

Summaries of Final Resolutions adopted by the Committee of Ministers in 2009
 (with the exception of those concerning Friendly Settlements)

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

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2009)118	AUT / Schreder and 9 other cases	38536/97	13/03/2002 13/12/2001	Access to and efficient functioning of justice: Excessive length of certain civil proceedings conducted under the Code of Civil Proceedings or the Non-Contentious Proceedings Act (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed. <i>General measures:</i> In 2003, the Code of Civil Proceedings was amended to streamline and accelerate judicial proceedings. Measures were introduced to prevent abuse of procedures, by precluding belated presentations by the parties by their own fault, setting time-limits for the submission of expert opinions, and introducing sanctions where parties unjustifiably refuse to cooperate with experts. The summons procedure was simplified. Proceedings may be streamlined by introducing a preliminary hearing where a “case-processing programme” is established. A new Non-Contentious Proceedings Act of 2005 contains similar provisions aiming at the efficient and speedy conduct of the proceedings, such as stricter time-limits for parties to respond, an enhanced summons procedure and the limitation of possibilities to submit new evidence. Courts are obliged to minimise the length of proceedings and parties to contribute to their speedy conduct. Procedural amendments of the Rent Act in 2005 provide new legal remedies: reimbursement of the winning party's legal representation by the losing party only insofar as these acts have been adequate and not unnecessarily delayed the proceedings. A supervisory disciplinary mechanism was set up in respect of courts causing delay. Following a re-organisation of the judiciary, custody proceedings now fall within the

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					competence of district courts. . The judgment was published, translated and disseminated.
CM/ResDH(2009)146	AUT / Woditschka and Wilfing and 4 others cases	69756/01+	21/01/2005 21/10/2004	Protection of private and family life / discrimination on the ground of sex: <i>Discriminatory treatment of a male homosexual sentenced to a fine or a suspended prison sentence on the basis of the Criminal Code incriminating consensual male homosexual acts by adults with teenagers aged between fourteen and eighteen contrary to similar consensual heterosexual or lesbian acts. (Article 14 combined with Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. General measures: See CM/ResDH(2007)111 in L. and V., and S.L, closed as the impugned provision of the Criminal Code had been repealed in 2002. The new provision of the Criminal Code penalises sexual acts between adults and adolescents in certain specific circumstances and is applicable irrespective of whether the sexual acts at issue are heterosexual or homosexual (male or female). The judgment was published, translated and disseminated.
CM/ResDH(2009)117	AUT / Yildiz and 3 other cases	37295/97+	31/01/2003 31/10/2002	Protection of private and family life: <i>Disproportionate interference due to residence prohibitions imposed under the 1992 and 1997 Aliens Act and the applicants' expulsion following their committal of criminal offences. (Article 8)</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In one case, just satisfaction for non-pecuniary damage paid. All of the applicants were allowed to re-enter the country. The residence prohibitions were lifted in all cases. General measures: The 1992 Aliens Act was replaced in 1997 and 2005 and an explicit reference to the protection of family life was included. Furthermore, authorities have duly to balance the protection of private and family life against the public interest in expulsion taking due account of elements such as the degree of integration of the person concerned or of his or her family and the strength of existing family or other ties. The judgment was published, translated and disseminated.
CM/ResDH(2009)110	BEL / Bricet and Bouzet	44899/98	24/07/2007 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings in which the applicants acted as civil parties. (Article 6 §1)</i>	Individual measures: Compensation paid as agreed in the friendly settlement.

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CM/ResDH(2009)119	BEL / Da Luz Domingues Ferreira	50049/99	24/08/2007 24/05/2007	Access to and efficient functioning of justice: Denial of a trial due to the appeal court's refusal to reopen proceedings which had taken place in the absence of the accused despite clear indications that he had wished to avail himself of his right to appear in court.(Article 6 §1)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The impugned proceedings were reopened in 2008 under the new law on reopening of judicial proceedings which entered into force of 2007. General measures: In 2008, the College of Prosecutors General sent out a circular letter ordering "the notification of his or her rights to a person convicted in absentia, detained or not, located within the Kingdom or abroad", according to which bailiffs, prison directors or any other person given the power to notify a decision of conviction in absentia are instructed to include in the notification document all the necessary information to request the conviction be set aside. If need be, the notification may also be made through the appropriate foreign judicial authorities. Finally, information on the procedure to follow to request that a conviction in absentia be set aside and on the rights of the person concerned will also be included in the European arrest warrant. The judgment was published and disseminated.
CM/ResDH(2009)65	BEL / Goktepe	50372/99	02/09/2005 02/06/2005	Access to and efficient functioning of justice: Unfair criminal proceedings due to the lack of individual examination of the question of the extent of the applicant's guilt. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2007, the Criminal Investigation Code was amended to permit the reopening of criminal proceedings following an ECHR judgment. Requests to reopen must be lodged within the 6 months following the date the judgment became final, and are examined by the Cour de cassation. If the execution of a judgment is still pending, the application for reopening proceedings must be lodged within six months of the entry into force of the amendment on 01/12/2007. The applicant was informed about this possibility and was released on parole on 03/05/2007. General measures: Since the broad dissemination of this judgment to courts, Assize Court's presidents formulate individual questions to juries regarding objective aggravating circumstances.

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CM/ResDH(2009)111	BEL / Panier	2527/02	30/03/2006 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Compensation paid as agreed in the friendly settlement.
CM/ResDH(2009)77	BGR / Kuibishev and 1 other case	39271/98+	12/04/2007 30/09/2004	Protection of rights in detention: <i>Excessive length of detention on remand and lack of a prompt presentation to a judge as well as lack of effective judicial review of the lawfulness of the applicants' detention and the non-adversarial nature of the respective proceedings before the Supreme Court. (Article 5 §§3+4)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants are no longer in detention on remand. <i>General measures:</i> Measures adopted to adapt legislation and practice to the requirements of Article 5 are part of the reform of the Code of Criminal Procedure which entered into force on 1 January 2000 (see ResDH(2000)109 in Assenov and others as well as CM/ResDH(2007)158) in the Hristov group. Outstanding measures are being supervised in the cases Boijilov and Ivanov Evgeni.
CM/ResDH(2009)62	BGR / Lotter and Lotter	39015/97	19/05/2004 Friendly settlement	Freedom of religion and discrimination: <i>Discriminatory interference due to the withdrawal of Jehovah's Witnesses' residence permits and the order to leave the country based on an alleged threat to national security. (Articles 9 and 14)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The residence permit withdrawal orders have been annulled. <i>General measures:</i> Following the adoption of the new Religious Denominations Act of 2002, the Sofia City Court registered ex officio the Jehovah's Witnesses as a legal entity in 2003.
CM/ResDH(2009)76	BGR / Mihailov	52367/99	21/10/2005 21/07/2005	Access to and efficient functioning of justice: <i>Denial of access to a court to obtain a decision by the Labour Expert Medical Commission's and the Central Labour Expert Medical Commission's refusal to classify the applicant's disability status as first-degree. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant died in 2001; his children continued proceedings before the ECHR. They had the possibility to request the reopening of the impugned domestic proceedings. <i>General measures:</i> According to the new Health Act of 2004, decisions of the National Expert Medical Commission (the successor body of the Central Labour Expert Medical Commission) may be reviewed by the Sofia City Court.
CM/ResDH(2019)30	BGR / Padalov	54784/00	10/08/2006 10/11/2006	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released following the ECHR

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				<i>the refusal to grant free legal assistance resulting in a conviction. (Article 6 §§1+3c)</i>	<p>judgment. The Prosecutor General requested reopening of the impugned proceedings. As a result, the Supreme Court of Cassation annulled in 2007 the verdict and returned the case for new examination referring explicitly to the need of ensuring proper legal representation for the accused.</p> <p><u>General measures:</u> The provisions of the Code of Criminal Procedure called into question were modified in 2000. Free legal assistance is now granted if the accused cannot afford to instruct counsel and if a public defender should be assigned in the interest of justice. These new provisions were maintained in the new Code of Criminal Procedure of 2005. The judgement was published.</p>
CM/ResDH(2009)120	BGR / United Macedonian Organisation Ilinden – PIRIN and Others	59489/00	20/01/2006 20/10/2005	Freedom of association: <i>Disproportionate interference due to the dissolution of an organisation's political party aiming at "the recognition of the Macedonian minority in Bulgaria", based on considerations of national security. (Article 11)</i>	<p><u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The UMO Ilinden – PIRIN's application for the registration of their party on the basis of the new 2005 Political Parties Act, even though this law raised the number of required members for the registration of a new party from 500 to 5000 was rejected by the court of the City of Sofia in 2006 for non-compliance with registration formalities. A second application was rejected in 2007 due to the fact that the list of members was not up to date. A third application was lodged in 2008 and dismissed for non-respect of registration formalities. In 2009, the Political Parties Act was amended reducing the number of members required for the foundation of a political party dropped from 5 000 to 2 500. The government declared that it "sees no obstacle to the applicants' obtaining the registration of their organisation as a political party on the condition that the requirements of the Constitution of the state and the formal requirements of the Political Parties Act are met."</p> <p><u>General measures:</u> The judgment was published and disseminated and is used in training activities for judges, prosecutors, representatives of the Ombudsman's Office, lawyers and NGOs.</p>

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CM/ResDH(2009)121	CRO / Biondic	38355/05	02/06/2008 08/11/2007	Access to and efficient functioning of justice: Lack of access to a court in civil proceedings instituted by a third party to contest an inheritance, due to the rejection of the applicant's request to exclude from the estate certain possessions which she had acquired in her own right during her marriage. (Article 6 §1)	<i>Individual measures:</i> No claim submitted. The inheritance proceedings were reopened in 2008. <i>General measures:</i> The lower courts' interpretation of the relevant substantive and procedural laws was in contravention to the Supreme Court's practice. The judgment was published, translated and disseminated.
CM/ResDH(2019)31	CRO / Camasso	15733/02	13/04/2005 13/01/2005	Access to and efficient functioning of justice: Excessive length of criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Proceedings are closed. <i>General measures:</i> No structural problem concerning length of criminal proceedings. According to statistical data provided by the authorities, the average duration in 63% of criminal proceedings is less than one year. A new provision of the Act on the Constitutional Court (in force 2002) provides an effective remedy in respect of complaints concerning excessive length of judicial proceedings. Amendments to the Courts' Act 2005 provide that appeal courts may examine at first instance complaints of excessive length of judicial proceedings. Their decisions may be appealed before the Supreme Court, and the decisions of the latter before the Constitutional Court. The judgement was published.
CM/ResDH(2019)21	CRO / Drazic and 6 other cases	11044/03+	06/01/2006 06/10/2005	Access to and efficient functioning of justice: Lack of access to a court due to legislation staying all civil proceedings relating to claims for damage in respect of terrorist acts or caused by the members of the Croatian army or police in the context of the Homeland War in Croatia. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings were resumed between 2003 and 2005 and courts were invited to display special diligence by the Ministry of Justice (see ResDH(2006)3 in Kusic). <i>General measures:</i> See ResDH(2006)3 in Kusic, in particular the legislative measures providing for the resumption of the stayed proceedings and the development in the Constitutional Court's case-law creating a new domestic remedy for alleged violations of the right of access to a

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					court. The judgement in Tomasic was translated, published and disseminated.
CM/ResDH(2009)122	CZE / Bulena and 3 other cases	57567/00	20/07/2004 20/04/2004	Access to and efficient functioning of justice: Lack of access to the Constitutional Court due to its excessively formal interpretation of the admissibility rules. (Article 6 §1)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Due to the fact that the cases had been considered on the merits at first instance and appeal, no other measures is necessary. General measures: See CM/ResDH(2007)115 in Beles and CM/ResDH(2007)30 in Zvolský and Zvolská. Following a discussion of the issue by the Constitutional Court, judges agreed to avoid an excessively formalistic approach, without necessarily compensating for the procedural activity of the applicants, in particular concerning the calculation of the time-limit set for constitutional appeals. The judgments were published, translated and disseminated.
CM/ResDH(2009)46	CZE / Linkov	10504/03	07/03/2007 07/12/2006	Freedom of association: Unjustified refusal to register a political party of which the applicant was a member, on the ground that the party's constitution was in breach of the Political Parties Act taken together with the Constitution and the Charter of Fundamental Rights and Freedoms. (Article 11)	Individual measures: Just satisfaction for pecuniary damage (amount of the registration fee) paid. The finding of a violation is sufficient just satisfaction for non-pecuniary damage. The applicant submitted no new request for registration. General measures: The judgement was translated, published and disseminated.
CM/ResDH(2009)138	ESP / Olaechea Cahuas	24668/03	11/12/2006 10/08/2006	Extradition despite risk of ill-treatment: Failure to comply with an interim measure indicated by the Court under Rule 39 of the Rules of ECHR. (Article 34)	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant had been placed in a Peruvian prison then granted conditional release three months later. General measures: Isolated occurrence. The judgment was published, translated and widely disseminated.
CM/ResDH(2009)93	EST / Shchiglitsov	35062/03	18/04/2007 18/04/2007	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: See CM/ResDH(2007)152 in Treial. The judgment was published, translated and disseminated.

