

Summaries of Final Resolutions adopted by the Committee of Ministers in 2002

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Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2002)99	AUT / Ahmed	25964/94	17/12/1996	Protection against ill-treatment / expulsion: <i>Serious risk of ill-treatment in case of expulsion of the applicant to Somalia in the context of civil war and fighting between clans for control in the country. (Article 3 conditional)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant was granted an authorisation to stay until 01/01/1998. The applicant committed suicide on 15/03/1998. General measures: The ECHR's assessment of the situation in Somalia and countries with similar situations was followed by domestic authorities and courts. The Aliens Act was amended in 2002 providing that person may not be deported in case of risk of treatment contrary to Article 3 irrespective of whether the threat is imputable to the State or results from the absence of State authority. The judgment was published, translated and disseminated to the asylum authorities and courts.
ResDH(2002)5	AUT / Holzinger No.2	28898/95	04/04/2001 30/01/2001	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The judgment was published and transmitted to the authorities concerned.
ResDH(2002)6	AUT / Rösslhuber	32869/96	04/04/2001 28/11/2000	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Proceedings were still pending in November 2000. General measures: The judgment was published and transmitted to the authorities concerned.

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ResDH(2002)18	AUT / Siebenhandl	31778/96	12/06/2001 Friendly settlement	Access to and efficient functioning of justice / protection of property: <i>Complaints about restrictions placed on the applicant's property by various decisions of the municipality and denial of access to a court with regard to a building prohibition. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> None.
ResDH(2002)37	AUT / Tele1 Privatfernsehgesellschaft mbH	32240/96	17/01/2001 21/09/2001	Freedom of expression: <i>Disproportionate interference due to the refusal to allow the applicant company to set up and operate a television transmitter. (Article 10)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> See DH(98)142 in Informationsverein Lentia and DH(98)143 in ABC Radio.
CM/ResDH(2002)152	CRO / Rados and Others	45435/99	04/07/2002 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlements was paid. <u>General measures:</u> None.
ResDH(2002)91	CYP / Kounounis	37943/97	02/10/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Global amount agreed on in the friendly settlement paid. <u>General measures:</u> None.
CM/ResDH(2002)128	CZE / Kuchař and Štis	37527/97	18/12/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlements was paid. <u>General measures:</u> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)21	DNK / Hansen	28971/95	11/10/2000 11/07/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> None.
CM/ResDH(2002)129	DNK / Normann	44704/98	20/12/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlements was paid. <u>General measures:</u> The judgment was published and

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					transmitted to the authorities concerned.
ResDH(2002)20	DNK / Petersen	24989/94	16/02/2001 16/11/2000 Friendly settlement	Access to and effective functioning of justice: Denial of a fair hearing before and independent tribunal in proceedings concerning a parking fine as the bailiff's court had been presided by a deputy judge. (Article 6 §1)	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> None.
ResDH(2002)19	DNK / Skoubo	39581/98	06/10/2000 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 agreed on in the friendly settlement paid. <u>General measures:</u> None.
CM/ResDH(2002)127	ESP / Diaz Aparicio	49468/99	11/01/2002 11/10/2001	Access to and effective functioning of justice: Excessive length of proceedings in civil matters before the Audiencia Nacional and the Constitutional Court. (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 concerned.
ResDH(2002)106	ESP / Fuentes Bobo	39293/98	29/05/2000 29/02/2000	Freedom of expression: Disproportionate interference in the context of a labour dispute due to the dismissal of a television producer by the State television company following criticism of management resulting in disciplinary proceedings. (Article 10)	<u>Individual measures:</u> Just satisfaction for pecuniary (covering the consequences for the unjustified dismissal) and non-pecuniary damage awarded in equity was paid. <u>General measures:</u> The judgement was published, translated and disseminated.
ResDH(2002)75	FIN / Nuutinen	32842/96	27/06/2000	Access to and effective functioning of justice: Excessive length of custody 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 and transmitted to the authorities concerned.
ResDH(2002)1	FRA / Aït-Mouhoub	22924/93	28/10/1998	Access to and effective functioning of justice: Denial of access to a court in proceedings concerning the applicant's	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage.

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				<i>criminal complaint and civil-party application for compensation due to the disproportionate amount fixed in regard to the security of costs. (Article 6 §1)</i>	<i>General measures:</i> The judgment was published and sent out to the authorities concerned.
ResDH(2002)38	FRA / Alcade and Pedrosa	23132/93	26/06/1996	Access to and effective functioning of justice: <i>Unfair criminal proceedings on account of the dismissal of their appeal before the Court of cassation on the ground that they had submitted no pleadings, the applicants not having been informed of any deadline for presenting their pleadings nor of the date of the hearing. (Article 6)</i>	<i>Individual measures:</i> No claim for just satisfaction submitted in time. <i>General measures:</i> See Resolution DH (97) 395 in the case of G.N.I., in particular the amendment in 1993 of the Code of Criminal Procedure providing that a convicted appellant shall lodge his pleading with the registry of the Court of Cassation no later than one month from the date of the notice of appeal. The Commission's report was sent to all authorities concerned.
ResDH(2002)63	FRA / Bozza	36484/97	08/10/1999	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings before the Aix en Provence Court of Appeal. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> In order to remedy the problems encountered by the Aix en Provence Court of Appeal, the number of judges and officials was increased and a new social and commercial section were created.
ResDH(2002)50	FRA / Chahed	45976/99	10/04/2001 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> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)42	FRA / Charles and Others	41145/98	10/10/2001 10/07/2001	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before commercial courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)66	FRA / Cheema	33639/96	14/02/2000	Protection of private and family life: <i>Disproportionate interference due to the authorities' refusal of the request of an</i>	<i>Individual measures:</i> The applicant's wife was delivered a residence permit valid from 1999 to 2009. <i>General measures:</i> None.

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				<i>Indian national residing in France for family reunification with his wife and child. (Article 8)</i>	
ResDH(2002)7	FRA / Dagorn	42175/98	26/12/2000 26/09/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative 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 and transmitted to the authorities concerned.
ResDH(2002)117	FRA / Delbec Annick II	26514/95	09/06/1999	Protection of rights in detention: <i>Lack of a speedy review of the applicant's detention in a psychiatric hospital. (Article 5 §4)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid as agreed. <u>General measures:</u> Violation due to the specific circumstances of the case. Copies of the Commission's report had accordingly been sent out to all the Presidents of Tribunaux de Grande Instance.
CM/ResDH(2002)148	FRA / Delgado	38437/97	14/11/2000	Access to and effective functioning of justice: <i>Excessive length of two sets of labour court proceedings, both relating to dismissals from her job. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <u>General measures:</u> None.
ResDH(2002)39	FRA / Demirtepe	34821/97	21/12/1999	Protection of private life and correspondence: <i>Unlawful interference due to the opening of letters addressed by his lawyers, judicial authorities and the prison chaplain to the applicant, by the prison authorities. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgement was published, i.a. in the Bulletin de la Cour de Cassation, and disseminated to the authorities concerned.
ResDH(2002)11	FRA / Deschamps	37925/97	02/11/2000 02/08/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative 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 and transmitted to the authorities concerned.
ResDH(2002)62	FRA / Durrand	36153/97	15/07/1999	Access to and effective functioning of justice: <i>Excessive length of criminal</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid.

