






































## Decisions adopted by the Committee of Ministers

Compilation 2014 – 2018

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### Select a State

▶ Albania		▶ Germany		▶ Poland	
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▶ Armenia		▶ Hungary		▶ Republic of Moldova	
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▶ Azerbaijan		▶ Ireland		▶ Russian Federation	
▶ Belgium		▶ Italy		▶ San Marino	
▶ Bosnia and Herzegovina		▶ Latvia		▶ Serbia	
▶ Bulgaria		▶ Liechtenstein		▶ Slovak Republic	
▶ Croatia		▶ Lithuania		▶ Slovenia	
▶ Cyprus		▶ Luxembourg		▶ Spain	
▶ Czech Republic		▶ Malta		▶ Sweden	
▶ Denmark		▶ Monaco		▶ Switzerland	
▶ Estonia		▶ Montenegro		▶ Turkey	
▶ Finland		▶ Netherlands		▶ Ukraine	
▶ France		▶ North Macedonia		▶ United Kingdom	
▶ Georgia		▶ Norway		▶	

## Notice

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This document is produced under the sole responsibility of the Department for the Execution of Judgments of the European Court of Human Rights. It is not binding for the Committee of Ministers of the Council of Europe and is provided for information purposes only.

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The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies.

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All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

# LIST OF HUMAN RIGHTS MEETINGS

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## 2014

- 1193<sup>rd</sup> meeting (HR), 4-6 March 2014
- 1201<sup>st</sup> meeting (HR), 3-5 June 2014
- 1208<sup>th</sup> meeting (HR), 23-25 September 2014
- 1214<sup>th</sup> meeting (HR), 2-4 December 2014

## 2015

- 1222<sup>nd</sup> meeting (HR), 10-12 March 2015
- 1230<sup>th</sup> meeting (HR), 9-11 June 2015
- 1236<sup>th</sup> meeting (HR), 22-24 September 2015
- 1243<sup>rd</sup> meeting (HR), 8-10 December 2015

## 2016

- 1250<sup>th</sup> meeting (HR), 8-10 March 2016
- 1259<sup>th</sup> meeting (HR), 7-8 June 2016
- 1265<sup>th</sup> meeting (HR), 20-21 September 2016
- 1273<sup>rd</sup> meeting (HR), 6-8 December 2016

## 2017

- 1280<sup>th</sup> meeting (HR), 7-9 March 2017
- 1288<sup>th</sup> meeting (HR), 6-7 June 2017
- 1294<sup>th</sup> meeting (HR), 19-21 September 2017
- 1302<sup>nd</sup> meeting (HR), 5-7 December 2017




## 2018




- 1310<sup>th</sup> meeting (HR), 13-15 March 2018
- 1318<sup>th</sup> meeting (HR), 5-7 June 2018
- 1324<sup>th</sup> meeting (HR), 18-20 September 2018
- 1331<sup>st</sup> meeting (HR), 4-6 December 2018

## 2019

- 1340<sup>th</sup> meeting (HR), 12-14 March 2019
- 1348<sup>th</sup> meeting (HR), 4-6 June 2019
- 1355<sup>th</sup> meeting (HR), 23-25 September 2019
- 1362<sup>nd</sup> meeting (HR), 3-5 December 2019

List of cases classified by State

	<p>Albania</p>	<p><b>Caka Berhani</b> (Group)</p> <p><b>Driza</b> (Group)</p> <p><b>Dybeku</b> (Group)</p> <p><b>Grori</b></p> <p><b>Luli and Others</b></p> <p><b>Manushaqe Puto and Others</b></p>
	<p>Armenia</p>	<p><b>Ashot Harutyunyan</b></p> <p><b>Chiragov and Others</b></p> <p><b>Virabyan</b> (Group)</p>
	<p>Azerbaijan</p>	<p><b>Fatullayev</b></p> <p><b>Gafgaz Mammadov</b> (Group)</p> <p><b>Humbatov</b> (Group)</p> <p><b>Ilgar Mammadov</b></p> <p><b>Insanov</b> (Group)</p> <p><b>Mahmudov and Agazade</b> (Group)</p> <p><b>Mammadov (Jalaloglu)</b> (Group)</p> <p><b>Mikayil Mammadov</b> (Group)</p> <p><b>Mirzayev</b> (Group)</p> <p><b>Muradova</b> (Group)</p> <p><b>Namat Aliyev</b> (Group)</p> <p><b>Sargsyan</b></p> <p><b>Tarverdiyev</b> (Group)</p>

	<p>Belgium</p>	<p><b>Dumont</b> (Group)</p> <p><b>L.B.</b> (Group)</p> <p><b>M.S.</b></p> <p><b>Trabelsi</b></p> <p><b>Vasilescu</b></p>
	<p>Belgium and Greece</p>	<p><b>M.S.S.</b></p>
	<p>Bosnia and Herzegovina</p>	<p><b>Al Husin</b></p> <p><b>Colić and Others</b></p> <p><b>Đokić</b></p> <p><b>Kunić and Others</b> (Group)</p> <p><b>Mago and Others</b></p> <p><b>Maktouf and Damjanović</b></p> <p><b>Sejdic and Finci</b> (Group)</p>



**Bulgaria**

**Al-Nashif and Others** (Group)

**Association for European integration and Human Rights and Ekimdzhiev** (Group)

**C.G. and Others** (Group)

**Dimitrov and Hamanov**

**Djangozov** (Group)

**Finger**

**International Bank of Commerce and Development AD and Others**

**Kehayov** (Group)

**Kitov** (Group)

**Kolevi** (Group)

**Nachova and Others** (Group)

**Neshkov and Others**

**Nencheva and Others**





**United Macedonian Organisation Illinden and Others** (Group)

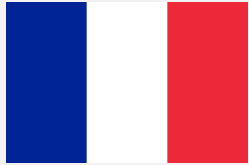
**Stanev** (Group)

**S.Z.** (Group)

**Velikova** (Group)

**Yordanova and Others**

	<p>Croatia</p>	<p>Ajdarić</p> <p>Šečić</p> <p>Skendzic and Krznaric (Group)</p> <p>Statileo</p>
	<p>Cyprus</p>	<p>M.A. (Group)</p> <p>Onoufriou</p>
	<p>Cyprus &amp; Russian Federation</p>	<p>Rantsev</p>
	<p>Czech Republic</p>	<p>D.H. and Others</p>



France

I.M.

M.A. (Group)

Menesson (Group)

M.K.



Georgia

Aliev

Identoba and Others (Group)

Merabishvili

Gharibashvili (Group)



Germany

M. (Group)





Greece

**Beka Koulocheri** (Group)

**Bekir-Ousta and Others** (Group)

**Chowdury and Others**

**Diamontides No.2** (Group)

**Glykantzi**

**Konti-Arvaniti** (Group)

**Manios** (Group)

**Makaratzis** (Group)

**Martzaklis and Others** (Group)

**Michelioudakis**

**M.S.S.** (Group)

**Nisiotis** (Group)

**Rahimi** (Group)

**Sakir**

**Sampani and Others** (Group)

**S.D.** (Group)

**Siasios and Others** (Group)

**Vallianatos and Others**

**Vassilios Athanasiou and Others**



**Hungary**

**Baka**

**Gazsó** (Group)

**Gubacsi** (Group)

**Horváth and Kiss**

**István Gábor Kovács** (Group)

**Kalucza**

**László Magyar** (Group)

**R.R.**

**Szabó and Vissy**

**Tímár** (Group)

**Tonello**

**Varga and Others**

**A., B. and C.**

**McFarlane** (Group)

**O'Keeffe**



**Ireland**



Italy

**Abenavoli** (Group)

**Agrati and Others** (Group)

**Centro Europa 7 S.R.L. and Di Stefano**

**Ceteroni** (Group)

**Costa and Pavan**

**Di Sarno and Others**

**Hirsi Jamaa and Others**

**Gaglione and Others**

**Khlaifia and Others**

**Ledonne No. 1** (Group)

**Luordo** (Group)

**M.C. and Others**

**Mostacciolo Giuseppe No.1** (Group)

**Olivieri and Others**

**Oliari and Others**

**Sharifi and Others**

**Sneersome and Kampanella**

**Sulejmanovic**

**Talpis**

**Torreggiani and Others**



Lithuania

Abu Zubaydah

L.

Matiošaitis and Others

Paksas

Vasiliauskas



Malta

Apap Bologna (Group)

Suso Musa (Group)



North Macedonia

Association of Citizens "Radko" and Paunkovski




El-Masri

Hajrulahu

Ivanovski

Orthodox Ohrid Archdiocese (Group)

	<p>Norway</p>	<p>Lindheim and Others</p>
	<p>The Netherlands</p>	<p>Jaloud</p>
	<p>Poland</p>	<p>Al-Nashiri (Group)</p> <p>Bąk (Group)</p> <p>Dzwonkowski (Group)</p> <p>Fuchs (Group)</p> <p>Grabowski</p> <p>Grzelak</p> <p>Horych (Group)</p> <p>Kaprykowski (Group)</p> <p>Kędzior</p> <p>Kudla (Group)</p> <p>Majewski (Group)</p> <p>P. and S.</p> <p>Podbielski (Group)</p> <p>R.R.</p> <p>Rutkowski and Others</p> <p>Tysiac</p>

	<p>Portugal</p>	<p><b>Oliveira Modesto and Others</b> (Group)</p>
	<p>Republic of Moldova</p>	<p><b>Vicente Cardoso</b> (Group)</p> <p><b>Becciev</b> (Group)</p> <p><b>Boicenco</b> (Group)</p> <p><b>Brega</b> (Group)</p> <p><b>Ciorap</b> (Group)</p> <p><b>Corsacov</b> (Group)</p> <p><b>Eremia</b> (Group)</p> <p><b>Genderdoc-M</b></p> <p><b>Guțu</b></p> <p><b>I.D.</b> (Group)</p> <p><b>Levinta</b></p> <p><b>Luntre and Others</b> (Group)</p> <p><b>Mușuc</b> (Group)</p> <p><b>Paladi</b> (Group)</p> <p><b>Sarban</b> (Group)</p> <p><b>Taraburca</b> (Group)</p> <p><b>Timus and Taurus</b></p>
	<p>Republic of Moldova &amp; Russian Federation</p>	<p><b>Ilașcu and Others</b></p> <p><b>Ivantoc and Others</b></p>



Romania

**Al Nashiri**

**Anghelescu Barbu No.1** (Group)

**Association « 21 December 1989 »** (Group)

**Bălsan**

**Bragadireanu** (Group)

**Bucur and Toma**

**Centre for legal resources on behalf of Valentin  
Câmpeanu**

**Cristian Teodorescu**

**Gheorghe Predescu**

**Maria Atanasiu**

**Moldovan and Others** (Group)

**N.**

**Nicolau** (Group)

**Parascineti**

**Predică** (Group)

**Rezmiveş and Others**

**Sacaleanu** (Group)

**S.C. Polyinvest S.R.L. and Others**

**Soare and Others** (Group)

**Strain and Others** (Group)

**Stoianova and Nedelcu** (Group)

**Țicu** (Group)

**Zlatin and Others**



**Russian Federation**

**Alekseyev**

**Alim**

**Bayev and Others**

**Buntov**

**Catan and Others**

**Finogenov and Others**

**Garabayev (Group)**

**Georgia**

**Gerasimov and Others**

**Jehovah's Witnesses of Moscow and Others**

**Khashiyev and Akayeva (Group)**

**Kim (Group)**

**Klyakhin (Group)**

**Krupko and Others**

**Kudeshkina**

**Lashmankin and Others**

**Liu No. 2 (Group)**

**Mikheyev (Group)**

**Navalnyy and Ofitserov**





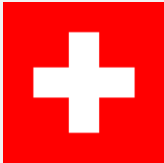
**Oao Neftyanaya Kompaniya Yukos**

**Roman Zakharov**

**Svinarenko and Slyadnev (Group)**

**Y.U.**



	<p>Serbia</p>	<p>EVT Company (Group)</p> <p>Grudić</p> <p>Milanović</p> <p>Zorica Jovanović</p>
	<p>Serbia and Slovenia</p>	<p>Alisić and Others</p>
	<p>Slovak Republic</p>	<p>Labsi</p>
	<p>Slovenia</p>	<p>Mandić and Jović (Group)</p>
	<p>Switzerland</p>	<p>Al-Dulimi and Montana Management Inc.</p> <p>Tarakhel</p>



Turkey

**Ahmet Yildirim**

**Altuğ Taner Akçam** (Group)

**Ataykaya**

**Batı and Others** (Group)

**Cyprus**

**Dink**

**Erdoğan and Others** (Group)

**Ergin (No. 6)**

**Incal** (Group)

**Gözel and Özer** (Group)

**Gülay Çetin**

**Kasa** (Group)

**Nedim Şener** (Group)

**Opuz**

**Oya Ataman** (Group)

**Oyal** (Group)

**Özmen** (Group)

**Sinan Işık**

**Söyler** (Group)

**Ürper and Others** (Group)

**Varnava and Others**

**Xenides-Arestis** (Group)



**Ukraine**

**Afanasyev** (Group)

**Agrokompleks**

**Belousov**

**Burmych and Others**

**Chanyev**

**East/West Alliance Limited**

**Fedorchenko and Lozenko** (Group)

**Gongadze**

**Ignatov** (Group)

**Isayev** (Group)

**Karabet and Others** (Group)

**Kaverzin**

**Kebe and Others**

**Kharchenko**

**Khaylo** (Group)

**Korneykova**

**Logvinenko** (Group)

**Melnik** (Group)


**Naydyon** (Group)

**Nevmerzhitsky** (Group)

**Oleksandr Volkov**

**Salov** (Group)

**Tymoshenko**

		<b>Vasiliy Ivashchenko</b>
		<b>Vyerentsov</b> (Group)
		<b>Yakovenko</b> (Group)
		<b>Yuriy Nikolayevich Ivanov</b>
		<b>Zhovner</b> (Group)
	<b>United Kingdom</b>	<b>Al-Skeini and Others</b>
		<b>Aswat</b>
		<b>McKerr</b> (Group)
		<b>Hirst No. 2</b> (Group)

## TABLE-INDEX OF DECISIONS ADOPTED BY THE CM DURING ITS MEETINGS



Meetings where this logo is used are meetings where consideration of the concerned case was postponed, or the time-table for its examination adopted/modified.

Year	Meeting	Case	State	Violation	Action requested
2014	1193 (4-6 March 2014)	CAKA (Group)	ALBANIA	Unfair criminal proceedings	To urge the authorities to submit, without further delay, information on the situation of the detained applicants and on the measures of a general nature.
2016	1265 (20-21 September 2016)	CAKA (Group)	ALBANIA	Unfair criminal proceedings	To assess the information provided by the Albanian authorities and to identify the outstanding questions. To examine the proposal to adopt a final resolution in two cases. <b>Final resolution CM/ResDH(2016)272 adopted in four cases.</b>
2017	1302 (5-7 December 2017)	CAKA (Group)	ALBANIA	Unfair criminal proceedings	To examine the final draft resolution with a view to closing the examination of this group.
2014	1193 (4-6 March 2014)	DRIZA (Group)  MANUSHAQE PUTO AND OTHERS	ALBANIA	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of articles 6§1, 1, Protocol No.1 and 13). The Court, in the pilot judgment Manushaqe Puto and others, requested the setting-up of an effective compensation mechanism before 17 June 2014.	Follow-up to the decision adopted at the 1186 <sup>th</sup> meeting and assessment of the progress achieved in the implementation of the pilot judgment.
2014	1201 (3-5 June 2014)	DRIZA (Group)  MANUSHAQE PUTO AND OTHERS	ALBANIA	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of articles 6§1, 1, Protocol No.1 and 13). The Court, in the pilot judgment Manushaqe Puto and others, requested the setting-up of an effective compensation mechanism before 17 June 2014.	Follow-up to the decision adopted at the 1193 <sup>rd</sup> meeting and assessment of the progress achieved in the implementation of the action plan presented by the authorities at the last examination of the case.
2015	1230 (3-5 June 2015)	DRIZA (Group)  MANUSHAQE PUTO AND OTHERS	ALBANIA	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of articles 6§1, 1, Protocol No.1 and 13). The Court, in the pilot judgment Manushaqe Puto and others, requested the setting-up of an effective compensation mechanism before 17 June 2014.	Follow-up to the decision adopted at the 1201 <sup>st</sup> meeting and assessment of the progress achieved in the implementation of the action plan.

Year	Meeting	Case	State	Violation	Action requested
2015	1243 (8-9 December 2015)	DRIZA (Group)  MANUSHAQE PUTO AND OTHERS	ALBANIA	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13).  The Court, in the pilot judgment <i>Manushaqe Puto and Others</i> , requested the setting-up of an effective compensation mechanism before 17 June 2014.	To follow up the decision adopted at the 1230 <sup>th</sup> meeting and to assess the progress achieved in the implementation of the action plan.
2016	1259 (7-8 June 2016)	DRIZA (Group)  MANUSHAQE PUTO AND OTHERS	ALBANIA	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13).  The Court, in the pilot judgment <i>Manushaqe Puto and Others</i> , requested the setting-up of an effective compensation mechanism before 17 June 2014.	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting and to assess the progress achieved in the implementation of the action plan.
2017	1294 (19-21 September 2017)	DRIZA (Group)  MANUSHAQE PUTO AND OTHERS	ALBANIA	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation for property nationalised under the communist regime.	To assess the progress achieved and to identify outstanding questions.
2018	1324 (18-20 September 2018)	DRIZA (Group)  MANUSHAQE PUTO AND OTHERS	ALBANIA	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation for property nationalised under the communist regime.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting. To consider the proposal to close the cases in which the individual measures have been resolved.
2014	1208 (23-25 September 2014)	DYBEKU  GRORI	ALBANIA	Ill-treatment suffered by the applicants as a result of a lack of adequate medical care whilst in detention (violation of Article 3). The <i>Groni</i> case also concerns the unlawfulness of the applicant's detention from 15/05/2002 until 29/12/2003 which was founded on international law instruments not yet in force in respect of Albania (violation of Article 5§1) and the unjustified delay in complying with the European Court's interim measure to transfer the applicant to a civilian hospital (violation of Article 34).	Action report submitted on 25/06/2014. Assessment of the information provided.
2016	1265 (20-21 September 2016)	DYBEKU  GRORI	ALBANIA	Unlawful detention and poor conditions of detention; failure to comply with interim measures indicated by the Court.	To examine the proposal to adopt a final resolution. <b>Final resolution CM/ResDH(2016)273 adopted.</b>
2016	1273 (6-8 December 2016)	LULI AND OTHERS (Group)	ALBANIA	Excessive length of civil proceedings and absence of a remedy in that respect.	To assess the progress achieved and to identify the outstanding questions. Closure of <i>Marini</i> case (3738/02).

Year	Meeting	Case	State	Violation	Action requested
2018	1331 (4-6 December 2018)	LULI AND OTHERS (Group)	ALBANIA	Excessive length of civil proceedings and absence of a remedy in that respect.	To assess the action report submitted on 15/10/2018.
2016	1259 (7-8 June 2016)	CHIRAGOV AND OTHERS	ARMENIA	Impossibility for persons displaced during the Nagorno-Karabakh conflict to gain access to their homes and properties in the region; lack of effective remedies (continuing violations of Article 1 of Protocol No. 1, Articles 8 and 13). Article 41 judgment awaited.	After consultation of the delegation, consideration of this case was postponed.
2017	1280 (7-9 March 2017)	CHIRAGOV AND OTHERS	ARMENIA	Impossibility for persons displaced during the Nagorno-Karabakh conflict to gain access to their homes and properties in the region; lack of effective remedies.	To examine the follow-up given or envisaged to the judgment.
2016	1250 (8-10 March 2016)	HARUTYUNYAN ASHOT (Group)	ARMENIA	Placing and keeping the applicants in a metal cage during court hearings despite the lack of any real security risk, and denial of adequate medical assistance in a detention facility (Article 3).	To examine the authorities' action plan as well as the possibility of closing the Committee's supervision of the violation concerning placing and keeping the applicants in metal cages.
2017	1302 (5-7 December 2017)	HARUTYUNYAN ASHOT (Group)	ARMENIA	Inadequate medical care in detention.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	HARUTYUNYAN ASHOT (Group)	ARMENIA	Inadequate medical care in detention.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting. To consider the proposal to close one repetitive case in which the individual measures have been resolved.
2015	1230 (3-5 June 2015)	VIRABYAN	ARMENIA	Ill-treatment of the applicant in police custody and failure to carry out an effective investigation, including into allegations that the ill-treatment was politically motivated (violation of Article 3 alone, and of Article 14 in conjunction with Article 3 procedural limb); violation of the presumption of innocence (Article 6(2)).	To assess the updated action plan and to request for further information, in particular on the re-opened investigations and legislative amendments under consideration.
2016	1273 (6-8 December 2016)	VIRABYAN	ARMENIA	Ill-treatment and torture in police custody and ineffective investigations, including into allegations that the ill-treatment was politically motivated. Violation of the presumption of innocence and the rights to effective legal assistance and access to court.	To follow up the decision adopted at the 1230 <sup>th</sup> meeting.
2018	1318 (5-7 June 2018)	VIRABYAN	ARMENIA	Ill-treatment and torture in police custody and ineffective investigations, including into allegations that the ill-treatment was politically motivated. Violation of the presumption of innocence and the rights to effective legal assistance and access to court.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2017	1288 (6-7 June 2017)	GAFGAZ MAMMADOV (Group)	AZERBAIJAN	Dispersals and arrests of demonstrators.	To examine the individual and general measures required.
2017	1302 (5-7 December 2017)	GAFGAZ MAMMADOV (Group)	AZERBAIJAN	Dispersals and arrests of demonstrators.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2018	1318 (5-7 June 2018)	<a href="#">GAFGAZ MAMMADOV</a> (Group)	AZERBAIJAN	Dispersals and arrests of demonstrators.	To follow up the decision adopted at the 1302nd meeting.
2014	1214 (2-4 December 2014)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Imprisonment for reasons other than those permitted by Article 5 namely, to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	First examination, in particular of the issue of individual measures and general measures concerning Article 18 taken in conjunction with Article 5 § 1
2015	1222 (11-12 March 2015)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Imprisonment for reasons other than those permitted by Article 5 namely, to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	Examination of the urgent individual measures. Adoption of an interim resolution <a href="#">CM/ResDH(2015)43</a>
2015	1230 (3-5 June 2015)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Imprisonment for reasons other than those permitted by Article 5 namely, to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	Follow-up to the decision adopted at the 1222 <sup>nd</sup> meeting.
2015	1236 (22-24 September 2015)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Imprisonment for reasons other than those permitted by Article 5 namely, to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	To follow up the decision adopted at the 1230 <sup>th</sup> meeting. Adoption of an interim resolution <a href="#">CM/ResDH(2015)156</a>
2015	1243 (8-9 December 2015)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Arrest and pre-trial detention for reasons other than those permitted by Article 5, namely to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	To follow up the interim resolution adopted at the 1236 <sup>th</sup> meeting.
2016	1250 (8-10 March 2016)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Arrest and pre-trial detention for reasons other than those permitted by Article 5, namely to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting.
2016	1259 (7-8 June 2016)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting. Adoption of an interim resolution <a href="#">CM/ResDH(2016)144</a>
2016	1265 (20-21 September 2016)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To assess the current situation.
2016	1273 (6-8 December 2016)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To assess the current situation.
2017	1280 (7-9 March 2017)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To assess the current situation.
2017	1288 (6-7 June 2017)	<a href="#">ILGAR MAMMADOV</a>	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2017	1294 (19-21 September 2017)	<a href="#">ILGAR MAMMADOV</a> <b>(two decisions at this meeting)</b>	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.



Year	Meeting	Case	State	Violation	Action requested
2017	1298 (25 October 2017)	ILGAR MAMMADOV	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To examine, with a view to its adoption, the interim resolution giving formal notice to Azerbaijan of the Committee's intention to bring before the Court the question whether Azerbaijan has failed to fulfill its obligation under Article 46 § 1 of the Convention.
2017	1302 (5-7 December 2017)	ILGAR MAMMADOV	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	Follow up of the Interim Resolution <a href="#">CM/ResDH(2017)379</a> .
2018	1331 (4-6 December 2018)	ILGAR MAMMADOV	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	The case is on the Order of Business in accordance with Interim Resolution <a href="#">CM/ResDH(2016)144</a> . <b>No decision.</b>
2019	1340 (12-14 March 2019)	ILGAR MAMMADOV	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	It is not proposed to debate these cases or to adopt a decision unless there is a request to this end or an evolution of the situation. <b>No decision.</b>
2019	1344 (24)	ILGAR MAMMADOV	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	Individual situation of the applicant.
2019	1348 (4-6 June 2019)	ILGAR MAMMADOV	AZERBAIJAN	Arrest and pre-trial detention to punish the applicants for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.	To examine the Court's judgment (Article 46 § 4) if available. To examine the issues raised by the other cases of the group.
2015	1236 (22-24 September 2015)	INSANOV	AZERBAIJAN	Violation of Article 3 due to inhuman and degrading detention conditions; Violations of Article 6 in criminal and civil proceedings.	To assess the action plan and to request outstanding information, in particular, under the individual measures.
2016	1250 (8-10 March 2016)	INSANOV	AZERBAIJAN	Inhuman and degrading detention conditions (Article 3); unfairness of both the criminal proceedings against the applicant and the civil proceedings concerning his conditions of detention (Article 6).	To follow up the decision adopted at the 1236 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	INSANOV	AZERBAIJAN	Inhuman and degrading detention conditions (Article 3); unfairness of both the criminal proceedings against the applicant and the civil proceedings concerning his conditions of detention (Article 6).	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2014	1188 Ordinary Meeting (15 January 2014)	MAHMUDOV AND AGAZADE (Group)  FATULLAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision taken at the 1186 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2014	1193 (4-6 March 2014)	MAHMUDOV AND AGAZADE (Group)  FATULLAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the 1188 <sup>th</sup> meeting.
2014	1201 (3-5 June 2014)	MAHMUDOV AND AGAZADE (Group)  FATULLAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the 1193 <sup>th</sup> meeting.
2014	1208 (23-25 September 2014)	MAHMUDOV AND AGAZADE (Group)  FATULLAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the 1201 <sup>st</sup> meeting. Adoption of an Interim Resolution <a href="#">CM/ResDH(2014)183</a>
2014	1214 (2-4 December 2014)	MAHMUDOV AND AGAZADE (Group)  FATTULAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the interim resolution adopted at the 1208 <sup>th</sup> meeting.
2015	1230 (3-5 June 2015)	MAHMUDOV AND AGAZADE (Group)  FATTULAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the 1214 <sup>th</sup> meeting.
2015	1236 (22-24 September 2015)	MAHMUDOV AND AGAZADE (Group)  FATTULAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	To follow up the decision adopted at the 1230 <sup>th</sup> meeting.
2015	1243 (8-9 December 2015)	MAHMUDOV AND AGAZADE (Group)  FATTULAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	To follow up the decision adopted at the 1236 <sup>th</sup> meeting. Adoption of an interim resolution <a href="#">CM/ResDH(2015)156</a> .

Year	Meeting	Case	State	Violation	Action requested
2016	1250 (8-10 March 2016)	MAHMUDOV AND AGAZADE (Group)  FATTULAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	To follow up the interim resolution adopted at the 1243 <sup>rd</sup> meeting.
2016	1259 (7-8 June 2016)	MAHMUDOV AND AGAZADE (Group)  FATTULAYEV	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting. Adoption of an interim resolution <a href="#">CM/ResDH(2016)145</a>
2016	1273 (6-8 December 2016)	MAHMUDOV AND AGAZADE (Group)	AZERBAIJAN	Violation of right to freedom of expression, arbitrary application of law.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1280 (7-9 March 2017)	MAHMUDOV AND AGAZADE (Group)	AZERBAIJAN	Violation of the right to freedom of expression, arbitrary application of the law on defamation.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2017	1294 (19-21 September 2017)	MAHMUDOV AND AGAZADE (Group)	AZERBAIJAN	Violation of the right to freedom of expression, arbitrary application of the law on defamation.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2018	1318 (5-7 June 2018)	MAHMUDOV AND AGAZADE (Group)	AZERBAIJAN	Violation of the right to freedom of expression, arbitrary application of the law on defamation.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	MIRZAYEV (Group) HUMBATOV (Group) TARVERDIYEV (Group)	AZERBAIJAN	Non-enforcement of final domestic judgements.	To assess the developments since the last examination of the groups in 2012 and to identify the remaining outstanding issues. To consider the proposal to close the repetitive cases in which the individual measures have been resolved.
2017	1294 (19-21 September 2017)	MURADOVA (Group) MAMMADOV (JALALOGLU) (Group) MIKAYIL MAMMADOV (Group)	AZERBAIJAN	Excessive use of force by the security forces and lack of effective investigations.	To assess the progress achieved and to identify the outstanding issues.
2018	1310 (13-15 March 2018)	MURADOVA (Group) MAMMADOV (JALALOGLU) (Group) MIKAYIL MAMMADOV (Group)	AZERBAIJAN	Excessive use of force by the security forces and lack of effective investigations.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2014	1193 (4-6 March 2014)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1186 <sup>th</sup> meeting.
2014	1201 (3-5 June 2014)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1193 <sup>rd</sup> meeting.
2014	1208 (23-25 September 2014)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1201 <sup>st</sup> meeting.
2015	1222 (11-12 March 2015)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1208 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2015	1230 (3-5 June 2015)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1222 <sup>nd</sup> meeting.
2015	1236 (22-24 September 2015)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	To follow up the decision adopted at the 1230 <sup>th</sup> meeting.
2015	1243 (8-9 December 2015)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	To follow up the decision adopted at the 1236 <sup>th</sup> meeting.
2016	1265 (20-21 September 2016)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 and 2010 parliamentary elections and lack of safeguards against arbitrariness.	To follow the decision adopted at the 1243 <sup>rd</sup> meeting.
2017	1280 (7-9 March 2017)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 and 2010 parliamentary elections and lack of safeguards against arbitrariness.	To follow up the decision adopted at the 1265 <sup>th</sup> meeting.
2018	1310 (13-15 March 2018)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 and 2010 parliamentary elections and lack of safeguards against arbitrariness.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2019	1348 (4-6 June 2019)	NAMAT ALIYEV (Group)	AZERBAIJAN	Various irregularities in the context of the 2005 and 2010 parliamentary elections and lack of safeguards against arbitrariness.	To assess the developments since the last examination of the group in 2018.
2016	1259 (7-8 June 2016)	SARGSYAN	AZERBAIJAN	Impossibility for persons displaced during the Nagorno-Karabakh conflict to gain access to their homes and properties in the region; lack of effective remedies (continuing violations of Article 1 of Protocol No. 1, Articles 8 and 13). Article 41 judgment awaited.	After consultation of the delegation, consideration of this case was postponed.
2017	1280 (7-9 March 2017)	SARGSYAN	AZERBAIJAN	Impossibility for persons displaced during the Nagorno-Karabakh conflict to gain access to their homes and properties in the region; lack of effective remedies.	To examine the follow-up given or envisaged to the judgment.
2018	1331 (4-6 December 2018)	BELL	BELGIUM	Excessive length of civil and criminal proceedings	To assess the action plan submitted on 19/10/2018 and to identify outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2015	1236 (22-24 September 2015)	DUMONT	BELGIUM	Excessive length of civil and criminal proceedings (Article 6 § 1) and, in several cases, lack of an effective remedy (Article 13).	To call for an update of the information on individual and general measures, no follow-up having been given to date, to the decision adopted by the Committee in September 2013.
2015	1243 (8-9 December 2015)	DUMONT	BELGIUM	Excessive length of civil and criminal proceedings (Article 6 § 1) and, in several cases, lack of an effective remedy (Article 13).	To assess the progress achieved and the outstanding questions in this group of cases. To examine the proposal to conclude the Committee's supervision of 17 cases concerned by the positive developments in the area of length of judicial proceedings and domestic remedies.
2015	1230 (3-5 June 2015)	L.B. (Group)	BELGIUM	Structural problem concerning the care of persons with mental health problems like the applicants, who are kept in a prison environment due to, in particular, the lack of capacity to receive them in the external psychiatric system (Articles 3 and 5).	Assessment of the progress achieved and identification of the outstanding questions for the individual and general measures in this group of cases.
2016	1259 (7-8 June 2016)	L.B. (Group)	BELGIUM	Structural problem concerning the care of persons with mental health problems like the applicants, who are kept in a prison environment due to, in particular, the lack of capacity to receive them in the external psychiatric system (Articles 3 and 5).	To follow up the decision adopted at the 1230 <sup>th</sup> meeting.
2017	1280 (7-9 March 2017)	L.B. (Group)	BELGIUM	Structural problem concerning the care of persons with mental health problems detained in prison.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting and the pilot judgment <i>W.D.</i>
2017	1302 (5-7 December 2017)	L.B. (Group)	BELGIUM	Structural problem concerning the care of persons with mental health problems detained in prison.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2018	1324 (18-20 September 2018)	L.B. (Group)  W.D.	BELGIUM	Structural problem concerning the care of persons with mental health problems detained in prison.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting. To consider the proposal to close nine cases in which the individual measures have been taken.
2014	1208 (23-25 September 2014)	M.S.	BELGIUM	Applicant's forced return to Iraq, following unlawful periods of detention	Assessment of the progress made in respect of the individual and general measures.
2015	1243 (8-9 December 2015)	TRABELSI	BELGIUM	Extradition of the applicant to the United States, where he risks an irreducible life sentence (Article 3). Non-respect of interim measure indicated by the Court (Article 34).	To assess the action plan submitted on 20 October 2015.
2016	1250 (8-10 March 2016)	TRABELSI	BELGIUM	Extradition, in 2013, of the applicant from Belgium to the United States, where he risks an irreducible life sentence (Article 3). Failure to respect the Court's interim measure indicating that Belgium should not extradite the applicant while the case was still pending (Article 34).	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting.


Year	Meeting	Case	State	Violation	Action requested
2016	1259 (7-8 June 2016)	TRABELSI	BELGIUM	Extradition, in 2013, of the applicant from Belgium to the United States, where he risks an irreducible life sentence (Article 3). Failure to respect the Court's interim measure indicating that Belgium should not extradite the applicant while the case was still pending (Article 34).	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2016	1265 (20-21 September 2016)	TRABELSI	BELGIUM	Extradition in 2013 of the applicant from Belgium to the United States, where he risks an irreducible life sentence; failure to comply with the Court's interim measure.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1288 (6-7 June 2017)	TRABELSI	BELGIUM	Extradition in 2013 of the applicant from Belgium to the United States, where he risks an irreducible life sentence; failure to comply with the Court's interim measure.	To assess the revised action plan provided in response to the decision adopted at the 1265 <sup>th</sup> meeting.
2017	1302 (5-7 December 2017)	TRABELSI	BELGIUM	Extradition in 2013 of the applicant from Belgium to the United States, where he risks an irreducible life sentence; failure to comply with the Court's interim measure.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	TRABELSI	BELGIUM	Extradition in 2013 of the applicant from Belgium to the United States, where he risks an irreducible life sentence; failure to comply with the Court's interim measure.	To assess the action report submitted on 30/10/2018 and to consider the proposal to close the case.
2016	1265 (20-21 September 2016)	VASILESCU	BELGIUM	Structural problem concerning prison overcrowding and conditions of detention.	To assess the action plan submitted by the authorities on 07/07/2016.
2017	1302 (5-7 December 2017)	VASILESCU	BELGIUM	Structural problem concerning prison overcrowding and conditions of detention.	To follow up the decision adopted at the 1265 <sup>th</sup> meeting.
2014	1201 (3-5 June 2014)	M.S.S.	BELGIUM & GREECE	Expulsion of an asylum seeker from Belgium to Greece	Follow-up to the decision adopted at the 1186 <sup>th</sup> meeting
2014	1214 (2-4 December 2014)	M.S.S.	BELGIUM & GREECE	Expulsion of an asylum seeker from Belgium to Greece	<b>Belgium:</b> assessment of the information provided on the last point under examination (effective remedy); Adoption of a Final Resolution <b>Greece:</b> assessment of the general measures regarding living conditions of asylum seekers (including unaccompanied minors) and identification of outstanding issues
2014	1201 (3-5 June 2014)	AL HUSIN	BOSNIA AND HERZEGOVINA	Potential violation of Article 3 of the Convention in the event of the applicant's deportation to Syria	Proposal to transfer this case under the standard procedure.

Year	Meeting	Case	State	Violation	Action requested
2017	1280 (7-9 March 2017)	ČOLIĆ AND OTHERS (Group)	BOSNIA AND HERZEGOVINA	Non-enforcement of final domestic court decisions ordering payment of war damages.	To assess the information provided in the action report of 03/01/2017 and to examine the proposal to transfer the group to the standard procedure.
2016	1265 (20-21 September 2016)	ĐOKIĆ  MAGO AND OTHERS	BOSNIA AND HERZEGOVINA	Inability for members of the former Yugoslav People's Army ("YPA") to repossess their pre-war apartments in the aftermath of the war in Bosnia and Herzegovina.	To assess the information provided by the authorities of Bosnia and Herzegovina and to identify the outstanding questions.
2017	1294 (19-21 September 2017)	ĐOKIĆ  MAGO AND OTHERS	BOSNIA AND HERZEGOVINA	Inability for members of the former Yugoslav People's Army ("YPA") to repossess their pre-war apartments in the aftermath of the war in Bosnia and Herzegovina.	To follow up the decision adopted at the 1265th meeting.
2018	1331 (4-6 December 2018)	KUNIĆ AND OTHERS (Group)	BOSNIA AND HERZEGOVINA	Non-enforcement of final judgments ordering the payment of work-related benefits.	To assess the action plan submitted on 04/10/2018 and to identify outstanding questions.
2017	1288 (6-7 June 2017)	MAKTOUF AND DAMJANOVIĆ	BOSNIA AND HERZEGOVINA	War crimes cases: retroactive application of new criminal law with more severe sanctions.	To follow up the decision adopted at the 1186th meeting. To consider the proposal to adopt a final resolution.
2014	1193 (4-6 March 2014)	SEJDIĆ AND FINCI (Group)	BOSNIA AND HERZEGOVINA	Violation of right to free elections and discrimination against minorities	Follow-up of the Interim resolution adopted at the 1186 <sup>th</sup> meeting.
2014	1214 (2-4 December 2014)	SEJDIĆ AND FINCI (Group)	BOSNIA AND HERZEGOVINA	Violation of right to free elections and discrimination against minorities	To encourage the authorities and political leaders of Bosnia and Herzegovina to intensify their efforts, following the recent elections, with a view to reaching a consensus on the Constitutional amendments.
2015	1230 (3-5 June 2015)	SEJDIĆ AND FINCI (Group)	BOSNIA AND HERZEGOVINA	Violation of right to free elections and discrimination against minorities	To assess the state of play of the execution process after the elections held in October 2014.
2016	1273 (6-8 December 2016)	SEJDIĆ AND FINCI (Group)	BOSNIA AND HERZEGOVINA	Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples (the upper chamber of Parliament) and the Presidency.	To assess the updated action plan provided by the authorities on 20/10/2016.
2017	1288 (6-7 June 2017)	SEJDIĆ AND FINCI (Group)	BOSNIA AND HERZEGOVINA	Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples and the Presidency.	To follow up decision adopted at the 1273 <sup>rd</sup> meeting.



Year	Meeting	Case	State	Violation	Action requested
2018	1324 (18-20 September 2018)	<b>SEJDIĆ AND FINCI</b> (Group)	BOSNIA AND HERZEGOVINA	Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples and the Presidency.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2019	1348 (4-6 June 2019)	<b>SEJDIĆ AND FINCI</b> (Group)	BOSNIA AND HERZEGOVINA	Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples and the Presidency.	To assess the situation in light of the planned exchange of views with the Minister.
2015	1222 (11-12 March 2015)	<b>AL-NASHIF AND OTHERS</b> (Group)	BULGARIA	Lack of adequate protection against arbitrariness in proceedings concerning expulsion measures on national security grounds due to the lack of judicial review of these measures.	Adoption of a final resolution in the cases of <i>Al-Nashif and Others</i> , <i>Hasan, Bashir and Others</i> and <i>Musa and Others</i> and assessment of the individual measures in the <i>Baltaji</i> case. <b>CM/ResDH(2015)44</b>
2017	1288 (6-7 June 2017)	<b>ASSOCIATION FOR EUROPEAN INTEGRATION AND HUMAN RIGHTS AND EKIMDZHEV</b> (Group)	BULGARIA	Lack of sufficient guarantees against the risk of abuse in the operation of the secret surveillance system.	To assess the progress achieved since the last examination and to identify the outstanding questions.
2019	1348 (4-6 June 2019)	<b>ASSOCIATION FOR EUROPEAN INTEGRATION AND HUMAN RIGHTS AND EKIMDZHEV</b> (Group)	BULGARIA	Lack of sufficient guarantees against the risk of abuse in the operation of the secret surveillance system.	To assess the recent developments and to identify possible outstanding questions.
2015	1222 (11-12 March 2015)	<b>C.G. AND OTHERS</b>	BULGARIA	Shortcomings found in the judicial review set up in 2003 in the area of expulsion based on national security grounds.	Assessment of the progress achieved and identification of the outstanding questions in this group.
2017	1280 (7-9 March 2017)	<b>C.G. AND OTHERS</b>	BULGARIA	Shortcomings in the judicial review mechanism set up in 2003 in the field of expulsion based on national security grounds.	To assess the progress achieved and to identify outstanding questions.
2017	1302 (5-7 December 2017)	<b>C.G. AND OTHERS</b>	BULGARIA	Shortcomings in the judicial review mechanism set up in 2003 in the field of expulsion based on national security grounds.	To assess the progress achieved and the outstanding questions. To examine the draft final resolutions with a view to closing several cases.
2019	1340 (12-14 March 2019)	<b>C.G. AND OTHERS</b>	BULGARIA	Shortcomings in the judicial review mechanism set up in 2003 in the field of expulsion based on national security grounds.	To assess the progress achieved and to identify the outstanding questions and the measures necessary to avoid delay in the execution process.

Year	Meeting	Case	State	Violation	Action requested
2015	1236 (22-24 September 2015)	KEHAYOV (Group) NESHKOV AND OTHERS	BULGARIA	Excessive length of judicial proceedings, pilot judgments, deadline expired in August 2012.	To assess the progress achieved in the outstanding questions. To examine the proposal of the authorities to conclude the Committee's supervision of the pilot judgments <i>Finger</i> and <i>Dimitrov and Hamanov</i> and 54 cases of the <i>Kitov</i> and <i>Djangozov</i> groups, as well as of their action plan for the outstanding questions.
2016	1250 (8-10 March 2016)	KEHAYOV (Group) NESHKOV AND OTHERS	BULGARIA	Structural problem highlighted by the European Court in the <i>Neshkov and Others</i> pilot judgment concerning conditions of detention in investigative detention facilities and prisons (overcrowding, poor sanitary and material conditions) and lack of an effective remedy in this respect. The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.	To assess the measures taken and/or envisaged, in accordance with the revised action plan submitted on 06/07/2015 and to underline the importance of introducing effective domestic remedies by the deadline set in the <i>Neshkov and Others</i> pilot judgment
2017	1280 (7-9 March 2017)	KEHAYOV (Group) NESHKOV AND OTHERS	BULGARIA	Conditions of detention in remand facilities and prisons and lack of an effective remedy.	To assess the progress achieved after the legislative reform adopted on 25/01/2017 which introduced the effective domestic remedies required by the <i>Neshkov</i> pilot judgment and to identify outstanding questions.
2018	1310 (13-15 March 2018)	KEHAYOV (Group) NESHKOV AND OTHERS	BULGARIA	Conditions of detention in remand facilities and prisons and lack of an effective remedy.	To assess the progress achieved and to identify outstanding questions. To examine the draft final resolution with the view to closing 19 cases in which the individual measures have been resolved.
2015	1236 (22-24 September 2015)	DJANGOZOV (Group) KITOV (Group) DIMITROV and HAMANOV FINGER	BULGARIA	Poor conditions of detention in prisons and investigative detention facilities and lack of effective remedies for this. Structural problem highlighted by the European Court in the <i>Neshkov and Others</i> pilot. The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.	To assess the measures taken and/or envisaged, in accordance with the revised action plan submitted on 04/01/2016 and to underline the importance of introducing effective domestic remedies by the deadline set in the <i>Neshkov and Others</i> pilot judgment.
2017	1302 (5-7 December 2017)	DJANGOZOV (Group) KITOV (Group)	BULGARIA	Excessive length of criminal and civil proceedings; lack of effective remedies.	To examine the draft final resolutions with a view to closing the majority of the cases. To examine a proposal to transfer to the standard procedure the cases which remain under supervision.
2018	1318 (5-7 June 2018)	INTERNATIONAL BANK FOR COMMERCE AND DEVELOPMENT AD AND OTHERS	BULGARIA	Unfairness of the proceedings concerning the withdrawal of a bank licence and the bank's insolvency.	To assess the current legal framework and to identify the outstanding questions.
2016	1265 (20-21 September 2016)	NACHOVA AND OTHERS (Group)	BULGARIA	Excessive use of firearms by police officers during arrests; ineffective investigations.	To identify the outstanding questions in the <i>Nachova</i> case. To examine the proposal to adopt a final resolution in the other cases. <b>Final resolution CM/ResDH(2016)274 adopted.</b>

Year	Meeting	Case	State	Violation	Action requested
2016	1273 (6-8 December 2016)	NENCHEVA AND OTHERS	BULGARIA	Lack of prompt and sufficient measures to prevent deaths of children placed in public care; lack of prompt and effective investigation into these deaths.	To assess the progress achieved and to identify the outstanding questions.
2018	1331 (4-6 December 2018)	NENCHEVA AND OTHERS	BULGARIA	Lack of prompt and sufficient measures to prevent deaths of children placed in public care; lack of prompt and effective investigation into these deaths.	To assess the updated action report submitted on 10/10/2018.
2014	1193 (4-6 March 2014)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Infringement of the freedom of association of an organisation which aims to achieve "the recognition of the Macedonian minority in Bulgaria" - refusals to register their association in 1998-99 and 2002-04, based on considerations of national security (alleged separatist ideas) when the applicants had not hinted at any intention to use violence or other undemocratic means to achieve their aims, as well as on the constitutional prohibition for associations to pursue political goals (violation of Art. 11).	Follow-up to the decision to review the question of a possible transfer to enhanced procedure.
2014	1214 (2-4 December 2014)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Unjustified refusals of the courts, in 1998-99 and 2002-04, to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria", refusals based, on the one hand, on considerations of national security, protection of public order and the rights of others (alleged separatist ideas) and, on the other hand, on the constitutional prohibition for associations to pursue political goals (violations of Art. 11).	Assessment of the additional measures taken by the Bulgarian authorities since December 2013 and proposal to transfer to the enhanced procedure.
2016 	1259 (7-8 June 2016)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Unjustified refusals of the courts, in 1998-99 and 2002-04, to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria", refusals based, on the one hand, on considerations of national security, protection of public order and the rights of others (alleged separatist ideas) and, on the other hand, on the constitutional prohibition for associations to pursue political goals (Article 11).	Consideration of this group of cases was postponed to 1265 <sup>th</sup> meeting.
2016	1265 (20-21 September 2016)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Unjustified refusals of the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".	To assess the latest refusals to register the applicant association and one similar organization, as well as the additional measures currently implemented by the authorities.
2016	1273 (6-8 December 2016)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Unjustified refusals of the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".	To assess the legislative reform adopted by the authorities and to identify the outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2017	1288 (6-7 June 2017)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Unjustified refusals by the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".	To assess the information provided in response to the decision adopted at the 1273 <sup>rd</sup> meeting and to identify the outstanding questions.
2018	1318 (5-7 June 2018)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Unjustified refusals by the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".	To follow up the decision adopted at the 1288 <sup>th</sup> meeting and to identify the outstanding questions.
2018	1331 (4-6 December 2018)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (Group)	BULGARIA	Unjustified refusals by the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".	To assess the information submitted on 16/10/2018 and to identify the outstanding questions.
2016	1259 (7-8 June 2016)	STANEV	BULGARIA	Illegal placement in social care homes of persons suffering from mental disorders, lack of judicial review and lack of possibility to request compensation. Impossibility to submit directly before a court a request for revocation of the partial guardianship. Poor living conditions in social care homes and lack of effective remedy in this respect.	To assess the measures adopted or envisaged presented in the revised action plan of 07/04/2016 and to identify the outstanding questions.
2017	1288 (6-7 June 2017)	STANEV	BULGARIA	Unlawfulness of the placement in social care homes of persons with mental disorders: lack of judicial review and poor living conditions; impossibility for partially incapacitated persons to request the restoration of their legal capacity.	To assess the information provided in response to the decision adopted at the 1259 <sup>th</sup> meeting and to identify the outstanding questions.
2016	1273 (6-8 December 2016)	S.Z. (Group)	BULGARIA	Ineffective investigations into rape, sequestration and incitement to prostitution committed by private individuals.	To assess the progress achieved and to identify the outstanding questions. To examine the proposal to transfer the <i>Kolevi</i> case to the enhanced procedure.
2018	1310 (13-15 March 2018)	S.Z. (Group) KOLEVI	BULGARIA	Ineffective investigations into rape, sequestration and incitement to prostitution committed by private individuals. Lack of guarantees for the independence of criminal investigations against the Chief Prosecutor.	To assess the progress achieved and to identify outstanding questions. To examine the draft final resolution with the view to closing one case in which the individual measures have been resolved.
2019	1340 (12-14 March 2019)	S.Z. (Group) KOLEVI	BULGARIA	Systemic problem of ineffective criminal investigations in Bulgaria with regard to shortcomings which affect investigations concerning both private individuals and law enforcement agents and lack of guarantees for the independence of criminal investigations against the Chief Prosecutor.	To assess the progress achieved and to identify the outstanding questions and the measures necessary to avoid delay in the execution process.
2016	1265 (20-21 September 2016)	VELIKOVA (Group)	BULGARIA	Excessive use of force by members of the law enforcement agencies; ineffective investigations.	To assess the progress achieved and to identify the outstanding issues.

Year	Meeting	Case	State	Violation	Action requested
2017	1294 (19-21 September 2017)	VELIKOVA (Group)	BULGARIA	Excessive use of force by law enforcement agents; ineffective investigations.	To assess the progress achieved and to identify the outstanding issues; to transfer the cases of <i>Gutsanovi, Govedarski, Slavov and Others</i> and <i>Stoyanov and Others</i> to the standard procedure on the basis of the important progress achieved with general measures.
2016	1259 (7-8 June 2016)	YORDANOVA AND OTHERS	BULGARIA	Planned expulsion of persons of Roma <sup>1</sup> origin from an unlawful settlement in Sofia, where most of them had lived for decades with the authorities' acquiescence, on the basis of legislation not requiring any proportionality review of the expulsion orders (potential violation of Article 8 if the removal order is implemented).	To assess the measures taken so far and to identify the outstanding questions.
2017	1294 (19-21 September 2017)	YORDANOVA AND OTHERS	BULGARIA	Eviction of persons of Roma origin on the basis of a legislation not requiring an adequate examination of the proportionality of the measure.	To assess the measures taken so far and to identify the outstanding questions.
2018	1324 (18-20 September 2018)	YORDANOVA AND OTHERS	BULGARIA	Eviction of persons of Roma origin on the basis of a legislation not requiring an adequate examination of the proportionality of the measure.	To assess the progress achieved and to identify the outstanding questions.
2019	1348 (4-6 June 2019)	YORDANOVA AND OTHERS	BULGARIA	Eviction of persons of Roma origin on the basis of a legislation not requiring an adequate examination of the proportionality of the measure.	To assess the progress achieved in the preparation of the legislative reform required and to identify the outstanding questions.
2016	1250 (8-10 March 2016)	AJDARIĆ	CROATIA	Unfair criminal trial (violation of Article 6 § 1).	To adopt a final resolution.
2017	1288 (6-7 June 2017)	ŠEČIĆ	CROATIA	Failure to carry out an effective investigation into a racist attack on a person of Roma origin.	To assess the progress achieved and to identify the outstanding questions.
2014	1208 (23-25 September 2014)	SKENDŽIĆ AND KRZNARIĆ (Group)	CROATIA	Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995) (violations of Article 2 in procedural limb).	----
2016	1259 (7-8 June 2016)	SKENDŽIĆ AND KRZNARIĆ (Group)	CROATIA	Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995) (violations of Article 2 in procedural limb).	To follow up the decision adopted at the 1208 <sup>th</sup> meeting.

<sup>1</sup>The terms "Roma and Travellers" are being used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.

Year	Meeting	Case	State	Violation	Action requested
2017	1280 (7-9 March 2017)	SKENDŽIĆ AND KRZNARIĆ (Group)	CROATIA	Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995).	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2019	1348 (4-6 June 2019)	SKENDŽIĆ AND KRZNARIĆ (Group)	CROATIA	Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995).	To assess the effectiveness of the measures taken.
2016	1265 (20-21 September 2016)	STATILEO (Group)	CROATIA	Statutory limitations on use of property by landlords, including through the rent control scheme for flats subject to protected leases.	To assess the information provided by the Croatian authorities and to identify the outstanding issues.
2017	1280 (7-9 March 2017)	STATILEO (Group)	CROATIA	Statutory limitations on use of property by landlords, including through the rent control scheme for flats subject to protected leases.	To follow up the decision adopted at the 1265 <sup>th</sup> meeting.
2017	1294 (19-21 September 2017)	STATILEO (Group)	CROATIA	Statutory limitations on use of property by landlords, including through the rent control scheme for flats subject to protected leases.	To follow up the decision adopted at 1280 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	STATILEO (Group)	CROATIA	Statutory limitations on use of property by landlords, including through the rent control scheme for flats subject to protected leases.	To assess the revised action plan submitted on 04/10/2018 and to identify outstanding questions.
2016	1250 (8-10 March 2016)	M.A. (Group)	CYPRUS	Unlawful detention of asylum seekers and lack of effective remedies to challenge the lawfulness of detention and /or deportation (Articles 5 § 1 and 5 § 4, Article 13 in conjunction with Articles 2 and 3).	To assess the action plan submitted on 07/12/2015.
2017	1288 (6-7 June 2017)	M.A. (Group)	CYPRUS	Lack of effective remedy with automatic suspensive effect in deportation proceedings and absence of speedy review of lawfulness of detention.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting and to assess the action plans of 01/07/2016 and 23/03/2017.
2018	1331 (4-6 December 2018)	M.A. (Group)	CYPRUS	Lack of effective remedy with automatic suspensive effect in deportation proceedings and absence of speedy review of lawfulness of detention.	To assess the revised action plan submitted on 04/10/2018 and to identify outstanding questions. To consider the proposal to close 4 cases, in which the individual measures have been taken.
2018	1310 (13-15 March 2018)	ONOUFRIOU	CYPRUS	Degrading treatment in solitary confinement, limitation of visitation rights, monitoring of correspondence and lack of an effective remedy in these respects.	To assess the progress achieved and to identify outstanding questions. To examine the proposal to transfer the case to the enhanced procedure.



Year	Meeting	Case	State	Violation	Action requested
2017	1280 (7-9 March 2017)	RANTSEV	CYPRUS & THE RUSSIAN FEDERATION	Ineffective investigation into the death of a possible victim of human trafficking.	To assess the information submitted and to examine the proposal to adopt a final resolution.
2014	1201 (3-5 June 2014)	D.H. AND OTHERS	CZECH REPUBLIC	Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).	Follow-up to the decision of 1186 <sup>th</sup> meeting and assessment of the updated action plan to be submitted.
2015	1222 (11-12 March 2015)	D.H. AND OTHERS	CZECH REPUBLIC	Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).	Follow-up to the decision adopted at the 1201 <sup>st</sup> meeting (updated action plan to be submitted by 10 February 2015 at the latest).
2016	1259 (7-8 June 2016)	D.H. AND OTHERS	CZECH REPUBLIC	Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).	To follow up the decision adopted at the 1222 <sup>nd</sup> meeting; to examine the general measures.
2017	1288 (6-7 June 2017)	D.H. AND OTHERS	CZECH REPUBLIC	Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools between 1996 and 1999, on account of their Roma origin.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting and to assess the action plan of 10/02/2017.
2018	1318 (5-7 June 2018)	D.H. AND OTHERS	CZECH REPUBLIC	Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools between 1996 and 1999, on account of their Roma origin.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting (examination of the general measures).
2016	1273 (6-8 December 2016)	I.M.	FRANCE	Lack of an effective remedy to challenge a removal measure.	To assess the action report submitted by the authorities on 15/09/2016.
2018	1324 (18-20 September 2018)	M.A. (Group)	FRANCE	Expulsion to Algeria with a real and serious risk of ill-treatment and failure to comply with the Court's interim measure.	To examine only the urgent individual measures.
2018	1331 (4-6 December 2018)	M.A. (Group)	FRANCE	Expulsion to Algeria with a real and serious risk of ill-treatment and failure to comply with the Court's interim measure.	To assess the new information submitted on 09/11/2018.
2019	1340 (12-14 March 2019)	M.A. (Group)	FRANCE	Expulsion to Algeria with a real and serious risk of ill-treatment and failure to comply with the Court's interim measure.	To examine the urgent individual measures (M.A.) and to examine the information submitted (including general measures) in the first two action plans of 02/01/2019.


Year	Meeting	Case	State	Violation	Action requested
2017	1294 (19-21 September 2017)	<b>MENNESSON</b> (Group)	FRANCE	Refusal to grant legal recognition in France to parent-child relationships legally established in the United States between children born as a result of surrogacy agreements and the French couples who made the agreements.	To assess the action reports submitted and to consider adopting a final resolution in these cases.
2015	1243 (8-9 December 2015)	<b>M.K.</b>	FRANCE	Violation of the right to respect for private life; collection and retention of fingerprints (Article 8).	To assess the action plan and to request information concerning general measures.
2016	1265 (20-21 September 2016)	<b>ALIEV</b>	GEORGIA	Poor conditions of detention.	To assess the action plan submitted by the authorities.
2017	1288 (6-7 June 2017)	<b>ALIEV</b>	GEORGIA	Poor conditions of detention.	To follow up the decision adopted at the 1265 <sup>th</sup> meeting.
2014	1208 (23-25 September 2014)	<b>GHARIBASHVILI</b> (Group)	GEORGIA	Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.	Assessment of the measures taken and identification of the outstanding issues.
2015	1222 (11-12 March 2015)	<b>GHARIBASHVILI</b> (Group)	GEORGIA	Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.	Follow-up to the decision adopted at the 1208 <sup>th</sup> meeting.
2016	1259 (7-8 June 2016)	<b>GHARIBASHVILI</b> (Group)	GEORGIA	Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.	To follow up the decision adopted at the 1222 <sup>nd</sup> meeting.
2016	1273 (6-8 December 2016)	<b>GHARIBASHVILI</b> (Group)	GEORGIA	Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1294 (19-21 September 2017)	<b>GHARIBASHVILI</b> (Group)	GEORGIA	Lack of effective investigations into allegations of ill-treatment or violations of the right to life; excessive use of force by the police in the course of arrest and/or while detaining suspects.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2016	1273 (6-8 December 2016)	<b>IDENTOBA AND OTHERS</b> (Group)	GEORGIA	Lack of protection against homophobic attacks during a demonstration.	To assess the action plan submitted by the authorities on 26/04/2016. To examine the proposal to transfer the cases of <i>97 Members of the Gldani congregation of the Jehovah's witnesses</i> and four others as well as <i>Begheluri and others</i> under the enhanced procedure.



Year	Meeting	Case	State	Violation	Action requested
2018	1318 (5-7 June 2018)	<b>IDENTOBA AND OTHERS</b> (Group)	GEORGIA	Lack of protection against homophobic attacks during a demonstration.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2018	1331 (4-6 December 2018)	<b>MERABISHVILI</b>	GEORGIA	Failure of the domestic courts to give sufficiently reasoned decisions for the continued pre-trial detention of the applicant, a former Prime Minister and Minister of the Interior, and use of the pre-trial detention during this period by the Chief Public Prosecutor for the illegitimate purpose of pressurising the applicant into providing information on matters unrelated to the criminal case against him (violations of Article 5 § 3 and Article 18 taken in conjunction with Article 5 § 1)	To assess the action plans submitted on 04/06/2018 and 26/10/2018.
2019	1348 (4-6 June 2019)	<b>MERABISHVILI</b>	GEORGIA	Failure of the domestic courts to give sufficiently reasoned decisions for the continued pre-trial detention of the applicant, a former Prime Minister and Minister of the Interior, and use of the pre-trial detention during this period by the Chief Public Prosecutor for the illegitimate purpose of pressurising the applicant into providing information on matters unrelated to the criminal case against him (violations of Article 5 § 3 and Article 18 taken in conjunction with Article 5 § 1)	To follow up the decision adopted at the 1331 <sup>st</sup> meeting.
2018	1324 (18-20 September 2018)	<b>TSINTSABADZE</b> (Group)	GEORGIA	Lack of effective investigations into allegations of ill-treatment or violations of the right to life; excessive use of force by the police in the course of arrest and/or while detaining suspects.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2014	1201 (3-5 June 2014)	<b>M.</b> (Group)	GERMANY	Unlawful extension or imposition of “preventive detention” on the basis of retroactive legislative changes	In the light of the measures taken, proposal to transfer the Group to standard procedure.
2014	1214 (2-4 December 2014)	<b>BEKA-KOULOCHERI</b> (Group)	GREECE	Non-compliance by the administration with domestic court decisions and lack of an effective remedy.	To take stock of individual and general measures in light of recent developments in the Court’s case law and at a domestic level
2016	1250 (8-10 March 2016)	<b>BEKA-KOULOCHERI</b> (Group)	GREECE	Non-compliance by the authorities with domestic court decisions and lack of an effective remedy.	To follow the developments in the implementation of individual measures and, as regards general measures, to follow the implementation of measures concerning compliance with judgments ordering lift of expropriation and modification of district boundary plan.
2017	1294 (19-21 September 2017)	<b>BEKA-KOULOCHERI</b> (Group)	GREECE	Non-compliance by the authorities with domestic court decisions and lack of an effective remedy.	To assess the information provided in response to the decision adopted at the 1250 <sup>th</sup> meeting; to consider closing 11 cases of the group.
2018	1331 (4-6 December 2018)	<b>BEKA-KOULOCHERI</b> (Group)	GREECE	Non-compliance by the authorities with domestic court decisions and lack of an effective remedy.	To assess the information provided on 08/10/2018 and to identify outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2014	1201 (3-5 June 2014)	BEKIR-OUSTA AND OTHERS (Group)	GREECE	Violation of the right to freedom of association (Article 11)	Follow-up to the decision adopted at the 1201 <sup>th</sup> meeting. Adoption of an interim resolution <a href="#">CM/ResDH(2014)84</a>
2016	1250 (8-10 March 2016)	BEKIR-OUSTA AND OTHERS (Group)	GREECE	Refusal of domestic courts to register the applicants' associations (Article 11).	To follow up to the Interim Resolution adopted at the 1201 <sup>st</sup> meeting.
2017	1280 (7-9 March 2017)	BEKIR-OUSTA AND OTHERS (Group)	GREECE	Refusal of domestic courts to register the applicants' associations.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2017	1294 (19-21 September 2017)	BEKIR-OUSTA AND OTHERS (Group)	GREECE	Refusal of domestic courts to register the applicants' associations.	To follow-up the decision adopted at the 1280 <sup>th</sup> meeting.
2017	1302 (5-7 December 2017)	BEKIR-OUSTA AND OTHERS (Group)	GREECE	Refusal of domestic courts to register the applicants' associations.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	BEKIR-OUSTA AND OTHERS (Group)	GREECE	Refusal of domestic courts to register the applicants' associations.	To assess the information provided on 09/10/2018 and to identify outstanding questions.
2018	1324 (18-20 September 2018)	CHOWDURY AND OTHERS	GREECE	Inadequate response to human-trafficking through exploitation of the vulnerability of unauthorised migrant workers.	To assess the action plan submitted on 06/06/2018 and to identify the outstanding questions.
2015	1236 (22-24 September 2015)	MAKARATZIS (Group)	GREECE	a) Use of potentially lethal force by police officers and shortcomings of the domestic law regulating the use of arms by law enforcement officers (Article 2) b) Ill-treatment of individuals under police responsibility (Article 3) and c) Ineffective investigations or failure to investigate incidents of risk of life due to use of force by police officers or ill-treatment by police (Articles 2 and 3).	To assess the measures taken to prevent future violations as a result of ill-treatment under police responsibility and the failure to investigate incidents of risk of life or ill-treatment by law enforcement officers.
2017	1302 (5-7 December 2017)	MAKARATZIS (Group)	GREECE	Ill-treatment by coastguards and other state agents and lack of effective investigations.	To follow up the decision adopted at the 1236 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	MAKARATZIS (Group)	GREECE	Ill-treatment by coastguards and other state agents and lack of effective investigations.	To assess the information provided on 08/10/2018 and to identify outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2017	1294 (19-21 September 2017)	MARTZAKLIS AND OTHERS	GREECE	Poor conditions of detention and segregation of 13 HIV-positive prisoners.	To assess the measures taken so far and to identify the outstanding questions.
2018	1318 (5-7 June 2018)	MARTZAKLIS AND OTHERS	GREECE	Poor conditions of detention and segregation of 13 HIV-positive prisoners.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2014	1193 (4-6 March 2014)	MICHELIOUDAKIS, DIAMANTIDES NO.2, (Group) GLYKANTZI KONTI-ARVANITI (Group)	GREECE	Excessive length of criminal (Michelioudakis case) and civil (Glykantzi case) proceedings and lack of an effective remedy (pilot judgments) (deadline expires on 30/01/2014).	Follow-up to the decision adopted at the 1186 <sup>th</sup> meeting.
2014	1214 (2-4 December 2014)	MICHELIOUDAKIS DIAMANTIDES NO.2 (Group) GLYKANTZI KONTI-ARVANITI (Group)	GREECE	Excessive length of criminal (Michelioudakis case) and civil (Glykantzi case) proceedings and lack of an effective remedy (pilot judgments) (deadline expires on 30/01/2014).	Proposal to transfer the groups to the standard procedure
2015	1222 (11-12 March 2015)	M.S.S. (Group)	GREECE	Conditions of detention of asylum seekers and irregular migrants (Art. 3) and lack of an effective remedy to challenge conditions of detention (Art 3 and 13); living conditions of asylum seekers (Art. 3); ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Art. 3 and 13).	Assessment of the general measures regarding the asylum procedure and conditions of detention of asylum seekers and irregular migrants (including unaccompanied minors) and identification of outstanding issues.
2015	1230 (3-5 June 2015)	M.S.S. (Group) RAHIMI (Group)	GREECE	Conditions of detention of asylum seekers and irregular migrants (Article 3) and lack of an effective remedy to challenge conditions of detention (Articles 3 and 13); living conditions of asylum seekers (Article 3). Ineffective asylum procedure and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Articles 3 and 13).	Assessment of the general measures regarding the establishment of an effective guardianship system for third country unaccompanied minors.
2015	1243 (8-9 December 2015)	M.S.S. (Group) RAHIMI (Group)	GREECE	Conditions of detention of asylum seekers and irregular migrants (Article 3) and lack of an effective remedy to challenge conditions of detention (Articles 3 and 13); living conditions of asylum seekers (Article 3). Ineffective asylum procedure and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Articles 3 and 13).	To follow up the decision adopted at the 1214 <sup>th</sup> meeting

Year	Meeting	Case	State	Violation	Action requested
2016 	1259 (7-8 June 2016)	<b>M.S.S.</b> (Group)	GREECE	Conditions of detention of asylum seekers and irregular migrants (Article 3) and lack of an effective remedy to challenge conditions of detention (Articles 3 and 13); living conditions of asylum seekers (Article 3); ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Articles 3 and 13).	Following a request by the delegation concerned, consideration of all aspects of the <i>M.S.S.</i> group of cases was postponed and foreseen for the 1273 <sup>rd</sup> meeting.
2017	1288 (6-7 June 2017)	<b>M.S.S.</b> (Group) <b>RAHIMI</b> (Group)	GREECE	Conditions of detention of asylum seekers and irregular migrants and lack of an effective remedy to challenge conditions of detention; living conditions of asylum seekers; ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure.	To assess the general measures regarding the asylum procedure and conditions of detention of asylum seekers and irregular migrants (including unaccompanied minors) and to identify the outstanding issues.
2019	1348 (4-6 June 2019)	<b>M.S.S.</b> (Group) <b>RAHIMI</b> (Group)	GREECE	Conditions of detention of asylum seekers and irregular migrants and lack of an effective remedy to challenge conditions of detention; living conditions of asylum seekers; ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure.	To assess the developments since the last examination of these groups at the 1288 <sup>th</sup> meeting.
2015	1230 (3-5 June 2015)	<b>NISIOTIS</b> (Group)	GREECE	Prison overcrowding and other poor conditions in prisons amounting to inhuman and degrading treatment.	Assessment of the general measures taken to decrease overcrowding and improve conditions of detention in prisons, and identification of outstanding issues.
2017	1288 (6-7 June 2017)	<b>NISIOTIS</b> (Group)	GREECE	Prison overcrowding and other poor conditions in prison.	To assess the general measures taken to decrease overcrowding and improve the conditions of detention in prisons, and to identify the outstanding issues.
2018	1324 (18-20 September 2018)	<b>NISIOTIS</b> (Group)	GREECE	Prison overcrowding and other poor conditions in prison.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2017	1302 (5-7 December 2017)	<b>SAKIR</b>	GREECE	Inadequate investigation into the assault of the applicant by an anti-immigrant gang. Inhuman and degrading treatment on account of detention conditions in a police station.	To assess the information provided by the authorities and to identify the outstanding questions.
2016	1259 (7-8 June 2016)	<b>SAMPANI AND OTHERS</b> (Group)	GREECE	Discrimination against Roma children in certain schools.	To assess the action report.
2017	1280 (7-9 March 2017)	<b>SAMPANI AND OTHERS</b> (Group)	GREECE	Discrimination against Roma children in certain schools.	To examine the proposal to adopt a final resolution.
2016	1265 (20-21 September 2016)	<b>S.D.</b> (Group)	GREECE	Unlawful detention of asylum seekers and migrants pending execution of deportation orders.	To assess the information provided by the Greek authorities. To examine the proposal to transfer this group in the standard procedure. <b>Transfer to standard supervision procedure.</b>

Year	Meeting	Case	State	Violation	Action requested
2018	1318 (5-7 June 2018)	SIASIOS AND OTHERS (Group)	GREECE	Poor conditions of detention in various detention facilities other than prisons and lack of an effective remedy.	To assess the action report submitted on 12/04/2018. To examine the final draft resolution with a view to closing the examination of this group.
2016	1265 (20-21 September 2015)	VALLIANATOS AND OTHERS	GREECE	Discrimination against same-sex couples excluded from the scope of the law establishing civil unions.	To examine the proposal to adopt a final resolution. <b>Final resolution CM/ResDH(2016)275 adopted.</b>
2014	1193 (4-6 March 2014)	VASSILIOS ATHANASIOU AND OTHERS  MANIOS (Group)	GREECE	Excessive length of proceedings before administrative courts and lack of an effective remedy (pilot judgment)	Proposal to transfer these cases under standard procedure.
2017	1280 (7-9 March 2017)	BAKA	HUNGARY	Lack of access to a court as regards the premature termination of the applicant's mandate as President of the Supreme Court, which also led to a violation of his right to freedom of expression.	To examine the follow-up given or envisaged to the judgment.
2018	1324 (18-20 September 2018)	GUBACSI (Group)	HUNGARY	Inhuman and degrading treatment by law enforcement officers and/or the lack of adequate investigations in this respect.	To consider the proposal to transfer this group to the enhanced procedure. To assess the action report submitted on 06/07/2018 and to identify the outstanding questions.
2014	1193 (4-6 March 2014)	HORVATH AND KISS	HUNGARY	Discriminatory assignment of the Roma applicants to a special school for children with mental disabilities during their primary education (Art. 2 Prot. No. 1 read in conjunction with Art. 14).	Assessment of the measures reported so far and identification of measures still outstanding.
2015	1243 (8-9 December 2015)	HORVATH AND KISS	HUNGARY	Discriminatory assignment of the Roma applicants to a special school for children with mental disabilities during their primary education (Art. 2 Prot. No. 1 read in conjunction with Art. 14).	To assess the measures reported so far and to identify measures still outstanding.
2017	1302 (5-7 December 2017)	HORVATH AND KISS	HUNGARY	Discriminatory assignment of Roma children to primary schools for children with mental disabilities.	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting.
2019	1348 (4-6 June 2019)	HORVATH AND KISS	HUNGARY	Discriminatory assignment of Roma children to primary schools for children with mental disabilities.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting, in the light of the action plan of 5 April 2019.
2015	1236 (22-24 September 2015)	ISTVÁN GÁBOR KOVÁCS (Group)  VARGA AND OTHERS	HUNGARY	Structural problem highlighted by the European Court applying the pilot judgment procedure: inhuman and/or degrading treatment due to overcrowding and poor material conditions of detention (Article 3), lack of effective remedies in that regard (Article 13 in conjunction with Article 3) and several other dysfunctions regarding the protection of prisoners' rights.	To assess the measures already taken and/or still envisaged according to the updated action plan of 3 July 2015 and to emphasise the importance of the timely compliance with the pilot judgment delivered by the Court.

Year	Meeting	Case	State	Violation	Action requested
2016	1250 (8-10 March 2016)	ISTVÁN GÁBOR KOVÁCS (Group)  VARGA AND OTHERS	HUNGARY	Inhuman and/or degrading treatment due to overcrowding and poor conditions of detention, lack of effective remedies for this. Structural problem highlighted by the European Court in the pilot judgment Varga and others (Article 3, Article 13 in conjunction with Article 3).	To take stock of the measures proposed by the Hungarian authorities.
2017	1288 (6-7 June 2017)	ISTVÁN GÁBOR KOVÁCS (Group)  VARGA AND OTHERS	HUNGARY	Overcrowding and poor material conditions of detention, lack of effective remedies and other deficiencies in the protection of prisoners' rights.	To follow up the decision adopted at the 1250th meeting and to assess the action plans received in the meantime.
2018	1310 (13-15 March 2018)	ISTVÁN GÁBOR KOVÁCS (Group)  VARGA AND OTHERS	HUNGARY	Overcrowding and poor material conditions of detention, lack of effective remedies and other deficiencies in the protection of prisoners' rights.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting and to assess the action plan received in the meantime.
2014	1201 (3-5 June 2014)	KALUCZA	HUNGARY	Failure of the authorities to protect the applicant from her violent former partner despite her repeated requests (Article 8).	In the light of the developments, proposal to transfer the case to standard procedure
2018	1318 (5-7 June 2018)	LÁSZLÓ MAGYAR (Group)	HUNGARY	Life sentence without parole in combination with the lack of an adequate review mechanism.	To assess the measures already taken and the action plan provided on 29/03/2018.
2014	1208 (23-25 September 2014)	R.R.	HUNGARY	Violation of the right to life of a mother and her children due to their exclusion from witness protection as a sanction for the father's breach of the protection agreement (Article 2).	Follow-up of the decision adopted at the 1179th meeting.
2014	1214 (2-4 December 2014)	R.R.	HUNGARY	Violation of the right to life of a mother and her children due to their exclusion from witness protection as a sanction for the father's breach of the protection agreement (Article 2).	Follow-up to the decision adopted at the 1208th meeting and proposal to transfer under standard procedure.
2015	1222 (11-12 March 2015)	TÍMÁR	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect (violations of Articles 6§1 and 13).	To urge the authorities to intensify their efforts as regards the shortening of length of proceedings and the creation of effective remedies.
2016	1250 (8-10 March 2016)	TÍMÁR (Group)  GAZSÓ (Pilot judgment)	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect. (Articles 6 § 1 and 13).	To take stock of the measures proposed by the Hungarian authorities.
2016	1273 (6-8 December 2016)	TÍMÁR (Group)  GAZSÓ (Pilot judgment)	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2017	1302 (5-7 December 2017)	TÍMÁR (Group)  GAZSÓ (Pilot judgment)	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect.	To examine the draft final resolution with a view to closing 253 cases in which the individual measures have been resolved. To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2018	1310 (13-15 March 2018)	GAZSÓ (Pilot judgment)	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect.	To consider the proposal to adopt an interim resolution in accordance with the decision adopted at the 1302 <sup>nd</sup> meeting.
2018	1331 (4-6 December 2018)	GAZSÓ (Pilot judgment)	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect.	To follow up the interim resolution adopted at the 1310 <sup>th</sup> meeting; to assess the information submitted on 19/10/2018 by the authorities and to identify outstanding questions. To consider the proposal to close 9 cases, in which the individual measures have been taken.
2019	1340 (12-14 March 2019)	GAZSÓ (Pilot judgment)	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect.	To assess the progress achieved in the legislative process.
2019	1348 (4-6 June 2019)	GAZSÓ (Pilot judgment)	HUNGARY	Excessive length of judicial proceedings and lack of an effective remedy in this respect.	
2017	1302 (5-7 December 2017)	SZABÓ AND VISSY	HUNGARY	Insufficient guarantees against abuse in the legislation on secret surveillance.	To examine the follow-up given or envisaged to the judgment.
2019	1340 (12-14 March 2019)	TONELLO	HUNGARY	Violation of the applicant's right to respect for his family life on account of the authorities' failure to enforce final decisions of the Hungarian and Italian courts ordering the return of his daughter, born in 2011 and wrongfully removed by her mother from Italy to Hungary in 2012.	To assess the information provided regarding the required urgent individual measures and to identify the outstanding questions.
2014	1214 (2-4 December 2014)	A. B. AND C.	IRELAND	Absence of any legislative or regulatory regime providing access to lawful abortion when the mother's life is at risk	Assessment of the action report and adoption of a final resolution <a href="#">CM/ResDH(2014)273</a>
2017	1288 (6-7 June 2017)	MCFARLANE (Group)	IRELAND	Lack of effective remedy for excessive length of judicial proceedings.	To assess the progress achieved, identify outstanding questions and examine the proposal to transfer the group to the enhanced procedure.
2018	1324 (18-20 September 2018)	MCFARLANE (Group)	IRELAND	Lack of effective remedy for excessive length of judicial proceedings.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting. To consider the proposal to close five cases in which the individual measures have been adopted.