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CM/ResDH(2009)94	FIN / H.A.L.	38267/97	07/07/2004 27/01/2004	Access to and efficient functioning of justice: <i>Unfairness of administrative proceedings due to the failure to provide reasons for certain decisions and lack of sufficient information enabling the applicant to participate fully in these proceedings, which resulted in the dismissal of his request for an extension of the payment of a sickness allowance. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not file any claim for reopening of the impugned proceedings. <i>General measures:</i> See CM/Res(2004)63 in Hirvisaari and ResDH(2006)59 in K.P. The judgment was published, translated and disseminated.
CM/ResDH(2019)22	FIN / H.K.	36065/97	26/12/2006 26/09/2006	Protection of family life: <i>Failure of authorities to take formal decisions when placing a child in emergency care and inability of the applicant to contest access restrictions. (Article 8 twice)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's daughter subsequently returned to live with him. <i>General measures:</i> See ResDH(2006)50 in K. and T. The new Child Welfare Act of 2008 aims at securing consideration of the rights and interests of a child when enforcing child welfare activities, as well as improving the legal protection of a child and his/her parents or carers particularly in decision-making relating to child's welfare. The judgement was translated, published and disseminated.
CM/ResDH(2009)148	FIN / Lomaseita Oy and Others	45029/98	05/10/2005 05/07/2005	Access to and efficient functioning of justice: <i>Unfair civil proceedings due to the infringement of the principle of equality of arms as the applicants were not informed of additional material submitted by the other party to the appellate court. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. Extraordinary appeals may be lodged against final decisions if "a procedural error has been committed which may have had an effect on the decision". The applicants however did not request the reopening of civil proceedings. <i>General measures:</i> Violation due to the specific interpretation of the relevant provision by domestic courts. The judgment was published, translated and disseminated.
CM/ResDH(2009)123	FIN / M.S.	46601/99	22/06/2005 22/03/2005	Access to and efficient functioning of justice: <i>Denial of a fair trial as the applicant was not informed of a statement</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the possibility to request reopening of the impugned

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				<i>received by the appellate court and was not given the opportunity to comment on it. (Article 6 §1)</i>	proceedings. <i>General measures:</i> Erroneous application of domestic regulations. The judgment was published, translated and disseminated.
CM/ResDH(2009)124	FIN / Mild and Virtanan	39841/98+	26/10/2005 26/07/2005	Access to and efficient functioning of justice: <i>Unfair criminal proceedings as the applicants could examine persons regarded as witnesses whose statements were taken into account as evidence by the Court of Appeal.(Article 6 §§1+3d)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants may request the reopening of criminal proceedings. <i>General measures:</i> The Code of Judicial Procedure was amended in 1997. According to the new provisions, a person already convicted of the same offence in other proceedings, cannot be considered as a witness in the presumed accomplices' proceedings. The judgment was published, translated and disseminated.
CM/ResDH(2009)78	FIN / Narinen	45027/98	01/09/2004 01/06/2004	Protection of private life / correspondence: <i>Interference due to the opening the applicant's letter by an official receiver appointed to his estate in bankruptcy proceedings in the absence of specific, legally binding rules on the matter. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> According to the new Bankruptcy Act 2004, the bankruptcy trustee shall have a right, without the debtor's consent, to receive and open mail and other messages, as well as parcels, addressed to the debtor which pertain to his or her economic activities. The provision concerns only mail and messages relating to debtor's economic activities and cannot be applied to any personal mail. The judgement was published, translated and disseminated.
CM/ResDH(2009)125	FIN / Possti and Rahko	27824/95	21/05/2003 24/09/2002	Access to and efficient functioning of justice: <i>Lack of access to court to contest restrictions on fishing imposed by administrative regulations. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No need to reopen proceedings as no violation of property rights had been found. <i>General measures:</i> The judgment was published, translated and disseminated.
CM/ResDH(2009)149	FIN / R.	34141/96	30/08/2006 30/05/2006	Protection of private and family life: <i>Failure of the authorities to take adequate</i>	<i>Individual measures:</i> No claim for just satisfaction was submitted. The applicant's son reached majority in 2005.

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				<i>measures to reunite the applicant with his son placed in foster care. (Article 8)</i>	<i>General measures:</i> See CM/ResDH(2006)50 in K. and T. as well as CM/ResDH(2007)34 in K.A. The judgement was published, translated and disseminated.
CM/ResDH(2009)147	FIN / Tamminen	40847/98	05/07/2004 15/06/2004	Access to and efficient functioning of justice: <i>Denial of a fair hearing on account of domestic courts' refusal to hear a particular witness in two instances on different grounds. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constitutes in itself sufficient just satisfaction for non-pecuniary damage. Reopening of the impugned proceedings is possible according to the Code of Judicial Procedure. <i>General measures:</i> The judgement was published, translated and disseminated.
CM/ResDH(2019)48	FRA / Augusto	71665/01	11/04/2007 11/01/2007	Access to and efficient functioning of justice: <i>Denial of a fair trial on account of the failure to communicate to the applicant the expert opinion of the doctor appointed by the CNITAAT (national tribunal for incapacity and the establishment of insurance for industrial accidents) in proceedings to obtain a retirement pension on the basis of her incapacity to work. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant may lodge a new request for a pension. Concerning possible consequences of the violation for the past, the applicant could seize the competent administrative authority of her claims for compensation for the period at issue. <i>General measures:</i> The procedure before the CNITAAT (national tribunal for incapacity and the establishment of insurance for industrial accidents) was amended by law in 2002 and a subsequent decree in 2003. Now, the president in charge of the case may appoint one or several medical experts and copies of their reports must be sent to the parties. The judgement was published and disseminated to the Cassation Court's President and the Prosecutor General.
CM/ResDH(2009)56	FRA / Deshayes No. 1 and 3 other cases	66701/01+	28/05/2006 28/02/2006	Access to and efficient functioning of justice: <i>Denial of a fair trial before the Cour de cassation due to the failure to communicate, in whole or in part, the report of the reporting judge to parties as well as, in two cases, the presence of the advocate-general at the deliberations. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. <i>General measures:</i> The Cour de cassation has changed the way in which it investigates and determines matters submitted to it; in particular: advisory reports drafted by the judge rapporteur. See CM/ResDH(2008)13 in the case of Slimane Kaïd. Furthermore, specific measures have been adopted so that parties not represented by counsel may

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					have access to the same information as they would have if they had counsel, irrespective of their place of residence (see CM/ResDH(2008)71 in the case of Meftah and others.
CM/ResDH(2009)57	FRA / Dumont-Maliverg	57547/00+	31/08/2005 31/05/2005	Protection of rights in detention: Excessive length of detention on remand. (Article 5 §3)	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant is no longer in detention on remand. General measures: See ResDH(2003)50 in the case of Müller concerning legislative measures, in particular those limiting the conditions and the length of detention on remand. The judgment was published and disseminated.
CM/ResDH(2009)80	FRA / E.B.	43546/02	22/01/2008 Grand Chamber	Discrimination and protection of private life: Discriminatory treatment of a homosexual person in proceedings concerning her application for authorization to adopt a child due to its rejection on the ground of the absence of a "father-figure" in the household. (Article 8)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant lodged a new application for authorisation to adopt a child which was once again refused. She contested that decision before the administrative courts and that she lodged a complaint before the French High Authority against Discrimination and for Equality. The proceedings are pending. General measures: Erroneous application of the law which provides that any single person over 28 may apply to adopt. The judgement was published and widely disseminated for the attention of the departments in charge of adoption matters in the Conseils Généraux as well as to competent courts to rule on the legality of refusals to deliver authorisation.
CM/ResDH(2019)23	FRA / Ezzouhdi	47160/99	13/05/2001 13/02/2001	Protection of private and family life: Disproportionate interference due to a Moroccan national's final exclusion from France, ordered following his conviction of drug offences. (Article 8)	Individual measures: No claims submitted. The applicant was given a compulsory residence order in 2001 and a provisional residence permit enabling him to take a job in 2002. In 2003, the exclusion measure was lifted entirely. General measures: See CM/ResDH(2009)1 in the Mehemi. The judgement was published and disseminated.
CM/ResDH(2009)	FRA / Gerard	27678/02	26/12/2006	Protection of rights in detention: Excessive	Individual measures: Just satisfaction for non-pecuniary

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61	Bernand		26/09/2006	<i>length of detention on remand. (Article 5 §3)</i>	damage paid. The applicant is no longer in detention on remand. <i>General measures:</i> See ResDH(2003)50 in the case of Müller concerning legislative measures, in particular those limiting the conditions and the length of detention on remand. The judgment was published and disseminated.
CM/ResDH(2009)47	FRA / Labergere	16846/02	26/12/2006 26/09/2006	<i>Access to and efficient functioning of justice:</i> Denial of access to a court due to the Cassation Court's excessive formalism declaring the applicant's appeal on points of law against a criminal conviction inadmissible as lodged out of time, in particular as the applicant had been held in a psychiatric hospital. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. <i>General measures:</i> Violation due to restrictive application of domestic law by Cassation Court. The judgement was published and disseminated to the Cassation Court's President and the Prosecutor General. See also CM/ResDH(2007)52 in Trichard underlining that appeals to the criminal chamber of the Cour de cassation 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 conform to the time limit".
CM/ResDH(2009)59	FRA / Laidin No. 2 and 6 other cases	39282/98+	07/04/2003 07/01/2003	<i>Access to and efficient functioning of justice:</i> Excessive length of proceedings before administrative courts as well as excessive length of civil and criminal proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings in all cases closed. <i>General measures:</i> See CM/ResDH(2008)12 in the case of Raffi concerning administrative proceedings, CM/ResDH(2008)39 in the case of C.R. concerning civil proceedings and CM/ResDH(2007)39 in Etcheveste and Bidart concerning criminal proceedings. These resolutions also present an effective remedy set up whereby complain may be made about the excessive length of proceedings.
CM/ResDH(2009)67	FRA / Lais	39922/03	01/09/2006 01/06/2006	<i>Right to life:</i> Death of the applicants' son during detention in a cell to sober up, unaccounted injuries, lack of effective	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants' request for a new investigation was rejected by the Prosecutor in 2007 failing new grounds.

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				<i>police and medical supervision as well as lack of an effective investigation into the circumstances of the death. (Article 2 substantive and procedural limb)</i>	<i>General measures:</i> The judgment was published and disseminated and is used in police training. The government maintained considerable efforts for several years, taking into account the CPT's recommendations, to improve conditions of detention on remand. Finally, a study on placement in cells for sobering up was requested in order to evaluate how the police take account of the rules on handling persons in a state of inebriation, to analyse respective shortcomings and difficulties and to make proposals for reform.
CM/ResDH(2009)66	FRA / Lambert and 1 other case	23618/94+	24/08/1998 24/08/1998	Protection of private life and correspondence: <i>Disproportionate interference due the refusal of the Cour de cassation to allow contestation of the legality of telephone intercepts in criminal proceedings, the conversations having taken place either on someone else's telephone line (Lambert) or in the context of a case to which the applicant was not party. (Article 8)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The possibility to request reopening their cases was available to the applicants. <i>General measures:</i> The Cour de cassation adapted its case-law and checks in particular: the aim of the intercept ordered, whether it is in accordance with the rules, whether it is necessary and whether the interference in the subject's privacy is proportionate in view of the severity of the alleged offence. The judgment was published.
CM/ResDH(2009)1	FRA / Mehemi	25017/94	26/09/1997 26/09/1997	Protection of private and family life: <i>Final banning order against an Algerian national with strong bonds with France and no links with Algeria which would result in his separation from wife and children. (Article 8)</i>	<i>Individual measures:</i> The finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. The applicant was authorised to return to France and live there subject to a compulsory residence order, which was lifted in 2001. He was issued a residence certificate bearing the word "salarié" ("employee"). <i>General measures:</i> In 1999, the Minister of Justice issued a circular on "Criminal policy with regard to the imposition and lifting of exclusion orders" to prosecutors at appeal courts and at regional courts and the first presidents of these courts, recalling the importance of the right to private a family life and the ECHR's case-law in this matter. Finally, the judgment was published and disseminated.

