

Pending cases against the Czech Republic

Application Number	English Case Title	Date of Judgment	Date of Final Judgment	Meeting Number	Meeting Section
57325/00	D.H. AND OTHERS v. the Czech Republic	07/02/2006, 13/11/2007	13/11/2007	1020	2
64935/01	CHMELIR v. the Czech Republic	07/06/2005	12/10/2005	1013	4.1
1414/03	MARES v. the Czech Republic	26/10/2006	26/01/2007	1013	4.1
10504/03	LINKOV v. the Czech Republic	07/12/2006	07/03/2007	1013	4.1
41486/98	BORANKOVA v. the Czech Republic and 64 other cases of excessive length of civil, administrative and criminal proceedings	07/01/2003	21/05/2003	1020	4.2
48548/99	ZICH AND OTHERS v. the Czech Republic	18/07/2006, 21/12/2006	21/12/2006	1013	4.2
53341/99	HARTMAN v. the Czech Republic	10/07/2003	03/12/2003	1020	4.2
75615/01	STEFANEC v. the Czech Republic	18/07/2006	18/10/2006	1013	4.2
5935/02	HEGLAS v. the Czech Republic	01/03/2007	09/07/2007	1020	4.2
7550/04	RESLOVA v. the Czech Republic	18/07/2006	18/10/2006	1013	4.2
23848/04	WALLOVA AND WALLA v. the Czech Republic	26/10/2006	26/03/2007	1013	4.2
1633/05	KOUDELKA v. the Czech Republic	20/07/2006	20/10/2006	1013	4.2
14044/05	ZAVREL v. the Czech Republic	18/01/2007	18/04/2007	1028	4.2
50073/99	CHADIMOVA v. the Czech Republic	18/04/2006, 26/04/2007	26/07/2007	1020, 1013	3.A, 4.2

Cases against the Czech Republic the examination of which has been closed in principle on the basis of the execution information received and awaiting the preparation of a final resolution

Application Number	English Case Title	Date of Judgment	Date of Final Judgment
57567/00	BULENA v. the Czech Republic and 10 other cases concerning Lack of access to Constitutional Court due to its excessively formalistic interpretation of the admissibility rules (Art. 6§1)	20/04/2004	20/07/2004
33071/96	MALHOUS v. the Czech Republic	12/07/2001	12/07/2001
15333/02	PILLMANN v. the Czech Republic	27/09/2005	27/12/2005

Main pending cases against the Czech Republic

1007 (October 2007) section 4.2

- 66 cases of length of judicial proceedings (groups Bořánková and Hartman)

These cases concern the excessive length of proceedings before civil, administrative and criminal courts (violations of Article 6§1). In several cases, the European Court also found a violation of the right to an effective remedy against the excessive length of proceedings (violations of Article 13).

In the Paterová, Volesky, Jahnová, Jírů, Kubizňáková, Thon, Cambal, Dostál, Maršálek and Pedovič cases, the European Court noted in addition that the courts should have acted with special promptness considering that the proceedings at issue related to the custody of a child, the right of access, a labour dispute and an allowance to be paid by a father. Several cases were still pending at the time when the European Court delivered its judgments. In five of them, the cases of Paterová, Jahnová, Thon, Cambal and Pedovič, the Court insisted on the requirement of special diligence.

Individual measures: In all the pending cases, the domestic courts have been informed about the violations found by the European Court. However, it is recalled that urgent individual measures are expected in Paterová, Jahnová, Thon, Cambal and Pedovič cases where the European Court has insisted on the requirement of special diligence.

On several occasions and most recently in November 2006, the delegation stated that the length of proceedings, in the Paterová case, is mainly due to the actions of the child's father despite the fact that the courts are doing their best. The Jahnová case was closed in December 2005. In the Thon case the appeal proceedings are still pending and in the Cambal case the judge in charge of the case has been asked to accelerate the proceedings.