Year	Meeting	Case	State	Violation	Action requested
2016	1259 (7-8 June 2016)	O'KEEFFE	IRELAND	Failure in the 1970s to protect the applicant from sexual abuse in a National School and lack of effective remedy (Articles 3 and 13).	To assess the action plan submitted on 28/01/2016 and in the light of the measures taken, to decide on the proposal to transfer the case to the standard procedure.
2016	1273 (6-8 December 2016)	ABENAVOLI (Group)	ITALY	Excessive length of proceedings before the administrative courts.	To assess the information provided on 21/10/2016. Closure of 75 cases <a href="#">CM/ResDH(2016)358</a> .
2016	1273 (6-8 December 2016)	AGRATI AND OTHERS (Group)	ITALY	Retrospective application of legislation to on-going judicial proceedings to calculate the length of service of school staff.	To assess the action report submitted on 19/10/2016.
2019	1348 (4-6 June 2019)	AGRATI AND OTHERS (Group)	ITALY	Retrospective application of legislation to on-going judicial proceedings to calculate the length of service of school staff.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting. In the light of the information provided, to examine the proposal to close the supervision of the general measures.
2014	1201 (3-5 June 2014)	CENTRO EUROPA 7 S.R.L. AND DI STEFANO	ITALY	Impossibility for the applicant company to operate in the television broadcasting sector between 1999 and 2009, due to deficiencies in the legislative framework adopted to re-allocate frequencies in this sector and to ensure effective media pluralism (violations of Article 10 and Article 1 of Protocol No. 1).	To urge the Italian authorities to provide information on the measures taken or envisaged for the implementation of the judgment, in form of an action plan or report.
2017	1280 (7-9 March 2017)	CESTARO	ITALY	Ill-treatment by police; inadequate criminal legislation to punish acts of torture and inhuman and degrading treatment.	To assess the ongoing legislative reform and to identify outstanding questions.
2015	1243 (8-9 December 2015)	CETERONI (Group)	ITALY	Excessive length of proceedings before civil courts (Article 6 § 1)	To assess the progress made in the implementation of the general measures. To assess the possibility to close the examination of 178 cases concerning legal separation and divorce proceedings and civil proceedings which had come under the jurisdiction of 27 First Instance Courts (tribunali).
2017	1302 (5-7 December 2017)	CETERONI (Group)	ITALY	Excessive length of proceedings before civil courts.	To examine the draft final resolution with a view to closing 1723 cases in which the individual measures have been resolved. To assess the progress achieved and the outstanding questions.
2016	1265 (20-21 September 2016)	COSTA AND PAVAN	ITALY	Inconsistency in the Italian legal system in the field of medically-assisted procreation.	To assess the action report presented by the authorities on 15/06/2016. <b>Final resolution <a href="#">CM/ResDH(2016)276</a> adopted.</b>
2016	1259 (7-8 June 2016)	DI SARNO AND OTHERS	ITALY	Region polluted by non-collected waste: prolonged inability of the Italian authorities to ensure waste collection, treatment and disposal in the region of Campania and absence of a remedy in this regard (Articles 8 and 13).	To assess the progress accomplished and to identify the outstanding questions in this case.



Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	DI SARNO AND OTHERS	ITALY	Region polluted by non-collected waste: prolonged inability of the Italian authorities to ensure waste collection, treatment and disposal in the region of Campania and absence of a remedy in this regard (Articles 8 and 13).	To assess the developments since the last examination in 2016.
2014	1208 (23-25 September 2014)	HIRSI JAMAA AND OTHERS	ITALY	Interception at sea and transfer to Libya 11 Somalian and 13 Eritrean nationals	Assessment of the Action plan.
2018	1310 (13-15 March 2018)	KHLAIFIA AND OTHERS	ITALY	Absence of clear and accessible legal basis or remedy in respect of the detention in a reception centre of irregular migrants.	To assess the information provided by the authorities and identify the outstanding questions.
2019	1340 (12-14 March 2019)	KHLAIFIA AND OTHERS	ITALY	Absence of clear and accessible legal basis or remedy in respect of the detention in a reception centre of irregular migrants.	To assess the action report submitted on 05/02/2019 and to identify outstanding questions.
2016	1273 (6-8 December 2016)	LEDONNE No.1 (Group)	ITALY	Excessive length of proceedings before the criminal courts.	To invite the authorities to provide the information required to assess the state of execution.
2018	1324 (18-20 September 2018)	LEDONNE No.1 (Group)	ITALY	Excessive length of proceedings before the criminal courts.	To assess the information provided on 14/06/2017 and 06/07/2018, and to identify the outstanding questions. To consider the proposal to close 162 cases, in which the individual measures have been taken.
2017	1302 (5-7 December 2017)	LUORDO (Group)	ITALY	Excessive length of bankruptcy proceedings.	To follow up the decision adopted at the 1172 <sup>nd</sup> meeting.
2014	1193 (4-6 March 2014)	M.C. AND OTHERS	ITALY	Pilot judgment: Legislative intervention which retrospectively deprived the applicants of the annual adjustment of the supplementary component of a compensation allowance paid to them following their accidental contamination with different viruses as a result of blood transfusions or the administration of blood derivatives and which gave rise to unjustified differences in treatment among persons in comparable situations (violations of Article 6§1 and of Article 1 of Protocol No. 1 taken alone or in conjunction with Article 14).  The Italian authorities must set, within six months from the date on which the judgment became final, in co-operation with the Committee of Ministers, a binding time-limit in which they undertake to guarantee the effective and rapid realisation of the entitlement to adjustment, by appropriate legislative and administrative measures.	Call upon the Italian authorities to submit urgently an action plan presenting the general measures envisaged for the implementation of the judgment and the proposed time-limit for their adoption.

Year	Meeting	Case	State	Violation	Action requested
2014	1199 Ordinary meeting (13 May 2014)	M.C AND OTHERS	ITALY	Pilot judgment: Legislative intervention which retrospectively and in a discriminatory manner deprived the applicants of the annual adjustment of the supplementary component of a compensation allowance paid to them following their accidental contamination with different viruses as a result of blood transfusions or the administration of blood derivatives (violations of Article 6§1 and of Article 1 of Protocol No. 1 taken alone or in conjunction with Article 14).  The Italian authorities were bound to set, before <b>3 June 2014</b> , in co-operation with the Committee of Ministers, a binding time-limit in which they undertake to guarantee the effective and rapid realisation of the entitlement to adjustment, by appropriate legislative and administrative measures.	Italian authorities have to indicate as a matter of urgency the general measures required at regional level, as well as the time-frame envisaged for their adoption.
2014	1208 (23-25 September 2014)	M.C AND OTHERS	ITALY	See above.	To resume the examination of the case in the light of the information awaited from the authorities, with a view to setting the time-limit for the adoption of the general measures, as required by the judgment of the European Court
2014	1214 (2-4 December 2014)	M.C. AND OTHERS	ITALY	See above.	Follow-up to the decision adopted by the Committee at the last examination of the case. Examination of the case in the light of the information awaited from the authorities, with a view to setting the time-limit for the adoption of the general measures that remain to be taken.
2015	1243 (8-9 December 2015)	M.C. AND OTHERS	ITALY	See above.	To follow up the decision adopted by the Committee at the last examination of the case.  To examine the state of adoption of the general measures.
2015	1236 (22-24 September 2015)	MOSTACCIUOLO GIUSEPPE No.1 (Group)  GAGLIONE AND OTHERS	ITALY	Insufficient amount and delay in payment of the awards made in the context of "Pinto" remedy; excessive length of the "Pinto" proceedings (violations of Articles 6 § 1 and/or 1 of Protocol No. 1).	To review the progress made in ensuring payment of sums awarded under the "Pinto" Law and to address the questions raised by the 2012 reform of the remedy.  To adopt a final resolution in 34 cases relating to the resolved problem of the insufficient amount of the compensation awarded in the context of the "Pinto" remedy.
2017	1294 (19-21 September 2017)	MOSTACCIUOLO GIUSEPPE No. 1 (Group)  GAGLIONE AND OTHERS (Group)  OLIVIERI AND OTHERS	ITALY	Delay in payment of awards made in the context of the "Pinto" remedy for excessively long judicial proceedings; excessive length of the "Pinto" proceedings; issues raised by the 2012 reform of the "Pinto" Act; ineffectiveness of the "Pinto" remedy concerning the excessive length of administrative proceedings.	To examine the issues relating to the 2012 reform of the "Pinto" remedy and to the ineffectiveness of this remedy concerning the length of administrative proceedings.  To consider adopting a final resolution in 119 cases relating to the problem of delay in payment of "Pinto" compensation and the excessive length of these proceedings.
2017	1288 (6-7 June 2017)	OLIARI AND OTHERS	ITALY	Absence of a specific legal framework allowing the recognition and protection of same-sex couples.	To assess the action report presented by the authorities on 16/01/2017 and to consider the proposal to close the Committee's supervision of this case.

Year	Meeting	Case	State	Violation	Action requested
2016	1265 (20-21 September 2016)	SHARIFI AND OTHERS <sup>2</sup>	ITALY	Collective expulsion of asylum seekers to Greece.	To assess the revised action plan submitted by the authorities on 13/07/2016.
2017	1288 (6-7 June 2017)	SHARIFI AND OTHERS	ITALY	Collective expulsion of asylum seekers to Greece.	To follow up the decision adopted at the 1265 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	SHARIFI AND OTHERS	ITALY	Collective expulsion of asylum seekers to Greece.	To assess the action report submitted by the authorities on 23/01/2019 and to identify outstanding questions.
2014	1193 (4-6 March 2014)	SNEERSONE AND KAMPANELLA	ITALY	Decisions given in 2008 and 2009 ordering the return of a minor child living with his mother in Latvia to his father in Italy, without due consideration of the child's best interest (violation of Article 8).	Examination of the possibility of closing this case, following the adoption of the urgent individual measure required (the setting aside of the order for the return of the child to Italy).
2018	1318 (5-7 June 2018)	TALPIS	ITALY	Failure to comply with the obligation to assess properly the risks to life in a case of domestic violence and to give an adequate response.	To assess the action plan submitted on 28/03/2018.
2014	1193 (4-6 March 2014)	TORREGGIANI AND OTHERS SULEJMANOVIC	ITALY	Inhuman and degrading treatment of the applicants due to imprisonment in inadequate conditions, particularly overcrowding. Pilot judgment setting a deadline of 27 May 2014 for the introduction of a remedy or combination of effective remedies.	Evaluation of progress made and identification of outstanding questions.
2014	1201 (3-5 June 2014)	TORREGGIANI AND OTHERS SULEJMANOVIC	ITALY	Inhuman and degrading treatment of the applicants due to imprisonment in inadequate conditions, particularly overcrowding. Pilot judgment setting a deadline of 27/05/2014 for the introduction of a remedy or combination of effective remedies.	Follow-up to the decision adopted at the 1193 <sup>rd</sup> meeting (March 2014) and assessment of the progress achieved in the implementation of the pilot judgment.
2014	1214 (2-4 December 2014)	TORREGGIANI AND OTHERS SULEJMANOVIC	ITALY	Inhuman and degrading treatment of the applicants due to imprisonment in inadequate conditions, particularly overcrowding. Pilot judgment setting a deadline of 27 May 2014 for the introduction of a remedy or combination of effective remedies.	Follow-up to the decision adopted at the 1201 <sup>st</sup> meeting (June 2014), assessment of progress achieved in the implementation of the pilot judgment and proposal to transfer the cases to the standard procedure.
2018	1331 (4-6 December 2018)	ABU ZUBAYDAH	LITHUANIA	Various violations related to the applicant's transfer to and from Lithuania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation; as a result, the applicant is exposed to continued arbitrary detention and ill-treatment at the United States Naval Base in Guantanamo Bay.	To examine the question of urgent individual measures (diplomatic assurances).

<sup>2</sup>The violations in respect of Greece are examined in the context of the *M.S.S.* group.

Year	Meeting	Case	State	Violation	Action requested
2019	1340 (12-14 March 2019)	ABU ZUBAYDAH	LITHUANIA	Various violations related to the secret detention and "extraordinary rendition" of the applicant. As a result, the applicant is exposed to continued arbitrary detention and ill-treatment at the United States Naval Base in Guantanamo Bay.	To follow up the decision adopted at the 1331 <sup>st</sup> meeting (diplomatic assurances and investigation).
2019	1348 (4-6 June 2019)	ABU ZUBAYDAH	LITHUANIA	Various violations related to the secret detention and "extraordinary rendition" of the applicant. As a result, the applicant is exposed to continued arbitrary detention and ill-treatment at the United States Naval Base in Guantanamo Bay.	To examine the individual measures, including urgent measures (diplomatic assurances) and the general measures.
2014	1208 (23-25 September 2014)	L.	LITHUANIA	State's failure to ensure respect for private life owing to the lack of implementing legislation to enable a transsexual person to undergo full gender reassignment surgery and change his official documents (violation of Article 8)	Proposal to transfer the case to the enhanced procedure First examination
2015	1222 (11-12 March 2015)	L.	LITHUANIA	State's failure to ensure respect for private life due to the failure to implement legislation to enable a transsexual to undergo full gender reassignment surgery and to change his official documents (violation of Article 8).	Follow-up to the decision adopted at the 1208 <sup>th</sup> meeting.
2016	1259 (7-8 June 2016)	L.	LITHUANIA	State's failure to ensure respect for private life due to the failure to implement legislation to enable a transsexual to undergo full gender reassignment surgery and to change his official documents (Article 8).	To follow up the decision adopted at the 1222 <sup>nd</sup> meeting.
2017	1294 (19-21 September 2017)	L.	LITHUANIA	Lack of legislation governing the conditions and procedures relating to gender reassignment medical treatment.	To assess the revised action plans provided in response to the decision adopted at the 1259 <sup>th</sup> meeting.
2018	1324 (18-20 September 2018)	L.	LITHUANIA	Lack of legislation governing the conditions and procedures relating to gender reassignment medical treatment.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2019	1348 (4-6 June 2019)	MATIOŠAITIS AND OTHERS	LITHUANIA	Absence of system of review of life sentences.	To assess the action report and consider the proposal to close the examination of the case and adopt a final resolution.
2014	1208 (23-25 September 2014)	PAKSAS	LITHUANIA	Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).	Proposal to transfer the case to the enhanced procedure First examination
2015	1222 (11-12 March 2015)	PAKSAS	LITHUANIA	Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).	To follow up the decision adopted at the 1208 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2015	1243 (8-9 December 2015)	PAKSAS	LITHUANIA	Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).	To follow up the decision adopted at the 1222 <sup>nd</sup> meeting.
2016	1250 (8-10 March 2016)	PAKSAS	LITHUANIA	Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (Article 3 of Protocol No. 1).	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting.
2016	1273 (6-8 December 2016)	PAKSAS	LITHUANIA	Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings.	To assess the information provided in response to the decision adopted at the 1250 <sup>th</sup> meeting.
2017	1288 (6-7 June 2017)	PAKSAS	LITHUANIA	Permanent and irreversible ban on standing for parliamentary elections due to the applicant's removal from presidential office following impeachment proceedings.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting and to assess the action plan received on 31/03/2017.
2018	1310 (13-15 March 2018)	PAKSAS	LITHUANIA	Permanent and irreversible ban on standing for parliamentary elections due to the applicant's removal from presidential office following impeachment proceedings.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	PAKSAS	LITHUANIA	Permanent and irreversible ban on standing for parliamentary elections due to the applicant's removal from presidential office following impeachment proceedings.	To consider the proposal to adopt an interim resolution in accordance with the decision adopted at the 1310 <sup>th</sup> meeting.
2017	1302 (5-7 December 2017)	VASILIAUSKAS	LITHUANIA	Conviction for genocide by retroactive application of criminal law.	To assess the action report of 05/10/2017 and to consider the proposal to close the Committee's supervision of this case.
2018	1318 (5-7 June 2018)	APAP BOLOGNA (Group)	MALTA	Various deficiencies in the Maltese rent control legislation and lack of effective remedy.	To assess the action plan of 17/04/2018. To consider the proposal to close the supervision of individual measures in one case and to join the supervision of certain older cases to this group and transfer them to the enhanced procedure.
2014	1214 (2-4 December 2014)	SUSO MUSA (Group)	MALTA	Failure of the national system as a whole to protect the applicants, asylum seekers, from arbitrary detention; lack of an effective and speedy remedy by which to challenge the lawfulness of their detention; and inadequate conditions of detention of asylum seekers (Violations of Articles 5§1 and 5§4 as well as of Article 3)	Assessment of the action plans with a view to identifying the outstanding issues and requesting further information from the authorities
2016	1265 (20-21 September 2016)	SUSO MUSA (Group)	MALTA	Problems related to detention pending asylum and deportation proceedings.	To assess the action report submitted and to examine the proposal to adopt a final resolution. <b>Final resolution CM/ResDH(2016)277 adopted.</b>

Year	Meeting	Case	State	Violation	Action requested
2016	1259 (7-8 June 2016)	<b>BOICENCO</b>	REPUBLIC OF MOLDOVA	Mainly violations of the applicants' right of individual petition (Article 34); also other violations of Articles 3 + 5.	To assess the action report and adoption of the final resolution <a href="#">CM/ResDH(2016)146</a>
2016	1250 (8-10 March 2016)	<b>CIORAP</b> (Group) <b>BECCIEV</b> (Group) <b>PALADI</b> (Group)	REPUBLIC OF MOLDOVA	Cases mainly concerning poor conditions of detention, including lack of adequate access to medical care, and lack of effective remedies (Articles 3 and 13), as well as non-compliance with an interim measure on medical assistance (Article 34).	Decision to postpone consideration of these groups of cases at the 1265 <sup>th</sup> meeting.
2016	1265 (20-21 September 2016)	<b>CIORAP</b> (Group) <b>BECCIEV</b> (Group) <b>PALADI</b> (Group)	REPUBLIC OF MOLDOVA	Poor conditions of detention, including lack of access to adequate medical care and lack of effective remedy.	To take stock of the measures taken and to identify the outstanding questions in the light of the revised action plan presented by the authorities on 01/07/2016.
2017	1288 (6-7 June 2017)	<b>CIORAP</b> (Group) <b>BECCIEV</b> (Group) <b>PALADI</b> (Group)	REPUBLIC OF MOLDOVA	Poor conditions of detention, including lack of access to adequate medical care and lack of an effective remedy.	To assess the information provided in response to the decision adopted at the 1265 <sup>th</sup> meeting and to identify the outstanding questions.
2018	1310 (13-15 March 2018)	<b>CIORAP</b> (Group) <b>BECCIEV</b> (Group) <b>PALADI</b> (Group)	REPUBLIC OF MOLDOVA	Poor conditions of detention, including lack of access to adequate medical care and lack of an effective remedy.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2014	1208 (23-25 September 2014)	<b>CORSACOV</b> (Group)	REPUBLIC OF MOLDOVA	Ill-treatment, torture and breaches to the right to life while in police custody and lack of effective investigations in this respect (Art. 2 + 3); lack of effective remedy (Art. 13).	To take stock of the updated action plan of June 2014 with a view to identifying the outstanding issues.
2016	1273 (6-8 December 2016)	<b>CORSACOV</b> (Group) <b>LEVINTA</b>	REPUBLIC OF MOLDOVA	Ill-treatment and torture in police custody; ineffective investigations; lack of an effective remedy. Conviction based on evidence obtained under torture.	To assess the action report submitted by the authorities on 30/09/2016.
2018	1331 (4-6 December 2018)	<b>CORSACOV</b> (Group) <b>LEVINTA</b>	REPUBLIC OF MOLDOVA	Ill-treatment and torture in police custody; ineffective investigations; lack of an effective remedy. Conviction based on evidence obtained under torture.	To assess the updated action report submitted on 19/10/2018. To consider the proposal to close 19 cases in which the individual measures have been taken.

Year	Meeting	Case	State	Violation	Action requested
2014	1193 (4-6 March 2014)	EREMIA (Group)	REPUBLIC OF MOLDOVA	Authorities' failure to protect women from domestic violence by their (ex-) husbands (Article 3 + 8); discriminatory attitude of domestic authorities towards the victims as women (Article 14 read with Article 3).	First examination to take stock of the applicants' current situation.
2015	1243 (8-9 December 2015)	EREMIA (Group)	REPUBLIC OF MOLDOVA	Authorities' failure to protect women from domestic violence by their (ex-) husbands (Article 3 + 8); discriminatory attitude of domestic authorities towards the victims as women (Article 14 read with Article 3).	To assess the three action plans received since the Committee's last examination.
2017	1302 (5-7 December 2017)	EREMIA (Group)	REPUBLIC OF MOLDOVA	Authorities' failure to provide protection from domestic violence.	To assess the information provided and to identify the outstanding questions. To examine the proposal to close three cases in which the individual measures are settled.
2015	1236 (22-24 September 2015)	GENDERDOC-M	REPUBLIC OF MOLDOVA	Violation of the right to peaceful assembly (violation of Article 11); lack of an effective remedy in this respect (violation of Article 13 in conjunction with Article 11); discrimination on account of the authorities' failure to authorise demonstrations which they considered to promote homosexuality (violation of Article 14 in conjunction with Article 11).	To take stock of the updated action plans of March 2014 and July 2015 and to identify the outstanding questions.
2017	1280 (7-9 March 2017)	GENDERDOC-M	REPUBLIC OF MOLDOVA	Unjustified bans on gay marches; lack of an effective remedy; discrimination on grounds of sexual orientation.	To assess the progress achieved and to identify outstanding questions.
2018	1324 (18-20 September 2018)	GENDERDOC-M	REPUBLIC OF MOLDOVA	Unjustified bans on gay marches; lack of an effective remedy; discrimination on grounds of sexual orientation.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2019	1348 (4-6 June 2019)	I.D. (Group)	REPUBLIC OF MOLDOVA	Poor conditions of detention in facilities under the authority of the Ministries of the Interior and Justice, including lack of access to adequate medical care; absence of an effective remedy	To examine the information provided and to identify the outstanding issues. To consider the proposal to close the repetitive cases in which the individual measures have been taken.
2015	1230 (3-5 June 2015)	LUNTRE AND OTHERS (Group)	REPUBLIC OF MOLDOVA	Failure or substantial delay in the enforcement of final domestic judicial decisions and lack of effective remedy in this respect; violations of the right to respect for property (Articles 6 § 1 + 13, Article 1 of Protocol No.1).	To take stock of the measures adopted so far and to invite the authorities to provide information on the effective implementation of these measures.
2017	1280 (7-9 March 2017)	LUNTRE AND OTHERS (Group)	REPUBLIC OF MOLDOVA	Failure or substantial delay in the enforcement of final domestic judicial decisions and lack of effective remedy in this respect; violations of the right to respect for property.	To assess the progress achieved and to identify outstanding questions.
2018	1318 (5-7 June 2018)	LUNTRE AND OTHERS (Group)	REPUBLIC OF MOLDOVA	Failure or substantial delay in the enforcement of final domestic judicial decisions and lack of effective remedy in this respect; violations of the right to respect for property.	To assess the information provided in response to the decision adopted at the 1280 <sup>th</sup> meeting. To consider the proposal to close the examination of 53 cases in this group in which the individual measures have been resolved.



Year	Meeting	Case	State	Violation	Action requested
2016	1259 (7-8 June 2016)	MUȘUC (Group)  GUȚU  BREGA (Group)	REPUBLIC OF MOLDOVA	Arrest and detention without reasonable suspicion (Article 5 § 1); failure to promptly inform about charges (Article 5 § 2); insufficient compensation for illegal arrest (Article 5 §§ 1 and 5); other violations of Articles 3, 18+5, 8, 11, 13 +5, 8 and 34.	To examine the authorities' action plan with a view to closing three cases and to identifying the outstanding issues
2018	1318 (5-7 June 2018)	MUȘUC (Group)  GUȚU  BREGA (Group)	REPUBLIC OF MOLDOVA	Arrest and detention without reasonable suspicion (Article 5 § 1); failure to promptly inform about charges (Article 5 § 2); insufficient compensation for illegal arrest (Article 5 §§ 1 and 5); other violations of Articles 3, 18+5, 8, 11, 13 +5, 8 and 34.	To assess the information provided in response to the decision adopted at the 1259 <sup>th</sup> meeting. To consider the proposal to close the examination of five cases in this group in which the individual measures have been resolved.
2014	1214 (2-4 December 2014)	SARBAN (Group)	REPUBLIC OF MOLDOVA	Various violations of Article 5, mainly arising from detention pending trial without court order; lack of relevant and sufficient reasons for detention; the lack of a speedy review of detention order (Article 5 §§1, 3 and 4).	To take stock of the updated action plan of September 2014 with a view to identifying the outstanding issues.
2017	1294 (19-21 September 2017)	SARBAN (Group)	REPUBLIC OF MOLDOVA	Various violations mainly arising from pre-trial detention.	To assess the information provided by the authorities and to identify the outstanding questions.
2019	1348 (4-6 June 2019)	SARBAN (Group)	REPUBLIC OF MOLDOVA	Various violations mainly arising from pre-trial detention.	To assess the developments since the last examination of this group in 2017. To identify the possible outstanding issues. To consider the proposal to close 23 repetitive cases in which the individual measures have been taken.
2016	1259 (7-8 June 2016)	TARABURCA (Group)	REPUBLIC OF MOLDOVA	Ill-treatment by the police in connection with violent demonstrations and ineffective investigation thereof (Article 3 substantial and procedural); lack of effective civil remedies to claim compensation for the ill-treatment (Article 13).	To assess the authorities' action report with a view to identifying the outstanding issues.
2018	1331 (4-6 December 2018)	TARABURCA (Group)	REPUBLIC OF MOLDOVA	Ill-treatment by the police in connection with violent demonstrations and ineffective investigation thereof (Article 3 substantial and procedural); lack of effective civil remedies to claim compensation for the ill-treatment (Article 13).	To assess the updated action report submitted on 19/10/2018. To consider the proposal to close the examination of this group.
2019	1340 (12-14 March 2019)	TIMUS AND TAURUS	REPUBLIC OF MOLDOVA	Killing during a police operation and ineffective investigations; absence of a remedy allowing compensation.	To assess the information provided and to identify the outstanding questions.



Year	Meeting	Case	State	Violation	Action requested
2014	1193 (4-6 March 2014)	ILAȘCU AND OTHERS  IVANȚOC AND OTHERS	REPUBLIC OF MOLDOVA & RUSSIAN FEDERATION	<u>Ilașcu</u> : violations by the Republic of Moldova and the Russian Federation: applicants' illegal and arbitrary detention in the "Moldavian Republic of Transdnistria"; ill-treatment sustained in this context; interferences with their right to individual petition (Articles 3, 5 and 34 by the Republic of Moldova and the Russian Federation). Applicants' immediate release requested by the Court. <u>Ivanțoc</u> : lack of immediate release of two applicants after the Ilașcu judgment (violations of Articles 3, 5, 8 and 13 by the Russian Federation; no violation by the Republic of Moldova).	Follow-up to the decision adopted at the 1186th meeting: examination of the draft final resolution and of the amendments proposed by the Republic of Moldova (DH-DD(2013)1297). Adoption of a final resolution <a href="#">CM/ResDH(2014)37</a>
2016	1250 (8-10 March 2016)	JALOOD	THE NETHERLANDS	Ineffective investigation into the applicant's son's death in Iraq (Article 2).	To assess the action plan provided by the Netherlands authorities.
2017	1294 (19-21 September 2017)	ASSOCIATION OF CITIZENS "RADKO" AND PAUNKOVSKI	NORTH MACEDONIA	Unjustified dissolution of the applicant association.	To consider the proposal to adopt a final resolution.
2014	1193 (4-6 March 2014)	EL-MASRI	NORTH MACEDONIA	Various violations related to the CIA secret rendition operations.	To express concern because no action plan/report has been presented so far.
2015	1222 (11-12 March 2015)	EL-MASRI	NORTH MACEDONIA	Various violations related to the CIA secret rendition operations.	Follow-up to the decision adopted at the 1193 <sup>rd</sup> meeting.
2015	1230 (3-5 June 2015)	EL-MASRI	NORTH MACEDONIA	Various violations related to the CIA secret rendition operations.	Follow-up to the decision adopted at the 1122 <sup>nd</sup> meeting (March 2015).
2015	1243 (8-9 December 2015)	EL-MASRI	NORTH MACEDONIA	Various violations related to the CIA secret rendition operations.	To follow up the decision adopted at the 1130 <sup>th</sup> meeting (June 2015).
2016	1265 (20-21 September 2016)	EL-MASRI	NORTH MACEDONIA	Violations related to a "secret rendition" operation by the CIA.	To urge the authorities to provide information on the outstanding issues.
2017	1280 (7-9 March 2017)	EL-MASRI	NORTH MACEDONIA	Violations related to a "secret rendition" operation by the CIA.	To assess the roadmap prepared for the execution of this judgment.

Year	Meeting	Case	State	Violation	Action requested
2017	1302 (5-7 December 2017)	EL-MASRI	NORTH MACEDONIA	Violations related to a “secret rendition” operation by the CIA.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2018	1318 (5-7 June 2018)	EL-MASRI	NORTH MACEDONIA	Violations related to a “secret rendition” operation by the CIA.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting.
2017	1288 (6-7 June 2017)	HAJRULAHU	NORTH MACEDONIA	Failure to investigate allegations of ill-treatment and torture during <i>incommunicado</i> detention; violation of the right to a fair trial through the use of a confession statement made under duress.	To assess the progress achieved and to identify outstanding questions.
2017	1302 (5-7 December 2017)	IVANOSKI (Group)	NORTH MACEDONIA	Unfairness of lustration proceedings leading to the dismissal and five-year ban from public service of the President of the Constitutional Court.	To examine the final draft resolution in respect of the <i>Ivanovski</i> case with a view to its adoption and to identify the outstanding individual measures in the <i>Karajanov</i> case.
2019	1340 (12-14 March 2019)	ORTHODOX OHRID ARCHDIOCESE (Group)	NORTH MACEDONIA	Violations of the right to freedom of assembly and association on account of the authorities’ refusal to register the applicant association as religious entities.	To assess the action plan submitted on 21/12/2018 and to identify outstanding questions.
2015	1236 (22-24 September 2015)	LINDHEIM AND OTHERS	NORWAY	Violation of lessors' property rights due to a statutory provision allowing lessees to claim the indefinite extension of certain long lease contracts on unchanged conditions with the result that the rent due bore no relation to the actual value of the land (Article 1 of Protocol No. 1).	To assess the action report and in the light of the measures taken to decide on the proposal to transfer the case to the standard procedure.
2015	1222 (11-12 March 2015)	AL NASHIRI (Group)	POLAND	Various violations related to secret rendition operations	Examination of urgent individual measures.
2015	1230 (3-5 June 2015)	AL NASHIRI (Group)	POLAND	Various violations related to secret rendition operations	Examination of urgent individual measures.
2015	1236 (22-24 September 2015)	AL NASHIRI (Group)	POLAND	Various violations related to secret rendition operations	To examine the urgent individual measures.
2015	1243 (8-9 December 2015)	AL NASHIRI (Group)	POLAND	Various violations related to secret rendition operations	To examine the urgent individual measures and to assess other measures presented in the action plan of 13/08/2015.

Year	Meeting	Case	State	Violation	Action requested
2016	1250 (8-10 March 2016)	AL NASHIRI (Group)	POLAND	Violations related to secret rendition operations involving the applicants' detention and ill-treatment in the respondent State and risks of flagrant denial of justice and the death penalty after their transfer to the USA.	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting; examination of the individual measures.
2016	1259 (7-8 June 2016)	AL NASHIRI (Group)	POLAND	Violations related to secret rendition operations involving the applicants' detention and ill-treatment in the respondent State and risks of flagrant denial of justice and the death penalty after their transfer to the USA.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting (examination of the individual and general measures)
2016	1265 (20-21 September 2016)	AL NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting; examination of the urgent individual measures.
2016	1273 (6-8 December 2016)	AL-NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA (individual and general measures)	To follow up the decision adopted at the 1265 <sup>th</sup> meeting. Examination of the individual and general measures.
2017	1280 (7-9 March 2017)	AL-NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting. (Examination of urgent individual measures).
2017	1288 (6-7 June 2017)	AL-NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA.	To follow up the decisions adopted at the 1273 <sup>rd</sup> and 1280 <sup>th</sup> meetings. To examine the individual and general measures.
2017	1294 (19-21 September 2017)	AL-NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA.	To follow up the decisions adopted at the 1288 <sup>th</sup> meeting (examination of the urgent individual measures).
2017	1302 (5-7 December 2017)	AL-NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2018	1324 (18-20 September 2018)	AL-NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA.	To follow up the decisions adopted at the 1294 <sup>th</sup> and 1302 <sup>nd</sup> meetings.
2019	1348 (4-6 June 2019)	AL-NASHIRI (Group)	POLAND	Violations related to secret rendition operations by the CIA.	To follow up the decision adopted at the 1324 <sup>th</sup> meeting (individual and general measures).

Year	Meeting	Case	State	Violation	Action requested
2017	1302 (5-7 December 2017)	BAK (Group) MAJEWSKI (Group) RUTKOWSKI AND OTHERS	POLAND	Excessive length of criminal and civil proceedings and lack of an effective remedy.	To assess the progress achieved and the outstanding questions. To examine the draft final resolution with a view to closing the majority of the cases in which the individual measures are settled.
2018	1331 (4-6 December 2018)	BAK (Group) MAJEWSKI (Group) RUTKOWSKI AND OTHERS JAN ZAŁUSKA, MARIANNA ROGALSKA et 398 autres requêtes	POLAND	Excessive length of criminal and civil proceedings and lack of an effective remedy.	To assess the updated action plan submitted on 12/10/2018.
2014	1201 (3-5 June 2014)	DZWONKOWSKI (Group)	POLAND	Ill-treatment inflicted by the police - between 1997 and 2002 - and lack of effective investigation in this respect (substantive and procedural violations of Art. 3).	Proposal to transfer this Group under the enhanced procedure in the light of the recent judgment in the <i>Przemysk</i> case.
2016	1259 (7-8 June 2016)	DZWONKOWSKI (Group)	POLAND	Ill-treatment inflicted, and in one case a death caused, by the police between 1997 and 2002 (Article 3).and lack of effective investigation in this respect (Article 3).	To assess the information provided in the action report and to propose the closure of the supervision in this group of cases.
2016 	1250 (8-10 March 2016)	FUCHS (Group)	POLAND	Excessive length of proceeding before administrative courts and bodies (Article 6 § 1), lack of an effective remedy (Article 13).	Decision to postpone consideration of this group of cases at the latest to the 1273 <sup>rd</sup> meeting.
2016	1273 (6-8 December 2016)	FUCHS (Group)	POLAND	Excessive length of proceedings before administrative bodies and courts; lack of an effective remedy.	Asses the Action plan submitted on 20/10/2016. Adoption of a final resolution for 34 cases <a href="#">CM/ResDH(2016)359</a> .
2016	1273 (6-8 December 2016)	GRABOWSKI	POLAND	Deprivation of liberty of a juvenile in the framework of correctional proceedings against him, without a specific court order.	To assess the revised action plan submitted on 18/10/2016.
2018	1310 (13-15 March 2018)	GRABOWSKI	POLAND	Deprivation of liberty of a juvenile in the framework of correctional proceedings against him, without a specific court order.	To assess the revised action plan presented on 18/12/2017 and identify the outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2014	1201 (3-5 June 2014)	GRZELAK	POLAND	Discrimination against a non-believer pupil, due to the absence of a mark for "religion/ethics" in consequence of the failure to provide alternative ethics classes.	Assessment of the last information submitted and proposal to adopt a final resolution. <b>Adoption of a Final resolution</b> <a href="#">CM/ResDH(2014)85</a>
2014	1208 (23-25 September 2014)	HORYCH (Group)	POLAND	Strict imposition of the "dangerous detainee" regime, exceeding the legitimate requirements of security in prison (violation of Article 3). Restrictions imposed on the applicants' visiting rights due to their classification as "dangerous detainees" and failure to ensure proper conditions for those visits (violation of Article 8).	Assessment of the action plan and request for further information (in particular on legislative amendments under consideration)
2015	1230 (3-5 June 2015)	HORYCH (Group)	POLAND	Strict imposition of the "dangerous detainee" regime, exceeding the legitimate requirements of security in prison (violation of Article 3). Restrictions imposed on the applicants' visiting rights due to their classification as "dangerous detainees" and failure to ensure proper conditions for those visits (violation of Article 8).	Assessment of the updated action plan and request for further information (in particular on the legislative amendments under consideration)
2016	1265 (20-21 September 2016)	KAPRYKOWSKI (Group)	POLAND	Poor conditions of detention	To assess the information provided in the action report. To examine the proposal to adopt a final resolution. <b>Final resolution <a href="#">CM/ResDH(2016)278</a> adopted.</b>
2016	1250 (8-10 March 2016)	KĘDZIOR (Group)	POLAND	Lack of review of the lawfulness of admission to social care home and lack of periodic reviews of the continued need to remain in there (Article 5 § 1, Article 5 § 4, Article 6 § 1).	To assess the action plan and to request for further information on individual and general measures.
2017	1288 (6-7 June 2017)	KĘDZIOR (Group)	POLAND	Lack of judicial review of initial and continued placement in a social care home; lack of access to court to seek restoration of legal capacity.	To assess the information provided in the updated action plan of 17/03/2017 and to identify the outstanding questions.
2018	1318 (5-7 June 2018)	KĘDZIOR (Group)	POLAND	Lack of judicial review of initial and continued placement in a social care home; lack of access to court to seek restoration of legal capacity.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting and to assess the information provided in response.
2017	1294 (19-21 September 2017)	P. AND S.	POLAND	Failure to provide effective access to reliable information for a mother and her minor daughter on the conditions and procedures to be followed to access lawful abortion, disclosure of the applicants' personal data and unlawful detention of the minor applicant.	To assess the progress achieved and to identify the outstanding questions.
2018	1324 (18-20 September 2018)	P. AND S.	POLAND	Failure to provide effective access to reliable information for a mother and her minor daughter on the conditions and procedures to be followed to access lawful abortion, disclosure of the applicants' personal data and unlawful detention of the minor applicant.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	P. AND S.	POLAND	Failure to provide effective access to reliable information for a mother and her minor daughter on the conditions and procedures to be followed to access lawful abortion, disclosure of the applicants' personal data and unlawful detention of the minor applicant.	To follow up the decision adopted at the 1324 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2015	1236 (22-24 September 2015)	PODBIELSKI (Group)  KUDLA (Group)	POLAND	Excessive length of criminal and civil proceedings (Article 6 § 1), and lack of an effective remedy (Article 13).	To assess the status of execution of these two groups of cases.
2015	1243 (8-9 December 2015)	PODBIELSKI (Group)  KUDLA (Group)	POLAND	Excessive length of criminal and civil proceedings (Article 6 § 1), and lack of an effective remedy (Article 13).	To examine the authorities' action plan, and the possibility of closing the Committee's supervision of a significant number of old cases concerning the lack of any remedy.
2014	1208 (23-25 September 2014)	TYSIAC  R.R.	POLAND	Absence of an adequate legal framework for the exercise of the right to therapeutic abortion in the event of a disagreement between the patient and the specialist doctor ( <i>Tysiyc</i> ) and lack of access to pre-natal testing to enable a woman to take an informed decision on whether to seek an abortion (R.R.).	Assessment of the general measures (action reports submitted on 23/11/2013); and proposal to transfer the cases to the standard procedure
2019	1340 (12-14 March 2019)	TYSIAC  R.R.	POLAND	Absence of an adequate legal framework for the exercise of the right to therapeutic abortion in the event of a disagreement between the patient and the specialist doctor ( <i>Tysiyc</i> ) and lack of access to pre-natal testing to enable a woman to take an informed decision on whether to seek an abortion (R.R.).	To examine the proposal to transfer the cases to the enhanced procedure in light of the lack of progress in the adoption of the outstanding measures.
2016	1259 (7-8 June 2016)	OLIVEIRA MODESTO AND OTHERS (Group)	PORTUGAL	Excessive length of judicial proceedings.	To assess the progress made and the outstanding questions in this group of cases. To examine the proposition to put an end to the Committee's supervision of 49 cases in order to recognise the progress in the implementation of the general measures.
2018	1331 (4-6 December 2018)	VICENTE CARDOSO (Group)	PORTUGAL	Excessive length of civil and administrative proceedings.	To assess the information provided on 19/06/2018 and to identify outstanding issues.  To consider the proposal to close 10 cases, in which the individual measures have been taken.
2018	1331 (4-6 December 2018)	AL NASHIRI	ROMANIA	Various violations related to the applicant's transfer to and from Romania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation. As a result, the applicant was exposed to a serious risk of further ill-treatment and conditions of detention in breach of Article 3 as well as of further secret detention and faces a risk of capital punishment in a trial before a United States military commission in which, according to the European Court's judgment, evidence obtained under torture might be used.	To examine the possible impact of ongoing criminal law and justice reforms on the effectiveness of investigations.  To consider the question of urgent individual measures.
2019	1340 (12-14 March 2019)	AL NASHIRI	ROMANIA	Various violations related to the secret detention and "extraordinary rendition" of the applicant. As a result, the applicant was exposed to a serious risk of further ill-treatment and conditions of detention in breach of Article 3 as well as of further secret detention and faces a risk of capital punishment in a trial before a United States military commission in which, according to the European Court's judgment, evidence obtained under torture might be used.	To follow up the decision adopted at the 1331 <sup>st</sup> meeting, in particular as regards the individual measures (diplomatic assurances and investigation).

Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	AL NASHIRI	ROMANIA	Various violations related to the secret detention and "extraordinary rendition" of the applicant. As a result, the applicant was exposed to a serious risk of further ill-treatment and conditions of detention in breach of Article 3 as well as of further secret detention and faces a risk of capital punishment in a trial before a United States military commission in which, according to the European Court's judgment, evidence obtained under torture might be used.	To examine the individual measures, including urgent measures (diplomatic assurances) and the general measures.
2016	1259 (7-8 June 2016)	ANGHELESCU BARBU No.1 (Group)	ROMANIA	Death or ill-treatment under the responsibility of law enforcement agencies; ineffective investigations and domestic remedies; racially-motivated ill-treatment of an applicant of Roma origin and/or failure of the authorities to investigate into such motives (Articles 2 and/or 3, 13 and 14 together with Articles 3 and/or 13).	To assess the status of execution of these judgments in the light of the action report presented by the authorities on 27/04/2016. To examine the proposal to close the supervision by the Committee of the cases of this group, having regard to the progress made in the implementation of the general measures.
2014	1201 (3-5 June 2014)	ASSOCIATION « 21 DECEMBER 1989 » (Group)	ROMANIA	Ineffectiveness of criminal investigations into the violent crackdown on anti-governmental protests which surrounded the fall of the communist regime in Romania (procedural violations of Article 2); absence of sufficient safeguards in the Romanian legislation applied to secret surveillance measures based on national security grounds (violation of Article 8).	Assessment of the latest measures adopted by the authorities, presented in the revised action plan of 3 April 2014, particularly in the light of the requirement to hold independent investigations resulting from the European Court's judgments.
2017	1288 (6-7 June 2017)	ASSOCIATION « 21 DECEMBER 1989 » (Group)	ROMANIA	Ineffectiveness of criminal investigations into violent crackdowns on anti-governmental demonstrations in 1989 and the early 1990s.	To assess the action plan of 13/03/2017 and to identify the outstanding questions. To consider the proposal to close the examination of the general measures.
2018	1318 (5-7 June 2018)	ASSOCIATION « 21 DECEMBER 1989 » (Group)	ROMANIA	Ineffectiveness of criminal investigations into violent crackdowns on anti-governmental demonstrations in 1989 and the early 1990s.	To assess the progress in the investigations. To consider the proposal to close the examination of the case of <i>Mocanu et Others</i> , in which the investigations have been completed.
2018	1318 (5-7 June 2018)	BĂLȘAN	ROMANIA	Failure by the authorities to protect the applicant from domestic violence.	To assess the action plan provided on 03/04/2018.
2015	1222 (11-12 March 2015)	BRAGADIREANU (Group)	ROMANIA	Inhuman and/or degrading treatment suffered by the applicants on account of overcrowding and poor material conditions in prisons and police detention facilities and lack of an effective remedy in that regard; inadequacy of the medical care provided to some of the applicants and several other dysfunctions regarding the protection of the prisoners' rights (violations of Article 3; violation of Article 13 in the <i>Marcu</i> case).	Assessment of the revised action plan provided by the authorities on 23 October 2014.
2018	1310 (13-15 March 2018)	BRAGADIREANU (Group) REZMIVEȘ AND OTHERS	ROMANIA	Overcrowding and poor conditions of detention in prisons and police detention facilities; lack of an effective remedy in that regard; inadequacy of medical care and several other dysfunctions regarding the protection of prisoners' rights.	To assess the revised action plan presented on 25 January 2018 and identify the outstanding questions. To examine the draft final resolution with the view to closing 121 cases in which the individual measures have been resolved.



Year	Meeting	Case	State	Violation	Action requested
2018	1331 (4-6 December 2018)	BRAGADIREANU (Group) REZMIVEȘ AND OTHERS	ROMANIA	Overcrowding and poor conditions of detention in prisons and police detention facilities; lack of an effective remedy in that regard; inadequacy of medical care and several other dysfunctions regarding the protection of prisoners' rights.	To follow up the decision adopted at the 1310 <sup>th</sup> meeting.
2019	1348 (4-6 June 2019)	BRAGADIREANU (Group) REZMIVEȘ AND OTHERS	ROMANIA	Overcrowding and poor conditions of detention in prisons and police detention facilities; lack of an effective remedy in that regard; inadequacy of medical care and several other dysfunctions regarding the protection of prisoners' rights.	To assess the developments since the last examination of these cases in 2018.
2016	1273 (6-8 December 2016)	BUCUR AND TOMA	ROMANIA	Conviction of a whistle-blower for having disclosed information on the illegal secret surveillance of citizens by the Intelligence Service; lack of safeguards in the statutory framework governing secret surveillance.	To take stock of the measures adopted and to identify the outstanding questions.
2016	1265 (20-21 September 2016)	CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CÂMPEANU	ROMANIA	Deficiencies in the legal protection and medical and social care afforded to a young man with mental disabilities leading to his death in 2004.	To assess the revised action plan submitted by the authorities on 07/07/2016.
2017	1280 (7-9 March 2017)	CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CÂMPEANU	ROMANIA	Deficiencies in the legal protection and medical and social care afforded to vulnerable persons.	To assess the information provided in response to the decision adopted at the 1265 <sup>th</sup> meeting and to identify outstanding questions.
2017	1302 (5-7 December 2017)	CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CÂMPEANU	ROMANIA	Deficiencies in the legal protection and medical and social care afforded to vulnerable persons.	To follow-up the decision adopted at the 1280 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CÂMPEANU	ROMANIA	Deficiencies in the legal protection and medical and social care afforded to vulnerable persons.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting.
2019	1348 (4-6 June 2019)	CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CÂMPEANU	ROMANIA	Deficiencies in the legal protection and medical and social care afforded to vulnerable persons.	To assess the developments since the last examination of this case in 2018.
2014	1193 (4-6 March 2014)	MOLDOVAN AND OTHERS (Group)	ROMANIA	Consequences of racially-motivated violence, between 1990 and 1993, against villagers of Roma origin, in particular improper living conditions following the destruction of their homes, and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).	Follow-up to the decision adopted at the 1144 <sup>th</sup> meeting, to react to the delay in the implementation of the general measures which remain to be adopted at the level of the locality of Hădăreni.




Year	Meeting	Case	State	Violation	Action requested
2014	1214 (2-4 December 2014)	<b>MOLDOVAN AND OTHERS</b> (Group)	ROMANIA	Consequences of racially-motivated violence, between 1990 and 1993, against villagers of Roma origin, in particular improper living conditions following the destruction of their homes, and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).	Intervention of the Committee necessary in light of the delay in the implementation of the general measures which remain to be adopted at the level of the locality of Hădăreni.
2015	1230 (3-5 June 2015)	<b>MOLDOVAN AND OTHERS</b> (Group)	ROMANIA	Consequences of racially-motivated violence, between 1990 and 1993, against villagers of Roma origin, in particular improper living conditions following the destruction of their homes, and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).	To assess the progress made in the implementation of these judgments in the light of the action plan presented by the authorities on 1 April 2015
2016	1250 (8-10 March 2016)	<b>MOLDOVAN AND OTHERS</b> (Group)	ROMANIA	Consequences of racially-motivated violence, in 1993, against villagers of Roma origin <sup>3</sup> in the locality of Hădăreni (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).	To assess the status of execution of these judgments in the light of the action report presented by the authorities on 7 January 2016.
2018	1331 (4-6 December 2018)	<b>N.</b>	ROMANIA	Unlawful psychiatric confinement as a security measure and deficiencies in the judicial review proceedings regarding the applicant's continued confinement.	To assess the information provided by the authorities and the applicant's legal counsel as regards the applicant's individual situation. To consider the proposal to lift the classification indicator "urgent individual measures".
2016	1259 (7-8 June 2016)	<b>NICOLAU</b> (Group) <b>STOIANOVA AND NEDELICU</b> (Group)	ROMANIA	Excessive length (Article 6 § 1) of civil ( <i>Nicolau group</i> ) and criminal ( <i>Stoianova and Nedelicu group</i> ) proceedings and lack of an effective remedy (Article 13).	To assess the progress achieved and the outstanding questions in these groups of cases. To examine the proposal to close the Committee's supervision of 80 cases in recognition of the progress achieved in the implementation of the general measures.
2016	1265 (20-21 September 2016)	<b>PARASCINETI</b> <b>CRISTIAN TEODORESCU</b> (Group)	ROMANIA	Issues related to the procedure and safeguards, living conditions and care afforded to patients detained in psychiatric hospitals.	To assess the progress achieved and identify the outstanding issues. To examine the proposal to transfer this group to the enhanced procedure. <b>Transfer to enhanced procedure.</b>
2017	1294 (19-21 September 2017)	<b>PREDICĂ</b> (Group)	ROMANIA	Deaths/ill-treatment in penitentiary facilities, lack of effective investigations and lack of an effective remedy.	To assess the information submitted and to examine the proposal to adopt a final resolution.
2017	1280 (7-9 March 2017)	<b>SACALEANU</b> (Group)	ROMANIA	Failure or substantial delay in the enforcement of final domestic judicial decisions.	To assess the information provided in the revised action plan of 16/12/2016 and to identify outstanding questions.

<sup>3</sup>The terms "Roma and Travellers" are being used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.

Year	Meeting	Case	State	Violation	Action requested
2018	1310 (13-15 March 2018)	SACALEANU (Group)	ROMANIA	Failure or substantial delay in the enforcement of final domestic judicial decisions against the State and State-owned enterprises.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting. To examine the draft final resolution with a view to closing 21 cases in which the individual measures have been taken.
2019	1340 (12-14 March 2019)	SACALEANU (Group)	ROMANIA	Failure or substantial delay in the enforcement of final domestic judicial decisions against the State and State-owned enterprises.	To examine the outstanding individual measures in a number of cases which present difficulties and the general measures required. To examine the proposal to join to this group the <i>Chis</i> case raising similar issues and to transfer it in the enhanced procedure.
2019	1348 (4-6 June 2019)	S.C. POLYINVEST S.R.L. AND OTHERS ZLATIN AND OTHERS	ROMANIA	Non-implementation of arbitral awards or final domestic court decisions ordering State-controlled companies to pay various sums to the applicants.	To examine the individual measures in these cases, in the light of the European Court's decision, on the respondent State's requests for interpretation of the judgments.
2017	1294 (19-21 September 2017)	SOARE AND OTHERS (Group)	ROMANIA	Unjustified and disproportionate use of fire-arms by the police and ineffective investigations; lack of an adequate statutory and regulatory framework.	To assess the progress achieved and to identify outstanding questions.
2014	1214 (2-4 December 2014)	STRAIN AND OTHERS (Group) MARIA ATANASIU	ROMANIA	Ineffectiveness of the mechanism put in place to allow the restitution/compensation for nationalised property; pilot judgment; extended deadline expired in May 2013.	Follow-up of the decision adopted by the Committee at its last examination of this group of cases. Evaluation of the general measures taken by the authorities in response to the pilot judgment and of those envisaged to solve the outstanding issues identified by the European Court in its follow-up judgment to the pilot judgment. Adoption of a final resolution in respect of 85 cases of this group.
2017	1288 (6-7 June 2017)	STRAIN AND OTHERS (Group) MARIA ATANASIU	ROMANIA	Ineffectiveness of the mechanism set up to afford restitution or compensation for properties nationalised during the communist period.	To assess the action plan of 23 March 2017 and to identify outstanding issues.
2018	1324 (18-20 September 2018)	STRAIN AND OTHERS (Group) MARIA ATANASIU	ROMANIA	Ineffectiveness of the mechanism set up to afford restitution or compensation for properties nationalised during the communist period.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting. To consider the proposal to close 173 cases, in which the individual measures have been resolved.
2019	1340 (12-14 March 2019)	STRAIN AND OTHERS (Group) MARIA ATANASIU	ROMANIA	Ineffectiveness of the mechanism set up to afford restitution or compensation for properties nationalised during the communist period.	To examine the general measures required in response to the decision adopted at the 1324 <sup>th</sup> meeting.
2014	1208 (23-25 September 2014)	ȚICU (Group) GHEORGHE PREDESCU	ROMANIA	Ill-treatment in prison due to the inadequate management of the applicants' psychiatric pathologies (violations of Article 3). Lack of investigation into allegations of ill-treatment by other prisoners (procedural violation of Article 3 in <i>Țicu</i> case).	Assessment of the measures presented in the action plan submitted by the authorities on 2/07/2014 and of the additional information on the individual measures provided on 2 September 2014.

Year	Meeting	Case	State	Violation	Action requested
2015	1230 (3-5 June 2015)	ȚICU (Group) GHEORGHE PREDESCU	ROMANIA	Ill-treatment in prison due to the inadequate management of the applicants' psychiatric pathologies (violations of Article 3). Lack of investigation into allegations of ill-treatment by other prisoners (procedural violation of Article 3 in <i>Țicu</i> case).	Assessment of the information presented by the authorities on 27 March 2015 as regards the individual measures
2016	1250 (8-10 March 2016)	ȚICU (Group)	ROMANIA	Ill-treatment in prison due to the inadequate management of the applicants' psychiatric conditions (violations of Article 3). Lack of investigation into allegations of ill-treatment by other prisoners (procedural violation of Article 3 in the <i>Țicu</i> case).	Decision to postpone consideration of this group of cases to 1273 <sup>rd</sup> meeting.
2016	1273 (6-8 December 2016)	ȚICU (Group)	ROMANIA	Ill-treatment in prison due to the inadequate management of the applicants' psychiatric conditions.	To assess the revised action plan submitted on 12/10/2016.
2014	1193 (4-6 March 2014)	ALEKSEYEV	RUSSIAN FEDERATION	Repeated bans on gay Marches (violation of Article 11; violation of Article 13 in conjunction with Article 11; violation of Article 14 in conjunction with Article 11).	To take stock of the updated action plan provided recently, in particular as regards the application of the Federal Law prohibiting "propaganda of non-traditional sexual relations" among minors (in force since 30/06/2013).
2014	1208 (23-25 September 2014)	ALEKSEYEV	RUSSIAN FEDERATION	Repeated bans on Marches concerning homosexual rights (violation of Article 11; violation of Article 13 in conjunction with Article 11; violation of Article 14 in conjunction with Article 11).	To examine the information provided in response to the Committee's last decision of March 2014.
2015	1230 (3-5 June 2015)	ALEKSEYEV	RUSSIAN FEDERATION	Repeated bans on Marches concerning homosexual rights (violation of Article 11; violation of Article 13 in conjunction with Article 11; violation of Article 14 in conjunction with Article 11).	To examine the information provided in response to the Committee's last decision of September 2014.
2016	1250 (8-10 March 2016)	ALEKSEYEV	RUSSIAN FEDERATION	Repeated bans on marches in support of homosexual rights (Article 11; Article 13 in conjunction with Article 11; Article 14 in conjunction with Article 11).	To strongly invite the Russian authorities to submit to the Committee of Ministers a comprehensive action plan setting out concrete and targeted measures that should be taken for the execution of this judgment.
2016	1273 (6-8 December 2016)	ALEKSEYEV	RUSSIAN FEDERATION	Repeated bans on the holding of gay rights marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	ALEKSEYEV BAYEV AND OTHERS	RUSSIAN FEDERATION	Repeated bans on the holding of LGBTI persons' marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly. Fines imposed on the applicants for displaying banners considered to promote homosexuality among minors against the laws prohibiting such "propaganda".	To assess the action plan provided on 22/10/2018 and to identify outstanding issues.
2014	1214 (2-4 December 2014)	ALIM	RUSSIAN FEDERATION	Violation of Article 8 if the applicant, a national of Cameroon with strong family ties in the Russian Federation (Russian wife and two minor children) was to be removed from the Russian Federation	To urge the Russian authorities to regularise the applicant's situation in the Russian Federation and, as regards general measures, to ask for clarifications concerning legislative amendments introduced in 2013.

Year	Meeting	Case	State	Violation	Action requested
2014	1201 (3-5 June 2014)	ANANYEV AND OTHERS	RUSSIAN FEDERATION	Structural problem highlighted by the European Court, applying the pilot-judgment procedure: poor conditions of pre-trial detention in the remand centres under the authority of the Ministry of Justice (Article 3) and lack of an effective remedy in this respect (Article 13).	To take stock of the measures envisaged in respect of the setting up of effective domestic remedies with preventive and compensatory effects.
2017	1288 (6-7 June 2017)	ANANYEV AND OTHERS  KALASHNIKOV (Group)	RUSSIAN FEDERATION	Poor conditions of detention, mainly in remand centres, and lack of an effective remedy.	To assess the progress achieved and identify outstanding questions.
2019	1348 (4-6 June 2019)	ANANYEV AND OTHERS  KALASHNIKOV (Group)	RUSSIAN FEDERATION	Poor conditions of detention, mainly in remand centres, and lack of an effective remedy.	To assess the developments since the last examination of these cases in 2017.
2019	1340 (12-14 March 2019)	BUNTOV	RUSSIAN FEDERATION	Torture inflicted in a correctional colony and lack of an effective investigation into the applicant's allegations of ill-treatment.	To assess the information provided and to identify the outstanding questions.
2014 	1193 (6 March 2014)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education concerning children and parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Decision to postpone the examination at the 1201 <sup>st</sup> meeting.
2014	1201 (3-5 June 2014)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education concerning children and parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Follow-up to the decision adopted at the 1186 <sup>th</sup> and 1193 <sup>rd</sup> meetings.
2014	1208 (23-25 September 2014)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education concerning children and parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Follow-up to the decision adopted at the 1201 <sup>st</sup> decision. Adoption of an interim resolution <a href="#">CM/ResDH(2014)184</a>
2014	1214 (2-4 December 2014)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education concerning children and parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Follow-up to the interim resolution adopted at the 1208 <sup>th</sup> meeting.
2015	1222 (11-12 March 2015)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of the applicants, children or parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Follow-up to the decision adopted at the 1214 <sup>th</sup> meeting. Adoption of an Interim resolution <a href="#">CM/ResDH(2015)46</a>
2015	1230 (3-5 June 2015)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of the applicants, children or parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Follow-up to the interim resolution adopted at the 1222 <sup>nd</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2015	1236 (22-24 September 2015)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of the applicants, children or parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	To follow up the decision adopted at the 1230 <sup>th</sup> meeting.
2016	1250 (8-10 March 2016)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	To follow up the Interim Resolution adopted at the 1236 <sup>th</sup> meeting.
2016	1259 (7-8 June 2016)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2016	1273 (6-8 December 2016)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Latin-script schools in the Transdnistrian region of the Republic of Moldova.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1280 (7-9 March 2017)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Latin-script schools in the Transdnistrian region of the Republic of Moldova.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2017	1294 (19-21 September 2017)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Latin-script schools in the Transdnistrian region of the Republic of Moldova.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2018	1310 (13-15 March 2018)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Latin-script schools in the Transdnistrian region of the Republic of Moldova.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2018	1324 (18-20 September 2018)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Latin-script schools in the Transdnistrian region of the Republic of Moldova.	To follow up the decision adopted at the 1310 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	CATAN AND OTHERS	RUSSIAN FEDERATION	Violation of the right to education of children and parents using Latin-script schools in the Transdnistrian region of the Republic of Moldova.	To follow up the decision adopted at the 1324 <sup>th</sup> meeting.
2016	1265 (20-21 September 2016)	FINOGENOV AND OTHERS	RUSSIAN FEDERATION	Loss of life and injuries caused during a mass hostage-rescue operation at the "Nord-Ost" theatre in Moscow and lack of effective investigation.	To take stock of the measures taken and to identify the outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2014	1193 (4-6 March 2014)	GARABAYEV (Group)	RUSSIAN FEDERATION	Different violations related to extradition (Articles 3, 5 and 13); abduction and illegal transfer of the applicants to Tajikistan and in Uzbekistan despite official refusals of their extradition (Iskandarov and Abdulkhakov cases) and in breach of an interim measure indicated by the Court (Abdulkhakov case).	Follow-up to the decision of the 1186th meeting and stock-taking of the recent information provided, in the light of the indications given by the Court under Article 46 in the Savridin Dzhurayev judgment.
2014	1201 (3-5 June 2014)	GARABAYEV (Group)	RUSSIAN FEDERATION	Different violations related to extradition (Articles 3, 5 and 13); abduction and illegal transfer of the applicants to Tajikistan and in Uzbekistan despite official refusals of their extradition (Iskandarov and Abdulkhakov cases) and in breach of an interim measure indicated by the Court (Abdulkhakov case).	Assessment of the situation in the light of a new incident of alleged abduction
2014	1208 (23-25 September 2014)	GARABAYEV (Group)	RUSSIAN FEDERATION	Different violations related to extradition (Articles 3, 5 and 13); abduction and illegal transfer of the applicants to Tajikistan and in Uzbekistan despite official refusals of their extradition (Iskandarov and Abdulkhakov cases) and in breach of an interim measure indicated by the Court (Abdulkhakov case).	Follow-up to the decisions adopted at the March and June 2014 meetings
2014	1214 (2-4 December 2014)	GARABAYEV (Group)	RUSSIAN FEDERATION	Different violations related to extradition (Articles 3, 5, 13 and 34). Indications under Article 46, notably to ensure effective protection against abduction and irregular transfer, as well as effective investigations into such allegations.	To examine the information which is expected from the Russian authorities by 9 November 2014 in response to the last decision adopted at the 1208th meeting.
2015	1230 (3-5 June 2015)	GARABAYEV (Group)	RUSSIAN FEDERATION	Different violations related to extradition (Articles 3, 5, 13 and 34). Indications under Article 46, notably to ensure effective protection against abduction and irregular transfer, as well as effective investigations into such allegations.	To examine the information received from the Russian authorities in response to the last decision adopted at the 1214th meeting.
2015	1233 (8-9 July 2015)	GARABAYEV (Group)  NIZAMOV AND OTHERS	RUSSIAN FEDERATION	Different violations related to extradition (Articles 3, 5, 13 and 34). Indications under Article 46, notably to ensure effective protection against abduction and irregular transfer, as well as effective investigations into such allegations.	Examination of the <i>Nizamov and Others</i> group in the context of the <i>Garabayev</i> group of cases.
2015	1236 (22-24 September 2015)	GARABAYEV (Group)  NIZAMOV AND OTHERS	RUSSIAN FEDERATION	Different violations related to extradition (Articles 3, 5, 13 and 34). Indications under Article 46, notably to ensure effective protection against abduction and irregular transfer, as well as effective investigations into such allegations.	To examine the information received from the Russian authorities in response to the last decision adopted at the 1233rd meeting.
2016	1250 (8-10 March 2016)	GARABAYEV (Group)	RUSSIAN FEDERATION	Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34)	To examine the information received from the Russian authorities in response to the decisions adopted at the 1230th and 1236th meeting
2017	1280 (7-9 March 2017)	GARABAYEV (Group)	RUSSIAN FEDERATION	Different violations related to extradition proceedings, in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	GARABAYEV (Group)	RUSSIAN FEDERATION	Various violations related to extradition; including in some cases abduction and illegal transfer to Tajikistan and Uzbekistan, in violation of Rule 39 indications from the Court.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.



Year	Meeting	Case	State	Violation	Action requested
2016	1250 (8-10 March 2016)	GEORGIA	RUSSIAN FEDERATION	Arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals from October 2006 until the end of January 2007 amounting to an administrative practice (Article 4 of Protocol 4, Articles 5 § 1, 5 § 4 and 3 and Article 13 in conjunction with Articles 3 and 5 § 1, Article 38).	To assess the action plan submitted on 17 December 2015.
2015	1222 (11-12 March 2015)	GERASIMOV AND OTHERS	RUSSIAN FEDERATION	Failure or serious delay of authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.	To stress the importance of timely and full compliance with the new pilot judgment, in view of the Court's specific indications and the tight deadlines set.
2015	1236 (22-24 September 2015)	GERASIMOV AND OTHERS	RUSSIAN FEDERATION	Failure or serious delay of authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.	To assess the action plan provided on 17 July 2015 and, in particular, to encourage the authorities to undertake all necessary efforts with a view to meeting the Court's deadline for the setting-up of the domestic remedy.
2015	1243 (8-9 December 2015)	GERASIMOV AND OTHERS	RUSSIAN FEDERATION	Failure or serious delay of authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.	To examine the setting-up of domestic remedies, in view of the deadline set by the Court (1 October 2015)
2017	1288 (6-7 June 2017)	GERASIMOV AND OTHERS	RUSSIAN FEDERATION	Failure or serious delay in abiding by final domestic judicial decisions ordering in-kind obligations and lack of a remedy.	To assess the progress achieved.
2017	1302 (5-7 December 2017)	JEHOVAH'S WITNESSES OF MOSCOW AND OTHERS  KRUPKO AND OTHERS	RUSSIAN FEDERATION	Dissolution of the applicant religious community and banning of its activity, resulting in individuals' inability to manifest their religion and to carry out activities indispensable for their religious practice, refusal to re-register the religious organisation and dispersal of a peaceful religious ceremony in which Jehovah's Witnesses of various congregations participated.	Examine the current situation of the applicants with a view to a possible transfer of cases from standard to enhanced supervision. Decide upon any other possible action to be taken.
2014	1193 (4-6 March 2014)	KHASHIYEV AND AKAYEVA (Group)	RUSSIAN FEDERATION	Group of cases concerning the action of the security forces, mostly in the Chechen Republic (Art. 2, 3, 5, 6, 8, 13, 38 + Art. 1 of Prot. No. 1) Specific measures indicated under Art. 46 concerning the continued suffering of the families of disappeared persons and concerning the ineffectiveness of criminal investigations into all abuses..	To take stock of the most recent action plan provided, in particular in the light of the specific indications given by the Court under Article 46 in the Aslakhanova and others judgment.
2014	1208 (23-25 September 2014)	KHASHIYEV AND AKAYEVA (Group)	RUSSIAN FEDERATION	Group of cases concerning the action of the security forces, mostly in the Chechen Republic (Art. 2, 3, 5, 6, 8, 13, 38 + Art. 1 of Prot. No. 1). Specific measures indicated under Art. 46 concerning the continued suffering of the families of disappeared persons and concerning the ineffectiveness of criminal investigations into all abuses.	To examine the information provided in response to the Committee's last decision of March 2014 with respect to the issue of the search for missing persons.
2015	1222 (11-12 March 2015)	KHASHIYEV AND AKAYEVA (Group)	RUSSIAN FEDERATION	Group of cases concerning the action of the security forces, mostly in the Chechen Republic (Art. 2, 3, 5, 6, 8, 13, 38 + Art. 1 of Prot. No. 1). Specific measures indicated under Art. 46 concerning the continued suffering of the families of disappeared persons and concerning the ineffectiveness of criminal investigations into all abuses.	To examine the information provided in response to the last decision adopted at the 1208 <sup>th</sup> meeting. Adoption of an interim resolution <a href="#">CM/ResDH(2015)45</a>

Year	Meeting	Case	State	Violation	Action requested
2015	1236 (22-24 September 2015)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Group of cases concerning the action of the security forces, mostly in the Chechen Republic (Art. 2, 3, 5, 6, 8, 13, 38 + Art. 1 of Prot. No. 1). Specific measures indicated under Art. 46 concerning the continued suffering of the families of disappeared persons and concerning the ineffectiveness of criminal investigations into all abuses.	To take stock of the information provided in response to the last decision adopted at the 1222 <sup>nd</sup> meeting.
2016	1250 (8-10 March 2016)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Action of the security forces, mostly in the Chechen Republic (Articles 2, 3, 5, 6, 8, 13, 38 and Article 1 of Protocol No. 1).	Adoption of a time-table for the examination of the specific aspects of this group - <a href="#">Time-table</a> (see Item A)
2016	1259 (7-8 June 2016)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Action of the security forces, mostly in the Chechen Republic (Articles 2, 3, 5, 6, 8, 13, 38 and Article 1 of Protocol No. 1).	To examine the information to be provided as regards the search for missing persons and comments in respect of the draft law on the application of prescription periods.
2016	1273 (6-8 December 2016)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.	To follow up the decisions adopted at the 1250 <sup>th</sup> and 1259 <sup>th</sup> meetings.
2017	1280 (7-9 March 2017)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya (examination of the cases in which events took place after 2006).	To follow up the decisions adopted at the 1236 <sup>th</sup> and 1250 <sup>th</sup> meetings.
2017	1294 (19-21 September 2017)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya (examination of the cases in which events took place after 2006).	Agreement on a time-table for the examination of this group of cases.
2018	1310 (13-15 March 2018)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Action of the security forces, mostly in the Chechen Republic (the search for missing persons in the cases concerning events which took place between 1999 and 2006).	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2018	1324 (18-20 September 2018)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Action of the security forces, mostly in the Chechen Republic (the search for missing persons in the cases concerning events which took place between 1999 and 2006).	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2019	1348 (4-6 June 2019)	<a href="#">KHASHIYEV AND AKAYEVA</a> (Group)	RUSSIAN FEDERATION	Action of the security forces, mostly in the Chechen Republic (the search for missing persons in the cases concerning events which took place between 1999 and 2006).	To assess the developments since the last examination of these cases in 2018.
2017	1288 (6-7 June 2017)	<a href="#">KIM</a> (Group)	RUSSIAN FEDERATION	Arbitrary detention pending removal despite lack of realistic prospect of expulsion; lack of judicial review of the lawfulness of aliens' detention pending removal and poor detention conditions.	To assess the information provided and to identify the outstanding questions.



Year	Meeting	Case	State	Violation	Action requested
2018	1318 (5-7 June 2018)	KIM (Group)	RUSSIAN FEDERATION	Arbitrary detention pending removal despite lack of realistic prospect of expulsion; lack of judicial review of the lawfulness of aliens' detention pending removal and poor detention conditions.	To follow-up the decision adopted at the 1288 <sup>th</sup> meeting and to assess the information provided in response.
2015	1243 (8-9 December 2015)	KLYAKHIN (Group)	RUSSIAN FEDERATION	Various violations of Article 5, mainly arising from detention without court decision; failure to inform applicants about reasons of their arrest; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).	To be determined..
2016	1259 (7-8 June 2016)	KLYAKHIN (Group)	RUSSIAN FEDERATION	Detention without court decision; failure to inform applicants about the reasons of their arrests; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting
2016	1265 (20-21 September 2016)	KLYAKHIN (Group)	RUSSIAN FEDERATION	Various problems relating to pre-trial detention.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting (examination of the outstanding individual measures).
2017	1280 (7-9 March 2017)	KLYAKHIN (Group)	RUSSIAN FEDERATION	Various problems relating to pre-trial detention (examination of the outstanding individual measures).	To follow up the decision adopted at the 1265 <sup>th</sup> meeting.
2017	1294 (19-21 September 2017)	KLYAKHIN (Group)	RUSSIAN FEDERATION	Various problems relating to pre-trial detention.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2018	1318 (5-7 June 2018)	KLYAKHIN (Group)	RUSSIAN FEDERATION	Various problems relating to pre-trial detention.	To follow-up the decisions adopted at the 1243 <sup>rd</sup> and 1294 <sup>th</sup> meetings.
2017	1294 (19-21 September 2017)	KUDESHKINA	RUSSIAN FEDERATION	Dismissal from judicial office for making critical media statements about the judiciary.	To assess the progress achieved, to identify the outstanding questions and to examine the proposal to transfer the case to the enhanced procedure.
2018	1310 (13-15 March 2018)	KUDESHKINA	RUSSIAN FEDERATION	Dismissal from judicial office for making critical media statements about the judiciary.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	KUDESHKINA	RUSSIAN FEDERATION	Dismissal from judicial office for making critical media statements about the judiciary.	To follow up the decision adopted at the 1310 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	KUDESHKINA	RUSSIAN FEDERATION	Dismissal from judicial office for making critical media statements about the judiciary.	To assess the developments since the last examination of the case in 2018.
2018	1318 (5-7 June 2018)	LASHMANKIN AND OTHERS (Group)	RUSSIAN FEDERATION	Different violations mainly related to the right to freedom of peaceful assembly (reactions to notifications of planned assemblies, reactions to peaceful assemblies, unlawful arrests).	To assess the action plan provided by the authorities on 16/04/2018.
2018	1331 (4-6 December 2018)	LIU NO. 2 (Group)	RUSSIAN FEDERATION	Refusal to grant residence permit based on national security considerations and administrative removal in breach of the right to family life.	To assess the information provided on 08/10/2018 and to identify outstanding issues.
2014	1201 (3-5 June 2014)	MIKHEYEV (Group)	RUSSIAN FEDERATION	Torture or inhuman/degrading treatment in police custody with a view to extracting confessions and lack of effective investigations (substantial and procedural violations of Article 3); arbitrary and/or unacknowledged detention in police custody (violation of Article 5§1); use in criminal proceedings of confessions obtained in breach of Article 3 (violation of Article 6§1) and lack of an effective remedy to claim compensation for ill-treatment (violation of Article 13).	To take stock of the measures taken so far and identify the outstanding issues.
2015	1222 (11-12 March 2015)	MIKHEYEV (Group)	RUSSIAN FEDERATION	Torture or inhuman/degrading treatment in police custody with a view to extracting confessions and lack of effective investigations (substantial and procedural violations of Article 3); arbitrary and/or unacknowledged arrest and detention in police custody (violation of Article 5§1); use in criminal proceedings of confessions obtained in breach of Article 3 (violation of Article 6§1) and lack of an effective remedy to claim compensation for ill-treatment (violation of Article 13).	To assess the information provided in response to the last decision adopted at the 1201 <sup>st</sup> meeting.
2017	1294 (19-21 September 2017)	NAVALNY AND OFITSEV	RUSSIAN FEDERATION	Unfair trial: conviction based on arbitrary application of criminal law, without addressing a reasonable allegation of political persecution and using in evidence a co-accused's guilty plea in separate proceedings.	To assess the measures taken so far and to identify the outstanding questions.
2017	1302 (5-7 December 2017)	NAVALNY AND OFITSEV	RUSSIAN FEDERATION	Criminal conviction based on an unfair trial and an arbitrary application of criminal law, without adequately addressing a reasonable allegation of political persecution.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2015	1222 (11-12 March 2015)	OAO NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Insufficient time for the preparation of the applicant company's defence (Article 6); unlawful imposition and calculation of penalties in tax-assessment proceedings (Article 1 of Protocol No. 1); unfair proceedings to enforce payment of taxes and penalties imposed (Article 1 of Protocol No. 1).	To stress the importance of timely compliance with the Russian authorities' obligation to produce an action plan on the distribution of the just satisfaction award in respect of pecuniary damage.
2015	1230 (3-5 June 2015)	OAO NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Insufficient time for the preparation of the applicant company's defence (Article 6); unlawful imposition and calculation of penalties in tax-assessment proceedings (Article 1 of Protocol No. 1); unfair proceedings to enforce payment of taxes and penalties imposed (Article 1 of Protocol No. 1).	To stress the fast approaching deadline for the drawing-up of an action plan concerning the distribution of the just satisfaction awarded for pecuniary damage and to reiterate the call upon the authorities to respect this deadline.

