

**Summaries of Final Resolutions adopted by the Committee of Ministers in 2008**  
 (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
<a href="#">CM/ResDH(2008) 2</a>	ARM / Mkrtchyan	6562/03	11/04/2007 11/01/2007	<b>Freedom of assembly and association:</b> <i>Unlawful interference due to the applicant's conviction following his participation in a demonstration on the basis of a provision of the Code of Administrative Offences – which was not sufficiently precise as to enable him to foresee the consequences of his actions. (Article 11)</i>	<b>Individual measures:</b> The finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage. No claim for pecuniary damage (fine equivalent to 1 Euro) submitted. <b>General measures:</b> A new law regulating the procedure for holding assemblies, rallies, street processions and demonstrations was adopted in 2004. The judgement was published, translated and disseminated.
<a href="#">CM/ResDH(2008) 36</a>	AUT / Fischer and 2 other cases	37950/97+	29/08/2001 29/05/2001	<b>Right not to be tried or punished twice for the same acts</b> <i>in proceedings following road accidents leading to convictions by administrative authorities and subsequently by criminal courts, for causing death or injuries by negligence. (Article 4 of Protocol No. 7)</i>	<b>Individual measures:</b> The finding of a violation constitutes in itself sufficient just satisfaction for non-pecuniary damage. The applicants may request the reopening of the proceedings. <b>General measures:</b> See Resolution ResDH(97)501 in Gradinger, in particular the abrogation, in 1997, of the relevant provisions of the Road Traffic Act. As a result, district administrations have lost their competence in similar cases coming within the jurisdiction of criminal courts. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008) 37</a>	BEL / Van Rossem	41872/98	09/03/2005 09/12/2004	<b>Protection of private life and home:</b> <i>Disproportionate interference due to unlimited searches in the applicant's home and companies based on the imprecise wording of the respective warrant not allowing him to ascertain that the searches were limited to the matters of which he was</i>	<b>Individual measures:</b> No just satisfaction claimed. Some of the documents seized were included in the case file, some returned, some destroyed. No respective request by the applicant was submitted. <b>General measures:</b> Violation due to erroneous application of law. The judgment was published, translated and disseminated.

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				<i>suspected and lack of a list of the objects seized. (Article 8)</i>	
<a href="#">CM/ResDH(2008)70</a>	BGR / Kounov	24379/02	23/08/2006 23/05/2006	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings due to unjustified refusal to reopen the applicant's trial after conviction in absentia. (Article 6 §1)</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. On the Prosecutor General's request, the Supreme Court of Cassation annulled the applicant's conviction and sent the case to the competent court for a new examination. As the applicant has served the entire sentence in case of his acquittal, reduction of sentence or discharge, there is a possibility for the applicant to request compensation, relying on the Act on Responsibility of the State for damage caused to individuals by its acts. <b>General measures:</b> Domestic law provides the possibility for a person sentenced in absentia to request the reopening of the proceedings, provided that he or she had not been aware of the criminal proceedings. According to the prevailing practice of the Supreme Court of Cassation, the accused must be notified personally of the trial and the charges against him to establish that he is aware of the proceedings. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)27</a>	CZE / Vodárenska Akciova Spolecnost, A.S. and 6 other cases	73577/01+	07/07/2004 24/02/2004	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court due to the dismissal of the applicants' complaints by the Constitutional Court as a result of contradictions in its jurisprudence causing confusion concerning the exhaustion of remedies and the point of departure of the time-limit for bringing such appeals. (Article 6 §1)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The complaints had been considered on the merits in first instance and on appeal. <b>General measures:</b> See CM/ResDH(2007)115 in Běleš and others and CM/ResDH(2007)30 in Zvolský and Zvolská. The plenary of the Constitutional Court changed its practice in 2003 by allowing the simultaneous introduction of an extraordinary appeal and a constitutional appeal directed against the decision of a lower jurisdiction. According to the Law on the Constitutional Court of 2004, an extraordinary appeal - of which the admissibility depends only on the discretionary assessment of the competent authority - does not necessarily have to be exhausted before seizing the

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					Constitutional Court. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)57</a>	ESP / Moreno Gomez	4142/02	16/02/2005 16/11/2004	<b>Protection of private life and home:</b> Failure of municipal authorities of to take action to deal with night-time disturbances and noise levels above the permissible limits. (Article 8)	<b>Individual measures:</b> Just satisfaction for non-pecuniary and pecuniary damage basis (double glazing in bedroom) awarded on an equitable in paid. The license for the opening of a further discotheque in the applicant's building had been declared invalid by the Supreme Court in 2001. <b>General measures:</b> National and regional legislation since 1997 provide protection against noise pollution involving civil and criminal liability and actively applied by national courts. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)81</a>	ESP / Prado Bugallo	58496/00	18/05/2003 18/02/2003	<b>Protection of private life:</b> Unlawful interference due to interception of the applicant's telephone communication in the context of criminal investigations on the ground i.a. of the respective legislation's lacking precision concerning the nature of the offences allowing interception. (Article 8)	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The recordings are kept by the trial court with no access to them. <b>General measures:</b> See Resolution DH(99)127 in Valenzuela Contreras, in particular concerning the change of case-law of the Supreme Court covering the conditions of telephone monitoring as well as its control by the courts on the basis of the respective amendment of the Code of Criminal Procedure of 1988. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)85</a>	FRA / Andre and 15 other cases	63313/00+	28/05/2006 28/02/2006	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial before the Cour de Cassation due to the failure to communicate the report of the reporting judge (conseiller rapporteur) and/or the conclusions of the Advocate-General to parties, who as a consequence could not reply, as well as the presence of the advocate-general at the deliberations of the criminal chamber of the Cour de Cassation. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid (1 case); the finding of a violation constituted sufficient just satisfaction for non-pecuniary damage (13 cases); in 1 case no claim was submitted. The Code of Criminal Procedure provides for the possibility of a review on the basis of an ECtHR judgment. <b>General measures:</b> See CM/ResDH(2008)13 in Slimane-Kaïd. Change of practice by the Cour de Cassation, so that advisory reports of the judge rapporteur (conseiller rapporteur), setting out the legal questions raised, are communicated with the file to both prosecution and parties; opinions on decisions

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					and draft judgments drawn up for consideration by the Bench are communicated neither to the advocates-general nor to the parties and advocates-general no longer take part in preparatory conferences or in the deliberations of the Bench. In addition, parties' counsels are informed before the hearing of the general tenor of the Advocate General's conclusions and may reply orally or by memorandum. Moreover, specific measures have been adopted so that parties not represented by counsel can access the same information that they would have if they had a counsel and irrespective of their place of residence (see CM/ResDH(2008)71 in Meftah and Others).
<a href="#">CM/ResDH(2008)33</a>	FRA / Ardex S.A.	53951/00	06/04/2004 Friendly settlement	<b>Access to and efficient functioning of justice:</b> Excessive length of proceedings concerning civil rights and obligations before administrative courts. (Article 6 §1)	<b>Individual measures:</b> Sum provided for in the friendly settlement was paid. <b>General measures:</b> See CM/ResDH(2008)12 in the Raffi case.
<a href="#">CM/ResDH(2008)3</a>	FRA / Association Ekin	39288/98	17/10/2001 17/07/2001	<b>Freedom of expression:</b> Disproportionate interference on account of a ban on the sale of a Basque organisation's books on the basis of the Law of 1881 on press freedom as amended in 1939, which empowers the Minister of the Interior to ban circulation and distribution of foreign publications and excessive length of respective proceedings before administrative courts. (Articles 10 and 6 §1)	<b>Individual measures:</b> Just satisfaction for pecuniary (deriving from the ban on the sale of the book - on an equitable basis) and non-pecuniary damage paid. The impugned decree of the Minister of the Interior was quashed by the Conseil d'Etat in 2003. <b>General measures:</b> In 2003, the Conseil d'Etat held that the provisions of the Decree of 1939 which allow for a general and absolute ban of circulation and distribution of a foreign publication without stating reasons were contrary to Article 10. The Decree was finally repealed in 2004. The issue of length of proceedings before administrative courts was examined separately in the framework, in particular, of the case of SAPL (see ResDH(2005)63). The judgment was published.
<a href="#">CM/ResDH(2008)4</a>	FRA / Baumann	33592/96	22/08/2001 22/05/2001	<b>Access to and efficient functioning of justice:</b> Denial of access to a court to obtain recognition of the applicant's title to	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant was able to lodge a new application for the restitution of the seized objects under the