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				<i>proceedings combined with civil actions. (Article 6 §1)</i>	<i>General measures:</i> In a decision of 1997, which cites in particular the rights of parties to make sure their case is heard within a reasonable time, the Criminal Division of the Court of Cassation clearly stated that the request to refer the case to the trial court or declare that there is no case to be heard according to Article 175-1 of the Code of Criminal Procedure, could be repeated providing a further period of a year had elapsed since the previous request. Consequently, the impugned circular of 1993, excluding a repeated application of Article 175-1, no longer applies.
ResDH(2002)44	FRA / Evrard	35169/97	08/10/1999	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> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)61	FRA / F.D.S.	33848/96	08/10/1999	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> None.
ResDH(2002)10	FRA / G. and M.	32173/96	15/04/1999	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> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)100	FRA / Gautrin and Others	21257/93+	20/05/1998	Access to and effective functioning of justice: <i>Lack of public hearings before disciplinary courts (the Ile-de-France Regional Council and the disciplinary section of the National Council of the Ordre des Médecins) and lack of impartiality of those bodies. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> See Resolution DH(97)352 in the case of Diennet, in particular with regard to the adoption of a Decree in 1993 which provides that hearings on disciplinary matters before a body of the Ordre des médecins are public. In 2001, the disciplinary body of the National Council of the Ordre des médecins sent a circular to the Presidents and general Secretaries of the regional councils, drawing their attention to the present cases and the requirements of

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					Article 6.
ResDH(2002)14	FRA / Geneste	48994/99	12/03/2001 12/12/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before labour courts. (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 transmitted to the authorities concerned.
ResDH(2002)118	FRA / Gerber	33237/96	28/06/2000 28/03/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before commercial courts. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as agreed. <i>General measures:</i> Violation due to the specific circumstances of the case. Copies of the Commission's report had accordingly been sent out to all the Presidents of Tribunaux de Grande Instance.
ResDH(2002)65	FRA / Gros	43743/98	09/11/1999	Access to and effective functioning of justice: Excessive length of appeal proceedings concerning employment issues. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
CM/ResDH(2002)153	FRA / Guelfucci	49352/99	30/10/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> None.
ResDH(2002)2	FRA / Guillemin	19632/92	02/09/1998 21/02/1997	Access to and effective functioning of justice and protection of property: Excessive length of expropriation/compensation proceedings and failure of the municipal authorities to comply with a final judicial decision annulling the expropriation measures. (Articles 6 §1 and 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid. The impugned proceedings were concluded in 2000 and the applicant received compensation. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned. The Ministry of Justice started considering the need of a global reform of the expropriation code and concluded that such a reform was not required immediately.
ResDH(2002)45	FRA / Ikanga	32675/96	02/11/2000 02/08/2000	Access to and effective functioning of justice: Excessive length of criminal	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.

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				<i>proceedings. (Article 6 §1)</i>	<i>General measures:</i> Violation due to the specific circumstances of the case. The judgment was published and transmitted to the authorities concerned, in particular to Attorneys General of Courts of Appeal.
ResDH(2002)60	FRA / Iscache	23050/93	15/07/1999	Protection of rights in detention and protection of private and family life: <i>Absence of a prompt judgment regarding the lawfulness of the applicant's detention on remand, absence of a right to compensation in this respect and unlawful interception of his telephone conversations. (Articles 5 §§4+5 as well as 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of all damages confounded paid. <i>General measures:</i> The failure, by the registry of an Indictments Chamber, to send a notice of appeal to the Court of Cassation, thereby depriving the applicant of a review of the lawfulness of his detention, would most certainly be considered by the domestic courts as gross negligence incurring the liability of the State under Article L 781-1 of the Code of Judicial Organisation.
ResDH(2002)119	FRA / J.B.	33634/96	22/01/2001 26/09/2001	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 as agreed. <i>General measures:</i> Violation due to the specific circumstances of the case. Copies of the Commission's report had accordingly been sent out to all the Presidents of Tribunaux de Grande Instance.
ResDH(2002)111	FRA / Juhel and Others	28713/95+	10/04/2000	Access to and effective functioning of justice: <i>Lack of public hearings before disciplinary courts (the Regional Council and the disciplinary section of the National Council of the Ordre des Médecins) and lack of impartiality of those bodies. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See Resolution DH(97)352 in the case of Diennet as well as ResDH(2002)100 in Gautrin and Others, in particular with regard to the adoption of a Decree in 1993 which provides that hearings on disciplinary matters before a body of the Ordre des médecins are public. In 2001, the disciplinary body of the National Council of the Ordre des médecins sent a circular to the Presidents and general Secretaries of the regional councils, drawing their attention to the present cases and the requirements of Article 6.

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ResDH(2002)76	FRA / Kadri	41715/98	27/06/2001 27/03/2001	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)72	FRA / Lagrange	39485/98	10/01/2001 10/10/2000	Access to and effective functioning of justice: Denial of access to a court to the heirs of a haemophiliac with HIV following their acceptance of ex gratia compensation from the Compensation Fund for Transfusion Patients and Haemophiliacs due to the lack of clarity of the system and of adequate safeguards to allow review of the issue of quantum before a court. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> In 1991, a special scheme for the compensation of haemophiliacs and transfusion patients was set up, based on solidarity, enabling reparation for the consequences of HIV infections independently of the investigation of liability: See DH(99)348 in Bellet and DH(99)349 in F.E. Furthermore, the judgment was disseminated to the authorities concerned.
ResDH(2002)64	FRA / Lechaczynski J. and D.	29350/95	03/12/1999	Access to and effective functioning of justice: Excessive length of criminal proceedings concerning a tax litigation before the administrative courts. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The Commission's Report was circulated to the tax authorities and the the General Tax Division, both at central and decentralised levels.
ResDH(2002)47	FRA / Malve	46051/99	31/10/2001 31/07/2001	Access to and effective functioning of justice: Excessive length of civil proceedings before commercial courts. (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 transmitted to the authorities concerned.
ResDH(2002)13	FRA / Motière	39615/98	05/03/2001 05/12/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (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 transmitted to the authorities concerned.
ResDH(2002)43	FRA / P.V.	38305/97	04/04/2001 14/11/2000	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

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ResDH(2002)120	FRA / Parege	40868/98	09/01/2002 09/10/2001	Access to and effective functioning of justice: Excessive length of civil proceedings before specialised administrative boards competent for disputes concerning costs of social and health services. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as agreed. <i>General measures:</i> Violation due to the specific circumstances of the case. Copies of the Commission's report had accordingly been sent out to all the Presidents of Tribunaux de Grande Instance.
ResDH(2002)46	FRA / Pelat	32912/96	15/04/1999	Access to and effective functioning of justice: Excessive length of criminal proceedings combined with civil actions. (Article 6 §1)	<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 and transmitted to the authorities concerned, in particular to Attorneys General of Courts of Appeal.
ResDH(2002)121	FRA / Potier and Cocquempot	26059/94+	15/07/1999	Access to and effective functioning of justice: Lack of access to a court and excessive length of two sets of criminal proceedings combined with civil action for damages. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as agreed. <i>General measures:</i> Violation due to the specific circumstances of the case. Copies of the Commission's report had accordingly been sent out to all the Presidents of Tribunaux de Grande Instance.
ResDH(2002)48	FRA / Romo	40402/98	03/10/2001 03/07/2001	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (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 transmitted to the authorities concerned.
ResDH(2002)12	FRA / S.M.	41453/98	18/10/2000 18/07/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (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 transmitted to the authorities concerned.
ResDH(2002)8	FRA / Satonnet	30412/96	02/08/2000	Access to and effective functioning of justice: Excessive length of civil	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.

