

## Summaries of Final Resolutions adopted by the Committee of Ministers in 2007

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Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)76</a>	AUT / A.T.	32636/96	21/06/2002 21/03/2002	<b>Access to and efficient functioning of justice:</b> <i>Lack of a public oral hearing in compensation proceedings for defamation under the Media Act. (Article 6 §1)</i>	<u>Individual measures:</u> No request submitted. Reopening of the impugned proceedings would have been possible.  <u>General measures:</u> The Media Act 1981 was amended in 2005 providing that in criminal proceedings initiated under the Act by a natural or legal person other than the State, the court may only choose not to hold an oral, public hearing if these persons have explicitly waived their right thereto. The explanatory note to the bill on this new provision contains an explicit reference to the present judgment. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)110</a>	AUT / Alge and 5 other cases	38185/97+	22/04/2004, 22/01/2004	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of proceedings concerning civil rights and obligations or the determination of criminal charges before administrative courts due to considerable periods of inactivity. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary damage paid as awarded. Domestic proceedings closed.  <u>General measures:</u> In 2002 legislative measures were adopted to prevent the Administrative Court from being overburdened by clone cases. According to the new law on the Administrative Court clone cases are now examined through a special accelerated procedure (see <a href="#">CM/ResDH(2004)77</a> in G.S.) The number of cases pending before the Administrative Court had decreased by 2003; the average time needed for reaching a decision on the merits at this court in 2003 and 2004 was about 22 months and in 2005 about 21 months. The judgments were published,

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<a href="#">CM/ResDH(2007)111</a>	AUT / L. and V. and S.L.	39392/98+	09/04/2003 09/01/2003	<b>Protection of private life / discrimination:</b> <i>Discriminatory treatment of male homosexuals as the Criminal Code incriminated consensual male homosexual acts by adults with teenagers aged between fourteen and eighteen years old whereas, consensual heterosexual or lesbian acts between adults and persons over fourteen were not punishable. (Article 14 combined with Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicants can apply for reopening of proceedings in order to have the consequences of their convictions erased.  <b>General measures:</b> In 2002, the impugned provision of the Criminal Code incriminating consensual male homosexual acts by adults with teenagers aged between fourteen and eighteen years old was repealed.
<a href="#">CM/ResDH(2007)112</a>	AUT / Morscher	54039/00	05/05/2004 05/02/2004	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of administrative proceedings for a planning permission to set up a wood-chipper and build a store on the applicant's land. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Proceedings closed, the applicant was granted the planning permission.  <b>General measures:</b> See <a href="#">ResDH(2004)77</a> in G.S. To ensure that local and regional authorities respect the statutory rules regarding their administrative decision-making, the Regional Government sent out an explanatory circular stressing the legal obligations of the competent authorities. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)113</a>	AUT / Schweighofer and Others	35673/97+	09/01/2002 09/10/2001	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of criminal proceedings (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed.  <b>General measures:</b> it is possible under the Courts Act to apply for acceleration of pending criminal proceedings. However, the procedure is not applicable to delays during

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					<p>the pre-trial phase attributable to the public prosecutor or to administrative authorities, or to delays caused by the Supreme Court. The new Code of Criminal Procedure, entering into force in 2008, guarantees the principle that proceedings should be conducted rapidly and prohibits unnecessary delays at all stages of criminal trials. It also provides that an accused may request termination of the trial if this principle is infringed. Criminal courts are obliged to report any delay or negligence of an authority, including the office of the public prosecutor, requested to carry out a specific action to the respective superior authority or to the next instance court. Furthermore, public prosecutors are subject to dual supervision under the Law on public prosecutors and the Law on civil servants. Excessive length of proceedings is to be taken into account as a mitigating circumstance when sentencing. The judgments were published, translated and disseminated.</p>
<p><a href="#">CM/ResDH(2007)158</a></p>	<p>BGR / Hristov and 8 other cases</p>	<p>52389/99+</p>	<p>20/01/2006 20/10/2005</p>	<p><i>Protection of rights in detention: Delayed possibility to challenge the lawfulness of the applicants' pre-trial detention before a judge; excessive length of detention on remand; infringement of the right to judicial review. (Article 5 §§3+4+5)</i></p>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. 5 applicants were released prior to the judgment. The remaining applicants are no longer in pre-trial detention but serve their sentences.</p> <p><u>General measures:</u> An extensive reform of the Code of Criminal Procedure entered into force in 2000. See <a href="#">ResDH(2000)109</a> in Assenov and Others. Subsequently, the practice of the Supreme Court concerning the reasons for ordering and prolonging detention on remand changed accordingly. The last remaining restrictions on a detainees' right to challenge the lawfulness of detention on remand were removed. The judgments were published, translated</p>

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<a href="#">CM/ResDH(2007)69</a>	BGR / Pramov and one other case	42986/98+	30/12/2004 30/09/2004	<b>Access to and efficient functioning of justice:</b> Denial of access to a court to obtain a decision on the lawfulness of the applicants' dismissal from the Bulgarian State Railways (Article 6 §1)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant could request reopening of the impugned proceedings under the Code of Civil Procedure.  <b>General measures:</b> The decree of 1981, refusing employees of Bulgarian State Railways any access to a court to obtain a decision on the lawfulness of their dismissal, was repealed by the new Rail Transport Law of 2002. Industrial conflicts concerning railway employees are now subject to the ordinary provisions of the Labour Code. The judgments were published on the Ministry of Justice website.
<a href="#">CM/ResDH(2007)114</a>	BGR / Tsonev	45963/99	13/07/2006 13/04/2006	<b>Freedom of association:</b> Unjustified interference due to the refusal to register the Communist Party based on insufficient grounds. (Article 11)	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant may apply for the party's registration.  <b>General measures:</b> No structural problem as other parties with the term "communist" in their names could be registered. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)102</a>	CRO / Debelić and 8 other cases	5208/03+	26/08/2005 26/05/2005	<b>Access to and efficient functioning of justice:</b> Excessive length of civil proceedings and lack of an effective remedy in three cases. (Articles 6 §1 and 13)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed except in three cases, in which an accelerated conduct is supervised by the Ministry of Justice.  <b>General measures:</b> Concerning excessive length of civil proceedings, see <a href="#">CM/ResDH(2005)60</a> in Horvat. The Civil

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					<p>Procedure Code was amended in 2003 to strengthen procedural discipline. An effective remedy against the excessive length of judicial proceedings was introduced in 2002, see <a href="#">CM/ResDH(2005)60</a> in Horvat. The Constitutional Court's practice, which in the present cases rendered this remedy ineffective, subsequently changed. Furthermore, according to an amendment to the Court's Act of 2005, the Constitutional Court is no longer competent to examine at first instance complaints about excessive length of judicial proceedings. Instead, the appeal courts have such competence. Their decisions may be appealed before the Supreme Court and the latter's decisions before the Constitutional Court. The judgments were published, translated and disseminated. The Judicial Academy has also organised workshops for the judges concerning the implementation of the new legislation in this area.</p>
<a href="#">CM/ResDH(2007)29</a>	CRO / Napijalo	66485/01	13/02/2004 13/11/2003	<b>Freedom of movement and access to and efficient functioning of justice:</b> <i>Unjustified interference due to the confiscation of the applicant's passport by the customs authorities for non-payment of a fine imposed as well as the excessive length of the civil proceedings concerning the return of the passport. (Articles 2 of Protocol No. 4 and 6 §1)</i>	<p><b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The passport was returned in 2001. The applicant's action for damages as a result of the seizure of his passport are still pending at appeal level.</p> <p><b>General measures:</b> Confiscation of passport constitutes an isolated occurrence due to misapplication of the law. Concerning length of civil proceedings, see ResDH-(2005)60 in Horvath.</p>
<a href="#">CM/ResDH(2007)</a>	CYP / Aziz	69949/01	22/09/2004	<b>Electoral rights / discrimination:</b> <i>Discriminatory treatment of the applicant</i>	<p><b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The</p>

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<a href="#">77</a>			22/06/2004	<i>as a member of the Turkish-Cypriot community residing in the Government-controlled area of Cyprus on account of the fact that the constitutional provisions providing for two separate (Greek and Turkish) electoral lists were ineffective as a result of the anomalous situation in the country since 1963 and a gap in legislation. (Articles 3 of Protocol No. 1 and 14 in conjunction with 3 of Protocol No. 1)</i>	violation found required a legislative reform (see below).  <i>General measures:</i> The Law of 2006 on “the exercise of the right to vote and to be elected by members of the Turkish community with habitual residence in free territory of the Republic” gives effect to the right to vote and to be elected in parliamentary, municipal and community elections of Cypriot nationals of Turkish origin habitually residing in the Republic of Cyprus. In addition, Cypriot nationals of Turkish origin now have the right to vote in presidential elections. Thus, in the parliamentary elections of 2006, 270 Turkish Cypriots cast their ballot and one Turkish Cypriot was a candidate MP.
<a href="#">CM/ResDH(2007) 5</a>	CYP / Larkos	29515/95	18/02/1999 18/02/1999 Grand Chamber	<b>Discrimination with regard to protection of private life and home:</b> <i>Unlawful discriminatory treatment of a government tenant living in an area regulated by the Rent Control Law 1983, in comparison to a private individual renting from a private landlord, resulting in the applicant’s eviction. (Article 14 in conjunction with 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. No causal link with claim for pecuniary damage.  <i>General measures:</i> The Rent Control Law was amended in 2002, providing that the protection from eviction shall be equally applicable to both the tenants of State-owned dwellings and private tenants renting from private landlords. Furthermore, the amendment provided that domestic courts should not deliver new judgments or orders contrary to these amendments and that judgments or orders already pending enforcement, which concern the eviction of the tenants of the State-owned dwellings, should not be enforced. These amendments thus effectively remedy both the applicant's situation and prevent new similar violations.

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<a href="#">CM/ResDH(2007)135</a>	CZE / Balšán	1993/02	18/10/2006 18/07/2006	<b>Access to and efficient functioning of justice:</b> <i>Lack of a fair trial because of the refusal to grant the applicant the right to question or have questioned the co-defendant, whose statements were the only basis for convicting the applicant. (Article 6 §§1+3d)</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. Reopening possible.  <i>General measures:</i> See <a href="#">CM/ResDH(2007)118</a> in Krasniki. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)115</a>	CZE / Běleš and Others	47273/99	12/02/2003 12/11/2002	<b>Access to and efficient functioning of justice:</b> <i>Refusal to consider the merits of the applicants' claims and appeals due to a restrictive interpretation of procedural rules by domestic courts and lack of access to a court due to an unpredictable interpretation of the applicable procedural rules governing the admissibility of constitutional appeals. (Article 6 §1 twice)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicants did not request a new judicial review.  <i>General measures:</i> Concerning the interpretation of the relevant procedural rules, the Supreme and Constitution Courts changed its case-law in 2002. The rules on the admissibility of constitutional complaints were clarified by a Constitutional Court decision with general scope in 2004. Subsequently, in 2004, the Law on the Constitutional Court was amended providing that it is not indispensable to have recourse to an extraordinary appeal, the admissibility of which depends only on the discretionary assessment of the competent organ, before bringing the case before the Constitutional Court. In case of a dismissal of an extraordinary appeal solely on the basis of a discretionary assessment, a constitutional complaint may be lodged within 60 days from notification of this decision. See also <a href="#">CM/ResDH(2007)30</a> in Zvolský and Zvolská.

