Supervision of execution of judgments of the European Court of Human Rights – Adoption of final resolutions

Decision

The Deputies adopted the final Resolutions CM/ResDH(2013)119 to 128, as they appear listed below and as at Appendices 9 to 18 to the present volume of Decisions. (CM/Del/Dec(2013)1174)

Resolution	Application	Case	Judgment or decision of	Final on
BULGARIA				
CM/ResDH(2013)119	11379/03	DIMITROV-KAZAKOV	10/02/2011	10/05/2011
CZECH REPUBLIC				
CM/ResDH(2013)120	19970/04	HUSÁK	04/12/2008	04/03/2009
	20157/05	KNEBL	28/10/2010	28/01/2011
	39298/04+	KREJČÍŘ	26/03/2009	26/06/2009
CM/ResDH(2013)121	12266/07+	PEKÁRNY A CUKRÁRNY KLATOVY, A.S.	12/01/2012	12/04/2012
CM/ResDH(2013)122	72034/01	DRUŽSTEVNÍ ZÁLOŽNA PRIA AND OTHERS	31/07/2008 21/01/2010	26/01/2009 28/06/2010
	74152/01	RODINNÁ ZÁLOŽNA, SPOŘITELNÍ A ÚVĚRNÍ DRUŽSTVO AND OTHERS	09/12/2010 19/01/2012	09/03/2011 19/04/2012
HUNGARY				
CM/ResDH(2013)123	62440/12	FABIAN	15/01/2013	Decision
POLAND				
CM/ResDH(2013)124	6585/02	BEREZOWSKI	08/02/2011	Decision
	34387/02	DOMISZEWSKI	08/02/2011	Decision
	37853/03	BIERNACKI	25/01/2011	Decision
	16116/04	NOWACKI	08/02/2011	Decision
	26133/04	SUCHODOLSKI	25/01/2011	Decision
	36707/04	WOLSKA	20/03/2012	Decision
	41041/06	BRUCZYNSKI	08/02/2011	Decision
	3032/07	MAREK	29/05/2012	Decision
	5065/07	SAMBORSKI	28/06/2011	Decision
	12905/07	KAZMIERCZAK	13/12/2011	Decision
	13199/07	KOZIELEC	13/03/2012	Decision
	15094/07	MATUSZKIEWICZ	15/11/2011	Decision
	18476/07	A.L. No. 3	31/01/2012	Decision
	18812/07	BACZA	25/01/2011	Decision
	25424/07	DAWIDOWSKI	11/09/2012	Decision
	40612/07	ZUKOW	13/12/2011	Decision
	43888/07	GOLDYN	15/11/2011	Decision
	44499/07	DATON	06/03/2012	Decision
	5031/08	ADAMSKA	20/03/2012	Decision
	5584/08	KESKA	11/04/2012	Decision
	11301/08	SKORSKI	15/11/2011	Decision
	41174/08	LYS	05/07/2012	Decision
	45111/08	SOBOLEWSKI VI	22/11/2011	Decision
	48092/08	MAREK	03/07/2012	Decision
	51054/08	KASPRZAK IV	20/03/2012	Decision
	51661/08	BARAN	06/03/2012	Decision
	3983/09	DRADRACH	24/01/2012	Decision
	7346/09	JAMROZEK	11/09/2012	Decision
	11126/09	MALKOWSKI	06/03/2012	Decision
	14051/09	PACZOSKA	29/11/2011	Decision
	15323/09	BLASZCZAK	06/12/2011	Decision

	16188/09	BOGUCKI	30/08/2011	Decision
	16366/09	DOBRZYNSKI	15/11/2011	Decision
	23943/09	PRUSZYNSKI	11/04/2012	Decision
	26855/09	KRUCZEK	14/02/2012	Decision
	30214/09	GLINKOWSKA	25/09/2012	Decision
	30540/09	JURGA	22/06/2010	Decision
	36301/09	FEDYCZKOWSKI	25/01/2011	Decision
	36944/09	MALKOWSKI	13/12/2011	Decision
	38726/09	WINIARSKA	10/01/2012	Decision
	39508/09	JAROSZ	09/10/2012	Decision
	40844/09	WASYLUK	11/09/2012	Decision
	44938/09	PIETKIEWICZ	24/01/2012	Decision
	47636/09	BOGURSKI	13/12/2011	Decision
	51136/09	KISIEL	31/01/2012	Decision
	53500/09	HOLOMEK	11/04/2012	Decision
	55168/09	DUDZIAK	05/07/2011	Decision
	56836/09	CEMBALA II	07/02/2012	Decision
	56874/09	WROBLEWSKI	09/10/2012	Decision
	64739/09	DAWIDOWICZ	16/10/2012	Decision
	2206/10	KUJAWA II	21/02/2012	Decision
	3683/10	SZYMANOWSKI II	14/02/2012	Decision
	7192/10	WROBLEWSKI (VIII)	24/01/2012	Decision
	8148/10	KOLINSKI	06/09/2011	Decision
	12064/10	BACZA	25/09/2012	Decision
	17719/10	BULATOWICZ	20/03/2012	Decision
	18461/10	WYSZYNSKI	14/02/2012	Decision
	23188/10	BAJAKUSZEW	25/01/2011	Decision
	25968/10	KIT	27/03/2012	Decision
	27179/10	PRZYBYLSKI II	18/10/2011	Decision
	34454/10	DZIEKANSKI	20/03/2012	Decision
	35666/10	ROK II	25/01/2011	Decision
	35938/10	BANASZKOWSKI	07/02/2012	Decision
	36347/10	JANUSZEWSKI	15/11/2011	Decision
	36960/10	NAREWSKI III	20/03/2012	Decision
	37730/10	STOLARSKI	07/02/2012	Decision
	38423/10	SANKIEWICZ	27/03/2012	Decision
	38794/10	SLESIK	14/06/2012	Decision
	40548/10	RADKIEWICZ	13/11/2012	Decision
	41626/10	RADKIEWICZ	13/11/2012	Decision
	44361/10	KUBARA	09/10/2012	Decision
	48986/10	BOGUSŁAWSKI VEL DOBROSŁAWSKI	11/04/2012	Decision
	49165/10	ZURAWSKI	22/11/2011	Decision
	49780/10	KALBARCZYK	11/09/2012	Decision
	51881/10	JASTRZEBSKI	27/03/2012	Decision
	55595/10	OWCZARCZYK	06/03/2012	Decision
	57704/10	KALKA	29/05/2012	Decision
	58141/10	CZEKAJ	06/03/2012	Decision
	58143/10	CZAPLINSKI	11/04/2012	Decision
	60618/10	TERLECKI	25/09/2012	Decision
	61673/10	GALUS	15/11/2011	Decision
	62120/10	WIELGUS	27/03/2012	Decision
	62681/10	RYL	11/04/2012	Decision
	63589/10	AKSMAN	11/04/2012	Decision
	68091/10	FLIS III	14/02/2012	Decision
	72269/10	KASZTAN	24/01/2012	Decision
	73452/10	BALAKLEJEWSKI	27/03/2012	Decision
	185/11	PAWILOWSKI	24/01/2012	Decision
	1937/11	SOBUSIAK	06/12/2011	Decision
	2143/11	SOMLA	24/01/2012	Decision
	3463/11	GOLONKO	13/11/2012	Decision
	6859/11	NOCHOWICZ II	25/09/2012	Decision
	7066/11	POKRZYWKA	09/10/2012	Decision

