



**SUPPORT TO CRIMINAL JUSTICE REFORMS
IN THE REPUBLIC OF MOLDOVA**



Expert meetings of the office of the Governmental Agent of the Republic of Moldova before the European Court of Human Rights, the CoE Department for the Execution of the Judgments of the European Court of Human Rights

and

the Moldovan criminal justice stakeholders

Organised within the framework of the Council of Europe project

“Support to Criminal Justice Reforms in the Republic of Moldova”

funded by the Government of Denmark

AGENDA

13 December 2017

Ministry of Justice

31 August 1989 St. 82, Chisinau 2012, Moldova

09:00–12:00 **Part I. Expert meeting between the representatives of the CoE Department for the Execution of the Judgments of the European Court of Human Rights & the Government agent at the ECtHR:**

Brief discussion on the issues pending in cases/groups of cases examined under the enhanced supervision procedure:

- Poor conditions of detention: Ciorap/Becciev/Paladi groups;
- Various violations of Article 5: Sarban group, Musuc group/Gutu case/Brega group;
- LGBT rights: Genderdoc-M;
- Domestic violence: Eremia group;
- Ill-treatment by police: Corsacov and Taraburca groups;
- Killing during police operation: Timus and Tarus;
- Non-execution of domestic court decisions: Luntre group.
- Backlog of old cases against Moldova pending for over five years and examined under the standard supervision procedure.
- General issues related to the reopening of investigations following the Court's judgments.
- Technical issues related to the preparation for the CM-DH meetings and drafting of Action Plans/Reports.

12:00–13:45 *Lunch time*

Part II : Round table on practical measures and challenges as to the effective execution of European Court of Human Rights judgments with respect to the Republic of Moldova (criminal justice focus)

13:45–14:00 Registration of the participants and welcome coffee

14:00–14:30 Welcoming addresses:

Mr Vladimir CEBOTARI, Minister of Justice of the Republic of Moldova

Ms Eva GUTJAHR, Deputy Head of the CoE office Chisinau

Mr Pavlo PUSHKAR, Head of Division at the Department for the Execution of Judgments of the European Court of Human Rights, Directorate General of Human Rights and Rule of Law

Mr Oleg ROTARI, Government Agent at the European Court of Human Rights

14:30-16:00 *MODERATOR: Mr Oleg ROTARI, Government Agent at the European Court of Human Rights*

14:45–15:15 **General issues pertaining to the execution of the ECtHR judgments by the national authorities, supervision by the CM, aspects of cooperation between the GA and relevant authorities:**

- The importance of the execution of judgments of the European Court of Human Rights (ECtHR). The repercussions for non-execution for the responsible states. Negative implications for the Republic of Moldova in case of repeated violations after the termination of the CM supervision.
- Procedure of the supervision of the execution of ECtHR judgments by the CM. Classification of cases by types of supervision and in groups. Presentation of action plans and reports according to the classification.

Presented by: Mr Pavlo PUSHKAR, Head of Division at the Department for the Execution of the ECtHR Judgments & Mrs Tatiana COJOCARU, the lawyer at the Department for the Execution of the ECtHR Judgements

15:15-15:45 **Challenges as to the execution of the ECtHR judgments: perspective of local stakeholders**

Comments by:

- Supreme Court of Justice
- Prosecutor General Office
- Ministry of Interior
- Department of Penitentiary Institutions
- Other TBC

Discussion

15:45-16:00 **Coffee break**

16:00-18:00 *MODERATOR: Mr Oleg ROTARI, Government Agent at the European Court of Human Rights*

16:00–17:30 **Practical discussion as to the challenges, execution measures, best practices with a focus on the execution of ECtHR judgments with regard to the violations of Articles 3 and 5 of the Convention:**

- Violations of Article 3 of the Convention (procedural aspect): lack of effective investigations and lack of an effective remedy; judicial supervision in the context of

the effectiveness of investigation.

- Various violations of the right to liberty and security, in particular lack of relevant and sufficient reasons in court decisions ordering or extending detention on remand, failure to ensure a prompt examination of the lawfulness of detention, lack of remedy to obtain compensation in respect of an unlawful deprivation of liberty.
- Methods on how to present information on individual and general measures taken by relevant national authorities; levers of rendering national authorities accountable.
- Hudoc EXEC database.

Presented by: Mr Pavlo PUSHKAR, Head of Division at the Department for the Execution of the ECtHR Judgments/ Mrs Tatiana COJOCARU, the lawyer at the Department for the Execution of the ECtHR Judgements

Comments by:

- Supreme Court of Justice
- Prosecutor General Office
- Ministry of Interior
- Department of Penitentiary Institutions
- Other TBC

17:30–17:45 **Wrap-up & plans for future cooperation**

Mr Pavlo PUSHKAR, *Head of Division at the Department for the Execution of the ECtHR Judgments*

Ms Margarita GALSTYAN, *Project manager, CoE project “Support to the criminal justice reforms in the Republic of Moldova”, TBC*

Mr Oleg ROTARI, *Government Agent at the European Court of Human Rights*