court ceased to function and the applicant's appeal was referred to the Court of Batoumi city, which delivered its judgment. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2011) 107	GEO / Kobelyan	40022/05	06/11/2009 16/07/2009	Access to and efficient functioning of justice: Excessive length of criminal proceedings (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The reform of the judicial system brought about the suppression of district courts and their replacement by regional courts. The new Code of Criminal Procedure 2010 provides the following time-limits: -at first instance, cases must be considered within a maximum of 14 days after the preliminary hearing; -appeals against first-instance decisions must be lodged within a maximum of a month from the adoption of the decision appealed; -the appellate court must examine the question of admissibility within a maximum of ten

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					days. If admissible, a hearing takes place within a maximum of a month and the judgment on appeal is given within two months;-appeals on points of law may be lodged within a maximum of a month; -the competent court must examine the admissibility of such appeals within ten days. If admissible, a hearing takes places within the maximum of a month. Judgement on points of law must be given within a maximum of six months from the lodging of the appeal. The judgment was published, translated and disseminated.
CM/ResDH(2011)105	GEO / Patsuria and 3 other cases	30779/04+	06/02/2008 06/11/2007	Protection of rights in detention: <i>Continued detention on grounds which cannot be regarded as relevant or sufficient and in absence of a valid court order; unfair conduct of judicial review of the Protection of rights in detention and failure to give a "prompt" reply to the applicants' complaint about the illegality of detention; conditions of detention at Tbilisi Prison No. 5 amounting to ill-treatment (Articles 5 §§1c +3+4 and)3</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The prosecutor must submit to the judge a reasoned request for detention order within 48 hours after arrest to be examined within 24 hours, under a new Code of Criminal Procedure of 2010. The hearing is public, other than in exceptional circumstances. After examination of the requested measure, the judge delivers a reasoned judgment. The judge may reject the measure requested and apply another, less severe measure. The total period of detention may not exceed nine months. A measure of detention may only be applied if the objectives pursued cannot be achieved by a less severe measure. Appeals against decisions concerning privation of liberty may be filed with the investigations section of the Court of Appeal by the prosecutor or the accused within 48 hours. The judge of the investigations section of the Court of Appeal examines the appeal within 72 hours; if it is declared admissible, a hearing is held. The judgment was published, translated and disseminated.
CM/ResDH(2011)114	GER / Becker and 3 other cases	8722/02	14/12/2006 Friendly settlement	Access to and efficient functioning of justice: <i>Length of certain juridical proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction as determined in friendly settlements paid.
CM/ResDH(2011)	GER / Böhmer	37568/97	21/05/2003	Access to and efficient functioning of	Individual measures: No claim made. The Public Prosecutor's

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215			03/10/2002	justice: <i>Unfair proceedings due to a failure to observe the presumption of innocence concerning a court decision ordering to revoke the suspension of a two-year prison sentence. (Article 6 §§1+2)</i>	Office ordered that the prison sentence should not be enforced, as the Court of Appeal's decision confirming the revocation of the suspension would be illegal. The applicant was informed accordingly. General measures: The judgment was published, translated and disseminated.
CM/ResDH(2011)115	GER / Dzelili	65745/01	10/02/2006 10/11/2005	Protection of rights in detention: <i>Excessive length of detention on remand. (Article 5 §3)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. General measures: see Cevizovic closed by Final Resolution CM/ResDH(2007)120. The judgment was published, translated and disseminated.
CM/ResDH(2011)113	GER / Freitag	71440/01	19/10/2007 19/07/2007	Access to and efficient functioning of justice: <i>Denial of access to court due to the delay with which a court transferred the case to another competent court. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of a loss of opportunity paid as awarded. General measures: Isolated procedural error. The judgment was published, translated and disseminated.
CM/ResDH(2011)213	GER / Haase	11057/02	08/07/2004 08/04/2004	Protection of family life: <i>Disproportionate interference due to a court decision to temporarily withdraw parental rights in respect of seven children without sufficient and relevant reasons, based in particular on the unjustified refusal for the parents to participate in the decision-making process, the immediate placement of the children in undisclosed foster-homes, the prohibition of all contact between parents and children and the seizure of an infant shortly after its birth. (Article 8)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. In a new set of proceedings in 2003, the applicants' parental rights were again withdrawn and access to their children prohibited for an additional period of time. A second application to the ECtHR, filed in 2004, was declared inadmissible in 2008. Since 2004, the applicants exercise their right to access to their children. Parental rights in respect of two children were restored in 2006. The applicants receive psychological and material assistance provided by the authorities with a view to preparing them to welcome other children if their parental rights were to be restored. General measures: The judgment was published, translated and disseminated.
CM/ResDH(2011)	GER / Herz	44672/98	03/12/2003	Protection of rights in detention: <i>Dismissal</i>	Individual measures: Just satisfaction in respect of non-

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110			12/06/2003	<i>of the request to review the lawfulness of temporary detention in a psychiatric hospital on the grounds that, in the meantime, the detention order had expired and the applicant had escaped from hospital. (Article 5§4)</i>	pecuniary damage paid. The applicant was released. <u>General measures:</u> The Federal Constitutional Court established new compliant case-law followed by the lower instance courts when examining the legality of detention measures. The judgment was published, translated and disseminated.
CM/ResDH(2011) 216	GER / Mooren	11364/03	09/07/2009 Grand Chamber	Protection of rights in detention: <i>Failure to review promptly the lawfulness of detention and refusal to grant the detainee's lawyer access to the case file in the proceeding amounting to a breach of the principle of equality of arms. (Article 5§4 twice)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Isolated case with regard to the lacking promptness of review. Concerning denial of access to files, information that is essential for evaluating the lawfulness of detention of an accused shall be made available to him or to his defence counsel in an appropriate way, following the Criminal Procedure Code's amendment in 2010. As a rule, this information is made available by granting the defence counsel access to the files. The judgment was published, translated and disseminated.
CM/ResDH(2011) 111	GER / Niedzwiecki and Okpisz	58453/00	15/02/2006 25/10/2005	Protection of family life and discrimination: <i>Refusal of family benefits under the applicable federal legislation on family allowances for reasons of nationality; insufficient justification for difference in treatment between foreigners in possession of a permanent residence permit and those who were not. (Articles 14 in conjunction with 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage paid. Finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. <u>General measures:</u> The Federal Constitutional Court held in 2004 that the relevant provisions of the Child Benefits Act had been incompatible with the right to equal treatment under German Basic Law. The new law concerning entitlement of foreigners to child benefits entered into force retroactively on 01/01/2006. It covers all decisions on child benefits taken between 1994 and 18/12/2006 which have not yet become final. The judgment was published, translated and disseminated.
CM/ResDH(2011) 112	GER / Van Kück	35968/97	12/09/2003 12/06/2003	Access to and efficient functioning of justice and protection of private life: <i>Unfairness of the proceedings brought by a</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. No claim for pecuniary damage. <u>General measures:</u> Isolated incident. The judgment was

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				<i>transsexual against a private health insurance company for reimbursement of medical expenses in respect of her hormone treatment and gender re-assignment surgery due to disproportionate burden of proof on the plaintiff resulting in a disproportionate interference with her private life. (Articles 6 §1 and8)</i>	published, translated and disseminated.
CM/ResDH(2011)118	GRC / Agga No. 3 and Agga No. 4	32186/02+	13/10/2006 13/07/2006	Freedom of religion: <i>Unjustified interference with the right to manifest one's religion due to the applicant's prosecution, convictions for having usurped the functions of a minister of a "known religion", on the ground that he had issued and signed messages in the capacity of the Mufti of Xanthi, following his election by Muslims in that area. (Article 10)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. The applicant died. The heirs may request reopening of the impugned proceedings. <i>General measures:</i> See CM/ResDH(2005)88 in Serif. The judgment was published, translated and disseminated.
CM/ResDH(2011)217	GRC / Azas and 8 other cases	50824/99+	21/05/2003 19/09/2002	Protection of property: <i>Several procedural shortcomings or relating to compensation in the context of land expropriation proceedings. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid as awarded. Some applicants submitted no claim. Three of the applicants have been awarded compensation by domestic courts for the fact that they can no longer build on the unexpropriated part of the land following its division. <i>General measures:</i> Strict deadlines in proceedings and the possibility of additional compensation in cases of delay were provided in a new Code of Expropriation in 2001. It also provides that the presumption that the benefit deriving from road improvements amounted to sufficient compensation for the expropriation of adjacent property was no longer irrebuttable. Legal costs incurred in expropriation proceedings now fall under the state's responsibility and are no longer deemed to be part of compensation for expropriation. The Court of Cassation, in several judgments from 2004 to date, has

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					aligned itself with the European Court's findings. Regarding the requirement of an overall assessment of the consequences of an expropriation, one court is now competent to rule on the overall amount of compensation to be awarded for the value of the expropriated land, the award of compensation for the depreciation of land value, the recognition of the status of the owner, the landowner's benefits from a new road construction, the amount to be awarded for legal costs and expenses. The judgment was published, translated and disseminated.
CM/ResDH(2011)221	GRC / Bigaeva	26713/05	28/08/2009 28/05/2009	Protection of professional life: <i>Interference due to the rejection on the ground of nationality - at the final stage of the admission procedure after completion of compulsory training - of a foreign aspirant lawyer's request to be entitled to sit for the Bar examinations, thereby showing a lack of consistency and respect towards the applicant personally and professionally. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The authorities' decision pursuant to Article 3 of the Code for Lawyers not to allow the applicant to participate in the examinations organised by the Athens Bar Association was inconsistent. It was however based on an objective and reasonable justification and thus not arbitrary. General measures: The case had resulted from the Bar Association's behaviour. The judgment was published, translated and disseminated.
CM/ResDH(2011)219	GRC / Karapanagiotou and Others	1571/08	28/01/2011 28/10/2010	Access to and efficient functioning of justice: <i>Denial of access to a court due to the application of a special provision granting the State preferential treatment with regard to the time-limit for the introduction of an application to determine the final unit amount of compensation for expropriation. (Article 6 §1)</i>	Individual measures: Claim for pecuniary damage dismissed due to lacking causal link. No claim for non-pecuniary damage submitted. General measures: The suspension of the time-limits during the court vacation applies not only to the State but also to private individuals who are party to judicial proceedings against the State, following an amendment to the Code of Procedures in 2006 (see CM/ResDH(2010)165 in Platakou). Isolated case due to the Court of Cassation's error as the new legislation had been applicable at the time when the matter was referred to the Court of Appeal. The judgment was published, translated and disseminated.
CM/ResDH(2011)	GRC / Malama	43622/98	05/09/2001	Protection of property: <i>Inappropriate</i>	Individual measures: Just satisfaction for non-pecuniary as well

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10			01/03/2001 (Merits) 18/07/2002 , 18/04/2002 (Just satisfaction)	<i>determination of the compensation for expropriation by the national court taking no account of the excessive length of the proceedings following the expropriation. (Article 1 of Protocol No. 1)</i>	as pecuniary damage awarded on an equitable basis was paid. <u>General measures:</u> Law 2915/2001 on the acceleration of civil proceedings (see CM/ResDH(2005)64 in Academy Trading Ltd and Others) as well as the Law 2882/2001 on land expropriation procedure were adopted. The Code of Expropriation 2002 shortened the evidentiary phase of proceedings and provided for strict deadlines and the possibility of joint proceedings covering both recognition of ownership and compensation. In case of delayed payment of compensation, additional compensation may be awarded. The judgment was published, translated and disseminated.
CM/ResDH(2011)116	GRC / Mamidakis	35533/04	11/04/2007 11/01/2007	Protection of property: <i>Disproportionate interference due to imposition of customs fines of an amount endangering the applicant's financial situation. (Article 1 of Protocol Nr. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> An amendment of the Customs Code in 2007 provides that a fine of more than five times the duty due in respect of the transaction at issue may not be imposed. The judgment was published, translated and disseminated.
CM/ResDH(2011)218	GRC / Ourania Toxo and Others	74989/01	20/01/2006 20/10/2005	Freedom of association and access to and efficient functioning of justice: <i>Unjustified interference due to acts and omissions of domestic authorities in protecting a political party from incidents against it by protestors from the local population resulting in an attack and damage to the party premises as well as the excessive length of criminal proceedings combined with civil action for damages lodged by the party. (Articles 11 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> Police adopted a new anti-crime strategy and a series of new decrees, orders and decisions were issued between 2002 and 2006 concerning in particular visible operations of police officers, including patrols. With a view to reinforcing citizens' sense of security, sensitive targets, including those of particular political interest, are under 24-hour surveillance to avoid any risk of aggression. Particular emphasis is placed on the need to provide immediate and effective assistance in case of riots against such targets. The judgment was published, translated and disseminated. Concerning acceleration of proceedings, see Final Resolution ResDH(2005)66 on Tarighi Wageh Dashti and 7 other cases. Additional issues in this field are being supervised by the

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					Committee of Ministers in the Vassilios Athanasiou / Manios group.
CM/ResDH(2011)220	GRC / Pistoris and Others	54594/07	04/09/2009 04/06/2009	Access to and efficient functioning of justice: Disproportionate restriction of the right of access to the Court of Cassation, due to its excessively formalistic approach as regards admissibility grounds for appeals. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. It is not possible, under Greek law, to have this case reopened. Taking into account the fact that the applicants' case had been considered on the merits at first instance and appeal, the reopening of the proceedings is not an appropriate means for the effective implementation of the ECtHR's judgment, as the aim of erasing the consequences of a violation does not prevail over the principle of legal certainty and protection of the rights of third parties of good faith. General measures: see CM/ResDH(2009)68 in Liakopoulou and Others. The judgment was published, translated and disseminated. Similar issues in this field are being examined by the Committee of Ministers in the Alvanos group.
CM/ResDH(2011)11	GRC / Pyrgiotakis	15100/06	29/09/2008 21/02/2008	Access to and efficient functioning of justice: Denial of a fair trial due to the conviction of the applicant for drug trafficking following active incitement by a police officer acting as an "agent provocateur" without element in the domestic court's reasoning allowing to conclude that he would have committed the offence in question even without the police officers' intervention. (Article 6 §1)	Individual measures: Reopening of the trial and suspension of the sentence granted. All charges were dismissed in a fresh judgment. The finding of a violation constituted in itself sufficient just satisfaction. General measures: Change of national case-law. The judgment was published, translated and disseminated.
CM/ResDH(2011)117	GRC / Rizos and Daskas	65545/01	27/08/2004 27/05/2004	Freedom of expression: Disproportionate interference due to the conviction to pay damages for defamation and insult of a publisher and an editor of a daily newspaper following the publication of an article on scandals involving judges and prosecutors. (Article 10)	Individual measures: Just satisfaction in respect of pecuniary damage paid. The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. General measures: The judgment was published, translated and disseminated. Additional issues concerning freedom of expression are being supervised in the context of the Katrami group of cases (19331/05).

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)119	GRC / Sampanis and Others	32526/05	05/09/2008 05/06/2008	Right to education: Failure to provide schooling for the applicants' children of Roma origin and their subsequent placement in special preparatory classes and absence of an effective remedy to secure redress in this respect (Article 14 taken together with Article 2 of Protocol No.1 and of Article 13)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. A new ordinary primary school, intended to receive both Roma and non-Roma pupils. Nearly all of the applicants' children have been enrolled with the 12th Elementary School of Aspropyrgos. They did not, however, attend the classes regularly. General measures: Special measures were taken to facilitate the enrolment of Roma pupils in primary schools in a simplified procedure on the basis of a sole declaration and without the filing of certificates. Number of measures were taken aimed at including Roma children in the national education and eliminating their discrimination in this field. Domestic courts decided in a number of decisions since the present judgment that the administrative court of appeals were competent to examine applications requesting quashing of administrative acts taken in implementation of educational legislation.
CM/ResDH(2011)294	HUN / Balogh	47940/99	20/10/2004 20/07/2004	Protection against ill-treatment: Alleged ill-treatment by police officers during interrogation and failure to provide a plausible explanation for the injuries despite an effective and independent investigation into the allegations. (Article 3)	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. General measures: To prevent ill-treatment by the police, human rights issues are a priority in the curriculum of higher-education institutions specialising in policing and that of the Police Academy. Human and minority rights are taught by way of special training, the length and content of which may vary according to the needs identified by regional organs. They are also taught as part of training organised by the Institute of Policing and Crime Prevention. The Educational Directorate of the National Police Headquarters organises special Police Cell Guard and Escort Guard training for police staff including communication with detainees. Following the CPT's 1999 visit, the National Police Headquarters issued instructions to commanders concerning the requirement of proportionality of use of force and the prohibition of torture and cruel, inhuman or degrading treatment. The "Roma population and policing" training for police officers organised was started in 2002 by the Policing Management Training and Research Institute,

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					dealing, inter alia, with conflict prevention and management, fighting against negative stereotypes and lawful action without prejudice and negative discrimination. Emphasis is put on human rights issues and measures applied in proceedings involving Roma and other vulnerable persons.
CM/ResDH(2011)295	HUN / Földes and Földesné Hajlik, and Bessenyei	41463/02+	26/03/2007 31/10/2006	Freedom of movement and access to and effective functioning of justice: <i>Disproportionate interference due to passport withdrawal until termination of criminal proceedings for fraudulent bankruptcy without any reassessment of the initial decision at a later date; thus the travel ban was in reality an automatic, blanket measure of indefinite duration; in the second case excessive length of proceedings. (Article 2 of Protocol No. 4 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The travel ban ceased due to a change in legislation. General measures: An amendment of 2002 quashed with effect of 01/07/2003 Act No. 12 of 1998 on travelling abroad, according to which persons against whom criminal proceedings were conducted for an offence punishable by imprisonment of five years or more were not allowed to travel abroad until final judgment. Thus the ground upon which the applicants' travel to abroad had been restricted ceased to exist. Excessive length of judicial proceedings is being examined in the context of the Tímár group of cases. The judgment was published and disseminated.
CM/ResDH(2011)222	HUN / Imre, Maglódi, Csáky and Bárkányi	53129/99+	02/03/2004 02/12/2003	Protection of rights in detention: <i>Excessive length of detention on remand due to the lack of sufficient reasons to justify it, the courts referring solely to the seriousness of the alleged crimes and the ensuing risk of absconding. (Article 5 §3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are released or were sentenced to imprisonment. General measures: Pursuant to a provision of the Code of Criminal Procedure of 2006, courts may order detention only as a last resort while taking into account the principle of proportionality and detention and on specified grounds. Following an amendment of the Criminal Procedure Code in 2003, domestic courts must give detailed reasons for their decisions and evaluate more attentively the facts on which decisions prolonging detention are based. The risk that an accused might abscond shall no longer be presumed on the basis of the seriousness of the alleged crime alone. According to the well-established practice of domestic courts, the risk

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					that an accused might abscond must be established on the basis of specific evidence and not on the basis of presumptions. The judgment was published, translated and disseminated. It is used in the training activities for judges.
CM/ResDH(2011)297	HUN / Kmetty and Barta	57967/00+	16/03/2004 16/12/2003	Protection against ill-treatment: Lack of effective investigations into allegations of ill-treatment in police custody. (Article 3)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. Reopening of criminal investigations against police officers time-barred. <i>General measures:</i> According to the Criminal Procedure Code 2003, victims may refer their cases to a court whenever a prosecutor refuses to arraign the alleged perpetrator of a crime under investigation. Factual reasons must be cited in any decision on appeal against a prosecutorial decision to close an investigation. Any court decision dismissing a private bill of indictment must include factual reasons. Such statement of reasons shall also include the facts and the pleadings advanced by the parties. The rules concerning the dismissal of private bills of indictment were amended in 2006. In particular, private bills of indictment may be dismissed only for formal reasons, while in all other cases they shall be admitted by the court. The judgment was published, translated and disseminated.
CM/ResDH(2011)296	HUN / Korbely	9174/02	19/09/2008 Grand Chamber	No punishment without law: Conviction of a retired military officer, of a crime against humanity under international law for certain acts in the course of a military operation during the Hungarian revolution in 1956 without determining whether the killings had met the additional criteria without which they could not be characterised as a crime against humanity, as this notion was to be understood in 1956. (Article 7)	<i>Individual measures:</i> No claim for just satisfaction submitted. The applicant was conditionally released and proceedings were reopened before the Supreme Court which delivered a new judgment convicting the applicant of the attempted multiple, intentional homicide constituting a crime against humanity, with more detailed reasoning, taking into account the present judgment and various elements of international law. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2011)	ICE / Kjartan	60669/00	30/03/2005	Protection of property: Disproportionate	<i>Individual measures:</i> Just satisfaction for pecuniary,

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
223	Ásmundsson		12/10/2004	<i>interference with the right to property due to an amendment in legislation resulting in the lapse of an established right to receive a disability pension. (Article 1 of Protocol No. 1)</i>	compensating the loss of the entitlement to a disability pension, and non-pecuniary damage paid. <i>General measures:</i> The other 53 persons concerned are sufficiently informed of the possibility to apply to the Attorney General for compensation. The judgment was published.
CM/ResDH(2011)224	IRL / Doran and 3 other cases	50389/99+	31/10/2003 31/07/2003	Access to and efficient functioning of justice: <i>Excessive length of domestic proceedings and the need for an effective remedy. (Articles 6 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed in all cases. <i>General measures:</i> To accelerate proceedings the Supreme Court's Fast Track System operates a priority list to expedite urgent cases in accordance with Judicial practice directions. The establishment of an interim Court of Appeal is envisaged, likely to require a Constitutional referendum, and work has commenced on the legislation necessary to achieve this. The Courts and Courts Officers Act 2002 provides for the establishment of a register of every reserved judgment in civil proceedings. If the judgment is not delivered within two months from the date upon which it was reserved, the Courts Service will remind judges of outstanding judgments. Since 2008, in the framework of a Judicial Fellowship Programme, 10 fellows assist High Court Judges with research and with drafting written judgments. The Courts Service of Ireland was established in 1999 by legislation in order "to manage the courts, support the judiciary and provide a high-quality and professional service to all the courts". The Information Communication Technology unit of the Courts Service continues to work on the development of civil case management technology. Additional judges were appointed. Management of backlogs was introduced allowing for additional sittings. A Specialised Commercial Court was created. The new Criminal Courts of Justice Complex was opened in January 2010. The Rules of the Superior Courts (Mediation and Conciliation) 2010 provide that a High Court judge may now adjourn legal proceedings to allow the parties engage in an Alternative Dispute Resolution Process.