	10305/11	ZYGMUNT	14/06/2012	Decision
	16997/11	MURAWSKI	16/10/2012	Decision
	18244/11	ZNAJEWSKI	11/09/2012	Decision
	18344/11	CIESIELSKI	07/02/2012	Decision
	19272/11	KEDZIERSKI	04/09/2012	Decision
	29848/11	ULATOWSKI	06/03/2012	Decision
	31835/11	NOWAK	29/05/2012	Decision
	32931/11	SCHLABS	20/03/2012	Decision
	33635/11	GAWEL	29/11/2011	Decision
	44770/11	BULHAK	04/09/2012	Decision
	44796/11	BUCZEK	11/09/2012	Decision
	46719/11	GONSLAWSKI II	11/04/2012	Decision
	61002/11	JAROSZYNSKI	04/09/2012	Decision
	63266/11	LARYSZ	25/09/2012	Decision
	70795/11	JURGIELEWICZ	09/10/2012	Decision
	71482/11	JUREWICZ	11/09/2012	Decision
	72591/11	BIERNAT	04/09/2012	Decision
PORTUGAL				
CM/ResDH(2013)125	40865/10	VALDEMAR GIL MELO D'OREY VELASCO	10/05/2011	Decision
	54099/10	MARTINS HENRIQUES	03/04/2012	Decision
	5241/11	FERREIRA ALVES	03/04/2012	Decision
	10401/11	ALVES INACIO DE AZEVEDO ZOIO	05/06/2012	Decision
	19145/11	CUT	17/04/2012	Decision
	22867/11	SILVA TOME	17/04/2012	Decision
	22877/11	SAMAGAIO AND OTHERS	17/04/2012	Decision
	23324/11	BIZARRO DE ASSIS PAIXAO	17/04/2012	Decision
	29514/11	MATOS OLIVEIRA AND PINA E SOUSA	17/04/2012	Decision
	33254/11	TERRAHE	17/04/2012	Decision
	34719/11	RUA PARDAL	17/04/2012	Decision
SLOVAK REPUBLIC				
CM/ResDH(2013)126	66882/09	MASAR	03/05/2012	
TURKEY				
CM/ResDH(2013)127	21883/05	AKTAS	13/11/2012	Decision
	21884/05	AYGUL	13/11/2012	Decision
	11980/07	SAROHAN	13/11/2012	Decision
	18328/07+	SOYTAS AND OTHERS	15/06/2010	Decision
	316/08	OZAN	16/10/2012	Decision
	3401/08	ASLAN	06/07/2010	Decision
	16298/08	USTAOGLU	18/09/2012	Decision
	23646/08	OKSAS	16/10/2012	Decision
	27097/08	YOLDAS	04/09/2012	Decision
	28212/08	YAMALAK	18/09/2012	Decision
	43072/08	AKMAN	16/10/2012	Decision
	8441/09	ARANCAK	23/10/2012	Decision
	10721/09	SAHAP DOGAN	18/09/2012	Decision
	16817/09	OSME	23/10/2012	Decision
	22614/09	DEMIR	18/09/2012	Decision
	28607/09	EKMEZ	18/09/2012	Decision
	31459/09	OZ No. 2	18/09/2012	Decision
	36302/09	BAYAR	23/10/2012	Decision
	44584/09	OZTURK	18/09/2012	Decision
	44648/09	YILDIZ	16/10/2012	Decision
	59172/09	AKDEMIR	18/09/2012	Decision
	6370/10	DOGAN	04/09/2012	Decision
	17891/10	KETME	16/10/2012	Decision
	23600/10	ATSAK	13/11/2012	Decision
	23610/10	OZOGUL	02/10/2012	Decision
	28092/10	ACER	16/10/2012	Decision
	53959/10	GECER	16/10/2012	Decision
	16803/11	GUL	16/10/2012	Decision

	25108/11	ABDUKAYA	23/10/2012	Decision
	29978/11	DEMIR	18/09/2012	Decision
	73757/11	KUTLU	13/11/2012	Decision
UKRAINE				
CM/ResDH(2013)128	2489/06	NIKOLAYENKO	27/11/2012	Decision
	8662/06	TARAN	04/12/2012	Decision
	20440/06	APALKOVA	16/10/2012	Decision
	35966/06	PODOLSKAYA AND OTHERS	27/09/2011	Decision
	49449/06	BOGOMAZ	06/03/2012	Decision
	50546/06	FADEYEVA	02/10/2012	Decision
	32356/07	SULYMA	15/11/2011	Decision
	33755/07	SHABLIY	22/11/2011	Decision
	34215/07	TORGOVVY DIM PETRO I PAVEL	26/06/2012	Decision
	40045/07	CHERNEYCHUK	22/11/2011	Decision
	44314/07	SHEVCHENKO	30/08/2011	Decision
	51693/07	LEBEDEVA	16/10/2012	Decision
	2375/08	GAYMURENKO	12/04/2011	Decision
	18415/08	KUSHNEROV	28/08/2012	Decision
	27317/08	DOVGOPOL	25/09/2012	Decision
	5074/09	CHUPRYNKO	29/11/2011	Decision
	10292/09	SELYUTINA	11/09/2012	Decision
	55940/09	KUZYOMKO	13/03/2012	Decision
	35860/10	KUSHNAREV	11/09/2012	Decision
	42914/10	MASYUTENKO	25/09/2012	Decision
	41367/11	MIKHAYLENKO AND 5 OTHER APPLICATIONS	25/09/2012	Decision
	41975/11	KOLESNIK AND 6 OTHER APPLICATIONS	04/12/2012	Decision

Appendix 9
(Item H46-1)

Resolution CM/ResDH(2013)119
Dimitrov-Kazakov against Bulgaria
Execution of the judgment of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

(Application No. 11379/03, judgment of 10/02/2011, final on 10/05/2011)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Having regard to the final judgment transmitted by the Court to the Committee in the above case and to the violations established;

Recalling the respondent State's obligation under Article 46, paragraph 1, of the Convention to abide by all final judgments in cases to which it is party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with its above-mentioned obligation;

Having examined the action report provided by the government indicating the measures adopted in order to give effect to the judgment and noting that no award of just satisfaction was made by the Court in the present case (see document DH-DD(2013)495rev);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case and

DECIDES to close the examination thereof.

ACTION REPORT
Case DIMITROV-KAZAKOV v. Bulgaria
Application No. 11379/03
Judgment of 10 February 2011
Final on 10 May 2011

1. Convention violation found

This case concerns the violation of the applicant's right to respect for his private life due to the enlistment of his name in the police records concerning the "offenders" (between 1997 and 2003) on the basis of a confidential internal instruction of the Ministry of Interior from 1993 and despite the fact that no charges have ever been brought against the applicant. The Court found that the interference with the applicant's right to respect for his private life was not "in accordance with the law" within the meaning of Article 8 § 2, as the instruction of 1993 was not accessible to the public (violation of Article 8). The Court also found that the applicant did not have an effective remedy in this respect (violation of Article 8 taken in conjunction with Article 13).

