

Summaries of Final Resolutions adopted by the Committee of Ministers in 2006

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Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
ResDH(2006)30	AUT / Nowicky	34983/02	24/05/2005 24/02/2005	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings before administrative courts. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: See Final Resolution DH(2004)77 in the G.S. case.
ResDH(2006)68	AUT / Scharschach and News Verlagsgesellschaft mbH	39394/98	13/04/2004 13/11/2003	Freedom of expression: <i>Disproportionate interference due to the first applicant's conviction to a suspended fine and the media company's ordering to pay damages following the publication of an article describing certain politicians as "old closet Nazis". (Article 10)</i>	Individual measures: Just satisfaction for pecuniary (amount of fines and damages paid) and non-pecuniary damages paid. The first applicant may request reopening of proceedings. General measures: As earlier ECtHR case-law (Lingens, Oberschlick and Schabe, see DH(87)2 , DH(93)60 and DH(94)23) did not prevent the present violation, a training seminar for all judges and attorneys dealing with media questions was organised in 2005. The judgment was published, translated and disseminated to all higher courts.
ResDH (2006)2	AUT / Szücs and 6 other cases	20602/92	24/11/1997	Access to and efficient functioning of justice: <i>Denial of a fair trial in compensation proceedings for the applicants' detention on remand following the discontinuance of or acquittal in criminal proceedings due to the lack of a public hearing and/or the infringement of the principle of equality of arms and/or the infringement of the presumption of innocence due to continuing suspicion</i>	Individual measures: Just satisfaction for cost and expenses awarded and paid. Except for one case, no request for reopening was submitted. The applicant's claim for reopening was however dismissed. General measures: According to the Criminal Compensation Act of 2005, civil courts are now competent to adjudicate on claims for compensation on detention on remand. The Act was supplemented by a Ministry of Justice Decree on the enforcement of claims for damages against the government. The Supreme Court's case-law confirmed the necessity of a

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				<i>despite acquittal. (Article 6 §1 and/or Article 6 §2)</i>	public hearing and pronouncement in similar cases. Suspicions regarding a person's innocence, including those expressed in the reasons for acquittal, may not be voiced. The judgement was published, translated and disseminated.
ResDH(2006)80	AUT / Thaler	58141/00	03/05/2005 03/02/2005	Access to and efficient functioning of justice: <i>Unfair proceedings due to the lacking independence and impartiality of Social Insurance Regional Appeals Commissions. (Article 6 §1)</i>	Individual measures: The finding of a violation constitutes in itself sufficient just satisfaction for non-pecuniary damage. General measures: See DH(2004)73 in Hortolomei concerning the amendment of the General Law of Social Insurance.
ResDH(2006)33	BEL / Vanpraet	47153/99	21/04/2005 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings before the Conseil d'Etat. (Article 6 §1)</i>	Individual measures: The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. General measures: None
ResDH(2006)16	CRO / Andric	9707/02	17/11/2005 Friendly settlement	Access to and efficient functioning of justice: <i>Lack of access to a court due to legislation of 1996 and 1999 staying all civil proceedings concerning claims for damages in respect of terrorist acts of caused by members of the Croatian army or police in the context of the Homeland War. (Article 6 §1)</i>	Individual measures: Sum provided in the friendly settlement paid. General measures: See ResDH(2006)3 in Kusic group.
ResDH(2006)14	CRO / Gudljevic Marko and 2 other cases	18431/02+	31/03/2005 30/06/2005	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid as awarded in one case. General measures: See ResDH(2005)60 in Horvat group.
ResDH(2006)17	CRO / Kostic	69265/01	18/11/2004 Friendly settlement	Protection of property: <i>Disproportionate interference due to the applicant's inability to recover possession of his house despite a final court decision ordering the occupants</i>	Individual measures: The sums agreed in the Friendly Settlement were paid. General measures: None

