

Summaries of Final Resolutions adopted by the Committee of Ministers in 2000

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Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2000)42	AUT / Ernst und Anna Lughofer	22811/93	30/11/1999	Access to and effective functioning of justice: <i>Unfair civil proceedings before the administrative court in a case concerning the adjustment of the property titles. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Administrative Court Act was amended in 1997 ensuring the holding of public hearings (see Resolution DH (97)405 in the Stallinger and Kuso cases). The judgment was transmitted to the authorities concerned.
ResDH(2000)132	AUT / Pflieger	27648/95	04/04/2000 Friendly settlement	Access to and effective functioning of justice: <i>Unfair proceedings due to the lack of a public hearing and of a public delivery of the decisions in land consolidation proceedings involving the applicants' property. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all possible claims paid. <u>General measures:</u> See DH(97)405 in Stallinger and Kuso.
ResDH(2000)141	AUT / W.R.	26602/95	21/12/1999	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before disciplinary courts and the Constitutional Court. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement for non-pecuniary damage paid. <u>General measures:</u> The judgment was sent to the authorities concerned, in particular namely to the Constitutional Court, the Disciplinary Appeals Commission as well as to the Upper Austrian Lawyers' Chamber.
ResDH(2000)109	BGR / Assenov and Others	24760/94	28/10/1998	Protection of rights in detention, protection against detention, lack of a remedy: <i>Lack of judicial review of the decision to detain the applicant on remand and impossibility to challenge the</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid to the first applicant. The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage for the other applicants. <u>General measures:</u> A new Criminal Procedure Code of 1999

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				<p><i>lawfulness of this detention at regular intervals; failure to carry out an effective official investigation into the arguable allegations of the applicant to have been ill-treated by police and lack of an effective access for complainant to investigatory procedure and payment of compensation where appropriate. (Articles 3 (procedural), 5 §§3+4 and 13)</i></p>	<p>provides that detention on remand shall be ordered by the competent first instance court at the request of a prosecutor or investigating judge. The maximum period of detention without judicial review is 72 hours, when detention is requested by a prosecutor, and 24 hours, when it is requested by an investigator. A single-judge court decides after a public hearing attended by the accused. Detention shall be ordered when it emerges from the case file that there is a real danger of the accused absconding or re-offending. When such danger no longer exists, detention shall be replaced by a less severe measure. The new Criminal Procedure Code thus puts sufficient emphasis on the exceptional nature of detention, obliges prosecutors and investigating judges to prove to the judge that there are valid and objective reasons for ordering and prolonging detention, and underlines the need for special diligence in conducting the investigation by imposing strict time-limits on detention on remand during the pre-trial investigation stage. If a request for review of the lawfulness of detention is submitted, the court is required to decide within three days, at a public hearing attended by the accused, his counsel and the prosecutor. An appeal against this decision may be lodged within a seven-day time-limit with a higher court. The judgment was published, translated and disseminated to all authorities concerned, including all police departments.</p>
<p>ResDH(2000)110</p>	<p>BGR / Nikolova</p>	<p>31195/96</p>	<p>25/03/1999</p>	<p><i>Protection of rights in detention:</i> Lack of judicial review of the decision to detain the applicant on remand and impossibility of challenging the lawfulness of this detention at regular intervals. (Article 5 §§3+4)</p>	<p><i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> A new Criminal Procedure Code of 1999 provides that detention on remand shall be ordered by the competent first instance court at the request of a prosecutor or investigating judge. The maximum period of detention without judicial review is 72 hours, when detention is requested by a prosecutor, and 24 hours, when it is requested by an investigator. A single-judge court decides</p>