2. Individual measures

The applicant's name was struck out from the police records in 2002 (see § 11 from the Court's judgment).

The Court did not award compensation to the applicant.

No further individual measures are necessary for execution of the judgment.

3. General measures

a) main legislative amendments and administrative measures

i. Violation of Article 8
There is a new legal framework adopted after the period concerned – Ministry of Interior Act, in force from 01.05.2006 and new secondary legislation – rules, regulations, decrees, etc.

The relevant instruction of the Minister of Internal Affairs – No I-90/24.12.1993, was revoked in the beginning of 2002.

New decrees which regulate the order for the police registration were promulgated in State Gazette in 2003 and 2007. The Decrees were public.

Currently, Decree No Iz-701/17.03.2011 on police registration, promulgated in State Gazette on 01.04.2011, is in effect and this secondary legislation is also public.

According to the current legal framework, police registration of personal data is made only when charges are brought in relation to a serious wilful crime. The relevant police authorities *ex officio* or upon request from the person concerned are under obligation put an end to the police registration, *inter alia*, in the cases when the criminal proceedings at stake are discontinued or the person is acquitted (Article 160 of the Ministry of Interior Act).

ii. Violation of Article 13
Chapter III Decree No Iz-701/17.03.2011 on police registration defines the rules for striking off data from the police records, including *ex officio*. Everyone can appeal against a refusal of the police authorities before the administrative courts.

The Court noted in its judgment that a domestic remedy has been introduced back in 2003 (see § 37 of the judgment).

iii. Other relevant measures
The Code of Ethics adopted by the Interior Ministry lists a number of rules of conduct for police officers. Special training courses are being organised for employees.

Within the Interior Ministry there is a permanent Standing Committee on Human Rights and Police Ethics, whose activities include the analysis and implementation of the ECHR decisions.[1]

The Commission for Personal Data Protection (hereafter "CPDP"), on the basis of the provision of Section 2 § 2 (2) and (3) of the Protection of Personal Data Act, prohibiting the further processing of data for purposes other than those for which the information was originally collected, has established a firm practice to control the police registration and in its decisions (see, for example Decision No. 8 of 03.21.2007 year and Decision No. 16 of 05.07.2006 year) and has already found violations of the Interior Ministry when filling in police registrations. In both of the above-mentioned cases, the CPDP considered the processing of personal data by the Ministry incorrect and illegal and the Ministry of Interior has undertaken to destroy the police registrations of the applicants.

b) publication and dissemination of the judgment

In addition to the legislative and other measures described above, the translation of the judgment in Bulgarian will be available soon on the Ministry of Justice website at http://www.justice.government.bg/. The translation of the judgment will be sent to the competent authorities through a circular letter drawing their attention on the main conclusions of the ECHR's judgment.

Such decisions of the ECHR are included in National Institute of Justice lectures.

Moreover, the translation of this judgment in Bulgarian was published in the review edited by the Supreme Lawyers' Council.

NGOs work on the dissemination of the decisions of ECHR on that issue. The Foundation "Access to Information" discussed the issue in its Informational Bulletin ISSN 1313-6496.

Conclusion: the government considers that it has fulfilled its obligations and that no further individual or general measures are necessary in this case.

[1] See the report for measures taken at http://www.mvr.bg/NR/rdonlyres/065FFA5C-7050-4398-BDC3-FC9C083A5344/0/otchet_2009.pdf).

Appendix 10
(Item H46-1)

Resolution CM/ResDH(2013)120
Three cases against Czech Republic
Execution of the judgment of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

(Husak, Application No. 19970/04, judgment of 4 December 2008, final on 4 March 2009
Knebl, Application No. 20157/05, judgment of 28 October 2010, final on 28 January 2011
Krejcir, Application No. 39298/04, judgment of 26 March 2009, final on 26 June 2009)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Having regard to the final judgments transmitted by the Court to the Committee in the above cases and to the violations established;

Recalling the respondent State's obligation under Article 46, paragraph 1, of the Convention to abide by all final judgments in cases to which it is party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action reports provided by the government indicating the measures adopted in order to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2013)331);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases and

DECIDES to close the examination thereof.

Exécution des arrêts de la Cour dans les affaires n° 19970/04 – Husák, nos 39298/04 et 8723/05 – Krejčíř et n° 20157/05 – Knebl c. République tchèque
Bilan d'action présenté par le gouvernement dans une version consolidéele le 14 mars 2013

(French only)

Dans son arrêt du 4 décembre 2008 en l'affaire Husák c. République tchèque, la Cour européenne des droits de l'homme a constaté la violation du droit du requérant à la liberté et à la sûreté garanti par l'article 5 § 4 de la Convention. L'arrêt est devenu définitif le 4 mars 2009 en vertu de l'article 44 § 2 lettre b) de la Convention.

Dans son arrêt du 26 mars 2009 en l'affaire Krejčíř c. République tchèque, la Cour a constaté la violation du droit du requérant à la liberté et à la sûreté garanti par l'article 5 § 3 et 4 de la Convention. L'arrêt est devenu définitif le 26 juin 2009 en vertu de l'article 44 § 2 lettre b) de la Convention.

Dans son arrêt du 28 octobre 2010 en l'affaire Knebl c. République tchèque, la Cour a constaté la violation du droit du requérant à la liberté et à la sûreté garanti par l'article 5 § 4 de la Convention. L'arrêt est devenu définitif le 28 janvier 2010 en vertu de l'article 44 § 2 lettre b) de la Convention.

Le présent rapport a pour objet d'informer le Comité des Ministres des mesures individuelles et générales d'exécution de ces arrêts.

I. MESURES INDIVIDUELLES

Dans les arrêts Husák et Krejčíř, la Cour a conclu que certaines exigences de caractère procédural garanties par l'article 5 de la Convention ont été méconnues dans les cas des requérants. Or, la Cour a rejeté les demandes des requérants d'octroi de satisfaction équitable au titre du dommage matériel et moral en estimant que le constat de violation fournit en soi une satisfaction équitable suffisante pour le dommage moral éventuellement subi par les requérants et qu'il n'y a pas de lien de causalité entre les violations établies et le dommage matériel allégué par le requérant Krejčíř (§ 60 de l'arrêt Husák et § 134 de l'arrêt Krejčíř).

Dans l'arrêt Knebl, la Cour a conclu à la violation de l'article 5 § 4 de la Convention pour ce qui est de l'absence d'audition personnelle du requérant et lui a accordé – en tant que satisfaction équitable au sens de l'article 41 de la Convention – un montant de 2 600 € au titre du préjudice moral subi. Elle a rejeté sa demande de satisfaction équitable pour le surplus.

Ceci étant dit et vu que les requérants ne se trouvent plus en détention provisoire, situation qui était à l'origine de leurs requêtes – le requérant Krejčíř a été remis en liberté le 17 septembre 2004 (voir § 27 de l'arrêt de la Cour), le requérant Husák, quant à lui, a été remis en liberté le 31 août 2004 et le requérant Knebl s'est vu ordonner l'exécution de la sentence pénale le 15 février 2007 (voir § 13 de l'arrêt de la Cour), aucune mesure individuelle ne semble s'imposer dans les cas des requérants.