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				<i>property seized and confiscated and of his right to liberty of movement following the seizure and confiscation of his passport. (Articles 6 §1 and 2 of Protocol No. 4)</i>	Code of Criminal Procedure. The passport became invalid and was destroyed. <i>General measures:</i> Isolated problems. The judgment was published and disseminated to all courts and prosecutors general.
<a href="#">CM/ResDH(2008) 5</a>	FRA / Bayle and Carabasse	45840/99+	25/12/2003 25/09/2003	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court through decisions to strike the applicants' appeals out of the roll of the Cour de cassation, on the grounds that they had not paid a fine ordered by the Court of Appeal. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. In the first case, the applicant's appeal was reinstated on the roll. In the second case, the applicant had died and legally re-examination or reopening of the case was not possible for the heirs due to the applicant's inactivity for two years. <i>General measures:</i> These cases present similarities to that of Annoni di Gussola and others (judgment of 14/11/2000). The Minister of Justice drew, in a note, the attention of the First President of the Cour de cassation, who is the authority competent to strike out a case from the roll, to this judgment. The judgments were published and disseminated to the Prosecutor General of the Cour de cassation.
<a href="#">CM/ResDH(2008) 6</a>	FRA / Bertuzzi	36378/97	21/05/2003 13/02/2003	<b>Access to and efficient functioning of justice:</b> <i>Unfair proceedings and denial of access to a tribunal on the ground of the unavailability of a lawyer's assistance due to successive withdrawals of various lawyers officially assigned despite legal aid having been granted. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not want to resume the proceedings at issue. <i>General measures:</i> Erroneous application of existing rules. In similar cases, it is possible to ask for the assistance of an officially assigned lawyer registered outside the area of jurisdiction of the Court seized. Furthermore, if no lawyer exercising within the area covered by the Court in question accepts the case, the President of the Bar must take it himself or, by virtue of his supervisory authority over the officers of the court, the prosecutor general may draw the attention of the Bar Council to such a situation. The judgment was published and disseminated.

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<a href="#">CM/ResDH(2008)39</a>	FRA / C.R. and 9 other cases	42407/98+	23/12/2003 23/09/2003	<b>Access to and efficient functioning of justice:</b> Excessive length of civil proceedings and absence of an effective remedy. (Articles 6 §1 and 13)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. <b>General measures:</b> The five-year orientation and programming law for Justice of 2002 aimed at improving the effectiveness of justice in particular by reducing the length of civil and criminal cases. First, this implied a large increase in court staff. Between 1998 and 2002 more than 2400 new posts had already been created in the judicial services. This trend was amplified by the creation of 4450 supplementary posts between 2002 and 2007 (950 magistrates and 3500 state employees and agents of the judicial services). In 2004, 709 additional posts, including 150 magistrates and 380 court clerks were created. Since then, the recruitment of magistrates exceeds 300 posts a year. The trend is similar for clerks of court. See also CM/ResDH(2003)88 in Hernant and CM/ResDH(2002)63 in Bozza. An application for compensation under the Code of Judicial Organisation had, since the facts of the present case, acquired sufficient legal certainty to be considered an effective remedy.
<a href="#">CM/ResDH(2008)7</a>	FRA / Caloc	33951/96	20/07/2000 20/07/2000	<b>Access to and efficient functioning of justice:</b> Excessive length of criminal proceedings to which the applicant was a civil party. (Article 6§1)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. Domestic proceedings closed at the time of the judgement. <b>General measures:</b> Isolated occurrence due to the specific circumstances of the case; thus the judgment was published and disseminated.
<a href="#">CM/ResDH(2008)38</a>	FRA / Chaineux and 2 other cases	56243/00+	14/01/2004 14/10/2004	<b>Access to and efficient functioning of justice:</b> Excessive length of proceedings before labour courts (Articles 6 §1)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed. <b>General measures:</b> Specific measures have been taken to deal with the issue of length of civil proceedings before the conseils de prud'hommes (first-instance labour courts): their composition was changed in 2002; judges were reallocated, the decrease of the number of counsellors in agricultural and industrial sector reflecting a decrease in these sections'

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					activities. In addition, see CM/ResDH(2008)39 in C.R., which also concerns labour courts.
<a href="#">CM/ResDH(2008)8</a>	FRA / Colombani	51279/99	25/09/2002 25/06/2002	<b>Freedom of expression:</b> Conviction of the daily newspaper <i>Le Monde</i> , its director and a journalist on the basis of the 1881 Press Law for insulting a foreign Head of State by having published an article about an official report prepared at the request of the Commission of the European Communities on drug production and trafficking in Morocco which implicated the King of Morocco's entourage. (Article 10)	<b>Individual measures:</b> Just satisfaction for pecuniary damage (amount of the fine imposed, the compensation awarded to the King of Morocco and the costs of reporting the decision of the domestic courts in the newspaper <i>Le Monde</i> ) paid. The applicants had the possibility of requesting the reopening of the proceedings. <b>General measures:</b> A new law of 2004 adapting the criminal justice system to new tendencies in criminality repealed the impugned provision of the Press Law. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)9</a>	FRA / Du Roy and Malaurie	34000/96	03/01/2001 03/10/2000	<b>Freedom of expression:</b> Criminal conviction of journalists on the basis of the Law of 1931 for "publishing information regarding civil action in criminal proceedings". (Article 10)	<b>Individual measures:</b> The judgment constitutes in itself sufficient just satisfaction for the alleged pecuniary and non-pecuniary damage. The imposed fine had not yet been paid by the applicants. The applicants' conviction no longer appears on their criminal records. <b>General measures:</b> Change of case-law of the Court of Cassation declaring the impugned provision of the 1931 Law incompatible with the ECHR and thus inapplicable. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)40</a>	FRA / Frette	36515/97	26/05/2002 26/02/2002	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial in proceedings before the Conseil d'Etat due to the infringement of the principle of equality of arms, as the applicant, who was unrepresented and had not been notified of the hearing, was unable to acquaint himself with the Government Commissioner's submissions and thus to submit a memorandum in reply. (Article 6 §1)	<b>Individual measures:</b> No claim submitted. <b>General measures:</b> Measures were adopted to ensure the adversarial character of proceedings before the Conseil d'Etat for unrepresented parties. Since 2001, the Code of Administrative Justice provides that any party, represented or unrepresented, is notified of the date of the hearing. This notification allows the party to make contact with the Government Commissioner in order to receive the general tenor of his submissions. The Government Commissioner's submissions are communicated to unrepresented applicants when they ask for it.



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<a href="#">CM/ResDH(2008)41</a>	FRA / G.B. II	44069/98	02/01/2002 02/10/2001	<b>Access to and efficient functioning of justice:</b> Breach to the principle of equality of arms in a trial before a Cour d'assises as the applicant's defence counsel was not given sufficient time to study new documents on the basis of which an expert changed his opinion and the court rejected his request for a new expert opinion. (Article 6§§1 and 3b)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant had the possibility of requesting reopening of domestic proceedings. <b>General measures:</b> The judgment was published and commented in a law review.
<a href="#">CM/ResDH(2008)10</a>	FRA / Lutz	48215/99	26/06/2002 26/03/2002	<b>Access to and efficient functioning of justice:</b> Excessive length of civil proceedings before administrative courts and lack of an effective remedy. (Articles 6 §1 and 13)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. An acceleration of domestic proceedings has been requested and compensation for damages paid (see below). <b>General measures:</b> As concerns the issue of length of proceedings, see Final Resolution DH(95)254 in the Beaumartin case. Further measures have subsequently been adopted: see ResDH(2005)63 in 58 cases against France. As concerns the effective remedy: In 2001, the Administrative Court of Appeal granted the applicant compensation and the Conseil d'Etat confirmed the principle of the administrative courts' responsibility for excessive length of proceedings in a judgment of 2002, which was published and disseminated, acquiring legal certainty in January 2003. In 2005, the Administrative Code of Justice was modified and provides explicitly that "the Conseil d'Etat has jurisdiction in first and final instance (...) for actions against the state for excessive length of proceedings before Administrative courts".
<a href="#">CM/ResDH(2008)34</a>	FRA / Madi	51294/99	27/04/2004 Friendly settlement	<b>Protection against ill-treatment and access to and efficient functioning of justice:</b> Alleged ill-treatment in police custody and length of criminal proceedings. (Articles 3 and 6 §1)	<b>Individual measures:</b> Sum provided for in the friendly settlement was paid. <b>General measures:</b> See CM/ResDH(2007)39 in the case Etcheveste and Bidart.



