

Summaries of Final Resolutions adopted by the Committee of Ministers in 2001

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
ResDH(2001)81	AUT / Beer	23962/94	10/07/1998	Access to and effective functioning of justice: <i>Unfair proceedings on account of the absence of a public hearing in proceedings before the authorities competent for real property transactions. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: The Tyrolean Real Property Transaction Act was amended in 1999 providing for a public hearing if the appeal is not referred back or if it appears already from the file that the appealed decision must be quashed. A hearing does not take place if all parties explicitly or in a case in which the appeal is allowed, if it is not contrary to the request of another party or if the rights of third parties are not affected. The provision constitutes a <i>lex specialis</i> to Section 40 of the General Administrative Procedure Act according to which a hearing is not held in public, unless the law provides otherwise.
ResDH(2001)142	AUT / C.H.	27629/95	03/01/2001 03/10/2001 Friendly settlement	Access to and effective functioning of justice: <i>Infringement of the presumption of innocence due to the refusal of the applicant's claim for compensation in respect of his detention on remand despite acquittal. (Article 5 §5)</i>	Individual measures: Global sum for non-pecuniary damage paid according to the terms of the friendly settlement. General measures: None.
ResDH(2001)2	AUT / Ciftci	24375/94	18/01/1999 Friendly settlement	Protection of private and family life: <i>Disproportionate interference due to the applicant being sentenced to a prohibition of residence following a conviction for drugs offences, despite the fact that he had</i>	Individual measures: Amount agreed on in the friendly settlement in respect of just satisfaction paid. The prohibition was lifted in May 1998. General measures: The Commission's Report was published and disseminated to the authorities concerned, in particular

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				<i>been living in Austria since the age of seven years and that he was married to an Austrian citizen with whom he had had three children, all of them having Austrian citizenship. (Article 8)</i>	the Administrative Court.
ResDH(2001)170	AUT / Edelmayer	33979/96	19/12/2000 Friendly settlement	Prohibition of double conviction: <i>Conviction of the applicant by the administrative authorities for driving while drunk and subsequent conviction by the criminal courts, for causing injury by negligence whilst under the influence of alcohol. (Article 4 of Protocol No. 7)</i>	<u>Individual measures:</u> Global sum for all damages paid according to the terms of the friendly settlement. <u>General measures:</u> See DH (97)501 in Gradinger, in particular concerning the abrogation – following a judgment by the Constitutional Court in 1996 – of the provisions in the Road Traffic Act which allowed a person to be judged for a second time by another jurisdiction in respect of facts that had already been the subject of a final judicial decision.
ResDH(2001)60	AUT / Entleitner	29544/95	01/11/2000 01/08/2000	Access to and effective functioning of justice: <i>Lack of a public hearing before the Administrative Court. (Article 6 §1)</i>	<u>Individual measures:</u> Claim for pecuniary damage dismissed. <u>General measures:</u> See DH(97)405 in Stallinger and Kuso, in particular concerning the amendment of the Administrative Court Act in 1997 concerning the requirements of Article 6 §1 ECHR. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)19	AUT / Fidler Gebhard	23671/94	25/09/1999	Access to and effective functioning of justice: <i>Denial of access to a court due to the courts' failure to give a decision in due time on his request for access to his children. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Violation due to the specific circumstances of the case. The Commission Report was published and transmitted to the Regional Courts of Appeal and subordinate courts.
ResDH(2001)20	AUT / Fidler Gertrude	24759/94	25/09/1998	Access to and effective functioning of justice: <i>Denial of access to a court due to the courts' failure to give a decision in due time on his request for access to his children. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Violation due to the specific circumstances of the case. The Commission Report was published and transmitted to the Regional Courts of Appeal

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					and subordinate courts.
ResDH(2001)171	AUT / Freunberger	34186/96	19/12/2000 Friendly settlement	Prohibition of double conviction: Conviction of the applicant by the administrative authorities for driving while drunk and subsequent conviction by the criminal courts, for causing injury by negligence whilst under the influence of alcohol. (Article 4 of Protocol No. 7)	<u>Individual measures:</u> Global sum for all damages paid according to the terms of the friendly settlement. <u>General measures:</u> See DH (97)501 in Gradinger, in particular concerning the abrogation – following a judgment by the Constitutional Court in 1996 – of the provisions in the Road Traffic Act which allowed a person to be judged for a second time by another jurisdiction in respect of facts that had already been the subject of a final judicial decision.
ResDH(2001)163	AUT / Löffler	30546/96	03/10/2000	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 transmitted to the authorities directly concerned.
ResDH(2001)14	AUT / Mauer	35301/97	20/09/2000 20/06/2000	Access to and effective functioning of justice: Denial of access to a court due to the limited supervision of administrative authorities' decisions by the Administrative Court. (Article 6 §1)	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> See DH(96)153 in Schmutzter and DH(96)154 in Umlauf, in particular concerning the setting up of independent administrative tribunals in the Länder in 1991.
ResDH(2001)1	AUT / News Verlag GmbH und CoKG	31457/96	11/04/2000 11/01/2000	Freedom of expression: Disproportionate interference due to domestic courts' prohibition to publish the picture of a suspect in the context of reports on criminal proceedings. (Article 10)	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> The judgment was published, translated and disseminated to the authorities directly concerned.
ResDH(2001)173	AUT / R.	32502/96	19/12/2000 Friendly settlement	Prohibition of double conviction: Conviction of the applicant by the administrative authorities for driving while drunk and subsequent conviction by the criminal courts, for causing injury by negligence whilst under the influence of	<u>Individual measures:</u> Global sum for all damages paid according to the terms of the friendly settlement. <u>General measures:</u> See DH (97)501 in Gradinger, in particular concerning the abrogation – following a judgment by the Constitutional Court in 1996 – of the provisions in the Road Traffic Act which allowed a person to be judged for a second