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				<i>to vacate the property. (Article 1 of Protocol No. 1)</i>	
ResDH(2006)3	CRO / Kusic and 18 other cases	48778/99+	01/03/2002 01/06/2002	<i>Access to and efficient functioning of justice:</i> <i>Lack of access to a court due to legislation of 1996 and 1999 staying all civil proceedings concerning claims for damages in respect of terrorist acts of caused by members of the Croatian army or police in the context of the Homeland War. (Article 6 §1)</i> <i>Other violation in one case: excessive length of proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings resumed pursuant to a new law adopted in June 2003. <i>General measures:</i> In 2003, following the adoption of a law on the resumption of proceedings, the Supreme Court issued an instruction to the competent courts to continue the civil proceedings concerned ex officio. In 2004, the Constitutional Court held that the staying by statute of proceedings for an extended period amounts to a violation of constitutional rights and awarded the plaintiff compensation. The judgment was published, translated and disseminated to all authorities and courts concerned.
ResDH(2006)69	CRO / Mikulic	53176/99	04/09/2002 07/02/2002	<i>Protection of private and family life / access to and efficient functioning of justice / lack of a remedy:</i> <i>Inefficient paternity proceedings due to the lacking possibility to compel an alleged father to comply with a court order to submit to DNA testing; excessive length of paternity proceedings; lack of a remedy. (Articles 8, 6 §1 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. The defendant's paternity was established in February 2002 and the applicant granted maintenance. <i>General measures:</i> According to the Family Act of 2003, courts may request medical tests to establish maternity or paternity to be carried out within three months. According to the courts' earlier practice, failure to attend a medical examination to establish paternity is considered evidence in favour of the opposing side. As concerns the remedy against excessive length of proceedings, the Constitutional Act on the Constitutional Court was amended in 2002 to allow related complaints. (see ResDH(2005)60 in Horvat). Following amendments of the Courts Act of 2005, the Constitutional Court is no longer competent at first instance. Complaints about length of proceedings will be examined by the higher court, the decisions of which may be appealed before the Supreme Court. Supreme Court decisions may be appealed before the Constitutional Court. The judgment was

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					published, translated and disseminated.
ResDH(2006)13	CYP / Egmez + Denizci and Others	30873/96 25316/94+	21/12/2000	Protection against ill-treatment / protection of rights in detention / expulsion: <i>Ill-treatment by police officers upon arrest and provisional detention; in the second case, unlawful detention, ill-treatment by police officers and expulsion of the applicants to the northern part of Cyprus and lack of effective investigations. (Articles 3 substantive and procedural limb, 5 §1 and 2 of Protocol No. 4)</i>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Appointment by the Attorney General of an independent criminal investigator (former President of the Supreme Court) to ensure the identification and punishment of those responsible for the ill-treatment.</p> <p><i>General measures:</i> The Rights of Persons under arrest and Detention Law of 2005 ensured a better implementation of the constitutional protection from torture and ill-treatment and improved the criminal and civil liability of the State and principals of detention centres. Furthermore, according to amendments of the UN Convention against Torture Ratification Laws of 2003, sanctions for police officers having committed acts of torture were increased to 4 to 7 years. Criminal liability for ill-treatment at police stations was extended to officers in charge, if there is medical evidence ascertained before or immediately after release from the police station, independently of the identification of the actual perpetrator among the police staff.</p> <p>A more effective legal network was created to ensure independent investigations: In 2001, the powers of the Attorney General to appoint criminal investigators were strengthened allowing appointments ex officio. According to an Attorney General Circular of 2004, complainants and victims have to be informed of any decision not to file criminal proceedings, including the reasons for it. According to the Legal Aid Act of 2002, legal aid in civil and criminal proceedings is granted to victims of human rights violations. Ill-treated detainees have a reinforced right to claim compensation.</p> <p>As concerns Article 5 §1 and expulsion: The Law of 2005 also introduced clear legal safeguards to guarantee the lawfulness of arrest and detention and will thus help to prevent unlawful restrictions of freedom of movement.</p>

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					Human rights training activities were organised for police departments and police academies. The judgments were published and disseminated.
ResDH(2006)70	CZE / Kilian	48309/99	06/06/2005 07/12/2004	Access to and efficient functioning of justice: Lack of judicial scrutiny due to the Regional Court declaring itself incompetent to re-examine a procedural administrative decision concerning a building permit, confirmed by the Constitutional Court. (Article 6 §1)	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant may initiate new administrative proceedings. <u>General measures:</u> The Code of Civil Procedure was amended in 2001 to delete the term of “procedural decision” and following the Constitutional Court’s decision to annul the whole administrative section of the Code, new rules entered into force in 2003, allowing requests for annulment of administrative authority’s act. The judgment was published.
ResDH(2006)34	CZE / Koliha	52863/99	26/10/2004 Friendly settlement	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<u>Individual measures:</u> The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. <u>General measures:</u> None
ResDH(2006)71	CZE / Milatova and Others + Exel	61811/00 48962/99	05/07/2005 21/06/2005 05/10/2005 21/09/2005	Access to and efficient functioning of justice: Denial of a fair hearing and infringement of defence rights in property restitution proceedings and in bankruptcy proceedings. (Article 6 §1)	<u>Individual measures:</u> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage in the first case. In Exel, no claim was submitted and the applicant’s bankruptcy proceedings are still pending. <u>General measures:</u> According to a recommendation of the Constitutional Court in 2005, reporting judges are invited to communicate observations to the parties for comments. According to a decision of the Supreme Court of 2006, first instance courts are obliged to hold oral hearings to examine request for bankruptcy declarations unless the debtor does not object, the litigation concerns only points of law or the facts in litigation may be established on the basis of documentary evidence and the parties have renounced their right. The Law on Bankruptcy to enter into force 2007 will also contain these same rules. The judgment was published and disseminated to national courts.