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					after a public hearing attended by the accused. Detention shall be ordered when it emerges from the case file that there is a real danger of the accused absconding or re-offending. When such danger no longer exists, detention shall be replaced by a less severe measure. The new Criminal Procedure Code thus puts sufficient emphasis on the exceptional nature of detention, obliges prosecutors and investigating judges to prove to the judge that there are valid and objective reasons for ordering and prolonging detention, and underlines the need for special diligence in conducting the investigation by imposing strict time-limits on detention on remand during the pre-trial investigation stage. If a request for review of the lawfulness of detention is submitted, the court is required to decide within three days, at a public hearing attended by the accused, his counsel and the prosecutor. An appeal against this decision may be lodged within a seven-day time-limit with a higher court. The judgment was published, translated and disseminated to all authorities concerned, including all police departments.
ResDH(2000)95	CYP / Pitsillos	41854/98	28/03/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil compensation proceedings for the expropriation of the applicant's land. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement for damages paid. <u>General measures:</u> None.
ResDH(2000)133	DNK / Grosse	30285/96	08/06/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)134	DNK / Kurt Nielsen	33488/96	15/05/2000 15/02/2000	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> A change of practice by domestic courts

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					concerning civil cases ensured a better supervision of the compliance with the reasonable time, see DH (96) 606 in the case of A. and Others. The judgment was published and disseminated to the authorities concerned.
ResDH(2000)152	ESP / Garcia Manibardo	38695/97	29/06/2000 15/02/2000	Access to and effective functioning of justice: <i>Disproportionate interference with the applicant's right of access to a court in civil proceedings due to the dismissal of her appeal on the basis of her failure to deposit the requisite amount with the court, which had resulted from the failure to deal with his request for legal aid in due time. (Article 6 §1)</i>	<u>Individual measures:</u> No claim for non-pecuniary damage submitted. Claim for pecuniary damage dismissed as lacking causality with the violation found. <u>General measures:</u> The judgment was published and sent to the authorities concerned.
ResDH(2000)80	ESP / Riera Blume and Others	37680/97	14/01/2000 14/10/1999	Protection of rights in detention: <i>Unlawful confinement of the applicants suspected of membership in a sect in a hotel to undergo "deprogramming". (Article 5 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and disseminated to the authorities concerned.
ResDH(2000)142	FRA / Bruny	41792/98	30/05/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before labour courts. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damages paid. <u>General measures:</u> None.
ResDH(2000)96	FRA / Cloez	41861/98	14/03/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> The judgment was sent to the authorities concerned.
ResDH(2000)43	FRA / De Geouffre de la Pradelle	12964/87	16/12/1992	Access to and effective functioning of justice: <i>Denial of access to the Conseil d'Etat to challenge the lawfulness of a decree designating an area as being of outstanding beauty. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage (loss of opportunity) paid. <u>General measures:</u> In 1992, the Ministry of the Environment introduced a new procedure whereby designation orders are systematically published when they do not comprise any

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					specific provisions leading to changes in the state or use of the places in question, so that interested parties can avail themselves fully of the time allowed for lodging an appeal with the Conseil d'Etat. The judgment was published.
ResDH(2000)143	FRA / Donsimoni	36754/97	03/02/2000 05/10/1999	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and sent to the authorities concerned.
ResDH(2000)59	FRA / Jaffredou	39843/98	19/08/1999 19/05/1999 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> None.
ResDH(2000)144	FRA / Maini	31801/96	26/01/2000 26/10/1999 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings combined with civil actions for damage. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement for non-pecuniary damage paid. <u>General measures:</u> The judgment was sent to the authorities concerned.
ResDH(2000)145	FRA / Seidl	31430/96	11/04/2000 11/01/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement for non-pecuniary damage paid. <u>General measures:</u> The judgment was sent to the authorities concerned.
ResDH(2000)60	FRA / Serre	29718/96	29/12/1999 29/09/1999	Access to and effective functioning of justice: Unfair disciplinary proceedings due to the absence of public hearings before the jurisdictional organs of professional associations (regional disciplinary Chamber and superior disciplinary Chamber of the association of veterinarians). (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See DH (97) 342 in the case of Fouquet Raymond and DH (97) 352 in the case of Diennet, in particular concerning the acceptance by the Conseil d'Etat, since its Maubleu judgment of 1996, of the applicability of Article 6 to ordinal disciplinary jurisdictions. The judgment was published and disseminated to the authorities concerned.