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				<i>alcohol. (Article 4 of Protocol No. 7)</i>	time by another jurisdiction in respect of facts that had already been the subject of a final judicial decision.
ResDH(2001)172	AUT / S.	33732/96	19/12/2000 Friendly settlement	Prohibition of double conviction: <i>Conviction of the applicant by the administrative authorities for driving while drunk and subsequent conviction by the criminal courts, for causing injury by negligence whilst under the influence of alcohol. (Article 4 of Protocol No. 7)</i>	<u>Individual measures:</u> Global sum for all damages paid according to the terms of the friendly settlement. <u>General measures:</u> See DH (97)501 in Gradinger, in particular concerning the abrogation – following a judgment by the Constitutional Court in 1996 – of the provisions in the Road Traffic Act which allowed a person to be judged for a second time by another jurisdiction in respect of facts that had already been the subject of a final judicial decision.
ResDH(2001)108	BEL / Borgers	12005/86	30/10/1991	Access to and effective functioning of justice: <i>Unfair criminal proceedings on the ground of the infringement of the principle of the equality of arms due to the applicant's inability to respond to the conclusions of the representative of the prosecutor's office during the hearing before the Cour de cassation and the participation of the representative of the prosecutor's office in the deliberation. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See Interim Resolution (98)133 regarding the fairness of hearings in proceedings before the Cour de Cassation, which introduced a new practice immediately after the present judgment whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the ECtHR judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the Van Orshoven judgment. This practice was enshrined in the Judicial Code in 2000.
ResDH(2001)164	BEL / Coëme and Others	32492/96+	22/06/2000 22/09/2000	Access to and effective functioning of justice: <i>Unfair criminal proceedings against a former Minister before the Court of Cassation under a constitutional provision which was lacking implementing legislation and thus put him in disadvantage to the prosecution; unfair criminal proceedings with regard to the other four applicants to whom the special procedure for Ministers</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid to four applicants; the first applicant not having submitted any respective claim. <u>General measures:</u> The Constitution was amended in 1998 providing that Ministers shall only be tried by the Court of Appeal. The procedure for the prosecution and trial of ministers was laid down in the Special Law of 1998 governing the criminal responsibility of ministers of June 1998. The judgment was published, translated and disseminated.

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				<i>before the Court of Cassation was applied without connection rule, to the effect that the Court of Cassation could not be regarded as a tribunal established by law. (Article 6 §1 in regard to the first applicant; Article 6 §1 in regard to the four other applicants)</i>	
ResDH(2001)109	BEL / De Brabandere and Others	21010/92	11/07/1997	Access to and effective functioning of justice: <i>Unfair civil proceedings due to the lack of opportunity for the applicants to respond to the conclusions of the representative of the prosecutor's office during the hearing before the Cour de cassation, ruling in civil matters, and of the participation of a representative of the prosecutor's office in the deliberation. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code as amended in 2000. The Act provides that the opinion of the representative of the prosecutor's office is to be communicated to the parties' legal representatives or to the parties themselves if they are not represented. Furthermore, the provision allowing the representative of the prosecutor's office to attend the deliberations, except in cases where he himself had appealed to the Cour de Cassation, has been revoked.
ResDH(2001)107	BEL / Decoopman	28055/95	15/07/1999	Access to and effective functioning of justice: <i>Unfair disciplinary proceedings due to the lack of opportunity to respond to the conclusions of the representative of the prosecutor's office during the hearing before the Cour de cassation and the participation of a representative of the</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately

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				<i>prosecutor's office in the deliberation, ruling in disciplinary matters as well as of the participation of a representative of the conseil national de l'ordre des médecins to the deliberations in appeal. (Article 6 §1)</i>	after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code and in the Code of Criminal Procedure, both amended in 2000 accordingly.
ResDH(2001)110	BEL / E.v.H.	18613/91	19/10/1994	Access to and effective functioning of justice: <i>Unfair criminal proceedings before the Cour de Cassation due to the participation of a representative of the prosecutor's office in the deliberation, ruling in criminal matters. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code and in the Code of Criminal Procedure, both amended in 2000 accordingly.
ResDH(2001)111	BEL / Escobar Londono	19171/91	20/11/1995	Access to and effective functioning of justice: <i>Unfair criminal proceedings before the Cour de Cassation due to the lack of opportunity for the applicant to respond to the conclusions of the representative of the prosecutor's office during the hearing and the participation of a representative of the prosecutor's office in the deliberation, ruling in criminal matters. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code and in the Code of Criminal Procedure, both amended in 2000 accordingly.

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ResDH(2001)90	BEL / L.C.	30346/96	17/10/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for all damages included paid as agreed. <u>General measures:</u> None.
ResDH(2001)67	BEL / Pauwels	10208/82	26/05/1988	Protection of rights in detention: <i>Arrest and detention of military officer without judicial review as the Board of Inquiry and the Judge Advocate and his deputies hold investigative and prosecuting functions at the same time. (Article 5 §3)</i>	<u>Individual measures:</u> Claims dismissed. <u>General measures:</u> Circulars of 1983, 1985 and 1991 prohibited military magistrates from exercising investigative and prosecuting functions in the same case. The jurisdiction of military tribunals was reorganised. Subsequently, a general bill on a reform of military tribunals was brought on the agenda. The Court of Cassation changed its case-law with regard to the combination of the investigation and prosecution functions in cases brought before it. The judgment was published and disseminated.
ResDH(2001)112	BEL / Rosenberg	24906/94	18/02/1998	Access to and effective functioning of justice: <i>Unfair disciplinary proceedings due to the lack of opportunity to respond to the conclusions of the representative of the prosecutor's office during the hearing before the Cour de cassation and the participation of a representative of the prosecutor's office in the deliberation, ruling in disciplinary matters. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code and in the Code of Criminal Procedure, both amended in 2000 accordingly.
ResDH(2001)113	BEL / S.P.R.L. Anca and Others	26363/95	29/10/1997	Access to and effective functioning of justice: <i>Unfair civil proceedings due to the participation of a representative of the prosecutor's office in the deliberation before the Cour de cassation. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This

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					measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code as amended in 2000. The Act provides that the opinion of the representative of the prosecutor's office is to be communicated to the parties' legal representatives or to the parties themselves if they are not represented. Furthermore, the provision allowing the representative of the prosecutor's office to attend the deliberations, except in cases where he himself had appealed to the Cour de Cassation, has been revoked.
ResDH(2001)77	BEL / Sahli	38707/97	09/01/2001 Friendly settlement	Protection against ill-treatment: Risk of ill-treatment in case of the applicant's expulsion to Algeria. (Article 3 conditional)	<u>Individual measures:</u> The applicant was granted a residence permit for five years automatically renewable. <u>General measures:</u> None.
ResDH(2001)114	BEL / Ulens	22113/93	11/07/1997	Access to and effective functioning of justice: Unfair civil proceedings due to the lack of transmission to the applicant of the Advocate-General's conclusions and due to his participation in the deliberation before the Cour de cassation. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code as amended in 2000. The Act provides that the opinion of the representative of the prosecutor's office is to be communicated to the parties' legal representatives or to the parties themselves if they are not represented. Furthermore, the provision allowing the representative of the prosecutor's office to attend the deliberations, except in cases where he