▪ *Information awaited:* More recent information is awaited in the Paterová, Thon, Cambal and Pedovič cases. Information is also awaited on the state of the proceedings in Schmidtová, Havelka, Římskokatolická Farnost Obríství, Centrum Stavebního Inženýrství A.S., Herbst and others, Slezák, Nemeth, Zouhar, Havlíčková, Dušek, Bačák, Heřmanský, Klepetář, Metzová, Rázlová, Zámečnicková and Zámečník, Zbořilová and Zbořil, Heská and Kořínek et al. cases and if need be, their acceleration.

General measures:

▪ *Information provided by the Czech authorities*

1) Length of proceedings: Certain provisions of the Code of Civil Procedure have been amended by laws Nos. 30/2000 and 59/2005 so as to accelerate proceedings. Thus, in order to diminish the workload of the judges, the rules applicable to the partiality of judges have been modified so that a partial judge may be replaced by another by a decision of the President of the court (previously this required a decision of the superior court) and that the parties may raise the issue of partiality against a judge only in the first hearing held by this judge. The competences of a judge in preparing the hearing are made more precise. A complaint with insufficient information may be declared inadmissible if it is not completed within a deadline given by the judge. The judge may also oblige a defendant to present his written comments on a complaint. If he fails to comply, the law presumes his acquiesce to the complaint.

Measures have also been taken to make the procedure more concentrated. An appeal is possible in all cases unless the value at stake is minor (less than 2.000 CZK or about 70 euros) but no new allegations may be brought before the appellate court. The appellate court must decide the case itself (instead of referring it back to the court of first instance) except where there has been a serious defect in the procedure. Furthermore, judges have a more precise duty to instruct the parties on their procedural rights and obligations, and friendly settlements are encouraged.

▪ *Information awaited:* statistics illustrating the effects of the amendments made to the Code of Civil Procedure.

2) Effective domestic remedies against the excessive length of proceedings: Law No. 192/2003 has introduced a new Article 174a to Law No. 6/2002 on tribunals and judges (which entered into force on 01/07/2004). According to this new Article, a party who considers that proceedings have lasted too long may ask for a deadline for taking a procedural action. This deadline is set within 20 working days by the next-higher court if it finds the request motivated. The court in question is bound by this deadline and there is no possibility to appeal a decision setting/refusing the deadline. Moreover, the Czech delegation informed the Secretariat in May 2006 that a law amending Law No. 82/1998 entered into force in 27/04/2006. This new law provides adequate compensation for applicants who have suffered from the excessive length of proceedings and will be applied retroactively: if an applicant has applied to the European Court complaining of the excessive length of proceedings, he may ask for compensation within a year starting from the entry into force of the law.

3) The special diligence requirement in family cases:

- *Information awaited*: on measures taken or envisaged to ensure special diligence in family cases.

4) Publication and dissemination of the judgments: Judgments of the European Court against Czech Republic are systematically translated and published on the website of the Ministry of Justice (www.justice.cz). They are also sent electronically to the presidents of regional, higher and supreme level courts as well as to all judges of the Constitutional Court and to the Ombudsman and other competent administrative and judicial authorities. The judgments are reported regularly in the Council of Ministers and a press release is prepared on every case by the Ministry of Justice.

The Deputies decided to resume consideration of these items

1. at their 997th meeting (5-6 June 2007) (DH), in the light of information to be provided concerning payment of the just satisfaction, if necessary;
2. at the latest at their 1007th meeting (16-17 October 2007)(DH), in the light of further information to be provided concerning general measures as well as on individual measures if necessary.

997 (June 2007) section 4.2

7550/04 Reslová, judgment of 18/07/2006, final on 18/10/2006

1633/05 Koudelka, judgment of 20/07/2006, final on 20/09/2006

26141/03 Fiala, judgment of 18/07/2006, final on 11/12/2006

These cases concern the domestic courts' failure to exercise special diligence in child custody proceedings and to enforce the applicants' visiting rights (violation of Article 8).