II. MESURES GÉNÉRALES

Entièrement dans la ligne de la pratique courante, les traductions en langue tchèque des arrêts ont été publiées sur le site Internet du ministère de la Justice. Les arrêts ont été également envoyés aux organes qui avaient décidé dans les affaires en question au niveau interne.

S'agissant du problème de l'absence d'audition des requérants dans les procédures concernant leur détention, le gouvernement a présenté au Parlement un projet de modification du code de procédure pénale qui est devenu loi no 459/2011, entrée en vigueur le 1er janvier 2012. Cette loi introduit dans la procédure pénale tchèque un concept tout à fait nouveau, celui d'« audience de détention ». En principe, les tribunaux sont désormais obligés – avant de décider de la continuation de la détention de l'inculpé – d'organiser une telle audience qui se déroulera, naturellement, en présence de l'inculpé pour que celui-ci puisse être entendu. Il suffit que l'inculpé demande une telle audition ou que le tribunal lui-même soit persuadé de son utilité. La loi énumère les cas exceptionnels où la tenue de l'audience de détention ne sera pas nécessaire (l'inculpé refuse de se présenter à l'audience ; l'inculpé a été entendu dans les six semaines précédentes et il n'existe aucun fait nouveau pertinent ; l'état de santé de l'inculpé ne permet pas de l'entendre ; l'inculpé sera libéré).

Concernant l'autre violation de l'article 5 § 4 de la Convention relevé dans l'arrêt Krejčíř, le gouvernement note que l'inaccessibilité pour la défense de la traduction du procès-verbal relatif à l'audition du témoin T.B. constitue un cas de violation isolé et ne nécessite pas l'adoption de mesures à caractère général.
En ce qui est de la violation de l'article 5 § 3 de la Convention dans l'arrêt Krejčíř, le gouvernement constate que le libellé du code de procédure pénale critiqué par la Cour a déjà été modifié (voir § 92 de l'arrêt de la Cour). Le gouvernement estime qu'à cet égard d'autres mesures ne sont pas nécessaires.

III. CONCLUSION

Le gouvernement estime que la République tchèque s'est acquittée de toutes les obligations en vue d'exécuter les arrêts de la Cour en les affaires Krejčíř c. République tchèque, Husák c. République tchèque et Knebl c. République tchèque.

Appendix 11
(Item H46-1)

Resolution CM/ResDH(2013)121
Pekárny a cukrárny klatovy, a.s against Czech Republic
Execution of the judgment of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

(Application No. 12266/07, judgment of 12 January 2012, final on 12 April 2012)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Having regard to the final judgment transmitted by the Court to the Committee in the above case and to the violations established;

Recalling that the respondent State's obligation under Article 46, paragraph 1, of the Convention to abide by all final judgments in cases to which it is a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action report provided by the government indicating the measures adopted in order to give effect to the judgment, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2013)48);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case and

DECIDES to close the examination thereof.

**Execution of the judgment of the European Court of Human Rights
in cases Nos. 12266/07, 40059/07, 36038/09, 47155/09 –
Pekárny a cukrárny Klatovy, a.s. v. the Czech Republic
Action report submitted by the Czech Government on 3 December 2012**

In its judgment of 12 January 2012, which became final in accordance with Article 44 § 2 b) of the Convention, the European Court of Human Rights held by a majority that there was a violation of Article 6 § 1 of the Convention in two of the above cases on account of the failure by the appellate courts to decide on the merits of the applicant's appeals against interim measures prohibiting the latter to organise its general meetings. The Court held that the applicant's access to court had effectively been hindered when courts dismissed, in 2009, its appeals as non-substantiated due to the past date of the general meetings in question and alleged ineffectiveness of the related interim measures, ordered earlier in 2009, and thus prevented the applicant from having its civil claim heard in court. The present report is intended to inform the Committee of Ministers of individual and general measures of execution of the judgment.[1]

I. INDIVIDUAL MEASURES

The Court found no causal connection between the violation and damage alleged by the applicant. It held that the statement of violation sufficed as a just satisfaction for any potential non-pecuniary damage. The government therefore considers that the Court's judgment does not require introduction of individual measures other than reimbursement to the applicant of costs and expenses as awarded by the Court. To reopen the proceedings before domestic courts, for instance, appears to bring little effect at this point, given the object of interim measures challenged by the applicant.

II. GENERAL MEASURES

The government notes that in the Court's opinion, the interim measures ordered against the applicant did not, per se, constitute a violation of the Convention and that the applicant's right of access to court had been respected by the appellate court in two other instances in 2007 under the same law. The government further notes that on 29 October 2012, the Court struck out the applicant's other applications in principally identical matters, following the government's unilateral declaration of 6 June 2012 which acknowledged the violation of the applicant's rights to the extent of the above judgment.

The government considers that no systemic changes are needed and the Court's legal opinion can be accommodated within the existing legislative framework, by means of an extended interpretation by ordinary courts of the notion of "non-substantiated [appeal]" as provided for in jurisprudence (e.g. Supreme Court, 29 Odo 611/2002, dated 30 September 2004) in respect of the admissibility criterion pursuant to article 218 c) of the Civil Procedure Rules (Act No. 99/1963 Coll.). The Court's judgment has been forwarded to and consulted with the judges of the appellate courts concerned as well as the Supreme and Constitutional Courts, and discussed at the joint meeting of the High Courts, on 28 and 29 June 2012, which are competent under the Czech law to hear appeals in disputes concerning corporations, with a view to aligning future case law with the judgment. In addition, judges of the civil sections of all regional courts, which are competent to hear appeals against interim measures ordered in any civil proceedings, have acquainted themselves with the judgment, in order to ensure that the Court's opinion be respected also in other than corporate proceedings where a similar situation may occur in respect of passing of deadlines or events concerned by the interim measures.

III. CONCLUSION

The Government of the Czech Republic concludes that all the necessary measures to execute the judgment have been taken.

[1] The issue of payment of just satisfaction is dealt with separately.

Appendix 12
(Item H46-1)

Resolution CM/ResDH(2013)122
Two cases against the Czech Republic
Execution of the judgment of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

(Družstevní Záložna Pria and others, Application No. 72034/01, judgment of 31/07/2008, final on 26/01/2009 and judgment of 21/01/2010, final on 28/06/2010
Rodinná záložna, spořitelní a úvěrní družstvo and others, Application No. 74152/01, judgment of 9/12/2010, final on 9/03/2011, and judgment 19/01/2012, final 19/04/2012)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Having regard to the final judgments transmitted by the Court to the Committee in the above cases and to the violations established;

Recalling the respondent State's obligation under Article 46, paragraph 1, of the Convention to abide by all final judgments in cases to which it is party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action reports provided by the government indicating the measures adopted in order to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2013)329);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases and

DECIDES to close the examination thereof.

**Execution of the judgments of the European Court of Human Rights
in cases No. 72034/01 – Družstevní záložna PRIA against the Czech Republic
and No. 74152/01 – Rodinná záložna, spořitelní a úvěrní družstvo, against the Czech Republic
Action Report submitted in its consolidated version
by the Czech Government on 14 March 2013**

In the case of Družstevní záložna PRIA, the Court, in its judgment on the merits of 31 July 2008 which became final on 26 January 2009, found procedural violations of Article 6 § 1 of the Convention as well as of Article 1 of Protocol No. 1 to the Convention in connection with the placement of the applicant credit union in receivership, while it reserved the question of just satisfaction for later decision. On 21 January 2010 the Court pronounced a judgment on just satisfaction whereby it made an award for costs and expenses and rejected the remainder of the claims. The second judgment became final on 28 June 2010.