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					himself had appealed to the Cour de Cassation, has been revoked.
ResDH(2001)115	BEL / Van Orshoven	20122/92	25/06/1997	Access to and effective functioning of justice: <i>Unfair proceedings in disciplinary matters on the ground of the infringement of the principle of the equality of arms due to the applicant's inability to respond to the conclusions of the representative of the prosecutor's office during the hearing before the Cour de cassation and the participation of the representative of the prosecutor's office in the deliberation. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See Interim Resolution (98)133 regarding the fairness of hearings in proceedings before the Cour de Cassation, which introduced a new practice immediately after the present judgment whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the ECtHR judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the Van Orshoven judgment. This practice was enshrined in the Judicial Code in 2000.
ResDH(2001)116	BEL / Van Wijck	17123/90	19/10/1994	Access to and effective functioning of justice: <i>Unfair criminal proceedings before the Cour de Cassation due to the lack of opportunity to respond to the conclusions of the representative of the prosecutor's office during the hearing and his participation in the deliberation. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code and in the Code of Criminal Procedure, both amended in 2000 accordingly.
ResDH(2001)117	BEL / Vereecken	20216./92	22/02/1995	Access to and effective functioning of justice: <i>Unfair criminal proceedings before the Cour de Cassation due to the lacking right to reply at the hearing, to the opinion</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: The Cour de Cassation provisionally introduced a new practice whereby applicants may reply to

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				<i>delivered by the Advocate General, and the latter's participation in the deliberations. (Article 6 §1)</i>	the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the issue of the European Court's judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the issue of the judgment in the Van Orshoven case. This practice was enshrined in the Judicial Code and in the Code of Criminal Procedure, both amended in 2000 accordingly.
ResDH(2001)118	BEL / Vermeulen	19075/91	20/02/1996	Access to and effective functioning of justice: <i>Unfair civil proceedings on the ground of the infringement of the principle of the equality of arms due to the applicant's inability to respond to the conclusions of the representative of the prosecutor's office during the hearing before the Cour de cassation and the participation of the representative of the prosecutor's office in the deliberation. (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 Interim Resolution (98)133 regarding the fairness of hearings in proceedings before the Cour de Cassation, which introduced a new practice immediately after the present judgment whereby applicants may reply to the opinion of the representative of the prosecutor's office, and the latter no longer takes part in the deliberations. This measure was also applied, in civil proceedings, immediately after the ECtHR judgment in the Vermeulen case, and, in disciplinary proceedings, immediately after the Van Orshoven judgment. This practice was enshrined in the Judicial Code in 2000.
ResDH(2001)21	BGR / Dimova	31806/96	09/06/1999	Access to and effective functioning of justice: <i>Denial of access to a court due to the Supreme Court's refusal to examine the applicant's petition for review (cassation) in civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Violation due to the specific circumstances of the present case. The Commission Report was published and transmitted to the Supreme Court and its judges.
ResDH(2001)3	BGR / Kovachev	29303/95	11/06/1998	Access to and effective functioning of justice: <i>Denial of fair civil proceedings due to the denial of a hearing before an independent and impartial tribunal</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> Violation was a consequence of the 1992 Social Welfare Regulations, which made no provision for

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				<i>concerning the applicant's social benefit claims. (Article 6 §1)</i>	referral to the courts of disputes concerning social benefits, but made all such disputes a matter for the administrative authorities only. According to the new Social Welfare Act of 1998, decisions taken by regional social welfare directorates may be appealed under the Code of Administrative Procedure, which specifically provides for the possibility of judicial appeal. The 1998 Social Welfare Regulations covering implementation of the new act, also expressly provide for judicial appeal against decisions taken by the regional social welfare directorates. The Commission's Report was published, translated and disseminated to the authorities concerned.
ResDH(2001)59	BGR / Nankov	28882/95	12/11/1998	<i>Access to and effective functioning of justice and protection of rights in detention: Excessive length of detention on remand and of criminal proceedings. (Articles 5 §3 and 6 §1)</i>	<i>Individual measures:</i> Global sum for all damages paid. Applicant released and domestic proceedings accelerated due to administrative supervision by the Ministry of Justice. <i>General measures:</i> No structural shortcomings with regard to excessive length of proceedings. Concerning the length of detention on remand, the Law on detention on remand was amended in 1997 revoking the obligation to impose pre-trial detention in the case of recidivists. According to the reform of criminal procedure of 1999, compulsory detention on remand is ordered where it emerges from the case-file that there is a real danger of the accused absconding or re-offending; when this danger no longer exists, detention on remand shall be replaced by a less severe measure. The maximum period of detention on remand before the case is referred to a court is two months, except where the accused is charged with a serious wilful crime or a crime carrying a prison sentence of at least 15 years. The new provision puts sufficient emphasis on the exceptional nature of detention on remand, obliges prosecutors and investigators to prove to the judge valid and objective reasons. It also emphasises the need for special diligence by imposing strict time-limits on detention on remand during the pre-trial investigation stage.

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					(see ResDH (2000)109 in the Assenov case). The judgement was published, translated and disseminated.
ResDH(2001)72	CYP / Louka	42946/98	02/11/2000 02/08/2000	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> See DH(99)465 in Mavronichis, in particular concerning the entry into force of the Appeals Rules of Procedure of 1996 which provide inter alia for a pre-trial stage, the limitation of time of oral addresses and a summary procedure for the dismissal of manifestly unfounded appeals and administrative measures improving the efficiency and the facilities of the courts. The judgment was published and disseminated to the authorities concerned.
ResDH(2001)153	CYP / Marangos	31106/96	09/06/1999	Protection of private life: Disproportionate interference due to the prohibition of male homosexual activity. (Article 8)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> The Criminal Code was amended in 1998 and 2000 respectively, clarifying the limits of homosexual activity in the individual's private sphere. The judgment was published and transmitted to all courts and authorities directly concerned.
ResDH(2001)152	CYP / Modinos	15070/89	22/04/1993	Protection of private life: Disproportionate interference due to the prohibition of male homosexual activity. (Article 8)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> The Criminal Code was amended in 1998 and 2000 respectively, clarifying the limits of homosexual activity in the individual's private sphere. The judgment was published and transmitted to all courts and authorities directly concerned.
ResDH(2001)61	CYP / Papadopoulos	39972/98	21/06/2000 21/09/2000	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.