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				<i>proceedings concerning the applicant's dismissal as a civil servant. (Article 6 §1)</i>	<i>General measures:</i> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)9	FRA / Serra	34206/96	13/09/2000 13/06/2000	Access to and effective functioning of justice: <i>Excessive length of civil proceedings for compensation before administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)122	GER / Bayrak	27937/95	20/03/2002 20/12/2001	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> On account of the specific circumstances of the case, new similar violations of the Convention could be avoided for the future by informing the authorities concerned of the requirements of the Convention.
ResDH(2002)87	GER / Erdem	38321/97	05/10/2001 05/07/2001	Protection of rights in detention: <i>Excessive length of detention on remand. (Article 5 §3)</i>	<i>Individual measures:</i> No claim submitted. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned.
CM/ResDH(2002)149	GER / H.T.	38073/97	11/01/2002 11/10/2001	Access to and effective functioning of justice: <i>Excessive length of civil proceeding before social courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> None.
ResDH(2002)88	GER / Janssen	23959/94	20/12/2001	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before social courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the Ministry of Justice of the Land concerned, the courts concerned and the Federal Ministry of Labour and Social Affairs responsible for matters concerning the Federal Social Court.
CM/ResDH(2002)154	GER / Kalantari	51342/99	11/01/2002 11/10/2001	Protection against ill-treatment: <i>Expulsion of the applicant to Iran could result in his subjection to inhuman and degrading treatment. (Article 3 conditional)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. On 18/08/1998, the Federal Refugees' Office had annulled its decision to expel the applicant to Iran.

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					<i>General measures:</i> None.
ResDH(2002)101	GER / Metzger	37581/97	31/08/2001 31/05/2001	Access to and effective functioning of justice: Excessive length of criminal proceedings relating to the applicant's responsibility for elimination of environmentally harmful wastes during his mandate as mayor. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> On account of the specific circumstances of the case, new similar violations of the Convention could be avoided for the future by informing the authorities concerned of the requirements of the Convention.
ResDH(2002)123	GER / Mianowicz	42505/98	27/03/2002 18/10/2001	Access to and effective functioning of justice: Excessive length of civil proceedings before labour court. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> On account of the specific circumstances of the case, new similar violations of the Convention could be avoided for the future by informing the authorities concerned of the requirements of the Convention.
CM/ResDH(2002)150	GER / Volkwein	45181/99	04/07/2002 04/04/2002	Access to and effective functioning of justice: Excessive length of civil proceeding. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> None.
ResDH(2002)89	GRC / Anagnostopoulos and Others	39374/98	09/04/2001 07/11/2000	Access to and effective functioning of justice: Unfairness and excessive length of civil proceedings relating to pension rights. (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 transmitted to the State Legal Council and other authorities concerned.
ResDH(2002)16	GRC / Arvelakis	41354/98	12/07/2001 12/04/2001	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned.
CM/ResDH(2002)156	GRC / Examiliotis	52538/99	18/04/2002 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (Article 6 §1)	<i>Individual measures:</i> The amount agreed on in the friendly settlement (covering pecuniary and non-pecuniary damage) was paid. <i>General measures:</i> None.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2002)22	GRC / I.M.	49281/99	04/10/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)17	GRC / Ikonimitsios	43615/98	09/04/2001 19/10/2001	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned.
ResDH(2002)105	GRC / Katikaridis and Others	19385/92+	31/03/1998 Friendly settlement 15/11/1996 Merits	Protection of property: Impossibility for the applicants to obtain a compensation for the expropriation of their land because of an irrebuttable statutory presumption according to which they derived benefit from the construction of a road on their land. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The violation stemmed from the Court of Cassation's case-law establishing an irrebuttable presumption to the effect that the owners of land adjoining a major road were considered as deriving benefit from the works for its improvement. For this reason, they were obliged to contribute to the costs of building and to receive a reduced compensation. The judgment was published, translated and disseminated. The Court of Cassation changed its case-law accordingly. First instance courts and the Court of Appeal also concluded that the presumption must be considered as rebuttable and that owners have the right to ask for full compensation for expropriation. Judicial proceedings for overturning the presumption (henceforth rebuttable) and for obtaining complementary compensation, constitute the object of another case in which the Court found a violation of Article 1 of Protocol No. 1 (Dimitrios Azas and others).
ResDH(2002)104	GRC / Papachelas	31423/96	04/04/2000 Friendly settlement 25/03/1999 Merits	Protection of property: Impossibility for the applicants to obtain a compensation for the expropriation of their land because of an irrebuttable statutory presumption according to which they derived benefit	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The violation stemmed from the Court of Cassation's case-law establishing an irrebuttable

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>from the construction of a road on their land. (Article 1 of Protocol No. 1)</i>	presumption to the effect that the owners of land adjoining a major road were considered as deriving benefit from the works for its improvement. For this reason, they were obliged to contribute to the costs of building and to receive a reduced compensation. The judgment was published, translated and disseminated. The Court of Cassation changed its case-law accordingly. First instance courts and the Court of Appeal also concluded that the presumption must be considered as rebuttable and that owners have the right to ask for full compensation for expropriation. Judicial proceedings for overturning the presumption (henceforth rebuttable) and for obtaining complementary compensation, constitute the object of another case in which the Court found a violation of Article 1 of Protocol No. 1 (Dimitrios Azas and others).
ResDH(2002)49	GRC / Sakellaropoulos	23436/94	15/11/1996	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The judgment was published and transmitted to the authorities concerned.
ResDH(2002)103	GRC / Tsomtsos and Others	20680/92	31/03/1998 Friendly settlement 15/11/1996 Merits	Protection of property: <i>Impossibility for the applicants to obtain a compensation for the expropriation of their land because of an irrebuttable statutory presumption according to which they derived benefit from the construction of a road on their land. (Article 1 of Protocol No. 1)</i>	Individual measures: The amount agreed on in the friendly settlements was paid. General measures: The violation stemmed from the Court of Cassation's case-law establishing an irrebuttable presumption to the effect that the owners of land adjoining a major road were considered as deriving benefit from the works for its improvement. For this reason, they were obliged to contribute to the costs of building and to receive a reduced compensation. The judgment was published, translated and disseminated. The Court of Cassation changed its case-law accordingly. First instance courts and the Court of Appeal also concluded that the presumption must be considered as rebuttable and that owners have the right to