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<a href="#">CM/ResDH(2007)116</a>	CZE / Bucheň	36541/97	26/02/2003 26/11/2002	<b>Discrimination:</b> <i>Unjustified difference in treatment between the applicant and various other categories of former members of the armed force resulting in the discriminatory suspension of the payment of a retirement allowance owed to the applicant in his capacity of former military judge, due to the fact that he was assigned as a judge to an ordinary court. (Article 14 combined with Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary damage paid. The Ministry of Defence has ended the suspension of the payment of the allowance at issue to the applicant, as well as to the other persons concerned.  <b>General measures:</b> The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)117</a>	CZE / Credit and Industrial Bank	29010/95	21/10/2003 Grand Chamber	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court due to the impossibility for the company management to contest the decision by the Czech National Bank to place the company under compulsory administration on the ground of its unsatisfactory financial situation and liquidity. (Article 6 §1)</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. In 1995, the Czech National Bank withdrew the applicant's banking license and the Prague Commercial Court declared it bankrupt. Thus, reopening of the case, which also could have adverse financial consequences for its creditors, is impossible.  <b>General measures:</b> The Bank Act of 1992 and the Code of Administrative Procedure of 1967 were amended in 1994 to provide effective domestic remedies which allow a bank to challenge before a court the reasons for a decision imposing compulsory administration. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)</a>	CZE / Krasniki	51277/99	28/05/2006	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The



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<a href="#">118</a>			28/02/2006	<i>resulting in due to the inability of the applicant to question or have questioned the principal prosecution witnesses, who were protected by anonymity without sufficient justification. (Article 6 §§1+3d)</i>	applicant may request reopening of the impugned proceedings.  <i>General measures:</i> The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)30</a>	CZE / Pincová and Pinc and 1 other case	36548/97+	05/02/2003 05/11/2002	<b>Protection of property and access to and efficient functioning of justice:</b> <i>Disproportionate interference due to the restitution to its former owner - pursuant to the Law on land ownership 1991 - of property previously acquired by the applicants in good faith from a State-owned enterprise under the Communist regime, without adequate and reasonable compensation and without consideration of the personal situation of the applicants and, in the second case, lack of access to the Constitutional Court. (Article 1 of Protocol No. 1 and 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage paid.  <i>General measures:</i> The deadline for lodging restitution requests under the 1991 Law on land ownership expired more than ten years ago. Isolated occurrence. Concerning access to the Constitutional Court, see <a href="#">CM/ResDH(2007)31</a> in Soudek. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)119</a>	CZE / Singh and 1 other case	60538/00	25/04/2005 25/01/2005	<b>Protection of rights in detention:</b> <i>Unlawfulness and excessive length of the applicants' detention with a view to deportation and a lack of prompt examination of their applications for release. (Article 5 §§1f+4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Both applicants were released in 2001 and 2002 respectively.  <i>General measures:</i> According to amendments made to the Code of Criminal Procedure in 2002, courts now must decide promptly on an application for release from detention within five working days. Statistics were provided. The judgment was published, translated and disseminated to the

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					authorities concerned.
<a href="#">CM/ResDH(2007) 31</a>	CZE / Soudek	56526/00	15/06/2005 15/03/2005	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to the Constitutional Court due to the rejection the applicant's complaint as out of time, penalising him for appealing on a point of law before lodging his constitutional complaint and thus depriving him of effective protection, due to a very strict interpretation of the procedural rules governing the admissibility of constitutional appeals. (Article 6 §1)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage.  <b>General measures:</b> Change of practice of the Constitutional Court in 2003 with regard to the admissibility criteria for constitutional complaints. Subsequently, in 2004, the Law on the Constitutional Court was amended providing that it is not necessary to lodge an extraordinary appeal, the admissibility of which depends entirely on the discretionary assessment of the competent body, before bringing the case before the Constitutional Court. In case of a dismissal of an extraordinary appeal solely on the basis of a discretionary assessment, a constitutional complaint may be lodged within 60 days from notification of this decision.
<a href="#">CM/ResDH(2007) 6</a>	DNK / Sørensen and Rasmussen	52562/99	11/01/2006 11/01/2006	<b>Freedom of association:</b> <i>Disproportionate interference due to the obligation imposed on the applicants by their employers at the moment of their recruitment to join a particular trade union, which had concluded a "closed-shop" agreement with the employer. (Article 11)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary damage (loss of income following dismissal) awarded to the first applicant. No claims for non-pecuniary damages submitted by both applicants.  <b>General measures:</b> The Act on protection against dismissal due to association membership was amended in 2006 providing that a person's affiliation to a union or non-membership of a union must not be taken into account in a recruitment situation or in connection with dismissal. Consequently, any closed-shop agreements contained in collective agreements will be null and void and may not be concluded in the future. The judgment was published.

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<a href="#">CM/ResDH(2007)32</a>	EST / Alver	64812/01	08/02/2006 08/11/2006	<b>Protection against ill-treatment – conditions of detention:</b> Detention on remand in Tallinn Central Prison and Jõgeva District Arrest House in conditions of overcrowding, absence of proper furniture, sanitary facilities, ventilation or natural light as well as absence of sufficient outdoor exercise and inadequacy of the food amounting to ill-treatment. (Article 3)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2000.  <i>General measures:</i> Tallinn Central Prison was closed in 2002. The Jõgeva Arrest House and other arrest houses were renovated ready for use in 2009. In 2003, police prefectures were ordered to improve health services and everyday conditions in arrest houses. They were ordered to take measures to improve artificial lighting and ventilation, to procure bed linen, to organise regular changing and cleaning of linen and to provide the necessary toilet articles for detainees. Moreover, detainees may file complaints either through the prison system or directly to the Ministry of Justice, the Legal Chancellor, the President of the Republic, the prosecutor, the investigator or a court. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)33</a>	EST / Sulaoja and 1 other case	55939/00+	15/05/2005 15/02/2005	<b>Protection of rights in detention:</b> Unjustified extension of the applicants' detention on remand and the failure to examine their applications for release promptly. (Article 5 §§3+4)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> Under the Code of Criminal Procedure (entry into force mainly in 2004 and 2005), pre-trial detention is limited to six months except for exceptional reasons. After the initial arrest warrant a detainee may, within two months, ask the preliminary investigation judge or a court to verify the reasons for the detention. A new request may be submitted again after two months. The preliminary investigation judge must decide on such requests within five days of receipt. If the term of the pre-trial detention has been extended for more than six months, the

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					preliminary investigation judge must verify the reasons for the detention at least once a month regardless of whether this has been requested or not. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)152</a>	EST / Treial	48129/99	02/03/2004 02/12/2003	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil proceedings concerning divorce and division of property. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed in May 2006.  <i>General measures:</i> No systematic problem. The judgment was published, translated and disseminated. Anyone may file a complaint before the administrative courts against delays in judicial proceedings or inaction by the courts relying on the Constitution or the ECHR as well as the Code of Administrative Procedure and case-law of the Supreme Court. The new Code of Civil Procedure of 2006 provides a special appeal for parties to cases in which a court adjourns the hearing without the consent of the parties for more than three months.
<a href="#">CM/ResDH(2007)36</a>	FIN / Goussev, Marenk, Soini and Others	35083/97+	17/04/2006 17/01/2006	<b>Freedom of expression:</b> <i>Unlawful interference due to search and seizure of pamphlets and other written material against fur trade in the applicants' homes, carried out on the basis of a different suspicion than that of public defamation; problematic relationship between the Coercive Measures Act and the Freedom of the Press Act. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> The Freedom of the Press Act was repealed by the Act on the Exercise of Freedom of Expression in Mass Media which entered into force in 2004. The new Act clarified the relationship between legislative provisions on publications and the Coercive Measures Act. The judgment was published, translated and disseminated.

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<a href="#">CM/ResDH(2007)34</a>	FIN / K.A.	27751/95	14/04/2003 14/01/2003	<b>Protection of family life:</b> Failure to take adequate measures to reunite the applicant parents and their three children following the children's placement in a foster family, based on a finding of the competent authorities that family conditions might endanger the children's development (Article 8).	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The children have already reached majority.  <b>General measures:</b> See also CM/ResDH(2006)50 K. and T. The Child Welfare Act was amended in 2006 regulating in more detail contacts between a child placed in substitute care and the parents and clarifying the appeals procedure to be lodged against decisions imposing restrictions. A new Child Welfare Act of 2008 covers municipal decision-making from the point of view of the legal protection of the child and the family in child welfare matters; child participation when carrying out measures pertaining to child welfare; analysis by social welfare authorities of the needs of child welfare; safeguards in the procedure for taking a child into custody; quality check of substitute care; decision-making concerning custody directly enforced by an Administrative Court. A child welfare promotion programme for professionals was carried out in 2007. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)35</a>	FIN / N.	38885/02	30/11/2005 26/07/2005	<b>Protection against ill-treatment; deportation/asylum:</b> Risk of ill-treatment in case of enforcement of the order to deport the applicant to the Republic of Congo despite his having adduced sufficient evidence established on substantial ground for this risk. (Article 3)	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In 2006, the applicant was granted a temporary residence permit for one year on the basis of his need for protection and has now a continuous residence permit which will be automatically renewed provided that he does not commit any serious offences.  <b>General measures:</b> The judgment was published, translated and disseminated.

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<a href="#">CM/ResDH(2007)159</a>	FRA / A.C.	17572/90	13/10/1995 CM Decision	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings before a court of appeal which had sentenced the applicant in absentia and where his lawyer was not authorised to present his defense. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> See <a href="#">CM/ResDH(2007)154</a> in Poitrimol and Others. Change of case-law of the Cour de Cassation concerning the admissibility of appeals even though the accused had not complied with an arrest warrant issued against him by a decision of an appeal court against which he had lodged an appeal.
<a href="#">CM/ResDH(2007)37</a>	FRA / Annoni Di Gusola and Debordes and Omer	31819/96+	14/02/2001 14/11/2001	<b>Access to and efficient functioning of justice:</b> <i>Lack of access to a court due to the Court of Cassation President's decision under a specific provision of the Code of Civil Procedure to strike the applicants appeals from the court's list based on the failure to examine the applicants' inability to comply with the impugned decisions and the "manifestly unreasonable consequences" of such compliance. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> According to the present judgment, because of the non-suspensive nature of an appeal on points of law, and in order to avoid dilatory tactics, for a case to be struck out of the Court of Cassation's list when the appellant fails to execute the decision at the origin of the appeal is as such not incompatible with the ECHR in principle. The judgment was published.
<a href="#">CM/ResDH(2007)38</a>	FRA / Aristimuño Mendizabal	51431/99	17/04/2006 17/01/2006	<b>Protection of private and family life:</b> <i>Unlawful interference due to the delay of 14 years taken by the authorities to issue to a citizen of a member state of the European Union the residence permit to which she was entitled according to national and Community law. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. In December 2003 the applicant obtained a ten-year residence permit in accordance with the 2003 Immigration Control, Residence of Aliens and Nationality Act, which abolished the requirement for Community nationals wishing to take up residence in France to hold a residence permit.

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					<p><i>General measures:</i> The EU Directive of 2005 on the right of residence of EU citizens has been transposed into national law in 2006. The Ministry of the Interior published a commentary on the present judgment on its intranet site, which may be consulted by all Ministry and prefecture officials.</p>
<p><a href="#">CM/ResDH(2007) 39</a></p>	<p>FRA / Barillot and 9 other cases</p>	<p>49533/99+</p>	<p>29/07/2003  29/04/2003</p>	<p><b>Access to and efficient functioning of justice:</b> Excessive length of criminal proceedings; in particular excessive length of the pre-trial investigation stage. (Article 6 §1)</p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage (and in one case pecuniary damage in the amount of the interest rates paid for applicant's loan covering the bail) paid. All domestic proceedings closed.</p> <p><i>General measures:</i> The five-year orientation and programming law for Justice of 2002 aimed at reducing the length of civil and criminal proceedings. First, between 1998 and 2002 more than 2400 new posts had already been created in the judicial services. The programming law created 4450 supplementary posts between 2002 and 2007 (950 magistrates and 3500 state employees and agents of the judicial services). In 2000, certain provisions of the Code of Criminal Procedure concerning judicial inquiries on criminal issues were amended in order to reduce the length of the pre-trial investigation stage. These judicial inquiries are subjected to a proceedings schedule and new rights have been granted to the parties (the indicted person, the "témoin assisté" and the civil party). An application for compensation under the Code of Judicial Organisation has acquired sufficient legal certainty to be considered an effective remedy. (see Nouhaud, judgment of 09/07/2002). See also CM/ResDH(2008)31 in Quemar.</p>

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<a href="#">CM/ResDH(2007)40</a>	FRA / Cazes	27413/95	18/01/1999 Decision CM	<b>Access to and efficient functioning of justice:</b> Breach of the presumption of innocence in certain proceedings before the national commission for compensation in respect of detention on remand. (Article 6 §2)	<b>Individual measures:</b> Just satisfaction in respect of pecuniary and non-pecuniary damage, awarded in equity, paid.  <b>General measures:</b> In 2000, the Criminal Procedure Code was amended in respect of compensation for detention on remand reinforcing the protection of the presumption of innocence. Deliberations of the Compensation Commission shall be held in public and its decisions shall be reasoned.
<a href="#">CM/ResDH(2007)160</a>	FRA / Coste and 3 other cases	50528/99+	17/03/2003 17/12/2002	<b>Access to and efficient functioning of justice:</b> Denial of access to a court on account of the forfeiture of the applicants' appeal on points of law under the Criminal Procedure Code, because he had not obtained an exemption from surrendering to custody and had not surrendered to custody before the examination of his appeal. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Three applicants did not avail themselves of the possibility to apply for review of the impugned judgment under the law strengthening the presumption of innocence and the victims' rights of 2000. One applicant did. <b>General measures:</b> The impugned provisions concerning the forfeiture of the right to appeal on points of law of the Code of Criminal Procedure were abrogated by a law of 2000 strengthening the protection of the presumption of innocence and victims' rights. See also <a href="#">CM/ResDH(2007)154</a> in Poitrimol and 3 other cases; <a href="#">CM/ResDH(2007)160</a> in Coste and 3 other cases; <a href="#">CM/ResDH(2007)162</a> in Papon.
<a href="#">CM/ResDH(2007)62</a>	FRA / Darmagnac	31842/96	12/11/1998 CM Decision	<b>Access to and efficient functioning of justice:</b> Excessive length of civil proceedings before administrative courts, for compensation for injury sustained from the applicant's infection with the Hepatitis A and C virus as a result of a blood transfusion. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid.  <b>General measures:</b> See <a href="#">CM/ResDH(2007)48</a> in Richard and 6 other cases.