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ResDH(2001)154	CZE / Krcmar and Others	35376/97	03/06/2000 03/03/2000	Access to and effective functioning of justice: Denial of a fair trial due to the infringement of the principle of equality of arms in proceedings before the Constitutional Court. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for all damages paid. <i>General measures:</i> Violation due to the exceptional conditions of the present case. The judgment was published and transmitted to the Constitutional Court, which confirmed its general practice and scrupulous respect of the ECHR.
ResDH(2001)22	DNK / Henry Krog Pedersen	28064/95	28/03/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of all kind of damages paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)158	ESP / Miragall Escolano and Others	38366/97+	25/01/2000 Merits 25/08/2000 25/05/2000 Just satisfaction	Access to and effective functioning of justice: Denial of access to a court due to the domestic courts' inflexible interpretation of provisions governing the time-limits for entering an appeal in the absence of a notification of the decision, which deprived the applicants of the remedies available. (Article 6 §1)	<i>Individual measures:</i> Amount of just satisfaction agreed on in a friendly settlement and paid. <i>General measures:</i> A legal amendment of 1998 settled the controversy concerning the identification of the first day of the time-limit allowed for lodging an appeal against judgments annulling general provisions (i.e., the date of notification or the date of publication). Final judgments annulling a general provision shall take effect from the date of their publication in the same official journal in which the annulled provision had been promulgated. Judgments without appeal annulling administrative acts concerning many persons the number of which is indeterminate, shall also be published. The present judgment was published and disseminated to all authorities directly concerned.
ResDH(2001)84	ESP / Perez de Rada Cavanilles	28090/95	28/10/1998	Access to and effective functioning of justice: Denial of access to a court due to the rejection of the applicant's reposicion as being out of time following the particularly rigorous application of a procedural rule. (Article 6 §1)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> Following a legal amendment in 2000, the time limits and the technical means of presentation for a reposicion appeal were extended. The judgment was published and disseminated to the authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)101	EST / Slavgorodski	37043/97	05/12/2000 05/09/2000 Friendly settlement	Protection of private life / correspondence: <i>Disproportionate interference due to the opening of the applicant's correspondence, in particular by the European Commission of Human Rights, by the prison authorities. (Article 8)</i>	<i>Individual measures:</i> Global sum paid according to the terms of the friendly settlement. <i>General measures:</i> In 2000, the Imprisonment Act annulled the impugned Sections of the Code of Procedure for Execution of Judgments. The Act states that a prison officer can open letters sent by or to a prisoner in the presence of the prisoner, except letters addressed to his legal defence counsel, a prosecutor, a court - including the ECtHR, the Legal Chancellor and the Ministry of Justice.
ResDH(2001)91	FIN / H.L.	33600/96	02/01/2001 14/12/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as agreed. <i>General measures:</i> None.
ResDH52001)122	FIN / Kuopila	27752/95	27/07/2000 27/04/2000	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the infringement of the principle of equality of arms on the ground that material submitted by the prosecution to the court was not disclosed to the accused. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)88	FIN / Launikari	34120/96	05/01/2001 05/10/2001	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> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)143	FIN / Valle	28808/95	03/01/2001 27/12/2000 Friendly settlement	Protection of private life and correspondence and lack of a remedy: <i>Unlawful interference due to the restriction of the applicant's phone calls to his counsel during confinement in a mental hospital. (Articles 8 and 13)</i>	<i>Individual measures:</i> Global sum for non-pecuniary damage paid according to the terms of the friendly settlement. <i>General measures:</i> None.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)102	FRA / Abbas	35783/97	20/10/2000 20/07/2000 Friendly settlement	Protection of family life: <i>Disproportionate interference due to a three-year exclusion order concerning an Algerian national. (Article 8)</i>	<i>Individual measures:</i> In 2000, a one-year residence permit, renewable, with work permit, was delivered to the applicant, who returned to France. <i>General measures:</i> None.
ResDH(2001)144	FRA / Ait-Said	42224/98	16/01/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Global amount for all damages paid as agreed. <i>General measures:</i> None.
ResDH(2001)96	FRA / Bacquet	36667/97	01/05/2000 01/02/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Global sum paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)23	FRA / Bertin-Mourot	36343/97	02/08/2000	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)26	FRA / Boudier	41857/98	21/06/2000 21/06/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid according to the terms of the friendly settlement. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)24	FRA / Bouilly	38952/97	07/03/2000 07/12/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)165	FRA / Bouriau	39523/98	28/02/2001 28/11/2000	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the authorities directly concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)64	FRA / Burgorgue	43624/98	05/12/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of all damages paid according to the terms of the friendly settlement. <u>General measures:</u> None.
ResDH(2001)92	FRA / Camilla	38840/97	26/09/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Global amount for all damages paid as agreed. <u>General measures:</u> None.
ResDH(2001)167	FRA / Castell	38783/97	21/06/2000 21/03/2000	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> The judgment was published and transmitted to the authorities directly concerned.
ResDH(2001)169	FRA / Cherakrak	34075/96	02/11/2000 02/08/2000	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> The judgment was published and transmitted to the authorities directly concerned.
ResDH(2001)89	FRA / Dachar	42338/98	10/01/2001 10/10/2001	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 disseminated to the authorities concerned.
ResDH(2001)166	FRA / De Moucheron and Others	37051/97	17/01/2001 17/10/2001	Access to and effective functioning of justice: Excessive length of criminal proceedings combined with civil action for damages. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to the authorities directly concerned.
ResDH(2001)93	FRA / Donati	37989/97	26/09/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Global amount for all damages paid as agreed. <u>General measures:</u> None.
ResDH(2001)94	FRA / Droulez	41860/98	18/07/2000 Friendly	Access to and effective functioning of justice: Excessive length of civil	<u>Individual measures:</u> Just satisfaction in respect of all damages paid according to the terms of the friendly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			settlement	<i>proceedings. (Article 6 §1)</i>	settlement. <i>General measures:</i> None.
ResDH(2001)25	FRA / Gonzalvo	38894/97	09/02/2000 09/11/2000	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> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)4	FRA / Hakkar	19033/91	14/02/2001	Access to and effective functioning of justice: <i>Excessive length and unfairness of criminal proceedings due to the fact that the applicant had not been given the time or the facilities necessary to prepare his defence and was not represented at the trial, resulting in a life sentence. (Article 6 §§1+3b,c)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In 2000, a new law made it possible to re-examine a criminal decision following the pronouncement of a judgment of the European Court. The applicant was granted the re-examination of the impugned sentence. <i>General measures:</i> The Code of Criminal Procedure was amended in 2000 to set up a re-examination board composed of Cour de cassation judges and to lay down the specific procedure before it. The Board may also stay the execution of the sentence. The Commission's Report was published and disseminated.
ResDH(2001)27	FRA / J.-P. G. II	36841/97	14/02/2000	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> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)95	FRA / M.K.	30148/96	22/06/1999 Friendly settlement	Protection of private life / correspondence: <i>Disproportionate interference due to the opening of the applicant's correspondence by the prison authorities. (Article 8)</i>	<i>Individual measures:</i> Global sum paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)28	FRA / N'Diaye	41735/98	20/07/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before labour courts. (Article 6</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement for damage paid. <i>General measures:</i> The judgment was published and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				§1)	disseminated to the authorities concerned.
ResDH(2001)29	FRA / Perié	38701/97	26/09/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of all damages paid according to the terms of the friendly settlement. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)168	FRA / Petit	33929/96	14/02/2000	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of all damages paid according to the terms of the friendly settlement. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)145	FRA / Santelli	40717/98	27/02/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (Article 6 §1)	<i>Individual measures:</i> Global amount for all damages paid as agreed. <i>General measures:</i> The judgment was published and transmitted to the authorities directly concerned.
ResDH(2001)123	FRA / Siegel	36350/97	28/02/2001 28/11/2001	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.
ResDH(2001)5	FRA / Union des Athées	14635/89	07/06/1995	Discrimination and freedom of association: Discriminatory treatment due to the fact that the applicant association was prevented by law from receiving a legacy. (Article 14 in conjunction with 11)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The 1987 Act on the development of sponsorship entitles registered associations such as the applicant association to receive donations. In this way, the Act provided a legal basis for the long-tolerated practice of gifts from hand to hand, thereby reducing the differences between the legal arrangements governing different types of association. The only requirement, according to case-law, is for the relevant funds to have been set aside before the donor's death. Thus the Commission report has been