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					ask for full compensation for expropriation. Judicial proceedings for overturning the presumption (henceforth rebuttable) and for obtaining complementary compensation, constitute the object of another case in which the Court found a violation of Article 1 of Protocol No. 1 (Dimitrios Azas and others).
ResDH(2002)102	GRC / Twalib	24294/94	09/06/1998	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to insufficient time and facilities for the applicant's lawyer (assigned by the court) to prepare his defence at first instance as well as lack of free legal assistance in connection with his appeal on grounds of law to the Court of Cassation, resulting in a sentence to twelve years' imprisonment. (Article 6 §1 in conjunction with 6 §3c)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The violation stemmed from the Court of Cassation's case-law according to which the Code of Criminal Procedure did not provide for legal aid for appeals on points of law. In 1999, the Code of Criminal Procedure was amended enlarging the court's obligation to provide free legal assistance to all cases in which the accused do not have the means to engage a lawyer. It provides for the compulsory appointment ex officio of a lawyer until the end of the proceedings in every instance as well as for the lodging of remedies. Consequently, it covers the whole proceedings before the Court of Cassation. The judgment was published, translated and disseminated.
ResDH(2002)15	GRC / Zarmakoupis and Sakellaropoulos	44741/98	09/04/2001 19/10/2000	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings for fraud. (Article 6 §1)</i>	Individual measures: Just satisfaction awarded in equity in respect of pecuniary (loss of income and professional perspective) and non-pecuniary damage paid. General measures: The judgment was published and transmitted to the authorities concerned.
CM/ResDH(2002)155	GRC / Zohiou	40428/98	29/03/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: None.
ResDH(2002)67	ISL / Siglfirdingur EHF	34142/96	30/05/2000 Friendly settlement	Right of appeal in criminal matters: <i>Absence of a possibility for the applicant company to have the imposition of a fine</i>	Individual measures: Amount agreed on in the friendly settlement paid. General measures: In 2001, the Trade Unions and Industrial

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>by the labour court reviewed. (Article 2 of Protocol No. 7)</i>	Disputes Act was amended providing that the Labour Courts' decrees and judgments may be reviewed by the Supreme Court. The judgment was published, translated and disseminated.
ResDH(2002)92	ITA / B. and 18 other cases	32465/96+	01/03/2001 Friendly settlements	Access to and effective functioning of justice: <i>Systemic problem of non-enforcement of judicial orders for the eviction of tenants. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlements was paid. <u>General measures:</u> In 1998, a Law on "Regulations concerning the renting and repossession of housing" was adopted. Further general measures to be adopted are supervised in the context of Immobiliare Saffi.
ResDH(2002)52	ITA / B.S.	44364/98	08/03/2001 Friendly settlement	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> Amount agreed on in the friendly settlement paid. <u>General measures:</u> None.
CM/ResDH(2002)130	ITA / Bianco and 18 other cases	43033/98+	22/06/2000 Friendly settlements	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before the Benevento labour court. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlements was paid. <u>General measures:</u> See DH(97)336 , DH(99)437 and ResDH(2000)135 . In addition, new general measures are currently being drafted by the government. The judgment was published and transmitted to the authorities concerned.
CM/ResDH(2002)147	ITA / Cantafio	14667/89	28/01/1997	Access to and effective functioning of justice: <i>Denial of access to a court in order to resolve a dispute, dating from 1986, with the Municipality of Decollatura since the arbitration committee established for the purpose never met as a result of notification problems and the legislation then in force excluded the possibility to seize an ordinary court. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> In 1996, the Constitutional Court declared unconstitutional the impugned provision of 1981 according to which neither of the parties to a dispute could unilaterally derogate from the arbitrator's competence in the field of public works. As a result, it is not compulsory any longer to have recourse to arbitration and parties in similar situations may seize ordinary courts.
CM/ResDH(2002)	ITA / Caruso	46535/99	05/10/2000	Access to and effective functioning of	<u>Individual measures:</u> The amount agreed on in the friendly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
157	Alfredo		Friendly settlement	<i>justice: Excessive length of civil proceedings before labour courts. (Article 6 §1)</i>	settlement was paid. <i>General measures:</i> See DH(97)336 , DH(99)437 and ResDH(2000)135 . In addition, new general measures are currently being drafted by the government. The judgment was published and transmitted to the authorities concerned.
ResDH(2002)53	ITA / Fanelli	44361/98	08/03/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
CM/ResDH(2002)146	ITA / Guerra and Others	14967/89	19/02/1998	Protection of private and family life: <i>Failure by the competent authorities to provide information about the inherent risk and how to proceed in the event of a major accident in a nearby high-risk chemical factory. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The factory activities concerned in the case ceased definitively in 1994. <i>General measures:</i> Violation stemmed from the incorrect application, at different levels, of legislation in force at the time (mainly a presidential decree of 1988 implementing Directive 82/501/EEC of the Council of the European Communities (“the Seveso Directive”). The present judgment was published, translated and disseminated. It was used for awareness-raising activities among the authorities concerned, which contributed to the development of practices ensuring that adequate information regarding environmental hazards is provided.
ResDH(2002)54	ITA / M.P. and Others	32664/96	19/04/2001 Friendly settlement	Access to and effective functioning of justice: <i>Systemic problem of non-enforcement of judicial orders for the eviction of tenants due to lack of police assistance. (Article 6 §1)</i>	<i>Individual measures:</i> The amount agreed on was paid. <i>General measures:</i> In 1998, a Law on “Regulations concerning the renting and repossession of housing” was adopted setting – inter alia – the conditions, modalities and deadlines for the implementation of eviction proceedings. Further general measures to be adopted are supervised in the context of Immobiliare Saffi.
ResDH(2002)84	ITA / Milazzotto	35345/97	27/02/2001 Friendly	Access to and effective functioning of justice: <i>Excessive length of labour court</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			settlement	<i>proceedings. (Article 6 §1)</i>	<i>General measures:</i> See DH(97)336 , DH(99)437 and ResDH(2000)135 . New general measures are being drafted by the government.
ResDH(2002)55	ITA / Musmeci	44355/98	17/10/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before the Court of Audit. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)83	ITA / Polizzi	45073/98	12/10/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of labour court proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> See DH(97)336 , DH(99)437 and ResDH(2000)135 . New general measures are being drafted by the government.
ResDH(2002)51	ITA/ Brunno	43053/98	28/09/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of labour court proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> See DH(97)336 , DH(99)437 and ResDH(2000)135 . In addition, new general measures are currently being drafted by the government.
ResDH(2002)68	NDL / Menckeberg	25514/94	12/11/1998	Access to and effective functioning of justice: <i>Unfair criminal proceedings before the Appeal Court resulting in the applicant's conviction to a four-months prison sentence in spite of the fact that the summons for the hearing had not reached him and that his lawyer had not been allowed to conduct any defence or to question witnesses in his absence. (Article 6 §1)</i>	<i>Individual measures:</i> No claim submitted. <i>General measures:</i> In 1998, a computerised data base was introduced enabling public prosecutors to ensure that judicial documents, including summonses, are also effectively served to persons detained. As regards the possibility for the lawyer to plead, even in the absence of the accused, see Resolutions DH (95) 240 and DH (99) 241 in the Lala and Pelladoah cases, in particular concerning new convention-conform case-law according to which an accused who is absent from the public hearing to which he has been summoned, has the right to have the defence presented by counsel. Subsequently, this new practice was codified by an amendment of the Code of Criminal Procedure in 1998, providing that a defendant who is absent from the trial may