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<a href="#">CM/ResDH(2008)11</a>	FRA / Makhfi	59335/00	19/01/2005 19/10/2004	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings resulting in the applicant's conviction due to non-respect of his defence rights as well as the principle of equality of arms. (Article 6 §§3+1)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant was granted re-examination of his case according to the Code of Criminal Procedure. <b>General measures:</b> Erroneous application of legal provisions. Thus the judgment was published, disseminated to those concerned and widely circulated in legal circles.
<a href="#">CM/ResDH(2008)71</a>	FRA / Meftah and Other and 25 other cases	32911/96+	26/07/2002 26/07/2002	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial before the Cour de cassation in criminal and civil proceedings due to the failure to communicate, in whole or in part, the report of the reporting judge (conseiller rapporteur) and/or the conclusions of the Advocate-General to parties not represented by counsel, who as a consequence could not reply, as well as well as the presence of the advocate-general at the deliberations of the Cour de cassation. (Article 6 §1)</i>	<b>Individual measures:</b> The ECtHR did not award just satisfaction for non-pecuniary damage in the cases of impugned criminal proceedings, as the applicants had at their disposal the possibility to request their review. In the cases concerning civil proceedings, the ECtHR considered that the finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. <b>General measures:</b> The Cour de cassation changed its approach: Advisory reports drafted by the judge rapporteur (conseiller rapporteur), are communicated with the file to both the public prosecutor and the parties. Opinions on decisions and draft judgments are communicated neither to the advocates-general nor to the parties. Advocates General no longer take part in preparatory conferences or in the deliberations of the Bench. Since 2003, in cases in which legal representation is not compulsory, parties can access information on the basis of a procedure that sets them on equal terms with represented parties. A consultation service was set up enabling parties and/or their counsel to consult documents concerning the proceedings (reports or briefs prepared by the designated reporting judge for their case by appointment). Since 2006, appellants submitting personal memorials receive written acknowledgement of receipt, indicating in addition that they will be informed of the date of deposit of the reporting judge's report. Finally, parties not represented by counsel are informed of the meaning of the conclusions of the Attorney General by the prosecution before the hearing. The procedure is organised so as to allow

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					parties to receive the information they wish, irrespective of their place of residence, thus eliminating the imbalance found by the Court relating to investigation and judgment procedure before the Cour de cassation.
<a href="#">CM/ResDH(2008)31</a>	FRA / Quemar and 5 other cases	69258/01+	01/05/2005 01/02/2005	<b>Access to and efficient functioning of justice:</b> Excessive length of criminal proceedings in which the applicants were either accused or civil parties and lack of effective remedy in the case of Mutimura. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed, except for Mutimura, where the proceedings are being closely monitored by the judicial authorities. <b>General measures:</b> See CM/ResDH(2007)39 in the case Etcheveste and Bidart.
<a href="#">CM/ResDH(2008)12</a>	FRA / Raffi and 30 other cases	11760/02+	28/03/2006 13/09/2006	<b>Access to and efficient functioning of justice:</b> Excessive length of civil and criminal proceedings and lack of an effective remedy/ (Articles 6 §1 and 13)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. All domestic proceedings closed (five of which after the delivery of the ECtHR judgment). <b>General measures:</b> As concerns the issue of length of proceedings, see ResDH(2005)63 in 58 cases against France, in particular with regard to the practical and procedural measures to enable administrative courts both to reduce their backlogs more quickly and reduce the flow of incoming cases provided by the respective law of 2002. Furthermore, complementary measures were adopted in 2005 according to which the head of the Standing Inspectorate of Administrative Courts may address recommendation to accelerate proceedings, in particular in cases when particular diligence is required, as i.a. in labour disputes. As concerns the effective remedy: see <a href="#">CM/ResDH(2008)10</a> in Lutz. The judgements were published, disseminated to the courts concerned.
<a href="#">CM/ResDH(2008)13</a>	FRA / Slimane-Kaid and 5 other cases	29507/95+	25/01/2000 25/01/2000	<b>Access to and efficient functioning of justice:</b> Denial of a fair trial before the Cour de cassation due to the failure to communicate to the parties part or all the report of the judge rapporteur (conseiller rapporteur) or of the conclusions of the	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid (1 case); the finding of a violation constituted sufficient just satisfaction for non-pecuniary damage (4 cases). The Code of Criminal Procedure provides for the possibility of a review on the basis of an ECtHR judgment.

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				<i>advocate-general with the result that the parties could not reply to them, due to the presence of the advocate-general at the deliberations of the criminal chamber of the Court of Cassation and due to the excessive length of certain criminal proceedings. (Article 6 §1)</i>	<i>General measures:</i> Change of practice by the Cour de Cassation, so that advisory reports of the judge rapporteur (conseiller rapporteur), setting out the legal questions raised, are communicated with the file to both prosecution and parties; opinions on decisions and draft judgments drawn up for consideration by the Bench are communicated neither to the advocates-general nor to the parties and advocates-general no longer take part in preparatory conferences or in the deliberations of the Bench. In addition, parties' counsels are informed before the hearing of the general tenor of the Advocate General's conclusions and may reply orally or by memorandum.
<a href="#">CM/ResDH(2008)14</a>	FRA / Vaudelle	35683/97	30/01/2001 05/09/2001	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings in which the applicant, placed under legal protection, was convicted in absentia to imprisonment and payment of damages despite the fact that his guardian (in the present case his son) had not been informed of the prosecution. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No claim for pecuniary damage submitted. The applicant had served his sentence. The Code of Criminal Procedure provides for the possibility of a review on the basis of an ECtHR judgment. In the present case, the request was not submitted in a legally correct manner. <i>General measures:</i> In 2007, the legal protection of adults was modified and new provisions concerning the conduct of pre-trial investigations and the trial added to the Code of Criminal Procedure with regard to adults subject to legal protection (wards) according to the Civil Code. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)66</a>	GRC / Logothetis and Vasilopoulou	46352/99+	12/07/2001 12/04/2001 Merits 18/07/2002 18/04/2002 Just satisfaction	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Non-enforcement judgments of the Court of Audit, granting the applicants (the first a retired judge and the second the widow of a retired judge) a supplementary pension and declaring unconstitutional a provision, that any such claim was statute-barred and that any pending judicial proceedings were set</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary and pecuniary (amount covering the unpaid amounts awarded by the Court of Audit, with interest) damage paid. <i>General measures:</i> Change of case-law of the Council of State resulting in the non-application, by administrative courts, of the impugned provision on pension claims becoming state-barred. Furthermore, comprehensive constitutional and legislative measures were adopted to ensure the administration's compliance with domestic judicial decisions

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				<i>aside as well as belated adoption of the ministerial decision providing for payment of the supplementary pensions by instalments without interest in the form of state bonds. (Article 6 §1 and 1 of Protocol No. 1)</i>	(see ResDH(2004)81 in the Hornsby and other cases). Concerning the problem of legislative interference with the judiciary, see Resolution DH(99)714 in Papageorgiou and ResDH(2004)2 in Agoudimos and Cefallonian Sky Shipping Co., following an extensive change in domestic case-law. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)42</a>	GRC / Skondrianos and 2 other cases	63000/00+	18/03/2004 18/12/2003	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court due to the dismissal by the Court of Cassation of appeals on points of law against criminal convictions on the ground that the applicants had failed to establish they had surrendered to custody pursuant to those convictions. (Article 6 §1)</i>	<u>Individual measures:</u> Just satisfaction for non-pecuniary damage paid. The applicant had the possibility of requesting reopening of domestic proceedings. <u>General measures:</u> Change of case-law of the Court of Cassation imposing an examination <i>in concreto</i> of the conditions of admissibility of appeals. Parliament abrogated the impugned provision of the Code of Criminal Procedure in 2005. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)86</a>	GRC / Smokovitis and Others	46356/99	11/07/2002 11/04/2002	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Unfair proceedings between the applicants and the state polytechnic school of Piraeus, as the Court of Appeal applied legislation adopted pending proceedings and thus determined the substance of the dispute in favour of the state, and quashed a first-instance decision granting the applicants a financial benefit, thereby interfering with the applicant's property. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage (amounts awarded to the applicants by the quashed first instance decision plus amounts they would have been awarded in 1996 when a new method of calculating their salaries came into force) and non-pecuniary damage paid. <u>General measures:</u> See Resolution DH(99)714 in Papageorgiou and Resolution ResDH(2004)2 in Agoudimos and Cefallonian Sky Shipping Co. The judgement was published, translated and disseminated.
<a href="#">CM/ResDH(2008)43</a>	GRC / Tsironis	44584/98	06/03/2002 06/12/2001	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Disproportionate limitation of access to a court due to the dismissal of the applicant's application for annulment of the sale of his</i>	<u>Individual measures:</u> Just satisfaction awarded for pecuniary (loss of opportunity) and non-pecuniary damage combined was paid. <u>General measures:</u> The judgment was published, translated and disseminated to the association of bailiffs drawing their