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					published and forwarded to the authorities directly concerned.
ResDH(2001)23	FRA/ Bertin-Mourot	36343/97	02/11/2000 02/08/2000	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)155	GER / Elsholz	25735/94	13/07/2000	Protection of private and family life / access to and effective functioning of justice: Disproportionate interference due to the domestic court's refusal to grant the applicant access to his son, a child born out of wedlock, based on the refusal to order an independent psychological report, and lack of a hearing before the Regional Court. (Articles 8 and 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The impugned provision of the Civil Code on parental authority were amended in 1998.: A child is entitled to have access to both parents and each parent is obliged to have contact with, and entitled to have access to, the child. Family courts can determine the scope of the right of access and may order the parties to fulfil their obligations towards the child. Family courts can, however, restrict or suspend that right if such a measure is necessary for the child's welfare. The judgement was published, translated and disseminated to all authorities concerned.
ResDH(2001)103	GER / Klein	33379/96	27/10/2000 27/07/2000	Access to and effective functioning of justice: Excessive length of civil proceedings and proceedings before the Constitutional Court. (Article 6 §1)	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> See ResDH(2001)6 in Pammel and Res(2001)7 in Probstmeier. The judgment was published and disseminated to the authorities concerned.
ResDH52001)6	GER / Pammel	17820/91	01/07/1997	Access to and effective functioning of justice: Excessive length of proceedings before the Federal Constitutional Court to review constitutionality of a provision of the Allotment Gardens Act. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage (loss of opportunity) paid. <u>General measures:</u> The backlog of cases pending before the Constitutional Court caused by the problems in the aftermath of the reunification of Germany was reduced. Legal staff was increased. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)7	GER / Probstmeier	20950/92	01/07/1997	Access to and effective functioning of justice: Excessive length of proceedings before the Federal Constitutional Court to review constitutionality of a provision of the Allotment Gardens Act. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage (loss of opportunity) paid. <i>General measures:</i> The backlog of cases pending before the Constitutional Court caused by the problems in the aftermath of the reunification of Germany was reduced. Legal staff was increased. The judgment was published, translated and disseminated.
ResDH(2001)82	GRC / Efstratiou	24095/94	18/12/1996	Freedom of religion and right to education: Disproportionate interference due to a pupil', a Jehovah's witness, suspension from school, who had refused, because of her pacifist religious convictions and those of her parents, to take part in a school parade on occasion of a national holiday and lack of effective domestic remedies against this sanction. (Articles 9 and 2 of Protocol No. 1 as well as 13 in combination with 9 and 2 of Protocol No. 1))	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> Violation due to the established case-law of the Supreme Administrative Court according to which decisions of school authorities to impose on pupils the penalties (including suspension from school for up to 5 days) could not be contested before the administrative courts. The judgment was published, translated and disseminated. Domestic courts will not fail to declare admissible future complaints against decisions ordering disciplinary sanctions, such as suspension from school, and to quash those decisions if they are unlawful.
ResDH(2001)97	GRC / Klavdianos	38841/97	17/10/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (Article 6 §1)	<i>Individual measures:</i> Global sum paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)74	GRC / Paskhalidis and Others	20416/92+	19/03/1997	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative proceedings concerning the applicants' pension rights. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> Violation due to the specific circumstances of the case. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)83	GRC / Valsamis	21787/93	18/12/1996	Freedom of religion and right to education: Disproportionate interference due to a pupil', a Jehovah's witness,	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> Violation due to the established case-law