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ResDH(2006)35	CZE / Netolicky and Netolicka	55727/00	11/01/2005 Friendly settlement	Protection of property: <i>Unnecessary and unlawful interference due to the applicants' deprivation of their property on the basis of a questionable interpretation of law and without public interest. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. <u>General measures:</u> None
ResDH(2006)36	CZE / Parchanski	7356/02	17/05/2005 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> The sums agreed in respect of non-pecuniary damage in the Friendly Settlement were paid. <u>General measures:</u> None
ResDH(2006)75	ESP / Alberto Sanchez	72773/01	16/02/2005 16/11/2004	Access to and efficient functioning of justice: <i>Excessive length of judicial proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings are closed. <u>General measures:</u> No structural problem. The judgment was published, translated and disseminated.
ResDH(2006)77	ESP / Gonzalez Doria Duran de Quiroga + Lopez Sole Y Martin de Vargas	59072/00 61133/00	28/01/2004 28/10/2003	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <u>General measures:</u> No structural problem. Violation due to the specific circumstances of the cases. The judgments were published, translated and disseminated.
ResDH(2006)76	ESP / Iglesias Gil and A.U.I.	56673/00	29/07/2003 29/04/2003	Protection of family life: <i>Failure of authorities to protect a mother's custody rights in respect of her child, who had been abducted by his father, and the child's right to return to his mother. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The child had been returned to his mothers in June 2000. <u>General measures:</u> In 2002, the Penal Code was amended to introduce stricter sanction for child abduction now qualified as offence and not as obedience as it was so far. The judgment was published, translated and disseminated.
ResDH(2006)78	ESP / Quiles Gonzalez	71752/01	27/07/2004 27/04/2004	Access to and efficient functioning of justice: <i>Excessive length of proceedings</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed.

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				<i>before labour courts and the Constitutional Tribunal. (Article 6 §1)</i>	General measures: No structural problem. Violation due to the specific circumstances of the cases. The judgments were published, translated and disseminated to the Constitutional Court, the General Council of Judicial Power and the National Institute of Social Security.
ResDH(2006)72	EST / Taal	13249/02	22/02/2006 22/11/2005	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the applicant's inability to question at any procedural stage the witness of the prosecution. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant may request reopening of the impugned proceedings. General measures: Violation of an occasional character. The judgment was published, translated and disseminated.
ResDH(2006)48	FIN / Fortum Corporation	32559/96	15/10/2003 15/07/2003	Access to and efficient functioning of justice: <i>Unfair proceedings as the applicant company was not allowed by Supreme Administrative Court to submit comments on the documents transferred by the first-instance body. (Article 6 §1)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant company could request reopening of the proceedings before the Supreme Administrative Court. General measures: The Administrative Judicial Procedure Act of 1996 introduced an explicit provision on the hearing of parties before the Supreme Administrative Court. The judgment was published, translated and disseminated.
ResDH(2006)50	FIN / K. and T.	25702/94	12/07/2001 Grand Chamber	Protection of family life: <i>Disproportionate interference due to the placement of the applicants' children in public care under emergency and normal orders, failure to reunite the family and access restrictions. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The ECtHR had found no violation with regard to subsequent care orders; access restrictions ended before the judgment was delivered. General measures: The judgment was published, translated and disseminated to all authorities and courts concerned as guidance for the interpretation of domestic law. It was used in training activities for judges. See also DH(96)607 in Kerojärvi.
ResDH(2006)59	FIN / K.P.	31764/96	31/08/2001 31/05/2001	Access to and efficient functioning of justice: <i>Unfair administrative proceedings due to the failure to communicate to the applicant the opinions obtained ex officio</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The Supreme Court annulled the impugned decision and referred the case back to the Insurance Court. General measures: Violation due to the specific