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CM/ResDH(2009)60	FRA / Peter	32510/96	19/02/1999 Resolution Merits	Access to and efficient functioning of justice: <i>Excessive length of proceedings concerning civil rights before administrative courts. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See CM/ResDH(2005)63 in the case of S.A.P.L. and CM/ResDH(2008)12 in the case of Raffi. Both resolutions also present the effective remedy that has been set up to complain about the excessive length of such procedures.
CM/ResDH(2009)3	FRA / Piron and Epoux Marchard	36436/97 and 42928/02	14/02/2001 14/11/2000	Access to and efficient functioning of justice and protection of property: <i>Excessive length of proceedings concerning the consolidation of parcels of land and thus interference with property rights due to this excessive duration. (Articles 6 §1 and 1 of Protocol No.1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (in the Piron case) and non-pecuniary damage paid. No link between pecuniary claims and the violation found in the Marchard case. The compensation request in the Piron case was re-examined by domestic authorities and increased. Domestic proceedings are closed in both cases. <i>General measures:</i> The Rural Code was reformed in 2005, simplifying the procedure, in particular the appeals procedure against Departmental Land Development Boards, which was to a great extent responsible for the excessive length of the proceedings. As concerns the excessive length of procedures before the administrative jurisdiction, reform measures were presented in CM/ResDH(2008)12 in the Raffi group. Before the 2005 reform of the Rural Code, appeals against damages awarded to landowners were brought before the expropriation judge (with civil competence). Now, the administrative judge must assess the lawfulness of the entire procedure. This unification of actions in consolidation proceedings fosters swift and coherent case-handling.
CM/ResDH(2009)2	FRA / Riviere	33834/03	11/10/2006 11/07/2006	Protection against ill-treatment / conditions of detention: <i>Inadequate conditions of detention for persons with mental disorders due to inappropriate medical supervision. (Article 3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was transferred from Riom prison to Château-Thierry prison, which specialises in the care of detainees with mental disorders. The psychiatrist issued a medical certificate in 2007 confirming that he sees the applicant regularly in consultation and that "his present state of health is compatible with his continuing his

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					detention at Riom". <i>General measures:</i> To improve the psychiatric care of detainees, the authorities launched a new, wide-ranging programme for the in-patient treatment of prisoners with psychiatric disorders, irrespective of the illness and the duration of their committal, based on a law of 2002. Special secure units run under the clinical responsibility of ordinary hospitals (whilst security aspects are the responsibility of the prison authorities). The hospitalisation of prisoners in these units will take place by consent of the patient or by enforced internment by decision of the Préfet. The conditions of treatment of prisoners will continue to be improved, not least in co-operation with the CPT. In 2007, Parliament adopted a law, creating the post of General Controller of Places of Detention. Finally, the judgment was published and disseminated to all departments of the Ministry of Justice.
CM/ResDH(2009)55	FRA / Sarl du Parc d'Activites de Blotzheim and 2 other cases	72377/01+	11/10/2006 11/07/2006	Access to and efficient functioning of justice: Denial of a fair trial due to the presence of the Government Commissioner in the deliberations of the Conseil d'Etat and excessive length of proceedings before administrative courts. (Article 6 §1 twice)	<i>Individual measures:</i> The Court awarded just satisfaction in respect of the non-pecuniary damage in the cases excessively long proceedings Concerning the presence of the Government Commissioner in the deliberations of the Conseil d'Etat, the finding of a violation constituted in itself sufficient compensation. <i>General measures:</i> See CM/ResDH(2007)44 in Kress and Others and CM/ResDH(2008)12 in the case of Raffi (excessive length of administrative proceedings).
CM/ResDH(2019)49	FRA / Schmidt	35109/02	31/03/2008 26/07/2007	Access to and efficient functioning of justice: Lack of effectiveness of an appeal on points of law, which was not dealt with urgently even though the proceedings at issue related to parental rights and lack of communication of the report of the reporting judge of the Cour de cassation. (Articles 6 §1 twice and 13)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants had been granted parental authority of their child in 2000 (mother) and 2001 (father); thus proceedings were closed. <i>General measures:</i> Concerning measures taken to address question of the effectiveness of the appeal to the Court of cassation see CM/ResDH(2008)39 in C.R. and 9 other similar cases. Concerning fairness of proceedings, see

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					CM/ResDH(2008)13 in Slimane-Kaid. The judgement was published and disseminated.
CM/ResDH(2009)126	FRA / Selmouni	25803/94	28/07/1999	Protection against ill-treatment in police custody: <i>Ill-treatment amounting to torture of a Moroccan-Dutch national and excessive length of subsequent criminal proceedings, to which the applicant was a civil party, against the police officers involved. (Articles 3 and 6 §1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damage awarded on an equitable basis was paid. General measures: In 2000, the National Commission for Policing Ethics, an independent administrative authority, was created and commissioned to supervise the respect of ethics by all those working in security in the French Republic. In its 2001 report, the Commission underlined the importance of ECHR case-law referring to the Selmouni case. It investigated a number of complaints concerning detention on remand and the conditions thereof. In several opinions and recommendations, the Commission asked the Interior Ministry to take action to ensure that state officials ordering and administering detention on remand strictly respect the legal and ethical rules. In 2003, the Minister of the Interior, of Internal Security and of Local Freedoms issued a circular with basis rules: Guaranteeing the dignity of remand prisoners. The judgment was published and disseminated.
CM/ResDH(2009)58	FRA / Simon and 1 other case	66053/01+	08/09/2004 08/06/2004	Access to and efficient functioning of justice: <i>Excessive length of proceedings before administrative courts. (Article 6 §1)</i>	Individual measures: No claim for just satisfaction submitted in the Simon case. Just satisfaction for non-pecuniary damage paid in the second case. Both domestic proceedings closed. General measures: See CM/ResDH(2008)12 in the case of Raffi. The judgments were published and disseminated.
CM/ResDH(2009)79	FRA / Vincent	6253/03	26/03/2007 24/10/2006	Detention – protection against ill-treatment: <i>Degrading treatment suffered by a paraplegic prisoner in a wheelchair on account of his dependence on other people's availability should he wish to leave his cell and to move around. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was transferred to Liancourt prison, where he can move about and, in particular, leave his cell unaided. Nevertheless, he lodged another complaint against the conditions of detention in view of his disability. The administrative judge ascertained the appropriateness of these conditions, which was confirmed by the Ombudsman.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<p>The applicant's request is pending on appeal.</p> <p><i>General measures:</i> At present, the prisons administration has 118 cells at its disposal for motor-disabled detainees predominantly situated in short-stay prisons. At the Liancourt detention centre, there will 20 cells specially designed for disabled persons. In the reorganisation of Fleury-Merogis, Marseille and Nantes prisons the provision of 26, 6 and 3 cells for disabled persons respectively is planned before 2014. A construction programme of 13 200 places (1% adapted to disabled persons) adjusting all prisons to the presence of handicapped persons from 2015 onwards is being implemented. The judgement was published and disseminated.</p>
CM/ResDH(2009)4	GER / Gorgulu	74969/01	26/05/2004 26/02/2004	<p>Protection of family life: <i>Refusal to give custody to the father of a child born out of wedlock and living with a foster family without considering the long-term effects on the child of a permanent separation from his biological father and suspension of the father's visiting rights without sufficient reasoning, making any form of family reunion impossible. (Article 8)</i></p>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The Constitutional Court granted temporary visiting rights to the applicant in 2004. In February 2008, the son started living with the applicant and his family. In August 2008, the applicant was granted sole and permanent custody.</p> <p><i>General measures:</i> The judgement was translated, published and disseminated.</p>
CM/ResDH(2009)68	GRC / Liakopoulou and 4 other cases	20627/04+	23/10/2006 24/05/2006	<p>Access to and efficient functioning of justice: <i>Denial of access to a court due to an excessively formalistic approach which had prevented the applicants from having the merits of their allegations examined by the Court of Cassation. (Article 6 §1)</i></p> <p><i>Other violation: Freedom of expression in the Lionarakis case due to damages ordered in civil defamation proceedings for having allowed a participant in a radio programme to use allegedly insulting</i></p>	<p><i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In the Lionarakis case, just satisfaction for pecuniary damage (amount covered by the compensation order) paid. Considering the nature of the violations, the absence of any very serious consequences for the applicants and the fact that their cases had been considered on the merits at both first instance and appeal, reopening of the impugned proceedings does not appear as appropriate.</p> <p><i>General measures:</i> The judgement was published and disseminated. In its recent case-law, the State Council explicitly acknowledged the importance of press freedom.</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>expressions. (Article 10)</i>	
CM/ResDH(2009)127	GRC / Peers	28524/95	16/10/2001 16/07/2001	Protection against ill-treatment / Conditions of detention in Korydallos men's prison and interference with correspondence. (Articles 3 and 8)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant is no longer detained. He was expelled in 1998. <i>General measures:</i> The Penitentiary Code of 1999 offers sufficient safeguards for the protection of prisoners' correspondence. The construction of new prisons formed part of an overall reform to modernise the penitentiary system between 2005 and 2008. Legislation preventing prison overpopulation of 2005 provides, inter alia, that the reception capacity of operating prisons should not exceed 300 detainees, while new prisons' capacity should not exceed 400. Detainees who had served a part of their sentence may be conditionally released. 400 detainees benefited from this measure. Decisions of the Justice Minister in 2005 introduced the possibility of community service as alternative measure to imprisonment and allowed the transfer of 650 detainees to agricultural prisons which are less crowded. As 35% of prisoners are foreigners, a programme to enable them to serve their sentences in their countries of origin is planned. A law concerning in particular the "improvement of conditions of detention and the reduction of prison population density" was adopted in 2008. Training of prison staff was organised. The 1999 Penitentiary Code and a Ministerial Decree of 2003 grant any prisoner the right complain regarding the conditions of detention before the prison authorities and in particular the prosecutor/supervisor of the prison. Detainees may challenge a rejection of their complaint before the competent enforcement tribunal. See also CM/ResDH(2005)21 in Dougoz.
CM/ResDH(2009)128	GRC/ Dougoz	40907/98	06/06/2001 06/03/2001	Protection against ill-treatment and of rights in detention / Conditions of	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant is no longer detained. He was

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				detention in Alexandras Avenue (Athens) Police Headquarters and the Drapetsona (Piraeus) police detention centre; unlawful detention pending expulsion and lack of respective judicial review. (Articles 3 and 5 §§1+4)	expelled in 1998. <u>General measures:</u> The Alexandras Avenue Police Headquarters is no longer used for the detention of aliens awaiting expulsion. The Drapetsona Detention Centre was refurbished in 2005; it accommodates detainees awaiting expulsion for very short periods only. In 2006, a new detention centre for aliens was opened in Athens (Petrou Ralli Avenue). Another centre was opened in 2007 in the Prefecture of Evros in Northern Greece. Another centre has been in operation since November 2007 on Samos Island. In the old centres of detention at Rhodope, Mytilini and Piraeus, improvements of the installations have been carried out. Seven new detention centres have been opened in various police headquarters, four of which are on the frontier islands of Chios, Samos, Lesbos and Corfu. Furthermore, special reception centres with appropriate medical staff are also provided to accommodate adults, minors and families. Since 2008, two new centres have been operational, one at Lakonia and one other at Amygdaleza Attikis, the latter being intended for the accommodation of minors. Furthermore, legislation was passed to fix a maximum time-limit for the length of detention pending expulsion. The detention of aliens under expulsion following a court order is now subject to review by the public prosecutor and the courts. See also CM/ResDH(2005)21 in Dougoz.
CM/ResDH(2009)129	IRL / Quinn and Heaney and McGuinness	34720/97+	21/03/2001 21/12/2000	Access to and efficient functioning of justice: Failure to respect the right to remain silent and not to incriminate oneself following suspicion of having committed terrorist acts under the Offences against the State Act 1939 and non-respect of the presumption of innocence. (Article 6 §§1 +2)	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The first applicant's conviction was quashed in 2004. In the second case, the applicants' conviction was quashed in 2006. <u>General measures:</u> The Offences against the State Act was reformed and the Garda Síochána was not to avail of the 1939 Act until the legislative issue is resolved. Furthermore, any uncertainty which existed concerning the admission into evidence of statements made under the 1939 Act has been

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					resolved by a Supreme Court judgment in 1999 finding that a confession of a bank official obtained by Inspectors as a result of the exercise of their powers under the Companies Act 1990 would not, in general, be admissible unless the trial judge was satisfied that the confession was voluntary. The Supreme Court considered that compelling a person to confess and then convicting that person on the basis of the compelled confession would be contrary to the Constitution. In the Irish legal system, a judgment of the Supreme Court is part of the law of Ireland and must be applied by all criminal courts. Thus a statement obtained as a result of a statutory demand would be inadmissible in evidence where the trial judge decided that statement was not given voluntarily. The ECHR judgment was published.
CM/ResDH(2009)86	ITA / Antonetto	15918/89	20/10/2000 20/07/2000	Access to and efficient functioning of justice and protection of property: <i>Denial of a fair trial due to the failure to enforce of a judicial decision ordering the demolition of a block of residential flats built unlawfully on the plot next to the applicant's property (Articles 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage paid to the applicant's heir. <i>General measures:</i> As concerns compensation, the Court of Cassation has explicitly recognised the right to compensation in cases of illegal administrative acts since 1999. In 2000, this principle which is applicable in cases of unreasonable delay in enforcing judicial decisions was codified. As concerns civil servants' liability, according to the Criminal Code, responsible officials may be prosecuted if they refuse to accomplish the official acts they are in charge of enforcing. The judgement was published and disseminated.
CM/ResDH(2019)24	ITA / Bova and 12 other cases	25513/02	11/12/2006 24/05/2006	Protection of private life and electoral rights: <i>Unjustified interference due to the imposition of limitations on the applicants' personal capacity and suspension of their electoral rights as an automatic effect of being registered bankrupt; impossibility of obtaining rehabilitation and the lifting of restrictions until five years after the closure</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid, if awarded. The restrictions were lifted in 2006 in accordance with the respective legislative decree. <i>General measures:</i> Legislative Decree No. 5/2006, adopted in January 2006, resolved the problems revealed in the judgement. For further details see Interim Resolution CM/ResDH(2007)27 "Bankruptcy proceedings in Italy: progress achieved and problems remaining in the execution