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CM/ResDH(2011)123	ITA / Bocellari and Rizza, Bongiorno and others, Leone, Perre and others	399/02+	02/062008 13/11/2007	Access to and efficient functioning of justice: <i>Impossibility to request a public hearing in proceedings for the application of preventive measures aimed at the seizure and confiscation of property and movable assets of a person, due to suspicions of membership of a criminal organisation. (Article 6 §1)</i>	Individual measures: The finding of the violation constituted in itself sufficient just satisfaction for the non-pecuniary damage. The applicants did participate in the proceedings following those at issue, which resulted in the confiscation of many assets. General measures: Change of case-law of the Constitutional Court declaring unconstitutional the relevant provisions on the application of preventive measures specifying that the judge keeps the power to order that the hearing is totally or only partially carried out without the presence of the public, if the specificities of the concrete case so require. The judgment was translated, published and disseminated.
CM/ResDH(2011)124	ITA / Chiumiento and 5 other cases	3649/02	11/12/2006 29/06/2006	Electoral rights, protection of private life and effective remedy: <i>Restrictions of various rights ordered in bankruptcy proceedings, i.e. suspension of electoral rights and limits on the personal capacity barring from a number of professional activities (managing agent of a property, stockbroker, auditor, arbitrator, administrator or liquidator of commercial companies) as well as from the rolls of certain professions (advocate, notary, commercial adviser) for five years. (Articles 3 of Protocol No. 1, 8 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: see CM/ResDH(2008)45 in Albanese.
CM/ResDH(2011)124	ITA / Chizzotti and 6 other cases	15535/02	03/07/2006 02/02/2006	Effective remedy: <i>Lack of an effective remedy to complain against a company under extraordinary administration, to obtain the payment of salary arrears due for employment as an executive and to challenge the acts of the liquidators. (Article 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: see CM/ResDH(2008)52 in Saggio.
CM/ResDH(2011)	ITA / Cignoli and	68309/01+		Protection of property and access to and	Individual measures: Just satisfaction in respect of pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
121	Others and 5 other cases (Bortesi, Vesschelli, Mandola, Ricci, Vacca and Serino)			efficient functioning of justice: <i>Disproportionate interference due to the inadequacy of compensation awarded following the lawful expropriation of property (violations of in all cases) and a violation of the right to fair proceedings due to the retroactive application of a new compensation regime providing payments lower than the market value of the goods. (Article 1 of Protocol No. 1 and Article 6, §1 in the cases Bortesi and Vacca)</i>	and non-pecuniary damage paid. <u>General measures:</u> See CM/ResDH(2010)100 in Sarnelli and Others.
CM/ResDH(2011)13	ITA / Cordova and 6 other cases	43522/98+	30/04/2003 30/01/2003	Access to and efficient functioning of justice: <i>Denial of access to court due tot a decision of Senate resulting in discontinuation of criminal proceedings for insulting a public official initiaéted by the latter against a senator on the ground of Parliamentary immunity. (Article 6 §1)</i>	<u>Individual measures:</u> just satisfaction paid. <u>General measures:</u> The adoption of the outstanding general measures is being supervised by the Committee of Ministers in the framework of the groups of cases Patrono, Cascini and Stefanelli; Ceteroni; Belvedere Alberghiera; as well as Luordo.
CM/ResDH(2011)121	ITA / De Trana	64215/01	16/01/2008 16/10/2007	Access to and efficient functioning of justice: <i>Non-execution of an enforceable judicial decision ordering the administration to pay a compensation resulting in an interference with property rights. (Article 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> The decision was enforced on 23/05/2008 and the payment made the same day. Just satisfaction in respect of non-pecuniary damages paid. <u>General measures:</u> Isolated event. The judgment was published, translated and disseminated.
CM/ResDH(2011)122	ITA / F.C.B. and 4 other cases	12151/86+	28/08/91	Access to and efficient functioning of justice: <i>Unfairness of in absentia criminal proceedings due to impossibility of obtaining a fresh examination by a court of the merits of the accusations. (Article 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constitutes sufficient just satisfaction. In 2004 the applicant, who had meanwhile returned to Italy, was arrested for other offences. The authorities issued an enforcement order in respect of the conviction at issue in the present case. The applicant is currently detained in Italy where he is serving the sentence imposed in absentia in 1984. In 2004 the applicant filed an objection to enforcement before a Court of Appeal, which dismissed his request. Upon appeal, the Court of Cassation, in 2005, quashed the decision of the appellate court, to which it

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					<p>referred the case back. The appeal court dismissed the applicant's motion concerning the illegality of his imprisonment. Seized once more by the applicant, the Court of Cassation dismissed his appeal stating that an application for suspension of the time-limit for appeal was the appropriate means to reopen proceedings which ended in a conviction in absentia and to provide to the accused person restitutio in integrum required by the Convention. In 2007 the applicant lodged a new application, which was declared inadmissible on 25/11/2008 on grounds of non-exhaustion of internal remedies, as, following to the Court of Cassation's judgment of 15/11/2006, the applicant had had the possibility to lodge an application for suspension of the time-limit for appeal against sentence under the Code of Criminal Proceedings, as amended in 2005.</p> <p><u>General measures:</u> In 1989, a new Code of Criminal Procedure improved the guarantees in case of in absentia proceedings (see Resolution DH(93)6 adopted in the present case). Furthermore, in 2005, the parameters of the remedy (application for suspension of the time-limit for appeal against sentence) were modified: the time-limit for appeal against a judgment in absentia is reopened upon request of the accused with two exceptions to this rule: where the accused has had "effective knowledge" of the proceedings against him or of the judgment, and when he/she has wilfully decided not to appear or to appeal. Moreover, the basic deadline has been extended from ten to thirty days counting from the date upon which the accused is delivered to the Italian authorities. Due to the Court of Cassation's case law it is now possible to re-examine a judgment having the status of res judicata which led to an in absentia conviction sanctioned as unfair by the European Court. According to the Court of Cassation case-law, an application for suspension of the time-limit for appeal against sentence is the appropriate means for the reopening of such proceedings.</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)14	ITA / Grava (and 6 other cases)	43522/98	10/10/2003 10/07/2003	Protection of rights in detention: Unlawful detention, as the judicial decision granting remission of sentence to which the applicant was entitled by law was pronounced too late, after his release. (Article 5§1a).	Individual measures: The applicant is entitled, under domestic law, to request compensation for the illegal detention suffered. General measures: Erroneous implementation of the provisions concerning remission of sentence by the courts. The interpretation of these provisions was clarified by the Court of Cassation in a judgment of May 1998. The judgment was published, translated and disseminated.
CM/ResDH(2011)14	ITA / Leoni Aldo	67780/01	26/04/2010 26/01/2010	Protection of property: Expropriation – interference due to the disproportionately low compensation awarded following the lawful expropriation of property. (Article 1 of Protocol No. 1)	Individual measures: The applicant did not submit any request for just satisfaction. General measures: see CM/ResDH(2010)100 in Sarnelli. The Act on the 2008 Budget (Law No. 244 of 24/12/2007) amended the Consolidated text on expropriation providing that compensation for expropriation of building land must be fixed at the level of the market value of the property. If the expropriation is carried out pursuing objectives of economic, social or political reform, compensation may be diminished by 25%. Recent judgments of the Court of Cassation confirmed the application of this criterion for compensation. The judgment was published, translated and disseminated.
CM/ResDH(2011)120	ITA / Lombardi Vallauri	39128/05	20/01/2010 20/10/2009	Freedom of expression and access to and efficient functioning of justice: Lack of reasons given for the decision taken by the Faculty Board of the Catholic University of Milan not to consider a lecturer's application for a teaching post and failure to grant him access to a court given that the administrative courts refused to rule on the lack of reasoning. (Article 10 and 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Reopening the proceedings at issue would seem to run up against the principle of legal certainty. General measures: Erroneous application of national law. The judgment was published, translated and disseminated.
CM/ResDH(2011)14	ITA / Naranjo Hurtado and 2 other case (Picaro / Rizzotto)	16508/04	03/10/2007 03/07/2007	Protection of rights in detention: Belated examination of the applicant's appeal against the prolongation of his detention on remand. (Article 5 §4)	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See CM/ResDH(2008)50 in Rapacciuolo: the Code of Criminal Procedure, in particular Articles 309 et seq., lays down tight time-limits in this respect. Regarding the

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					correct application of the law, the President of the Court of Cassation had reminded all Presidents of Section of the need to keep control of procedural deadlines applicable to remand decisions. The judgment was published, translated and disseminated.
CM/ResDH(2011)121	ITA / Ormanni	30278/04		Freedom of expression: <i>Disproportionate interference due to conviction of a journalist for defamation in respect of an article setting out allegations by a man on trial who sought to use the press to persuade the public of his innocence. (Article 10)</i>	Individual measures: The conviction had not been registered in the applicant's criminal record. The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. Monetary award commensurate with the compensation, fine and court costs incurred by the applicant in the trial for defamation paid. General measures: The judgment was published, translated and disseminated.
CM/ResDH(2011)14	ITA / Pisano	36732/97	24/10/2002 (Grand Chamber – Striking out) 27/07/2000 (Chamber)	Access to and efficient functioning of justice: <i>Alleged unfairness of criminal proceedings due to the courts' refusal to call a certain witness on behalf of the accused; subsequent acquittal following a retrial the applicant had sought after he had applied to the ECtHR.</i>	Just satisfaction for cost and expenses awarded and paid. Striking out of the list after the acquittal.
CM/ResDH(2011)121	ITA / Sciortino and 6 other cases	30127/96		Access to and efficient functioning of justice and protection of property: <i>Excessive length of proceedings before the Court of Audit concerning an application seeking recognition and payment of a pension increase and failure to fully implement the Court of Audit's and the Regional Administrative Court's judgments in a first set of proceedings. (Articles 6 §1 and 1 of Protocole No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. General measures: The judgment was published, translated and disseminated. Outstanding measures are examined in the context of the Ceteroni group.
CM/ResDH(2011)66	ITA / Scoppola	10249/03	17/09/2009 Grand	No punishment without law and access to and efficient functioning of justice: <i>Failure</i>	Individual measures: On 11/02/2010 the Court of Cassation granted the request of the Attorney General and replaced the

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
			Chamber	<i>to allow to benefit from the application of a more lenient criminal law, which entered in force after the time of commission of the offence charged as well as the unfairness of criminal proceedings due to the deprivation of advantages attached to the waiver of certain procedural safeguards. (Articles 7 and 6 §1)</i>	sentence of life imprisonment by a sentence of thirty year's imprisonment. Just satisfaction in respect of non-pecuniary damages paid. <u>General measures:</u> To raise awareness and prevent similar violations, the judgment has been published on the Internet site of the Court of Cassation, in the database on the case-law of the ECtHR and on the government's website with a translation into Italian.
CM/ResDH(2011)14	ITA / Stolder	24418/03	10/05/2010 01/12/2009	Protection of private life and correspondence: <i>Arbitrary monitoring of correspondence under the special prison regime provided for by the Prisons Act. (Article 8)</i>	<u>Individual measures:</u> The finding of a violation constituted just satisfaction in respect of the non-pecuniary damages suffered. <u>General measures:</u> See CM/ResDH(2010)56 in Guidi group and CM/ResDH(2005)55 in the cases of Calogero Diana and Others group. The Law on Prison Administration 2004 limits the monitoring of detainees' correspondence: the length of monitoring is limited to 6 months (extensible by up to 3 months) and correspondence with lawyers and international organisations for the protection of human rights cannot be subject to monitoring. Any limitations are to be ordered by the judge by motivated decree, which can be appealed. The continuation of censorship after April 2004 up to 2007 in some of these cases cast doubt on its proper application. Therefore the judgment was published, translated and disseminated.
CM/ResDH(2011)121	ITA / Zagaria and 10 other cases	58295/00		Access to and efficient functioning of justice: <i>Infringement of the right to defend oneself due to the applicant's inability to communicate confidentially with his lawyer. (Article 6§3 c in conjunction with Article 6§1)</i>	<u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. <u>General measures:</u> Wrongful application of national law. The judgment was published, translated and disseminated.
CM/ResDH(2011)125	LIE / Schädler and Others	32763/08	21/10/2010 (Committee judgment)	Access to and efficient functioning of justice: <i>Excessive length of certain proceedings concerning a land development plan before the Constitutional Court. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The proceedings at issue have been concluded. <u>General measures:</u> The judgment was translated, published and disseminated.

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CM/ResDH(2011)229	LIT / Balsyte-Lideikiene	72596/01	04/02/2009 04/11/2008	Access to and effective functioning of justice: Denial of a fair trial due to the inability, in administrative proceedings, to question the experts on on whose expert opinion the court based its judgment .(Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Erroneous application and interpretation of the legal provisions by domestic courts. The judgment was published, translated and disseminated.
CM/ResDH(2011)298	LIT / Ciapas	4902/02	16/02/2007 16/11/2006	Protection of correspondence: Censorship of a detainee's correspondence during pre-trial detention and imprisonment. (Article 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Detainees shall have a right to correspond with their relatives and other persons without limiting the number of letters under a new Law on the Administration of Detention on Remand 2009. This right may be restricted following a duly motivated decision of the investigation judge or the court in order to prevent criminal acts or other breaches of law or to protect the rights and freedoms of others. The new law effectively restricts the authorities' possibilities to exercise an excessive hold on detainees' communication with the outside world. The judgment was published, translated and disseminated.
CM/ResDH(2011)298	LIT / Jasiūnienė and Jurevičius	41510/98+	06/06/2003 06/03/2003	Access to and effective functioning of justice and protection of property: Authorities' failure to enforce binding court decisions ordering the restitution or compensation in respect of properties nationalised following. (Article 6 §1 and 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damages paid in one case, for non-pecuniary damage paid in the other case. Both domestic judgments were enforced and restitution granted or compensation received. <i>General measures:</i> The present cases occurred as a result of the authorities' failure to apply legislation properly, particular attention was paid to the awareness-raising and training measures. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)229	LIT / Jucius and Juciuvienė	14414/03	25/02/2009 25/11/2008	Protection of family life: Failure of domestic authorities to deal diligently with the applicants' request to grant them custody of both their two orphaned nieces and to ensure that in the best interests of the children, the applicants and their nieces be given the opportunity to be heard and fully participate in a hearing on appeal. (Article 8)	Individual measures: Just satisfaction for non-pecuniary damage paid. The elder sister, 14 years old, has been living with the applicants since 1999 and the younger sister, 10 years old, with her grandparents since March 2003. The sisters' foster-parents agreed on a timetable of visits, as they live in different cities. As a general rule, all children in care are visited by the relevant Children's Right Protection institution once a year and the question of the communication between the siblings is under continuous supervision. General measures: According to the new Code of Civil Procedure 2003, the appellate court has discretion to decide on the need for an oral hearing. National case-shows that it is common practice to conduct oral hearings in cases of custody of children. The Supreme Court stressed the importance of the child's best interests and the need to hear children in person in proceedings relating to their rights and interests, e.g. in adoption and custody cases. The judgment was published, translated and disseminated.
CM/ResDH(2011)229	LIT / Jucys	5457/03	08/04/2008 08/01/2008	Protection of property: Disproportionate interference due to prolonged inability of an "innocent owner" to recover possessions seized in criminal proceedings (furs) despite acquittal and inability in subsequent proceedings to obtain compensation for the seized furs. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary and non-pecuniary damages paid. The Supreme Court reopened the domestic proceedings and eventually awarded the applicant interest on the funds to be returned to him by the state. General measures: Isolated incident in which various domestic courts found themselves in disagreement on points of law concerning the recovery of auction proceeds. Most of these differences are solved by the new Civil Code 2001 (which did not apply to the merits of the applicant's claims at the time) allowing for pecuniary and non-pecuniary damages for actions of investigating authorities including unjustified procedural measures of enforcement (such as seizure, confiscations, etc). The judgment was published, translated and disseminated.
CM/ResDH(2011)230	LIT / Juozaitienė and Bikulčius	70659/01+	24/07/2008 24/04/2008	Right to life: Deaths of the applicants' sons due to the use of unnecessary force during	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. The applicants did not avail

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>the arrest of a third person and lack of an effective investigation. (Article 2 substantive and procedural limb)</i>	<p>themselves of the opportunity to apply for reopening of the investigation.</p> <p>General measures: The new Criminal Code 2003 punishes acts of abuse of office. In 2006, the Minister of the Interior issued an order concerning training requirements for police officers. Officers have a continuing obligation to attend training both to raise their awareness of the legal provisions governing the use of physical coercion and firearms and to improve their practical skills. The Commissioner General of Police issued orders in 2008 and 2009 relating to training programmes for general professional skills and professional tactics. The judgment was published, translated and disseminated.</p>
CM/ResDH(2011)299	LIT / Karalevičius and Savenkovas	53254/99+	07/07/2005 07/04/2005	<p>Protection against ill-treatment and conditions of detention, protection of of rights in detention and of correspondence: <i>Poor prison conditions in Šiauliai Remand Prison and Lukiškės Remand Prison, including lack of space, unlawfulness of detention on remand and censorship of correspondence with Convention organs. (Articles 3, 5 §1 and 8)</i></p>	<p>Individual measures: Just satisfaction for non-pecuniary damages paid.</p> <p>General measures: Measures to improve the detention conditions with regard to overcrowding, sanitary conditions and out-of-cell activities were taken. Following the entry into force of the new Criminal Code 2003, the number of detainees has decreased considerably. The Prisons Modernisation Strategy for 2009-2017 plans to bring conditions in remand prisons up to the required standards. Concerning detention on remand see in the cases of Jėčius (ResDH(2004)56) and Stašaitis (ResDH(2004)60). Concerning detainees' correspondence, see in the Valašinas (ResDH(2004)44) and Jankauskas (ResDH(2007)128). The judgments were published, translated and disseminated.</p>
CM/ResDM(2011)231	LIT / Ramanauskas and Malininas	74420/01+	05/02/2008 Grand Chamber	<p>Access to and effective functioning of justice: <i>Unfairness of criminal proceedings resulting in convictions of a crime committed upon active incitement by undercover state agents. (Article 6 §1)</i></p>	<p>Individual measures: Just satisfaction for non-pecuniary damage paid in the first case. In the other case the finding of a violation constituted in itself sufficient just satisfaction in respect of any non-pecuniary damage. The first applicant was released and his conviction expunged. In reopened proceedings, the criminal cases were discontinued.</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<i>General measures:</i> General principles with regard to cases where the criminal conduct simulation model (incitement by under cover agents) is employed were set out by the Supreme Court in its decision of 16/12/2008. This decision is binding upon all domestic courts and provides a clear and foreseeable procedure in similar cases. The judgment was published, translated and disseminated.
CM/ResDH(2011) 229	LIT / Vaivada	66004/01+	26/03/2007 16/11/2006	Protection of rights in detention: Unlawful detention and inability to contest the lawfulness of detention due to the statutory bar under the former Code of Criminal Procedure. (Article 5 §§1+4)	<i>Individual measures:</i> No claims submitted. <i>General measures:</i> See ResDH(2004)56 in Jecius, in particular concerning the relevant provisions in the new Code of Criminal Procedure 2003.
CM/ResDH(2011) 127	LUX / Berlin and 2 other cases (Dattel and Others, Bodeving and Leandro Da Silva)	44978/98+	15/10/2003 15/07/2003	Access to and efficient functioning of justice: Excessive length of certain civil proceedings (i.a. divorce proceedings). (Article 6 §1)	<i>Individual measures:</i> The proceedings relating to the liquidation of the joint estate that had existed between the husband and wife were still pending when the Court rendered its judgment. The applicant did not get in contact to complain about that. <i>General measures:</i> Law of 11/08/1996 introduced the Juge de mise en état, a magistrate responsible for setting the date-limits for pre-trial investigations who is also empowered to serve injunctions on counsel. This is a sufficient measure to prevent new similar violations. The judgment was published and disseminated.
CM/ResDH(2011) 128	LUX / Lemmer and Neiertz	302/04	13/05/2008 (Friendly settlement)	Access to and efficient functioning of justice: Length of civil proceedings. (Article 6 §1)	Friendly settlement: The respondent state undertook to pay the applicant a certain sum and to ensure that the necessary measures were taken to conclude the proceedings as soon as possible, having due regard to the requirements of the proper administration of justice. The judgment was published and disseminated.
CM/ResDH(2011) 127	LUX / Roemen and Others	51772/99	25/05/2003 25/02/2003	Freedom of expression: Searches conducted at the home and the workplace of a	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The proceedings at issue have been

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>journalist and at the chambers of the his lawyer, following the publication in the daily newspaper of an article on tax frauds of which a minister was allegedly guilty in the context of criminal proceedings. (Articles 10 and 8)</i>	<p>concluded. The document seized during the searches in the second applicant's chambers has been returned. The judicial investigation was closed.</p> <p><u>General measures:</u> A new law on freedom of expression in the media 2004 contains a particular section on the protection of journalistic sources clarifying that the right to protection of journalistic sources is not restricted to cases in which a journalist is involved in proceedings as a witness. In order to resolve the conflict between the right to protection of sources and the obligation to prove the truth of alleged facts in the context of criminal proceedings for defamation or of civil proceedings for an attack on a person's honour or reputation, the Law provides that a journalist may avoid liability either by proving the truth of the allegations or by proving that sufficient steps had been taken to conclude that the reported facts were true and that there was a preponderant interest of the general public in knowing the impugned information. The law aims at bringing domestic law into full compliance with ECHR case-law and Committee of Ministers' Recommendation R(2000)7. The investigating judges' attention was drawn on the fact that orders concerning searches should be drawn up in a more precise way, in conformity with ECHR case-law. The judgment was translated, published and disseminated.</p>
CM/ResDH(2011)127	LUX / Schaal	51773/99	18/05/2003 18/02/2003	Protection of family life and access to and efficient functioning of justice: <i>Infringement due to suspension by a domestic court of its consideration of a father's application for visitation and custody rights with respect to his daughter pending the outcome of criminal proceedings brought against him for rape and indecent assault against the daughter until acquittal of those charges; excessive length of the criminal proceedings, in a</i>	<p><u>Individual measures:</u> The visitation and custody rights granted to the applicant were ensured. The applicant's daughter has reached the age of majority.</p> <p><u>General measures:</u> The violations found originates in the particular circumstances of the case, the excessive length of the proceedings being due to the fact that the Public Prosecutor's Deputy decided not to schedule the case for a hearing to avoid traumatising the child. In so doing, the Deputy was unaware of the pending civil proceedings and of the consequent harm to the applicant. The following internal organisation measures have been taken: (i) Prosecutors'</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>matter requiring exceptional diligence.L (Articles 8 and Article 6§1)</i>	Deputies in charge of child welfare cases will no longer also deal with cases of offences against children or adolescents, because the objectives of justice can be different in the two cases. (ii) A decision not to schedule a case that has already been postponed should only be possible in absolutely exceptional situations, and after consulting a superior in the Public Prosecutor's Office. (iii) Where the accused or the victim asks for a case to be scheduled, the Public Prosecutor, if not a priori of the same opinion, must ask the accused or victim to give reasons for the request. The judgment was translated, published and disseminated.
CM/ResDH(2011)127	LUX / Thoma	38432/97	29/06/2001 29/03/2001	Freedom of expression: <i>Journalist sentenced in civil proceedings solely on the ground of the quotation by him of a fellow journalist. (Article 10).</i>	Individual measures: The just satisfaction awarded by the Court covers all the costs incurred in connection with the convictions. General measures: A new law on freedom of expression in the media was adopted on 08/06/2004. This law includes provisions on quoting third persons by journalists. It provides that where a publication communicated to the public contains information which could threaten a person's right to presumption of innocence, or to his or her private life or reputation or honour; or information prejudicial to the protection of minors, the responsible person (who may be a journalist) is not personally liable provided it is demonstrated that the said information is an accurate quotation of a third person. In such cases, quotations must be clearly shown as such and their authors identified. Publication of such information must also be justified by a preponderant public interest to be informed of the matter at issue. . The judgment was translated, published and disseminated.
CM/ResDH(2011)226	LVA / Diena and Ozolins	16657/03	12/10/2007 12/07/2007	Freedom of expression: <i>Disproportionate interference due to domestic courts ordering a publishing company to pay compensation for damages for the publication in 1998 of articles that allegedly defamed the then</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid. General measures: See CM/ResDH(2010)57 in Vides Aizsardzības Klubs. The judgment was published, translated and disseminated to all judges and included in training