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)41</a>	FRA / Delbec	23321/94	18/02/1998 Decision CM	<b>Protection of family life:</b> <i>Inability of the applicant to obtain the examination of her requests for restoration of her right to visit her children due to the impossibility to obtain the address of her ex-husband. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid.  <b>General measures:</b> The ECHR Commission's report as well as the Committee of Ministers' decisions had been sent out to the authorities directly concerned.
<a href="#">CM/ResDH(2007)42</a>	FRA / Delbec III and 3 other cases	43132/98+	18/09/2002 18/06/2002	<b>Protection of rights in detention:</b> <i>Excessive length of time taken by civil courts (Regional Courts) to decide on urgent applications for immediate release from psychiatric hospital. (Article 5 §4)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid.  <b>General measures:</b> In 2005, the Ministry of Justice sent out instructions on the requirements concerning Article 5 §4 and the ECtHR's case-law concerning the way in which applications for immediate release from psychiatric detention should be dealt with.
<a href="#">CM/ResDH(2007)161</a>	FRA / Farange S.A. and 8 other cases	77575/01+	13/10/2006 13/07/2006	<b>Access to and efficient functioning of justice:</b> <i>Lack of a fair trial due to the participation of the Government Commissioner in the deliberations of the Conseil d'Etat. (Article 6 §1)</i>  <i>Other violations: Excessive length of proceedings before administrative courts and absence of an effective remedy. (Articles 6 §1 and 13)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid as awarded. The applicants do not suffer from very serious consequences of the violation, within the meaning of Recommendation Rec(2000)2 of the CM on the re-examination or reopening of certain cases at domestic level following judgments of the ECtHR.  <b>General measures:</b> Concerning the participation of the Government Commissioner in deliberations of the Conseil d'Etat and ordinary courts and administrative courts of appeal, see <a href="#">CM/ResDH(2007)44</a> in Kress et five other cases. Concerning length of administrative proceedings and absence of a remedy, see ResDH(2005)63 in Sapl.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)63</a>	FRA / Ferville C. and P.	27659/95	15/04/1999 CM Decision	<b>Access to and efficient functioning of justice:</b> Denial of access to a court on account of the decision of the President of the Court de cassation, under a specific provision of the Code of Civil Procedure, to strike out the applicants' appeal from the list of the Court de cassation without examination on the merits. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid.  <i>General measures:</i> See <a href="#">CM/ResDH(2007)37</a> in Annoni Di Gusola and others.
<a href="#">CM/ResDH(2007)43</a>	FRA / G.B.	20282/92	28/01/1997 CM Decision	<b>Protection of rights in detention and access to and efficient functioning of justice:</b> Unlawful confinement to a mental hospital and length of subsequent civil proceedings for compensation. (Articles 5 §4 and 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> The ECHR Commission's report as well as the Committee of Ministers' decisions had been sent out to the authorities directly concerned.
<a href="#">CM/ResDH(2007)153</a>	FRA / Khalfaoui	34791/97	14/03/2000	<b>Access to and efficient functioning of justice:</b> Denial of access to a court on account of the forfeiture of the applicant's appeal on points of law under the Criminal Procedure Code, because he had not obtained an exemption from surrendering to custody and had not surrendered to custody before the examination of his appeal. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not avail himself of the possibility to apply for review of the impugned judgment.  <i>General measures:</i> The impugned provisions concerning the forfeiture of the right to appeal on points of law of the Code of Criminal Procedure were abrogated by a law of 2000 strengthening the protection of the presumption of innocence and victims' rights. See also <a href="#">CM/ResDH(2007)154</a> in Poitrimol and 3 other cases; <a href="#">CM/ResDH(2007)160</a> in Coste and 3 other cases; <a href="#">CM/ResDH(2007)162</a> in Papon.
<a href="#">CM/ResDH(2007)</a>	FRA / Kress and 5 other	39594/98	07/06/2001	<b>Access to and efficient functioning of justice:</b> Lack of a fair trial due to the	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid as awarded in three cases. No other

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">44</a>	cases		Grand Chamber	<i>(technical) participation of the Government Commissioner in the deliberations of the Conseil d'Etat and, in two cases, excessive length of proceedings before administrative courts. (Article 6 §1)</i>	measure is necessary due to the reasons put forward by the ECtHR in support of its decisions on just satisfaction.  <i>General measures:</i> In 2006, the Code of Administrative Justice was amended by decree: The Government Commissioner will no longer intervene in deliberations in proceedings before ordinary courts and administrative courts of appeal. In proceedings before the Conseil d'Etat, it will be open to parties to request that the Commissioner does not take part in deliberations. Parties are informed of this right in the summons. If no such request is submitted, the Government Commissioner will be present at the deliberation in the interest of the consistency of administrative case-law and the greater legal security of the parties. Concerning length of proceedings before administrative courts see CMResDH(2005)63 in Sapl. In the case of Broca and Texier-Micault (judgment of 21 October 2003), the ECtHR found that a remedy now exists whereby a complaint may be lodged against the excessive length of such proceedings.
<a href="#">CM/ResDH(2007)78</a>	FRA / Lemoine	33656/96	14/02/2000 14/11/1999	<b>Access to and efficient functioning of justice:</b> <i>Lack of access to a court to contest a decision, taken by his employer, the French railway company, discharging him from his post on grounds of physical unfitness and excessive length of judicial proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. The applicant tried to obtain the annulment of the S.N.C.F. decision at issue. However, domestic courts (and most recently the <i>Cour de cassation</i> in a judgment of 2005) dismissed his requests, holding themselves incompetent to review the question of their competence, in spite of the finding of a violation of the Convention, because of the <i>res judicata</i> principle.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>General measures:</i> A new procedure was instituted by the modification, in 1999, of the Rules on health and the organisation of the occupational health service. Accordingly, decisions concerning unfitness for work are taken by doctors from the occupational health service. Possibilities to appeal against decisions by transport labour inspectors include: submission for an out-of-court settlement to the inspector who took the decision; disciplinary complaint to the Minister of Transport; finally, submission for a legal settlement to the administrative court. Concerning length of civil proceedings see <a href="#">CM/ResDH(2003)88</a> in Hermant.
<a href="#">CM/ResDH(2007)46</a>	FRA / Mayali	69116/01	14/09/2005 14/06/2005	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings, in particular due to the lack of sufficient opportunity to challenge the victim's assertions on which the applicant's conviction had been based. (Article 6 §§1+3d)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> The judgement was disseminated to all competent courts.
<a href="#">CM/ResDH(2007)64</a>	FRA / Mortier	42195/98	31/10/2001 31/07/2001	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court on account of the decision of the President of the Court de cassation, under a specific provision of the Code of Civil Procedure, to strike out the applicants' appeal from the list of the Court de cassation without examination on the merits. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Lacking causal link between the violations and the alleged pecuniary damage.  <i>General measures:</i> See <a href="#">CM/ResDH(2007)37</a> in Annoni Di Gusola and others.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)47</a>	FRA / Motais de Narbonne	48161/99	02/10/2002 02/07/2002 Merits 24/09/2003 27/05/2003 Just satisfaction	<b>Protection of property:</b> <i>Disproportionate interference due to the authorities' refusal to reconstitute the applicants former property, which had been acquired by compulsory purchase on grounds of public utility and later left unused (or, instead, to pay its up-to-date value less the compulsory purchase compensation they had already received). (Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (present market value of the land, less the inflation-adjusted amount of the compulsory purchase compensation already paid) and non-pecuniary damage paid.  <b>General measures:</b> The judgment was published and disseminated to all authorities concerned. It is mentioned in a guidebook concerning local land policies.
<a href="#">CM/ResDH(2007)162</a>	FRA / Papon	54210/00	25/10/2002 25/07/2002	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court on account of the forfeiture of the applicants' appeal on points of law under the Criminal Procedure Code, because he had not obtained an exemption from surrendering to custody and had not surrendered to custody before the examination of his appeal. (Article 6 §1)</i>	<b>Individual measures:</b> No just satisfaction in respect of non-pecuniary damage awarded due to lacking causal link. The applicant applied for review of the impugned judgment under the law strengthening the presumption of innocence and the victims' rights of 2000. <b>General measures:</b> The impugned provisions concerning the forfeiture of the right to appeal on points of law of the Code of Criminal Procedure were abrogated by a law of 2000 strengthening the protection of the presumption of innocence and victims' rights. See also <a href="#">CM/ResDH(2007)154</a> in Poitrimol and 3 other cases; <a href="#">CM/ResDH(2007)160</a> in Coste and 3 other cases; <a href="#">CM/ResDH(2007)162</a> in Papon.
<a href="#">CM/ResDH(2007)70</a>	FRA / Picard	26984/95	18/01/1999 CM Decision	<b>Access to and efficient functioning of justice:</b> <i>Unfair proceedings before the dentists' national professional body denying equality of arms and certain defence rights of the accused. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid.  <b>General measures:</b> The ECHR Commission's report as well as the Committee of Ministers' decisions had been sent out to the authorities concerned.
<a href="#">CM/ResDH(2007)</a>	FRA / Pierre	26242/95	09/06/1999	<b>Protection of property:</b> <i>Disproportionate</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">45</a>	Lemoine		CM Decision	<i>interference in tax proceedings due to the registration of legal mortgages on the entirety of the applicant's land, as security for a debt first twelve times, then twenty-four times lower than the value of the land and maintenance of the mortgage despite payment of the tax debt. (Article 1 of Protocol No. 1)</i>	and non-pecuniary damage, awarded in equity, paid.  <i>General measures:</i> The ECHR Commission's report as well as the Committee of Ministers' decisions had been published on the database Legifrance.
<a href="#">CM/ResDH(2007)154</a>	FRA / Poitrimaol and 3 other cases	14032/88+	23/11/1993 23/11/1993	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court and thus of a fair trial on account of the declaration of inadmissibility ipso jure of their appeals by the Cour de cassation on the ground that they had not complied with an arrest warrant issued by the appeal court against which their appeal is lodged; two cases also concern the right to the assistance of a lawyer in an appeal procedure where he applicant himself is not present. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage in three cases. Just satisfaction in respect of non-pecuniary damage paid in the third case. Three applicants did not avail themselves of the possibility to apply for review of the impugned judgment under the law strengthening the presumption of innocence and the victims' rights of 2000. One applicant did. <i>General measures:</i> Change of case-law of the Cour de Cassation concerning the admissibility of appeals even though the accused had not complied with an arrest warrant issued against him by a decision of an appeal court against which he had lodged an appeal.
<a href="#">CM/REsDH(2007)167</a>	FRA / Riccobono	31409/96	26/06/2001 CM Decision	<b>Protection of private life and home:</b> <i>Unjustified interference on account of the house searches and seizures the applicant was subject to during a customs investigation. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> The HRComisson's report was published.
<a href="#">CM/ResDH(2007)</a>	FRA / Richard and 6 other	33441/96+	22/04/1998	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. All compensation proceedings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">48</a>	cases		22/04/1998	<i>compensation proceedings before administrative courts for harm sustained by the applicants or by their relatives on account of the applicants' or their relatives' infection with the HIV virus and/or the Hepatitis C virus as a result of blood transfusions. (Article 6 §1)</i>	pending were completed within months following the delivery of the present judgment.  <i>General measures:</i> Measures were rapidly adopted in the administrative court to ensure "exceptional diligence" in cases submitted by persons infected with the HIV virus, including priority treatment by the registry. Deadlines given to the parties for submissions are shortened and set by the examining judge. In addition, the president of the bench may, at short notice, set a date for the end of the investigation and an indicative date for the hearing, in accordance with the relevant provisions of the Code of Administrative Justice.
<a href="#">CM/ResDH(2007) 49</a>	FRA / Seguin and 2 other cases	42400/98+	06/11/2002 16/04/2002	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of proceedings before labour and administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. All domestic proceedings are closed.  <i>General measures:</i> The judgments were published together with a commentary, in a legal journal widely disseminated at national level. They were also communicated to the administrative courts concerned.
<a href="#">CM/ResDH(2007) 50</a>	FRA / Simane-Kaïd	27019/95	09/06/1999 CM Decision	<b>Protection of private life/correspondence:</b> <i>Unjustified interference due to the prison authorities opening of letters sent by the applicant's lawyers and the HRCommission to the applicant. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage (symbolic 1 FF) paid.  <i>General measures:</i> The Code of Criminal Procedure relating to the application of sentences was amended and removed the distinction lawyers who assisted the accused in the proceedings for which they had been detained and other lawyers. Furthermore, a memorandum was sent to prison governors specifying that detainees' correspondence with