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>of the bankruptcy proceedings as well as absence of a remedy to complain of those limitations. (Articles 8, 13 and 3 of Protocol No. 1)</i>	of the judgments of the European Court of Human Rights".
CM/ResDH(2019)25	ITA / Ciccolella and Lepore	314/04+	15/04/2008 15/01/2008	Protection of private life and electoral rights: <i>Unjustified interference due to the imposition of limitations on the applicants' personal capacity and the fact that they were barred from a number of professional activities as an automatic effect of being registered bankrupt; impossibility of obtaining rehabilitation and the lifting of restrictions until five years after the closure of the bankruptcy proceedings. (Articles 8 and 13)</i>	<u>Individual measures:</u> No just satisfaction awarded. The restrictions were lifted in 2006 in accordance with the respective legislative decree. <u>General measures:</u> Legislative Decree No. 5/2006, adopted in January 2006, resolved the problems revealed in the judgement. For further details see Interim Resolution CM/ResDH(2007)27 "Bankruptcy proceedings in Italy: progress achieved and problems remaining in the execution of the judgments of the European Court of Human Rights".
CM/ResDH(2009)87	ITA / Drassich	25575/04	11/03/2008 11/12/2007	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the infringement of the right to be informed in detail of the nature and cause of the accusation, as well as of the right to be given adequate time and facilities for the preparation of defence due to the reclassification of the acts by the Court of Cassation without informing the applicant. (Article 6 §3a+b in combination with 6 §1)</i>	<u>Individual measures:</u> No claim submitted by the applicant. The Court of Cassation annulled its own judgment of 2004 solely as far as the classification of one of the offences was concerned and ordered a new examination of the applicant's appeal against the judgment of the Court of Appeal. <u>General measures:</u> The violation stems from the Court of Cassation's restrictive interpretation of the general principle of adversarial argument in the national legal order. The Court of Cassation changed its case-law so that henceforth this principle applies to every stage of proceedings, including the modification ex officio of the accusation with effect on the determination of the sentence. Concerning the question of reopening, the Court of Cassation stated in 2008, that if the ECHR judgment did not call into question the decision on the merits, but found unfairness of proceedings merely on account of a lacuna in the legal system (failure to apply the adversarial principle), the revision of the decision on the merits is not necessary and the application <i>analogia legis</i> of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					Article 625bis of the Code of Criminal Procedure is sufficient (special appeal to remedy factual errors in Court of Cassation judgments). The judgement was published and disseminated.
CM/ResDH(2009)81	ITA / Fodale	70148/01	23/10/2006 01/06/2006	Access to and efficient functioning of justice: <i>Unfair proceedings before the Court of Cassation for a review of the applicant's pre-trial detention due to the non-respect of the adversarial principle and that of equality of arms as neither the applicant nor his counsel had been informed of a hearing at which the representative of the prosecution was nonetheless present.</i>	Individual measures: The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant is no longer in pre-trial detention. He was acquitted in criminal proceedings and is thus entitled to claim compensation. General measures: Erroneous application of the procedural rules of the Code of Criminal Procedure providing the obligation to communicate the date of the hearing to both parties without distinction. The judgement was published and disseminated.
CM/ResDH(2009)84	ITA / Kaufmann	14021/02	12/10/2005 19/05/2005	Access to and efficient functioning of justice: <i>Denial of access to court on account of the dismissal by the Court of Cassation of the applicant's appeal on points of law on the ground that it was out of time, whereas he was not responsible for the delay in serving the notice to his appeal on parties who were living abroad. (Article 6§1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant has not expressed a wish to have the civil proceedings reopened. General measures: In 1994, the Constitutional Court had already found that the individual should not be penalised by a belated compliance of foreign authorities. In a decision of 2002, the Constitutional Court further specified that the <i>dies ad quem</i> for notification should be fixed at the moment the party concerned files the act to be notified with the judicial authorities.
CM/ResDH(2009)82	ITA / L.M.	60033/00	08/05/2005 08/02/2005	Protection of private life: <i>Unlawful home search due to the failure to follow statutory procedures and lack of effective remedy. (Articles 8 and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. General measures: Isolated failure. The judgement was published and disseminated.
CM/ResDH(2009)83	ITA / Labita and 1 other	26772/95+	06/04/2000 Grand Chamber	Detention – protection against ill-treatment / protection of rights in	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant was acquitted and released. In

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	case			<p>detention: Lack of effective investigations into allegations of ill-treatment in prison despite the existence of controversial practices by warders which had been publicly condemned even by State authorities. (Article 3)</p> <p>Other violations:</p> <ul style="list-style-type: none"> - lack of reasonable grounds for continued detention pending trial and its excessive length (Article 5 §3); - unlawfulness detention for 12 hours after being acquitted (Article 5§1); - unlawful monitoring of correspondence during detention (Article 8); - insufficient grounds for placing the applicant under special police supervision after his acquittal (Article 2 of Protocol No. 4) and automatic disenfranchisement after acquittal (Article 3 of Protocol No. 1). 	<p>2000, the proceedings brought against prison authorities by the applicant were discontinued owing to prescription of the alleged offences. The special police supervision applied after his acquittal ceased. In 1997 the applicant was reinstated on the electoral register. In 1998 he was compensated for illegal detention. In the second case, proceedings brought against prison authorities were discontinued due to prescription of the alleged offences.</p> <p><u>General measures:</u> The effectiveness of procedures relating to the follow-up given to complaints of ill-treatment in prison was improved in 1998 through the modification of the register of medical comments and the issue of circulars and guidelines. According to amendments to the Code of Criminal Procedure 1995, detention pending trial is revoked ex officio if there are no longer sufficient grounds to justify it. Time already served in detention pending trial is to be taken into account in determining the sentence (see ResDH(2005)90 in the Vaccaro case). In 2004, new legislation set limits to the monitoring and restriction of prisoners' correspondence. In particular, correspondence with lawyers and ECHR organs is excluded from monitoring (see ResDH(2005)55 adopted in the Calogero Diana case). In order to avoid further unjustified application of special police supervision and automatic disenfranchisement, the judgment was sent out to the judicial authorities concerned. Furthermore, a seminar was organised by the Supreme Judicial Council in 2005 on this issue. In 1999, the Ministry of Justice drew prison authorities' attention to their duty to ensure permanent presence of officials entitled to release detainees (see ResDH(2003)151 adopted in the Santandrea case). The judgments were translated and published.</p>
CM/ResDH(2009)72	ITA / Matteoni and 1 other case	42053/02+	08/09/2006 08/06/2006	Protection of private life and freedom of movement: Restrictions imposed on the applicants' personal capacity during the	<u>Individual measures:</u> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The restrictions were lifted in 2006.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>whole of the bankruptcy proceedings, supervision of their correspondence and prohibition from leaving their area of residence without judicial authorisation. (Articles 8 and 2 of Protocol No. 4)</i>	<i>General measures:</i> See Interim Resolution CM/ResDH(2007)27 "Bankruptcy proceedings in Italy: progress achieved and problems remaining in the execution of the judgments of the European Court of Human Rights". According to the terms of a legislative Decree of 2006, the bankrupt receives his correspondence and transmits to the liquidator those communications concerning the bankruptcy proceedings. In case of change of residence, he is obliged only to inform the authorities.
CM/ResDH(2009)85	ITA / Mattoccia	23969/94	25/07/2000 25/07/2000	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to lack of information of time and place of the crime the applicant was accused of, lack of possibility to adduce new evidence on appeal and excessive length of proceedings. (Article 6 §§1+3a and 3b as well as 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant finished serving his sentence in 1994. <i>General measures:</i> According to the new code of criminal procedure of 2008 and a new article of the Constitution everyone charged with a criminal offence has the right to be informed in detail of the nature and cause of the accusation against him. As regards the structural problem of excessive length of proceedings in Italy, see Interim Resolution CM/ResDH(2009)42 , detailing the measures taken in order to accelerate criminal proceedings. Urgent ad hoc measures to reduce the civil and criminal backlog by giving priority to the oldest cases and to cases requiring particular diligence are still outstanding. Resources needed for the implementation of all the reforms and thus to improve the efficiency of justice must be guaranteed. The judgments were published, translated and disseminated to the judicial authorities concerned.
CM/ResDH(2009)71	ITA / Ospina Vargas and 5 other cases	40750/98+	14/01/2005 14/10/2004	Protection of private life: <i>Disproportionate interference due to arbitrary monitoring of their correspondence during their detention due to shortcomings in the Prison Administration Act 1975; lack of effective remedy. (Article 8 and, in one</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. <i>General measures:</i> The Prison Administration Act 1975 was amended in 2004 providing for clear grounds for imposing monitoring or restriction of prisoners' correspondence and time-limits for such measures. Correspondence with the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				case, 13)	Convention organs is exempt from monitoring and it is now possible to lodge a complaint before a sentence execution court against such a decision. See also ResDH(2005)55 in the Calogero Diana case.
CM/ResDH(2009)50	ITA / Quadrelli	28168/95	20/03/2000 11/01/2000	Access to and efficient functioning of justice: Denial of a fair trial before the Court of Cassation due to the fact that the applicant's appeal was declared inadmissible for being lodged after the expiry of the time-limit without examination of his submissions. (Article 6 §1)	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. The applicant had concluded a friendly settlement closing the issue of individual measures. General measures: The practice of the registry of the Court of Cassation not to deliver receipts when pleadings were filed, was subsequently amended and now all documents filed are officially registered, which allows for an effective remedy in case the procedural errors. The judgment was disseminated to the Court of Cassation.
CM/ResDH(2009)154	LIT / Kambangu	59619/00	19/07/2007 Friendly settlement	Protection of rights in detention: Unlawful deprivation of liberty during the applicant's stay in the Aliens Registration Centre and lack of an effective review in this respect. (Article 5 §§1+4)	Individual measures: Just satisfaction for non-pecuniary damages paid as agreed in a friendly settlement.
CM/ResDH(2009)155	LIT / Siaurusevicius	50551/99	04/12/2003 Friendly settlement	Access to and efficient functioning of justice: Denial of access to the Supreme Court in criminal proceedings. (Article 6 §1)	Individual measures: Just satisfaction for non-pecuniary damages paid as agreed in a friendly settlement.
CM/ResDH(2009)132	LUX / Pereira Henriques	60255/00	09/08/2006 09/05/2006	Right to life: Lack of effective investigations into the accidental death of the applicant's husband and father and lack of an effective remedy to seek compensation in this respect. (Articles 2 and 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. It is materially impossible to enhance the investigation of the events of 1995 at issue in any useful way. Criminal investigation would be time-barred. General measures: A memorandum on industrial accidents was sent out to public prosecutors in 2000 and to police officers responsible for investigations in 2006. The judgment was published and disseminated. As concerns the effective remedy, on the civil liability of the state and public

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					authorities of 1988 makes it possible to seek compensation in cases of ineffective criminal investigation. The possibility to engage the state's liability relying on this law was not discussed before the ECHR. Domestic courts have duly been informed of the present judgment.
CM/ResDH(2009)112	LUX / Thilgen	2196/05	10/03/2009 Friendly settlement	Right to life: <i>Lack of effective investigations of the causes of the applicant's sister's death in hospital and length of proceedings concerning his access to a court. (Articles 2 procedural limb and 6 §1)</i>	Individual measures: Compensation paid as agreed in the friendly settlement.
CM/ResDH(2009)131	LVA / Lavents and Jurjevs	70923/01+	28/02/2003 28/11/2002	Protection of rights in detention and access to and efficient functioning of justice, protection of private life and correspondence: <i>Unfair criminal proceedings due to unlawful composition and lack of impartiality of the Riga Regional Court due to public statements made by its President suggesting the applicant was guilty; violation of the presumption of innocence; irregularities of detention on remand; lack of effective judicial supervision of the applicant's pre-trial detention, excessive length of this detention and of criminal proceedings; continued monitoring of the correspondence between the applicant and his family and his lawyers, total refusal of family visits during part of his detention as well as irregularity of detention and absence of any respective effective judicial remedy. (Articles 6 §§1+2, 5 §§3+4, 8)</i>	Individual measures: The finding of violations constitutes sufficient just satisfaction for non-pecuniary damage. The applicant was released pending re-trial in 2003. The first instance judgment was quashed. A new judgement was delivered in 2005 sentencing the applicant to imprisonment. The applicant has the right to submit an appeal. General measures: The Code on Criminal Procedure was amended in 2005 repealing impugned provisions concerning detention on remand and introducing the function of investigative judge supervising the observance of human rights in criminal proceedings and deciding on the application and extension of certain means of restraint (detention, house arrest, placement in an institution) as well as on complaints related to means of restraint (e.g. restraint order, bail, conditions of police supervision). Several time-limits for pre-trial detention were fixed. Stricter conditions for the monitoring of correspondence during the pre-trial investigation were provided for. Correspondence may be supervised only when investigating grave or extremely serious crimes and only for a maximum period of 30 days. According to a governmental regulation on detention centres' internal rules in 2003, their administrations must