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>Latvian Minister for Economic Affairs. (Article 10)</i>	programmes for judges.
CM/ResDH(2011)227	LVA / Freimanis and Līdums, Nazarenko, Vogins, and Ž.	73443/01+	09/05/2006 09/02/2006	Protection of rights in detention and access to and effective functioning of justice: <i>Irregularity and excessive length of detention on remand, insufficiency of the reasons given and the inadequacy of the proceedings in connection with the decisions on continued detention; excessive length of criminal proceedings and breach of the presumption of innocence. (Articles 5 §§1+3+4 and 6 §§1+2)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded. The applicants were either released or convicted. General measures: See Resolution CM/ResDH(2009)131 in Lavents and Jurjevs for measures adopted concerning detention on remand. With regard to the breach of the presumption of innocence, the judgment was published, translated and disseminated. No systemic problem of excessive length of proceedings.
CM/ResDH(2011)228	LVA / Simonavičius, Gečas, Norkunas and Novikas	37415/02+	27/09/2006 27/06/2006	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: See Resolution CM/ResDH(2007)127 in Girdaukas. Additional issues in this field are being supervised in the Šulcas group in which the Court also found a violation of Article 13. The judgment was published, translated and disseminated.
CM/ResDH(2011)226	LVA / Zaicevs	65022/01	31/10/2007 31/07/2007	Right of appeal in criminal matters: <i>Inability to challenge a sentence to three days' administrative detention for contempt of court, an offence under the Code of Regulatory Offences. (Article 2 of Protocol No. 7)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: On 20/06/2002, the Latvian Constitutional Court found the impugned provision of the Administrative Offences Code to be unconstitutional and declared it null and void.
CM/ResDH(2011)135	MCO / Prencipe	43376/06	16/10/2009 16/07/2009	Protection of rights in detention: <i>Excessive length of the applicant's pre-trial detention (Article 5 §3)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. General measures: The duration of pre-trial detention was limited under Section 194 of the Code of Criminal Procedure as amended in 2007.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 15	MDA / Malahov	32268/02	12/11/2007 07/06/2007	Access to and efficient functioning of justice: Denial of access to a court in labour proceedings due to the domestic courts' refusal to waive the obligation to pay court fees despite clear domestic law provisions. (Article 6§1)	<i>Individual measures:</i> Article 450 (g) of the Moldovan Code of Civil Procedure provides that requests for reopening cases may be lodged before the national court within the three months following the judgment delivery. The applicant lodged no request before the national courts. Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2011) 81	MKD / Dumanovski, Docevski & Blage Ilievski	13898/02+	03/07/2006 08/12/2005	Access to and efficient functioning of justice: Excessive length of proceedings mainly before administrative bodies (Article 6 §1)	<i>Individual measures:</i> Just satisfaction awarded in one case and paid. All domestic proceedings closed. <i>General measures:</i> New laws on Courts and on General Administrative Procedure were adopted establishing a specialised Administrative Court as from December 2007 with jurisdiction to resolve administrative disputes which were previously decided by the Supreme Court. To prevent inactivity by administrative bodies in administrative proceedings, Amendments to the new Law on General Administrative Procedure were adopted in 2008. They introduced novelties: In particular, any request made to the administration will be considered to have been accepted, if the administration fails to respond to that request within a certain deadline (the concept of "tacit authorisation"). Deadlines in administrative proceedings have been considerably shortened. The rules on serving documents have been simplified. The service of documents in electronic form has been introduced. Furthermore, the second-instance authority shall make a decision on the merits under certain circumstances, e.g. in situations when a matter had already been referred back once for re-examination to a first-instance authority. Administrative authorities shall have an obligation to keep statistics and to submit periodic reports to the Ministry of Justice. In October 2008 a wide media campaign was carried out to raise awareness of the amendments. The judgments were translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 80	MKD / Nikolov	41195/02	20/03/2008 20/12/2007	Access to and efficient functioning of justice: Denial of access to an impartial tribunal in that the case concerning the payment of an insurance was heard by a trial judge whose wife had been employed with the defendant insurance company shortly after the proceedings had started. (Article 6 §1)	<i>Individual measures:</i> No just satisfaction claimed. Reopening of proceedings may be requested. <i>General measures:</i> Isolated event. The judgment was translated, published and disseminated.
CM/ResDH(2011) 232	MLT / Micalëff	17056/06	15/10/2009 Grand Chamber	Access to and efficient functioning of justice: Denial a fair hearing, due to the lack of objective impartiality of the Chief Justice of the Court of Appeal. (Article 6 §1)	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction in respect of any non-pecuniary damage. <i>General measures:</i> The Code of Organisation and Civil Procedure had been amended in 2007 to allow a judge to be challenged or abstain from dealing with a case if the legal representative pleading before a judge is her or his child, spouse, ascendant or sibling. The judgment was published and disseminated.
CM/ResDH(2011) 136	MON / Garzičić	17931/07	21/12/2010 29/09/2010	Access to and efficient functioning of justice: Unfair proceedings due to the Supreme Court's rejection of an appeal on points of law concerning a property-related claim as it considered that the court fees paid did not correspond to the established values of the claim. (Article 6 § 1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings were reopened upon request for appeal on points of law to the Supreme Court as an extraordinary legal remedy. <i>General measures:</i> Change of case-law of the Supreme Court concerning the admissibility of appeals on points of law. The judgment was translated, published and disseminated.
CM/ResDH(2011) 130	MTA / Lombardo and Others	7333/06	24/07/2007 24/04/2007	Freedom of expression: Disproportionate interference due to a judgment in civil libel proceedings concerning the publication of an article on a road-building project denouncing a local council for failure to consult the public or to take account of public opinion. (Article 10)	<i>Individual measures:</i> Just satisfaction in respect of the pecuniary damages sustained with regard to the fines and damages ordered in the domestic proceedings. The applicants made no claim in respect of non-pecuniary damages. <i>General measures:</i> The judgment was published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 129	MTA / Zarb Adami	17209/02	20/09/2006 20/06/2006	Discrimination on the ground of sex: due to the practice of enrolling many more men than women on the jurors' list although the law in force neither provided nor justified such difference of treatment. (Article 14 in conjunction with Article 4 §3 (d))	Individual measures: The applicant was exempted from jury service in April 2005 under Article 604(1) of the Maltese Criminal Code. The finding of a violation in itself constituted sufficient just satisfaction for any non-pecuniary damage sustained. General measures: The pool of persons from which jurors can be selected was enlarged to achieve a more balanced representation between the sexes. The figures demonstrate that there has been a steady increase in the number of women sitting on juries. The judgment was published and disseminated.
CM/ResDH(2011) 137	NLD / Doerga	50210/02	27/07/2004 27/04/2004	Protection of private life: Unlawful interference due to his conviction on the basis of the improper use of information obtained through the interception of a telephone conversation. (Article 8)	Individual measures: The recordings and the transcripts were destroyed. The applicant declined to make any claims in respect of pecuniary or non-pecuniary damage, stating that he intended instead to pursue such claims before the domestic courts. General measures: The monitoring and recording of detainees' contacts with the outside world was newly regulated by law of 07/04/2005. Its provisions were completed by Regulation of 23/09/2010, concerning the monitoring of prisoners' telephone conversations in judicial institutions. The Regulation created clear and detailed rules for detainees to be informed of the recording of telephone conversations, special conditions on the matter of professional secret holders, the maximum period for retaining records, and rules on the possibility of providing these records to other (investigating) authorities. Inmates will be informed that telephone calls are recorded. Recordings of telephone calls will be given only to third parties who are entitled to hear them in the performance of duties pursuant to law. The judgment was translated, published and disseminated.
CM/ResDH(2011) 233	NLD / Nakach and Schenkel	5379/02+	27/10/2005 30/06/2005	Protection of rights in detention: Failure by the court of appeal to draw up formal records of hearings concerning the extension	Individual measures: The finding of a violation constitutes sufficient just satisfaction in respect of non-pecuniary damage in both cases.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>of detention in a secure institution and a custodial clinic, respectively, as well as failure to examine promptly an appeal against this decision. (Article 5 §§1+4)</i>	<i>General measures:</i> Change of practise in that official records of appeal hearings concerning detention issues. The judgment was published, translated and disseminated. See also CM/ResDH (2009)6 in Rutten concerning the prompt examination of appeal against detention extension.
CM/ResDH(2011)236	NOR / A.	28070/06	09/07/2009 09/04/2009	Protection of private life: Domestic courts' failure to protect the applicant's reputation due to the unfavourable outcome of a defamation suit that he brought against a newspaper which had published two articles implying his possible involvement in the murder of two girls. (Article 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published, partly translated and disseminated.
CM/ResDH(2011)237	NOR / Folgerø and others	15472/02	29/06/2007 Grand Chamber	Right to education: Refusal to grant full exemption from instruction in Christianity, religion and philosophy in State primary schools right (Article 2 of Protocol No. 1)	<i>Individual measures:</i> The finding of the violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. The applicants' children are no longer in compulsory education. <i>General measures:</i> The name of the classes from "Christianity, religion and philosophy" were changed to "Religion, Philosophies of Life and Ethics" by an amendment in 2008 to the 1998 Education Act. The content of the classes must be presented in an objective, critical and pluralistic manner, in accordance with human rights. A new clause defining the object of the classes was adopted by Parliament in December 2008, which no longer gives undue preference to the Christian faith. Christianity is mentioned as one, but not the only source, on which the fundamental values of education must be founded. Provisions on partial exemption stresses that schools shall respect the religious and philosophical convictions of pupils and their parents and ensure the right to equivalent education. Any new dispute on the application of the exemption clause in the new regulatory environment may be brought before the courts. The judgment was published, partly translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)235	NOR / Hammern	30287/96	11/05/2003 11/02/2003	Access to and efficient functioning of justice: Breach of the presumption of innocence in that suspicions were expressed in a court decision dealing with compensation for criminal proceedings subsequent to the acquittal of the accused. (Article 6 §2)	Individual measures: No claim submitted by the applicant's lawyer. The applicant filed a new independent tort action against the State, which was rejected, as were multiple requests for reopening of proceedings. He filed a law suit against his former lawyer, which was settled by friendly settlement. General measures: In order to obtain compensation for detention in case of acquittal, it is no longer required to prove the improbability of the act, that formed the basis for the charge, being carried out by accused – following an amendment of the Criminal Procedure Act in 2003. The judgment was published.
CM/ResDH(2011)236	NOR / Orr	31283/04	01/12/2008 15/05/2008	Access to and efficient functioning of justice: Breach of the presumption of innocence on account of the domestic court's decision, upheld by the Supreme Court, ordering to pay compensation to the alleged victim, in spite of the acquittal of the accused. (Article 6 §2)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant did not request reopening of the proceedings. General measures: See CM/ResDH(2009)8 in Y. The breach of the presumption of innocence in that case was related exclusively to the reasoning of the High Court. The judgment was published, partly translated and disseminated.
CM/ResDH(2011)234	NOR / TV Vest As and Rogaland Pensjonistparti	21132/05	11/03/2009 11/12/2008	Freedom of expression: Imposition of a fine on a television broadcasting company and a political party by the State Media Authority for breaching legislation prohibiting television broadcasting of political advertisements. (Article 10)	Individual measures: Claims for just satisfaction submitted out of time. The Media Authority annulled its decision to fine TV Vest. Following a friendly settlement reached by the applicants and the Ministry of Culture, the applicants withdrew their request for reopening of the case. General measures: The Statutes of the national public broadcaster (NRK) were amended in 2009 obliging it to provide broad and balanced coverage of elections and to ensure that smaller political parties, such as the Pensioners Party, are included in the NRK's editorial coverage, which is supervised by the Media Authority. Judicial review is available against the Media Authority's decisions. During the parliamentary elections in September 2009, the Pensioners Party and other political parties of similar size were included in the NRK's

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					election coverage. Since 2008, all political parties may also use a new TV channel, "Frikanalen" (the Open Channel) as a means to communicate political messages. As of 2009 four political parties had broadcast their programmes on this channel, including smaller political parties. The Open Channel today operates 24h/24h, 7 days a week, and is designed also to be accessible via cable and internet. The judgment was published, partly translated and disseminated.
CM/ResDH(2011)141	POL / A.S.	39510/98	23/10/2006 20/06/2006	Protection of rights in detention: <i>Unlawful detention on remand under a bill of indictment and its prolongation on the basis of a fax from the Supreme Court; lack of an enforceable right to compensation for unlawful detention (Article 5 §§1+3+5).</i>	Individual measures: The applicant's detention and the criminal proceedings came to an end. The findings of violations constituted in themselves sufficient just satisfaction for non-pecuniary damage. General measures: The practice consisting in placing suspects in detention on remand on the basis of a bill of indictment is no longer possible under the new Code of Criminal Procedure 1998. Any appeal against a preventive measure (including detention on remand) must be dealt with by a prosecutor at the preliminary investigation stage, or by a judge when the criminal proceedings are at the trial stage before court, within three days. The CCP 1998 also extended the scope of application of the compensation procedure: compensation is awarded for an "undoubtedly unjustified detention". According to the Supreme Court's interpretation, detention on remand is "undoubtedly unjustified" when applied in breach of CCP provisions on the use of preventive measures or if it causes suffering to the accused (suspect) which should not occur in the light of circumstances established in the case and its final outcome. The judgment was translated, published and disseminated.
CM/ResDH(2011)141	POL / Ambruszkiewicz	38797/03	23/10/2006 04/05/2006	Protection of rights in detention: <i>Unlawful detention having been ordered without sufficient reasoning and without consideration given to less intrusive</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. General measures: The judgment was translated, published and

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>measures in spite of a number of applications lodged. (Article 5 §1)</i>	disseminated.
CM/ResDH(2011) 16	POL / Baranowski (and 16 other cases)	39742/05	02/01/2008 02/10/2007	Protection of rights in detention: <i>Belated examination of the applicant's appeal against the prolongation of his detention on remand. (Article 5§4)</i>	Individual measures: The applicant was released. Just satisfaction in respect of non-pecuniary damage paid. General measures: Under the Code of Criminal Procedure 1998, any appeal against a preventive measure (including remand in custody and extension of detention pending trial) must be examined promptly (see Interim Resolution CM/ResDH(2007)75 in Trzaska, in which a similar violation occurred before 01/09/1998). Promptness in examining appeals lodged in the context of detention on remand is subject to supervisory measures within the judiciary system. The judgment was published, translated and disseminated. The National Centre for the Training of Judges and Prosecutors regularly organises training sessions.
CM/ResDH(2011) 139	POL / Baranowski and Hulewicz	28358/95+	28/03/2000 28/03/2000	Protection of rights in detention: <i>Unlawful detention on remand on the sole basis of a bill of indictment beyond the period set in the detention order and delayed decision on requests for release from detention on remand. (Article 5§§1+4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Detention on remand ended for both applicants. General measures: The practice consisting in placing suspects in detention on remand on the basis of a bill of indictment is no longer possible under the new Code of Criminal Procedure 1998. Detention on remand and its extension must be based on a court decision. Any appeal against a preventive measure (including detention on remand) must be dealt with by a prosecutor at the preliminary investigation stage, or by a judge when the criminal proceedings are at the trial stage before court, within three days. The judgment was translated, published and disseminated.
CM/ResDH(2011) 141	POL / Brudnicka and Other	54723/00	03/06/2005 03/03/2005	Access to and efficient functioning of justice: <i>Unfair proceedings to determine the cause of a shipwreck due to lacking independence and impartiality of maritime</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants may bring actions in compensation for pecuniary and non-pecuniary damages before the ordinary courts.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>disputes chambers. (Article 6 § 1)</i>	<i>General measures:</i> The 1961 Act on Maritime Dispute Chambers was amended in 2009. A maritime dispute chamber is now composed of professional judges, including the president and one or more vice-presidents, and lay people. Judges are seconded by the Minister of Justice in accordance with the Law on the Common Courts System. Moreover, decisions of the maritime dispute chamber may be appealed before the Gdansk Appeal Court. The judgment was translated, published and disseminated.
CM/ResDH(2011)142	POL / Chruściński + Clones: Łaskiewicz	22755/04	06/02/2008 06/11/2007	Protection of rights in detention: <i>Lack of equality of arms and of respect of the adversarial principle in review proceedings concerning the lawfulness of detention on remand. (Article 5 §4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant and his lawyer were granted access to the case-file. <i>General measures:</i> The Constitutional Court delivered a judgment declaring the impugned provisions of the Code of Criminal Procedure contrary to the Constitution in 2008. The Code of Criminal Procedure was amended in 2009 granting access to case-files and to evidence referred to in a motion to apply or prolong detention on remand. The prosecutor can only refuse this access in certain limited circumstances, for example in order to protect the victim's life. The judgment was translated, published and disseminated.
CM/ResDH(2011)16	POL / Dabrowski	18235/02	19/03/2007 19/12/2006	Freedom of expression: <i>Unjustified interference due to conviction of a journalist for defamation in criminal proceedings for having published articles about the deputy mayor. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary and pecuniary damage awarded, also to cover the pecuniary penalty imposed. The applicant's criminal record was erased. Under the Code of Criminal Procedure, the applicant may apply for the reopening of the criminal proceedings. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2011)16	POL / Dewicka	38670/97	04/07/2000 04/04/2000	Access to and efficient functioning of justice: <i>Excessive length of certain civil proceedings and of the subsequent enforcement proceedings the impossibility</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Authorities were requested to accelerate the pending execution proceedings. <i>General measures:</i> Single incident with regard to the length of

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>to enter into a contract for the provision of telephone services. (Article 6 §1)</i>	execution proceedings. No further measures taken.
CM/ResDH(2011)16	POL / Gaweda	26229/95	14/03/2002 14/03/2002	Freedom of expression: <i>Refusal of domestic courts to register the names of two periodicals on the basis of the Press Act of 1984 and of Article 5 of the Ordinance of the Minister of Justice on the register of periodicals, provisions, which were lacking sufficient clarity and predictability and allowed too wide a discretion on the part of the authorities. (Article 10).</i>	Individual measures: No further obstacles to the registration of the names of the applicants' periodicals. General measures: Article 5 of the Minister of Justice's Ordinance on the register of periodicals was repealed on 01/11/1997. Change of domestic courts' practice: Article 21 of the Press Law 1984 provides that a court may refuse to register a periodical to protect the title of an existing publication or if the application does not contain all the information required by law. Regional courts' practice and the analysis of judicial decisions taken in 2003 show that registration of periodicals was only refused on these grounds. The judgment was published, translated and disseminated.
CM/ResDH(2011)141	POL / Gebura	63131/00	06/06/2007 06/03/2007	Protection of rights in detention: <i>Unlawful detention due to the delay in implementing a judicial decision on the applicant's conditional release related to organisational shortcomings. (Article 5 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. General measures: The judgment was translated, published and disseminated.
CM/ResDH(2011)241	POL / Kita	57659/00	08/10/2008 08/07/2011	Freedom of expression: <i>Disproportionate interference due to court decisions in summary proceedings based on the Local Elections Act. (Article 10)</i>	Individual measures: Just satisfaction in respect of the non-pecuniary damage paid. General measures: See CM/ResDH(2011)16 in Kwiecien. The judgment was published, translated and disseminated.
CM/ResDH(2011)67	POL / Kreuz No. 1 and 11 other cases	28249/95+	19/06/2001	Access to and efficient functioning of justice: <i>Denial of access to courts of different levels due to domestic courts' refusal to grant exoneration from court fees. (Article 6 §1)</i>	Individual measures: The ECtHR considered that the just satisfaction awarded in respect of non-pecuniary damage compensated the privation of access to a court. Any future claims will be made under a new costs regime. General measures: All general principles related to the imposition of costs, their amount and procedures for exemption are comprised in a new Law on court costs in civil cases of 2006. The new law provides fixed amounts for costs in

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					most court proceedings and simplifies the calculation of proportional costs, which remain applicable in most disputes over assets. Parties to a dispute may be exempted in whole or in part by the judge if they declare that they could not pay them without risking their living or that of their family accompanied by a detailed statement of their financial situation. Exoneration depends on the court's assessment of the individual circumstances of each case. The judgment was translated, published and disseminated.
CM/ResDH(2011) 16	POL / Kurzac and 2 other cases (Ciągdlak / Halka and Others)	31382/96	22/05/2001 22/02/2001	Access to and efficient functioning of justice: <i>Length of rehabilitation proceedings requesting the annulment of the applicant's brother's conviction in 1948 under the law of 23 February 1991 on the annulment of convictions for activities aimed at achieving Polish independence combined with civil claims for damages. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Decision taken at the 997 th and 879 th CM meeting.
CM/ResDH(2011) 16	POL / Kwienzien	51744/99	09/04/2007 09/01/2007	Freedom of expression: <i>Disproportionate interference due to regional court's order - in defamation proceedings under the Law on Local Elections - to publish in a local newspaper and in a letter to the claimant, a statement that the applicant's open letter to the Head of the District Office alleging incompetence and unlawful behaviour included untrue information, to convey an apology for it and to pay compensation for the benefit of a charity and to the claimant in the form of damages. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary and pecuniary damage sustained, not least to cover the damages which he had been ordered to pay. In 2001, the Constitutional Court declared Article 72§3 of the Law on Local Elections unconstitutional as it prevented the reopening of the domestic proceedings in question. By a decision of 14/04/2004 the Constitutional Court further confirmed that proceedings closed by a decision rendered on the basis of a legal disposition declared unconstitutional could be reopened. <i>General measures:</i> Article 72 of the 1998 Law on Local Elections, which allowed the domestic courts to impose high financial sanctions was amended on 26/07/2002 specifically to repeal the part of this provision allowing to order the payment of damages. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)16	POL / Malisiewicz-Gasior	43797/98	06/07/2006 06/04/2006	Freedom of expression: <i>Disproportionate interference due to criminal defamation conviction of a candidate for Parliament suggesting abuse of power by Deputy Speaker of Parliament. (Article 10)</i>	Individual measures: Conviction automatically removed from criminal record. Just satisfaction in respect of the non-pecuniary damage paid; no request in respect of pecuniary damage made. Under the Code of Criminal Procedure, the applicant may apply for reopening of proceedings. General measures: The judgment was published, translated and disseminated.
CM/ResDH(2011)16	POL / Migon	24244/94	25/09/2002 25/06/2002	Protection of rights in detention: <i>Lack of adversarial proceedings concerning the lawfulness of the prolongation of detention on remand since neither the accused nor his counsel had been allowed to attend court hearings and lack of access to the case-file of the investigation. (Article 5 §4)</i>	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage General measures: See CM/ResDH(2004)18 in Wloch: New Criminal Proceedings Code enacted in 1998 (see also Resolution ResDH(2002)124 in Niedbała. The judgment was published, translated and disseminated.
CM/ResDH(2011)68	POL / Ploski and Czarnowski	26761/95+	12/02/2003 12/11/2002	Protection of private and family life: <i>Failure to grant detainees leave to attend their parents' funerals. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. General measures: The judgment was translated, published and disseminated with a circular letter to the presidents of courts of appeal to be sent out to all judges.
CM/ResDH(2011)16	POL / Radaj	29537/95	28/02/2003 28/11/2002	Protection of private life and correspondence: <i>Interception and opening of the letters of a person detained on remand addressed to the European Commission of Human Rights. (Article 8 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See Resolution ResDH(2002)124 in the case Niedbała. A new Code of Enforcement of Criminal Sentences 1998 provides that the convicted persons as well as prisoners on remand are entitled to uncensored correspondence with the State authorities and with the Ombudsman. Article 103 of the Code further provides that convicted persons and their lawyers may lodge complaints with the international agencies established under international treaties on protection of human rights, ratified by Poland. Prisoners' correspondence in such cases shall be dispatched with no delay and is not subject to censorship. The judgment was published, translated and

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					disseminated.
CM/ResDH(2011)240	POL / Rybacki	52479/99	13/04/2009 13/01/2009	Protection of rights in detention and access to and efficient functioning of justice: <i>Excessive length of detention on remand as the grounds for prolonging detention were neither "relevant" nor "sufficient"; inability, on the basis of the prosecutor's decision, to communicate with a lawyer out of the earshot of the prosecutor or a person appointed by him. (Articles 5 §3 and 6§3 (c) in conjunction with Article 6§1)</i>	Individual measures: No claim for just satisfaction made. The detention of remand is finished. Reopening of the impugned proceedings is possible. General measures: General measures concerning detention on remand are examined in the context of the Trzaska group. According to the new Code of Criminal Procedure of 1997 the request of the prosecutor to be present in person or to be represented by a person authorised by him when a detained person communicates with his counsel, cannot be made or maintained later than 14 days from the date of the detention of the suspect. The judgment was published, partly translated and disseminated.
CM/ResDH(2011)16	POL / Salapa	35489/97	19/03/2003 19/12/2002	Protection of rights in detention and of correspondence and access to and efficient functioning of justice: <i>Deprivation of liberty by decision of the public prosecutor who was not a "judge or other officer authorised by law to exercise judicial power" and lack of adversarial proceedings concerning detention on remand; interception of letters of the accused to the European Commission of Human Rights and excessive length of criminal proceedings.(Articles 5 §§3+4, 6 §1 and 8)</i>	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction in respect of non-pecuniary damage. General measures: See Resolution ResDH(2002)124 in the case Niedbała.
CM/ResDH(2011)16	POL / Schirmer	68880/01	21/12/2004 21/09/2004	Protection of property: <i>Disproportionate interference due to domestic courts' refusal to order the eviction of the applicant's tenant on the grounds that the applicant had only a quasi-proprietorial right to the alternative flat which she had offered to the tenant - contrary to the relevant law, which</i>	Individual measures: Under the new law of 2001 the applicant may terminate the lease and evict her tenant. General measures: The Law of 1994 on the Lease Dwellings, which allowed relocation of tenants in alternative accommodation in the landlord's ownership, was repealed in 2001 by the Law on the Protection of Tenants' Rights which allowed landlords to terminate a lease contract if he or she

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>required an owner seeking eviction to be the owner of alternative accommodation. (Article 1 of Protocol 1)</i>	intends to live in the flat and had offered an alternative flat without the requirement to have a property right to the alternative flat.
CM/ResDH(2011) 16	POL / Skalka	43425/98	27/08/2003 27/05/2003	Freedom of expression: <i>Disproportionate interference due to conviction and further term of imprisonment of a detainee for insulting a State authority, having written a letter to the President of the Regional Court insulting the judges of the Penitentiary Division. (Article 10)</i>	Individual measures: The finding of a violation constituted in itself just satisfaction for the non-pecuniary damage. The applicant may request the reopening of the impugned criminal proceedings. General measures: The judgment was published, translated and disseminated.
CM/ResDH(2011) 16	POL / Szwagrun-Baurycza	41187/02	24/01/2007 24/10/2006	Access to and efficient functioning of justice: <i>Lack of effective access to court due to domestic courts' excessively formalistic interpretation of the Civil Procedure Code's provisions concerning summoning of persons who could be affected by the outcome of the domestic proceedings. (Article 6§1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant may resume the domestic proceedings by lodging a new request for the acquisition of ownership by prescription, as her case has not been decided on the merits yet. She should however take steps to identify the persons potentially concerned by the proceedings. On the grounds of the 1974 Act on Registration and Identity Cards she may submit to the relevant municipal authorities a request for the disclosure of the addresses of certain persons. If that has been ineffective, the competent court will have to take necessary steps, including publishing a press notice. General measures: Single incident. The judgment was published, translated and disseminated.
CM/ResDH(2011) 69	POL / Szymonski	6925/02	10/01/2007 10/10/2006	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings concerning the readjustment of the amount of the applicant's retirement pension. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. General measures: In the present case the courts did not act in conformity with the relevant legislation. The judgment was translated, published and disseminated. The general problem of length of civil proceedings is being examined within the framework of the group Podbielski.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)239	POL / Tabor and 6 other cases	12825/02+	27/09/2006 27/06/2006	Access to and efficient functioning of justice: Denial of access to the Supreme Court on the ground of the absence of reasons for the dismissal of requests for legal aid and delays in these dismissals. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants have the right to make an application to re-establish the time-limit for lodging cassation appeals. <i>General measures:</i> According to the new Code of Civil Procedure 2010, if a request for legal aid is lodged for the first time in appellate or cassation proceedings, the court concerned can either grant the request or refer it for re-examination to the first-instance court. In the case of a referral, where the first-instance court rejects the request for legal aid, it must give reasons for its decision, which can then be appealed. The judgment was published, partly translated and disseminated.
CM/ResDH(2011)16	POL / Turczanik	38064/97	30/11/2005 05/07/2005	Access to and efficient functioning of justice: Excessive length of administrative proceedings concerning the registration of the applicant's law firm address and violation of his right to effective judicial protection due to the non-observance by the Bar of the Supreme Administrative Court's directions. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Single incident. The judgment was published, translated and disseminated.
CM/ResDH(2011)140	POL / W.S. and 4 other cases	21508/02+	24/09/2007 19/06/2007	Access to and efficient functioning of justice: Unfair criminal proceedings due to the inability to obtain attendance and examination of witnesses; erroneous application of provisions of the civil code on litigation costs; non-enforcement of a domestic judgments ordering the Military Pensions' Office to pay a pension. (Articles 6 §1 and 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants concerned may request the reopening of the impugned criminal proceedings. <i>General measures:</i> The judgment was translated, published and disseminated.
CM/ResDH(2011)	POL / Werner	26760/95	15/11/2001	Access to and efficient functioning of	<i>Individual measures:</i> Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
16			15/11/2001	justice: <i>Lack of impartiality of a domestic court and unfairness of, since the judge who had requested the applicant's dismissal from the post of judicial liquidator of a company sat on the bench of the court during in camera proceedings inaccessible to the applicant. (Article 6§1)</i>	pecuniary damage paid. General measures: According to the new Bankruptcy and Remedial Law 2003, the decision of the insolvency judge to dismiss a judicial liquidator or administrator requires justification and is subject to appeal and may be examined at a hearing. The judge who took the contested decision does not sit on the bench considering the complaint. Matters concerning bankruptcy proceedings not addressed in this law shall be regulated by the Code of Civil Procedure, which provides the necessary guarantees. The judgment was published, translated and disseminated.
CM/ResDH(2011)141	POL / Worwa	26624/95	14/06/2004 27/11/2003	Protection of private life: <i>Unjustified interference due to the circumstances in which the applicant became subject to a series of psychiatric reports in criminal proceedings. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The judgment was translated, published and disseminated.
CM/ResDH(2011)238	POL / Zawadka	48542/99	12/10/2005 23/06/2005	Protection of family life: <i>Failure to take appropriate measures to enforce a father's right of contact with his minor son, in particular to encourage the parties to cooperate in the enforcement of access arrangements and, secondly, secure concrete and appropriate assistance by competent state agents within a specific legal framework suited to the needs of separated parents and their child. (Article 8)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. The enforcement of the judicial decision of 24/02/1998 concerning the applicant's visiting rights were discontinued as the applicant was not able to indicate the child's and his mother's address. The applicant was informed of the possibilities to institute proceedings on the basis of the 1980 Hague Convention on the Civil Aspects of International Child Abduction and/or request the reopening of proceedings concerning the enforcement of his visiting rights. The applicant did not institute any proceedings with a view to re-establishing contact with his son. General measures: The judgment was published, partly translated and disseminated.
CM/ResDH(2011)141	POL / Zielonka	49913/99	08/02/2006 08/11/2005	Protection of rights in detention: <i>Unlawful deprivation of liberty due to failure of</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The three-day period of unlawful