In the case of Rodinná záložna, spořitelní a úvěrní družstvo, the Court delivered its judgment on the merits on 9 December 2010 which became final on 9 March 2011, and its judgment on just satisfaction on 19 January 2012 which became final on 19 April 2012. The outcome of the case was similar to that in Družstevní záložna PRIA.

The present report is intended to inform the Committee of Ministers of individual and general measures of execution of the judgments.

I. INDIVIDUAL MEASURES

The government understands that the above judgments do not require them to introduce any other individual measures beside payment to the applicant credit unions of just satisfaction awarded by the Court as reimbursement of costs and expenses. This is supplemented by the fact that the Court did not find any damage which would have emerged in causal connection with the established violations.

Still, the government should add that Družstevní záložna PRIA conducted proceedings before the Prague 1 District Court on damages allegedly amounting to CZK 1,220,000,000. The applicant decided to withdraw the lawsuit due to its inability to submit evidence and lack of financial resources. Consequently, the district court discontinued the proceedings by its decision of 26 October 2010, which, in this point, became final. The applicant has therefore voluntarily decided not to pursue one of the domestic avenues available to it in order to claim possible damages.

Rodinná záložna, spořitelní a úvěrní družstvo, has been free to put forward its claims at the domestic level, in particular in the proceedings on damages, and thus to follow the way taken in the past by the applicant in the other case mentioned in this report. Still, the government is not aware that the applicant would have initiated such steps.

II. GENERAL MEASURES

A) AS TO THE VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

As of 1 January 2003, following the repulsion of Part V of the Code of Civil Procedure by the Constitutional Court and the enactment of a new Code of Administrative Court Procedure, the administrative courts have been entitled to review administrative acts in full jurisdiction and therefore no further general measure appears necessary. The government is of the opinion that after the said changes concerning administrative justice, there is no major risk of repetition of the violation of Article 6 § 1 of the Convention similar to that identified by the Court in its judgments on the merits.

B) AS TO THE VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION

(i) Identification of problematic issues

The government recalls that problems identified by the Court in its judgments on the merits under Article 1 of Protocol No. 1 were fundamentally as follows:

After the imposition of receivership, the applicant credit unions were prevented from access to their essential business and accounting documents, which were in sole disposition of the receiver, and thus prevented from effectively challenging information concerning their economic situation or imposition of receivership respectively.

After the amendment of the Credit Unions Act by Act No. 280/2004, the applicant credit unions completely lost the opportunity to challenge the decision on placement in receiver-ship as its supervisory board ceased to be entitled to lodge the particular procedural motion.

(ii) Evaluation of passed changes of law

The government is convinced that, since the time of this assessment, these identified problems have been remedied due to significant legislative amendments and case law evolution.

First of all, Act No. 57/2006, effective as from 1 April 2006, amended the Credit Unions Act and *inter alia* removed sections concerning receivership. As a result, a placement of a credit union in receivership is no longer possible under any circumstances. It follows that at present, there is objectively no risk of a new violation of rights guaranteed by Article 1 of Protocol No. 1 caused by a situation when a credit union would be placed in receivership. Therefore, the government believes that this crucial change of legislation alone has been sufficient and no further systemic measures to prevent future violations of similar kind of Article 1 of Protocol No. 1 to the Convention are required.

(iii) Related legal regulation

The government would further note that the possibility of placement into receivership still exist for subjects active on the financial market other than credit unions, such as banks, investment companies (investiční společnosti), investment funds (investiční fondy), insurance companies (pojišťovny), etc. The nature of these subjects is fundamentally different from credit unions in many aspects and so the government is of the opinion that the assessment of their position falls outside the scope of execution of the judgment of 31 July 2008. Still, the government would point to the features and recent developments of legal regulation concerning these entities in order to illustrate the complex approach of the national authorities to the issues identified by the Court.

In relation to the question of procedural entitlement to lodge a remedy, Act No. 126/2002, effective as from 1 May 2002, amended the Banks Act so that it explicitly inserted a rule that statutory bodies are no longer restricted from lodging appeals against imposition of receivership, which is an exception from the standard rule that statutory bodies' authority is suspended following placement of a subject in receivership. Similar provisions providing for continuity of the right to lodge appeals against receivership are included in legislation regulating other subjects on the financial market, e.g. Article 109 § 5 of Act No. 189/2004 [Collective Investment Act], Article 139 § 5 letter a) of Act No. 256/2004 [Enterprise on Capital Market Act], or Article 30 § 5 letter a) of Act No. 363/1999 [Insurance Act], later Article 99 § 4 letter a) of Act no. 277/2009 [new Insurance Act]. This legislative regulation also reflects the decision of the Supreme Administrative Court of 12 October 2004 No. 5 A 131/2001-69, which reinterpreted the former law concerning credit unions in the sense that a supervisory board is entitled to lodge an appeal during receivership.

Concerning the question of right to access to documentation, the government notes that at present this right can be inferred from general principles of Administrative Code [Act No. 500/2004]. Moreover, in case a certain administrative decision is based on such a documentation, the documentation then becomes part of the particular administrative proceedings file and subsequently, the access to the documents in the file is explicitly provided for by Article 17 in connection with Article 38 § 1 and 2 of the Administrative Code [for any person who is party to the proceedings or has legal interest on the proceedings].

(iv) Publication of the judgments of the Court

Finally, the government notes that the Court's judgments have been translated and disseminated in accordance with the established practice, in particular to the Constitutional Court, the Supreme Administrative Court, the Czech National Bank and the Ministry of Finance.

III. CONCLUSION

The Government of the Czech Republic concludes that all the necessary measures to execute the judgments have been taken.

Appendix 13
(Item H46-1)

Resolution CM/ResDH(2013)123
Fábián and others against Hungary
Execution of decision of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

(Application No. 62440/12, decision of 15 January 2013)

The Committee of Ministers, under the terms of Article 39, paragraph 4, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of friendly settlements as they appear in the decisions of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Considering that in this case the Court, having taken formal note of friendly settlement reached by the government of the respondent State and the applicant, and having been satisfied that the settlement was based on respect for human rights as defined in the Convention or its Protocols, decided to strike this case from its list;

Having satisfied itself that the terms of the friendly settlement were executed by the government of the respondent State,

DECLARES that it has exercised its functions under Article 39, paragraph 4, of the Convention and

DECIDES to close its examination.