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					allow a detainee to contact his family or other persons. In 2001, the Constitutional Court declared unconstitutional, on a general level, any form of interference with subjective rights of individuals solely on the basis of a ministerial order. Issues relating to human rights in detention are included in the training programme for judges and prosecutors. The judgment was published, translated and disseminated.
CM/ResDH(2009)130	LVA / Slivenko and Others	48321/99	09/10/2003 Grand Chamber	Protection of family and private life: <i>Unnecessary interference due to the deportation of Latvian residents of Russian origin to Russia on the ground of national security. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. A friendly settlement agreement was concluded and the Minister of the Interior adopted a separate decision with respect to each of the applicants, granting them permanent residence permits. General measures: The judgment was published and disseminated. It is used in training activities for judges.
CM/ResDH(2009)5	MDA / Amihalachioaie	60115/00	20/07/2004 20/04/2004	Freedom of expression: <i>Imposition of an administrative fine on a lawyer for criticising in a newspaper interview a court decision finding that the statutory provisions requiring lawyers to be members of the Bar Association were unconstitutional. (Article 10)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. The Constitutional Court examined the applicant's case ex officio and ordered the reimbursement of the administrative fine. General measures: The judgement was translated, published and disseminated to all domestic courts.
CM/ResDH(2009)150	MDA / Ovciarov	31228/02	12/07/2007 12/04/2007	Access to and efficient functioning of justice and protection of property: <i>Denial of a fair trial and disproportionate interference due to the quashing of a final court decision confirming the applicant's right of ownership over an apartment on request of the Prosecutor General. (Article 6 §1 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damages paid. In reopened proceedings, the Supreme Court had confirmed the applicant's ownership. However no compensation was awarded covering the impossibility to regain possession of the apartment. Accordingly, the ECHR awarded just satisfaction for pecuniary damage. General measures: See CM/ResDH(2007)56 in Roşca.
CM/ResDH(2009)113	MKD / Janeva	58185/00	03/10/2002 Friendly	Access to and efficient functioning of justice: <i>Excessive length of civil</i>	Individual measures: Compensation paid as agreed in the friendly settlement.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			settlement	<i>proceedings before labour courts. (Article 6 §1)</i>	
CM/ResDH(2009)139	MKD / Stoimenov	17995/02	05/07/2007 05/04/2007	Access to and efficient functioning of justice: <i>Unfair criminal proceedings due to the failure to respect the principle of equality of arms resulting in the refusal of the applicant's repeated requests for an alternative expert examination. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant was released in 2005. In reopened proceedings and after a fresh expert examination by an independent institute, the applicant's conviction was confirmed. The applicant filed an appeal. General measures: In 2007, the Supreme Court rendered a legal opinion concerning the present case underlining the importance of respecting the principle of equality of arms. The judgment was published, translated and disseminated.
CM/ResDH(2009)133	NLD / Lorse and Others and 4 other cases	52750/99+	04/05/2003 04/02/2003	Conditions of detention: <i>Detention regime in a maximum security prison (EBI), including very stringent security measures, the combination of which with routine strip-searching practiced during long periods, amounting to inhuman or degrading treatment. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In one case, compensation was granted in domestic civil proceedings. The applicants are no longer subject to the regime in question. General measures: Prison rules were modified and the practice of weekly strip-searches was abolished in 2003. Whether a detainee is strip-searched now depends on the length of his stay in the EBI, the effects of such searches on the detainee and, in particular, on the goal of these searches. Although such searches still occur regularly, their necessity is judged on a case-by-case basis. Detainees had the opportunity to bring a civil action against the State in order to obtain compensation for non-pecuniary damages sustained as a result of the now-abolished practice of routine strip-searches. In the study "Detention in the EBI; Effects and perception of detention in the Extra Security Institution" researchers conclude that "the answer to the question of whether the EBI regime fosters additional psychological strain is partially affirmative and partially negative." However, no objective substantiation of the reported level of psychological strain was found. Measures to increase communication between staff and inmates were taken

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					through a training programme. The judgement was published.
CM/ResDH(2009)6	NLD / Rutten	32605/96	24/10/2001 24/07/2001	Protection of rights in detention: <i>Failure to render the decision to prolong the applicant's confinement to a secure institution within the time-limit provided for by the national law. (Article 5§4)</i>	Individual measures: The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. General measures: The domestic court concerned was reorganised and its working methods reviewed to speed up proceedings. The judgement was translated, published and disseminated.
CM/ResDH(2009)51	NLD / Sen	31465/96	21/03/2002 21/12/2001	Protection of private and family life: <i>Disproportionate interference due to the refusal to grant a residence permit to a daughter who had remained in her birth country to enable her to join her parents, who were legally residing in the Netherlands. (Article 8)</i>	Individual measures: No claims submitted. The daughter also never applied for a residence permit, which would have been granted. General measures: The judgement was translated, published and disseminated to the authorities concerned.

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CM/ResDH(2009)10	NOR / A. and E. Riis	9042/04	31/08/2007 31/05/2007	Access to and efficient functioning of justice: <i>Excessive length of certain civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed in 2003. <i>General measures:</i> Isolated case. The Criminal Procedure Act was amended in 2002, to incorporate measures to accelerate proceedings, e.g. time-limits for trial hearings, the appointment by the court of another counsel in case the chosen counsel is responsible for significant delay and shorter periods for investigating and adjudicating. The Civil Procedure Act of 2005 includes the following acceleratory measures: the judges' explicit responsibility for dealing with cases in an expeditious manner and the overall responsibility of the court's president to control length of proceedings; the introduction of imperative time limits and new rules of evidence. Compensatory measures in relation to excessive length of criminal proceedings consist in the shortening of the sentence or the award of pecuniary damages and, exceptionally, non-pecuniary damages. Compensation may be obtained for pecuniary damages suffered in case of excessive length of civil proceedings if the court is substantially to blame for the delay. The judgement was translated, published and disseminated.
CM/ResDH(2009)109	NOR / A. and E. Riis (No. 2)	16468/05	17/04/2008 17/01/2008	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings ended in 2006. <i>General measures:</i> Isolated case. Preventive measures introduced following the modification in 2002 of the Criminal Procedure Act include: time-limits for trial hearing; the appointment by the court of another counsel if the counsel chosen is responsible for significant delay; the shortening of the time spent in investigating and adjudicating. As regards civil proceedings, preventive measures of the Civil Procedure Act 2005 include: judges' explicit responsibility for dealing with cases in an expeditious manner; the responsibility of the head of the court to supervise the overall length of

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					proceedings; the introduction of imperative time limits; new rules of evidence. The judgment was published and disseminated.
CM/ResDH(2009)9	NOR / Ekeberg and Others	11106/04	31/10/2007 31/07/2007	Access to and efficient functioning of justice: <i>Unfair proceedings due to lacking impartiality of the High Court on the ground of the participation of a judge - previously involved in a decision to extend the fourth applicant's provisional detention - in the trial and sentencing of this applicant. (Article 6 §1)</i>	Individual measures: No claim for just satisfaction submitted. In reopened proceedings, the case was transferred to the Supreme Court, which quashed the impugned judgment in the part concerning the fourth applicant and ordered his release as there was no longer a legal basis for his detention. General measures: The judgement was translated, published and disseminated to all courts and judges together with an explanatory note detailing its consequences for the interpretation of the Criminal Procedure Act. The note underlines that the rule precluding a judge having participated in a decision regarding detention from taking part in the main hearing also applies to cases heard by a jury, (and not only to the presiding judge but to all professional judges).
CM/ResDH(2009)88	NOR / Kaste and Mathisen	18885/04	09/02/2007 09/11/2006	Access to and efficient functioning of justice: <i>Unfair criminal proceedings as the applicants could not directly question one of the co-accused whose depositions made to the police had been read out at the hearing before the High Court as he had invoked the right to remain silent. (Article 6 §§1 and 3d)</i>	Individual measures: In 2007, the Criminal Cases Review Commission accepted both applicants' requests for the reopening of the proceedings. In both fresh proceedings, the co-accused, who had invoked the right to remain silent in the impugned proceedings, was present in person and answered all questions from the prosecuting authority and the accused. General measures: Change of case-law by the Supreme Court concerning the reading out at the trial of deposition made to the police, in the light of the ECHR jurisprudence. The judgement was published and disseminated.
CM/ResDH(2009)8	NOR / O. and Y.	29327/95 56568/00	11/05/2003 11/02/2003	Access to and efficient functioning of justice: <i>Disrespect of the presumption of innocence on account of judicial acts implying suspicion of criminal guilt in</i>	Individual measures: In both cases, just satisfaction for non-pecuniary damage paid. According to the Civil Procedure Act the applicants might request the reopening of the proceedings in question. In the case O., the applicant did not

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				<i>compensation proceedings, subsequent to criminal proceedings which had resulted in the applicants' acquittal. (Article 6 §2)</i>	request reopening. In the case Y., the Appeals Committee considered that the consequences of the violation have been sufficiently redressed through the finding of a violation and the awarding of a just satisfaction in respect of non-pecuniary damage. <i>General measures:</i> In 2003, the Criminal Procedure Act relating to compensation in connection with prosecution was amended providing that acquitted persons are no longer required, in order to obtain compensation, to prove that they had not committed the offences with which they had been charged. The judgements were translated, published and disseminated.
CM/ResDH(2009)7	NOR / Tønsbergs Blad As and Haukom	510/04	01/06/2007 01/03/2007	Freedom of expression: <i>Conviction for defamation of a newspaper company and its editor-in-chief following the publication of an article about seaside property, the owners of which were suspected of failing to respect the requirement of permanent residence. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary (amount of the compensation payment ordered by the Supreme Court) paid. The applicants did not seek an award for non-pecuniary damage. The case resulted in no entry in the criminal record. <i>General measures:</i> See ResDH(2002)69 in Blådet Tromsø A/S and Pål Stensås, ResDH(2002)70 in Nilsen and Johnsen and ResDH(2002)71 in Bergens Tidende. Furthermore, Article 100 of the Constitution on freedom of expression was amended in 2004 with regard to the legal liability for having imparted or received information. The General Criminal and Civil Code are currently under revision to ensure that defamation law is applied in accordance with ECHR case-law. The judgement was translated, published and disseminated.
CM/ResDH(2009)89	POL / Broniowski	31443/96	22/06/2004 Grand Chamber 28/09/2005 Friendly settlement on just satisfaction	Protection of property: <i>Disproportionate interference due to the absence of an effective mechanism to enforce the applicant's right to compensation – reaffirmed in the Land Administration Acts of 1985 and 1997 - for property abandoned as a result of boundary changes in the</i>	<i>Individual measures:</i> A lump sum for pecuniary and non-pecuniary damage was agreed on in a friendly settlement and paid. <i>General measures:</i> See also Interim Resolution ResDH(2005)58. The violation found resulted from a systemic problem related to the defective operation of domestic law and practice, caused by the failure to set up an effective

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
			<p>First pilot judgment</p>	<p><i>aftermath of the Second World War. (Article 1 of Protocol No. 1)</i></p>	<p>mechanism to implement the property rights recognised in respect of the Bug River claimants. Appropriate legislative measures and administrative practices were necessary to secure the implementation of the property rights in question or to provide equivalent redress in lieu.</p> <p>In 2004 the Constitutional Court declared unconstitutional several provisions of the 2003 Law on offsetting the value of property abandoned beyond the present borders of the Polish state, challenged in the Grand Chamber's judgment, according to which claimants in the applicant's position who had already been awarded partial compensation lost their entitlement to further compensation. In 2004, persons entitled to receive property in compensation under the law of December 2003 participated in 60 auctions and concluded 33 purchase contracts. According to the legislative reform of 2005, the compensation for the Bug River property may be secured through two different channels, depending on the claimant's choice: either, offsetting the indexed value of the original property against the sale price of the state property acquired through an auction procedure, or by receiving a pecuniary benefit, i.e. cash payment secured by the Compensation Fund. Entitled claimants could lodge requests for compensation until the end of 2008. The legal ceiling for compensation in respect of property abandoned beyond the Bug River was set at 20% of its original value. Regulations on the management of the Compensation Fund were adopted and, in April 2006, an agreement was concluded between that Treasury Ministry and the Bank of National Property on the conditions of compensation payment. Early in 2008 the data processing system for the transfer of information on individual claims from the local to the central register kept by the Treasury Ministry and then to the Bank of National Property paying the compensation, became fully operational. Overall, more than 19000 claimants were able to benefit from the new compensation scheme, their total</p>