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>district court to prolong the applicant's detention on remand immediately upon expiry of the initial period. (Art. 5§3)</i>	detention on remand was deducted from the prison sentence. General measures: Judicial error. The judgment was translated, published and disseminated.
CM/ResDH(2011)141	POL / Zmarzłak	37522/02	15/04/2008 15/01/2008	Protection of private and family life: <i>Disproportionate interference due to the failure of authorities to review the imposition of police supervision for an unlimited duration in criminal proceedings. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The impugned supervision was lifted before the applicant's acquittal. General measures: Error of the trial court, which had not responded to the applicant's request to lift the measure. The judgment was translated, published and disseminated.
CM/ResDH(2011)138	POL / Związek Nauczycielstwa Polskiego	42049/98	02/02/2005 21/09/2004	Access to and efficient functioning of justice: <i>Denial of access to a court due the Supreme Court's restrictive interpretation of legislative provisions concerning the restitution of property to the Catholic Church. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: Specific historical problem of restoration of property expropriated from the Catholic Church under the Communist regime. Today all expropriation issues are governed by the Real Estate Management Act of 1997. The judgment was translated, published and disseminated.
CM/ResDH(2011)144	PRT / Almeida Garrett, Mascarenhas Falcao and Others and 3 other cases	29813/96+	10/04/2001 11/01/2000	Protection of property: <i>Absence of any final compensation for the nationalisation and expropriation of land. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction on equitable principles in respect of pecuniary and non-pecuniary damages suffered was paid as awarded. General measures: The Committee of Ministers was supervising the adoption of outstanding general measures in the last four cases in the context of the Carvalho Acabado group of cases closed with CM/ResDH(2014)11 .
CM/ResDH(2011)242	PRT / Feliciano Bichao	40225/04	20/02/2008 20/11/2007	Access to and efficient functioning of justice: <i>Failure to disclose, in criminal proceedings, to the defendant a memoranda of the Public Prosecutor before the Court of Appeal and before the Constitutional Court. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. The applicant was not due to the lack of objective elements of the alleged offence. General measures: Erroneous application of the relevant legal provisions in criminal proceedings. As to the Constitutional Court, it adopted internal measures whereby the position of the Public Prosecutor is communicated to the appellant. The

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					Public Prosecutor called for further efforts to fully apply the adversarial principle in family affairs and matters concerning minors. The judgment was published, translated and disseminated.
CM/ResDH(2011)144	PRT / Matos e Silva, Lda., and Others	15777/89	16/09/1996 16/09/1996	Protection of property and access to and efficient functioning of justice: <i>Reduced ability to dispose of the possession of land affected by a public-interest declaration as a preliminary to its expropriation in order to set up a nature reserve and excessive length of related proceedings. (Article 1 of Protocol No. 1 and 6 §1)</i>	Individual measures: Just satisfaction in respect of the damage as a whole paid. The Supreme Administrative Court had concluded the appeal procedure by judgment of 31 May 2000, which confirmed the applicants' ownership of the property in question. The decision became final on 7 March 2001. Four other sets of proceedings are still pending concerning in particular the compensation to be granted following the expropriation. Information has been requested in this respect. The necessity to put an end to the different expropriation proceedings which are still pending was underlined. General measures: In order to draw the attention of domestic courts to the problem that the existing procedure could cause under specific circumstances, the judgment was translated, published and disseminated. The Committee of Ministers was supervising the adoption of outstanding general measures in the last four cases in the context of the Carvalho Acabado group of cases in CM/ResDH(2014)11 .
CM/ResDH(2011)243	PRT / Perdigao	24768/06	16/11/2010 Grand Chamber	Protection of property: <i>Court fees in proceedings relating to the expropriation of a building were higher than the amount awarded to the owners in compensation for the expropriation. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of the non-pecuniary and pecuniary damage paid. General measures: The new Court Fees Code 2008 placed an upper limit on the sums that could be charged in court fees. . The judgment was published, translated and disseminated.
CM/ResDH(2011)146	PRT / Santos Pinto	39005/04	20/08/2008 20/05/2008	Access to and efficient functioning of justice: <i>Denial of access to a court due to dismissal of an appeal lodged in the context</i>	Individual measures: No just satisfaction claimed. The possibility of reviewing domestic decisions, following a decision of the European Court of Human Rights, is provided by Article

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>of expropriation proceedings, although a similar appeal in respect of another plot of the same property had been accepted - contrary to the principle of judicial certainty, given the difference in the assessment of identical situations by the same court. (Article 6 §1)</i>	771 of the Code of Civil Procedure as modified in 2007. <u>General measures:</u> Isolated case. The judgment was translated, published and disseminated.
CM/ResDH(2011)145	PRT / Women on Waves	31276/05	03/05/2009 03/02/2009	Freedom of expression: <i>Disproportionate interference due to the decision of the administrative authorities to prohibit the ship Borndiep, which had been chartered with a view to staging activities promoting the decriminalisation of abortion, from entering territorial waters. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was translated, published and disseminated.
CM/ResDH(2011)143	PRT/ Panasenko, Bogumil and Czekalla	10418/03	22/10/2008 22/06/2008	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the ineffectiveness of the court-appointed defence counsel preventing the accused from having his conviction examined on the merits before the Supreme Court.(Article 6 §§1+3c)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The first applicant may request re-examination of his case by the Supreme Court. An amendment to the Code of Criminal Procedure 2007, permits the re-examination of domestic judgments, even those having the status of res judicata, following a ECtHR judgment: the public prosecutor as well as others including the person convicted, are entitled to ask for re-examination without any time-limit. <u>General measures:</u> The Constitutional Court declared the relevant provision of the Code of Criminal Procedure unconstitutional, which had led to the dismissal of an appeal to the Supreme Court on formal grounds without any rectification possible. The judgment was translated, published and disseminated.
CM/ResDH(2011)72	ROM / Adam and 8 other cases	45890/05+	03/02/2010 03/11/2009	Access to and efficient functioning of justice: <i>Denial of access to court due to excessive court fees. (Article 6 §1)</i>	<u>Individual measures:</u> Reopening civil proceedings in case of an ECHR violation is possible. Just satisfaction in respect of non-pecuniary damages paid. <u>General measures:</u> See CM/ResDH(2011)24 in Iorga.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)300	ROM / Anghel	28183/03	31/03/2008 04/10/2007	Access to and effective functioning of justice: Unfairness of proceedings brought to challenge the imposition of a fine for having insulted a civil servant, due to the failure of the domestic courts to secure respect of the presumption of innocence and the defence rights. (Article 6)	Individual measures: Just satisfaction for non-pecuniary damages paid. Enforcement proceedings regarding the imposed fine were abandoned. Reopening of proceedings is possible. General measures: Change of domestic courts' case-law applying in an appropriate manner the procedural guarantees set forth by Article 6 in criminal matters despite an a prima facie inadequate statutory framework. The judgment was published, translated and disseminated and is used in training of magistrates.
CM/ResDH(2011)258	ROM / Bartos	12050/02	20/10/2006 20/07/2006	Access to and efficient functioning of justice and protection of property: Quashing of final court decisions by the Supreme Court following an application for nullity lodged by the Procurator General under the Code of Civil Procedure. (Article 6 §1)	Individual measures: Just satisfaction in respect of the non-pecuniary damage paid. The applicant lodged a request for review of the decision of the Supreme Court of Justice quashing the final court decisions in her favour. The High Court of Cassation and Justice granted the request and annulled the decision. General measures: See CM/ResDH(2007)90 in Brumarescu (in particular the fact that the relevant provisions of the Code of Civil Procedure had been repealed.)
CM/ResDH(2011)70	ROM / Bessler	25669/04	18/08/2010 18/05/2010	Access to and efficient functioning of justice: Unfair civil proceedings to recover properties nationalised during the communist regime, due to domestic courts' failure to address a decisive argument submitted by the party in support of the actions.(Article 6 §1)	Individual measures: Reopening civil proceedings in case of an ECHR violation is possible. The applicant's heirs were awarded just satisfaction in respect of non-pecuniary damage. For General measures: see CM/ResDH(2011)19 in Vlasia Grigore Vasilescu, where the violation stemmed from the failure of the domestic courts to observe their statutory obligation to give reasons for their decisions. The judgment was translated, published and disseminated.
CM/ResDH(2011)71	ROM / Boldea and 2 other cases	19997/02+	15/05/2007 15/02/2007	Access to and efficient functioning of justice and freedom of expression: Unfair criminal proceedings for insult and defamation resulting in criminal convictions and/or award of civil damages to the civil	Individual measures: Just satisfaction in respect of non-pecuniary damages paid in one case. No claims made in 2 cases. General measures: Violations stemmed from the failure of the

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>parties due to insufficient reasoning in domestic courts' judgements, amounting to unjustified interference with freedom of expression in two of these cases. (Article 6 §1 and 8)</i>	domestic courts to observe their statutory obligation to give reasons for their decisions. The judgment was translated, published and disseminated.
CM/ResDH(2011)27	ROM / Bota and 2 other cases	16382/03+	04/02/2009 04/11/2008	Access to and efficient functioning of justice: <i>Breach of the principle of legal certainty in unfair criminal proceedings as a result of the annulment by the Supreme Court of final judgments acquitting the applicants following applications for nullity lodged by the Prosecutor General as well as, in one case, interference with property rights on account of the annulment of final court decisions following an application for nullity lodged by the Prosecutor General on the ground of a provision of the Code of Civil Procedure. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary and in two cases of pecuniary damage paid. It was open to the applicants in all these cases to request the reopening of the criminal proceedings. The applicants' convictions have been erased from their criminal records. <u>General measures:</u> The provisions of the Code of Criminal Procedure related to the application for nullity had been repealed in 2004. Annulment of a judgment in civil proceedings: See CM/ResDH(2007)90 in Brumărescu.
CM/ResDH(2011)256	ROM / Bujac	37217/03	02/02/2011 02/11/2010	Protection of rights in detention: <i>Unlawful detention on remand following a prolongation order of the domestic court without specifying its duration contrary to domestic law as interpreted by the Constitutional Court. (Article 5 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of the non-pecuniary damage paid. The applicant had been convicted and the period of detention on remand had been deducted in its entirety from his sentence. He was released on parole. <u>General measures:</u> See Resolution CM/ResDH(2011)22 in Konolos.
CM/ResDH(2011)29	ROM / Constantinescu and 4 other cases	28871/95+	27/06/2000 27/06/2000	Access to and efficient functioning of justice: <i>Unfair criminal proceedings on account of the failure of the competent courts to hear direct evidence from the accused. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary and in one case of pecuniary damage paid. Following an extraordinary appeal, the first applicant was acquitted by the Supreme Court of Justice. One applicant was acquitted in reopened proceedings. Two applicants made no requests for reopening.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<i>General measures:</i> Under the Criminal Procedure Code as amended in 2006, the appellate courts are compelled to hear direct evidence from the accused when they were not heard by the first-instance court or when the first-instance court did not convict them. When three levels of jurisdictions are available, the courts of last instance are compelled to hear the accused when they were not heard by the first-instance and the second-instance court or neither the first-instance nor the second-instance court convicted them. The judgments were published, translated and disseminated and are used in training of judges.
CM/ResDH(2011)20	ROM / Crisan	42930/98	27/08/2006 27/05/2003	Access to and efficient functioning of justice: Lack of access to court due to the inability to challenge before a court the lawfulness of the decisions of an administrative body granting certain rights to persons who had been persecuted on political grounds, following the repeal in 1997 of the possibility to lodge a judicial complaint against such decisions (Article 6 §1).	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary paid. In May 1998 the applicant lodged a new request to obtain certain rights as a person who had been persecuted on political grounds, which was granted. <i>General measures:</i> In 1998 the possibility to challenge before domestic courts administrative decisions concerning the rights of persons who had been persecuted on political grounds was re-established. Most of those who, like the applicant, had been denied access to a court between 1997 and 1998, had already used the new judicial procedure provided by the 1998 legislative reform.
CM/ResDH(2011)73	ROM / Dalban and 4 other cases	28114/95+	28/09/99	Freedom of expression, protection of private and family life and access to and efficient functioning of justice: Criminal convictions of journalists for insult and/or defamation and disproportionate nature of the sanctions imposed due to the automatic ban on the exercise of parental rights imposed on persons sentenced to imprisonment and the absence of effective remedies in this respect as well as unfair criminal proceedings. (Articles 10, 8 and 13	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damages paid, where granted. In Dalban, the conviction was overturned by the Supreme Court of Justice. In Cumpana and Mazare, the applicants were granted a presidential pardon. The convictions had been expunged from the applicants' criminal records on the expiry of the statutory time-limit for rehabilitation. In Sabou and Pîrcălab, the applicants were granted a suspension of the execution of their prison sentence. A presidential pardon exempted them from serving the remainder of his sentence and ended the ban on the exercise of parental rights. The convictions were expunged

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>as well as 6 §§ 1 and 3 (d)</i>	<p>from the criminal records. In Barb and Bacanu, the applicants could request reopening of criminal proceedings. The convictions were expunged from the criminal records.</p> <p><i>General measures:</i> Prison sentences for insult and defamation were abolished by Emergency Regulation No. 58/2002 and Law No. 160/2005 respectively. Subsequently, Law No. 278/2006 decriminalised insult and defamation in the Criminal Code. In January 2007, however, the Constitutional Court found the decriminalisation of insult and defamation to be unconstitutional generating some uncertainty as to its decisions' effects. In order to clarify this issue, the Prosecutor General lodged an appeal with the High Court of Cassation and Justice, which confirmed in its ruling of 18/10/2010 that notwithstanding the Constitutional Court's decision, insult and defamation are no longer criminal offences. Under Article 414 of the Code of Criminal Procedure, this ruling is henceforth binding for all domestic courts. The ban on the exercise of certain rights under Articles 71 and 64 of the Criminal Code and the security measures provided therein can thus no longer be imposed. Article 71 of the Criminal Code was amended by Law No. 278/2006 providing that courts, when deciding to ban or not the exercise of parental rights must take into account the nature and seriousness of the offence, the circumstances of the cause, the personality of the offender and the best interest of the child. The imposition of such a ban is subject to appellate courts' review within the ordinary framework of appeals. The judgment was translated, published and disseminated.</p>
CM/ResDH(2011)252	ROM / Danila	53897/00	08/06/2007 08/03/2007	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to lack of a hearing of the accused before the Supreme Court of Justice reversing the acquittal by the appellate court without taking further evidence. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. Upon retrial, after having taken evidence in person from the applicant, the main prosecution witness and other witnesses, the domestic courts dismissed the charges against the applicant on grounds that statute of limitation in respect of the offences he was charged with had expired.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<i>General measures:</i> See CM/ResDH(2011)29 in Constantinescu (in particular the amendments made in 2006 to the provisions of the Code of Criminal Procedure on the examination of accused persons). Erroneous application of procedural rules governing final appeal proceedings and not from an inadequate legal framework. The judgment was published, translated and disseminated.
CM/ResDH(2011)253	ROM / Deak	42790/02	06/04/2009 04/00/2008	Access to and efficient functioning of justice: Denial of access to a court due to the erroneous rejection of a request for judicial review of an administrative decision establishing the amount of a retirement pension. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. Reopening of the impugned proceedings possible. <i>General measures:</i> Isolated case. Law No. 19/2000 on the retirement rights provides that the administrative decisions establishing the amount of the retirement pensions are subject to judicial review. The judgment was published, disseminated and is used in training of magistrates.
CM/ResDH(2011)250	ROM / Dragotoni and Militaru–Pidhorni	77193/01+	24/08/2007 24/05/2007	No punishment without law: Criminal conviction of the applicants for acts which did not constitute a criminal offence under the national law in force at the material time. (Article 7)	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. The applicants requested the reopening of the proceedings. The High Court of Cassation and Justice allowed the reopening and acquitted the applicants upon retrial. <i>General measures:</i> Isolated case resulting from an extensive interpretation of provisions to the applicants' detriment. The judgment was published, translated and disseminated.
CM/ResDH(2011)245	ROM / Gaga and 7 other cases	42792/02	07/05/2008 07/02/2008	Access to and efficient functioning of justice and protection of property: Quashing of final court decisions by the Supreme Court, following applications for nullity lodged by the Procurator General under the Code of Civil Procedure. (Article 6 §1 and/or 1 of Protocole No. 1)	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damages paid in all cases and for pecuniary damage paid, if awarded. <i>General measures:</i> See CM/ResDH(2007)90 in Brumarescu (in particular the fact that the relevant provisions of the Code of Civil Procedure had been repealed.)
CM/ResDH(2011)	ROM / Ghibusi	7893/02	12/10/2005	Access to and efficient functioning of	<i>Individual measures:</i> Just satisfaction in respect of pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
74			23/06/2005	justice: Failure to enforce a court decision ordering the applicant's reinstatement in her post as a private doctor's medical assistant and enjoining the doctor to conclude an employment contract with her. (Article 6 §1)	and non-pecuniary damages awarded. Failing information on the applicant's whereabouts, the amount was deposited in a bank account set up in the applicant's name and the receipt attesting the deposit sent to her. General measures: The case resulted from its particular circumstances. The judgment was translated, published and disseminated.
CM/ResDH(2011) 25	ROM / Glod	41134/98	16/12/2003 16/09/2003	Access to and efficient functioning of justice: Lack of access to court due to domestic courts' refusal to review the lawfulness of an administrative decision dealing with the restitution of a plot of land, due to a legal provision that limited the competence of the courts to deal with this kind of cases. (Article 6 §1)	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. Reopening of the impugned proceedings could be requested. General measures: The impugned legal provision was repealed in 1997. The judgment was published, translated and disseminated.
CM/ResDH(2011) 18	ROM / Grecu	75101/01	28/02/2007 30/11/2006	Access to and efficient functioning of justice: Unfair criminal proceedings brought to have a prosecutor's order, imposing an administrative fine and the confiscation of foreign currency, set aside due to lack of legal possibility to request a judicial review of prosecutors' orders despite acquittal; deprivation of the right to have one's criminal case examined by two levels of jurisdiction (Articles 6 §1 and Article 2 §1 of Protocol No. 7).	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. The applicant did not request reopening of the impugned proceedings. General measures: Under the new Code of Criminal Procedure 2004, any person whose legitimate interests are affected by a prosecutor's decision not to open or to discontinue criminal proceedings has a right to seek judicial review thereof. The courts shall examine the lawfulness and the merits of the disputed order. Thus domestic courts have full jurisdiction when it comes to the judicial review of prosecutors' orders. The new statutory provisions mentioned above guarantee the right of appeal to a higher court in such proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2011) 255	ROM / Hauler and Stancu	10443/03	20/03/2008 20/12/2007	Access to and efficient functioning of justice: Denial of access to a court due to the domestic courts' refusal to review the	Individual measures: Just satisfaction awarded in respect of pecuniary and non-pecuniary damage combined was paid. Domestic proceedings closed.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>lawfulness of administrative decisions concerning the allocation of plots of land and the excessive length of civil proceedings. (Article 6 §1)</i>	<i>General measures:</i> See CM/ResDH(2011)25 in Glod, underlining that the legal provision limiting the jurisdiction of courts to review the lawfulness of administrative decisions concerning the restitution of land was repealed in 1997. In the present cases, the courts of appeal nevertheless declined jurisdiction to review such administrative decisions. The judgment was published and disseminated via the Superior Council of Magistracy. The issue of length of proceedings is being examined in the context of the Nicolau group of cases.
CM/ResDH(2011)248	ROM / Ionescu and Mihaila	36782/97	14/03/2007 14/12/2007	Access to and efficient functioning of justice: <i>Lack of access to a court in order to claim the restitution of a nationalised building. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. Reopening of the impugned proceedings possible. <i>General measures:</i> See CM/ResDH(2008)79 in Cancioviu concerning changes in legislation and case-law.
CM/ResDH(2011)148	ROM / Iordache	6817/02	14/01/2009 14/10/2008	Access to and efficient functioning of justice, protection of family life and lack of effective remedy: <i>Lack of access to a court due to substantial court fees, prohibition of the exercise of parental rights automatically imposed on persons sentenced to imprisonment and absence of effective remedies in this respect. (Articles 6 § 1 and Articles 8 and 13)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Reopening in civil proceedings on the basis of ECHR judgment possible. The criminal proceedings that led to the automatic prohibition on the exercise of parental rights by the applicant were reopened and the prohibition lifted. <i>General measures:</i> see CM/ResDH(2011)24 in Iorga and CM/ResDH(2011)73 adopted in five cases against Romania concerning criminal convictions of journalists for insult and/or defamation, among which the in Sabou and Pircălab. The judgment was translated, published and disseminated.
CM/ResDH(2011)24	ROM / Iorga	4227/02	25/04/2007 25/01/2007	Access to and efficient functioning of justice: <i>Denial of access to a court due to excessive court fees. (Article 6 §1)</i>	<i>Individual measures:</i> No just satisfaction for non-pecuniary damage requested. The applicant's heirs brought new proceedings against the State, represented by the Ministry of Finance. In these new proceedings, the claimants were not required to pay stamp duty.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<i>General measures:</i> Law No. 146/1997 (Stamp Duty Act) was amended. Currently, under this Act and the Emergency Regulation No. 51/2008 on legal aid in civil proceedings, courts have jurisdiction to grant stamp duty exemptions or reductions or to decide their payment in instalments.
CM/ResDH(2011)254	ROM / Iosif and Others	10443/03	20/03/2008 20/12/2007	Access to and efficient functioning of justice: Denial of access to a court due to the excessive amount of a security deposit required to bring an action to cancel a mortgage agreement. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. Reopening of the impugned proceedings possible. <i>General measures:</i> The provision of a government emergency ordinance from 1998 which provided the obligation to pay a fixed security deposit to introduce an action against enforcement proceedings was declared unconstitutional in 2004. At present, according to the relevant provisions of the Civil Procedure Code, the introduction of an action against enforcement proceedings does not require the payment of a security deposit.
CM/ResDH(2011)22	ROM / Konolos	26600/02	07/05/2007 07/02/2007	Protection of rights in detention: Prolongation of the applicant's detention on remand without specification of its duration, contrary to Article 149 of the Code of Criminal Procedure, as interpreted by the Constitutional Court. (Article 5§1)	<i>Individual measures:</i> The applicant was released. Just satisfaction in respect of the non-pecuniary paid. <i>General measures:</i> Law No. 281/2003 amending the Code of Criminal Procedure provided for the obligation of domestic courts to regularly review the legality and the appropriateness of continuing detention on remand.
CM/ResDH(2011)28	ROM / Lindner and Hammermayer	35671/97	06/04/2006 Grand Chamber Friendly settlement	Access to and efficient functioning of justice and protection of property: Annulment by appeal courts of final judicial decisions establishing the validity of titles to property confiscated by the State in 1950 following denial of their jurisdiction over disputes relating to recovery of property under Article 1 of Protocol No. 1).	<i>Individual measures:</i> In accordance with the terms of the friendly settlements, the government paid the applicants certain sums; domestic judicial and administrative decisions returning the property at issue to the applicants were implemented. <i>General measures:</i> see Final Resolution CM/ResDH(2007)90 in Brumărescu group. Two applicants lodged a request for reopening out of time.
CM/ResDH(2011)	ROM / Macovei	5048/02	21/09/2007	Protection against ill-treatment: Lack of an	<i>Individual measures:</i> It was open to the applicants to request