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ResDH(2000)44	GRC / Canea Catholic Church	25528/94	16/12/1997	Access to and effective functioning of justice: Denial of access to a court due to the applicant church's inability to take legal action as a result of civil courts' refusal to acknowledge that it had legal personality, which also constituted discriminatory treatment in comparison with the Orthodox Church or the Jewish community without reasonable justification. (Article 6 alone and in conjunction with Article 14)	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage sustained on account of inability to secure the rebuilding of surrounding wall, awarded on an equitable basis, paid. General measures: In 1999, Parliament voted a new law containing an interpretative provision according to which: "Among legal persons lawfully constituted at the date of adoption of the Civil Code, ..., are included all establishments of the Catholic Church, founded or operating in Greece before 23/02/1946". Thus, the issue of the legal personality of the Catholic Church in Greece are settled, through an authentic interpretation of the Civil Code's Introductory Act. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2000)99	GRC / Sidiropoulos and Others	26695/95	10/07/1998	Freedom of association: Disproportionate interference due to the domestic courts' refusal to register the applicants' association, which was suspected of undermining territorial integrity. (Article 11)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: Isolated occurrence due to a judicial error. The judgment was published, translated and disseminated to all judicial authorities.
ResDH(2000)111	ISL / Vilborg Yrsa Sigurðardóttir	32451/96	30/058/2000 Friendly settlement	Protection of rights in detention: Rejection by district court of the applicant's request for compensation in respect of her arrest and detention on remand although she had been acquitted in the subsequent criminal proceedings. (Article 5 §5)	Individual measures: Amount agreed on in the friendly settlement on an ex gratia basis paid. General measures: The impugned provision of the Code of Criminal Procedure 1974 was repealed in 1999 allowing compensation in case of acquittal.
ResDH(2000)114	ITA / Aggiato	36822/97	29/02/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	Individual measures: Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. General measures: New general measures are being drafted by the government.

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ResDH(2000)61	ITA / Ali	37484/97	02/11/1999 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to pecuniary and non-pecuniary damage paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)62	ITA / Bagedda and Delogu	33992/96	05/10/1999 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damage paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)139	ITA / Boccardi	38045/97	28/03/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)130	ITA / C.	41824/98	05/04/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid. <u>General measures:</u> New general measures are being drafted by the government: See in particular DH(97)336 and DH(99)437.
ResDH(2000)63	ITA / Carrozza	43598/98	19/10/1999 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)146	ITA / D.M. V	41828/98	05/04/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid. <u>General measures:</u> None.
ResDH(2000)65	ITA / Errigo	39789/98	02/11/1999 Friendly	Access to and effective functioning of justice: Excessive length of criminal	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to pecuniary and non-pecuniary

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			settlement	<i>proceedings. (Article 6 §1)</i>	damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)66	ITA / Ferrara and De Lorenzo	40282/98+	26/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)112	ITA / Fragola	40939/98	21/03/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <i>General measures:</i> New general measures are being drafted by the government: See in particular DH(97)336 and DH(99)437.
ResDH(2000)67	ITA / Francesca	40665/98	05/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to pecuniary and non-pecuniary damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)68	ITA / Franzil	34214/96	26/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)69	ITA / G.S. IX	34204/96	19/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of two sets of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)115	ITA / Galloni	39453/98	29/02/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid.

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					<i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)70	ITA / Gatto	34469/97	02/11/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to pecuniary and non-pecuniary damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)71	ITA / Iuliano A. and L.	35756/97	02/11/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to pecuniary and non-pecuniary damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)72	ITA / La Brocca and Others	40293/98+	05/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)116	ITA / Lombardo Vincenzo	42353/98	14/12/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)117	ITA / M.R. II	41892/98	14/12/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)73	ITA / Macciocchi	43584/98	19/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid.

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					<i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)74	ITA / Mangiola	40179/98	05/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)140	ITA / Marrazzo	41203/98	28/06/2000 28/03/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)118	ITA / Martinelli Giancarlo	33827/96	11/01/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)119	ITA / Mastroeni	41041/98	14/12/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <i>General measures:</i> New general measures are being drafted by the government.
ResDH(2000)89	ITA / Moni Salvatore	35784/97	11/01/2000 Friendly settlement	Protection of private life and correspondence: <i>Disproportionate interference due to the monitoring of the applicant's correspondence in prison ordered by the judge responsible for the execution of sentences. (Article 8)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <i>General measures</i> are supervised in the cases of Dianan and Domenichini, in particular concerning the bill tabled before the Senate with regard to an amendment of the Law on the monitoring of prisoners' correspondence of 1975.
ResDH(2000)75	ITA /	36740/97	02/11/1999	Access to and effective functioning of	<i>Individual measures:</i> Amount agreed on in the friendly

