

Summaries of Final Resolutions adopted by the Committee of Ministers in 2005

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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2005)69	AUT / G.H. and 5 other cases	31266/96+	03/01/2001 03/10/2000	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> See ResDH(2004)77 in G.S., in particular concerning the entry into force of the Administrative Reform Act 2001. The judgments were published and disseminated to the authorities concerned.
ResDH(2005)97	AUT / Kern	14206/02	24/05/2005 24/02/2005	Access to and effective functioning of justice: Excessive length of proceedings before administrative authorities and the Administrative Court. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See ResDH(2004)77 in G.S., in particular concerning the entry into force of the Administrative Reform Act 2001. The judgments were published and disseminated to the authorities concerned. The judgment was published, translated and disseminated to the Administrative Court.
ResDH(2005)22	AUT / Krone Verlag GmbH und CoKG No. 2	40284/98	06/02/2004 06/11/2004	Freedom of expression: Disproportionate interference due to the imposition of a coercive indemnity under the Media Act for the failure to respect the obligation to publish a notice on compensation claims instituted against the applicant media company. (Article 10)	<i>Individual measures:</i> Just satisfaction for pecuniary damage (amount of the indemnity imposed) paid. The applicant could request reopening of the criminal proceedings. <i>General measures:</i> See ResDH(93)60 in Oberschlick No.1 and ResDH(2002)99 in Ahmed. The judgment was published and disseminated to all courts concerned.
ResDH(2005)23	AUT / Krone Verlag GmbH und CoKG No.	39069/97	11/03/2004 11/12/2003	Freedom of expression: Disproportionate interference due to an injunction under the Unfair Competition Act banning the	<i>Individual measures:</i> Just satisfaction for pecuniary damage (amount of the indemnity imposed) paid. The injunction had not been enforced.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	3			<i>applicant media company from comparing its sales prices with a competitor without disclosing differences in reporting style. (Article 10)</i>	<i>General measures:</i> See ResDH(93)60 in Oberschlick No.1 and ResDH(2002)99 in Ahmed. The judgment was published and disseminated to all courts concerned.
ResDH(2005)70	AUT / Malek	16174/02	21/01/2005 21/10/2004	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings before administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> See ResDH(2004)77 in G.S., in particular concerning the entry into force of the Administrative Reform Act 2001. The judgments were published and disseminated to the authorities concerned.
ResDH(2005)78	AUT / Petschar	36519/97	17/04/2003 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 of just satisfaction agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2005)102	AUT / Pokorny	57080/00	16/12/2003 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Sums provided for in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2005)103	AUT / Walter	34994/97	28/11/2002 Friendly settlement	Access to and effective functioning of justice: <i>Denial of access to a court in the context of proceedings sought under the Media Law for the publication of a reply following an article published in a weekly magazine on the applicant, manager of a financial consulting company, charged with aggravated fraud. (Article 6 §1)</i>	<i>Individual measures:</i> Sums provided for in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2005)31	AUT / Wintersperger	57448/00	05/02/2004 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 settlement was paid. <i>General measures:</i> None
ResDH(2005)104	AUT /	76718/01	24/02/2005	Access to and effective functioning of	<i>Individual measures:</i> Sums provided for in the friendly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Zuckerstatter and Reschenhofer		Friendly settlement	<i>justice: Excessive length of criminal proceedings before administrative courts relating to a traffic offence. (Article 6 §1)</i>	settlement paid. <u>General measures:</u> None.
ResDH(2005)24	BEL / Aerts	25357/94	30/07/1998	Protection of rights in detention / access to and effective functioning of justice: <i>Lawfulness of the applicant's detention in a psychiatric wing of a prison pending his transfer to a social protection centre; denial of access to the Court de Cassation to determine the lawfulness of his detention due to the refusal to grant legal aid. (Articles 5 §§1+4 and 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. <u>General measures:</u> Change of practice of the Court of Cassation's legal aid office. Subsequent legal amendment of the legal aid system at the Court of Cassation in 1998. With regard to the violation of Article 5, the number of places in social protection centres were increased and waiting lists for transfers were cleared in 1999. The judgment was published and widely discussed.
ResDH(2005)106	BEL / Immo Fond'Roy S.A.	50567/99	22/05/2003 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before the Conseil d'Etat. (Article 6 §1)</i>	<u>Individual measures:</u> Sums provided for in the friendly settlement paid. <u>General measures:</u> None.
ResDH(2005)105	BEL / Taveirne and Others	41290/98	15/01/2004 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative courts and lack of a remedy. (Article 6 §1)</i>	<u>Individual measures:</u> Sums provided for in the friendly settlement paid. <u>General measures:</u> None.
ResDH(005)60	CRO / Horvat and 9 other cases	5185/99+	26/10/2001 26/07/2001	Access to and effective functioning of justice: <i>Excessive length of civil proceedings and lack of an effective remedy. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed in four cases. In five cases, the competent courts' attention was drawn to the need to accelerate proceedings. <u>General measures:</u> The Constitutional Act on the Constitutional Court was amended in 2003 to introduce a constitutional complaint in case of excessive procedural delays allowing the Constitutional Court to determine a time-limit for the competent court to decide and to grant compensation. Subsequently, the Code of Civil Procedure was also amended aiming at strengthening procedural

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					discipline and accelerating civil proceedings, as part of an overall "Strategy for the Reform of the Judicial System" to be implemented before 2007. The judgments were published, translated and disseminated.
ResDH(2005)32	CRO / Ljubica And 19 other cases	3742/02	16/12/2004 Friendly settlements	Access to and effective functioning of justice: Lack of access to a court due to legislation staying all civil proceedings concerning claims for damages in respect of terrorist acts and absence of an effective remedy in 14 of these cases. (Articles 6 §1 and 13)	<u>Individual measures:</u> The amount agreed on in the friendly settlement was paid. <u>General measures</u> are being supervised in the context of the Kutic case.