Year	Meeting	Case	State	Violation	Action requested
2015	1236 (22-24 September 2015)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Insufficient time for the preparation of the applicant company's defence (Article 6); unlawful imposition and calculation of penalties in tax-assessment proceedings (Article 1 of Protocol No. 1); unfair proceedings to enforce payment of taxes and penalties imposed (Article 1 of Protocol No. 1).	To express concern about the failure to provide, within the deadline set by the Court, a distribution plan for the award made in respect of pecuniary damage and to strongly encourage the Russian authorities to provide it without further delay.
2016	1250 (8-10 March 2016)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007 (Article 6, Article 1 of Protocol No. 1)	To follow up on the last decision adopted.
2016	1259 (7-8 June 2016)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007 (Article 6, Article 1 of Protocol No. 1).	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2016	1273 (6-8 December 2016)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1280 (7-9 March 2017)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2017	1288 (6-7 June 2017)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.	Decision to postpone the examination of this case to the 1302 <sup>nd</sup> meeting (December 2017).
2017	1302 (5-7 December 2017)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	OA0 NEFTYANAYA KOMPANIYA YUKOS	RUSSIAN FEDERATION	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting.
2017	1302 (5-7 December 2017)	ROMAN ZAKHAROV	RUSSIAN FEDERATION	Shortcomings in the legal framework governing interception of mobile telephone communications.	To examine the follow-up given or envisaged to the judgment.
2018	1324 (18-20 September 2018)	ROMAN ZAKHAROV	RUSSIAN FEDERATION	Shortcomings in the legal framework governing interception of mobile telephone communications.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	SVINARENKO AND SLYADNEV (Group)	RUSSIAN FEDERATION	Degrading treatment on account of confinement in a metal cage in the courtroom during criminal proceedings or in the remand prison for the purposes of participation, by means of a video link, in the hearings concerning detention.	To examine the information provided and to identify the outstanding issues.
2014	1214 (2-4 December 2014)	Y.U.	RUSSIAN FEDERATION	Violation of the applicant's right to respect for her family life on account of the authorities' failure to enforce the judgment determining the residence of her minor child with her (Article 8).	To examine recent developments as regards individual measures and the proposal to transfer the issue of individual measures to the standard procedure.
2014	1214 (2-4 December 2014)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Violations of the applicants' right to peaceful enjoyment of their property on account of their inability to recover their "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia respectively (violations of Article 1 of Protocol No. 1).	To stress the importance of timely compliance with the pilot judgment and to invite the Serbian and Slovenian authorities to provide information to the Committee on the measures envisaged.
2015	1222 (11-12 March 2015)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Violations of the applicants' right to peaceful enjoyment of their property on account of their inability to recover their "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia respectively (violations of Article 1 of Protocol No. 1).	To invite the Serbian and Slovenian authorities to intensify their efforts to take the necessary measures to execute this judgment within the time-frame set by the Court (16 July 2015).
2015	1230 (3-5 June 2015)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Violations of the applicants' right to peaceful enjoyment of their property on account of their inability to recover their "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia respectively (violations of Article 1 of Protocol No. 1).	To make assessment of the information provided and identify the outstanding issues bearing in mind the deadline set by the Court (16 July 2015).
2015	1236 (22-24 September 2015)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Violations of the applicants' right to peaceful enjoyment of their property on account of their inability to recover their "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia respectively (violations of Article 1 of Protocol No. 1).	To follow up the decision adopted at the 1230 <sup>th</sup> meeting.
2016	1250 (8-10 March 2016)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia, respectively (Article 1 of Protocol No. 1).	Follow-up of the decision adopted at the September 2015 meeting
2016	1259 (7-8 June 2016)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia, respectively (Article 1 of Protocol No. 1).	To follow up the decisions adopted at the 1250 <sup>th</sup> meeting.
2016	1273 (6-8 December 2016)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.	To assess the information provided in response to the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1280 (7-9 March 2017)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.	To assess the information provided in response to the decision adopted at the 1273 <sup>rd</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2017	1288 (6-7 June 2017)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.	To assess the information provided in response to the decision adopted at the 1280 <sup>th</sup> meeting.
2018	1310 (13-15 March 2018)	ALIŠIĆ AND OTHERS	SERBIA & SLOVENIA	Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia, respectively.	To adopt the final resolution in respect of Slovenia.
2016	1259 (7-8 June 2016)	EVT COMPANY (Group)	SERBIA	Non-enforcement of final court and administrative decisions, including against “socially-owned” companies.	To follow up the decision adopted at the 1157 <sup>th</sup> meeting.
2017	1288 (6-7 June 2017)	EVT COMPANY (Group)	SERBIA	Non-enforcement of final court and administrative decisions, including against “socially-owned” companies.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1302 (5-7 December 2017)	GRUDIĆ	SERBIA	Suspension of payment of pensions earned in Kosovo.	To examine the final draft resolution with a view to its adoption.
2017	1280 (7-9 March 2017)	MILANOVIĆ	SERBIA	Lack of effective investigations into assaults motivated by religious hatred; discrimination based on religion.	To assess the progress achieved and to identify outstanding questions.
2014	1193 (4-6 March 2014)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide the applicant with credible information as to the fate of her new-born son, who allegedly died in a maternity ward in 1983 (Article 8).	To invite the authorities to submit an action plan.
2014	1208 (23-25 September 2014)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide the applicant with credible information as to the fate of her new-born son, who allegedly died in a maternity ward in 1983 (Article 8).	To take stock of the measures envisaged and to urge the Serbian authorities to take them without further delay.
2014	1214 (2-4 December 2014)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide the applicant with credible information as to the fate of her new-born son, who allegedly died in a maternity ward in 1983 (Article 8).	To take stock of the measures envisaged and to identify the outstanding questions
2015	1243 (8-9 December 2015)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide the applicant with credible information as to the fate of her new-born son, who allegedly died in a maternity ward in 1983 (Article 8).	To reiterate the call on the Serbian authorities to pursue their efforts that the necessary measures are adopted as a matter of priority given that the deadline set by the Court expired on 9 September 2014.

Year	Meeting	Case	State	Violation	Action requested
2016	1250 (8-10 March 2016)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide the applicant with credible information as to the fate of her new-born son, who allegedly died in a maternity ward in 1983 (Article 8).	To take stock of the progress made and encourage the authorities to address the outstanding issues in consultation with civil society
2016	1265 (20-21 September 2016)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To urge the authorities to bring the legislative process to an end without further delay.
2016	1273 (6-8 December 2016)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To assess the information provided in response to the decision adopted at the 1265th meeting
2017	1280 (7-9 March 2017)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To examine the proposal to adopt an interim resolution.
2017	1288 (6-7 June 2017)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To follow up the decision adopted at the 1280th meeting.
2017	1294 (19-21 September 2017)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To follow up the decision adopted at the 1288th meeting.
2017	1302 (5-7 December 2017)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To follow up the interim resolution adopted at the 1294 <sup>th</sup> meeting.
2018	1310 (13-15 March 2018)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting.
2018	1318 (5-7 June 2018)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To follow up the decision adopted at the 1310 <sup>th</sup> meeting.
2018	1331 (4-6 December 2018)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To follow up the decision adopted at the 1318 <sup>th</sup> meeting.



Year	Meeting	Case	State	Violation	Action requested
2019	1340 (12-14 March 2019)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To follow up the decision adopted at the 1331 <sup>st</sup> meeting.
2019	1348 (4-6 June 2019)	ZORICA JOVANOVIĆ	SERBIA	Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.	To assess the situation in light of the developments that occurred since the last examination of this case.
2014	1214 (2-4 December 2014)	LABSI	SLOVAK REPUBLIC	Expulsion of the applicant to Algeria where he faced a real risk of treatment contrary to Article 3. Violation of Article 34 as the expulsion took place despite an interim measure indicated by the European Court under Rule 39 of its Rules, and lack of an effective remedy in this respect - violation Article 13.	To assess the action report provided by the authorities, in particular the measures adopted in response to the violation of Article 13.
2016	1250 (8-10 March 2016)	LABSI	SLOVAK REPUBLIC	Expulsion of the applicant to Algeria where he faced a real risk of ill-treatment (Article 3), and in violation of an interim measure indicated by the European Court under Rule 39 of its Rules, and lack of an effective remedy in this respect (Article 34, Article 13).	To assess the revised action report submitted on 20 August 2015.
2016	1259 (7-8 June 2016)	MANDIĆ AND JOVIĆ (Group)	SLOVENIA	Poor conditions of detention and lack of an effective remedy.	To take stock of the measures taken and to identify the outstanding questions.
2017	1294 (19-21 September 2017)	MANDIĆ AND JOVIĆ (Group)	SLOVENIA	Poor conditions of detention and lack of an effective remedy.	To follow up the decision adopted at the 1259th meeting.
2018	1310 (13-15 March 2018)	AL-DULIMI AND MONTANA MANAGEMENT INC.	SWITZERLAND	Lack of appropriate judicial scrutiny of freezing and confiscation procedures initiated in Switzerland in 2006, pursuant to UN Security Council Resolutions 1483 (2003) and 1518 (2003).	Examine the measures adopted thus far.
2015	1230 (3-5 June 2015)	TARAKHEL	SWITZERLAND	Violation of Article 3 in the event of transfer of the applicant family (an asylum-seeking couple with six minor children) from Switzerland to Italy under the "Dublin Regulation" without receiving sufficient assurances from the Italian authorities about its conditions in Italy.	Assessment of the action report and proposal to adopt a final resolution.
2017	1294 (19-21 September 2017)	ALTUĞ TANER AKÇAM (Group)	TURKEY	Criminal investigation for "denigrating Turkishness".	To assess the measures taken so far and to identify the outstanding questions.
2015	1243 (8-9 December 2015)	BATI AND OTHERS (Group)	TURKEY	Lack of an effective investigation into the death of the applicants' next-of-kin; torture or ill-treatment of applicants; serious shortcomings relating to the criminal and disciplinary proceedings initiated against member of security forces (mainly violation of Articles 2, 3 and 13).	To take stock of the measures already taken and to identify the outstanding questions. First examination in the context of the new working methods.

Year	Meeting	Case	State	Violation	Action requested
2016	1265 (20-21 September 2016)	BATI AND OTHERS (Group)	TURKEY	Ill-treatment by the police and the gendarmerie; ineffective investigations.	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting.
2014	1193 (4-6 March 2014)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus. Lack of effective investigation on the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974	Continuation of the debate on the property rights of displaced persons, in accordance with the decision adopted at the 1172 <sup>nd</sup> meeting (June 2013).
2014	1201 (3-5 June 2014)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus. - <i>property rights of the displaced persons</i> : 1208 <sup>th</sup> meeting (September 2014), in the light of all relevant facts or, in any event, at the latest at their DH meeting in March 2015 - <i>Property rights of enclaved persons</i> : 1201 <sup>st</sup> meeting (June 2014) - <i>Missing persons</i> : 1214 <sup>th</sup> meeting (December 2014)	No examination proposed Continuation of the debate, in accordance with the decision adopted at the 1172 <sup>nd</sup> meeting (June 2013). No examination proposed.
2014	1214 (2-4 December 2014)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To decide on the order and the calendar for the examination of the three clusters of the principal judgment concerning the missing persons, the property rights of enclaved persons and the property rights of displaced persons.
2015	1222 (11-12 March 2015)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	Decision to postpone the examination of this case.
2015	1230 (3-5 June 2015)	CYPRUS  VARNAVA AND OTHERS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	Continuation of the debate on the missing persons, in accordance with the decision adopted at the 1222 <sup>nd</sup> meeting (March 2015).
2015	1236 (22-24 September 2015)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To continue the debate on the issue of the property rights of enclaved persons, in accordance with the decision adopted at the 1222 <sup>nd</sup> meeting (March 2015). To continue the debate on the issue of the payment of the just satisfaction, in accordance with the decision adopted at the 1230 <sup>th</sup> meeting (June 2015).
2015	1243 (8-9 December 2015)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	Postponement of consideration of this case, and modification of the time-table for its examination. <a href="#">Time-table</a> (see Item A1)



Year	Meeting	Case	State	Violation	Action requested
2016	1250 (8-10 March 2016)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To continue the debate on the cluster of missing persons, in accordance with the decision adopted at the 1243 <sup>rd</sup> meeting (December 2015).
		VARNAVA AND OTHERS		Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.	To continue the debate on the missing persons and on the issue of payment of the just satisfaction, in accordance with the decisions adopted at the 1230 <sup>th</sup> meeting and 1243 <sup>rd</sup> meeting.
2016	1265 (20-21 September 2016)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To continue the debate on the cluster of displaced persons, in accordance with the decision adopted at the 1243 <sup>rd</sup> meeting (December 2015) and on the payment of the just satisfaction.
2016	1273 (6-8 December 2016)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To continue the debate on the cluster of missing persons.
2017	1280 (7-9 March 2017)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To continue the discussions on the cluster of the property rights of displaced persons.
2017	1288 (6-7 June 2017)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To continue the discussions on the cluster of property rights of enclaved Greek Cypriots and their heirs.
2017	1294 (19-21 September 2017)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus.	To continue the discussions on the cluster of missing persons.
2017	1302 (5-7 December 2017)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus (displaced persons).	To continue the discussions on the cluster of property rights of displaced persons.
2018	1310 (13-15 March 2018)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus (displaced persons).	To continue the discussions on the cluster of property rights of Greek Cypriots living in the northern part of Cyprus.
2018	1318 (5-7 June 2018)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus (displaced persons).	To continue the discussions on the issue of the missing persons and on the investigation in the <i>Varnava</i> case.
2018	1324 (18-20 September 2018)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus (displaced persons).	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2018	1331 (4-6 December 2018)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus (displaced persons).	To continue the discussions on the cluster of property rights of Greek Cypriots living in the northern part of Cyprus.
2019	1340 (12-14 March 2019)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus (displaced persons).	To examine the issue of the missing persons.
2019	1348 (4-6 June 2019)	CYPRUS	TURKEY	14 violations in relation to the situation in the northern part of Cyprus (displaced persons).	To follow up the decision adopted at the 1324 <sup>th</sup> meeting. <b>NO DECISION</b>
2016	1273 (6-8 December 2016)	DINK	TURKEY	Failure of the authorities to protect the life and freedom of expression of a journalist, lack of an effective investigation, criminal investigation for "denigrating Turkishness".	To assess the information submitted by the authorities and to identify the outstanding questions.
2018	1324 (18-20 September 2018)	DINK	TURKEY	Failure of the authorities to protect the life and freedom of expression of a journalist, lack of an effective investigation, criminal investigation for "denigrating Turkishness".	To assess the information submitted by the authorities and to identify the outstanding questions.
2016	1250 (8-10 March 2016)	ERDOĞAN AND OTHERS (Group) KASA (Group)	TURKEY	Death of the applicants' next-of-kin as a result of unjustified and excessive force used by members of security forces during military operations. Ineffectiveness of the investigations carried out.	To assess the action plan submitted on 22/01/2016 and to identify outstanding questions.
2017	1302 (5-7 December 2017)	ERDOĞAN AND OTHERS (Group) KASA (Group)	TURKEY	Actions of security forces during military and police operations and lack of effective investigation.	To follow up the decision adopted at the 1250 <sup>th</sup> meeting.
2019	1348 (4-6 June 2019)	ERGIN (No. 6)	TURKEY	Conviction for expressing non-violent opinions inciting to conscientious objection.	To consider the proposal to close the supervision of this group of cases and to adopt a final resolution.
2016	1250 (8-10 March 2016)	GÜLAY ÇETİN	TURKEY	Inhuman or degrading treatment of a remand prisoner who was diagnosed with cancer (Article 3, Article 14 in conjunction with Article 3).	To transfer the case from enhanced to standard supervision procedure on the basis of the measures taken.
2014	1201 (3-5 June 2014)	INCAL (Group) GÖZEL AND ÖZER (Group) ÜRPER AND OTHERS (Group)	TURKEY	Violations of the right to freedom of expression	Taking stock of the measures already taken and identifying the outstanding questions

Year	Meeting	Case	State	Violation	Action requested
2015	1230 (3-5 June 2015)	INCAL (Group) GÖZEL AND ÖZER (Group)	TURKEY	Violations of the right to freedom of expression	Taking stock of the measures already taken and identifying the outstanding questions.
2016	1265 (20-21 September 2016)	INCAL (Group) GÖZEL AND ÖZER (Group)	TURKEY	Unjustified interferences with freedom of expression, owing notably to criminal convictions.	To follow up the decision adopted at the 1230 <sup>th</sup> meeting.
2017	1294 (19-21 September 2017)	INCAL (Group) GÖZEL AND ÖZER (Group)	TURKEY	Unjustified interferences with freedom of expression, in particular criminal convictions.	To follow up the decision adopted at the 1265 <sup>th</sup> meeting.
2018	1324 (18-20 September 2018)	INCAL (Group) GÖZEL AND ÖZER (Group) ALTUĞ TANER AKÇAM (Group) NEDİM ŞENER (Group)	TURKEY	Unjustified interferences with freedom of expression, in particular criminal convictions. Lengthy and unjustified detention on remand of investigative journalists.	To assess the need for further measures and consider the proposal to close the cases in which the individual measures have been resolved.
2016	1250 (8-10 March 2016)	NEDİM ŞENER (Group)	TURKEY	Lengthy and unjustified detention on remand of two investigative journalists (Article 5 § 3, Article 10).	To assess the action plan submitted on 03/08/2015 and to identify outstanding questions.
2015	1222 (11-12 March 2015)	OPUZ (Group)	TURKEY	Failure of the authorities to protect the life of the applicant's mother who died as a result of violence (violation of Article 2); failure to protect the applicant's bodily integrity (violation of Article 3) and toleration of domestic violence by the authorities (violation of Article in conjunction with Articles 2 and 3).	Proposal to transfer the case from the standard to the enhanced procedure.
2017	1280 (7-9 March 2017)	OPUZ (Group)	TURKEY	Failure to provide protection from domestic violence.	To follow up the decision adopted at the 1222 <sup>nd</sup> meeting.
2018	1331 (4-6 December 2018)	OPUZ (Group)	TURKEY	Failure to provide protection from domestic violence.	To follow-up the decision adopted at the 1280 <sup>th</sup> meeting
2014	1208 (23-25 September 2014)	OYA ATAMAN (Group)	TURKEY	Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).	To take stock of the measures in response to the Committee of Ministers' decision adopted in September 2013

Year	Meeting	Case	State	Violation	Action requested
2015	1222 (11-12 March 2015)	OYA OTAMAN (Group)	TURKEY	Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).	Assessment of the information provided in response to the decision adopted at the 1208th meeting.
2016	1259 (7-8 June 2016)	OYA OTAMAN (Group)  ATAYKAYA	TURKEY	Violation of the right to freedom of assembly, ill treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).	To assess the information provided in response to the decision adopted at the 1222 <sup>nd</sup> meeting.
2017	1288 (6-7 June 2017)	OYA OTAMAN (Group)	TURKEY	Violation of the right to freedom of assembly, ill treatment of applicants as a result of excessive force used during demonstrations and ineffectiveness of investigations.	To follow up the decision adopted at the 1259th meeting.
2018	1310 (13-15 March 2018)	OYA OTAMAN (Group)	TURKEY	Violation of the right to freedom of assembly, ill treatment of applicants as a result of excessive force used during demonstrations and ineffectiveness of investigations.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	OYA OTAMAN (Group)	TURKEY	Violation of the right to freedom of assembly, ill treatment of applicants as a result of excessive force used during demonstrations and ineffectiveness of investigations.	To follow up the decisions adopted at the 1310 <sup>th</sup> meeting.
2016	1259 (7-8 June 2016)	OYAL (Group)	TURKEY	Failure to protect the right to life on account of medical negligence or medical errors (substantial and / or procedural violations of Article 2).	To assess the action plan provided on 07/04/2016.
2016	1250 (8-10 March 2016)	ÖZMEN	TURKEY	Inadequacy of measures taken in implementation of the Hague Convention on the Civil Aspects of International Child Abduction (Article 8).	To change the current indicator (urgent individual measures) to “complex problem” and to transfer two similar cases (Ilker Ensar Uyanik (60328/09) and Övüş (42981/04)) from standard to enhanced procedure.
2019	1348 (4-6 June 2019)	ÖZMEN	TURKEY	Inadequacy of measures taken in implementation of the Hague Convention on the Civil Aspects of International Child Abduction (Article 8).	To follow up the decision adopted at the 1250 <sup>th</sup> meeting. To consider the proposal to close the repetitive cases in which the individual measures have been resolved.
2016	1259 (7-8 June 2016)	SINAN IŞIK	TURKEY	Violation of the applicant’s freedom not to disclose his religion in that he was under an obligation to disclose his beliefs as a result of the obligatory indication of religion on his identity card (Article 9).	To assess the action plan submitted on 07/04/2016 and identify the outstanding questions.
2016	1273 (6-8 December 2016)	SINAN IŞIK	TURKEY	Violation of the applicant’s freedom not to disclose his religion on his identity card.	To assess the information provided in response to the decision adopted at the 1259th meeting. Proposal to transfer this case to the standard procedure.

Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	SÖYLER (Group)	TURKEY	Ban on voting imposed automatically on persons convicted of intentional offences.	To consider the proposal to close the supervision of this group of cases and to adopt a final resolution.
2014	1193 (4-6 March 2014)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	Examination of the issue of payment of the just satisfaction.
2014	1201 (3-5 June 2014)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	Examination of the issue of payment of the just satisfaction.
2014	1208 (23-25 September 2014)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	Examination of the issue of payment of the just satisfaction. Adoption of an Interim resolution <a href="#">CM/ResDH(2014)185</a>
2014	1214 (2-4 December 2014)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	Examination of the issue of payment of the just satisfaction.
2015	1222 (11-12 March 2015)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	Decision to postpone the examination of this case.
2015	1230 (3-5 June 2015)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	Examination of the issue of payment of the just satisfaction, in accordance with the decision adopted at the <a href="#">1222<sup>nd</sup> meeting</a> (March 2015).

Year	Meeting	Case	State	Violation	Action requested
2015	1236 (22-24 September 2015)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	To examine the issue of payment of the just satisfaction.
2015	1243 (8-9 December 2015)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	To examine the issue of payment of the just satisfaction and the individual measures in the Xenides-Arestis group
2016	1250 (8-10 March 2016)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus (Article 1 Protocol No. 1, Article 8).	To continue the debate on the issue of payment of the just satisfaction.  To continue the debate on the missing persons and on the issue of payment of the just satisfaction, in accordance with the decisions adopted at the <a href="#">1230<sup>th</sup> meeting</a> and <a href="#">1243<sup>rd</sup> meeting</a> .
2016	1259 (7-8 June 2016)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus (Article 1 Protocol No. 1, Article 8).	To continue the debate on the issue of payment of the just satisfaction.  To continue the debate on the issue of the individual measures and of payment of the just satisfaction.
2016	1265 (20-21 September 2016)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To continue the debate on the payment of the just satisfaction.  To continue the debate on the payment of the just satisfaction.
2016	1273 (6-8 December 2016)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To continue the debate on the individual measures and on the payment of just satisfaction.  To continue the debate on the payment of just satisfaction.

Year	Meeting	Case	State	Violation	Action requested
2017	1280 (7-9 March 2017)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To examine the issue of the payment of the just satisfaction.  To examine the issue of the payment of the just satisfaction.
2017	1288 (6-7 June 2017)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To examine the issue of the payment of the just satisfaction.  To examine the issue of the payment of the just satisfaction.
2017	1294 (19-21 September 2017)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To examine the issue of the missing persons and of the payment of the just satisfaction.  To examine the issue of the payment of the just satisfaction.
2017	1302 (5-7 December 2017)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To continue the discussions on the issue of the payment of the just satisfaction.  To continue the discussions on the issue of the payment of the just satisfaction and of the other individual measures.
2018	1310 (13-15 March 2018)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To continue the discussions on the payment of the just satisfaction.  To continue the discussions on the payment of the just satisfaction and examine the proposal to close three cases of the group.
2018	1318 (5-7 June 2018)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	The individual measures on the domestic investigation are examined in the framework of the <i>Cyprus v. Turkey</i> case. The issue of the payment of the just satisfaction is examined together with that of the payment of the just satisfaction in the <i>Xenides-Arestis</i> group.  To follow up the decision adopted at the 1310 <sup>th</sup> meeting.
2018	1324 (18-20 September 2018)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To examine the issue of the payment of the just satisfaction together with that of the payment of the just satisfaction in 33 cases of the <i>Xenides-Arestis</i> group.  To examine the issue of the payment of the just satisfaction and of that of the individual measures.



Year	Meeting	Case	State	Violation	Action requested
2018	1331 (4-6 December 2018)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To examine the issue of the payment of the just satisfaction.  To examine the issue of the payment of the just satisfaction and of that of the individual measures in the <i>Loizidou</i> case.
2019	1340 (12-14 March 2019)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To examine the issues of the payment of the just satisfaction and that of the individual measures.  To examine the issue of the payment of the just satisfaction.
2019	1348 (4-6 June 2019)	VARNAVA AND OTHERS  XENIDES-ARESTIS (Group)	TURKEY	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  Continuous denial of access to property in the northern part of Cyprus.	To follow up the decision adopted at the 1340 <sup>th</sup> meeting. <b>NO DECISION</b>  To follow up the decision adopted at the 1331 <sup>st</sup> meeting. <b>NO DECISION</b>
2014	1208 (23-25 September 2014)	YILDIRIM AHMET	TURKEY	Violation of the applicant's right to freedom of expression as a result of a domestic court's decision to block access to Google Sites, "host websites".	To stress the need for legislative measures while noting with satisfaction the latest decisions of the Turkish Constitutional Court.
2017	1302 (5-7 December 2017)	YILDIRIM AHMET	TURKEY	Restriction of access to the internet and wholesale blocking of internet sites.	To follow up the decision adopted at the 1208 <sup>th</sup> meeting.
2015	1236 (22-24 September 2015)	AGROKOMPLEKS	UKRAINE	Unfairness of commercial proceedings involving the applicant company and infringement of the right to peaceful enjoyment of its possessions.	To take stock of the situation with respect to the payment of just satisfaction and to request additional information in respect of the general measures.
2016	1259 (7-8 June 2016)	AGROKOMPLEKS	UKRAINE	Unfairness of commercial proceedings involving the applicant company and infringement of the right to peaceful enjoyment of its possessions.	To take stock of the situation with respect to the payment of just satisfaction and to request information in respect of the general measures.
2016	1273 (6-8 December 2016)	AGROKOMPLEKS	UKRAINE	Unfairness of commercial proceedings involving the applicant company and infringement of the right to peaceful enjoyment of its possessions.	To assess the information provided in response to the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1294 (19-21 September 2017)	BALITSKIY (Group)	UKRAINE	Unfair convictions based on confessions given under duress; abusive use of administrative detention.	To assess the information provided in the action plan provided on 16/06/2017 and to identify the outstanding questions.



Year	Meeting	Case	State	Violation	Action requested
2016	1259 (7-8 June 2016)	EAST / WEST ALLIANCE LIMITED	UKRAINE	Interference with the applicant company's property rights and lack of effective remedy in this respect.	To urge the authorities to pay the outstanding amount of just satisfaction and to invite them to take general measures to prevent similar violations.
2016	1273 (6-8 December 2016)	EAST / WEST ALLIANCE LIMITED	UKRAINE	Interference with the applicant company's property rights and lack of effective remedy in this respect.	To assess the information provided in response to the decision adopted at the 1259 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	FEDORCHENKO AND LOZENKO (Group)	UKRAINE	Failure to carry out an effective investigation into violent acts against persons of Roma origin and to investigate possible racist motives.	To assess the revised action plan submitted on 04/01/2019 and to identify outstanding questions.
2017	1294 (19-21 September 2017)	GONGADZE	UKRAINE	Killing of a journalist and lack of effective investigation.	To assess the information provided and to identify outstanding questions
2018	1324 (18-20 September 2018)	GONGADZE	UKRAINE	Killing of a journalist and lack of effective investigation.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2014	1201 (3-5 June 2014)	KAVERZIN AFANASYEV (Group)	UKRAINE	Ill-treatment by the police and ineffective investigations into such complaints (Art. 3 + 13)	To take stock of the measures taken against ill-treatment and to identify the outstanding questions, in particular on the implementation of these measures in practice.
2016	1250 (8-10 March 2016)	KAVERZIN AFANASYEV (Group)	UKRAINE	Ill-treatment by the police and ineffective investigations into such complaints (Articles 3 and 13).	Decision to postpone consideration at the latest to the 1273 <sup>rd</sup> meeting.
2016	1265 (20-21 September 2016)	KAVERZIN AFANASYEV (Group) KARABET AND OTHERS (Group) BELOUSOV	UKRAINE	Ill-treatment / torture by police and lack of effective investigation.	To take stock of the measures taken and to identify the outstanding questions.
2017	1280 (7-9 March 2017)	KAVERZIN AFANASYEV (Group) KARABET AND OTHERS (Group) BELOUSOV	UKRAINE	Ill-treatment / torture by police and lack of effective investigation.	To assess the progress achieved and to identify outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2017	1302 (5-7 December 2017)	KAVERZIN AFANASYEV (Group) KARBET AND OTHERS (Group) BELOUSOV	UKRAINE	Ill-treatment / torture by police and lack of effective investigation.	To follow up the decision adopted at the 1280th meeting.
2018	1324 (18-20 September 2018)	KAVERZIN AFANASYEV (Group) KARBET AND OTHERS (Group) BELOUSOV	UKRAINE	Ill-treatment / torture by police and lack of effective investigation.	To follow up the decision adopted at the 1302 <sup>nd</sup> meeting.
2019	1340 (12-14 March 2019)	KARBET AND OTHERS (Group)	UKRAINE	Large-scale violence against or ill-treatment of prisoners with involvement of special forces units either as punishment or during training exercises as well as absence of effective investigations.	To assess the revised action plan submitted on 04/01/2019 and to identify outstanding questions. To consider the proposal to join an older similar case, <i>Davydov and others</i> , and to transfer it to the enhanced procedure.
2018	1331 (4-6 December 2018)	KEBE AND OTHERS	UKRAINE	Lack of adequate safeguards in the border-control procedure to protect against arbitrary removal and lack of effective remedy.	To assess the revised action plan submitted on 12/10/2018 and to identify outstanding questions.
2016	1265 (20-21 September 2016)	KHARCHENKO CHANYEV KORNEYKOVA	UKRAINE	Unlawful arrests and unlawful and lengthy detention on remand.	To take stock of the measures taken and to identify the outstanding questions.
2017	1280 (7-9 March 2017)	KHARCHENKO CHANYEV KORNEYKOVA	UKRAINE	Unlawful arrests and unlawful and lengthy detention on remand.	To assess the progress achieved and to identify outstanding questions.
2017	1294 (19-21 September 2017)	KHARCHENKO CHANYEV KORNEYKOVA	UKRAINE	Unlawful arrests and unlawful and lengthy detention on remand.	To assess the information provided in response to the decision adopted at the 1280th meeting and to identify outstanding questions. To consider the proposal to close 36 cases in this group.
2018	1318 (5-7 June 2018)	IGNATOV (Group) CHANYEV KORNEYKOVA	UKRAINE	Unlawful arrests and unlawful and lengthy detention on remand.	To assess the information provided in response to the decision adopted at the 1294 <sup>th</sup> meeting. To consider the proposal to close the examination of six cases in this group in which the individual measures have been adopted.

Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	IGNATOV (Group) CHANYEV KORNEYKOVA	UKRAINE	Unlawful arrests and unlawful and lengthy detention on remand.	To follow up the decision adopted at the 1318 <sup>th</sup> meeting. To consider the proposal to close the repetitive cases in which the individual measures have been taken.
2016	1273 (6-8 December)	KHAYLO (Group)	UKRAINE	Violations of right to life (in particular on account of medical negligence) and lack of effective investigation.	To assess the information provided on the general and individual measures.
2017	1294 (19-21 September 2017)	KHAYLO (Group)	UKRAINE	Violations of right to life (in particular on account of medical negligence) and lack of effective investigation.	To assess the information provided in response to the decision adopted at the 1273 <sup>rd</sup> meeting and to identify the outstanding questions.
2018	1324 (18-20 September 2018)	KHAYLO (Group)	UKRAINE	Violations of right to life (in particular on account of medical negligence) and lack of effective investigation.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2017	1288 (6-7 June 2017)	NEVMERZHITSKY (Group) YAKOVENKO (Group) LOGVINENKO (Group) ISAYEV (Group) MELNIK (Group)	UKRAINE	Poor conditions of detention and lack of adequate medical treatment.	To assess the progress achieved, to identify the outstanding questions and to consider a thematic division of these groups for future examinations.
2017	1302 (5-7 December 2017)	NEVMERZHITSKY (Group) YAKOVENKO (Group) LOGVINENKO (Group) ISAYEV (Group) MELNIK (Group)	UKRAINE	Poor conditions of detention and lack of adequate medical treatment in pre-trial detention centres and lack of effective remedy.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2018	1310 (13-15 March 2018)	NEVMERZHITSKY (Group) YAKOVENKO (Group) LOGVINENKO (Group) ISAYEV (Group) MELNIK (Group)	UKRAINE	Conditions of detention in prisons and access to medical care in detention.	To follow up the decisions adopted at the 1288 <sup>th</sup> and 1302 <sup>nd</sup> meetings and to assess the action plan received in the meantime.
2018	1331 (4-6 December 2018)	NEVMERZHITSKY (Group) YAKOVENKO (Group) LOGVINENKO (Group) ISAYEV (Group) MELNIK (Group)	UKRAINE	Poor conditions of detention and lack of adequate medical treatment.	To assess the action plan submitted on 12/10/2018. To consider the proposal to adopt an interim resolution.
2014	1193 (4-6 March 2014)	OLEKSANDR VOLKOV	UKRAINE	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Art. 6 + 8).	To urge the Ukrainian authorities to comply, without further delay, with the indications given by the Court under Article 46 as regards the urgent individual measures.
2014	1201 (3-5 June 2014)	OLEKSANDR VOLKOV	UKRAINE	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Art. 6 + 8)	To note the progress achieved to comply with the indications given by the Court under Article 46 as regards the urgent individual measures.
2014	1208 (23-25 September 2014)	OLEKSANDR VOLKOV	UKRAINE	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Art. 6 + 8)	To note the absence of progress in individual measures and the lack of information concerning general measures.
2014	1214 (2-4 December 2014)	OLEKSANDR VOLKOV	UKRAINE	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 and 8).	Follow-up to the decision adopted at the 1208 <sup>th</sup> meeting. Adoption of an Interim Resolution <a href="#">CM/ResDH(2014)275</a>

Year	Meeting	Case	State	Violation	Action requested
2015	1222 (11-12 March 2015)	OLEKSANDR VOLKOV	UKRAINE	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 and 8).	Follow-up to the interim resolution adopted at the 1214th meeting.
2015	1230 (3-5 June 2015)	OLEKSANDR VOLKOV	UKRAINE	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 and 8).	To examine the updated action plan received in April 2015 and to stress the need for rapid advances in further reform efforts, in particular as regards the required reform of the Constitution.
2016	1273 (6-8 December 2016)	OLEKSANDR VOLKOV SALOV (Group)	UKRAINE	Various violations related to the independence and impartiality of the judiciary; unfair disciplinary proceedings brought against a judge.	To assess the information provided and to identify the outstanding questions.
2017	1280 (7-9 March 2017)	OLEKSANDR VOLKOV SALOV (Group)	UKRAINE	Various violations related to the independence and impartiality of the judiciary; unfair disciplinary proceedings brought against a judge.	To assess the progress achieved and to identify outstanding questions.
2018	1318 (5-7 June 2018)	OLEKSANDR VOLKOV SALOV (Group)	UKRAINE	Various violations related to the independence and impartiality of the judiciary; unfair disciplinary proceedings brought against a judge.	To follow up the decision adopted at the 1280 <sup>th</sup> meeting.
2014	1193 (4-6 March 2014)	TYMOSHENKO	UKRAINE	Restriction of liberty also for other reasons than those permissible under Article 5 (Article 18 in conjunction with Article 5).	Follow-up to the decision adopted at the 1186th meeting.
2014	1193 (4-6 March 2014)	VASILII IVASHCHENKO NAYDYON (Group)	UKRAINE	Refusal by the authorities to provide the applicants, while in detention, with copies of documents for their application to the European Court (Article 34).	To take stock of the information provided so far and to identify the outstanding issues.
2019	1348 (4-6 June 2019)	NAYDYON (Group)	UKRAINE	Refusal by the authorities to provide the applicants, while in detention, with copies of documents for their application to the European Court.	To follow up the decision adopted at the 1193 <sup>rd</sup> meeting. To consider the proposal to close the repetitive cases in which the individual measures have been taken.
2017	1288 (6-7 June 2017)	VENIAMIN TYMOSHENKO AND OTHERS	UKRAINE	Unlawful ban of a strike.	To assess the progress achieved and to identify outstanding questions.
2014	1193 (4-6 March 2014)	VYERENTSOV (Group)	UKRAINE	Administrative conviction of the applicant for holding peaceful demonstration despite lack of law regulating the holding of public assemblies (Article 11 + 7); several violations of the right to a fair trial (Article 6§§1 + 3).	To take stock of the action plan and recent legislative developments with respect to the exercise of the right to freedom of assembly.

Year	Meeting	Case	State	Violation	Action requested
2014	1201 (3-5 June 2014)	VYERENTSOV (Group)	UKRAINE	Administrative conviction of the applicant for holding peaceful demonstration despite lack of law regulating the holding of public assemblies (Article 11 + 7); several violations of the right to a fair trial (Article 6§§1 + 3).	Follow-up to the decision adopted in March 2014, in particular concerning general measures.
2015	1243 (8-9 December 2015)	VYERENTSOV (Group)	UKRAINE	Administrative conviction of the applicant for holding peaceful demonstration despite lack of law regulating the holding of public assemblies (Article 11 + 7); several violations of the right to a fair trial (Article 6§§1 + 3).	To review the situation regarding the general and individual measures.
2016	1273 (6-8 December 2016)	VYERENTSOV (Group)	UKRAINE	Deficiencies in the legislation and administrative practices governing the right of freedom of assembly.	To assess the information provided and to identify the outstanding questions.
2017	1288 (6-7 June 2017)	VYERENTSOV (Group)	UKRAINE	Deficiencies in the legislation and administrative practices governing the right of freedom of assembly.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2014	1214 (2-4 December 2014)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises (Art. 6§1 + Art. 1 P1), pilot judgment, deadline expired in July 2011.	To follow up on the last decision adopted at the December 2013 meeting and to take stock of the latest developments concerning the functioning of the domestic remedy introduced.
2015	1230 (3-5 June 2015)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises (Art. 6§1 + Art. 1 P1), pilot judgment, deadline expired in July 2011.	To follow up on the last decision adopted at the December 2014 meeting and to take stock of the latest developments concerning the functioning of the domestic remedy introduced
2015	1236 (22-24 September 2015)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises (Art. 6§1 + Art. 1 P1), pilot judgment, deadline expired in July 2011.	To take stock of the current situation and to urge the authorities to take resolute measures with a view to finding a long term viable solution to the problem at issue.
2016	1259 (7-8 June 2016)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises (Articles 6 § 1 and 1 Protocol No. 1), pilot judgment, deadline expired in July 2011.	To follow up the decision adopted at the 1236 <sup>th</sup> meeting.
2016	1265 (20-21 September 2016)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To follow up the decision adopted at the 1259 <sup>th</sup> meeting.

Year	Meeting	Case	State	Violation	Action requested
2017	1280 (7-9 March 2017)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To assess the progress achieved and to identify outstanding questions.
2017	1288 (6-7 June 2017)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To follow up the decision adopted at the 1280th meeting.
2017	1302 (5-7 December 2017)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV BURMYCH AND OTHERS	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To follow up the decision adopted at the 1288 <sup>th</sup> meeting.
2018	1318 (5-7 June 2018)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV BURMYCH AND OTHERS	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To assess the information provided in response to the decision adopted at the 1302 <sup>nd</sup> meeting.
2018	1331 (4-6 December 2018)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV BURMYCH AND OTHERS	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To assess the information provided on 12/10/2018 and to identify outstanding issues.
2019	1340 (12-14 March 2019)	ZHOVNER (Group) YURIY NIKOLAYEVICH IVANOV BURMYCH AND OTHERS	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To assess the action plan submitted by the authorities on 15/01/2019 and to identify outstanding questions.

Year	Meeting	Case	State	Violation	Action requested
2019	1348 (4-6 June 2019)	ZHOVNER (Group)  YURIY NIKOLAYEVICH IVANOV  BURMYCH AND OTHERS	UKRAINE	Non-enforcement of domestic court decisions against the State or State owned enterprises.	To follow up the decision adopted at the 1340 <sup>th</sup> meeting. To consider the proposal to close the repetitive cases in which the individual measures have been taken.
2015	1243 (8-9 December 2015)	AL-SKEINI AND OTHERS	THE UNITED KINGDOM	Insufficiently independent and/or effective investigations into deaths in Iraq when the United Kingdom was an occupying force (procedural violations of Article 2).	To assess the action plan submitted on 05/10/2015 and, in the light of the measures taken, to decide on the proposal to transfer the case to the standard procedure.
2014	1208 (23-25 September 2014)	ASWAT <b>First examination – postponed.</b>	THE UNITED KINGDOM	Violation of Article 3 if the applicant were to be extradited to the United States of America in view of his mental health condition and the uncertainty surrounding his detention conditions and the medical services that would be available to him in the United States	Assessment of information submitted on the individual and general measures and proposal to adopt a final resolution.
2014	1193 (4-6 March 2014)	HIRST No. 2 (Group)	THE UNITED KINGDOM	Blanket ban on voting imposed automatically on the applicant due to his status as a convicted offender detained in prison (Violation of Article 3 of Protocol No. 1). Related pilot judgment of 23/11/2010 in Greens and M.T. (60041/08 and 60054/08, Final on 11/04/2011) concerning the same questions	To urge the authorities to adopt the recommendation of the UK parliamentary committee: to introduce the finalised, legislative proposal to implement the judgment at the start of the 2014 parliamentary session.
2014	1208 (23-25 September 2014)	HIRST No. 2 (Group)	THE UNITED KINGDOM	Blanket ban on voting imposed automatically on the applicant due to his status as a convicted offender detained in prison (Violation of Article 3 of Protocol No. 1). Related pilot judgment of 23/11/2010 in Greens and M.T. (60041/08 and 60054/08, Final on 11/04/2011) concerning the same questions	Follow-up to the decision adopted at the 1193 <sup>rd</sup> meeting; to call upon the authorities to introduce a bill to Parliament without further delay.
2015	1236 (22-24 September 2015)	HIRST No. 2 (Group)	THE UNITED KINGDOM	Blanket ban on voting imposed automatically on the applicant due to his status as a convicted offender detained in prison (Violation of Article 3 of Protocol No. 1). Related pilot judgment of 23/11/2010 in Greens and M.T. (60041/08 and 60054/08, Final on 11/04/2011) concerning the same questions	To follow up the decision adopted at the 1208 <sup>th</sup> meeting urging the United Kingdom authorities to introduce a bill to amend the blanket ban on prisoner voting as soon as possible.
2015	1243 (8-9 December 2015)	HIRST No. 2 (Group)	THE UNITED KINGDOM	Blanket ban on voting imposed automatically on the applicant due to his status as a convicted offender detained in prison (Violation of Article 3 of Protocol No. 1). Related pilot judgment of 23/11/2010 in Greens and M.T. (60041/08 and 60054/08, Final on 11/04/2011) concerning the same questions	To follow up the decision adopted at the 1236 <sup>th</sup> meeting urging the United Kingdom authorities to introduce a Bill to amend the blanket ban on prisoner voting as soon as possible. <b>Interim resolution adopted <a href="#">CM/ResDH(2015)251</a>.</b>
2016	1273 (6-8 December 2016)	HIRST No. 2 (Group)	THE UNITED KINGDOM	Ban on voting imposed automatically on convicted prisoners serving their sentences.	To assess the information provided in response to the interim resolution adopted at the 1243 <sup>rd</sup> meeting.
2017	1302 (5-7 December 2017)	HIRST No. 2 (Group)	THE UNITED KINGDOM	Ban on voting imposed automatically on convicted prisoners	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting



Year	Meeting	Case	State	Violation	Action requested
2018	1331 (4-6 December 2018)	<b>HIRST No. 2</b> (Group)	THE UNITED KINGDOM	Ban on voting imposed automatically on convicted prisoners	To assess the action report submitted on 02/09/2018. To consider the proposal to adopt a final resolution.
2014	1201 (3-5 June 2014)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Group of cases concerning action of the security forces in Northern Ireland in the 1980s and 1990s (Art. 2).	Take stock of the most recent action plans provided, in particular in the light of the indications given by the Court under Article 46 in the <i>McCaughey and Others</i> judgment.
2015	1222 (11-12 March 2015)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Group of cases concerning action of the security forces in Northern Ireland in the 1980s and 1990s (Art. 2).	Follow-up to the decision adopted at the 1201 <sup>st</sup> meeting.
2015	1243 (8-9 December 2015)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Group of cases concerning action of the security forces in Northern Ireland in the 1980s and 1990s (Article 2).	To follow up the decision adopted at the 1222 <sup>nd</sup> meeting.
2016	1259 (7-8 June 2016)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Action of the security forces in Northern Ireland in the 1980s and 1990s (Article 2).	To follow up the decision adopted at the 1243 <sup>rd</sup> meeting.
2016	1273 (6-8 December 2016)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Actions of security forces in Northern Ireland in the 1980s and 1990s.	To assess the information provided in response to the decision adopted at the 1259 <sup>th</sup> meeting.
2017	1288 (6-7 June 2017)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Actions of security forces in Northern Ireland in the 1980s and 1990s.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2017	1294 (19-21 September 2017)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Actions of security forces in Northern Ireland in the 1980s and 1990s.	To follow up the decision adopted at the 1273 <sup>rd</sup> meeting.
2018	1318 (5-7 June 2018)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Actions of security forces in Northern Ireland in the 1980s and 1990s.	To follow up the decision adopted at the 1294 <sup>th</sup> meeting.
2019	1340 (12-14 March 2019)	<b>MCKERR</b> (Group)	THE UNITED KINGDOM	Actions of security forces in Northern Ireland in the 1980s and 1990s.	To follow-up decisions adopted at the 1318 <sup>th</sup> meeting.

## **DECISIONS ADOPTED**

**Caka (group)**

Unfair criminal proceedings.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">44023/02</a>
<b>Judgment(s) final on</b>	08/03/2010
<b>First decision of the Committee of Ministers</b>	<a href="#">1108<sup>th</sup> meeting</a> (March 2011)

**[1193<sup>rd</sup> meeting \(4-6 March 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

1. recalled that the applicants in this Group of cases were all convicted to terms of imprisonment on the basis of the proceedings found unfair by the European Court;
2. strongly deplored that the applicant *Shkalla* remains imprisoned on the basis of the decision criticized by the Court's judgment despite his efforts, since 2011, to obtain a review of his case;
3. urged the authorities to provide without delay information on developments in pending proceedings concerning the applicants in this Group of cases, in particular as regards the proceedings pending before the Supreme Court concerning Mr Caka;
4. urged the authorities to progress rapidly in the adoption of legislation codifying the reopening of proceedings;
5. recalled firmly, moreover, that they have repeatedly invited the Albanian authorities to submit additional information on the adoption of general measures concerning fair trials, the importance of which must again be emphasized, given the seriousness of the shortcomings found in the relevant proceedings in these cases;
6. noting with concern that the recent judgment *Kaciu and Kotorri* also relates to the use of evidence obtained as a result of torture, ill-treatment by the police and lack of access to a lawyer in custody, encouraged the Albanian authorities to rapidly provide information on individual and general measures taken or envisaged in relation to these complex issues;
7. decided to resume consideration of this Group of cases during one of their next meetings in the light of information to be provided by the authorities.

**[1265<sup>th</sup> meeting \(20-21 September 2016\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. noted with satisfaction the individual measures taken in these cases, in particular that all the applicants have had an effective possibility to obtain reopening of the impugned proceedings and that, for those applicants who requested it, guarantees were given that the new proceedings either had been or would be conducted in accordance with the requirements of Article 6 of the Convention and that, pending these proceedings, the applicants could request release; considered accordingly that no further individual measures are required in this group of cases;
2. welcomed the general measures taken to prevent ill-treatment and the use of incriminating statements obtained as a result of such treatment and to address the issues concerning the lack of access to a lawyer in police custody, procedures for identification of suspects and access to the Constitutional Court; considered that the cases concerning only these aspects can be closed, namely *Laska and Lika*, and *Kaçiu and Kotorri*;
3. encouraged the authorities rapidly to finalise the ongoing reform of the judicial system to prevent further violations concerning the lack of guarantees surrounding criminal proceedings *in absentia*, the right to defend oneself in court and the appearance of witnesses; decided to continue their supervision of these measures in the cases of *Caka*, *Cani* and *Izet Haxhia*, and to close the similar cases *Berhani* and *Shkalla*;
4. consequently, adopted Final Resolution [CM/ResDH\(2016\)272](#), and, for the cases remaining under the Committee's supervision, invited the authorities to provide information on progress with the adoption of general measures in relation to the outstanding issues.

## Caka (group)

Unfair criminal proceedings.

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that the Committee has decided that no further individual measures are required in these cases;
2. welcomed the general measures taken, in particular the legislative amendments to the Code of Criminal Procedure adopted on 30 March 2017 concerning the guarantees surrounding criminal proceedings *in absentia*, the right to defend oneself in court and the appearance of witnesses; considered that the adopted general measures are sufficient to prevent similar violations and that these cases can be thus closed;
3. consequently, adopted Final Resolution [CM/ResDH\(2017\)417](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;

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 order to give effect to the judgments including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2017\)1130](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

*Luli and Others (group)*

Excessive length of civil proceedings and absence of a remedy in that respect.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">64480/09</a>
<b>Judgment(s) final on</b>	01/07/2014
<b>First decision of the Committee of Ministers</b>	1273 <sup>rd</sup> meeting (December 2016)

[1273<sup>rd</sup> meeting \(6-8 December 2016\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*As regards individual measures:*

- invited the authorities closely to supervise the proceedings still pending before the domestic courts and to keep it informed of all developments;

*As regards general measures:*

- welcomed the general measures taken to address the issue of the lack of access to the Constitutional Court in case of a tied vote found in the *Marini* case; adopted Final Resolution [CM/ResDH\(2016\)357](#) closing its supervision of this case;
- noted with interest the legislative and practical measures adopted so far to address the problem of excessive length of proceedings and invited the authorities to submit information on their impact, as well as on measures taken or envisaged to address multiplication of proceedings on the same issue;
- strongly encouraged the authorities to finalise rapidly the adoption of an effective remedy for excessive length of proceedings, in line with the indication made by the European Court under Article 46 in the *Luli and others* judgment;
- decided to continue the examination of the cases *Luli and others*, *Gjonbocari* and *Bici* in the light of the additional information requested, which the authorities are invited to submit by 31 March 2017.

**Resolution [CM/ResDH\(2016\)357](#)****Execution of the judgment of the European Court of Human Rights  
*Marini* against Albania (3738/02, judgment final on 07/07/2008)**

*(adopted by the Committee of Ministers on 8 December 2016, at the 1273<sup>rd</sup> meeting of the Ministers' Deputies)*

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 of Article 6, paragraph 1, Article 13 and of Article 1 Protocol No.1 to the Convention established therein on account of the excessive length of proceedings, failure of the authorities to enforce the decisions in the applicant's favour and lack of effective remedy in this respect;

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 noted that the just satisfaction has been paid by the government of the respondent State and that the impugned proceedings at issue in this case were terminated;

Noting with satisfaction the general measures taken to address the issue of the lack of access to the Constitutional Court in case of tied vote, reported in the action plan in the *Luli* group of cases ([DH-DD\(2016\)1188](#));

Noting finally that the general measures required in response to the other aspects of violations of Article 6, 13 and Article 1 Protocol No. 1 of the Convention established in this case are examined in the group of cases *Luli* and in the group *Puto*;

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.

*Luli and Others (group)*

Excessive length of civil proceedings and absence of a remedy in that respect.

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*Luli and Others (group)*

Excessive length of civil proceedings and absence of a remedy in that respect.

**1331<sup>st</sup> meeting (4-6 December 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. recalled that these cases concern the excessive length of judicial proceedings in civil and criminal cases and the lack of effective domestic remedies in this respect;

*As regards individual measures:*

2. invited the authorities to continue to closely supervise the conduct of the proceedings still pending before the domestic courts in the *Luli and Others* case and to keep them informed of all developments;

*As regards general measures:*

3. welcomed the continuing and sustained efforts of the authorities to reduce delays in judicial proceedings and the workload of the courts through the adoption of a wide range of legislative and practical measures; noted in this respect with satisfaction the statistics indicating only small increases in the number of cases pending before civil district courts and administrative first-instance courts;
4. noted, however, with concern that the civil appellate courts and the Supreme Court are currently experiencing difficulty in handling their workload and, therefore, encouraged the authorities to rapidly adopt measures to address these problems, in particular to ensure the replacement of judges who have been dismissed or have resigned as a result of the recent vetting process, including judges of the Constitutional Court, and to keep the Committee informed of the results achieved; invited them in addition to provide information on the measures adopted or envisaged to address the problem of frequent remittals of criminal cases from higher to lower courts;
5. welcomed the introduction in 2017 of the new acceleratory and compensatory remedy for excessively lengthy judicial proceedings and noted with interest the first reported cases in which it has been used; invited the authorities to provide additional information on its possible retrospective application and on the statutory limitation on awarding compensation in excess of the value of the object of the lawsuit, and to keep the Committee informed of the functioning of the remedy in general;
6. invited the authorities to submit the additional information on the above issues by 30 June 2019.

\* \* \*

## *Manushaqe Puto and Others / Driza (group)*

Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13). The Court, in the pilot judgment *Manushaqe Puto and Others*, requested the setting-up of an effective compensation mechanism before 17 June 2014.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">604/07 - 33771/02</a>
<b>Judgment(s) final on</b>	17/12/2012 - 02/06/2008
<b>First decision of the Committee of Ministers</b>	<a href="#">1086<sup>th</sup> meeting</a> (June 2010)

### 1193<sup>rd</sup> meeting (4-6 March 2014)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decision*

#### The Deputies

1. welcomed the presence of the Deputy Minister of Justice of Albania and the action plan on the measures taken and envisaged in this Group of cases; noted with satisfaction that the new government has set the outstanding issues amongst the priorities to be followed at the highest level;
2. considered the actions taken since September 2013 and the measures foreseen for the coming weeks and months as encouraging; regretting, however, that the deadline fixed by the pilot judgment will not be met, underlined that in order to fulfil the obligations imposed by the European Court and to introduce the required compensation mechanism without further delay and within the time frame proposed by the action plan, the political commitment expressed in the action plan must be followed by concrete and substantial actions at the domestic level, in particular in the fields identified by the Committee in its Interim Resolution CM/ResDH(2013)115;
3. welcomed the commitment of the Albanian Government to increase its efforts and give the highest priority to allocating sufficient resources, adopting necessary legal amendments and taking all political decisions required to put in place an effective compensation mechanism in compliance with the pilot judgment *Manushaqe Puto*, in particular in the remaining months before the expiring deadline set by the European Court of 17 June 2014.
4. strongly encouraged the authorities to keep the Committee updated on the progress achieved in the implementation of the action plan and decided to resume consideration of this Group of cases at their 1201<sup>st</sup> meeting (DH) (June 2014) in order to assess the progress achieved until then.

### 1201<sup>st</sup> meeting (June 2014)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decision*

#### The Deputies

1. welcomed the formal adoption by the Albanian Council of Ministers of the action plan for the establishment of an effective compensation mechanism, thereby rendering the action plan binding, and noted with satisfaction that the measures foreseen are being adopted in conformity with the provisions in that plan;
2. in view of the overall deadline foreseen for the implementation of this mechanism, strongly encouraged the authorities to intensify their efforts with a view to reducing this time-frame as much as possible;
3. invited the authorities to continue to keep the Committee regularly informed on the progress achieved in the implementation of the action plan.



## Manushaqe Puto and Others / Driza (group)

Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13). The Court, in the pilot judgment *Manushaqe Puto and Others*, requested the setting-up of an effective compensation mechanism before 17 June 2014.

### 1230<sup>th</sup> meeting (3-5 June 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. welcomed the commitment showed by the Albanian authorities in the search for an effective and sustainable solution to the important structural problem at stake in this group of cases; welcomed in this regard their presentation of the draft law and their co-operation with the Council of Europe, as well as the close consultations held with the Department for Execution, particularly in Tirana on 23 April 2015;
2. noted that, as requested by the Committee of Ministers and by the pilot judgment *Manushaqe Puto*, the authorities have conducted a careful review of all of the legal and financial implications and have estimated the overall cost of compensation in order to have a concrete basis for considering the necessary legislative changes;
3. invited the Albanian authorities to submit, as soon as possible, explanations and additional information on the solutions proposed in the draft law, as well on the other outstanding issues identified in the Secretariat's memorandum (H/Exec(2015)16), to be declassified on 15 July 2015;
4. given the urgency of making progress in the execution of this group of judgments, decided to resume its examination of the cases at the latest at their 1243<sup>rd</sup> meeting (December 2015) (DH) in the light of information to be provided by the authorities and its evaluation by the Secretariat.

### 1243<sup>rd</sup> meeting (8-9 December 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. noted with satisfaction the law setting up a compensation scheme for property expropriated during the communist regime, which appears to be a very positive step towards putting an end to the longstanding failure to compensate or return property to former owners; and invited the authorities to inform the Committee as soon as it enters into force;
2. further noted that some detailed aspects of the new scheme will be governed by by-laws which will be adopted within binding time-limits and, in this respect, requested the Albanian authorities to submit the relevant by-laws to allow a comprehensive assessment;
3. invited the authorities to explain what valuation maps will serve as a basis for calculation of compensation under the new scheme and what is the exact methodology of their preparation;
4. encouraged the authorities to spare no efforts in providing the necessary technical and logistical infrastructure, as well as adequate human and financial resources, so that the compensation scheme is effective and expeditious, and that all legal deadlines and commitments are respected;
5. underlined, in this respect, the significance of adequate and reactive monitoring of the implementation of the law and requested the authorities to provide an updated action plan on measures taken or envisaged with this aim;
6. invited the authorities to provide, by 30 January 2016, information on all these questions in order to enable the Committee to assess the progress achieved in the implementation of the law and the means provided to ensure the effectiveness of the mechanism put in place.

## *Manushaqe Puto and Others / Driza (group)*

Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13). The Court, in the pilot judgment *Manushaqe Puto and Others*, requested the setting-up of an effective compensation mechanism before 17 June 2014.

### **1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

#### **Notes of the meeting**

#### *Decisions*

#### The Deputies

1. recalling that the Committee has welcomed the adoption of the Law on Compensation for Property Expropriated during the Communist Regime as a very positive step in the process of execution of the judgments in this group of cases, noted with interest the measures now adopted for its implementation;
2. welcomed in this respect the recent adoption of three important by-laws, as well as the establishment of a mechanism of periodic monitoring, involving the Director General of the Agency, the Minister of Justice, the Prime Minister, as well as the Parliamentary Commission on Economy and Finance and the Parliamentary Commission on Legal Affairs, Public Administration and Human Rights;
3. noted in this context that certain questions related to the constitutionality of the new Law are currently pending before the Albanian Constitutional Court, which has decided not to suspend the application of the new Law pending its decision;
4. given the importance of bringing a definitive solution to the longstanding problem revealed in the judgments in this group, encouraged the authorities to continue to deploy all efforts necessary for the effective functioning of the mechanism in practice;
5. invited the authorities to keep the Committee regularly informed about the progress achieved in its implementation, particularly as regards the adoption of the by-laws, the concrete results noted in the process of treatment of applications and the first results of the periodic monitoring.

### **1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

#### **Notes of the meeting**

#### *Decisions*

#### The Deputies

1. recalling that the Committee has welcomed the adoption of the Law setting up a new compensation mechanism for property nationalised during the Communist regime as a very positive step in the process of execution of these judgments, noted with satisfaction that as a result of sustained efforts by the Albanian authorities, this mechanism is now fully operational;
2. noted further with interest that the Constitutional Court has found this mechanism to be in compliance with the Constitution of Albania, save for certain aspects of the new method of evaluation of the compensation; took note on this latter point of the authorities' commitment to assess the situation and to take appropriate action to prevent any adverse impact on the functioning of the mechanism;
3. underlining the crucial importance of bringing a definitive solution to the longstanding problem revealed in these judgments, strongly encouraged the authorities to pursue their efforts to ensure the effective and expeditious functioning of the mechanism, in particular by making available all the resources, including financial, they had pledged, so that the compensation process can be completed within the established time-frame;
4. invited the authorities to clarify the steps taken pursuant to their above commitment and to provide the Committee with updated information on the progress achieved in the compensation process by the end of December 2017 at the latest.

## *Manushaqe Puto and Others / Driza (group)*

Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13). The Court, in the pilot judgment *Manushaqe Puto and Others*, requested the setting-up of an effective compensation mechanism before 17 June 2014.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

### Notes of the meeting

#### *Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2018\)349](#), and decided to continue their supervision of the individual measures in the cases of *Luli, Sharra and Others*, *Alicka and Others*, *Qerimi and Canaj* and *Rista and Others* under the standard supervision procedure on the basis of additional information to be provided by the authorities.

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations of Article 6 § 1, Article 13 and Article 1 of Protocol No. 1 on account of a structural problem of the absence of an adequate mechanism to honour the commitment made by the State to compensate for property nationalised under the communist regime and to enforce final domestic judicial and administrative decisions recognising the right to compensation (pecuniary or in kind);

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 order to give effect to the judgments (see document [DH-DD\(2018\)793](#));

Having noted that the government of the respondent State paid the applicants the just satisfaction provided for in the judgments and secured enforcement of relevant final domestic decisions in the cases where no just satisfaction was awarded in respect of pecuniary damage;

Recalling with satisfaction the major efforts deployed by the Albanian authorities to abide by the judgments of the Court and honour their undertaking to provide compensation for property nationalised under the Communist regime, and to put an end to the long-standing absence of any effective mechanism to this end and noting in particular the sustained political, financial and technical support provided since 2014;

Welcoming the ensuing adoption of a new compensation mechanism in 2015 and its successful implementation in practice;

Recalling in this connection the fruitful co-operation between the Albanian authorities and the Council of Europe in the process of designing and implementing the compensation mechanism with the support of the Human Rights Trust Fund;

Noting that the new compensation mechanism has also been positively evaluated by the Venice Commission and accepted by the Albanian Constitutional Court;

Noting further the significant results already obtained in the process of evaluation of claims and the number of final decisions issued and enforced so far, as well as the very significant resources allocated from the State budget to cover payment of all compensation claims (with a Financial Fund of 50 billion Albanian Leks and a Land Fund estimated at 99 billion Albanian Leks – a total of about 1.2 billion Euros);

Noting finally that the implementation of Law No. 133 of 5 December 2015, including respect of the relevant deadlines, is closely monitored by new national mechanisms which have proven effective;

Having thus satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted in the above respects;

*Manushaqe Puto and Others / Driza (group)*

Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13). The Court, in the pilot judgment *Manushaqe Puto and Others*, requested the setting-up of an effective compensation mechanism before 17 June 2014.

Noting in addition that the general measures required in response to other violations of Article 6 of the Convention, namely related to the lack of legal certainty and the absence of impartiality of the Supreme Court were examined in the framework of the *Caka group* of cases (application No. 44023/02), which was closed by Resolution [CM/ResDH\(2017\)417](#) of 7 December 2017;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in the cases listed above and

DECIDES to close the examination thereof.

\* \* \*

*Dybeku / Grori*

Unlawful detention and poor conditions of detention; failure to comply with interim measures indicated by the Court.

<b>Status of execution</b>	HUDOC-EXEC (Cases closed)
<b>Application(s) No(s).</b>	<a href="#">41153/06</a> - <a href="#">25336/04</a>
<b>Judgment(s) final on</b>	02/06/2008 - 07/10/2009
<b>First decision of the Committee of Ministers</b>	<a href="#">1164<sup>th</sup> meeting</a> (March 2013)

**[1208<sup>th</sup> meeting \(23-25 September 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

- noted the information provided on the overall legal framework governing the medical treatment of detainees, in particular the provisions which appear to aim at ensuring the timely provision of medical care, appropriate placement of prisoners with mental disorders and an effective remedy in cases of lack or delay in medical treatment;
- considered, however, that without more detailed information on these provisions, it is not possible to make a full evaluation of whether they address the specific concerns raised by the Court in its judgments, and invited the authorities to clarify the following questions including, in particular, information on the impact of the measures adopted and their application:
  - how delays in the provision of medical assistance and or/medicines in prisons are prevented;
  - how the modified remedy, namely the mechanism of applications and appeals, ensures timely examination of complaints concerning medical care; and
  - whether it is explicitly prohibited under the new legal framework to detain mentally-ill prisoners in the same cells with healthy inmates;
- noted with interest, in respect of the violation of Article 5 § 1, the entry into force of the relevant international legal instruments which should avoid similar violations in future;
- invited the authorities to clarify what measures have been adopted to ensure that indications under Rule 39 of the Rules of the European Court are fully respected in the future.

**[1265<sup>th</sup> meeting \(20-21 September 2016\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2016\)273](#) as it appears below.

**Final Resolution CM/ResDH(2016)273****Execution of the judgments of the European Court of Human Rights**

*(Adopted by the Committee of Ministers on 21 September 2016 at the 1265<sup>th</sup> meeting of the Ministers' Deputies)*

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 judgments transmitted by the Court to the Committee in the above-mentioned cases and to the violations it found of Articles 3, 5 § 1 and 34;

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;

*Dybeku / Grori*

Unlawful detention and poor conditions of detention; failure to comply with interim measures indicated by the Court.

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 order to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2016\)739](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

**M. (group)**

Unlawful extension or imposition of “preventive detention” on the basis of retroactive legislative changes.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">19359/04</a>
<b>Judgment(s) final on</b>	10/05/2010
<b>First decision of the Committee of Ministers</b>	<a href="#">1136<sup>th</sup> meeting</a> (March 2012)

[1201<sup>st</sup> meeting](#) (June 2014)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies

1. welcomed the comprehensive individual and general measures adopted by the German authorities, not least on the basis of the Federal Constitutional Court’s leading judgment of 4 May 2011, to execute this group of cases;
2. welcomed, in particular, the rapid review of the lawfulness of the detention of all persons in the applicants’ situation under new criteria compliant with the Convention based on “mental disorder”, and the rapid completion of the legislative process enacting a new freedom-oriented and therapy-based concept of preventive detention;
3. recalled the German authorities’ obligation to ensure that persons in preventive detention, according to the new pre-conditions of the Federal Constitutional Court, are detained in a “hospital, clinic or other appropriate institution” as required for the detention of “persons of unsound mind” under Article 5§1(e) of the Convention;
4. encouraged the German authorities to swiftly complete any practical measures still under way in this respect, such as a construction and renovation works and other measures to provide for, as appropriate, accommodation as well as a medical and therapeutic environment;
5. noted that no further individual measure is necessary regarding the cases *M.*, *Schummer*, *Jendrowiak*, *Haidn*, *O.H.* and *Kronfeldner*, and invited the German authorities to provide information on the outcome of the appeal proceedings about their continued new-form of “preventive detention” still indicated as pending in the cases of *K.*, *G.* and *S.* as well as of the constitutional complaints lodged by the applicants *Kallweit* and *Mautes*;
6. decided, in view of the important measures taken and implemented, to continue the examination of this group of cases under the standard procedure.

\* \* \*

**Ashot Harutyunyan (group)**

Placing and keeping the applicants in a metal cage during court hearings despite the lack of any real security risk, and denial of adequate medical assistance in a detention facility (Article 3).

**Ashot Harutyunyan (group)**

Placing and keeping the applicants in a metal cage during court hearings despite the lack of any real security risk, and denial of adequate medical assistance in a detention facility (Article 3).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">34334/04</a>
<b>Judgment(s) final on</b>	15/09/2010
<b>First decision of the Committee of Ministers</b>	1250 <sup>th</sup> meeting (March 2016)

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. considered that no further individual measure is required given the measures taken and the circumstances of the cases;
2. welcomed the removal of metal cages from all courtrooms in Armenia and decided to adopt Final Resolution [CM/ResDH\(2016\)37](#) in the case of *Piruzyan v Armenia*;
3. noted with interest the adoption of a decree aimed at ensuring proper access to medical care for prisoners as well as the safeguards foreseen in the draft Criminal Procedure Code in this domain; invited the authorities to provide information on the implementation of the decree and to adopt the draft Criminal Procedure Code as soon as possible;
4. encouraged the authorities to pursue training and awareness raising measures amongst all relevant law-enforcement bodies concerning the judgments and aimed at ensuring proper access to health care for prisoners;
5. invited the authorities to present information about the remedies available and how they guarantee – in theory and in practice – that prisoners have access to the health care services they need;
6. welcomed the Council of Europe project “Strengthening Health Care and Human Rights Protection in Prisons in Armenia” and invited the authorities to take full benefit from this project;
7. invited the authorities to provide an updated action plan/report responding to all outstanding questions.

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. took note of the updated information provided by the authorities in their action plan of 9 October 2017 and, in particular, of the need for a large scale reform of the prison health care system to bring it into conformity with the relevant international standards;
2. noted the efforts deployed in this respect and strongly encouraged the authorities vigorously to pursue their plans and, in so doing, to draw inspiration from the relevant recommendations of the Committee of Ministers and the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment, together with the indications of relevant domestic monitoring bodies, in particular the Human Rights Defender of Armenia;
3. urged the authorities further to ensure the rapid submission and adoption of the draft Code of Criminal Procedure which contains, *inter alia*, several safeguards in respect of the right of access to medical care for accused persons;
4. invited the authorities to submit precise information on the remedy available to detainees to enable them to obtain direct redress in respect of complaints concerning access to appropriate health care in prison.



## Ashot Harutyunyan (group)

Placing and keeping the applicants in a metal cage during court hearings despite the lack of any real security risk, and denial of adequate medical assistance in a detention facility (Article 3).

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. recalled that these cases concern mainly the lack of access to adequate medical care for persons held in detention;
2. recalled further that the question of individual measures has already been resolved, thus decided to close their supervision of the *Davtyan* case and adopted Final Resolution [CM/ResDH\(2019\)55](#);
3. noted with interest the updated information regarding the ongoing reforms of the prison health care system, in response to the shortcomings found by the Court and with due regard to the recommendations of the competent international and national monitoring bodies, particularly the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Human Rights Defender, as well as the outcome report of the CoE/EU joint project "Penitentiary reform - Strengthening Healthcare and Human Rights Protection in Prisons in Armenia";
4. strongly encouraged the authorities to ensure that the Centre for Penitentiary Medicine can rapidly start to function and invited them to submit further information on the timing for its establishment, and on the measures taken to ensure its adequate functioning, that its staffing needs are met and that it is provided with the necessary equipment and resources to operate effectively; strongly encouraged them also to continue their efforts to address fully the remaining concerns in relation to prisoners, notably the adequacy of available medication and access to specialist equipment, as well as initial medical screening, comprehensive and regular check-ups, and measures taken to ensure timely transfers to specialised medical institutions or specialised medical care;
5. recalled their satisfaction about the changes introduced in 2018 into the current Code of Criminal Procedure incorporating safeguards against ill-treatment;
6. noted the information submitted on domestic remedies and invited the authorities to provide further information on the measures foreseen so that detainees can obtain access to adequate health care, or obtain compensation where this is denied.

\* \* \*

## *Chiragov and Others*

Impossibility for persons displaced during the Nagorno-Karabakh conflict to gain access to their homes and properties in the region; lack of effective remedies (continuing violations of Article 1 of Protocol No. 1, Articles 8 and 13). Article 41 judgment awaited.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">13216/05</a>
<b>Judgment(s) final on</b>	16/06/2015
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016) : examination postponed

### **1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

#### *Decisions*

#### The Deputies

1. **agreed to postpone consideration of the cases *Chiragov and others v. Armenia* and *Sargsyan v. Azerbaijan*;**
2. agreed to postpone consideration of all aspects of the *M.S.S. group v. Greece* (foreseen for the 1259th meeting (June 2016) and the 1273rd meeting (December 2016));
3. agreed to consider the group of cases *United Macedonian Organisation Ilinden and Others v. Bulgaria* at their 1265th meeting (September 2016) (DH);
4. adopted the order of business accordingly revised.

### **1280<sup>th</sup> meeting (7-10March 2017)**

[List of decisions](#)

#### **Notes of the meeting**

#### *Decisions*

#### The Deputies

1. took note of the information given during the meeting by the Armenian authorities;
2. invited the authorities to present in an action plan the progress in their reflection on the ways and means to execute this judgment;
3. noted the contacts taken in 2016 between the Armenian authorities and the Secretariat, and invited them to continue their cooperation.