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	Passadoro		Friendly settlement	justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	settlement with regard to pecuniary and non-pecuniary damage paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)120	ITA / Penna	35168/97	14/12/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)76	ITA / Pesoni	39694/98	05/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damage paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)10	ITA / Roselli Italo IV	39131/98	15/02/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <u>General measures:</u> New general measures are being drafted by the government: See in particular DH(97)336 and DH(99)437.
ResDH(2000)77	ITA / Rossi Anna Maria	36148/97	02/11/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damage paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)45	ITA / Scandella	43494/98	19/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> New general measures are being drafted by the government.
ResDH(2000)78	ITA / Scaruffi	33455/96	05/10/1999 Friendly	Access to and effective functioning of justice: <i>Excessive length of criminal</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damage paid.

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			settlement	<i>proceedings. (Article 6 §1)</i>	<u>General measures</u> : New general measures are being drafted by the government.
ResDH(2000)147	ITA / Scuderi Angelo	41822/98	29/06/2000 08/02/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. <u>General measures</u> : The judgment was published and sent to the authorities concerned.
ResDH(2000)79	ITA / Silvestri and Others	41327/98+	05/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures</u> : Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <u>General measures</u> : New general measures are being drafted by the government.
ResDH(2000)64	ITA Emmolo	42500/98	19/10/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures</u> : Amount agreed on in the friendly settlement with regard to all damages (pecuniary and non-pecuniary) paid. <u>General measures</u> : New general measures are being drafted by the government.
ResDH(2000)131	POL / Mikulski	27914/95	06/06/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings and lack of effective remedy. (Article 6 §1)</i>	<u>Individual measures</u> : Amount agreed on in the friendly settlement with regard to all damages paid. <u>General measures</u> : None.
ResDH(2000)9	PRT / Antunes Tomas Rebocho	34562/97	30/07/1999 30/04/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures</u> : Amount agreed on in the friendly settlement paid. <u>General measures</u> : An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(95)197 in the Dias das Almas case). The judgment was published and disseminated to the authorities concerned.
ResDH(2000)148	PRT / Bacelar de Sousa	37308/97	22/06/2000 Friendly	Access to and effective functioning of justice: <i>Excessive length of civil</i>	<u>Individual measures</u> : Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid.

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	Machado I		settlement	<i>proceedings. (Article 6 §1)</i>	<i>General measures:</i> None.
ResDH(2000)10	PRT / Caetano Baeta	36671/97	22/10/1999 22/07/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(95)197 in the Dias das Almas case). The judgment was published and disseminated to the authorities concerned.
ResDH(2000)101	PRT / Da Conceição Gavina	33435/96	05/10/1999	Access to and effective functioning of justice: <i>Excessive length of civil compensation proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid. <i>General measures:</i> An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(96) 197 in the case of Dias Das Dalmas. The judgment was published and disseminated to the authorities concerned.
ResDH(2000)102	PRT / Ferreira de Sousa and Costa Araujo	36257/97	14/03/2000 14/12/1999	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(94)71 in the case of Gama Cidrais. The judgment was published and disseminated to the authorities concerned.
ResDH(2000)125	PRT / Freitas Lopes	36325/97	21/03/2000 21/12/1999	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(94)71 in the case of Gama Cidrais. The judgment was published and disseminated to the authorities concerned.
ResDH(2000)154	PRT / Garcia	36776/97	22/09/2000	Access to and effective functioning of	<i>Individual measures:</i> Amount agreed on in the friendly

