

REOPENING OF DOMESTIC JUDICIAL PROCEEDINGS

FOLLOWING THE EUROPEAN COURT'S JUDGMENTS



Department for the
Execution of Judgments
of the European Court
of Human Rights

DGI

Thematic factsheet

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**Department for the Execution of Judgments
of the European Court of Human Rights**

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INTRODUCTION

The full, effective and rapid implementation of the judgments of the European Court of Human Rights by the states parties to the Convention makes a major contribution to the achievement of common observance and enforcement of human rights in Europe.

A judgment in which the Court finds a breach of the Convention usually imposes on the respondent State a legal obligation to take certain “individual measures” in order to put an end to the breach and/or make reparation for its consequences in such a way as to restore, as far as possible, the situation existing before the breach. This is the principle of *restitutio in integrum*, which is one of the guiding principles in the practice of the Committee of Ministers when supervising the execution of judgments with respect to the individual situation of the applicant(s) concerned. The need to improve the possibilities under national legal systems to ensure *restitutio in integrum* for the injured party has become increasingly apparent. Although the Convention contains no provision imposing an obligation on states to provide in their national law for the re-examination or reopening of domestic proceedings, the existence of such possibilities has proven to be crucial, and indeed in some cases the only, means to achieve *restitutio in integrum*.

The present factsheet presents an overview of the general principles concerning reopening of domestic judicial proceedings, as well as examples of the relevant state practice examined by the Committee of Ministers in the context of the execution of the European Court’s judgments concerning various provisions of the Convention. The examples from more than 30 member states provided in this factsheet are a selection of the most interesting and effective measures reported by states, and are not exhaustive.

1. OVERVIEW OF GENERAL PRINCIPLES CONCERNING REOPENING

The contracting states are under a duty to organise their judicial systems in such a way that their courts can meet the requirements of the Convention; this principle also applies to the reopening of proceedings and the re-examination of the applicants' case.¹ Under the Committee of Ministers (CM) [Recommendation No. R\(2000\)2](#), re-examination, including reopening of a case, should be possible at national level especially if, following a European Court's judgment, the injured party continues to suffer very serious negative consequences from the outcome of the domestic decision at issue, which are not adequately remedied by the just satisfaction and cannot be rectified other than by re-examination or reopening. Another condition that should be met at the same time is that the judgment of the Court leads to the conclusion that *a.* the impugned domestic decision is on the merits contrary to the Convention, or *b.* the violation found is based on procedural errors or shortcomings of such gravity that a serious doubt is cast on the outcome of the domestic proceedings at issue.² As to the existence of such doubts, namely whether the procedural violation affected the outcome of the domestic proceedings, the CM may accept the authorities' assessment and conclusions, if they are well-substantiated.³

Reopening can thus be the most efficient, if not the only, means of achieving *restitutio in integrum*, especially in the field of criminal law, and the possibility of reopening criminal cases is now provided in almost all member States, sometimes following a special decision by a higher court.⁴ However, reopening is not an end in itself. Depending on the circumstances of the case and the nature of the violation found, other individual measures may equally achieve, as far as possible, *restitutio in integrum*.

In March 2026, the Department for the Execution of Judgments of the European Court of Human Rights published an overview of national provisions on the reopening of domestic judicial proceedings in the context of the execution of judgments and decisions of the European Court of Human Rights in member states of the Council of Europe (see [H/Exec\(2026\)3](#)). This is the first compilation with such a broad scope, providing a country-by-country summary of the relevant legal provisions and practices in each of the 46 member states, along with references for further research.

The CM practice demonstrates that reopening has become a common individual measure in criminal cases: the negative consequences of a Convention violation need not necessarily be very serious to call for reopening.⁵ Failure to properly reopen may result in further violation of the Convention,⁶ including of Article 46.⁷ Reopening should not, at the same time, result in deterioration of the applicant's situation (*non reformatio in peius*).⁸

Even persons who have never lodged an application with the Court can have their cases reopened if they have suffered from the events similar to those resulting in the Convention violations, notably those found in the pilot judgments by the Court.⁹ At the same time, no obligation as such exists to reopen all domestic *res judicata* cases similar to cases in which the Court has found a violation. Indeed, under the "reopening in mass cases"

¹ ALB / *Laska and Lika* (12315/04), judgment final on 20/07/2010, § 77.

² [Recommendation R \(2000\)2](#) of the Committee of Ministers to Member States on the re-examination or Reopening of Certain Cases at Domestic Level Following Judgments of the Court, adopted on 19 January 2000.

³ TUR / *Öcalan* (46221/99), judgment final on 12/06/2003, Final resolution [CM/ResDH\(2007\)1](#) (assessment of the influence of the violation on the outcome made by the domestic court); EST / *Martin* (35985/09), judgment final on 07/10/2013, Final resolution [CM/ResDH\(2016\)308](#) (assessment made by the domestic court); TUR / *Göç* (36590/97), judgment final on 11/07/2002, Final resolution [CM/ResDH\(2011\)307](#) (assessment made by the government agent).