ResDH(2005)93	ESP / Gabarri Moreno	68066/01	22/10/2003 22/07/2003	No punishment without law: Failure of courts to take into account certain mitigating circumstances when determining the sentence imposed on the applicant. (Article 7 §1)	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Domestic law does not allow the reopening of the impugned domestic proceeding despite a Decision by the Constitutional Court, which was however overruled by subsequent case-law. The applicant was released on licence in 1999. <u>General measures:</u> The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2005)94	ESP / Perote Pellon	45238/99	25/10/2002 25/07/2002	Access to and effective functioning of justice: Unfair criminal proceedings due to lack of impartiality of a military court as two of its judges sat in the chamber upholding the order of indictment against the applicant. (Article 6 §1)	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The applicant was released on parole in 1999. Domestic law does currently not allow the reopening of the impugned proceedings. <u>General measures:</u> In 2003, the Law on the competence and organisation of military courts was amended providing additional safeguards as regards their composition and the procedural rules applicable. The judgment was published, translated and disseminated to the Constitutional Court and the General Judicial Council.
ResDH(2005)95	ESP / Pescador Valero	62435/00	24/09/2003 17/06/2003	Access to and effective functioning of justice: Unfair criminal proceedings due to	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Domestic law does not allow the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>lack of impartiality of a judge of the High Court of Justice due to his participation in a decision on the applicant's appeal against his removal from a post at the local university at which the judge was an appointed professor. (Article 6 §1)</i>	reopening of the impugned procedure. <u>General measures:</u> The judgment was published, translated and disseminated.
ResDH(2005)61	EST / Puhk	55103/00	10/05/2004 10/02/2004	No punishment without law: <i>Retrospective application of penal law resulting in the conviction of the applicant under the Penal Codes of 1993 and 1995 respectively for acts committed before their entry into force. (Article 7 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In reopened criminal proceedings, the applicant's convictions were set aside. His criminal record was cleared. <u>General measures:</u> A new Penal Code entered into force in 2002. The judgment was published, translated and disseminated.
ResDH(2005)62	EST / Veeber No.2	45771/99	21/04/2003 21/01/2003	No punishment without law: <i>Retrospective application of penal law resulting in the conviction of the applicant under the Penal Codes of 1993 and 1995 respectively for acts committed before their entry into force. (Article 7 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. In reopened criminal proceedings, the applicant's convictions were set aside. His criminal record was cleared. <u>General measures:</u> A new Penal Code entered into force in 2002. The judgment was published, translated and disseminated.
ResDH(2005)30	FIN / Pitkänen	30508/96	09/06/2004 09/03/2004	Access to and effective functioning of justice: <i>Excessive length and unfairness of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction with regard to non-pecuniary damage paid. <u>General measures:</u> The judgment was published, translated and disseminated.
ResDH(2005)26	FRA / Chassagnou and Others	25088/94+	29/04/2004 Grand Chamber	Protection of property / discrimination / freedom of association: <i>Disproportionate interference due to the imposition on landowners to join approved hunting associations and to authorise hunting on their land. (Articles 1 of Protocol No.1 and</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. New legislation allows the applicants to avail themselves of the right to conscientious objection. (see below) <u>General measures:</u> The Hunting Act of 1964 was amended in 2000 and in 2002, allowing landowners to opt out of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>in conjunction with 14; 11 and in conjunction with 14)</i>	municipal hunting associations, for reasons of personal conviction. The implementation raised certain questions with regard to persons not wishing to plead objection of conscience. Related proceedings are still pending before administrative courts. The judgment was published and disseminated to the authorities concerned.
ResDH(2005)50	FRA / Granata No. 3	39634/98	27/05/2004 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 settlement was paid. <u>General measures:</u> None
ResDH(2005)117	FRA / Hager	56616/00	09/10/2003 Friendly settlement	Access to and effective functioning of justice: <i>Unfair criminal proceedings before the Court of Cassation in the context of the applicant's appeal on points of law due to the lack of the assistance of an "avocat aux Conseils" and the resulting lack of information on the Advocate General's submissions as well as on the date of the hearing. (Article 6 §1)</i>	<u>Individual measures:</u> The sum provided for in the friendly settlement was paid. <u>General measures:</u> None.
ResDH(2005)46	FRA / Hutt-Clauss and 1 other case	44482/98+	10/07/2003 10/04/2003	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect to non-pecuniary damage paid. <u>General measures:</u> The judgments were published and disseminated to the authorities concerned.
ResDH(2005)47	FRA / Loyen and Others	55926/00	29/07/2003 29/04/2003	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect to non-pecuniary damage paid. <u>General measures:</u> The judgments were published and disseminated to the authorities concerned.
ResDH(2005)25	FRA / Mazurek	34406/97	01/05/2000 01/02/2000	Protection of property / discrimination: <i>Discriminatory interference due to the applicant's inheritance rights- as an</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage (amount of estate due without discrimination) and non-pecuniary damage paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>adulterine child - over his mother's estate were limited compared to those of his legitimate half-brother. (Article 1 in conjunction with Article 14)</i>	<i>General measures:</i> Change of case-law of domestic courts. In 2001, a legal reform of succession rights of the surviving spouse and adulterine child removed the impugned discrimination and does not distinguish between legitimate and natural filiation in relation to inheritance any longer. The judgment was published and disseminated.
ResDH(2005)63	FRA / Sapl and 57 other cases	37565/97+	18/03/2002 18/12/2001	<i>Access to and effective functioning of justice:</i> <i>Excessive length of proceedings before administrative courts in general and/or before the Conseil d'Etat. (Articles 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary measures paid. The Committee of Ministers asked for those proceedings still pending after the judgments became final to be accelerated. <i>General measures:</i> See DH(95)254 in Beaumartin. As new similar violations were found, further measures were adopted in the context of the "Orientation and Planning for Justice" Act of 2002. Courts' staff and financial resources were increased and new courts were set up. The appeals procedure was modified by decree in 2003 regarding compulsory representation by counsel at appeal and suppression of appeals for proceedings involving lesser claims. Steps have been taken to reduce the Conseil d'Etat's workload concerning appeals by foreigners against denials of visas or decisions of return to the frontiers by transferring jurisdiction either to a special board or to administrative courts of appeal. The reforms resulted in a reduction of the average duration of proceedings and the number of pending cases in 2003/04. In case of excessive length of proceedings, an appeal founded on the State's responsibility for defective functioning of the public justice may be filed. Further measures to improve administrative justice are envisaged.