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					be defended by a lawyer, provided that the lawyer has been duly authorised by his client to do so. A defendant who is absent and has authorised his lawyer to conduct his defence will not be declared in default of appearance.
CM/ResDH(2002)131	NDL / Van Nus	37538/97	24/07/2001 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative courts. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlements was paid. <u>General measures:</u> None.
ResDH(2002)69	NOR / Bergens Tidende and Others	26132/95	02/08/2000 02/05/2000	Freedom of expression: <i>Disproportionate interference on account of the applicant newspaper and its two editors being convicted in civil defamation proceedings following the publication of critical articles on questions of public interest. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage (fine imposed) paid. No claim for non-pecuniary damage submitted. The conviction was not mentioned in any judicial record. The applicants had the possibility to request reopening of the impugned proceedings. <u>General measures:</u> Change of the Supreme Court's jurisprudence adapting to ECHR case-law concerning defamation. The judgment was published and disseminated to domestic courts. In 1999, 2000 and 2003 different proposals for the revision of the Constitution to strengthen freedom of expression was submitted to Parliament. It was also proposed to amend the General Penal Code to clarify the distinction between statement of facts and value judgments.
ResDH(2002)70	NOR / Bladet Tromsø A/S and Pal Stensas	21980/93	20/05/1999 Grand Chamber	Freedom of expression: <i>Disproportionate interference on account of the applicant newspaper company and its editor being convicted in civil defamation proceedings for having published in good faith factual statements on questions of public interest, which were not proven to be true. (Article 10)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage (fine imposed) paid. The conviction was not mentioned in any judicial record. The applicants had the possibility to request reopening of the impugned proceedings. <u>General measures:</u> Change of the Supreme Court's jurisprudence adapting to ECHR case-law concerning defamation. The judgment was published and disseminated to domestic courts. In 1999, 2000 and 2003 different proposals for the revision of the Constitution to strengthen

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					freedom of expression was submitted to Parliament. It was also proposed to amend the General Penal Code to clarify the distinction between statement of facts and value judgments.
ResDH(2002)71	NOR / Nilsen and Johnsen	23118/93	25/11/1999	<i>Freedom of expression: Disproportionate interference on account of the applicants' conviction in civil defamation proceedings following the publication of critical opinions on questions of public interest. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage (fine imposed) paid. The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The conviction was not mentioned in any judicial record. The applicants had the possibility to request reopening of the impugned proceedings. <i>General measures:</i> Change of the Supreme Court's jurisprudence adapting to ECHR case-law concerning defamation. The judgment was published and disseminated to domestic courts. In 1999, 2000 and 2003 different proposals for the revision of the Constitution to strengthen freedom of expression was submitted to Parliament. It was also proposed to amend the General Penal Code to clarify the distinction between statement of facts and value judgments.
ResDH(2002)124	POL / Niedbala	27915/95	04/07/2000	<i>Protection of rights in detention and protection of private life: Detention on remand ordered by public prosecutor (not offering sufficient guarantees of independence) without automatic judicial review; lack of opportunity to comment on the prosecutor's submissions or to attend the court sessions concerning detention on remand as well as interception, by the prison's authorities, of a letter sent by the applicant to the Ombudsman of his country. (Articles 5 §§3+4 and 8)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> A 1995 amendment to the Code of Criminal Procedure and Other Criminal Statutes ensured that detention on remand could be imposed only by a court order. The judgment was published, translated and disseminated, i.a. to the Ministry of Justice and the domestic courts. Concerning the violation of Article 8 ECHR, the 1998 Code of Execution of Criminal Sentences, provided that the convicted persons are entitled to uncensored correspondence with the State authorities and with the Ombudsman. Convicted persons and their lawyers may lodge complaints with international agencies established under ratified

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					international treaties on protection of human rights. Prisoners' correspondence in such cases shall be dispatched with no delay and is not subject to censorship.
CM/ResDH(2002)135	PRT / Amaral de Sousa	45566/99	14/02/2002 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
CM/ResDH(2002)133	PRT / Barata Dias	44296/98	04/10/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
ResDH(2002)56	PRT / Branquinho	45348/99	04/10/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)80	PRT / C.P.M. and M.O.R.M.	34117/96	09/06/1999	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 transmitted to the authorities concerned and the question of reducing the length of judicial proceedings is being examined.
ResDH(2002)24	PRT / Capdeville	40250/98	09/11/2000 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)4	PRT / Castanheira	36945/97	26/01/2001 26/10/2000	Access to and effective functioning of justice: Excessive length of civil	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Barros			<i>proceedings. (Article 6 §1)</i>	<i>General measures:</i> See DH(94)71 in Gama Cidrais and DH(94)76 in Martins da Cunha, in particular concerning the reorganisation of the court system in 1992/93. The judgment was published and transmitted to the authorities concerned.
ResDH(2002)93	PRT / Coelho Alves	46248/99	25/10/2001 Friendly settlement	<i>Access to and effective functioning of justice:</i> <i>Excessive length of civil proceedings before labour courts. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
ResDH(2002)57	PRT / Costa	44135/98	04/10/2001 Friendly settlement	<i>Access to and effective functioning of justice:</i> <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)77	PRT / Fernandes Cascao	37845/97	01/05/2001 01/02/2001	<i>Access to and effective functioning of justice:</i> <i>Excessive length of civil proceedings before labour courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned and the question of reducing the length of judicial proceedings is being examined.
ResDH(2002)23	PRT / Ferreira da Silva	41018/98	12/04/2001 Friendly settlement	<i>Access to and effective functioning of justice:</i> <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)25	PRT / Ferreira Martins	39579/98	12/04/2001 Friendly settlement	<i>Access to and effective functioning of justice:</i> <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
CM/ResDH(2002)134	PRT / Jácome Allier	44616/98	04/10/2001 Friendly settlement	<i>Access to and effective functioning of justice:</i> <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The judgment was published and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
ResDH(2002)27	PRT / Jardim Travassos Moura Gaspar	41390/98	12/04/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
CM/ResDH(2002)132	PRT / Jesus Mafra	43684/98	27/09/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
CM/ResDH(2002)125	PRT / Maillard Bous	41288/98	28/09/2001 28/06/2001	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 transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
ResDH(2002)79	PRT / Minnema	39300/98	08/06/2001 08/03/2001	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 transmitted to the authorities concerned and the question of reducing the length of judicial proceedings is being examined.
ResDH(2002)90	PRT / Nunes Violante	33953/96	08/09/1999 08/06/1999	Access to and effective functioning of justice: Excessive length of civil proceedings concerning a trade-union pension fund payment in respect of an industrial injury. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. On a domestic level, the case was closed by friendly settlement. <i>General measures:</i> See (DH)95 in Dias das Almas concerning the adoption of an important reform of the judicial system to speed up the examination of cases. The judgment was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					published, translated and transmitted to the authorities concerned.
ResDH(2002)78	PRT / Pinto de Oliveira	39297/98	08/06/2001 08/03/2001	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 transmitted to the authorities concerned and the question of reducing the length of judicial proceedings is being examined.
ResDH(2002)26	PRT / Ribeiro Ferreira Ruah No. 2	38327/97+	12/04/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)82	PRT / S.A.	36421/97	27/10/2000 27/07/2000	Access to and effective functioning of justice: Excessive length of civil proceedings before administrative courts. (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 transmitted to the authorities concerned and the question of reducing the length of judicial proceedings is being examined.
CM/ResDH(2002)126	PRT / Santos and Others	41598/98	14/09/2001 14/06/2001	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 transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
ResDH(2002)28	PRT / Silva Bras	41128/98	12/04/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2002)81	PRT / Silva Gomes and Others	29251/95	25/09/1998	Access to and effective functioning of justice: Excessive length of civil proceedings before labour courts. (Article 6	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed in 1999.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				§1)	<i>General measures:</i> None.
CM/ResDH(2002)151	PRT / Sousa Miranda	43658/98	30/01/2002 30/10/2001	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 transmitted to the authorities concerned. The question of the length of proceedings is currently being examined by the government.
ResDH(2002)94	PRT / Themudo Barata No.2	46773/99	25/10/2001 Friendly settlement	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> The judgment was published and transmitted to the authorities concerned. The question of the length of proceedings is being examined on governmental level.
ResDH(2002)29	SUI / I.O.	21529/93	08/06/2001 08/03/2001 Friendly settlement	Protection of rights in detention: Lack of a review of the lawfulness of the applicant's custody by an independent judge due to the investigating judge's supervision by prosecuting authorities by virtue of cantonal law and lack of access to the investigation file. (Article 5 §§3+4)	<i>Individual measures:</i> Amount agreed on in the friendly settlement in respect of all claims paid. <i>General measures:</i> The judgment was published and transmitted to the Federal Court and all administrative authorities concerned.
ResDH(2002)113	TUR / A.T. and Others	37040/97	17/10/2001 17/07/2001	Protection of property: 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>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.
CM/ResDH(2002)136	TUR / Ağgül and others	33324/96	22/05/2001 Friendly settlements	Protection against ill-treatment, right to liberty and security, protection of private and family life, etc.: The applicants	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The structural problems at the root of the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>complained i.a. about their eviction from their village and destruction of their homes and possessions by security forces (military or Gendarmerie units) in March-October 1994 in a region of South-East Turkey subject to a state of emergency</i>	present application are the subject of a detailed examination by the Committee within the framework of several similar cases: See Interim Resolution DH (99)434 and ResDH(2002)98.
CM/ResDH(2002)137	TUR / Aygördü and Others	33323/96	22/05/2001 Friendly settlements	Protection against ill-treatment, right to liberty and security, protection of private and family life, etc.: <i>The applicants complained i.a. about their eviction from their village and destruction of their homes and possessions by security forces (military or Gendarmerie units) in March-October 1994 in a region of South-East Turkey subject to a state of emergency</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlements was paid. <u>General measures:</u> The structural problems at the root of the present application are the subject of a detailed examination by the Committee within the framework of several similar cases: See Interim Resolution DH (99)434 and ResDH(2002)98.
CM/ResDH(2002)158	TUR / Can	33369/96	05/12/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlement was paid. <u>General measures:</u> None.
ResDH(2002)107	TUR / Demir and Others	21380/93+	23/09/1998	Protection of rights in detention: <i>Prolonged detention (from 16 to 23 days) in police custody in Idil (South-Eastern region subjected to the state of emergency) without any judicial review. (Article 5 §3)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> See also Interim Resolution DH(99)434 in Aksoy, in particular concerning the adoption of a law in 1997 which reduced the maximum periods of detention in police custody before presenting detainees to a judge. However, these new provisions were considered to be insufficient since Article 5 §3 had consistently been held to require that the authorities must automatically present the detainee before a judge within a period of 4 days, except in the case of a derogation under Article 15. A new reform had thus to be prepared. In 2001, the Constitution was amended so as to limit to 4 days the maximum length of police custody before