Appendix 14
(Item H46-1)

Resolution CM/ResDH(2013)124
110 cases against Poland
Execution of the decisions of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

Case, Application No.	Date of decision
BEREZOWSKI, Application No. 6585/02	08/02/2011
DOMISZEWSK, Application No. 34387/02	08/02/2011
BIERNACKI, Application No. 37853/03	25/01/2011
NOWACKI, Application No. 16116/04	08/02/2011
SUCHODOLSKI, Application No. 26133/04	25/01/2011
WOLSKA, Application No. 36707/04	20/03/2012
BRUCZYNSKI (No. 2), Application No. 41041/06	08/02/2011
MAREK, Application No. 3032/07	29/05/2012
SAMBORSKI, Application No. 5065/07	28/06/2011
KAZMIERCZAK, Application No. 12905/07	13/12/2011
KOZIELEC, Application No. 13199/07	13/03/2012
MATUSZKIEWICZ, Application No. 15094/07	15/11/2011
A.L. (No. 3), Application No. 18476/07	31/01/2012
BACZA, Application No. 18812/07	25/01/2011
DAWIDOWSKI, Application No. 25424/07	11/09/2012
ZUKOW, Application No. 40612/07	13/12/2011
GOLDYN, Application No. 43888/07	15/11/2011
DATON, Application No. 44499/07	06/03/2012
ADAMSKA, Application No. 5031/08	20/03/2012
KESKA, Application No. 5584/08	11/04/2012
SKORSKI, Application No. 11301/08	15/11/2011
LYS, Application No. 41174/08	05/07/2012
SOBOLEWSKI (VI), Application No. 45111/08	22/11/2011
MAREK, Application No. 48092/08	03/07/2012
KASPRZAK (IV), Application No. 51054/08	20/03/2012
BARAN, Application No. 51661/08	06/03/2012
DRADRACH, Application No. 3983/09	24/01/2012
JAMROZEK, Application No. 7346/09	11/09/2012
MALKOWSKI, Application No. 11126/09	06/03/2012
PACZOSKA, Application No. 14051/09	29/11/2011
BLASZCZAK, Application No. 15323/09	06/12/2011
BOGUCKI, Application No. 16188/09	30/08/2011
DOBRZYNSKI, Application No. 16366/09	15/11/2011
PRUSZYNSKI, Application No. 23943/09	11/04/2012
KRUCZEK, Application No. 26855/09	14/02/2012
GLINKOWSKA, Application No. 30214/09	25/09/2012
JURGA, Application No. 30540/09	22/06/2010
FEDYCZKOWSKI, Application No. 36301/09	25/01/2011
MALKOWSKI, Application No. 36944/09	13/12/2011
WINIARSKA, Application No. 38726/09	10/01/2012
JAROSZ, Application No. 39508/09	09/10/2012
WASYLUK, Application No. 40844/09	11/09/2012
PIETKIEWICZ, Application No. 44938/09	24/01/2012
BOGURSKI, Application No. 47636/09	13/12/2011
KISIEL (II), Application No. 51136/09	31/01/2012
HOLOMEK, Application No. 53500/09	11/04/2012
DUDZIAK, Application No. 55168/09	05/07/2011

Case, Application No.	Date of decision
CEMBALA (II), Application No. 56836/09	07/02/2012
WROBLEWSKI (VII), Application No. 56874/09	09/10/2012
DAWIDOWICZ, Application No. 64739/09	16/10/2012
KUJAWA (II), Application No. 2206/10	21/02/2012
SZYMANOWSKI (II), Application No. 3683/10	14/02/2012
WROBLEWSKI (VIII), Application No. 7192/10	24/01/2012
KOLINSKI, Application No. 8148/10	06/09/2011
BACZA, Application No. 12064/10	25/09/2012
BULATOWICZ, Application No. 17719/10	20/03/2012
WYSZYNSKI, Application No. 18461/10	14/02/2012
BAJAKUSZEW, Application No. 23188/10	25/01/2011
KIT, Application No. 25968/10	27/03/2012
PRZYBYLSKI (II), Application No. 27179/10	18/10/2011
DZIEKANSKI, Application No. 34454/10	20/03/2012
ROK (II), Application No. 35666/10	25/01/2011
BANASZKOWSKI (III), Application No. 35938/10	07/02/2012
JANUSZEWSKI, Application No. 36347/10	15/11/2011
NAREWSKI (II), Application No. 36960/10	20/03/2012
STOLARSKI, Application No. 37730/10	07/02/2012
SANKIEWICZ, Application No. 38423/10	27/03/2012
SLESIK, Application No. 38794/10	14/06/2012
RADKIEWICZ, Application No. 40548/10	13/11/2012
RADKIEWICZ, Application No. 41626/10	13/11/2012
KUBARA, Application No. 44361/10	09/10/2012
BOGUSLAWSKI VEL DOBROSLAWSKI, Application No. 48986/10	11/04/2012
ZURAWSKI, Application No. 49165/10	22/11/2011
KALBARCZYK (II), Application No. 49780/10	11/09/2012
JASTRZEBSKI, Application No. 51881/10	27/03/2012
OWCZARCZYK, Application No. 55595/10	06/03/2012
KALKA, Application No. 57704/10	29/05/2012
CZEKAJ, Application No. 58141/10	06/03/2012
CZAPLINSKI, Application No. 58143/10	11/04/2012
TERLECKI, Application No. 60618/10	25/09/2012
GALUS, Application No. 61673/10	15/11/2011
WIELGUS, Application No. 62120/10	27/03/2012
RYL (II), Application No. 62681/10	11/04/2012
AKSMAN, Application No. 63589/10	11/04/2012
FLIS (III), Application No. 68091/10	14/02/2012
KASZTAN, Application No. 72269/10	24/01/2012
BALAKLEJEWSKI, Application No. 73452/10	27/03/2012
PAWILOWSKI, Application No. 185/11	24/01/2012
SOBUSIAK, Application No. 1937/11	06/12/2011
SOMLA, Application No. 2143/11	24/01/2012
GOLONKO, Application No. 3463/11	13/11/2012
NOCHOWICZ (II), Application No. 6859/11	25/09/2012
POKRZYWKA, Application No. 7066/11	09/10/2012
ZYGMUNT, Application No. 10305/11	14/06/2012
MURAWSKI, Application No. 16997/11	16/10/2012
ZNAJEWSKI, Application No. 18244/11	11/09/2012
CIESIELSKI, Application No. 18344/11	07/02/2012
KEDZIERSKI, Application No. 19272/11	04/09/2012
ULATOWSKI, Application No. 29848/11	06/03/2012
NOWAK, Application No. 31835/11	29/05/2012
SCHLABS, Application No. 32931/11	20/03/2012
GAWEL (II), Application No. 33635/11	29/11/2011
BULHAK, Application No. 44770/11	04/09/2012
BUCZEK, Application No. 44796/11	11/09/2012
GONSLAWSKI (II), Application No. 46719/11	11/04/2012

Case, Application No.	Date of decision
JAROSZYNSKI, Application No. 61002/11	04/09/2012
LARYSZ, Application No. 63266/11	25/09/2012
JURGIELEWICZ (II), Application No. 70795/11	09/10/2012
JUREWICZ (XI), Application No. 71482/11	11/09/2012
BIERNAT (II), Application No. 72591/11	04/09/2012

The Committee of Ministers, under the terms of Article 39, paragraph 4, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of friendly settlements as they appear in the decisions of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Considering that in these cases the Court, having taken formal note of friendly settlements reached by the government of the respondent State and the applicants, and having been satisfied that the settlements were based on respect for human rights as defined in the Convention or its Protocols, decided to strike these cases from its list;

Having satisfied itself that the terms of the friendly settlements were executed by the government of the respondent State,

DECLARES that it has exercised its functions under Article 39, paragraph 4, of the Convention and

DECIDES to close their examination.