ResDH(2005)77	FRA / Société Colas Est and Others	37971/97	16/07/2002 16/04/2002	<i>Protection of private life and home:</i> <i>Unjustified interference due to the applicant company's premises having been searched and documents seized as part of an administrative inquiry on the basis of a</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>1945 ordonnance which did not provide sufficient legal safeguards against abuse of power. (Article 8)</i>	
ResDH(2005)98	GCR / Metaxas	8415/02	27/08/2004 27/05/2004	Access to and effective functioning of justice and protection of property: <i>Delayed payment of the State's debt following enforcement proceedings with regard of a final decision of the Court of Audit concerning the applicant's pension rights. (Articles 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction in respect of pecuniary (interest to be paid for delay in repayment of the debt) and non-pecuniary damage paid. General measures: See ResDH(2004)81 in Hornsby concerning the enforcement of administrative decisions. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2005)27	GER / P.S.	33900/96	04/09/2002 20/12/2001	Access to and effective functioning of justice: <i>Denial of a fair trial due to the applicant's conviction for sexual abuse of a minor on the basis of the alleged victim's statement without possibility to examine him or have him examined. (Article 6 §1 in conjunction with 6 §3d)</i>	Individual measures: The applicant was informed of the possibility to file a request for reopening of the impugned proceedings and/or for a discretionary decision to erase the conviction from his criminal records. General measures: See ResDH(97)12 in Vogt. The judgment was published, translated and disseminated to the judicial authorities concerned.
ResDH(2005)64	GRC / Academy trading Ltd and Others	30342/96+	04/04/00	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. Domestic proceedings closed when the judgment was delivered. General measures: Two laws were adopted in 2001 and 2005 to amend the Civil Procedure Code aiming to accelerate proceedings. Stricter time-limits were introduced at the preparatory stage; new rules provided for the setting and adjournment of hearings; the procedure for extra-judicial case settlement was improved. The number of judicial posts were increased and the courts' infrastructure improved.
ResDH(2005)87	GRC / Manoussakis	18748/91	26/09/1996	Freedom of religion: <i>Disproportionate interference due to the conviction of</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	and Others			<i>Jehovah's witnesses for having used a private place for meetings, prayers and religious ceremonies without prior authorisation by a recognised ecclesiastical authority. (Article 9)</i>	impugned proceedings were reopened and the convictions quashed. In 1997, the applicants were granted a permit to establish a place of worship. <u>General measures:</u> Changing administrative practice in the exercise of their discretion, the authorities granted permission for construction and operation of places of worship in all similar cases. It is considered to reflect the current practice in the relevant legal texts. The judgment was published, translated and disseminated.
ResDH(2005)107	GRC / Marinakos	49282/99	04/10/2001 Friendly settlement	Protection of property and access to and effective functioning of justice: <i>Delayed payment of the State's debt following enforcement proceedings with regard of a final decision of the Court of Audit concerning the applicant's pension rights. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Sums provided for in the friendly settlement paid. <u>General measures:</u> None.
ResDH(2005)65	GRC / Pafitis and Others and 14 other cases	20323/92+	26/02/98	Access to and effective functioning of justice: <i>Excessive length of proceedings before administrative courts. (Article 6 §1)</i> <i>Other violation in some of the cases: Interference with property rights (Article 1 of Protocol No.1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary (and in certain cases pecuniary) damage paid. The acceleration of those proceedings, which were still pending was requested. <u>General measures:</u> A constitutional reform of 2001 aimed at eliminating excessive procedural formalism and redistributed the competences between the Council of State and the lower courts. A law of 2001 transferred more categories of cases from the Council of State to administrative appeal courts. In 2002/03, the number of judges and administrative staff at administrative courts were increased. New courts premises were constructed and the computerisation of services was introduced. Further measures to be taken on a constitutional, legislative and practical level are supervised in the context of Manios, in particular the question of a domestic remedy in respect of excessive length of proceedings. As concerns the violation of property rights, see

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					ResDH(2002)105 and ResDH(2002)103 in Katikaridis and Tsomtsos respectively. The issue also continues to be supervised in the context of the Azas group.
ResDH(2005)71	GRC / Sajtos and 2 other cases	53478/99+	21/06/2002 21/03/2002	Access to and effective functioning of justice: <i>Unfairness of criminal proceedings concerning compensation for pre-trial detention resulting in unreasoned decisions taken proprio motu without hearing. (Article 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicants may request reopening of the proceedings concerning compensation for their pre-trial detention, following an amendment of the Criminal Procedure Code. General measures: See ResDH(2004)82 in Tsirlis and Kouloumpas.
ResDH(2005)88	GRC / Serif and 1 other case	38178/97+	14/03/2000 14/12/1999	Freedom of religion: <i>Disproportionate interference due to the convictions of the applicants, who had been elected as muftis by part of the Muslim Greek community, for usurping the functions of Muslim Muftis and wearing publicly official robes. (Article 9)</i>	Individual measures: Just satisfaction for pecuniary (amount of fine imposed) and non-pecuniary damage paid in the first case. The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage in the second case. The impugned proceedings were reopened and the convictions quashed. General measures: Change of domestic courts' case-law concerning the interpretation and application of the relevant provisions of the Criminal Code in cases of elected leaders of the Muslim community. The judgments were published, translated and disseminated.
ResDH(2005)66	GRC / Tarighi Wageh Dashti and 7 other cases	24453/94+	28/01/97 CM Decision	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. Domestic proceedings closed before the delivery of the judgment. General measures: A major reform was implemented in 2003 and 2005 to accelerate proceedings. It involved changes in the courts' jurisdictions and organisation as well as case-management efficiency. Amendments of the Code of Criminal Procedure set new time-limits for preliminary investigations. Following the indictment, the investigation period must not exceed six months to be concluded on prosecutor's order. A prosecutor may also withdraw a case,

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					if he concludes that there is insufficient evidence to prosecute. Reasons for trial adjournment were limited. The number of offences for which the accused person's presence (represented by a lawyer) is not required at trial were extended. Additional measures were introduced to reduce the backlog involving prescription and termination of prosecution for some minor offences or the possibility for the accused of property offences to pay the damage to the victim.
