

Summaries of Final Resolutions adopted by the Committee of Ministers in 2004

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Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2004)1	AUT / Beer	30428/96	06/02/2001	Access to and effective functioning of justice: <i>Infringement of the principle of equality of arms in that the applicant had not been informed of an appeal brought by her opponents against a cost order and thus could not reply. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. General measures: The Code of Civil Procedure was amended in 2001, obliging first instance courts to communicate appeals against cost order to the opposing party. The judgment was published.
ResDH(2004)77	AUT / G.S.	26297/95	21/12/1999	Access to and effective functioning of justice: <i>Excessive length of administrative proceedings in civil matters. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: In 2002, the Administrative Reform Act entered into force aiming at accelerating administrative proceedings. Independent administrative tribunals were set up in the Länder. Clone cases could be examined in an accelerated procedure. Computerisation reduced delays in case-management.
ResDH(2004)73	AUT / Hortolomei	17291/90	08/10/1999	Access to and effective functioning of justice: <i>Excessive length of administrative proceedings and lack of independence and impartiality of the Regional Appeals Commission. (Article 6 §1 twice)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage awarded in equity and paid. General measures: The provision of the General Law of Social Insurance, governing the composition of the Regional Appeals Commission, was amended guaranteeing full independence and impartiality of its members. The judgment was published and disseminated to the authorities concerned.
ResDH(2004)76	AUT / Michael	25878/94	08/02/2000	Access to and effective functioning of	Individual measures: Just satisfaction in respect of non-

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	Edward Cooke			<i>justice: Unfair criminal proceedings due to the denial of a fair trial due to the lack of a public hearing on appeal before the Supreme Court. (Article 6 §1 in conjunction with §3c)</i>	pecuniary damage paid. After reopening of the impugned proceedings, the applicant was summoned and heard in a public hearing, following which the conviction was upheld but the sentence reduced. <u>General measures:</u> In 2000, the Code of Criminal Procedure as amended to provide that detained accused persons should be summoned and appear at the public hearing of their appeals unless they or their counsel waive this right. The judgment was published, translated and disseminated to all courts.
ResDH(2004)74	AUT / Pobornikoff	28501/95	30/10/2000	<i>Access to and effective functioning of justice: Unfair criminal proceedings due to the denial of a fair trial due to the lack of a public hearing on appeal. (Article 6 §1 in conjunction with §3c)</i>	<u>Individual measures:</u> No claim for just satisfaction made. The impugned proceedings were reopened. In a new public hearing no mitigating circumstance were found. <u>General measures:</u> In 2000, the Code of Criminal Procedure was amended to provide that detained accused persons should be summoned and appear at the public hearing of their appeals unless they or their counsel waive this right. The judgment was published and disseminated.
ResDH(2004)75	AUT / Telfner	33501/96	20/06/2001 20/03/2001	<i>Access to and effective functioning of justice: Infringement of the presumption of innocence due to the conviction of the applicant in the context of a hit-and-run accident without direct evidence of who was driving the car. (Article 6 §2)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. After reopening of the impugned proceedings, they were discontinued as the State Attorney withdrew his petition to prosecute. <u>General measures:</u> The judgment was published, translated and disseminated to all courts.
ResDH(2004)61	BEL / Teret	49497/99	15/02/2003 15/11/2002 Striking out	<i>Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Domestic proceedings closed. The applicant considered she had obtained satisfaction. The case was struck out of the list. <u>General measures:</u> None.
ResDH(2004)15	BGR / Mironov	30381/96	09/06/1999	<i>Access to and effective functioning of justice and protection of private life and correspondence: Excessive length of</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Criminal proceedings closed. <u>General measures:</u> Violation concerning excessive length of

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				<i>criminal proceedings as well as unjustified supervision by the prison authorities of the applicant's application form sent to the Commission. (Articles 6 §1 and 8)</i>	proceedings was due to exceptional circumstances of the specific case. The 1998 the Law on the execution of punishments provided that correspondence addressed to institutions of human rights of the UN and the Council of Europe are not subject to control by the administration.
ResDH(2004)78	BGR / Stankov and United Macedonian Organisation Ilinden	29221/95+	02/01/2002 02/10/2001	Freedom of association: <i>Disproportionate interference due to restrictions on public commemorative meetings of an organisation aiming at securing the recognition of the Macedonian minority in Bulgaria. (Article 11)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant and the applicant organisation, since 2001, were no longer prevented to hold meetings. <u>General measures:</u> Change of practice of mayors concerning the authorisation of meetings and change of case-law of domestic courts, which interpret the provision of the Law on Meetings and Marches in conformity with the ECHR. The judgment was published, translated and disseminated.
ResDH(2004)32	BGR / Stefanov	32438/96	03/08/2001 Friendly settlement	Freedom of religion: <i>Disproportionate interference due to the applicant's criminal conviction for having refused to serve in the army on the ground of conscientious objection as a Jehovah Witness. (Article 9)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlement was paid. The applicant's conviction was erased from his record. <u>General measures:</u> In 2002, an amnesty law exempted persons from penal responsibility for refusing military service due to conscientious objection after the entry into force of the Constitution of 1991 and before the entry into force of the Law on the Replacement of Military Obligation by an Alternative Service of 1998.
ResDH(2004)35	CZE / Barfuss	35848/97	31/10/2000 31/07/2000	Protection of rights in detention and access to and effective functioning of justice: <i>Excessive length of detention on remand and of criminal proceedings. (Articles 5 §3 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> See ResDH(2004)33 in Punzelt. The judgment was published, translated and disseminated.
ResDH(2004)34	CZE / Cesky	33644/96	04/10/2000 06/06/2000	Protection of rights in detention: <i>Excessive length of detention on remand. (Article 5</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage.