Appendix 15
(Item H46-1)

Resolution CM/ResDH(2013)125
Eleven cases against Portugal
Execution of the decisions of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

Case, Application No.	Date of decision
MELO D'OREY VELASCO, Application No. 40865/10	10/05/2011
MARTINS HENRIQUES, Application No. 54099/10	03/04/2012
FERREIRA ALVES, Application No. 5241/11	03/04/2012
ALVES INACIO DE AZEVEDO ZOIO, Application No. 10401/11	05/06/2012
CUT, Application No. 19145/11	17/04/2012
SILVA TOME, Application No. 22867/11	17/04/2012
SAMAGAIO and others, Application No. 22877/11	17/04/2012
BIZARRO DE ASSIS PAIXAO, Application No. 23324/11	17/04/2012
MATOS OLIVEIRA and PINA E SOUSA, Application No. 29514/11	17/04/2012
TERRAHE, Application No. 33254/11	17/04/2012
RUA PARDAL, Application No. 34719/11	17/04/2012

The Committee of Ministers, under the terms of Article 39, paragraph 4, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of friendly settlements as they appear in the decisions of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Considering that in these cases the Court, having taken formal note of friendly settlements reached by the government of the respondent State and the applicants, and having been satisfied that the settlements were based on respect for human rights as defined in the Convention or its Protocols, decided to strike these cases from its list;

Having satisfied itself that the terms of the friendly settlements were executed by the government of the respondent State,

DECLARES that it has exercised its functions under Article 39, paragraph 4, of the Convention and

DECIDES to close their examination.

Appendix 16
(Item H46-1)

Resolution CM/ResDH(2013)126
Masar against the Slovak Republic
Execution of the judgment of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

(Application No. 66882/09, judgment of 3 May 2012)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Having regard to the final judgment transmitted by the Court to the Committee in the above case and to the violation established;

Recalling that the respondent State's obligation under Article 46, paragraph 1, of the Convention to abide by all final judgments in cases to which it is a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action report provided by the government indicating the measures adopted in order to give effect to the judgment, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2013)504);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case and

DECIDES to close the examination thereof.

ACTION REPORT
Application No. 66882/09 Masár against Slovakia
Judgment of 03/05/2012, final on 03/05/2012

I. Introductory case summary

In the present case the applicant complained that the length of the criminal proceedings against him, lodged in December 2005 but not discontinued until June 2010, had been incompatible with the "reasonable time" requirement, laid down in Article 6 § 1 of the Convention. On 25 November 2009 the Constitutional Court dismissed the applicant's complaint about the length of the proceedings. It held that their duration was due to difficulties of an objective nature in obtaining relevant expert evidence.

In its judgment, the Court observed that the national authorities' handling of the case had not facilitated and had unjustifiably prolonged its timely completion in particular having regard to the length of time that it had taken to obtain a second expert opinion (§ 24). It considered that the length of the proceedings complained of was excessive and had failed to meet the "reasonable time" requirement (violation of Article 6 § 1).

I. Payment of just satisfaction and other individual measures

Case	Application No.	Date of judgment	Just satisfaction (EUR)	Paid on
Masár	66882/09	03/05/2012	3 250	28/06/2012

The impugned criminal proceedings were discontinued on 2 June 2010 because the facts in issue did not constitute a criminal offence.

No other individual measures seem to be necessary.

II. General measures

a) Publication and dissemination

The judgment was published in the Judicial Review (Justičná Revue) No. 6-7/2012. On 31 January 2013 the judgment was sent by the letter of the Minister of Justice to the General Prosecutor of the Slovak Republic to acquaint public prosecutors of the General Prosecutor´s Office with the judgment, with a request to acquaint all public prosecutors of the Regional and the District Prosecutor´s Offices with the judgment (Annex No. 1).

As far as the practice of the Constitutional Court is concerned, the government submits as an example the judgment of the Constitutional Court (No. I. ÚS 52/2012) concerning a violation of Article 6 § 1 in the context of the length of pre-trial criminal proceedings. A summary of the Constitutional Court's judgment is set out in the Annex attached to this action report.

b) Legislation

With respect to general measures taken to address excessive length of criminal proceedings, this case resembles Krumpel and Krumpelová v. Slovakia (Application No. 56195/00). The supervision of the execution of the judgment in the case Krumpel and Krumpelova was closed by the Committee of Ministers' Final Resolution CM/ResDH(2007)10.

In addition, Article 30 § 1 of the Code of Criminal Procedure (Law No. 301/2005 Coll.), which entered into force on 1 January 2006, provides that a Prosecutor's Office shall direct pre-trial proceedings and ensure the legality and efficiency thereof and represent public prosecution in court.

Article 167 of the Code of Criminal Procedure provides for the possibility of having an investigator's actions reviewed, in the following terms: "The person facing charges and the victim shall have the right at any time in the course of the investigation to demand that a prosecutor [ensure] that delays in the investigation or shortcomings on the part of the investigator be eliminated. The right to make such a demand shall not be restricted by any time-limit. This demand, which must be submitted to the prosecutor at once, must be dealt with by the prosecutor without delay. The outcome of the review must be notified to the person making the demand."

III. Conclusions of the respondent State

The government considers that the Slovak Republic has thus complied with their obligations under Article 46 § 1 of the Convention.

In Bratislava, 30 April 2013

Marica Pirošíková,
Agent of the Slovak Republic
before the European Court of Human Rights

Appendix to the action report on Masár against Slovakia, No. 66882/09

In its judgment on Case No. I. ÚS 52/2012, the Constitutional Court stated that:

"According to Article 6 § 1 of the Convention, in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. When interpreting the right to a hearing without undue delays guaranteed in Article 48 § 2 of the Constitution, the Constitutional Court adopted the case law of the European Court of Human Rights to Article 6 § 1 of the Convention, concerning the right to a hearing within a reasonable time, thus no significant difference may be noticed between the contents of these rights.

In the view of the Constitutional Court, the purpose of the fundamental right to a hearing without undue delays in criminal pre-trial proceedings contrary to the judicial criminal proceedings shall be the removal of the state of legal uncertainty in which the prosecuted person might find itself upon the decision on brought charges against it. Legal uncertainty concerns the fact whether the authority acting during the pre-trial proceedings (generally the investigator) proposes the indictment to be brought, or other means of final decision, such as the suspending of the criminal prosecution, depending on the outcome of the evidence taking in the pre-trial proceedings. The Criminal Code supposes that the pre-trial proceedings may be marked also by delays, stating therefore during the proceedings on the applicant´s criminal matter, that the accused and the aggrieved shall at any time during the investigation have the right to request the prosecutor to remove the delays in the investigation or the shortcomings in the conduct of the investigator or the police authority. The request is not bound to time limit. Such a request, which must immediately be submitted to the prosecutor, must be handled without delay by the latter. The requesting party must be notified of the outcome of the examination. Therefore, legal uncertainty during pre-trial proceedings is removed only by a decision terminating such proceedings without pursuing the criminal proceedings, or a decision is delivered, upon which the criminal pre-trial proceedings finally terminate without bringing indictment of the criminally prosecuted person.