ResDH(2005)89	GRC / Thlimmenos	34369/97	06/04/2000	Discrimination on religious grounds /access to and effective functioning of justice: <i>Discriminatory treatment of the applicant due to the authorities' refusal to appoint him to a post of accountant on the ground of his criminal conviction for insubordination based on his refusal to wear a military uniform and excessive length of the related proceedings. (Articles 14 in conjunction with 9 and 6 §1)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. The applicant's conviction for insubordination was erased from his criminal record on the basis of new legislation (see below). General measures: A new law of 2001 provided for the removal from criminal records of all sentences imposed before 1997 for insubordination for religious or ideological reasons on condition that the persons concerned had served their sentence or been released on parole. These persons are not bound to submit a certificate of completion of military service for appointment in the public sector. Moreover, in 1997, constitutional and legal reforms were undertaken to protect conscientious objectors and to grant the right to perform alternative service to those substantiating conscientious objections to armed service, which was enshrined in the Constitution in 2001. Concerning length of proceedings, see ResDH(2005)65 in Pafitis and Others. The judgment was published, translated and disseminated to all competent authorities.
ResDH(2005)79	GRC / Vitaliotou and 2 other cases	62530/00+	30/01/2003 Friendly settlements	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before administrative courts. (Article 6 §1)</i> <i>Other violation in one case: Failure to</i>	Individual measures: Amount of just satisfaction in respect of non-pecuniary and pecuniary damage agreed on in the friendly settlement paid. General measures: See ResDH(2005)65 in Pafitis and Others concerning the length of proceedings. Further general

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>comply with a final domestic judgment.</i>	measures continue to be supervised in the context of Manios. Concerning the administration's failure to comply with domestic judgments, see ResDH(2004)81 in Hornsby.
ResDH(2005)49	ITA / Benzan	62912/00	08/11/2002 Friendly settlement	Protection against ill-treatment/prison conditions / protection of correspondence: <i>Poor prison conditions in Lepoglava Prison and disproportionate interference with the applicant's correspondence. (Articles 3 and 8)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlement was paid. <u>General measures:</u> None
ResDH(2005)55	ITA / Calogero Diana and 6 other cases	15211/89+	15/11/1996	Protection of correspondence and lack of an effective remedy: <i>Arbitrary interference in prisoners' correspondence based on the Administration of Prisons Law of 1975, which allows too much latitude concerning the imposition and duration of monitoring of correspondence. (Articles 8 and 13)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. <u>General measures:</u> See also Interim Resolution (2001)178 . A legislative reform of prison administration was adopted in 2004 defining clear grounds for restricting the prisoners' correspondence and criteria for the duration of the measure. Judicial review of the measures is available. However, the effectiveness of this judicial review has been challenged (see Interim Resolution (2005)56 in Messina No.2 group). Correspondence with the Convention organs is exempt from monitoring. Circulars of the Ministry of Justice laid down basic practical rules regarding the monitoring.
ResDH(2005)6	ITA / Carnasciali	66754/01	29/04/2004 Friendly settlement	Protection of property / access to and effective functioning of justice: <i>Interference due to the applicant's prolonged inability to recover possession of her apartment, lack of police assistance in enforcing judicial eviction orders and excessive length of eviction proceedings. (Articles 1 of Protocol No. 1 and 6 §1)</i>	<u>Individual measures:</u> Amount agreed on in the friendly settlement paid. <u>General measures</u> are being supervised in the context of Immobiliare Saffi.
ResDH(2005)28	ITA / Craxi No. 2	34896/97	05/03/2003 05/12/2002	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to</i>	<u>Individual measures:</u> The applicant died in 2000 without serving the sentence resulting from the impugned

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the applicant's conviction based exclusively on pre-trial statements made by co-accused persons without possibility to have them cross-examined. (Article 6 §§1+3d)</i>	proceedings. <i>General measures:</i> In 1999, the Constitution was amended as to grant constitutional rank to a number of requirements contained in Article 6. In 2001, on the basis of the new constitutional provision, the Code of Criminal Procedure was amended to address the violation found in the present case. In particular, pre-trial statements of a person who later avails himself of the right to remain silent, may only be read out at the trial if all the parties consent to it. The judgment was published, translated and disseminated to all judicial authorities.
ResDH(2005)7	ITA / Gianturco	40884/98	22/01/2004 Friendly settlement	Protection of property / access to and effective functioning of justice: <i>Interference due to the applicant's prolonged inability to recover possession of her apartment, lack of police assistance in enforcing judicial eviction orders and excessive length of eviction proceedings. (Articles 1 of Protocol No. 1 and 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures</i> are being supervised in the context of Immobiliare Saffi.
ResDH(2005)48	ITA / Leonardi and 3 other cases	54278/00+	28/06/2002 28/03/2002	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> Just satisfaction in respect to non-pecuniary damage paid. <i>General measures:</i> The judgments were published and disseminated to the authorities concerned.
ResDH(2005)86	ITA / Luca	33354/96	27/05/2001 27/02/2001	Access to and effective functioning of justice: <i>Unfair criminal proceedings resulting in the applicant's conviction based exclusively on pre-trial statements made by the co-accused without possibility to cross-examine him. (Article 6 §§1+3d)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Currently, domestic law does not allow reopening of domestic proceedings following an ECtHR judgment; respective legislation is underway. The applicant was released. <i>General measures:</i> See ResDH(2005)28 in Craxi No.2. The judgment was published, translated and disseminated.
ResDH(2005)80	ITA / Nicoli	43097/98	22/06/2000	Access to and effective functioning of	<i>Individual measures:</i> Amount of just satisfaction agreed on in

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			Friendly settlement	<i>justice: Excessive length of proceedings before labour courts. (Article 6 §1)</i>	the friendly settlement paid. <i>General measures</i> continue to be supervised by the Committee of Ministers, see IR DH(97)336 , DH(99)437 and ResDH(2000)135 .