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				§3)	<i>General measures:</i> See ResDH(2004)33 in Punzelt. The judgment was published, translated and disseminated.
ResDH(2004)33	CZE / Punzelt	31315/96	25/07/2000 25/04/2000	Protection of rights in detention and access to and effective functioning of justice: Excessive length of detention on remand and of criminal proceedings. (Articles 5 §3 and 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> In 2002, the Code of Criminal Procedure was amended to add safeguards against excessive length of detention on remand to include time-limits for the overall detention duration in criminal proceedings. The judgment was published, translated and disseminated.
ResDH(2004)66	DNK / Jensen	48470/99	14/02/2002 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(2004)67	DNK / Petersen Lizzy	70210/01	22/04/2004 Friendly settlement	Access to and effective functioning of justice: Excessive length of administrative proceedings in civil matters. (Article 6 §1)	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2004)16	EST / Veeber	37571/97	07/02/2003 07/11/2002	Access to and effective functioning of justice: Denial of access to a court due to the lack of a judicial review of police search and seizure of documents on company premises. (Article 6 §1)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. <i>General measures:</i> In 2000, the Supreme Court changed its case-law and held that judicial review of search and seizure measures fall within the jurisdiction of administrative courts. According to Code of Administrative Procedure, administrative courts are empowered to quash decisions on police actions and to award compensation. According to the Code of Criminal Procedure of 2003, a search shall be conducted on the basis of an order of the Public Prosecutor's Office or a court ruling. The judgment was published and disseminated to all authorities concerned.
ResDH(2004)54	FIN / Eerola	42059/98	06/05/2003 Friendly	Access to and effective functioning of justice: Unfair criminal proceedings due to	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid.

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			settlement	<i>the changing composition of the first instance court. (Article 6 §1)</i>	<u>General measures:</u> None.
ResDH(2004)63	FIN / Hirvisaari	49684/99	27/12/2001 27/09/2001	<i>Access to and effective functioning of justice: Unfair proceedings due to the lack of reasoning of the Pensions Board's and Insurance Court's decisions. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage paid. <u>General measures:</u> The judgement was published, translated and disseminated to the authorities concerned.
ResDH(2004)68	FIN / Hyvönen	52529/99	22/07/2003 Friendly settlement	Access to and effective functioning of justice: <i>Unfair criminal proceedings on account of the rejection of the medical reasons the applicant gave to justify his failure to attend the hearing on appeal without his counsel being allowed to plead. (Article 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures:</u> None.
ResDH(2004)64	FIN / Jokela	28856/95	21/08/2002 21/05/2002	Protection of property: <i>Disproportionated interference due to the discrepancy between the market value and the authorities' and court's assessment of the market value of expropriated property for the purposes of calculating compensation as well as inheritance tax. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage paid. <u>General measures:</u> Violation due to specific circumstances of the case. The judgement was published, translated and disseminated to the authorities and courts concerned.
ResDH(2004)62	FIN / Suominen	37801/97	22/07/2003 01/07/2003	<i>Access to and effective functioning of justice: Denial of a fair trial as the first instance court refused without reasoned decision to admit part of the evidence the applicant had submitted. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage paid. <u>General measures:</u> Violation due to specific circumstances of the case. The judgement was published, translated and disseminated to the authorities concerned.
ResDH(2004)48	FRA / Arnal	47007/99	19/06/2002 19/03/2002	Access to and effective functioning of justice: <i>Excessive length of administrative proceedings in civil matters. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The judgement was published and sent to