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
21	and Others		21/06/2007	<i>effective investigation of the applicants' assault by their neighbours in a dispute in 1998. (Article 3 procedural limb)</i>	the reopening of the proceedings. Just satisfaction in respect of the non-pecuniary paid. General measures: After a reform in 2003, the Code of Criminal Procedure provides that any person whose legitimate interests are affected by a prosecutor's decision to discontinue proceedings has a right to appeal to the court, which should base its judgment on the case-file and any new written evidence adduced. The flaws in the investigation carried out by the prosecutor are examined in the context of the Filip (41124/02) and Hussain (12338/02) cases.
CM/ResDH(2011)260	ROM / Marian Nita	28162/05	07/03/2011 07/12/2010	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to breach of the principle of legal certainty as a result of the annulment by the High Court of Cassation and Justice of a final judgment acquitting the accused, following an application for nullity lodged by the Procurator General.(Article 6 §1)</i>	Individual measures: Just satisfaction in respect of the non-pecuniary damage paid. The applicant lodged a request for review of the decision of the High Court of Cassation and Justice, which dismissed the application for nullity lodged at the time by the Procurator General. Consequently, acquittal regained its binding force. General measures: See CM/ResDH(2011)27 in Bota, Sergiu Popescu and Precup.
CM/ResDH(2011)149	ROM / Năstase-Silivestru	74785/01	04/01/2008 04/10/2007	Protection of rights in detention and of correspondence: <i>Denial of right to be brought promptly before a judge and to respect for correspondence (Articles 5§3 and 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. General measures: The Code of Criminal Procedure was amended in 2003. At present, the judge has sole competence to order Protection of rights in detention. Protection of correspondence in detention: see Coteleş CM/ResDH(2010)180 . The judgment was translated, published and disseminated.
CM/ResDH(2011)247	ROM / Nicuț-Tănăsescu	25842/03	06/10/2010 06/07/2010	Protection of rights in detention: <i>Detention ordered by a prosecutor without bringing the detained person before a judge promptly, but only after eight days. (Article 5 §3)</i>	Individual measures: Just satisfaction in respect of the non-pecuniary damage paid. General measures: See CM/ResDH(2011)149 in Năstase-Silivestru.
CM/ResDH(2011)	ROM / Savu	19982/04	04/02/2009	Access to and efficient functioning of	Individual measures: Just satisfaction in respect of the non-

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
257			04/11/2008	justice and protection of property: <i>Quashing of final court decisions by the Supreme Court following an application for nullity lodged by the Procurator General under the Code of Civil Procedure, granting a plot of land in exchange for the payment of a sum to the other parties to the proceedings. (Article 6 §1 and 1 of Protocol No.1)</i>	pecuniary damage paid. The applicant lodged a request for review of the decision of the Supreme Court of Justice by which the final court decisions in his favour had been quashed. The High Court of Cassation and Justice granted the request and dismissed the extraordinary appeal lodged at the time by the Procurator General. Consequently, the decisions in favour of the applicant regained their binding force. <i>General measures:</i> See CM/ResDH(2007)90 in Brumarescu (in particular the fact that the relevant provisions of the Code of Civil Procedure had been repealed.)
CM/ResDH(2011)246	ROM / SC Plastik ABC SA	32299/03	07/05/2008 07/02/2008	Access to and efficient functioning of justice and protection of property: <i>Partial quashing of a final court decision by the Supreme Court following an application for nullity lodged by the Procurator General in criminal proceedings. (Article 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary and pecuniary damages paid. <i>General measures:</i> See CM/ResDH(2011)27 in Bota, Sergiu Popescu and Precup.
CM/REsDH(2011)147	ROM / Serban and Lefter Niță	3729/03+	19/01/2010 19/04/2010	Access to and efficient functioning of justice and protection of property: <i>Quashing of final court decisions by the Supreme Court following applications for nullity lodged by the Procurator General. (Article 6 §1 and Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> see CM/REsDH(2007)90 in the Brumărescu group. The judgment was translated, published and disseminated.
CM/ResDH(2011)251	ROM / Spinu	32030/02	29/07/2008 29/04/2008	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to lack of a hearing of the accused before the Supreme Court of Justice reversing the acquittal by the appellate court without taking any evidence. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. The impugned proceedings were reopened and the applicant's conviction upheld. <i>General measures:</i> See CM/ResDH(2011)29 in Constantinescu (in particular the amendments made in 2006 to the provisions of the Code of Criminal Procedure on the examination of accused persons). The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)17	ROM / Todorescu and 6 other cases	40670/98+	30/12/2003 30/09/2003	Access to and efficient functioning of justice: <i>Quashing of final court decisions by the Supreme Court following applications for nullity lodged by the Prosecutor General (Article 6 §1 and 1 of Protocol No. 1 in 5 cases)</i>	<i>Individual measures:</i> In three cases, the respondent State paid the sums corresponding to the value of the property as pecuniary damage. In two cases the applicants lodged extraordinary appeals before the High Court of Cassation and Justice; one was granted, the other one is pending. Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> see Resolution CM/ResDH(2007)90 in Brumarescu (Articles 330 and 330 of the Code of Civil Procedure were repealed by Article 1 §17 of Emergency Ordinance No. 58 of 25/06/2003).
CM/ResDH(2011)23	ROM / Varga	73957/01	01/07/2008 01/04/2008	Protection of rights in detention / protection of home: <i>Unlawfulness of the applicants' detention on remand after committal for trial and the expiry of the prosecutor's order; unlawful search of the applicants' house without a warrant and in the absence of impartial observers. (Articles 5 §1 and 8)</i>	<i>Individual measures:</i> The applicants were released. Just satisfaction in respect of the non-pecuniary paid. <i>General measures:</i> Law No. 281/2003 amending the Code of Criminal Procedure provided for the obligation of domestic courts to regularly review the legality and the appropriateness of continuing detention on remand. The provisions of the Code of Criminal Procedure concerning house searches were amended in 2003 and 2006 providing that searches can only be carried out on the basis of a reasoned interlocutory decision delivered by a judge, after initiation of prosecution against a person.
CM/ResDH(2011)19	ROM / Vasilescu	60868/00	08/09/2006 08/06/2006	Access to and efficient functioning of justice: <i>Unfairness of civil proceedings for recovery of possession of land which had been nationalised during the communist regime, due to the domestic courts' failure to address a decisive argument the applicant had submitted in support of his action. (Article 6 §1)</i>	<i>Individual measures:</i> The applicant brought new proceedings for the restitution of the property at issue under Law No. 10/2001 resulting in the recognition of his ownership title and restoration of a significant part of the land. His claims in respect of the remaining part of the land were also upheld and he was registered for award of compensation. Effective payment of such compensations is currently supervised within the framework of the Străin and others group of case. <i>General measures:</i> Under the Code of Civil Procedure, the courts must necessarily show the points of fact and law their decisions are based on and the reasons that led them to dismiss the parties' claims. The judgment was published,

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					translated and disseminated.
CM/ResDH(2011)76	ROM / Virgil Ionescu	53037/99	28/09/2005 28/06/2005	Access to and efficient functioning of justice and protection of property: <i>Unfair civil proceedings for adjustment of a debt established by a court decision and the debtor's failure to comply with this decision resulting in the infringement of the applicant's property rights. (Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage resulting from the violations paid. General measures: The violation stems from the misapplication of the procedural provisions regulating the submission of requests for evidence. The judgment was translated, published and disseminated. As concerns a public body's failure to comply with a court decision ordering the payment of a debt, the issue is being supervised in the framework of the Săcăleanu group of cases.
CM/ResDH(2011)26	ROM / Visan	15741/03	24/07/2008 24/04/2008	Access to and efficient functioning of justice: <i>Lack of access to a court due to the dismissal of a request for compensation for unlawful conviction under the Civil Code on the ground that the action had been time-barred under a provision of the Criminal Procedure Code which was not applicable on the date when the request was introduced. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Reopening of the impugned proceedings could be requested. General measures: The judgment was published, translated and disseminated and is used in the training of magistrates.
CM/ResDH(2011)249	ROM / Weissman and Others	63945/00	23/10/2006 24/05/2006	Access to and efficient functioning of justice and protection of property: <i>Denial of access to a court due to excessive court fees required for initiating domestic proceedings and thus impossibility to claim restitution of rent collected by the State with regard to the applicants' building. (Article 6§1)</i>	Individual measures: Just satisfaction in respect of the pecuniary damage (resulting from the lack of compensation for the use of their building by the state) paid. General measures: See CM/ResDH(2011)24 in the case of Iorga.
CM/ResDH(2011)151	RUS / Arshinchikova	73043/01	29/06/2007 29/03/2007	Access to and efficient functioning of justice: <i>Breach of the principle of legal certainty through quashing of a binding and enforceable judgment by the Supreme Commercial Court in supervisory-review</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: A new Code of Commercial Procedure 2003 introduced a supervisory review procedure in the Supreme Commercial Court, which is structurally different from

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>proceedings. (Article 6 §1)</i>	that exercised by courts of general jurisdiction under the new Code of Civil Procedure 2003. The binding and enforceable decisions delivered by the commercial courts may be challenged only once, before a supreme judicial instance, upon request by the parties or certain other persons affected, on restricted grounds and within a clearly defined and limited time-frame. The supervisory review so construed appears no more as an extraordinary means for reopening judicial proceedings. The judgment was translated, published and disseminated.
CM/ResDH(2011)301	RUS / Baklanov	68443/01	30/11/2005 09/06/2005	Protection of property: <i>Unlawful interference due to the authorities' failure to base confiscatory measures on a precise legal provision (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. Domestic proceedings were reopened on the initiative of the President of the Supreme Court, and the applicant was paid compensation for the confiscated property. General measures: In 2006, the Criminal Code was amended, providing for confiscation for, inter alia, smuggled goods. In December 2009 a new amendment adopted following ratification of the European Convention on the Suppression of Terrorism (CETS No. 090), and of the United Nations Convention against Corruption 2003 specified that smuggled goods are subject to confiscation. As a result the legal basis for confiscation of smuggled goods is sufficiently precise to enable to foresee the consequences of smuggling. The judgment was published.
CM/ResDH(2011)152	RUS / Bezymyannaya	21851/03	22/03/2010 22/12/2009	Access to and efficient functioning of justice: <i>Denial of access to a court due to the fact that domestic courts declines their jurisdiction to hear the applicant's claim thus leaving her in a judicial vacuum. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic courts reopened the applicant's case, quashed the decision to refuse jurisdiction over it, and on 20 September 2010 delivered a judgment on the merits of the case. General measures: Erroneous interpretation of the jurisdictional parameters of their authority by domestic courts. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 153	RUS / Frizen	58254/00	30/11/2005 24/03/2005	Protection of property: <i>Unlawful interference due to the forfeiture of the applicant's car in the criminal proceedings resulting in her husband's conviction without reference to any legal provision authorising the forfeiture. (Article 1 of Protocol No. 1)</i>	Individual measures: No claim for just satisfaction submitted. No claim for compensation or restitution lodged before domestic courts. General measures: Isolated incident. The judgment was translated, published and disseminated.
CM/ResDH(2011) 30	RUS / Nurmagomedov	30138/02	07/09/2007 07/06/2007	Right to individual petition: <i>Interference due to the prison authorities' refusal to forward a detainee's letter to the European Court. (Article 34)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: see CM/ResDH(2008)19 in Poleshchuk, in particular relating to the amendment of the Penal Code 2003 and the Internal Regulations of Correctional Facilities 2005, which grant that correspondence with the ECtHR is not subject to censorship. The present judgment was sent out to the Prosecutor General's Office, Presidents of the Supreme Court, Constitutional Court and Plenipotentiary Representative of the President in the Central Federal Circuit, and disseminated amongst the regional departments of the Federal Penitentiary Service and regional prosecutors.
CM/ResDH(2011) 154	RUS / Prokovich	58255/00	18/02/2005 18/11/2004	Protection of private life and home: <i>Unlawful eviction of the applicant from a flat after the death of her late partner who held tenancy rights to the flat. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The Constitutional Court found that eviction without a court order is unconstitutional. The Housing Code of 2004 also provides eviction only on the basis of a court order. The judgment was translated, published and disseminated to all authorities and courts concerned.
CM/ResDH(2011) 150	RUS / Shofman	74826/01	24/02/2006 24/11/2005	Protection of private life: <i>Unlawful interference due to the rejection of the applicant's claim challenging the legal presumption of his paternity as time-barred. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic court cancelled its previous decision and granted the applicant's claim challenging his paternity in respect of his former wife's child. The birth register was modified accordingly. General measures: A new Family Code of 1996 sets no time-

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					limit for disclaiming paternity. However, the new Code did not contain transitional provisions: thus on 25/10/1996 the Plenary Supreme Court ruled in its Resolution No. 9 that the Code of 1969 should continue to be applied in respect of children born before the entry into force of the new Code. The judgment was translated, published and disseminated.
CM/ResDH(2011)77	SER / Stojanović, Jovančić & Milošević	34425/04+	19/08/2009 19/05/2009	Protection of private life and correspondence: <i>Unlawful interference by prison authorities with inmates' correspondence addressed to domestic bodies and the ECHR due to vague prison rules and regulations. (Article 8)</i>	<i>Individual measures:</i> The finding of the violation constituted in itself sufficient just satisfaction. <i>General measures:</i> The Law on Enforcement of Criminal Sanctions was amended on 11/09/2009 granting prisoners an explicit right to correspondence, which may be limited only by a court decision. Prior to this amendment, in 2005, the Directorate for Enforcement of Prison Sanctions had asked all prisons in the country in writing not to open prisoners' letters and to respect their right to correspondence.
CM/ResDH(2011)261	SMR / Tierce	69700/01	03/12/2003 17/06/2003	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. Domestic proceedings are closed. <i>General measures:</i> A legislative reform in 2005 brought procedural and organisational changes to the judicial system with a view to shortening proceedings. In particular the lapse of time allotted to a court to deal with a case which is no longer declared only at the request of a party, but provided for by law and declared by the judge ex officio. It is no longer possible for parties to prolong proceedings by inactivity, which is punished by the ineffectiveness of all judicial actions completed during proceedings. As regards judicial organisation, the workload of law commissioners was alleviated by doubling the sum for which judge-mediators may intervene and by introducing the possibility of direct appeals against judge-mediators' decisions, eliminating the need for re-examination of cases concerned by law commissioners. The reduction in the commissioners' case-load through redistribution work to other magistrates reduces the duration of civil proceedings as

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					confirmed by statistical analysis covering the years 2004 to 2010. The judgment was published, translated and disseminated.
CM/ResDH(2011) 162	SUI / Amann	27798/95	16/02/2000 16/02/2000	Protection of private life and correspondence: Lack of predictability of the legislation regarding the monitoring of the telephone lines and the storing of intercepted material in the context of criminal proceedings. (Article 8)	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction. The recordings at issue were destroyed. <i>General measures:</i> see CM/ResDH(2005)96 in Kopp.
CM/ResDH(2011) 303	SUI / Carlson	49492/06	06/02/2009 06/11/2008	Protection of family life: Failure to protect a father's right to family life (US citizen and resident) in return proceedings by virtue of the Hague Convention on the civil aspects of the international abduction of children, when evaluating his application for his child's return without taking due account of the overriding interest of the child (understood in the sense of a rapid decision to reintegrate him in the usual context of his life). (Article 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant had the possibility to submit a request for revision with the Federal Court and was granted visiting rights. <i>General measures:</i> See CM/Res/DH(2008)58 in Bianchi. Measures were taken to shorten and simplify proceedings in such cases and a new federal law on the international abduction of children entered into force on 01/07/2009. Also in 2009, the Hague Convention of 19/10/1996 on competence, applicable law, recognition, enforcement and co-operation regarding parental authority and child protection measures entered into force in respect of Switzerland.
CM/ResDH(2011) 162	SUI / Dammann	77551/01	25/07/2006 25/04/2006	Freedom of expression: Disproportionate interference due to criminal conviction of investigating journalist for having obtained, in breach of official secret, information about previous convictions of private persons. (Article 10)	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction. The applicant may request reopening of the domestic proceedings. <i>General measures:</i> The judgment was published and disseminated.
CM/ResDH(2011) 162	SUI / Emonet and Others	39051/03	13/03/2008 13/12/2007	Protection of family life: Unlawful interference as the adoption of the first applicant by her biological mother's partner, with a view to constituting a real family, had	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants applied for a revision of the impugned Federal Court's judgment and had the mother-daughter relationship between the first two applicants

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				<i>the unintended effect of legally terminating the parental tie of the daughter with the mother. (Article 8)</i>	restored without severing the parental tie between the first and third applicants. <i>General measures:</i> Change of case-law of the Federal Court, the law at issue allowing a flexible approach. The judgment was published and disseminated.
CM/ResDH(2011) 162	SUI / Foglia	35865/04	13/03/2008 13/12/2007	Freedom of expression: <i>Unlawful interference due to the conviction of a practicing lawyer to a disciplinary fine on the basis of declarations made in the press and on the television, in relation to a criminal case in which he represented civil party. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of the pecuniary damage, a sum equal to the fine imposed, paid. The applicant did not request revision of the Federal Tribunal's judgment. <i>General measures:</i> The violation found stems from the erroneous application of national law in this specific case. The judgment was transmitted to the Canton concerned, the Canton Chancellery to distribute it to the authorities concerned, including the Disciplinary Commission of the Bar Association. It was published and disseminated.
CM/ResDH(2011) 162	SUI / Fuchser	55894/00	13/10/2006 13/07/2006	Protection of rights in detention: <i>Delay in presentation before a judge to determine the lawfulness of a psychiatric detention. (Article 5 §4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. <i>General measures:</i> The judgment was published and disseminated.
CM/ResDH(2011) 162	SUI / Hadri-Vionnet	55525/00	14/05/2008 14/02/2008	Protection of family and private life: <i>Unlawful interference preventing a mother from attending the burial of her stillborn baby which occurred without any ceremony, and to see the body transported in a suitable vehicle. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The stillborn child's body was exhumed and buried, with a ceremony, where the applicant wanted. <i>General measures:</i> The facts of the case were in contradiction to the clear wording of the relevant legislation. The judgment was published and disseminated.
CM/ResDH(2011) 162	SUI / J.B.	31827/96	03/08/2001 03/05/2001	Access to and efficient functioning of justice: <i>Infringement of the right not to incriminate one's self in tax proceedings, during which the authorities attempted to compel the suspect to submit documents</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid. <i>General measures:</i> The provision in question and similar provisions existing in the law of the Cantons are no longer applied. The judgment was published and disseminated.

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				<i>concerning his income, fining him for failure to reply. (Article 6§1)</i>	
CM/ResDH(2011)162	SUI / Linnekogel	43874/98	01/06/2005 01/03/2005	Access to and efficient functioning of justice: Denial of access to a court to contest the seizure of discs by the Federal Police on the ground that they contained extreme right-wing propaganda as the respective complaint was only examined one by administrative authorities. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The Federal Ordinance of 1948 against Subversive Propaganda Material was replaced by the Federal Statute for the Preservation of National Security in July 1998. The new law does not provide compulsory measures, i.e. confiscations, except in cases of criminal proceedings where they are subject to a court decision. The judgment was published and disseminated.
CM/ResDH(2011)162	SUI / Mc Hugo	55705/00	21/12/2006 21/09/2006	Access to and efficient functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings terminated. <i>General measures:</i> The case is related to its specific and complex circumstances. The possibility to obtain compensation for excessive length of judicial proceedings was introduced in the new Swiss Criminal code 2007. The judgment was published and disseminated.
CM/ResDH(2011)162	SUI / Meloni	67697/00	10/07/2008 10/04/2008	Protection of rights in detention: Unlawful prolongation of detention on remand without formal detention order. (Article 5 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The time spent on remand was deducted from the custodial sentence. <i>General measures:</i> Erroneous application of the law applicable in the canton. . The judgment was published and disseminated. A new Code of Criminal 2011 and the Federal law on criminal procedure for minors replaced the former 26 cantonal codes of criminal procedure and the federal law on criminal procedure
CM/ResDH(2011)302	SUI / Mengesha Kimfe and 1 other cases	24404/05	29/10/2010 29/07/2010	Protection of family life: Unnecessary interference due to the authorities' refusal, for five years, to assign asylum-seekers to the same canton as their spouses, so they	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicant's request for family reunion was granted and she was issued with a residence permit in the Canton of Vaud.

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				<i>could live together. (Article 8)</i>	<u>General measures:</u> The Federal Office for Migration changed its administrative practice and authorised a change of canton for those spouses whose case was definitely closed in the asylum procedure, in order to make it possible for them to live together. The authorisation depends inter alia on the impossibility to implement the removal order during a prolonged period of time and a minimal spirit of co-operation on the part of the concerned persons. The judgment was published and disseminated.
CM/ResDH(2011)270	SUI / Scavuzzo-Hager and others	41773/98	07/05/2006 07/02/2006	Right to life: <i>Failure to conduct an effective inquiry into the death of a member of the applicants' family following his arrest. (Article 2 procedural limb)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicants did not submit any request for a new investigation. <u>General measures:</u> The Federal Tribunal had recognised in 2005 the right of applicants who consider they have substantiated allegations of police ill-treatment, to request an effective and in-depth official investigation as defined in the Convention in which they must be sufficiently and effectively involved. The judgment was published and disseminated to judicial and police directorates of the Cantons.
CM/ResDH(2011)161	SUI / Schlump	29002/06	05/06/2009 08/01/2009	Access to and efficient functioning of justice and protection of private life: <i>Unfair civil proceedings related to the reimbursement of sex-change operation costs due to the lack of a public hearing as well as disproportionate interference with private life due to mechanical application of a two-year observation period without consideration of medical, biological and psychological facts. (Articles 6 §1 and 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant's revision request was granted. <u>General measures:</u> Isolated incident resulting from the particular circumstances of the case with regard to the lack of an oral hearing. Furthermore, the Federal Court held in 2010 after hearing the applicant that although the two-year observation period, set up by the national jurisprudence, should persist in general, an individual evaluation would be possible in specific cases and reimbursement of medical expenses would not automatically be refused solely because of the fact that the required two years had not yet passed. The judgment was published and disseminated.