ResDH(2005)51	ITA / Pascali and Conte and 7 other cases	41823/98+	05/04/2000 Friendly settlements	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> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> None
ResDH(2005)52	ITA / Rossi and Naldini and 11 other cases	31011/96+	11/03/2004 Friendly settlements	Protection of property: <i>Impossibility for the applicants to obtain the assistance of the police to implement judicial decisions ordering their tenants eviction. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Amount agreed on as just satisfaction in respect to pecuniary and non-pecuniary damage paid. <i>General measures:</i> See Interim Resolution ResDH(2004)72 on the Law of 1998 on "Regulations concerning the renting and repossession of housing."
ResDH(2005)115	ITA / Sulejmanovic and Others and 1 other case	57574/00+	08/11/2002 Friendly settlements	Protection against ill-treatment – deportation: <i>Risk of ill-treatment in case of the deportation of the applicants as aliens without residence permit and subject to an expulsion order to Sarajevo. (Article 3)</i>	<i>Individual measures:</i> The expulsion orders were cancelled and the applicants and their families were allowed to return to Italy on the basis of a humanitarian residence permits entitling the holders to work and to attend educational facilities for one year renewable. The sums provided for in the friendly settlements were paid.
ResDH(2005)90	ITA / Vaccaro	41852/98	16/02/2001 16/11/2000	Protection of rights in detention: <i>Excessive length of detention on remand without justifying reasons and failure of authorities to act with due expedition during preliminary investigation and trial. (Article 5 §3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant is no longer in detention on remand. <i>General measures:</i> The Code of Criminal Procedure was amended in 1997 to provide that a judicial decision to order pre-trial detention must be annulled ex officio, if not justified in the light of certain specific circumstances. Maximum duration of pre-trial detention in different situations was also introduced.
ResDH(2005)33	LTV / Kulakova	50108/99	18/10/2001	Access to and effective functioning of	<i>Individual measures:</i> The amount agreed on in the friendly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			Friendly settlement	<i>justice: Excessive length of criminal proceedings to which the applicant was civil party. (Article 6 §1)</i>	settlement was paid. <u>General measures:</u> None
ResDH(2005)109	NDL / Holden	33258/96	33258/96 Friendly settlement	Access to and effective functioning of justice: <i>Unfair criminal proceedings due to the authorities' failure to inform the accused on the date of his hearing. (Article 6 §1)</i>	<u>Individual measures:</u> Sums provided for in the friendly settlement paid. The Government expressed its regrets. <u>General measures:</u> None.
ResDH(2005)110	NDL / Hutten	56698/00	26/10/2004 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of compensation proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Sums provided for in the friendly settlement paid. The Government expressed its regrets. <u>General measures:</u> None.
ResDH(2005)91	NDL / Wessels-Bergervoet	34462/97	04/09/2002 04/06/2002 Merits 12/11/2002 Friendly settlement	Protection of property and discrimination on the ground of gender: <i>Discriminatory treatment of the applicant due to a reduction of her old age pension, which was linked to her husband's entitlement, although this kind of reduction did not apply to a married man under the same circumstances. (Article 14 in conjunction with 14)</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlement was paid. The applicant was entitled to her old age pension without reduction as from 2002. <u>General measures:</u> In 2002, the law was amended to grant the right to a full old-age pension to all married or previously married women in the applicant's circumstances. Beneficiaries were informed about the possibilities to claim compensation for past reductions. The judgment was published and disseminated.
ResDH(2005)108	NDL / Köksal	31725/96	20/03/2001 Friendly settlement	Protection against ill-treatment and lack of an effective investigation: <i>Death of the applicants' relative as a result of alleged torture at the hands of police, fatal delay in the administration of medical treatment and lack of and effective investigation. (Articles 3</i>	<u>Individual measures:</u> Sums provided for in the friendly settlement paid. The Government expressed its regrets. <u>General measures:</u> None.
ResDH(2005)35	POL / Chudyba and 20 others	71621/01	23/09/2003 Friendly	Access to and effective functioning of justice: <i>Excessive length of civil</i>	<u>Individual measures:</u> The amount agreed on in the friendly settlement was paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	cases.		settlements	<i>proceedings. (Article 6 §1)</i>	<i>General measures</i> are being supervised in the case of Podbielski
ResDH(2005)118	POL / H.D.	33310/96	20/06/2002 Friendly settlement	Protection against ill-treatment: <i>Alleged ill-treatment of the applicant upon arrest and detention in a sobering-up centre. (Article 3)</i>	<i>Individual measures:</i> The sum provided for in the friendly settlement was paid. <i>General measures:</i> None.
ResDH(2005)72	POL / Kawka and 1 other case	25874/94+	09/01/2001 09/04/2001	Protection of rights in detention: <i>Unlawful detention on remand due to lacking legal basis and non-aédversarial character of the proceedings concerning the lawfulness of detention. (Article 5 §§1+4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In the second case, the finding of a violation constituted sufficient just satisfaction. <i>General measures:</i> See ResDH(2002)124 in Niedbala.
ResDH(2005)34	POL / Ostrowski	63389/00	28/09/2004 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 settlement was paid. <i>General measures</i> are being supervised in the case of Podbielski
ResDH(2005)36	POL / Pawlinkowska	45957/99	08/07/2003 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings and lack of impartiality of the courts hearing them. (Article 6 §1)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures</i> are being supervised in the case of Podbielski.
ResDH(2005)37	POL / Szymikowska and Szymikowski	43786/98	06/03/2003 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 settlement was paid. <i>General measures</i> are being supervised in the case of Podbielski
ResDH(2005)9	PRT / Gonçaves	55165/00	29/01/2004 Friendly	Access to and effective functioning of justice: <i>Excessive length of civil</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
	Ferrao Caboz Santana		settlement	<i>proceedings. (Article 6 §1)</i>	<i>General measures</i> are being supervised in the context of other cases relating to the excessive length of proceedings before civil courts.