\* \* \*

## Virabyan

Ill-treatment of the applicant in police custody and failure to carry out an effective investigation, including into allegations that the ill-treatment was politically motivated (violation of Article 3 alone, and of Article 14 in conjunction with Article 3 procedural limb); violation of the presumption of innocence (Article 6(2)).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">40094/05</a>
Judgment(s) final on	02/01/2013
First decision of the Committee of Ministers	1230 <sup>th</sup> meeting (June 2015)

**[1230<sup>th</sup> meeting \(3-5 June 2015\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*Individual measures*

1. noted with interest the reopening of the criminal proceedings against the applicant and called upon the authorities to conduct the proceedings without delay and in full respect of the principle of presumption of innocence;
2. noted with interest the reopening of the investigation into the applicant's allegations of ill-treatment; and invited the authorities to ensure the investigation is conducted in an effective, independent, adequate and objective manner which should be aimed *inter alia* examining the possible political motives for the applicant's ill-treatment;
3. invited the authorities to keep the Committee updated on the progress of the re-opened proceedings and investigation, including the concrete steps that have been taken to address the shortcomings indicated by the Court;

*General measures*

4. noted with interest the criminalisation of acts of torture by public officials in the draft amendments to the Criminal Code, and the safeguards against ill-treatment foreseen in the draft Criminal Procedure Code; invited the authorities to indicate the next steps and time-table for the adoption of those draft texts, and encouraged them to adopt them without delay;
5. noted with serious concern, however, that, according to reports, ill-treatment by the police appears to persist; invited the authorities to take further practical steps to eliminate torture and ill-treatment; acknowledged the continued efforts of the police to raise awareness in this respect and recalled that members of police forces should be regularly reminded by their hierarchy, at all levels, that ill-treatment is not tolerated and that abuses will be punished;
6. considered the creation of the Special Investigative Service (SIS) as an important step forward and invited the authorities to indicate the measures taken or envisaged to ensure that the SIS is fully effective;
7. noted with satisfaction the abolition of the relevant provisions in the Criminal Procedure Code that led to the violation of the principle of the presumption of innocence and considered that no further measures appear necessary in this respect.

## Virabyan

Ill-treatment of the applicant in police custody and failure to carry out an effective investigation, including into allegations that the ill-treatment was politically motivated (violation of Article 3 alone, and of Article 14 in conjunction with Article 3 procedural limb); violation of the presumption of innocence (Article 6(2)).

**1273<sup>rd</sup> meeting (6-8 December 2016)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

#### Individual measures

1. welcomed the termination of the criminal proceedings and prosecution in respect of Mr. Virabyan for lack of *corpus delict* (exculpatory reasons) in compliance with the principle of presumption of innocence, and noted with interest the reopening of the criminal proceedings in the *Nalbandyan* case;
2. noted with interest the recent developments in the investigation into the applicant's allegations of ill-treatment in the *Virabyan* case and the reopening of the examination into the allegations of ill-treatment in the *Nalbandyan* case and invited the authorities to ensure that those proceedings are conducted in an effective and independent manner, recalling that in the *Virabyan* case the investigation should aim *inter alia* at examining the possible political motives for the applicant's ill-treatment;
3. invited the authorities to keep the Committee updated on the progress of the re-opened procedures, including the concrete steps that have been taken to address the shortcomings indicated by the European Court;
4. noted with concern that no information has been provided concerning the security of the participants in the court proceedings and the access to the court and invited the authorities to provide information about the measures taken or envisaged;

#### General measures

5. welcomed the criminalisation in the Criminal Code of acts of torture by public officials and noted with interest the progress in adoption of the new Code of Criminal Procedure which will stipulate the safeguards against ill-treatment; invited the authorities to indicate the next steps and time-table for its adoption and encouraged them to adopt it without delay;
6. noted with interest that, according to the latest report of the European Committee for the Prevention of Torture (CPT), the number of allegations of police ill-treatment has decreased, even if the phenomenon has not yet been entirely eradicated, and called on the authorities to continue their efforts in this respect;
7. noted also with interest the generally positive assessment by the CPT of the Special Investigative Service's activity and encouraged the authorities to continue their efforts in respect of it and to keep the Committee informed about further steps taken;
8. called on the authorities to provide information on the measures taken or envisaged to ensure that future investigations into alleged police ill-treatment and torture take full account of any plausible suggestion that ill-treatment was politically motivated.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

#### As regards individual measures

1. noted with satisfaction, in the *Virabyan* case, the identification of the persons responsible, the completion of the investigation, and also the steps taken to examine the possible political motives for ill-treatment, and noted the disapplication of the statute of limitations; noted with interest, in the *Nalbandyan* case, the recent developments in the investigation into the allegations of ill-treatment;
2. encouraged the authorities to pursue the investigation and re-opened proceedings (*Nalbandyan*) and judicial examination (*Virabyan*) in full compliance with the principles of effectiveness, independence, speediness and fair trial, and to inform

## Virabyan

ill-treatment of the applicant in police custody and failure to carry out an effective investigation, including into allegations that the ill-treatment was politically motivated (violation of Article 3 alone, and of Article 14 in conjunction with Article 3 procedural limb); violation of the presumption of innocence (Article 6(2)).

the Committee about the progress; invited them to provide information regarding the measures taken or envisaged in the *Ayvazyan* case;

### *As regards general measures*

3. welcomed the adoption of the new law abolishing pardons for the crime of torture; invited the authorities to submit statistical data and other relevant analytical information concerning investigations and prosecutions in respect of the new crime of torture contained in the Criminal Code;
4. noted with satisfaction the changes in the current Code of Criminal Procedure incorporating safeguards against ill-treatment and encouraged the authorities fully to implement those guarantees; reiterated their call on the authorities to adopt the draft Code of Criminal Procedure as soon as possible in view of the other guarantees envisaged;
5. noted with interest the intention of the authorities to abolish the statute of limitations and to prohibit amnesties for the crime of torture and encouraged them to adopt the relevant legislative amendments as soon as possible; encouraged them also to pursue their efforts to ensure the application of the Istanbul Protocol and improvement of the mechanisms for referring to the Special Investigative Service of allegations of torture and ill-treatment;
6. reiterated their call on the authorities to take further measures to ensure that future investigations of alleged police ill-treatment and torture take full account of any plausible suggestion that the ill-treatment was politically motivated;
7. noted with satisfaction the measures taken in connection with the security of participants during court hearings, as well as measures aimed at preventing excessive formalism in refusing to admit appeals filed by lawyers.

\* \* \*

*Gafgaz Mammadov (group)*

Dispersals and arrests of demonstrators.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">60259/11</a>
Judgment(s) final on	14/03/2016
First decision of the Committee of Ministers	1288 <sup>th</sup> meeting (June 2017)

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with concern that no information has been provided to the Committee in this group of cases;
2. consequently, urged the authorities to provide, without further delay, a comprehensive action plan /action report on individual and general measures taken or envisaged;
3. recalled that nine similar judgments were classified at this meeting as clones of the *Gafgaz Mammadov* group (see decision [CM/Del/Dec\(2017\)1288/B1-add2](#));
4. decided to resume consideration of these cases at their 1302nd meeting (December 2017) (DH).

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the right to freedom of assembly under Article 11 of the European Convention is a fundamental right in a democratic society;
2. recalling the Committee's previous decision and noting the constant influx of new cases in this group, expressed their deep concern regarding the continued absence of information;
3. invited firmly the authorities to provide, without further delay, a comprehensive action plan or action report on the individual and general measures taken or envisaged;
4. decided to resume consideration of these cases at their 1318<sup>th</sup> meeting (June 2018) (DH), at the latest, in the light of the information to be provided by the authorities.

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling anew that the right to freedom of assembly under Article 11 of the European Convention is a fundamental right in a democratic society;
2. expressed anew their deep concern regarding the continued absence of information on legislative and other action taken to address the structural problems revealed by the present group of cases;
3. called firmly upon the authorities to provide, without further delay, a comprehensive action plan or action report on the measures taken or envisaged.

\* \* \*

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">15172/13</a>
Judgment(s) final on	13/10/2014
First decision of the Committee of Ministers	1214 <sup>th</sup> meeting (December 2014)

**[1214<sup>th</sup> meeting \(2-4 December 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. as regards individual measures and considering the circumstances of the case, called upon the authorities, to ensure the applicant's release without delay;
2. in view of the preoccupying reports about the applicant's health condition, called upon the authorities to urgently take any necessary action and provide rapidly information in this respect;
3. invited the authorities to indicate the further measures taken or planned in order to give effect to the Court's judgment, and to erase rapidly, as far as possible, the remaining consequences for the applicant of the serious violations established;
4. noted, in this context, that the criminal proceedings, the initiation of which was criticised by the European Court, are still pending before the Supreme Court;
5. recalled the general problem of the arbitrary application of criminal legislation to restrict freedom of expression and conveyed their particular concern about the finding of a violation of Article 18 taken in conjunction with Article 5 of the Convention;
6. therefore called upon the Azerbaijani authorities to furnish, without delay, concrete and comprehensive information on the measures taken and/or planned to avoid that criminal proceedings are instituted without a legitimate basis and to ensure effective judicial review of such attempts by the Prosecutor's office;
7. expressed concern about the repetitive nature of the breach of the principle of presumption of innocence by the Prosecutor General's Office and members of the government, despite several judgments of the Court which, since 2010, have indicated the precise requirements of the Convention in this regard, and insisted on the necessity of rapid and decisive action in order to prevent similar violations in the future;
8. further noted that the violations of Article 5 of the Convention concerning arrest and detention on remand are already examined in the context of the *Farhad Aliyev* group of cases;
9. decided to resume examination of the individual measures at the 1221st meeting (March 2015) (DH).

**[1222<sup>nd</sup> meeting \(11-12 March 2015\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

The Deputies adopted Interim Resolution CM/ResDH(2015)43.

**Interim Resolution [CM/ResDH\(2015\)43](#)****Execution of the judgment of the European Court of Human Rights  
*Ilgar Mammadov* against Azerbaijan**

*(Adopted by the Committee of Ministers on 12 March 2015 at the 1222nd meeting of Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (hereinafter "the Convention");

Recalling that the violations found in this case, and in particular that of Article 18 in conjunction with Article 5, challenge the foundation of the criminal proceedings against the applicant who is an opposition politician, expressed its very serious concern

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

about the fact that the applicant is still detained despite the obligation of Azerbaijan to comply with the judgment of the Court;

Reiterated with insistence its call to the authorities to ensure without further delay the applicant's release and to adopt the other measures necessary to erase the consequences of the violations established, in particular that of Article 18 taken in conjunction with Article 5 of the Convention;

Noted, in this regard, that the applicant's appeal against his conviction is still pending before the Supreme Court, and expressed its deep concern about the fact that the Supreme Court has postponed its consideration *sine die*;

Reiterated its call upon the Azerbaijani authorities to provide, without delay, concrete and comprehensive information on the measures taken and/or planned to avoid that criminal proceedings are instituted without a legitimate basis and to ensure effective judicial review of such attempts by the Prosecutor's office, as well as to prevent new violations of the presumption of innocence by the Prosecutor's office and members of the government;

Decided to resume consideration of these issues at its 1230th meeting (June 2015) (DH).

**1230<sup>th</sup> meeting (3-5 June 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalling that the violations found, and in particular that of Article 18 in conjunction with Article 5, challenge the foundation of the criminal proceedings against the applicant, an opposition politician, and that the Committee called with insistence on the Azerbaijani authorities to ensure without further delay the applicant's release and to adopt the other measures necessary to erase the consequences of the violations for the applicant (see in particular Interim Resolution CM/ResDH(2015)43);
2. noted with very serious concern that despite these calls, the authorities have still not either secured this release or reported any other progress in the adoption of the necessary individual measures, and notably that the applicant's appeal to the Supreme Court is still postponed *sine die*;
3. faced with this situation, initiated a new call, this time to the highest State authorities, to act without further delay with a view to ensuring by all appropriate means the immediate release of the applicant as well as the adoption of other necessary measures ;
4. underlined, furthermore, the urgency of obtaining information on the general measures envisaged to avoid any circumvention of legislation by prosecutors and/or judges for purposes other than those prescribed, as well as to prevent new violations of the presumption of innocence;
5. decided to resume consideration of this case at their 1236th meeting (September 2015) (DH) and, if the applicant is not released in due time for the meeting, to consider the adoption of stronger measures.

**1236<sup>th</sup> meeting (22-24 September 2015)**

[List of decisions](#)

**Notes of the meeting***Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2015\)156](#).

**Interim Resolution [CM/ResDH\(2015\)156](#)****Execution of the judgment of the European Court of Human Rights  
Ilgar Mammadov against Azerbaijan**

*(adopted by the Committee of Ministers on 24 September 2015 at the 1236th meeting of Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46 § 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provide that the Committee supervises the execution of final judgments of the European Court of Human Rights ("the Court" below);



*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

Concerning the individual measures, recalled that the violations found, and in particular that of Article 18 taken together with Article 5, call into question the well-foundedness of the criminal proceedings against the applicant, a political opposition figure;

Deeply deplored that, notwithstanding the Committee's decisions and Interim Resolution CM/ResDH(2015)43, the applicant has still not been released;

Firmly reiterated its call that the applicant be released immediately and strongly urged the authorities to guarantee his physical integrity in the meantime;

Expressed concerns about the current situation of Khalid Bagirov, who was the applicant's representative until his licence was suspended;

Expressed moreover its deepest concern in respect of the lack of adequate information on the general measures envisaged to avoid any circumvention of legislation for purposes other than those prescribed, which represents a danger for the respect of the rule of law;

Exhorted the authorities to resume the dialogue with the Committee in order to achieve rapid and concrete progress in the execution of this judgment;

Underlined, in view of the situation, the obligation of every member State of the Council of Europe to comply with its obligations under Article 3 of the Statute of the Council of Europe which provides: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council [of Europe] ..";

Called on the authorities of the member States and the Secretary General to raise the applicant's situation with the highest authorities in Azerbaijan in order to get him released; invited the observer States to the Council of Europe and international organisations to do the same;

Decided to examine this case at its 1243rd meeting (December 2015) (DH).

**1243<sup>rd</sup> meeting (8-9 December 2015)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. underlined that the violations of Article 18 of the Convention combined with Article 5 found by the European Court of Human Rights in the judgment *Ilgar Mammadov v. Azerbaijan* (final on 13/10/2014) challenge the foundation of the criminal proceedings against Ilgar Mammadov, an opposition politician, and that the Committee of Ministers has, since December 2014, been requesting the Azerbaijani authorities to release Ilgar Mammadov and to ensure his physical integrity;
2. strongly deplored that, despite numerous calls of the Committee of Ministers, the applicant has still not been released;
3. insisted anew on the necessity for the authorities to ensure, without further delay, the applicant's release and to guarantee his physical integrity in the meantime and insisted on the need for the Azerbaijani authorities to respond as a matter of urgency to all Rule 9 submissions concerning the applicant's situation;
4. noted that the Supreme Court of Azerbaijan ordered only a partial cassation, which does not appear to take into account the findings of the European Court in the applicant's case and, in particular, those relating to the violation of Article 18 in conjunction with Article 5;
5. urged the authorities to translate into Azerbaijani the decisions and resolutions of the Committee of Ministers and to disseminate them to all the authorities concerned, including the referring court, namely the Sheki Court of Appeal;
6. noted also with concern the absence of any information on the general measures taken or envisaged to avoid any further circumvention of legislation for purposes other than those prescribed;
7. reiterated their call upon the Azerbaijani authorities to provide, without delay, concrete and comprehensive information on the measures taken and/or envisaged to avoid that criminal proceedings are instituted without a legitimate basis and to ensure effective judicial review of such attempts by the Prosecutor's office;

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

8. also reiterated their call on the authorities of the member States and the Secretary General to raise the applicant's situation with the highest authorities in Azerbaijan in order to get him released, as well as their invitation to the observer States to the Council of Europe and international organisations to do the same;
9. agreed to resume consideration of the individual measures at their 1250th meeting (March 2016) (DH) and, in the event that the applicant has not been released before then, to consider the possibility of including an item on his situation on the agenda of each regular and Human Rights meeting of the Committee, until such time as he is released;
10. decided to resume consideration of the general measures at their 1250th meeting (March 2016) (DH).

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling their previous decisions and interim resolutions, noted with the greatest concern that:
  - the applicant has still not been released despite the fundamental flaws of the criminal proceedings engaged against him, as established by the European Court's judgment;
  - no response been given to the demand for guarantees as to his physical integrity in the meantime;
  - so far no domestic court has addressed the violation of Article 18 combined with Article 5 found by the Court and that the examination of the case before the Sheki Court of Appeal has been postponed *sine die*;
  - there has still been no information about any relevant general measure to prevent violations of the rule of law through abuse of power of the kind established in the Court's judgment;
2. recalling Azerbaijan's undertaking to abide by the judgment by virtue of Article 46 § 1 of the Convention, exhorted the Azerbaijani authorities to ensure without further delay the applicant's release and to guarantee his physical integrity in the meantime;
3. reiterated with insistence their invitation to the authorities to provide, without delay, concrete and comprehensive information on the measures taken and/or envisaged to prevent other cases of circumvention of legislation by prosecutors and/or judges for purposes other than those prescribed, as well as to prevent new violations of the presumption of innocence;
4. agreed to resume consideration of this case at their 1259th meeting (June 2016) (DH), and, in the event that the applicant has not been released by the time of finalisation of the revised draft Order of Business for that meeting, instructed the Secretariat to prepare a draft interim resolution foreseeing stronger measures, to be circulated with that document.

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2016\)144](#).

**Interim Resolution [CM/ResDH\(2016\)144](#)****Execution of the judgment of the European Court of Human Rights  
Ilgar Mammadov against Azerbaijan**

*(adopted by the Committee of Ministers on 8 June 2016 at the 1259th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46 § 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provide that the Committee supervises the execution of final judgments of the European Court of Human Rights ("the Court" below);

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

Deeply deploring that, despite the Court's findings on the fundamental flaws of the criminal proceedings engaged against him and notwithstanding the Committee's repeated calls, the applicant still has not been released;

Recalling that it is intolerable that, in a State subject to the rule of law, a person should continue to be deprived of his liberty on the basis of proceedings engaged, in breach of the Convention, with a view to punishing him for having criticised the government;

Recalling that the obligation to abide by the judgments of the Court is unconditional;

INSISTS that the highest competent authorities of the respondent State take all necessary measures to ensure without further delay Ilgar Mammadov's release;

DECLARES the Committee's resolve to ensure, with all means available to the Organisation, Azerbaijan's compliance with its obligations under this judgment;

DECIDES in view thereof to examine the applicant's situation at each regular and Human Rights meeting of the Committee until such time as he is released.

**1265<sup>th</sup> meeting (20-21 September 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. deeply deploring that Ilgar Mammadov is still imprisoned notwithstanding the Court's findings as regards the fundamental shortcomings in the criminal proceedings against him; underlining that his continuing detention fails entirely to satisfy the obligation under Article 46 § 1 of the Convention;
2. recalled once again the commitment freely undertaken by Azerbaijan under Article 46 § 1 of the Convention to comply with the judgments of the European Court, as well as the requirement for each member State to comply with its obligations under Article 3 of the Statute of the Council of Europe;
3. expressed their grave concern about the continuing silence of the Azerbaijan authorities as regards the implementation of the individual measures required;
4. noted further that the applicant's appeal against conviction is still pending before the Supreme Court; underlined the urgent need for the appeal to be examined rapidly and urged the Azerbaijan authorities to specify the relevant time-table;
5. finally, expressed their deepest concern about the absence of any information from the authorities concerning the general measures taken or envisaged to prevent violations of the rule of law through abuse of power of the kind established in the Court's judgment.

**1273<sup>rd</sup> meeting (6-8 December 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. noting with the utmost concern that, more than two years after the final judgment of the European Court and notwithstanding the repeated calls of the Committee of Ministers and the Secretary General on the respondent State to release the applicant, he remains detained;
2. recalling the previous decisions and interim resolutions adopted by the Committee of Ministers, particularly the repeated calls of the Committee for the immediate release of the applicant;
3. deeply deplored that the criminal proceedings against the applicant concluded on 18 November 2016 before the Supreme Court without the consequences of the violations found by the European Court having been drawn, in particular, that of Article 18 taken in conjunction with Article 5 of the Convention;

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

4. firmly reiterated that it is not acceptable that, in a state subject to the rule of law, an individual remains deprived of his liberty on the basis of proceedings carried out in violation of the Convention in order to punish him for having criticised the government and that, in consequence, the continuing arbitrary detention of Ilgar Mammadov constitutes a flagrant breach of the obligations under Article 46, paragraph 1, of the Convention;
5. affirmed their determination to ensure the implementation of the judgment by actively considering using all the means at the disposal of the Organisation, including under Article 46, paragraph 4 of the European Convention on Human Rights;
6. finally expressed their deep concern about the absence of any information from the authorities concerning the general measures taken or envisaged to prevent violations of the rule of law through abuse of power of the kind established in the European Court's judgment; in this respect, encouraged Azerbaijan to engage in meaningful dialogue with the Committee of Ministers.

**1280<sup>th</sup> meeting (7-10 March 2017)**
[List of decisions](#)
[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling their previous decisions and interim resolutions calling for the immediate release of Ilgar Mammadov and in particular their decision of December 2016 affirming their determination to ensure the implementation of the judgment by actively considering using all the means at the disposal of the Organisation;
2. reiterating their utmost concern that he is still detained;
3. in this respect took note with interest of the Azerbaijani authorities' commitment to examine all avenues discussed during the mission of the representative of the Secretary General to execute the *Ilgar Mammadov* judgment, as well as of the recent Presidential Executive Order which foresees promising measures for the execution of this judgment;
4. invited the authorities to keep the Committee informed of the concrete measures adopted on the basis of this Executive Order and in particular of those enabling the release of Ilgar Mammadov without further delay;
5. noted the indication given during the meeting by the Azerbaijani authorities that the just satisfaction has been paid to Ilgar Mammadov in December 2015 and that proceedings are ongoing for the payment of the just satisfaction granted to Rasul Jafarov; invited them to confirm this information in writing;
6. finally, invited the authorities to provide information concerning the rejection of Rasul Jafarov's request for the reopening of the criminal proceedings against him.

**1288<sup>th</sup> meeting (6-7 June 2017)**
[List of decisions](#)
[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards Ilgar Mammadov*

1. recalled their previous decisions and interim resolutions and, in particular, their firm determination to ensure the implementation of this judgment by actively considering using all the means at the disposal of the Organisation, including under Article 46, paragraph 4 of the European Convention on Human Rights;
2. recalled further the Presidential Executive Order of 10 February 2017, which, according to the authorities, is expected to lead to the adoption of legislative measures for the execution of this judgment;
3. noted that, according to the information provided by the authorities during the meeting, the Parliament will be in session until the end of June 2017; urged the authorities to submit in time for adoption in June 2017 the draft laws prepared pursuant to the aforementioned Presidential Executive Order;
4. regretted that, notwithstanding these positive developments, Mr. Mammadov remains detained;

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

5. further urged the authorities to follow all other possible means capable of fully executing the present judgment and ensuring Mr. Mammadov's unconditional release without any further delay;

*As regards Rasul Jafarov*

6. noted the information provided by the authorities during the meeting that the payment of just satisfaction to the applicant is underway and invited them to provide rapidly confirmation in writing of the payment of the just satisfaction; reiterated their request to the authorities to provide information in writing concerning the rejection of Rasul Jafarov's request for the reopening of the criminal proceedings against him.

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

*Situation of Mr Ilgar Mammadov***Special notes regarding the situation of Mr Ilgar Mammadov***Decisions*

## The Deputies

1. recalling that in the above judgment the European Court held that no facts or information had been produced giving rise to a suspicion justifying the bringing of charges against the applicant or his arrest and pre-trial detention and that the actual purpose of these measures was to silence or punish him for criticising the government, so that the case disclosed violations of Article 5 § 1 of the Convention and Article 18 taken in conjunction with Article 5; recalling further that a joint press statement by the Prosecutor General's Office and the Ministry of Internal Affairs of Azerbaijan during the investigations was found by the Court to have prejudged the assessment of the facts by the courts in violation of the presumption of innocence protected by Article 6 § 2 of the Convention;
2. recalling their previous decisions and interim resolutions, in particular, their firm determination to ensure the implementation of this judgment by actively considering using all the means at the disposal of the Organisation;
3. noted the information provided about the progress of the implementation of the Presidential Order of 10 February 2017 and invited the authorities to provide detailed information about the legislative amendments foreseen, in particular the draft amendments to the Criminal Code already transmitted to the Parliament in June 2017, for adoption during the autumn session, and those of the Code of Criminal Procedure and the Code of Execution of Sentences, which the authorities envisage to submit subsequently to the Parliament;
4. expressed their gravest concern that, almost three years after the Court's judgment became final, Mr Mammadov remains imprisoned;
5. instructed the Secretariat to prepare a draft interim resolution giving formal notice to Azerbaijan, as provided for under Article 46 § 4 of the Convention, of the Committee's intention to bring before the Court the question whether Azerbaijan has failed to fulfil its obligation under Article 46 § 1 for consideration at their 1298<sup>th</sup> (25 October 2017) meeting, should no tangible progress be made in ensuring the applicant's release.

*Other issues raised in this group***Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures concerning the Rasul Jafarov case*

1. urged the authorities to pay without delay the remaining amount of just satisfaction, including default interest;
2. in view of the seriousness of the consequences which the applicant continues to suffer despite his early release, urged the authorities to explore all avenues including a reopening of the impugned proceedings in order to erase the consequences of the violations found;

*As regards general measures*

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

3. noted with interest the information provided about the progress of the implementation of the Presidential Order of 10 February 2017 and invited the authorities to provide detailed information about the legislative amendments foreseen, in particular the draft amendments to the Criminal Code already transmitted to the Parliament in June 2017, for adoption during the autumn session, and those of the Code of Criminal Procedure and the Code of Execution of Sentences, which the authorities envisage to submit subsequently to the Parliament;
4. further urged the authorities to provide information on the other measures foreseen in the Presidential Order of relevance for the prevention of violations of the rule of law through abuse of power of the kind established in the European Court's judgments in the *Ilgar Mammadov* group of cases.

**1298<sup>th</sup> meeting (25 October 2017)**

[List of decisions](#)

[Notes of the meeting](#)

### Interim Resolution [CM/ResDH\(2017\)379](#)

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

Recalling that in the above judgment the Court found not only a violation of Article 5 § 1, as no facts or information had been produced giving rise to a suspicion justifying the bringing of charges against the applicant or his arrest and pre-trial detention, but also a violation of Article 18 taken in conjunction with Article 5, as the actual purpose of these measures was to silence or punish him for criticising the government; recalling further that a joint press statement by the Prosecutor General's Office and the Ministry of Internal Affairs of the Republic of Azerbaijan during the investigations was found by the Court to have prejudged the assessment of the facts by the courts in violation of the presumption of innocence protected by Article 6 § 2 of the Convention;

Recalling the respondent State's obligation, under Article 46 § 1 of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, in addition to the payment of the just satisfaction 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*;

Recalling the Committee's numerous decisions and interim resolutions calling, in view of the fundamental flaws in the criminal proceedings revealed by the Court's conclusions under Article 18 of the Convention combined with Article 5, for the immediate and unconditional release of the applicant;

Stressing that over three years have elapsed since the Court's judgment became final and that the applicant remains imprisoned on the basis of the flawed proceedings;

Considers that by not ensuring the applicant's unconditional release, the Republic of Azerbaijan is refusing to abide by the final judgment of the Court in the present case;

Therefore, serves formal notice on the Republic of Azerbaijan of its intention, at its 1302<sup>nd</sup> meeting (DH) on 5 December 2017, to refer to the Court, in accordance with Article 46 § 4 of the Convention, the question whether the Republic of Azerbaijan has failed to fulfil its obligation under Article 46 § 1, and invites the Republic of Azerbaijan to submit in concise form its view on this question by 29 November 2017 at the latest.

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

[Notes of the meeting](#)

#### *Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2017\)429](#).

.....

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"),

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

Recalling its Interim Resolution CM/ResDH(2017)379 serving formal notice on the Republic of Azerbaijan of its intention, at its 1302 meeting (DH) on 5 December 2017, to refer to the Court, in accordance with Article 46 § 4 of the Convention, the question whether the Republic of Azerbaijan has failed to fulfil its obligation under Article 46 § 1 to abide by the Court's judgment of 22 May 2014 in the *Ilgar Mammadov* case, and inviting the Republic of Azerbaijan to submit in concise form its view on this question by 29 November 2017 at the latest;

Recalling anew

- a. that in its above-mentioned judgment, the Court found not only a violation of Article 5 § 1 of the Convention, as no facts or information had been produced giving rise to a suspicion justifying the bringing of charges against the applicant or his arrest and pre-trial detention, but also a violation of Article 18 taken in conjunction with Article 5, as the actual purpose of these measures was to silence or punish him for criticising the government;
- b. the respondent State's obligation, under Article 46 § 1 of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, in addition to the payment of the just satisfaction 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*;
- c. the Committee's call, at its first examination on 4 December 2014, of the individual measures required in the light of the above judgment to ensure the applicant's release without delay;
- d. the Committee's numerous subsequent decisions and interim resolutions stressing the fundamental flaws in the criminal proceedings revealed by the Court's conclusions under Article 18 combined with Article 5 of the Convention and calling for the applicant's immediate and unconditional release;
- e. that the criminal proceedings against the applicant concluded on 18 November 2016 before the Supreme Court without the consequences of the violations found by the European Court having been drawn, in particular, that of Article 18 taken in conjunction with Article 5 of the Convention;
- f. that, over three years since the Court's judgment became final, the applicant remains in detention on the basis of the flawed criminal proceedings;

Considers that, in these circumstances, by not having ensured the applicant's unconditional release, the Republic of Azerbaijan refuses to abide by the final judgment of the Court;

Decides to refer to the Court, in accordance with Article 46 § 4 of the Convention, the question whether the Republic of Azerbaijan has failed to fulfil its obligation under Article 46 § 1;

The concise views of the Republic of Azerbaijan on the question raised before the Court are appended hereto:

#### Appendix: Views of the Republic of Azerbaijan

##### INTRODUCTION

1. At their 1298 meeting of 25 October 2017, the Ministers' Deputies adopted Interim Resolution CM/ResDH(2017)379, in which the Committee served formal notice on the Republic of Azerbaijan of its intention, at its 1302nd meeting (DH) on 5 December 2017, to refer to the Court, in accordance with Article 46 § 4 of the Convention, the question whether the Republic of Azerbaijan has failed to fulfil its obligation under Article 46 § 1 of the Convention arising following the Court's judgment in *Mammadov v. Azerbaijan* no.15172/13, 22 May 2014).
2. In response to the Committee's invitation extended in the Deputies' above Interim Resolution, the Government of the Republic of Azerbaijan submit their views concerning the question of execution of the Court's judgment in the above case.

##### THE FACTS

3. On 4 February 2013 the applicant was charged with criminal offences under Articles 233 (organising or actively participating in actions causing a breach of public order) and 315.2 (resistance to or violence against public officials, posing a threat to their life or health) of the Criminal Code, and arrested by the decision of the Nasimi District Court. On 30 April 2013 the applicant was charged under Articles 220.1 (mass disorder) and 315.2 of the Criminal Code.
4. On 17 March 2014 the Sheki Court for Serious Crimes convicted the applicant under Articles 220.1 and 15.2 of the Criminal Code and sentenced him to seven years' imprisonment.
5. On 24 September 2014 the Sheki Court of Appeal upheld the judgment of the court of first instance. Article 407.2 of the Criminal Code of the Republic of Azerbaijan provides that the judgment shall be final immediately after delivery of the decision of the Court of Appeal. Accordingly, as from 24 September 2014, the applicant was not under the pre-trial detention; he was serving his sentence.



*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

6. On 22 May 2014 the Court (First Section) adopted judgment, in which it found violation of Article 5 §§ 1 (c) and 4, Article 6 § 2 of the Convention, and Article 18 of the Convention taken in conjunction with Article 5 of the Convention. This judgment was final on 13 October 2014.

## THE COMMITTEE OF MINISTERS' PROCEDURES FOR SUPERVISION OF EXECUTION OF THE COURT'S JUDGMENTS

7. Rule 6 of the CM Rules reads as follows:

- "1. When, in a judgment transmitted to the Committee of Ministers in accordance with Article 46, paragraph 2, of the Convention, the Court has decided that there has been a violation of the Convention or its protocols and/or has awarded just satisfaction to the injured party under Article 41 of the Convention, the Committee shall invite the High Contracting Party concerned to inform it of the measures which the High Contracting Party has taken or intends to take in consequence of the judgment, having regard to its obligation to abide by it under Article 46, paragraph 1, of the Convention.
2. When supervising the execution of a judgment by the High Contracting Party concerned, pursuant to Article 46, paragraph 2, of the Convention, the Committee of Ministers shall examine:
- a. whether any just satisfaction awarded by the Court has been paid, including as the case may be, default interest; and
  - b. if required, and taking into account the discretion of the High Contracting Party concerned to choose the means necessary to comply with the judgment, whether:
    - i. individual measures have been taken to ensure that the violation has ceased and that the injured party is put, as far as possible, in the same situation as that party enjoyed prior to the violation of the Convention;
    - ii. general measures have been adopted, preventing new violations similar to that or those found or putting an end to continuing violations."

## INDIVIDUAL MEASURES ADOPTED

8. On 25 December 2014 a total amount of 22,000 euros was paid to the applicant in respect of non-pecuniary damage and costs and expenses.
9. By its decision of 13 October 2015, the Supreme Court quashed the Sheki Court of Appeal's judgment of 4 September 2014, finding that the lower court's rejection of the applicant's requests for examination of additional witnesses and other evidence had been in breach of the domestic procedural rules and the requirements of Article 6 of the Convention. The case was remitted to the Sheki Court of Appeal for a new examination in compliance with the domestic procedural rules and the Convention requirements.
10. On 29 April 2016 the Sheki Court of Appeal finalized examination of the applicant's case and upheld the judgment of the Sheki Court for Serious Crimes of 17 March 2014. It, particularly carefully addressed the Court's conclusions drawn in the present judgment and remedied the deficiencies found in the proceedings leading to the applicant's conviction.

## GENERAL MEASURES

11. In December 2015, under Article 52 of the Convention, the Secretary General of the Council of Europe launched an inquiry to find out how the domestic law in any member state makes sure that the convention is properly implemented.
12. On 11 January 2017 the mission set up by the Secretary General visited Azerbaijan and held discussions, with judicial, legislative and executive authorities, to cover all issues related to execution of the Court's judgment in the applicant's case. Authorities have confirmed their readiness to examine all avenues suggested by the mission to further execute the Court's judgment.
13. On 10 February 2017, President of the Republic of Azerbaijan signed Executive Order "On improvement of operation of penitentiary, humanization of penal policies and extension of application of alternative sanctions and non-custodial procedural measures of restraint".
14. Executive Order covered a number of questions raised by the Court in its judgment, including existence of reasonable suspicion of having committed an offence at the time of arrest and consideration of alternative measures of restraint by relevant authorities.
15. Further humanisation of penal policies in Azerbaijan was listed among the aims of the document. It said that, in application of measures of restraint by investigation authorities and courts, provisions of criminal procedure law concerning grounds for arrest should be strictly complied with, and the level of application of alternative sanctions and measures of procedural compulsion extended to attain aims of punishment and of measure of restraint through non-custodial means.



*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

16. The President of the Republic of Azerbaijan recommended to the Supreme Court, the General Prosecutor's Office and instructed the Ministry of Justice with elaboration of the draft laws concerning decriminalisation of certain crimes; provision of the sentences alternative to imprisonment; development of grounds for non-custodial measures of restraint and sentences alternative to imprisonment; wider application of institutions of substitution of remainder of imprisonment by lighter punishment, parole and suspended sentence; extension of cases of application of measures of restraint alternative to arrest; simplification of rules for amendment of arrest by alternative measures of restraint; and further limitation of grounds for arrest for low-risk or less serious crimes.
17. The President also recommended to the Office of the Prosecutor General to start with examination of alternative measures of restraint when considering motions for arrest.
18. It was also recommended to the courts that they examine the existence of reasonable suspicions of individual's having committed an offence and grounds for arrest, when deciding on measure of restraint, and arguments in favour of alternative measures.
19. According to Executive Order, the Supreme Court shall hold continued analysis of case law of the courts concerning application of arrest and imposition of imprisonment.
20. On 20 October 2017 the Milli Medjlis of the Republic of Azerbaijan adopted the Law on Amendments to the Criminal Code, amending more than three hundred provisions of the criminal legislation. Along with decriminalization of certain acts, the law provides for introduction of sanctions alternative to imprisonment and more simplified rules concerning early release. It shall enter into force on 1 December 2017. The law provides for inclusion of Article 76.3.1-1 opening possibility of conditional release after serving of two-thirds of the term of imprisonment imposed for commitment of serious crimes. Further to this amendment, the applicant would be eligible for conditional release as from 4 August 2017.
21. On 1 December 2017 the Parliament shall also examine, in the third reading, amendments to the Code of Criminal Procedure and the Penal Code, which are in line with the recommendations addressed in the Presidential Decree.
22. In the meantime, following the recommendations given to the investigation and judicial authorities, the number of detainees held in the pretrial detention facilities continues to decrease: the number of detainees held in pretrial detention facilities decreased by 25% in nine months. In addition, the number of judicial decisions concerning the arrest of individuals decreased by 24% in comparison to 2016.
23. In sum, having regard to absence of the Court's any ruling to secure the applicant's immediate release and the discretion of the High Contracting Party to choose the means necessary to comply with the Court's judgment, the Government consider that they implement necessary measures to comply with the Court's judgment in the present case."

**1331<sup>st</sup> meeting (4-6 December 2018)**[List of decisions](#)

No decision

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)

No decision

**1344<sup>th</sup> meeting (24 April 2019) - Ordinary meeting**[List of decisions](#)

*Decision*

The Deputies, in light of the information provided concerning the release of the applicant, decided to continue their examination of this item in the context of the Committee of Ministers' Human Rights meetings.

*Ilgar Mammadov*

Arrest and pre-trial detention to punish the applicant for having criticised the government, in breach of Article 18 taken in conjunction with Article 5.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalling that in the present cases, concerning eight different applicants, the European Court found “a troubling pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law” and that “the domestic courts, being the ultimate guardians of the rule of law, systematically failed to protect the applicants against arbitrary arrest and continued pre-trial detention”;

*As regards individual measures*

2. recalling also that the payment of the just satisfaction awarded by the Court is an unconditional obligation, urged the authorities, without further delay, to pay the amounts still owing to the applicants in this group, including any default interest which has accrued, and inform the Committee accordingly;
3. underlining that the primary aim of individual measures is to achieve *restitutio in integrum*, that is, to put an end to the breach of the Convention and make reparation for its consequences in such a way as to restore as far as possible the situation existing before the breach, requested the authorities to provide information on the current situation of all the applicants and the individual measures which could be taken to erase the consequences of the impugned criminal proceedings;

*As regards general measures*

4. having regard to the violations found by the Court in these cases, in particular the violations of Article 18, urged the authorities to adopt effective and comprehensive measures to ensure the protection of critics of the government, civil society activists and human rights defenders from retaliatory prosecutions, arbitrary arrest and detention and other misuse of criminal law, including by reinforcing the effectiveness of judicial protection against such practices;
5. in this context, noted with interest the Executive Order of February 2017 and the Presidential Decree of April 2019, and requested further information on the measures included to combat abuse of power and to strengthen judicial independence and the timetable planned for their implementation;
6. decided to supervise the general measures relating to the violation of Article 3 in the *Aliyev* case under the *Insanov* group of cases and the general measures relating to the violation of Article 6 § 2 in the *Ilgar Mammadov* case under the *Mahmudov and Agazade* group;
7. requested the information referred to above on the general measures taken or foreseen as regards the other violations in the present group, and on the individual measures, in time for their further examination of this group at their 1355<sup>th</sup> meeting (September 2019) (DH);
8. having received notification from the European Court of Human Rights of its judgment of 29 May 2019 concerning proceedings decided under Article 46 § 4 in the case of *Ilgar Mammadov v. Azerbaijan*, decided to resume consideration of this group of cases at their 1355<sup>th</sup> meeting (September 2019) (DH).

\* \* \*

*Insanov*

Violation of Article 3 due to inhuman and degrading detention conditions; Violations of Article 6 in criminal and civil proceedings.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	16133/08
<b>Judgment(s) final on</b>	14/06/2013
<b>First decision of the Committee of Ministers</b>	1236 <sup>th</sup> meeting (September 2015)

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*Individual measures*

1. strongly urged the authorities to respond to the applicant's complaints concerning his conditions of detention and to ensure that he is detained in conditions which are in accordance with Article 3, and to keep the Committee informed in that respect;
2. also requested the authorities to provide urgently information on the progress of the applicant's reopened civil proceedings in which he complains about his conditions of detention;
3. noted the re-opening of the criminal proceedings impugned by the European Court as a significant step towards erasing the consequences of the violation of Article 6 of the Convention;
4. invited the authorities however to confirm that the proceedings were attended by witnesses identified by the European Court as necessary to ensure the fairness of the trial, that the applicant (or his representative) was able to question those witnesses; and also to explain in detail how the applicant was able to consult with his lawyers in a confidential setting during the trial;

*General measures*

5. invited the authorities to take rapidly a position in respect of the general measures needed to remedy the violations of Article 6;
6. as regards the conditions of detention, considered it encouraging that Baku Detention Facility No. 1 was demolished and replaced, and that the sanitary facilities criticised by the Court in Penal Facility No. 13 have recently been renovated;
7. invited the authorities to provide further information on the current situation of prison overcrowding, in order to make a full assessment of the situation;
8. decided to resume consideration of this case at their DH meeting in March 2016.

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*General measures*

1. noted that with the introduction of a heating system and the recent renovation of the sanitary facilities, two of the three cumulative elements found by the European Court to contribute to an overall situation of degrading treatment in Prison Facility 13 appear to have been addressed;
2. considered that, whilst the situation of overcrowding in the Facility remains unclear, in light of the European Court's finding that this element alone was not severe enough to amount to ill-treatment, it would be more appropriate to focus their supervision as regards general measures on the other violations in this case and strongly urged the authorities to take rapidly a position in respect of the general measures needed to remedy the violations of Article 6;

*Individual measures*

*Insanov*

Violation of Article 3 due to inhuman and degrading detention conditions; Violations of Article 6 in criminal and civil proceedings.

3. recalled that it is imperative that the applicant be detained in conditions which are in accordance with Article 3 and that the Committee of Ministers be provided with concrete information confirming that this is the case; therefore insisted anew on the necessity for the authorities, as a matter of urgency, to respond to the applicant's complaints, ensure the appropriateness of his detention conditions and inform the Committee accordingly;
4. underlined their deep concern that the reopened civil proceeding, brought by the applicant to complain about his conditions of detention, do not appear to be advancing and firmly reiterated their request to the authorities to provide information about the likely timetable;
5. noted that the reopened criminal proceedings are now pending before the Supreme Court but expressed their deep concern about the fact that the Supreme Court has postponed its consideration *sine die* and similarly requested the authorities to inform the Committee as to when the Supreme Court hearing is likely to take place.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

[Notes of the meeting](#)

### *Decisions*

#### The Deputies

1. recalled that the present two cases concern the inhuman and degrading treatment of the applicants on account of their conditions of detention as well as the unfairness of certain civil and criminal proceedings;

#### *As regards individual measures*

2. noted the information provided by the authorities on 7 February 2019, shortly before the meeting, about Mr Insanov's current conditions of detention in Penal Facility No. 11, and invited them to provide updated information in case of any change;
3. urged the authorities rapidly to provide detailed information on Mr Rzakhanov's current conditions of detention in Gobustan Prison, in particular with respect to his daily out-of-cell time and the possibilities for recreational or educational activities, as well as confirmation that this judgment has been widely disseminated to all relevant domestic bodies;
4. noted that the reopened civil proceedings concerning Mr Insanov's complaint about his conditions of detention were discontinued on account of his apparent lack of interest to pursue this matter further;
5. noted further with interest that the failure to hear certain witnesses in the criminal trial of Mr Insanov, found by the European Court to have been unfair on this ground, appears to have been addressed by the domestic courts in the reopened proceedings; recalled, however, that the Court was also critical of the lack of opportunity for the applicant to consult confidentially with his lawyers, and requested clarification as to how this defect was addressed during the reopened proceedings;

#### *As regards general measures*

6. welcomed, in the context of the violations of Article 3, the authorities' agreement to publish all previous reports drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), following their visits to the country, together with the authorities' responses, and strongly encouraged them to authorise also the publication of all future CPT reports;
7. strongly underlined the pressing need to continue efforts to improve conditions of detention in general and invited the authorities to provide information on the concrete measures taken or planned to improve the situation in Gobustan Prison, which houses life-sentenced prisoners, and in respect of which the Court specifically criticised the lack of sufficient out-of-cell time and recreational and educational activities;
8. further requested clarification concerning the procedural safeguards relating to decisions to place detainees in solitary confinement and their review;
9. noted with satisfaction, in the context of the violations of Article 6, the wide dissemination of the *Insanov* judgment with a view to preventing similar violations;
10. invited the authorities to submit information on domestic legislation and practice demonstrating the participation of detainees in civil proceedings concerning their conditions of detention;

## *Insanov*

Violation of Article 3 due to inhuman and degrading detention conditions; Violations of Article 6 in criminal and civil proceedings.

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11. encouraged the authorities to provide information on further general measures already underway, including within the framework of the Council of Europe's Action Plan for Azerbaijan 2018-2021, or still required to ensure fair trials in criminal proceedings, in particular as regards the defence rights to effective legal assistance, cross-examination of witnesses and confidential consultation with lawyers;
12. invited the authorities to submit detailed updated information on all aspects by 31 December 2019.

\* \* \*

*Mahmudov and Agazade (group) / Fatullayev*

Violation of right to freedom of expression, arbitrary application of the law on defamation.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">35877/04-40984/07</a>
<b>Judgment(s) final on</b>	18/03/2009 - 04/10/2010
<b>First decision of the Committee of Ministers</b>	<a href="#">1078<sup>th</sup> meeting</a> (March 2010)

**1188<sup>th</sup> meeting (15 January 2014)**[List of decisions](#)**Notes of the meeting***The Deputies*

1. took note of the information and updated action plan provided by the Azerbaijani authorities in response to the Committee of Ministers' Interim Resolution [CM/ResDH\(2013\)199](#) and its decision adopted at their 1186th meeting (3-5 December 2013) (DH);
2. noted, as regards the problems related to the legislation on defamation, the information that the necessary legislative work was continuing and welcomed the authorities' commitment to continue the co-operation with the Venice Commission;
3. expressed, however, their serious concern that no timetable had been provided for the speedy adoption of this long overdue reform and noted further that the information provided does not alleviate the need to urgently adopt measures ensuring that prison sanctions may not be resorted to save in exceptional circumstances;
4. called on the Azerbaijani authorities to rapidly submit a timetable ensuring the swift adoption of all necessary measures;
5. concerning the execution of the Fatullayev case, noted with interest, as regards the complex problem of arbitrary application of other criminal laws to unjustifiably limit freedom of expression, that tangible information had now been provided, in particular indicating that new measures had been adopted to ensure the independence of judicial system and the training of both judges and prosecutors on the relevant requirements of the Convention and invited the Secretariat to present a detailed assessment for their next examination of this aspect of the execution of this Group of cases;
6. decided that a letter would be sent from the Chair of the Committee of Ministers, inviting the member of the government responsible for these issues for an exchange of views on the implementation of the judgments to be held at their 1193rd meeting (4-6 March 2014) (DH); and invited the Azerbaijani authorities to pursue their close co-operation with the Secretariat on the concrete modalities to execute these judgments.

**1193<sup>rd</sup> meeting (4-6 March 2014)**[List of decisions](#)**Notes of the meeting***Decision**The Deputies*

1. welcomed the presence of the Deputy Minister of Justice of Azerbaijan;
2. noted that the revised action plan submitted in response to the Committee of Ministers' decision of 15 January 2014 was received only on 27 February 2014, following the authorities' consultations with the Secretariat, and expressed regret that a more detailed examination of the plan for the present meeting was thus not possible;
3. as regards freedom of expression, regretted that the action plan did not contain a time-table for the adoption of the necessary reforms as called for in the above-noted decision, and again urged the authorities to submit this time-table in time for its examination at their 1201st meeting (June 2014) (DH);
4. welcomed the decision of the Plenum of the Supreme Court of 21 February 2014 which highlights, in line with the Committee's above-mentioned decision, the necessity of ensuring that prison sentences be imposed only in exceptional circumstances and which decision also draws the attention of domestic courts to other Convention requirements in the field of freedom of expression;
5. noted with interest the legislative proposal made by the Plenum relating to the imposition of prison sentences in defamation cases, welcomed the authorities' intention to submit it to the Venice Commission, and invited the authorities, in co-operation with the Venice Commission, to ensure that the general legislative changes necessary are rapidly adopted, sufficiently precise and fully in line with the Convention requirements;

*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

6. noted with interest the information regarding practical measures, such as further training and awareness raising, to ensure that the Convention requirements are rapidly and fully integrated in the general practice of prosecutors and courts, and stressed the importance of continuing efforts in this respect;
7. as regards the arbitrary application of other criminal legislation unduly limiting freedom of expression, noted with interest the fact that detailed information was submitted as to measures implemented by the authorities to ensure the independence of the judiciary, individual's access to justice and the non-interference with judicial activities and instructed the Secretariat to complete, in close co-operation with the authorities, its assessment of the measures presented and detailed in the action plans submitted;
8. decided to resume the examination of all the issues raised by the present judgments at their 1201<sup>st</sup> meeting.

**1201<sup>st</sup> meeting (June 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

## The Deputies

1. in light of recent developments revealing continuing serious problems in the enjoyment of freedom of expression in Azerbaijan, underlined that this freedom constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress;
2. recalling the important directions given by the Plenum of the Supreme Court of 21 February 2014 regarding the requirements of freedom of expression in defamation cases, stressed the urgent necessity of special training and other measures to ensure that the well-established case-law of the European Court in this field becomes firmly anchored in the practice of judges and prosecutors;
3. stressed in this context, the importance, as also underlined by the Plenum of the Supreme Court, of ensuring that sanctions imposed, whether in the context of criminal or civil defamation proceedings, are not disproportionate and do not have a "chilling effect" on freedom of expression;
4. took note of the commitment of the authorities to bring forward the legislation on criminal defamation in early 2015, expressed concern at this delay, called for confirmation of the legislative time-table in writing and for the immediate resumption of co-operation with the Secretariat and the Venice Commission so that the legislation pertaining to defamation becomes sufficiently precise and fully in line with the Convention requirements;
5. as regards the problem of arbitrary application of other criminal legislation to unjustifiably limit freedom of expression, recalled the extensive information provided at the last Human Rights meeting as to measures adopted to improve the independence of judges and about the continuing reflection on the necessity of further measures;
6. nevertheless, having regard to the above-mentioned recent developments on the state of freedom of expression in Azerbaijan, urged the authorities to rapidly enhance their efforts to overcome this problem through further reforms, including by strengthening judicial independence *vis à vis* the executive and prosecutors (taking into account the Eastern partnership project recommendations), by further targeted training and by better practical guidance, notably from the Supreme Court and the General Prosecutor's Office;
7. strongly encouraged the authorities to take full advantage of the different co-operation and assistance programmes organised or proposed by the Council of Europe, notably in the context of the recently adopted Action Plan for Azerbaijan;
8. expressed serious concern with the lack of substantial information from the authorities of Azerbaijan and with the lack of progress in implementing the judgments;
9. instructed the Secretariat to submit outstanding questions to the authorities of Azerbaijan no later than 30 June 2014 for their response no later than 31 July 2014;
10. decided to resume consideration of the case at their 1208th meeting (September 2014) (DH), and in the absence of tangible information, instructed the Secretariat to prepare a draft interim resolution for consideration at that meeting.

*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. adopted Interim Resolution [CM/ResDH\(2014\)183](#);
2. decided to resume their detailed examination of the issues raised by this Group of cases at their 1214th meeting (December 2014) (DH).

**Interim resolution [CM/ResDH\(2014\)183](#)****Execution of the judgments of the European Court of Human Rights*****Mahmudov and Agazade* against Azerbaijan*****Fatullayev* against Azerbaijan***(adopted by the Committee of Ministers on 25 September 2014 at the 1208th meeting of Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (hereinafter "the Convention"),

Recalling that the present cases concern violations of the applicants' right to freedom of expression, in particular on account of both their unjustified convictions and sentences of imprisonment for defamation as well as on account of the arbitrary application of other criminal laws to the detriment of freedom of expression, namely anti-terrorism legislation and legislation against incitement to ethnic hatred (violations of Article 10); and violations of the right to an impartial tribunal and of the right to presumption of innocence (*Fatullayev* case, violations of Articles 6§1 and 6§2);

Recalling its Interim Resolution [CM/ResDH\(2013\)199](#) as well as the different decisions adopted since then;

Noting with interest, as regards *the legislation on defamation*, that, in response to the Committee's decision of June 2014, the authorities intend to submit the legislative proposal of the Plenum of the Supreme Court (aimed at reducing the imposition of prison sentences in defamation cases) to the parliamentary session of autumn 2014 and to co-operate with the Secretariat on this issue;

Invited the authorities to specify, given the Court's case-law, in the final text of their legislative proposal the situations in which it remains possible to impose prison sentences, as well as to report on the state of progress of the larger draft "law on defamation" submitted to the Venice Commission in 2012 and on the measures adopted with a view to resuming co-operation with the latter;

Insisted on the need to receive urgently a timetable of the different stages of this process;

Insisted, further, on the importance of training and awareness-raising measures for the attention of judges and prosecutors, in the continuation of the decision of principle of the Plenum of the Supreme Court of February 2014, in order to ensure that the Convention requirements are fully taken into account when applying the legislation relevant to defamation, including as regards awarding proportionate damages and interest in civil defamation cases;

Reiterating, as regards the *arbitrary application of criminal legislation to limit freedom of expression*, that the present situation raises serious concerns, in particular on account of the reported recent use of different criminal laws - similar to the ones used in the present Group of cases (accusations of illegal activities, abuse of authority, treason, hooliganism or other crimes which can have close links to the legitimate exercise of the freedom of expression) - against journalists, bloggers, lawyers and members of NGOs;

Noted with interest, in this connection, the initiative to reintroduce the working Group composed of members of the presidential administration and civil society, while underlining the importance of other rapid and concrete action, including by the highest authorities and in particular the Supreme Court, in order to ensure effective protection against arbitrariness and to guarantee that every conviction likely to affect freedom of expression is supported by "sufficient and relevant" reasons, fully in line with the Convention requirements;

Noted further with interest, as regards the independence of the judiciary, that amendments were introduced in June 2014 to the law on judges and courts, reinforcing notably the budgetary independence of the Judicial and Legal Council which seems to respond to certain recommendations made in the framework of the Eastern Partnership project;



*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

Urged, nonetheless, the authorities to explore further measures to ensure the independence of the judiciary, taking into account the different proposals expressed before the Committee;

Also invited the authorities to take urgently other measures in order to ensure a non-arbitrary application of the criminal legislation, thereby respecting freedom of expression;

Recalled, in this latter respect, the importance of strengthening training activities for judges and prosecutors aiming at better delimiting the protected right of freedom of expression, on the one hand, and criminal responsibility, on the other hand, and the interest, in this perspective, of having a new decision of the Plenum of the Supreme Court in order to guide the application by judges and prosecutors of the criminal legislation which may have close links with freedom of expression and to ensure that the requirements of this freedom are fully respected;

Invited the authorities, in the pursuit of the reforms, to seize the opportunities offered by the Action Plan of the Council of Europe for Azerbaijan and to advance rapidly with the other measures required in this Group of cases (violations of Articles 6§1 and 6§2);

Insisted, moreover, on receiving, without further delay, detailed information on all criminal charges pending against the applicants' representative in the present Group of cases, who is also the representative in several applications in the *Namat Aliyev* Group of cases, equally under examination by the Committee, as well as in numerous applications currently pending before the Court in relation to freedom of expression.

**1214<sup>th</sup> meeting (2-4 December 2014)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. recalled the Interim Resolution [CM/ResDH\(2014\)183](#) adopted in September 2014 and the different indications given therein with respect to the pursuit of the execution of the present group of cases;
2. considered, in view of the number of outstanding questions, that it is essential to obtain, as a matter of priority and urgently, tangible results in the areas noted below; underlined, in this context, the importance of the fullest co-operation with the Venice Commission with a view to achieving these results;
3. *as regards defamation*, reiterated their call on the authorities to ensure progress (including with the provision of a timetable) for:
  - (i) the adoption of the necessary legislative amendments aimed at reducing the possibility of imposing prison sentences in defamation cases, on the basis of the proposal of the Plenum of the Supreme Court; and
  - (ii) the elaboration of the larger draft "law on defamation", in close co-operation with the Venice Commission;
4. *as regards the problem of the arbitrary application of the criminal law to limit freedom of expression*, urged the highest state authorities to intervene and provide the necessary guidance in order to prevent this type of violation and reiterated, in this regard, the importance of a new general decision by the Plenum of the Supreme Court to guide judges and prosecutors;
5. noted also in this regard the importance of strengthening relevant training activities organised for judges and prosecutors;
6. expressed their concern regarding the lack of information on the criminal charges pending against Intigam Aliyev (the representative of the applicants in several judgments, the execution of which is pending before the Committee of Ministers) and reiterated their request to receive this information;
7. invited the authorities to submit information about progress in all of these respects by 1 April 2015 and decided to resume the consideration of these cases at their 1229<sup>th</sup> meeting (June 2015) (DH).

*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling their Interim Resolution CM/ResDH(2014)183 of 25 September 2014 and their last decision of 4 December 2014, and reiterating their concerns as regards the arbitrary application of criminal laws to restrict freedom of expression;
2. deeply deplored the absence of any information in response to their latest decision, as well as of any progress, including on the advancement in the adoption of necessary legislative amendments concerning defamation;
3. exhorted the authorities to cooperate fully with the Committee of Ministers and to deploy all their efforts to adopt the necessary measures to eliminate the causes of the violations found by the Court and, in this context, strongly reiterated their call on the authorities to seize the opportunities offered by the Action Plan of the Council of Europe for Azerbaijan;
4. moreover, strongly deplored the fact that no information was provided either on the criminal charges or on the reasons for the recent conviction of Mr Intigam Aliyev, the applicants' representative notably in the case of *Mahmudov and Agazade*, to seven and a half years' imprisonment, and reiterated their request to receive this information without delay;
5. decided to resume consideration of these cases at their 1236th meeting (September 2015) (DH).

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress;
2. therefore expressed their deepest concern in respect of the absence of any adequate response to the problem of the arbitrary application of the criminal law to restrict this fundamental freedom;
3. recalling the Committee's previous decisions and Interim Resolution [CM/ResDH\(2014\)183](#), exhorted the authorities to resume the dialogue with the Committee in order to achieve rapid and concrete progress in the execution of these judgments;
4. expressed their deep concern regarding the absence of clarifications concerning the charges, and the reasons for the conviction of Intigam Aliyev, the applicants' representative notably in the case of *Mahmudov and Agazade*, and reiterated firmly their request for such clarification and urged the authorities to guarantee his physical integrity;
5. decided to resume consideration of these cases at their 1243rd meeting (December 2015) (DH) and, in the absence of tangible progress by the time of finalisation of the revised draft Order of Business for that meeting, asked the Secretariat to prepare a draft interim resolution to be circulated with that document.

*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

**1243<sup>rd</sup> meeting (8-9 December 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. instructed the Secretariat to prepare a document taking stock of the co-operation of Azerbaijan with the Venice Commission concerning the issues relevant to the execution of the *Mahmudov and Agazade* group;
2. adopted Interim Resolution [CM/ResDH\(2015\)250](#) as it appears in Appendix.

**Interim Resolution [CM/ResDH\(2015\)250](#)****Execution of the judgments of the European Court of Human Rights****Mahmudov and Agazade against Azerbaijan****Fatullayev against Azerbaijan**

*(adopted by the Committee of Ministers on 9 December 2015  
at the 1243<sup>rd</sup> meeting of Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (hereinafter "the Convention");

Recalling that the problems revealed by the present cases, notably the inadequacy of the legislation on defamation and the arbitrary application of criminal legislation to limit freedom of expression, have been pending before the Committee of Ministers since 2009 and 2010 respectively;

Recalling its previous decisions and resolutions in these cases;

Expressed anew its deepest concern in respect of the absence of any adequate response to the problem of the arbitrary application of the criminal law to restrict this fundamental freedom and deplored that, notwithstanding the undertakings given, necessary amendments to the law on defamation have not been introduced;

Reiterated, in this context, its deep concern about the criminal conviction of Mr Intigam Aliyev, the applicants' representative notably in the case of *Mahmudov and Agazade*;

Stressed anew that freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress, and that efficient guarantees against arbitrary application of criminal legislation are capital for the respect of the Rule of Law;

Exhorted anew the authorities to resume the dialogue with the Committee of Ministers;

Exhorted them also to adopt without further delay measures demonstrating their determination to solve the problems revealed, in particular that of the arbitrary application of criminal legislation to limit freedom of expression;

Decided to resume consideration of these cases at its 1250<sup>th</sup> meeting (March 2016) (DH).

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. regretting that the recent information provided on measures adopted to come to grips with the problem of the arbitrary application of criminal law to limit freedom of expression and the use of disproportionate sanctions for defamation to a very large extent repeated earlier information submitted by the authorities and deemed insufficient by the Committee;
2. noting the absence of other information regarding on-going efforts to address these problems;
3. noting nevertheless with satisfaction that the practice of the courts since 2011 of not resorting to criminal convictions for defamation continues to hold;
4. stressing the importance of achieving rapid and tangible progress in the adoption of necessary measures to secure freedom of expression and ensure respect for the rule of law in Azerbaijan;

*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

5. urged the authorities to take concrete steps to achieve such progress, in particular by further strengthening judicial independence and through reinforced action under the Action Plan for Azerbaijan 2014-2016 as well as constructive dialogue with all relevant Council of Europe bodies/institutions, including the Venice Commission;
6. recalled the concerns expressed in the Interim Resolution [CM/ResDH\(2015\)250](#) as regards the criminal conviction of the applicants' representative in the case of *Mahmudov and Agazade*, and noted the statement and previous information of the Azerbaijani authorities in this respect;
7. invited delegations to provide the Secretariat, no later than 18 March 2016, with any written questions they would like to be put to the authorities of Azerbaijan; instructed the Secretariat to transmit these questions to the authorities of Azerbaijan no later than 23 March 2016; and invited the authorities to provide their answers in writing no later than 14 April 2016;
8. decided to resume consideration of these cases at their 1259th meeting (June 2016) (DH) and, in the absence of tangible progress before then, to instruct the Secretariat to prepare a new draft interim resolution to be circulated with the draft revised order of business for that meeting.

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. adopted Interim Resolution [CM/ResDH\(2016\)145](#);
2. decided to resume consideration of this group of cases at their 1273rd meeting (December 2016) (DH).

**Interim Resolution [CM/ResDH\(2016\)145](#)**

**Execution of the judgments of the European Court of Human Rights**

**Mahmudov and Agazade against Azerbaijan**

**Fatullayev against Azerbaijan**

*(adopted by the Committee of Ministers on 8 June 2016 at the 1259<sup>th</sup> meeting of Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (hereinafter "the Convention");

Recalling that the problems revealed by the present cases, notably the arbitrary application of criminal legislation to limit freedom of expression and the inadequacy of the legislation on defamation in view of the case-law of the European Court of Human Rights, have been pending before the Committee of Ministers since 2009 and 2010 respectively;

Recalling its previous decisions and resolutions in these cases and in particular the invitation made to the authorities to take concrete measures to achieve rapid and tangible progress in the adoption of the necessary measures to secure freedom of expression and ensure respect for the rule of law in Azerbaijan;

Noting with interest the responses of the authorities to additional questions asked by delegations, regarding recent measures of awareness-raising and confirming the practice developed by the courts not to resort to criminal convictions for defamation;

Noting also the conditional release of the applicants' lawyer in the case of *Mahmudov and Agazade*;

Considering, however, that this information is not such as to relieve the concerns expressed by the Committee in the face of the problems identified in these cases or to remove the necessity for further reforms;

CALLS on the highest competent authorities to appreciate fully the requirements of the European Convention on Human Rights concerning the respect for freedom of expression and the rule of law;

REITERATES therefore its call to the authorities to strengthen judicial independence *vis-à-vis* the executive and prosecutors, ensure the legality of the action of prosecutors and ensure the adequacy of the legislation on defamation;

INSISTS in this context on the necessity to strengthen without further delay the dialogue with all the relevant bodies / institutions of the Council of Europe, including in the framework of the Action Plan for Azerbaijan.

*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

**1273<sup>rd</sup> meeting (6-8 December 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. reiterated firmly their call to the highest competent authorities to appreciate fully the requirements of the European Convention on Human Rights concerning the respect for freedom of expression and the rule of law;
2. recalled in this respect the indications provided in their previous decisions and interim resolutions;
3. deeply regretted that no information had been submitted since their last examination of this group at their 1259<sup>th</sup> meeting (June 2016) (DH) on any measure taken to address the problem of arbitrary application of criminal law to limit freedom of expression, in particular to strengthen judicial independence vis-à-vis the executive and prosecutors, and to ensure the legality of the action of prosecutors;
4. regretted similarly the absence of information on measures taken to ensure the adequacy of the legislation on defamation and expressed, in this context, grave concern in face of the recent legislative amendments to the Criminal Code introducing new defamation offences subject to imprisonment irrespective of whether incitement to violence or hatred is involved;
5. reiterated once again the importance of meaningful dialogue between Azerbaijan and the Committee of Ministers and the Secretariat regarding the problems revealed by this group of cases, and of the adoption of measures demonstrating Azerbaijan's determination to solve these problems; in this context, noted the willingness expressed by Azerbaijan to cooperate with the Council of Europe;
6. decided to resume consideration of these cases at their 1280 meeting (March 2017) (DH).

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalling their earlier decisions in these cases;
2. noted with interest the adoption of the Presidential Executive Order of 10 February 2017, which would appear to be a promising development for this group of cases also;
3. invited the authorities to keep the Committee of Ministers informed of any additional relevant information in this respect, and to indicate whether the measures envisaged will include changes to the legislation on defamation;
4. decided to resume consideration of these cases at their 1294<sup>th</sup> meeting (September 2017) (DH).

*Mahmudov and Agazade (group) / Fatullayev*

Violation of the right to freedom of expression, arbitrary application of the law on defamation.

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled the importance attached by the Committee to finding solutions to the problems related to freedom of expression and the respect of the rule of law raised by the present group of cases, as stressed notably in Interim Resolution [CM/ResDH\(2016\)145](#);
2. in this context, noted with interest the information provided recently about the progress of the implementation of the Presidential Order of 10 February 2017, and invited the authorities to provide further information as to the more detailed content of the legislative amendments underway with a view to allowing an assessment of their contribution to the prevention of the arbitrary application of criminal law to limit freedom of expression and to the alignment of the law on defamation with the requirements of the Convention, notably as regards the possibilities of imposing prison sentences;
3. in this context, also stressed the importance of the judiciary in ensuring the implementation of the law, including the new legislative framework being developed, in full independence and in line with Convention requirements and encouraged the authorities to continue and further develop training activities and other relevant measures to this effect;
4. decided to resume their examination of the progress made in the execution of this group of cases at their DH meeting in June 2018 at the latest, in the light of further information to be provided by the authorities.

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling their earlier decisions and interim resolutions in this group of cases and stressing anew the importance of finding solutions to the problems related to freedom of expression and to respect for the rule of law raised by the present group of cases (see notably Interim Resolution [CM/ResDH\(2016\)145](#));
2. recalling in this context their invitation, in the decision adopted at their 1294<sup>th</sup> meeting (September 2017) (DH), to the authorities to provide further information as to the more detailed content of the legislative amendments underway in the implementation of the Presidential Order of 10 February 2017, in order to allow an assessment of their contribution to the execution of the present group of cases;
3. expressed concern at the absence of such information as well as information on further measures taken or planned to effectively address the important problems revealed, and urged the authorities to provide relevant information without delay.

\* \* \*

*Mirzayev (group) / Humbatov (group) /  
Tarverdiyev (group)*

Non-enforcement of final domestic judgements.

<b>Status of execution</b>	Mirzayev - Humbatov - Tarverdiyev
<b>Application(s) No(s).</b>	50187/06 - 13652/06 - 33343/03
<b>Judgment(s) final on</b>	03/03/2010 - 03/03/2010 - 26/10/2007
<b>First decision of the Committee of Ministers</b>	1144 <sup>th</sup> meeting (June 2012)

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalling that these cases concern the non-enforcement of three major categories of final domestic court decisions: a) decisions ordering the eviction of internally displaced persons (IDPs) unlawfully occupying the applicants' properties; b) decisions pertaining to other kinds of property rights, such as restoration of the applicants' right to use a plot of land; and c) decisions ordering the applicants' reinstatement in their previous posts;

*As regards individual measures*

2. decided to close the supervision of 13 repetitive cases of these groups given that the just satisfaction has been paid and the domestic court decisions have been enforced, and adopted Final Resolution [CM/ResDH\(2019\)140](#);
3. as regards the remaining cases, urged the authorities to take all necessary steps with a view to ensuring a rapid enforcement of the domestic court decisions concerned and to keep the Committee informed about the progress made;
4. encouraged the authorities to find solutions, in close contact with the Secretariat, in those cases where the enforcement of the domestic court decision appears to have reached a stalemate, with a view to finding other means of achieving *restitutio in integrum* in line with the findings of the European Court in these cases;

*As regards general measures*

5. noting that full and effective execution of domestic court decisions is a cornerstone of the rule of law, urged the authorities to intensify their efforts in order to remedy the remaining shortcomings in the national judicial system and to prevent recurrence of similar violations;
6. in the context of the *Mirzayev* group, noted with interest the measures undertaken by the authorities in recent years to provide IDPs unlawfully residing in other persons' apartments with alternative housing, and strongly encouraged the authorities to do their utmost to abide by the time frame of mid-2020 set for IDPs' resettlement;
7. noted further with interest the 2019 Presidential Decree on the deepening of reforms in the judicial and legal system and invited the authorities to provide the Committee with detailed information on the measures envisaged and their expected impact on the present cases;
8. in the context of the ongoing judicial reforms, urged the authorities to introduce effective domestic remedies to complain about the non-enforcement of court decisions in line with the Court's case-law, drawing upon the Council of Europe's expertise and the practice of other member States;
9. took note of the 2019 co-operation project "Strengthening the efficiency and quality of the judicial system in Azerbaijan", implemented by the European Commission for the Efficiency of Justice (CEPEJ), which includes the improvement of the enforcement of domestic court decisions, and invited the authorities to keep the Committee informed about the progress of this project';
10. invited the authorities to provide updated information on all outstanding issues by 30 June 2020.

\* \* \*

*Muradova (group) / Mammadov (Jalaloglu) (group) /  
Mikayil Mammadov (group)*

Excessive use of force by the security forces and lack of effective investigations.

<b>Status of execution</b>	Muradova- Mammadov (Jalaloglu)– Mikayil Mammadov
<b>Application(s) No(s).</b>	22684/05-34445/04-4762/05
<b>Judgment(s) final on</b>	02/07/2009 - 11/04/2007 - 17/03/2010
<b>First decision of the Committee of Ministers</b>	1086 <sup>th</sup> meeting (June 2010) - 1194 <sup>th</sup> meeting (September 2017)

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted with concern that no tangible information has been provided to the Committee in these cases since 2010 (*Mikayil Mammadov* and *Mammadov (Jalaloglu)*) and 2013 (*Muradova* group);
2. consequently, urged the authorities to provide, without further delay, information on the investigations that were reopened and explanations of how these re-opened investigations are in line with Convention requirements, and of how the institutional independence of investigating bodies is ensured, as well as on the payment of the just satisfaction;
3. urged the authorities to submit, without further delay, a comprehensive action plan on the work in progress and/or completed with a view to addressing all the deficiencies identified by the Court in these cases and to include therein a thorough analysis of the necessary general measures to prevent similar violations;
4. decided to resume consideration of these cases at their DH meeting in March 2018.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that the concerns previously raised by the Committee regarding the lack of information on the investigations into deaths of the applicants' next of kin or ill-treatment allegedly imputable to law enforcement officers, have not been alleviated;
2. noted that many of these concerns are presently being discussed in the context of on-going co-operation projects and in the context of the discussions on a new Action Plan between the Council of Europe and Azerbaijan;
3. welcomed the recent information submitted *with respect to the implementation of* the Presidential Executive Order of 11 February 2017 and the initiatives taken by the Prosecutor General and the Minister of Internal affairs in this regard; noted with interest the instructions *given to* police officers and prosecutors to ensure the prevention of torture / inhuman or degrading treatment against detained or arrested persons; to initiate investigations into allegations of torture / inhuman or degrading treatment and to secure medical forensic examinations of the person concerned in presence of their defence lawyer;
4. invited the authorities to provide, in the light of the experiences gained in the context of ongoing co-operation projects and the results of the discussions on a new Action Plan with the Council of Europe and other relevant considerations, information on the further measures envisaged to address the outstanding issues in these groups of cases.

\* \* \*



*Namat Aliyev (group)*

Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	18705/06
<b>Judgment(s) final on</b>	08/07/2010
<b>First decision of the Committee of Ministers</b>	1179 <sup>th</sup> meeting (September 2013)

**1193<sup>rd</sup> meeting (4-6 March 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

## The Deputies

1. noted that, in response to the Committee of Ministers' decision in December 2013 (1186th meeting) (DH), a consolidated action plan was submitted by the Azerbaijani authorities at the end of February;
2. expressed regret that the plan was submitted so shortly before the present meeting that no detailed assessment thereof has been possible;
3. instructed the Secretariat to rapidly make a detailed evaluation of the action plan in co-operation with the authorities in order to allow for a thorough examination of the important questions raised by the present Group of cases at their 1201st meeting (June 2014) (DH).

**1201<sup>st</sup> meeting (June 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

## The Deputies

1. stressed the need to rapidly overcome the important problem of the arbitrary application of legislation and of the absence of procedures affording adequate safeguards against arbitrariness and that this requires remedial action in a number of areas;
2. recalled the extensive information submitted at the last DH meeting (March 2014) as regards measures adopted to improve the independence of judges and that the necessity of further measures was under consideration;
3. strongly encouraged the authorities to rapidly undertake further reforms, taking into account the recommendations made in the context of the Eastern partnership project;
4. noted with interest that judicial review in electoral matters is, since 2009, no longer governed by the rigid rules of the Code of Civil Procedure, but by the new, less formalistic, Code of Administrative Procedure and invited the authorities to provide a more detailed explanation of the way in which the new Code is meant to resolve the problems revealed by the Court's judgments;
5. noted the potential of targeted practical guidance from the Supreme Court, in line with the approach of its decision of 21 February 2014 regarding the Convention requirements in the area of defamation, and stressed the importance of continued training efforts to ensure the efficiency of judicial review;
6. regretted that no information has been provided regarding the shortcomings established in the proceedings before the Constitutional Court and urged the authorities to rapidly submit this information;
7. as regards the functioning of the electoral commissions, expressed regret that the information submitted, although extensively describing the present situation, does not allow a comprehensive evaluation of progress made as compared to the situation criticised by the Court and invited the authorities to submit, without delay, a detailed impact assessment of the changes and how they may prevent new similar violations;
8. strongly encouraged the authorities, in the pursuit of their efforts to resolve the problems raised by the present Group of cases, to take full advantage of the different co-operation and assistance programmes organised or proposed by the Council of Europe, notably in the context of the recently adopted Action Plan for Azerbaijan;

*Namat Aliyev (group)*

Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.

9. in view of the importance of the outstanding issues, urged the authorities to submit the fullest information as to the progress made in the adoption of the different measures still required, within the time-limit for furnishing information for the next DH meeting, namely 3 July 2014;
10. decided, accordingly, to resume consideration of these questions at the 1208th meeting (September 2014) (DH).