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				<i>concerning her entitlement to continued disability allowance and various pensions. (Article 6 §1)</i>	circumstances of the case. The judgment was published, translated and disseminated to all authorities concerned, including social security institutions.
ResDH(2006)60	FIN / K.S.	29346/95	12/12/2001 31/05/2001	Access to and efficient functioning of justice: <i>Unfair administrative proceedings due to the failure to communicate to the applicant the opinions obtained ex officio concerning her entitlement to an unemployment allowance. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant may seek annulment of the impugned court decision. General measures: Violation due to the specific circumstances of the case. The judgment was published, translated and disseminated to all authorities concerned, including employment insurance institutions.
ResDH(2006)63	FIN / Lönnholtz	60790/00	25/04/2006 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Sums agreed in the Friendly Settlement paid. General measures: None
ResDH(2006)51	FIN / Nikula	31611/96	21/06/2002 21/03/2002	Freedom of expression: <i>Disproportionate interference due to the applicant's conviction under the Criminal Code following certain statements made by her as a lawyer during trial. (Article 10)</i>	Individual measures: Just satisfaction for pecuniary (amount of fine) and non-pecuniary damage paid. The applicant's judicial records do not contain any mention of the conviction. The applicant may seek reopening of the criminal proceedings. General measures: The Criminal Code was amended in 2000, criticism of a person in his/her political or business activity is not considered defamation, if the criticism does not exceed acceptable conduct. The judgment was published, translated and disseminated to all relevant authorities.
ResDH(2006)61	FIN / Pietiläinen	35999/97	27/01/2003 05/11/2002	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. Violation due to the specific circumstances of the case. General measures: The judgment was published, translated and disseminated to all courts concerned.
ResDH(2006)62	FIN / Türkiye is Bankasi	30013/96	18/09/2002 18/06/2002	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings, in particular before the Court of Appeal of</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. Violation due to the specific circumstances of the case.

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				<i>Helsinki. (Article 6 §1)</i>	<i>General measures:</i> Violation due to the specific circumstances of the case. The judgment was published, translated and disseminated to all courts concerned.
ResDH(2006)6	FRA / Abbas Houria	49532/99	15/07/2004 Friendly settlement	Access to and efficient functioning of justice: <i>Lack of access to a court on account of the declaration by the Court de Cassation that her appeal on points of law had lapsed because she had not obtained a dispensation from her obligation to surrender to custody, and had not so surrendered, before the examination of her appeal. (Article 6 §1)</i>	<i>Individual measures:</i> The sums agreed in the Friendly Settlement were paid. <i>General measures:</i> Repetitive case, see Kahlfaoui (34791/97).
ResDH(2006)4	FRA / Bruxelles and 2 other cases	46922/99+	30/11/2004 28/02/2005	Access to and efficient functioning of justice: <i>Excessive length of proceedings before administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The Committee of Ministers requested the acceleration of proceedings. <i>General measures:</i> See ResDH(2005)63 in Sapl and 62 other cases.
ResDH(2006)52	FRA / Chevrol	49636/99	13/05/2003 13/02/2003	Access to and efficient functioning of justice: <i>Denial of access to a court due to the interference of the executive power in the jurisdictional competence of the Conseil d'Etat, which considered itself bound by the negative opinion of the Ministry of Foreign Affairs with regard to the applicability of an international treaty concerning the applicant's appeal against the medical professional body's decision to refuse her to practice medicine in France. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was authorised to practice medicine in 1997 and her name was placed on the roll of the professional body in 1999. The applicant could seize the administrative authorities with compensation claims for the period at stake. <i>General measures:</i> The judgment was published and disseminated to the Conseil d'Etat and other relevant authorities.
ResDH(2006)7	FRA / Hababou	48167/99	26/04/2001 Friendly	Access to and efficient functioning of justice: <i>Excessive length of proceedings</i>	<i>Individual measures:</i> The sums agreed in the Friendly Settlement were paid.