In the Reslová case, the European Court noted that the interim measure ordering the father to bring the children back to the applicant had not been enforced and had even been declared unenforceable by the District Court, as there had been no indication as to whom custody had been granted. In those circumstances the applicant would not have been successful in applying for a right of access, as there had been no decision, not even a provisional one, granting custody of the children to one of the parents. The Czech courts, by leaving open the question of parental rights and obligations, had allowed the dispute to be settled simply by the passage of time, to the detriment of the applicant.

In the Koudelka case, the European Court considered that the failure to enforce the applicant's right of access was mainly attributable to the manifest refusal of the mother, and then to that of the child under her mother's influence. It found, however, that the Czech courts had not taken all the measures that could reasonably have been expected of them to secure the mother's compliance with the applicant's right of access, and that their action had not been sufficiently prompt or systematic. The Czech courts had allowed this dispute to be settled by the mere passage of time, so that the resumption of relations between the applicant and his daughter no longer seemed possible.

In the Fiala case, the European Court took the view that the national authorities had fallen well short of what might reasonably be expected of them and had not demonstrated adequate or sufficient efforts to ensure respect for the applicant's visiting rights. In addition, very few practical measures had been taken to encourage the parents to take part in family therapy or to arrange a preparatory contact.

The Reslova and Fiala cases also concern the excessive length of the civil proceedings (three years and five years respectively for two degrees of jurisdiction) The European Court observed that such periods were excessive and did not meet the reasonable time requirement, in particular since it is fundamental to examine the cases concerning custody of a child with a special diligence.

The Fiala case concerns also the lack of an effective remedy to complain of the length of proceedings (violation of Article 13).

Individual measures:

1) Reslová case:

- *Information provided by the Czech authorities:* The custody of the children was granted to their father by a decision of 2005. The applicant is in touch with her daughters irregularly and the father is not preventing these contacts. Following the grant of custody to the father, the applicant has remained passive to the extent that the District Court initiated *ex officio* proceedings to arrange the applicant's visiting rights with her children. These proceedings are still pending.

2) Koudelka case:

- *Information provided by the Czech authorities:* The proceedings concerning visiting rights and alimony are currently pending before the Prague 1 District Court. In June 2006 the child welfare authorities offered the applicant the opportunity to contact his daughter via a letter but the daughter refused to accept the letter. It seems that due to the poor health of the applicant and the hostile attitude of the daughter (who is already 17 years old) it is not feasible to establish contact between the applicant and his daughter without the presence of a third party.

- *Information is awaited in the Reslová and Koudelka cases on the current state of the proceedings concerning visiting rights.*

3) Fiala case: By a judgment of 2005, the custody of the children remained with their mother. Any contact between the applicant and the children was forbidden indefinitely. This decision was not challenged by the European Court (§ 105).

• *Assessment: No further individual measure seems necessary in this case.*

General measures:

1) Violations of Article 6§1 and Article 13: The Reslová and Fiala cases present similarities to the Bořánková case (judgment of 07/01/2003, in Section 4.2 for the 992nd meeting, April 2007) in which the Czech authorities have already adopted and are currently adopting measures concerning the excessive length of judicial proceedings and the lack of an effective remedy.

2) Violation of Article 8:

• *The Czech authorities are invited to provide information on the measures taken or envisaged in order to prevent new similar violations, in particular in the light of the experience of the other countries, see the Memorandum CM/Inf/DH(2005)11 revised 3.*

The judgments of the European Court have already been translated and published on the website of the Ministry of Justice (<http://www.justice.cz>) and sent out to the authorities concerned.

The Deputies decided to resume consideration of these items at the latest at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided concerning individual and general measures.

992 (April 2007) section 2

1414/03 Mareš, judgment of 26/10/2006, final on 26/01/2007

This case concerns a breach of the right of a fair and adversarial trial before the Constitutional Court in that the applicant did not receive a copy of the observations of other parties to the proceedings concerning the admissibility of his constitutional complaint (violation of Article 6§1).