ResDH(2005)92	PRT / Magalhaes Pereira	44872/98	26/05/2002 26/02/2002	Protection of rights in detention: <i>Irregularities and delays in the examination of the lawfulness of the applicant's detention in a secure psychiatric unit and absence of legal aid in the relevant proceedings. (Article 5 §§1+4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was freed in 2002. <i>General measures:</i> Violation due to the specific circumstances of the case. The judgment was published, translated and disseminated to the authorities concerned.
ResDH(2005)8	PRT / Morais Sarmiento	53793/00	03/10/2003 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in the friendly settlement paid. <i>General measures</i> are being supervised in the context of other cases relating to the excessive length of proceedings before civil courts.
ResDH(2005)119	PRT / Moreira Barbosa	6581/01	21/12/2004 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings the applicant had joined as a civil party. (Article 6 §1)</i>	<i>Individual measures:</i> The sum provided for in the friendly settlement was paid. <i>General measures:</i> None.
ResDH(2005)73	SMR / De Biagi and Forcellini	36451/97+	15/10/2003 15/07/2003	Access to and effective functioning of justice: <i>Unfairness of criminal proceedings resulting in the applicants' conviction to imprisonment and ancillary penalties without public hearing either at first instance or upon appeal. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants may request reopening of the impugned proceedings following a new law of 2003. <i>General measures:</i> See ResDH(2004)4 in Stefanelli concerning the introduction of the possibility for a defendant to be personally and publicly heard by the deciding judge.
ResDH(2005)74	SMR / Dondarini	50545/99	06/10/2004 06/07/2004	Access to and effective functioning of justice: <i>Unfairness of criminal proceedings resulting in the applicant's conviction without public hearing either at first instance or upon appeal. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant may request reopening of the impugned proceedings following a new law of 2003. <i>General measures:</i> See ResDH(2004)4 in Stefanelli

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					concerning the introduction of the possibility for a defendant to be personally and publicly heard by the deciding judge.
ResDH(2005)81	SMR / Ercolani	35430/97	25/11/2003 Friendly settlement	Access to and effective functioning of justice: <i>Unfairness of criminal proceedings resulting in the applicants' conviction to imprisonment and ancillary penalties without public hearing either at first instance or upon appeal. (Article 6 §1)</i>	Individual measures: The undertakings subscribed in the friendly settlement, which included in particular to renounce the recovery of debts in the framework of civil proceedings resulting from non-pecuniary damage and prejudice to the image of the State and the recovery of an import tax credit. General measures: See ResDH(2004)4 in Stefanelli concerning the introduction of the possibility for a defendant to be personally and publicly heard by the deciding judge.
ResDH(2005)96	SUI / Kopp	23224/94	25/03/1998	Protection of private life and correspondence: <i>Unlawful interference due to the lack of predictability of domestic legislation concerning the monitoring of telephone lines in the context of criminal proceedings to which the applicant, a lawyer, was third party. (Article 8)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction in respect of non-pecuniary damage. The applicant's request for reopening of the impugned proceedings according to the Federal Law on Administrative Procedure was rejected by the Federal Council holding that the legal conditions were not satisfied as the violation was of short duration. General measures: Violation due to a discrepancy between the clear text of the legislation protecting legal professional privilege and the practice followed in this case as the law does not state clearly under what conditions and by whom the distinction between matters connected with a lawyer's work and those relating to other activities is to be drawn. In 2002, the Federal Law on the monitoring of postal correspondence and telecommunications set out in detail the conditions under which telephone calls may be intercepted. It includes exceptions for which authorisation may be given to monitor persons bound by professional confidentiality, when they are not themselves suspects or charged. It also includes legal guarantees if the monitoring of a lawyer reveals information falling under the professional privilege as the relevant documents must be removed from the file and cannot be used in criminal proceedings. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					judgment was published and disseminated to the authorities and courts concerned.
ResDH(2005)4	SUI /A.P., M.P. and T.P.	19958/92	29/08/1997	Access to and effective functioning of justice: <i>Infringement of the presumption of innocence as the applicants had as heirs been convicted of a tax offence allegedly committed by the deceased. (Article 6 §2)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned domestic judgment was revised by the Federal Court and the tax authorities reimbursed the fines imposed. General measures: The judgment was circulated to all federal and cantonal tax authorities. The Federal Court underlined in the above judgment that the impugned provisions of the Federal Act on direct federal tax were no longer applicable. They were formally abrogated in 2004.
ResDH(2005)3	SUI /E.L.,R.L. and J.O.-L.	20919/92	29/08/1997	Access to and effective functioning of justice: <i>Infringement of the presumption of innocence as the applicants had as heirs been convicted of a tax offence allegedly committed by the deceased. (Article 6 §2)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The impugned domestic judgment was revised by the Federal Court and the tax authorities reimbursed the fines imposed. General measures: The judgment was circulated to all federal and cantonal tax authorities. The Federal Court underlined in the above judgment that the impugned provisions of the Federal Act on direct federal tax were no longer applicable. They were formally abrogated in 2005.
ResDH(2005)10	SVK / J.K. and 5 other cases	38794/97	17/05/2001 Friendly settlements	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 being supervised in the context of other cases relating to the excessive length of proceedings before civil courts, in particular in Jori.
ResDH(2005) 67	SVK / Jori and 18 other cases	34753/97+	09/02/2001 09/11/2000	Access to and effective functioning of justice and lack of a remedy: <i>Excessive length of civil proceedings. (Articles 6 §1 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed or, in four cases, they were given priority by the competent courts. General measures: See also DH(99)551 in Preloznik. Following a constitutional reform in 2001, constitutional complaints for excessive procedural delays were possible

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and pecuniary compensation could be granted by the Constitutional Court. In 2002, the Code of Civil Procedure was amended to introduce the adversarial principle replacing the inquisitorial principle. Parties are allowed to adduce evidence or facts only in first instance proceedings. Proceedings before the Supreme Court will mainly concern appeals on points of law. Notification procedures were shortened. The effectiveness of bankruptcy proceedings was increased by strengthening the status of the creditors' committee. Furthermore, practical measures included the delegation of certain tasks to senior court clerks (amendment of the Act on Court Officers in 2004) as well as training and electronic case-management. According to the Judges and Lay Judges Act of 2001 the civil and administrative liability of judges was strengthened in case of excessive delays in proceedings. The judgments were published, translated and disseminated.