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					presenting the detainee before a judge except in case of a derogation in a state of emergency. The provisions of the Code of Criminal Procedure relating to police custody were subsequently put in conformity with the new constitutional provision.
ResDH(2002)108	TUR / Dinç	26148/95	14/02/2000	Protection of rights in detention: <i>Prolonged detention without any judicial review and impossibility to challenge speedily the lawfulness of the applicant's detention, as he had been charged with offences falling under the jurisdiction of State security courts. (Article 5 §§3+4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See also Interim Resolution DH(99)434 in Aksoy, in particular concerning the adoption of a law in 1997 which reduced the maximum periods of detention in police custody before presenting detainees to a judge. However, these new provisions were considered to be insufficient since Article 5 §3 had consistently been held to require that the authorities must automatically present the detainee before a judge within a period of 4 days, except in the case of a derogation under Article 15. A new reform had thus to be prepared. In 2001, the Constitution was amended so as to limit to 4 days the maximum length of police custody before presenting the detainee before a judge except in case of a derogation in a state of emergency. The provisions of the Code of Criminal Procedure relating to police custody were subsequently put in conformity with the new constitutional provision. As concerns the impossibility for persons charged with offences falling under the jurisdiction of State security courts, to bring judicial proceedings to challenge the lawfulness of their detention, the above-mentioned law of 1997 granted also the right to bring such proceedings to all persons irrespective of the offence they were charged with.
CM/ResDH(2002)141	TUR / Dindaroğlu and	26519/95	26/06/2001 Friendly	Access to and effective functioning of justice: <i>Excessive length of civil</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Others		settlement	<i>proceedings. (Article 6 §1)</i>	<i>General measures:</i> None.
ResDH(2002)116	TUR / E.A. and Others	38379/97	17/10/2001 17/07/2001	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.
CM/ResDH(2002)142	TUR / Ertuğrul	35849/97	10/07/2001 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> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.
ResDH(2002)112	TUR / Gaganus and Others	39335/98	05/09/2001 05/06/2001	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.
CM/ResDH(2002)143	TUR / Gawracz	32055/96	12/02/2002 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> None.
ResDH(2002)40	TUR / Günal and 21 other cases	19282/92+	10/07/2001 10/04/2001	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 in respect of pecuniary damage paid. <i>General measures:</i> See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus, in particular concerning the entry into force in 2000 of a law, which brought the statutory rate

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>	of default interest into line with the annual rediscount rate applied by the Turkish Central Bank to short-term debts (the latter rate is fixed and permanently reviewed, in relation particularly to the country's inflation rate).
CM/ResDH(2002)139	TUR / Güven Cemal and Nurhayat	31848/96	22/05/2001 Friendly settlements	Protection against ill-treatment, right to liberty and security, protection of private and family life, etc.: <i>The applicants complained i.a. about their eviction from their village and destruction of their homes and possessions by security forces (military or Gendarmerie units) in March-October 1994 in a region of South-East Turkey subject to a state of emergency</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The structural problems at the root of the present application are the subject of a detailed examination by the Committee within the framework of several similar cases: See Interim Resolution DH (99)434 and ResDH(2002)98.
CM/ResDH(2002)138	TUR / Güven Kemal	31847/96	22/05/2001 Friendly settlement	Protection against ill-treatment, right to liberty and security, protection of private and family life, etc.: <i>The applicant complained i.a. about his eviction from his village and destruction of his home and possessions by security forces (military or Gendarmerie units) in March-October 1994 in a region of South-East Turkey subject to a state of emergency</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> The structural problems at the root of the present application are the subject of a detailed examination by the Committee within the framework of several similar cases: See Interim Resolution DH (99)434 and ResDH(2002)98.
CM/ResDH(2002)140	TUR / Ince and Others	33325/96	22/05/2001 Friendly settlements	Protection against ill-treatment, right to liberty and security, protection of private and family life, etc.: <i>The applicants complained i.a. about their eviction from their village and destruction of their homes and possessions by security forces (military or Gendarmerie units) in March-October 1994 in a region of South-East Turkey subject to a state of emergency</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlements was paid. <i>General measures:</i> The structural problems at the root of the present application are the subject of a detailed examination by the Committee within the framework of several similar cases: See Interim Resolution DH (99)434 and ResDH(2002)98.