⁴ ITA / *Bracci* (36822/02), judgment final on 15/02/2006, Final Resolution [CM/ResDH\(2014\)102](#) (concerning an interpretation of law by the Constitutional Court to allow reopening of criminal cases).

⁵ ROM / *Bucur and Toma* (40238/02), judgment final on 08/04/2013. Notes to the decision adopted by the CM in December 2016, [CM/Notes/1273/H46-21](#) (in that case, the domestic court found that the applicant's full rehabilitation had remedied the violation, but had not erased all its negative consequences, and decided to reopen the case).

⁶ Names of such cases usually end with "(No. 2)". See, for example, ESP / *Serrano Contreras* (No. 2) (2236/19), SUI / *Verein gegen Tierfabriken (VgT)* (No. 2) (32772/02), UKR / *Bochan* (No. 2) (22251/08).

⁷ AZE / *Ilgar Mammadov* (15172/13), judgment of 29/05/2019.

⁸ BGR / *Petyo Popov* (75022/01), judgment final on 22/04/2009, Final Resolution [CM/ResDH\(2017\)363](#) (concerning prosecutor's refusal to initiate reopening which, in the prosecutor's opinion, could have deteriorated the applicant's situation).

⁹ Appendix to Recommendation Rec(2004)6 of the Committee of Ministers to member states on the improvement of domestic remedies, § 17. ESP / *Del Río Prada* (42750/09), judgment final on 21/10/2013, Final resolution [CM/ResDH\(2014\)107](#) (concerning release of persons affected by deficient law, who never applied to the Court).

exception, which are cases in which a certain structural deficiency leads to a great number of violations of the Convention, it is, in principle, best left to the state concerned to decide whether reopening is realistic.¹⁰

While the Court sometimes indicates that reopening is called for, it does not have jurisdiction to directly order it;¹¹ such indications are thus not binding.¹² On the other hand, absence of such indications does not absolve the authorities from an obligation to request or accept a request for reopening if necessary; most of the cases mentioned in this factsheet have been reopened in the absence of any indication from the Court.¹³ The European Court's friendly settlements and unilateral declarations (execution of unilateral declarations falling within the Court's competence, except if endorsed in a judgment¹⁴) can also include an undertaking to reopen proceedings¹⁵ or an indication that it is possible if requested.¹⁶ Reopening may even be required on the basis of more general execution considerations, including in the context of unilateral declarations, even where no express undertaking to reopen has been given.¹⁷

The CM practice has indicated that applicants should have a right to request reopening of criminal judicial proceedings; only exceptionally can the CM accept a system in which not the applicant but a public authority, such as a prosecutor, may have this right.¹⁸ If an applicant having this right has nevertheless not requested reopening, the CM may close the case.¹⁹ Sometimes, when there is no information as to whether the applicant has requested reopening, even the mere possibility under national law to request it is sufficient for the CM to close the case, if there is nothing to suggest, in particular on the basis of the information available to the CM, that the applicant continues to suffer from the negative consequences of the violation.²⁰ However, if such consequences are obvious, the authorities may even reopen the case on their own initiative, *ex officio*.²¹

The CM usually waits for the outcome of the reopened criminal proceedings before closing a case, if the conviction by itself is in violation of the Convention (because acquittal will often be the only Convention-compliant outcome in such cases), or if it is necessary to ensure that domestic courts duly address violations related to the fairness of the proceedings.²² In cases where the violation has been duly addressed before the

¹⁰ Explanatory Memorandum to Recommendation (2000)2, § 14, ISL / *Guðmundur Andri Ástráðsson* (26374/18), judgment final on 30/11/2021, § 314, Final resolution [CM/ResDH\(2022\)48](#).

¹¹ PRT / *Moreira Ferreira* (19867/12), judgment final on 11/07/2017, § 49.

¹² SVN / *Gaspari* (21055/03), judgment final on 10/12/2009, § 80, Final resolution [CM/ResDH\(2018\)401](#) (concerning closure of the case without reopening despite the Court's indications, because no reopening in civil cases is possible in Slovenia, while alternatives remain available).

¹³ SUI / *Perinçek* (27510/08), judgment final on 15/10/2015, Final resolution [CM/ResDH\(2016\)326](#), etc.

¹⁴ GER / *Mitzinger* (29762/10), just satisfaction – striking out, judgment final on 25/04/2018.

¹⁵ GEO / *Givi Vashakhidze* (41359/08), Final resolution [CM/ResDH\(2018\)432](#) (authorities in a unilateral declaration undertook to reopen the applicant's criminal case, which was subsequently granted in response to the applicant's request, and the CM closed its supervision of this case).

¹⁶ FRA / *Stassart* (79356/17), decision of 04/04/2023, § 28 (the European Court struck this case out of its list of cases on the basis of a unilateral declaration by which the Government indicated that it is now possible (new case-law) to obtain the reopening of criminal proceedings in the domestic courts following such decision by the European Court).

¹⁷ LVA / *Jeronovičs* (44898/10), GC judgment of 05/07/2016 (concluding that reopening of investigation is necessary following a Government's unilateral declaration and subsequent strike-out, even though the Government has not directly indicated in the unilateral declaration that it undertakes to reopen the case).