**1208<sup>th</sup> meeting (23-25 September 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

## The Deputies

1. recalling their decision of June 2014 (1201st meeting DH), noted with interest that a revised action plan has been provided by the authorities in response to that decision;
2. concerning the functioning of electoral commissions, noted in particular the clarifications given regarding the expert Groups set up in 2008 to assist those commissions but considered, however, that this reform does not appear to resolve the problems revealed by the Court's judgments as regards the independence, transparency and legal quality of the procedure before these commissions;
3. therefore called upon the authorities to provide further information on the above issues and on the additional measures envisaged to remedy the outstanding problems and encouraged them to pursue their efforts to train the members of the electoral commissions and of the expert Groups;
4. concerning the functioning of the judiciary, noted with interest that the introduction, in 2011, of the Code of Administrative Procedure for electoral disputes, appears to respond to a series of important problems raised by the Court's judgments in the *Namat Aliyev* Group of cases as regards the excessive formalism of the courts when examining appeals;
5. as regards, in particular, the independence of the judiciary, noted with interest the amendments adopted to the law on judges and courts in June 2014 reinforcing, notably, the budgetary independence of the Judicial and Legal Council, amendments which seem to respond to certain recommendations made in the context of the Eastern Partnership project;
6. urged, however, the authorities to explore further measures, taking into account the different proposals presented before the Committee, aimed at limiting the influence of the executive within the Judicial and Legal Council in the area of the nomination, promotion and disciplinary sanctions of judges; at reinforcing the Council's competencies in these areas; and at improving the relevant regulatory framework;
7. underlined again the potential of targeted practical guidance from the Supreme Court, in line with the approach in its decision of 21 February 2014 regarding the Convention requirements in the area of defamation;
8. underlined further the importance of training efforts to ensure the efficiency of judicial control and invited the authorities to take into account the additional possibilities offered in this respect by the Action Plan of the Council of Europe for Azerbaijan 2014-2016;
9. as regards the shortcomings of the procedure before the Constitutional Court identified by the European Court, invited the authorities to provide further clarifications concerning the results of the examination of the *Kerimli and Alibeyli* judgment by the General Assembly of the Constitutional Court in October 2012;
10. invited the authorities to provide, at the latest by 1 December 2014, further information on the outstanding questions, in particular on the actions envisaged or adopted to resolve them, and decided to resume detailed examination of those issues at their meeting of March 2015.

*Namat Aliyev (group)*

Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.

**1222<sup>nd</sup> meeting (11-12 March 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. relying on their numerous decisions since 2013, raising the same preoccupations in this group of cases;
2. as regards the independence, transparency and legal competence of electoral commissions, noted that the recent information provided is still limited to training for members of these commissions, and reiterated that such measures are not sufficient of themselves to solve the problems identified by the Court;
3. as regards the effectiveness of judicial review, noted with interest the reforms achieved and, more recently, those of 30 December 2014, aimed notably at further limiting the influence of the executive within the Judicial and Legal Council; noted at the same time that the effectiveness of these reforms will have to be demonstrated in practice;
4. reiterated the importance, in view of the imminence of the next legislative elections in November 2015, of properly functioning electoral commissions and of courts with the capacity to review the legality of the decisions of these commissions;
5. therefore urged the authorities to initiate, without delay, any action capable of further improving the system of control of the regularity of these elections in order to prevent any arbitrariness and, in particular to:
  - co-operate with the Venice Commission and make full use of the additional possibilities offered by the Action Plan of the Council of Europe for Azerbaijan;
  - make sure that a clear message is sent to electoral commissions by the highest competent authorities that no illegality nor arbitrary action will be tolerated;
6. underlined, in this context, the crucial importance of targeted practical guidance from the Supreme Court, based on the European Court's judgments, complemented, if necessary, by appropriate instructions to electoral commissions;
7. also underlined the importance of ensuring that the proceedings before the Constitutional Court provide the guarantees required by the Convention, in particular, as regards the right to appear in person before it and with regard to transparency (case of *Kerimli and Alibeyli*);
8. invited delegations to provide the Secretariat, no later than 20 March 2015, with any written questions they would like to be put to the authorities of Azerbaijan; instructed the Secretariat to transmit these questions to the authorities of Azerbaijan no later than 25 March 2015; and invited the authorities to provide their answers in writing no later than 9 April 2015;
9. decided to resume consideration of these issues at their 1230th meeting (June 2015) (DH).

**1230<sup>th</sup> meeting (3-5 June 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalling their decision of March 2015 and reiterating strongly once again, in light of the imminence of the forthcoming parliamentary elections in November 2015, the importance of the proper functioning of electoral commissions and a real capacity of the courts to review the legality of the decisions of these commissions;
2. deeply deplored the absence of any information in response to their latest decision concerning concrete actions aimed at further improving the system of control of the regularity of these elections in order to prevent any arbitrariness;
3. exhorted the authorities to fully cooperate with the Committee of Ministers and to deploy all their efforts to adopt the necessary measures to eliminate the causes of the violations found by the Court and, in this context, strongly reiterated their call on the authorities to seize the opportunities offered by the Action Plan of the Council of Europe for Azerbaijan, in particular as regards the co-operation between the electoral commissions and the Venice Commission;
4. reiterated also the importance of a clear message being sent by the highest authorities to electoral commissions that no illegality or arbitrary action will be tolerated;

*Namat Aliyev (group)*

Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.

5. decided to resume consideration of this group of cases at their 1236th meeting (September 2015) (DH).

**1236<sup>th</sup> meeting (22-24 September 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalling the importance, in every democratic society, of an electoral system containing remedies to prevent arbitrariness;
2. in view of the imminence of the parliamentary elections, expressed their deep concern in the face of the absence of any adequate response from the Azerbaijan authorities to the calls initiated by the Committee of Ministers in its decisions of March and June 2015; in particular, strongly deplored that none of the measures identified by the Committee further to enhance the functioning of electoral commissions and the real capacity of the courts to review the legality of elections has been adopted to date;
3. thus strongly called upon the Azerbaijan authorities to adopt all measures still possible before the elections of 1 November 2015 to prevent any arbitrary application of electoral regulations;
4. for the further execution process in this group of cases, exhorted the authorities to resume the dialogue with the Committee;
5. instructed the Secretariat to prepare a document taking stock of the co-operation of Azerbaijan with the Venice Commission concerning the issues relevant to the execution of the *Namat Aliyev* group of cases;
6. decided to resume consideration of these cases at their 1243rd meeting (December 2015) (DH).

**1243<sup>rd</sup> meeting (8-9 December 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. expressed their deep concern in the face of the fact that the recent parliamentary elections were held without the necessary reforms required to ensure the review of their regularity in conformity with the Convention and to prevent any arbitrariness;
2. strongly reiterated their demands for rapid progress in the adoption of these reforms and recalled in this regard the various indications given in the previous decisions of the Committee;
3. exhorted anew the authorities to fully co-operate with the Committee for the further execution process of this group of cases;
4. noting with concern that to date there have been no ongoing activities in co-operation between Azerbaijan and the Venice Commission concerning the issues relevant to the execution of this group of cases, strongly reiterated their call on the authorities to seize, particularly in the context of the Organisation's Action Plan for Azerbaijan, all opportunities for co-operation with the Council of Europe, in particular with the Venice Commission;
5. noted, moreover, that it is essential that the authorities take into account the recommendations of the Venice Commission and OSCE/ODIHR on the electoral system of Azerbaijan, as well as the Code of Good Practice in Electoral Matters adopted by the Venice Commission in 2002;
6. invited the authorities to provide by 1 July 2016 further information on the general measures taken or envisaged in order for the Committee to examine the cases at its 1265th meeting (September 2016) (DH).

*Namat Aliyev (group)*

Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.

**1265<sup>th</sup> meeting (20-21 September 2016)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. deeply regretted the silence of the Azerbaijan authorities concerning the measures required to ensure the review of the regularity of elections in conformity with the Convention and to prevent any arbitrariness, and expressed their concern as to the further execution process in this group of cases;
2. recalled, once again, the opportunities for dialogue offered by the Council of Europe in the framework of its cooperation activities in electoral matters, regretted that they are not sufficiently used by the authorities and invited them to make full use of them in the future;
3. insisted that the authorities resume cooperation with the Committee and the Secretariat in this group of cases and that they provide the expected information without further delay, including information related to the violations of the right of individual petition and to the *Seyidzade* judgment, joined to this group of cases;
4. decided to resume consideration of this group of cases at their DH meeting in March 2017.

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling their previous decisions in these cases and the calls made therein, took note with interest that the cooperation foreseen in the Council of Europe Action Plan for Azerbaijan, notably regarding electoral rights, has been prolonged until the end of 2017;
2. encouraged the authorities fully to explore all the possibilities offered by this Action Plan to adopt the reforms necessary to execute these judgments;
3. decided to resume consideration of these cases at their March 2018 DH meeting, at the latest.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling their previous decisions in these cases and the calls made therein, noted with interest the recent information on the training measures announced aimed at improving the professional skills of lower election commission members;
2. noted also that many of the outstanding questions are presently being discussed in the context of on-going co-operation projects and in the context of the discussions on a new Action Plan between the Council of Europe and Azerbaijan;
3. invited the authorities to provide, in the light of the experience gained in the context of on-going co-operation projects and the results of the discussions on a new Action Plan with the Council of Europe and other relevant considerations, information on the further measures envisaged to address the outstanding issues in this group of cases.

*Namat Aliyev (group)*

Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that these cases concern various irregularities in the context of the 2005 and 2010 parliamentary elections and lack of an effective review by the domestic electoral commissions and courts, thus impeding the applicants' right to free elections as guaranteed by Article 3 of Protocol No. 1 to the Convention;

*As regards individual measures*

2. noted with concern the delay in the full payment of the just satisfaction awarded in four of these cases and consequently strongly urged the authorities rapidly to pay the remaining amounts, including the applicable default interest, as well as underlined that further individual measures are closely linked to the question of general measures;

*As regards general measures*

3. recalled the fundamental importance of the rights enshrined in Article 3 of Protocol No. 1 which are crucial to establishing and maintaining the foundations of an effective and meaningful democracy governed by the rule of law;
4. further recalled that the existence of a domestic system for the effective examination of individual complaints and appeals in matters concerning electoral rights is one of the essential guarantees of free and fair elections that a State is under a positive duty to hold;
5. noting with concern the lack of progress in the long-awaited reforms required by the present cases, notably in view of the forthcoming parliamentary elections, underlined the need to rapidly adopt concrete measures in order to fully and effectively align electoral law and practice with Convention requirements, while continuing and reinforcing the relevant training and awareness raising activities;
6. consequently strongly urged the authorities to make full use of the co-operation possibilities offered in the Council of Europe Action Plan for Azerbaijan 2018-2021, through which the Council of Europe and the Azerbaijani authorities have agreed to jointly carry forward required reforms to facilitate the country's fulfilment of its commitments as a Council of Europe member State, and to keep the Committee informed about the Action Plan's progress and its effects on the right to free elections;
7. invited the authorities to provide information on the possible impact of the April 2019 Presidential Decree on the deepening of reforms in the judicial-legal system with regard to the shortcomings identified by the present cases notably in the context of judicial review proceedings;
8. decided to resume consideration of the present cases at their 1362<sup>nd</sup> meeting (December 2019) (DH) at the latest.

\* \* \*

*Sargsyan*

Impossibility for persons displaced during the Nagorno-Karabakh conflict to gain access to their homes and properties in the region; lack of effective remedies.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">40167/06</a>
<b>Judgment(s) final on</b>	16/06/2015
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016) : decision to postpone consideration

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)*Decisions*

## The Deputies

1. **agreed to postpone consideration** of the cases *Chiragov and others v. Armenia and Sargsyan v. Azerbaijan*;
2. agreed to postpone consideration of all aspects of the *M.S.S. group v. Greece* (foreseen for the 1259th meeting (June 2016) and the 1273rd meeting (December 2016));
3. agreed to consider the group of cases *United Macedonian Organisation Ilinden and Others v. Bulgaria* at their 1265th meeting (September 2016) (DH);
4. adopted the order of business accordingly revised.

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. took note with interest of the action plan provided by the Azerbaijani authorities;
2. invited the authorities to provide detailed information on the working group described by them as responding to the Court's recommendation to establish a property claims mechanism, and notably on its functioning, its mandate and its accessibility for persons in the applicant's situation;
3. in this context, invited the authorities to cooperate fully with the Secretariat;
4. decided to resume consideration of this case at their 1288<sup>th</sup> meeting (June 2017) (DH).

\* \* \*

*Bell*

Excessive length of civil and criminal proceedings

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">44826/05+</a>
Judgment(s) final on	06/04/2009
First decision of the Committee of Ministers	<a href="#">1179<sup>th</sup> meeting</a> (September 2013) (see <i>Dumont</i> group)

[1331<sup>th</sup> meeting \(4-6 June 2019\)](#)[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the excessive length of civil and criminal proceedings is examined with the *Bell* case and that Belgian law provides an effective compensatory remedy in this regard;
2. noted with interest the measures taken to reduce the workload in particular of first-instance civil tribunals and the beginning of progress in absorbing their backlog; nevertheless urged the authorities to provide them with complete and updated figures by March 2020 at the latest, in particular with regard to the average case disposition time by these tribunals;
3. having regard to the complete and satisfactory figures provided by the authorities, decided to end their supervision of the situation of labour tribunals and courts;
4. decided also to end their supervision of the situation as regards criminal cases before the Dutch-language chamber of the Court of Cassation, having regard to the positive information in its 2017 annual report;
5. noted with interest the developments in relation to the ongoing projects to achieve a fair and proportionate allocation of staff and budgetary resources between tribunals and courts; encouraged therefore the authorities to pursue their efforts along these lines;
6. invited, nevertheless, the authorities to provide them, by March 2020 at the latest, with up-to-date information about developments in the budget and the staffing of Belgian courts and tribunals.



*Dumont*

Excessive length of civil and criminal proceedings (Article 6§1) and, in several cases, lack of an effective remedy (Article 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">49525/99</a>
<b>Judgment(s) final on</b>	28/07/2005
<b>First decision of the Committee of Ministers</b>	<a href="#">1179<sup>th</sup> meeting</a> (September 2013)

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- recalled the absence of up-to-date information on the status of execution of this group of cases since 2008, despite the Committee's request for the authorities to submit up-to-date information as soon as possible;
- called upon the authorities to submit to the Committee, at the latest by 22 October 2015, an action plan or report notably containing:
  - up-to-date information on the length of civil and criminal proceedings both at the national level and at the Brussels First Instance Court, in particular concerning the effects of general measures adopted;
  - examples of court decisions confirming the effectiveness of the compensatory remedy in the criminal field;
  - information in the cases *Barbier*, *Denée*, *Heremans* and *Leroy*, on whether the impugned proceedings are still pending and, if this is the case, on the measures taken with a view to their acceleration;
- decided to resume consideration of this group of cases at their 1243rd meeting (December 2015) (DH), in the light of the information submitted by the authorities.

**1243<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted with interest that the authorities have provided examples of domestic case-law which seem to indicate that the compensatory remedy for length of judicial proceedings, considered by the European Court as effective in civil matters, is also applicable in the context of criminal proceedings;
- welcomed the substantial progress achieved regarding length of judicial proceedings in Belgium and noted that the measures adopted have led to a reduction in the length before certain courts, in both civil and criminal matters; decided therefore to put an end to their supervision of 17 cases of this group concerned by this progress;
- noted however that concerns remain relating to the length of proceedings in civil matters before the first instance courts and before the Dutch-language chamber of the Court of Cassation; invited the authorities to submit additional information on these questions, as well as on the situation of labour courts, to the Committee;
- adopted Final Resolution [CM/ResDH\(2015\)245](#) as it appears in Appendix and decided to continue the examination of the outstanding questions in the context of the remaining cases of the *Dumont* group.

\* \* \*

**L.B. (group)**

Structural problem concerning the care of persons like the applicants, with mental health problems who are kept in a prison environment due to, in particular, the lack of capacity to receive them in the external psychiatric system (Articles 3 and 5).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">22831/08</a>
<b>Judgment(s) final on</b>	02/01/2013
<b>First decision of the Committee of Ministers</b>	1230 <sup>th</sup> meeting (June 2015)

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

- concerning the individual measures, underlined that even if they are linked to the general measures and the structural problem is not yet resolved, the respondent State should nevertheless endeavour to remedy as soon as possible the violations found against the applicants; and therefore invited the authorities to specify, in particular, if the applicants have benefited from the general measures already adopted and if interim measures have been taken for the applicants still detained in prison psychiatric wings;
- concerning the general measures, noted with interest the measures already adopted by the Belgian authorities and underlined the importance of decisive action from them with a view to resolving the structural problem of the prolonged detention of internees in prison psychiatric wings, which has also an impact on the effectiveness of the remedy before the Commissions for Social Defence;
- invited the authorities, therefore, to provide additional information on the measures adopted and envisaged for this purpose, notably on the results of consultations and studies undertaken at the national level with a view to better targeting the required action as well as the concrete effects of the measures adopted and/or envisaged;
- concerning the effectiveness of the judicial remedy, invited the Belgian authorities to specify if consistent jurisprudence exists today at a federal level so that the judge recognises herself / himself as competent to review the appropriateness of the detention facility;
- invited the Belgian authorities to provide the Committee of Ministers as soon as possible, and at the latest by 1 September 2015, with a revised action plan including a timetable presenting concretely the next steps envisaged for the execution of this group of cases.

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

Concerning individual measures

- noted with interest that the authorities have reviewed the situation of the twenty applicants following the judgments of the Court, that only four of them are still in prison psychiatric wings and that the relevant authorities very closely follow their situation; invited the authorities to continue to ensure that all applicants receive the psychiatric care that their health requires, especially those who remain in prison, and to continue to keep the Committee informed of important developments in their care;
- having regard to the progress achieved on individual measures, decided to continue to supervise the execution of these cases in the enhanced procedure under the "structural problem" criterion only and to remove the criterion of "urgent individual measures" ;

Concerning the general measures

- noted with interest the additional measures adopted by the Belgian authorities since the last examination of this group, whilst underlining the persistence to date of the structural problem of prolonged detention of internees in prison psychiatric wings;

## L.B. (group)

Structural problem concerning the care of persons like the applicants, with mental health problems who are kept in a prison environment due to, in particular, the lack of capacity to receive them in the external psychiatric system (Articles 3 and 5).

4. reiterated firmly therefore their call to the authorities to act in a determined manner to promptly resolve the problem, the persistence of which also affects the effectiveness of the preventive remedy before the Commissions for Social Defence; underlined in this context that it is crucial that measures form part of a global strategy capable of solving the structural problem, taking into account the jurisprudence of the Court and the relevant recommendations and standards of the European Committee for the Prevention of Torture;
5. noted in this respect with interest that the authorities are currently considering a "federal masterplan" aimed at releasing internees from prison by 2019; invited the authorities to provide further information in this respect and, more generally, to keep the Committee regularly informed of relevant developments, ensuring that they provide information that allows an assessment of the impact of the measures taken and envisaged, and that includes a timetable for measures envisaged;
6. regarding actions for compensation before the civil courts, took note of the indication that the eight judgments given since 2014 have all granted the applicants' claims for damages and invited the authorities to continue to keep the Committee informed of developments of this jurisprudence, ensuring that they explain to what extent it is in accordance with the jurisprudence of the Court and the relevant practice of the Committee; also invited the authorities to explain why, of the forty-six applications for compensatory remedies lodged since 2012, only eight have been decided.

### 1280<sup>th</sup> meeting (7-10 March 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. regarding the individual measures, reiterated the importance for the authorities to continue to ensure that all the applicants receive the psychiatric care they require, especially those who remain in prison, and to keep the Committee informed of essential developments in their care, in particular their prospects of transfer to an external structure;
2. regarding the general measures, noted with interest that, taking due account of the indications given by the Court in the pilot judgment *W.D. v. Belgium*, the authorities are actively pursuing the implementation of their action plan to overcome the structural problem of internment, in particular through the entry into force of the new law on internment and the adoption of a third master-plan at the end of 2016; invited the authorities to keep the Committee informed of the progress achieved, including the developments concerning remedies;
3. decided to resume consideration of this group of cases at their 1302<sup>nd</sup> meeting (December 2017) (DH), on the basis of the detailed analysis of the action plan to be carried out by the Secretariat in cooperation with the authorities.

### 1302<sup>nd</sup> meeting (5-7 December 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that the structural problem found by the Court concerns the prolonged detention of internees in prison psychiatric wings without receiving appropriate therapeutic treatment;

#### *As regards individual measures*

2. noted with interest that henceforth only one applicant out of 21 is still in the prison system and that he will be transferred to an appropriate external structure before 1 April 2018;

#### *As regards general measures*

3. noted with interest the willingness of the authorities no longer to keep internees in prison, welcomed the steps taken in this direction and the progress made to date, encouraged them to continue their efforts to resolve the structural problem found by the Court and invited them to keep the Committee informed in this respect;
4. particularly welcomed the opening of a second forensic psychiatric centre and the planned opening of three others by 2022; invited the authorities to provide them with more information on these centres, notably on their supervision by

## L.B. (group)

Structural problem concerning the care of persons like the applicants, with mental health problems who are kept in a prison environment due to, in particular, the lack of capacity to receive them in the external psychiatric system (Articles 3 and 5).

- the public health services and on the care and activities provided to the internees, their staffing and the training of the staff and, finally, on the independent external bodies responsible for monitoring them;
5. despite the significant progress made, in view of the number of internees still in prison and the fact that the law confirms their possible retention in social defence sections and, on a temporary basis, in psychiatric annexes, invited the authorities to provide the Committee with more detailed information on the care provided in these institutions and on the number of staff present in relation to the number of internees;
  6. took note with interest of the legal changes made to the system of internment; invited the authorities to provide them with information on their practical impact, in particular with regard to the reduction of the number of internees, as referred to in the pilot judgment;
  7. finally, given the deadline set by the Court in the *W. D.* pilot judgment, decided to resume consideration of this group of cases at their 1324<sup>th</sup> meeting (September 2018) (DH), on the basis of the analysis of the new information to be submitted by the authorities.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

##### The Deputies

1. recalled that the structural problem found by the Court concerns the prolonged detention of internees in prison psychiatric wings without receiving appropriate therapeutic treatment;
2. adopted Final Resolution [CM/ResDH\(2018\)350](#) in order to close the supervision of the execution of nine cases in which the question of the individual measures has been definitively resolved and called on the authorities to keep the Committee informed of the situation of the three applicants, released on probation, and of the applicant currently being sought;
3. noted with interest the new detailed information provided by the authorities, in particular concerning the new forensic psychiatric centres which offer internees appropriate standards of care, and the impact so far of the many measures adopted, in particular the significant reduction in the number of internees in prison and the enhanced effectiveness of the preventive remedy before the “social protection chambers”;
4. encouraged the authorities to set up a national torture prevention mechanism to monitor all places of detention, including forensic psychiatric centres and psychiatric hospitals;
5. also encouraged the authorities to put in place a guaranteed service in prisons during strikes and to continue their efforts to improve the situation of health care in prisons, especially for the internees still held there, in particular by finalising the reform announced in this regard;
6. noted with satisfaction the significant progress made by the authorities and encouraged them to complete their reform of internment to fully resolve the structural problem found by the Court; called on them to provide the Committee, by the end of 2019, with updated information, including with regard to any changes in the number of staff for internees in prisons along with additional information on case-law concerning a possible improvement in their care and on the compensatory remedy.

\* \* \*

*M.S.*

Applicant's forced return to Iraq, following unlawful periods of detention.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">50012/08</a>
Judgment(s) final on	30/04/2012
First decision of the Committee of Ministers	<a href="#">1144<sup>th</sup> meeting</a> (June 2012)

[1208<sup>th</sup> meeting \(23-25 September 2014\)](#)[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

- concerning the individual measures, noted with interest all the efforts made since 2012 by the Belgian authorities to determine whether the applicant really faces a risk of inhuman or degrading treatment in Iraq and invited them to undertake that, if in future they would find or receive information showing that the applicant still faces such a risk, they would take all possible steps to secure the applicant's rights under Article 3 of the Convention;
- concerning the general measures regarding the risk of inhuman or degrading treatment and the finding that the lawfulness of the detention had not been decided speedily, took note with satisfaction of the measures adopted to avoid new, similar violations in the future;
- concerning the general measures regarding the unlawful periods of detention, invited the authorities to specify whether, in situations where the only ground for detaining the foreigner is his/her deportation and where this deportation is eventually postponed in view of the risks he/she faces in the country of destination, the foreigner concerned is released *ex officio* or, if not, what is the procedure to follow;
- invited the authorities to provide the remaining information required by 1 December 2014, in order to allow the Committee to examine the possibility of closing the case.

\* \* \*

*M.S.S.*

Expulsion of an asylum seeker from Belgium to Greece.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">30696/09</a>
<b>Judgment(s) final on</b>	21/01/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1108<sup>th</sup> meeting</a> (March 2011)

**[1201<sup>th</sup> meeting \(June 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

The Deputies

*Concerning Belgium*

1. took note with satisfaction of the information provided by the Belgian authorities on the Law of 10 April 2014 containing several provisions regarding the procedure before the Aliens' Appeals Board and the Council of State setting up a remedy which permits the suspension of the execution of a deportation measure as well as a thorough and rigorous examination of the complaints arising under Article 3;
2. instructed the Secretariat to assess this information in the light of the Court's case law for the 1214th meeting (December 2014) (DH);

*Concerning Greece**With respect to the asylum procedure*

3. while noting that the data provided on the operation of the three new asylum services (Asylum service, Appeals Authority, First Reception Centres) are encouraging, stressed that, due to the brevity of the period covered (7/6/2013-28/2/2014), it is not yet possible to draw thorough conclusions;
4. strongly encouraged the Greek authorities to pursue their efforts to guarantee, without delay, full and effective access to the asylum procedure throughout the territory;
5. invited the authorities to respond to all outstanding questions noted in document H/EXEC(2014)4rev with a view to enabling the Committee to fully assess access to the asylum procedure and the way asylum applications are processed as well as with a view to facilitating the identification of the necessary adjustments to the asylum procedure;

*With respect to the conditions of detention of asylum seekers and irregular migrants*

6. noted the information provided by the authorities regarding the measures implemented to improve the conditions of detention in certain places of detention and the declaration by the authorities according to which they are elaborating a global strategy for the improvement of conditions of detention of asylum seekers and irregular migrants;
7. noted, however, the serious concerns expressed in numerous Rule 9.2 communications regarding the conditions in which asylum seekers and irregular migrants continue to be detained;
8. called upon the Greek authorities to submit, as soon as possible, the precise content of their global strategy for the improvement of conditions of detention, taking into account all the outstanding questions identified in document H/EXEC(2014)4rev and the recommendations of the Council of Europe's specialised bodies and other relevant actors;
9. invited, further, the authorities to respond to the outstanding issues, identified in H/EXEC(2014)4rev, regarding the remedy to complain about conditions of detention;
10. recalling that the question of living conditions of asylum seekers (including unaccompanied minors) will be examined at their 1214th meeting (December 2014) (DH), decided to resume consideration of the issues regarding the asylum procedure and the conditions of detention at the latest at their DH meeting in March 2015.

*M.S.S.*

Expulsion of an asylum seeker from Belgium to Greece.

**1214<sup>th</sup> meeting (2-4 December 2014)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

Concerning Belgium

1. recalling that they have already closed their examination of the individual measures and of the general measures concerning the violations of Article 3 found against Belgium, endorsed the assessment presented in document CM/Inf/DH(2014)23 and noted with satisfaction the measures adopted by Belgium to avoid violations of Article 13 similar to the one established in the *M.S.S.* judgment;
2. decided to close the examination of this case with respect to Belgium and to adopt the Final Resolution CM/ResDH(2014)272;

Concerning Greece

3. took note of the information and data provided regarding the living conditions (accommodation and decent material conditions) of adult asylum seekers and called upon the authorities to increase the accommodation capacity of open centres so that all asylum seekers entitled to such services receive them, in line with the requirements of the European Convention and of EU law, as set out in the *M.S.S.* judgment;
  4. called upon the authorities to intensify their efforts to implement their strategy ensuring sustainable and uninterrupted operation of open reception facilities, and provision of services to all asylum seekers who are entitled to them and to inform the Committee on this as well as on the measures taken until the time when all open accommodation centres become operational;
  5. taking note of the data regarding accommodation of unaccompanied minors, strongly invited the authorities to pursue their efforts so that all unaccompanied minors are immediately referred to special accommodation centres and assisted by specialised personnel, and to provide updated information to the Committee on the concrete steps taken to this effect;
  6. regretting that no information was provided as to the appointment of guardians for unaccompanied minors, called upon the authorities to put in place a mechanism securing the appointment of guardians for all unaccompanied minors and decided to resume consideration of this question at their 1229th meeting (June 2015) (DH) in light of information to be provided by the authorities by 15 March 2015.
2. 7. decided further to resume consideration of all other issues regarding the living conditions of asylum seekers and unaccompanied minors at the latest at their 1242nd meeting (December 2015) (DH).

\* \* \*

*Trabelsi*

Extradition of the applicant to the United States, where he risks an irreducible life sentence (Article 3). Non-respect of interim measure indicated by the Court (Article 34).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">140/10</a>
<b>Judgment(s) final on</b>	16/02/2015
<b>First decision of the Committee of Ministers</b>	1243 <sup>th</sup> meeting (December 2015)

**1243<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

- noted that, as found by the European Court, the Belgian authorities deliberately breached the interim measure indicated by the Court not to proceed with the extradition of the applicant before the end of the proceedings before it, and thus irreversibly lowered the level of protection of the rights set out in Article 3 of the Convention which the applicant had endeavoured to uphold by lodging his application with the Court;
- concerning individual measures, noted that the Belgian authorities have recently requested new diplomatic assurances from the United States authorities; invited them closely to follow this request and promptly and regularly to inform the Committee of any development in this respect;
- concerning the payment of just satisfaction, noted the information provided by the Belgian authorities at the meeting and invited them to keep the Committee informed of any development so that this question can be assessed with a view to the next examination of the case;
- on general measures, took note of the measures taken, while requesting the Belgian authorities to demonstrate how they are likely to prevent deliberate non-compliance with an interim measure indicated by the Court;
- invited furthermore the highest authorities of the State to make the commitment that no deliberate non-compliance with interim measures indicated by the European Court will be tolerated;
- decided to resume consideration of the individual measures at the 1250th meeting (March 2016) (DH), in the light of the further information to be provided by the authorities.

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

- noted that the Belgian authorities are in discussions with the Ministry of Justice of the United States about the new diplomatic assurances requested following the judgment of the European Court, and noted that they intend to provide further information in this respect in time for the 1259th meeting (June 2016) (DH); reiterated their invitation to the Belgian authorities closely to follow-up on their requests and to inform the Committee of any developments in this area;
- noted with interest that additional payments are underway to repay the sums of just satisfaction unduly seized;
- decided to resume consideration of this case at their 1259th meeting (June 2016) (DH).



*Trabelsi*

Extradition of the applicant to the United States, where he risks an irreducible life sentence (Article 3). Non-respect of interim measure indicated by the Court (Article 34).

**1259<sup>th</sup> meeting (7-8 June 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. concerning the individual measures, noted that the authorities of Belgium and the United States of America are continuing their discussions regarding legal mechanisms which could be used to prevent or reduce the risk of the applicant's being sentenced to an irreducible life sentence;
2. noted in this respect with interest that the ongoing proceedings against the applicant in the United States are at a stage that is sufficiently early to allow considering legal solutions such as a requalification of the charges, a renunciation by the prosecutor of a request for life sentence or a court settlement ("plea agreement");
3. reiterated their invitation to the Belgian authorities to continue to follow closely their request to the United States authorities and to inform the Committee of any developments in this area;
4. concerning the general measures, noted with satisfaction the renewed commitment of the Belgian Government to respect interim measures indicated by the Court;
5. decided to resume consideration of the individual measures at their 1265th meeting (September 2016) (DH).

**1265<sup>th</sup> meeting (20-21 September 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. recalling that the Court considered that Belgium, by extraditing the applicant to the United States, had exposed him to the risk of being sentenced to an irreducible life sentence, which would amount to treatment contrary to Article 3 of the Convention;
2. noted that the possibility of obtaining the necessary guarantees against such a sentence is stronger while the criminal proceedings against the applicant in the United States are at an early stage;
3. noted with satisfaction the information provided by Belgium at the meeting concerning the state of the criminal proceedings and the positive progress of the discussions with the United States authorities with a view to preventing the risk of the applicant's being sentenced to an irreducible life sentence;
4. invited the Belgian authorities to follow closely the ongoing criminal proceedings and to continue to keep the Committee regularly informed of the developments;
5. decided to resume consideration of the individual measures at their DH meeting in June 2017 at the latest.

**1288<sup>th</sup> meeting (6-7 June 2017)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the Court considered that Belgium, by extraditing the applicant to the United States, had exposed him to the risk of being sentenced to an irreducible life sentence, which would constitute treatment contrary to Article 3 of the Convention;
2. noted the appeal lodged by the applicant, aimed at challenging the charges against him, and the ongoing dialogue between the Belgian and the United States authorities on the legal mechanisms that could be used to avoid or reduce the risk of his being sentenced to an irreducible life sentence;

*Trabelsi*

Extradition of the applicant to the United States, where he risks an irreducible life sentence (Article 3). Non-respect of interim measure indicated by the Court (Article 34).

3. noted that it appears from this dialogue that the United States authorities would agree, in the event the charges are upheld, either to negotiate a plea agreement in which the prosecutor would not require an irreducible life sentence or, if the case went to trial, not to ask for this sentence;
4. reiterated the invitation to the Belgian authorities to continue their efforts to avoid the applicant's being sentenced to a penalty inconsistent with the requirements of the present judgment and to keep the Committee informed of all developments;
5. decided to resume consideration of the individual measures at their 1302<sup>nd</sup> meeting (December 2017) (DH) at the latest.

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the Court considered that, by extraditing the applicant to the United States, Belgium had exposed him to the risk of being sentenced to an irreducible life sentence, which constitutes treatment contrary to Article 3 of the Convention;
2. noted that the applicant's appeal challenging the charges against him is still pending;
3. noted that the applicant was expected to appear at a preliminary hearing in the District Court of Columbia on 15 November 2017 to discuss the state of the case and the schedule of subsequent stages; noted that, prior to this hearing, negotiations had been initiated between the parties with a view to a plea agreement;
4. called on the authorities to inform the Committee of the results of the above-mentioned negotiations, as soon as they are known, and of the follow-up envisaged;
5. reiterated their invitation to the authorities to continue their efforts to take all necessary measures to avoid the applicant's being sentenced to a punishment which does not comply with the requirements of the present judgment.

**1331<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the Court considered that the Belgian authorities, by extraditing the applicant to the United States, had exposed him to the risk of being sentenced to an irreducible life sentence, amounting to treatment contrary to Article 3 of the Convention;
2. concerning individual measures, noted with satisfaction that the Belgian authorities have taken all the measures that could be expected in order to avoid or reduce, as far as possible, the risk of this sentence for the applicant, in view of the guarantees they obtained from the American authorities as well as their undertaking to intervene, at the appropriate time, on the question of the sentence; noted furthermore that new elements suggest that the applicant will be able to request the commutation or reduction of his sentence, with what now appear to be better and more realistic chances of success;
3. noted further with satisfaction the general awareness-raising measures taken to avoid similar findings of violations of Articles 3 and/or 34, as well as the Belgian Government's reaffirmed commitment to respect the Court's interim measures, while bearing in mind the exceptional character of the facts underlying the Court's judgment;
4. adopted Final Resolution CM/ResDH(2018)460 to close their supervision of this case, considering that the individual and general measures taken by the authorities are deemed sufficient.

\* \* \*

*Vasilescu*

Structural problem concerning prison overcrowding and conditions of detention.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">64682/12</a>
<b>Judgment(s) final on</b>	20/04/2015
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

**1265<sup>th</sup> meeting (20-21 September 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the violations found by the Court result from problems which are structural in nature in Belgium, of overcrowding, lack of hygiene and dilapidation in prisons;
2. noted that the applicant's detention has ended, the just satisfaction awarded by the Court has been paid and that no further individual measure is required in this case;
3. noted with interest the comprehensive measures taken or envisaged by the Belgian authorities, aimed both at reducing the prison population and renovating the prison infrastructure with a view to, in particular, implementing an appropriate penological policy; in this respect invited the authorities to pursue determined action rapidly to achieve concrete results while drawing from all the relevant recommendations of the Council of Europe, including those of the Committee for the Prevention of Torture (CPT), and to keep the Committee informed on a regular basis;
4. regarding the decrease in prison overcrowding, noted the information provided and, so as to be able fully to assess the progress achieved, invited the authorities to provide updated information on current prison capacity and current levels of occupation;
5. concerning the problems of lack of hygiene and dilapidation, while taking note of the measures indicated by the Belgian authorities, invited them to specify, with regard to Antwerp Prison, what steps they plan to implement to address the findings of the Court and to avoid repetitive violations pending the opening of the new prison;
6. invited the authorities to continue keeping the Committee informed of any development aimed at demonstrating the effectiveness of the preventive remedy with respect to complaints concerning problems of overcrowding, lack of hygiene and dilapidation in prisons.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the violations found by the Court result from problems which are structural in nature namely overcrowding, lack of hygiene and dilapidation in prisons;
2. in view of the latest information provided by the authorities regarding the applicant Nollomont, decided to lift the urgent nature of the individual measure related to him;
3. noted with interest the four complementary pillars of the third masterplan, while inviting the authorities to provide the Committee with a precise timetable for the implementation of its measures; as regards the decrease of the prison population, invited the authorities to provide information on the concrete impact of alternative measures to detention, the ongoing initiatives and, if need be, on conditional release;
4. concerning the decrease in prison overcrowding, noted with interest that new avenues to obtain a better distribution of the population between prisons are being explored and encouraged the authorities to continue their reflection in this regard; invited them to provide up-to-date and complete figures with explanatory information in order to be in a position to fully assess the progress achieved;
5. concerning hygiene and dilapidation problems, took note of the information provided by the authorities according to which the new prisons respect the standards of the European Committee for the Prevention of Torture and Inhuman or

Degrading Treatment or Punishment (CPT) and that a draft royal decree setting minimum standards is being finalised; noted the additional information presented on the improvement of the conditions of detention in dilapidated prisons, pending the full implementation of the masterplans; furthermore, invited the authorities to provide as many out-of-cell activities as possible;

6. finally, regarding the effective remedy, in the absence of any evolution in the case law, invited the authorities to put in place a specific remedy, in accordance with the requirements of the Convention.

\* \* \*

*Al Husin*

Potential violation of Article 3 of the Convention in the event of the applicant's deportation to Syria.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">3727/08</a>
<b>Judgment(s) final on</b>	09/07/2012
<b>First decision of the Committee of Ministers</b>	1201 <sup>th</sup> meeting (June 2014)

**1201<sup>th</sup> meeting (June 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

## The Deputies

1. recalled the assurances given by the authorities of Bosnia and Herzegovina that the applicant would not be deported to Syria;
2. noted with satisfaction the efforts made by the authorities to find a safe third country to which the applicant could be deported and invited the authorities to keep the Committee informed of any developments in this respect;
3. welcomed the legislative amendment introduced to ensure that the detention of an alien on security grounds would only be possible after a deportation order was issued;
4. given that the applicant's situation no longer calls for the taking of urgent individual measures by the authorities of the respondent State, decided to continue the examination of this case under the standard procedure.

\* \* \*

*Čolić and Others (group)*

Non-enforcement of final domestic court decisions ordering payment of war damages.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">1218/07</a>
<b>Judgment(s) final on</b>	28/06/2010
<b>First decision of the Committee of Ministers</b>	<a href="#">1150<sup>th</sup> meeting</a> (September 2012)

[1280<sup>th</sup> meeting \(7-10March 2017\)](#)[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*as regards individual measures*

1. noted with satisfaction that in all the cases in this group the domestic court decisions have been enforced and that no other individual measures are required;

*as regards general measures*

2. welcomed the fact that the 2013 settlement plan, prepared for the execution of these judgments, was revised in 2016 with a view to complying with the findings of the European Court in the case of *Đurić*;
3. noted that the revised settlement plan provides for the execution of the unenforced decisions, together with payment of non-pecuniary damages in respect of the delay in enforcement, and default interest in the event of any further delay;
4. noted, therefore, with satisfaction that the revised settlement plan provides a global solution to the problem of non-enforcement of domestic court decisions relating to war damages;
5. encouraged the authorities to pursue their efforts to ensure that the settlement plan is implemented efficiently in line with the Court's findings and Convention standards and invited them to provide information on the results obtained;
6. decided, on the basis of the progress achieved in the execution of this group of cases, to transfer it from enhanced supervision to the standard supervision procedure.

\* \* \*

*Đokić / Mago and Others*

Inability for members of the former Yugoslav People's Army ("YPA") to repossess their pre-war apartments in the aftermath of the war in Bosnia and Herzegovina.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">6518/04 - 12959/05</a>
Judgment(s) final on	04/10/2010 - 27/09/2012
First decision of the Committee of Ministers	1265 <sup>th</sup> meeting (September 2016)

**1265<sup>th</sup> meeting (20-21 September 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with interest that the authorities have prepared draft legislative amendments with a view to putting in place a scheme to compensate eligible beneficiaries in the light of the European Court's findings in its recent decisions;
2. noted however that the amounts of compensation envisaged in the scheme do not appear to comply with the findings of the European Court in a number of cases as well as with the findings of the Constitutional Court of Bosnia and Herzegovina;
3. strongly encouraged therefore the authorities to take the necessary measures to ensure that the amounts of compensation envisaged in the draft legislative amendments are aligned with the European Court's indications and invited the authorities to keep the Committee of Ministers informed on the progress achieved in this regard.

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the authorities of Bosnia and Herzegovina have prepared draft legislative amendments aimed at introducing a compensation scheme for persons unable to regain their pre-war military flats;
2. noted with satisfaction that the field of beneficiaries eligible to benefit from the compensation scheme appear to be in line with the European Court's findings (the scheme will exclude only holders of occupancy rights on military flats who have already been granted equivalent occupancy rights elsewhere);
3. noting that the European Court's inadmissibility decision in the *Stevančević* case did not directly address the issue of the adequacy of the amount of compensation, reiterated its call upon the authorities to devote special attention to developing a proper solution through the compensation scheme to ensure that the awards are aligned with the case law of the European Court;
4. in view of the time that has elapsed since these judgments became final and the high number of potential applicants, stressed that it is crucial that the legislative process necessary for their execution is brought to an end without further delay;
5. strongly urged the authorities to intensify their efforts with a view to adopting the legislative amendments introducing a compensation scheme compliant with Convention requirements as a matter of priority and invited them, in that context, to provide information to the Committee on their adoption before 1 February 2018 at the latest.

\* \* \*

*Kunić and Others (group)*

Non-enforcement of final judgments ordering the payment of work-related benefits.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">68955/12+</a>
<b>Judgment(s) final on</b>	14/02/2018
<b>First decision of the Committee of Ministers</b>	1331 <sup>th</sup> meeting (December 2018)

[1331<sup>th</sup> meeting \(4-6 June 2019\)](#)[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the European Court's judgments in these cases concern the complex problem of non-enforcement by the Zenica-Doboj and the Central Bosnia Cantons of domestic judgments concerning work-related benefits due to public service employees;

*As regards individual measures*

2. noted with satisfaction that the domestic judgments concerning the applicants were enforced and that the respondent State granted redress to the applicants in respect of non-pecuniary damage;

*As regards general measures*

3. welcomed the steps taken by the authorities of the Zenica-Doboj Canton to identify and register all unenforced judgments against this canton and to calculate the aggregate debt that these judgments relate to;
4. invited the authorities to provide further information on the time frame for the enforcement of the final domestic judgments against the Zenica-Doboj Canton and on the steps taken to ensure the setting up of a repayment scheme as a matter of priority;
5. invited furthermore the authorities of Bosnia and Herzegovina to ensure that the Central Bosnia Canton sets up a centralised, chronological and transparent database for the enforcement of judgments rendered against this canton, including a reasonable enforcement time frame, and to take the necessary steps to ensure the setting up of a repayment scheme as a matter of priority;
6. encouraged the authorities of Bosnia and Herzegovina to ensure that sufficient funds for the purpose of enforcing the judgments in question are allocated to the above cantons' budgets so as to safeguard the adequate functioning of the repayment schemes that these cantons have to introduce;
7. strongly encouraged the authorities to sustain their efforts to grant adequate and sufficient redress to all applicants with applications pending before the European Court, in compliance with the European Court's findings and with a view to reducing to the greatest extent possible any unnecessary burden on the Convention system.



*Maktouf and Damjanović*

War crimes cases: retroactive application of new criminal law with more severe sanctions.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">2312/08+</a>
<b>Judgment(s) final on</b>	18/07/2013
<b>First decision of the Committee of Ministers</b>	1288 <sup>th</sup> meeting (June 2017)

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

**Notes of the meeting***Decision*

The Deputies decided to close this case in the light of the measures taken by the authorities of Bosnia and Herzegovina as described in their action report of 13 March 2017 and adopted Final Resolution [CM/ResDH\(2017\)180](#).

.....

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 violation established;

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 order to give effect to the judgment, and noting that the just satisfaction awarded to the first applicant has been paid and that no award of just satisfaction was made by the Court to the second applicant (see document [DH-DD\(2017\)323](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

*Sejdić and Finci (group)*

Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples (the upper chamber of Parliament) and the Presidency.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">27996/06</a>
<b>Judgment(s) final on</b>	22/12/2009
<b>First decision of the Committee of Ministers</b>	<a href="#">1078<sup>th</sup> meeting</a> (March 2010)

**1193<sup>th</sup> meeting (4-6 March 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. deplored that the political leaders of Bosnia and Herzegovina have failed to reach a consensus on the content of the constitutional and legislative amendments aimed at eliminating discrimination based on ethnic affiliation in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina;
2. noted with grave concern that, as a result of the absence of agreement between the political leaders of Bosnia and Herzegovina, there is a clear and growing risk that the constitutional and legislative context in which the elections will take place will not be in compliance with the European Convention's requirements, nor thus with the obligations of Bosnia and Herzegovina under the Convention;
3. recalled in this context that the rights and freedoms set forth in the Convention shall, under the Constitution of Bosnia and Herzegovina, apply directly and have priority over all other law and that Bosnia and Herzegovina has an unconditional obligation under the Convention to abide by the judgment of the European Court in the present case; therefore called upon the authorities of Bosnia and Herzegovina to rapidly provide clear and detailed information on the content and the timing of the actions they intend to undertake, within the State institutions, in order to execute the judgment in time before the next State-wide elections;
4. therefore, strongly urged, once again, Bosnia and Herzegovina to execute the judgment as soon as possible, in conformity with its obligations under Article 46 of the Convention;
5. decided to resume consideration of this case at one of their forthcoming meetings and, at the latest, at their 1214<sup>th</sup> meeting (December 2014) (DH).

**1214<sup>th</sup> meeting (2-4 December 2014)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with profound concern and disappointment that the elections which took place in Bosnia and Herzegovina on 12 October 2014 were held under the same regulatory framework which the European Court found to be discriminatory;
2. encouraged therefore the authorities and political leaders of Bosnia and Herzegovina to give a fresh impetus to their endeavours and in particular to intensify their efforts to reach rapidly a consensus on the content of the constitutional and legislative amendments aimed at eliminating discrimination based on ethnic affiliation in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina and to ensure that the necessary amendments are adopted as a matter of priority;
3. invited the authorities to take full advantage of the readiness of the Council of Europe to provide all necessary assistance and support both to them and to the political leaders of Bosnia and Herzegovina in their efforts to implement the present judgment;
4. decided to resume the consideration of this item at their 1229<sup>th</sup> meeting (June 2015) (DH) in light of the information to be provided by the authorities of Bosnia and Herzegovina.

*Sejdić and Finci (group)*

Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples (the upper chamber of Parliament) and the Presidency.

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with satisfaction the written commitment to devote special attention to the execution of the *Sejdić and Finci* group of cases adopted by the Presidency of Bosnia and Herzegovina, which was signed by the leaders of the major political parties and endorsed by Parliament on 23 February 2015;
2. encouraged the authorities and political leaders of Bosnia and Herzegovina to ensure that this written commitment leads to concrete results and, consequently, invited them again to intensify their efforts to reach rapidly a consensus on the content of the constitutional and legislative amendments required to execute these judgments and to ensure that the necessary amendments are adopted as a matter of priority;
3. invited the authorities of Bosnia and Herzegovina to provide regularly information on the concrete steps taken, together with an indicative time-table, to execute these judgments.

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with deep concern that no tangible progress has been made in the execution of this group of cases since its last examination by the Committee of Ministers at the 1230<sup>th</sup> meeting (June 2015) (DH) and that the European Court continues to deliver judgments finding similar violations;
2. noted that the Court in the *Zornić* judgment highlighted that it "expects that democratic arrangements be made without further delay" and stressed that, "in view of the need to ensure effective political democracy, the time has come for a political system which will provide every citizen of Bosnia and Herzegovina with the right to stand for elections to the Presidency and the House of Peoples of Bosnia and Herzegovina without discrimination based on ethnic affiliation and without granting special rights for constituent people to the exclusion of minorities or citizens of Bosnia and Herzegovina";
3. noted that the efforts made so far by the authorities of Bosnia and Herzegovina to put in place appropriate measures to start preparing the necessary constitutional amendments continue to be blocked as a consequence of the absence of consensus between the leaders of the political parties;
4. firmly recalled the unconditional obligation of respondent States to abide by the judgments of the European Court and exhorted the political leaders, without further delay, to intensify their dialogue to enable the adoption of the necessary changes to the Constitution and electoral legislation;
5. invited the member States and the European Union to raise in their contacts with Bosnia and Herzegovina the issue of the implementation of the judgments in the *Sejdić and Finci* group of cases;
6. decided to resume consideration of these cases at their 1288<sup>th</sup> meeting (June 2017) (DH) at the latest.

*Sejdić and Finci (group)*

Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples (the upper chamber of Parliament) and the Presidency.

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that in these judgments, the Court found discrimination against persons belonging to groups other than the constituent peoples in Bosnia and Herzegovina as regards their right to stand for election to the House of Peoples and the Presidency of Bosnia and Herzegovina;
2. recalled further that in its last decision adopted at the 1273<sup>rd</sup> meeting (December 2016) (DH) the Committee firmly recalled the unconditional obligation of respondent States to abide by the judgments of the European Court and exhorted the political leaders, without further delay, to intensify their dialogue to enable the adoption of the necessary changes to the Constitution and electoral legislation; it also invited the Member States and the European Union to raise in their contacts with Bosnia and Herzegovina the issue of the implementation of the judgments in the *Sejdić and Finci* group of cases;
3. noted with utmost concern that no tangible information has been provided to the Committee on measures taken to intensify the dialogue of the leaders of the political parties to enable the adoption of the necessary changes to the Constitution and electoral legislation, despite three interim resolutions and the decisions adopted so far;
4. firmly emphasised the commitment freely undertaken by Bosnia and Herzegovina under Article 46, paragraph 1, of the Convention to comply with the judgments of the European Court;
5. exhorted Bosnia and Herzegovina to make the necessary arrangements, without further delay, to ensure that every citizen is granted the right to stand for election to the Presidency and the House of Peoples of Bosnia and Herzegovina, without discrimination based on ethnic affiliation.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with the gravest concern that the elections planned to take place in October 2018 to the Presidency and the House of Peoples of Bosnia and Herzegovina will be the third, following those in 2010 and 2014, based on a discriminatory electoral system in clear violation of the requirements of the European Convention on Human Rights and, Bosnia and Herzegovina's undertaking, under its Article 46, to abide by the judgments of the European Court in this group of cases;
2. regretted, in particular, the absence so far of any effective remedy for persons discriminated against, notwithstanding the Constitution's requirement that Bosnia and Herzegovina shall ensure the highest level of internationally recognized human rights and fundamental freedoms and that all persons within the territory of Bosnia and Herzegovina shall enjoy the rights and freedoms set forth in the Convention; which shall apply directly and have priority over all other law;
3. stressed that elections held in such circumstances constitute a manifest breach of obligations under Article 46 of the Convention and potentially undermine the legitimacy and the credibility of the country's future elected bodies;
4. emphasised in this situation the unconditional obligation on all of the authorities to find ways and means, within the scope of their competence, to put an end to these discriminations;
5. stressed at the same time the urgency of finding new ways and means of progressing with the adoption of all constitutional and legislative reforms necessary to bring the electoral system into line with the Convention requirements; consequently exhorted the authorities to devise without further delay a concrete action plan, with a clear time-frame, with a view to finding rapidly a solution to the present situation;
6. reiterated their invitation to member States and the European Union to raise in their contacts with Bosnia and Herzegovina the necessity to urgently complete these reforms;

*Sejdić and Finci (group)*

Ethnic-based discrimination on account of the ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples (the upper chamber of Parliament) and the Presidency.

7. reiterated the readiness of the Council of Europe to assist the authorities of Bosnia and Herzegovina in meeting their Convention obligations and invited the authorities anew to take advantage of all expertise available to this end within the Organisation, and notably that of the Venice Commission;
8. decided to invite, in view of the importance of rapidly making progress, the competent Minister of Bosnia and Herzegovina to the June 2019 (DH) meeting for an exchange of views on the strategy to ensure the implementation of these judgments.

**1348<sup>th</sup> meeting (4-6 June 2019)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. recalled their decision of September 2018 holding that the retention of the present discriminatory election system notwithstanding the judgment of the Court in the *Sejdić and Finci* case of 2009 and the other judgments in the present group is in clear violation of the requirements of the European Convention on Human Rights and constitutes a manifest breach of Bosnia and Herzegovina's unconditional obligations under Article 46 of the Convention, and thus also of its undertakings as a member State of the Council of Europe;
2. stressed in this context anew that the Constitution itself requires that all persons on the territory of Bosnia and Herzegovina shall enjoy the rights and freedoms set forth in the Convention "which shall apply directly and have priority over all other law" and that all authorities have the unconditional obligation to find ways and means, within the scope of their competences, to put an end to the present violations so that all persons within the jurisdiction of the State have the right to stand for all elections to the legislature, including those to the House of the Peoples and the Presidency;
3. albeit noting the present practical difficulties resulting from the problems in forming a new government following the 2018 elections, stressed the utmost importance of relaunching the reform work without further delay and to give this work the highest priority in order to eradicate the current discriminations in its electoral system;
4. urged thus the political leaders and all relevant authorities to pursue, as soon as possible, all consultations necessary, and to take all actions required, in order to ensure that the present continuing and long-standing violation of Bosnia and Herzegovina's obligations under the Convention, and in particular of Article 46, is brought to an end before the next elections in 2022;
5. noted, in this context with interest the high level preparatory discussions recently engaged with the Secretariat under a Human Rights Trust Fund project with a view to facilitating the reform process and urged the political leaders and competent authorities to speedily follow up on this initiative and, in so doing, to reinforce their cooperation with Council of Europe and take advantage of all the expertise available within the Organisation, in particular that of the Venice Commission;
6. decided to renew their invitation to the competent Minister of Bosnia and Herzegovina to hold an exchange of views with the Committee at their 1362<sup>nd</sup> meeting (December 2019) (DH) on the progress made in developing and implementing the strategy necessary to ensure that constitutional and legislative arrangements are in place before October 2021 i.e. one year before the next elections.

\* \* \*

*Al-Nashif and Others*(group)

Lack of adequate protection against arbitrariness in proceedings concerning expulsion measures on national security grounds due to the lack of judicial review of these measures.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">50963/99</a>
Judgment(s) final on	20/09/2002
First decision of the Committee of Ministers	1222 <sup>th</sup> meeting (September 2016)

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. adopted Final Resolution CM/ResDH(2015)44 in the cases *Al-Nashif and Others, Bashir and Others, Hasan and Musa and Others*, and decided to pursue the examination of the questions related to the functioning of the remedies introduced after the *Al-Nashif and Others* judgment, in the context of the *C.G. and Others* group;
2. concerning the case of *Baltaji*, invited the authorities to provide a copy of the judgment of 17 July 2014 of the Supreme Administrative Court confirming the restrictive measures against the applicant, in order to allow the Committee to assess the individual measures and granted their request for confidentiality for this judgment.

\* \* \*

## *Association for the European integration and Human Rights and Ekimdjiev (group)*

Lack of sufficient guarantees against the risk of abuse in the operation of the secret surveillance system.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">62540/00</a>
<b>Judgment(s) final on</b>	30/01/2008
<b>First decision of the Committee of Ministers</b>	<a href="#">1164<sup>th</sup> meeting</a> (March 2013)

### [1288<sup>th</sup> meeting \(6-7 June 2017\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

- noted that no further individual measures are needed in the cases *Association for European Integration and Human Rights and Ekimdzhiev, Goranova-Karaeneva, Kirov, Hadzhiev and Natsev*; invited the authorities to provide information on the individual measures in the *Georgi Yordanov* and *Savovi* cases;
- welcomed the important progress made in the areas of judicial review of requests for secret surveillance and the use of secret surveillance in the national security context, as well as the setting-up of a National Bureau as an independent monitoring body which also carries out verifications upon requests from individuals;
- noted, however, that an initial authorisation of two years for a surveillance measure in the anti-terrorist or national security context, without any periodic judicial review during this period, could weaken the safeguards offered by judicial control and invited the authorities to present their assessment of possible measures in this respect;
- invited also the authorities to provide their assessment of the feasibility of setting up a common database for requests for secret surveillance; also invited them to provide precise information on the investigative powers of courts examining claims for compensation for the unlawful use of surveillance;
- encouraged them to pursue their close cooperation with the Secretariat to provide the necessary clarifications concerning any remaining questions identified in the information document [CM/Inf/DH\(2013\)7](#).

### [1348<sup>th</sup> meeting \(4-6 June 2019\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

- recalled that this group of cases concerns the lack of sufficient safeguards in Bulgarian law against the risk of abuse which is inherent in every secret surveillance system and the lack of an effective remedy;

#### *As regards individual measures*

- noting that no further individual measures are needed in the cases *Hadzhiev, Natsev, Kirov, Georgi Yordanov and Goranova-Karaeneva*, decided to close them and adopted Final Resolution [CM/ResDH\(2019\)141](#); invited the authorities to provide further information as to whether any institution still retains intelligence obtained through secret surveillance in the *Savovi* case;

#### *As regards general measures;*

- recalled the important progress made in the areas of judicial review of secret surveillance requests, including in the context of protection of national security, of the external control over the use of secret surveillance, the introduction of a domestic compensatory remedy for unlawful secret surveillance, as well as the decrease in the use of secret surveillance;
- encouraged the authorities to introduce clear rules as to whether secret surveillance can be used to protect national security, if a person is not suspected of preparing or committing a criminal offence; encouraged them also to ensure that the Specialised Criminal Court has at its disposal adequate means for examining the high number of surveillance requests it receives and to set up a common database for surveillance requests or to adopt other measures to minimise the risk of duplication of requests;

*Association for the European integration and Human Rights and Ekimdjiev  
(group)*

Lack of sufficient guarantees against the risk of abuse in the operation of the secret surveillance system.

5. invited them to adopt legislative measures to reinforce the guarantees for the qualification and for the independence of the members of the National Bureau monitoring the secret surveillance system from the institutions it oversees and to ensure that it has access to all the material necessary for it to carry out its tasks, including material on which surveillance requests are based, as required by the European Court's case-law;
6. invited them also to provide information on the precise investigative powers of the courts examining claims for unlawful secret surveillance where the claimant has not been formally notified of the surveillance by the Bureau or in criminal proceedings and, if necessary, to reinforce these powers through legislative measures; invited them to indicate whether a person affected by unlawful secret surveillance can request the destruction of the intelligence gathered, taking into account also the countervailing interests;
7. as concerns surveillance authorisations in national security or terrorist contexts, which can currently be valid for up to two years, encouraged the authorities to introduce a requirement for periodic judicial review at shorter intervals; invited them also to provide information on the other outstanding questions, namely on the competence of the Bureau to notify legal persons of illegal surveillance, on the rules governing the screening, preserving the confidentiality and integrity and destruction of the intelligence and on whether the Special Surveillance Means Act restricts the use of intelligence falling outside the scope of an initial authorisation to situations in which it concerns other serious criminal offences.

\* \* \*



## C.G. and Others (group)

Shortcomings found in the judicial review set up in 2003 in the area of expulsion based on national security grounds.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">1365/07</a>
<b>Judgment(s) final on</b>	24/07/2008
<b>First decision of the Committee of Ministers</b>	<a href="#">1179<sup>th</sup> meeting</a> (September 2013)

### [1222<sup>th</sup> meeting \(11-12 March 2015\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

1. noted that no further individual measure is required in the case of *Kaushal and Others*, as well as in the cases of *M. and Others* and *Madah and Others*;
2. invited the authorities to submit information on the possibility of re-examining the restrictive measures against the applicant C.G. and on any other measure taken or envisaged; also noted the intention of the authorities to provide a copy of the judgment confirming the measures against Mr Amie in order to allow the Committee to assess the individual measures and granted their request for confidentiality concerning this judgment; and invited the authorities not to proceed with the expulsion pending the assessment of the individual measures in this case;
3. welcomed the positive developments in the practice of the Supreme Administrative Court and the legislation relating to detention pending expulsion, whilst noting that certain indications given by the European Court in 2011 still need to be implemented;
4. in this respect, called upon the authorities to introduce, without further delay, a remedy with automatic suspensive effect where an arguable claim about a substantial risk of death or ill-treatment in the destination country is made in a legal challenge against expulsion and to provide that the destination country should be mentioned in a legally binding act and that every change of the destination country is amenable to appeal;
5. further invited the authorities to take measures to ensure that the expulsion based on public order considerations is not implemented before the foreigner has been able to exercise his rights under Article 1 of Protocol No. 7, unless the circumstances of the case require it; invited them, in addition, to ensure that the contents of judgments concerning expulsion orders based on national security considerations be public, as far as possible;
6. invited the authorities to inform the Committee of the progress achieved before the end of June 2015 and encouraged them to pursue their close co-operation with the Secretariat concerning the other outstanding questions in this group of cases, as identified in the information document CM/Inf/DH(2012)3rev, in particular concerning the violations of Article 5 of the Convention.

### [1280<sup>th</sup> meeting \(7-10 March 2017\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

##### *As concerns the individual measures*

1. noting that the restrictive measures in respect of the applicant Amie have been reexamined in a procedure which meets the requirements of the Convention, considered that no further individual measures are necessary in this case;
2. noting that the applicant C.G. has been able to return to Bulgaria following the expiry of the validity of the restrictive measures taken against him, considered that no further individual measure is required in this case;
3. concluded therefore to close the examination of the individual measures in this group of cases;

##### *As concerns the general measures*

4. noted with concern that the authorities have not yet adopted the legislative reforms needed to confer automatic suspensive effect to the remedy applicable where an arguable claim about a substantial risk of death or ill treatment in

## C.G. and Others (group)

Shortcomings found in the judicial review set up in 2003 in the area of expulsion based on national security grounds.

- the destination country is made, or to provide that the destination country is mentioned in a legally binding act which is amenable to appeal;
5. in this context, called upon the authorities to introduce the above reforms without further delay, as well as measures to ensure that, unless the circumstances of the case require it, expulsion based on public order considerations is not implemented before the foreign national has been able to exercise his rights under Article 1 of Protocol No. 7; invited them, in addition, to ensure that the contents of judgments concerning expulsion orders based on national security considerations be public, as far as possible without prejudicing national security;
  6. invited the authorities to inform the Committee of the progress achieved at the latest by 20 September 2017 and decided to resume their examination of this group of cases at their 1302<sup>nd</sup> meeting (December 2017) (DH).

### 1302<sup>nd</sup> meeting (5-7 December 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

The Deputies

#### As regards individual measures

1. invited the authorities to provide information on the individual measures in the cases *Grabchak, Kurilovich and Others* and *Gapaev and Others*; noted that no individual measure other than the payment of just satisfaction is required in the new case *M.M.*;
2. decided to close the examination of the cases of *Madah and Others, Kaushal and Others* and *Amie and Others*, in which the individual measures have been taken, and adopted Final Resolution [CM/ResDH\(2017\)418](#);

#### As regards general measures

3. noted that important steps have been made for the execution of the *Raza* case through the adoption of legislation governing the judicial review of detention pending expulsion and that the outstanding questions concerning the implementation of the safeguards in respect of Article 5 §§ 1 and 4 of the Convention are entirely taken up in the cases *M. and Others* and *Aaud*; decided therefore to close the examination of the *Raza* case and adopted Final Resolution [CM/ResDH\(2017\)419](#);
4. reiterated their call to the authorities to adopt without further delay the legislative reforms needed to confer automatic suspensive effect to the remedy applicable where an arguable claim about a substantial risk of death or ill treatment in the destination country is made, and to provide that the destination country is mentioned in a legally binding act which is amenable to appeal;
5. reiterated also their invitation to the authorities to introduce measures to ensure that, unless the circumstances of the case require it, expulsion based on public order considerations is not implemented before the foreign national has been able to exercise his rights under Article 1 of Protocol No. 7; invited them, in addition, to ensure that the contents of judgments concerning expulsion orders based on national security considerations be public, as far as possible without prejudicing national security;
6. in this context, noted with interest that a draft Bill on migration is being prepared which should take into account the case law of the European Court in these cases; invited the authorities to inform the Committee, by 1 February 2018, on the finalisation of the draft Bill on migration foreseen by 31 December 2017, the time-table for its adoption and the concrete provisions concerning the outstanding questions in this group.

### 1340<sup>th</sup> meeting (12-14 March 2019)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

The Deputies

*C.G. and Others (group)*

Shortcomings found in the judicial review set up in 2003 in the area of expulsion based on national security grounds.

1. recalled that these cases concern shortcomings in the system of judicial review of expulsion on national security grounds and detention pending such expulsion, and the lack of a remedy with automatic suspensive effect to prevent expulsion when arguable claims are made of a risk of ill treatment in the destination country;

*As regards individual measures*

2. noted that Mr M.M. is no longer detained, that Mr Grabchak failed to request the re-examination of the expulsion order and that Mr Gapaev benefited from a Convention-compliant re-examination of the measures against him; considered therefore that no further individual measures are necessary in these cases, decided to close their examination and adopted Final Resolution [CM/ResDH\(2019\)56](#);
3. noted that the first applicant in the *Kurilovich and Others* case is unable to enter Bulgaria due to his recent inclusion in the list of undesirable aliens and that in 2018 the Supreme Administrative Court annulled the 2008 expulsion order without genuinely re-examining its factual basis; invited the authorities to indicate whether a thorough Convention-compliant re-examination of the 2008 expulsion order is still possible and, if not, whether the reasons for the applicant's categorisation as an undesirable alien can be subject to meaningful judicial scrutiny;

*As regards general measures*

4. recalled that the reforms adopted so far have allowed considerable progress to be made, such as the improvement of judicial control over expulsion orders and detention pending expulsion as well as the introduction of jurisdiction for the courts to assess the risk of death or ill-treatment in the destination country and to suspend the expulsion measure in such cases;
5. noted, however, that the remedy applicable where an arguable claim is made of a substantial risk of death or ill-treatment in the destination country does not operate automatically to suspend the expulsion measure and urged the authorities to adopt without further delay the legislative amendments needed both on the issue of the automatic suspensive effect and to provide that the destination country is mentioned in a legally binding act which is amenable to judicial review;
6. reiterated their invitation to the authorities to introduce legislative reforms to ensure that, in the absence of exceptional circumstances, an expulsion order based on public order considerations is not put into effect before the lawfully resident alien has had the chance to exercise his or her procedural rights under Article 1 of Protocol No. 7 to the Convention;
7. invited the authorities also to adopt legislative measures to put in place a system of open and closed judgments whereby, in cases where it is impossible to publish the complete judgment because of the risk to national security, the gist of the factual findings and reasoning is nonetheless made public; also encouraged them to indicate the measures they intend to adopt to guarantee swift judicial control of detention pending expulsion;
8. recalling that these issues are long-standing and seriously undermine the effectiveness of the system of domestic remedies to protect against expulsion in breach of the Convention, invited the authorities to submit, before 1 December 2019, information on the preparation of draft legislation and the provisional timetable for its adoption, and, in the event that no tangible progress is achieved in this respect, instructed the Secretariat to prepare a draft interim resolution for consideration at its March 2020 DH meeting.

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*Djangozov (group) / Kitov (group) / Dimitrov and Hamanov / Finger*

Excessive length of judicial proceedings, pilot judgments, deadline expired in August 2012.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">37104/97 - 45950/99 - 48059/06 - 37346/05</a>
Judgment(s) final on	03/07/2003 - 08/10/2004 - 10/08/2011 - 10/08/2011
First decision of the Committee of Ministers	<a href="#">1128<sup>th</sup> meeting</a> (November 2011)

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As concerns the remedies in respect of length of proceedings*

- noted with satisfaction the response of the Bulgarian authorities to the pilot judgments *Finger* and *Dimitrov and Hamanov* with the implementation of effective compensatory remedies, as well as the information provided concerning the functioning of these remedies, and decided to close the supervision of these cases;
- reiterated, however, their invitation to the Bulgarian authorities to put in place, in criminal matters, an acceleratory remedy which complies with the requirements of the Convention and/or to ensure that the preventive remedy introduced in 2013 complies with the requirements of the Convention in the area of effective investigations;

*As concerns the length of civil proceedings*

- noted with satisfaction that the measures adopted so far have allowed the resolution of certain recurrent causes for delays in civil proceedings, such as the need to organise a large number of hearings and the slowness of the examination of cassation appeals in civil matters, and decided to put an end to the supervision of the cases concerning mainly these questions;
- noted, however, that problems persist before some courts which are overburdened and with proceedings which are dependent on criminal proceedings; in this context, took note with interest of the measures adopted to improve the functioning of the Sofia District Court and noted with interest the commitment of the authorities to pursue their efforts to solve the outstanding questions identified above;

*As concerns the length of criminal proceedings*

- noted the assurances given by the authorities that lengthy intervals between hearings in criminal matters should no longer occur before courts which are not overburdened and decided to close the cases which concern essentially this question or isolated causes of delays;
- noted, however, that problems persist, notably due to delays at the stage of the pre-trial investigation, referrals of cases to the stage of pre-trial investigation or to the lower court and the high workload of certain courts; noted with interest the commitment of the authorities to pursue their efforts to solve these problems;
- adopted the Final Resolution CM/ResDH(2015)154 in the cases *Finger*, *Dimitrov and Hamanov* and fifty-four other cases; decided to pursue the examination of outstanding questions in the context of the remaining cases of the *Kitov* and *Djangozov* groups and invited the authorities to keep the Committee regularly informed of the progress achieved in this area.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

- noted with satisfaction the introduction by the authorities of an acceleratory remedy in criminal matters which constitutes an important safeguard for respecting the reasonable time requirement in criminal proceedings and in civil proceedings dependent on criminal proceedings;

2. having regard to this important reform and to the existence of effective compensatory remedies, decided to close the examination of *Kitov*, *Djangozov* and 11 other cases and adopted Final Resolution [CM/ResDH\(2017\)420](#); decided to continue the examination of the functioning of the acceleratory remedy in criminal proceedings in the *S.Z / Kolevi* group;
3. decided in addition to close 13 cases in which individual measures have been adopted and adopted Final Resolution [CM/ResDH\(2017\)421](#); decided to continue the examination of the general measures necessary to solve the problem of length of proceedings before the most overburdened courts in the context of the *Svetlozar Petrov* and *Stoine Hristov* cases;
4. noted that difficulties with regard to the length of proceedings persist in the most overburdened courts; in this regard, noted with interest the measures already adopted and the authorities' promising strategy to ensure the expeditiousness of proceedings before these courts and decided to continue examining these questions under standard procedure;
5. in this context, encouraged the authorities to implement their strategy for "the reform of the judicial map" as soon as possible, and to explore short-term targeted measures aimed at allowing judges to focus more on the merits of cases, also by drawing inspiration from the good practice guide published by the European Commission for the Efficiency of Justice (CEPEJ).

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## International Bank for Commerce and Development AD and Others

Excessive length of judicial proceedings, pilot judgments, deadline expired in August 2012.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	7031/05
<b>Judgment(s) final on</b>	17/10/2016
<b>First decision of the Committee of Ministers</b>	1318 <sup>th</sup> meeting (June 2018)

### 1318<sup>th</sup> meeting (5-7 June 2018)

[List of decisions](#)

#### Notes of the meeting

#### *Decisions*

The Deputies

#### *As concerns the individual measures*

1. noted that no further individual measure is required as concerns the freezing of the applicants' accounts which ended in 2006, as well as the interventions of the prosecution authorities having affected the management of the bank ; invited the authorities to specify the reasons why they consider that no other individual measure is possible to remedy the violations found in respect of the applicant bank related to the lack of examination of the soundness of the determination that it was insolvent and the lack of representation meeting the requirements of Article 6;

#### *As concerns the general measures*

2. recalled that questions concerning the lack of effective review of the revocation of a bank's licence and the lack of independent representation had already been raised in the context of the *Capital Bank* judgment given in 2005; in view of the fact that these problems are long-standing, stressed the importance for the Bulgarian authorities to rapidly adopt the additional measures required in order to thoroughly address them;
3. in this context, invited the authorities to adopt legislative measures in order to provide for an independent representation of the affected bank, in line with the requirements of Article 6 of the Convention, to ensure the effectiveness of its right to obtain judicial review of the decision of the Bulgarian National Bank to revoke its licence, as well as to ensure its participation in the insolvency proceedings;
4. as concerns the competence of the prosecution authorities to take the measures foreseen in the legislation, if there is information that a criminal offence could be committed, invited the authorities to provide their analysis as to the scope of application of this provision in similar situations and, as the case may be, on the safeguards surrounding its application;
5. noted that no further measures are necessary to prevent violations due to the freezing of the accounts of the managers of a bank subject to insolvency proceedings; invited the authorities to provide information on the progress achieved in the areas identified above before the end of December 2018.

\* \* \*

*Kehayov (group) / Neshkov and Others*

Structural problem highlighted by the European Court in the Neshkov and Others pilot judgment concerning conditions of detention in investigative detention facilities and prisons (overcrowding, poor sanitary and material conditions) and lack of an effective remedy in this respect.

The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">41035/98 – 36925/10+</a>
<b>Judgment(s) final on</b>	18/04/2005 – 01/06/2015
<b>First decision of the Committee of Ministers</b>	<a href="#">1128<sup>th</sup> meeting</a> (November 2011)

**[1236<sup>th</sup> meeting \(22-24 September 2015\)](#)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. noted with concern that the Court has been compelled to adopt a pilot judgment and the CPT a public statement because of ongoing systemic problems in terms of overcrowding and poor material conditions of detention in the Bulgarian penitentiary system;
2. in this context, noted with interest the action plan submitted by the authorities, as a step in the right direction, and urged them to frame and implement a comprehensive long-term strategy to combat overcrowding and improve detention conditions; noted that this strategy must indicate the expected outcomes for each of the planned measures and a timetable for their implementation in order swiftly to deliver tangible results and invited the authorities to finalise this strategy in close consultation with the Secretariat;
3. further underlined the importance of ensuring the introduction of effective domestic remedies by the deadline set in the *Neshkov and Others* pilot judgment which expires on 01/12/2016 and invited the authorities to inform the Committee by 31/12/2015 of the progress made in preparing the legislative framework for their implementation;
4. noted in this respect that improving conditions of detention and reducing prison overcrowding are vital for ensuring the proper functioning of the remedies, in particular the preventive remedy, and invited the authorities to inform the Committee of the progress made in this area by 31/12/2015;
5. with regard more specifically to the problem of overcrowding, noted with interest the information on the reduction that has occurred in the prison population over the past two years and invited the authorities swiftly to adopt the planned reforms aimed at resolving this problem, in particular wider opportunities for initial placement in open prisons and the use of non-custodial measures;
6. likewise urged the authorities to work rapidly to improve the material conditions of detention, by carrying out the necessary urgent repairs and ensuring sufficient funding for this purpose;
7. also strongly invited the authorities rapidly to adopt measures to ensure that inmates receive proper medical care and that there are sufficient numbers of health professionals; in addition, invited the authorities to ensure adequate levels of prison staff, so as to improve access to out-of-cell activities;
8. in addition, encouraged the Bulgarian authorities to continue to make use of all the opportunities for co-operation that the Council of Europe has to offer;
9. noted that no further individual measures are necessary in 19 older cases and invited the authorities to provide additional information on the outstanding issues relating to individual measures in the recent cases; further invited the authorities to submit additional information on the general measures taken following the *Harakchiev and Tolumov* judgment;
10. in the light of the various deadlines indicated above, decided to resume their examination of these cases at their DH meeting in March 2016.