Individual measures: In the proceedings before the Constitutional Court, the applicant complained about the alleged infringement of his constitutional rights in certain criminal proceedings brought against him. In these criminal proceedings he was eventually convicted to a term of imprisonment and to a ban on the exercise of his professional activity as a police officer (he was dismissed in application of this sentence). In 2002, the applicant received presidential pardon for the term of imprisonment. In 2005, the Minister of Justice introduced an extraordinary appeal in the applicant's favour, which was rejected by the Supreme Court. The applicant lodged another constitutional complaint against the decision of the Supreme Court. When the European Court delivered its judgment, the proceedings before the Constitutional Court were still pending.

It should be noted, already at this stage of the examination of individual measures, that the applicant's criminal case was considered on the merits both before the first and the second instance courts and that he has not submitted so far any request concerning such measures before the Committee of Ministers.

• *However, information would be helpful as regards the applicant's present situation, in particular concerning the outcome of his latest constitutional complaint and the effectiveness of the ban on the exercise of his professional activity.*

General measures: This case presents similarities to that of Milatová against the Czech Republic (judgment of 21/06/2005, closed with final resolution ResDH(2006)71, adopted on 20/12/2006).

The Deputies decided to resume consideration of this item:

1. at their 997th meeting (5-6 June 2007)(DH), in the light of further information to be provided concerning the payment of the just satisfaction, if necessary;
2. at the latest at their 1007th meeting (16-17 October 2007)(DH), in the light of further information to be provided concerning the applicant's situation, in order to assess the need for further individual measures.

1007 (October 2007) section 4.2

75455/01 Tariq, judgment of 18/04/2006, final on 18/07/2006

The case concerns the excessive length of the applicant's detention on remand (17/12/1997-17/12/2001) given that the domestic courts based his continued detention on reasons which did not seem "relevant and sufficient" in the light of the European court's case-law and given their failure to exercise the requisite special diligence in the conduct of the case (violation of Article 5§3).

The case also concerns the excessive length of the criminal proceedings brought against the applicant in December 1997 (violation of Article 6§1). When the Court delivered its judgment the proceedings had already lasted 8 years, 3 months at two degrees of jurisdiction.

Individual measures:

• *Information is awaited* concerning the applicant's situation, the state of the proceedings and, if applicable, measures taken to accelerate them.

General measures: The European Court's judgments concerning the Czech Republic are always translated and published on the internet site of the Ministry of Justice (www.justice.cz).

1) Violation of Article 6§1: The case presents similarities to that of Bořánková (judgment of 07/01/03, Section 4.2, Volume I).

2) Violation of Article 5§3: The case presents similarities to that of Punzelt (judgment of 25/04/2000, Resolution ResDH(2004)33 of 15/06/2004), in which the Czech authorities took measures to prevent excessively lengthy remands.

Decision: The Deputies agreed to resume consideration of this item at their 982nd meeting (5-6 December 2006) (DH), on the basis of further information to be provided by the authorities of the respondent state concerning payment of the just satisfaction if need be and to join it, subsequently, with the case of Bořánková, in order to supervise the general measures proposed in order to prevent new, similar violations, and if appropriate, to put an end to the violation and erase, as far as possible, its consequences for the applicant.

997 (June 2007) section 4.1

64935/01 Chmelíř, judgment of 07/07/2005, final on 12/10/2005

This case concerns the lack of objective impartiality of a judge presiding the chamber hearing in criminal proceedings brought against the applicant before the High Court in 1999 and 2000, the judge in question having been a defendant in an action brought against him by the applicant for having obliged him to be present at a hearing despite a bomb alert. Furthermore, he imposed a very severe fine on the applicant when he asked him to withdraw on grounds of partiality. The applicant was found guilty of several charges (robbery, trespass, unlawful carrying of weapons) and was sentenced to eight years' imprisonment, a fine and a five-year driving ban.

The European Court found that the facts of the case – and particularly the facts that the two sets of proceedings overlapped by seven months and that the applicant was severely fined for demanding the withdrawal of the judge – sufficed to justify the applicant's doubts as to whether the judge in question, as president of a chamber of the High Court, presented the required objective impartiality (violation of Article 6§1).