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			settlement	<i>before administrative courts. (Article 6 §1)</i>	<u>General measures</u> : None
ResDH(2006)8	FRA / Leboeuf	47194/99	26/03/2002 Friendly settlement	Access to and efficient functioning of justice : Excessive length of proceedings before labour courts. (Article 6 §1)	<u>Individual measures</u> : The sums agreed in the Friendly Settlement were paid. <u>General measures</u> : None
ResDH(2006)9	FRA / Marcel	44791/98	09/04/2002 Friendly settlement	Access to and efficient functioning of justice : Excessive length of proceedings before labour courts. (Article 6 §1)	<u>Individual measures</u> : The sums agreed in the Friendly Settlement were paid. <u>General measures</u> : None
ResDH(2006)31	FRA / SA Cabinet Diot and 1 other case	49217/99+	22/10/2003 22/07/2003	Protection of property : Unnecessary interference due to the authorities' failure to reimburse VAT paid in error by two insurance broking companies. (Article 1 of Protocol No. 1)	<u>Individual measures</u> : Just satisfaction for pecuniary damage paid. <u>General measures</u> : The judgment was published and disseminated.
ResDH(2006)32	FRA / SA Dangeville	36677/97	16/07/2002 16/04/2002	Protection of property : Unnecessary interference due to the authorities' failure to reimburse VAT paid in error by two insurance broking companies. (Article 1 of Protocol No. 1)	<u>Individual measures</u> : Just satisfaction for pecuniary damage paid. <u>General measures</u> : The judgment was published and disseminated.
ResDH(2006)37	FRA / Susini and Others	43716/98	03/06/2003 Friendly settlement	Access to and efficient functioning of justice : Excessive length of criminal proceedings combined with civil action for damages as well as the lack of effective remedies. (Article 6 §1)	<u>Individual measures</u> : The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. <u>General measures</u> : None
ResDH(2006)53	GEO / Assanidze	71503/01	08/04/2004 Grand Chamber	Protection of rights in detention and access to and efficient functioning of justice : Arbitrary detention for more than three years despite acquittal by the Supreme Court; failure to comply with a final judgment. (Articles 5 §1 and 6 §1)	<u>Individual measures</u> : Just satisfaction for non-pecuniary damage paid. The applicant was released on the day following the judgment. <u>General measures</u> : The situation of the Autonomous Republic of Abkhazia was regularized and its former leader (responsible for the failure to comply with the release order)

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					resigned in 2004. The judgment was published, translated and disseminated to the relevant authorities and courts.
ResDH(2006)47	GRC / Atmatzidi and 13 other cases	2895/03+	21/10/2005 21/07/2005	Access to and efficient functioning of justice: Excessive length of civil proceedings (and in one case of criminal proceedings). (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> See ResDH(2005)66 in Tarighi Wageh Dashti and other cases.
ResDH(2006)5	GRC / Former King of Greece and Others	25701/94	23/11/2000 28/11/2002	Protection of property: Unlawful interference due to the expropriation of private property without compensation. (Article 1 of Protocol No. 1)	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid. <i>General measures:</i> Isolated case. The judgment was published and disseminated.
ResDH(2006)54	GRC / Kotsaridis	71498/01	23/12/2004 23/09/2004	Protection of rights in detention and access to and efficient functioning of justice: Excessive length of detention on remand and of criminal proceedings. (Articles 5 §4 and 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The courts were requested to accelerate the proceedings, which ended in 2005 imposing a prison sentence of 8 years and 10 months. <i>General measures:</i> The Code of Criminal Procedure was amended in 2005 to provide that the indictment chamber must hear the accused or his/her counsellor before giving a reasoned decision on the extension of pre-trial detention. Concerning excessive length of criminal proceedings, see DH(2005)66 in Tarighi Wageh Dashti group. The judgment was published, translated and disseminated.
ResDH(2006)38	GRC / Viaropoulos and Others	19437/02	31/03/2005 Friendly settlement	Access to and efficient functioning of justice and protection of property: Excessive length of civil proceedings pertaining to the applicants' claims for compensation following expropriation of their land. (Articles 6 §1 and 1 of Protocol No. 1)	<i>Individual measures:</i> The sums agreed in the Friendly Settlement were paid. <i>General measures:</i> See ResDH(2005)64 in Academy Trading Ltd and Others.
ResDH(2006)48	HUN / Nemeth	60037/00	13/04/2004	Access to and efficient functioning of	<i>Individual measures:</i> Just satisfaction for non-pecuniary