## *Kehayov (group) / Neshkov and Others*

Structural problem highlighted by the European Court in the *Neshkov and Others* pilot judgment concerning conditions of detention in investigative detention facilities and prisons (overcrowding, poor sanitary and material conditions) and lack of an effective remedy in this respect.

The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.

### **1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. strongly encouraged the Bulgarian authorities rapidly to adopt the legislative amendments and other promising measures that they elaborated in response to the pilot judgment *Neshkov and others* and to the public statement of the CPT adopted on 26 March 2015; invited the authorities to integrate these reforms into a long term strategy aimed at combating prison overcrowding and poor material conditions of detention;
2. recalled that improving conditions of detention and reducing prison overcrowding are vital for ensuring the proper functioning of the remedies, in particular the preventive remedy, which have to be put in place before 01/12/2016 in response to the *Neshkov* pilot judgment; invited the authorities to inform the Committee of the progress made in these areas by 30/04/2016;
3. as concerns prison overcrowding, noted with satisfaction the intention of the Bulgarian authorities to reassess the accommodation capacity of their penitentiary system on the basis of the CPT standards and invited them rapidly to adopt all the measures foreseen to combat overcrowding; invited the authorities also to provide information on the impact of the measures adopted to facilitate access to out-of-cell activities;
4. as concerns material conditions, noted with interest the information related to the on-going or envisaged renovation work and reiterated their invitation to the authorities to proceed rapidly with the urgent renovations foreseen for 2016 and to secure adequate funding for this purpose;
5. noted, in addition, with interest the reform envisaging the creation of a confidential medical file for each detainee and reiterated their invitation to the authorities rapidly to take concrete measures to ensure that inmates receive proper medical care and that there are sufficient numbers of health professionals;
6. as concerns the reform of the "special regime", invited the authorities to clarify whether the current reform envisages the possibility for detainees to request, on their own initiative, a review of the regime as it applies to them and whether it is envisaged to apply this reform in respect of persons accused of offences punishable by a life sentence;
7. recalled that no further individual measures are necessary in 19 older cases and that the same conclusion applies in respect of the situation of the applicants Chervenkov, Tzekov, Zlatev, Neshkov, Tolumov and Manolov; invited the authorities to provide additional information on the individual measures concerning the applicants Harakchiev and Halil Adem Hasan, as well as in the case of *Jordan Petrov* as concerns the fairness of the criminal proceedings against the applicant after their reopening.

### **1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. noted with satisfaction that an important legislative reform has recently been adopted in response to the pilot judgment *Neshkov and Others* and the public statement of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment of 26 March 2015; strongly encouraged the authorities to continue their efforts to implement all the promising measures they have indicated;
2. noted in this respect that the recently adopted domestic remedies seem to comply with the main requirements of the *Neshkov* pilot judgment and invited the authorities to follow closely their functioning in practice; noted, however, that further progress is needed with improving conditions of detention and reducing prison overcrowding to ensure the proper functioning of the preventive remedy;



## *Kehayov (group) / Neshkov and Others*

Structural problem highlighted by the European Court in the Neshkov and Others pilot judgment concerning conditions of detention in investigative detention facilities and prisons (overcrowding, poor sanitary and material conditions) and lack of an effective remedy in this respect.

The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.

3. as concerns prison overcrowding, invited the authorities rapidly to implement the measures foreseen in the recent legislative reform, as well as to bring into operation the Debelt penitentiary hostel; recalled their invitation to the authorities to provide information also on the impact of the measures adopted to facilitate access to out-of-cell activities;
4. as concerns material conditions, noted with interest the information related to the renovation work accomplished in 2016 and invited the authorities to proceed rapidly with the urgent renovations still needed and to secure adequate funding for this purpose in 2017;
5. invited, moreover, the authorities rapidly to adopt and implement the national strategy and action plan for the improvement of medical care in prison, elaborated with the assistance of the Council of Europe;
6. as concerns the reform of the special regime, invited the authorities to clarify whether the reform recently adopted envisages the possibility for detainees to request, at their own initiative, a review of the regime as it applies to them; invited them also to provide information on the measures envisaged to avoid violations due to the automatic application of a very restrictive regime in respect of persons held on remand and accused of offences punishable by a life sentence;
7. recalled that no further individual measures are necessary in 23 older cases; invited the authorities to provide additional information on the individual measures concerning the applicants Halil Adem Hasan, Radev, Dimitrov and Ribov, as well as in the case of *Jordan Petrov* as concerns the fairness of the criminal proceedings against the applicant after their reopening.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

[Notes of the meeting](#)

### *Decisions*

The Deputies

#### *As regards the individual measures*

1. decided to close the examination of 19 cases for which no further individual measure is required and adopted Final Resolution [CM/ResDH\(2018\)104](#); decided to continue the examination of the general measures required in the context of the cases of *Kehayov, Neshkov, Gavazov and Harakchiev and Toloumov*;
2. invited the authorities to provide additional information on the individual measures concerning the applicants Halil Adem Hasan, Simeonov, Kormev, Radev, Jordan Petrov, Dimitrov and Ribov, the applicants Gospodinov, Petrov, Alexandrov, Rangelov, Mitev, Staykov and Shahanov of the *Gospodinov and Others* case and the applicant Mihaylov of the *Kirilov and Others* case;

#### *As regards the general measures*

3. welcomed the efforts made and the results obtained in response to the pilot judgment *Neshkov and Others* and the public statement of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment of 26 March 2015; encouraged the authorities to ensure the necessary political and financial support to guarantee the sustainability of the progress achieved;
4. noted with interest that the European Court has considered that the domestic remedies introduced in response to the *Neshkov* pilot judgment can be regarded as effective; invited the authorities to provide information on their functioning and noted that further progress is still needed with improving conditions of detention to ensure the proper functioning of the preventive remedy;
5. welcomed the significant progress achieved as concerns overcrowding in prisons and closed prison hostels and invited the authorities to provide information on the current situation in investigative detention facilities; reiterated their invitation to the authorities to provide information on the impact of the measures adopted to facilitate access to out-of-cell activities;
6. as concerns material conditions, encouraged the authorities to finalise as soon as possible their projects concerning the improvement of conditions of detention and to provide their assessment of the results achieved; invited also the authorities rapidly to adopt and implement the national strategy and action plan for the improvement of medical care in prison elaborated with the assistance of the Council of Europe;

*Kehayov (group) / Neshkov and Others*

Structural problem highlighted by the European Court in the Neshkov and Others pilot judgment concerning conditions of detention in investigative detention facilities and prisons (overcrowding, poor sanitary and material conditions) and lack of an effective remedy in this respect.

The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.

7. invited the authorities to provide information on the practice as regards the application, modification and judicial review of the “special regime”; invited them also to indicate the measures envisaged to avoid violations due to the automatic application of a very restrictive regime in respect of certain categories of persons held on remand and to avoid violations related to the modalities of application of the “strict regime” in respect of detainees serving a life sentence.

\* \* \*

*Nachova and Others(group)*

Excessive use of firearms by police officers during arrests; ineffective investigations.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">43577/98+</a>
Judgment(s) final on	06/07/2005
First decision of the Committee of Ministers	<a href="#">1115<sup>th</sup> meeting</a> (June 2011)

[1265<sup>th</sup> meeting \(20-21 September 2016\)](#)[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted that no further individual measures are required in this group of cases;
2. adopted Final Resolution CM/ResDH(2016)274 in the cases *Tzekov, Karandja, Vasil Sashov Petrov, Vlaevi, Dimov and others* and *Filipovi* relating to the use of firearms by the police;
3. decided to continue examining the shortcomings of the legal framework governing the use of firearms by the military police in the context of the *Nachova* case;
4. noted with interest in this respect that the authorities have prepared a bill aimed at bringing the regulations concerning the use of firearms by the military police in line with the Convention, urged them to adopt rapidly the necessary legislative measures and to inform the Committee of the progress achieved by 31/12/2016.

\* \* \*

*Nencheva and Others*

Lack of prompt and sufficient measures to prevent deaths of children placed in public care; lack of prompt and effective investigation into these deaths.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">48609/06</a>
<b>Judgment(s) final on</b>	18/09/2013
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As concerns the individual measures*

1. noted with regret that due to the statute of limitations it is no longer possible to carry out a fresh criminal investigation into the 15 deaths which occurred between December 1996 and March 1997 in the Dzhurkovo children's home; accepted that no further individual measures are possible in this case;

*As concerns the general measures*

2. noted with satisfaction that the material living conditions of children with mental disorders have been improved since the closure of the previously existing care homes and the opening of new family-type residential centres;
3. noted with interest that nine family-type residential centres offering medical care for children with serious disabilities, have been opened; nevertheless invited the authorities to indicate whether there are enough of these centres to cater for all children who require permanent medical care;
4. also invited the authorities to provide precise information on the frequency and outcome of the inspections made by the different domestic bodies to assess the living conditions and medical care given to children in family-type residential centres and medico-social care homes;
5. encouraged the authorities to adopt measures to ensure that children with mental disorders placed outside their families are afforded independent representation, enabling them to have complaints relating to their health and treatment examined before a court or other independent body;
6. took note with interest of the reform making it mandatory systematically to carry out an autopsy in the event of the death of a child placed outside the family; encouraged the authorities to introduce additional guarantees to ensure the effectiveness of investigations in cases where parents have lost interest in a child after he or she is placed in an institution and to provide information on internal practices with regard to the criminal liability of officials responsible for the running or monitoring of residential centres;
7. invited the authorities to submit information on the progress made in all these fields before 1 September 2017.

**1331<sup>th</sup> meeting (4-6 December 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

1. recalled that in this case, which concerns the deaths of 15 children and young adults during the winter of 1996–1997 because of the poor living conditions in a home for children with severe mental disorders, the European Court found that the respondent State had failed to fulfil its positive obligation to protect the lives of vulnerable children for whom it was responsible and had failed to implement appropriate procedural mechanisms to shed light on the circumstances surrounding the particularly tragic events of the case;

*As concerns individual measures*

2. recalled that due to the statute of limitations it is no longer possible to carry out a fresh criminal investigation in order to determine the responsibility for these deaths and that therefore no further individual measures are possible in this case;

*Nencheva and Others*

Lack of prompt and sufficient measures to prevent deaths of children placed in public care; lack of prompt and effective investigation into these deaths.

*As concerns general measures*

3. recalled that the material living conditions of children with mental disorders have been improved since the closure of the former care homes and the opening of new family-type residential centres;
4. noted with interest the commitment of the authorities to create 20 new family-type medical residential centres; invited the authorities to indicate whether the number of facilities of this category, already existing or in the process of being created, is sufficient to cater for all children who need complex medical care and, if applicable, to indicate the time-frame in which the necessary additional facilities will be created;
5. also invited the authorities to provide additional information on the frequency and outcome of the inspections made by the different domestic bodies to assess the living conditions and medical care given to children in family-type residential centres and medico-social care homes;
6. encouraged the authorities to indicate the measures adopted or envisaged to ensure that children with mental disorders placed outside their families, who are not represented by their parents or a relative or whose parents have lost interest in them, are afforded independent representation, enabling them to have complaints relating to their health and treatment examined by a court or other independent body;
7. welcomed the commitment of the Bulgarian Prosecutor's Office to identify and carry out enhanced supervision of the criminal investigations concerning the deaths of children in institutions; encouraged again the authorities to introduce additional guarantees to ensure the effectiveness of investigations in cases where parents have lost interest in a child after he or she has been placed in an institution, and to provide information on domestic practice with regard to the criminal liability of officials responsible for the running or monitoring of residential centres;
8. decided to resume consideration of this case in the light of information to be submitted by the authorities on the questions identified above before 30 June 2019.

\* \* \*

## United Macedonian Organisation Ilinden and Others(group)

Unjustified refusals of the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">59491/00</a>
<b>Judgment(s) final on</b>	19/04/2006
<b>First decision of the Committee of Ministers</b>	<a href="#">1186<sup>th</sup> meeting</a> (December 2013)

### [1193<sup>th</sup> meeting \(4-6 March 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decision*

#### The Deputies

1. noted the rapid reaction of the authorities as concerns the identification and adoption of the additional measures required for the execution of these judgments;
2. noted, in particular, the focused awareness-raising measures already taken or still envisaged in respect of the two courts competent for the registration of the associations concerned by these cases; noted, in addition, the authorities' undertaking to submit to the Committee their assessment of the impact of the measures taken at the latest by the end of September 2014, as well as to keep it informed of any relevant development;
3. noted, further, with interest the visibility given to the questions raised by the execution of these judgments following their presentation in the annual report on the execution of judgments of the European Court, adopted by the Bulgarian Council of Ministers in the end of January 2014 and submitted to the Parliament;
4. in view of these elements, decided to continue the examination of these cases under the standard procedure and instructed the Secretariat to take stock of the progress in the execution process when the information announced by the authorities is submitted.

### [1214<sup>th</sup> meeting \(2-4 December 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. noted with interest the additional awareness-raising measures recently adopted by the Bulgarian authorities; observed, however, that these measures have not been sufficient to prevent new refusals by the Blagoevgrad Court, to register UMO Ilinden and a similar association, such refusals being based partly on grounds already criticised by the Court, and expressed regret in this regard;
2. as regards the requests for registration of UMO Ilinden and of any other similar association currently pending before the Sofia Court of Appeal, stressed the importance that they be examined in full compliance with the requirements of Article 11 of the Convention, as clarified in the judgments under consideration;
3. welcomed the willingness expressed by the Bulgarian authorities to adopt additional measures for the implementation of these judgments; noted, in this respect, the information provided at the meeting according to which the Parliament will examine as a matter of priority legislative proposals with a view to clarifying the legal framework governing the registration of associations;
4. decided to transfer this group of cases to the enhanced procedure, as an expression of their support to the ongoing efforts of the Bulgarian authorities to define and adopt without delay all the measures required for the implementation of these judgments;
5. encouraged the authorities to continue their close co-operation with the Execution Department concerning the definition and/or the implementation of the necessary additional measures for the execution of these judgments, and invited them to keep the Committee informed in good time of any relevant developments concerning the implementation of all measures.

## United Macedonian Organisation Ilinden and Others (group)

Unjustified refusals of the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### Decisions

#### The Deputies

1. agreed to postpone consideration of the cases *Chiragov and others v. Armenia* and *Sargsyan v. Azerbaijan*;
2. agreed to postpone consideration of all aspects of the *M.S.S. group v. Greece* (foreseen for the 1259th meeting (June 2016) and the 1273rd meeting (December 2016));
3. **agreed to consider the group of cases *United Macedonian Organisation Ilinden and Others v. Bulgaria* at their 1265th meeting (September 2016) (DH)**;
4. adopted the order of business accordingly revised.

### 1265<sup>th</sup> meeting (20-21 September 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. noted with concern that the new refusals to register United Macedonian Organisation Ilinden and one similar association, which became final in 2015, are still at least partially based on grounds already criticised by the European Court;
2. in this context, welcomed the adoption by the Bulgarian Parliament of a legislative reform which aims to put in place a simplified administrative procedure for the registration of associations;
3. in order to allow an in-depth assessment of this new legal framework, invited the authorities to provide the relevant provisions as well as additional information on their implementation; noting in this respect that the entry into force of the new mechanism is foreseen only on 01/01/2018, invited the authorities to submit to the Committee further information concerning this time-frame;
4. invited further the authorities to ensure the examination, within the new mechanism, of any future request for registration by the applicant association in full compliance with the requirements of Article 11 of the Convention;
5. given the importance of achieving tangible results in this group, decided to resume the examination of these cases at their 1273<sup>rd</sup> meeting (December 2016) (DH).

### 1273<sup>th</sup> meeting (6-8 December 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. noted with interest the information provided by the authorities on the functioning of the new system for registration of associations by the Registration Agency and the positive aspects emerging from it;
2. in this context, took note of the steps which should allow the entry into force of this new mechanism on 1 January 2018 and reiterated their invitation to the authorities to ensure that any future registration request from the applicant association will be examined in full compliance with the requirements of Article 11 of the European Convention on Human Rights;
3. invited the authorities to provide, by 31 March 2017 at the latest, clarifications as to the precise scope of the future review of the lawfulness of a registration request, to enable an assessment of the safeguards which will be implemented in this area;
4. also invited the authorities to provide, as soon as possible, and in any event by 30 June 2017, information on the secondary legislation prepared for the implementation of the new registration mechanism, as well as with regard to any awareness-

## United Macedonian Organisation Ilinden and Others (group)

Unjustified refusals of the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".

raising measures foreseen in respect of the officials in charge of registration, in order to draw their attention to the need to ensure an examination which is in line with the requirements of Article 11 of the Convention;

5. decided to resume examination of this group of cases at the 1288<sup>th</sup> meeting (June 2017) (DH) to assess the steps taken to execute this group of judgments, as concerns both the necessary individual and general measures.

### 1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. expressed deep concern that since the first *UMO Ilinden* judgment became final in 2006 the applicant association has been denied registration on three occasions, partially on grounds already criticised by the European Court ;
2. considered that this situation shows how important it is for the authorities to ensure that all necessary measures are adopted in order for any future registration request by UMO Ilinden, filed in the context of the new administrative registration procedure for associations, which will enter into force on 1 January 2018, to be examined in full compliance with the requirements of Article 11 of the Convention;
3. in this context, having noted the additional information concerning this new registration procedure, invited the authorities to adopt further measures specifying the scope of the review of the lawfulness of a registration request, in particular as concerns the assessment of the goals of the association;
4. encouraged the authorities to continue adopting awareness-raising measures for the officers in charge of the registration and the competent courts under the new registration mechanism;
5. recalled their request to receive the secondary legislation for the implementation of the new registration mechanism and decided to resume the examination of this group of cases at their DH meeting in June 2018.

### 1318<sup>th</sup> meeting (5-7 June 2018)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

#### As regards individual measures

1. noted with concern the new refusal to register UMO Ilinden of 25 May 2018 which although based on procedural grounds also contains a negative comment on certain provisions of the association's statutes concerning its goals which is not explicitly mentioned as a ground for refusal;
2. having recalled that this is the fourth refusal of registration since the first *UMO Ilinden and Others* judgment from 2006, underlined all the importance attached to the Bulgarian authorities rapidly taking all the measures necessary for a new registration request of the association UMO Ilinden, or a possible appeal against the refusal of May 2018, to be examined in full compliance with the requirements of Article 11 of the Convention, as they arise from the judgments of the European Court;

#### As regards general measures

3. noted with interest the information on the additional measures adopted to ensure the proper functioning of the new registration procedure for associations which entered into force in January 2018;
4. noted however with regret that the latest developments raise questions as to the functioning of the new registration mechanism, mainly as concerns the scope of review of the lawfulness of the associations' goals and the incorporation of the requirements of Article 11 of the Convention and the relevant case-law of the Court in this review;
5. in this context, invited the authorities to follow closely the evolution of the domestic practice concerning this new mechanism and invited them to take all the additional measures that might prove necessary to ensure that the new



## United Macedonian Organisation Ilinden and Others (group)

Unjustified refusals of the courts to register an association aiming at achieving "the recognition of the Macedonian minority in Bulgaria".

registration mechanism functions in a manner that complies with the requirements of Article 11 of the Convention and also to keep the Committee informed of developments;

6. decided to resume the examination of this group of cases at their 1331<sup>st</sup> meeting (December 2018) (DH).

### 1331<sup>th</sup> meeting (4-6 December 2018)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that these cases concern four unjustified refusals of the courts between 1999 and 2015 to register an association aiming to achieve "the recognition of the Macedonian minority in Bulgaria", mainly based on considerations of national security and on the constitutional prohibition on associations pursuing political goals;
2. recalled that a new administrative registration procedure has been put in place in 2018 before the Registration Agency in order to facilitate the access of associations to an adequate procedure to exercise their rights under Article 11 of the Convention;

#### As regards individual measures

3. noted that the applicant association was refused registration for a second time in November 2018 under the new registration procedure and recalled that this is the fifth registration refusal since the first judgment in this group given in 2006;
4. noted, however, that this new refusal appears to be part of a series of difficulties in the first months of application of the new system, related to the formal requirements that must be met by the applications, with half of some 1,600 applications for registration since the beginning of 2018 having been rejected apparently due to formal defects;
5. noted that this refusal is also based on formal grounds related to legal certainty, inaccuracies having been established as to the manner in which the association envisages the participation of its members in elections, and that it seems that these inaccuracies can be easily rectified by making the statutes more precise;
6. stressed, given the length of time since the problems in this group of cases were initially revealed, the importance of examining any new registration request from UMO Ilinden in compliance with the requirements of Article 11 of the Convention, in particular as concerns the scope of review of the lawfulness of its goals and the means for achieving them, and the proportionality of formal requirements;

#### As regards general measures

7. noted with satisfaction that in a judgment of September 2018 the Sofia Court of Appeal considered that the goals pursued by an association similar to UMO Ilinden were lawful and compatible with public utility status and that this is a significant step forward as compared to the first refusals based on the alleged dangerousness and unlawfulness of the goals of UMO Ilinden and similar associations;
8. noted furthermore that in view of the divergent practice of the Registration Agency and the competent courts, additional efforts seem necessary to clarify the content of certain formal requirements in order to ensure their transparent and foreseeable application;
9. in this context, encouraged the broad interpretation given by the Sofia Court of Appeal in the above mentioned judgment as to the duty of the Registration Agency to give instructions to associations to supplement their registration file; invited the authorities to draw inspiration from this approach of the Court of Appeal in order to ensure a sufficiently broad application of this duty and to avoid, as far as possible, refusals based on formal grounds;
10. invited the Bulgarian authorities to provide as soon as possible information on all the points raised above and decided to resume the examination of this group of cases at the latest at their 1354<sup>th</sup> meeting (September 2019) (DH).

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**Stanev (group)**

Illegal placement in social care homes of persons suffering from mental disorders, lack of judicial review and lack of possibility to request compensation. Impossibility to submit directly before a court a request for revocation of the partial guardianship. Poor living conditions in social care homes and lack of effective remedy in this respect.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	36760/06
<b>Judgment(s) final on</b>	17/01/2012
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As concerns the general measures*

- noted that the legislative reform which entered into force in January 2016 did not introduce all the safeguards required in the area of voluntary placement in institutions and invited the authorities to put in place these safeguards in respect of the placement of persons under partial guardianship, temporary placement by the administration and termination of a placement;
- invited the authorities to clarify what procedure will be followed for the placement of persons who are unable to express their will;
- noted that the relevant provisions of the planned reform of the regime of legal protection of adults comply with the indications of the Court in the area of direct access to a court to request the revocation of a partial guardianship; invited the authorities to ensure that, pending this reform, persons under partial guardianship will have direct access to a judge to request the restoration of their legal capacity;
- noted that problems concerning living conditions seem to persist in certain social care homes and invited the authorities to inform the Committee of the concrete measures envisaged in order to remedy these problems;
- invited the authorities also to specify whether there is a remedy to enable the attainment of an improvement in living conditions and to adopt additional measures to ensure the effectiveness of the compensatory remedy foreseen by the State Responsibility Act;

*As concerns the individual measures*

- noted that the applicants currently live in protected dwellings and consent to do so, and that no further measure is therefore required in respect of their placement in institutions;
- invited the authorities to take the necessary measures to accelerate the proceedings concerning the restoration of the legal capacity of Mr Stanev and to guarantee to Mr Stankov effective access to a court for him to request, if he so wishes, the revocation of his partial guardianship.

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

- noted that the recent reforms have introduced the necessary safeguards as regards the voluntary placement in an institution of persons under full guardianship; as regards the voluntary placement of persons under partial guardianship, invited the authorities to provide concrete information on the manner according to which the capacity of the person to consent to a placement will be assessed and on the body which will be competent to make this assessment and to provide the person concerned with information about the placement;

*Stanev (group)*

Illegal placement in social care homes of persons suffering from mental disorders, lack of judicial review and lack of possibility to request compensation. Impossibility to submit directly before a court a request for revocation of the partial guardianship.

Poor living conditions in social care homes and lack of effective remedy in this respect.

2. reiterated their invitation to the authorities to put in place the additional safeguards required in respect of a temporary placement by the administration and the termination of a placement and to clarify what procedure will be followed for the placement of persons who are unable to express their will;
3. noted with concern that persons under partial guardianship still do not enjoy direct access to court to request the restoration of their legal capacity; invited the authorities to adopt, without further delay, the necessary measures in this respect, including by exploring temporary solutions pending the adoption of the ambitious reform that they have elaborated in the legal protection of adults;
4. took note of the measures taken or identified to improve living conditions in social care homes and invited the authorities to inform the Committee of the concrete results achieved; invited them also to inform the Committee of the mechanisms allowing the attainment of an improvement in living conditions for a person placed in an institution and to adopt additional measures to ensure the effectiveness of the compensatory remedy foreseen by the State Responsibility Act;
5. noted that the individual measures related to the direct access to court for Mr Stankov to request, if he so desires, the restoration of his legal capacity, are linked to the general measures mentioned under paragraph 3 above; invited the authorities to provide the Committee, before 1 October 2017, with information on the progress achieved in all the areas identified above.

\* \* \*

## S.Z. (group) - Kolevi

Systemic problem of ineffective criminal investigations in Bulgaria with regard to shortcomings which affect investigations concerning both private individuals and law enforcement agents and lack of guarantees for the independence of criminal investigations against the Chief Prosecutor.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">29263/12</a>
<b>Judgment(s) final on</b>	03/06/2015
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

### 1273<sup>th</sup> meeting (6-8 December 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

- noted that no individual measure is possible in the *S.Z.* case; invited the authorities to specify whether it is still possible to hear the former Chief Prosecutor Mr F. in the context of the new investigation in the *Kolevi* case and to provide information on the current state of the investigation in the *Vasil Hristov* case, as well as the assessment of the competent authorities of the possibility to reopen the investigation in the *Mulini* case;
- noted with interest the adopted or planned measures to ensure the effectiveness of investigations and the in-depth analysis under way; in this context encouraged the taking of measures to introduce an acceleratory remedy in criminal matters and to eliminate the possibility of terminating an investigation solely on the ground of its duration;
- invited the authorities to provide information on the results of their analysis concerning the other concrete measures which could be taken to address the causes of the systemic problem of ineffectiveness of investigations; in this context encouraged them in particular to assess the need for strengthening guarantees regarding the opening of investigations and bringing charges, in the light of the relevant Council of Europe instruments;
- noted with interest the reforms adopted to enhance the autonomy of prosecutors responsible for a case, but noted that they have not solved the problem of the lack of independence regarding investigations against the Chief Public Prosecutor, as highlighted in the *Kolevi* case; given the complexity of the measures required to this end, decided to pursue consideration of this case under the enhanced supervision procedure;
- invited the authorities to submit information on the progress made in all these areas by 1 September 2017.

### 1310<sup>th</sup> meeting (13-15 March 2018)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

- noted that no further individual measure is possible in the *Vasil Hristov* case; decided to close its examination (Final Resolution [CM/ResDH\(2018\)105](#)) and to continue the examination of the general measures required by this case in the context of the *S.Z.* case;
- reiterated their invitation to the authorities to specify whether it is still possible to hear the former Chief Prosecutor Mr F. in the context of the new investigation in the *Kolevi* case and to provide the assessment of the competent authorities of the possibility of reopening the investigation in the *Mulini* case;
- noted with interest the recent encouraging developments, in particular the introduction of an acceleratory remedy in criminal matters, as well as the progress achieved with identifying the causes of the structural problem of ineffectiveness of investigations and the efforts of the authorities to elaborate relevant legislative reforms;
- in this context, encouraged the work of the authorities aiming at elaborating concrete reforms to strengthen the guarantees regarding opening of criminal investigations; encouraged them also to provide a specific analysis as to the need to strengthen the guarantees regarding bringing of charges and the possibility to allow the victims to use the new acceleratory remedy before charges are brought against a particular person;

## S.Z. (group)

Systemic problem of ineffective criminal investigations in Bulgaria with regard to shortcomings which affect investigations concerning both private individuals and law enforcement agents and lack of guarantees for the independence of criminal investigations against the Chief Prosecutor.

5. invited the authorities to provide information on the other concrete reforms envisaged to address the causes of the structural problem of ineffectiveness of investigations and the application in practice of the legislative provisions modified or adopted in 2017, in particular those concerning the acceleratory remedy and the preliminary hearing;
6. invited moreover the authorities to provide information on the concrete reforms envisaged to ensure the independence, in law and in practice, of an investigation against the Chief Prosecutor, and in particular to guarantee the independence of the authorities responsible for the different stage of the investigation; invited them to provide information on the progress achieved in all of the above areas before 1 October 2018.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

##### The Deputies

1. recalled that these cases concern a systemic problem of ineffective criminal investigations in Bulgaria and the lack of guarantees for the independence of criminal investigations against the Chief Prosecutor;
2. recalled also that the authorities have achieved considerable progress in the identification of the causes of the ineffectiveness of investigations in general and have adopted relevant reforms related to the promptness of criminal proceedings;

##### As regards individual measures

3. noted that no further individual measure is possible in the *Mulini* case and decided to close its examination by adopting Final Resolution CM/ResDH(2019)57 and to continue the supervision of the general measures in the context of the *S.Z.* case;
4. noted that no additional individual measures appear necessary in the *S.Z.* case in the light of the information currently available; invited the authorities to keep the Committee informed of the results of the ongoing investigation in the *Kolevi* case;

##### As regards general measures

5. as concerns the *S.Z.* case, noted with regret that work aimed at strengthening the guarantees as regards the opening of criminal investigations is still at a very initial stage and urged the authorities to rapidly elaborate concrete proposals in this area; also encouraged them to provide information on concrete measures envisaged to address the other outstanding questions identified in the analysis of the Secretariat appearing in the notes prepared for this meeting concerning the effectiveness of investigations at the pre-trial and trial stages;
6. as concerns the *Kolevi* case, noted with concern the lack of progress with the preparation of measures to guarantee the independence of investigations against the Chief Prosecutor, including the independence of the authorities responsible for each stage of the investigation, and therefore urged the authorities rapidly to elaborate concrete and comprehensive proposals in this respect;
7. recalling, moreover, the need to uphold the independence of judges exercising judicial review in the context of criminal investigations, noted with interest that in a decision of 21 February 2019 the Constitutional Court declared unconstitutional the provision providing for the automatic suspension of a magistrate charged with a criminal offense allegedly committed in the context of his or her duties; invited therefore the authorities to adopt amendments allowing the Judicial Chamber of the Supreme Judicial Council to assess the soundness of a request for suspension of a judge charged with an intentional criminal offence;
8. invited the authorities to submit, before 1 October 2019, information on concrete proposals for measures in the above three areas, all of which are essential for upholding of the rule of law, and in this connection encouraged them to cooperate closely with the Secretariat and make use of the expertise available through the Council of Europe;
9. in the event that no tangible progress is achieved by 1 October 2019 in relation to the three areas identified above, instructed the Secretariat to prepare a draft interim resolution for examination at their December 2019 DH meeting.

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## Velikova (group)

Excessive use of force by members of the law enforcement agencies; ineffective investigations.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">41488/98</a>
Judgment(s) final on	04/10/2000
First decision of the Committee of Ministers	<a href="#">1115<sup>th</sup> meeting</a> (June 2011)

**1265<sup>th</sup> meeting (20-21 September 2016)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

- noted that no further individual measures are possible in 22 cases in which the Prosecutor's Office or the courts have established the expiry of the statute of limitations or of the time-limit for re-opening the proceedings under specific circumstances, the destruction of the criminal file or the impossibility of identifying the author of the ill-treatment;<sup>[3]</sup> invited the authorities to provide further information in the cases *Dimitrov and Others*, *Vachkovi*, *Anguelova*, *Petkov and Parnarov*, *Mihaylova and Malinova*, *Gutsanovi*, *Govedarski*, *Stoykov*, *Slavov and Others*, *Boris Kostadinov* and *Myumyun*;
- noted with interest the action plan submitted following the public declaration of the Committee for the Prevention of Torture (CPT) of March 2015 and the Sofia Round Table of July 2015 and called upon the authorities rapidly to implement all the measures envisaged to combat ill-treatment by the security forces;
- noted moreover with interest the adoption in October 2015 of an internal order reinforcing the procedural safeguards in prisons and detention centres and invited the authorities to consolidate this important step forward by codifying these rules in a public and binding instrument; invited them also to improve rapidly the implementation of procedural safeguards during the 24 hours of police detention and the related supervising mechanisms of the Prosecutor's Office;
- called upon the authorities to improve the effectiveness of investigations; invited them, in particular, to adopt measures to secure the independence of preliminary investigations carried out before the official opening of criminal proceedings; create an obligation on police officers from special units to display anonymous means of identification; and modify legislation so as to guarantee that criminal investigations cannot be closed for reasons related to their length alone;
- in this context, also invited the authorities to adopt specific criminal provisions penalising acts of torture; invited them to inform the Committee of the results of their analysis concerning the measures necessary to prevent violations of Articles 3 and 13 related to the psychological effects of arrest and the absence of effective compensatory remedies;
- invited the authorities to submit information on the progress achieved in all these areas before 01/03/2017 and decided to resume the examination of these cases at their DH meeting in September 2017, on the basis of a detailed assessment prepared by the Secretariat.

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards the cases Gutsanovi, Govedarski, Slavov and Others and Stoyanov and Others*

- noted with satisfaction that a domestic remedy already exists for complaints about degrading treatment due to the disproportionate manner of an arrest causing psychological harm and decided, in view of this substantial progress, to continue their examination of the cases *Gutsanovi*, *Govedarski*, *Slavov and Others* and *Stoyanov and Others* under the standard procedure; encouraged the authorities to provide additional information on the impact of the measures adopted to prevent degrading arrests;
- noted that no further individual measures are necessary in the *Gutsanovi* and *Govedarski* cases and invited the authorities to provide information on the individual measures in the *Slavov and others* and *Stoyanov and others* cases;

*As regards the remaining cases from the Velikova group*

*Velikova (group)*

Excessive use of force by members of the law enforcement agencies; ineffective investigations.

3. noted that no further individual measure is needed in the *Popovi* case; invited the authorities to provide additional information on the individual measures in the cases *Dimitrov and Others*, *Vachkovi*, *Anguelova*, *Petkov and Parnarov*, *Mihaylova and Malinova*, *Stoykov*, *Boris Kostadinov* and *Myumyun*;
4. invited them also to provide up-to-date information on the implementation of procedural safeguards during the 24 hours of police detention, as well as on the measures aimed at making the supervising mechanisms of the Prosecutor's Office more effective; encouraged them to consolidate, in a public and binding instrument, the rules reinforcing the safeguards in prisons and remand centres;
5. reiterated their invitation to the authorities to provide, without delay, information on the concrete reforms envisaged to secure the independence of preliminary investigations carried out before the official opening of criminal proceedings, the displaying by officers from special units of anonymous means of identification and the adequate criminalisation of acts of torture, as well as the time-table for their adoption;
6. noted with satisfaction the removal of the provisions allowing the closure of investigations for reasons related to their length alone and invited the authorities to provide information on the functioning of the acceleratory remedy foreseen instead;
7. invited the authorities to submit information on the progress achieved in all the above-mentioned areas before 1 February 2018.

\* \* \*

## *Yordanova and Others*

Planned expulsion of persons of Roma origin from an unlawful settlement in Sofia, where most of them had lived for decades with the authorities' acquiescence, on the basis of legislation not requiring any proportionality review of the expulsion orders (potential violation of Article 8 if the removal order is implemented).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">25446/06</a>
<b>Judgment(s) final on</b>	17/01/2012
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

1. noted with interest that, in order to comply with the indications of the Court under Article 46, the authorities have suspended the implementation of the removal decision at issue in this judgment until suitable rehousing solutions have been found for the applicants;
2. recalling that it is necessary to carry out in advance an examination of the proportionality of each eviction measure, invited the authorities to provide to the Committee, by 1 September 2016, information on the concrete measures taken to secure an examination of the proportionality of the solutions to the unlawful occupation and to put an end to the uncertainty which the applicants have been facing in this respect for almost four years;
3. recalling moreover that the Court indicated to the Bulgarian authorities, under Article 46 of the Convention, that it is necessary to amend the relevant domestic law and practice and, noting that so far no legislative reform proposal has been elaborated, urged the Bulgarian authorities to adopt rapidly the necessary legislative and regulatory reforms;
4. noted, in this context, that the setting-up of a specific legal framework, providing for substantial safeguards and an adequate and fair decision-making procedure, is important to ensure that the requirements of the judgment are better taken into account in domestic judicial and administrative practice;
5. invited the authorities to submit, by 1 December 2016, information on the progress achieved and the time-table foreseen for the adoption of the legislative reforms required.

### 1294<sup>th</sup> meeting (19-21 September 2017)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

1. noted with regret the lack of tangible progress in the adoption of the legislative reforms necessary to ensure the examination of the proportionality of removal orders motivated by the unlawful occupation of public property or orders for the demolition of unlawful buildings; called upon the authorities to adopt these reforms without further delay and invited them to submit, before 1 February 2018, information on the progress achieved and the time-table for their adoption;
2. noted that the decision ordering the eviction of the applicants from their dwellings criticised in the *Yordanova and Others* judgment can no longer be enforced; noted in this respect that the individual measures concerning any possible new eviction order are closely linked to the general measures required in these cases;
3. noted also the annulment of the measures for the enforcement of the demolition order concerning the house of the applicants Ivanova and Cherkezov and the injunction requiring the authorities to carry out a proportionality analysis; invited the authorities to provide information on this proportionality assessment.



## Yordanova and Others

Planned expulsion of persons of Roma origin from an unlawful settlement in Sofia, where most of them had lived for decades with the authorities' acquiescence, on the basis of legislation not requiring any proportionality review of the expulsion orders (potential violation of Article 8 if the removal order is implemented).

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

#### As concerns individual measures

1. recalled that the decision ordering the eviction of the applicants from their dwellings criticised in the *Yordanova and Others* judgment can no longer be enforced; recalled also that the individual measures concerning any possible new eviction order are closely linked to the general measures required in these cases;
2. reiterated their invitation to the authorities to specify whether a proportionality assessment has been carried out after the annulment of the actions for the enforcement of the demolition order of the applicants' house in the *Ivanova and Cherkeзов* case and whether this assessment is capable of meeting the requirements of the judgment;

#### As concerns general measures

3. noted with interest the positive developments in judicial practice, in particular as concerns the proportionality assessment of the enforcement modalities of demolition orders concerning unlawfully constructed dwellings and invited the authorities to provide information on the consolidation of this emerging practice; noted however that these developments are not sufficient to ensure the full implementation of these judgments;
4. in this context, noted with concern the lack of tangible progress in the adoption of the legislative reforms necessary to ensure the examination of the proportionality of removal orders in cases of unlawful occupation of public property or orders for the demolition of unlawful buildings and reiterated their call on the authorities to adopt these reforms without further delay;
5. invited the authorities to submit, before 1 March 2019, information on the progress achieved in the elaboration of a proposal for legislative reforms and on the timetable for their adoption; in the event that no tangible progress is achieved by 1 March 2019, instructed the Secretariat to prepare a draft interim resolution for consideration at the June 2019 DH meeting.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

1. recalled that these cases concern potential violations of the applicants' right to respect for their home or their private and family life as a result of removal or demolition orders concerning their homes which were issued and reviewed under a legal framework that did not require a proportionality assessment;

#### As regards individual measures

2. recalled that the removal order criticised in the *Yordanova and Others* judgment can no longer be enforced and that the individual measures concerning any possible new removal order in respect of the applicants are closely linked to the general measures required in these cases; reiterated their invitation to the authorities to specify whether a proportionality assessment has been carried out after the annulment of the actions for the enforcement of the demolition order in the *Ivanova and Cherkeзов* case;

#### As regards general measures

3. as concerns orders for the demolition of illegal dwellings, noted with interest that a recently prepared draft bill seems to provide an adequate basis for proportionality assessments; invited however the authorities to modify this proposal to ensure that all persons residing in an illegal dwelling can benefit from such a review before a demolition order is issued;
4. welcomed the judgment of the Supreme Administrative Court of 3 October 2018 recognising the applicability of the proportionality principle in respect of demolition orders and the proportionality review by administrative courts of the

*Yordanova and Others*

Planned expulsion of persons of Roma origin from an unlawful settlement in Sofia, where most of them had lived for decades with the authorities' acquiescence, on the basis of legislation not requiring any proportionality review of the expulsion orders (potential violation of Article 8 if the removal order is implemented).

enforcement actions concerning such orders; invited the authorities to provide further examples of judicial practice and to confirm that judicial review is available to all persons whose right to respect for their home is affected by a demolition order;

5. as concerns eviction from property belonging to the municipality or the State, recalled that the Supreme Administrative Court now reviews the proportionality of removal orders; noted also with interest that the draft bill drawn up by the authorities seems to constitute an adequate basis for proportionality assessment before a removal order is issued and for its judicial review;
6. as concerns both the eviction from property belonging to the municipality or the State and the demolition of illegal dwellings, invited the authorities to provide their assessment as to whether the rules on registration for municipal housing need to be amended to allow to persons residing in a specific neighbourhood for many years, but without an official address, to register for such housing;
7. invited the authorities to rapidly finalise the legislative process, while ensuring that all persons affected by a demolition order can benefit from a proportionality assessment, and to provide information on the progress achieved with the adoption of the draft legislation by 30 September 2019.

\* \* \*

**M.A. (group)**

Unlawful detention of asylum seekers and lack of effective remedies to challenge the lawfulness of detention and /or deportation (Articles 5 § 1 and 5 § 4, Article 13 in conjunction with Articles 2 and 3).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">41872/10</a>
<b>Judgment(s) final on</b>	23/10/2013
<b>First decision of the Committee of Ministers</b>	1250 <sup>th</sup> meeting (March 2016)

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted, as concerns individual measures, that all the applicants have been released from detention, the applicant in *M.A.* has been granted refugee status and is no longer at risk of deportation and that the just satisfaction awarded by the Court has been paid; considered therefore that no further individual measures are necessary;
2. welcomed the Cypriot authorities' decision to establish an Administrative Court to enable speedy examinations of challenges to detention orders under Article 146 of the Constitution as well as the proposed amendment to the Refugees Act to create an obligation on the domestic courts to consider such claims as soon as possible and in any event within four weeks; urged the authorities to ensure that these measures are in place as soon as possible;
3. noted also with interest the authorities' indication that the violations of Article 5 § 1 in the case of *M.A.* were as a result of isolated errors and that broad dissemination of the judgment to the relevant authorities with instructions should be sufficient to avoid similar violations in future; invited the authorities to submit information on the measures proposed to respond to the separate violations of Article 5 § 1 in the cases of *A.H. and J.K.* and *H.S. and Others*;
4. noted with satisfaction the measures proposed by the authorities to introduce an automatically suspensive remedy when an individual alleges that his or her expulsion would violate Articles 2 and/or 3 of the Convention and strongly encouraged the authorities to take all necessary measures to ensure that the relevant amendments are adopted and come into force without delay;
5. invited the authorities to keep the Committee informed as to all of the above issues and to submit an updated action plan by 1 July 2016.

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that no further individual measures are necessary, including in connection with the recent judgment *Mefaalani*, as all the applicants have been released from detention and the just satisfaction awarded by the European Court has been paid;
2. noted with satisfaction that the Administrative Court became operational in January 2016 and that the amendment to the Refugees Act imposing time-limits for examining challenges to detention orders and *habeas corpus* applications has come into force; considered that these measures have the capacity to respond to the European Court's criticisms under Article 5 § 4;
3. noted with interest the broad dissemination of the judgments in the cases of *A.H. and J.K.* and *H.S. and Others* and the instructions provided to the competent domestic authorities to prevent similar violations of Article 5 § 1;
4. noted with satisfaction that a Bill introducing a remedy with automatic suspensive effect when an individual alleges that his or her expulsion would violate Articles 2 and/or 3 of the Convention has been tabled before Parliament for adoption and strongly encouraged the authorities to take all necessary measures to ensure that the proposed legislative amendments are adopted and come into force without further delay;

## M.A. (group)

Unlawful detention of asylum seekers and lack of effective remedies to challenge the lawfulness of detention and /or deportation (Articles 5 § 1 and 5 § 4, Article 13 in conjunction with Articles 2 and 3).

5. invited the authorities to keep the Committee informed of all relevant developments in this regard and to submit an updated action plan by 1 December 2017.

### **1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

#### Notes of the meeting

#### *Decisions*

The Deputies

#### *As regards individual measures*

1. decided, without prejudice to their examination of the general measures, to close the supervision of four cases where no further individual measures are necessary since the just satisfaction has been paid and the applicants have been released from detention, and adopted Final Resolution [CM/ResDH\(2018\)461](#);

#### *As regards general measures*

2. noted with regret that the Bill introducing a remedy with automatic suspensive effect when an individual alleges that his or her expulsion would violate Articles 2 and/or 3 of the Convention has not yet been adopted although it has been pending before Parliament since April 2017;
3. expressed their deep concern at this lack of progress and strongly urged the authorities to take all measures available to them to ensure that the proposed legislative amendments are adopted and come into force without further delay;
4. underlined that, in the meantime, the authorities should continue to ensure that, as a matter of practice, judicial review proceedings under Article 146 of the Constitution have suspensive effect whenever an individual in the course of such proceedings seeks the suspension of a deportation order and alleges that its enforcement would violate Articles 2 or 3 of the Convention;
5. invited the authorities to keep the Committee informed of all relevant developments in this regard and to submit an updated action plan or report as soon as the relevant legislative amendments have been adopted and in any event by 30 June 2019.

\* \* \*

*Onoufriou*

Degrading treatment in solitary confinement, limitation of visitation rights, monitoring of correspondence and lack of an effective remedy in these respects.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">24407/04</a>
<b>Judgment(s) final on</b>	07/04/2010
<b>First decision of the Committee of Ministers</b>	1310 <sup>th</sup> meeting (March 2018)

**1310<sup>th</sup> meeting (13-15 March 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted that no individual measures are necessary because the applicant was released from solitary confinement in 2003 and no just satisfaction was awarded;
2. noted with concern that this case has been pending before the Committee of Ministers for over seven years with little tangible progress having been made as concerns general measures;
3. noted with interest the new draft Prison Regulations, approved by the Council of Ministers in January 2018, and the practical measures taken to improve material conditions in solitary confinement and considered that these measures have the capacity to respond to the European Court's criticisms under Articles 3 and 8; strongly encouraged the authorities to take all necessary steps to ensure that the new Prison Regulations are adopted and come into force as soon as possible, taking account of recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
4. noted with interest the draft amendment to the Prison Law to make the Prisons Board independent of the prison authorities; invited the authorities to clarify further the legal framework and the practice of the Prisons Board, in particular as it relates to the procedure and the timing of examination of complaints from individuals concerning their solitary confinement;
5. to guard against any further delay, decided to transfer this case to the enhanced supervision procedure;
6. invited the authorities to provide an updated action plan or report with all developments by 1 October 2018.

\* \* \*

*Rantsev*

Ineffective investigation into the death of a possible victim of human trafficking.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	25965/04
<b>Judgment(s) final on</b>	10/05/2010
<b>First decision of the Committee of Ministers</b>	1273 <sup>rd</sup> meeting (December 2016) (decision to postpone)

**1273<sup>rd</sup> meeting (6-8 December 2016)**

[List of decisions](#)

*Decisions*

The Deputies

1. adopted the final resolutions [CM/ResDH\(2016\)333](#) to [CM/ResDH\(2016\)356](#) in respect of the judgments and decisions listed below:
2. decided to postpone consideration of the *Rantsev* case v. Cyprus and the Russian Federation to the 1280<sup>th</sup> meeting (March 2017) (DH).

**1280<sup>th</sup> meeting (7-10March 2017)**

[List of decisions](#)

**Notes of the meeting**

*Decision*

The Deputies decided to close the examination of this case and to adopt Final Resolution [CM/ResDH\(2017\)95](#).

.....

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;

Recalling that the violations of the Convention found by the Court in this case concern the death in ambiguous circumstances of the applicant’s daughter, who had travelled from the Russian Federation to Cyprus on an “artiste” visa (violations of Articles 2, 4 and 5 § 1) (see details in Appendix);

Having invited the government of each of the respondent States to inform the Committee of the measures taken to comply with their obligations under Article 46, paragraph 1, of the Convention to abide by the judgment;

Having examined the information provided by the governments of both respondent States in accordance with the Committee’s Rules for the application of Article 46, paragraph 2, of the Convention (see, *inter alia*, documents [DH-DD\(2014\)1373](#), [DH-DD\(2014\)1403](#), [DH-DD\(2015\)819](#) and [DH-DD\(2010\)411](#));

Having satisfied itself that the respondent States paid the applicant the just satisfaction provided in the judgments (see details in Appendix);

Recalling each 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 satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

DECLARES, having examined the measures taken by the respondent States (see Appendix), that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case and

DECIDES to close the examination thereof.\* \* \*

*Adjarić*

Unfair criminal trial (violation of Article 6 § 1).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">20883/09</a>
Judgment(s) final on	04/06/2012
First decision of the Committee of Ministers	1250 <sup>th</sup> meeting (March 2016)

[1250<sup>th</sup> meeting \(8-10 March 2016\)](#)[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies decided to close the present case in the light of the measures taken by the Croatian authorities as well as their assurances in respect of the individual measures as described in their action report of 14 January 2016 and adopted Final Resolution [CM/ResDH\(2016\)38](#).

**Resolution [CM/ResDH\(2016\)38](#)****Execution of the judgment of the European Court of Human Rights****Ajdarić against Croatia**

*(Adopted by the Committee of Ministers on 10 March 2016 at the 1250th meeting of the Ministers' Deputies)*

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 violation established;

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 order to give effect to the judgment including the assurances given by it in respect of the individual measures and the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2016\)34](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

## Šečić (group)

Failure to carry out an effective investigation into a racist attack on a person of Roma origin.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">40116/02</a>
Judgment(s) final on	31/08/2007
First decision of the Committee of Ministers	1288 <sup>th</sup> meeting (June 2017)

**[1288<sup>th</sup> meeting \(6-7 June 2017\)](#)**

[List of decisions](#)

**[Notes of the meeting](#)***Decisions*

The Deputies

*As regards individual measures*

1. invited the authorities to provide clarification concerning the statute of limitation applicable to the attack against the applicant, to assess if any investigatory steps can still be taken in line with Convention standards, and to provide information to the Committee of Ministers in this respect;

*As regards general measures*

2. noted with satisfaction the legislative measures aimed at enhancing the efficiency of investigations into ill-treatment motivated by ethnic hatred;
3. noted, however, that additional efforts should be made to ensure that the applicable legislation is implemented in compliance with Convention requirements;
4. strongly encouraged the authorities, therefore, to take the measures needed to ensure that the relevant legislation is implemented rigorously so that effective investigations are carried out into hate crimes in compliance with Convention requirements;
5. invited further the authorities to explore the possible avenues of action to prevent crimes motivated by ethnic hatred, in particular against the Roma community, such as setting up a specialised police unit to deal specifically with racist crimes, and to provide information on the practical impact of the measures taken in this respect.

\* \* \*



*Skendžić and Krznarić (group)*

Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">16212/08</a>
<b>Judgment(s) final on</b>	20/04/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1150<sup>th</sup> meeting</a> (September 2012)

**[1208<sup>th</sup> meeting \(23-25 September 2014\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. *as regards individual measures*, noted with concern that no tangible investigatory steps have been taken apart from obtaining statements from possible witnesses, despite the fact that more than three years have passed since the judgments in both cases became final;
2. urged the Croatian authorities to take the necessary steps to establish the identity of the perpetrators and to bring the ongoing investigations to an end without delay, in accordance with the relevant Convention standards;
3. *as regards general measures*, noted with interest the amendments introduced in the Criminal Procedural Code to ensure that investigations into war crimes are concluded expeditiously and invited the Croatian authorities to provide by 31 December 2014 information on the impact of this measure on the ongoing investigations into war crimes, in particular as to how many of these investigations have been brought to an end within the new statutory deadline introduced with the coming into force of the new code;
4. also invited the Croatian authorities to provide by 31 December 2014 information on the content of the draft legislative amendments aimed at ensuring the independence of investigations into war crimes and a calendar for their adoption;
5. in view of the large number of pending investigations into war crimes at domestic level and of the risk of new applications being brought before the Court, urged the Croatian authorities to intensify their efforts with a view to accelerating the progress and completion of these investigations, in accordance with the relevant Convention standards.

**[1259<sup>th</sup> meeting \(7-8 June 2016\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*as regards individual measures*

1. noted with concern that, despite some investigatory measures taken, no tangible progress has been achieved in the ongoing investigations in the cases of *Skendžić and Krznarić*, *Jelić* and *Jularić*; urged therefore the Croatian authorities to intensify their efforts with the aim of bringing these investigations to an end without further delay; also invited the authorities to provide information on the state of affairs in the ongoing investigation in the case of *B. and Others*;

*as regards general measures*

2. noted with interest that the authorities have set up special structures responsible for investigating war crimes and also adopted legislative measures in 2014 with the aim of ensuring the independence of police units responsible for investigations into war crimes;
3. noted, however, in the light of the statistical information provided by the authorities, that progress in the investigation of war crimes at domestic level has been rather slow and that there is still a large number of investigations pending;
4. urged the authorities to intensify their efforts with a view to bringing the ongoing investigations to an end while bearing in mind the relevant Convention standards, in particular that of effectiveness;
5. invited the authorities to provide information on the above-mentioned questions before 1 December 2016 at the latest and decided to resume examination of this item at their DH meeting in March 2017.

*Skendžić and Krznarić (group)*

Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995).

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures*

1. noted with interest that the Croatian authorities have invested significant efforts in the on-going investigations in the present cases with a view to complying with Convention standards, in particular by transferring the investigations in two cases to other jurisdictions to ensure their independence;
2. strongly encouraged the authorities to sustain their efforts with a view to continuing these investigations so that perpetrators are identified and brought before justice;

*As regards general measures*

3. welcomed the extension of the jurisdiction of the Constitutional Court to cases concerning allegations of lack of investigation into war crimes and invited the authorities to provide information on the cases brought before the Constitutional Court so far and the decisions taken by this court concerning allegations of ineffectiveness of investigations into war crimes;
4. noted with satisfaction the measures taken to ensure the independence of investigations as well as access of family members and public scrutiny in investigations into war crimes and therefore decided to close the examination of these issues;
5. noted with interest the statistical data indicating steady progress in the on-going investigations into war crimes and strongly encouraged the authorities to sustain their efforts with the aim of bringing these investigations to an end, and to inform the Committee of Ministers of the results obtained in this respect.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that these cases concern violations of the right to life on account of ineffective investigations into reported war crimes committed during the Croatian Homeland War (1991-1995);

*As regards individual measures*

2. noted with concern that despite the efforts made since the examination by the Committee of the first cases of this group in 2012 none of the investigations has led to the identification, prosecution and punishment of the direct perpetrators of the alleged war crimes;
3. noted with satisfaction, however, that thorough efforts have been made to remedy the ineffectiveness of the investigations as identified by the European Court and that there do not appear to be any additional investigatory steps which the authorities could be required to take at the present time;
4. noted further that war crimes are not subject to a statute of limitation and that the authorities have expressed their full commitment to continuing their efforts if new evidence comes to light;
5. noted also with satisfaction that all the applicants have been awarded compensation for non-pecuniary damage by the European Court and/or the domestic courts and, in particular, giving full effect to the European Court's findings in *B. and Others*, and in *M. and Others*, that the domestic courts granted the applicants' request for reopening of civil proceedings and awarded them additional compensation;
6. recalling that a State's duty, under Article 2 of the Convention, to carry out effective investigations is an obligation of means rather than results, decided to close the examination of individual measures in these cases;

*As regards general measures*

7. in view of the serious human rights violations identified by the Court in these cases, stressed the importance of eradicating impunity for war crimes and noted with interest the detailed information provided by the authorities on their sustained

*Skendžić and Krznarić (group)*

Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995).

- efforts to ensure adequate and prompt investigations into war crimes, notably to ensure that also direct perpetrators are identified and brought to justice;
8. noted with satisfaction the authorities' commitment and the improvements achieved so far, which allowed the Committee to close its supervision of a number of issues (independence of investigations, victim involvement and public scrutiny), and noted with interest the statistical data submitted showing the ongoing efforts which in 2018 led to a further increase of the total number of opened war crime investigations and of the total number of convictions; noted the fact that in 10 cases delivered after the *Skendžić and Krznarić* judgment the Court found that in the light of the investigatory efforts undertaken, the authorities complied with their procedural obligations under Article 2 of the Convention;
  9. observed, however, with regret that, despite the efforts made, to date only a small percentage of the individuals indicted for war crimes have been brought to justice and convicted; encouraged therefore the authorities to sustain and step up as far as possible their investigatory efforts and to inform the Committee of results achieved;
  10. invited the authorities to strengthen the resources of prosecuting authorities and to further develop the systematic training, through the Judicial Academy and the Police Academy, of the police, prosecutors and judges so as to enhance the effectiveness of war crimes investigations, taking into account effectively the case-law of the European Court and drawing upon the Council of Europe's expertise and training courses, notably the HELP online course on Transitional Justice and Human Rights;
  11. stressed also the important and undiminished humanitarian dimension of the issue of missing persons noted with satisfaction the authorities' efforts in this respect, notably the fact that 5,162 persons that have been exhumed so far, and encouraged them to sustain these efforts with a view to establishing the fate of the remaining 1,903 missing persons;
  12. recalling the contracting State's procedural obligation under Article 2 of the Convention to conduct effective investigations into war crimes, and stressing that all States have a corresponding Convention obligation to provide necessary assistance, underlined the importance of effective regional cooperation, in particular judicial cooperation, to ensure the effectiveness of investigations into such crimes, noted with concern the problems recently reported, including by the Prosecutor of the International Residual Mechanism for Criminal Tribunals, and urged all states in the region to enhance their judicial cooperation; noted in this context with interest the Croatian authorities' efforts to improve cooperation in the prosecution of such crimes;
  13. welcomed in this connection also the signing in July of the London Western Balkans Declarations supporting the enhancing of transitional justice in the whole region and in particular the Joint Declarations on missing persons and war crimes;
  14. as regards effective remedies, noted with interest the development of the Constitutional Court's case-law, in particular its recent judgment N° U-III Bi-1066/2015 of 3 April 2019 which allows judicial review of the effectiveness of investigations into war crimes, and invited the authorities to keep the Committee informed about further case-law developments;
  15. decided to resume the examination of this group at their DH meeting in December 2020 at the latest, in light of the updated information, including statistics, to be provided by the authorities.

\* \* \*

*Statileo*

Statutory limitations on use of property by landlords, including through the rent control scheme for flats subject to protected leases.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	12027/10
<b>Judgment(s) final on</b>	10/10/2014
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

**1265<sup>th</sup> meeting (20-21 September 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the European Court in the present case indicated under Article 46 that that the problem underlying the violation concerned shortcomings in the legislation itself, namely the inadequate level of protected rent, restrictive conditions for the termination of protected leases and the absence of any temporal limitation to the protected lease scheme;
2. recalled further that the European Court considered that the respondent State “should take appropriate legislative and/or other general measures to secure a rather delicate balance between the interests of landlords, including their entitlement to derive profit from their property, and the general interest of the community – including the availability of sufficient accommodation for the less-well-off” (§ 165 of the judgment);
3. invited the authorities to provide the latest text of the draft legislative amendments so that an assessment can be made in the light of the Court’s findings in this case;
4. noting that the judgment in the present case became final almost two years ago, strongly encouraged the authorities to intensify their efforts with a view to finding a global solution to the problem it revealed;
5. decided to resume examination of this item at their meeting in March 2017 (DH) at the latest in the light of the information to be provided by the authorities.

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled the explanations provided by the Croatian authorities at their 1265<sup>th</sup> meeting that the legislative measures necessary for the execution of these judgments had not been taken because of the elections that were to be held in 2016;
2. noted with concern that the authorities have provided no information in response to the Committee’s decision, despite the fact that Parliament has started its legislative work;
3. noted further with concern that the Court continues to find violations in similar cases and to communicate applications to the government;
4. stressing the pressing need to find a rapid solution to the problem of protected leases, which may affect thousands of individuals, urged the Croatian authorities, without further delay, to take the necessary legislative measures in compliance with the European Court’s indications and to provide information to the Committee, by 16 March 2017 at the latest, on the legislative process as well as the current version of the draft law;
5. decided to resume examination of this item at their 1294<sup>th</sup> meeting (September 2017) (DH) at the latest.

## Statileo

Statutory limitations on use of property by landlords, including through the rent control scheme for flats subject to protected leases.

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

The Deputies

#### *as regards individual measures*

1. recalled that the individual measures as regards the termination of protected leases are linked with the general measures;
2. as regards the specific circumstances in the *Bego* case, in which the European Court considered that the most appropriate way of repairing the consequences of the violation would be to reopen the impugned proceedings against the State, invited the authorities to provide information whether the applicants have filed a petition for the reopening of these proceedings;

#### *as regards general measures*

3. noted that the Croatian authorities have prepared draft legislative amendments aimed at addressing the main shortcomings in the current legislation identified by the European Court, namely, the inadequate level of protected rent, the restrictive conditions for the termination of protected leases and the absence of any temporal limitation to the protected lease scheme;
4. noted further that the draft legislative amendments appear capable of securing a global solution to the issue of protected leases, provided that the outstanding issues pertaining to the five-year transitional period are adequately addressed (namely, provision of an effective compensatory remedy during this period and alleviation of the financial burden placed on landlords in providing alternative housing to protected tenants); invited therefore the authorities to devote special attention to developing proper solutions for these outstanding issues;
5. in view of the time that has already elapsed since the leading judgment in the *Statileo* case became final, stressed that it is crucial that the legislative process necessary for the execution of this judgment is brought to an end without further delay;
6. strongly urged the authorities to intensify their efforts with a view to adopting the draft legislative amendments as a matter of utmost priority and invited them, in that context, to provide information to the Committee on their adoption before 31 December 2017 at the latest.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

The Deputies

#### *As regards individual measures*

1. noted that the applicants will be able to regain possession of their flats by 1 September 2023 at the latest;
2. invited the authorities to provide information on the outcome of the reopened proceedings in the cases of *Bego* and *Gošović*;

#### *As regards general measures*

3. noted with interest that on 19 July 2018 Parliament adopted amendments to the Lease of Flats Act aimed at addressing the main shortcomings identified by the European Court in the protected lease scheme;
4. noted further with interest that these amendments appear capable of securing a global solution to the issue of protected leases, while also responding to the Committee's call to alleviate the financial burden placed on landlords;
5. stressed, in this context, that it will now be essential for the Supreme Court to ensure a well-functioning compensatory remedy during the transitional period and invited the authorities to provide further information in this respect;

*Statileo*

Statutory limitations on use of property by landlords, including through the rent control scheme for flats subject to protected leases.

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6. invited the authorities to regularly provide information on the application of the amended protected tenancy-related legislation showing full and effective compliance with the Court's judgments.

\* \* \*

*Alekseyev*

Repeated bans on the holding of gay rights marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">4916/07</a>
<b>Judgment(s) final on</b>	11/04/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1144<sup>th</sup> meeting</a> (June 2012)

**[1193<sup>th</sup> meeting \(4-6 March 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

1. took note of the updated action plan received on 10 January 2014;
2. noting the different materials before the Committee, urged the Russian authorities to supplement it with concrete information on the current practice concerning the organisation of public events similar to those at issue in the *Alekseyev* judgment in the cities and regions of Moscow, St Petersburg, Kostroma and Arkhangelsk, for the period from 1 July 2013 to 31 May 2014; that information should include statistics on how many requests to hold such events were made, accepted or refused and should describe all grounds of the relevant decisions of the competent local and judicial authorities;
3. reiterated their request to the Russian authorities that they subject the implementation of the legislation prohibiting “propaganda of non-traditional sexual relations” among minors to strict monitoring and invited them to provide comprehensive information on its application;
4. as regards the question of an effective domestic remedy, insisted that the Russian authorities rapidly provide information on the implementation of the Constitutional Court’s decision of 14 February 2013 underlining the need for courts to settle disputes concerning the holding of public events, before the foreseen date of such events;
5. insisted also that the Russian authorities inform the Committee of the state of progress of the ongoing legislative work concerning the draft Code of Administrative Procedure which is supposed to introduce such an effective remedy;
6. noted the recent efforts made by the Russian authorities with regard to the implementation of the judgment, but expressed concern about its implementation in practice;
7. strongly encouraged them to intensify their efforts in this respect and to continue to keep the Committee informed of all relevant developments with a view to resuming consideration of these issues at their 1208th meeting (September 2014) (DH).

**[1208<sup>th</sup> meeting \(23-25 September 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

1. took note of the information submitted by the Russian authorities concerning public events similar to those described in the *Alekseyev* judgment and concerning the practice of consideration of requests for holding the public events in question and appeals against the refusals to agree their time and venue;
2. expressed serious concern that the majority of requests made in Moscow, St Petersburg, Kostroma and Arkhangelsk between 1 July 2013 and 1 May 2014 to hold public events, similar to those described in the *Alekseyev* judgment, have been refused on the basis of the Federal Law prohibiting “propaganda of non-traditional sexual relations” among minors, despite the assurances given by the Russian authorities at their 1179th meeting (September 2013) (DH) that this Federal Law would not interfere with the holding of such events;
3. in view of this, invited the Russian authorities to continue to provide the Committee with updated information, including statistics, on the current practice concerning the organisation of public events similar to those at issue in the *Alekseyev* judgment, in the aforementioned four cities/regions, as well as in any other region should the authorities wish, for the period from 1 May 2014 to 1 February 2015;

*Alekseyev*

Repeated bans on the holding of gay rights marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly.

4. noted with great regret, in the face of the extremely low number of similar events authorised, that the exercise of the important right to assembly is not sufficiently recognised and protected by the Russian authorities; consequently, urged the authorities to take the necessary measures, including of an awareness-raising nature, to remedy this situation and, in particular, to ensure that the mentioned Federal Law does not hinder the effective exercise of this right, and to inform the Committee by 15 April 2015 accordingly so that an assessment can be made in time for the examination of this issue at their June 2015 DH meeting;
5. in this respect that a case is currently pending before the Russian Constitutional Court concerning the above-mentioned Federal Law and that these proceedings provide an important opportunity to have a full examination of the Convention conformity of the law tested;
6. as regards the question of an effective remedy, strongly encouraged the Russian authorities to deploy all possible efforts with a view to ensuring a speedy adoption of the draft Code of Administrative Procedure and, in the meantime, to continue to monitor the implementation of the Constitutional Court's decision of 14 February 2013 on the need for courts to settle disputes concerning the holding of public events before the date foreseen for such events; invited the Russian authorities to keep the Committee regularly informed about the developments in this area with a view to the examination of this issue at their June 2015 DH meeting.

**1230<sup>th</sup> meeting (3-5 June 2015)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. took note of the information submitted by the Russian authorities concerning public events similar to those described in the *Alekseyev* judgment and concerning the practice of consideration of requests for holding the public events in question and appeals against the refusals to agree their time and venue;
2. noted, in this respect, the judgment of the Constitutional Court of 23 September 2014 and invited the Russian authorities to clarify the impact of the said judgment, which in Russian law is binding on local authorities, on the decisions of such authorities to accept or to reject a request made to hold a public event;
3. expressed serious concern however that the local authorities in the Russian Federation continue to reject most of the requests made to hold public events similar to those in the present judgment, including on the basis of the Federal Law prohibiting "propaganda of non-traditional sexual relations", and therefore urged the authorities to take concrete measures to ensure that such requests are accepted unless there are well-grounded reasons justifying their rejection in compliance with Convention standards;
4. invited the Russian authorities to provide further information on measures taken to sufficiently recognise and defend the exercise of the important right to assembly, in particular, to ensure that the mentioned Federal Law does not hinder the effective exercise of this right;
5. invited, in this respect, the Russian authorities to provide a comprehensive action plan, outlining measures, including awareness-raising measures, to ensure the exercise of the right to assembly and concrete information on how judicial practice has been developing, in particular since the delivery of the judgment of the Constitutional Court of September 2014, as well as the measures taken to ensure the harmonisation of divergent court practice taking duly into account the European Court of Human Rights' case-law;
6. invited, further, the Russian authorities to provide information on all requests to hold public events similar to the one in the present judgment between 1 October 2014 and 30 September 2015 in Moscow and St. Petersburg, as well as in the Kostroma, Arkhangelsk, Murmansk and Tyumen regions, including in each case the date of the request, whether the request was granted, the reasons for refusal (where applicable), whether the reasons for refusal included reference to the Federal Law, details of any subsequent appeals, including details of appeal decisions, and whether the event proceeded in line with the original request;
7. noted with satisfaction the adoption, on 8 March 2015, of the Code of Administrative Procedure which provides for a legally binding time-frame so that any dispute concerning public events can be decided before the planned date of the public event;
8. agreed to resume consideration of this issue at their March 2016 meeting (DH).



*Alekseyev*

Repeated bans on the holding of gay rights marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly.

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. expressed serious concern that, notwithstanding the fact that the judgment in this case has been final for almost five years, the local authorities in the Russian Federation continue to refuse to agree the times and venues for the holding of public events similar to those in the present judgment, mainly on the basis of the Federal Law prohibiting “propaganda of non-traditional sexual relations” among minors, and that appeals lodged by organisers against the local authorities’ decisions have been rejected by domestic courts, mainly on the basis of the same law;
2. noted that certain domestic court decisions, including those of the Supreme Court, have interpreted the judgment of the Constitutional Court of 23 September 2014 in a manner that would uphold the right to peaceful assembly for public events similar to those in the present judgment;
3. noted, however, that it cannot be deduced that the divergent court practice is harmonised to ensure that the right to peaceful assembly is consistently safeguarded throughout the Russian Federation;
4. noted with deep regret, in the face of the continued refusal to grant requests to hold events of this nature, that the exercise of this important right to assembly is not sufficiently recognised and protected by the Russian authorities;
5. strongly urged the Russian authorities to take concrete and targeted measures, including awareness raising measures, to ensure that the right to peaceful assembly can be exercised and is protected, subject to the limitations set out in paragraph 2 of Article 11 of the Convention;
6. strongly encouraged, in this respect, the Russian authorities to direct such measures towards the promotion and the implementation of the rulings of the Constitutional Court of 23 September 2014 and 27 October 2015 by the local authorities and domestic courts;
7. noted with interest the conduct of the Russian authorities during the May 2015 events in St Petersburg, in that the authorities did not interfere with the organisers’ right to peaceful assembly, and strongly encouraged the Russian authorities to promote this approach throughout the Russian Federation;
8. strongly invited the Russian authorities to submit to the Committee of Ministers a comprehensive action plan setting out the concrete and targeted measures that should be taken for the execution of this judgment and encouraged them, when designing awareness raising measures, to take inspiration from relevant Council of Europe material;
9. invited, further, the Russian authorities to provide information on all requests to hold public events similar to the one in the present judgment between 1 October 2015 and 30 June 2016 in Moscow and St. Petersburg, as well as in the Kostroma, Arkhangelsk, Murmansk and Tyumen regions, including in each case the date of the request, whether the request was granted, the reasons for the refusal (where applicable), whether the reasons for refusal included reference to the Federal Law, details of any subsequent appeals, including details of the appeal decisions, and whether the event proceeded in line with the original request;
10. agreed to resume consideration of this case at their 1273<sup>rd</sup> meeting (December 2016) (DH).

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. noted with interest the additional measures presented in the updated action plan, notably the actions of the Supreme Court intended to harmonise judicial practice in line with the requirements of the Constitution, the European Court’s judgments and the Committee of Ministers’ decisions, the creation within the judiciary of a database of relevant international materials and continued training and other awareness-raising activities for local authorities and judges;
2. noted also the authorities’ declaration that Russian law affords the LGBT community the opportunity fully to exercise the rights guaranteed by the Constitution and the Convention, including by using the “mass event format”;

*Alekseyev*

Repeated bans on the holding of gay rights marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly.

3. noted with satisfaction that the courts appear now to be deciding on the lawfulness of refusals to allow public events of the kind here at issue before the date planned for the events in question;
4. expressed, however, serious concern that, notwithstanding the measures presented, the situation does not attest to any improvement, as the number of public events allowed continues to be very limited: only one of all the requests to hold an assembly, deposited during the last period examined by the Committee (from 1 October 2015 to 30 June 2016), was allowed;
5. noted with concern that the courts regularly uphold the refusal decisions of the local authorities and that the emerging signs of improvement in judicial practice, including compliance with the Convention requirements in some cases and an award in 2013 of non-pecuniary damages to compensate for an unlawful refusal to allow an event, do not appear to have been followed;
6. urged the authorities to adopt all further necessary measures to ensure that the practice of local authorities and the courts develops so as to ensure the respect of the rights to freedom of assembly and to be protected against discrimination, including by ensuring that the law on “propaganda of non-traditional sexual relations” among minors does not pose any undue obstacle to the effective exercise of these rights;
7. in view of the above, invited the authorities to continue action to address effectively the outstanding questions with a view to achieving concrete results;
8. noted that, among the measures which could be considered, figure reinforced training of all the authorities involved, elaboration of a code of conduct for local authorities in charge of handling notifications for public events and for the police when handling assemblies and the possibility of further guidance by the highest courts to prevent violations of the kind at issue in the present case, as well as further measures to address continued widespread negative attitudes towards LGBT persons;
9. invited also the authorities, in accordance with the existing practice, to continue providing statistical information on developments, this time for the period from 1 July 2016 to 31 March 2017.

*Alekseyev - Bayev and Others*

Repeated bans on the holding of LGBTI persons’ marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly.

Fines imposed on the applicants for displaying banners considered to promote homosexuality among minors against the laws prohibiting such “propaganda”.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">4916/07 - 67667/09</a>
<b>Judgment(s) final on</b>	11/04/2011 - 13/11/2017
<b>First decision of the Committee of Ministers</b>	<a href="#">1144<sup>th</sup> meeting</a> (June 2012) - <a href="#">1331<sup>th</sup> meeting</a> ( <i>Bayev and Others</i> )

[1331<sup>th</sup> meeting \(4-6 December 2018\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that these cases mainly concern repeated discriminatory refusals by local authorities to authorise public assemblies of LGBTI persons in the exercise of the right to freedom of assembly and the imposition of fines for displaying banners considered to promote homosexuality among minors on the basis of special laws prohibiting such “propaganda” in violation of the right to freedom of expression;

*As regards individual measures*

2. noted that reopening the proceedings in the cases considered in *Bayev and Others* is not necessary as the fines imposed have either not been enforced or have been compensated by the just satisfaction awarded by the European Court, and since in addition no other negative consequences appear to subsist;

*Alekseyev - Bayev and Others*

Repeated bans on the holding of LGBTI persons' marches and pickets; lack of effective remedies; discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly.

Fines imposed on the applicants for displaying banners considered to promote homosexuality among minors against the laws prohibiting such "propaganda".