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					the HRCommission, whatever the organ (i.e. the president, a member or the Secretariat) should remain unopened.
<a href="#">CM/ResDH(2007)51</a>	FRA / Slimani	57671/00	27/10/2004 27/07/2004	<b>Right to life:</b> <i>Lack of effective investigations into the causes of death of the applicant's detained partner due to the fact that she had not been associated with the conduct of the investigation. (Article 2)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant had had access to the inquiry documents during the proceedings before the ECtHR.  <b>General measures:</b> Following an amendment of the Code of Criminal Procedure in 2002, persons close to the deceased may become civil parties to the enquiry and thus obtain access to it, without having to lodge a criminal complaint. The judgment was published on the Ministry of Justice website.
<a href="#">CM/ResDH(2007)52</a>	FRA / Tricard	40472/98	10/10/2001 10/07/2001	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to court in criminal proceedings due to the application of rules relating to time-limits for appealing on points of law (5 days after the contested decision was sent) to the applicant, who, living in Polynesia, had received the decision, issued in metropolitan France, seven days after expiry of the time-limit. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant may have asked for reopening of the impugned proceedings.  <b>General measures:</b> Although not provided expressly in the Code of Criminal Procedure, the Criminal Chamber now admits that appeals may be accepted even after the expiry of the time limit if, "due to a case of force majeure or to an insuperable obstacle beyond his/her control, the complainant was unable to comply with the time limit". The judgment was circulated to all appeal courts and to the <i>Court de Cassation</i> .
<a href="#">CM/ResDH(2007)65</a>	FRA / Venot	28845/95	14/02/2000 CM Decision	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court on account of the decision of the President of</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary and non-pecuniary damage paid.  <b>General measures:</b> See <a href="#">CM/ResDH(2007)37</a> in Annoni Di



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the Court de cassation, under a specific provision of the Code of Civil Procedure, to strike out the applicants' appeal from the list of the Court de cassation without examination on the merits and refusal to re-enrol this appeal. (Article 6 §1)</i>	Gusola and others.
<a href="#">CM/ResDH(2007)79</a>	FRA / Yvon	44962/98	24/07/2003	<b>Access to and efficient functioning of justice:</b> <i>Infringement of the principle of equality of arms in expropriation proceedings as the Government Commissioner (a party to the proceedings for assessing for compensation expropriation) had a privileged position before the expropriations judge. (Article 6 §1)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Request concerning pecuniary damage dismissed. No possibility for reopening provided by law.  <b>General measures:</b> In 2004, the <i>Cour de cassation</i> changed its practice holding that the provisions at issue caused an imbalance incompatible with the principle of equality of arms to the advantage of the Government Commissioner. A decree of 2005 provided that the Government Commissioner must now notify his conclusions as well as the elements upon which he relied to the parties (by recorded delivery with acknowledgement of receipt) at least eight days before the visit of the land. If he does not respect this obligation, his conclusions are inadmissible. The provision giving particular weight to the Commissioner's conclusions when the assessment he proposes is lower than that proposed by the expropriating authority was repealed. This decree initiates a broader reform of the law of expropriation.
<a href="#">CM/ResDH(2007)166</a>	GCR / Acar Mehmet Emin and 18 other	1901/02	10/01/2007 10/10/2006	<b>Protection of property:</b> <i>Disproportionate interference due to delays in payment of additional compensation for expropriation</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary damage paid.  <b>General measures:</b> See <a href="#">ResDH(2001)70</a> and <a href="#">ResDH(2001)71</a>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	cases			<i>and the insufficient rate of default interest applicable. (Article 1 of Protocol No. 1)</i>	in the cases Aka and Akkuş, respectively.
<a href="#">CM/ResDH(2007)165</a>	GCR / Ioannis Papadopoulos and 4 other cases	52848/99+	21/05/2003 09/01/2003	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings in all cases closed. <i>General measures:</i> See <a href="#">ResDH(2005)66</a> regarding Tarighi Wageh Dashti and other.
<a href="#">CM/ResDH(2007)80</a>	GER / Buck	41604/98	28/07/2005 28/04/2005	<b>Protection of private life:</b> <i>Disproportionate interference due to searches and the seizure of documents carried out in the applicant's home and business premises in order to identify the driver of a car belonging to the applicant's company in the context of a minor road-traffic offence committed by a third party. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In 1997, the Federal Constitutional Court acknowledged the applicant's right to have the lawfulness of the search and seizure order examined retrospectively.  <i>General measures:</i> The judgment was published and disseminated to the authorities concerned.
<a href="#">CM/ResDH(2007)120</a>	GER / Cevizovic	49746/99	29/10/2004 29/07/2004	<b>Protection of rights in detention and access to and efficient functioning of justice:</b> <i>Excessive length of the applicant's detention on remand and the excessive length of criminal proceedings. (Articles 5 §3 and 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. National courts had reduced the applicant's sentence in the light of the delays in proceedings. In July 2001, under an agreement reached with the prosecutor, the applicant was expelled to Croatia, his country of origin, to serve his sentence there.  <i>General measures:</i> The judgment was published, translated and disseminated to the courts concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)7</a>	GER / Epple	77909/01	24/06/2005 24/03/2005 Merits 15/12/2005 Revision and just satisfaction	<b>Protection of rights in detention:</b> Excessive length of the applicant's detention in police custody for 19 hours in the light of the circumstances of the case, the applicant having been arrested on suspicion of taking part in the "Lindau Days of Chaos" forbidden by the public authorities, on account of his punk haircut. (Article 5 §1b)	<b>Individual measures:</b> The finding of a violation constituted in itself sufficient just satisfaction with regard to non-pecuniary damage. <b>General measures:</b> The judgment, which did not reveal a structural problem, was published and disseminated to the courts and justice authorities concerned, i.e. the State Ministries of Justice and of the Interior of Bavaria, the Federal Ministry of the Interior and the Federal Constitutional Court.
<a href="#">CM/ResDH(2007)122</a>	GER / Gilsela Müller	69584/01	15/02/2006 06/10/2005	<b>Access to and efficient functioning of justice:</b> Excessive length of civil proceedings related to the management of a company. (Article 6 §1)	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. Domestic proceedings are still pending in part, not least because following the death of the applicant's mother, who was herself a party to them. The court was obliged under the Code of Civil Procedure to grant an application by the legal representative of the deceased for suspension of proceedings as the succession is not clear. <b>General measures:</b> The judgment was published, translated and disseminated to the courts concerned.
<a href="#">CM/ResDH(2007)121</a>	GER / Keles	32231/02	27/01/2006 27/10/2005	<b>Protection of family life:</b> Disproportionate interference due to administrative decision expelling the applicant to Turkey and excluding him indefinitely from German territory. (Article 8)	<b>Individual measures:</b> The applicant did not submit any claim. The authorities set a term to the expulsion order and the applicant may thus apply for a visa to return to Germany. <b>General measures:</b> See <a href="#">CM/ResDH(2007)125</a> in Yilmaz. The judgment was published, translated and disseminated to all courts and justice authorities concerned.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)163</a>	GER / Niederböster and 4 other cases	39547/98+	27/05/2003 27/02/2003	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil proceedings before the Federal Constitutional Court with regard to requests of visiting and custody rights requiring special diligence. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid as awarded in 3 cases. Domestic proceedings closed.  <u>General measures:</u> See <a href="#">ResDH(2001)6</a> and <a href="#">ResDH(2001)7</a> in Pammel and Probstemeier, respectively. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)123</a>	GER / Storck	61603/00	16/09/2005 16/06/2005	<b>Protection of rights in detention and of private life:</b> <i>Unlawful admission and detention of the applicant in a private psychiatric clinic on her father's request, without consent or court order for 20 months and medical treatment against the applicant's will as domestic law does not provide sufficient safeguards against abuse. (Articles 5§1 and 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Reopening of civil proceedings was not possible before 2006. The lodging of criminal proceedings was time-barred. The applicant is currently seeking reopening of domestic proceedings with a view to receiving additional compensation for pecuniary damage caused by her illegal detention.  <u>General measures:</u> In the Land of Bremen, the Act on Measures of Aid and Protection in cases of Mental Disorders of 1979 provided for an independent commission to visit psychiatric hospitals where patients are detained on the basis of a court order. Visits to private clinics were carried out with the consent of the institutions concerned. The revised law of 2000 enables the commission to visit all institutions where patients are being kept against their will, at least once a year. Furthermore, patients have the right to send and receive mail which must not be supervised if addressed to certain bodies, i.e. attorneys, courts, parliaments or the visitation commission. Similar provisions exist in most Länder. New federal legislation of 1992 provided that placement in a mental institution of a minor by his/her parents or of adults having a guardian requires an

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					order of a court The reformed law on non-contentious proceedings provides procedural safeguards, in particular the duty of the judge to hear the patient in person, to assign a legal guardian if the patient cannot be heard because he/she is incapable of expressing him/herself, to give a person of confidence named by the patient the opportunity to be heard and to obtain an expert opinion. The placement decision is limited to a maximum duration of 2 years and may be appealed by the patient, a relative, a person of confidence or the competent authorities. A new law introduced, in December 2006, the possibility of reopening civil proceedings following a violation found by the European Court. The judgment was published, translated and disseminated to the courts and authorities concerned.
<a href="#">CM/ResDH(2007) 124</a>	GER / Von Hannover	59320/00	24/09/2004 24/06/2004 Merits 28/07/2005 Just satisfaction	<i>Protection of private life: Failure to protect the right to private life of Princess Caroline von Hannover, the eldest daughter of Prince Rainier III of Monaco due to the domestic courts' refusal to prohibit the publication of certain photographs of her. (Article 8)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The applicant did not take action to prevent further publication of the photographs in question, but took action against a similar photograph.  <u>General measures:</u> The judgment was published, translated and disseminated to all courts. Change of domestic-case law with reference to the present judgment.
<a href="#">CM/ResDH(2007) 125</a>	GER / Yilmaz	52853/99	17/07/2003 17/04/2003	<i>Protection of family life: Disproportionate interference due to the expulsion of the applicant to Turkey by administrative decision combined with an indefinite exclusion from German territory without taking into account the circumstances of</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The competent administrative authorities have set a term to the expulsion order, which expired in March 2007. Before that date, the applicant may obtain a short-term residence permit in order to visit his minor child.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>the case, namely his family situation or the fact that he held a permanent residence permit. (Article 8)</i>	<b>General measures:</b> The judgment was published, translated and disseminated to all courts and justice authorities concerned.
<a href="#">CM/ResDH(2007)164</a>	GRC / Drakidou and 4 other cases	8838/03+	11/02/2006 10/11/2005	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid as awarded in 4 cases. Domestic proceedings closed.  <b>General measures:</b> See <a href="#">ResDH(2005)64</a> regarding Academy Trading Ltd and Others. Legislation providing for a domestic remedy in the form of compensation for excessively lengthy proceedings in all domestic courts is in a state of preparation.
<a href="#">CM/ResDH(2007)103</a>	GRC / Katsaros and 4 other cases	51473/99+	06/09/2002 06/06/2002 Merits 13/02/2002 13/11/2003 Just satisfaction	<b>Access to and efficient functioning of justice / Protection of property:</b> <i>Unreasonable delay in complying with final court judgments and thus interference with property rights as well as excessive length of certain civil and administrative proceedings. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary and/or non-pecuniary damage paid as awarded. All domestic proceedings, in particular enforcement proceedings, closed.  <b>General measures:</b> See <a href="#">ResDH(2004)81</a> in Hornsby group for ensuring the administration's effective compliance with domestic, final judgments, see <a href="#">ResDH(2005)64</a> in the case of Academy Trading Ltd and others and <a href="#">ResDH(2005)65</a> in Pafitis and others group for the acceleration of proceedings in civil and administrative courts.
<a href="#">CM/ResDH(2007)104</a>	GRC / Papageorgiou and 12 other cases	59506/00+	09/08/2003 09/05/2003	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of criminal proceedings; unfair criminal proceedings due to a domestic courts' refusal to order the production of the originals of essential</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary (in one case also pecuniary) damage paid. Domestic proceedings at issue closed. Two of the applicants were entitled to request reopening of the impugned proceedings.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>documents for the defence of the applicant accused of deception and a domestic court's unreasoned refusal to award compensation, after the applicant's acquittal, for his pre-trial detention. (Article 6 §1 and §3d)</i>	<u>General measures</u> : Concerning excessive length of criminal proceedings, see <a href="#">ResDH(2005)66</a> on Tarighi Wageh Dashti. Concerning unfair criminal proceedings see <a href="#">ResDH(2004)82</a> in Anastassios Georgiadis. As concerns the violation in the Papageorgiou case, the judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)81</a>	GRC / Yagtzilar and Others	41727/98	10/07/2002 06/01/2001 Merits 05/04/2004 15/01/2004 Just satisfaction	<b>Access to and efficient functioning of justice</b> : Denial of access to court due to the dismissal of the applicants' claims for compensation for the occupation of their land in 1925 in order to accommodate refugees from Asia Minor and its subsequent expropriation as well as excessive length of proceedings ending in 1997. (Article 6 §1)	<u>Individual measures</u> : Just satisfaction in respect of pecuniary damage paid.  <u>General measures</u> : Concerning length of proceedings, see <a href="#">CM/ResDH(2005)64</a> in Academy Trading Ltd and Others, in particular on the adoption of a law in 2001 on the acceleration of civil proceedings. Concerning access to a court, the case being of an exceptional nature, the judgment was published and disseminated to the authorities concerned.
<a href="#">CM/ResDH(2007)66</a>	Hun / Fejes and 5 other cases	7873/03+	13/09/2006 11/04/2006	<b>Access to and efficient functioning of justice</b> : Excessive length of criminal proceedings. (Article 6 §1)	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage paid.  <u>General measures</u> : See <a href="#">DH(2006)48</a> in Németh. The judgment was published and disseminated to the competent courts.
<a href="#">CM/ResDH(2007)82</a>	ISL / Arnarsson	44671/98	15/10/2003 15/07/2003	<b>Access to and efficient functioning of justice</b> : Denial of a fair hearing in criminal matters in that the Supreme Court based the final conviction given on appeal solely on the oral evidence given before the lower	<u>Individual measures</u> : Just satisfaction in respect of non-pecuniary damage paid. The applicant did not wish to request reopening of the impugned proceedings.  <u>General measures</u> : Violation stems from the particular circumstances of the case. The judgment was published and