¹⁸ BGR / *Petyo Popov* (75022/01).

¹⁹ PRT / *Paixão Moreira Sá Fernandes* (78108/14), judgment final on 28/05/2020, Final resolution [CM/ResDH\(2022\)110](#) (concerning conviction in violation of Article 6; closed after the authorities underlined that the applicant did not request reopening and that this conviction is not in the criminal register); TUR / *Ahmet Arslan and Others* (41135/98), judgment final on 04/10/2010, Final resolution [CM/ResDH\(2016\)330](#) (concerning conviction in violation of Article 9; closed after the authorities reported that the applicant did not request reopening, criminal record was deleted with no more negative consequences of the violation); PRT / *L.P. and Carvalho* (24845/13), judgment final on 08/10/2019, Final resolution [CM/ResDH\(2022\)41](#) (concerning conviction in violation of Article 10; closed after the authorities reported that one applicant requested reopening and was acquitted, but the other applicant in the same situation did not request reopening).

²⁰ FRA / *Eon* (26118/10), judgment final on 14/06/2013, Final resolution [CM/ResDH\(2014\)10](#) (concerning conviction in violation of Article 10, the sentence being a simple warning; closed after the authorities reported that the applicant can request reopening); FIN / *M.P.* (36487/12), judgment final on 15/03/2017, Final resolution [CM/ResDH\(2018\)431](#) (concerning another conviction in violation of Article 10; closed after the authorities reported that the applicant can request reopening, and that convictions are not entered in her criminal record).

²¹ HUN / *Vajnai* (33629/06), judgment final on 08/07/2008, Final resolution [CM/ResDH\(2019\)346](#) (concerning conviction in violation of Article 10; closed after a state prosecutor requested reopening *ex officio*, and the domestic courts reopened the cases and acquitted the applicants).

²² SUI / *Perinçek* (27510/08), judgment final on 15/10/2015, Final resolution [CM/ResDH\(2016\)326](#) (closed only after the applicant convicted in violation of Article 10 had been acquitted in the reopened proceedings). BGR / *Dimitar Mitev* (34779/09), judgment final on 08/06/2018, Final resolution [CM/ResDH\(2025\)63](#) (closed only after the Committee ensured that in the reopened proceedings the domestic courts excluded the impugned evidence, in a case concerning violation of Article 6).

end of the reopened proceedings, there is no need to wait.²³ Pending the outcome of the reopened criminal proceedings, and if the case concerns a violation casting doubt on the decision resulting in the applicant's imprisonment, the applicant is to be released (unless of course there are other legitimate grounds to detain the applicant).²⁴

As for civil cases concerning, notably, disputes between private parties, considerations of legal certainty will frequently (although not always) prevent reopening because the rights of good-faith third parties are involved.²⁵ Reopening depends on the will of the applicant to the extent that s/he can even withdraw the reopening request.²⁶ In fact, reopening in civil cases is still not possible in some countries and *restitutio in integrum* is to be achieved by alternative means, for example, by adequate just satisfaction.²⁷ Where reopening is unavailable or inappropriate, the CM has accepted other individual measures capable of achieving, as far as possible, *restitutio in integrum*.

Alternatives to reopening in both civil and criminal cases can often be acceptable: the Grand Chamber of the European Court has underlined that reopening is simply another means – *albeit* a key one – for the full and proper execution of certain of the Court's judgments: a State remains free and sometimes even obliged to choose other means to achieve the applicants' *restitutio in integrum*, to the extent possible, insofar as the means chosen are speedy, efficient and respectful of the conclusions of the Court.²⁸ Such alternatives may include reconsideration of the applicant's status by the administrative authorities,²⁹ the payment of compensation³⁰ or pardon.³¹

²³ MKD / *Mitrov* (45959/09), judgment final on 02/09/2016, Final resolution [CM/ResDH\(2017\)146](#) (concerning a closure before the reopened proceedings had ended, but after an impartial tribunal had started to consider the case).

²⁴ ROM / *Constantin and Stoian* (23782/06), judgment final on 29/12/2009, Final resolution [CM/ResDH\(2013\)40](#). LIT / *Birutis and Others* (47698/99), judgment final on 28/06/2002, Final resolution No. [ResDH\(2004\)45](#) (not all applicants were released but only because of other convictions).

²⁵ See Questions raised by the individual measures in cases of unfair "civil" proceedings. Elements of reflection proposed by the Secretariat. [CM/Del/OJ/DH\(2007\)992-Add 4.1](#), §§ 11, 12, 2 April 2007. It suggested that if the domestic civil proceedings had created rights to the third parties acting in good faith, such proceedings should not be reopened. At the same time, if there are no such third parties, reopening may remain the best tool for *restitutio in integrum* in the civil proceedings.

For example, the current owner of the property who could not have foreseen that the Convention rights of a previous owner (the applicant) had been violated, should not suffer because of the reopening. NOR / *Walston* (37372/97), judgment final on 03/12/2003, Final resolution [CM/ResDH\(2008\)55](#).