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				<i>land by auction despite the fact that the respective notification had been recognised as void by the national courts as the bailiff's had erroneously notified the auction to a person of unknown residence. (Articles 6 §1 and 1 of Protocol No. 1)</i>	attention to their duty to exhaust all means provided for by the Code of Civil Procedure to find the persons concerned before qualifying them as being of unknown residence.
<a href="#">CM/ResDH(2008)72</a>	HUN / Csikos	37251/04	05/03/2007 05/12/2006	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial in criminal proceedings due to a judgment at appeal stage confirming the applicant's conviction and increasing his sentence in a closed session in the absence of both the applicant and his lawyer. (Articles 6§1 and 6§3(c))</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The present case was reopened. <b>General measures:</b> Constitutional Court annulled in 2005 the legal provision of the new Code of Criminal Procedure permitting in camera sessions to be held on appeal. The new provision specifies cases in which in camera sessions may be held. The authorities stated that if a sentence is to be made more severe at appeal, a public session or hearing must be held. The attendance of the accused and his defence counsel is guaranteed at such public session or hearing. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2019)73</a>	HUN / Gajcsi	34503/03	03/01/2007 03/10/2006	<b>Protection of rights in detention:</b> <i>Unlawful extension of the applicant's detention in a psychiatric hospital without assessment of his potentially "dangerous conduct". (Article 5 §1)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant was released from hospital in 2003. <b>General measures:</b> The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)74</a>	HUN / Osvath	20723/02	05/10/2005 05/07/2005	<b>Protection of rights in detention:</b> <i>Non-adversarial nature of proceedings before the domestic courts on the repeated prolongation of the applicant's pre-trial detention upon prosecution's motions without serving the applicant in advance with copies of such motions. (Article 5§4)</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The public prosecutor ordered the applicant's release in 2002. <b>General measures:</b> In 2006, the relevant provisions of the Code of Criminal Procedure of 2003 were amended: Before the decision on pre-trial detention, a preliminary hearing shall be held in the presence of the parties to the investigation. As concerns prolongation of pre-trial detention, the investigating judge examines such motions at a hearing attended by the

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					defendant and his defence counsel if this is warranted by the availability of a new fact not mentioned in the preceding decisions on pre-trial detention. The investigating judge transmits the prosecutor's respective motion to the defendant and his defence counsel. The prosecutor may not bring such motions once the indictment has been filed. If a public prosecutor's motion to extend detention on remand invokes no new circumstance, the investigating judge may decide on the question without a hearing, on the basis of the files. In such cases the judge transmits the prosecutor's motion, together with his decision, to the defendant and his defence counsel. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)44</a>	ISL / Hafsteinsdottir	40905/98	08/09/2004 08/06/2004	<b>Protection of rights in detention:</b> <i>Unlawful arrest and detention in a cell for being drunk and disorderly without precise or clear enough legal basis with regard to the length of such detention and the exercise of the police's discretion in the matter. (Article 5 §1)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant is no longer detained. <b>General measures:</b> In the new Code of Criminal Procedure of 1992, the provisions on arrest in the interests of public peace and order were removed from the Code of Criminal Procedure and included in the new Police Act of 1997: Police now have the power to arrest and detain a person for as long as necessary in case of drunken and disorderly conduct. According to the Administrative Procedures Act of 1993, which also applies to decisions taken by police officers, public authorities may never apply more stringent measures than necessary to attain the lawful purpose sought. Similar provisions were incorporated in the Regulation on the Legal Status of Arrested Persons and on Police Investigations of 1997 as well as in the General Rules of 1998 issued by the Reykjavik Police Commissioner.
<a href="#">CM/ResDH(2008)75</a>	ITA / Abbatiello, Federici,	39638/04+	20/12/2007 20/09/2007	<b>Protection of private life:</b> <i>Limitations of personal capacity in bankruptcy proceedings after the closure of bankruptcy</i>	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. The restrictions were lifted by the 2006 reform.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	<b>Maugeri, Scasser</b>			<i>proceedings and impossibility of obtaining rehabilitation and the lifting of restrictions until five years after the closure of proceedings as well as absence of a respective remedy (Articles 8 and 13)</i>	<b>General measures:</b> Following a legislative reform in 2006, the bankrupt now receives all his correspondence and is obliged to transmit to the liquidator only communications concerning the bankruptcy proceedings, whereas beforehand all letters were diverted directly to the liquidator; the only obligation remaining now the bankrupt is to inform the competent authorities of any change of residence, whereas formerly he could not leave his residence without authorisation; the public bankruptcy register has been abolished; suspension of electoral rights was repealed. Decisions on complaints against acts or omissions of liquidators and magistrates must be given rapidly. The recent reform of bankruptcy law modified many specific rules to accelerate proceedings by efficient mechanisms. For further details see Interim Resolution CM/ResDH(2007)27.
<a href="#">CM/ResDH(2008)45</a>	<b>ITA / Albanese and 2 other cases</b>	<b>77924/01+</b>	<b>03/07/2006</b> 23/03/2006	<b>Electoral rights, protection of private and family life, lack of an effective remedy:</b> <i>Improper suspension of the applicants' electoral rights, restrictions of their personal capacity during and following bankruptcy proceedings and absence of a remedy to complain of those limits. (Articles 3 of Protocol No. 1, 8 and 13)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Restrictions on the applicants were lifted by the recent reform of 2006 described below. <b>General measures:</b> A legislative decree repealed the provisions concerning the suspension of electoral rights and removed the restriction on personal capacity (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").
<a href="#">CM/ResDH(2008)76</a>	<b>ITA / Beyeler</b>	<b>33202/96</b>	<b>05/01/2000</b> (Merits) <b>28/05/2002</b> (Just satisfaction)	<b>Protection of property:</b> <i>Disproportionate interference on account of the conditions under which, the state exercised its pre-emptive right to a painting by Van Gogh 11 years after the applicant had acquired it. (Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction for pecuniary damage paid. As restitution in integrum had not been possible, the Court deemed it appropriate to fix, on an equitable basis, an aggregate sum. Accordingly, the Court awarded the applicant 1,300,000 Euro in compensation for the damage sustained, including ancillary costs and costs incurred before the domestic courts.