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	Faria		22/06/2000 Friendly settlement	<i>justice: Excessive length of civil proceedings. (Article 6 §1)</i>	settlement with regard to all damages paid. <u>General measures:</u> None.
ResDH(2000)126	PRT / Marques Gomes Galo	35592/97	23/02/2000 23/11/1999	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(94)71 in the case of Gama Cidrais. The judgment was published and disseminated to the authorities concerned.
ResDH(2000)149	PRT / Rodrigues Coelho Osorio	36674/97	23/06/2000 23/03/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to all damages paid. <u>General measures:</u> None.
ResDH(2000)11	PRT / S.N.	33289/96	06/10/1999 06/07/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings in which the applicant participated as "assistant of the prosecution". (Article 6 §1)</i>	<u>Individual measures:</u> Amount concerning just satisfaction agreed on in the friendly settlement paid. <u>General measures:</u> An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(95)197 in the Dias das Almas case). The judgment was published and disseminated to the authorities concerned.
ResDH(2000)12	PRT / Santos	35586/97	22/10/1999 22/07/1999 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> An important reform of the judicial system was adopted in order to speed up the examination of cases (see DH(95)197 in the Dias das Almas case). The judgment was published and disseminated to the authorities concerned.
ResDH(2000)150	PRT / Velho da Costa de Abreu	33436/96+	23/03/2000 Friendly	Access to and effective functioning of justice: <i>Excessive length of civil</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement with regard to non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Rocha and 1 other case		settlement	<i>proceedings before the Supreme Administrative Court. (Article 6 §1)</i>	<u>General measures:</u> None.
ResDH(2000)10	SUI / Hertel	25181/94	25/08/1998	Freedom of expression: <i>Disproportionate interference due to a court's injunction prohibiting the applicant to state in an article that consumption of food prepared in microwave ovens was a danger to human health. (Article 10)</i>	<u>Individual measures:</u> No claim for just satisfaction for non-pecuniary damage submitted. The applicant filed an application for retrial before the Federal Court providing for review of judicial proceedings. In 1999, the Federal Court took note of the violation found by the ECtHR and, accordingly, modified the challenged decision by clarifying its content and softening the scope of the restrictions imposed. <u>General measures:</u> The judgment was published and disseminated.
ResDH(2000)128	SVK / I.S.	25006/94	04/04/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> No claim for just satisfaction submitted. <u>General measures:</u> See DH(99)551 in the Preložník case, in particular concerning comprehensive measures taken and awareness raising of the courts. The judgment was published and sent to the authorities directly concerned.
ResDH(2000)129	SVK / J.K.	29021/95	21/03/2000 Friendly settlement	Access to and effective functioning of justice: <i>Absence of possibility of court review of conviction by administrative authorities for minor offence. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See DH(99)553 and DH(99)554 in the cases Lauko and Kadubec, respectively. In 1998 the Constitutional Court found the relevant provision unconstitutional and contrary to Article 6 ECHR in so far as it excluded court review, as a result of which the provision became ineffective.
ResDH(2000)81	UK / Crossland	36120/97	09/02/2000 09/11/1999 Friendly settlement	Discrimination / protection of property: <i>Discriminatory treatment on the ground of sex as the national Widow's Bereavement Allowance was available only to women. (Article 14 in conjunction with 1 of Protocol No.1)</i>	<u>Individual measures:</u> Amount, corresponding to the allowance a woman would have been paid in the applicant's case, that had been agreed on in the friendly settlement, was paid. <u>General measures:</u> The Finance Act 1999 abolished provisions of the Taxes Act 1988 providing for income tax reduction for widows in the year of bereavement and the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					following year.
ResDH(2000)106	UK / Gaskin	10454/83	07/07/1989	Protection of private life: <i>Disproportionate interference due to the continuing lack of the applicant's access to his case-file held by a local social authority relating to his period in care by the Liverpool City Council following the death of his mother. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: The Access to Personal Files Act 1987 and the Access to Personal Files (Social Services) Regulations 1989 reinforced the right of access to records held by the social authorities and ensured better administrative review of refusals to give out information. They did not, however, have any retroactive effect. The Data Protection Act of 1998 defines the right of access to personal data, including health records, educational records and other public records and thus provides for a general principle of public access to personal data, whether held by private enterprises/persons or authorities. It also ensures that there exists efficient review, including review by a court, of any refusal of access. The new legislation applies retroactively.
ResDH(2000)82	UK / Hood	27267/95	18/02/1999	Access to and effective functioning of justice and protection of rights in detention: <i>Unfair criminal proceedings before a court martial due to its failing independence and impartiality and thus lack of a judicial review of his pre-trial detention ordered by the applicant's commanding officer. (Articles 5 §§3+5 and 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: See ResDH(98)11 in Findlay and (98)12 in Coyne, in particular concerning the amendments in 1997 of the Army Act 1955 and the Air Force Act 1955. Under the new Act, the role of the convening officer is henceforth divided amongst three different bodies: the "higher authority", the "prosecuting authority" and "court administration officers". The regulations provide the procedure to be followed by the commanding officer when investigating a charge against an accused person or when deciding on the continued detention of an accused person. Finally, a right of appeal against sentence, only before the (civilian) Courts-Martial Appeal Court, was added to the pre-existing right of appeal against conviction. The judgment was sent to the authorities concerned.