See also NOR / *Strand Lobben and Others* (37283/13), below, judgment final on 10/09/2019, Final resolution [CM/Res/DH/\(2025\)259](#), closed on the basis of the Action report saying that "the High Court explicitly considered the state's obligation under Article 46 of the Convention, and found that it was materially impossible to put the biological mother in the position she would have been had the violation not taken place, without violating the best interest of the child and the established family life with his adoptive family."

On the other hand, reopening can still be called for in civil cases: see MLT / *San Leonard Band Club* (77562/01), below. The cases which are "civil" for the Convention purposes may have different names under the domestic law (civil, administrative, labour, statutory etc.) and may not involve the rights of good faith of third parties, thus often requiring reopening. See, for example, CRO / *Lesjak* (25904/06), below.

²⁶ NOR / *TV Vest As and Rogaland Pensjonistparti* (21132/05), judgment final on 11/03/2009, Final resolution [CM/ResDH\(2011\)234](#).

²⁷ GRC / *Moustakidis* (58999/13), judgment final on 27/01/2020, Final resolution [CM/Res DH\(2022\)97](#); SVN / *Gaspari* (21055/03)

²⁸ SUI / *Verein gegen Tierfabriken (VgT) (No. 2)* (32772/02), § 90, judgment final on 30/06/2009, Final resolution [CM/ResDH\(2010\)113](#).

²⁹ Group BEL / *H.G.S.* (26763/18), Final resolution [CM/ResDH\(2020\)32](#) (undertaking in a friendly settlement to again examine the applicant's request for asylum if he lodges a new request, which he did and he was finally granted the refugee status).

³⁰ SVN / *Ališič and Others* (60642/08), judgment final on 16/07/2014, Final resolution [CM/ResDH\(2018\)111](#).

³¹ ROM / *Dalban and 4 other cases* (28114/95), judgment final on 28/09/1999, Final resolution [CM/ResDH\(2011\)73](#).

2. EXAMPLES OF STATE PRACTICE

2.1. ARTICLE 2 (RIGHT TO LIFE)

Reopening of criminal proceedings concerning a death caused by police officers

To remedy the lack of effective investigation into the death of Mr Dimitrov caused by police officers, the criminal judicial proceedings were reopened twice. After the first reopening, the police officers were convicted of homicide and sentenced to seven years' imprisonment. After the second reopening, the court found they had caused Mr Dimitrov's death by negligence but that the statute of limitations had expired. The police officers were subsequently dismissed on disciplinary grounds, although one dismissal was later quashed. The Committee invited the authorities to specify whether those still employed by the Ministry of Interior have direct contact with detainees and whether their fitness to work with detainees has been assessed.

BGR / *Dimitrov and Others*
(77938/11)
Judgment final on 17/11/2014

Status of execution:
pending

Appropriate criminal-law response to a fatal attack

To ensure that the homophobic motives for the murder were duly taken into account as an aggravating factor, the Supreme Court of Cassation, following the reopening of the criminal proceedings, upheld the judgment of the Sofia Court of Appeal, thereby increasing the sentence. It found that the lower court had rightfully considered the homophobic motives for the murder as an aggravating factor.

BGR / *Stoyanova*
(56070/18)
Judgment final on 14/09/2022

Final Resolution
CM/ResDH(2024)92

2.2. ARTICLE 3 (PROHIBITION OF TORTURE)

Conviction following reopening of criminal proceedings into excessive use of force during arrest

To remedy a procedural violation of Article 3 concerning excessive use of force during the applicant's arrest, the criminal judicial proceedings were reopened and the court found that the use of force had not been absolutely necessary, convicted the police officer of medium bodily injury committed with oblique intent and gave him a suspended three-year prison sentence. This judgment was upheld on appeal.

BGR / *Yanchovichin*
(78907/16)
Judgment final on 16/03/2021

Final Resolution
CM/ResDH(2024)247

Granting refugee status

To prevent ill-treatment in the event of deportation to Afghanistan following the Federal Administrative Court's failure to thoroughly examine the case, that court reopened the case and found in favour of the applicant, remitting the case to the State Secretariat for Migration (*Secrétariat d'État aux migrations*) which then recognised the applicant as a refugee and granted him provisional admission to Switzerland.

SUI / *A.A.* (32218/17)
Judgment final on 05/02/2020

Final Resolution
CM/ResDH(2021)21

2.3. ARTICLE 5 (RIGHT TO LIBERTY AND SECURITY)

Release of opposition politicians and quashing of their convictions

To remedy the detention of opposition politicians for unauthorised purposes of punishing them for their political activities, they were released from detention.

AZE / *Ilgar Mammadov*
(15172/13)
Judgment final on 13/10/2014

Furthermore, following the first-ever infringement-proceedings judgment of the European Court of 29 May 2019 establishing a violation of Article 46 of the Convention, the Supreme Court quashed the applicants' convictions and awarded them compensation for non-pecuniary damage resulting from their unlawful arrest and imprisonment, thereby eliminating all negative consequences of the abusive criminal proceedings.