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					all authorities concerned.
ResDH(2004)98	FRA / De Cantelar	39966/98	29/05/2000 Committee of Ministers	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 competent court of appeal was reinforced. See also ResDH(2002)63 in Bozza. The judgment was published and disseminated to the authorities concerned.
ResDH(2004)99	FRA / Jarreau	50975/99	08/07/2003 07/04/2003	Access to and effective functioning of justice: Excessive length of civil proceedings before industrial courts. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The competent court of appeal was reinforced. See also ResDH(2002)63 in Bozza. The judgment was published and disseminated to the authorities concerned.
ResDH(2004)100	FRA / Jussy	42277/98	08/08/2003 08/04/2003	Access to and effective functioning of justice: Excessive length of civil proceedings before industrial courts. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The competent court of appeal and the Court de Cassation were reinforced. See also ResDH(2002)63 in Bozza and ResDH(2003)88 in Hernant. The judgment was published and disseminated to the authorities concerned.
ResDH(2004)49	FRA / Lacombe	44211/98	07/02/2001 07/11/2000	Access to and effective functioning of justice: Excessive length of administrative proceedings in civil matters. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgement was published and sent to all authorities concerned.
ResDH(2004)103	FRA / Langlois and 6 other cases	39278/98+	07/02/2002 07/05/2002	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. In 4 cases the courts were required to accelerate domestic proceedings. <i>General measures:</i> The judgments were published and disseminated to the authorities concerned.
ResDH(2004)69	FRA / Loyen	46022/99	30/09/2003	Access to and effective functioning of	<i>Individual measures:</i> Amount agreed on in the friendly

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	No. 2		Friendly settlement	<i>justice: Excessive length of administrative proceedings in civil matters. (Article 6 §1)</i>	settlement paid. <u>General measures:</u> None.
ResDH(2004)51	FRA / Maljean	25309/94	15/05/1997	<i>Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> None.
ResDH(2004)102	FRA / Pauchet and Others	29877/96	22/04/1998 Committee of Ministers	<i>Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. See also CM Decision of 24/06/2002. <u>General measures:</u> The DH Commission's report was published and disseminated to the authorities concerned.
ResDH(2004)101	FRA / Sanglier	50342/99	27/08/2003 27/05/2003	<i>Access to and effective functioning of justice: Excessive length of civil proceedings before industrial courts. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> The competent court of appeal and the Court de Cassation were reinforced. See also ResDH(2002)63 in Bozza and ResDH(2003)88 in Hernant. The judgment was published and disseminated to the authorities concerned.
ResDH(2004)52	FRA / Vermeersch	39273/98	22/08/2001 22/05/2001	<i>Access to and effective functioning of justice: Excessive length of 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 disseminated to the authorities concerned.
ResDH(2004)53	FRA / Zaheg	46708/99	19/05/2001 19/02/2001	<i>Access to and effective functioning of justice: Excessive length of 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 disseminated to the authorities concerned.
ResDH(2004)50	FRA/ Mahieu	43288/98	19/09/2001 19/06/2001	<i>Access to and effective functioning of justice: Excessive length of 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 disseminated to the authorities concerned.

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ResDH(2004)81	GCR / Hornsby and 5 other cases	18357/91+	01/04/1998 19/03/1997	Protection of property and access to and effective functioning of justice: <i>Structural problem of non-execution of final domestic judicial decisions by the administration. (Articles 1 of Protocol No. 1, and/or 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary damage paid. In the first case, the applicant was granted the licence to establish the school at issue. In the other cases, pecuniary losses were compensated by domestic authorities. In one case, an impugned expropriation was revoked. General measures: In 2001, the Constitution was amended in order to reinforce the administration's obligation to comply with judicial decision. A new constitutional provision also allows compulsory execution of judgments against the State, local authorities and legal entities of public law. Following these constitutional amendments, new statutory and regulatory provision were adopted in 2002 to implement the constitutional requirement. These new rules also granted the compulsory enforcement of judgments against the State, local authorities and legal entities of public law and strengthened civil liability of the State for damages through acts or omission of State organs. The disciplinary and civil liability of public servants was also reinforced. The judgment was published, translated and disseminated.
ResDH(2004)6	GER / Hesse-Anger	45835/99	21/05/2003 06/02/2003	Access to and effective functioning of justice: <i>Excessive length of proceedings before the Federal Constitutional Court. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See ResDH(2001)6 in Pammel. The judgment was published.
ResDH(2004)5	GER / Hoffmann	34045/96	11/01/2002 11/10/2001	Discrimination and protection of private life / access to and effective functioning of justice: <i>Unjustified interference due to the applicant's inability to get access to his child born out of wedlock and denial of a fair hearing due to his the exclusion from a further appeal right as in principle provided for in the Non-Contentious Proceedings Act. (Articles 14 in conjunction with 8 and</i>	Individual measures: Just satisfaction for pecuniary damage paid as agreed. General measures: See ResDH(2001)155 in Elsholz, in particular the amended Law on Family matters of 1998. The judgment was published, translated and disseminated.