Individual measures:

• *Information provided by the Czech authorities:* Following the amendment of Law No. 182/1993 on the Constitutional Court, applicants may apply to the Constitutional Court to reopen proceedings found by the European court to be in violation of the Convention.

On 27/02/2006 the applicant requested reopening of the proceedings relating to his initial constitutional complaint. The Constitutional Court is currently examining this request.

• *Additional information awaited:* on the consequences of the applicant's request.

General measures: The judgment of the European Court has been translated and published on the website of the Ministry of Justice (www.justice.cz) and sent out to national courts.

The Deputies decided to resume consideration of this item at the latest at their 1013th meeting (3-5 December 2007) (DH), in the light of information to be provided concerning individual measures, in particular the request for reopening.

997 (June 2007) section 2

10504/03 Linkov, arrêt du 07/12/2006, définitif le 07/03/2007

This case concerns the refusal of the national authorities to register a party (violation of Art. 11).

In July 2000 a preparatory committee, of which the applicant was a member, applied to the Ministry of the Interior to register a political party called *Liberální Strana*. The Ministry refused the application in August 2001 on the ground that the party's constitution was in breach of the Political Parties Act (Law No. 424/1991), taken together with the Czech Constitution and the Charter of Fundamental Rights and Freedoms. It considered, in particular, that the party's goal of "breaking the legal continuity with totalitarian regimes" was unconstitutional.

On an appeal by the preparatory committee, the Supreme Court upheld the Ministry's decision to refuse to register the party and fully endorsed its opinion concerning the said political goal.

Furthermore, in November 2002 the Constitutional Court declared an appeal by the applicant and the preparatory committee manifestly ill-founded on the ground that the decisions appealed against had not infringed their constitutional rights.

The European Court considered that there was no evidence that *Liberální Strana* had not intended to pursue its aims by lawful and democratic means, or that its proposed change of the law had been incompatible with fundamental democratic principles, especially as the party's registration had been refused before it had even had time to carry out any activities.

The Court reiterated in that connection that the refusal to register a party is a drastic measure, to be applied only in the most serious cases. As *Liberální Strana* had not advocated any policy that could have undermined the democratic regime in the country and had not urged or sought to justify the use of force for political ends, the refusal to register it had not been necessary in a democratic society.

Individual measures:

• *Information provided by the Czech authorities:* The most appropriate means of executing this judgment will be a new application for the registration of the party concerned. If the applicant chooses to apply again, the ground upon which his previous application for registration was rejected, will be considered as lawful within the meaning of Article 11 of the Convention. The Ministry of Internal Affairs, which is responsible for the registration procedure, has already issued a formal confirmation to this effect.

Further information is awaited on whether the applicant has made a new application.

General measures:

• *Information provided by the Czech authorities:* The Court's judgment reveals no structural problem concerning the registration of political parties. This case, being unique, does not imply any general problem in the Czech legal system. Nevertheless, the judgment of the European Court has already been translated and published on the website of the Ministry of Justice (www.justice.cz) and sent out to the authorities concerned, namely the Ministry of Internal Affairs, the Supreme Administrative Court and the Constitutional Court.

• *Assessment: No further general measure seems to be needed.*

The Deputies agreed to resume consideration of this item:

1. at their 1007th meeting (15-17 October 2007) (DH), in the light of further information to be provided concerning the payment of the just satisfaction, if necessary;
2. at the latest at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided concerning the individual measures.

997 (June 2007) section 4.2

75615/01 Štefanec, judgment of 18/07/2006, final on 18/10/2006

This case concerns a violation of the applicant's freedom of expression, in that he was fined under section 14 of the Right of Assembly Act for having organised a demonstration which took place on 27/05/2000 despite having been banned beforehand (violation of Article 10).

The European court considered that the way the administrative authorities had interpreted Czech law in describing the applicant as the organiser of the demonstration constituted an extension of the scope of the Right of Assembly Act which had been impossible to predict. The Court therefore considered that the application of section 14(1) of that Act did not satisfy the requirements of predictability in the present case.