Final Resolution
CM/ResDH(2020)178

Additional redress for excessively long detention on remand

To further redress unreasonably long pre-trial detention, in the reopened proceedings, the domestic courts quashed the relevant detention orders, allowing the applicant to claim additional compensation under domestic law.

RUS / Bykov(4378/02)
Judgment final on 10/03/2009

Status of execution:
pending

Redress for unlawful detention

To enable the applicant's heirs to pursue their claim for compensation in respect of the applicant's unlawful detention, the first-instance court allowed the reopening of the civil compensation proceedings.

SER / Mitrovic(52142/12)
Judgment final on 21/06/2017

Final Resolution
CM/ResDH(2020)78

2.4. ARTICLE 6 (RIGHT TO A FAIR TRIAL)

Securing a fair assessment of a request for exemption from stamp duty in a civil case

To remedy the failure of the domestic courts to carry out a proper assessment of the applicant's financial situation in respect of his request for exemption from stamp duty, the domestic court reopened the proceedings, examined the request on the merits and awarded the applicant compensation.

ALB / Laçi(28142/17)
Judgment final on 19/01/2022

Final Resolution
CM/ResDH(2024)343

Reopening of Constitutional Court proceedings to remedy breach of the adversarial principle

To remedy the infringement of the adversarial principle in the applicant's war crimes trial - whereby the applicant had been denied the opportunity to comment on observations filed by other participants before the Constitutional Court - the proceedings were reopened, the applicant was given the opportunity to submit his observations and the Constitutional Court adopted a fresh decision in January 2023, rejecting his constitutional appeal.

BIH / Baotić(49560/20)
Judgment final on 18/10/2022

Final Resolution
CM/ResDH(2023)117

Acquittal after reopening of criminal proceedings

To redress an unfair trial which resulted in a conviction on the basis of statements made by a co-accused which were subsequently retracted before the trial court, without any verification as to their reliability and accuracy despite allegations of coercion, in the reopened proceedings, the court acquitted the applicant for lack of evidence.

CRO / Erkić(51198/08)
Judgment final on 25/07/2013

Final Resolution
CM/ResDH(2021)148

Re-examination of a civil claim

To redress a violation on account of failure to examine merits of a civil case, the domestic courts reopened proceedings in order to examine all aspects of the case on the merits.

CRO / Lesjak(25904/06)
Judgment final on 18/05/2010

Final Resolution
CM/ResDH(2012)12

Acquittal after a second reopening of the proceedings

To remedy the Supreme Court's failure, in the proceedings reopened following a judgment of the European Court, to address all procedural shortcomings (the Supreme Court had distorted the conclusions of the European Court's earlier judgment), the Supreme Court reconsidered the case for a second time and quashed all the convictions imposed on the applicant.

ESP / Serrano Contreras (No. 2)(2236/19)
Judgment final on 26/01/2022

Final Resolution
CM/ResDH(2023)331

Fresh examination without taking into account the cassation petition lodged by the President of the Criminal Chamber

To address the objectively justified doubts as to the Supreme Court's impartiality arising from the President of the Criminal Chamber's intervention in the case, the Supreme Court reconsidered the case in the reopened proceedings without taking his cassation petition into account.

LIT / *Daktaras* (42095/98)
Judgment final on 17/01/2001

Final Resolution
CM/ResDH(2004)43

Re-hearing a civil case before a lawfully composed court

To address the problem of absence of impartiality because the same judges sat in both first and appeal instances, the proceedings were reopened and the case heard anew by a formation of judges different from those having sat in the original first-instance or appeal proceedings.

MLT / *San Leonard Band Club* (77562/01)
Judgment final on 29/10/2004

Final Resolution
CM/ResDH(2013)146

Examining the earlier disregarded pleas

To remedy the domestic courts' failure to properly examine the applicants' pleas of entrapment in criminal proceedings concerning allegations of committing drug-related crimes, the domestic courts in the reopened proceedings examined the applicants' pleas.

ROM / *Constantin and Stoian* (23782/06)
Judgment final on 29/12/2009

Final Resolution
CM/ResDH(2013)140

Hearing the earlier disregarded witnesses

To address the courts' failure to hear the witnesses, the domestic courts summoned and heard the witnesses in the reopened proceedings.

ROM / *Reiner and Others* (1505/02)
Judgment final on 27/12/2007

Final Resolution
CM/ResDH(2013)141

2.5. ARTICLE 7 (NO PUNISHMENT WITHOUT LAW)

Application of the more lenient criminal law following reopening

To remedy the application of a more severe criminal law than that applicable at the material time, the domestic courts in the reopened proceedings applied the more lenient criminal law.

BIH / *Maktouf and Damjanović* (2312/08)
Judgment final on 18/07/2013

Final Resolution
CM/ResDH(2017)180

Release from unlawful detention

To address the problem of detention imposed by courts on safety grounds in the absence of a legislative basis, the courts ordered the applicants' release or, where appropriate, ordered their detention on lawful grounds because of their mental illness.