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>suspension from school, who had refused, because of her pacifist religious convictions and those of her parents, to take part in a school parade on occasion of a national holiday and lack of effective domestic remedies against this sanction. (Articles 9 and 2 of Protocol No. 1 as well as 13 in combination with 9 and 2 of Protocol No. 1))</i>	of the Supreme Administrative Court according to which decisions of school authorities to impose on pupils the penalties (including suspension from school for up to 5 days) could not be contested before the administrative courts. The judgment was published, translated and disseminated. Domestic courts will not fail to declare admissible future complaints against decisions ordering disciplinary sanctions, such as suspension from school, and to quash those decisions if they are unlawful.
ResDH(2001)156	HUN / APEH Üldözötteinek Szövetsége, Iványi, Róth and Szerdahelyi	32367/96	05/01/2001 05/10/2000	Access to and effective functioning of justice: <i>Unfair non-contentious proceedings in regard to the applicant association's registration and choice of name, due to the infringement of the principle of equality of arms on account of the fact that the applicants had not been notified of the intervention of the Public Prosecutor's Office before the Regional Court nor of the submissions made before the Supreme Court by the Attorney General's Office. (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> The judgment was published and transmitted to the authorities directly concerned. It is used in training activities for judges.
ResDH(2001)30	HUN / P.M.	23636/94	15/04/1999	Protection against ill-treatment / conditions of detention: <i>Degrading conditions of imprisonment of a person paralysed from the waist down. (Article 3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> Violation due to the specific circumstances of the case. The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)31	IRL / McMullen	25353/94	09/06/1999	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 in respect of non-pecuniary damage paid. <u>General measures:</u> Violation due to the specific circumstances of the case. The Commission Report was published, translated and disseminated to the authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)32	ITA / Arbore	41840/98	25/08/2000 25/05/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> None.
ResDH(2001)134	ITA / Arquilla	44374/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)33	ITA / Baggi	366658/97	15/04/1999	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> None.
ResDH(2001)125	ITA / Berrettari	41827/98	08/05/2000 08/02/2000	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)34	ITA / Bottazzi	34884/97	28/07/1998	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)131	ITA / Canzano	44371/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)35	ITA / Chierci B. and E.	41835/98	29/06/2000 08/02/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated and disseminated to the authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)36	ITA / Comerci	37189/97	15/04/1999	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The Commission Report was published, translated and disseminated to the authorities concerned.
ResDH(2001)37	ITA / Di Antonio	41839/98	29/06/2000 28/04/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)129	ITA / Di Muro	44363/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)39	ITA / G.L. III	33820/96	12/11/1998	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The Commission Report was published, translated and disseminated to the authorities concerned.
ResDH(2001)38	ITA / Ghezzi	41826/98	29/06/2000 08/02/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)40	ITA / Iacopelli	41832/98	14/03/2000 14/12/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2001)135	ITA / Iorio	44376/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to all authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)124	ITA / L.G. III	37188/97	02/11/1999	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)138	ITA / Mazzotti	44354/98	17/01/2001 17/10/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)41	ITA / N.B.	33823/96	10/07/1998	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Commission Report was published, translated and disseminated to the authorities concerned.
ResDH(2001)42	ITA / N.C.	34287/96	10/07/1998	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Commission Report was published, translated and disseminated to the authorities concerned.
ResDH(2001)43	ITA / Pacelli	36657/97	19/02/1999	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)130	ITA / Pagliacci and Marruco	44366/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH52001)127	ITA / Palazzo	44356/98	17/01/2001 17/10/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)139	ITA / Palombo	44358/98	17/01/2001 17/10/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)133	ITA / Pareschi	44373/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)44	ITA / Parisse	41825/98	29/06/2000 08/02/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)45	ITA / Perna	35959/97	18/01/1999	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)132	ITA / Perosino	44372/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)128	ITA / Piscopo	44357/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)137	ITA / Porretta	34288/96	25/09/1998	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)126	ITA / Senese	43295/98	21/02/2001 21/11/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)140	ITA / Silveri	44353/98	17/01/2001 17/10/2001	Access to and effective functioning of justice: Excessive length of civil proceeding before the Court of Audits. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The judgment was published and transmitted to all authorities concerned.
ResDH(2001)46	ITA / Soave	37190/97	19/02/1999	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)136	ITA / Stritzel	39172/98	08/10/1999	Access to and effective functioning of justice: Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)47	ITA / T.I	41834/98	28/04/2000 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 for damage paid. <u>General measures:</u> None.
ResDH(2001)48	ITA / T.II	41836/98	28/04/2000 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 for damage paid. <u>General measures:</u> None.
ResDH(2001)49	ITA / Tolli	41842/98	28/04/2000 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 for damage paid. <u>General measures:</u> None.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)157	LIT / Raiselis	37195/97	29/05/2000 29/02/2000	Protection of rights in detention: <i>Unlawfulness of the applicant's preventive detention on the ground of suspicion that he might "commit a dangerous act". (Article 5 §1)</i>	Individual measures: Global sum for all damages paid according to the terms of the friendly settlement. General measures: In 1997, the Preventive Detention Act was abolished. The judgment was published, translated and disseminated to all authorities concerned.
ResDH(2001)50	NLD / Akin	34986/97	04/07/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative courts. (Article 6 §1)</i>	Individual measures: Amount agreed on in the friendly settlement in respect of just satisfaction paid. General measures: None.
ResDH(2001)78	NLD / Aspichi Dehwari	37014/97	27/04/2000 Friendly settlement	Protection against ill-treatment: <i>Risk of ill-treatment in case of the applicant's expulsion to Iran. (Article 3 conditional)</i>	Individual measures: The applicant was granted a residence permit without restrictions. General measures: None.
ResDH(2001)15	NLD / Van Boerum	27572/95	19/02/1999	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. General measures: Regular meetings of the Presidents of the Courts of Appeal were instituted to examine the organisation of appeal procedures and to avoid excessive delays in proceedings (see Resolution DH (95) 91 in the case of Abdoella). The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)16	NLD / Wokke	27945/95	19/02/1999	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. General measures: Regular meetings of the Presidents of the Courts of Appeal were instituted to examine the organisation of appeal procedures and to avoid excessive delays in proceedings (see Resolution DH (95) 91 in the case of Abdoella). The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)8	NLD / Zegwaard and	26493/95	15/04/1999	Access to and effective functioning of justice: <i>Infringement of the presumption of</i>	Individual measures: Just satisfaction for non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Zegwaard B.V.			<i>innocence as the sentences the applicants had received in criminal proceedings at appeal took account of offences of which they had not been convicted. (Article 6 §2)</i>	<u>General measures</u> : Violation due to the specific circumstances of the case. The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)9	POL / Belziuk	23103/93	25/03/1998	Access to and effective functioning of justice : <i>Unfair criminal proceedings due to the impossibility for the detained accused to participate in the hearing before the court of appeal. (Article 6 §§1+3c)</i>	<u>Individual measures</u> : The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures</u> : The relevant provision of the Code of Criminal Procedure was amended in 1998 limiting the courts' discretion to bring a detained accused to the appeal hearing in cases the sentence could be increased. The domestic courts case-law was adapted to the present judgment. In 2000, the case-law resulted in a new amendment of the Code of Criminal Procedure providing the courts shall order a detained accused person to be brought to the hearing, unless his counsel's presence may be considered sufficient. The judgment was published, translated and disseminated to the authorities directly concerned.
CM/ResDH(2001)10	POL / Ciepluch	31488/96	12/11/1998	Access to and effective functioning of justice : <i>Excessive length of criminal proceedings and excessive length of detention on remand. (Articles 6 §1 and 5 §3)</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. <u>General measures</u> : Violation due to the specific circumstances of the case. The Commission Report was published and disseminated to the authorities concerned.
ResDH(2001)11	POL / Musial	24557/94	25/03/97 Grand Chamber	Protection of rights in detention : <i>Lack of a speedy judicial review of the lawfulness of detention in mental hospital due to a delay between clinical examination of the applicant and the establishment of the medical report. (Article 5 §4)</i>	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage paid. <u>General measures</u> : The number of experts attached to the regional courts and their honorarium rates were increased. Administrative and practical measures were taken to improve cooperation between courts and experts. The judgement was published, translated and disseminated to the authorities concerned.
ResDH(2001)141	POL / Witold	26629/95	04/04/2000	Protection of rights in detention : <i>Arbitrary</i>	<u>Individual measures</u> : Just satisfaction for non-pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Litwa			<i>detention in a sobering-up centre. (Article 5 §1)</i>	damage paid. <i>General measures:</i> The judgement was published, translated and disseminated to all authorities concerned.
ResDH52001)62	PRT / Bacelar de Sousa Machado No. 2	37311/97	22/06/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)146	PRT / Barbosa Araujo	39110/97	09/11/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings in which the applicant had intervened as an auxiliary of the prosecuting authority. (Article 6 §1)</i>	<i>Individual measures:</i> Global sum for non-pecuniary damage paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)17	PRT / Comingersoll S.A.	35382/97	06/04/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See DH(94)71 in Gama Cidrais, in particular concerning the reorganisation of the domestic court system implemented in the years 93/94 and DH(94)76 in Martins de Cunha. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)159	PRT / Fernandes Magro	36997/97	29/05/2000 29/02/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See DH(94)71 in Gama Cidrais, in particular concerning the reorganisation of the domestic court system implemented in the years 93/94 and DH(94)76 in Martins de Cunha. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)174	PRT / Fonseca Carreira	42176/98	14/06/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Global sum for non-pecuniary damage paid according to the terms of the friendly settlement. <i>General measures:</i> None.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2001)75	PRT / Guidetti	19137/91	14/02/2000	Protection of rights in detention: Failure to bring the applicant promptly, after his arrest, before a judge or other officer authorised by law to exercise judicial power. (Article 5 §3)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Violation due to the specific circumstances of the case. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)17	PRT / Ingersoll S.A.	35382/97	06/04/2000	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See DH(94)71 in Gama Cidrais, in particular concerning the reorganisation of the domestic court system implemented in the years 93/94. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)147	PRT / Montez Champalimau, LDA	37722/97	21/12/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Global sum for non-pecuniary damage paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)104	PRT / Ribeiro Ferreira Ruah No. 1	38325/97	16/02/2001 16/11/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Global sum for all damages paid according to the terms of the friendly settlement. <i>General measures:</i> None.
ResDH(2001)18	PRT / Rodrigues Carolino	36666/97	11/04/2000 11/01/2000	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See DH(94)71 in Gama Cidrais, in particular concerning the reorganisation of the domestic court system implemented in the years 93/94. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)12	PRT / Teixeira de Castro	25829/94	09/06/1998	Access to and effective functioning of justice: Denial of fair criminal proceedings due to the applicant's conviction for offences committed on incitement by	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant's conviction was erased from his criminal record. <i>General measures:</i> Following an amendment of the decree