The case also concerns a violation of the applicant's right of access to a tribunal on account of the limited consideration given to his case by the Constitutional Court under Article 83§1 of Law No. 200/1990 (i.e., solely related to questions of constitutionality) (violation of Article 6§1).

The European Court observed that an accused must be able to submit any decision taken against him to subsequent review by an independent tribunal. Since the procedure in the Czech Constitutional Court was limited to consideration of questions of constitutionality only and did not involve a full, direct assessment of appellants' civil rights, there had not been in the present case a judicial review of sufficient scope for the purposes of Article 6§1.

Individual measures: The European Court awarded the applicant just satisfaction in respect of the pecuniary damage sustained.

• *Assessment: No further individual measure seems to be needed.*

General measures:

1) Violation of Article 6§1: Article 83§1 of Law No. 200/1990, at the origin of the violation, has meanwhile been annulled by the Constitutional Court. Moreover, the Czech Constitutional Court, in a judgment of 27/06/2001, decided to annul the whole administrative section of the Code of Civil Procedure, which subsequently underwent major reform. According to the new rules, which entered into force in 2003, applicants may request annulment of a decision concerning an act of an administrative authority, if this decision prejudices them directly or violates their rights. This principle also applies to administrative decisions extinguishing a case.

- *Clarifications are still awaited on the functioning of the new appeal system as well as copies of the laws regulating it.*

2) Violation of Article 10: The judgments of the European Court are systematically published on the website of the Ministry of Justice (www.justice.cz) and sent out to the authorities concerned. Moreover, the Ministry of Justice is currently examining whether a legislative change is needed to the Right of Assembly Act.

- *Information is awaited on possible outcomes of these reflections.*

The Deputies decided to resume consideration of this item at the latest at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided concerning general measures.

1007 (October 2007) section 2

5935/02 Heglas, judgment of 01/03/2007, final on 09/07/2007

The case concerns violations of the applicant's right to respect for his private life due to acts taken by the authorities in the course of a criminal investigation against him not provided in internal law, first by obtaining extracts from the list of his telephone calls and secondly in recording one of his conversations by means of a listening device planted on a female friend (violations of Article 8).

Regarding the list of calls, the European Court noted in particular that, even allowing the existence of legal grounds for obtaining it, the information had been used for a longer period than that specified in the authorisation issued by a judge.

Individual measures: The European Court found that the use of neither the recording nor the list of telephone conversations had violated the applicant's right to a fair trial. It also considered that the finding of the violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained.

- *Assessment: given the nature of the violations found, no individual measure appears necessary.*

General measures:

1) Use of the telephone call list: The European Court noted that subsequent to the facts at issue two legal provisions came into force: Article 88a of the code of Criminal Procedure, which gives the authorities access, among other things, to call records in criminal investigations, and Article 84-7 of the Telecommunications Act which allows the authorities to obtain lists of calls or other communications in connection with criminal matters.

- *Assessment: no measure appears necessary.*

2) Recording conversations by means of listening devices concealed on people's bodies:

- *Information is awaited on measures taken or envisaged either to provide a legal basis for the authorisation of measures of this type or to ensure that such means of information-gathering are no longer used in criminal investigations.*

3) Publication and dissemination of the European Court's judgment to the relevant authorities is called for, so as to draw their attention to their obligations under the Convention as they arise from the judgment.

- *Information is awaited in this respect.*

The Deputies decided to resume consideration of this item:

1. at their 1013th meeting (3-5 December 2007) (DH), in the light of information to be provided concerning the payment of just satisfaction, if necessary;
2. at the latest at their 1020th meeting (4-6 March 2008) (DH), in the light of information to be provided concerning general measures.

997 (June 2007) section 2

23848/04 Wallovà et Walla, arrêt du 26/10/2006, définitif le 26/03/2007

This case concerns a violation of the applicants' right to respect for their private and family life on account of the fact that their five children had been taken into public residential care on the grounds that the family had not had a suitable and stable home since 1997 and that the applicants had been trying to evade the terms of a previous supervision order (violation of Article 8).