GER / *M. group* (19359/04)
Judgment final on 10/05/2010

Final Resolution
CM/ResDH(2014)290

Annulment of convictions following reopening

To address the violations arising from the fact that the acts held against the applicants could not foreseeably constitute a criminal offence under national law in force at the material time, the domestic courts in the reopened proceedings annulled the convictions of the applicants.

ROM / *Dragotoni and Militaru-Pidhorni* (77193/01)
Judgment final on 24/08/2007

Final Resolution
CM/ResDH(2011)250

2.6. ARTICLE 8 (RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE)

Reinstatement of a prosecutor following disproportionate dismissal

To remedy the violation of the applicant's right to private life caused by her disproportionate dismissal following a vetting procedure and a lifetime ban from re-entering the justice system, the Special Appeal Chamber granted the applicant's request for the reopening of proceedings, following which she was reinstated as a public prosecutor.

ALB / *Sevdari* (40662/19)
Judgment final on 13/03/2023

Final Resolution
CM/ResDH(2024)212

Quashing an unsubstantiated suspension of a judge

To remedy the violations of the applicant's right to private life stemming from various shortcomings in the review of the decision to suspend him from his duties as a judge, including absence of proportionality assessment, the Supreme Administrative Court, following the reopening of proceedings, quashed the Supreme Judicial Council's suspension decision.

BGR / Pengezov

(66292/14)

Judgment final on 10/01/2024

Status of execution:
pending

Recognition of a parent-child relationship

To remedy the violation of the applicants' right to respect for family life, although surrogacy arrangements remain prohibited under French law, the domestic courts, in the reopened proceedings, authorised the transcription into the French civil-status register of foreign birth certificates naming the French intended parents as the legal parents of children born through surrogacy arrangements abroad.

FRA / Mennesson group

(65192/11)

Judgment final on 26/09/2014

Final Resolution
CM/ResDH(2017)286

Issuing well-balanced, reasoned judgment on childcare

To remedy the violation of the applicants' right to family life, caused by inadequate reasoning and deficiencies in balancing competing interests by Norwegian child welfare authorities and courts regarding adoption, foster care and unduly restrictive contact arrangements with their children, the domestic courts, following a request to reopen the case, delivered a well-reasoned, balanced judgment. The courts determined that it was materially impossible to restore the biological mother to the position she would have been had the violation not occurred, without contravening both the best interests of the child and the established family life with his adoptive family.

NOR / Strand Lobben and Others (37283/13)

Judgment final on 10/09/2019

Final Resolution
CM/Res/DH(2025)259

Restoration of unlawfully annulled university degrees

To remedy the violation of the applicants' right to private life which occurred because of the annulment of their university degrees in dentistry due to administrative flaws, the reopened proceedings resulted in the annulment of the University's decisions withdrawing the applicants' diplomas. In September 2021, the Ministry of Health issued certificates confirming the applicants' degrees in dentistry.

ROM / Convertito and Others (30547/14)

Judgment final on 03/07/2020

Final Resolution
CM/ResDH(2022)111

Restoring legal capacity

To remedy the violation of the applicants' right to private life which occurred because of the unlawful or disproportionate deprivation of their legal capacity in connection with the applicants' mental disabilities, the domestic courts in the reopened proceedings restored the applicants' full legal capacity.

RUS / Rakevich group

(58973/00)

Judgment final on 24/03/2004

Final Resolution
CM/ResDH(2020)333

Reinstatement in the police force

To remedy the violation of the applicants' right to private life caused by a dismissal from the police following criminal proceedings in which the applicants were subsequently acquitted, the domestic courts in the reopened proceedings reinstated them in their positions.

SER / Milojević (43519/07)

Judgment final on 12/04/2016

Final Resolution
CM/ResDH(2018)93

Registration of a name

To remedy violation of the applicant's right to private life caused by a refusal to change her patronymic name, in the reopened proceedings, the domestic courts ordered the Civil Status Registration Office to register the applicant's new patronymic name.

UKR / Garnaga

(20390/07)

Judgment final on 16/08/2013

Final Resolution
CM/ResDH(2020)355

Redress for environmental nuisance caused by a motorway

To remedy the violation of the applicant's right to private life caused by a decision which failed to strike a fair balance between the applicant's interests and those of the community in a case concerning noise, vibration and air and soil pollution caused by a motorway that had been re-routed next to the applicant's house, in the

UKR / Grimkovskaya

(38182/03)

Judgment final on 21/10/2011

Final Resolution
CM/ResDH(2020)88

reopened proceedings, a court found in favour of the applicant and awarded her further compensation for non-pecuniary damage, in addition to the just satisfaction awarded by the European Court (the motorway was no longer in operation).

Protection against further domestic violence

To remedy the violation of the applicant's right to respect for private life resulting from the domestic court's failure to strike a fair balance in the eviction proceedings, the applicant's ex-husband was evicted from the shared flat following the reopening of the proceedings. According to the authorities, the applicant and her children are no longer at risk from domestic violence and have reported no further incidents.

