

Resolution

Execution of the judgment of the European Court of Human Rights Nachova and Others against Bulgaria

(Adopted by the Committee of Ministers on 5 April 2017
at the 1283rd meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
43577/98+	NACHOVA AND OTHERS	06/07/2005	Grand Chamber

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

Having regard to the final judgment transmitted by the Court to the Committee in this case and to the violations established concerning the breach of the applicants' relatives' right to life due to the use of fire-arms regulated by an old legislation, contrary to the Convention (substantive violation of Article 2), the ineffectiveness of the investigation (procedural violation of Article 2), as well as the failure to enquire whether a racist motive might have played a role in the incident (violation of Article 14 taken together with Article 2);

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

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

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

Having examined the action report provided by the government indicating the measures adopted in particular to combat the excessive use of fire-arms and to ensure that enquiries are carried out into the existence of racist motives in case of damage to the physical integrity of a person, as well as the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2017)201);

Having noted that the other questions raised by the present case relating to the effectiveness of the investigations concerning death which occurred under the responsibility of the law-enforcement agencies (procedural violation of Article 2) are being examined in the framework of the *Velikova* group of cases;

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

DECIDES to close the examination thereof.