ResDH(2005)82	SVK / Varga	41384/98	26/11/2002 Friendly settlement	Access to and effective functioning of justice: <i>Excessive length of criminal proceedings and lack of a remedy. (Articles 6 §1 and 13)</i>	<i>Individual measures:</i> Amount of just satisfaction in respect of non-pecuniary and pecuniary damage agreed on in the friendly settlement paid. <i>General measures:</i> None.
ResDH(2005)53	SWE / Frödinge Grus and Akeri AB and 2 other cases	44830/98+	14/09/2004 Friendly settlements	Access to and effective functioning of justice: <i>Excessive length of civil proceedings before civil and administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> None
ResDH(2005)54	SWE / Manasson	41265/98	20/07/2004 Friendly settlement	Access to and effective functioning of justice: <i>Infringement of the presumption of innocence in tax proceedings. (Article 6 §2)</i>	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures</i> are being supervised in Janosevic and Västberga Taxi Aktiebolag as well as Vulic.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2005)38	SWE / Romlin	48630/99	15/06/2004 Friendly settlement	Access to and effective functioning of justice: Denial of a fair hearing. (Article 6 §1)	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> None
ResDH(2005)39	TUR / Cakmak and 1 other case	31882/96+	24/05/1996 Friendly settlement	Protection of rights in detention: Excessive length of police custody, lack of judicial review of the lawfulness of detention and impossibility to claim compensation for unlawful detention. (Article 5 §§1+4+5)	Individual measures: The amount agreed on in the friendly settlement was paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others.
ResDH(2005)41	TUR / Cihan	25724/94	30/01/2001 Friendly settlement	Protection of rights in detention: Excessive length of police custody, lack of judicial review of the lawfulness of detention and impossibility to claim compensation for unlawful detention. (Article 5 §§1+4+5)	<i>Individual measures:</i> The amount agreed on in the friendly settlement was paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others.
ResDH(2005)45	TUR / Göcmen and Others and 7 other cases	19279/92	30/04/2001 30/01/2001	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)	Individual measures: Just satisfaction in respect of pecuniary and non-pecuniary damage paid. General measures: See ResDH(2001)70 and ResDH(2001)71 in Aka and Akkus. The judgments were published and sent out to the authorities directly concerned.
ResDH(2005)76	TUR / Güclü and Others and 2 other cases	42670/98+	08/04/2004 08/01/2004	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 in respect of pecuniary and non-pecuniary damage paid. <i>General measures:</i> See ResDH(2001)70 and ResDH(2001)71 in Aka and Akkus. The judgment was published and sent out to the authorities directly concerned.
ResDH(2005)13	TUR / Gündüz and others	31249/96	14/11/2000 Friendly settlements	Protection against ill-treatment and of rights in detention: Excessive length of detention in police custody and alleged ill-	<i>Individual measures:</i> Amount agreed on in friendly settlement paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>treatment. (Articles 3 and 5)</i>	
ResDH(2005)17	TUR / Gür	35983/97	24/07/2003 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>	Individual measures: Just satisfaction for pecuniary damage paid as agreed. General measures: See ResDH(2001)70 and ResDH(2001)71 in Aka and Akkus.
ResDH(2005)40	TUR / Hattatoglu	37094/97	26/06/2003 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>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid as agreed. General measures: See ResDH(2001)70 and ResDH(2001)71 in Aka and Akkus. The judgment was published and sent out to the authorities directly concerned.
ResDH(2005)5	TUR / Ilkay	42786/98	08/04/2004 Friendly settlement	Protection of property: <i>Disproportionate interference due to the administration's delay in paying an 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 and ResDH(2001)71 in Aka and Akkus. The judgment was published and sent out to the authorities directly concerned.
ResDH(2005)11	TUR / Karatay	36596/97	28/10/2003 Friendly settlement	Protection of rights in detention: <i>Excessive length of detention in police custody without judicial review. (Article 5 §§1+3)</i>	Individual measures: Amount agreed on in friendly settlement paid. General measures: See ResDH(2002)110 in Sakik and Others.
ResDH(2005)16	TUR / Köroglu and 1 other case	39446/98	28/10/2003 Friendly settlements	Protection of rights in detention: <i>Excessive length of detention in police custody and lack of a judicial review of the lawfulness of detention. (Article 5)</i>	Individual measures: Amount agreed on in friendly settlement paid. General measures: See ResDH(2002)110 in Sakik and Others.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2005)12	TUR / Satik	36961/97	25/09/2003 Friendly settlement	Protection of rights in detention: Excessive length of detention in police custody and absence of legal assistance to challenge the lawfulness of detention. (Article 5)	<i>Individual measures:</i> Amount agreed on in friendly settlement paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others.
ResDH(2005)75	TUR / Satik and Others and 4 other cases	24737/94+	22/01/2003 22/10/2002	Protection of rights in detention: Excessive length of detention in police custody, lack of a judicial review to challenge the lawfulness of detention and (in one case) inability to obtain compensation for unlawful detention. (Article 5 §§ 3+4+5)	<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.
ResDH(2005)15	TUR / Temel and others and 3 other cases	36203/97	23/09/2003 Friendly settlements	Protection of rights in detention: Excessive length of detention in police custody. (Article 5)	<i>Individual measures:</i> Amount agreed on in friendly settlement paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others.
ResDH(2005)19	TUR / Tuncay Özlem Kaya	31733/96	08/11/2001 Friendly settlement	Protection of rights in detention and access to and effective functioning of justice: Excessive length of detention in police custody, lack of a judicial remedy to challenge the lawfulness of detention; lack of independence and impartiality of State Security Courts; lack of assistance by a lawyer. (Articles 5 §1+3 and 6§1)	<i>Individual measures:</i> Amount agreed on in friendly settlement paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others. and ResDH(99)555 in Ciraklar.