The European Court noted that the Czech courts had admitted that the fundamental problem for the applicants was how to find housing suitable for such a large family. Neither the applicants' capacity to bring up their children, nor the affection they bore them had ever been called into question, and the courts had acknowledged the efforts they had made to overcome their difficulties. In the Court's view, therefore, the underlying problem was a lack of resources, which the Czech authorities could have

made up for by means other than the total separation of the family, which seemed to be the most drastic measure and could be applied only in the most serious cases. Consequently, the Court considered that although the reasons given by the Czech administrative and judicial authorities had been relevant, they had not been sufficient to justify such a serious interference in the applicants' family life as the placement of their children in public institutions. In addition, it was not evident from the facts of the case that the social protection authorities had made serious efforts to help the applicants overcome their difficulties and get their children back as soon as possible.

Individual measures: In 2003, the eldest child reached the age of majority. The custody of the two youngest children was given to a Mr. and Mrs. M. in January 2005. The care orders concerning the other two children were annulled in February 2006 and they were able to return to live with their parents, under educational supervision. The two youngest children are apparently still living with the foster family.

- *Information provided by the Czech authorities:* The applicants have instituted civil proceedings with a view of terminating the foster care of the two youngest children and obtaining their custody again.

- *Information is awaited on the current state of these proceedings.*

General measures:

- *Information is awaited on measures taken or envisaged to ensure that in similar cases less drastic measures are used when interference with the family life is necessary. Moreover, information is awaited on measures taken or envisaged to provide sufficient assistance and guidance to parents in difficulties.*

The Secretariat has very recently received information on general measures and is currently assessing it.

The Deputies decided to resume consideration of this item:

1. at their 1007th meeting (15-17 October 2007) (DH), in the light of further information to be provided concerning the payment of the just satisfaction, if necessary, and the individual measures;
2. at the latest at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided concerning general measures.

976 (October 2006) section 2

50073/99 Chadimová, judgment of 18/04/2006, final on 18/07/2006, and of 26/04/2007, final possibly on 26/07/2007

The case concerns the excessive length of criminal proceedings brought against the applicant in 1992 for fraud and forgery of public documents concerning an agreement to return a building in Prague and an adjoining plot of land. Proceedings lasted 11 years and 6 months, ending when the applicant accepted a presidential pardon and reaching no verdict on the merits (violation of Article 6§1).

The case also concerns a violation of the applicant's right to the peaceful enjoyment of her property in that the municipal court forbade her to dispose of the building in question from June 1994 to May 1999, on grounds which were not provided for in Czech law (violation of Article 1 of Protocol No. 1). Finally, the case concerns the fact that audio cassettes containing recordings of the applicant's conversations with her counsel, made while the applicant's telephone was being tapped during the criminal proceedings, were not destroyed, in disregard of a decision of the Constitutional Court rendered in November 1995 (violation of Article 8).

Individual measures: The European court considered that the question of the application of Article 41 (just satisfaction) was not ready and reserved the question as a whole.

- *Information is awaited on the applicant's situation, and in particular as to whether the cassettes have now been destroyed, as ordered by the Constitutional Court in November 1995.*

General measures: Judgments of the European Court concerning the Czech Republic are always translated and published on the internet site of the Ministry of Justice (www.justice.cz).

1) Violation of Article 6§1: This case presents similarities to that of Bořánková (judgment of 07/01/03, Section 4.2, Volume I).

2) Violations of Article 1 of Protocol No.1 and Article 8:

- *Information is awaited on measures taken or envisaged to prevent new, similar violations.*

Decision: The Deputies agreed to resume consideration of this item at their 992nd meeting (3-4 April 2007) (DH), on the basis of further information to be provided by the authorities of the respondent state concerning the general measures proposed to prevent new, similar violations as well as the individual measures to be taken in order to put an end to the violations and erase, as far as possible, their consequences for the applicant.