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ResDH(2004)7	GER / Kind	44324/	20/05/2003 20/02/2003	Access to and effective functioning of justice: Excessive length of proceedings before the Federal Constitutional Court. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See ResDH(2001)6 in Pammel. The judgment was published.
ResDH(204)40	GER / Kutzner	46544/99	10/07/2002 26/02/2002	Protection of family life: Disproportionate interference due to withdrawal of the applicants' parental responsibility for their two daughters and restrictions on visiting rights on account of the formers' lacking intellectual capacity to bring them up. (Article 8)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Following an expert examination, the children were returned to their natural family in December 2003. <i>General measures:</i> See ResDH(97)12 in Vogt. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2004)41	GER / Stambuk	37928/97	17/01/2003 17/10/2002	Freedom of expression: Disproportionate interference due to the applicant's disciplinary punishment by the Court for Medical Practitioners following a publication on his work considered an advertisement contrary to ethical rules. (Article 10)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The Baden-Württemberg Act on the Councils for the Medical Professions was amended in 2003 to allow reopening of impugned proceedings. The applicant was informed accordingly. <i>General measures:</i> The judgment was published and disseminated to the Ministries of Health of all Länder and to the medical professional bodies.
ResDH(2004)10	GER / Thieme	38365/97	21/05/2003 17/10/2002	Access to and effective functioning of justice: Excessive length of 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 sent out to the authorities concerned.
ResDH(2004)2	GRC / Agoudimos and Cefallonian Sky Shipping Co.	38703/97	28/09/2001 28/06/2001	Access to and effective functioning of justice: Legislative interference during proceedings before the Court of Cassation, which determined the substance of the	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In reopened proceedings, the first instance judgment was quashed on the ground that the debt assessment had been declared void by a previous final

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				<i>dispute by applying legal provision adopted after the appeal decision retrospectively in the State's favour. (Article 6 §1)</i>	judgment and that the debt was already prescribed. General measures: The Constitution provides that the ECHR shall prevail over every other legislative provision.
ResDH(2004)79	GRC / Grigoriades	24348/94	25/11/1997	Freedom of expression: <i>Unlawful interference due to the applicant's conviction for insulting the army in a letter due to the imprecise wording of the Military Criminal Code. (Article 10)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In 2000, a law was adopted allowing the reopening of the impugned proceedings and erasure of the criminal records on request. General measures: The new Military Criminal Code of 1995 provides that only a public expression of contempt for the armed forces may constitute an offence. The judgment was published, translated and disseminated.
ResDH(2004)80	GRC / Larissis and Others	23372/94+	24/02/1998	Freedom of religion: <i>Unjustified interference due to the applicants' conviction (air force officers) for proselytism due to the lack of clarity of the law on proselytism</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2000, a law was adopted allowing the reopening of the impugned proceedings and erasure of the criminal records on request. General measures: The judgment was transmitted to the State Legal Council and the Public Prosecutor of the Court of Cassation to take it into account in their practice and case-law.
ResDH(2004)83	GRC / Sinnesael and 1 other case	32397/96+	19/02/1999 Committee of Ministers	Protection of rights in detention: <i>Unfair proceedings for compensation, following acquittal, for detention on remand. (Article 5 §5)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See ResDH(2004)82 in Tsirlis and Kouloumpas, in particular as in 2001, the Constitution and the Code of Criminal Procedure were amended ensuring that the judicial decisions in compensation proceedings for unlawful detention must be reasoned and that the person concerned must have been heard in public. The judgments were published, translated and disseminated.
ResDH(2004)82	GRC / Tsirlis	19234/91+	29/05/1997	Protection of rights in detention and	Individual measures: Just satisfaction for pecuniary and non-

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	and Kouloumpas and 1 other case			access to and effective functioning of justice: <i>Arbitrary detention of Jehovah's Witnesses ministers following the authorities' refusal to exempt them from military service and unfair compensation proceedings for the unlawful arrest before domestic courts. (Article 5 §§1+5)</i>	pecuniary damage awarded on equitable basis and paid. <u>General measures:</u> Military authorities changed their practice in accordance with the Supreme Administrative Court's case-law stating that no minister of Jehovah's Witnesses is under obligation to perform military service. In 2001, the Constitution and the Code of Criminal Procedure were amended ensuring that the judicial decisions in compensation proceedings for unlawful detention must be reasoned and that the person concerned must have been heard in public. The judgments were published, translated and disseminated.
ResDH(2004)20	HUN / Theiszler	52727/99	30/09/2003 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 settlement was paid. <u>General measures:</u> None.
ResDH(2004)22	ITA / Attene and 8 other cases	62135/00	22/05/2003 Friendly settlements	Access to and effective functioning of justice: <i>Systemic problem of prolonged 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 settlement was paid. <u>General measures:</u> The issue is supervised in the context of Immobiliare Saffi. See also the Law on "Regulations concerning the renting and the repossession of housing" of 1998.
ResDH(2004)21	ITA / CecchiNo.2 and 5 other cases	37888/97+	09/01/2003 Friendly settlements	Access to and effective functioning of justice: <i>Systemic problem of prolonged 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 settlement was paid. <u>General measures:</u> The issue is supervised in the context of Immobiliare Saffi. See also the Law on "Regulations concerning the renting and the repossession of housing" of 1998.
ResDH(2004)11	ITA / Mancini	44955/98	12/12/2001 02/08/2001	Protection of rights in detention: <i>Prolonged detention on remand after the judge's authorisation of the applicant's placement under house arrest. (Article 5 §1c)</i>	<u>Individual measures:</u> No claim submitted. <u>General measures:</u> The judgment was published, translated and disseminated to the Department of Prison Administration.