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ResDH(2002)114	TUR / Küçük	26398/95	17/10/2001 17/07/2001	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>	Individual measures: Just satisfaction for pecuniary damage paid as agreed. General measures: See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.
ResDH(2002)115	TUR / M.T. and Others	34502/97	17/10/2001 17/07/2001	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>	Individual measures: Just satisfaction for pecuniary damage paid as agreed. General measures: See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.
CM/ResDH(2002)159	TUR / Özçetin	34591/96	05/12/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: None.
CM/ResDH(2002)160	TUR / Polat Yüksel	33645/96	05/12/2000 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: None.
ResDH(2002)86	TUR / Sahiner and 10 other cases	29279/95	25/12/2001 25/09/2001	Access to and effective functioning of justice: <i>Lack of independence and impartiality of the Martial Law Court and length of criminal proceedings before it. (Article 6 §1 twice)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. All domestic proceedings terminated. General measures: See DH(98)82 in Mitap and Müftüglu concerning the abolition of the jurisdiction of martial law courts. The judgment was sent to the authorities concerned.
ResDH(2002)110	TUR / Sakik and Others	23878/94+	26/11/1997	Protection of rights in detention: <i>Prolonged detention due to the authorities' failure to present the applicants promptly and automatically before a judge and</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See also Interim Resolution DH(99)434 in Aksoy, in particular concerning the adoption of a law in 1997

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<p><i>impossibility to challenge the lawfulness of the applicants' detention, as they had been charged with offences falling under the jurisdiction of State security courts as well as impossibility to claim compensation. (Article 5 §§3+4+5)</i></p>	<p>which reduced the maximum periods of detention in police custody before presenting detainees to a judge. However, these new provisions were considered to be insufficient since Article 5 §3 had consistently been held to require that the authorities must automatically present the detainee before a judge within a period of 4 days, except in the case of a derogation under Article 15. A new reform had thus to be prepared. In 2001, the Constitution was amended so as to limit to 4 days the maximum length of police custody before presenting the detainee before a judge except in case of a derogation in a state of emergency. The provisions of the Code of Criminal Procedure relating to police custody were subsequently put in conformity with the new constitutional provision.</p> <p>As concerns the impossibility for persons charged with offences falling under the jurisdiction of State security courts, to bring judicial proceedings to challenge the lawfulness of their detention, the above-mentioned law of 1997 granted also the right to bring such proceedings to all persons irrespective of the offence they were charged with.</p> <p>As concerns the right to claim compensation for unlawful detention, the constitutional and legislative provisions governing police custody mentioned above also ensure that unlawful detention would henceforth be adequately compensated under Act No. 466. Relevant examples of recent case-law of domestic courts were submitted, which clearly evidenced that effective compensation is today granted for unlawful detention, even in cases falling under jurisdiction of State security courts or of military courts.</p>
ResDH(2002)109	TUR / Şimşek	28010/95	14/02/2000	<p>Protection of rights in detention: <i>Prolonged detention without any judicial review and impossibility to challenge</i></p>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See also Interim Resolution DH(99)434 in</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>speedily the lawfulness of the applicant's detention, as he had been charged with offences falling under the jurisdiction of State security courts. (Article 5 §§3+4)</i>	<p>Aksoy, in particular concerning the adoption of a law in 1997 which reduced the maximum periods of detention in police custody before presenting detainees to a judge. However, these new provisions were considered to be insufficient since Article 5 §3 had consistently been held to require that the authorities must automatically present the detainee before a judge within a period of 4 days, except in the case of a derogation under Article 15. A new reform had thus to be prepared. In 2001, the Constitution was amended so as to limit to 4 days the maximum length of police custody before presenting the detainee before a judge except in case of a derogation in a state of emergency. The provisions of the Code of Criminal Procedure relating to police custody were subsequently put in conformity with the new constitutional provision.</p> <p>As concerns the impossibility for persons charged with offences falling under the jurisdiction of State security courts, to bring judicial proceedings to challenge the lawfulness of their detention, the above-mentioned law of 1997 granted also the right to bring such proceedings to all persons irrespective of the offence they were charged with.</p>
ResDH(2002)73	TUR / Yusuf Celebi and 33 other cases	19667/92+	18/12/2001 18/09/2001	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>	<p>Individual measures: Just satisfaction for pecuniary damage paid as agreed.</p> <p>General measures: See ResDH(2001)70 in Aka and ResDH(2001)71 in Akkus.</p>
ResDH(2002)41	UK / Caballero	32819/96	08/02/2000	Protection of rights in detention: <i>The ECHR accepted the government's concession of a violation on the ground of the automatic denial of bail following</i>	<p>Individual measures: Just satisfaction in respect of non-pecuniary damage paid.</p> <p>General measures: The relevant section of the Criminal Justice and Public Order Act was amended in 1998. The</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>charges of attempted rape and assault, motivated by the applicant's criminal record. (Article 5 §§3+5)</i>	judgment was published and transmitted to the authorities concerned.
ResDH(2002)95	UK / Cornwell	36578/97	25/07/2000 25/04/2000 Friendly settlement	Discrimination / protection of property: <i>Discriminatory treatment on the ground of sex as social security benefits for widowed parents were only available to women. (Article 14 in conjunction with 1 of Protocol No.1)</i>	Individual measures: Amount, corresponding to the allowance a woman would have been paid in the applicant's case, that had been agreed on in the friendly settlement, was paid. General measures: The Welfare Reform and Pensions Act of 1999 granted equal treatment in respect of social security benefits as from 2001.
ResDH(2002)74	UK / Donnelly	29374/95	14/02/2000	Access to and effective functioning of justice: <i>Unfair hearing by an independent and impartial tribunal in respect of the court-martial proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of cost and expenses paid. General measures: See Resolution DH (98)11 in the Findlay case and Resolution DH (98)12 in the Coyne case, in particular concerning the 1998 amendment of the relevant provisions of the Army Act 1955 and the Air Force Act 1955.
CM/ResDH(2002)144	UK / Downie	40161/98	21/05/2001 Friendly settlement	Discrimination / protection of property: <i>Discriminatory treatment on the ground of sex as social security benefits for widowed parents were only available to women. (Article 14 in conjunction with 1 of Protocol No.1)</i>	Individual measures: Amount, corresponding to the allowance a woman would have been paid in the applicant's case, that had been agreed on in the friendly settlement, was paid. General measures: The Welfare Reform and Pensions Act of 1999 granted equal treatment in respect of social security benefits as from 2001.
ResDH(2002)97	UK / Fielding	36940/97	29/01/2002 Friendly settlement	Discrimination / protection of property: <i>Discriminatory treatment on the ground of sex as social security benefits for widowed parents were only available to women. (Article 14 in conjunction with 1 of Protocol No.1)</i>	Individual measures: Amount, corresponding to the allowance a woman would have been paid in the applicant's case, that had been agreed on in the friendly settlement, was paid. General measures: The Welfare Reform and Pensions Act of 1999 granted equal treatment in respect of social security benefits as from 2001.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2002)31	UK / Johnson	28455/95	02/07/1997	Protection of rights in detention and access to and effective functioning of justice: <i>Unlawful detention for failure to pay the community charge "poll tax", absence of a right to compensation in this respect and lack of legal aid in the proceedings resulting in the imprisonment. (Articles 5 §§1+5 and 6 §§1+3c)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See ResDH(97)506 in Benham, in particular concerning the amendment of the Legal Advice and Assistance Regulations 1989 by the Legal Advice and Assistance Regulations of 1997. Under the amended regulations, the magistrates' courts duty solicitor scheme has been extended to cover civil as well as criminal cases of failure to obey a court order where a judgment adverse to the defendant is likely to result in a period of imprisonment. In addition, the availability of Assistance By Way Of Representation (ABWOR) has been extended to cover such cases in courts which have no duty solicitor scheme or where the case presents exceptional circumstances. The judgment was distributed to all authorities concerned.
ResDH(2002)96	UK / Leary	38890/97	25/07/2000 25/04/2000	Discrimination / protection of property: <i>Discriminatory treatment on the ground of sex as social security benefits for widowed parents were only available to women. (Article 14 in conjunction with 1 of Protocol No.1)</i>	Individual measures: Amount, corresponding to the allowance a woman would have been paid in the applicant's case, that had been agreed on in the friendly settlement, was paid. General measures: The Welfare Reform and Pensions Act of 1999 granted equal treatment in respect of social security benefits as from 2001.
CM/ResDH(2002)145	UK / Loffelman	44585/98	26/03/2002 Friendly settlement	Discrimination / protection of property: <i>Discriminatory treatment on the ground of sex as social security benefits for widowed parents were only available to women. (Article 14 in conjunction with 1 of Protocol No.1)</i>	Individual measures: Amount, corresponding to the allowance a woman would have been paid in the applicant's case, that had been agreed on in the friendly settlement, was paid. General measures: The Welfare Reform and Pensions Act of 1999 granted equal treatment in respect of social security benefits as from 2001.
ResDH(2002)34	UK / Lustig-Prean and Beckett	31417/96+	27/12/1999 27/09/1999 Merits	Protection of private and family life: <i>Unjustified interference due to investigations in relation to the applicants'</i>	Individual measures: Just satisfaction in respect of pecuniary (loss of earnings, future earnings and of contributions to the service pension scheme) and non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			25/10/2000 25/07/2000 Just satisfaction	<i>homosexuality and their subsequent dismissal from the Air Force in application of a policy banning homosexuals from armed forces and lack of an effective remedy. (Articles 8 and 13)</i>	<i>General measures:</i> In 2000, the “Armed Forces Code of Social Conduct Policy Statement” lifted the ban on gays serving in the military. This was complemented by a zero-tolerance policy towards harassment, discrimination and bullying. The judgment was published and disseminated.
ResDH(2002)32	UK / Poole	28190/95	28/01/1999 28/10/1998	Protection of rights in detention and access to and effective functioning of justice: <i>Unlawful detention for failure to pay the community charge “poll tax”, absence of a right to compensation in this respect and lack of legal aid in the proceedings resulting in the imprisonment. (Articles 5 §§1+5 and 6 §§1+3c)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See ResDH(97)506 in Benham, in particular concerning the amendment of the Legal Advice and Assistance Regulations 1989 by the Legal Advice and Assistance Regulations of 1997. Under the amended regulations, the magistrates’ courts duty solicitor scheme has been extended to cover civil as well as criminal cases of failure to obey a court order where a judgment adverse to the defendant is likely to result in a period of imprisonment. In addition, the availability of Assistance By Way Of Representation (ABWOR) has been extended to cover such cases in courts which have no duty solicitor scheme or where the case presents exceptional circumstances. The judgment was distributed to all authorities concerned.
ResDH(2002)33	UK / S.D.	25286/94	24/07/2000	Protection of rights in detention and access to and effective functioning of justice: <i>Unlawful detention for failure to pay the community charge “poll tax”, absence of a right to compensation in this respect and lack of legal aid in the proceedings resulting in the imprisonment. (Articles 5 §§1+5 and 6 §§1+3c)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See ResDH(97)506 in Benham, in particular concerning the amendment of the Legal Advice and Assistance Regulations 1989 by the Legal Advice and Assistance Regulations of 1997. Under the amended regulations, the magistrates’ courts duty solicitor scheme has been extended to cover civil as well as criminal cases of failure to obey a court order where a judgment adverse to the defendant is likely to result in a period of imprisonment. In addition, the availability of Assistance By Way Of Representation (ABWOR) has been extended to cover such cases in courts which have no duty solicitor scheme or where