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CM/ResDH(2011) 269	SUI / Ziegler	33499/96	21/05/2002 21/02/2002	Access to and efficient functioning of justice: Denial of a fair trial due to lack of opportunity to comment on the submissions of the lower court and of the opposing party in proceedings before the Federal Court. (Article 6 §1)	Individual measures: No reopening of proceedings as they opposed the applicants to a third party of good faith and their possible reopening could prejudice that third party's vested rights. Secondly, the applicants' claim before the Federal Court concerned mainly order to pay court expenses which, in their view, were disproportionate. The finding of a violation in itself constituted sufficient just satisfaction for any non-pecuniary damage. General measures: The Federal Court changed its case-law in 2005: when a court informs a party of the observations of the opposing side, that party needs to react if it wants to submit its own comments to said observations. The judgment was published and disseminated. New issues relating to the aspect of a fair hearing before the Federal Court are being examined in Elles and others and in Schaller-Bossert.
CM/ResDH(2011) 302	SUI/ Jusic	4691/06	02/03/2011 02/10/2010	Protection of rights in detention / expulsion: Unlawful detention of a rejected asylum-seeker with a view to his deportation, due to the national authorities failure to respect the criteria of the federal law on stay and residence of foreigners given the lack of concrete indications that the foreigner concerned would avoid the return. (Article 5 §1)	Individual measures: Just satisfaction for non-pecuniary damages paid. General measures: The relevant domestic law was modified with the entry into force, on 01/01/2008, of the National Law on Aliens of 16/12/2005. Now the competent cantonal authority can order a foreigner not to leave the territory to which he was allocated or not to enter a specific area when "the foreigner was issued a removal or expulsion order which entered into force and concrete elements give rise to doubts that he will not leave Switzerland within the prescribed deadline or he did not respect the deadline issued to him to leave the territory." The judgment was published and disseminated.
CM/ResDH(2011) 34	SVK / A.B.	41784/98	04/06/2003 04/03/2003	Access to and efficient functioning of justice: Infringement of the right to present one's case on equal terms with the defendant in that, without a formal and reasoned decision, a court rejected requests for the appointment of an advocate to	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. No request for reopening was introduced. General measures: Isolated case. According to the Civil Code, courts may appoint a legal representative for parties who qualify for waiver of court fees on their request, when it is

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				<p><i>represent the applicant in certain civil proceedings and her case was dismissed in her absence. (Article 6 §1)</i></p>	<p>necessary for the protection of their interests. According to the Bar Act of 1990, everyone has the right to legal assistance and may ask any advocate for it, who may only refuse if there is a serious reason to believe that such assistance may be provided in an appropriate manner. An appeal on points of law is available when a party was prevented, by the appellate court's conduct, from acting before the court.</p> <p>In the framework of a broader reform, the Constitutional Court abrogated the provision of the Code of Civil Procedure which authorised in camera decisions for simple cases as contrary to the Constitution and to Article 6§1. A new provision entered into force on 01/01/2003, whereby no oral hearing is held only when the parties agree thereon and this does not conflict with public order.</p> <p>As regards more precisely cases concerning social security claims, the Code of Civil Procedure provides that in appellate proceedings or in proceedings on appeal on points of law, the Supreme Court is not required to hold a hearing.</p> <p>In 2004, the President of the Administrative Chamber of the Supreme Court sent to all domestic courts a circular letter stressing inter alia that this provision is applicable only to cases which do not raise complex issues on points of law, whereas judicial decisions are always to be delivered at public hearings.</p>
<p>CM/ResDH(2011) 34</p>	<p>SVK / Babylonova</p>	<p>69146/01</p>	<p>20/06/2006</p>	<p>Protection of private life and home: <i>Disproportionate interference due to legal inability to obtain the cancellation of a former resident's registration in the applicant's house, after the latter became homeless, as the provisions of the Registration of Citizens' Residence Act of 1982 only permitted removal of a former resident's name if the person concerned had established a new permanent residence elsewhere. (Article 8)</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Pursuant the relevant provisions of the Registration of Citizens' Residence Act of 1998 the applicant may ask the registration office to cancel the former resident's registration.</p> <p>General measures: The new Registration of Citizens' Residence Act was enacted in 1998 and entered into force on 01/07/2006 regulating the rights and duties of citizens in respect of reporting their residence, and the rights and duties of the competent authorities in respect of registering citizens' residence. For registration purposes, citizens must submit to</p>

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					the registration office a document attesting their ownership of the premises or, as the case may be, the owner's written consent to the registration. Those who are not in a position to show that they are authorised to stay in a flat or other residential premises must report their presence to the registration office in the place where they are resident. In such cases, the municipality in question is considered to be the permanent residence.
CM/ResDH(2011)34	SVK / Bakova	47227/99	21/5/2003 12/11/2002	Access to and efficient functioning of justice: <i>Infringement of the right to a public hearing before a tribunal in proceedings concerning a claim for restitution of property. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. General measures: The Constitutional Court abrogated the provision of the Code of Civil Procedure which authorised in camera decisions for simple cases as contrary to the Constitution and to Article 6§1. A new provision entered into force on 01/01/2003, whereby no oral hearing is held only when the parties agree thereon and this does not conflict with public order. The judgment was published, translated and disseminated.
CM/ResDH(2011)263	SVK / Biro No. 2	57678/00	27/09/2006 27/06/2006	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings and lack of an effective remedy. (Article 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of the non-pecuniary damage paid. Domestic proceedings closed. General measures: See CMResDH(2007)10 in Krumpel and Krumpelová.
CM/ResDH(2011)34	SVK / Borovsky	24528/02	02/09/2009 02/06/2009	Access to and efficient functioning of justice: <i>Breach of the presumption of innocence on account of police authorities' statements to the media at the very initial stages of criminal investigation, implying that the accused had been guilty of an offence. (Article 6 §2)</i>	Individual measures: The applicant was acquitted in 2003. Just satisfaction in respect of non-pecuniary damage paid. General measures: Legislative amendments: Amendment of the Code of Criminal Procedure in 2006 ensuring that prosecuting authorities respect the right of the accused to be presumed innocent when informing the public of their activities through the media. The judgment was published, translated and disseminated.
CM/ResDH(2011)	SVK / Cabala	8607/02	06/12/2007	Protection of rights in detention and	Individual measures: Just satisfaction in respect of non-

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
32			06/09/2007	access to and efficient functioning of justice: Failure to examine promptly requests for release from detention on remand; denial of adversarial proceedings in respect of the request for release and excessive length of criminal proceedings. (Article 5 §4 twice and 6 §1)	pecuniary damage paid. The applicant was released. After his death in 2009, the criminal proceedings were extinguished. <i>General measures:</i> see CM/ResDH(2011)158 in Kucera; see CM/ResDH(2009)136 in Nestak. Concerning length of proceedings, see CM/ResDH(2010)69 in Pavlik.
CM/ResDH(2011)34	SVK / Canady and Canady No2	53371/99 + 18268/03	30/03/2005 16/11/2004 20/01/2010 20/10/2009	Access to and efficient functioning of justice: Lack of access to an independent and impartial tribunal following the imposition of a fine by the administrative authorities. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. <i>General measures:</i> See CMRes/DH(99)554 in Lauko.
CM/ResDH(2011)34	SVK / H.F.	54797/00	08/02/2006 08/11/2005	Access to and efficient functioning of justice: Lack of appropriate procedural safeguards in proceedings regarding deprivation of legal capacity; lacking representation by a guardian and only formal representation at appeal; reliance exclusively on evidence provided by the adverse party, in particular a prior psychiatric report.(Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. The applicant recovered her legal capacity in 2001. <i>General measures:</i> Wrongful application of the domestic law and practice, domestic law requiring courts to appoint a guardian to act on behalf of those whose legal capacity is at issue, even if the person is assisted by a lawyer. The court may decide not to hear evidence from the person concerned only if the hearing cannot be carried out at all, or cannot be carried out without carrying damage to the health of that person. The judgment was published, translated and disseminated.
CM/ResDH(2011)34	SVK / Hornacek	65575/01	06/03/2006 06/12/2005	Access to and efficient functioning of justice: Denial of access to a court due to dismissal of an appeal against an injunction to pay a certain sum despite having lodged his appeal by registered letter on the last day before expiry of the legal deadline for appeal, thereby relying on the erroneous	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damages paid. The amendment to the Code of Civil Procedure providing the possibility to reopen domestic proceedings on the basis of a judgment of the European Court entered into force on 01/09/2005. Reopening is subject to a time limit of three years from the date on which the domestic judgment at issue became final, or three months from that on

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>testimony of the registry official. (Article 6 §1)</i>	which the judgment of the European Court became final. <u>General measures:</u> The judgment was published, translated and disseminated.
CM/REsDH(2011) 156	SVK / Klein	72208/01	31/01/2007 31/10/2007	Freedom of expression: <i>Disproportionate interference due to conviction for defamation of a journalist after publication of a critical article on a public figure. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Criminal proceedings were reopened and the applicant acquitted. <u>General measures:</u> The judgment was translated, published and disseminated and is used in training seminars organised by the Judicial Academy in cooperation with the Office of the Agent.
CM/ResDH(2011) 34	SVK / König	39753/98	20/04/20004 20/01/2001	Protection of rights in detention: <i>Delay in ruling on a request for release from detention on remand. (Article 5 §4)</i>	<u>Individual measures:</u> The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. <u>General measures:</u> The judgment was published, translated and disseminated to all authorities and courts concerned; it was also part of the training programme organised by the Ministry of Justice.
CM/ResDH(2011) 31	SVK / Kontrova	7510/04	24/09/2007 31/05/2007	Right to life and effective remedy: <i>Authorities' failure to protect the lives of two children despite their mother's criminal complaint and emergency calls concerning her husband's threatening behaviour as well as the absence of an effective remedy in this respect. (Articles 2 and 13 taken together with Article 2)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> Isolated case, as the police failed to comply with the obligations stemming from the Police Corps Act 1993 and the Code of Criminal Procedure. The judgment was published, translated and disseminated. The case-law regarding action for protection of personal integrity under the Civil Code has become sufficiently certain, as recognised by the ECtHR in <i>Furdik</i> .
CM/ResDH(2011) 158	SVK / Kučera and Haris	48666/99+	17/10/2007 17/07/2007	Protection of rights in detention and protection of home: <i>Failure to examine promptly the applicants' requests for release from detention on remand; excessive length of criminal proceedings; forced entry of four armed and masked policemen into the applicant's apartment in</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Both applicants were released. <u>General measures:</u> New legislation came into force: The Code of Criminal Procedure 2005 provides that the authorities are obliged to give priority to detention cases and deal with them promptly. A detainee is entitled to apply for release at any time. Where the public prosecutor dismisses such an

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>order to serve with a notice of indictment and refusal to allow the applicant to meet with his wife during detention on remand. (Articles 5§3+4, 6§1 and 8).</i>	application, he shall immediately submit it to a competent judge, who shall rule on the application without delay. Detention in pre-trial proceedings can only last for “a necessary period of time”. Prolonged detention requires further, significant reasons for detention and the authorities must proceed with special diligence. Respective change of case-law of the Supreme Court quoting relevant EctHR judgments. Isolated incident with regard to the forced entry by police into the applicant’s home as well as with regard to the refusal of the applicant’s wife’s visit during detention on remand. The judgment was translated, published and disseminated.
CM/ResDH(2011) 264	SVK / Lexa	54334/00	23/12/2008 23/09/2008	Protection of rights in detention: <i>Unlawful detention on remand following the revocation of amnesties granted by the Prime Minister’s predecessor. (Article 5§1)</i>	<u>Individual measures:</u> The applicant was released. The finding of the violation constituted sufficient just satisfaction in respect of the non-pecuniary damage. <u>General measures:</u> Isolated case. The judgment was published, translated and disseminated. As from 2001, the Constitution provides that a decision on amnesty made by the President is valid subject to its signature by the Prime Minister or another minister whom the latter has authorised.
CM/ResDH(2011) 34	SVK / Maronek	32686/96	19/07/2001 19/04/2001	Freedom of expression: <i>Disproportionate interference on account of heavy pecuniary sanctions imposed in defamation proceedings for a public statement made concerning the right to use an apartment as well as general-interest issues relating to the State’s housing policy. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damages paid. <u>General measures:</u> Publication and wide dissemination of the judgment by a circular to the domestic courts.
CM/ResDH(2011) 34	SVK / Mikulova	54822/00	06/03/2006 06/12/2005	Access to and efficient functioning of justice: <i>Denial of the right of access to a court on account of the dismissal as out of time of an appeal on points of law against a judgment confirming the applicant’s dismissal from employment on the basis of</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damages paid. The amendment to the Code of Civil Procedure providing the possibility to reopen domestic proceedings on the basis of a judgment of the European Court entered into force on 01/09/2005. Reopening is subject to a time limit of three years from the date on which the domestic

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>an agreement concluded with her employer. (Article 6 §1)</i>	judgment at issue became final, or three months from that on which the judgment of the European Court became final. <u>General measures:</u> The judgment was published, translated and disseminated.
CM/ResDH(2011) 34	SVK / Pavletic	39359/98	10/11/2004 22/06/2004	Protection of rights in detention: <i>Excessive length of detention, delay in the ruling on a request for release (no decision had been delivered) and lack enforceable right to compensation.(Article 5 §§3+4+5)</i>	<u>Individual measures:</u> he finding of violations constitutes in itself sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> - Concerning Article 5 §§3+4: The judgment was published and sent out to public prosecutors, presidents of regional courts and the president of the Supreme Court. - Concerning the Article 5§5: Introduction into domestic law of an enforceable right to compensation for unlawful detention, through the constitutional complaint as laid down in Article 127 of the Slovak Constitution 2002. According to this provision, individuals and legal persons may complain of a violation of their fundamental rights and freedoms to the Constitutional Court, which has the power, inter alia, to grant adequate financial satisfaction. The Constitutional Court cancelled a number of decisions by general courts, reasoning that they infringed Article 5§4 of the Convention. In some of these cases the Constitutional Court granted financial compensation to the claimants. The Act on Liability for Damage Caused in the Exercise of Public Authority 2004 provides entitlement to compensation for damages suffered by persons subject to arrest, apprehension or deprivation of personal freedom, if this decision was later cancelled on grounds of unlawfulness. The compensation comprises actual damage, loss of profit and costs of proceedings. The Act sets out the procedure for lodging requests and their examination by the relevant bodies.
CM/ResDH(2011) 33	SVK / Stankova	7205/02	31/03/2008 19/10/2007	Protection of home: <i>Disproportionate interference with the applicant's right to respect for her home, following her eviction</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In 2008, the applicant initiated civil proceedings against the municipality aimed at declaring her

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>without being offered alternative accommodation, and without possibility of redress despite a Constitutional Court judgment finding the regional court's decision on her eviction disproportionate. (Article 8)</i>	tenant of the apartment she occupied before the eviction. The district court obliged the latter to provide the applicant an equivalent flat. Both parties lodged an appeal and the case is pending before the Regional Court. General measures: Single incident, as the lower courts had not correctly applied Article 3 of the Civil Code when considering the circumstances of the applicant. Under Article 3§1 of the Civil Code, the exercise of civil rights and obligations must not interfere with the justified rights and interests of others unless there are relevant legal grounds and must not be contra bonos mores. Article 3 permits the granting of relief from hardship in justified cases by ensuring that alternative accommodation should be provided to persons who have been ordered to move out of a flat. Following an amendment to the constitution 2002, natural and legal persons may complain about interferences with their fundamental rights and freedoms. The judgment was published, translated and disseminated.
CM/ResDH(2011)157	SVK / Tam	50123/99	10/11/2004 22/06/2004	Protection of rights in detention: Unlawful detention in a mental hospital and inability to obtain a judicial review contrary to the Code of Civil Procedure. (Article 5 §§1+4)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The judgment was translated, published and disseminated.
CM/ResDH(2011)157	SVK / Tkacik	42472/98	24/03/2004 14/10/2003	Protection of rights in detention: Unlawful placement in a psychiatric hospital as the district court was not informed of the detention within 24 hours and did not decide on its lawfulness within five days of the placement in the hospital. (Article 5 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The judgment was translated, published and disseminated.
CM/ResDH(2011)34	SVK / Tomcani	19011/05	29/12/2009 29/09/2009	Access to and efficient functioning of justice: Excessive length of criminal proceeding. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. General measures: see Krumpel and Krumpelová (Final Resolution CM/ResDH(2007)10).

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 157	SVK / Vodenicariv	24530/94	21/12/2000 21/12/2000	Protection of rights in detention: Lack of a speedy decision concerning the lawfulness of the applicant's detention in a mental hospital. (Article 5 §4)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released. General measures: The judgment was translated, published and disseminated.
CM/ResDH(2011) 34	SVK / Ziack (and Smal)	43377/98	07/04/2003 07/01/2003	Access to and efficient functioning of justice: Excessive length of the criminal proceedings. (Article 6 §1)	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. General measures were adopted to improve the efficiency of the judicial system, see particularly in the context of the examination of the Jóri case.
CM/ResDH(2011) 78	SWE / Allard	35179/97	24/09/2003 24/06/2003	Protection of property: Unjustified interference due to the order to remove the applicant from her house and later to have it demolished imposing on her an excessive burden. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction in respect of pecuniary damage paid. In 1997 and 2002 the applicant was granted building permits authorising her to rebuild a house on the site of the demolished one, belonging henceforth to her as an individual plot. General measures: The violation stems from the complexity of the proceedings. A summary of the judgment was sent to the Supreme Court, all Courts of Appeal, the District Court concerned, the Enforcement Office and the Parliamentary Ombudsman. Particular attention was drawn to the findings that the Supreme Court should have awaited the outcome of the other pending proceedings before rejecting the applicant's request for a stay of the removal proceedings
CM/ResDH(2011) 160	SWE / Hellborg	47473/99	28/05/2006 28/02/2006	Protection of property and access to and efficient functioning of justice: Failure to comply with the obligation to issue a building permit within the statutory time-limit and refusal by the Supreme Administrative Court to hold a hearing as well as excessive length of certain administrative proceedings. (Articles 1 of Protocol No.1 and 6§1)	Individual measures: Just satisfaction in respect of pecuniary damage paid. The Administrative Court Procedure Act allows to request the reopening of the impugned administrative proceedings. General measures: Isolated case, which due to the particular circumstances of the case does not reveal any systemic problem of length of proceedings before the Building Committee either. The judgment was translated, published and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)268	SWE / Iselsten	11320/05	06/04/2009 04/11/2008	Access to and efficient functioning of justice: Excessive length of civil proceedings initiated to hold the State liable for damages. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid. Domestic proceedings are closed. <i>General measures:</i> see CM/ResDH(2009)70 in Klemeco Nord AB and Rey and Others. The judgment was published and disseminated.
CM/ResDH(2011)79	SWE / Khurshid Mustafa and Tarzibachi	23883/06	16/03/2009 16/12/2008	Freedom of expression: Disproportionate Interference with the right to receive and impart information due to eviction of Swedish nationals of Iraqi origin, parents of three children, from their flat for refusing to remove a satellite dish. (Article 10)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. The landlord offered the applicants the opportunity to stay in their flat if they agreed to remove the satellite dish, but they refused and moved from the flat on 1/06/2006 to another flat. <i>General measures:</i> The violation stems from an isolated situation based on the interpretation of the Land Code by the Svea Court of Appeal. The judgment was translated, published and disseminated. Moreover, the main actors in the tenancy market issued a standard clause for tenancy contracts according to which tenants should have the right to install a satellite dish for their flat after having consulted with the landlord, provided that the latter has no reasonable grounds for opposing it.
CM/ResDH(2011)166	TUR / Abi and Others and 5 other cases	18387/02+	13/01/2010 13/10/2009	Protection of rights in detention: Excessive length of detention in police custody and/or the lack of an effective remedy and/or the absence of a right to compensation in this respect. (Article 5 §§1+4+5)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary (and in one case of pecuniary) damage paid. <i>General measures:</i> For constitutional and legislative reforms, see ResDH(2002)110 in Sakik and others and CM/ResDH(2008)29 in Ayaz and others.
CM/ResDH(2011)170	TUR / Aldemir and 2 other cases	37215/04	22/12/2009 22/09/2009	Access to and efficient functioning of justice: Unfairness of criminal proceedings due to the failure to hold hearings in cases in which payment of small fines were imposed on examination of the file by "sentence orders". (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage (and in one case of pecuniary damage) paid. No reopening envisaged due to lacking gravity of the fines. <i>General measures:</i> The new Code of Criminal Procedure 2005, contains no provision on "sentence orders". See also CM/ResDH(2010)64 in Adem Arslan group.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 305	TUR / Alinak	40287/98	29/06/2005 29/03/2005	Freedom of expression and access to and efficient functioning of justice: <i>Disproportionate interference due to the seizure of copies of a novel in the context of criminal proceedings against the author under the Prevention of Terrorism Act 199, which were stayed without determination of the applicant's request to annul the interim seizure order concerning his book. (Articles 10)</i>	<i>Individual measures:</i> No claim for just satisfaction submitted. <i>General measures</i> are being examined in the Incal group of cases.
CM/ResDH(2011) 272	TUR / Amato	58771/00	12/11/2007 03/05/2007	Protection of property: <i>Disproportionate interference due to the authorities refusal to compensate the demolition of a house ordered by the courts on the ground that it posed life-threatening danger. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the pecuniary damage paid. <i>General measures:</i> Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011) 305	TUR / Albayrak	38406/97	07/07/2008 31/01/2008	Freedom of expression: <i>Interference due to insufficiently justified disciplinary measures imposed on a judge by the Supreme Council of Judges and Public Prosecutors for reading/watching media related to an illegal armed organisation. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages and for pecuniary damage (loss due to the fact that he was not eligible for promotion for two years) paid. The applicant unwillingly resigned from the judiciary and is now practicing as a lawyer. The disciplinary penalty was erased from his file. <i>General measures:</i> Isolated problem. The judgment was published, translated and disseminated.
CM/ResDH(2011) 306	TUR / Aydin Tatlav	50692/99	02/08/2006 02/05/2006	Freedom of expression and access to and efficient functioning of justice: <i>Disproportionate interference due to a conviction to one year's imprisonment, converted into a fine, for "publishing a work designed to defile one of the religions" and failure to communicate the Principal Public Prosecutor's opinion and the impossibility</i>	<i>Individual measures:</i> Just satisfaction for pecuniary in the amount of the fine and of non-pecuniary damages paid. <i>General measures</i> are being examined in the Incal/Ciraklar group of cases. The new Code of Criminal Procedure 2005, requires notification of written opinions of the Principle Public Prosecutor to parties by the competent chamber of the Court of Cassation.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>for a defendant to reply to them in writing. (Articles 10 and 6 §3b)</i>	
CM/ResDH(2011)169	TUR / Bahçeci and Turan	33340/03	16/09/2009 16/06/2009	Freedom of expression: Conviction under the former Criminal Code for “facilitating the activities of [a gang or an armed organisation]” by sending unsolicited text messages supporting the PKK and Abdullah Öcalan. (Article 10)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The terms “facilitating the activities of [a gang or an armed organisation]” were deleted by an amendment of the Criminal Code in 2003. The new Criminal Code 2005 does not contain a similar provision.
CM/ResDH(2011)309	TUR / Cemalettin Canlı	22427/04	18/02/2009 18/11/2008	Protection of private life: Unlawful interference due to the police’s preparation and submission to a domestic court of an inaccurate report on the defendant in the context of criminal proceedings. (Article 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011)271	TUR / Degerli and Özdemir	18242/02+	05/05/2008 05/02/2008	Protection of rights in detention: Continued detention following the release order. (Article 5 §1)	<i>Individual measures:</i> Just satisfaction in respect of the non-pecuniary damage paid in one case. No award in the other case. The applicants were released. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others and CM/ResDH(2008)29 in Ayaz and Others concerning the constitutional and legislative reforms to police custody. The judgment was published, translated and disseminated.
CM/ResDH(2011)308	TUR / Demir and Baykara	34503/97	12/11/2008 Grand Chamber	Freedom of association: Interference with the exercise, by municipal civil servants, of their right to form a trade union and to negotiate collective agreements through the annulment with retrospective effect of a collective agreement between their employing authority and their trade union. (Article 11, twice)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> By legal amendments introduced in 1995 and 2001, the right to form and to join trade unions for civil servants was recognised in two articles of the Constitution. The 2001 law on trade unions formed by civil servants, as amended in 2004, guarantees the right for trade unions to “defend the economic, social and professional interests” of civil servants. It prohibits discriminatory treatment and dismissal on the ground of affiliation to a trade union or involvement in trade-union

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					activity outside working hours or with the approval of the employer during working hours. As far as the right of civil servants to enter into collective bargaining is concerned, the Constitution, as amended in 1995 and 2010, provide that civil servants shall have the right to enter into collective bargaining with the administration. The judgment was published, translated and disseminated.
CM/ResDH(2011)306	TUR / Gemici	25471/02	02/03/2009 02/12/2008	Freedom of expression and access to and efficient functioning of justice: <i>Unlawful interference due to criminal convictions to pay fines for possessing publications, which had been banned by an “unforeseeable” court order and unfairness of proceedings solely on the basis of an examination of the file without an oral hearing. (Articles 10 and 6 §1)</i>	Individual measures: Just satisfaction for both pecuniary in the amount of the fines and non-pecuniary damages paid. General measures: Article 526 of the Criminal Code was abrogated in 2005. However, failure to comply with an order issued by a competent authority was categorised as a misdemeanour in Article 32 of the new Law on Misdemeanours of 2005. According to this provision, anyone who fails to comply with an order issued by the competent authorities in the course of judicial proceedings, in the interests of public safety, for the protection of public order or public health, shall be liable to pay an administrative fine. The provision shall be applicable only in situations clearly established in relevant laws. A reference was made in the commentary to a binding decision of the Criminal Chambers of the Court of Cassation of 1973, which held that an order issued by a competent authority should be publicly announced, so that non-compliance would constitute a criminal offence. The judgments was translated and published on the official internet site of the Ministry of Justice: The unfairness of criminal proceedings is examined in the the Adem Arslan case.
CM/ResDH(2011)307	TUR / Goc and 48 other cases	36590/97+	11/07/2002 11/04/2002	Access to and efficient functioning of justice and protection of property: <i>Denial of a fair trial on account of the failure to communicate to the applicants the prosecutor’s opinion before the Court of Cassation and/or lack of an oral hearing in</i>	Individual measures: Just satisfaction paid as awarded. The procedural shortcomings found were not serious enough to pose doubt as to the outcome of the impugned domestic proceedings. General measures: The new Code of Criminal Procedure 2005, requires notification of written opinions of the Principle Public