UKR / Levchuk (17496/19)
Judgment final on 03/12/2020

Status of execution:
pending

Quashing the decisions ordering the children's removal from parental care

To address the violation of the applicants' right to family life caused by the removal of their three children from their blind parents' care and their placement in separate institutions, the impugned decisions were quashed in the reopened proceedings. Subsequently, two of the children lived with their mother, while the third maintained regular weekly contact with her.

UKR / Saviny (39948/06)
Judgment final on 18/03/2009

Final Resolution
CM/ResDH(2018)39

2.7. ARTICLE 9 (FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION)

Quashing the conviction of a Jehovah's Witness

To redress the violation of the applicants' right to freedom of religion arising from their conviction for operating a place of worship without complying with rigid, or indeed prohibitive, statutory requirements, following the reopening of the proceedings, the applicants' conviction was quashed and the criminal proceedings against them were discontinued.

GRC / Manoussakis and Others (18748/91)
Judgment final on 26/09/1996

Final Resolution
CM/ResDH(2005)87

Quashing and reversal of the convictions of elected muftis

To redress the violations of the applicants' right to freedom of religion resulting from their convictions for usurping the functions of Muslim muftis and publicly wearing muftis' official robes, in the *Serif* case, the criminal proceedings were reopened, the applicant's conviction was quashed, and all its remaining effects were automatically erased. In the *Agga* case, three of the applicant's convictions were reversed on appeal and he was entitled to request the reopening of five earlier sets of criminal proceedings.

GRC / Serif (38178/97)
Judgment final on 14/03/2000

GRC / Agga No 2 (50776/99)
Judgment final on 17/01/2003

Final Resolution
CM/ResDH(2005)88

2.8. ARTICLE 10 (FREEDOM OF EXPRESSION)

Quashing convictions for calling for a boycott of Israeli products

To redress the violation of the right to freedom of expression on account of the applicants' convictions for calling for a boycott of Israeli products, the applicants' reopening request was granted by the Court of Cassation (revision section) and the case was referred back to another court of appeal. The applicants were eventually acquitted of all relevant charges.

FRA / Baldassi and Others (15271/16)
Judgment final on 11/09/2020

Final Resolution
CM/ResDH(2023)78

Acquittal of a journalist convicted for criticising a state-owned wine producer

To remedy the violation of the right to freedom of expression on account of the conviction of a journalist for criticising wine produced by a state-owned company with the aim of raising awareness about the disadvantages of state ownership

HUN / Uj (23954/10)
Judgment final on 19/10/2011

Final Resolution
CM/ResDH(2022)70

rather than to denigrate the quality of the company's products, in the reopened proceedings, the impugned judgment was quashed and the applicant acquitted.

Acquittal of a water company director for criticising a public official

To redress the violation of the applicant's right to freedom of expression on account of his conviction for severely criticising the Chief State Water Inspector at a press conference, the domestic court acquitted him in the reopened proceedings.

MON / Sabanovic

(5995/06)

Judgment final on 31/08/2011

Final Resolution
CM/ResDH(2016)44

Posthumous acquittal of journalist convicted of exposing alleged fraud

To redress the violation of freedom of expression on account of a conviction of a journalist for exposing alleged fraud committed by the chief executive of a state-owned agricultural company, without being given a proper opportunity to adduce evidence in support of his statements before the domestic courts, the applicant (who had passed away in the meantime) was acquitted by the Supreme Court of Justice in reopened proceedings following an extraordinary appeal lodged by the Prosecutor General.

ROM / Dalban and 4

other cases (28114/95)

Judgment final on 28/09/1999

Final Resolution
CM/ResDH(2011)73

Authorisation to broadcast a television commercial

To redress the violation of freedom of expression on account of a failure to comply with positive obligation due to the continued prohibition on broadcasting a television commercial (aimed against battery farming) despite a first judgment of the European Court of 2001, amounting to a fresh violation, in the reopened proceedings the Federal Court granted the applicant's request for review and ordered the Swiss Radio and Television Company to broadcast the commercial in question.

SUI / Verein gegen

Tierfabriken (VgT) (No. 2)

(32772/02)

Judgment final on 30/06/2009

Final Resolution
CM/ResDH(2010)113

2.9. ARTICLE 11 (FREEDOM OF ASSEMBLY AND ASSOCIATION)

Annulment of dissolution of a sports association

To redress the violation of the applicant association's right to freedom of association arising from its unjustified dissolution following the opening of bankruptcy proceedings, despite an agreed reorganisation plan providing for the continuation of its activities, the relevant domestic proceedings regarding the applicant's striking off from the register of associations and its cessation of activities were reopened, the impugned decisions were annulled and the association was re-entered in the register with active status.

CRO / Croatian Golf

Federation (66994/14)

Judgment final on 17/03/2021

Final Resolution
CM/ResDH(2021)355

Registration of an association raising issues that could be considered sensitive for society

The applicant association's right to freedom of association had been violated on account of its unjustified dissolution by the Constitutional Court, even before the applicant association could take any action, on account of its objectives, which were, inter alia, "not to forget the Bulgarian ethnic origin of the Macedonian people". To remedy this violation, the domestic authorities ultimately registered the applicant association following a fresh examination of its registration request, enabling it to acquire legal personality.