3. underlined that the other possible individual measures to ensure that the applicants can exercise the rights to freedom of assembly and expression at issue in these cases without undue interference are closely linked to the general measures;

*As regards general measures*

4. noted that the part of the information provided by the authorities concerning general measures in the *Alekseyev* case, already assessed in earlier decisions, has evidenced a number of positive efforts; serious concerns remain however, notably as regards continued refusals by local authorities to allow LGBTI-related public events on the basis of the laws prohibiting "propaganda of non-traditional sexual relations among minors";
5. deeply regretted that the authorities have not been able to provide any statistics in response to the Committee's invitation in December 2016 and noted that the only statistics available, submitted by an NGO, support the assessment that progress so far has been limited;
6. noted with interest the recently adopted additional measures, including awareness-raising and other measures to promote tolerance towards LGBTI persons, and a Supreme Court Ruling of 26 June 2018 containing specific explanations as regards the organisation and conduct of public events in general, made in light of the European Court's case-law, as regards challenging decisions and acts (or omissions) of public authorities, as well as directing the courts towards delivery of well-reasoned decisions;
7. invited the authorities, in light of the problems raised by the laws prohibiting "propaganda of non-traditional sexual relations among minors", as highlighted by the Court in *Bayev and Others*, to consider their abrogation or in the alternative their amendment in line with Convention requirements;
8. urged the authorities in parallel to continue to actively develop awareness-raising activities and judicial practice to ensure a Convention-compliant application of the regulations regarding freedom of assembly and expression with respect to LGBTI persons, in particular to help to circumscribe the excessive discretion granted by the "propaganda laws", notably to local authorities, and to dispel the bias found by the Court to be embodied in these laws;
9. encouraged also the authorities, in accordance with the existing practice, to continue providing statistical information on developments in 2017-2018, including information on the effect of the above-mentioned Supreme Court Ruling on the protection of the Convention rights in question of LGBTI persons.

\* \* \*

*Alim*

Violation of Article 8 if the applicant, a national of Cameroon with strong family ties in the Russian Federation (Russian wife and two minor children) was to be removed from the Russian Federation.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">39417/07</a>
Judgment(s) final on	27/12/2011
First decision of the Committee of Ministers	<a href="#">1157<sup>th</sup> meeting</a> (December 2012)

**[1214<sup>th</sup> meeting \(2-4 December 2014\)](#)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled the European Court's findings in the present case, according to which the applicant's administrative removal from the Russian Federation would constitute a violation of Article 8, and further recalled the subsequent quashing by the Supreme Court of the removal order;
2. noted, with concern, that nearly three years after the judgment of the European Court has become final and over seven years after the impugned events, the applicant's situation has still not been resolved and that the urgency of his situation has recently increased in view of changes to domestic legislation;
3. consequently, urged the Russian authorities to take the necessary measures to regularise the applicant's situation in the Russian Federation without further delay, by exploring all possible avenues such as temporary asylum on humanitarian grounds given his family situation, and to keep the Committee regularly informed of all steps taken to this end;
4. *as regards general measures*, noted with concern the legislative amendments introduced in 2013 to the Code of Administrative Offences, rendering administrative removal of foreigners an obligatory sanction for certain breaches of the residence regulations, as these amendments appear to raise important questions under the Convention;
5. noted, however, with interest the recent decision of the Constitutional Court of 5 March 2014 indicating a continuing obligation on courts and authorities, despite the introduction of the above-mentioned amendments, to examine each individual situation under Article 8 of the Convention;
6. invited the Russian authorities to provide information on the application in practice of the amended legislation, in the light of the above-mentioned decision of the Constitutional Court, in the different regions of the Russian Federation;
7. invited the Russian authorities to provide an updated action plan with comprehensive information on both individual and general measures by 31 March 2015 at the latest.

\* \* \*

*Ananyev and Others*

Poor conditions of detention, mainly in remand centres, and lack of an effective remedy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">42525/07+</a>
<b>Judgment(s) final on</b>	10/04/2012
<b>First decision of the Committee of Ministers</b>	<a href="#">1144<sup>th</sup> meeting</a> (June 2012)

**[1201<sup>th</sup> meeting \(June 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

- recalled the decision adopted at their 1157<sup>th</sup> meeting (December 2012) (DH) in which they noted with satisfaction that the action plan provided by the Russian authorities in October 2012 was based on a comprehensive and long-term strategy for the resolution of the structural problem identified by the Court;
- expressed satisfaction that the Russian authorities have undertaken significant efforts to ensure the swift resolution of similar cases pending before the Court, in line with the Court's indication made in its pilot judgment;
- noted with interest the information provided with respect to the setting-up of judicial domestic remedies, with preventive and compensatory effects, as required by the pilot judgment;
- invited the Russian authorities to provide further information on a number of outstanding issues, notably as regards the distribution of the burden of proof, the scope and nature of the remedial measures which can be ordered by the courts and the mechanism for the reduction of court fees and other costs for the complainants;
- urged the Russian authorities to accelerate the adoption and entry into force of a system of effective remedies before the end of 2014, at the latest;
- strongly encouraged the Russian authorities to take full advantage of the opportunities provided by the Human Rights Trust Fund (HRTF) project No. 18 in order to find solutions to the outstanding issues and to ensure rapid results.

**[1288<sup>th</sup> meeting \(6-7 June 2017\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

- welcomed the presence of the Deputy Minister of Justice of the Russian Federation;

*As regards individual measures*

- welcomed that individual measures had been taken in most of the cases, although additional information was required in the seven cases listed in the Appendix;
- took account of the information provided by the Russian authorities on the situation of Mr. Amirov, that now his applications regarding the failure to provide adequate medical care in the medical unit of the correctional facility are also the subject of the European Court's consideration, and invited the authorities to keep the Committee informed about the medical care provided to Mr. Amirov in the medical unit of this new place of detention, without prejudice to the applicant's complaint lodged with the European Court in this respect;

*As regards general measures*

- welcomed the detailed information provided by the authorities on the significant progress made in overcoming poor conditions of detention in establishments under the authority of the Federal Penitentiary Service, notably that contained in the updated action plans of 17 and 26 April 2017;
- welcomed in this context the information on the efforts undertaken within the framework of the Federal Target Programme "Development of the Correctional System" to improve detention conditions by reconstruction and renovation of detention facilities, including medical wards and facilities;

*Ananyev and Others*

Poor conditions of detention, mainly in remand centres, and lack of an effective remedy.

6. noted with interest the reinforcement of inspection and review mechanisms to ensure that detention conditions comply with Convention requirements;
7. welcomed, similarly, the further measures adopted to address the problem of overcrowding in facilities for detention on remand by ensuring that criminal investigations are conducted expeditiously and that less recourse is made to pre-trial detention, notably through increased use of alternatives thereto;
8. as regards the effectiveness of domestic remedies, noted with interest the information provided that since September 2015 the new Code of Administrative Procedure has provided for a new preventive remedy allowing courts to order specific remedial actions in cases relating to poor detention conditions, but also that a number of issues regarding its application remain to be clarified;
9. invited, accordingly, the authorities to provide further information on the application of the new remedy, notably as regards the mechanisms introduced to ensure that court fees and/or other costs do not impede the accessibility of the new remedy; the scope of admissible complaints; the burden of proof; the scope and nature of the remedial measures which can be ordered; and the consequences of non-compliance with orders made;
10. noted also with interest, as regards compensatory remedies, the emerging practice of the Russian courts to grant monetary compensation in cases relating to poor conditions of detention and also the legislative work underway to include in the Code of Administrative Procedure a possibility to obtain such compensation, notably in conjunction with applications for specific remedial actions;
11. invited the authorities to explore other possible compensatory measures, such as systems for the reduction of sentences (see for example the case of *Torreggiani and Others v. Italy*, Final Resolution [CM/ResDH\(2016\)28](#));
12. expressed satisfaction that the authorities have undertaken significant efforts to ensure the swift resolution of similar cases pending before the Court, in line with the indication made by the Court in its pilot judgment in the *Ananyev and Others* case;
13. encouraged the authorities to continue their efforts to complete the execution process in this group of cases and to keep the Committee regularly informed of progress made, notably through impact assessments of the measures adopted, including statistical data, and noted, in this context, the interest which would attach to the publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in particular the more recent ones.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the present group of cases concerns long-standing problems related to the conditions of detention in remand centres and prisons, including issues relating to access to adequate medical care and to the detention of disabled prisoners;

*As regards individual measures*

2. welcomed the information that the issue of access to adequate medical care and supplies has been resolved in respect of the applicants still in detention; noted that the issue of individual measures in several other cases has also been resolved; decided to close their supervision of these 12 cases and adopted Final Resolution [CM/ResDH\(2019\)151](#);
3. as regards the remaining cases, invited the authorities to provide detailed and precise information clarifying how the shortcomings identified by the Court have been addressed where the applicants continue to be detained in the same facilities and how adequate conditions have been ensured in their new places of detention;
4. as regards the conditions of detention of the disabled prisoners Messrs Amirov, Kasheshov and Buntov, invited the authorities to clarify whether access to the yard and meeting rooms has been ensured for the first of these and to comment on the allegations of a continuing violation regarding the other two applicants;
5. urged the authorities to provide information on the situation of the applicants whose detention was indicated as ongoing in the Court's judgments, as well as on the measures planned or adopted to remedy their detention conditions, within six months in all future cases and in any currently pending cases in which this information is still awaited;

*Ananyev and Others*

Poor conditions of detention, mainly in remand centres, and lack of an effective remedy.

*As regards general measures*

6. as to the material conditions of detention, welcomed the important progress achieved and invited the authorities to provide information on further steps in this direction, including the relevant statistics, and noted again the interest which would attach to the publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of the Russian Federation;
7. noted the measures taken to improve the conditions of detention of disabled persons, but invited the authorities to provide further information on the measures adopted and their impact, taking into account the comment submitted to the present meeting by an NGO;
8. welcomed the measures adopted to reduce overcrowding, notably through reducing recourse to pre-trial detention and to custodial sentences, and the reduction by over 30 per cent in the numbers of both remand and convicted prisoners;
9. noted however with concern that the European Court continues to deliver judgments finding overcrowding in a number of detention facilities and invited the authorities to provide information on the measure taken to address this problem;
10. as to the judicial remedies, welcomed the information provided on the functioning of the preventive remedy, including the clarifications provided by the Supreme Court's 2018 Plenum ruling on the issues of distribution of the burden of proof, the power of the courts to assist prisoners in collecting evidence under the procedure laid down in the Code of Administrative Proceedings (CAP) and reduction of court fees; at the same time, invited the authorities to provide further information about the functioning of the remedy, notably as regards the number of complaints lodged with the courts and measures taken to enforce court decisions;
11. welcomed the preparation and submission to the State Duma of the draft law aimed at the creation of an effective compensatory remedy capable of filling certain gaps in the existing legislation, such as the simultaneous examination of claims for preventive measures and for compensation, and called upon the authorities to adopt this law as soon as possible; in this context, invited the authorities to further clarify the standards of compensation set by the draft law;
12. also in this context, noted with interest the existing court practice of awarding compensation for poor conditions of detention;
13. invited the authorities to clarify in what manner prisoners are made aware of their rights under the CAP procedure; invited them also to clarify the practical modalities of lodging complaints, including the role of the prison administrations, access to legal representation, and the accessibility and safeguarding of evidence in prisons; further welcomed the efforts, in particular by the Supreme Court, to raise courts' awareness of standards for the effective examination of proceedings filed under this procedure taking into account the requirements of Article 6 of the Convention;
14. welcomed the information about the prosecutorial, departmental and public monitoring of conditions of detention and invited the authorities to provide further information concerning the work of the public monitoring commissions, in particular as regards the representativity of their members, the right to confidential discussions with detainees and the results of visits.

\* \* \*

*Buntov*

Torture inflicted in a correctional colony and lack of an effective investigation into the applicant's allegations of ill-treatment.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	<a href="#">27026/10</a>
<b>Judgment(s) final on</b>	05/09/2012
<b>First decision of the Committee of Ministers</b>	1340 <sup>th</sup> meeting (March 2019)

[1340<sup>th</sup> meeting \(12-14 March 2019\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that in this case the European Court concluded that in 2010 the applicant was subjected to torture by prison officials and other prisoners, including the tearing off of all his finger and toe nails, while held in an isolation cell in a correctional colony and that the investigation carried out into the incident was ineffective;

*As regards individual measures*

2. noted that, following the European Court's judgment in 2012, a new criminal investigation was rapidly launched into the acts of torture found by the Court to have taken place in 2010, but expressed serious concern at the information that it was discontinued in March 2016 on the ground that the applicant's injuries were self-inflicted, although no information was provided as to how the numerous investigative flaws identified by the Court were, or even could be, remedied, and in particular as to the evidentiary basis for the finding that the applicant had himself caused his injuries; consequently, strongly urged the authorities to provide detailed clarification on these points;
3. recalled that, following the Court's judgment, the applicant was rapidly moved to another prison for his own protection and that his complaints of acts of ill-treatment and torture there up to 2016 were declared inadmissible by the Court that same year (application 25327/11); noted also that, according to the authorities, the applicant's complaints were checked and found to be unfounded and that he was convicted of the intentional false reporting of a serious crime; noted also the applicant's indication that this conviction lead to an extension of his prison sentence by five years and that he has lodged complaints with the European Court with respect both to these proceedings (Application No. 77634/16) and the conviction (Application No. 1949/18);
4. expressed grave concern in face of the applicant's allegations of continuing acts of ill-treatment and torture and therefore requested the authorities to urgently address these matters and inform the Committee of the results by 1 May 2019 at the latest;

*As regards general measures*

4. noted with interest the action plan presented, although it arrived only on 25 February 2019, so that it was impossible to conduct a more detailed analysis of it for the present meeting;
5. consequently decided to resume examination of the case at the 1355<sup>th</sup> meeting (September 2019) (DH), in the light of the information urgently requested from the authorities with respect to individual measures and the Secretariat's analysis of the extensive information recently submitted on general measures.

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*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transdniestrian region of the Republic of Moldova.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">43370/04</a>
<b>Judgment(s) final on</b>	19/10/2012
<b>First decision of the Committee of Ministers</b>	<a href="#">1186<sup>th</sup> meeting</a> (December 2013)

**1193<sup>th</sup> meeting (6 March 2014)**[List of decisions](#)*Decision*

## The Deputies

1. decided to debate the Catan case at their 1201st meeting (June 2014);
2. took note of the fact that an indicative list of cases to be included in the draft order of business of the 1201st meeting, together with the time-table for the preparation of that meeting, will be issued on 27 March 2014.

**1201<sup>th</sup> meeting (June 2014)**[List of decisions](#)**Notes of the meeting***Decision*

## The Deputies

1. underlined that, in its judgment in the case of *Catan and Others*, now final for more than one and a half years, the Court found that “by virtue of its continued military, economic and political support for the “MRT”, which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants’ rights to education”;
2. expressed their deep concern in view of the reports of continuous violation of the applicants’ right to education, resulting from acts of intimidation and pressure affecting the functioning of the Latin script schools in the Transdniestrian region of the Republic of Moldova;
3. noted also with great concern that, notwithstanding the indication given by the Russian authorities in December 2013 that they were in the process of profound internal consultations on the manner in which the judgment could be implemented, they have still not provided concrete information on the individual or general measures taken or envisaged to give effect to the Court’s judgment, including on the payment of the just satisfaction awarded by the Court to the applicants;
4. recalled with insistence the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it has been a party;
5. firmly calls upon the Russian authorities to take all possible measures to put an end to the violation of the applicants’ right to education and to transmit:
  - within one month, information on how they intend to guarantee that the Latin script schools continue to function for the school year 2014/2015; and
  - as soon as possible, and at the latest by 1 September 2014, a global action plan or action report responding fully to the Court’s judgment;
6. insisted that the Russian authorities pay the applicants, without further delay, the just satisfaction awarded by the Court;
7. agreed to resume consideration of this case at their 1208th meeting (September 2014) (DH) and, in the absence of information from the Russian authorities, instructed the Secretariat to prepare a draft interim resolution to be distributed with the revised draft order of business of this meeting.

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)**Notes of the meeting***Decision*

*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transdniestrian region of the Republic of Moldova.

The Deputies adopted Interim Resolution [CM/ResDH\(2014\)184](#).

**Interim resolution [CM/ResDH\(2014\)184](#)****Execution of the judgment of the European Court of Human Rights  
*Catan and Others* against Russian Federation**

*(adopted by the Committee of Ministers on 25 September 2014 at the 1208th meeting of Ministers' Deputies)*

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, as amended by Protocol No. 11 (hereinafter "the Convention" and "the Court"),

Underlining that, in its judgment in the case of *Catan and Others*, now final for almost two years, the Court found that "by virtue of its continued military, economic and political support for the "MRT", which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' rights to education";

Reiterating its deep concern in view of the reports of a continuous violation of the applicants' right to education, resulting from acts of intimidation and pressure affecting the functioning of the Latin script schools in the Transdniestrian region of the Republic of Moldova;

Recalling having firmly called upon the Russian authorities to take all possible measures to put an end to the violation of the applicants' right to education and to transmit:

- by 5 July 2014, information on how they intended to guarantee that the Latin script schools continue to function for the school year 2014/2015;
- as soon as possible, and at the latest by 1 September 2014, a global action plan or action report responding fully to the Court's judgment;

Deeply deploring that the Russian authorities have not provided any information either in this respect, or on the payment to the applicants of the just satisfaction awarded by the Court;

REITERATED WITH INSISTENCE the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party;

STRONGLY URGED the Russian Federation to take all possible measures to put an end to the violation of the applicants' right to education;

INSISTED that the Russian authorities inform the Committee of Ministers, without further delay, and in any event not later than 1 November 2014, that the measures requested by the Committee of Ministers have indeed been taken;

DECIDED to resume consideration of this case at its 1214th meeting (December 2014) (DH).

**1214<sup>th</sup> meeting (2-4 December 2014)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party;
- 2.. recalling that, in its judgment in the case of *Catan and Others*, now final for over two years, while observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants" nor "any evidence of Russian involvement in or approbation for the "MRT"'s language policy in general", the Court nonetheless found that "by virtue of its continued military, economic and political support for the "MRT", which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' rights to education";

*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transdniestrian region of the Republic of Moldova.

3. reiterating their deep concern in view of the reports of a continuous violation of the applicants' right to education, resulting from acts of intimidation and pressure affecting the functioning of the Latin script schools in the Transdniestrian region of the Republic of Moldova;
4. deeply deplored that the Russian authorities have still not responded to their repeated calls for the execution of this judgment and, most recently, to Interim Resolution CM/ResDH(2014)184, in which the Committee insisted that the Russian authorities inform the Committee of Ministers, without further delay and in any event no later than 1 November 2014, that the measures requested by the Committee of Ministers have indeed been taken;
5. noted with interest, however, the information provided orally by the Russian delegation during the meeting, according to which a scientific and practical round table is intended to be held approximately in January 2015, the matters of discussion to include issues of concern on the execution of the present judgment;
6. called upon the Russian authorities to provide by 10 February 2015 an action plan/report detailing the strategy with a view to implementing the present judgment and indicating more particularly:
  - the steps they have taken to ensure the immediate payment of the just satisfaction granted by the Court to the applicants and when these sums will be at the applicants' disposal;
  - the steps to be taken, and within what framework, to ensure the proper functioning of the Latin script schools in the Transdniestrian region of the Republic of Moldova;
7. agreed to resume consideration of this case at their 1221st meeting (March 2015) (DH) and, in the absence of the requested information from the Russian authorities by the above deadline, instructed the Secretariat to prepare a draft interim resolution to be distributed with the revised draft order of business of this meeting.

**1222<sup>th</sup> meeting (11-12 March 2015)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. adopted Interim Resolution CM/ResDH(2015)46;
2. decided to resume consideration of this case at their 1230th meeting (June 2015) (DH).

**Interim Resolution CM/ResDH(2015)46****Execution of the judgment of the European Court of Human Rights*****Catan and Others* against Russian Federation**

*(Adopted by the Committee of Ministers on 12 March 2015 at the 1222nd meeting of Ministers' Deputies)*

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"),

Recalling that, in its judgment in the case of *Catan and Others*, final for almost two and a half years, while observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants" nor "any evidence of Russian involvement in or approbation for the "MRT"'s language policy in general", the Court nonetheless found that "by virtue of its continued military, economic and political support for the "MRT", which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' rights to education"; recalling further that the European Court awarded just satisfaction in respect of non-pecuniary damage and costs and expenses;

Reiterating its deep concern, already expressed in its Interim Resolution CM/ResDH(2014)184, in view of the reports of a continuous violation of the applicants' right to education, resulting from acts of intimidation and pressure affecting the functioning of the Latin script schools in the Transdniestrian region of the Republic of Moldova;

*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transdnestrian region of the Republic of Moldova.

Deeply deploring that, notwithstanding the repeated calls for execution of this judgment by the Committee and Interim Resolution CM/ResDH(2014)184, as well as the reflections carried out so far at national level including a scientific and practical round table held in Moscow on 20-21 January 2015, the Committee still has not received any information on the measures taken or envisaged by the Russian Federation to comply with the judgment;

REAFFIRMS that, as for all Contracting Parties, the Russian Federation's obligation to abide by judgments of the Court is unconditional;

EXHORTS the Russian Federation to pay, without further delay, the sums awarded in respect of the just satisfaction in the Court's judgment, as well as the default interest due, and to inform the Committee of Ministers when this payment is made;

STRONGLY INVITED the Russian Federation to fully co-operate with the Committee of Ministers and the Secretariat with a view to executing this judgment, in compliance with Article 46 of the Convention, and consequently firmly reiterated its call to the Russian authorities to provide as soon as possible an action plan/report detailing its strategy for the implementation of the present judgment and indicating, more particularly the steps taken and/or to be taken, and within what framework, to ensure the proper functioning of the Latin script schools in the Transdnestrian region of the Republic of Moldova.

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party;
2. reiterated their deep concern in view of the reports of a continuous violation of the applicants' right to education, resulting from acts of intimidation and pressure affecting the functioning of the Latin script schools in the Transdnestrian region of the Republic of Moldova, and the lack of certainty as to the ability of these schools to continue functioning when the new school year begins in September 2015;
3. deeply deploring that the Russian authorities have taken no steps to ensure the immediate payment of the sums awarded in respect of just satisfaction in the European Court of Human Rights' judgment, nor have provided any other information in respect of the implementation of this judgment, despite the Committee of Ministers' repeated calls in this regard, most recently in Interim Resolution CM/ResDH(2015)46;
4. exhorted anew the Russian authorities to pay, without further delay, the just satisfaction granted by the Court to the applicants and to provide by 28 August 2015 information attesting payment and also an action plan/report in accordance with its above mentioned Interim Resolution, detailing the steps taken and/or to be taken, and within what framework, to ensure the proper functioning of the Latin Script schools in the Transdnestrian region of the Republic of Moldova;
5. reiterated their invitation to the Russian Federation to fully co-operate with the Committee of Ministers and the Secretariat with a view to executing this judgment, in compliance with Article 46 of the Convention;
6. agreed to resume consideration of this case at their 1236<sup>th</sup> meeting (September 2015) (DH) and, in the absence of information on the payment of the just satisfaction and of an action plan/report by the above deadline, instructed the Secretariat to prepare a draft interim resolution, to be distributed with the revised draft order of business of this meeting, envisaging stronger measures in the event of lack of tangible progress in the implementation of the present judgment.

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies adopted Interim Resolution CM/ResDH(2015)157.

**Interim Resolution CM/ResDH(2015)157****Execution of the judgment of the European Court of Human Rights**

*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transnistrian region of the Republic of Moldova.

**Catan and others against Russian Federation**

(adopted by the Committee of Ministers on 24 September 2015 at the 1236th meeting of Ministers' Deputies)

The Committee of Ministers, under the terms of Article 46 § 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provide that the Committee supervises the execution of final judgments of the European Court of Human Rights ("the Court" below);

Recalling that, in its judgment in the case of *Catan and Others*, final for almost three years, whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants" nor "any evidence of Russian involvement in or approbation for the "MRT"'s language policy in general", the Court nonetheless found that "by virtue of its continued military, economic and political support for the "MRT", which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' rights to education";

Recalling the different decisions adopted by the Committee in the course of the supervision of the execution of this judgment and in particular its two interim resolutions – CM/ResDH(2014)184 and CM/ResDH(2015)46;

Insisting anew on the unconditional nature of the obligation to pay just satisfaction and on the need for the Russian Federation to comply with this obligation;

Urged the Russian authorities to explore all appropriate avenues for the full and effective implementation of this judgment; noted that the High Level Conference which will take place in Saint Petersburg on 22-23 October 2015 could be an opportunity to make progress towards a common understanding as to the scope of the execution measures flowing from this judgment and their modalities;

Decided to resume consideration of this case at their DH meeting in March 2016.

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalling that, in its judgment in *Catan and Others*, whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants" nor "any evidence of Russian involvement in or approbation for the 'MRT's' language policy in general", the European Court of Human Rights nonetheless found that "by virtue of its continued military, economic and political support for the 'MRT', which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' right to education";
2. further recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;
3. underlining the fundamental importance of primary and secondary education for each child's personal development and future success and insisting upon the applicants' right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
4. called upon the Russian authorities to redouble their efforts to explore all appropriate avenues for the full and effective implementation of the judgment and to continue the dialogue with the Committee and the Secretariat in this regard;
5. decided to resume consideration of this case at the 1259th meeting (June 2016) (DH).

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalling that, in its judgment in *Catan and Others*, whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants" nor "any evidence of Russian involvement in or

*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transnistrian region of the Republic of Moldova.

- approbation for the ‘MRT’s’ language policy in general”, the European Court of Human Rights nonetheless found that “by virtue of its continued military, economic and political support for the ‘MRT’, which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants’ right to education”;
2. further recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;
  3. underlining the fundamental importance of primary and secondary education for each child’s personal development and future success and insisting upon the applicants’ right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
  4. noted the information provided by the authorities of the Russian Federation concerning their intention to elaborate on the conclusions of high-level conferences and other events, which took place most recently in Saint Petersburg in May 2016, with a view to seeking an acceptable response in relation to the Court’s judgment;
  5. in the light of the foregoing, decided to resume consideration of this case at the 1273rd meeting (December 2016) (DH).

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling that, in its judgment in *Catan and Others*, whilst observing that there was “no evidence of any direct participation by Russian agents in the measures taken against the applicants” nor “any evidence of Russian involvement in or approbation for the ‘MRT’s’ language policy in general”, the European Court of Human Rights nonetheless found that “by virtue of its continued military, economic and political support for the ‘MRT’, which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants’ right to education”;
2. further recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;
3. underlining the fundamental importance of primary and secondary education for each child’s personal development and future success and insisting upon the applicants’ right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
4. recalled the Russian Federation’s intention, expressed in June 2016, to elaborate on the conclusions of high-level conferences and other events with a view to seeking an acceptable response to the Court’s judgment;
5. invited the Russian authorities to complete their reflections as soon as possible and inform the Committee of responses found and means explored; in this context, reiterated further their invitation to the Russian authorities to engage in constructive dialogue and fully to cooperate with the Committee of Ministers and the Secretariat;
6. decided to resume consideration of this case at the 1280<sup>th</sup> meeting (March 2017) (DH).

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling that, in its judgment in *Catan and Others*, whilst observing that there was “no evidence of any direct participation by Russian agents in the measures taken against the applicants” nor “any evidence of Russian involvement in or approbation for the ‘MRT’s’ language policy in general”, the European Court of Human Rights nonetheless found that “by virtue of its continued military, economic and political support for the ‘MRT’, which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants’ right to education”;
2. further recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;

*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transnistrian region of the Republic of Moldova.

3. underlining the fundamental importance of primary and secondary education for each child's personal development and future success and insisting upon the applicants' right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
4. recalling the Russian Federation's intention, expressed in June 2016, to elaborate on the conclusions of high-level conferences and other events with a view to seeking an acceptable response to the Court's judgment;
5. urged the Russian authorities to complete their reflections as soon as possible and rapidly to provide the Committee with concrete information on the means explored and the responses considered; in this context, strongly encouraged the Russian authorities to engage in constructive dialogue and fully to cooperate with the Committee of Ministers and the Secretariat;
6. decided to resume consideration of this case at the 1294<sup>th</sup> meeting (September 2017) (DH).

**1294<sup>th</sup> meeting (19-21 September 2017)**
[List of decisions](#)
[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling that in its judgment in *Catan and Others*, whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants", nor "any evidence of Russian involvement in or approbation for the 'MRT's' language policy in general", the European Court of Human Rights nonetheless found that "by virtue of its continued military, economic and political support for the 'MRT', which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' right to education";
2. further recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;
3. reiterating the fundamental importance of primary and secondary education for each child's personal development and future success and insisting upon the applicants' right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
4. recalling the necessity to make progress towards a common understanding as to the scope of the execution measures flowing from this judgment and their modalities, urged the authorities to complete rapidly their reflection and to seek an acceptable response in relation to the Court's judgment, notably through a high level Conference in Moscow in October 2017 with the participation of representatives of relevant Council of Europe bodies as well as Russian and foreign experts; and to provide the Committee with concrete information on the means explored and the responses considered;
5. in this context, strongly encouraged the Russian authorities actively to pursue the constructive dialogue undertaken and to deepen their cooperation with the Committee of Ministers and the Secretariat to this end;
6. decided to resume consideration of this case at their DH meeting in March 2018 in the light of the progress made.

**1310<sup>th</sup> meeting (13-15 March 2018)**
[List of decisions](#)
[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling that in its judgment in *Catan and Others*, whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants", nor "any evidence of Russian involvement in or approbation for the 'MRT's' language policy in general", the European Court of Human Rights nonetheless found that "by virtue of its continued military, economic and political support for the 'MRT', which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' right to education";
2. further recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;



*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transdniestrian region of the Republic of Moldova.

3. reiterating the fundamental importance of primary and secondary education for each child's personal development and future success and insisting upon the applicants' right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
4. recalling the necessity to make progress towards a common understanding as to the scope of the execution measures flowing from this judgment and their modalities, noted the information on the results of the recent conferences held in October 2017 in Moscow and in February 2018 in Chisinau as regards the execution of the judgment in the *Catan and Others* case;
5. noted the Russian authorities' commitment to arrive at an acceptable response to the Court's judgment;
6. called on the Russian authorities to continue to actively pursue the constructive dialogue undertaken and to deepen their cooperation with the Committee of Ministers and the Secretariat with a view to concrete action for the execution of this judgment; highlighted in this context the importance of a holistic and comprehensive approach;
7. decided to resume consideration of this case at their 1324<sup>th</sup> meeting (September 2018) (DH).

**1324<sup>th</sup> meeting (18-20 September 2018)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. recalling that in its judgment in *Catan and Others*, whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants", nor "any evidence of Russian involvement in or approbation for the 'MRT's' language policy in general", the European Court of Human Rights nonetheless found that "by virtue of its continued military, economic and political support for the 'MRT', which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' right to education";
2. further recalling the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;
3. reiterating the fundamental importance of primary and secondary education for each child's personal development and future success and insisting upon the applicants' right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
4. noted the information provided on the developments around the situation of the Latin-script schools, including as regards the state of ongoing activities relating to this situation;
5. noting the Russian authorities' commitment to arrive at an acceptable response as to the execution of this judgment, urged them to present, before the end of February 2019 at the latest, their concrete proposals in this respect;
6. called on the Russian authorities to continue to actively pursue the constructive dialogue undertaken in cooperation with the Committee of Ministers and the Secretariat to this end;
7. decided to resume consideration of this case at their DH meeting in March 2019.

**1340<sup>th</sup> meeting (12-14 March 2019)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. recalling that in its judgment in *Catan and Others*, whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants", nor "any evidence of Russian involvement in or approbation for the 'MRT's' language policy in general", the European Court of Human Rights nonetheless found that "by virtue of its continued military, economic and political support for the 'MRT', which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' right to education";



*Catan and Others*

Violation of the right to education of children and parents using Latin-script schools in the Transdniestrian region of the Republic of Moldova.

2. reiterating the fundamental importance of primary and secondary education for each child's personal development and future success and insisting upon the applicants' right to continue to receive education in the language of their country, which is also their mother tongue, without hindrance or harassment;
3. firmly insisting on the unconditional obligation of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party, including by paying any just satisfaction awarded by the Court;
4. recalling the Russian authorities' commitment to arrive at an acceptable response as to the execution of this judgment and the Committee's request that they present their concrete proposals in this respect before the end of February 2019; noted the explanations given by the Russian authorities, but expressed nevertheless their regret that no such proposals have been put forward;
5. called on the Russian authorities to continue to actively pursue the constructive dialogue undertaken in cooperation with the Committee of Ministers and the Secretariat and to provide in September 2019 concrete proposals in the form of an action plan, including as regards the payment of the just satisfaction ;
6. decided to resume consideration of this case at their DH meeting in December 2019.

\* \* \*

*Finogenov and Others*

Loss of life and injuries caused during a mass hostage-rescue operation at the “Nord-Ost” theatre in Moscow and lack of effective investigation.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">18299/03+</a>
Judgment(s) final on	04/06/2012
First decision of the Committee of Ministers	1265 <sup>th</sup> meeting (September 2016)

**[1265<sup>th</sup> meeting \(8-9 December 2015\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

- noted with interest the information provided by the Russian authorities on the measures taken in response to the present judgment, including the additional information of August 2016, as well as the information on the payment of the just satisfaction awarded by the European Court;
- concerning individual measures*, noted however with regret that the investigating authorities’ decision, taken after the European Court’s judgment, not to open a criminal investigation due to the previous domestic decision taken in this context, which had been criticised by the European Court, does not appear to give effect to the Court’s judgment in this part;
- having regard to the nature of the shortcomings identified by the Court, in particular as regards the destruction of evidence, and taking also into account the lapse of time which has occurred since the events at issue, invited the Russian authorities to assess and inform the Committee in detail what investigatory steps can still be taken, what investigatory steps can no longer be taken for practical or legal reasons, what means are deployed to overcome existing obstacles, and what concrete results are expected to be achieved;
- concerning general measures*, welcomed the legislative, regulatory and operational measures taken by the Russian authorities with a view to ensure the saving of the lives of, and provision of medical assistance to, persons in emergency situations in the context of rescue activities related to counter-terrorist operations;
- invited the Russian authorities to provide additional information on the practical implementation of the measures adopted, including on how all possible scenarios which could arise after a mass rescue operation are planned for, and effectively communicated to, and coordinated among, all the relevant services.

\* \* \*

*Garabayev (group)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">38411/02</a>
<b>Judgment(s) final on</b>	30/01/2008
<b>First decision of the Committee of Ministers</b>	<a href="#">1136<sup>th</sup> meeting</a> (March 2012)

**[1193<sup>th</sup> meeting \(4-6 March 2014\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. expressed serious concern that, according to the Court, the repetitive nature of the violations established suggests that certain authorities developed a practice in breach of their obligations under Russian law and the Convention;
2. also expressed serious concern that, notwithstanding their interim resolution of September 2013 and the measures already adopted by the Russian authorities, the Committee has been seized of a new incident concerning Mr Azimov, reported to have been abducted on 3 December 2013 from a temporary accommodation centre under the authority of the Federal Migration Service;
3. further expressed serious concern that the current whereabouts of Mr Azimov have not yet been established and therefore urged the Russian authorities to reinforce their investigation efforts and to continue to keep the Committee informed of all developments;
4. noted with interest the recent diplomatic efforts undertaken by the Russian authorities with respect to other applicants who were allegedly abducted and subsequently reappeared in detention in other countries and strongly encouraged them to continue their efforts with a view to ensuring that these applicants are not subjected to treatment in breach of the Convention;
5. concerning general measures, recalled the letter of 5 April 2013 by the Chairman of the Committee of Ministers to the Russian Minister of Foreign Affairs and their interim resolution of September 2013; while noting the updated action plan subsequently submitted by the Russian authorities, regretted the slow progress to date and therefore strongly urged the Russian authorities to:
  - provide information promptly on how they will ensure the practical implementation of the required protective and preventive mechanism (notably, as regards the application of protection measures available to victims and witnesses in criminal proceedings; the improvement of security guarantees in temporary accommodation centres; and providing assistance in the resettlement to third countries where there is no risk of treatment contrary to the European Convention);
  - transmit further details on the measures aimed at improving the efficiency of investigations, in particular how they will ensure close scrutiny of these investigations at an appropriate official level as well as on the recent initiative of the Prosecutor General's Office to put under special control the rapid reaction of prosecutors in the face of detected attempts of abductions from the territory of the Russian Federation;
6. decided to resume consideration of these issues at their 1208th meeting (September 2014) (DH).

**[1201<sup>th</sup> meeting \(3-5 June 2014\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. noted with grave concern that yet another applicant in this group of cases, Mr Yakubov, had allegedly been abducted in Moscow in April 2014 despite the repeated calls by the Committee of Ministers on the Russian authorities to take the necessary measures to prevent such incidents (see, in particular, Interim Resolution [CM/ResDH\(2013\)200](#));

*Garabayev (groupe)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

2. urged the Russian authorities to continue their investigation into Mr Yakubov's disappearance in order to shed light on the circumstances of this incident, taking into account the findings of the European Court of Human Rights as regards the involvement of the State authorities in other cases, notably in the case of *Savriddin Dzhurayev*;
3. noted, with concern, that this incident casts doubts on the soundness of the preventive and protective arrangements set up by the Russian authorities in response to the Committee's call in September 2013, and requested, in this context, the Russian authorities to ensure that relevant individuals are informed of the protective measures available;
4. further noted, with concern, that no information about any progress in the investigations into similar previous incidents in this group of cases has been provided;
5. invited the Russian authorities to provide information on the different issues raised in this group of cases in good time for their 1208th meeting (September 2014) (DH).

**1208<sup>th</sup> meeting (23-25 September 2014)**

 [List of decisions](#) 

**Notes of the meeting***Decision*

## The Deputies

1. reiterated that these cases give rise to serious concerns on the part of the delegations, including the Russian delegation;
2. expressed in particular their grave concern that, despite the repeated violations found by the European Court, its clear indications under Rule 39, the Committee's Interim Resolution [CM/ResDH\(2013\)200](#) (September 2013) and its repeated calls on the Russian authorities to take preventive and protective measures, another two alleged abductions have been reported in July 2014 (in the *Abdulazhon Isakov* and *Mukhitdinov* cases);
3. consequently, urged the Russian authorities to carry out immediately effective investigations into the circumstances of these two new alleged incidents, and to ensure that these investigations comply with Convention standards and are capable of establishing the facts surrounding the abductions of the applicants and their current whereabouts;
4. expressed their grave concern that none of the other pending investigations in the cases under consideration have so far allowed the establishment of the circumstances of the relevant incidents and urged the Russian authorities to take further investigatory steps with a view to fully establishing these circumstances and bringing those responsible to justice, in particular in respect of those applicants whom the European Court found had been abducted and forcibly transferred from Russian territory with the knowledge and passive or active involvement of the Russian authorities;
5. noted with interest the information provided on the visit of the UN Special Rapporteur on torture concerning Messrs Iskandarov and Savriddin Dzhurayev and strongly encouraged the Russian authorities to ensure regular monitoring of the conditions of detention of all applicants in a similar situation, either by Russian diplomatic personnel or by insisting that regular access is granted to representatives of reputable and independent national or international organisations;
6. noted further the measures undertaken and planned by the Russian authorities thus far with the aim of preventing similar incidents, notably the efforts to improve co-operation between the different bodies concerned, the security of temporary accommodation centres for refugees and asylum seekers, as well as the regulatory framework of the procedure for the determination of refugee status;
7. however, expressed their grave concern about the failure of the Russian authorities to set up an effective preventive and protective mechanism as requested by the Committee for quite some time, in particular in its above-mentioned Interim Resolution [CM/ResDH\(2013\)200](#);
8. strongly insisted that the Russian authorities henceforth take immediate and direct responsibility for the physical safety of all applicants who have received a final judgment or benefit from an interim measure indicated by the Court prohibiting their extradition or expulsion, in particular to Uzbekistan and Tajikistan;
9. to this effect, further strongly insisted that such persons are automatically considered by the Russian authorities to be subject to special protective measures, to be determined by the authorities on the basis of their particular circumstances, drawn as appropriate from the measures afforded to witnesses and victims in criminal proceedings, and urged the Russian authorities to ensure that any waiver of such protection on the applicants' part be informed and expressed unambiguously in writing;
10. should no new relevant information be provided by 9 November 2014 on the issues raised in particular in paragraphs 3, 4, 8 and 9 above and in the light of the gravity and persistence of the situation, instructed the Secretariat to prepare a

*Garabayev (groupe)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

draft interim resolution to be circulated in the revised draft order of business of the 1214th meeting (December 2014) (DH);

11. decided further, in case another abduction or disappearance of any other applicant in this group of cases or an applicant in whose case the Court ordered an interim measure is reported, to examine this group of cases at the first regular Committee of Ministers' meeting after any such incident is reported.

**1214<sup>th</sup> meeting (2-4 December 2014)**

 [List of decisions](#) 

**Notes of the meeting***Decisions*

## The Deputies

1. noted with interest the information provided on the granting or extension of temporary asylum or a residence permit to a group of applicants; and encouraged the Russian authorities to provide regular updates concerning such decisions, including indications of their temporal scope, and to promptly provide this information in respect of the rest of the applicants with final judgments in their favour, remaining on the territory of the Russian Federation (Messrs Khaydarov, Ryabikin, Akram Karimov, Gayratbek Saliyev, Ismailov, Nizamov, Khakim Dzhahalbayev, Mukhamedkhodzhayev and Olim Dzhahalbayev);
2. noted the information regarding a further contact between Russian diplomatic personnel and a representative of the Tajik authorities and the request for an update from the Uzbek authorities; however, urged again the Russian authorities to provide information on the initiatives undertaken to obtain regular access, for monitoring purposes, to the detained applicants in Tajikistan and Uzbekistan either by Russian diplomatic personnel or by representatives of reputable and independent national and international organisations;
3. expressed their grave concern that the fate of several applicants in this group of cases (Messrs Mamazhonov, Azimov, Yakubov and Abdulazhon Isakov) remains unknown;
4. while noting the information regarding the decision to carry out additional reviews and investigations into several cases, further expressed their grave concern that so far it had not been possible to establish the circumstances of the relevant incidents and to bring to justice those responsible, including in the cases where the European Court found State involvement, and urged the Russian authorities to provide information on the investigatory response to the facts established in the relevant judgments of the European Court;
5. noted with interest the information regarding the instructions for the heads of the territorial units of the Federal Migration Service of the regions where the applicants in this category of cases live and for the regional prosecutors to clarify the applicants' situation and apprise the applicants of their right to State protection in the context of criminal proceedings in case of complaints about threats, including threats of their abduction/forced removal from Russian territory, and to obtain a prompt reaction to such complaints,
6. considered that this measure does not amount to the automatic protection requested in their previous decision and, consequently, strongly insisted that the Russian authorities take the further measures needed to comply with the Deputies' previous decision in this respect;
7. noting the efforts previously undertaken by the various Russian State bodies in respect of this group of cases, urged the Russian authorities to provide information on the relevant measures taken or decisions adopted in respect of this group of cases by the other State bodies (including by the Russian Ministry of the Interior and the Federal Security Service), and, in particular, on the measures aimed at the prevention of the unlawful practice of abductions and transfers;
8. decided that the Russian authorities should provide additional information addressing the issues identified above no later than 2 April 2015 and that the necessity of the adoption of a new interim resolution will be considered at their 1229st meeting (June 2015) (DH) on the basis of that information;
9. decided, in case another abduction or disappearance of any other applicant in this group of cases or an applicant in whose case the Court ordered an interim measure is reported, to examine this group of cases at the first regular Committee of Ministers' meeting after any such incident is reported.

**1230<sup>th</sup> meeting (3-5 June 2015)**

 [List of decisions](#) 

**Notes of the meeting**

*Garabayev (groupe)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

*Decisions*

The Deputies

*Individual measures*

As regards the situation of the applicants remaining on the Russian territory,

1. welcomed the regular information provided on the measures adopted in respect of a number of applicants in order to protect them against the risk of extradition or expulsion in violation of Article 3 of the Convention (notably on granting or extension of temporary asylum and staying of the decision for administrative expulsion) and invited the Russian authorities to provide up-to-date information in respect of all applicants in this group of cases;
2. noted with concern that a number of applicants may remain in detention pending expulsion notwithstanding the fact that such removal is not possible having been found by the European Court of Human Rights to be in breach of Article 3 and invited consequently the authorities to provide information on the current situation of these applicants and, if still in custody, on the reasons for their continued detention;

As regards the situation of the applicants removed to Tajikistan and Uzbekistan in violation of the Convention,

3. noted the information regarding the requests for up-to-date information submitted to the Tajik and Uzbek authorities; however, further noted that this measure alone is not sufficient and reiterated their call for further initiatives to obtain regular access, for monitoring purposes, to the detained applicants in Tajikistan and Uzbekistan either by Russian diplomatic personnel or by representatives of reputable and independent national and international organisations;

As regards the investigations into the incidents of disappearance/abductions,

4. while welcoming the information that Messrs Mamazhonov and Yakubov have been found alive, reiterated their grave concern that the fate of Messrs Azimov and Abdulazhon Isakov still remains unknown;
5. noted with concern that the Russian authorities had not submitted sufficient information on a Convention-compliant investigatory response permitting to reconcile the applicants' statements against other material, in particular that available from the Court's judgments, and taking into account the applicants' vulnerable situation;
6. insisted on the importance of receiving information addressing the above concerns;

*General measures*

7. as regards the automatic protection, noted the information on the measures taken; considered, however, that the effectiveness of these measures remains to be seen and encouraged the Russian authorities to provide regular updates concerning the holding of such meetings, the lodging of any complaints by the persons concerned regarding perceived risks of abduction, forcible removal or to their health/life, and the authorities' response to such complaints;
8. noted the information received from the UNHCR as well as the comments of the Russian delegation provided during the meeting in this respect and invited them to submit the relevant clarifications in writing;
9. as regards the measures aimed at preventing the unlawful practice of abductions and forcible removals, called upon the Russian authorities to continue to provide information on other relevant measures, in addition to the investigatory efforts, planned or taken by all the competent State authorities;
10. decided to resume the examination of all outstanding questions in this group of cases, at the latest, at their meeting in March 2016 (DH);
11. decided, in case another abduction or disappearance of any other applicant in this group of cases or an applicant in whose case the Court ordered an interim measure is reported, to examine this group of cases at the first regular Committee of Ministers' meeting after any such incident is reported.

**1233<sup>th</sup> meeting (8-9 July 2015)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

*Garabayev (groupe)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

1. noted with grave concern that a further alleged disappearance and abduction of four applicants protected by the Court's final judgment in the case of *Nizamov and Others* have been reported to the Committee;
2. strongly urged the Russian authorities to carry out immediately an effective investigation into the circumstances of this new alleged incident and to ensure that this investigation complies with Convention standards and is capable of establishing the facts surrounding the disappearance of the applicants and their current whereabouts;
3. invited the Russian authorities to inform the Committee whether and how the four applicants have been apprised by the Russian authorities, at the moment of their release from custody, of their right to seek the protection of the law-enforcement bodies in the event of a perceived risk of abduction or to their life/health, in accordance with the procedure described previously by the Russian authorities in their action plans in this group of cases;
4. decided to resume examination of the measures taken by the Russian authorities in response to this alleged incident at their 1236th meeting (September 2015) (DH) and invited the authorities to provide the necessary information by 17 August 2015.

**1236<sup>th</sup> meeting (22-24 September 2015)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. noted the information provided by the Russian authorities on the measures adopted to investigate the circumstances of the alleged disappearance incident with the four applicants in the case of *Nizamov and Others*, nevertheless expressed concern that their fate remains unknown and called upon the Russian authorities to continue their investigatory efforts in this respect;
2. in this context, noted the information provided by the Russian authorities about the request sent to the Uzbek authorities to establish whether the applicants have entered Uzbekistan and, if so, whether they are detained by the Uzbek authorities and therefore invited the Russian authorities to inform the Committee of the response as soon as it becomes possible;
3. noted that, according to the Russian Federal Migration Service, the applicants had been apprised of their right to apply to law enforcement authorities in the event of a risk to their life/health and invited the Russian authorities to provide additional information on the modalities of how, when and where the applicants and/or their representative were apprised of this right, and whether the procedure included the applicants' acknowledgment of their apprising in writing;
4. decided to resume examination of the measures taken by the authorities in response to the alleged incident in the case of *Nizamov and Others*, together with all the other outstanding questions in this group of cases, at their meeting in March 2016 (DH).

**1250<sup>th</sup> meeting (8-10 March 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

*Individual measures*

As regards protection against extradition/expulsion and release from detention,

1. welcomed the measures taken by the authorities to release the applicants entitled to be released and to grant temporary asylum to all those who requested it; and invited the authorities to ensure that the administrative "stop-lists" function as an effective tool preventing expulsion of those applicants who appear to remain in the situation of irregular residents;

As regards protection of applicants removed to Tajikistan and Uzbekistan in violation of the Convention,

2. reiterated that the information received from the detaining authorities cannot be considered sufficient proof that the conditions of detention remain adequate and do not involve treatment in breach of Article 3; insisted again that the



*Garabayev (groupe)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

Russian authorities use all available means to obtain regular access, for monitoring purposes, to the detained applicants in Tajikistan and Uzbekistan either by Russian diplomatic personnel or by representatives of reputable and independent national and international organisations; and encouraged the authorities to explore the possibility of extending the new monitoring mechanism to the applicants currently detained abroad;

As regards the investigations into incidents of disappearance/abductions,

3. welcomed the authorities' efforts to remedy the investigative shortcomings identified by the Court in the *Mukhitdinov* case and their successful attempt to establish the applicant's whereabouts; at the same time, expressed grave concern that several other applicants remain missing and urged the authorities to do everything in their power to establish their whereabouts;
4. expressed further concern that, in none of the cases where the applicants reappeared in the requesting States, the investigation has either established a convincing account of the events consonant with the Court's findings or identified those responsible for their irregular transfer; and urged the authorities to pursue their efforts to conduct effective investigations capable of answering these questions in a convincing manner;

As regards the payment of just satisfaction,

5. invited the authorities to explore, in co-operation with the Secretariat, the available ways to discharge their payment obligation in the cases of *Iskandarov* and *Muminov*;

*General measures*

As regards the measures to prevent extradition/expulsion in violation of the Convention,

6. welcomed the suspension of extradition/expulsion decisions and the regularisation of the applicants' situation in the Russian Federation as long as the relevant risks persist; invited the authorities to confirm that the monitoring mechanism envisaged by the Prosecutor General's Office will be applied only in those cases where the requesting State's assurances against the risk of ill-treatment meet the standards developed in the Court's case law;

As regards special protection against abductions and illegal transfers out of the Russian Federation,

7. invited the authorities to continue the practice of apprising individuals of their right to apply for State protection in case of a perceived risk of irregular removal, to inform the Committee of any relevant complaints lodged and the authorities' response to them and, in respect of the *Nizamov and Others* case, to clarify whether the procedure included the applicants' acknowledgement of their apprising in writing;

As regards the other outstanding issues,

8. with a view to the future examination of this group of cases by the Committee, invited the authorities to provide an updated action plan or action report concerning the measures planned or taken to address all outstanding issues.

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. noted with interest the action plans submitted in this group by the Russian authorities;
2. as regards the information submitted by the authorities about the problems which have arisen as regards the payment of just satisfaction to Messrs Iskandarov and Muminov, imprisoned in Tajikistan and Uzbekistan respectively, noted that the authorities are unable to effectuate the payments due to the restrictions in the domestic procedures and invited the Secretariat to assist in finding solutions to this problem;
3. as regards the visits by Russian diplomatic personnel to the four applicants detained in Uzbekistan, welcomed this information and invited the authorities to clarify whether such visits will be held on a regular basis and what follow-up mechanism is envisaged, in particular in the event that ill-treatment is detected; also encouraged them to organise similar visits to other applicants, including in Tajikistan and Kyrgyzstan;
4. as regards the investigations into abductions established by the Court, invited the authorities to continue the investigation of the specific facts pointing to the applicants' unlawful removal as presented in the Court's judgments and encouraged them to continue effective investigations in the cases of *Abdulazhon Isakov* and *Azimov*;



*Garabayev (groupe)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

5. as regards the new monitoring mechanism of the Prosecutor General's Office and the Ministry of Foreign Affairs, reiterated that it should meet the standards developed in the Court's case law for guarantees against ill-treatment and therefore invited the authorities to provide more detailed information about its functioning (frequency of visits, ability to interview the person concerned out of the sight and earshot of prison guards, follow-up mechanism) and specific examples of its application;
6. noted the measures adopted by the Russian authorities to protect persons against abductions and other forms of illegal removal from Russian territory and invited the authorities to clarify whether the requirement to confirm in writing the receipt of information about the right to seek State protection is regularly followed in practice;
7. noted with interest the draft amendments to the Code of Criminal Proceedings to improve compliance with the Convention in extradition proceedings, and invited the authorities to provide information about progress in their adoption; also invited the authorities:
  - as regards the lack of effective and thorough scrutiny by the authorities of the risk of ill-treatment in the requesting country in violation of Articles 3 and 13, to provide information on the further development of court practice in the light of the above amendments, if adopted;
  - as regards the absence of clear legal provisions governing detention with a view to extradition in violation of Article 5 § 1, to clarify the procedure to be followed by the prosecutor under Article 466 § 1;
8. as regards the remaining violations of Article 5, noted the information provided previously by the authorities and invited them to provide further information about the measures planned or taken, as well as their practical implementation:
  - to prevent arbitrary and unreported arrest and detention beyond the time-limits allowed by domestic law;
  - to allow a person detained pending extradition to initiate judicial review of the lawfulness of his detention or to ensure reasonable intervals between automatic judicial reviews of the grounds for detention;
  - to ensure speedy judicial review of appeals against orders of detention or its extension, including examination of the appellants' arguments;
9. as regards poor conditions of detention in the transport police premises at Domodedovo airport in Moscow, invited the authorities to provide information about the measures taken to address this issue.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. noted with interest the Action Plan presented for this group of cases, although it arrived only on 12 February 2019;

*As regards individual measures*

2. noted that the issue of individual measures in respect of 20 applicants in detention with a view to extradition concerned by the Court's judgments in this group has been resolved; decided to close their supervision of these cases and adopted Final Resolution [CM/ResDH\(2019\)58](#);
3. noted the information submitted by the authorities with regard to the individual situation of applicants and the payment of the just satisfaction awarded in the new judgments delivered by the Court, and, in particular, the payment in the *Muminov* case;
4. encouraged the authorities to provide information on the practice of visits to detained applicants removed in violation of Articles 3 and/or 34 of the Convention, notably by Russian diplomatic personnel, and any findings made in that context;
5. noted the information submitted by the authorities about the state of the investigations conducted in the cases where the Court found specific facts indicating that the applicants had been unlawfully removed from the territory of the Russian Federation, and strongly urged the authorities to continue the investigations in order to further clarify the facts, taking fully into account also the findings of the European Court, in particular as regards the allegations of abduction of the two applicants in the *Abdulzhon Isakov* case and the *Azimov* case;

*As regards general measures*

*Garabayev (groupe)*

Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).

6. noted with interest the information on the reinforcement of the mechanisms aimed at preventing extradition procedures in violation of the Convention, in particular of Articles 2, 3 and/or 5, and in particular the new 2018 Directive issued by the Prosecutor General (116/35) based on the legal positions of the Plenum of the Supreme Court in its Ruling of 14 June 2012 No. 11 and the case-law of the European Court; noted similarly the adoption at the first reading of the draft law amending the Code of Criminal Procedure aimed notably at strengthening procedural safeguards in extradition cases, as well as the ongoing consideration of possible additional amendments to the Law on asylum to ensure automatic suspension of the execution of decisions on extradition, deportation or administrative expulsion of persons who have submitted applications for temporary asylum or refugee status;
7. recalled the importance of ensuring that the requirements of the Convention are fully taken into account in the ongoing legislative reform work;
8. noted also with interest a number of additional recent measures taken by the authorities, notably strengthening inter-agency coordination, the interaction with States requesting extradition, the dissemination to competent state bodies of the positive practices in this field of other Council of Europe member States and the Supreme Court's similar dissemination efforts as regards the practices of international treaty and non-treaty bodies, and the issuance by the Ministry of Foreign Affairs to diplomats of Methodical Recommendations with instructions on the modalities of visits to persons having been forcibly removed from Russian territory (including control of conditions of detention and prevention of ill-treatment) as well as other ongoing work reported by the authorities to prevent similar violations of the Convention;
9. welcomed the information on the closure of the detention cell which did not meet Convention standards in the transport police premises at Domodedovo airport in Moscow and decided to close their supervision of this aspect;
10. requested the authorities to provide information about further developments and progress relevant for the execution of this group of cases before 30 April 2019.

\* \* \*

*Georgia*

Arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals from October 2006 until the end of January 2007 amounting to an administrative practice (Article 4 of Protocol 4, Articles 5 § 1, 5 § 4 and 3 and Article 13 in conjunction with Articles 3 and 5 § 1, Article 38).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">13255/07</a>
<b>Judgment(s) final on</b>	03/07/2014
<b>First decision of the Committee of Ministers</b>	1250 <sup>th</sup> meeting (March 2016)

**[1250<sup>th</sup> meeting \(8-10 March 2016\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalling the European Court’s findings in this judgment that a coordinated policy of arresting, detaining and expelling Georgian nationals, amounting to an administrative practice, had been implemented in the Russian Federation from October 2006 until the end of January 2007 in violation of Article 4 of Protocol No. 4, Articles 5 § 1, 5 § 4 and 3 of the Convention and Article 13 in conjunction with Articles 3 and 5 § 1; recalling further that the European Court found a violation of Article 38;
2. recalling also that the question of the application of Article 41 of the Convention remains pending before the European Court;
3. took note with interest of the detailed information submitted by the Russian authorities regarding, in particular, the developments in the Federal Migration Service, in the supervision carried out by prosecutors and in the practice of the domestic courts since 2007;
4. invited the Russian authorities to submit further information on the implementation of their action plan and to supplement it with an analysis of how the measures referred to will prevent a similar administrative practice in the future;
5. invited further the Russian authorities to provide information on the measures taken or proposed to ensure their compliance in the future with their obligation under Article 38 to furnish all necessary facilities to the European Court.

\* \* \*

*Gerasimov and Others (group)*

Failure or serious delay of authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	29920/05
<b>Judgment(s) final on</b>	01/10/2014
<b>First decision of the Committee of Ministers</b>	1222 <sup>th</sup> meeting (March 2015)

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. took note of the Court's new pilot judgment in the case of *Gerasimov and Others* concerning the structural problem of non-enforcement of domestic judicial decisions, requiring the Russian authorities to set up, by 1 October 2015 and in co-operation with the Committee of Ministers, an effective domestic remedy in respect of the non-enforcement of decisions concerning in-kind obligations and to grant redress, by 1 October 2016, to applicants in similar cases already lodged with the Court;
2. welcomed the Russian authorities' rapid and positive response to the pilot judgment, including the draft amendments to the Compensation Act promptly prepared by the Ministry of Justice with a view to extending its scope to obligations in-kind;
3. encouraged the Russian authorities to achieve full compliance with the present judgment within the deadlines set by the Court, in particular by ensuring that the required remedy provides redress in respect of both pecuniary and non-pecuniary obligations in-kind of the State resulting from domestic judgments;
4. invited the Russian authorities to transmit, as soon as possible, a comprehensive action plan detailing the measures adopted/envisaged in response to the long-standing structural problems examined within the *Timofeyev* group and highlighted again in the *Gerasimov and Others* judgment, as well as the measures adopted/envisaged in response to the new pilot judgment;
5. invited the Russian authorities to closely co-operate with the Secretariat in their legislative reform efforts and to consider, in this context, taking full benefit of the technical assistance the Council of Europe could provide through its co-operation programmes with the Russian Federation.

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted with interest the action plan provided by the Russian authorities in July 2015 in response to the *Gerasimov and Others* pilot judgment, including also information on the measures taken in relation to the *Timofeyev* group of cases;
2. *as regards individual measures*, considered that all the necessary individual measures have been taken in respect of all the applicants in this case, with the exception of Mr Grinko in whose case the execution of the domestic court's decision is still ongoing, and invited the Russian authorities to provide information on the full enforcement of the relevant domestic judicial decision in his respect;
3. noted the information on the efforts taken by the Russian authorities to resolve the 483 similar applications currently pending before the Court under the pilot judgment and called upon the authorities to complete this work within the deadline set by the Court;
4. *as regards the measures setting up effective domestic remedies*, noted with interest the information on the adoption of the Code of Administrative Procedure and invited the Russian authorities to provide information on the implementation of the new Code in respect of complaints of non-enforcement of judicial decisions in-kind (e.g. examples of relevant case-law, statistics, etc.) and the impact of the judicial decisions adopted under the new Code on the relevant enforcement

*Gerasimov and Others (group)*

Failure or serious delay of authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.

proceedings; further invited the Russian authorities to clarify whether the above remedy is also considered as an acceleratory one;

5. noted the information provided on the draft amendments to the 2010 Compensation Act prepared by the Ministry of Justice and invited the Russian authorities rapidly to provide the Committee with additional clarification that the draft amendments will extend the scope of the law, if amended as suggested, to both pecuniary and non-pecuniary obligations in-kind, as indicated by the pilot judgment, as well as to provide the text of the draft amendments;
6. strongly encouraged the Russian authorities to take all necessary efforts with a view to meeting the Court's deadline of 1 October 2015 for the setting-up of the domestic remedy in respect of non-enforcement of domestic decisions concerning obligations of the State in-kind;
7. *as regards the measures addressing the origins of the violations*, noted with interest the information provided on the various efforts aimed at the resolution of the problems underlying the violations related to provision of housing and encouraged the Russian authorities to provide a comprehensive evaluation of their impact in practice, as well as a timeline for any remaining measures envisaged;
8. invited the Russian authorities to provide further information on the measures taken or envisaged to address the non-enforcement of judicial decisions concerning in-kind obligations of non-pecuniary nature;
9. in view of the upcoming deadline set by the Court, decided to resume examination of the issue of setting up domestic remedies at their 1243rd meeting (December 2015) (DH).

**1243<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. noted with satisfaction that the draft law introducing the amendments to the 2010 Compensation Act, if adopted as presented, will extend the scope of that law to both pecuniary and non-pecuniary obligations in-kind;
2. considering that the deadline fixed by the Court for the setting-up of an effective domestic remedy expired on 1 October 2015, encouraged the Russian authorities to deploy all their efforts to ensure that the amendments to the 2010 Compensation Act enter into force on 1 January 2016, as envisaged in Article 3 of the draft law;
3. further encouraged the Russian authorities to make the required budgetary appropriations to ensure an effective implementation of the compensation decisions under the amended Compensation Act;
4. noted with satisfaction the transitional provision in the draft law allowing applicants with pending applications at the European Court, to claim compensation from the domestic courts within six months of the law's entry into force;
5. invited again the Russian authorities to clarify whether the remedy under the Code of Administrative Proceedings will function as an acceleratory remedy for cases concerning delayed enforcement of the State's obligations in-kind.

*Gerasimov and Others (group)*

Failure or serious delay of authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. welcomed the adoption of all the individual measures necessary in this case;
2. noted with satisfaction the efforts deployed in settling the applications pending before the Court, in accordance with the indications given in the pilot judgment, and invited the authorities to provide updated information on progress achieved in this regard;
3. welcomed the setting up of both compensatory and acceleratory domestic remedies which appear prima facie to be effective, noted with interest the other improved procedures and, in the light of this, decided to close their examination concerning the adoption of remedies;
4. further welcomed the important progress achieved in addressing and removing the origin of the violations established by the European Court, in particular as regards the enforcement of judicial decisions awarding housing to military servicemen; in the light of this, decided to close their examination of this aspect, with the exception of the outstanding question indicated below;
5. invited the authorities to provide information on the practical impact of the measures taken to prevent delays in the enforcement of judicial decisions concerning other categories of social housing;
6. in the light of the substantial progress achieved, decided to pursue their supervision of the two outstanding issues (the settlement of the remaining applications communicated by the Court and the practical impact of the measures taken for the execution of judicial decisions concerning the remaining categories of social housing) under the standard procedure.

\* \* \*

*Jehovah's witnesses of Moscow and Others / Krupko and Others*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

Status of execution	HUDOC-EXEC
Application(s) No(s).	302/02 – 26587/07
Judgment(s) final on	22/11/2010 – 17/11/2014
First decision of the Committee of Ministers	1302 <sup>nd</sup> meeting (December 2017)

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that these cases concern violations of the right to freedom of religion as a result notably of the unfounded refusal to re-register the applicant community, followed in 2004 by its dissolution and the banning of its activity for violations of domestic law, measures which the Court found disproportionate to whatever legitimate aim was pursued (*Jehovah's Witnesses of Moscow and Others*), and also the interruption in 2006 of one religious ceremony held outside a religious building, allegedly unlawfully because without prior notification by members of the religious group (*Krupko and Others*), and that in both judgments the Court stressed that freedom of religion is one of the foundations of a democratic society;
2. noted the progress which had been achieved in the execution of the above judgments, including the payment of just satisfaction awarded, dissemination and examination of the Court's judgments, introduction of amendments to legislation and case-law, successful registration in 2015 of a new community of Jehovah's Witnesses of Moscow, and also that no additional individual measures were deemed required in the *Krupko and Others* case;
3. noted the information submitted by the applicants about the new ban imposed in 2017 on the religious organisation "Jehovah's Witnesses Administrative Centre in Russia" for extremist activity and on all its constituent local branches, including the Moscow branch, and the questions raised as regards the members of the Jehovah's Witnesses' right to manifest their religion individually or in community and to carry on the activities which are indispensable elements of their religious practice and expressed their serious concern in this respect;
4. invited the authorities to provide information, without prejudice to the European Court's examination of any complaints lodged as a result of the new ban, in particular as regards the possibilities for the applicants to continue to enjoy the individual right to freedom of religion;
5. decided to examine the cases of *Jehovah's Witnesses of Moscow and Others* and *Krupko and Others* under enhanced supervision.

\* \* \*

*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	57942/00
<b>Judgment(s) final on</b>	06/07/2005
<b>First decision of the Committee of Ministers</b>	1078 <sup>th</sup> meeting (March 2010)

**1193<sup>th</sup> meeting (4-6 March 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

## The Deputies

- recalled the longstanding nature of the important systemic problems raised by the present cases and the assessments and indications made, notably, in their Interim Resolution of December 2011 (CM/ResDH(2011)292);
- noted the indications provided by the Court under Article 46 of the Convention in its *Aslakhanova and others* judgment, in particular, as regards the necessity of a comprehensive and time-bound strategy to address the problems at issue;
- stressed the importance of resolute action addressing both the continuing suffering of the relatives of the disappeared persons and the ineffectiveness of criminal investigations and the resulting impunity for the perpetrators of the most serious human rights abuses;
- noted the Russian authorities' updated action plan of August 2013, summarising the measures already adopted and laying down a strategy for further action;
- as regards the situation of disappeared persons and their families, urged the Russian authorities: to consider including in their strategy measures with a view to creating a single and high-level body mandated with the search for missing persons as well as ensuring the allocation of the necessary resources required for large-scale forensic and scientific work within a centralised and independent mechanism; and to reinforce their efforts aimed at improving the procedures for payment of compensation by the State to the victims' families;
- as regards investigations into abuses committed, reiterated their concerns, expressed in their September 2012 decision, with respect to the application of amnesty legislation to certain situations and urged the Russian authorities to take into account the Court's conclusions in the *Aslakhanova and others* judgment when reshaping their strategy, including with respect to the application of statutes of limitations;
- invited, in this context, the Russian authorities to provide further clarifications with respect to victims' and/or their representatives' access to case-files, including on the issue of non-disclosure agreements signed by applicants' representatives in some cases;
- highlighted the necessity for the Russian authorities to set clear time-frames for the implementation of the different elements of the comprehensive strategy;
- as regards individual measures, regretted that no information has been provided demonstrating progress in the criminal investigations in the cases previously identified by the Committee and in the additional investigation conducted in the cases of *Isayeva and Abuyeva and others* and, consequently, insisted that such information is transmitted without delay;
- decided to resume consideration of these issues at their 1208<sup>th</sup> meeting (September 2014) (DH).

**1208<sup>th</sup> meeting (23-25 September 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

## The Deputies

- noted with grave concern that the information provided does not attest to any improvement in the capacity of the present system of criminal investigations to handle the problem of the persons reported as missing despite the efforts deployed and that the problems revealed by the Courts' judgments thus remain unresolved;



*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

2. consequently insisted that the Russian authorities take, without delay and with due regard to the indications given by the Court and the Committee, the measures necessary to create a single and high level body mandated with the search for persons reported as missing as a result of counterterrorist operations in the North Caucasus;
3. invited delegations to provide the Secretariat with any written questions, they would like to be put to the Russian authorities, no later than 3 October 2014; instructed the Secretariat to transmit these questions to the Russian authorities no later than 8 October 2014; and invited the Russian authorities to provide their answers in writing no later than 24 November 2014;
4. decided to resume consideration of the issues raised by this group of cases at their DH meeting in March 2015 and instructed the Secretariat to prepare a draft interim resolution, to be circulated with the draft order of business for the said meeting, if no tangible progress would be made by then in respect of the setting-up of such a single and high level body.

**1222<sup>th</sup> meeting (11-12 March 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. noted the replies provided by the Russian authorities to the questions posed by certain Delegations and the additional information submitted since the Committee's last examination of this group of cases;
2. as regards forensic institutions, invited the Russian authorities to provide information on the concrete work carried out by these bodies as well as detailed information on the number of staff of the Forensic Examination Bureau of the Ministry of Healthcare of the Chechen Republic and on the facilities and equipment at its disposal;
3. as regards the general statistics provided on the fate of missing persons, invited the Russian authorities to provide concrete information on the following issues:
  - the individual cases in this group where the fate of the missing persons has been established;
  - the measures taken to locate any presumed burial sites in the region, listing all such sites;
  - the date on which exhumation of these burial sites has taken place or will take place;
  - the means by which storage and identifications of remains have been or will be safeguarded;
  - the functioning of the centralised automated missing persons database and of the information search system;
4. as regards the statute of limitations, urged the Russian authorities to take measures to ensure that that the domestic law and practice concerning the applicability of the statute of limitations take into account the Convention standards with regard to the prosecution and punishment of those responsible for grave breaches of fundamental human rights and to provide information on the qualifications given by investigators to the disappearance cases following the Court's judgments;
5. as regards criminal investigations, invited the Russian authorities to provide information on the cases in which criminal proceedings were terminated or which resulted in refusals to initiate criminal proceedings;
6. as regards the cases of *Isayeva* and *Abuyeva and Others*, reiterated their call upon the Russian authorities to provide detailed information on the additional investigation conducted and copies of decisions taken in this context;
7. as regards the setting-up of a single and high-level body mandated with the search for disappeared persons, adopted Interim Resolution CM/ResDH(2015)45;
8. decided to resume consideration of this group of cases at their 1236th meeting (September 2015) (DH).

*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

**Interim Resolution [CM/ResDH\(2015\)45](#)****Execution of the judgments of the European Court of Human Rights****in 221 cases against the Russian Federation concerning actions of the security forces in the Chechen Republic of the Russian Federation**

(see the [list of cases](#) in the *Khashiyev and Akayeva* group)

(Adopted by the Committee of Ministers on 12 March 2015 at the 1222nd meeting of the Ministers' Deputies)

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 numerous judgments of the European Court finding grave violations of the Convention resulting from and/or related to actions of the security forces during anti-terrorist operations which took place in the North Caucasus, mainly in the Chechen Republic between 1999 and 2006, the great majority of which concern enforced disappearances;

Stressing the continuous suffering of the relatives of those missing persons, who remain in uncertainty as to the fate and the circumstances of the presumed death of their family members;

Recalling its Interim Resolution [CM/ResDH\(2011\)292](#), in which the Committee, *inter alia*, strongly urged the Russian authorities to take rapidly the necessary measures to intensify the search for missing persons;

Noting that, in response, the Russian authorities adopted a number of general measures to improve the effectiveness of investigations and the search for missing persons;

Deeply regretting that the measures taken did not bring any significant results in the establishment of the fate of the applicants' missing relatives;

Underlining that, in the face of this situation, the Court recommended under Article 46 of the Convention in its *Aslakhanova and Others* judgment a number of measures to be taken as a matter of urgency by the Russian authorities, notably as regards the creation of a single and high-level body in charge of solving cases of disappearances in the region;

STRONGLY URGES the Russian authorities to take the measures necessary to create a single and high-level body mandated with the search for persons reported as missing as a result of counterterrorist operations in the North Caucasus.

**[1236<sup>th</sup> meeting \(22-24 September 2015\)](#)**

[List of decisions](#)

**[Notes of the meeting](#)***Decisions*

## The Deputies

*As regards the cases in which the events took place between 1999 and 2006*

1. took note of the information provided by the Russian authorities that 163 DNA samples from unidentified bodies were received from the Chechen Republic concerning the *Khashiyev* group of cases and invited the Russian authorities to provide the following clarifications:
  - does the above information mean that the 163 DNA samples obtained from unidentified bodies belong to the victims in the *Khashiyev* group of cases;
  - where were the bodies found (i.e. in burial sites, mass graves or other places), where were the remains brought and stored, and how was the other material evidence and forensic data preserved;
  - what measures were taken to identify the bodies, and in particular, whether these 163 DNA samples were compared with the DNA samples obtained from the victims' families for identification purposes;
2. invited the Russian authorities to clarify the dates and the circumstances of the finding of the bodies of the applicants' relatives in the cases of *Malika Alikhadzhiyeva, Askharova, Magomadov and Magomadov*, as well as whether forensic examinations were carried out subsequent to the finding of the bodies and whether the bodies were transferred to the victims' relatives;
3. urged the Russian authorities to provide information in tabular form as to the steps taken to locate, secure and exhume mass graves or burial sites in the region, by identifying for each case:
  - whether bodies/remains were found

*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

- if so, the location where they were found
  - the date on which the bodies/remains were found
  - the date of any forensic examination undertaken
  - whether the applicants were informed;
4. noted with profound regret that no information has been provided in response to the Committee's Interim Resolution CM/ResDH(2015)45 adopted at its 1222nd meeting (March 2015) and strongly urged the Russian authorities, once again, to take the measures necessary to create a single and high-level body mandated with the search for persons reported as missing as a result of counter-terrorist operations in the North Caucasus;
  5. invited the Russian authorities to consider, in line with the findings of the Court in the *Aslakhanova and others* judgment, whether the crime of aggravated kidnapping should be re-qualified as aggravated murder so that domestic courts will be able to decide on the application of the prescription periods once charges are brought against perpetrators;
  6. invited further the authorities to provide their comments on the draft law which provides that criminal investigations should be terminated if a perpetrator is not identified and the prosecution of a crime becomes time-barred;
  7. noted that the shortcomings identified by the European Court were addressed in the case of *Trapeznikova* fully and in the case of *Abdurashidova* to the best possible extent and that no further individual measures are required in the *Taziyeva and others* case; invited the Russian authorities to provide information in the remaining cases in which criminal proceedings were terminated or which resulted in refusals to initiate criminal proceedings;

*As regards the cases in which the events took place after 2006*

8. invited the Russian authorities to provide information on the progress achieved in the investigations in the cases of *Umarovy, Shafiyeva, Askhabova, Turluyeva and Makayeva*;
9. noted with interest that there has been a reduction in the number of kidnappings committed in the region and invited the Russian authorities to confirm that, as a result of the measures taken so far, enforced disappearances involving State agents have ceased to occur in the region;

*As regards future examination of these cases by the Committee*

10. given the large number of issues raised in this group of cases, instructed the Secretariat to prepare, before 31 December 2015, in consultation with the Russian authorities, a timetable for the future examination of the specific aspects of this group of cases by the Committee, on which delegations will be invited to comment by the end of February 2016.