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ResDH(2004)19	ITA / Sileo	39175/98	15/07/1999	Access to and effective functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> No other measure required.
ResDH(2004)84	LIE / Wille	28396/95	28/10/1999	Freedom of expression and lack of a remedy: Unjustified interference due to the applicant's disqualification from public office following an argument with the Prince concerning the Constitutional Court's competence in case of a conflict between the Prince and the Diet. (Articles 10 and 13)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The State Court Act was amended in 2003 to clarify its competence in cases of alleged violation of the ECHR, which also covers the Prince's individual acts. The Prince's immunity only applies to him as a person, but does not concern his acts. The judgment was published and disseminated.
ResDH(2004)45	LIT / Birutis and Others	47698/99+	28/06/2002 28/03/2002	Access to and effective functioning of justice: Unfair criminal proceedings due to the applicants' convictions on the basis of anonymous evidence. (Article 6 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicants' conviction was quashed by the Supreme Court in reopened proceedings and the cases were referred back to the Court of Appeal. Two of the applicants serve other prison sentences. The third applicant was released on probation pending the reopened proceedings. <u>General measures:</u> In the new Criminal Procedure Code of 2002, an anonymous witness may be questioned at a non-public hearing after appropriate acoustic and visual obstacles have been created to prevent the parties from establishing the identity. The party which intends to put questions to the witness should submit the questions in writing to the presiding judge. The judgment was published, translated and disseminated.
ResDH(2004)58	LIT / Butkevicius	48297/99	26/06/2002 26/03/2002	Protection of rights in detention and access to and effective functioning of justice: Unlawful detention, lack of a judicial review and infringement of the presumption of innocence due to	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> See ResDH(2004)56 in Jecius, in particular with regard to the provisions in the Code of Criminal Procedure as amended in 2003. The judgment was published