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			13/01/2004	<i>justice: Excessive length of criminal proceeding. (Article 6 §1)</i>	damage paid. <i>General measures:</i> No structural problem. The judgment was published and disseminated by the National Judicial Council to all competent courts.
ResDH(2006)18	ITA / Accardo and 5 other cases	62913/00+	17/03/2005 Friendly settlement	Access to and efficient functioning of justice and protection of property: <i>Sustained impossibility for the applicants to obtain the assistance of the police to implement judicial decisions ordering their tenants' eviction. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> The sums agreed in the Friendly Settlement were paid. <i>General measures:</i> New measures are under way, in addition to the adoption of the 1998 "Regulations concerning the renting and the repossession of housing", which sets inter alia the conditions, modalities and deadlines for the implementation of eviction proceedings to put to an end the serious problem of non-enforcement of judicial eviction orders (see Interim Resolution ResDH(2004)72).
ResDH(2006)64	ITA / Otello de Luca	17644/03	09/02/2006 Friendly settlement	Access to and efficient functioning of justice: <i>Systemic problem of non-enforcement of judicial orders for the eviction of tenants. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid as agreed. <i>General measures:</i> See Interim Resolution ResDH(2004)72 in Immobiliare Saffi on the Law of 1998 on "Regulations concerning the renting and the repossession of housing".
ResDH(2006)73	LIE / Steck-Risch	63151/00	19/08/2005 19/05/2005	Access to and efficient functioning of justice: <i>Breach of the principle of equality of arms in administrative court proceedings concerning the designation of the applicants' land as building land due to the failure to transmit relevant comments of the local communities to them. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. On a national level, the Constitutional Court held that the applicants had not suffered any prejudice by this violation. <i>General measures:</i> The ECtHR had held that the general confidence in the work of justice was at stake even if no actual prejudice had occurred. The judgment was published and disseminated.
ResDH(2006)74	NDL / Steur	39657/98	28/01/2004 28/01/2004	Freedom of expression: <i>Unjustified interference due to a lawyer's sentence to an admonition by the disciplinary council for an allegation made in his plea during trial, despite the evidence he had</i>	<i>Individual measures:</i> The applicant did not submit any claim. The admonition was not mentioned in the applicant's professional life. <i>General measures:</i> The judgment was published and transmitted to the lawyers' disciplinary authorities.

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				<i>submitted subsequently in support of his allegation. (Article 10)</i>	
ResDH(2006)46	POL / Nowicka	30218/96	03/03/2003 03/12/2002	Protection of rights in detention / protection of private and family life: <i>Unjustified length of the applicant's detention on remand for psychiatric examinations in the framework of private prosecution brought following a neighbourhood conflict as well as restrictions on family visits during this detention. (Articles 5 §1 and 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. <i>General measures:</i> The judgment was disseminated by the Ministry of Justice to all district and regional courts and was published on its internet site.
ResDH(2006)19	POL / Sobczuk	51799/99	25/05/2004 Friendly settlement	Access to and efficient functioning of justice and protection of rights in detention: <i>Length of detention on remand and criminal proceedings. (Articles 5 §3 and 6 §1)</i>	<i>Individual measures:</i> The sums agreed in the Friendly Settlement were paid. <i>General measures</i> continue to be supervised in the context of the Kudla and Trzaska groups.
ResDH(2006)65	PRT / Ferreira Pinto	54074/00	26/06/2003 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as agreed. <i>General measures</i> are in process of being drafted and adopted.
ResDH(2006)66	PRT / Real Alves	19485/02	07/06/2005 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid as agreed. <i>General measures</i> are in the process of being drafted and adopted.
ResDH(2006)39	ROM / Bălăşoiu	37424/97	20/04/2004 Friendly settlement	Protection against ill-treatment / access to and efficient functioning of justice: <i>Ineffective investigations into the applicant's allegations of ill treatment by the police and excessive length of criminal proceedings which she had joined as a civil</i>	<i>Individual measures:</i> The sums agreed in respect of non-pecuniary damage in the Friendly Settlement were paid. <i>General measures:</i> None