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				<i>court. (Article 6 §1)</i>	disseminated to the authorities concerned.
<a href="#">CM/ResDH(2007)83</a>	ITA / Dorigo	33286/96	15/04/1999 CM Decision	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings due to the inability of the applicant to question hostile witnesses or to have them questioned. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The CM adopted various interim resolutions with regard to the impossibility to obtain reopening of the impugned proceedings following an ECtHR judgment and encouraged the adoption of appropriate legislation. The applicant was released in 2006 upon order of the Court of Cassation ruling that the prolonged detention of the applicant convicted in unfair proceedings was unlawful. In view of the Court of Cassation's decision, the applicant now has several new remedies which he can use to obtain compensation for his unlawful detention, and secure deletion of the conviction from his criminal record.  <b>General measures:</b> See <a href="#">ResDH(2005)86</a> in Lucà, in particular concerning the amendment of the Constitution in 1999 giving constitutional rank to requirements for fair proceedings. This led to an amendment of the Code of Criminal Procedure in 2001 providing that statements made by other accused persons in a non-adversarial context outside the court may be used in court against an accused person only with his consent. A law of 2000 provided that statements made by witnesses who have not been questioned may be used against an accused person in court only if corroborated by other evidence. The HRC Commission's report was published.
<a href="#">CM/ResDH(2007)84</a>	ITA / Immobiliare	22774/93+	28/07/1999	<b>Protection of property:</b> <i>Disproportionate interference with and systematic</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. All judicial decisions have been executed and the applicant regained possession of



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	<p><b>Saffi and 156 other cases</b></p>		<p>28/07/1999</p>	<p><i>infringement of landlords' property rights due to failure to implement domestic court decisions ordering the eviction of tenants, resulting from a combination of staggering of executions, lack of assistance from police and legislation authorising temporary suspension (Article 6 §1 and 1 of Protocol No. 1)</i></p>	<p>their property.  <i>General measures:</i> Structural problem. See Interim Resolution <a href="#">ResDH(2004)72</a>: "in spite of the legislative reforms adopted in 1998, the underlying problems which led to these cases have not been resolved, as demonstrated by the continuing stream of new applications to the Court and the fresh violations it continues to find on a systematic basis". In its judgment of 2004, the Constitutional Court ruled that suspensions had been justified until 2003 because of their transitional and restricted nature. However, this legislative rationale could not be considered justified in the future. In 2005 and 2007 further laws suspending eviction orders were enacted limiting such suspension to a few major cities and to fairly restricted categories of tenants. As concerns the impossibility of obtaining police assistance, over the last ten years (1995-2005), the annual number of evictions carried out has risen from 17 367 to 25 369, an increase of 46%, whereas court eviction orders have fallen from 23 175 to 10 953, a decline of 52%.                      As concerns compensation for delays in enforcement: Under the Civil Code, tenants must compensate landlords for the late return of housing. In its judgment of 2004, confirming its previous case-law, the Court of Cassation ruled that owners who had been granted a court order were entitled to all the assistance required from the authorities to secure its enforcement. If the police fail to provide assistance, owners are entitled to seek damages in the ordinary courts. Act. The Pinto Act of 2001, instituting State liability for excessively lengthy judicial proceedings, is also applicable to delays in eviction proceeding. In its judgment of 2002, the Court of Cassation stated that in assessing length of proceedings, account also had to be taken of delays caused by the application of legislation suspending enforcement.</p>

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					The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)155</a>	ITA / Intriери	16609/90	28/01/1997 CM Decision	<b>Protection of family life:</b> <i>Disproportionate interference on account of the excessive length of proceedings brought by the applicant against a judicial decision declaring her son eligible to be adopted and thereby suspending her parental rights and her contacts with the child. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings ended before 1997 without final decision on the merits. The applicant's son had become major and returned to live with his mother.  <b>General measures:</b> The Supreme Judicial Council addressed, in July 2000, a Resolution to judges and managers of judicial bodies underlining the need to take any appropriate measure in order to prevent any unjustified delay in this sort of proceedings requiring special diligence. In May 2001, it promoted the organisation of seminars, aimed at training persons working in the field of family law.
<a href="#">CM/ResDH(2007)126</a>	ITA / Pellegrini	30882/96	20/10/2001 20/07/2001	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial on account of the failure of domestic courts to ensure that the applicant's defence rights had been respected in ecclesiastical proceedings before declaring the judgment of the Tribunal of the Roman Rota pronouncing the nullity of the applicant's marriage enforceable (exequatur). (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In 2000, the applicant came to an agreement with her former husband and renounced the judicial proceedings claiming her right to a maintenance allowance.  <b>General measures:</b> Isolated occurrence. The applicable legislation in Italy explicitly provides, as a condition for giving the exequatur to proceedings declaring the nullity of marriage, the verification that the defence rights of the parties have been recognised in a manner compatible with the fundamental principles of domestic law. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)</a>	ITA / Pezone	42098/98	18/03/2004	<b>Protection of rights in detention:</b> <i>Unlawful detention on account of a miscalculation of</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">53</a>			18/12/2003	<i>the applicant's sentence (non-deduction of detention on remand) and inability to obtain compensation for it. (Article 5 §§1+5)</i>	and non-pecuniary damage, awarded in equity, paid.  <i>General measures:</i> Isolated error of computation committed by the authorities. In 1996, the Constitutional Court had declared a provision of the Code of Criminal Procedure unconstitutional insofar as it did not provide a right to compensation in the event of unwarranted detention resulting from an error of computation.
<a href="#">CM/ResDH(2007)54</a>	LAT / Farbtuhs	4672/02	06/06/2005 02/12/2004	<b>Protection against ill-treatment:</b> <i>Degrading treatment due to the applicant's continued detention despite his advanced age, severe infirmity and poor health, following his conviction for crimes against humanity and genocide as a result of his responsibility for the deportation and deaths of Latvians during the Stalin period. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2002.  <i>General measures:</i> Isolated case. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)55</a>	LIE / Frommelt	49158/99	24/09/2004 24/06/2004	<b>Protection of rights in detention:</b> <i>Extension of the applicant's detention on remand without adversarial hearing. (Article 5 §4)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant's pre-trial detention ended in August 1998.  <i>General measures:</i> Change of procedural practice by the third Senate of the Superior Court, responsible for such decisions, which now grants the detainee the opportunity to comment either directly or via his legal representative before prolonging his pre-trial detention. The judgment was published and disseminated.

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<a href="#">CM/ResDH(2007)127</a>	LIT / Girdauskas and 3 other cases	70661/01+	11/03/2004 11/12/2003	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of certain criminal proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> A new Code of Criminal Procedure of 2003 provided for stricter time-limits for completion of criminal cases and contains effective domestic remedies in case of delays. In particular, the Code foresees a 6-month time-limit for pre-trial investigation and, subsequently, a 20-day time-limit for referral of a case to a court for a first hearing. It also provides that upon complaint by a suspect alleging an excessively long pre-trial investigation, the investigating judge may compel the prosecutor to complete or discontinue the investigation. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)128</a>	LIT / Jankauskas	59304/00	06/07/2005 24/02/2005	<b>Protection of private life / correspondence:</b> <i>Disproportionate interference due to the opening of correspondence of a remand prisoner by prison authorities. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicant was released in 2003. <i>General measures:</i> Following amendments of the Law on Pre-trial Detention in 2000 and 2001, correspondence with the ECtHR is no longer subject to censorship. Also letters sent and received by prisoners who have not been tried, with the exception of letters sent to the investigating officer, the Ombudsman, the prosecutor, the state, the municipal institutions, the Ministry of Justice and other competent international institutions, might be censored exclusively by a decision of the investigating officer of the case, the prosecutor or the court. A further draft amendment is to provide that the correspondence with detainees' lawyers may not be censored and that their correspondence with their families or with other persons may only be censored by decision of the investigating judge or the court, for a period of two months, or for the prevention of crimes or offences or for the protection of the rights and freedoms of others. The Remand Prisons Internal Rules were modified in 2001 to prohibit censorship by prison staff of detainees'

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					correspondence. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)156</a>	MDA / Busuioac and 2 other cases	61513/00+	21/03/2005 21/12/2004	<b>Freedom of expression:</b> <i>Unjustified interference due to the award of damages in civil actions for defamation against two journalists for publishing articles criticising the personnel management of Chişinău International Airport and the traffic police, respectively. (Article 10)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (costs incurred in connection with defamation convictions) and non-pecuniary damage paid.  <b>General measures:</b> Domestic courts did not distinguish correctly between facts and value judgments, as required by the well-established ECtHR case-law under Article 10. Consequently, a change in domestic courts' practice became necessary and thus training seminars for judges were organised. Examples of new case-law of the Supreme Court of Justice was submitted.
<a href="#">CM/ResDH(2007)157</a>	MDA / Josan and 1 other case	37431/02+	21/06/2006 21/03/2006	<b>Access to and efficient functioning of justice / protection of property:</b> <i>Denial of a fair trial as a result of quashing a final judgment favourable to the applicant in the first case and of adopting a decision in the adversary's favour, which rendered ineffective a prior final judgment favourable to the applicants in the second case. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (covering payments due by final judgments) and non-pecuniary damage paid. In the first case, the impugned proceedings were reopened and are still pending.  <b>General measures:</b> See <a href="#">CM/ResDH(2007)56</a> in Roşca. Under the new Code of Civil Procedure of 2003, final judgments may no longer be annulled on the basis of an annulment lodged by the Prosecutor General.
<a href="#">CM/ResDH(2007)56</a>	MDA / Rosca	6267/02	22/06/2005 27/03/2005	<b>Access to and efficient functioning of justice / protection of property:</b> <i>Denial of a fair hearing and unlawful interference with property as a result of the quashing, by the Supreme Court, of a favourable final</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (simple interest with regard to the amount he had been entitled to) and non-pecuniary damage paid. The Supreme Court annulled its judgment of 2001 and restored the applicant's rights.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>judgment (Articles 6 §1 and Article 1 of Protocol No. 1)</i>	<i>General measures:</i> A new Code of Civil Procedure of 2003 provided that final judgments may no longer be annulled on a request lodged by the Prosecutor General. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)9</a>	MLT / Calleja	75274/01	07/07/2005 07/04/2005	<b>Protection of rights in detention and access to and efficient functioning of justice:</b> <i>Excessive length of detention on remand without adequate reasons and of criminal proceedings. (Articles 5 §3 and 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> No structural problem revealed. The judgment was published, translated and disseminated to competent authorities.
<a href="#">CM/ResDH(2007)8</a>	MLT / Sabeur Ben Ali and 3 other cases  (Aquilina, Kadem, T.W.)	35892/97+	29/09/2000 29/06/2000	<b>Protection of rights in detention:</b> <i>Absence of judicial power to review automatically the merits of a detention and to determine the existence of a reasonable suspicion of an offence; absence of domestic remedy to challenge the lawfulness of a detention under the domestic courts' case-law based on the Criminal Code. (Article 5 §§ 3 and 4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage awarded in two cases and paid. The applicants were released before judgment delivery.  <i>General measures:</i> The amended Criminal Code (entry into force in 2004) grants the Court of Magistrates the power to automatically review the merits of any person's detention. It also gives all detainees the right to speedy review of the lawfulness of their continued detention.
<a href="#">CM/REsDH(2007)85</a>	NDL / Baars	44320/98	28/01/2004 28/10/2003	<b>Access to and efficient functioning of justice:</b> <i>Infringement of the presumption of innocence due to the denial of costs and compensation for pre-trial detention after the discontinuation of criminal proceedings against the applicant. (Article 6 §2)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage. Request concerning compensation for pecuniary damage dismissed due to lacking causal link. <i>General measures:</i> The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)130</a>	NLD / M.M.	39339/98	24/09/2003 08/04/2003	<b>Protection of private life / correspondence:</b> <i>Unlawful interception of telephone conversations of the applicant by a private individual with the public prosecutor's permission and the assistance of the police who had suggested to connect a cassette recorder to her telephone, carried out the connection and provided operating instructions in the context of proceedings for sexual assault. (Article 8).</i>	<b>Individual measures:</b> No claim for just satisfaction submitted. Recordings and transcriptions are no longer in the authorities' possession. <b>General measures:</b> The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)57</a>	NLD / Camp and Bourimi	28369/95	03/10/2000 03/07/2000	<b>Discrimination and protection of family life:</b> <i>Impossibility to establish retroactively the applicant's relationship with his late father, who died before he was born, despite a letter of legitimisation and thus inability to inherit. (Article 14 in conjunction with 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (value of the father's estate) and non-pecuniary damage paid. <b>General measures:</b> The discrimination found in this case originated in the non-retroactivity of the letter of legitimisation which constituted recognition of the second applicant's status as his father's child. The Civil Code was changed in 1998 and the option of letters of legitimisation replaced by a judicial declaration of paternity with retroactive force from the time of a child's birth. The judgment was published and disseminated.
<a href="#">CM/ResDH(2007)129</a>	NLD / Ciliz	29192/95	11/07/2000 11/07/2000	<b>Protection of family life:</b> <i>Disproportionate interference due to the authorities' decision not to extend the applicant's residence permit and to expel him while proceedings concerning his right of access were still pending, depriving him of any opportunity to resume contact with his son. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In 1999, the applicant obtained a temporary visa. He obtained employment and submitted a new application for a formal access arrangement in relation to his son, which was rejected. On appeal he was granted an automatically renewable residence permit, irrespective of whether he had a working permit or not, which afforded him the possibility to continue the access procedure without any risk of being expelled during the proceedings.