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				<i>statements made by the Prosecutor and the Chairman of Parliament in public. (Articles 5 §§1+4 and 6 §2)</i>	and disseminated to the authorities concerned.
ResDH(2004)43	LIT / Daktaras	42095/98	18/01/2001 10/10/2000	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the lacking impartiality of the Supreme Court as court of cassation, as it had been instructed by its the Criminal Chamber's President to quash the appellate decision and reinstate the first instance judgment. (Article 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In reopened cassation proceedings, the impugned instruction by the Criminal Chamber's President was not taken into account and the applicant's original cassation petition rejected. <u>General measures:</u> In the new Criminal Procedure Code of 2002, the possibility of Supreme Court judges and/or Presidents to submit cassation petition was repealed. The judgement was published, translated and disseminated.
ResDH(2004)104	LIT / Gadliauskas	62741/00	27/05/2004 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 respect of pecuniary and non-pecuniary damage paid. <u>General measures:</u> No information.
ResDH(2004)59	LIT / Grauslys	36743/97	10/01/2001 10/10/2000	Protection of rights in detention and access to and effective functioning of justice: <i>Unlawful detention, failure to bring the applicant promptly before a judge and lack of a judicial review and excessive length of criminal proceedings. (Articles 5 §§1+3+4 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The impugned proceedings were accelerated following the judgment. <u>General measures:</u> See ResDH(2004)56 in Jecius, in particular with regard to the new provisions in the Code of Criminal Procedure of 2003. See ResDH(2004)42 in Grauzinis with regard to the lifting of the prohibition of appeals against first instance court decisions on detention on remand. The judgment was published and disseminated to the authorities concerned.
ResDH(2004)42	LIT / Grauzinis	37975/97	10/01/2001 10/10/2000	Protection of rights in detention: <i>Lack of a regular judicial review of the applicant's detention on remand. (Article 5 §3)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> The Code of Criminal Procedure was amended in 1999 guaranteeing the participation of the arrested person in the court hearing deciding on the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					extension of the person's detention on remand at the pre-trial stage. It does not contain any longer any prohibition of appeals against decision on the imposition or extension of detention on remand. The judgment was published and disseminated to the authorities concerned.
ResDH(2004)56	LIT / Jecius	34578/97	31/07/2000	Protection of rights in detention: <i>Unlawful detention, lack of a judicial review and excessive length of detention on remand. (Article 5 §§1+3+4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The Code of Criminal Procedure of 2002 (amended in 2004) sets out an exhaustive list of grounds for detention on remand and provides for strict time limits. Its lawfulness may be challenged during pre-trial investigations and court proceedings and complaints have to be examined in a public hearing. The judgement was published, translated and disseminated to the Supreme Court and the Office of the Prosecutor General.
ResDH(2004)47	LIT / Puzinas	44800/98	14/06/2002 14/03/2002	Protection of private life and correspondence: <i>Unlawful interference due to the monitoring and censoring of the applicant's letters in prison. (Article 8)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See ResDH(2004)44 in Valasinas.
ResDH(2004)65	LIT / Slezevicius	55479/00	13/02/2002 13/11/2001	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. General measures: Violation due to specific circumstances of the case. The judgment was published, translated and disseminated. It was included in the curriculum of magistrates' training.
ResDH(2004)60	LIT / Stasaitis	47679/99	21/06/2002 21/03/2002	Protection of rights in detention: <i>Unlawful detention, lack of a judicial review and excessive length of detention on remand. (Article 5 §§1+3+4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See ResDH(2004)56 in Jecius, in particular with regard to the new provisions in the Code of Criminal Procedure of 2003. The judgment was published and disseminated to the authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2004)44	LIT / Valasinas	44558/98	24/10/2001 24/07/2001	Protection against ill-treatment / conditions of detention and protection of private life and correspondence: <i>Inhuman treatment with regard to a body search and the conditions of detention in Pravienskės Prison, including due to overcrowding; unlawful interference due to the monitoring and censoring of the applicant's letters in prison, including letters addressed to the ECHR organs. (Articles 3, 8 and 34)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> According to the provision of the Code on the Execution of Criminal sentences of 2003, the control of detainees' correspondence requires the authorisation of the prosecutor or the prison governor or a judicial decision. Correspondence with ECHR organs may not be authorised. The judgment was published, translated and disseminated to the prison authorities underlining the need to prevent ill-treatment.
ResDH(2004)8	POL / Owzarek	27506/95	15/04/1999	Protection of private life and correspondence: <i>Unjustified interference due to the District Court's interception of one of the applicant's letters addressed to the Commission. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> See ResDH(2002)124 in the case Niedbala. The judgment was published.
ResDH(2004)18	POL / Wloch	27785/95	17/01/2001 19/10/2000	Protection of rights in detention and access to and effective functioning of justice: <i>Unlawful detention, lack of adversarial principle in the review proceedings and excessive length of criminal proceedings. (Articles 5 §§1+4 and 6 §1)</i>	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <u>General measures:</u> See ResDH(2002)124 in Niedbala, in particular concerning the entry into force of the new Code of Criminal Procedure 1998.
ResDH(2004)70	POL / Z.R.	32499/96	15/01/2002 Friendly settlement	Protection of rights in detention: <i>Excessive length of detention on remand and lack of a judicial review. (Article 5 §§3+4)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures</u> are being supervised in the context of the Trzaska and Kudla groups. The new Code of Criminal Procedure of 1998 provides strict grounds and a time limit for pre-trial detention.
ResDH(2004)85	RUS / Burdov	59498/00	04/09/2002 07/05/2002	Protection of property and access to and effective functioning of justice: <i>Non-</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. A fresh indexation was ordered.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>execution of final domestic judicial decisions by the social authorities having been ordered to pay compensations and allowances for health damages sustained in emergency operation at the Chernobyl nuclear plant. (Articles 1 of Protocol No. 1, and/or 6 §1)</i>	General measures: Following the judgment the authorities executed payment orders concerning compensation and allowances to Chernobyl victims, including fresh indexations. The necessary budgetary means were allocated to the social security bodies concerned. In 2004, Parliament amended the respective legislation and provided for a new system of indexation of allowances based on the inflation rate used for the calculation of the federal budget. The judgment was published, translated and disseminated.
ResDH(2004)46	RUS / Posokhov	63486/00	04/06/2003 04/03/2003	Access to and effective functioning of justice: <i>Unfair criminal proceedings as the district court hearing the applicant's case could not be considered a "tribunal established by law" due to the non-compliance with the rules on participation of lay judges in criminal trials. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's conviction was quashed further an application for supervisory review as time-barred and his criminal record erased. General measures: The Criminal Procedure Code of 2002 repealed the Lay Judges Act of 2000. Transitional provisions allowed however the sitting of lay judges in criminal cases until 01/01/2004. The judgment was published and disseminated to all domestic courts.