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>party. (Articles 3 and 6 §1)</i>	
CM/ResDH(2006)40	ROM / Constantin	49145/99	17/02/2005 Friendly settlement	Protection against ill-treatment / access to and efficient functioning of justice: <i>Ineffective investigations into the applicant's allegations of ill treatment by the police and lack of a remedy to obtain compensation. (Articles 3 and 13)</i>	Individual measures: The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. General measures: None
ResDH(2006)41	ROM / Roman and Hogeia	62959/00	17/02/2005 Friendly settlement	Access to and efficient functioning of justice: <i>Unfair proceedings due to the non-enforcement of judicial decisions ordering the applicants' reintegration in their posts. (Article 6 §1)</i>	Individual measures: Sums agreed in the Friendly Settlement payed. General measures: None
ResDH(2006)42	ROM / Suciú	49009/99	10/02/2004 Friendly settlement	Protection of property: <i>Disproportionate interference due to lack of appropriate compensation following the cancellation of a contract signed by the applicant with a State-owned company for the purchase of a property that had been built with State funding. (Article 1 of Protocol No. 1)</i>	Individual measures: The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. General measures: None
ResDH(2006)55	SUI / H.B.	26899/95	05/07/2001 05/04/2001	Protection of rights in detention: <i>Arrest and detention of the applicant on decision of the investigating magistrate, who could also intervene in subsequent criminal proceedings on the prosecution side on cantonal level. (Articles 5 §3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant may request the review of the criminal judgment delivered. General measures: Change of practice by the authorities of the canton of Solothurn ensuring that an investigating magistrate may no longer remand a person in custody. Subsequently, in 2003, the cantonal Constitution and Code of Criminal Procedure were amended to ensure that detention is no longer imposed by the investigating magistrate, but an independent "detention" magistrate.
ResDH(2006)15	SVK /	48817/99	21/06/2005	Access to and efficient functioning of	Individual measures: Just satisfaction for non-pecuniary damage

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	Bzedusek and 12 other cases		21/09/2005	<i>justice: Excessive length of civil proceedings. (Article 6 §1)</i>	paid. <u>General measures:</u> See ResDH(2005)67 in Jori group.
ResDH(2006)43	SWE / Toimi	55164/00	22/03/2005 Friendly settlement	Access to and efficient functioning of justice: <i>Lack of access to a court and excessive length of proceedings concerning the applicant's pension rights. (Article 6 §1)</i>	<u>Individual measures:</u> Sums agreed in the Friendly Settlement paid. <u>General measures:</u> None
ResDH(2006)67	TUR / A.S.	27694/95	28/03/2002 Friendly settlement	Protection of property: <i>Disproportionate interference due to delays by the administration in paying additional compensation awarded for expropriation and substantial difference in default interest rate and average rate of inflation. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary and non-pecuniary damage paid as agreed. <u>General measures:</u> See ResDH(2001) 70 and ResDH(2001)71 in Aka and Akkus, respectively.
ResDH(2006)58	TUR / Acar and 26 other cases	52133/99+	13/12/2005 13/09/2005	Protection of property: <i>Disproportionate interference due to the administration's delay in paying additional compensation awarded by domestic courts for the expropriation of their land in view of the considerable difference of the applicable default interest rates. (Article 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage paid. <u>General measures:</u> See ResDH(2001) 70 and ResDH(2001)71 in Aka and Akkus, respectively.
ResDH(2006)20	TUR / Akin	34688/97	12/04/2001 Friendly settlement	Protection of rights in detention: <i>Length of detention in police custody without judicial review. (Article 5 §1)</i>	<u>Individual measures:</u> The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. <u>General measures:</u> None
ResDH(2006)44	TUR / Alpay	30947/96	27/02/2001 Friendly settlement	Protection of property: <i>Disproportionate interference due to the authorities' delay in paying the applicants additional compensation for the expropriation</i>	<u>Individual measures:</u> The sums agreed in the Friendly Settlement were paid. <u>General measures:</u> None

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>between the applicable rate of default interest and the average rate of inflation. (Article 1 of Protocol No. 1)</i>	
ResDH(2006)79	TUR / Arslan and 31 other cases	23462/94+	08/07/99 08/07/99	Freedom of expression: <i>Unjustified interference due the applicants' conviction by State Security Courts under former Article 8 of the Anti-Terrorism Law following the publication of articles and books. (Article 10)</i> <i>Other violations concern the violation of right to be tried by an independent and impartial court, excessive length of proceedings and the conviction to higher sentences than prescribed by law. (Articles 6 §1 and 7)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage paid as awarded. Following the abrogation of Article 8 of the Anti-Terrorism Law, the applicants' criminal records were erased es officio and restrictions on civil and political rights lifted. The Committee of Ministers underlined the need to accelerate proceedings allowing redress in the future. General measures: In 2003, the impugned provision of the Anti-Terrorism Law was abrogated. State Security Courts were abolished in 2004. The excessive length of proceedings found in these cases does not seem to reveal a systemic problem. The judgments were published and disseminated to the competent courts.
ResDH(2006)21	TUR / B.T.	26093/94+	14/11/2000 Friendly settlement	Protection of property: <i>Disproportionate interference due to the authorities' delay in paying the applicants remainders of compensation awarded by the domestic courts for the expropriation of their land. (Article 1 of Protocol No. 1)</i>	Individual measures: The sums agreed in the Friendly Settlement were paid. General measures: None
ResDH(2006)22	TUR / Kaptan	46749/99	22/12/2004 Friendly settlement	Access to and efficient functioning of justice and protection of rights in detention: <i>Length of detention on remand and criminal proceedings. (Articles 5 §3 and 6 §1)</i>	Individual measures: The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. General measures: None
ResDH(2006)23	TUR / Ocal	30944/96	10/10/2002 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings concerning the determination of the applicant's title to a piece of land.</i>	Individual measures: The sums agreed in respect of pecuniary and non-pecuniary damage in the Friendly Settlement were paid. General measures: None