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					<i>General measures:</i> The judgments were published, translated and disseminated. See also <a href="#">DH(95)240</a> and <a href="#">DH(95)241</a> in Lala and Pelladoah, respectively.
<a href="#">CM/ResDH(2007)86</a>	NLD / R.V. and Others	14084/88+	15/05/1992 CM Decision	<b>Protection of private life:</b> <i>Unlawful interference due to the surveillance of activities by the intelligence and security services, compilation and retention of respective personal information as well as the refusal of access to this information. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Violation due to the terms of the Royal Decree on intelligence and security services of 1972, which did not indicate in sufficiently clear terms the circumstances in which and the conditions under which the authorities were empowered to carry out measures of secret surveillance. The Intelligence and Security Services Act of 1988 did not introduce any change in regard of the circumstances in which covert modes of surveillance may be deployed. In 1994, the State Council decided that provisions contrary to Article 8 must not be applied. Finally, the new Intelligence and Security Services Act of 2002 determined clearly the circumstances and conditions in which the authorities are empowered to carry out measures of secret surveillance and to provide a new procedure concerning requests for access to security service files. The Act lays an obligation on the security services to publish an annual report which is submitted to Parliament, in which areas of specific attention of the services for the past and coming year are outlined. The HRCommission report was published.
<a href="#">CM/ResDH(2007)87</a>	NLD / Van Vlimmeren and Van Ilverenbeek	25989/94	26/09/2000 26/09/2000	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil proceedings introduced under the Land Development Act to request compensation for damages suffered by the applicants on account of regular flooding of their land.</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings ended in 2003. <i>General measures:</i> Isolated nature of the violation found. A comprehensive legislative reform of 2006 provided that henceforth the courts may be directly seized in case of seminal complaints. The judgment was published, translated



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				(Article 6 §1)	and disseminated.
<a href="#">CM/ResDH(2007)131</a>	PRT / Lopes Gomes da Silva	37698/97	28/12/2000 28/09/2000	<b>Freedom of expression:</b> <i>Disproportionate interference on account of the applicant's conviction for defamation, following the publication of an editorial criticising a candidate politician for a municipal election. (Article 10)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary damage (amount of fine) paid. In the criminal records, the conviction had not been mentioned. <b>General measures:</b> The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)88</a>	PRT / Maire	48206/99	26/09/2003 26/06/2003	<b>Protection of family life:</b> <i>Unlawful interference due to the authorities' failure to enforce judicial decisions relating to the exercise by the applicant of custody of his child following the child's abduction from France to Portugal. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. In 2004, the French domestic court, accepting the child's integration in Portugal since 1997, awarded custody to the mother and visitation rights to the father. <b>General measures:</b> Portugal applies the Convention of Judicial Co-operation between Portugal and France on the protection of minors of 1983. Between 2002 and 2004 Portugal was involved as a requested state in 104 cases relating to the application of international treaties concerning the return of children. As of 2005, only one of these returns had not yet been concluded. The average duration of proceedings before the Central Authority has been 7.3 months. Additional safeguards for the prompt enforcement of judicial decisions in this field have been provided by the EC Council Regulation No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)</a>	PRT / Salgueiro	3320/96	21/03/2000	<b>Protection of family life / discrimination:</b> <i>Interference and discriminatory treatment</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">89</a>	da Silva Mouta		21/12/1999	<i>of the applicant on account of the domestic courts' decision conferring on his ex-wife parental authority in respect of his daughter, this decision being based solely on his homosexuality. (Article 8)</i>	question of parental authority was re-examined in 1999 in the light of the child's best interest. <u>General measures:</u> The judgment was published, translated and disseminated. It was used in training sessions in the framework of initial and continuous training of judges organised by the Centre for Judicial Studies.
<a href="#">CM/ResDH(2007)90</a>	ROM / Brumărescu and 30 other cases	28342/95+	28/10/1999 Grand Chamber	<b>Access to and efficient functioning of justice / Protection of property:</b> <i>Infringement of the principle of legal certainty on account of the Supreme Court's annulment, following applications lodged by the Procurator General, of final court decisions delivered at first instance and establishing the validity of the applicants' title to property previously nationalised and disproportionate interference with property rights. (Article 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. The properties at issue were either restored to the applicants or the amount of money corresponding to the current value of the properties at issue was reimbursed. <u>General measures:</u> The provision of the Code of Civil Procedure, as amended in 2000, was repealed by emergency ordinance of the government in 2003. This reform was approved by Parliament in 2004. Accordingly, it is no longer possible to annul final judicial decisions establishing the right to have nationalised property restored.
<a href="#">CM/ResDH(2007)91</a>	ROM / C.C.M.C.	32922/96	15/04/1999 CM Decision	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of proceedings before administrative and judicial authorities, in particular length of proceedings to obtain enforcement of judicial demolition orders concerning buildings illegally built by third parties on the applicant's property. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary and non-pecuniary damage paid. The illegal buildings were demolished in 2000. <u>General measures:</u> The HRCCommission's report was published.
<a href="#">CM/ResDH(2007)</a>	ROM / Mocanu	56489/00	24/05/2006	<b>Protection against ill-treatment, of private life and correspondence and of</b>	<u>Individual measures:</u> The sum agreed in the friendly

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">18</a>			<b>Striking out</b>	<i>individual petition: (Alleged violations of Articles 3, 8 and 34)</i>	settlement was paid.
<a href="#">CM/ResDH(2007)92</a>	ROM / Petra	27273/95	23/09/1998 23/09/1998	<b>Protection of private life / correspondence and the right to petition:</b> <i>Monitoring of the applicant's correspondence, during his detention, with the former European Commission of Human Rights (Articles 8 and former Article 25)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.  <i>General measures:</i> An emergency ordinance was adopted by government in 2003. Later new legislation provided for the confidentiality of requests or applications addressed by detainees to the public authorities, judicial bodies or international organisations or courts whose competence has been accepted or recognised. Such letters cannot be opened or retained. Restrictions of the rights of prisoners can be challenged before a judge. For detainees lacking the necessary means, mailing costs for correspondence with the ECtHR are covered by the prison administration. The law of 2003 also applies to prisoners on remand. The National Prisons Administration on several occasions ordered prison staff to respect the principle of confidentiality and set up rules for the organisation of the exercise of detainees' right to confidentiality of their correspondence (e.g. post boxes have been installed, to which detainees have been granted daily access). The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)93</a>	ROM / Surugiu	48995/99	10/11/2004 20/04/2004	<b>Protection of private life / home:</b> <i>Failure of authorities to stop incursions into the applicant's courtyard by third parties who were granted title to the adjoining plot of land by an administrative authority despite</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The interferences discontinued.  <i>General measures:</i> Isolated occurrence. According to the 2005 reform of the Land Act, acts of members of administrative commissions responsible for the application

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>recognition of the applicant's property title by the courts. (Article 8)</i>	of this law who obstruct or unjustifiably delay the restitution of plots of land to their recognised owners, or who issue ownership titles in breach of the legal provisions, were criminalised. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)94</a>	ROM / Vasilescu	27053/95	22/05/1998 22/05/1998	<b>Access to and efficient functioning of justice / Protection of property:</b> <i>Disproportionate interference due to the continued retention of valuables unlawfully seized by the militia in 1966, amounting to a de facto confiscation, and the lack of access to an independent tribunal competent to order their return. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary and non-pecuniary damage paid.  <b>General measures:</b> In 1997, the Constitutional Court rectified the problem at the origin of the violation of Article 6§1 by interpreting the relevant provision of the Code of Criminal Procedure so as to provide a judicial appeal against the acts of prosecutors (see Interim Resolution <a href="#">DH(99)676</a> ). Judicial practice subsequently changed and, as result, appeals against prosecutors' acts are now accepted by courts. Furthermore, the Code of Criminal Procedure was amended in 2003 to allow judicial recourse against seizure measures adopted during the criminal investigations. Finally, following a reform of the Code of Civil Procedure in 2004, it is no longer possible to annul final judicial decisions at any moment. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)95</a>	SER / Matijašević	23037/04	19/12/2006 19/09/2006	<b>Access to and efficient functioning of justice:</b> <i>Infringement of the presumption of innocence by a criminal court ordering extension of the applicant's detention on remand relying in particular on the assumption that the applicant had</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant is serving a sentence following his conviction.  <b>General measures:</b> The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>committed the offences which were under investigation. (Article 6 §2)</i>	
<a href="#">CM/ResDH(2007)132</a>	SUI / Contardi and Spang	7020/02+	12/10/2005 12/07/2005	<b>Access to and efficient functioning of justice:</b> <i>Unfair social insurance proceedings due to the infringement of the principle of equality of arms on account of the failure to disclose some documents (comments by a cantonal administrative court and certain social authorities in the case of Contardi, comments by the Federal Social Insurance Agency in the case of Spang) to the applicants with the consequence that they could not reply. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage in the first case. Just satisfaction in respect of non-pecuniary damage paid in the second case. <i>General measures:</i> The principle of equality of arms were explicitly incorporated into domestic law by judgments of the Federal Court in 2005 and 2006. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)11</a>	SUI / Munari	7957/02	12/10/2005 12/07/2005	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of criminal proceedings, finally abandoned for lack of grounds. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> No structural problem revealed. The judgment was published and disseminated to competent authorities via circular.
<a href="#">CM/ResDH(2007)12</a>	SUI / P.B.	27613/95	29/05/2000 CM Decision	<b>Protection of rights in detention:</b> <i>Lack of a speedy decision on the lawfulness of the applicant's detention. (Article 5 §4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. <i>General measures:</i> Violation due to the specific circumstances of the case. The judgment was published and disseminated to competent authorities via circular.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)67</a>	SVK / Bernat and 12 other cases	1395/02+	30/04/2006 31/01/2006	<b>Access to and efficient functioning of justice:</b> Excessive length of civil proceedings. (Article 6 §1)	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings closed in ten cases; in two cases they were accelerated and given priority.</p> <p><i>General measures:</i> See <a href="#">ResDH(2005)67</a> in Jori (in particular the 2001 amendment to the Constitution which provides a constitutional complaints for violations of human rights protected by international treaties; a law of 2001 which reduces the number of cases in which appeal courts decide at first instance and simplifies the collection of evidence; a law of 2000 which regulates the civil and disciplinary liability of judges for unjustified delays in their cases).</p>
<a href="#">CM/ResDH(2007)10</a>	SVK / Krumpel and Krumpelová	56195/00	05/10/2005 05/07/2005	<b>Access to and efficient functioning of justice:</b> Excessive length of criminal proceedings. (Article 6 §1)	<p><i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid. The proceedings are pending before the Supreme Court, whose attention has been drawn to the need to accelerate proceedings as far as possible.</p> <p><i>General measures:</i> In 2002, the Constitution was amended to introduce the right to a fair trial without undue delay. The Constitutional Court was granted the power to order the competent authority to proceed with a given case without delay and to grant adequate pecuniary compensation in case of excessive length of judicial proceedings.</p> <p>A new Code of Criminal Procedure of 2006 introduced the following measures to reduce the length of proceedings: Limitation of the maximum duration of pre-trial detention to 4 years, instead of 5 years under the old Code. Accordingly, the duration of the pre-trial detention at the preliminary investigation stage may not exceed 2 years. A single judge is competent to decide on pre-trial detention, authorisation of</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>searches, telephone monitoring or other procedural acts during the preliminary investigation stage. A shortened procedure was introduced for cases of offences detected immediately after commission. The possibilities for remittal to the first instance were restricted. The appeal court is competent to decide on the merits, except when gathering of new evidence appears to be particularly difficult. The rules governing summonses and communication of documents were reformed. A new way of communication of the first instance decisions and a new time-limit of 15 days for lodging an appeal were introduced.</p> <p>Moreover, as an additional remedy, parties may lodge an acceleratory complaint to be decided within 15 days with an indication of strict time-limits for the procedural measures to take. If this decision is challenged, the superior court may give binding instructions to the lower courts. Statistical data submitted showed the efficiency of the measures taken. The judgment was published, translated and disseminated.</p>
<a href="#">CM/ResDH(2007)58</a>	SWE / Enhorn	56529/00	25/04/2005 25/01/2005	<b>Protection of rights in detention:</b> <i>Unjustified compulsory isolation of the applicant, infected with HIV, in a hospital on the basis of an order under the 1988 Infectious Diseases Act, which had been extended for a period of seven years. (Article 5 §1)</i>	<p><b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. The applicant is no longer in isolation.</p> <p><b>General measures:</b> The judgment was published and disseminated to the relevant judicial authorities.</p>
<a href="#">CM/ResDH(2007)59</a>	SWE / Janosevic	34619/97	16/12/2003	<b>Access to and efficient functioning of justice:</b> <i>Tax authority's failure to act with</i>	<p><b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Lacking causal link between the</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			16/09/2003	<i>the required urgency and thereby unduly delaying a judicial determination of the issues, causing deprivation of effective access to court and excessive overall length of the tax proceedings. (Article 6 §1)</i>	<p>violations and the alleged pecuniary damage. Domestic proceedings terminated.</p> <p><u>General measures:</u> The Tax Agency issued guidelines concerning time-limits for the reconsideration of taxation decisions (to be completed within one or, if further investigations are necessary, within three months). As a novelty under the Tax Payment Act of 2003 concerning lengthy proceedings, tax authorities and courts are now empowered to remit or reduce a tax surcharge in case of undue delays. Furthermore, the taxpayer now has an unconditional right to be granted a stay of execution with respect to tax surcharges until the tax authority has reconsidered its decision or, if an appeal is lodged, until the competent county administrative court has examined the appeal - without being required to provide security in order to be granted such a stay of execution. Certain changes concern the grounds for remission of tax surcharges. The judgment was published and disseminated to the relevant judicial authorities. See also CM/ResDH(2007)61 in Västberga Taxi Ab and Vulic.</p>
<a href="#">CM/ResDH(2007)60</a>	SWE / Tribbling	59129/00	11/01/2006 11/10/2005	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of civil proceedings related to the alleged exploitation of trade secrets, breach of contract and infringement of copyright. (Article 6 §1)</i>	<p><u>Individual measures:</u> Just satisfaction in respect of non-pecuniary damage paid. Proceedings resumed in 2006 following completion of another set of proceedings and will be finalised soon.</p> <p><u>General measures:</u> The judgment was published, translated and disseminated to the relevant judicial authorities.</p>