ResDH(2005)18	TUR / Ülger	28505/95	28/03/2002 Friendly settlement	Protection of rights in detention: Excessive length of detention in police custody, lack of a judicial remedy to challenge the lawfulness of detention; inability to claim compensation for unlawful detention. (Article 5 §§1+3+5)	<i>Individual measures:</i> Amount agreed on in friendly settlement paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others.
ResDH(2005)116	TUR / Yilmaz and 25 other cases	19308/92+	10/04/2001 Friendly settlements	Protection of property: Disproportionate interference due to the administration's delay in paying additional compensation	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid as agreed on in the friendly settlements.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>for expropriation with regard to the difference between the default interest rate and the average inflation rate. (Article 1 of Protocol No. 1)</i>	<i>General measures:</i> See ResDH(2001)70 and ResDH(2001)71 in Aka and Akkus. The judgment was published and sent out to the authorities directly concerned.
ResDH(2005)14	TUR / Yolcu	34684/97	05/02/2002 Friendly settlement	Protection of rights in detention and access to and effective functioning of justice: <i>Excessive length of detention in police custody and lack of legal assistance during questioning. (Articles 5 and 6 §1)</i>	<i>Individual measures:</i> Amount agreed on in friendly settlement paid. <i>General measures:</i> See ResDH(2002)110 in Sakik and Others.
ResDH(2005)99	UK / B.B.	53760/00	07/07/2004 10/02/2004	Discrimination / protection of private life: <i>Discriminatory treatment on the ground of the applicant's sexual orientation due to this indictment for committing homosexual acts with a minor on the basis of legal provisions fixing different ages of consent for heterosexual and homosexual acts. (Article 14 in conjunction with 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant had formally been acquitted in 1999. In his defence, he also cited the case UK / Sutherland (25186/94). <i>General measures:</i> The Sexual Offences Act of was amended in 2001 to reduce the age of consent for homosexual acts to the same age as the age for heterosexual acts. The judgment was published and disseminated to the authorities concerned.
ResDH(2005)83	UK / Brown	52770/99	29/07/2003 Friendly settlement	Protection of private life / discrimination: <i>Investigation into the applicant's sexual orientation and his discharge from the Royal Air Force pursuant to the Ministry of Defence's policy. (Articles 8 as well as 8 in conjunction with 14)</i>	<i>Individual measures:</i> Amount of just satisfaction agreed on in the friendly settlement paid. <i>General measures:</i> See ResDH(2002)35 in Smith and Grady; the ban of homosexuals serving in the armed forces was abandoned in 2000.
ResDH(2005)120	UK / Duyonov and Others	36670/97	02/10/2001 Friendly settlement	Access to and effective functioning of justice: <i>Refusal of legal aid to in appeal proceedings to the Privy Council of Gibraltar on the basis of the Legal Aid and Assistance Ordinance. (Article 6)</i>	<i>Individual measures:</i> The sum provided for in the friendly settlement was paid. <i>General measures:</i> None.
ResDH(2005)111	UK / Edwards	38260/97+	16/11/2004	Access to and effective functioning of	<i>Individual measures:</i> Sums provided for in the friendly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	and Others and 2 other cases		Friendly settlement	justice and protection in detention: <i>Unfair proceedings due to the lack of legal representation by counsel of one's choice in proceedings for non-payment of local taxes or fines imposed by the Magistrates Court following conviction and subsequent detention on magistrates' order. (Articles 6 §1 and 5 §3)</i>	settlement paid. The Government expressed its regrets. General measures: See DH(97)506 in Benham, in particular the amendment of the Legal Advice and Assistance Regulations in 1997.
ResDH(2005)68	UK / Govell and 5 other cases	27237/95+	19/02/1999	Protection of private life and correspondence and lack of a remedy: <i>Unlawful interference due to the use of covert listening devices in residences or the workplace as the legal basis was neither binding nor publicly accessible and the complaint procedure did not protect against abuse of authority. (Articles 8 and 13)</i>	Individual measures: Just satisfaction in respect of non-pecuniary damage paid. General measures: The relevant part of the Police Act came into force in 1999 along with the Code of Practice on Intrusive Surveillance Work, both legally binding and accessible. Concerning Article 13, the Regulation of Investigatory Powers Act 2000 provides independent oversight by a Chief Surveillance Commissioner and established an independent tribunal to consider complaints. Furthermore, the Human Rights Act entered into force in 2000.
ResDH(2005)29	UK / Hatton and Others	36022/97	08/07/2003 Grand Chamber	Lack of an effective remedy: <i>Inability for the applicants to challenge the government policy on night flights at Heathrow airport allegedly interfering with their rights to a private and family life and a home. (Article 13)</i>	Individual measures: The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. General measures: By the Human Rights Act of 1998, which came into force in 2000, the scope of judicial review was not limited any longer to alleged violations of domestic law but was extended to all rights enshrined in the ECHR. An example of judicial review of administrative policies was submitted. The judgment was published and disseminated.
ResDH(2005)100	UK / Perry	63737/00	17/10/2003 17/07/2003	Protection of private life: <i>Unlawful interference due to the applicant's videotaping without his knowledge by the police for identification purposes in the context of criminal proceedings. (Article 8)</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 and disseminated to chief constables, Heads of Criminal Investigation

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Departments and HR champions within the police force drawing attention to relevant existing standards under the Police Code of Practice.
ResDH(2005)101	UK / Stretch	44277/98	03/12/2003 24/06/2003	Protection of property: <i>Disproportionate interference due to the denial of the applicant's option to prolong for a further term a lease concluded with a local authority. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. <i>General measures:</i> The judgment was sent to the authorities directly concerned.
ResDH(2005)112	UK / Z.W.	34962/97	29/07/2003 Friendly settlement	Protection against ill-treatment and lack of a remedy: <i>Failure of authorities to protect the applicant's welfare while she was in foster care and lack of a redress for her complaints against the local authorities. (Articles 3 and 13)</i>	<i>Individual measures:</i> Sums provided for in the friendly settlement paid. The Government expressed its regrets. <i>General measures:</i> None.