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>undercover police agents mainly on the basis of their statements. (Article 6 §1)</i>	on drug trafficking, the use of undercover agents requires now a court's approval. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)175	PRT / Themudo Barata	43575/98	21/06/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Global sum for non-pecuniary damage paid according to the terms of the friendly settlement. <u>General measures:</u> None.
ResDH(2001)13	SMR / Buscarini	24645/94	18/02/1999 Grand Chamber	Freedom of religion: <i>Unlawful interference due to the obligation for parliamentarians to take an oath on the Gospels on pain of forfeiting their seats. (Article 9)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> A law of 1993 introduced the for newly elected members of the General Grand Council to choose between the traditional oath and the formula "on my honour". The judgment was published.
ResDH(2001)56	SUI / Kiefer	27353/95	28/03/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before social security courts. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)69	SUI / Plumey	23857/94	29/10/1997	Protection of rights in detention: <i>Detention on remand ordered by the Public Prosecutor who did not have the quality of "a judge or other officer authorised by law to exercise judicial power". (Article 5 §3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated and disseminated. The Code of Criminal Procedure of the Canton of Basel-Stadt was revised in 1993, instituting the post of "judge of detention", a magistrate who exercises the functions of "judge" within the meaning of the ECHR. The Federal Court changed its case-law in 1998 establishing that the ordering of a detention on remand by a member of the court which subsequently draws up the bill of indictment is incompatible with the ECHR.
ResDH(2001)57	SUI / Tatete	41847/98	06/10/2000 06/07/2000 Friendly	Protection of life: <i>Risk for life in case of deportation of the applicant suffering from AIDS to the Republic of Congo, which</i>	<u>Individual measures:</u> The applicant was granted a provisional residence permit. A global sum was paid ex gratia. <u>General measures:</u> The judgment was published and sent to