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2007)61</a>	SWE / Västberga Taxi Aktiebolag and Vulic	36985/97	21/05/2003 23/07/2002	<b>Access to and efficient functioning of justice:</b> Lack of effective access to a court due to the unduly delayed court determination of criminal charges in taxation proceedings because of allegedly incorrect tax declarations resulting in the imposition of additional taxes and tax surcharge and excessive length of these proceedings. (Article 6 §1 twice)	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid. Domestic proceedings ended in 2004.  <b>General measures:</b> See <a href="#">CM/ResDH(2007)59</a> in Janosevic.
<a href="#">CM/ResDH(2007)99</a>	TUR / Abdurrahman Kılınc and Others	40145/98	07/09/2005 07/06/2005	<b>Right to life:</b> Failure of authorities to protect the right to life of the applicant's son, who committed suicide while performing his military service (Article 2)	<b>Individual measures:</b> Just satisfaction in respect of pecuniary (funeral and travel costs awarded in equity) and non-pecuniary damage paid.  <b>General measures:</b> The regulatory framework on fitness conditions for military service, in particular the "Regulation on Health Capacity", was amended in 2004 with a view to facilitating exemption from conscription in case of psychological issues. The Ministry of Health and the Ministry of Defence signed two protocols, in 1999 and 2005, to better identify those who suffer from psychological problems before conscription. Since 1999/2000, medical reports of future conscripts diagnosed with a drug/alcohol addiction or a mental disorder have been taken into account in the conscription process. The health situation of conscripts suspected of psychological disorders is followed by psychiatrists at military hospitals. In 1997, Psychological Assistance Services were established. A "Leader Consultancy Scheme" was introduced providing assistance to conscripts in case of personal problems and needs.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>In 2003, training programmes were introduced for staff and conscripts on psychological disorders and illnesses. Procedures to be followed regarding conscripts with psychological disorders were established. Pursuant to an order of January 2005, conscripts with psychological disorders confirmed by medical reports shall not be given arms and will be assigned to administrative or similar posts.</p> <p>In the event of a suicide, the authorities are under an obligation to prepare an "Incident Assessment Report" immediately. Judicial and administrative investigations shall clarify responsibilities.</p> <p>The judgment was published, translated and disseminated.</p>
<a href="#">CM/ResDH(2007)68</a>	TUR / Acar Hatice and Others and 47 other cases	53796/00+	10/04/2006 10/01/2006	<b>Protection of property:</b> <i>Disproportionate interference due to delays in the payment of additional compensation for expropriations and the application of an insufficient rate of default interest. (Article 1 of Protocol No. 1)</i>	<p><b>Individual measures:</b> Just satisfaction in respect of pecuniary and non-pecuniary (two cases) damage paid.</p> <p><b>General measures:</b> See Resolutions <a href="#">ResDH(2001)70</a> and <a href="#">ResDH(2001)71</a> in the cases Aka and Akkuş</p>
<a href="#">CM/ResDH(2007)24</a>	TUR / Ahmet Turan Demir	72071/01	22/12/2005 Striking out	<b>Freedom of expression:</b> <i>Allegedly unjustified interference on account of criminal proceedings against the applicant under former Article 8 of the Law against terrorism following a public speech he had made. (Article 10)</i>	<p><b>Individual measures:</b> The sum agreed in the friendly settlement was paid.</p> <p><b>General measures</b> to prevent new similar violations, see Interim Resolutions ResDH(2001)106 and ResDH(2004)38) in Incal group.</p>
<a href="#">CM/ResDH(2007)</a>	TUR / Aslantas	25658/94	08/10/1999	<b>Freedom of expression:</b> <i>Unjustified</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">16</a>			CM Decision	<i>interference due to the applicant's conviction on the basis of former Article 8 Anti-terrorism Law. (Article 10)</i>	and non-pecuniary damage paid. The applicant's conviction and its consequences have been fully erased by court decision in 2003, deleting the applicant's conviction from his judicial records.  <i>General measures:</i> Article 8 of the Anti-terrorism was abrogated in 2003 (see ResDH(2006)79 in 32 cases against Turkey concerning freedom of expression).
<a href="#">CM/ResDH(2007)105</a>	TUR / Bakir and 21 other cases	76603/01+	13/09/2006 13/06/2006	<b>Protection of property:</b> <i>Disproportionate interference due to delays in payment of additional compensation for expropriation and the insufficient rate of default interest applicable. (Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary damage paid.  <i>General measures:</i> See <a href="#">ResDH(2001)70</a> and <a href="#">ResDH(2001)71</a> in the cases Aka and Akkuş respectively.
<a href="#">CM/ResDH(2007)19</a>	TUR / Çalışlar	60261/00	17/01/2006 <b>Striking out</b>	<b>Freedom of expression:</b> <i>Allegedly unjustified interference on account of criminal proceedings against the applicant under former Article 8 of the Law against terrorism as well as seizure of his book. (Article 10)</i>	<i>Individual measures:</i> The sum agreed in the friendly settlement was paid.  <i>General measures</i> to prevent new similar violations, see Interim Resolutions ResDH(2001)106 and ResDH(2004)38) in Incal group.
<a href="#">CM/ResDH(2007)96</a>	TUR / Dag and Yasar and Karagöz	4080/02+	08/02/2006 08/11/2005	<b>Protection of rights in detention:</b> <i>Custody of the applicants in a gendarmerie station for further interrogation under state of emergency legislation after the period of their detention on remand, and absence of a remedy to challenge being taken into custody. (Article 5 §§1c and 4)</i>	<i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid. The applicants are no longer detained.  <i>General measures:</i> In November 2002 the state of emergency was lifted in all regions. Consequently, the legal basis invoked for the applicants' additional custody is no longer in force. Furthermore, extensive safeguards with

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					regard to police custody were provided through legislation and regulations: see Interim Resolutions <a href="#">DH(99)434</a> , DH(2002)98 and <a href="#">CM/ResDH(2005)43</a> .
<a href="#">CM/ResDH(2007)17</a>	TUR / Fadil YILMAZ and 12 other cases	28171/02	21/07/2005 30/11/2005	<b>Protection of property:</b> <i>Disproportionate interference due to delays in the payment of compensation owed to the applicants for the expropriation of their property and the lack of consideration of the true rate of inflation between the time when the amounts had been determined and the date of payment. (Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Claims for just satisfaction were not submitted within the time-limit.  <b>General measures:</b> See ResDH(2001)70 and ResDH(2001)71 in the cases Aka and Akkuş, in particular concerning the law of 2000, which brought the statutory rate of default interest into line with the annual rediscount rate applied by the Turkish Central Bank to short-term debts. The judgment was published and disseminated to competent authorities.
<a href="#">CM/ResDH(2007)97</a>	TUR / Güneri and Others and 5 other cases	42853/98+	12/10/2005 12/07/2005	<b>Freedom of assembly and effective remedy:</b> <i>Absence of an effective remedy against the transfer of the applicants' posts to other towns under the emergency legislation as well as unjustified interference due to the denial of access to members of an association and a political party to certain towns under state of emergency rule and lack of a remedy. (Articles 13 as well as 11 and 13)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid.  <b>General measures:</b> In November 2002 the state of emergency was lifted in all regions. Current legislation provides sufficient safeguards. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2007)98</a>	TUR / I.R.S. and Others	26338/95	20/07/2004 15/12/2004 (Merits)	<b>Protection of property:</b> <i>Inability to obtain either restitution or compensation following the occupation of the applicants' land for purposes of public use without expropriation as under the Law on</i>	<b>Individual measures:</b> Just satisfaction in respect of pecuniary damage paid.  <b>General measures:</b> In 2003 the Constitutional Court declared the relevant provision of the Law on Expropriation

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			31/05/2005 31/08/2005 Just satisfaction	<i>Expropriation of 1983 claims for restitution or compensation lapse after 20 years of occupation. (Article 1 of Protocol No. 1)</i>	unconstitutional on the grounds that its application was not in conformity with the principle of the rule of law and violated ECHR requirements. As a result, this provision became null and void.
<a href="#">CM/ResDH(2007)23</a>	TUR / Kamil T. Sürek	34686/97	14/06/2001 Striking out	<b>Freedom of expression and access to and efficient functioning of justice:</b> <i>Allegedly unjustified interference on account of criminal proceedings against the applicant under former Article 8 of the Law against terrorism and alleged unfairness of these criminal proceedings on account of the presence of a military judge in the security court. (Articles 10 and 6 §1)</i>	<u>Individual measures:</u> The sum agreed in the friendly settlement was paid.  <u>General measures</u> to prevent new similar violations, see Interim Resolutions ResDH(2001)106 and ResDH(2004)38) in Incal group.
<a href="#">CM/ResDH(2007)1</a>	TUR / Öcalan	46221/99	12/05/2005 12/05/2005 Grand Chamber	<b>Right to life, protection against ill-treatment and of rights in detention, access to and efficient functioning of justice:</b> <i>Ill-treatment due to the imposition on the applicant, charged with terrorist offences, of a death sentence following unfair criminal proceedings; lack of independence and impartiality of the State Security Court due to the presence of a military judge on the bench during part of the trial and restrictions on the detainee's access to his criminal file and its late disclosure to his lawyers, obliging them to respond hurriedly to a very extensive file as well as denial of access to a lawyer for</i>	<u>Individual measures:</u> No claim for pecuniary or non-pecuniary damage submitted. Just satisfaction in respect of cost and expenses paid. Concerning the applicant's request for retrial, the domestic court considered the arguments put forward and the contents of the case file as a whole and concluded that it was not necessary to carry out any additional investigations or further hearings. Having also considered the nature of the crime and the evidence in the case file (including the applicant's confessions) and having concluded that the violations found could not change the applicant's conviction and that his submissions before it were unsubstantiated, the 14th Assize Court dismissed the request as devoid of merit.  <u>General measures:</u> Concerning the imposition of the death