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				(Article 6 §1)	
ResDH(2006)28	UK / Davies and 3 other cases	42007/98+	16/10/2002 16/07/2002	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed before the judgment was delivered. <i>General measures:</i> The Civil Procedure Rules of 1999 aimed at ensuring that cases are dealt with expeditiously and fairly. They thus include rules applying to the pre-action stage to promote settlement without recourse to litigation. Furthermore, a new case-tracking system was introduced (small claims, fast track and multi-complex track). After the case allocation courts can now give active directions setting out the procedures to be followed (small claims, fast track, multi-track). Sanctions may be imposed on parties responsible for any delays. In practice, the CPR succeeded in accelerating proceedings before civil courts in England and Wales. A standing committee and the policy division of the Department for Constitutional Affairs keeps civil procedure policy under constant review. The judgments were published and disseminated to the relevant court administrations.
ResDH(2006)10	UK / Martin	63608/00	19/02/2004 Friendly settlement	Protection of private life: Disproportionate interference due to covert surveillance of the applicant's home for several months in 2000, following a complaint lodged against her and her family by their neighbours. (Article 8)	<i>Individual measures:</i> The sums agreed in the Friendly Settlement were paid. <i>General measures:</i> None
ResDH(2006)57	UK / Matthews	24833/94	18/02/1999	Electoral rights: Absence of elections to the European Parliament in Gibraltar. (Article 3 of Protocol No. 1)	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> See also Interim Resolution ResDH(2001)79 in Matthews. The European Parliament Act of 2003 provided for the UK electoral law also to be applied to Gibraltar. The Act included Gibraltar in the constituency of the South West region. In June 2004 the citizens of Gibraltar

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					took part in elections to the European Parliament with a turnout of 57.54%. The judgment was published and widely discussed.
ResDH(2006)29	UK / Samjee and Obasa	42116/98 + 50034/99	15/01/2003 15/10/2002	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings before labour courts. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed before the judgment was delivered. General measures: Internal procedural rules were amended by the Employment Appeals Act in 2002. The average waiting time in 2004 was less than 3 months. In 2004, the Employment Tribunals Regulations were revised to introduce greater case-management powers for chairpersons. Default judgments may be delivered in uncontested cases. Human resources were reinforced. Future developments will aim at the introduction of an effective remedy. The judgments were published and disseminated.
ResDH(2006)56	UK / Santa Cruz Ruiz + UK / Cusani	26109/95 32771/96	CM Decision 19/02/1999 09/06/1999 24/12/2002 24/09/2002	Protection of rights in detention and access to and efficient functioning of justice: <i>Unlawful detention based on an ultra vires Magistrates' Court order for the payment of maintenance arrears of the first applicant and lack of right to compensation; unfair criminal proceedings due to lack of sufficient information on the charges and lack of time and facilities to prepare his defence; absence of interpretation at the sentencing hearing before the Crown Court with regard to the second applicant. (Articles 5 §§1+5 and 6 §§1+3d)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid to the first applicant. No just satisfaction awarded in the second case. Both applicants were released, the first applicant after payment of the maintenance arrears, the second applicant on licence in November 1996. The latter's case was examined by the Criminal Case Review Commission which did not consider that there was a real possibility that, if referred to the Court of Appeal, the sentence would not be upheld. No further claim made by the applicant. General measures: The violation in the first case was due to a judicial error. The Human Rights Act of 1998, in force since 2000, grants victims of unlawful arrest and detention an enforceable right to compensation. It also guarantees the right to a fair trial, which was violated in the second case. Both judgments were published and disseminated to the relevant courts and authorities.