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>compensation proceedings and late payment of compensation granted by domestic courts. (Articles 6§1 and 1 of Protocol No. 1)</i>	Prosecutor to parties by the competent chamber of the Court of Cassation. It also provides that the competent court shall render its decision only after hearing a plaintiff, the public prosecutor and the representative of the Treasury. As concerns late payment of compensation see CM/ResDH(2001)70 in Aka and ResDH(2001)71 in Akkuş.
CM/ResDH(2011)274	TUR / Gög, Kolsuzoğlu and Agbayır	10332/02	24/04/2008 24/01/2008	Access to and efficient functioning of justice: <i>Denial of a fair trial on account of subsequent factual findings by domestic courts in contradiction with earlier final judgments. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the pecuniary and non-pecuniary damage paid. <i>General measures:</i> Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011)305	TUR / Hüseyin Turan	11529/02	04/06/2008 04/03/2008	Access to and efficient functioning of justice: <i>Unfairness of certain criminal proceedings due to the failure to hold hearings in cases in which the applicants were ordered to pay small fines by "sentence orders" adopted on the basis of an examination of the file. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages (and if awarded pecuniary damage) paid. The applicants were ordered to pay insignificant amounts in fines. The violations found are not based on procedural errors or shortcomings of such a gravity that a serious doubt is cast on the outcome of domestic procedures, within the meaning of the Recommendation Rec(2000)2 on the re-examination of reopening of certain cases at domestic level. <i>General measures:</i> See CM/ResDH(2010)64 in Arslan Adem.
CM/ResDH(2011)275	TUR / Islamic Republic of Iran Shipping Lines	40998/98	13/03/2008 13/12/2007	Protection of property: <i>Unjustified seizure of a ship and its cargo for over a year on suspicion of arms smuggling. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of the pecuniary and non-pecuniary damage paid. The vessel and its cargo were released. <i>General measures:</i> Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011)305	TUR / Izmir Savas Karsitlan Dernegi and Others	46257/99	02/06/2006 02/03/2006	Freedom of association: <i>Unlawful interference due to criminal convictions to prison sentences commuted into fines, of association members failing to request permission to leave the country under the</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. No claim for pecuniary damage submitted. <i>General measures:</i> The impugned provision was abrogated in 2004. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>1983 Associations Act, following invitations by foreign associations or organisations. (Article 11 §2)</i>	
CM/ResDH(2011)311	TUR / Jabari and D. and others	40035/98+	11/10/2000 11/07/2000	Protection against ill-treatment: <i>Refusal of an asylum request solely on the procedural grounds under the Asylum Regulation without consideration of the real risk to be subjected to ill-treatment in case of deportation to Iran and lack of an effective remedy. (Articles 3 conditional and 13)</i>	Individual measures: No just satisfaction awarded. One applicant was granted residence, in the second case the applicants were granted "refugee status". General measures: The deadline for requesting political asylum was increased from five to ten days following the amendments introduced in the Regulations on political asylum seekers in 1999 starting from the day when a political asylum seeker enters into Turkey through legal or illegal ways. Aliens are not automatically expelled following the expiry of the 10 day deadline. The competent authorities are under an obligation to carry out an assessment as to whether a person is under the threat of ill-treatment or torture if expelled to his or her country of origin. The judgment was published, translated and disseminated.
CM/ResDH(2011)280	TUR / Karaman	6489/03	15/04/2008 15/01/2008	Protection of property: <i>Domestic courts' refusal to compensate the donors when the administrative authorities failed to devote a portion of property conditionally donated for its intended public-interest purpose. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of the pecuniary damage awarded, but waived by the applicants. The municipality transferred the ownership of the property concerned to a charitable organisation. General measures: Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011)305	TUR / Kiliç	70845/01	12/02/2007 24/10/2006	Protection of private and family life and correspondence: <i>Extensive searches and seizures in the homes and offices of an association's general director and committee members beyond the scope of the original search warrant, in the context of which privileged professional material was taken without legal authorization.</i>	Individual measures: The videotapes and documents confiscated were returned. Just satisfaction for non-pecuniary damages paid. General measures: Isolated situation. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				(Article 8)	
CM/ResDH(2011)164	TUR / Koc and 2 other cases	325806+	22/09/2004 22/06/2004	Access to and efficient functioning of justice: Excessive length of criminal proceedings in particular before martial law courts and lack of effective remedy in this respect; lack of independence and impartiality of martial courts due to the presence of two military judges and an army officer on the bench. (Articles 6 §1 and 13)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(2002)86 in Şahiner and others concerning the adoption of general measures, in particular the abolition of the jurisdiction of martial law courts by the Law of 27/12/1993. The absence of a remedy against excessive length of proceedings is examined in the context of Ormanci group of cases (43647/98).
CM/ResDH(2011)165	TUR / Kuyu and 6 other cases	1180/04+	28/07/2009 28/04/2009	Access to and efficient functioning of justice: Excessive length of criminal proceedings before state security courts (Articles 6§1)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: Similarities to other cases of excessive length of criminal proceedings before state security courts such as Sertkaya and others closed by CM/ResDH(2008)83 following the adoption of general measures, in particular following the abolition of state security courts.
CM/ResDH(2011)276	TUR / Menemen Minibüsçüler Odası	44088/04	09/03/2009 09/12/2008	Access to and efficient functioning of justice: Denial of access to a court due to the judge's failure to inform ex officio a company when a competing co-operative appealed against administrative acts having an impact on its public transport activities. (Article 6 §1)	Individual measures: No just satisfaction in respect of the pecuniary awarded and no claim for non-pecuniary damage made. Reopening of administrative proceedings possible. General measures: Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011)277	TUR / Mesutoğlu	36533/04	14/01/2009 14/10/2008	Access to and efficient functioning of justice: Denial of access to a court due to excessively formalistic interpretation of certain provision of the Code of Administrative Procedure preventing an examination of the merits of a case. (Article 6 §1)	Individual measures: Just satisfaction in respect of the non-pecuniary damage paid. Reopening of administrative proceedings possible. General measures: Isolated case. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)273	TUR / Mörel	33663/02	14/09/2007 14/06/2007	Protection of property: <i>Unlawful interference due to the courts' dismissal of an application for additional compensation for expropriation on the ground that it was filed out of time, although the expropriation was not properly notified. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of the pecuniary damage paid. General measures: Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011)281	TUR / Naif Demerci	17367/02	26/08/2009 26/05/2009	Protection of rights in detention: <i>Unlawfulness of a detainee's transfer to gendarmerie premises for further interrogation after being placed in pre-trial detention under the state of emergency legislation, lack of a remedy in this respect and lack of a right to compensation. (Article 5 §§1+4+5)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See CM/ResDH(2007)96 in Dağ and Yaşar. In November 2002 the state of emergency was lifted in all regions in Turkey.
CM/ResDH(2011)278	TUR / Oral No.2	18384/04	25/02/2009 25/11/2008	Access to and efficient functioning of justice: <i>Unfairness of proceedings before a tax court in that an expert report which was crucial to the outcome of the trial was not communicated to the plaintiff, who was thus denied the possibility of making observations concerning the expert's conclusions. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction in respect of non-pecuniary damage. According to the Law on Administrative Procedure, which also applies to tax proceedings, a request for reopening of domestic proceedings may be made. General measures: Isolated case. The judgment was published, translated and disseminated.
CM/ResDH(2011)279	TUR / Özcan Gani and 2 other cases	11189/04+	04/02/2009 04/11/2008	Protection of property: <i>Inability to obtain compensation for the loss of property under the Law on Expropriation of 1983, providing that claims for the restitution of property occupied for purposes of public use lapse 20 years after occupation. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of the pecuniary damage paid. General measures: See CM/ResDH(2007)98 in I.R.S. and Others, in particular concerning the Constitutional Court's decision to declare the relevant provision of the Law on Expropriation unconstitutional.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)168	TUR / Pasa and Erkan Erol	51358/99	23/05/2007 12/12/2006	Right to life: <i>Authorities' failure to take all safety measures around a mined military zone, thereby exposing a minor, to severe injury and risk of death. (Article 2)</i>	Individual measures: just satisfaction in respect of both pecuniary and non-pecuniary damages General measures: Since 1996, a number of three-years moratoria have been put into place providing for prohibition of production, sale and transfer of anti-personnel landmines and systematic mine clearance began in 1998. Under the Ottawa Convention 2004, Turkey has to clear mined areas by 2014. A military installation was put into place in July 2007 for further mine clearance operations. Until 16/11/2009, 1 822 886 stockpiled anti-personnel mines were separated, selected and destroyed in the installation. The remaining stockpiled anti-personnel mines were planned to be destroyed by November 2010. On the basis of the Law on the Destruction of the Anti-Personnel Land Mines on Syrian Border 2009, 31 893 m2 in Şanlıurfa and 38 500 m2 in Kilis were demined. Additional measures were adopted to place clear and adequate signs around mined zones in line with international standards. Local authorities continuously issue warnings to inhabitants near such zones. An awareness project is under way in co-ordination with the Ministry of Education for training teachers, students and inhabitants of relevant districts in order to issue warnings on risk of mines. The judgment was translated, published and disseminated.
CM/ResDH(2011)305	TUR / Piroglu and Karakaya	36370/02 37581/02	18/06/2008 18/03/2008	Access to and efficient functioning of justice, freedom of association and freedom of expression: <i>Unfairness of criminal proceedings due to the failure to hold an oral hearing concerning the refusal of the accused to annul memberships of their Human Rights Association and interference on account of a conviction for having been involved in a press declaration</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the first applicant and awarded the second applicant just satisfaction in respect of non-pecuniary damage. The applicants' criminal conviction can be erased from their criminal records since the crimes of which they had been convicted have been decriminalised. General measures concerning freedom of expression are being examined in the Incal group of cases. Concerning the lack of an

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>to protest against the deployment of American troops in Afghanistan. (Articles 6 §1, 11 and 10)</i>	oral hearing, see CM/ResDH(2010)64 in Adem Arslan group. The impugned Associations Act was abrogated and replaced by Law No. 5253 in 2004.
CM/ResDH(2011)305	TUR / Sahiloglu	1606/03	21/01/2009 21/10/2008	Freedom of expression and access to and efficient functioning of justice: <i>Unlawful interference due to criminal convictions to pay fines for possessing publications, which had been banned by an “unforeseeable” court order and unfairness of proceedings solely on the basis of an examination of the file without an oral hearing. (Articles 10 and 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant submitted no confirmation on the payment of the fine. General measures: The impugned provision of the Criminal Code was abrogated in 2005. However, failure to comply with an order issued by a competent authority was categorised as a misdemeanour in the new Law on Misdemeanours of 2005 providing that everyone who fails to comply with an order issued by the competent authorities in the course of judicial proceedings, in the interests of public safety, for the protection of public order or public health, shall be liable to pay an administrative fine. The provision is applicable only in situations clearly established in relevant laws. The judgments was translated and published on the official internet site of the Ministry of Justice. The issue of unfair criminal proceedings is examined in the Adem Arslan case.
CM/ResDH(2011)306	TUR / Selim Sadak and Others	25144/94	06/11/2002 11/06/2002	Electoral rights: <i>Disproportionate interference due to the automatic deprivation of parliamentarians of their mandates following the dissolution of their political party (DEP) by the Constitutional Court's judgment of 16/06/1994 on the grounds of comments made abroad by the former chairman of the party and a written statement issued by its central committee. (Article 3 of Protocol No.1)</i>	Individual measures: Just satisfaction for both pecuniary and non-pecuniary damages on an equitable basis awarded and paid. General measures: The disputed decision made by the Constitutional Court had been based on Article 84 of the Constitution. Since the constitutional amendment 1995, Article 84 had only continued to have that consequence in respect of members of parliament whose words and deeds had led to the dissolution of their political party. The judgment was published, translated and disseminated.
CM/ResDH(2011)167	TUR / Senaş Servis Endüstrisi A.Ş. and 10 other	19520/02+	06/04/2009 21/10/2008	Protection of property: <i>Late payment of compensation for expropriation and of default interest. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary (and in two cases of non-pecuniary) damage paid. General measures: See CM/ResDH(2001)70 and

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
	cases				CM/ResDH(2001)71 closing the Aka and Akkuş cases including in particular the entry into force on 01/01/2000 of Law No. 4489 which aligned the legal rate of default interest with the annual discount rate applied by the Turkish Central Bank to short-term debt (this rate is kept under constant review in the light in particular of the recorded rate of inflation in the country).
CM/ResDH(2011)304	TUR / Tas and 4 other cases	77650/01+	19/03/2007 19/12/2006	Freedom of expression and access to and efficient functioning of justice: <i>Unjustified interference with freedom of expression on account of convictions under former Article 8 of Anti-terrorism Law (No. 3713) following the publication of articles or the sending a petition to the Minister of Justice and denial of a fair trial due to the failure to communicate to the accused the prosecutor's opinion before the Court of Cassation. (Article 10 and Article 6 §1)</i>	<i>Individual measures:</i> See CM/ResDH(2006)79 . <i>General measures:</i> See CM/ResDH(2006)79 on the abrogation of the impugned provision in 2003, in the framework of an extensive programme of reforms aimed at compliance with requirements concerning freedom of expression and CM/Inf/DH(2008)26 for a more comprehensive overview of measures adopted or still under way. A new provision was added in January 2003 to the Code of Criminal Procedure requiring notification of written opinions of the Principal Public Prosecutor to parties by the competent chamber of the Court of Cassation. This provision was subsequently included in new Code of Criminal Procedure 2005. The judgment was published, translated and disseminated.
CM/ResDH(2011)305	TUR / Ünsal	24632/02	20/05/2007 20/02/2007	Access to and efficient functioning of justice: <i>Unfairness of criminal proceedings brought against an accused detained in one city but tried in another, whose testimony and defence submissions were taken through judicial co-operation without his lawyer being summoned to attend those hearings. (Article 6§§1 and 3(c))</i>	<i>Individual measures:</i> The applicant is no longer in prison. His sentence had been reduced by a decision in 2005 following the entry into force of the new Criminal Code. The applicant made no request for the reopening of the proceedings. <i>General measures:</i> Under the new Code of Criminal Procedure, in force since 01/06/05, the accused must be heard directly by the court that is trying him, except in the case of absolute necessity. The judgment was published, translated and disseminated.
CM/ResDH(2011)306	TUR / Yeşilgöz and Firik	58459/00	27/09/2006 27/06/2006	Freedom of expression and access to and efficient functioning of justice: <i>Disproportionate interference due to</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicants' sentences were deferred following the entry into force of a law on parole.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>criminal convictions of members of the executive committee of the Tunceli Cultural and Mutual Assistance Association for political statement made and unfair proceedings due to the non-communication of the Principal Public Prosecutor's submissions and the impossibility for a defendant to reply to them in writing. (Articles 10 and 6 §1)</i>	<u>General measures:</u> The judgment was published, translated and disseminated. The new Code of Criminal Procedure 2005, requires notification of written opinions of the Principle Public Prosecutor to parties by the competent chamber of the Court of Cassation.
CM/ResDH(2011)305	TUR / Zana	18954/91	25/11/1997 25/11/1997	access to and efficient functioning of justice: <i>Unfair criminal military proceedings due to the accused's inability to appear at the hearing in the trial court after transfer of his hearing to a delegate court and length of proceedings. (Article 6 §§1+3b)</i>	<u>Individual measures:</u> Pecuniary damage: no causal link between violations found and alleged damage. Just satisfaction for non-pecuniary damages paid. The applicant may request reopening of proceedings. <u>General measures:</u> According to the new Code of Criminal Procedure 2005, the accused held in custody outside the jurisdiction of the competent court must be heard by the trial court itself. As concerns the length of proceedings, state security courts were abolished following constitutional amendments in 2004, see CM/ResDH(2008)83 in Sertkaya group.
CM/ResDH(2011)287	UK / Boyle, Thompson and Bell	55434/00+	08/04/2008 08/01/2008	Protection of rights in detention and access to and efficient functioning of justice: <i>Detention decided in the Army by the Commanding Officer who does not present the requisite guarantees of impartiality and independence; lack of compensation for detention; lack of independence and impartiality of a tribunal in a summary trial before a commanding officer in the army; and lack of access to legal assistance of one's own choosing. (Article 5 §§3+5 and 6 §§1+3c)</i>	<u>Individual measures:</u> The finding of a violation constituted in itself just satisfaction for any non-pecuniary damage. The applicants were released. <u>General measures:</u> The Army Act 1955 was amended by the Armed Forces Discipline Act 2000 so that a person subject to military law who was kept in custody after being charged with an offence had to be brought before a judicial officer. The current Armed Forces Act 2006 sets out a regime for keeping persons in custody after charge: a person charged with a service offence must be brought before a judge advocate, who is an independent civilian judge deciding whether or not to authorise custody for a period of up to 8 days. The decision is reviewed at regular interval.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<p>Concerning compensation: See CM/ResDH(2007)101 in Bubbins, stressing that according to the Human Rights Act 1998, a public authority may be ordered to pay damages if a court finds that an unlawful act had occurred.</p> <p>Concerning the impartiality and independence of tribunals: The Armed Forces Act 2006 provides that persons against whom findings have been made and punishments awarded at summary hearings have an automatic right of appeal to the Summary Appeal Court by way of a re-hearing. The SAC's powers of punishment are limited to penalties no more severe than that awarded at a summary hearing. A soldier is entitled to legal representation and legal aid for appeal proceedings. When a matter should be dealt with summarily, the accused must be given the opportunity to elect trial by the Court Martial. The sentencing powers of the Court Martial are limited to penalties which could have been imposed by the CO for the offence. An accused is entitled to legal representation at the Court Martial. Although not entitled to legal representation at the summary hearing, an accused soldier is entitled to legal advice at his/her own expense, and to legal representation and legal aid for appeal proceedings. The judgments were published and disseminated.</p>
CM/ResDH(2011)285	UK / Brennan	39846/98	16/01/2002 16/10/2001	<p>Access to and efficient functioning of justice: Breach of a suspect's defence rights due to the presence of a police officer during the first consultation with his lawyer after his arrest without any compelling reason for the imposition of this restriction. (Article 6 §3c in conjunction with 6 §1)</p>	<p><u>Individual measures:</u> The finding of a violation constituted in itself just satisfaction for any non-pecuniary damage. Reopening of proceedings possible.</p> <p><u>General measures:</u> In 2003, the Home Office sent guidance to the competent police authorities stressing that the presence of a police officer during a defendant's consultations with his solicitor should be imposed only in limited circumstances, i.e. on reasonable grounds to believe that one of the consequences set out in the Terrorism Act 2000 would otherwise occur. The judgment was published and disseminated.</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011) 288	UK / Clift	7205/07	22/11/2010 13/07/20101	Protection of rights in detention and discrimination: <i>Unjustified discrimination in the conditions for allowing early release between prisoners serving fixed-term sentences of more than 15 years and those serving shorter sentences. Under the legislation applicable at the time, prisoners serving fixed-term sentences of imprisonment of 15 years or more were required to secure, in addition to a positive recommendation from the Parole Board, the approval of the Secretary of State for early release.(Article 5 in conjunction with 14)</i>	Individual measures: Just satisfaction in respect of non-pecuniary paid. In 1994 the applicant was sentenced to eighteen years' imprisonment. In 2002 the Secretary of State rejected the recommendation of the Parole Board to release the applicant. He was finally released on licence in March 2004. General measures: Change of the Coroners and Justice Act in 2009 to remove the power of the Secretary of State to override a recommendation of the Parole Board for release of any prisoner. The responsibility for release decisions, in the case of those prisoners serving 15 years or more who are subject to the release provisions of the Criminal Justice Act 1991, were transferred to the Parole Board. The judgment was published and disseminated.
CM/ResDH(2011) 37	UK / Curley	32340/96	28/06/2000 28/03/2000	Protection of rights in detention: <i>Inadequate review of the lawfulness of the applicant's continued detention after the expiry of his mandatory sentence and absence of any enforceable right to compensation. (Article 5 §§4+5)</i>	Individual measures: The applicant was released in May 1997. Just satisfaction for non-pecuniary damage paid. General measures: The Crime (Sentences) Act 1997, states that if the relevant part of a sentence is served and the Parole Board recommends release it is the duty of the Secretary of State to release the prisoner on licence (see Resolutions DH(98)149 and DH(98)150 in the cases of Hussain and Singh respectively). The applicant would now be able to lodge an application for compensation following the mechanisms provided for by the Human Rights Act 1998. The judgment was published.
CM/ResDH(2011) 36	UK / Faulkner	37471/97	04/09/2002 04/06/2002	Protection of correspondence: <i>Failure of the prison authorities to send the applicant's sealed letter, addressed to the Scottish Minister of State. (Article 8)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. General measures: The interception of the applicant's letter was not in accordance with domestic law. The judgment was published.
CM/ResDH(2011) 290	UK / Grieves and 2 other cases (Le Petit and	57067/00	16/12/2003 Grand Chamber	Access to and efficient functioning of justice: <i>Unfairness of Navy court-martial criminal proceedings resulting in convictions</i>	Individual measures: No claim in respect of pecuniary or non-pecuniary damage made in the Grieves case. The finding of a violation constituted in itself sufficient just satisfaction for any

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
	G.W.)			<p><i>due to the courts' lack of independence and impartiality mainly because of the conflicting roles played by the convening authority, the lack of any apparent basis on which the applicants could challenge the composition of their courts-martial, and the fact that no appeal lay to a judicial authority where a guilty plea had been entered.</i></p> <p><i>In the Grieves case, the shortcomings included: - the lack of a full-time Permanent President of Courts-Martial, - the relative lack of detail and clarity in the briefing notes prepared for members of naval courts-martial, and the fact that the Judge Advocate in a naval court-martial is not a civilian but a serving naval officer who, when not sitting in a court-martial, carries out regular naval duties. (Article 6 §1)</i></p>	<p>non-pecuniary damage suffered in the other cases. It does not appear from the information available that any serious doubt exists as to the outcome of the proceedings in all cases such as to require reopening under the terms of the Committees' Recommendation Rec(2000)2.</p> <p><u>General measures:</u> Under the Armed Forces Act 1996 the role of convening officer has ceased to exist and his functions are henceforth divided amongst different bodies. : A right of appeal against sentence to the Courts-Martial Appeal Court was introduced. The appointment of serving naval personnel as judge advocates has ceased and under the Naval Discipline Act 1957 (Remedial) Order 2004, the responsibility of appointing judge advocates was transferred to the Judge Advocate of the Fleet, a civilian, who appointed as judge advocates civilian barristers, solicitors and other individuals holding judicial appointments. The briefing notes prepared for ordinary members of naval courts martial were amended in 2002 to include appropriate instructions as to the need to function independently and free from outside pressure, and amended again in 2004 to reflect the appointment of civilian judge advocates and to ensure maximum possible consistency with those of the Army and Royal Air Force. An "Order of Procedure at a Trial by the Naval Court Martial" was issued by the Naval Courts Administration Office in March 2005. Some amendments of 2005 to the Court-Martial (Royal Navy) Rules ensure the balance between the role of the president and that of the judge advocate. The Armed Forces Act 2006 will come into force in 2009 setting up a single, standing Court Martial for all three branches of the armed forces (army, navy, air force), which, rather like the Crown Court, may sit in more than one place at the same time. Different judge advocates and service personnel may make up the court for different trials. The judgement was published.</p>
CM/ResDH(2011)	UK / Keenan	27229/95	03/04/2001	Protection against ill-treatment: Suicide of	<u>Individual measures:</u> Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
290			03/04/2001	<p><i>a mother's mentally ill son in prison due to lack of adequate care and due to disciplinary segregation measures imposed; lack of remedy against disciplinary sanctions; lack of effective investigation into the son's suicide and impossibility of obtaining enforceable award of compensation. (Articles 3 substantive limb and 13 twice)</i></p>	<p>damages in respect of her deceased son, and a sum for her own non-pecuniary damages paid.</p> <p><u>General measures:</u> a) Lack of effective monitoring of a prisoner's condition in segregation: A revised Segregation Policy in the Prison Service Order, followed in all prison establishments, was implemented in 2003. It lays down the requirement that prison staff who work in the segregation unit are adequately trained in suicide prevention and mental-health awareness; a new safety algorithm to ensure that appropriate mental-health screening is carried out and a segregation history sheet established to help alert staff to any changes in the prisoner's behaviour pattern which could indicate that he or she is not coping with segregation. The Prison Rules 1999 were revised in 2005 accordingly. Before deciding whether to impose a punishment of cellular confinement, the governor, adjudicator or reviewer shall ask a registered medical practitioner or registered nurse whether there are any medical reasons why the punishment is unsuitable and shall take this advice into account when making a decision. The Prison Service Order and its underlying performance standard have recently undergone the revision as part of a wider review looking at reducing the use of segregation.</p> <p>b) Lack of psychiatric input into a prisoner's assessment: In April 2006, responsibility for health care in prisons was transferred from the Prison Service to the local National Health Service. The health care team is selected by a local Primary Care Trust and the Prison Board jointly and consists of medical professionals including nurses trained in mental health care. Referral to a mental health team or specialist mental health services follows the structure that exists outside prisons and is arranged by the Primary Care Trust and Prison Board. General Practitioners working in prisons as part of the health care team provide general and mental health care to prisoners in the same way as they would in the community. Mental health care for prisoners was the particular focus of a detailed thematic</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<p>review undertaken in October 2007 by HM Inspectorate of Prisons.</p> <p>c) Complaint procedures: In February 2002, new complaint procedures for prisoners were established. It introduced a confidential box on all prison wings, where prisoners can both pick up a complaints form and post a completed complaints form. With regard to remedies against disciplinary sanctions imposed by independent adjudicators, in particular, additional days, the Prison Rules were amended in 2002 to give the prisoner the right to legal representation and to provide for a review of the punishment imposed, within 14 days of receipt of the request. With regard to disciplinary sanctions imposed by governors, in particular, segregation, the Prison Discipline Manual was revised in 2006. It makes it mandatory for prisons to have a fast-track system available for urgent applications for the review of adjudications. The Prisons and Probation Ombudsman now has jurisdiction to review disciplinary procedures and the merits of disciplinary hearings. If the Ombudsman upholds such a complaint, the Prison Service may quash the adjudication.</p> <p>Concerning a remedy following the suicide of a prisoner: See CM/ResDH(2007)101) in Bubbins. The Human Rights Act creates a cause of action, which can found a claim for relief, including damages, against a public authority that has acted unlawfully in breach of Convention rights.</p> <p>The judgment was published.</p>
CM/ResDH(2011) 83	UK / Liberty and Others	58243/00	01/10/2008 01/07/2008	<i>Protection of private life: Unlawful interference due to the insufficient clarity of the Interception of Communications Act 1985 which conferred on the authorities very wide discretion to monitor certain electronic communications of two non-governmental organisations working in the field of human rights and established in</i>	<p><i>Individual measures:</i> The finding of violation constitutes sufficient just satisfaction for any non-pecuniary damage.</p> <p><i>General measures:</i> The Interception of Communications Act 1985 was replaced by the Regulation of Investigatory Powers Act 2000 which provides clear regulations for the interception of communications. The judgment was sent to all the relevant authorities.</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
				<i>Ireland and the United Kingdom. (Article 8)</i>	
CM/ResDH(2011)84	UK / N.A.	25904/07	06/08/2008 17/07/2008	Protection against ill-treatment / lawfulness of expulsion: <i>Risk of being subjected to torture, degrading or inhuman treatment regarding a citizen of Sri Lanka of Tamil origin, if the removal directions against him were to be enforced. (Article 3)</i>	Individual measures: The removal directions were not applied. The applicant was granted six months leave to remain on a discretionary basis. The finding of violation constitutes sufficient just satisfaction for any non-pecuniary damage. General measures: Internal guidance was provided to caseworkers within the UK Border Agency who are responsible for considering applications on humanitarian grounds by Sri Lankan Tamils. The judgment was widely reported in legal journals.
CM/ResDH(2011)288	UK / O'Donoghue and Others	34848/07	14/03/2011 14/12/2010	Right to marry and discrimination: <i>Interference with the right to marry due to the application of a scheme requesting state approval for marriages to persons subject to immigration control, without regard to the genuineness of the proposed marriage and subject to a fee as well as discriminatory non-application of the scheme to persons willing to marry in the Church of England. (Articles 12, 14 in conjunction with 12 and Article 14 in conjunction with 9)</i>	Individual measures: Just satisfaction in respect of non-pecuniary and pecuniary damage (amount of the fee) paid. The couple have also already been granted a certificate of approval giving them permission to marry. General measures: The Certificate of Approval scheme was abolished in 2011 by amending primary legislation using a remedial order under the Human Rights Act 1998. The judgment was published and disseminated.
CM/ResDH(2011)82	UK / Omojudi and A.W. Khan	1802/08+	24/02/2010 24/11/2009	Protection of private and family life: <i>Interference due to deportation orders which were not proportionate to the legitimate aim pursued regarding a Nigerian and a Pakistani citizen - despite the strength of family ties to and their length of residence in the UK. (Article 8)</i>	Individual measures: The deportation order against the first applicant was revoked on 30 April 2010. However, having died, he never re-entered the territory. On 2 February 2010 the UK Border Agency informed the second applicant that his deportation order had been revoked. Just satisfaction in respect of non-pecuniary damages paid. General measures: The judgments were sent to all the relevant authorities, in particular the legal officer in the Home Office Legal Advisor's Branch with lead responsibility for advising the UK Border Agency.