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>almost 7 days during custody, followed by restrictions on the number and length of consultations; lack of possibility for detainee to speak with lawyers out of the hearing of guards. (Articles 2,3, 5 §3, 6 §1 in conjunction with 6 §3b+c)</i>	<p>penalty following an unfair trial, amounting to inhuman treatment, death penalty in peacetime was abolished in 2002. Concerning Article 5 §§3+4, the Code of Criminal Procedure of 2005 provided for a right of detainees to see a judge within 24 hours in regular cases and 3 days in exceptional cases, the decision to extend to be taken by the prosecutor and open to an appeal to the court (see <a href="#">DH(2002)110</a> in Sakık and Others). Concerning Article 6 §1, the presence of military judges in state security courts was abolished in 1999, see <a href="#">DH(99)555</a> in Çıraklar. Subsequently, state security courts were abolished following the constitutional amendments of May 2004.</p> <p>Concerning inadequate time and facilities for preparation of defence and restriction on legal assistance, the new Code of Criminal Procedure introduced new provisions to guarantee defence rights, providing in particular for a defence lawyer to be assigned automatically in cases with a minimum sentence of 5 years, giving the lawyer access to the case-file (including the right to make copies) from the date the indictment is accepted by the court and providing that the suspect or the accused may meet with the defence lawyers at any time and in such circumstances that they will not be heard by others, without requiring a power of attorney, and that correspondence between the defence lawyer and the suspect or accused may not be monitored. The judgment was published, translated and disseminated.</p>
<a href="#">CM/ResDH(2007)21</a>	TUR / Özkan Kiliç	27209/95+	26/11/2002 Striking out	<b>Freedom of expression and access to and efficient functioning of justice: Allegedly unjustified interference on account of</b>	<b>Individual measures:</b> The sum agreed in the friendly settlement was paid.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>criminal proceedings against the applicant under former Article 8 of the Law against terrorism and alleged unfairness of these criminal proceedings on account of the presence of a military judge in the security court. (Articles 10 and 6 §1)</i>	<u>General measures</u> to prevent new similar violations, see Interim Resolutions ResDH(2001)106 and ResDH(2004)38) in Incal group.
<a href="#">CM/ResDH(2007)20</a>	TUR / Özler and 5 other cases	25753/94	11/07/02  Striking out	<b>Freedom of expression:</b> <i>Allegedly unjustified interference on account of criminal proceedings against the applicant under former Article 8 of the Law against terrorism. (Article 10)</i>	<u>Individual measures:</u> The sums agreed in the friendly settlements were paid. The applicant's conviction and its consequences have been fully erased by court decision, deleting the applicants' convictions from their judicial records. The restrictions on applicants' civil and political rights are also automatically lifted.  <u>General measures:</u> Article 8 of the Anti-terrorism was abrogated in 2003 in the framework of an extensive programme of reforms aimed at bringing domestic law in conformity with ECHR requirements concerning freedom of expression (see Interim Resolution ResDH(2004)38, for a more comprehensive overview).
<a href="#">CM/ResDH(2007)100</a>	TUR / United Communist party of Turkey and 7 other cases	19392/92+	30/01/1998  Grand Chamber	<b>Freedom of association:</b> <i>Unlawful interference due to the dissolution of political parties by the Constitutional Court on the ground that these parties' manifestos and/or statements made by their leaders were considered to undermine the territorial integrity and the unity of the nation, mainly on account of references to the Kurdish people or to</i>	<u>Individual measures:</u> Just satisfaction in respect of pecuniary and/or non-pecuniary damage paid. The political bans imposed on applicants who were leaders or active members of the dissolved parties have been lifted, not least by the constitutional reforms (see "General measures" below). The obstacles to re-registering the dissolved parties or registering similar parties have been removed. The Communist Party and the Socialist Party were able to take part in the 2003 general election.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>Kurdish self-determination, in violation of the constitution and of various provisions of the Law on Political Parties. (Article 11)</i>	<u>General measures</u> : The 1995 constitutional reform transformed the permanent prohibition imposed on members of dissolved parties, from exercising political activity of any kind, into a five-year ban applicable only to party leaders. Further constitutional changes of 2001 made it possible to comply with the ECHR obligation not to sanction a political party on the sole basis of its manifesto or without any evidence of clearly anti-democratic activity and introduced a requirement of proportionality, providing recourse to lesser penalties than dissolution (partial or total withdrawal of public financial support, depending on the gravity) for breaches of the authorised limitations placed upon political activity. The Law on Political Parties was amended in 2003 accordingly. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2007)22</a>	TUR / Yalçın Kuçuk (No. 2)	56004/00	02/03/2006  Striking out	<b>Freedom of expression and access to and efficient functioning of justice</b> : <i>Allegedly unjustified interference on account of criminal proceedings against the applicant under Article 169 of the Criminal Code and alleged unfairness of these criminal proceedings on account of the presence of a military judge in the security court. (Articles 10 and 6 §1)</i>	<u>Individual measures</u> : The sum agreed in the friendly settlement was paid.  <u>General measures</u> to prevent new similar violations, see Interim Resolutions ResDH(2001)106 and ResDH(2004)38) in Incal group.
<a href="#">CM/ResDH(2007)14</a>	UK / Bowman	24839/94	19/02/1998  19/02/1998	<b>Freedom of expression</b> : <i>Disproportionate interference due to the applicant's prosecution for having distributed leaflets indicating that certain political candidates</i>	<u>Individual measures</u> : The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant was acquitted.



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				<i>had an abortion, on the basis of the Representation of the People Act 1983, which prohibited unauthorised persons from spending more than 5000 pounds during pre-election period on circulating information with a view to promoting a candidate's election. (Article 10)</i>	<b>General measures:</b> In 2001, a new law on the financing of political parties (the Political Parties, Elections and Referendums Act 2000) amended the 1983 Act and raised the restriction on expenditure. The scope of the amendment was unintentionally left ambiguous. Thus, in 2006, the Court of Appeal found that the raised limit did apply to each category of expenditure mentioned in the 1983 Act. Subsequently, the ambiguity was removed from the text of the 1983 Act by the Electoral Administration Act 2006 (with retrospective effect from 2001). The judgment was published and disseminated to competent authorities.
<a href="#">CM/ResDH(2007)15</a>	UK / Halford	20605/92	25/06/1997 25/06/1997	<b>Protection of private life:</b> <i>Illegal interferences due to the interception of telephone calls made on the applicant's office telephone linked to an internal telecommunications systems operated by public authorities without any legal basis and the lack of an effective remedies. (Articles 8 and 13)</i>	<b>Individual measures:</b> The just satisfaction in respect of pecuniary and non-pecuniary damage awarded on an equitable basis was paid. The intercepted material had been destroyed.  <b>General measures:</b> New legislation governing the regulation of interception on private telecommunication networks was enacted in the form of the Regulation of Investigatory Powers Act 2000. Its purpose is to prohibit the interception of communications on public and private networks and then carve out from that overall prohibition certain limited circumstances whereby interception may lawfully be carried out on such networks. The intentional and unauthorised interception of a communication by means of a private telecommunications system constitutes a criminal offence. The Act also creates a new civil liability: The sender, the recipient, or the intended recipient of a communication intercepted may sue the person who has the right to control the operation or the use of the telecommunication system in

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					<p>question. The latter will be liable unless he can show that he acted with lawful authority. Interception on a private network carried out in accordance with a warrant from the Secretary of State is lawful. Since the entry into force of the Human Rights Act in 2000, any person may bring proceedings against the authority concerned The Investigatory Powers Tribunal is competent for proceedings against the intelligence services concerning, inter alia, an interception of communications.</p>
<p><a href="#">CM/ResDH(2007) 133</a></p>	<p><b>UK / McGlinchey and Others</b></p>	<p><b>50390/99</b></p>	<p><b>29/07/2003</b>  29/04/2003</p>	<p><b>Protection against ill-treatment:</b> <i>Failure of prison authorities to provide accurate means of monitoring the health condition of a heroin-addicted prisoner prior to her death, which amounted to ill-treatment and lack of an effective remedy allowing an examination of the standard of care in prison. (Articles 3 and 13)</i></p>	<p><i>Individual measures:</i> Just satisfaction in respect of non-pecuniary damage paid.</p> <p><i>General measures:</i> A programme, completed in 2006, was set up to improve prison health policy on the handling of substance abusers and addicts. It involved the transfer of health services for prisoners from the Prison Service to Primary Care Trusts. The aim of this transfer is to improve the quality and appropriateness of health care services for prisoners and to maintain these services within the National Health Service. A network of prison/PCT partnerships was established to facilitate the transfer at operational level, and these services were effectively mainstreamed in 2006. At the beginning of 2005 there were drug rehabilitation programmes in 103 establishments. In 2004/2005 an innovative, short-duration drug treatment programme, which can be carried out in around 4 months, was also introduced at 32 establishments, aimed at “short-term” prisoners. Data have shown a significant increase of prisoners who now benefit from these health services. Concerning an effective remedy, the Human Rights Act 1998,</p>

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					in force since 2000, covers claims for damages by relatives acting on behalf of deceased persons and therefore provides an effective remedy in cases such as the present one. The judgments were published and disseminated.
<a href="#">CM/ResDH(2007)101</a>	UK. / Bubbins	50196/99	17/06/2005 17/03/2005	<b>Effective remedies:</b> <i>Absence of an effective remedy to seek compensation for non-pecuniary damages following the death of a relative shot by the police, having been mistaken for an intruder in his own house. (Article 13)</i>	<b>Individual measures:</b> Just satisfaction in respect of non-pecuniary damage paid.  <b>General measures:</b> Following the entry into force in 2000 of the Human Rights Act 1998, any person could bring a claim against the police. Such proceedings provide a forum in which a claim for compensation for non-pecuniary damages in respect of any civil liability of the police could be assessed. Examples of case-law were provided.
<a href="#">CM/ResDH(2007)134</a>	UK. / T. and V.	24724/94	16/12/1999	<b>Access to and efficient functioning of justice and protection of rights in detention:</b> <i>Denial of a fair trial due to the applicants' inability (minors aged 10 at the material time) "to participate effectively in the criminal proceedings against them" and due to the lacking access to an independent tribunal as the tariff in sentences during Her Majesty's pleasure is set by the Home Secretary; lack of a periodic review of the continuing lawfulness of detention by a court. (Articles 6 §1 and 5 §4)</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The applicants did not request reopening. Following the ECtHR's judgment, the Home Secretary sought the views of the Lord Chief Justice who recommended the original tariffs set by the trial judge of 8 years. The Home Secretary accepted the original tariffs set by the judge. These tariffs expired in November 2000.  <b>General measures:</b> In 2000, the Lord Chief of Justice issued a Practice Direction in relation to the trial of children and young persons before the Crown Court encouraging the young defendants' participation in the proceedings. Furthermore, The Home Secretary no longer sets the tariff for juveniles convicted of murder and sentenced to detention during Her Majesty's pleasure under the Powers of

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					Criminal Courts (Sentencing) Act 2000 providing judicial determination of the minimum term to be served by those under 18 years old with a life sentence. The Criminal Justice Act was again amended in 2003, providing judicial determination of the minimum term for a mandatory life sentence for all offenders, whether children or adults.
<a href="#">CM/ResDH(2007)13</a>	UKR / Ukrainian Media Group	72713/01	12/10/2005 29/03/2005	<i>Freedom of expression: Disproportionate interference due to the conviction of the applicant company for publishing articles criticising political candidates, on the basis of a defamation law lacking a distinction between factual statements and value judgments. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction in respect of pecuniary and non-pecuniary damage awarded on an equitable basis paid.  <i>General measures:</i> The Law on defamation was amended in 2003, exempting value judgments from liability. The term “value judgement” is defined as follows: “value judgements, except for insult or defamation, are expressions which contain no factual data, in particular criticism, assessment of actions as well as statements which cannot be considered as statements of fact due to the nature of the language used, in particular the use of hyperboles, allegories, satire. Value judgements are not subject to proof or refutation”. Other changes were as follows: - State bodies and bodies of local self-government cannot request non-pecuniary damages for publication of false information, they only have a right of refutation. Officials acting in their personal capacity may still seek to protect their right to their honour and dignity through the courts. - The law provides a defence of conscientious publication allowing the court to rule that a journalist acted in good faith and verified the information. - Compensation for non-pecuniary damage in defamation cases may only be imposed in cases of malicious intent by the journalist or media outlet. The plaintiff must pay to the

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					<p>court a proportion of the amount claimed in compensation when filing a defamation case. This has contributed to the reduction of the amounts imposed as awards in defamation cases. - Furthermore, in 2005, the Civil Code was amended providing that “negative information shall be deemed false unless proven otherwise by the person who disseminated it.” and that information “obtained from official sources (information of state bodies, bodies of local self-government, reports, records, etc.) does not require verification of authenticity.” The judgment was published, translated and disseminated.</p>