The Constitutional Court reviewed the issue of the existence of undue delays in the criminal pre-trial proceedings and the violation of the fundamental right according to Article 48 § 2 of the Constitution (and also the right according to Article 6 § 1 of the Convention), doing so with regard to the concrete circumstances of the case regarding in particular the factual and legal complexity of the matter (1), the applicant´s behaviour (2), and the conduct of the Bratislava II District Directorate of the Police Corps and the District Prosecution (3). The Constitutional Court first off concluded that from the point of view of assessing the nature of the matter, it relied on the general principle recognised also in the case law of the European Court of Human Rights, according to which the reasonable time for proceedings in criminal matters in consequence of an extraordinarily sensitive intervention with the sphere of personal rights and freedoms, connected to the course of the criminal proceedings, must be assessed more strictly. It may not be doubted that also the nature of the presently assessed serious criminal offences requires specific diligence by the law enforcement authorities and the general court to fulfill the purpose of the criminal proceedings, which means among others, that the law enforcement authorities and the general court have the obligation to organise their procedural conduct in a way so as the matter is handled at soonest and terminated, so that the state of legal uncertainty of the parties, including the aggrieved parties is removed at the soonest.

Under the circumstances of the matter, where 12 years elapsed since the charges were brought against the applicant, moreover the Constitutional Court has already concluded in its judgment that the marked rights of the applicant in these proceedings were violated, the district prosecution failed to take into account the fact that due to the slow conduct of this state authority the applicant was finding himself in a state of legal uncertainty during the entire criminal proceedings. Apart from the listed assessment of the matter upon the three basic criteria, the Constitutional Court considered also the subject matter of the dispute (the nature of the matter) and its significance for the applicant. From the point of view of assessment of the nature of the matter, the Constitutional Court relied on the general principle recognised also in the European Court's case law, according to which the reasonable time for the proceedings in criminal matters in consequence of the extraordinarily sensitive intervention with the personal rights and freedoms, regularly connected to the course of the criminal proceedings, must be assessed more strictly.

Emerging from the above mentioned, the Constitutional Court concluded that the proceedings were marked by undue delays due to the actual conduct of the district prosecution in the present proceedings during the period after the delivery of the judgment of the Constitutional Court of 11 November 2010 and thus also the fundamental right of the applicant under Article 48 § 2 of the Constitution was violated and accordingly his right under Article 6 § 1 of the Convention."

Appendix 17
(Item H46-1)

Resolution CM/ResDH(2013)127
Thirty one cases against Turkey
Execution of the decisions of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013,
at the 1174th meeting of the Ministers' Deputies)

Case, Application No.	Date of decision
AKTAS, Application No. 21883/05	13/11/2012
AYGUL, Application No. 21884/05	13/11/2012
SAROHAN, Application No. 11980/07	13/11/2012
SOYTAS, Application No. 18328/07	15/06/2010
OZAN, Application No. 316/08	16/10/2012
ASLAN, Application No. 3401/08	06/07/2010
USTAOGLU, Application No. 16298/08	18/09/2012
OKSAS, Application No. 23646/08	16/10/2012
YOLDAS, Application No. 27097/08	04/09/2012
YAMALAK (10), Application No. 28212/08	18/09/2012
AKMAN, Application No. 43072/08	16/10/2012
ARANCAK, Application No. 8441/09	23/10/2012
SAHAP DOGAN, Application No. 10721/09	18/09/2012
OSME, Application No. 16817/09	23/10/2012
DEMIR, Application No. 22614/09	18/09/2012
EKMEZ, Application No. 28607/09	18/09/2012
OZ (2), Application No. 31459/09	18/09/2012
BAYAR, Application No. 36302/09	23/10/2012
OZTURK, Application No. 44584/09	18/09/2012
YILDIZ, Application No. 44648/09	16/10/2012
AKDEMIR, Application No. 59172/09	18/09/2012
DOGAN, Application No. 6370/10	04/09/2012
KETME, Application No. 17891/10	16/10/2012
ATSAK, Application No. 23600/10	13/11/2012
OZOGUL, Application No. 23610/10	02/10/2012
ACER, Application No. 28092/10	16/10/2012
GECER, Application No. 53959/10	16/10/2012
GUL, Application No. 16803/11	16/10/2012
ABDUKAYA, Application No. 25108/11	23/10/2012
DEMIR, Application No. 29978/11	18/09/2012
KUTLU, Application No. 73757/11	13/11/2012

The Committee of Ministers, under the terms of Article 39, paragraph 4, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of friendly settlements as they appear in the decisions of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Considering that in these cases the Court, having taken formal note of friendly settlements reached by the government of the respondent State and the applicants, and having been satisfied that the settlements were based on respect for human rights as defined in the Convention or its Protocols, decided to strike these cases from its list;

Having satisfied itself that the terms of the friendly settlements were executed by the government of the respondent State,

DECLARES that it has exercised its functions under Article 39, paragraph 4, of the Convention and

DECIDES to close their examination.

Appendix 18
(Item H46-1)

Resolution CM/ResDH(2013)128
Twenty two cases against Ukraine
Execution of the decisions of the European Court of Human Rights

(Adopted by the Committee of Ministers on 19 June 2013
at the 1174th meeting of the Ministers' Deputies)

Case, Application No.	Date of decision
NIKOLAYENKO, Application No. 2489/06	27/11/2012
TARAN, Application No. 8662/06	04/12/2012
APALKOVA, Application No. 20440/06	23/10/2012
PODOLSKAYA, Application No. 35966/06	27/09/2011
BOGOMAZ, Application No. 49449/06	06/03/2012
FADEYEVA, Application No. 50546/06	02/10/2012
SULYMA, Application No. 32356/07	15/11/2011
SHABLIY, Application No. 33755/07	22/11/2011
TORGOVYY DIM PETRO I PAVEL, Application No. 34215/07	26/06/2012
CHERNEYCHUK, Application No. 40045/07	22/11/2011
SHEVCHENKO, Application No. 44314/07	30/08/2011
LEBEDEVA, Application No. 51693/07	16/10/2012
GAYMURENKO, Application No. 2375/08	12/04/2011
KUSHNEROV, Application No. 18415/08	28/08/2012
DOVGOPOL, Application No. 27317/08	25/09/2012
CHUPRYNKO, Application No. 5074/09	29/11/2011
SELYUTINA, Application No. 10292/09	11/09/2012
KUZYOMKO, Application No. 55940/09	13/03/2012
KUSHNAREV, Application No. 35860/10	11/09/2012
MASYUTENKO, Application No. 42914/10	25/09/2012
MIKHAYLENKO, Application No. 41367/11	25/09/2012
KOLESNIK, Application No. 41975/11	04/12/2012

The Committee of Ministers, under the terms of Article 39, paragraph 4, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of friendly settlements as they appear in the decisions of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Considering that in these cases the Court, having taken formal note of friendly settlements reached by the government of the respondent State and the applicants, and having been satisfied that the settlements were based on respect for human rights as defined in the Convention or its Protocols, decided to strike these cases from its list;

Having satisfied itself that the terms of the friendly-settlements were executed by the government of the respondent State,

DECLARES that it has exercised its functions under Article 39, paragraph 4, of the Convention and

DECIDES to close their examination.