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					number being estimated by the authorities at 100 000. Furthermore, the possibilities for compensation through the auctioning of state-owned land were improved. The stock of land devoted to auctioning was considerably increased. Claimants could also – according to provisions of the Civil Code - seek redress before domestic courts for any pecuniary and/or non-pecuniary damage suffered due to the defective operation of the domestic legislation prior to the introduction of the new compensation mechanism. Following an assessment of the new compensation mechanism and the new civil remedies, the ECHR concluded the pilot judgment procedure in 2008. The judgement was published.
CM/ResDH(2009)134	POL / Sokolowski	75955/01	29/06/2005 29/03/2005	Freedom of expression: <i>Disproportionate interference due to the applicant's criminal conviction to a heavy fine for defamation following a publication in a political leaflet. (Article 10)</i>	Individual measures: Just satisfaction for non-pecuniary and pecuniary (amount of the fine) damage paid. The data concerning the applicant's conviction were thus removed from the Criminal Register and the Central Register of Condemned Persons in 2002. Reopening of the impugned proceedings on request of the applicant is possible. General measures: The judgement was published, translated and disseminated.
CM/ResDH(2009)90	PRT / Cruz de Carvalho	18223/04	30/01/2008 10/07/2007	Access to and efficient functioning of justice: <i>Unfair civil proceedings due to the breach of the principle of equality of arms in the context of proceedings for a payment injunction as the applicant who, according to the law, was not obliged to be represented by counsel, was then prevented from pleading his cause and questioning his witnesses.(Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No claim for pecuniary damage submitted. Reopening of domestic proceedings would contradict the principle of legal certainty to which the other party to the civil proceedings is entitled. General measures: Erroneous application by domestic courts of the rules of procedure as interpreted by the Constitutional Court. The judgment was published, translated and disseminated.
CM/ResDH(2009)52	PRT / Gregorio de Andrade	41537/02	26/03/2007 14/11/2006	Access to and efficient functioning of justice: <i>Denial of access to a court due to</i>	Individual measures: The applicant died in 2004. In 2005, the Plenary Chamber of the Supreme Administrative Court gave

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				<i>the belated notification of a judgment by the public prosecutor - after the expiry of the statutory time-limit - for an appeal with the Supreme Administrative Court to harmonise contradictory case-law. (Article 6 §1)</i>	an authoritative decision on the subject-matter of the applicant's proceedings on an appeal for harmonisation of jurisprudence. <i>General measures:</i> The Prosecutor General issued an order to public prosecutors in 1998 containing instructions on notification in good time of all court decisions. The judgement was translated, published and disseminated.
CM/ResDH(2009)53	PRT / Magalhaes Pereira No. 2	15996/02	20/03/2006 20/12/2005	Protection of rights in detention: <i>Failure to speedily review the lawfulness of the applicant's confinement in a psychiatric clinic due to shortage of staff and legal "ceilings" with respect to the number of examinations which may be carried out per year by one expert. (Article 5 §4)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was released on 24/05/2002. <i>General measures:</i> As regards the legal "ceilings" for the number of examinations which may be conducted per expert per year (preventing the Institute for Forensic Medicine (IFM) from carrying out the examinations needed), the legislation was modified in 2007 giving priority to the examination of persons detained as security measure. The possibility of direct payment (and not through the Institute) of doctors or experts conducting the forensic medical examination had been introduced earlier in 2004. The judgement was translated, published and disseminated.
CM/ResDH(2009)135	SER / Lepojic and 1 other case	13909/05+	20/11/2007 06/11/2007	Freedom of expression: <i>Unjustified interference due to the applicant's criminal conviction for defamation and subsequent ordering to pay substantial damages to the plaintiff. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The applicants are entitled to request reopening of the civil proceedings at issue and obtain reimbursement for the pecuniary damages they were ordered to pay. The conviction was erased from the criminal record. <i>General measures:</i> Change of case-law of the Supreme Court by adopting a legal position stating that the degree of acceptable criticism is much wider for public figures than private individuals. The judgement was published, translated and disseminated.

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CM/ResDH(2009)15	SUI / Boultif	54273/00	02/11/2001 02/08/2001	Protection of family life: <i>Disproportionate interference due to the non-renewal of a foreigner's residence permit following his criminal conviction, resulting in the separation from his Swiss wife. (Article 8)</i>	<i>Individual measures:</i> No claim for pecuniary or non-pecuniary damage submitted. In August 2001, the ban on the applicant's entry to Switzerland was lifted. <i>General measures:</i> Isolated case. The judgement was translated, published and disseminated.
CM/ResDH(2009)92	SUI / Kaiser	17073/04	15/06/2007 15/03/2007	Protection of rights in detention: <i>Failure to bring the arrested applicant promptly before a judge. (Article 5 §3)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant had not exhausted domestic remedies to obtain compensation for her unlawful detention. <i>General measures:</i> The Federal Court admitted that the applicant's detention was illegal but had to reject the applicant's appeal for reasons of domestic procedure. The judgment was published and disseminated.
CM/ResDH(2009)95	SUI / Ressegatti and 1 other case	17671/02+	13/10/2006 13/07/2006	Access to and efficient functioning of justice: <i>Unfairness of civil/criminal proceedings due to the infringement of the principle of equality of arms in that the applicants had not had an opportunity to have knowledge of and comment on the observations submitted by the opposing party. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The second applicant did not submit any claim. The impugned civil proceedings were not reopened as the violation found had no decisive impact. In the second case, the applicant did not request revision of the impugned judgment as would have been legally possible following the law on the Federal Court permitting revision of Federal Court judgments following an ECHR judgment. <i>General measures:</i> See CM/ResDH(2007)132 in Contardi and Spang. Change of case-law of the Federal Court taking into account the ECHR standard on fairness of proceedings. The judgments were published and disseminated.
CM/ResDH(2009)91	SUI / Weber	3688/04	26/10/2007 26/07/2007	Protection of rights in detention: <i>Unlawfulness of applicant's detention on remand on account of the risk that he might re-offend, due to the lack of an adequate legal basis (it was not based on a</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant is no longer in detention on remand. <i>General measures:</i> The Federal Court further confirmed its case-law the issue of the lawfulness of detention ordered in

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				<i>precise provision and there was only one precedent judicial decision applying the provisions on remand in custody to cases where such detention was ordered subsequently to the judgment. (Article 5 §1)</i>	proceedings subsequent to the judgment. The ECHR judgment was published and disseminated.
CM/ResDH(2009)14	SUI / Wettstein	33958/96	21/03/2001 21/12/2000	Access to and efficient functioning of justice: <i>Unfair trial due to the lack of impartiality of the cantonal administrative court as two part-time judges had been involved as advocates in earlier separate proceedings brought against the applicant before the same court. (Article 6 §1)</i>	Individual measures: No claim for non-pecuniary damage submitted. In 2001, the Federal Court approved the applicant's request for revision and remitted his case to an impartial administrative tribunal. General measures: In 1997, new rules concerning the administrative tribunal's composition were introduced in the amended 1959 Administrative Justice Act of the Canton of Zurich. The judgement was translated, published and disseminated.
CM/ResDH(2009)11	SVK / Berecova	74400/01	24/07/2007 24/04/2007	Protection of family life: <i>Unlawful interference due to the placement of the applicant's children in an institution on the basis of administrative injunctions whilst the Constitution provided that under-age children may only be separated from their parents against the latter's will pursuant to a judicial decision. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2002, the competent domestic court ordered that the applicant's children should no longer be placed in an institution. General measures: The impugned provisions preventing the applicant from seeking a judicial review of the administrative injunctions of placement were repealed in 2002 and 2004. The placement of children in institutional care is governed by the Family Act of 2005 providing that temporary placement in institutional care may be ordered by a court for no more than six months.
CM/ResDH(2009)73	SVK / Biro and 1 other case	46844/99+	15/02/2006 08/11/2005	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. General measures: See Resolution ResDH(2005)67 in the case of Jori (in particular the amendment to the Constitution in 2001 introducing a constitutional petition for complaints of violations of human rights protected by international

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					treaties; Act No. 501/2001 which reduces the number of cases in which second-instance courts are competent at first instance and aims to accelerate the gathering of evidence; Act No. 385/2000 which regulates the civil and disciplinary liability of judges for unjustified delays in their cases). Outstanding general measures remain under supervision in the framework of the Jakub group (in particular measures aimed at improving the structural organisation of the judiciary and legislative measures, as well as measures aimed at enhancing the efficiency of the constitutional petition against the excessive length of judicial proceedings).
CM/ResDH(2009)136	SVK / Nestak	65559/01	27/05/2007 27/02/2007	Protection of rights in detention and access to and efficient functioning of justice: <i>Failure to respect the adversarial principle in proceedings concerning the lawfulness of detention on remand; breach of presumption of innocence and lack of impartiality of the criminal court composed of the same judges who had earlier decided to extend the applicant's detention on remand on the ground that he was guilty. (Articles 5 §4 and 6 §§1+2)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. In 2003, the applicant was released on parole. Reopening of the impugned proceedings is possible on request of the applicant. General measures: In 2006, an amendment to the Code of Criminal Procedure provided that "An accused person must be heard before deciding on his/her remand in custody. As concerns irregularities of proceedings, the judgment was published and disseminated.
CM/ResDH(2009)54	SVK / Radio Twist, A.S.	62202/00	19/03/2007 19/12/2006	Freedom of expression: <i>Unnecessary interference with the right to impart information due to the order to pay compensation for non-pecuniary damage, in civil defamation proceedings, of a radio station for publishing the recording of a telephone conversation between two government personalities, received from an unknown source. (Article 10)</i>	Individual measures: No claim submitted. The applicant company did not file a petition for reopening of the impugned defamation proceedings. General measures: The judgement was translated, published and disseminated to civil regional and district courts and all judges of the Supreme Court.
CM/ResDH(2009)	SVK / Valova,	44925/98	01/09/2004	Protection of property: <i>Unlawful</i>	Individual measures: The global sum agreed upon in a

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69	Slezak and Slezak		01/06/2004 Merits 15/05/2005 Friendly settlement	<i>interference due to the administrative authorities' decision to reopen proceedings which had led to the recognition of the applicants' right of property. (Article 1 of Protocol No. 1)</i>	friendly settlement was paid and the property in question restored. General measures: The violation originated in an erroneous application of domestic law. The judgement was published and disseminated.
CM/ResDH(2009)156	SVN / Belinger	42320/98	13/02/2002 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of civil proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid as agreed in a friendly settlement.
CM/ResDH(2009)137	SVN / Rehbock	29462/95	28/11/2000 28/11/2000	Protection of rights in detention and against ill-treatment / protection of private life and of correspondence: <i>Inhuman treatment by police during the applicant's arrest; failure of courts to review promptly his requests for release; uncertain rules on the right to compensation in case of unlawful or erroneous detention and interference with private life through the monitoring of correspondence with convention organs (Articles 3, 5 §§4+5 and 8)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The applicant was conditionally released in 1996. General measures: The measures aimed at eliminating the ill-treatment of detained persons in police custody include inspections by the Ministry of the Interior and training of staff. As concerns the prompt examination of request for release from police custody, the judgment was disseminated to the Supreme Court. The right to compensation for unlawful deprivation of liberty is guaranteed in the Constitution as well as the Code of Criminal Procedure. A claim for damages is to be filed with the State Attorney's Office in an attempt to reach an agreement on the loss and the type and extent of compensation. If no agreement on damages can be reached, the claim is to be filed with the competent court. In 2007 and 2008 domestic courts awarded pecuniary and/or non-pecuniary damages for unlawful deprivation of liberty in 46 cases. The judgment was published.
CM/ResDH(2009)12	SWE / Evaldsson and Others	75252/01	13/05/2007 13/02/2007	Protection of property: <i>Shortcomings in the mechanism whereby fees for a trade union's monitoring of wages were deducted from the monthly pay. (Article 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. No claim for pecuniary damage submitted. The collective agreement was amended (see below). General measures: A new collective agreement for the building sector abolished the clause on the levy of the

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					monitoring fee. The judgement was translated, published and disseminated to the authorities concerned, such as the Labour Court, the Supreme Court, the Supreme Administrative Court, to the Parliamentary Ombudsmen, and the Chancellor of Justice.
CM/ResDH(2009)70	SWE / Klemeco Nord AB and 1 other case	73841/01+	19/03/2007 19/12/2006	Access to and efficient functioning of justice: Excessive length of civil proceedings. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> Certain remedies exist to challenge excessive length of proceedings: appeals against decisions causing delays, consideration of delays in the determination of the sanction, control by the Parliamentary Ombudsmen and the Chancellor of Justice, compensation for any loss or damages caused by the excessive length of proceedings, pursuant to the 1972 Tort Liability Act. The judgement was published, translated and disseminated.
CM/ResDH(2019)26	SWE / Lilja and Wassdahl	36689/02+	23/04/2007 23/01/2007	Access to and efficient functioning of justice: Excessive length of proceedings concerning tax and aggravated tax fraud as well as aggravated bookkeeping offence. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed. <i>General measures:</i> See ResDH(2007)59 in Janosevic. The judgement was translated, published and disseminated.
CM/ResDH(2019)27	SWE / Miller	55853/00	08/05/2005 08/02/2005	Access to and efficient functioning of justice: Unfair trial due to an administrative court's refusal to hold an oral hearing in proceedings concerning the applicant's right to disability benefit in respect of extra needs due to his disability. (Article 6 §1)	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The Administrative Court Procedure Act provides the applicant with a possibility to ask the Supreme Administrative Court to reopen proceedings. <i>General measures:</i> See ResDH(2003)152 in Lundevall.
CM/ResDH(2009)13	SWE / Stockholms Forsakrings- och	38993/97	16/12/2003 16/09/2003	Protection of property: Disproportionate interference due to the applicant company's obligation to pay the costs arising from a bankruptcy based on an	<i>Individual measures:</i> Just satisfaction for pecuniary damage (amount of bankruptcy costs) paid. <i>General measures:</i> According a new Bankruptcy Act of 2005, if a bankruptcy decision is quashed, the creditor applying for