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the case presents exceptional circumstances. The judgment was distributed to all authorities concerned.
ResDH(2002)36	UK / Sander	34129/96	09/08/2000 09/05/2000	Access to and effective functioning of justice: <i>Unfair criminal proceedings relating to the lack of impartiality of a tribunal due to racist comments by some of the jurors. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant may request the examination of the possibility of quashing the impugned judgment. General measures: The judgment was published. A video "Guidance to juries" has been made available in jury rooms as from 2001.
CM/ResDH(2002)161	UK / Sawden	38550/97	12/03/2002 Friendly settlement	Discrimination / protection of property: <i>Discriminatory treatment on the ground of sex as social security benefits for widowed parents were only available to women. (Article 14 in conjunction with 1 of Protocol No.1)</i>	Individual measures: Amount, corresponding to the allowance a woman would have been paid in the applicant's case, that had been agreed on in the friendly settlement, was paid. General measures: The Welfare Reform and Pensions Act of 1999 granted equal treatment in respect of social security benefits as from 2001.
ResDH(2002)35	UK / Smith and Grady	33985/96+	27/12/1999 27/09/1999 Merits 25/10/2000 25/07/2000 Just satisfaction	Protection of private and family life: <i>Unjustified interference due to investigations in relation to the applicants' homosexuality and their subsequent dismissal from the Air Force in application of a policy banning homosexuals from armed forces and lack of an effective remedy. (Articles 8 and 13)</i>	Individual measures: Just satisfaction in respect of pecuniary (loss of earnings, future earnings and of contributions to the service pension scheme) and non-pecuniary damage paid. General measures: In 2000, the "Armed Forces Code of Social Conduct Policy Statement" lifted the ban on gays serving in the military. This was complemented by a zero-tolerance policy towards harassment, discrimination and bullying. The judgment was published and disseminated.
ResDH(2002)3	UKR / Kaysin and Others	46144/99	03/05/2001 Friendly settlement	Access to and effective functioning of justice: <i>Non-execution of final judicial decision ordering a state-owned mining company to pay retroactively invalidity pension. (Article 6 §1)</i>	Individual measures: Amount agreed on in the friendly settlement paid. General measures: The judgment was published, translated and disseminated to the authorities concerned, in particular the central and regional departments of the State Enforcement Service. An expert group comprising representatives of the Supreme Court, the Enforcement

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>Service and the ministries concerned examined the need for adoption of administrative and legislative changes, in particular with regard to a reinforcement of the State liability as well as the disciplinary and criminal responsibility of State officials. The conclusions will be taken into account in the ongoing reform of the legal system.</p>