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					<i>General measures:</i> Isolated occurrence. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)46</a>	ITA / K.	38805/97	15/12/2004 20/07/2004	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of proceedings to obtain enforcement in Italy of a Polish judgment of 1993 ordering payment of maintenance to the applicant's daughter by her father. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The proceedings ended in 2002. <i>General measures:</i> Unusual occurrence as the lengthy delays were imputable to administrative authorities prior to and following the proceedings before the court of appeal. The Ministry of the Interior organised meetings to examine the problems at stake. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)47</a>	ITA / Maestri	39748/98	17/02/2004 Grand Chamber	<b>Freedom of association:</b> <i>Unlawful interference due to the imposition of disciplinary sanctions on a judge on account of his membership in freemasonry, on legal grounds which were not sufficiently clear, specific, or predictable. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The State was to erase the consequences of the damage related to the applicant's career which could have or has resulted from the disciplinary sanction. However, the applicant resigned from national legal service in 2005. <i>General measures:</i> New guidance of 1993 set out clearly the incompatibility of the exercise of the functions of judge with the membership of the freemasons.
<a href="#">CM/ResDH(2008)48</a>	ITA / N.F.	37119/97	12/12/2001 02/08/2001	<b>Freedom of association:</b> <i>Unlawful interference due to the imposition of disciplinary sanctions on a judge on account of his membership in freemasonry, on legal grounds which were not sufficiently clear, specific, or predictable. (Article 11)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The refusal to grant the applicant promotion in 2000 was declared void by the Regional Administrative court. Following this decision, the Supreme Judicial Board approved the applicant's career advancement as from October 2000, based on a detailed evaluation of his professional competencies. <i>General measures:</i> New guidance of 1993 set out clearly the incompatibility of the exercise of the functions of judge with the membership of the freemasons.
<a href="#">CM/ResDH(2008)49</a>	ITA / Osu	36534/97	11/10/2002 11/07/2002	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings due to the applicant's inability to challenge his</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant was expelled to the UK in 1997.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>conviction in absentia as his appeal had been rejected as time-barred. (Article 6 §1)</i>	<i>General measures:</i> Isolated misapplication by the Court of Cassation of the provision concerning suspension of time-limits in summer. Subsequently, the Court of Cassation stated in a judgment of 1998, that the ten-day time-limit set out in the Code of Criminal Procedure is suspended from 1 August to 15 September, thus clarifying the rules applicable to the suspension of time-limits in summer. Furthermore, an extraordinary appeal was introduced in 2001 allowing the re-examination of cases on grounds of material or factual mistakes (including the factual assessment of time-limits) before the Court of Cassation.
<a href="#">CM/ResDH(2008)50</a>	ITA / Rapacciuolo	76024/01	12/10/2005 19/05/2005	<b>Protection of rights in detention:</b> <i>Failure, by domestic courts, to give prompt decisions concerning the lawfulness of applicant's detention on remand. Article 5 §4)</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 President of the Court of Cassation reminded all Presidents of Section of the need to keep control of procedural deadlines applicable to remand decisions. The judgment was published.
<a href="#">CM/ResDH(2008)51</a>	ITA / Rojas Morales	39676/98	16/02/2001 16/11/2000	<b>Access to and efficient functioning of justice:</b> <i>Lack of impartiality of a criminal court due to the judges' previous involvement in proceedings against a co-accused of the applicant and during which the responsibility of the applicant had been assessed. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The violation did not cast a serious doubt on the outcome of the domestic criminal proceedings and the applicant did not request their reopening, even after the recent change of case-law by Court of Cassation 1996 (see Final Resolution CM/Res(2007)831 in Dorigo). The judgment was published. <i>General measures:</i> The Constitutional Court, in 1996, declared the unconstitutionality of the provision of the Code of Criminal Procedure which did not exclude a judge from a trial who had already taken part in proceedings to assess the guilt or otherwise of the same accused. The judgment was published.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
<a href="#">CM/ResDH(2008)52</a>	ITA / Saggio	41879/98	25/01/2002 25/10/2001	<b>Lack of an effective remedy:</b> <i>Absence of an effective remedy to claim sums due to the applicant or to contest the action of the liquidators of the company of which he was creditor. (Article 13)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. After the deposition of the final liquidation balance sheet and the scheme for distribution in 1999, the applicant had not lodged a complaint in order to contest the scheme for distribution. Thus, the scheme for distribution became incontestable in accordance with national law. <b>General measures:</b> A new regulation of 1999 regarding "extraordinary administration" proceedings allows any creditor to challenge the action of a liquidator before domestic courts. The judgment was published.
<a href="#">CM/ResDH(2008)53</a>	ITA / Scozzari and Giunta	39221/98 41963/98	13/07/2000 Grand Chamber	<b>Protection of private and family life:</b> <i>Disproportionate interference due to the placement of the applicants' children in State care in a specific community and failure by the authorities to preserve the possibility of rebuilding family bonds through regular visits. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. In 2001, the minor children were entrusted to the custody of a foster-couple for a period of three years, extended several times. The elder child reached majority in 2009, the younger one is still placed with the foster parents and will reach majority in 2012. Efforts were made to establish an appropriate framework for the progressive resumption of contacts between the applicant and her minor son and the Court of Appeal authorised the continuation of meetings, with a presence as discrete as possible of the social services. <b>General measures:</b> The supervision of care measures was reformed and a new law of 2003 regulates adoption and state guardianship specifying that placement orders must indicate how the person given responsibility over a child is to exercise that responsibility, and how the parents and other members of the nuclear family are to maintain their links with the minor child. Placement orders must also lay down the duration of the placement, which must be fixed in regard of all measures aimed at reintegration with the family of origin. The social service department responsible must inform the judge of any significant event and facilitate the minor's relations with, and return to its family of origin. According to an Opinion by the Supreme Judicial Board in 2003 the reinforced supervisory system is generally satisfactory. Moreover, respective

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					seminars were organised to raise the awareness of youth magistrates and social workers.
<a href="#">CM/ResDH(2008)67</a>	ITA / Troiani	41221/98	10/07/2002 06/12/2001	<b>Access to and efficient functioning of justice:</b> Excessive length of disciplinary proceedings. (Article 6 §1)	<b>Individual measures:</b> The applicant's claim for just satisfaction was rejected as outside the time-limit. The domestic proceedings ended without sanction applied. <b>General measures:</b> Violation due to the specific circumstances of the case.
<a href="#">CM/ResDH(2008)54</a>	LIE / Von Hoffen	5010/04	11/12/2006 27/07/2006	<b>Access to and efficient functioning of justice:</b> Excessive length of criminal proceedings. (Article 6 §1)	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. Domestic proceedings closed. <b>General measures:</b> Isolated problem. The judgment was published and disseminated to the authorities concerned.
<a href="#">CM/ResDH(2008)28</a>	MDA / Mihalachi and 2 other cases	37511/02+	09/04/2007 09/01/2007	<b>Access to and efficient functioning of justice:</b> Unfair trials due to the quashing of final judgements favourable to the applicants by the Supreme Court of Justice on the request of the Prosecutor General. (Article 6§1)	<b>Individual measures:</b> Just satisfaction for pecuniary and non-pecuniary damage paid. <b>General measures:</b> See CM/ResDH(2007)56 in the Roşca case. Under the new Civil Code of 2003, final judgments may no longer be annulled on the basis of an annulment lodged by the Prosecutor General.
<a href="#">CM/ResDH(2008)35</a>	Missing UKR / Gongadze		IR		
<a href="#">CM/ResDH(2008)92</a>	MKD / Djidrovski and Veselinski	46447/99 and 45658/99	24/05/2005 24/02/2005	<b>Protection of property:</b> Unlawful interference due to the unjustified quashing by the Supreme Court of domestic court judgments authorising retired army servicemen's purchase of their flats at a preferential rate pursuant to the agreements concluded between the government and the former Yugoslav	<b>Individual measures:</b> The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage as the disputed Supreme Court judgments were never enforced. The applicants have been enjoying the ownership of the flats without any obstacle. The applicants did not request reopening. <b>General measures:</b> The judgements were published, translated and disseminated to all authorities concerned. They are used in the Training Project for Judges and Public

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>authorities, and to legislation passed for that purpose. (Article 1 of Protocol No. 1</i>	Prosecutors organised by the Council of Europe, Civil Society Information Centre, Associations of Judges and Public Prosecutors and Continued Education Centre.
<a href="#">CM/ResDH(2008)82</a>	MKD / Grozdanoski and Mitrevski	21510/03 and 33046/02	31/08/2007 31/05/2007	<b>Access to and efficient functioning of justice:</b> <i>Infringement of the principle of equality of arms by the Supreme Court failing to give the applicant an opportunity to comment on the respondent's appeal on points of law and the public prosecutor's request for protection of legality and failure by a domestic court to notify the applicant the change of venue of a hearing. (Article 6 §1 in both cases)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicants may request reopening of the cases. <b>General measures:</b> Isolated omissions. The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2008)55</a>	NOR / Walston No.1	37372/97	03/09/2003 03/06/2003	<b>Access to and efficient functioning of justice:</b> <i>Infringement of the principle of equality of arms in civil proceedings due to the High Court's omission to transmit to the applicants or their lawyer a copy of their opponents' observations submitted pending appeal and the Supreme Court's inaction on the applicants' respective complaint. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicants' request for reopening was rejected on the ground of the principle of legal certainty and in consideration that the outcome would be the same. <b>General measures:</b> The Supreme Court changed its case-law. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)56</a>	POL / Berlinski	27715/95 30209/96	20/09/2002 20/06/2002	<b>Access to and efficient functioning of justice:</b> <i>Unfair criminal proceedings due to the deprivation of the applicants' of their defence rights on the ground of the prosecutor's inactivity in regard to their request for legal aid. (Article 6 §1+3c)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant's sentences were suspended for three years in 1996 and erased from criminal record 6 months later. The applicants could request reopening of proceedings. <b>General measures:</b> The judgment was published and disseminated. It is taken into account in the training of prosecutors.
<a href="#">CM/ResDH(2008)15</a>	POL / Shamsa	45355/99+	27/02/2004 27/11/2003	<b>Protection of rights in detention:</b> <i>Lack of a legal basis for the applicants' (Libyan</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicants have been released.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
				<i>nationals) detention in the transit zone at Warsaw airport beyond the statutory time-limit. (Article 5§1)</i>	<i>General measures:</i> The new Aliens Act 2003 governs proceedings concerning the detention of aliens against whom a deportation order has been issued and provides among others that the initial detention may not exceed 90 days. This period may be extended up to one year. Placement in detention and its extension must be based on a judicial decision, which is subject to appeal in accordance with the provisions of the Code of Criminal Procedure. The new law also provides for the award of compensation to foreigners who have been detained illegally. The judgment was published and disseminated. It is used in training activities for border officials.
<a href="#">CM/ResDH(2008)77</a>	<b>PRT / De Almeida Azevedo</b>	<b>43924/02</b>	<b>23/04/2007</b> 23/01/2007	<b>Freedom of expression:</b> <i>Disproportionate interference due to the conviction of a politician in criminal libel proceedings to pay a fine and damages to a mayor he had criticised in an article. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage (amount of fine and damages) paid. The conviction was erased from the applicant's criminal record. <i>General measures:</i> The judgment was published, translated and disseminated. The issue of freedom of expression was dealt with in courses of the Legal Studies Centre.
<a href="#">CM/ResDH(2008)78</a>	<b>ROM / Buzerscu</b>	<b>61302/00</b>	<b>24/08/2005</b> 24/05/2005	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Unfair proceedings initiated by a lawyer against the Lawyers Union's annulment of the Bar Association's decision to reinstate him and disproportionate interference in his property rights due to the loss of his clientele resulting from the Lawyers Union's annulment of the applicant's registration without clear and precise legal basis. (Articles 6 §1 and 1 of Protocol No. 1)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary damage (on equitable basis) and non-pecuniary damage paid. In 2004, the Lawyers Union set its decision aside. The applicant was registered as a bar member in 2004. <i>General measures:</i> The competence of the Council of the Lawyers Union to examine the lawfulness of Bar decisions and to annul them on grounds of illegality was regulated by the amendment of the Legal Profession Act of 2001. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)79</a>	<b>ROM / Canciovici and</b>	<b>32926/96+</b>	<b>24/09/2003</b> 26/11/2002	<b>Access to and efficient functioning of justice:</b> <i>Lack of access to a court due to the court of appeal's dismissal of the</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The respective buildings were returned to the applicants.