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	Skadestandsjuridik Ab			<i>erroneous bankruptcy declaration by domestic courts, which was subsequently annulled by the Supreme Court as well as lack of an effective remedy. (Articles 1 of Protocol No. 1 and 13)</i>	bankruptcy shall compensate the debtor for bankruptcy costs taken out of the estate, unless the debtor has caused the costs by his own negligence. In addition, a district court decision on responsibility for bankruptcy costs may be appealed against. The judgement was translated, published and disseminated.
CM/ResDH(2009)40	TUR / Abdulkadir Aydin and Others	53909/00	20/09/2005 Friendly settlement	Freedom of assembly and discrimination: <i>Alleged interference with freedom of assembly with absence of an effective remedy and the alleged discrimination of their political party on account of the Kurdish origin of its members. (Articles 11 and 14)</i>	<i>Individual measures:</i> The sum agreed to under the term of the friendly settlement was paid. <i>General measures:</i> Legislative Decree No. 285 declaring the state of emergency in several regions was cancelled in November 2002 and as a result the state of emergency was lifted. No other measures are required under the terms of the friendly settlement.
CM/ResDH(2009)97	TUR / Aktas Abdulkadir and 1 other case	38851/02+	30/04/2008 31/01/2008	Protection of rights in detention: <i>Unlawfulness of the applicants' transfer to police and gendarmerie premises for further interrogation after being placed in pre-trial detention under the state of emergency legislation, lack of a remedy in this respect and lack of a right to compensation. (Article 5 §§1+4+5)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained. <i>General measures:</i> See CM/ResDH(2007)96 in Dağ and Yaşar. In November 2002 the state of emergency was lifted in all regions in Turkey.
CM/ResDH(2009)114	TUR / Ali Alfati and Others	32984/96	02/10/2003 Friendly settlement	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings and lack of independence and impartiality of the Martial Law Court on account of the presence of two military judges and an army officer sitting on the bench. (Article 6 §1)</i>	<i>Individual measures:</i> Compensation paid as agreed in the friendly settlement.
CM/ResDH(2009)106	TUR / Aslan and Others and 12 other cases	75202/01+	31/03/2008 11/12/2007	Protection of property: <i>Late payment of compensation for expropriation and of default interest. (Article 1 of Protocol No.1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid. <i>General measures:</i> Resolutions ResDH(2001)70 and

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					ResDH(2001)71 closing the Aka and Akkus cases. In 2000, a new law aligned the legal rate of default interest with the annual discount rate applied by the Central Bank to short-term debt (this rate is kept under constant review in the light in particular of the recorded rate of inflation in the country).
CM/ResDH(2009)96	TUR / Avci (Cabat) and others and 11 other cases	77191/01+	16/04/2007 16/01/2007	Protection of rights in detention: Prolonged detention in police custody and/or the lack of an effective remedy by which the applicants might have challenged the lawfulness of their continued detention and/or the absence of a right to compensation in this respect. (Article 5 §§3+4+5) One case also concerns the lack of prompt information of the reasons of the arrest. (Article 5 §2)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained in police custody. General measures: See ResDH(2002)110 in Sakik and Others and CM/ResDH(2008)29 in Ayaz and Others covering constitutional and legislative reforms by which police custody was brought into conformity with the requirements of Article 5. Isolated violation of Article 5 §2. The judgment in this case was published, translated and disseminated.
CM/ResDH(2009)115	TUR / Barut	29863/96	24/06/2003 Friendly settlement	Protection of rights in detention: Prolonged detention in police custody and lack of an effective remedy by which the lawfulness of this detention may be challenged. (Article 5 §§3+4)	Individual measures: Compensation paid as agreed in the friendly settlement.
CM/ResDH(2009)99	TUR / Cem and 4 other cases	4819/02+		Access to and efficient functioning of justice: Excessive length of criminal proceedings before State Security Courts and lack of a remedy (Articles 6 §1 and 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. Domestic proceedings are closed. General measures: See CM/ResDH(2008)83 in Sertkaya group. State security courts were abolished following constitutional amendments of 2004. The jurisdiction of these courts was transferred to the Assize Courts by modification of the Code of Criminal Procedure.
CM/ResDH(2019)17	TUR / Emir	10054/03	03/08/2007 03/05/2007	Freedom of expression: Unjustified interference due to a criminal conviction for "facilitating the activities of a gang or	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2003, the charges against the applicant ceased to be a criminal offence. Accordingly, following

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>an armed organisation” on account of the publication of a series of articles on the security forces’ actions in prisons. (Article 10)</i>	reopened proceedings, the applicant’s conviction was erased. <i>General measures:</i> In 2003, the Criminal Code was amended and the phrase “facilitating the activities of a gang or an armed organisation” was deleted. The new Criminal Code of 2005 does not contain a similar provision either.
CM/ResDH(2009)16	TUR / Ern Makina Sanayi ve Ticaret A.S	70830/01	03/08/2007 03/05/2007	Access to and efficient functioning of justice: <i>Unfair trial due to the applicant’s impossibility to participate in enforcement proceedings following a notification error. (Article 6)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The Code of Civil Procedure allows the reopening of cases following the finding of a violation. <i>General measures:</i> The violation stemmed from the Court of Cassation’s refusal to take into consideration the failure of the commercial registry to transmit to the commercial court the applicant’s current business address. The judgement was translated, published and disseminated.
CM/ResDH(2009)151	TUR / Eytisim Basın Yayın Reklam Sanat Hizmetleri Ticaret Limited Sirketi and 1 other case	69763/01+	22/06/2006 22/09/2006	Freedom of expression: <i>Unjustified interference on account of the applicants’ conviction under former Article 8 of Anti-terrorism Law and prolonged detention in police custody. (Articles 10 and 5 §3)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. The consequences of the applicants’ convictions were erased. The second applicant is no longer in police custody. <i>General measures:</i> See ResDH(2006)79 in the Arslan group and CM/Inf/DH(2008)26 for a more comprehensive overview of measures adopted to enhance freedom of expression. The impugned provision of the Anti—Terrorist Law was abrogated in 2003. Concerning police custody, see ResDH(2002)110 in Sakik and Others and CM/ResDH(2008)29 in Ayaz and Others.
CM/ResDH(2009)140	TUR / Gok and Others	71867/01+	27/10/2006 27/07/2006	Access to and efficient functioning of justice: <i>Unfair civil proceedings due to the infringement of the principle of legal certainty in that the domestic courts returned without any valid reason to an issue which had already been the subject of a final decision. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damages awarded on an equitable basis, paid. <i>General measures:</i> Isolated case. The judgment was published, translated and disseminated.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
CM/ResDH(2009)101	TUR / Halis Dogan and others and 7 other cases	50693/99+		Freedom of expression: <i>Unjustified interference due to bans imposed under the state of emergency concerning the introduction and/or publication and/or distribution of newspapers or political posters in the region subject to the state of emergency, and absence of a judicial remedy to challenge the orders of the governor of the state of emergency region. (Articles 10 and 13).</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Individual measures are linked to general measures General measures: See CM/ResDH(2007)97 in Güneri group. The state of emergency was cancelled in November 2002.
CM/ResDH(2009)103	TUR / Kalem	70145/01	05/03/2007 05/12/2006	Access to and efficient functioning of justice: <i>Denial of a fair trial in proceedings before state security courts due to the lack of opportunity to examine or to have examined prosecution witnesses whose testimony constituted the essential upon which the conviction was based. (Article 6 §1+3c,d)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Following the abrogation of Article 8 of the Anti-terrorism Law, the case was reopened ex officio. In 2003, the Ankara State Security Court decided to cancel the applicant's sentence as well as all legal consequences thereof. General measures: See ResDH(2004)86 in Sadak group. Finally, in 2004, state security courts were abolished by constitutional amendment. The new Code of Criminal Procedure of 2004 provides that, unless strictly necessary, courts should not issue rogatory letters for the hearing of accused, witnesses or expert witnesses within their territorial jurisdiction.
CM/ResDH(2019)39	TUR / Karakoc	28294/95	02/11/2004 Friendly settlement	Protection of private and family life and of property: <i>Alleged forced eviction of the applicant and his family from their village and the destruction of his home and possessions by the security forces.</i>	Individual measures: The sum agreed to under the term of the friendly settlement was paid. General measures: See CM/ResDH(2008)60 in Doğan and others. Furthermore, in the friendly settlement included the undertaking to "issue appropriate instructions and adopt all necessary measures to ensure that individual rights guaranteed by Articles 3, 8, 13 and Article 1 of Protocol No. 1 are respected in the future" (see Interim Resolution, CM/ResDH (2008)69).

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CM/ResDH(2009)98	TUR / Karakoc Refik and 4 other cases	53919/00+	10/04/2006 10/01/2006	Freedom of expression: <i>Unjustified interference with the applicants' freedom of expression due to their conviction under former Anti-terrorism Law and/or seizure of the publications. (Article 10)</i> Other violations: <i>Lack of impartiality of the State Security Courts and excessive length of criminal proceedings before State Security Courts. (Article 6 §1 twice)</i>	Individual measures: Just satisfaction for non-pecuniary damage (in one case also pecuniary damage in the amount of an imposed fine) paid. In 2003, the relevant provision of the Anti-Terrorism Law was abolished and information in the criminal records of the applicants was erased ex officio. The restrictions on their civil and political rights were lifted. Erasure of convictions is possible under certain conditions. General measures: See Final Resolution ResDH(2006)79 and CM/Inf/DH(2008)26 for a comprehensive overview of the general measures adopted or still under way as regards all relevant provisions on freedom of expression. Concerning the independence and impartiality of State Security Courts, see Resolution DH(99)555 in the case of Çiraklar. Finally, in 2004, state security courts were abolished by constitutional amendment.
CM/ResDH(2009)108	TUR / Kizilyaprak	9844/02	04/06/2008 04/03/2008	Access to and efficient functioning of justice: <i>Denial of a fair trial in proceedings before state security courts due to the failure to summon the applicant to attend the hearing as a result of which he had been convicted. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. Following the repeal of the relevant provision of the Anti-Terrorism Law, the trial was reopened ex officio. In 2003, the state security court acquitted him and decided to lift execution of the sentence and all legal consequences of his conviction. General measures: According to the new code of Criminal Procedure of 2004, apart from cases explicitly provided by law, a court may hold no hearing in the absence of the accused. Concerning the abolition of State Security Courts, see ResDH(99)555 in the case of Çiraklar.
CM/ResDH(2009)116	TUR / Kulter	42560/98	04/12/2003 Friendly settlement	Protection of rights in detention: <i>Prolonged pre-trial detention, lack of a remedy and excessive length of criminal proceedings. (Articles 5 §3, 6 §1 and 13)</i>	Individual measures: Compensation paid as agreed in the friendly settlement.
CM/ResDH(2009)100	TUR / Metin Turan	20868/02	14/02/2007 14/11/2006	Freedom of association: <i>Disproportionate interference due to the applicant's transfer</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. After his transfer by the governor, the

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				<i>to another region by decision of a state of emergency governor on account of his trade union activities and the lack of effective remedy. (Articles 11 and 13)</i>	applicant chose to be stationed in another region. He worked there until his resignation in 2002. <i>General measures:</i> See CM/ResDH(2007)97 in Güneri group. The state of emergency was cancelled in November 2002.
CM/ResDH(2009)102	TUR / Onder Faik and 8 other cases	53918/00+	02/01/2005 02/08/2004	Access to and efficient functioning of justice: <i>Denial of a fair trial due to the lack of independence and impartiality of state security courts due to the presence of military judges which judged and convicted the applicants. (Article 6 §1) One case also concerns excessive length of proceedings. (Article 6 §1)</i>	<i>Individual measures:</i> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. In one case, just satisfaction for non-pecuniary damage paid as awarded. Faik Önder was excused from his sentence by an act of presidential amnesty, on account of his state of health. In the Cengiz Sarukaya, Cakar and Vural cases, the applicants died in 2006, 1999 and 2002 respectively. In all other cases the applicants, having served their prison sentences, were freed at various dates. <i>General measures:</i> See ResDH(99)555 in the case of Çiraklar. In 1999, a constitutional amendment put an end to the role of military judges on state security courts. Finally, in 2004, state security courts were abolished by constitutional amendment.
CM/ResDH(2009)105	TUR / Sak	4644/03	20/08/2008 20/05/2008	Protection of property: <i>Inability to obtain compensation following the occupation of land, without expropriation, for public use. (Article 1 of Protocol No.1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage paid. <i>General measures:</i> See CM/ResDH(2007)98 in the I.R.S case. The impugned provision of the expropriation law was declared unconstitutional.
CM/ResDH(2009)104	TUR / Salgin and 3 other cases	46748/99+	20/05/2007 27/02/2007	Right to life: <i>Death of the applicants' sons, who killed themselves while performing military service and lack of effective investigations. (Article 2 substantial and/or procedural limb)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage (and in one case for pecuniary damage) paid. Individual measures are linked with general measures. <i>General measures:</i> See CM/ResDH(2007)99 in the Abdurrahman Kılıç case. Since 1995, the regulatory framework concerning the conditions regarding aptitude to perform military service, the supervision of conditions during military service and the duties of the officers responsible for supervising any irregular situation involving conscripts