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
CM/ResDH(2011)286	UK / Price	33394/96	10/10/2001 10/07/2001	Protection against ill-treatment and conditions of detention: <i>Degrading treatment suffered by a four-limb-deficient thalidomide victim dependent on a wheelchair, during her custody and imprisonment, due to detention conditions inadequate in view of her special needs. (Article 3)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in line with the remission provisions of the Criminal Justice Act 1991. General measures: Guidance on the safer detention and handling of disabled persons in police custody was issued in 2006 replacing the relevant 1995 and 2005 Acts. According to the Equality Act 2010, the police are required to make reasonable adjustments at police stations to allow for the needs of disabled persons held in custody. The judgment was published and disseminated.
CM/ResDH(2011)288	UK / Richard Anderson	19859/04	09/05/2010 09/02/2010	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings before the Scottish Courts. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary paid. Domestic proceedings closed. General measures: The IT function of the Scottish Court Service implemented a new system whereby the courts administration can identify cases lacking procedural action for a specific period of time. The judgment was published and disseminated to the Scottish authorities concerned, including the Scottish Court Service.
CM/ResDH(2011)38	UK / Taylor-Sabori and 2 other cases	47114/99+	22/01/2003 22/10/2002	Protection of private life: <i>Interception of messages sent to the applicant's pager by the police as part of a covert surveillance operation, covert audio recording devices were used in the applicants' cells without a statutory system to regulate such devices, breach of the right to remain silent and not to incriminate oneself, as evidence was obtained by a police informer who had been placed in the same cell as the applicant as well as lack of an effective remedy in respect of the applicants' complaints under Article 8 (Articles 8, 6 §1 and 13 in conjunction with 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damages awarded in one case, in two others the finding of violations constituted in itself sufficient just satisfaction for any non-pecuniary damage. For General measures: see Resolution DH(2005)68) in Govell. The introduction of the Police Act 1997 and the Regulation of Investigatory Powers Act 2000 (RIPA) ensured that the installation of covert audio recording devices is now regulated. Some sections specifically deal with covert surveillance in prison cells. RIPA also allowed for the establishment of an Investigatory Powers Tribunal to deal with complaints about covert surveillance and the use of informants by the police and provides the independent oversight of police powers by a Chief Surveillance Commissioner. In addition, violations of the Convention may be challenged before domestic courts under

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					the Human Rights Act 1998 (see <i>Bubbins against UK</i> , Final Resolution CMResDH(2007)101). The judgments were published.
CM/ResDH(2011)290	UK / <i>Wainwright</i>	12350/04	26/12/2006 26/09/2006	Protection of private life: <i>Failure of authorities to comply strictly with procedures for the proper conduct of strip searches of a mother and son visiting a prisoner or to take rigorous precautions to protect their dignity and lacking remedy to redress the interference. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damages paid. The second applicant had received an award from the domestic courts in respect of the battery (inappropriately invasive, intimate search inflicted on him). General measures: The policy of HM Prison Service related to the searching of visitors is now different from what it was in 1997: more use is made of closed or closely observed visits, with strip searches occurring only rarely. In November 2003, the Security Policy Unit of the Prison Service issued a note reminding prison staff of the appropriate policy on strip searching, stressing the importance of adhering to correct procedures and maintaining full and accurate records. In December 2006, the Operational Policy Unit of the Prison Service published a paper to amend aspects of policy on searches raised in the present case. It underlines that searches must be conducted with rigorous adherence to procedures and all due respect for human dignity.
CM/ResDH(2011)290	UK / <i>Z. and Others and 2 other cases (E. and Others as well as D.P. and J.C.</i>	29392/95+	10/05/2001 Grand Chamber	Protection against ill-treatment and lacking effective remedy: <i>Failure of local authorities to protect minor children from serious, long-term neglect and abuse by their parents and/or absence of an appropriate means of obtaining a determination the the allegations of ill-treatment or an enforceable right of compensation for the damage. (Articles 3 and 13)</i>	Individual measures: In the <i>Z. and Others</i> as well as <i>E. and Others</i> cases, just satisfaction in respect of pecuniary and non-pecuniary damages awarded and paid. In the <i>D.P. and J.C.</i> case, a sum in respect of non-pecuniary damages arising from the inability to pursue an effective remedy was awarded and paid. General measures: The judgment was published and received coverage in the legal press. Concerning protection against ill-treatment: According to the <i>Children (England) Act 1975</i> , local authorities have a duty to initiate inquiries into allegations. The <i>Children (Scotland) Act 1995</i> requires the local authority to safeguard and promote the welfare of children in their area who are in need. The <i>Guidance to the Children (Scotland) Act 1995</i> provides guidance on, inter alia, the circumstances which

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					<p>might indicate that a child is in need and the type of services that might be provided. The 1998 Guidance on Inter-Agency Co-operation issued by the Scottish Office is addressed to all agencies working with children, sets out the framework for procedures produced by local child protection committees. Following other measures adopted and steps were taken: in 1993 the adoption of standard definitions of abuse and criteria for placing a child's name on the Child Protection Register, a central point of rapid inquiry for professional staff concerned about a child's safety, development or welfare; the adoption in 2004 of a Charter and Framework for Standards for protecting children and young people; the adoption of the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006; the preparation by the Child Protection Strategic Training Group of a staff training framework; in 2006 the Protection of Vulnerable Groups (Scotland) Bill set out good practice for sharing information on child protection and co-operation on such information-sharing by public bodies and professionals and requires Scottish Ministers to produce a code of practice on child protection information.</p> <p>Concerning the lacking remedy: According to the Human Rights Act 1998, local authorities are obliged to act in accordance with the Convention. If they were not to do so, their acts would be unlawful and the injured party could bring proceedings and a court may grant whatever remedies it considers just and appropriate, including damages.</p>
CM/ResDH(2011) 181	UK / Associated Society of Locomotive Engineers and Firemen (ASLEF)	11002/05	27/05/2007 27/02/2007	<i>Freedom of association: Prevention of an independent trade union, under section 174 of the Trade Union and Labour Relations (Consolidation) Act 1992, from expelling a member due to his membership of a political party advocating views incompatible with those of the trade union. (Article 11)</i>	<p><i>Individual measures:</i> No claims for just satisfaction submitted. The applicant trade union may now reassess the situation of the member on the basis of new legal provisions.</p> <p><i>General measures:</i> Amendment of the Trade Union and Labour Relations (Consolidation) Act 1992 via the Employment Act 2008. The expulsion of an individual from a trade union is allowed on grounds of their membership of a political party, so</p>

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					long as: the membership of that political party is contrary to a rule or an objective of the trade union; the decision to expel is taken fairly and in accordance with union rules; and the individual does not lose his livelihood or suffer other exceptional hardship by reason of not being or ceasing to be a member of the trade union. The judgment was published.
CM/ResDH(2011)182	UK / Bullen and Soneji	3383/06	08/04/2009 08/01/2009	Access to and efficient functioning of justice: Excessive length of confiscation proceedings following the applicants' conviction. (Article 6§1)	<i>Individual measures:</i> No claim of just satisfaction submitted. <i>General measures:</i> The judgment was published and disseminated. The National Policing Improvement Agency issued guidance to Accredited Financial Advisers in April 2009, reminding them of the need to be ready to proceed with confiscation hearings as soon as possible. The Revenue and Customs Prosecutions Office and the Crown Prosecution Service issued guidance in June 2009 to prosecutors stressing the need to accelerate confiscation proceedings and to comply with court directions on timing.
CM/ResDH(2011)182	UK / Crompton	42509/05	10/05/2010 27/10/2009	Access to and efficient functioning of justice: Excessive length of civil proceedings before the Army Board and the High Court. (Article 6 §1)	<i>Individual measures:</i> No claim of just satisfaction submitted. Following the applications for judicial review the applicant's compensation for redundancy was reassessed and the applicant was awarded. <i>General measures:</i> The judgment was published and disseminated. Measures were taken to improve the system for the redress of complaints by members of the United Kingdom's Armed Forces. The changes were made by the Armed Forces Act 2006. The relevant provisions came into effect on 1 January 2008 and apply to complaints made on or after that date.
CM/ResDH(2011)176	UK / Dickson	44362/04	04/12/2007 Grand Chamber	Protection of family life: Disproportionate interference due to the Home Secretary's refusal to grant a prisoner serving a life sentence and his wife their request for access to artificial insemination. (Article 8)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was transferred to an open prison and would in principle be eligible for unescorted home leave. Therefore the applicants no longer required access to assisted conception. <i>General measures:</i> The policy on assessing applications for

Resolution No.	Reference	Appl. No.	Judgment final on/ delivered on	Violation	Main measures taken
					permission to access assisted conception facilities by prisoners has been amended. The Secretary of State will apply a proportionality test when taking a decision, which may be challenged in judicial review proceedings. The judgment was published.
CM/ResDH(2011) 289	UK / Edwards and Lewis	39647/98+	27/10/2004 Grand Chamber	Access to and efficient functioning of justice: Denial of a fair trial in criminal proceedings due to two judicial decisions to withhold certain evidence from the defence in violation of the principle of equality of arms and without adequately protecting the interest of the accused arguing that their criminal offences were the result of entrapment by undercover police officers. (Article 6 §1)	Individual measures: The finding of a violation constituted in itself just satisfaction for any non-pecuniary damage. The applicants are no longer detained. The applicants' appeal and request for review respectively were dismissed. Their fresh applications to the ECtHR were also dismissed. General measures: Concerning the disclosure of sensitive evidence, the House of Lord, in its new case-law, took into consideration the ECtHR jurisprudence and stated that derogation from full disclosure "may be justified but such derogation must always be the minimum derogation necessary to protect the public interest and must never imperil the overall fairness of the trial". General guiding principles on disclosure and the procedure to follow with applications to withhold sensitive material from the defence were set out in a decision of 2004. These principles were summarised in the Guidance issued by the Director of Public Prosecutions and included in the Crown Prosecution Service's Disclosure Manual 2005. The Criminal Justice Act 2003 amended the disclosure regime in the Criminal Procedure and Investigations Act 1996 giving statutory force to the prosecution's duty of disclosure. The judgement was published.
CM/ResDH(2011) 178	UK / Ezeh and Connors and 3 other cases	39665/98+	09/10/2003 Grand Chamber	Access to and efficient functioning of justice: Lack of independence and impartiality in prison disciplinary proceedings and the lack of legal representation in all cases. (Article 6 §§1+3c)	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage in three cases. Just satisfaction in respect of non-pecuniary damage paid in one case. The applicants were released. General measures: The new Prison (Amendment) Rules 2002, in force since 15/08/2002, provide that in serious prison disciplinary cases where prisoners risk a penalty of additional

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					days' detention, the case is referred by the prison governor to an adjudicator approved by the Secretary of State, who inquires into the charge. Thus structural independence between prosecution and adjudication in such proceedings is assured. Prisoners risking a penalty of additional days' detention are given the opportunity to be legally represented. The judgment was published.
CM/ResDH(2011)174	UK / Glass	61827/00	09/06/2004 09/03/2004	Protection of private and family life: <i>Disproportionate interference due to the administration of medical treatment to a child with mental and physical disabilities, without the consent of his mother who was the child's legal proxy, and without having had recourse to a court to decide what was in the best interests of the child. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: In April 2005, the Chief Executive of the National Health Service wrote to all Chief Executives drawing their attention to the judgment. In 2009 a revised and updated version of the "Reference Guide to Consent for Examination or Treatment", initially published in November 2001, was issued reaffirming that consent must be obtained before administering medical treatment and stating that in the case of minors and adults without legal capacity, that a parent or a person authorised under a Lasting Power of Attorney must provide consent. The judgment was published.
CM/ResDH(2011)173	UK / Grant	32570/03	23/08/2006 23/05/2006	Protection of private life: <i>Failure to recognise legally the change of gender of a post-operative male-to-female transsexual person and the refusal to pay her a state pension at the age applicable to women. (Article 8)</i>	Individual measures: Just satisfaction in respect of pecuniary damage paid. The applicant was issued a Gender Recognition Certificate and now receives state pension as a woman. General measures: The Gender Recognition Act 2005 allows transsexual persons to be legally recognised in their acquired gender, for matters including social security benefits and the receipt of a state pension, upon issue of a Gender Recognition Certificate.
CM/ResDH(2011)180	UK / Hashman and Harrup	25594/94	25/11/1999 Grand Chamber	Freedom of expression: <i>Disproportionate interference due to the imposition of a "binding-over" order following the disruption of a fox hunt, prohibiting further behaviour contra bonos mores, a concept</i>	Individual measures: The one-year binding-over order imposed on the applicants expired in 1994. No just satisfaction claimed. General measures: In December 2006, Amendment No.15 to the Consolidated Criminal Practice Direction specified that courts should no longer bind an individual over "to be of good

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				<i>too broadly defined to be able to be considered as "prescribed by law". (Article 10)</i>	behaviour". Instead they should identify the specific conduct or activity from which the individual should refrain. The individual who would be subject to the order and the prosecutor should be given the opportunity to make representations, both as to the making of the order and as to its terms. Lastly, before the court exercises a power to commit the individual to custody, the individual should be given the opportunity to see a duty solicitor or another legal representative and be represented in proceedings. The judgment was published.
CM/ResDH(2011)175	UK / I. and Christine Goodwin	25680/94+	11/07/2002 Grand Chamber	Protection of family life and right to marry: <i>Refusal to legally recognise gender re-assignment to post-operative transsexuals and impossibility to marry a person of the sex opposite to their re-assigned gender. (Articles 8 and 12)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction in respect of any non-pecuniary damage. The applicants may apply for legal recognition of their acquired gender. General measures: The Gender Recognition 2005, allows transsexual persons who have taken decisive steps to live fully and permanently in their acquired gender to gain legal recognition in that gender. The Gender Recognition Panel established under this Act is responsible for determining applications for legal recognition of acquired gender. Successful applicants are issued with a Gender Recognition Certificate valid for all purposes. Accordingly, they are entitled to marry a person of the gender opposite to their acquired gender. The judgment was published.
CM/ResDH(2011)172	UK / Martin	40426/98	24/01/2007 24/10/2006	Access to and efficient functioning of justice: <i>Lack of independence and impartiality of certain court-martial proceedings. (Article 6 §1)</i>	Individual measures: No just satisfaction claimed. μThe applicants had fully exercised the appeal options from the original court-martial conviction i.e. appeal to the Courts-Martial Appeal Court and thereafter the House of Lords (now the Supreme Court). General measures: See Resolution DH(98)11 in Findlay noting that the Armed Forces Act 1996 abolished the post of convening officer and provided that a judge advocate be a member of a court-martial. The Armed Forces Act 2006 created a single system of service law for all of the services and a

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					<p>standing court-martial. It provides that certain civilians, when outside the United Kingdom, such as dependants of members of the armed forces living with them, are tried by the Service Civilian Court or by the standing court-martial. In both the judge advocate is a civilian judge. In the Service Civilian Court, the only civilian member is the judge advocate. In the court-martial, there are, additionally, lay members who decide on guilt or innocence. The 2006 Act enables the court-martial to be constituted, when it deals with civilians, without military lay members. Any appeal from the court-martial by a civilian defendant is to the Court-Martial Appeal Court which is composed entirely of civilian judges. Any further appeal will be to the Supreme Court which is also composed entirely of civilian judges.</p>
<p>CM/ResDH(2011)177</p>	<p>UK / Peck</p>	<p>44647/98</p>	<p>28/04/2003 28/01/2003</p>	<p>Protection of private life and lack of effective remedy: <i>Disclosure in the media by a local council of an individual's photographs taken by a CCTV camera installed in a public street, without consent or sufficient safeguards and lack of an effective remedy in this respect. (Articles 8 and 13)</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's complaints before the Broadcasting Standards Commission (BSC) and the Independent Television Commission (ITC) were upheld and the decisions were published</p> <p>General measures: Specific provisions are contained in the Data Protection Act 1998 and the Information Commissioner's CCTV Code of Practice 2008. The DPA provides the statutory basis for systemic legal control of CCTV surveillance over public areas, setting legally enforceable standards for the collection and processing of images relating to individuals. The Information Commissioner has the power to enforce compliance with the DPA including imposing monetary penalties for serious breaches. The current CCTV Code of Practice was revised to take account of changes in law, technology and use of CCTV. It now requires a systematic justification for the use of CCTV, improved quality of images and clear restrictions on the monitoring and recording of conversations in public spaces. The Human Rights Act 1998 provides an effective remedy. The judgment was published.</p>

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CM/ResDH(2011) 171	UK / S.C.	60958/00	10/11/2004 15/06/2004	Access to and efficient functioning of justice: Denial of a fair trial as a result of criminal proceedings in the Crown Court against a minor of 11 years old with a low level of intellectual ability for his age. (Article 6 §1)	Individual measures: The finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage The applicant had the possibility to apply to the Criminal Cases Review Commission to seek referral of his case to the Court of Appeal. General measures: In 2000, the Lord Chief Justice issued a Practice Direction on the Trial of Children and Young Persons in the Crown Court which advised, inter alia, that there should be seating on the same level, wigs and gowns should be removed, no uniforms in court, frequent breaks, seating family with the defendant, easy communication with legal representatives, most of the media observing only through CCTV, and no members of the public in the courtroom. A revised Practice Direction 2007 set out the overarching principles that the Crown Court and Magistrates' courts should apply when dealing with vulnerable defendants, including juveniles. The Police and Justice Act 2007 amended the Youth Justice and Criminal Evidence Act 1999 to provide that certain vulnerable defendants, including juveniles may, with the agreement of the court, give evidence to the court as a witness from outside the court room using a live link.
CM/ResDH(2011) 182	UK / S.H.	19956/06	15/09/2010 15/06/2010	Protection against ill-treatment/expulsion: Risk for a Bhutanese national of ethnic Nepalese origin, to be subjected to torture or degrading or inhuman treatment in his country of origin, if the removal directions against him were to be enforced. (Article 3 conditional)	Individual measures: No claim of just satisfaction submitted. In October 2009, the applicant submitted an application for leave to remain in the UK on the basis of his marriage to a Bhutanese national with leave to remain in the UK as a refugee, which was granted until 16 June 2013 with the possibility of prolongation. General measures: The judgment was published and disseminated.
CM/ResDH(2011) 179	UK / Stafford and 3 other cases	46295/99+	28/05/2002 Grand Chamber	Protection of rights in detention: Continued detention of prisoners sentenced to mandatory life imprisonment after the expiry of their tariffs without review of their cases by a body empowered to order their	Individual measures: In one case a global sum for just satisfaction was awarded and paid. In the other cases, just satisfaction in respect of non-pecuniary damage was paid. One applicant was released and the other applicants had hearings before the Parole Board and will continue to have their

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				<i>release or presenting the necessary judicial safeguards; lack of legal basis for detention and lack of compensation for such detention. (Articles 5 §§1+4+5)</i>	detention regularly reviewed. General measures: The continued detention after the expiry of the tariff for reasons unrelated to the original conviction occurred because of the Secretary of State's decision to depart from the Parole Board's recommendation that the applicant should be released. The Parole Board, as a public authority within the meaning of the Human Rights Act 1998, would be acting unlawfully if it now acted in a way incompatible with a right protected by the Convention. As a result of amendments of the Criminal Justice Act 2003, the Parole Board is now competent to rule on the release of all mandatory life sentence prisoners; the Secretary of State is no longer free to depart from its decisions. The judgment was published.
CM/ResDH(2011)284	UK. / Steel and Morris	68416/01	15/05/2005 15/02/2005	Access to and efficient functioning of justice and freedom of expression: <i>Breach of principle of equality of arms in defamation proceedings due to denial of legal aid and disproportionate interference due to disproportionate damages awarded. (Articles 6 §1 and 10)</i>	Individual measures: The payment of the damages awarded against the applicants in domestic proceedings was not enforced. Just satisfaction in respect of non-pecuniary damage paid. General measures: England and Wales: According to the Access to Justice Act 1999 legal aid is in principle still excluded for defamation cases, but it allows the Lord Chancellor to authorise the Legal Services Commission to grant legal aid to an individual defamation litigant following a request from the Commission. Guidance for such requests was issued by the Lord Chancellor to the Commission and updated. Northern Ireland: The legislative position is comparable. Under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 the Department of Justice may authorise the Northern Ireland Legal Services to grant legal aid. Scotland: The Legal Profession and Legal Aid (Scotland) Act 2007 ensures that civil legal aid will be available to pursuers and defenders alike, subject to an "exceptional cases test" which is set out in a ministerial direction. The Civil Legal Aid for Defamation or Verbal Injury Proceedings (Scotland) Direction 2010 ensures that in making civil legal aid available for persons in proceedings that are

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					wholly or partly concerned with defamation or verbal injury, the Scottish Legal Aid Board must be satisfied that there is significant public interest in the resolution of the case. The judgment was published and disseminated.
CM/ResDh(2011) 183	UK. / Wilson, the National Union of Journalists & others; Palmer, Wyeth & the National Union of Rail, Maritime & Transport Workers; and Doolan & Others	30668/96+	02/10/2002 02/07/2002	Freedom of association: Failure to secure freedom of association by permitting employers to use financial incentives to induce employees to surrender important union rights (Article 11)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The Employment Relations Act 2004 deals with inducement and detriments in respect of membership of independent trade unions. It provides, inter alia, that workers have a right not to have an offer made to them for the sole or main purpose of inducing them to renounce union membership or activities. In the event that such an offer is made to a worker, he (or a former worker) may bring a complaint before an employment tribunal. The judgment was published and disseminated.
CM/ResDH(2011) 313	UKR / Agrotehservis and 7 other cases	62608/00	30/11/2005 05/07/2005	Access to and efficient functioning of justice and protection of property: Breach of the principle of legal certainty as well as of right to property on account of the quashing of binding and enforceable judgments in supervisory-review proceedings. (Articles 6§1 and 1 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary and non-pecuniary damages paid as awarded. Legislation provides for the possibility of the reopening of domestic proceedings. General measures: The supervisory review procedure was abolished in June 2001 following a legislative reform which set up a three-level court system. This procedure is similar to that existing in other member States, that it was available to each party in a civil case and that it did not depend on the discretionary power of a State authority. The Constitution of Ukraine of 28/06/1996 provides that everyone has the right to challenge actions or inactivity of public and local authorities before a court. In 2005, the new Code of Civil Procedure and Code of Administrative Procedure implemented these provisions of the Constitution. The judgment was published, translated and disseminated.
CM/ResDH(2011)	UKR /	13156/02	14/09/2007	Access to and efficient functioning of	Individual measures: The finding of a violation constituted

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35	Ponomarenko		14/06/2007	justice: Denial of justice due to the unjustified refusal by the domestic courts to consider the applicant's claim against local authorities concerning access to his property on the merits. (Article 6 §1)	sufficient just satisfaction for non-pecuniary damage. The applicant made no request for reopening within the time-limit set. General measures: Under the old Code of Civil Procedure non-judicial means to challenge the local authorities' decisions must be used as priority. In the new Code of Civil Procedure 2005 the need to exhaust non-judicial means before applying to a court was repealed. The judgment was published, translated and disseminated.
CM/ResDH(2011)312	UKR / Savinskiy	6965/02	28/05/2006 28/02/2006	Access to and efficient functioning of justice: Quashing of a final judgment in criminal proceedings under the supervisory review (protest) procedure. (Article 6 §1)	Individual measures: No claim submitted. General measures: The supervisory review procedure was abolished in June 2001 following a legislative reform which set up a three-level court system. Under the Code of Criminal Procedure, a cassation appeal is available to both prosecution and defence in criminal cases. Its exercise does not depend on the discretionary power of a State authority. Leave to appeal in cassation against a decision is given by a judge of the Supreme Court, who may decide to refer the cassation appeal to a three-judges chamber of the Supreme Court for consideration of its merits. The judgment was published, translated and disseminated.