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			settlement	would prevent her from obtaining adequate medical treatment. (Article 2 conditional)	the Federal Office for Refugees and the Commission of Appeal in Asylum Matters.
ResDH(2001)148	SVK / Banosova	38798/97	19/04/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Global amount for all damages paid as agreed. <u>General measures:</u> None.
ResDH(2001)149	SVK / Capcikova	38853/97	19/04/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Global amount for all damages paid as agreed. <u>General measures:</u> None.
ResDH(2001)51	SVK / Degro	43737/98	06/07/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Amount for all damages included, agreed on in the friendly settlement paid. <u>General measures:</u> None.
ResDH(2001)52	SVK / Gaulieder	36909/97	18/05/2000 Friendly settlement	Electoral rights: Termination of a Member of Parliament's mandate on the basis of a letter (signed undated prior to the election) which the applicant denied sending. (Article 3 of Protocol No.1)	<u>Individual measures:</u> The sum agreed on in the friendly settlement for pecuniary and non-pecuniary damage was paid. The government expressed regret about the termination of the applicant's mandate. <u>General measures:</u> The judgment was published, translated and disseminated.
ResDH(2001)53	SVK / Matter	31534/96	05/07/1999	Access to and effective functioning of justice: Excessive length of proceedings concerning the applicant's legal capacity. (Article 6 §1)	<u>Individual measures:</u> No claim submitted. The impugned proceedings could not be concluded due to the applicant's poor state of health. <u>General measures:</u> See DH(99)551 in Preloznik, in particular concerning the comprehensive changes that had been introduced in the codes of civil and criminal procedure. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2001)68	SVK / Savic	28409/95	18/01/1999	Protection of rights in detention: Excessive length of the applicant's detention on remand and excessive length of the related	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>proceedings. (Article 5 §§3+4)</i>	and disseminated to all courts by the Ministry of Justice. It was included in the training curricula of judges and court staff. The Attorney General was requested to transmit appropriate instructions to regional prosecutors.
ResDH(2001)54	SWE / Lindelöf	22771/93	20/06/2000 Friendly settlement	Access to and effective functioning of justice: <i>Infringement of the presumption of innocence due to statements made by authorities concerning a father's guilt of sexual abuse of his daughter despite the discontinuation of criminal proceedings against him. (Article 6 §2)</i>	<u>Individual measures:</u> The sum agreed on in the friendly settlement was paid. <u>General measures:</u> None.
ResDH(2001)55	SWE / S.J., B.J. and G.J.	21073/92	25/09/1998	Access to and effective functioning of justice: <i>Denial of a fair trial due to the failure to duly inform the third applicant of the proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> Violation due to the specific circumstances of the case. The Commission Report was published and disseminated to the Courts of Appeal.
ResDH(2001)70	TUR / Aka	19639/92	23/09/1998	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage paid as agreed. <u>General measures:</u> Violation due to the provisions of a law of 1984 which fixed the statutory rate of default interest on state debts at 30%, whereas the average rate of inflation at the time was 70% per annum. In 1999, a law was adopted to bring the statutory rate of default interest into line with the annual rediscount rate applied by the Central Bank to short-term debts. The latter rate is fixed and permanently reviewed in relation notably to the country's inflation rate. Domestic case-law, in particular that of the Constitutional Court, changed in the light of the present judgment, which was published, translated and disseminated.
ResDH(2001)71	TUR / Akkus	19263/92	09/07/1991	Protection of property: <i>Disproportionate interference due to the administration's</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage paid as agreed.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>delay in paying additional compensation for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No. 1)</i>	<i>General measures:</i> Violation due to the provisions of a law of 1984 which fixed the statutory rate of default interest on state debts at 30%, whereas the average rate of inflation at the time was 70% per annum. In 1999, a law was adopted to bring the statutory rate of default interest into line with the annual rediscount rate applied by the Central Bank to short-term debts. The latter rate is fixed and permanently reviewed in relation notably to the country's inflation rate. Domestic case-law, in particular that of the Constitutional Court, changed in the light of the present judgment, which was published, translated and disseminated.
ResDH(2001)98	TUR / Bekdemir	31853/96	05/12/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Ex gratia amount for all damages paid as agreed. <i>General measures:</i> None.
ResDH(2001)86	TUR / Bubilik	24718/94	14/02/2000	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary and pecuniary damage paid as agreed. <i>General measures:</i> See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.
ResDH(2001)176	TUR / Civelek and Others	37050/97	22/05/2001 Friendly settlement	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid as agreed. <i>General measures:</i> See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.
ResDH(2001)150	TUR / Gelgec and Özdemir	27700/95	01/03/2001 Friendly settlement	Protection against ill-treatment: <i>Alleged ill-treatment during the applicants' police custody in the premises of the anti-terrorist</i>	<i>Individual measures:</i> Global amount for all damages paid as agreed. <i>General measures:</i> None.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>section of the Istanbul security directorate. (Article 3)</i>	
ResDH(2001)99	TUR / Kilic Kalkan	34687/96	05/12/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Ex gratia amount for all damages paid as agreed. <i>General measures:</i> None.
ResDH(2001)177	TUR / Kisa and Others	39328/98	22/05/2001 Friendly settlement	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid as agreed. <i>General measures:</i> See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.
ResDH(2001)100	TUR / Özcan	31831/96	05/12/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Ex gratia amount for all damages paid as agreed. <i>General measures:</i> None.
ResDH(2001)87	TUR / Turanli and others, Topçu and others, Tirtiklioğlu, Karaçelik and others, Karagöz, Duman and Akin	26121/95+	15/07/1999	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No.</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary and pecuniary damage paid as agreed. <i>General measures:</i> See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.
ResDH(2001)85	TUR / V.N.K. and 44 others	29888/96+	14/11/2000 Friendly settlement	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation for expropriation with regard to the difference between the default interest</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid as agreed. <i>General measures:</i> See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>rate and the average inflation rate. (Article 1 of Protocol No. 1)</i>	
ResDH(2001)161	UK / Watson David	21387/93	30/10/1999	Protection of rights in detention: <i>Delay in reviewing the lawfulness of the applicant's detention after the expiry of his tariff of 15 years and impossibility to claim compensation for unlawful detention. (Article 5 §§3+4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See Resolution DH(92)24 in the case Thynne, Wilson & Gunnell.
ResDH(2001)121	UK / Ainsworth	35095/97	29/05/2000	Access to and effective functioning of justice: <i>Unfair proceedings before the Court Martial due to its lack of impartiality and independence and absence of a public hearing. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage paid as agreed. <u>General measures:</u> The Armed Forces Act 1996 amended the impugned provisions of the Army Act 1955 and the Air Force Act 1955 (see Resolution DH(98)11 in the case of Findlay and Resolution DH (98)12 in the case of Coyne.
ResDH(2001)119	UK / Chahal	22414/93	15/11/1996	Protection against ill-treatment, protection of rights in detention, effective remedy: <i>Risk of ill-treatment in case of the applicant's deportation to India, lack of a speedy review of his detention pending deportation and judicial supervision had therefore been lack of an effective domestic remedy. (Articles 3, 5 §4 and 13 in conjunction with 3)</i>	<u>Individual measures:</u> The applicant's deportation order was revoked. He will remain in the UK on the basis of the indefinite leave he had been granted in 1974. <u>General measures:</u> The Special Immigration Appeals Commission Act was amended in 1998 and a Special Immigration Appeals Commission of a judicial nature was established, which may decide on appeals against deportation orders in the interest of national security. When a decision affecting in general a person's entitlement to enter or remain in the UK is based on grounds other than national security, the Immigration and Asylum Act 1999 created a new right of appeal to an adjudicator or the Immigration Appeal Tribunal on human rights grounds. Moreover, the Human Rights Act entered into force in 2000 enabling the jurisdiction of any tribunal to be extended by order to allow it to provide an appropriate remedy in relation to an act of a public authority which is unlawful. Proceedings for habeas corpus and for judicial review of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					decision to detain pending deportation are subject to the provisions of Human Rights Act.
ResDH(2001)105	UK / Downing	36525/97	06/09/2000 06/06/2000 Friendly settlement	Protection of rights in detention: <i>Inability to obtain a judicial review of the lawfulness of the applicant's continued detention during Her Majesty's Pleasure following expiry of the "tariff" period. (Article 5 §3)</i>	Individual measures: Just satisfaction paid according to the terms of the friendly settlement. General measures: See Resolutions DH(1998)149 in Hussain and DH(1998)150 in Singh.
ResDH(2001)76	UK / Howarth	38801/76	21/12/2000 21/09/2000	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. General measures: The judgment was published and disseminated to the authorities concerned.
ResDH(2001)73	UK / Jordan	30280/96	14/06/2000 14/03/2000 Friendly settlement	Protection of rights in detention: <i>Lack of impartiality of the commanding officer deciding on the necessity of a soldier's detention, playing a central role in the subsequent prosecution before martial courts, and lack of an enforceable right to compensation. (Article 5 §§3+5)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. General measures: See DH (98)11 in Findlay and DH (98)12 in Coyne, in particular concerning the entry into force of the Armed Forces Act 1996. See also ResDH(2000)82 in Hood, in particular concerning the Summary Dealing Army Regulations of 1997 providing remedies to the shortcomings found in the military system of detention before trial. The judgment was published and transmitted to the authorities concerned.
ResDH(2001)120	UK / McGonnell	28488/95	08/02/2000	Access to and effective functioning of justice: <i>Unfair proceedings due to the lacking independence and objective impartiality of the Bailiff in Guernsey in the Royal Court, due to his involvement in legislative and executive functions. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage Global amount for all damages paid as agreed. General measures: In 2000, the Royal Court in Guernsey adopted a Practice Direction formalising the recent informal practice as regards administrative proceedings after the present judgment: the Bailiff is no longer either the President or a member of three committees, namely the Appointments Board, the Legislation Committee and the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Rules of Procedure Committee. The judgment was published and transmitted to all authorities concerned.
ResDH(2001)160	UK / Oldham	36273/97	26/09/2000	Protection of rights in detention: <i>Inability for a discretionary prisoner to obtain a speedy judicial review of the lawfulness of the applicant's continued detention since the next hearing concerning his case before the Parole Board had been scheduled in two years' time. (Article 5 §4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> See Resolutions DH(1998)149 in Hussain and DH(1998)150 in Singh. The judgment was published and disseminated to the authorities concerned.
ResDH52001)63	UK / Varey	26662/95	21/12/2000 Friendly settlement	Protection of family life: <i>Refusal of application by gypsies for planning permission for residential caravan on land owned by them. (Article 8)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement was paid. <u>General measures:</u> None.
ResDH(2001)162	UK / Wilkinson and Allen	31145/96+	06/02/2001	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.