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
	<b>Others and 1 other case</b>			<i>applicants' claim claims concerning the restitution of buildings which had been nationalised in 1950. (Article 6 §1)</i>	<b>General measures:</b> Change in case-law in 1998 of the Supreme Court recognising the right of access to a court for former owners of nationalised property. Following the adoption, 2001, of a law on the rules governing immovable property wrongfully seized by the state between 1945 and 1989, domestic courts have examined actions for restitution on the merits. This law also provides the possibility to choose a special administrative procedure for restitution and to contest administrative decisions rejecting claims for restitution or lack of restitution in kind before civil courts. The judgment was published.
<a href="#">CM/ResDH(2008)16</a>	<b>ROM / Partidul Comunistilor (Nepeceristi) and Ungureanu</b>	<b>46626/99</b>	<b>06/07/2005</b> 03/02/2005	<b>Freedom of association:</b> <i>Disproportionate interference due to the refusal by domestic courts to register (under the former law on political parties of 1989) the applicant group as a political party, on the ground that its aims, as reflected in its constitution and political programme, were contrary to the constitutional and legal order. (Article 11)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant group's request for revision was granted in 2005. The group was registered as a political party and set a new a six-month time-limit for the applicant party to allow it to fulfil the conditions imposed by the new legislation of 2006. <b>General measures:</b> Erroneous interpretation of legal provision applicable. Furthermore, the law on political parties was amended in 2006. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)80</a>	<b>ROM / Pini and Bertani and Manera and Atripaldi</b>	<b>78028/01</b>	<b>22/09/2004</b> 22/06/2004	<b>Access to and efficient functioning of justice:</b> <i>Failure to enforce two final court decisions by which two Italian couples had adopted two abandoned children who were living in a private institution for the care of young persons. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction for pecuniary (travel costs to Romania) and non-pecuniary damage paid. The adoption of one child was revoked by final court decision in 2003; the adoption of the second child was confirmed in 2005 and it left Romania with its adoptive parents. <b>General measures:</b> The national Authority for the Protection of Children's Rights conducted an investigation of the private institution involved and, as a result, adopted several recommendations. According to the new law on adoptions of 2005, international adoptions are no longer possible except for a child's grand-parent. As for national adoptions, the law provides for prior contact between the child and the



Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					prospective adoptive parents as well as a 90-days trial-period. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)87</a>	ROM / SC Maşinexportim port Industrial Group SA	22687/03	01/03/2006 01/12/2005	<b>Access to and efficient functioning of justice and protection of property:</b> <i>Unfair proceedings due to the annulment of a final court decision by the Supreme Court following the application for nullity lodged by the Prosecutor General and resulting deprivation of the applicant company's possession due to the obligation to reimburse certain sums received on the basis of a final court decision. (Article 6§1 and Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. In 2006 the High Court of Cassation and Justice granted the revision requested by the applicant. Consequently, the enforcement of the impugned reimbursement obligations were dropped. <b>General measures:</b> See Resolution CM/ResDH(2007)90 in Brumărescu, in particular the fact that the impugned provisions of the Code of Civil Procedure were repealed in 2003. The judgement was published, translated and disseminated.
<a href="#">CM/ResDH(2008)17</a>	RUS / Dubinskaya and 4 other cases	4856/03	13/10/2006 13/07/2006	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court due to belated notification of summons resulting in discontinuation of proceedings. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicants did not avail themselves of the possibility to apply to re-trial. <b>General measures:</b> The judgments were published, translated and disseminated.
<a href="#">CM/ResDH(2008)18</a>	RUS / Grinberg and Zakharov	23472/03+	21/10/2005 21/07/2005	<b>Freedom of expression:</b> <i>Disproportionate interference due to conviction for defamation under civil law following an article criticising a political candidate and a complaint about the irregularities in the conduct of the town council head sent by private correspondence to the competent State official. (Article 10)</i>	<b>Individual measures:</b> Just satisfaction for pecuniary damage (fine) in one case and non-pecuniary damage paid. <b>General measures:</b> In 2005, the Supreme Court provided guidelines to lower courts on the application of provisions of the Civil Code regarding defamation, insisting on the necessity for judges to distinguish between statements of fact susceptible of proof and value judgments, opinions or convictions and underlining the fact that political figures accepted to subject themselves to public political debate, public scrutiny and criticism, particularly through the media. If an individual refers to authorities in order to inform them of a crime or of other facts, even if they remained unconfirmed by an inquiry, this cannot entail his/her personal liability as he or she had exercised a constitutional right. Only a recognised

Resolution No.	Reference	Appl. No.	Judgment final on delivered on	Violation	Main measures taken
					abuse of rights may give rise to judicial proceedings. The Grinberg judgement was published.
<a href="#">CM/ResDH(2008)19</a>	RUS / Poleshuk	60776/00	07/01/2005 07/10/2004	<b>Right to individual petition:</b> <i>Interference due to the refusal by penitentiary authorities to forward the applicant's letters to the ECtHR. (Article 34)</i>	<b>Individual measures:</b> No claim submitted. In 2005, Internal Rules of pre-trial detention centres specified that correspondence of detainees, in particular with the ECtHR, are to be sent at the expense of the authorities. <b>General measures:</b> In a circular letter to all penitentiary authorities in 2001, the Chief Penitentiary Directorate of the Ministry of Justice prohibited the hindering of correspondence sent by detainees to the ECtHR. In 2002, the Directorate designated officials to monitor the unhindered dispatch and the Deputy Prosecutor General invited regional prosecutors to ensure the unhindered exercise of detainees' right of individual petition. The Chief Penitentiary Directorate's respective instructions of 2005 implemented the general principles provided in the Code on the Enforcement of Sentences and the Federal Law of 1995 on detention of indicted persons accused of having committed a felony.
<a href="#">CM/ResDH(2008)20</a>	RUS / Presidential Party of Mordovia	65659/01	05/01/2005 05/10/2004	<b>Freedom of association:</b> <i>Disproportionate interference due to the refusal to renew the applicant party's registration following the entry into force of a new law on public associations, resulting in the party's inability to function for a substantial period and to participate in regional elections. (Article 11)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. In 2001, the decision to refuse the applicant party's re-registration was annulled and registration ordered by the Presidium of the Supreme Court of Mordovia acting as the supervisory instance. However, the applicant party cannot be recognised in its original concept under the current legislation, which provides that "all interregional, regional and local political associations shall cease to enjoy the status of a political association and shall continue to function as interregional, regional and local public associations". <b>General measures:</b> The violation originates in the Mordovian regional authorities' failure to comply with the Russian federal legislation then in force. The judgment was sent out to the regional authorities.