MKD / Association of

Citizens Radko &

Paunkovski (74651/01)

Judgment final on 15/04/2009

Final Resolution
CM/ResDH(2017)293

2.10. ARTICLE 14 (PROHIBITION OF DISCRIMINATION)

Suspension of a prison sentence following a discriminatory refusal to suspend its execution

To remedy the violation of the prohibition of discrimination arising from the refusal to suspend the applicant's prison sentence solely because of her Roma origin, the Supreme Court of Cassation, in the reopened proceedings, quashed the final judgment and amended the applicant's sentence by suspending its execution.

BGR / Paraskeva Todorova
(37193/07)
Judgment final on 25/06/2010

Final Resolution
CM/ResDH(2016)156

Retroactive award of a half disability pension following indirect sex discrimination

The Court found that the calculation of the applicant's disability benefit after she indicated that she wished to work part-time after the birth of her children amounted to indirect discrimination on grounds of sex in the enjoyment of her right to respect for private and family life. To remedy the discrimination, the Federal Court awarded her, in the reopened proceedings, a half disability pension with retroactive effect from 1 September 2004, covering a period of more than 12 years.

SUI / Di Trizio (7186/09)
Judgment final on 04/07/2016

Final Resolution
CM/ResDH(2017)128

Annulment of a discriminatory dismissal

The Court found that the applicant's dismissal from her post as a security officer because she did not fulfil the requirements of "being a man" and "having completed military service" constituted discrimination on grounds of sex. To remedy the violation, the administrative court, in the reopened proceedings, annulled the decision dismissing the applicant and awarded her compensation in respect of pecuniary damage.

TUR / Emel Boyraz
(61960/08)
Judgment final on 02/03/2015

Final Resolution
CM/ResDH(2017)147

2.11. ARTICLE 1 OF PROTOCOL No. 1 (PROTECTION OF PROPERTY)

Securing adequate compensation for expropriated land

To remedy the failure to provide the applicant companies with compensation reasonably related to the market value of their expropriated land, the Burgas Administrative Court, following the reopening of proceedings, substantially increased the compensation awarded to each applicant company, on the basis of new expert assessments reflecting the land's actual market value and its potential beyond agricultural use at the time of expropriation.

BGR / Nevada Tours 2004 AD and Bulgarian Tourist Company Global Tours AD
(4173/20)
Judgment final on 10/09/2024

Final Resolution
CM/ResDH(2026)109

Compensation for damage to a seized vehicle

To remedy the violation of property rights on account of the seizure of a vehicle in the context of a criminal investigation, its prolonged retention in inadequate storage conditions and the subsequent dismissal by the civil courts of the applicant's claim for compensation and by the Constitutional Court of his constitutional complaint, in the reopened proceedings, a court awarded the applicant's heir compensation for the damage caused to the vehicle (approximately 20,000 euros), as well as costs and expenses (642 euros).

CRO / Vuković (47880/14)
Judgment final on 15/11/2018

Final Resolution
CM/ResDH(2022)27

Compensation as an alternative to reopening

To remedy the domestic courts' refusal to examine the applicants' compensation claims concerning the calculation of compensation in the context of land expropriations, reopening of civil proceedings not being possible under domestic law, the applicants were compensated through the payment of sums awarded by the Court as just satisfaction.

GRC / Moustakidis
(58999/13)
Judgment final on 27/01/2020

GRC / Alfa Glass Anonymi Emboriki Etairia Yalopinakon (74515/13)
Judgment final on 31/05/2021

Final Resolution
CM/ResDH(2022)97

Return of a collection of antique weapons

To redress the violation of property rights caused by the disproportionate confiscation of a collection of antique weapons, in the reopened proceedings, the domestic courts quashed the decision to confiscate this collection and the weapons were returned to the applicant.

POL / Waldemar
Nowakowski (55167/11)
Judgment final on 17/12/2012

Final Resolution
CM/ResDH(2015)165

Return of wrongly confiscated money

To redress the violation of property rights caused by unlawful confiscation of smuggled money, the domestic courts, in the reopened proceedings, ordered payment to the applicant of sums equal to those confiscated.

RUS / Baklanov (68443/01)
Judgment final on 30/11/2005

Final Resolution
CM/ResDH(2011)301

2.12. ARTICLE 1 OF PROTOCOL No. 12 (GENERAL PROHIBITION OF DISCRIMINATION)

Award of discriminatorily denied work-related allowances

To remedy the unjustified difference in treatment between the applicant judicial clerks and judges of the same court, whereby the clerks, unlike the judges, were denied certain allowances for the period before January 2013, the applicants' requests for reopening were granted by the Cantonal Court in Sarajevo. In the reopened proceedings, the clerks were awarded their claims for the full period from 2009 onwards, and the resulting judgment was fully executed in March 2025.

BIH / Pinkas and Others
(8701/21)
Judgment final on 30/01/2023

Final Resolution
CM/ResDH(2025)228

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