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					declared suitable for military service was reformed.
CM/ResDH(2009)107	TUR / Soysal and 5 other cases	54461/00	15/05/2007 15/02/2007	Lack of an effective remedy: Inability challenge decisions by the prefect of a region subject to state of emergency to transfer the applicants (teachers, university staff, agronomists) to cities outside the region. (Article 13)	Individual measures: Just satisfaction for non-pecuniary damage paid. Individual measures are linked to general measures. General measures: See CM/ResDH(2007)97 in Güneri group. The state of emergency was cancelled in November 2002.
CM/ResDH(2019)29	TUR / Tus and Others and 4 other cases	7144/02+	19/10/2007 19/07/2007	Protection of rights in detention: Excessive length of the applicants' detention in police custody; the lack of an effective remedy and the absence of a right to compensation in this regard. (Article 5 §§3+4+5)	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicants are no longer in custody. General measures: See ResDH(2002)110 in Sakik and Others on details of the legislative reform process starting in 2001, including the right to compensation. Furthermore, the Code of Criminal Procedure of 2005 provides a right of detainees to see a judge within 24 hours in ordinary cases and 3 days in exceptional cases as well as a sufficient remedy, which increased legal safeguards previously existing concerning the speediness of detention review.
CM/ResDH(2019)28	TUR / Yener	62633/00	05/12/2006 05/03/2007	Protection of property: Delays in payment of additional compensation for expropriation and application of an insufficient rate of default interest. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary damage paid. General measures: see ResDH(2001)70 and ResDH(2001)71 in the cases Aka and Akkuş, in particular entry into force in 2000 of a law, 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 judgement was disseminated to the authorities directly concerned.
CM/ResDH(2019)18	TUR / Yıltaş Yildiz Turistik Tesisleri A.S	30502/96	24/09/2003 24/04/2003 Merits 23/10/2006 27/04/2006 Just satisfaction	Protection of property: Disproportionate interference due to the unreasonably low amount of compensation - compared to the value of the property - awarded in expropriation proceedings. (Article 1 of Protocol No. 1)	Individual measures: Just satisfaction for pecuniary damage calculated on the basis of an official on-site visit paid. General measures: A new Law on of 2000 provides for an amicable bargaining mechanism between the property owner and the expropriating authorities. If the authorities are not willing to pay the amount asked by the owner, the

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					calculation will be based on general criteria accepted in the property sector and the value of comparable properties. Domestic courts may also require an expert evaluation. The judgement was translated, published and disseminated.
CM/ResDH(2009)75	UK / A.	25599/94	23/09/1998 23/09/1998	Protection against ill-treatment: <i>Inadequate legal protection of a child against treatment or punishment amounting to ill-treatment. (Article 3)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. The applicant reached majority in 2002. General measures: England and Wales: In the Children Act 2004, the defence of “reasonable chastisement” has been removed and replaced with one of “reasonable punishment”. This defence has been limited to cases charged as “common assault”, i.e. cases where the injury suffered is transient or trifling. The defence may no longer be invoked in cases where the physical punishment amounts to assault occasioning actual bodily harm to children, cruelty or more serious assault offences. Northern Ireland: Legislative provisions mirroring those of England and Wales were introduced by the Law Reform Order 2006. Scotland: The Criminal Justice (Scotland) Act 2003 provides for a defence to a charge of assault against a child where certain conditions are satisfied (“justifiable assault”). The determining criteria (e.g. the nature of what was done, the circumstances in which it took place, any effect whether physical or mental) reflect the ECHR criteria set out to assess whether ill-treatment falls within the scope of Article 3. A detailed presentation of the legislative changes adopted may be found in Information Document CM/Inf/DH(2008)34 .
CM/ResDH(2009)152	UK / Anderson and 13 other cases	73652/01+	20/02/2008 20/11/2007	Discrimination and protection of property: <i>Discriminatory treatment on grounds of gender between widows and widowers regarding social security benefits and/or an income tax allowance. (Article 14 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damages paid. In four cases concerned, no award for pecuniary damages concerning the Widow's Bereavement Tax Allowance was made, finding no reason to remedy the inequality of treatment by awarding the applicants the value of tax benefits which “were an anomalous feature of the tax regime”. In six cases no claims

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					were submitted. <i>General measures:</i> See ResDH(2002)95 in Cornwell (legislative changes introduced in the Welfare Reform and Pensions Act 1999, granting equal treatment to widows and widowers in respect of social security benefits as from 2001), see also ResDH(2003)130 in Willis and ResDH(2002)96 in Leary. The Finance Act 1999 abolished the Widow's Bereavement Tax Allowance in relation to deaths occurring on or after April 2000 (see ResDH(2000)81 in Crossland settled by friendly agreement).
CM/ResDH(2019)19	UK / Brecknell and 4 other cases	32457/04+	27/02/2008 27/11/2007	Right to life and action of security forces: <i>Lack of an effective investigation into the alleged involvement of members of security forces in the killing of the applicants' next-of-kin due to the lacking independence of the Royal Ulster Constabulary in the initial stages of the investigation. (Article 2 procedural limb)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The apparent errors or shortcomings of the RUC identified by the applicant cannot be regarded as rendering the investigative process inadequate when viewed as a whole. <i>General measures:</i> The violation found only related to the lack of independence of the RUC. The RUC no longer exists. It was replaced by the PSNI, in regard to which no violation was found. The judgement was published and disseminated.
CM/ResDH(2009)41	UK / Cairney and 16 other cases	45779/99	20/11/2007 Friendly settlement	Discrimination and protection of property: <i>Discriminatory entitlement of widowers to social benefits. (Article 8, 14 and Article 1 of Protocol No. 1)</i>	<i>Individual measures:</i> The sum agreed to under the term of the friendly settlement was paid. No other measures are required under the terms of the friendly settlement.
CM/ResDH(2009)144	UK / Keegan	28867/03	18/10/2006 18/07/2006	Protection of private and family life: <i>Failure by the police to verify the connection between the address and the offence under investigation before carrying out a forced entry to search the applicants' home and lack of an effective remedy as damages required that the police had acted with malice. (Articles 8 and 13)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damages paid. <i>General measures:</i> The Human Rights Act 1998 taken together with the Code of Practice for Searches of Premises by Police Officers and the Seizure of Property found by Police Officers on Persons or Premises provide an effective remedy in domestic law allowing damages if public authorities' actions were unlawful. Concerning search warrants, the officer must take reasonable steps to check that the

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					information provided in the application is accurate, recent and not provided maliciously or irresponsibly, and make reasonable enquiries to establish whether anything is known about the likely occupier of the premises.
CM/ResDH(2009)143	UK / P.M.	6638/03	19/10/2005 19/07/2005	Discrimination and protection of property: <i>Refusal to allow an unmarried father separated from his child's mother the tax deduction for child maintenance payments available to a separated or divorced father who had once been married to a child's mother. (Article 14 in conjunction with Article 1 of Protocol No. 1)</i>	Individual measures: The Court awarded the applicant a sum corresponding to the tax deduction the applicant was refused. General measures: The Tax and Civil Partnership Regulations 2005 extended the limited tax exemption to payments made between parents for the maintenance of a child regardless of whether the parents had ever been married to each other. The judgment was published and disseminated to all tax offices.
CM/ResDH(2009)145	UK / Paul and Audrey Edwards	46477/99	14/06/2002 14/03/2002	Right to life: <i>Failure to protect the applicants' son's life in detention on remand and lack of effective investigations into his violent death in a prison cell; lack of an effective remedy in this respect. (Articles 2 substantive and procedural limb and 13)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. The Prison Service conducted a second investigation addressing the identified short-comings of the first investigation. General measures: Between 2004 and 2007, violence reduction strategies were implemented in public sector prisons and contracted prisons. A Cell Sharing Risk Assessment was first introduced in 2002. Other measures were adopted including in particular the Prisoner Escort Record, a new Suicide/Self-Harm Warning Form, the setting up of a new reception screening process for prisoners, to ensure a better detection of immediate and serious health problems. The Magistrates Courts must provide the prison escort contractor with information on antecedent history, previous convictions, a medical/psychiatric report and any other relevant documents. These measures are continuously monitored through two important domestic inspection bodies, among others: HM Inspectorate of Court Administration and HM Inspectorate of Prisons. As concerns the procedural limb, in particular the Coroner's preliminary

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					inquest into circumstances similar to the present case, his obligation to resume a suspended inquest was reinforced in a recent domestic judgment. A respective request for review of his decision not to resume the inquest may be made to the Attorney General. As concerns the effective remedy, see CM/ResDH(2007)101 in Bubbins. The judgment was published and disseminated.
CM/ResDH(2009)157	UK / Robertson and 6 other cases	12828/02+	01/04/2008 Friendly settlements	Discrimination and protection of property: <i>Discriminatory treatment on grounds of gender between widows and widowers regarding social security benefits. (Article 14 and 1 of Protocol No. 1)</i>	Individual measures: Just satisfaction for pecuniary and non-pecuniary damages (global sum) paid as agreed in a friendly settlement.
CM/ResDH(2019)20	UK / Roche	32555/96	19/10/2005 Grand Chamber	Protection of private life – access to information: <i>Absence of an effective and accessible procedure enabling the applicant's access to all relevant and appropriate information in proceedings before the Pensions Appeal Tribunal to allow an assessment of any risk to which he had been exposed during his participation in mustard and nerve gas tests at the Chemical and Biological Defence Establishment at Porton Down. (Article 8)</i>	Individual measures: Just satisfaction for non-pecuniary damage paid. In 2004 the High Court had allowed the applicant's appeal and referred the matter back to the Pensions Appeal Tribunal, which found in 2007 that the applicant's exposure to mustard gas during the tests was a cause of his chronic obstructive pulmonary disorder and concluded that the disorder was attributable to his service. In 2008, the Service Personnel and Veterans Agency assessed the applicant's level of disability and increased the amount of his service pension. General measures: The Data Protection Act 1998 (entry into force 2000) introduced a right to receive one's personal data held by a public authority. An appeal to the Information Commissioner, an independent supervisory authority reporting directly to Parliament, is possible. Decisions of the Information Commissioner may be appealed against with the Information Tribunal. A separate National Security Appeals Panel of the Tribunal hears appeals against exemptions from disclosure of information for reasons of national security. The Freedom of Information Act 2000 (entry into force 2005) created a general right of access to any information held by a

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					public authority. The appeals procedure is similar to that under the DPA 1998. Under the Human Rights Act 1998 (entry into force 2000) judicial review of the authorities' action can also be sought in the Administrative Court. Furthermore, the Porton Down Volunteers' Helpline was set up in February 1998, with the objective of helping former volunteers or their representatives to gain easy access to information relating to their participation in tests at Porton Down. In July 2006, internal Ministry of Defence guidance was provided on how to recognise a request triggering information rights, on actions required and appeal procedures. Procedures for information request on one's actual or possible exposure to hazard were simplified.
CM/ResDH(2009)141	UK / Shannon	6563/03	04/01/2006 04/10/2005	Access to and efficient functioning of justice: <i>Infringement of the right not to incriminate oneself due to the applicant's conviction in 1999 of the offence of failing to attend an interview with a financial investigator in connection with events in respect of which he had already been charged in criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for pecuniary (fine) and non-pecuniary damages awarded together paid. General measures: The relevant Northern Ireland legislation had already been amended in 2000. In 2006 following the present judgment, an interdepartmental legislative review was also undertaken concluding in 2007 that no further action was needed.
CM/ResDH(2009)153	UK / Stark and Others	39559/02	09/01/2008 09/10/2007	Access to and efficient functioning of justice: <i>Denial of access to a court to challenge a decision by which the applicants' fishing rights had been restricted. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid as agreed with the applicant on the basis of a unilateral declaration by the government acknowledging the violation.
CM/ResDH(2009)142	UK / Yetkinsekerci	71841/01	15/02/2006 20/10/2005	Access to and efficient functioning of justice: <i>Excessive length of criminal proceedings. (Article 6 §1)</i>	Individual measures: Just satisfaction for non-pecuniary damages paid. General measures: The Human Rights Act 1998 provide an effective remedy in domestic law allowing complaints to be brought about the excessive length of judicial proceedings

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					and adequate redress to be given. The judgment was published and disseminated.