ResDH(2004)4	SMR / Stefanelli	35396/97	08/05/2000 08/02/2000	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the lack of a public hearing at first instance and on appeal. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The sentence imposed in the impugned proceedings was served. A reference to the violation found was introduced in the applicant's criminal record. She did not avail herself of the opportunity of introducing a rehabilitation procedure before Parliament. General measures: In 2003, the Code of Criminal Procedure was amended to confirm the possibility, already existing in practice in case-law, for the accused to be heard in the appeal hearing. The accused can also plead his case before the deciding judge in first instance. The judgment was published, translated and disseminated. In 2003, a law was passed to allow reopening of criminal proceedings when the ECtHR had found a violation.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2004)3	SMR / Tierce and Others	24954/94+	25/07/2000	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the lack of impartiality of the judge on the ground of his double function as investigating and trial judge and the wide extent of his investigating powers as well as lack of a hearing in person by the appellate judge. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The first applicant had never been imprisoned. His criminal record was erased. The second and third applicant did not request any reparation for the consequences of their convictions. General measures: The Code of Criminal Procedure was amended in 2003, confirming previous case-law, that recognised the possibility for the accused to be heard in person on appeal. Furthermore, the combination of investigating and trial functions was abolished by a law on the administration of justice of 1992. In June 2003, a law was passed allowing reopening of criminal proceedings in case the ECtHR had found a violation.
ResDH(2004)17	SUI / Müller	41202/98	05/02/2003 05/11/2002	Access to and effective functioning of justice: <i>Excessive length of proceedings before the Federal Assessment Commission and the Federal Court. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant's request for revision was rejected. General measures: Violation due to the specific circumstances of the case. The judgement was published and disseminated.
ResDH(2004)57	SUI / R.M.D.	19800/92	26/09/1997	Protection of rights in detention: <i>Lack of a judicial review of detention on remand due to the applicant's transfer from one canton to another, so that the courts of the transferring canton no longer had jurisdiction. (Article 5 §4)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: At present cantonal courts will provide a full and effective examination of applications challenging the lawfulness of a person's detention on remand. The Federal Court at last instance ensures this safeguard. The judgment was published and disseminated to all cantonal departments of justice and cantonal courts.
ResDH(2004)55	SVK / Nezbeda and 3 other cases	56452/00	29/04/2003 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Amount agreed on in the friendly settlement paid. General measures are supervised in the context of the Jori case.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2004)36	TUR / Adiyaman and 18 other cases	31881/96+	25/12/2001 25/09/2001	Access to and effective functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Internal proceedings closed. <i>General measures:</i> See ResDH(1998)82 in Mitap and Müftüoğlu, in particular concerning the abolition of martial law courts.
ResDH(2004)27	TUR / Bağcı and Murg and 4 other cases	29862/96+	17/07/2001 Friendly settlements	<i>Protection of rights in detention:</i> Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.
ResDH(2004)89	TUR / Demirtas	37452/97	16/01/2004 16/10/2003	Access to and effective functioning of justice: Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts. (Article 6 §1)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. <i>General measures:</i> See ResDH(99)555 in Cirklar, in particular the amendment to the Constitution providing that the functions of military judges and military prosecutors at the State Security Courts ended in 1999.
ResDH(2004)90	TUR / Dertli and Others	45672/99	24/09/2003 24/06/2003	Access to and effective functioning of justice: Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts. (Article 6 §1)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. <i>General measures:</i> See ResDH(99)555 in Cirklar, in particular the amendment to the Constitution providing that the functions of military judges and military prosecutors at the State Security Courts ended in 1999.
ResDH(2004)37	TUR / Ecer and Zeyrek	29295/95+	27/05/2001 27/02/2001	No punishment without law: Retroactive application of the Anti-Terrorism Law of 1991 resulting in heavier sentences for the acts committed. (Article 7 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Isolated misinterpretation of domestic law. The Constitution prohibits retroactive application of sanction. The judgment was published, translated and disseminated.
ResDH(2004)30	TUR / Ekinçi and 1 other case	24947/94+	05/06/2001 Friendly settlements	<i>Protection of rights in detention:</i> Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2004)26	TUR / Fidan and Others and 3 other cases	29883/96+	10/07/2001 Friendly settlements	<i>Protection of rights in detention: Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.
ResDH(2004)29	TUR / Göktas and Others and 2 other cases	31787/96+	25/09/2001 Friendly settlements	<i>Protection of rights in detention: Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.
ResDH(2004)91	TUR / Gönülse	59649/00	09/01/2004 09/10/2003	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. <i>General measures:</i> See ResDH(99)555 in Ciraklar, in particular the amendment to the Constitution providing that the functions of military judges and military prosecutors at the State Security Courts ended in 1999.
ResDH(2004)94	TUR / Günay and Others and 1 other case	31850/96+	20/06/2002 27/09/2001	Protection of rights in detention: <i>Excessive length of detention in police custody. (Article 5 §3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others, in particular concerning the amendments to the legislation governing detention in police custody.
ResDH(2004)95	TUR / Gündogan	31877/96	10/01/2003 10/10/2002	Protection of rights in detention: <i>Excessive length of detention in police custody, absence of remedy to challenge the lawfulness of detention and impossibility to claim compensation for unlawful detention. (Article 5 §§3+4+5)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others, in particular concerning the amendments to the legislation governing detention in police custody.
ResDH(2004)106	TUR / Halit Yalcin	27696/95	4/06/2003 Friendly settlement	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts. (Article 6 §1)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> See ResDH(99)555 in Ciraklar, in particular concerning the amendment to the Constitution providing that the functions of military judges and military prosecutors at the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					State Security Courts ended in 1999.
ResDH(2004)96	TUR / Igdeli	29296/95	20/09/2002 20/06/2002	Protection of rights in detention: Excessive length of detention in police custody, absence of remedy to challenge the lawfulness of detention. (Article 5 §§3+4)	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: See ResDH(2002)110 in Sakik and Others, in particular concerning the amendments to the legislation governing detention in police custody.
ResDH(2004)92	TUR / Isik	50102/99	05/09/2003 05/06/2003	Access to and effective functioning of justice: Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts. (Article 6 §1)	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. General measures: See ResDH(99)555 in Ciraklar, in particular the amendment to the Constitution providing that the functions of military judges and military prosecutors at the State Security Courts ended in 1999.
ResDH(2004)23	TUR / Kaplan	24932/94	26/02/2002 Friendly settlement	Protection of rights in detention: Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.
ResDH(2004)93	TUR / Kaya and 3 other cases	44272/98+	05/09/2003 05/06/2003	Access to and effective functioning of justice: Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts. (Article 6 §1)	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. General measures: See ResDH(99)555 in Ciraklar, in particular the amendment to the Constitution providing that the functions of military judges and military prosecutors at the State Security Courts ended in 1999.
ResDH(2004)24	TUR / Kortak	34499/97	31/05/2001 Friendly settlement	Protection of rights in detention: Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.
ResDH(2004)97	TUR / Ramadanoglu	39810/98	10/09/2003 10/06/2003	Access to and effective functioning of justice: Excessive length of criminal proceedings before a martial law court. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Internal proceedings closed. General measures: See ResDH(1998)82 in Mitap and Müftüoglu, in particular concerning the abolition of martial