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<a href="#">CM/ResDH(2008)21</a>	RUS / Znamenskaya	77785/01	12/10/2005 02/06/2005	<b>Protection of private and family life:</b> <i>Disproportionate interference due to the authorities' failure to establish the biological paternity and amend the surname of the applicant's stillborn child. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant had a possibility to re-submit her claim. <b>General measures:</b> Erroneous application of law. The judgement was published and disseminated to all authorities concerned.
<a href="#">CM/ResDH(2008)58</a>	SUI / Bianchi	7548/04	22/09/2006 22/06/2006	<b>Protection of family life:</b> <i>Failure of authorities to take adequate measures in implementation of an order for the return of a father's son under the 1980 Hague Convention on the Civil Aspects of International Child Abduction causing a complete break-off in contact between father and son which, given the very young age of the child, was liable to result in growing alienation between them. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. In 2007 the Italian police and judicial authorities in co-operation with the Swiss authorities, succeeded in finding the secret hiding place of the mother of the applicant's son in Mozambique. She was expelled and, finally, returned to Switzerland. The applicant and his son are together now. <b>General measures:</b> A new law (entry into force in 2009) aimed at accelerating return procedures by conferring competence on a single cantonal court and removing other legal procedures at cantonal level; giving preference to the conclusion of friendly settlements in conflicts between parents; combining decisions on return with enforceable measures; and requiring cantons to designate a single authority in charge of enforcement. The law also provides that the parties should whenever possible be heard by the court and that the child or children should be heard in an appropriate manner. Lastly, the court is required, to the extent this is necessary, to work with the competent authorities of the state in which the child habitually resided immediately before being abducted. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)23</a>	SUI / G.B. and M.B.	27426/95+	30/11/2000 30/11/2000	<b>Protection of rights in detention:</b> <i>Excessively lengthy examination of the applicants' request from detention on remand. (Article 5 §4)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. <b>General measures:</b> The judgment was published and disseminated to the Chamber of indictment of the Federal Tribunal and to cantonal offices of justice.

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<a href="#">CM/ResDH(2008)24</a>	SUI / Monnat	73604/01	21/09/2006 21/12/2006	<b>Freedom of expression:</b> <i>Disproportionate interference due to restrictive measures (embargo) taken against a documentary produced by a journalist on Swiss history during the Second World War. (Article 10)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The applicant did not ask for reopening of the impugned proceedings. There is no more obstacle to the distribution of the film. <b>General measures:</b> The judgement was published and disseminated to the Federal Tribunal, the Federal Office of Communication and to the Independent Complaints Authority.
<a href="#">CM/ResDH(2008)22</a>	SVK / Indra	46845/99	01/05/2005 01/02/2005	<b>Access to and efficient functioning of justice:</b> <i>Unfair trial due to the lacking impartiality of the tribunal as one of the judges who had taken part in proceedings concerning the applicant's dismissal from work, also took part in proceedings before the Supreme Court concerning his rehabilitation. (Article 6§1)</i>	<b>Individual measures:</b> The finding of a violation constituted sufficient just satisfaction for non-pecuniary damage. The 2005 amendment to the Code of Civil Procedure allowed for the applicant to request reopening of domestic proceedings on the basis of an ECtHR judgment. <b>General measures:</b> Erroneous application of the procedural rules on the disqualification of judges. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)89</a>	TUR / Akilli and 5 other cases	71868/01+	13/09/2006 11/04/2006	<b>Protection of property:</b> <i>Lack of compensation for the loss of the applicants' property title under the Law on expropriation. (Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction for pecuniary damage awarded in equity and paid. <b>General measures:</b> See CM/ResDH(2007)98 in I.R.S., in particular the Constitutional Court's decision to declare the impugned provision of the law on expropriation unconstitutional.
<a href="#">CM/ResDH(2008)90</a>	TUR / Akilic and 5 other cases	69913/01+	26/09/2007 26/06/2007	<b>Protection of rights in detention:</b> <i>Unlawful detention of the applicants in police custody and/or their prolonged detention in police custody and/or the lack of an effective remedy by which the applicants might have the lawfulness of their continued detention in police custody reviewed and/or the absence of a right to compensation in this regard. (Article 5 §§1+3+4+5)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicants are no longer in police custody. <b>General measures:</b> See ResDH(2002)110 in Sakik and Others and CM/ ResDH (2008)29 in Ayaz and Others.

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<a href="#">CM/ResDH(2008)88</a>	TUR / Alay and 5 other cases	1854/02+	06/06/2007 06/03/2007	<b>Protection of rights in detention:</b> <i>Unlawfulness transfer to gendarmerie premises for further interrogation after being placed in pre-trial detention on the basis of Decree-Law No. 430 on additional measures to be taken in the region covered by the state of emergency, lack of a remedy in this respect (as well as lack of a right to compensation for unlawful detention. (Article 5 §§ 1c+4+5)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicants are no longer detained. <b>General measures:</b> As regards Article 5 §§1c+4, see CM/ResDH(2007)96 in Dağ and Yaşar as well as in Karagöz. As regards the right to compensation, see ResDH(2002)110 in Sakik.
<a href="#">CM/ResDH(2008)29</a>	TUR / Ayaz Cevdet and Others and 29 other cases	11804/02+	22/09/2006 22/06/2006	<b>Protection of rights in detention:</b> <i>Unlawfulness of police custody and lack of an effective remedy, excessive length of detention in police custody and absence of a right to compensation. (Article 5 §§1+4+3+5)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid as awarded in each case. The applicants are no longer detained in custody. <b>General measures:</b> See ResDH(2002)110 in Sakhik. As concerns delays for the examination of the lawfulness of detention on remand, the Code of Criminal Procedure 2005 provides that requests for release from detention on remand shall be decided within three days after the request. This decision is subject to appeal.
<a href="#">CM/ResDH(2008)91</a>	TUR / Cankocak and 7 other cases	25182/94	20/05/2001 20/02/2001	<b>Access to and efficient functioning of justice:</b> <i>Excessive length of criminal proceedings before Martial Law Courts (jurisdiction abolished by law in 1993) and also partly before ordinary criminal courts. (Article 6 §1)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. All domestic proceedings are closed. <b>General measures:</b> See ResDH(2002)86 in Şahiner and others.
<a href="#">CM/ResDH(2008)59</a>	TUR / Djavit An	20652/92	09/07/2003 20/02/2003	<b>Freedom of assembly:</b> <i>Unlawful interference due to the authorities' refusal to allow the applicant, who is the "Turkish Cypriot coordinator" of the "Movement for an Independent and Federal Cyprus", to cross the "green line" and participate in bi-</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant is no longer prevented from going to the southern part of Cyprus to take part in meetings between the two communities or other peaceful meetings. <b>General measures:</b> In 2003/04, the "Council of Ministers of the TRNC" adopted the necessary decisions to provide a legal basis regulating the crossing of the "green line" in both

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				<i>communal meetings and lack of a remedy. (Articles 11 and 13)</i>	directions. In its new case-law after 2003, the High Administrative Court considered that a refusal to authorise participation in bi-communal meetings violated fundamental rights and was contrary to domestic law. Thus persons concerned can now lodge an application for compensation with a district court. Furthermore, since the opening of checkpoints between the northern and the southern parts of the island in 2003, no similar situations occurred. The judgment was published and disseminated.
<a href="#">CM/ResDH(2008)60</a>	<b>TUR / Dogan and Others</b>	<b>8803/02</b>	<b>10/11/2004</b> 29/06/2004 Merits <b>23/10/2006</b> 13/07/2006 Just satisfaction	<b>Protection of property, of home and lack of a remedy:</b> <i>Disproportionate interference due to the denial of access to the applicants' property in South-East Turkey on security grounds resulting in the applicants' living in conditions of extreme poverty, with inadequate heating, sanitation and infrastructure in other areas of Turkey without the authorities providing them with alternative housing, employment or financial help. (Articles 1 of Protocol No. 1, 8 and 13)</i>	<u>Individual measures:</u> Just satisfaction for pecuniary damage paid. As the applicants were no longer willing to return to their former homes in the village of Boydas and to start a new life there, the ECtHR considered that the compensation for the pecuniary loss in question would be the most appropriate just satisfaction. <u>General measures:</u> Law on Compensation of the Losses Resulting from Terrorism and from the Measures Taken against Terrorism (adopted 2004, amended 2005) provides an alternative possibility to obtain, directly from the administration, compensation for pecuniary damages caused to natural or legal persons as a result of terrorist activities and operations carried out in combating terrorism during the period from 1987 to 2005 with a possibility of judicial review of decisions taken in this respect. A respective Regulation of 2004 lays down the rules governing the functioning of "damage assessment and compensation commissions" and their working methods, in particular the methods of determining the amounts of compensation to be awarded. So far, 121 395 applications have been dealt with. The situation of IDPs from south and south-east of Turkey who left their villages after 1980s is also addressed in a specific project carried out by the Institute of Population Studies at the University of Hacettepe in Ankara.. The effectiveness of the