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ResDH(2000)155	UK / McDaid and 4 other cases	34822/97+	10/10/2000 Friendly settlement	Access to and effective functioning of justice: <i>Unfair criminal proceedings before a court martial due to its failing independence and impartiality. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed covered costs and expenses. <u>General measures:</u> See ResDH(98)11 in Findlay and (98)12 in Coyne, in particular concerning the amendments in 1997 of the Army Act 1955 and the Air Force Act 1955. The judgment was sent to the authorities concerned.
ResDH(2000)123	UK / McLeod	24755/94	23/09/1998	Protection of private life and home: <i>Disproportionated interference due to the police entry into the applicant's home to prevent breach of the peace without prior risk evaluation. (Article 8)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> In 1999, the Home Office addressed a letter to the Association of Chief Police Officers containing guidelines and drawing attention to the fact that "before the police enter private premises to prevent a breach of the peace, they need to have reason to believe that disorder might occur". The judgment was used in training and awareness-raising activities of the police.
ResDH(2000)46	UK / Moore and Gordon	36529/97+	29/12/1999 29/09/1999	Access to and effective functioning of justice: <i>Unfair criminal proceedings before a court martial due to its failing independence and impartiality. (Article 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> See ResDH(98)11 in Findlay and (98)12 in Coyne, in particular concerning the amendments in 1997 of the Army Act 1955 and the Air Force Act 1955. The judgment was sent to the authorities concerned.
ResDH(2000)93	UK / Perks and Others	25277/94	12/10/1999	Access to and effective functioning of justice: <i>Unfair trial due to the unavailability of legal aid in proceedings relating to the non-payment of a community charge (poll tax)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> See DH(97)506 in Benham, in particular concerning the amendment of the Legal Advice and Assistance (Scope) Regulations 1989 in 1997. The judgment was published and disseminated to the authorities directly concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2000)48	UK / Scarth	33745/96	22/07/1999	Access to and effective functioning of justice: <i>Unfair civil proceedings due to the lack of a public hearing. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: Under the Civil Procedure Rules of 1999, hearings, including those in small claims cases, are to be held in public.
ResDH(2000)47	UK / Smith and Ford	37475/97+	29/12/1999 29/09/1999	Access to and effective functioning of justice: <i>Unfair criminal proceedings before a court martial due to its failing independence and impartiality. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: See ResDH(98)11 in Findlay and (98)12 in Coyne, in particular concerning the amendments in 1997 of the Army Act 1955 and the Air Force Act 1955. The judgment was sent to the authorities concerned.
ResDH(2000)49	UK / Tinnelly and Sons Ltd and Others and 1 other case	20390/92+	27/05/1992	Access to and effective functioning of justice: <i>Denial of access to court due to the certificate issued by the Minister rejecting the applicants' tender for a demolition contract for national security reasons. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary/pecuniary damage (loss of opportunity) paid. General measures: In 1999, the Northern Ireland Act Tribunal (Procedure) Rules prescribed the practice and procedure to be followed on appeals to the Tribunal established under the Northern Ireland Act 1998 providing that the absence of an appeal process in relation to the issuing of certificates was remedied: An appellant may exercise his right of appeal to the Tribunal by giving notice of an appeal within 14 days of receiving notice that a certificate has been issued. The judgment was published and circulated to the authorities concerned.