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					law courts.
ResDH(2004)86	TUR / Sadak and 3 other cases	29900/96+	17/07/2001	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts, the failure to inform the accused of the alteration of the charges against them as well as their inability to examine or have examined the witnesses against them. (Article 6 §§1+3a,b,c)</i>	Individual measures: Just satisfaction awarded in respect of all heads together paid. In reopened proceedings, the impugned judgments were quashed and the applicants are no longer in detention. General measures: In 2003, a law entered into force allowing the reopening of proceedings in which the ECtHR had found a violation. Following a constitutional reform of 2004, State Security Courts were abolished. Furthermore, the new Article 90 of the Constitution ensures that international human rights treaties prevail over conflicting domestic law.
ResDH(2004)105	TUR / Yusuf Kaya	28018/95	24/07/2003 Friendly settlement	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the lack of independence and impartiality of State Security Courts. (Article 6 §1)</i>	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: See ResDH(99)555 in Ciraklar, in particular concerning the amendment to the Constitution providing that the functions of military judges and military prosecutors at the State Security Courts ended in 1999.
ResDH(2004)25	TUR / Z.E. and Others	35980/97+	07/06/2001 Friendly settlement	Protection of rights in detention: <i>Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)</i>	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.
ResDH(2004)28	TUR/ Degerli and 2 other cases	31896/96+	22/05/2001 Friendly settlements	Protection of rights in detention: <i>Excessive length of detention in police custody and lack of judicial review of lawfulness of detention. (Article 5 §§ 1+4)</i>	Individual measures: The amount agreed on in the friendly settlement was paid. General measures: See Interim Resolution ResDH(99)434 in Aksoy and ResDH(2002)110 in Sakik and Others.
ResDH(2004)12	UK / Atkinson	65334/01	08/04/2003 Friendly settlement	Discrimination / protection of property: <i>Discriminatory treatment on the ground of gender of a widower in that social benefits for widowed parents, the Widowed Mother's Allowance and the Widow's</i>	Individual measures: The amounts agreed on in the friendly settlement were paid. General measures: See ResDH(2000)81 in Crossland.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Pensions were available only to women. (Article 14 in conjunction with 1 of Protocol No. 1)</i>	
ResDH(2004)9	UK / Devenney	24265/94	19/06/2002 19/03/2002	<i>Access to and effective functioning of justice:</i> <i>Denial of access to a court due to fact that the Secretary of State's certificate on the applicant's discharge on national security and public order grounds, issued under the Fair Employment Act, was considered irrefutable proof and thus not contestable. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage (loss of opportunity) paid. <i>General measures:</i> See ResDH(2000)49 in Tinelly and Sons Ltd and Others. The 1999 Northern Ireland Tribunal Procedure Rules provided for the right of judicial appeal against such discharge certificates.
ResDH(2004)88	UK / Saunders and 3 other cases	19187/91	17/12/1996	<i>Access to and effective functioning of justice:</i> <i>Unfair criminal proceedings due to the use made by the prosecution of self-incriminatory statements made under statutory compulsion to inspectors appointed by the Department of Trade and Industry. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The applicants' request for reopening of the impugned proceedings was rejected as not permitted by law and also due to the lengthy period of time passed. Furthermore, the evidence concerned could also have been examined under the Police and Criminal Evidence Act 1984. <i>General measures:</i> Guidance was given by the Attorney General concerning the handling of evidence available. Obtained by the exercise of compulsory powers. New legal provisions entered into force in 2000, prohibiting such evidence to be adduced in criminal proceedings. The judgment was published and disseminated.