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					new remedy was acknowledged by the ECtHR is a decision on admissibility in 2006.
<a href="#">CM/ResDH(2008)61</a>	TUR / Hansen	36141/97	23/12/2003 23/09/2003	<b>Protection of family life:</b> Failure by authorities to take necessary and adequate measures to enforce court decisions granting the applicant, an Icelandic national, visiting rights to her daughters. (Article 8)	<b>Individual measures:</b> Just satisfaction for non-pecuniary and pecuniary (travel costs, accommodation expenses, etc. for the purpose of exercising access rights) damage paid. Both daughters reached majority in 1999 and 2000 respectively. <b>General measures:</b> According to the Law on the Establishment of Family Law Courts of 2003, all matters related to family law are dealt with by specialised judges in family courts to which a pedagogue, a psychologist or a social worker are appointed. Concerning the effective enforcement of access or visiting rights, the Code of Enforcement and Execution of Court Decisions and Bankruptcy Procedures, provides that access to be given within seven days, that failure to comply will constitute a criminal offence liable to prosecution. Following amendments made in 2003, sanction was increased from 1-3 months to 2-6 months of imprisonment, upon complaint by the person entitled to have access. Furthermore, the authorities changed their practice and took effective legal action in a similar case of an abduction of a child from Sweden to Turkey. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)83</a>	TUR / Sertkaya and 9 other cases	77113/01	22/09/2006 22/06/2006	<b>Access to and efficient functioning of justice:</b> Excessive length of criminal proceedings before state security courts. (Article 6 §1)	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid as awarded. (In one case the award of just satisfaction covered both pecuniary and non-pecuniary aspects of damages in equity.) <b>General measures:</b> State security courts were abolished following constitutional amendments of May 2004. The jurisdiction of these courts was transferred to the Assize Courts.



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<a href="#">CM/ResDH(2008)68</a>	TUR / Turhan Atay and Others and 8 other cases	56493/00+	26/09/2006 26/06/2006	<b>Protection of property:</b> <i>Disproportionate interference due to delays in payment of additional compensation for expropriation and insufficient rate of default interest applicable. (Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction for pecuniary damage paid. The finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage. <b>General measures:</b> See ResDH(2001)70 and ResDH(2001)71 in the cases Aka and Akkuş, respectively, in particular through the law of 2000 bringing the statutory rate of default interest into line with the annual rediscount rate applied by the Turkish Central Bank to short-term debts (the latter rate is fixed and permanently reviewed, taking into account particularly the country's inflation rate).
<a href="#">CM/ResDH(2008)62</a>	TUR / Y.F.	24209/94	22/10/2003 22/07/2003	<b>Protection of private life:</b> <i>Unlawful interference due to fact that the applicant's wife was forced to undergo a gynaecological examination after having been taken into police custody with the applicant on suspicion of aiding and abetting the PKK. (Article 8)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. <b>General measures:</b> The new Code of Criminal Procedure of 2005 provides that the physical examination of or the taking of body samples from, an accused or a suspect shall require the decision of a judge or a court following a request lodged by a public prosecutor or a victim or a decision taken by a judge or a court. It also provides that any person who orders a gynaecological examination to be conducted or who performs such an examination on an individual without due authorisation will be liable to imprisonment for a term of 3 months to one year. Furthermore, the Regulations on Arrests, Detentions and Interrogations were amended in 2004 providing that medical examination of detainees shall only be carried out by a forensic doctor and that security forces shall only be present on the premises if the forensic doctor so requests for security reasons. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)84</a>	UK / T.P. and K.M.	28945/95	10/05/2001 Grand Chamber	<b>Protection of family life:</b> <i>Disproportionate interference due to the failure of the local authority to ensure adequate involvement of a mother in the decision-making process concerning the care of her child and the lack</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The child had been returned to her mother in November 1988. <b>General measures:</b> As concerns family life, the Family Proceedings Rules of 1991 provide for the disclosure of

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				<i>of a respective remedy or a possibility to obtain compensation for the resulting damage. (Articles 8 and 13)</i>	documents to parties to the proceedings requiring parties to serve in advance on other parties copies of any documents, including experts' reports, on which they intend to rely. Furthermore, domestic courts recognised in their case-law the importance of adequate involvement of parents in the decision-making process in care proceedings. As concerns the adequate remedy, the local authority is obliged, under the Human Rights Act of 1998, to act in a manner compatible with the Convention, otherwise civil courts may award damages. Domestic case-law concerning allegations of a local authority's breach of Convention rights in the context of care proceedings changed accordingly. The judgement was published.
<a href="#">CM/ResDH(2008)25</a>	UKR / Fedorenko	25921/02	01/09/2009 01/06/2006	<b>Protection of property:</b> <i>Disproportionate interference due to the public authority's refusal to honour a dollar value clause provided by a sale contract it signed with the applicant. (Article 1 of Protocol No. 1)</i>	<b>Individual measures:</b> Just satisfaction for pecuniary (damage resulting from failure to comply with foreign currency clause) and non-pecuniary damage paid. <b>General measures:</b> The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)63</a>	UKR / Grabchuk	8599/02	21/12/2006 21/09/2006	<b>Access to and efficient functioning of justice:</b> <i>Disrespect of the presumption of innocence due to the prosecution service's and domestic court's wording of their decisions to drop charges against the applicant in terms leaving no doubt to their view on the applicant's guilt. (Article 6 §2)</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the proceedings with a view to obtaining a rectification of the decision at issue. <b>General measures:</b> The judgment was published, translated and disseminated to all authorities concerned, including prosecutors and investigators. It was also used in training of the State Tax Administration.
<a href="#">CM/ResDH(2008)64</a>	UKR / Hunt	3111/04	07/03/2007 07/12/2006	<b>Protection of family life:</b> <i>Disproportionate interference due to the deprivation of the applicant by domestic courts of his parental rights with respect to his natural son in proceedings brought by his wife without opportunity to give a personal account of</i>	<b>Individual measures:</b> Just satisfaction for non-pecuniary damage paid. The applicant did not avail himself of the opportunity to request reopening of the impugned proceedings. The applicant can also seek restoration of his parental rights under the Family Code.

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				<i>events (e.g. under international legal assistance instruments) and thus without being involved in the decision-making process to an extent necessary to protect his interests. (Article 8)</i>	<i>General measures:</i> In 2007, the Supreme Court issued guidelines for courts when considering cases on adoption and of deprivation and restoration of parental rights with a view to ensuring coherent and correct treatment of custody cases. In the related proceedings governed by the Code of Civil Procedure, trial court must establish whether parties had been duly notified and the reasons for their possible absence. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)30</a>	UKR / Lyashko	21040/02	10/11/2006 10/08/2006	<b>Freedom of expression:</b> <i>Disproportionate interference due to the applicant's conviction for publishing four articles criticising certain state officials. (Article 10)</i>	<i>Individual measures:</i> Just satisfaction for pecuniary and non-pecuniary damage awarded on an equitable basis paid. The applicant had not lodged any request for revision. The applicant's suspended sentence does not appear in his criminal record. <i>General measures:</i> See CM/ResDH(2007)13 in the case of Ukrainian Media Group. The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)26</a>	UKR / Melnyk	23436/03	28/06/2006 28/03/2006	<b>Access to and efficient functioning of justice:</b> <i>Denial of access to a court due to the retroactive application by the Court of Cassation of new provisions of the Code of Civil Procedure on time-limits for appeals in cassation which resulted in the dismissal of the applicant's appeal on a point of law as being out of time. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant did not apply for review of the impugned proceedings. <i>General measures:</i> The judgment was published, translated and disseminated.
<a href="#">CM/ResDH(2008)32</a>	UKR / Pronina	63566/00	18/10/2006 18/07/2006	<b>Access to and efficient functioning of justice:</b> <i>Unfair appeal proceedings concerning pension rights due to the domestic courts' failure to consider the applicant's constitutional points and arguments. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. No request for revision was lodged by the applicant. <i>General measures:</i> The judgment was published, translated and disseminated. It was taken into consideration in seminars and training sessions for judges.

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<a href="#">CM/ResDH(2008)65</a>	UKR / Strizhak	72269/01	08/02/2006 08/11/2005	<b>Access to and efficient functioning of justice:</b> <i>Denial of a fair trial due to the domestic authorities' failure to inform the applicant duly of the date and time of the hearings on his case, thus depriving him of the opportunity to present his arguments. (Article 6 §1)</i>	<i>Individual measures:</i> Just satisfaction for non-pecuniary damage paid. The applicant's request for reopening of the impugned proceedings was granted. In fresh proceedings, after having heard the applicant, his claim was rejected <i>General measures:</i> The new Code of Civil of 2005 provides a single procedure for delivery of all kinds of summonses -either subpoenas or judicial notifications - that is, by registered letter with acknowledgment of receipt or by messenger. The court shall postpone consideration of a case if, inter alia, a party or a participant fails to appear and no information is available to the effect that the summons has been served. The judgment was published, translated and disseminated.