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. *regarding the cases proposed by one delegation*, agreed on the following time-table for the examination of these cases:
  - Groups of *Ciorap, Becciev and Paladi v. Republic of Moldova*: at the 1265th meeting (September 2016);
  - Group of *Fuchs v. Poland*: at the latest at the 1273rd meeting (December 2016);
  - Group of *Ticu v. Romania*: at the 1273rd meeting (December 2016);
  - Groups of *Kaverzin and Afanasyev v. Ukraine*: at the latest at the 1273rd meeting (December 2016);
2. *regarding the future examination of the specific aspects of the group Khashiyev v. Russian Federation*, agreed on the following time-table:

**June 2016 (DH)**A) Search for missing persons:

- 1) replies to the questions raised by the Committee of Ministers at its 1236th meeting regarding the DNA samples received from the Chechen Republic;
- 2) clarifications to be provided on the dates and the circumstances of the finding of the bodies of the applicants' relatives in specific cases, as well as subsequent forensic examinations;

*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

- 3) information on the measures taken to locate, secure and exhume mass graves and burial sites in the region; and
- 4) information on the creation of a single and high-level body for the search of missing persons (see paragraphs 1 to 4 of the Committee's above-mentioned decision and the Committee's Interim Resolution adopted at its 1222nd meeting (March 2015) (DH)).

B) Comments with regard to the draft law introduced by a number of Deputies of the State Duma which might have implications for the application of prescription periods (see paragraph 6 of the Committee's above-mentioned decision).

**December 2016 (DH):**Effectiveness of investigations:

- 1) examination of specific cases in which criminal proceedings were terminated or which resulted in refusals to initiate criminal proceedings (see the table contained in the appendix of document [DH-DD\(2015\)23](#));
- 2) issues related to the re-qualification of crimes and the application of provisions related to prescription periods (see paragraphs 5 and 7 of the Committee's above-mentioned decision).

**March 2017 (DH):**

Cases in which events took place after 2006 (see paragraphs 8 and 9 of the Committee's above-mentioned decision).

3. adopted the order of business for the 1250th meeting;
4. *regarding the indicative list for the 1259th meeting (June 2016) (DH)*, took note of the fact that an indicative list of cases to be included in the draft order of business of the 1259th meeting, together with the time-table for the preparation of that meeting, will be issued on 31 March 2016.

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. noted the updated information provided by the Russian authorities in response to the Committee's questions put forward at the last examination of this group;
2. invited the Russian authorities to provide information on the return of the victim's ashes in the *Malika Alikhadzhiyeva* case and clarification as to why the identified remains were not exhumed and returned to the applicants in the *Israilova and Others* case;
3. noted that, in some of the cases examined by the European Court in the *Khashiyev* group, about 100 corpses had already been found, including in burial sites identified in the course of investigations, and given to the applicants for burial;
4. expressed, however, deep regret that, since the first cases in this group came before the Committee of Ministers in 2005, the Russian authorities have only been able to establish the fate of two persons still missing after the European Court's judgment, out of about 380 falling within this group;
5. further expressed, therefore, their growing concern about the continuing absence of tangible results in the search for missing persons in the *Khashiyev* group of cases, despite the measures undertaken so far, in particular those in the context of criminal investigations;
6. strongly urged, accordingly, the Russian authorities to develop a viable solution capable of achieving rapidly such tangible results, notably as regards the large-scale work on the ground required with a view to locating and securing presumed mass graves and burial sites, conducting exhumations and putting in place the necessary facilities for the proper storage of human remains;
7. invited the Russian authorities to update the table and include therein information concerning the victims' families' access to the case-files and to elements in respect of the cause or circumstances of the victims' deaths;
8. in view of the forthcoming examination of the issue concerning the effectiveness of criminal investigations under this group in December 2016, invited the delegations to provide the Secretariat with written questions to the Russian authorities in this context no later than 20 June 2016; instructed the Secretariat to transmit these questions to the Russian authorities no later than 30 June 2016; and invited the Russian authorities to provide the answers in writing in due time for the 1273rd meeting (December 2016) (DH).

*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted with interest the detailed information provided by the Russian authorities in response to the Committee's previous decisions and the questions submitted by delegations, and noted with satisfaction that most of the applicants and/or their representatives have regularly been granted access to the non-confidential parts of case-files; encouraged the authorities to address rapidly any reported difficulties in respect of meaningful access to the case-file by some applicants; noted further the statistics submitted by the authorities as regards the search for the missing persons;
2. noted the Russian authorities' information that, in all the cases of this group, measures are being taken to establish the factual circumstances and the related criminal responsibility, including in cases where the investigation has been suspended; noted, however, with regret that, despite this information, in the vast majority of reported cases, perpetrators have not been identified; that in no case has the investigation so far led to the prosecution and punishment of those responsible; and that in only five cases have the authorities been able to identify suspects, who have been put on the wanted list;
3. expressed, in this context, their grave concern about the continuing failure to address the shortcomings of the successive investigations carried out into the events at issue in the *Isayeva* case, as evidenced by the *Abuyeva and others* judgment (concerning the second investigation) and the recent *Abakarova* judgment (concerning the third investigation);
4. stressed the importance, in order to prevent impunity, of pursuing the investigations in the cases in this group and rapidly taking further action to counter the problems observed with respect to their effectiveness, in particular the effects of prescription; noted, in this last respect, that investigations into enforced disappearances may be made on the basis of a presumption of the death of the missing person to allow the exceptions to the rules on prescription in Article 78 of the Criminal Code to come into play (applicable in cases of aggravated murder);
5. invited also the authorities to provide clarifications as regards the qualification given to the crimes at issue in three cases which have so far been reported closed on the basis of prescription;
6. stressed further the importance of exploring other avenues, aimed at learning lessons and ensuring the non-repetition of similar occurrences in the future, including through non-judicial mechanisms, in line also with the European Court's findings under Article 46 in the *Abakarova* judgment;
7. recalled, finally, that the question of judicial control of criminal investigations is followed by the Committee in the *Mikheyev* group of cases.

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*As regards the individual measures*

1. noted with interest the information submitted by the Russian authorities on the investigations which were carried out in specific cases in the light of the European Court's findings, and that investigations have led to the identification of a suspect in one case (*Makayeva*), who was put on the wanted list; encouraged the authorities to continue their investigatory efforts;
2. urged, in particular, the authorities to continue to pursue all avenues to establish the fate of the missing persons in the cases covered by this subgroup and to keep the Committee informed of any tangible progress made;
3. expressed concern that, in the course of the investigations in the cases of *Askhabova*, *Turluyeva*, *Umarovy* and *Makayeva*, the shortcomings identified by the European Court were not addressed in full without convincing explanations being provided, in particular as regards the involvement of state agents;

*As regards the general measures*

*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

4. concerning the prevention of kidnapping, noted that the Russian authorities have not submitted sufficient information to confirm that, as a result of the measures taken so far, enforced disappearances involving state agents have ceased to occur in the region;
5. considering the important links between the effectiveness of criminal investigations and the prevention of kidnapping, invited the authorities to provide detailed statistical data for the last three years with respect to the number of:
  - a) complaints received concerning alleged kidnapping by state agents in the North Caucasus region;
  - b) investigations initiated into these complaints;
  - c) investigations resulting in prosecutions;
  - d) prosecutions resulting in convictions;

*As regards future examination of these cases by the Committee*

6. having regard to the similarity of the issues raised in *the Suleymanov* case (32501/11) decided to join it to the *Khashiyev and Akayeva* group of cases;
7. instructed the Secretariat to prepare, before 15 May 2017, in consultation with the authorities, a timetable for the future examination of the different aspects of this group of cases, on which delegations will be invited to comment by 15 June 2017, with a view to its adoption at the 1294<sup>th</sup> meeting (September 2017) (DH).

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

The Deputies

2. regarding the future examination of the specific aspects of the group *Khashiyev v. the Russian Federation*, agreed on the following time-table:
  - March 2018 (DH): Cases concerning the events which took place between 1999 and 2006: Search for missing persons
  - September 2018 (DH): Cases concerning the events which took place between 1999 and 2006: Effectiveness of investigations
  - June 2019 (DH): Cases in which events took place after 2006.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. noted with interest the updated information provided by the authorities regarding the search for missing persons in the context of anti-terrorist operations in the North Caucasus, mostly between 1999 and 2006, and the developments in the procedures put in place to facilitate investigations into the fate of the missing and to provide support for their families;
2. reiterated their grave concerns that only two out of some 380 remaining disappearances directly concerned by the judgments in this group of cases have been clarified, the bodies having been found and identified;
3. stressing the important humanitarian dimension of the question of missing persons;
4. accordingly, in line with their previously expressed position, *inter alia*, in Interim Resolution [CM/ResDH\(2015\)45](#), strongly urged the authorities to take additional measures to:
  - enhance the search efforts engaged with a view to locating and identifying the remains of the missing persons, and to transfer them to the relatives; and notably
  - operate on the basis of all information, including information obtained in confidence;
  - work in partnership with the relatives of the missing persons, cooperate with organisations with relevant experience and persons of high moral authority;
  - ensure unrestricted access to all relevant information;



*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

- compile and maintain a unified database of all disappearances;
- allocate sufficient financial and other resources to locate and secure mass graves and to carry out large-scale forensic and scientific work on the ground;
- 5. recalled in this context the importance of giving continued consideration to the possibility of creating a single and high-level body mandated to search for persons reported as missing as a result of counter-terrorist operations in the North Caucasus;
- 6. in light of the situation, also called for continued consideration of further ways and means to provide redress to the families of the missing, including the possibility of setting up a scheme for the payment of compensation by the State to the families of disappeared persons, and stressed the importance of ensuring that such compensation can be awarded even before any possible criminal investigations are completed;
- 7. took note, as regards the identification process, of the information that molecular and genetic forensic examinations have now been undertaken with respect to all the cases in the *Khashiyev and Akayeva* group so that the identification of any remains has been largely facilitated;
- 8. decided to resume consideration of the issue of the missing persons at their DH meeting in September 2019 and invited the authorities to provide updated information in good time for that meeting.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. recalled their decision of September 2017 (1294<sup>th</sup> meeting) (DH) to examine at the present meeting the different questions linked to the effectiveness of the criminal investigations launched with respect to events linked with anti-terrorist operations, mainly in the Chechen Republic of the Russian Federation, between 1999 and 2006;
2. noted with interest the updated action plan of 24 August 2018 on the implementation of the 2013 Strategy for the execution of this group of cases, summarising the reforms adopted and the results obtained so far and presenting ongoing efforts, but regretted that the plan was submitted so shortly before the meeting that a detailed assessment thereof was significantly complicated;
3. reiterated their grave concern, notwithstanding the explanations given, at the longstanding absence of progress of the investigations in the majority of the 258 cases in this group, most of which concern disappearances of persons last seen under the control of the military or other state agents;
4. noted nevertheless with interest the detailed information provided on the progress made in the investigations related to illegal killings in some cases in this group, allowing the closure of the supervision of individual measures in respect of four of them – *Abdurashidova, Estamirova, Taziyeva and Others* and *Trapeznikova* – and adopted Final Resolution [CM/ResDH\(2018\)373](#) in this respect;
5. stressed anew, in view of the many serious human rights violations identified, the importance of preventing impunity, and called on the competent authorities to use all possible means to reinvigorate investigations to overcome the obstacles created by the passage of time and ensure that alleged crimes are characterised so as to prevent undue prescription of criminal responsibility, in particular as regards the gravest crimes;
6. noted the information on the general measures adopted to improve investigations, particularly better coordination between different authorities, awareness-raising and training, improving the regulatory framework, ensuring the independence of the investigations, creation of special operational and investigative groups, ensuring wide application by the investigators of a range of expert examinations, allowing investigators unimpeded access to military archives, implementation of a set of measures to ensure rights of the victims during the investigation, granting victims and/or their representatives the right to access non-confidential parts of investigation files, better possibilities to challenge investigative decisions before the higher investigation bodies, prosecutors and courts, to obtain the speeding up of investigations or compensation in case of undue delays as well as state protection during investigations and trial, including measures of safety and social support; instructed the Secretariat to provide, in co-operation with the authorities, a detailed assessment of the effectiveness of these measures;
7. stressed again the necessity of exploring in parallel other remedial actions, including public acknowledgment and public condemnations of serious violations of the right to life;

*Khashiyev and Akayeva (group)*

Violations resulting from, or relating to antiterrorist operations in the Northern Caucasus, mainly in Chechnya.

8. decided to resume consideration of the issues linked to the effectiveness of investigations at their DH meeting in March 2020.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that at the present meeting the Committee's consideration focuses on the cases from the *Khashiyev and Akayeva* group (17 out of 261 cases of this group), which concern violations by security forces in the North Caucasus of Articles 2, 3 and 5, as well as a violation of Article 13, in the period after 2006;
2. noted the action plan submitted on 30 April 2019 as well as additional information regarding the individual measures in certain cases submitted on 14 May 2019; regretted that the action plan was submitted beyond the established time-limit and thus its assessment was complicated;

*As regards individual measures*

3. noted the comprehensive information available, including that submitted recently in seven cases, regarding the measures taken by the authorities in order to ensure the effectiveness of the investigations at issue in the Court's judgments, and invited the authorities to continue to provide information on possible investigatory developments in these cases, as well as in the most recent cases where no information has been received yet, and, as regards the *Turluyeva* case, clarifications as to how the shortcoming of the investigation has been addressed;
4. regretted that the investigations conducted have so far failed to establish all circumstances of the cases and the fate of the disappeared persons and called on the authorities to continue the investigations in all cases, to pursue all available avenues to ensure their effectiveness, as well as to establish the fate of the missing persons, and to keep the Committee informed of developments;

*As regards general measures*

5. noted the overlap between the general measures required in this subgroup of cases and those at issue in the other, historical, pre-2006 cases in the *Khashiyev and Others* group, but noted also the specificities related notably to the continuing nature of the violations here at issue and the absence of apparent links with anti-terrorist operations in some cases;
6. welcomed the statistics provided about 25 complaints, received between mid-2017 and February 2019, about alleged enforced disappearances involving state officials, resulting in the opening of one criminal case;
7. nevertheless expressed concern at these figures and invited the authorities to provide additional clarifications about the reasons for the refusals to open such investigations and about the guarantees of independence of the bodies receiving complaints vis-à-vis those possibly involved in the alleged acts;
8. invited in the light of this situation the authorities to continue to provide updated statistics, including for the period between December 2016 and March 2017;
9. noted that the seriousness of the above concern was underlined by the more recent judgments of the European Court and the recent CPT public statement;
10. welcomed, with respect to the additional general measures called for in this sub-group of cases, the information contained in the action plan about the wide-scale dissemination of information about the European Court's judgments to judicial and executive authorities, and recent extended coordination meetings held in 2019, including in the Chechen Republic and the whole North Caucasus Federal District, in order to assess results achieved and outline ways for further improvements, as well as dissemination by the Supreme Court of the reviews of the relevant case-law of the international bodies;
11. invited the authorities to provide further, more detailed information on the measures taken or planned to prevent further similar violations, including by ensuring effective investigations into alleged kidnappings or enforced disappearances;
12. decided to resume consideration of the cases in which the events took place after 2006, at their December 2020 meeting (DH).\* \* \*



*Kim (group)*

Arbitrary detention pending removal despite lack of realistic prospect of expulsion; lack of judicial review of the lawfulness of aliens' detention pending removal and poor detention conditions.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	44260/13
<b>Judgment(s) final on</b>	17/10/2014
<b>First decision of the Committee of Ministers</b>	1288 <sup>th</sup> meeting (June 2017)

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. welcomed the new action plan of 7 April 2017 providing further information on the measures envisaged to address the violations established in this group of cases relating to the arbitrary detention of foreigners in the absence of a realistic prospect of removal/expulsion and the lack of judicial review of the lawfulness of such detention;

*With regard to individual measures in the Kim case*

2. noted with interest the information that the applicant is not detained and that no administrative expulsion proceedings are pending against him, but noted also that it appears that he is still a stateless person without documents, residing in the Russian Federation in breach of residence regulations;
3. invited the authorities, therefore, to provide, without further delay, more information as to guarantees – in line with the indications given under Article 46 in the Court's judgment – that the applicant's situation will not result in his being again arrested and detained;

*With regard to individual measures in the Chkhikvishvili case*

4. considered that no such measures are required, as the applicant has regained his Georgian nationality and, in February 2014, obtained a Georgian passport, following which he was deported from the Russian Federation;

*With regard to general measures*

5. noted with interest the information about the legislative work scheduled to be completed by December 2017 and invited the authorities to provide further information on the content of the planned reform and the progress made in its adoption, as well as on any other general measures taken or envisaged to address the violations at issue in this group of cases;
6. recalled that the question of conditions of detention in detention centres for aliens is dealt with in other groups of cases;
7. decided to resume consideration of this group of cases at their Human Rights meeting in June 2018 at the latest.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. took note of the updated action plan of 16 April 2018 providing further information on the measures taken and envisaged to address the violations established in this group of cases relating to the arbitrary detention of foreigners or stateless persons in the absence of a realistic prospect of removal/expulsion and the lack of judicial review of the lawfulness of such detention;

*As regards individual measures*

2. noted with interest the information provided about the possibility to apply for Russian citizenship for the applicant in the *Kim* case and, given that the applicant's current whereabouts are unknown, invited the authorities to provide confirmation that the applicant's representative has been informed in this regard;
3. further noted that the applicant in the *S.K.* case was released and left the Russian Federation voluntarily in August 2016 for resettlement in Sweden;

*Kim (group)*

Arbitrary detention pending removal despite lack of realistic prospect of expulsion; lack of judicial review of the lawfulness of aliens' detention pending removal and poor detention conditions.

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*As regards general measures*

4. welcomed the general measures reported thus far, *inter alia* the wide dissemination to all relevant actors of the judgments of the European Court, the Constitutional Court's ruling of May 2017 and the adoption on its first reading in December 2017 of draft legislation to better circumscribe detention with a view to expulsion and ensure effective judicial review of any such detention to secure compliance with the Convention's requirements, the final adoption of which is expected by the end of 2018;
5. encouraged the authorities to continue the ongoing reforms, including the creation of a special migration status for stateless persons who cannot be expelled when no other State is prepared to accept them in the context of the recommendations of the Constitutional Court;
6. invited the authorities to inform the Committee about progress with the adoption of the necessary measures, including with regard to training and awareness raising, or practice directions issued.

\* \* \*

*Klyakhin (group)*

Various violations of Article 5, mainly arising from detention without court decision; failure to inform applicants about reasons of their arrest; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	46082/99
<b>Judgment(s) final on</b>	06/06/2005
<b>First decision of the Committee of Ministers</b>	1243 <sup>th</sup> meeting (December 2015)

**1243<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. welcomed the new action plan and the measures adopted so far by the Russian authorities;

*As regards individual measures*

2. noted that no further individual measures are required in most of the cases in the group and invited the authorities to provide rapidly confirmation that all relevant individual measures have been taken in the cases in which such information is still missing;
3. invited the Russian authorities to provide further information regarding individual measures planned or already undertaken in the remaining cases in this group by 6 May 2016 in order to examine these individual measures, if necessary, at their 1259<sup>th</sup> meeting (June 2016) (DH) (through inclusion in the revised draft order of business);

*As regards general measures*

4. welcomed the efforts made by the Russian authorities aimed at aligning Russian legislation and practice with the Convention requirements under Article 5 of the Convention and the positive statistics presented demonstrating a considerable reduction of recourse to detention on remand and an increased use of alternative measures;
5. noted with satisfaction the legislative measures adopted and the important contributions made by the Constitutional Court and the Supreme Court in order to overcome the problems raised in this group and notably that these measures are capable of preventing similar violations in the following areas:

*In respect of Article 5 paragraph 1*

- detention on remand in the absence of a court decision on account of:
  - unclear legal provision relating to the calculation of the detention period when the court refers the case back to the investigation stage;
  - refusals to grant a request for release being considered to be sufficient grounds for the extension of the detention on remand;
  - delays between decisions to extend detention;
  - the transmission alone of the case for trial being considered as a sufficient ground for detention;
  - retroactive application of detention orders;
- total absence of reasoning in certain decisions ordering detention, primarily when cases were referred between instances;
- absence of time-limits for the detention period;

*In respect of Article 5 paragraph 4*

- failure to examine complaints against detention orders;
  - hearings conducted in the absence of the detainee and his counsel;
6. decided accordingly to close the supervision of the cases mentioned in the appended Final Resolution [CM/ResDH\(2015\)249](#) and to adopt this final resolution;
  7. invited the Russian authorities to provide information on the further progress achieved in respect of the remaining outstanding issues related to Article 5, concerning, among other things, repeated extensions of detention for the purpose

## Klyakhin (group)

Various violations of Article 5, mainly arising from detention without court decision; failure to inform applicants about reasons of their arrest; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).

of studying the case-file, lengthy appeal proceedings, failure to adduce relevant and sufficient reasons to justify continuous detention on remand and absence of enforceable right to receive compensation for violations of Article 5.

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled with satisfaction the progress achieved in remedying the structural problems relating to the use of pre-trial detention examined in this group of cases (see notably Final Resolution [CM/ResDH\(2015\)249](#) adopted in December 2015) and that they are called upon to resume the question of individual measures at the present meeting;
2. as regards individual measures, noted with satisfaction the information provided by the Russian authorities confirming that the necessary measures have been taken in most of the cases in this group: none of the applicants is detained any longer in violation of Article 5; excessively lengthy proceedings have been brought to an end; in the cases involving unfair trials, new proceedings were held in two cases, and in a third case, one of the applicants was pardoned and the other applicant saw his sentence mitigated and was set free;
3. noted however that questions remain with respect to individual measures and the payment of just satisfaction in the *Pichugin* case and the *Khodorkovskiy and Lebedev* case, which require further examination, and urged the Russian authorities to provide rapidly in writing comprehensive information on the developments in these two cases;
4. noted in this context the information submitted by the applicant in the *Pichugin* case that he had sought a presidential pardon, and invited the Russian authorities, if possible, to submit further information in this regard;
5. decided to resume examination of the issue of the individual measures at their 1265th meeting (September 2016) (DH).

### 1265<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. with regard to the general measures, recalled once again with satisfaction the progress achieved in remedying certain aspects of the structural problems relating to the use of pre-trial detention examined in this group of cases (see notably the Final Resolution [CM/ResDH\(2015\)249](#) adopted in December 2015);
2. with regard to the individual measures, recalled with satisfaction that in most of the cases no further individual measures are necessary, while questions pertaining to individual measures remain outstanding in only two cases: *Khodorkovskiy and Lebedev* (as regards the violation of Article 1 of Protocol No. 1) and *Pichugin* (as regards the violations of Article 6);
3. noted the information submitted by the Russian authorities, in which they stated that, in the light of the European Court's judgments, the proceedings were reopened by the Supreme Court in the case of *Pichugin* and the case of *Khodorkovskiy and Lebedev*, as a result of which the Supreme Court quashed as unlawful the impugned decisions on pre-trial detention in respect of Mr. Pichugin and Mr. Lebedev, recalculated the duration of the penalties of Mr. Khodorkovskiy and Mr. Lebedev and absolved them of serving the remainder of their sentences, and held, in the light of the European Court's findings and the concrete circumstances of the cases, that:
  - in the *Khodorkovskiy and Lebedev* case, the violations identified by the European Court did not reach such a severity as to cast doubts on the fairness of the whole proceedings, or the lawfulness, validity and fairness of the delivered sentences, including as regards the impugned civil award of damages against the first applicant in this case;
  - in the *Pichugin* case, there were no grounds to conclude that the examination of the applicant's criminal case *in camera* violated the fair balance to be struck between the interests of the applicant and the requirements of the proper administration of justice, and that the lack of a proper and effective possibility to challenge the statements of a witness did not influence the outcome of the proceedings and did not affect the legality, validity or fairness of the sentence;

**Klyakhin (group)**

Various violations of Article 5, mainly arising from detention without court decision; failure to inform applicants about reasons of their arrest; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).

4. noted, however, with concern that the information provided by the Russian authorities in these two cases (see DH-DD(2016)871) does not demonstrate that necessary progress has been achieved with regard to the issue of redress for the violations of the right to a fair and public trial in the *Pichugin* case and the maintenance in force of the impugned award of damages made against the first applicant in the *Khodorkovskiy and Lebedev* case and therefore called upon the authorities to provide rapidly information on the availability of other avenues for redress;
5. as regards the just satisfaction awarded, noted that the sums awarded had been paid to Mr. Pichugin in full in accordance with the bank details provided by him, and invited the Russian authorities to provide information as to whether the subsequent "sequestration"/withdrawal of the sums from the applicant's bank account was made on the initiative of a State authority to secure payment of any debt to the State, and also the Secretariat to explore avenues to receive additional information from the applicant as to the ground of the withdrawal and to share any information received with the Russian authorities; and, in the *Khodorkovskiy and Lebedev* case, invited the authorities to provide information as to whether the seizure of the just satisfaction awarded to Mr. Khodorkovskiy was made partially to recover the debt due under the impugned award and, if so, which measures are envisaged to remedy the situation;
6. decided to resume consideration of the cases of *Pichugin* and *Khodorkovskiy and Lebedev* at the latest at their DH meeting in March 2017.

**1280<sup>th</sup> meeting (7-10March 2017)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. noted with satisfaction the information provided by the Russian authorities that they have taken, or are in the process of taking, the individual measures necessary in all the cases in this group which had become final since the Committee's last examination of it;
2. expressed grave concern in respect of the authorities' confirmation, in the *Khodorkovskiy and Lebedev* case, that the just satisfaction awarded to the first applicant was seized as part of the enforcement of the damages award found by the European Court to have been arbitrary and without basis in law;
3. consequently, strongly urged the authorities to revoke the obligation to pay the damages award or to undertake formally not to enforce it;
4. noted with satisfaction that the just satisfaction awarded to Mr Pichugin was returned to his account;
5. deeply regretted that, in the *Pichugin* case, no information had been submitted on the availability of other avenues of redress capable of overcoming the failure of those utilised so far, and strongly urged the authorities to explore further avenues to erase the consequences of the violations found;
6. decided to resume consideration of these cases at their 1294<sup>th</sup> meeting (September 2017) (DH) at the latest.

**Klyakhin (group)**

Various violations of Article 5, mainly arising from detention without court decision; failure to inform applicants about reasons of their arrest; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted, as regards the recent cases involving violations of Article 5 § 3, that the majority of the applicants have either been released or convicted; noted, at the same time, that information on the situation of 17 applicants is still missing and invited the authorities to provide this information without delay, in particular in two cases where the applicants have complained about the absence of any remedial action to ensure either that they are released or that the lawfulness of their detention is secured for the purposes of Article 5;
2. as regards the two *Pichugin* cases now before the Committee following the Court's judgment in a second case concerning another set of unfair criminal proceedings (application 38958/07, judgment final on 6 June 2017), invited the authorities to inform the Committee about the response given to the applicant's new request for a presidential pardon in the first case or any other remedial action taken, and about the actions planned or taken to remedy the shortcomings identified by the Court in relation to the second case;
3. as regards the *Khodorkovskiy and Lebedev* case, expressed profound regret that no response has so far been received to the grave concerns expressed by the Committee with regard to the enforcement of the damages award found by the European Court to have been made arbitrarily and without legal basis, and to the Committee's call for either a revocation of any obligation to pay the award or a formal undertaking not to enforce it, and therefore strongly urged the authorities to provide such a response.

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*As regards the individual measures*

1. noted that the issue of individual measures in respect of 123 applicants in detention on remand concerned by the Court's judgments in this group has been resolved; decided to close their supervision of these cases and adopted Final Resolution [CM/ResDH\(2018\)230](#);
2. welcomed the information that 12 applicants in the most recent cases whose detention was indicated as on-going in the judgments had been released or convicted; at the same time, expressed concern about the absence of a response to the complaints submitted by one applicant, Mr Moskvitin, and invited the authorities to urgently submit information on redress provided as the applicant still appeared to be in detention on remand; invited the authorities to submit such information also in response to similar complaints lodged by two other applicants (Messrs Popov and Ionov) shortly before the present meeting;
3. as regards the special issues of individual measures raised in the *Khodorkovskiy and Lebedev* case and the two *Pichugin* cases,
  - reiterated their earlier conclusions that necessary progress had not been achieved with regard to the issue of redress for the violations found in the first two cases;
  - noted the information submitted by the authorities in the second *Pichugin* case that the Supreme Court had reopened the proceedings as provided by Russian law and that the Presidium of the Supreme Court had concluded that the violations found by the European Court had not influenced the outcome of the case, its lawfulness, the reasonableness and fairness of the sentence and did not call for the annulment or reversal of the court decisions in this case and the holding of a new trial;
  - regretted, in view of the outstanding execution issues, the seriousness of the violations established and the gravity of the sanction imposed, the absence of any tangible measure of redress;

*Klyakhin (group)*

Various violations of Article 5, mainly arising from detention without court decision; failure to inform applicants about reasons of their arrest; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).

4. in view of the absence of convincing remedial action to erase the consequences of the violations found in these three cases, exhorted the authorities to take such action without further delay;

*As regards the general measures*

5. as regards the issue of excessive length of detention on remand, noted with interest the measures recently taken by the authorities, including the round tables, preparation by the Supreme Court of the reviews of practice and legal positions of international bodies and case law of the national courts concerning ordering and extending pre-trial detention as well as dissemination and examination of the European Court's judgments within the respective group of cases;
6. at the same time, recalled the long-standing nature of this problem, raised for the first time already in 2002 (Kalashnikov) and noted the lack of sufficient progress despite the measures aimed at improving legislation and judicial practice, as well as awareness-raising and training measures;
7. called on the authorities to take efforts with a view to ensuring compliance with the Convention in this area, including through possible legislative changes improving law-enforcement practice and continued intensive and regular training of judges, possibly taking advantage of the Council of Europe's cooperation programmes;
8. invited the authorities to provide information about the legal effects, notably *vis-à-vis* the lower courts, of the Supreme Court's practice of quashing detention decisions preceding the finding of the violations of Article 5 § 3 by the Court;
9. once again invited the authorities to provide information about the measures planned or taken to address the above issues and other previously-identified outstanding issues, including repeated extensions of detention for the purpose of studying the case file, lengthy appeal proceedings and absence of an enforceable right to receive compensation for violations of Article 5.

\* \* \*

*Kudeshkina*

Dismissal from judicial office for making critical media statements about the judiciary.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">29492/05</a>
<b>Judgment(s) final on</b>	14/09/2009
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**[1294<sup>th</sup> meeting \(19-21 September 2017\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted the updated information provided by the authorities on 23 August 2017 including as regards the payment of the just satisfaction awarded by the European Court in respect of non-pecuniary damage;

*As regards individual measures*

2. invited the authorities urgently to explore all appropriate individual measures to restore as far as possible the situation existing before the breach of the applicant's rights under Article 10 of the Convention;
3. decided, to avoid any further delay, to transfer this case from the standard to the enhanced supervision procedure;

*As regards general measures*

4. noting with interest the information submitted concerning the practice recommendations issued by the Supreme Court in February 2005 and June 2013, providing directions to local courts on the exercise of freedom of expression and on the application of the European Convention on Human Rights, invited the authorities to provide further information on the practical impact of these recommendations, notably as regards the "chilling effect" on the freedom of expression of judges referred to by the Court in the present case;
5. invited the authorities also to provide information on measures adopted to improve the impartiality of judicial review of disciplinary procedures;
6. decided to resume consideration of this case at their DH meeting in March 2018 at the latest.

**[1310<sup>th</sup> meeting \(13-15 March 2018\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

1. recalled the importance of providing the applicant with redress erasing the consequences of her dismissal from judicial office in violation of her right to freedom of expression, in accordance with the Russian Federation's obligations under Article 46 of the Convention;
2. in this context noted with interest the authorities' invitation to the applicant to submit specific proposals for the measures to be taken, invited the authorities to keep the Committee informed about any developments and the outcome of the discussions and decided to resume the examination of the individual measures at their 1331<sup>st</sup> meeting (December 2018) (DH) at the latest;

*As regards general measures*

3. invited once again the authorities to provide information on the practical impact of the 2005 and 2013 Supreme Court practice recommendations on the exercise of freedom of expression and on the application of the European Convention, notably as regards the "chilling effect" of disciplinary sanctions on judges' freedom of expression;
4. in this context, noted with interest the further information submitted on different more recent general measures adopted with a view to improving practice as regards judges' disciplinary responsibility and appeal procedures, including the 2013 amendments to the Law "On the Status of Judges", the 2016 and 2017 Overviews of Judicial Practice of the Disciplinary Panel, the 2016 Supreme Court's Plenary Resolution and the new edition of the Code of Judicial Ethics, and invited the



*Kudeshkina*

Dismissal from judicial office for making critical media statements about the judiciary.

authorities to furnish information on the practical impact of these additional measures for judges' right to express their opinions on important matters of public interest;

5. welcomed the reform setting up a single body, the Supreme Court's Disciplinary Panel, to review appeals against disciplinary decisions of the Judiciary Qualifications Boards.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled the importance of providing the applicant with redress erasing the consequences of her dismissal from judicial office in violation of her right to freedom of expression, in accordance with the Russian Federation's obligations under Article 46 of the Convention;
2. noted that at this stage no solution has been found yet to ensure the appropriate redress;
3. urged the Russian authorities to intensify their search for a mutually acceptable solution and to keep the Committee informed about progress in this regard;
4. decided to resume the examination of the case at their 1348<sup>th</sup> meeting (June 2019) (DH) at the latest.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. stressed anew the importance of providing the applicant without further delay with redress erasing the consequences of her dismissal from judicial office in violation of her right to freedom of expression, in accordance with the Russian Federation's obligations under Article 46 of the Convention;
2. expressed grave concern that ten years have elapsed since the Court's judgment without the applicant's having been provided with appropriate redress and exhorted the authorities to do their utmost to complete rapidly their search for a mutually acceptable solution and to keep the Committee informed about progress in this regard;
3. as regards procedural guarantees in disciplinary proceedings against judges, recalled their previous decision welcoming the setting up of the Supreme Court's Disciplinary Panel as capable of eliminating concerns about impartiality existing under the previous system;
4. as regards measures securing judges' freedom of expression, recalled the earlier dissemination among judges of an overview of the practice of international human rights bodies on the issue of freedom of expression and noted with interest the recent legal positions of the Constitutional Court reaffirming the principle of proportionality for disciplinary sanctions and the exceptional nature of dismissal from judicial office;
5. at the same time, noted that the practical impact of these measures remains difficult to assess due to the lack of examples related to the exercise by judges of their freedom of expression as well as the continuing absence of redress for the applicant and, consequently, invited the authorities to provide further information in this respect;
6. decided to resume the examination of the case at their 1362<sup>nd</sup> meeting (December 2019) (DH) at the latest.

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*Lashmankin and Others (group)*

Different violations mainly related to the right to freedom of peaceful assembly (reactions to notifications of planned assemblies, reactions to peaceful assemblies, unlawful arrests).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">57818/09+</a>
Judgment(s) final on	29/05/2017
First decision of the Committee of Ministers	1318 <sup>th</sup> meeting (June 2018)

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. noted the payment by the authorities of the just satisfaction awarded by the European Court to the applicants who had submitted their bank account details, as well as the authorities' readiness to pay the just satisfaction to the six remaining applicants once they submit such details;
2. noted, as regards the *Lashmankin and Others* case, that the fine imposed in violation of Article 11 on one of the applicants, Mr Tarasov, had been reimbursed, that the proceedings relating to the refusal to agree on the time and place of holding the assembly planned in 2009 in the case of Mr Lashmankin had been reopened and this refusal had been quashed on 6 February 2018, and invited the authorities to clarify the legal consequences of this decision;
3. invited, as regards the case of *Annenkov and Others*, the authorities to provide information on the measures planned and adopted to address the ineffective investigation into the ill-treatment of the applicants;

*As regards general measures*

4. noted with interest the dissemination by the authorities of the European Court's judgment among the competent state bodies and municipal authorities, as well as the ongoing examination of the legislative reforms necessary to address the violations found, and encouraged the authorities to conclude this examination rapidly and to ensure the adoption of the necessary legislative changes;
5. recalled in this context that the Code of Administrative Procedure was adopted in 2015, and also that following two decisions by the Constitutional Court in 2009 and 2013, this Code included the requirement that courts finalise consideration of disputes concerning public events before such events; invited the authorities to provide information on how this new requirement is being applied in practice;
6. recalled also the Council of Europe's readiness, recently expressed by the Secretary General, to assist the Russian Federation in the work to improve its legislation in the field of freedom of assembly;
7. noted, as regards judicial practice, a number of positive developments, in the form of a series of decisions from the Constitutional Court and the Supreme Court over the last years, including an overview of the practice of international bodies and the case-law of the European Court concerning freedom of assembly, prepared by the Supreme Court, as well as its ongoing efforts to adopt further guidance to the domestic courts on certain issues arising in administrative cases and administrative offences cases regarding the application of the legislation governing the procedure for the organisation and the holding of public events, and encouraged these developments;
8. further stressed the need to rapidly adopt additional measures, whether in the form of regulations or training and awareness raising measures, to ensure that the practice of relevant municipal authorities and the police, including as regards the use of force, the dispersal of public events and the arrest of participants, is brought into line with the requirements of the Convention and highlighted the potential interest of the wide dissemination of the guidelines prepared by the Venice Commission and the OSCE (CDL-AD(2014)046 - available also in Russian).

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*Liu No. 2 (group)*

Refusal to grant residence permit based on national security considerations and administrative removal in breach of the right to family life.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	29157/09
<b>Judgment(s) final on</b>	08/03/2012
<b>First decision of the Committee of Ministers</b>	1157 <sup>th</sup> meeting (December 2012)

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. recalled that these cases concern the exclusion from Russian territory of foreign nationals at different periods of time from 2004 to 2015 on national security grounds without sufficient procedural safeguards and therefore in violation of their right to respect for family life;

*As regards individual measures*

2. noted with regret that the 5-year re-entry ban previously imposed on Mr Liu expired on 27 November 2014 without a solution having been found; recalling the intervening developments, invited the authorities to specify whether the applicant has applied for a new visa and/or residence permit and if so, the outcome of such a request;
3. noted with interest that Mr Dzhurayev was provided with a residence permit, which appears to be valid until March 2018, and invited the authorities to submit updated information as regards the applicant's current situation;
4. urged the authorities to reconsider the question of lifting the re-entry ban for Mr Kamenov taking into account the possibility of adopting a new administrative decision lifting the ban;
5. invited the authorities to provide rapidly detailed information on the applicants' current situation in the two judgments of the European Court which recently became final (Mr Zezev and Ms Gaspar);

*As regards general measures*

6. took note of the general measures indicated by the authorities, including the Resolutions of the government and the various rulings by the Constitutional and the Supreme Courts, as well as the recent measures aimed at improving court practice, but considered nevertheless that these measures are still insufficient to resolve the problems raised by the present cases and not fully capable of preventing similar violations;
7. strongly urged the authorities to reflect on additional measures to address and to prevent similar violations in future to those revealed in these cases and to keep the Committee informed of all developments.

\* \* \*

**Mikheyev (group)**

Torture or inhuman/degrading treatment in police custody with a view to extracting confessions and lack of effective investigations (substantial and procedural violations of Article 3); arbitrary and/or unacknowledged detention in police custody (violation of Article 5§1); use in criminal proceedings of confessions obtained in breach of Article 3 (violation of Article 6§1) and lack of an effective remedy to claim compensation for ill-treatment (violation of Article 13).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	77617/01
<b>Judgment(s) final on</b>	26/04/2006
<b>First decision of the Committee of Ministers</b>	1100 <sup>th</sup> meeting (December 2010)

**1201<sup>th</sup> meeting (June 2014)**[List of decisions](#)**Notes of the meeting***Decision*

## The Deputies

- noted the new comprehensive action plan submitted with respect to general measures and the further steps taken by the Russian authorities to improve the legislative and administrative framework for the action of the police, and, in particular, the adoption of the Law on Police and the creation of specialised investigation units within the Investigative Committee of the Russian Federation responsible for investigation of ill-treatment and torture by the police;
- noted, however, that in order to have a global assessment of the progress made it is necessary to receive statistical data on the impact of the measures taken so far as well as more detailed information with respect to trainings, review of instructions, organisation of official monitoring of incidents of ill-treatment and to the functioning of special units responsible for the investigation of torture and ill-treatment;
- invited the Russian authorities to adopt additional measures aimed at delivering, at a high political level, a clear and firm message of “zero tolerance” of torture and ill-treatment, at improving safeguards against such acts and at reinforcing judicial control over investigations;
- in this context, strongly urged the Russian authorities to address, without delay, the problem of the expiration of limitation periods, in particular, in the case of serious crimes such as torture committed by state agents;
- further urged the Russian authorities to adopt effective measures to ensure that the domestic courts exclude any evidence found to have been obtained in breach of Article 3 of the Convention;
- as regards the individual measures, noted with grave concern that no tangible progress has been made in the majority of cases in this group and called on the Russian authorities to intensify and accelerate investigation efforts taking into account the Court’s findings with a view to identifying and punishing those responsible and to ensure that the Committee receives information regarding all cases in this group;
- noted with concern the allegations made by the applicant in case of *Tangiyev* about intimidation when exercising his right to seek the re-opening of the criminal proceedings in which he was found by the European Court to have been convicted on the basis of evidence obtained through torture and urged the Russian authorities to provide necessary clarifications;
- decided to resume examination of this group of cases at the latest at their DH meeting in March 2015.

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures:*

- expressed their concern that, in the great majority of cases in this group, no information had been received demonstrating progress in the conduct of the investigations and called upon the Russian authorities to provide the relevant information as outlined in document H/Exec(2015)3;
- stressed the Committee’s competence to examine all issues relevant to the efforts by applicants to obtain reparation following a judgment of the European Court;

*Mikheyev (group)*

Torture or inhuman/degrading treatment in police custody with a view to extracting confessions and lack of effective investigations (substantial and procedural violations of Article 3); arbitrary and/or unacknowledged detention in police custody (violation of Article 5§1); use in criminal proceedings of confessions obtained in breach of Article 3 (violation of Article 6§1) and lack of an effective remedy to claim compensation for ill-treatment (violation of Article 13).

3. concerning the *Tangiyev* case, noted the information provided concerning the applicant's re-trial by a jury whereby the applicant's confession obtained through ill-treatment was declared unlawful and not presented to the jury and urged the Russian authorities to submit a copy, by 1 April 2015, of the decision of the Supreme Court of the Chechen Republic rendered following the applicant's re-trial;

*As regards general measures:*

4. concerning a "zero tolerance" message, reiterated their call upon the Russian authorities to adopt measures aimed at sending the firmest and clear message on a high political level that ill-treatment by the police and extraction of confessions by unlawful means will no longer be tolerated;
5. concerning safeguards against ill-treatment, welcomed the recent regulatory and legislative changes introduced by the Russian authorities, invited them to provide information about the outstanding issues identified in document H/Exec(2015)4 and encouraged them to continue their efforts aimed at ensuring the effectiveness of the safeguards in practice taking into account the Court's case-law and the CPT's recommendations;
6. concerning instructions and trainings, noted with satisfaction the measures taken by the Russian authorities and encouraged them to continue their efforts in the coming years, in particular focusing on modern methods of investigation and questioning, in order to consolidate practical knowledge of and respect for the safeguards against ill-treatment and for the relevant Convention requirements;
7. concerning the investigation of ill-treatment complaints, in the light of the Court's findings, invited the Russian authorities to provide information on the measures taken or planned to ensure that credible allegations of ill-treatment are duly and impartially investigated within the framework of criminal preliminary investigations in full compliance with the Convention standards;
8. concerning the official monitoring of ill-treatment incidents, invited the Russian authorities to provide information on whether prosecutor's offices and Internal Security departments of the Ministry of the Interior draw up monthly and/or annual reports in the context of their monitoring and whether such reports are made public, as well as information on the follow-up given to the results of the monitoring bodies;
9. concerning statistical data, invited the Russian authorities to provide the outstanding information on the number of ill-treatment complaints received by the Investigative Committee, the number of investigations ordered, the number of decisions not to prosecute, the number which resulted in an acquittal and, if there are convictions, the type of sentences imposed;
10. concerning the problem of the expiration of limitation periods, invited the Russian authorities to reinforce the relevant legislative framework to ensure that abuses by law enforcement agents are examined by investigating and judicial authorities speedily so as to avoid impunity as a result of the application of limitation periods;
11. concerning judicial review of investigations as well as the use during trial of confessions obtained under duress, took note with interest of the recent initiatives undertaken by the Supreme Court, in particular, concerning a study envisaged by the Supreme Court with a view to improving the domestic court's practice in relation to the inadmissibility of evidence obtained through treatment contrary to Article 3 of the Convention; invited the Russian authorities to inform the Committee about the outcome of this initiative and reiterated their call upon the Russian authorities to adopt additional measures aimed at addressing the shortcomings identified by the Court.

\* \* \*

*Navalnyy and Ofitserov*

Unfair trial: conviction based on arbitrary application of criminal law, without addressing a reasonable allegation of political persecution and using in evidence a co-accused's guilty plea in separate proceedings.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">46632/13+</a>
<b>Judgment(s) final on</b>	04/07/2016
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. recalled the findings of the European Court in this case, according to which the outcome of the criminal case against the applicants was “manifestly unreasonable” as it resulted from an arbitrary construction of criminal law, the conviction was imposed in unfair proceedings and no effort was made by the domestic courts to address the allegations of a link between the first applicant’s public activities and the decision to bring charges against him, despite the fact that the European Court found the existence of such a link obvious;
2. noted that the impugned proceedings were reopened and a new trial held, but expressed grave concern that the new trial did not remedy or otherwise provide any tangible redress for the violations established;
3. noted further that the applicants continue to suffer the consequences of their arbitrary and unfair convictions, particularly the first applicant, Mr Navalnyy, and invited the authorities to use urgently further avenues to erase these consequences, in particular the prohibition on Mr Navalnyy’s standing for election;

*As regards general measures*

4. noted that information is awaited on the general measures planned or adopted with a view to addressing the various problems revealed by the present judgment, including those linked to the separation of related criminal cases, independent verification by the courts of relevant facts, arbitrary and unforeseeable construction of criminal law and effective judicial scrutiny of arguable allegations of politically motivated prosecution;
5. requested the authorities to provide information on possible solutions to the problems related to the remittal of a case to the same trial court after a re-opening, particularly when that court’s independence, impartiality and ability to ensure a fair hearing were “irreparably damaged” in the impugned proceedings;
6. decided to resume the examination of this case at their 1302<sup>nd</sup> meeting (December 2017) (DH).

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

1. recalled, as regards the issue of individual measures, their decision of September 2017 (1294<sup>th</sup> meeting) (DH), expressing grave concern that the new trial held following the European Court’s judgment did not remedy or otherwise provide any tangible redress for the violations established;
2. noted with concern the information that the cassation appeals lodged by the applicants were rejected on 17 November 2017 and that this avenue was henceforth exhausted without the issue of redress having been resolved;
3. noted at the same time that further avenues for redress exist under Russian law, such as a second-instance cassation appeal or supervisory review, as well as a request by the applicants or the Federal Penitentiary Service to the courts for the cancellation of the conditional sentence;
4. therefore invited the authorities to keep the Committee of Ministers informed of the results obtained through such further avenues;

## *Navalnyy and Ofitserov*

Unfair trial: conviction based on arbitrary application of criminal law, without addressing a reasonable allegation of political persecution and using in evidence a co-accused's guilty plea in separate proceedings.

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5. welcomed, as regards general measures, the comprehensive information submitted by the authorities on 23 November 2017 clarifying the present state of Russian law, as developed since the events, notably through guidance from the Constitutional Court and the Supreme Court, and instructed the Secretariat to make a detailed assessment of the information provided.

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*Oao Neftyanaya Kompaniya Yukos (group)*

Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	14902/04
<b>Judgment(s) final on</b>	08/03/2012 - 15/12/2014
<b>First decision of the Committee of Ministers</b>	1222 <sup>th</sup> meeting (March 2015)

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted that in the *OAO Neftyanaya Kompaniya YUKOS* case, in addition to the judgment on the merits of 20 September 2011, the Court recently delivered its judgment on just satisfaction in which it indicated that the Russian authorities are to produce by 15 June 2015, in co-operation with the Committee of Ministers, a comprehensive action plan, including a binding time frame, for the distribution of the just satisfaction award in respect of pecuniary damage;
- invited the Russian authorities to take all necessary steps to abide by this deadline and to co-operate actively with the Secretariat in drawing up the action plan, as well as to regularly inform the Committee of the progress made;
- decided to resume consideration of the case at the latest at their 1236<sup>th</sup> meeting (September 2015) (DH).

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- recalled the obligation of the Russian authorities to produce by 15 June 2015, in co-operation with the Committee of Ministers, a comprehensive action plan, including a binding time frame, for the distribution of the just satisfaction awarded in respect of pecuniary damage in the *OAO Neftyanaya Kompaniya YUKOS* case;
- considering that this deadline will expire in the next few days and that the Committee has had no indication from the Russian authorities as to the drawing-up of the said action plan, urged them to deploy all their efforts in close co-operation with the Secretariat to respect the relevant operative part of the European Court's judgment;
- decided to resume consideration of this case at their 1236<sup>th</sup> meeting (September 2015) (DH).

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- expressed serious concern that no plan has been submitted by the Russian authorities within the deadline set by the European Court in respect of the distribution of the just satisfaction awarded for pecuniary damage, as required by the present judgment;
- consequently, strongly urged the Russian authorities to present the required plan without further delay;
- further urged the Russian authorities to provide information on the payment of the just satisfaction awarded in respect of costs and expenses;
- decided to resume consideration of this case at the latest at their DH meeting in March 2016.



*Oao Neftyanaya Kompaniya Yukos (group)*

Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.

**1250<sup>th</sup> meeting (8-10 March 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. recalling their decision adopted at their 1236<sup>th</sup> meeting (September 2015) (DH), noted with regret the prolonged absence of information concerning the distribution plan for the just satisfaction awarded in respect of pecuniary damage, as required by the Court's judgment;
2. consequently reiterated their call upon the Russian Federation fully to co-operate and to continue its dialogue with the Committee of Ministers and the Secretariat with a view to executing the present judgment, in compliance with Article 46 of the Convention;
3. further reiterated their request to receive information on the payment of the just satisfaction awarded in respect of costs and expenses;
4. decided to resume consideration of the present case at their 1259<sup>th</sup> meeting (June 2016) (DH).

**1259<sup>th</sup> meeting (7-8 June 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. recalled their previous decisions strongly urging the Russian authorities to present without further delay the distribution plan for the just satisfaction awarded in respect of pecuniary damage, as required by the Court in its judgment under Article 41;
2. further recalled the unconditional obligation under Article 46 of the Convention to abide by the judgments of the European Court, including to pay the just satisfaction;
3. therefore firmly reiterated their call upon the Russian Federation to co-operate fully and to continue its dialogue with the Committee and the Secretariat with a view to executing the present judgment;
4. noted the information provided by the Russian authorities during the meeting and urged them to supplement it with precise explanations in writing, including on possible constitutional issues which the authorities believe they could face during the execution of this judgment;
5. decided to resume their examination of this question at their 1273<sup>rd</sup> meeting (December 2016) (DH).

**1273<sup>th</sup> meeting (6-8 December 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. noted with concern the information provided by the Russian authorities that, on 12 October 2016, the Ministry of Justice seized the Constitutional Court with a request concerning the possibility of executing the European Court's judgment on just satisfaction in the present case;
2. firmly reiterated the unconditional obligation assumed by the Russian Federation under Article 46 of the Convention to abide by the judgments of the European Court, including to pay any just satisfaction awarded by it;
3. further reiterated the call upon the Russian Federation to co-operate fully and to continue its dialogue with the Committee and the Secretariat with a view to executing the judgment in the present case;

*Oao Neftyanaya Kompaniya Yukos (group)*

Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.

4. requested the Russian authorities to provide the Committee with a translation of the request which they made to the Constitutional Court and a translation of the Constitutional Court's decision once it becomes available;
5. decided to resume consideration of this case at their 1280<sup>th</sup> meeting (March 2017) (DH) at the latest.

**1280<sup>th</sup> meeting (7-10 March 2017)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. expressed serious concern at the non-implementation of the judgment of 31 July 2014 so far;
2. noted the information provided by the Russian Federation on the present situation in the light of the judgment of the Constitutional Court of the Russian Federation of 19 January 2017<sup>4</sup>;
3. firmly reiterated the unconditional obligation assumed by the Russian Federation under Article 46 of the Convention to abide by the judgments of the European Court;
4. urged the authorities to inform the Committee of Ministers about all relevant steps towards an appropriate solution;
5. further reiterated the call upon the Russian Federation to cooperate fully and to continue its dialogue with the Committee and the Secretariat and invited the Secretary General to provide all necessary assistance in that process;
6. decided to resume consideration of this case at their 1294<sup>th</sup> meeting (September 2017) (DH) at the latest.

**1288<sup>th</sup> meeting (6-7 June 2017)**
[List of decisions](#)
*Decisions*

## The Deputies

1. decided to postpone consideration of the case of *Oao Neftyanaya Kompaniya Yukos v. the Russian Federation* to their 1302<sup>nd</sup> meeting (December 2017) (DH).

**1302<sup>nd</sup> meeting (5-7 December 2017)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. recalled the various submissions made so far by the authorities as regards general measures and individual redress and the Committee's previous decisions in this case, notably stressing the unconditional obligation under Article 46 to abide by the judgments of the European Court ;
2. noted with satisfaction the information about the forthcoming payment of the just satisfaction awarded as regards the costs and expenses;
3. encouraged the Russian authorities and the Secretariat to reinforce their contacts with a view to finding solutions as regards the remaining aspects of this judgment under Article 41;

<sup>4</sup>According to the information provided by the Russian delegation, the Constitutional Court in particular:

- found it impossible to execute the relevant judgment of the European Court as regards payment by the Russian Federation of compensation to shareholders of the "Yukos" company, whilst refraining from consideration of the issue of payment of compensation in respect of costs and expenses;
- deemed it necessary to look for a lawful and legitimate compromise given the fundamental importance of the European system of human rights and fundamental freedoms protection, part of which are the judgments of the European Court, and deemed it possible for the government to initiate the consideration of the question of payment to Yukos shareholders under the conditions defined in paragraph 7 of the judgment.

*Oao Neftyanaya Kompaniya Yukos (group)*

Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.

4. invited the authorities to submit, for 1 October 2018, information in the form of an action plan with an indicative time-table as regards possible steps for the further execution of the Court's Article 41 judgment.

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled the Committee's previous decisions in this case and stressed again the unconditional obligation assumed by the Russian Federation under Article 46 of the Convention to abide by the judgments of the European Court;
2. welcomed the fact that the payment of the costs and expenses, announced by the authorities during the Committee's last examination, took place on 11 December 2017, while noting that the payment did not cover default interest, and thus urged the authorities to rapidly proceed with the payment also of such interest;
3. expressed grave concern at the continued non-implementation of the remaining parts of the just satisfaction judgment and encouraged the Russian authorities and the Secretariat to reinforce their cooperation with a view to finding solutions in this respect;
4. invited the authorities to submit, for 1 December 2019, information on the above issues in the form of an action plan with an indicative time-table as regards the steps envisaged for the full execution of the just satisfaction judgment and to resume consideration of this case at their DH meeting in March 2020.

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*Roman Zakharov*

Shortcomings in the legal framework governing interception of mobile telephone communications.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	47143/06
<b>Judgment(s) final on</b>	04/12/2015
<b>First decision of the Committee of Ministers</b>	1302 <sup>nd</sup> meeting (December 2017)

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that this judgment concerns a violation of Article 8 of the Convention because of shortcomings in the legal framework governing the interception of mobile telephone communications in the Russian Federation, which did not provide adequate and effective guarantees against arbitrariness and the risk of abuse;
2. noted that the just satisfaction awarded for costs and expenses has been paid and that no other individual measures are needed;
3. noted with interest that the authorities have commenced, as announced in the action plan of August 2016, an internal consultation process aimed at exploring the issue of introducing amendments and additions to the relevant legislation, in the light of the Court's judgment, and strongly encouraged them rapidly to bring this process to an end with a view to presenting the necessary legislative proposals;
4. in view of the importance of speedily aligning the current law and practice with the requirements of the Convention, decided to resume consideration of this case at their 1324<sup>th</sup> meeting (September 2018) (DH) at the latest.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the present cases concern shortcomings in the system of safeguards against arbitrariness and abuse of secret surveillance measures in the Russian Federation in the context of operational-search activities;

*As regards individual measures*

2. recalled that there were no outstanding issues in the *Roman Zakharov* case and invited the authorities to provide information on the individual measures taken or envisaged for the other cases of this group (*Zubkov and Others, Dudchenko, Moskalev, Konstantin Moskalev*);

*As regards general measures*

3. welcomed the authorities' commitment to continue the legislative work aimed at presenting legislative amendments to improve the complaint mechanism, the authorisation procedure and the effectiveness of judicial control of operational-search activities, as well as the concrete steps taken, and underlined the need to bring the reform work to a speedy conclusion;
4. noted with interest the important guidance provided by a number of recent rulings by the Constitutional Court and the Supreme Court and encouraged the ongoing efforts to ensure that these be fully implemented in the practice of courts and relevant authorities; invited in this context the authorities to provide examples of domestic courts' decisions and also to clarify the current safeguards under domestic law as regards the security services' access to otherwise stored data from mobile communications;
5. noted the information regarding the prosecutors' supervision of the lawfulness of operational search activities and invited the authorities to provide further information on the development of this supervision in the light of the European Court's findings, including as regards the independence of this supervision;

## *Oao Neftyanaya Kompaniya Yukos (group)*

Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007.

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6. encouraged the authorities, in view of the complex questions involved, to consider making full use of the expertise available through the Council of Europe in the reform process, and invited them to accelerate this process and to keep the Committee of Ministers informed about all relevant developments.

\* \* \*

*Svinarenko and Slyadnev (group)*

Degrading treatment on account of confinement in a metal cage in the courtroom during criminal proceedings or in the remand prison for the purposes of participation, by means of a video link, in the hearings concerning detention.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	32541/08
<b>Judgment(s) final on</b>	17/07/2014
<b>First decision of the Committee of Ministers</b>	1348 <sup>th</sup> meeting (June 2019)

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted that these cases mainly concern the confinement of the applicants in metal cages in courtrooms during criminal proceedings in breach of Article 3 of the Convention, a practice which the European Court considered to be an affront to human dignity;

*As regards individual measures*

2. noted the payment of just satisfaction in the majority of cases and the assurances of the authorities that the just satisfaction will be paid to the remaining applicants as soon as they provide bank account details; further noted that in the light of the information provided, no further individual measures are necessary in the *Kovyazin and Vorontsov and Others* cases and decided to close their examination of these cases and adopted Final Resolution [CM/ResDH\(2019\)145](#);
3. invited the authorities to present information on the current situation of the remaining applicants, co-operating closely with the Secretariat to identify the outstanding information in this respect;

*As regards general measures*

4. noted with interest the draft amendments to the Code of Criminal Procedure prohibiting the use of metal cages in courtrooms in criminal proceedings and urged the authorities swiftly to pursue the legislative process with a view to rapidly adopting these amendments, as well as to ensure the allocation of the required financial resources for its implementation;
5. urged, further, the authorities to take measures to ensure that the practice of placing defendants in metal cages is immediately abandoned so as to prevent further violations of the Convention and potential repetitive applications being brought before the Court;
6. as regards the use of glass cabins instead of metal cages in courtrooms, recalled the Court's case-law in this respect and invited the authorities to take measures aimed at aligning domestic practice with Convention requirements;
7. invited the authorities to provide updated information on all outstanding issues by 1 December 2019.

\* \* \*

## Y.U.

Violation of the applicant's right to respect for her family life on account of the authorities' failure to enforce the judgment determining the residence of her minor child with her (Article 8).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">41354/10</a>
<b>Judgment(s) final on</b>	13/02/2013
<b>First decision of the Committee of Ministers</b>	1214 <sup>th</sup> meeting (December 2014)

### 1214<sup>th</sup> meeting (2-4 December 2014)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that the present case concerns the Russian authorities' failure to take, without delay, all the measures which they could reasonably have been expected to take to enforce the domestic judgment, final since 2009, ordering the residence of the applicant's minor child with the applicant following the breakdown of her marriage;
2. noted, with interest, the measures taken by the Russian authorities since the European Court judgment became final with a view to creating the necessary conditions for the enforcement of the domestic judgment at issue, in particular the fact that these measures have allowed the re-establishment of periodic contacts between the applicant and her child, and encouraged the authorities to take the necessary steps to ensure that these periodic contacts can continue;
3. further noted that new judicial proceedings, on the question of the child's residence, are currently pending before the domestic courts;
4. decided, in the light of the foregoing, to pursue their supervision of the execution of the individual measures under the standard procedure and invited the Russian authorities to continue to keep the Committee regularly informed of all relevant developments.

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*I.M.*

Lack of an effective remedy to challenge a removal measure.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">9152/09</a>
<b>Judgment(s) final on</b>	02/05/2012
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**[1273<sup>th</sup> meeting \(6-8 December 2016\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. recalling that the violations found by the Court mainly result from the automatic classification under priority procedure of the applicant's application for asylum, the short deadlines for the remedies available to him and the material and procedural difficulties involved in submitting evidence while he was deprived of his liberty and making his first asylum application;
2. noted with satisfaction that the applicant has obtained refugee status, the just satisfaction awarded by the Court was paid and that no further individual measure is required;
3. noted with interest the removal of automatic classification under accelerated procedure of applications for asylum submitted by an applicant in detention, in favour of an individual examination, as well as the possibility for the Office for the Protection of Refugees and Stateless Persons (OFPRA) to oppose the classification of an application for asylum under accelerated procedure and request reclassification under normal procedure, which is an additional guarantee;
4. to assess the effectiveness of the new mechanism, invited the authorities to confirm the allocation of the burden of proof and provide clarification regarding the proof of the dilatory nature of an asylum application submitted by an applicant in detention; explain how the new remedy before the administrative court to challenge continued detention offers more guarantees than the existing remedy to challenge an expulsion, criticised by the Court; clarify whether the remedy to appeal an OFPRA decision before the National Asylum Court became suspensive following the reform, in respect of applications for asylum submitted in detention;
5. invited the authorities to provide a revised action report, answering these questions, as soon as possible and at the latest by the end of March 2017.

\* \* \*



**M.A.**

Expulsion to Algeria with a real and serious risk of ill-treatment and failure to comply with the Court's interim measure.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">9373/15</a>
<b>Judgment(s) final on</b>	02/07/2018
<b>First decision of the Committee of Ministers</b>	1324 <sup>th</sup> meeting (September 2018)

**[1324<sup>th</sup> meeting \(18-20 September 2018\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that this case concerns the applicant's removal, despite a genuine and serious risk that he would be exposed, in the country of destination, to treatment contrary to Article 3 of the European Convention, and the Court's interim measure indicating that the removal should be suspended, thereby also causing a violation of Article 34;
2. noted with interest the information provided by the authorities as regards the steps they have taken and/or envisaged in order to obtain, in particular, guarantees that the applicant is not subjected to treatment contrary to Article 3 of the European Convention; encouraged the authorities to continue to take all possible measures to remedy the consequences of the violation, in the light of the Court's indication under Article 46 of the European Convention;
3. invited the authorities to provide, at the latest by 9 November 2018, new information on the applicant's situation; decided to resume consideration of this case, at the latest at their March 2019 DH meeting, also as concerns the general measures required.

**[1331<sup>th</sup> meeting \(4-6 December 2018\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that this case concerns the applicant's removal, despite a genuine and serious risk that he would be exposed, in the country of destination, to treatment contrary to Article 3 of the European Convention, and despite the Court's interim measure indicating that the removal should be suspended, thereby also causing a violation of Article 34;
2. recalled the measures rapidly taken to obtain the assurances requested by the Court and noted with interest the new steps taken vis-à-vis the Algerian authorities, in particular to obtain assurances that the applicant is not subjected to treatment contrary to Article 3 of the European Convention;
3. invited the authorities to continue their efforts to obtain quickly the necessary assurances, while exploring all possible avenues to this end;
4. recalled their decision to resume consideration of this case, including the general measures, at their 1340<sup>th</sup> meeting (March 2019) (DH), in the light of the action plan/report which is expected.

**[1340<sup>th</sup> meeting \(12-14 March 2019\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the *M.A.* case concerns the removal of the applicant to Algeria notwithstanding a genuine and serious risk of being exposed there to treatment contrary to Article 3 of the European Convention and despite an interim measure from the Court indicating that the removal not be proceeded with, while the *A.S.* case concerns a similar violation of Article 34, without, however, a violation of Article 3, following the removal of the applicant to Morocco;

*As regards individual measures*

***M.A.***

Expulsion to Algeria with a real and serious risk of ill-treatment and failure to comply with the Court's interim measure.

2. in the *M.A.* case, urged the authorities to renew their request for assurances from the Algerian authorities, while employing all possible means to try to obtain promptly information about the treatment of the applicant in detention since his removal;
3. considered that in the *A.S.* case no individual measure is required;

*As regards general measures*

4. noted the general information submitted under Article 3 that the risks of violation are examined in substantive terms by the competent organs for asylum and removal; nevertheless invited the authorities to provide more concrete information on the situation of foreigners with profiles similar to the applicant *M.A.*;
5. under Article 34, noted the position of the authorities that what happened in these two cases will not happen again; nevertheless wished to receive information on concrete measures adopted and/or envisaged to enable foreigners who are about to be expelled to apply effectively to the Court and thus avoid similar violations in future; also asked the authorities for clarifications regarding the exceptions that appear to be allowed by the *Conseil d'État* to the obligation to comply with interim measures of the Court;
6. decided to resume consideration of these cases no later than December 2019 and, if necessary, at an earlier meeting, consideration of the individual measures required in the light of developments.

\* \* \*

*Menesson (group)*

Refusal to grant legal recognition in France to parent-child relationships legally established in the United States between children born as a result of surrogacy agreements and the French couples who made the agreements.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">65192/11</a>
<b>Judgment(s) final on</b>	26/09/2014
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**[1294<sup>th</sup> meeting \(19-21 September 2017\)](#)**[List of decisions](#)**[Notes of the meeting](#)**

## Decision

The Deputies decided to close their supervision in light of the measures taken by the French authorities, as described in their action reports of 18 July 2017 ([DH-DD\(2017\)817](#)) and 21 April 2017 ([DH-DD\(2017\)462](#)) and adopted Final Resolution [CM/ResDH\(2017\)286](#).

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;

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 order to give effect to the judgments including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents [DH-DD\(2017\)462](#) and [DH-DD\(2017\)817](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

*M.K.*

Violation of the right to respect for private life; collection and retention of fingerprints (Article 8).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">19522/09</a>
<b>Judgment(s) final on</b>	18/07/2013
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**1243<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. concerning individual measures, noted with satisfaction that the applicant's fingerprints collected as part of the disputed proceedings have been deleted and considered that no further individual measure is necessary;
2. concerning general measures, noted with interest that the draft modification of the decree on the national fingerprint database provides appropriate responses to the Court's judgment by limiting its application to facts relating to serious crimes and major offences, by introducing a distinction between convicted persons and those who are not, and by offering new possibilities for the deletion of fingerprints; also noted with interest the clarifications provided in the revised action plan of 6 November 2015 in response to document H-Exec(2015)1;
3. noted that the decree should be adopted by the end of 2015 and enter into force in March 2017 and invited the authorities to keep the Committee informed that this timetable is respected.

\* \* \*

*Aliev*

Poor conditions of detention.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	522/04
<b>Judgment(s) final on</b>	13/04/2009
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

**1265<sup>th</sup> meeting (20-21 September 2016)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted the action plan provided by the authorities in this case;

*Individual measures*

2. noted that since the applicant is no longer detained and the just satisfaction for non-pecuniary damage has been paid, no other individual measure is necessary to remedy the substantive violation of Article 3;
3. noted also that a new investigation has been initiated and that the Georgian authorities have undertaken to provide information in this regard by the end of November 2016; strongly invited the authorities to respect that deadline and to ensure that they make an assessment and inform the Committee of Ministers of what can be still done, what can no longer be done for practical or legal reasons, what means are deployed to overcome existing obstacles and what concrete results are expected to be achieved and within what time-limit;

*General measures*

4. concerning the conditions of detention, recalled their Final Resolution [CM/ResDH\(2014\)209](#) adopted in the *Ghavtadze* group against Georgia on the basis of measures taken after the facts of this case and welcomed the commitment of the Georgian authorities to continue their cooperation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
5. concerning effective investigations, recalled that they are examined in *Gharibashvili* group of cases.

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies decided, in view of the specific circumstances of the present case, to close their supervision thereof in the light of the measures taken by the authorities of Georgia as described in their action plan of 2 January 2017 (DH-DD(2017)22) and the action report of 3 May 2017 (DH-DD(2017)500) and adopted Final Resolution [CM/ResDH\(2017\)181](#).

.....

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;

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 order to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents [DH-DD\(2017\)22](#) and [DH-DD\(2017\)500](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

Noting that the Committee will continue to follow the outstanding questions concerning the effectiveness of investigations within the framework of the *Gharibashvili* 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.

\* \* \*

*Gharibashvili (group)*

Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">11830/03</a>
Judgment(s) final on	29/10/2008
First decision of the Committee of Ministers	1208 <sup>th</sup> meeting (September 2014)

**1208<sup>th</sup> meeting (23-25 September 2014)**

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies

- noted that these cases revealed similar complex issues concerning the effectiveness of investigations into alleged violations of the right to life or of ill-treatment, and decided to examine them jointly under a single group;
- noted with interest that, in light of the action plan provided by the Georgian authorities on 17 July 2014, the investigations in all the cases in this group have been re-opened on the basis of the judgments of the European Court and that the applicants are afforded effective access to the investigative process; and invited the authorities to explain how the re-opened investigations are in line with Convention requirements;
- noted further that, according to the action plan, these investigations are being carried out by investigative bodies that are institutionally independent from those implicated in the events; and invited the authorities to provide precise information on how this institutional independence is ensured;
- noted that these investigations have still not been brought to an end and urged the authorities to ensure that they are carried out promptly and with reasonable expedition, and to keep the Committee informed about their progress, including about the outcome of all investigations and, as relevant, all later judicial/disciplinary actions;
- as regards the *Enukidze and Girgvliani* case, noted with concern that no information has been provided on the steps taken in the fresh investigation despite the fact that it was re-opened in November 2012, and urged the Georgian authorities to submit without delay to the Committee exhaustive information on the investigative measures already taken and/or envisaged in light of the findings of the European Court in this judgment;
- noted with concern that, despite the fact that the authorities had announced, in December 2012, a set of general measures to address the shortcomings identified by the Court in the *Enukidze and Girgvliani* case, to date no information has been provided to the Committee;
- urged the authorities to submit a comprehensive action plan on the work in progress and/or completed with a view to addressing all the deficiencies identified by the Court in this group of cases at all stages of the proceedings (investigative and judicial), and to include therein a thorough analysis of the general measures that might be necessary to fight impunity and prevent similar violations in the future;
- invited the authorities to submit the further information awaited as soon as possible and, in any event, before 1 December 2014, to permit a full evaluation by the Committee of this group of cases at its DH meeting in March 2015.

**1222<sup>th</sup> meeting (11-12 March 2015)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

- noted with interest the information provided by the Georgian authorities on the individual measures in the *Enukidze and Girgvliani* case, in particular the developments in the reopened investigation and the applicants' involvement in the proceedings, and invited the authorities to keep the Committee informed of future developments, ensuring that they demonstrate that the ongoing procedures are in compliance with the Convention;
- in the cases of *Khaindrava and Dzamashvili*, *Tsintsabadze*, *Gharibashvili*, *Mikiashvili* and *Dvalishvili*, called upon the authorities to provide, without further delay, the additional information requested by the Committee in September 2014

*Gharibashvili (group)*

Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.

- on the investigations that were reopened, ensuring that they provide explanations of how these re-opened investigations are in line with Convention requirements, and of how the institutional independence of investigating bodies is ensured;
3. in all cases of this group, reiterated their call upon the Georgian authorities to ensure that the re-opened and incomplete investigations are carried out promptly and with reasonable expedition, and to keep the Committee informed of their progress, including on the outcome of all investigations and, where relevant, of all later judicial/disciplinary actions;
  4. concerning general measures, noted with interest the information provided in the updated action plan regarding the case of *Enukidze and Girgvliani*, and invited the authorities to provide clarifications on the possibility of appealing decisions refusing or revoking the status of victim in the framework of a criminal investigation, as well as on training measures established by the High School of Justice of Georgia;
  5. called upon the Georgian authorities to intensify their efforts to remedy the deficiencies in domestic legislation regarding the requirements of impartiality of investigative bodies, in investigations to which Articles 2 and 3 of the Convention apply;
  6. reiterated their call to the authorities to submit, without further delay, a comprehensive action plan on the work in progress and/or completed with a view to addressing all the deficiencies identified by the Court in this group of cases at all stages of the proceedings (investigative and judicial), and to include therein a thorough analysis of the necessary general measures to fight impunity and prevent similar violations;
  7. invited the authorities to submit as soon as possible and, in any event, before 1 June 2015, the further information awaited.

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. welcomed the presence of the Deputy Minister of Justice of Georgia and took note with interest of the explanations given during the meeting;
2. noted that a consolidated action plan was presented by the Georgian authorities on 1 June 2016, and expressed regret that this plan was submitted so shortly before the present meeting that no detailed assessment thereof has been possible;
3. instructed the Secretariat to make rapidly a detailed evaluation of all the information provided, in co-operation with the authorities, in order to allow for a thorough examination of these cases at their next examination by the Committee;
4. in view of their similarity, invited the authorities to submit as soon as possible and, in any event before 1 September 2016, an updated and comprehensive action plan/report in the cases of *Kiziria* (4728/08), *Baghashvili* (5168/06), *Surmanidze and others* (11323/08), *Molashvili* (39726/04), *Mzekalishvili* (8177/12), *Kopadze* (58228/09), *Lanchava* (28103/11), *Studio Maestro Ltd and Others* (22318/10), *Chantladze* (60864/10), *Bekauri and Others* (312/10) and *Gegenava and Others* (65128/10); in case of failure by the Georgian authorities to submit, within the above deadline, information attesting tangible progress, these cases will be transferred from the standard to the enhanced supervision procedure and joined with the *Gharibashvili* group;
5. decided to resume consideration of this group at their 1273rd meeting (December 2016) (DH).

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*Individual measures*



## *Gharibashvili (group)*

Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.

1. noted with interest the updated information provided concerning reopening of the investigations in all the cases in this group and the current state of investigations, although the information in the cases of *Surmanidze and Others* and *Molashvili* was submitted so shortly before the present meeting that no detailed assessment thereof has been possible;
2. noted with interest that concrete results had been achieved in some cases but expressed concern that, in most cases (including the 11 friendly settlements mentioned in paragraph 10 below), the investigations remain pending;
3. noted the efforts engaged in face of this situation in order to ensure effective investigations and urged the authorities to accelerate pending investigations and to reinforce resources allocated;
4. invited the authorities to keep the Committee informed of developments and of steps taken to bring the pending investigations to an end in conformity with Convention requirements and to indicate if decisions to close investigations can be challenged and, if so, before what authority;
5. expressed special concern that in the cases *Mikiashvili* and *Dvalishvili*, the Court's findings appear to be put into question by the Prosecutor's Office and invited the authorities to provide clarification in this respect;

### *General measures*

6. noted with interest the information provided by the authorities on the reform of the Prosecutor's Office of Georgia, the involvement of victims in the investigation, including access to case-files, implementation of the new rules on witness interrogation and of the 2015-2016 Action Plan "on Combating Torture, Inhumane or Degrading Treatment or Punishment";
7. invited the authorities to provide further information on how the institutional independence of investigating bodies, in particular the Prosecutor's Office, is henceforth guaranteed in law and in practice;
8. invited the authorities to provide further information on the measures taken vis-à-vis the judiciary to demonstrate that the specific problems revealed in the present cases have been addressed: notably lack of adversarial public proceedings and decisions rendered *in camera*, court decisions based mainly on the testimony of the police officers involved in the incidents, lack of sufficient time and facilities to study the case materials, etc.;
9. also invited the authorities to submit further information on the measures to prevent excessive use of force by the police in the course of arrest and ill-treatment of persons in custody and on the results achieved, as well as on the measures to prevent violations of Article 38;

### *Grouping of cases*

10. in view of the above, and in accordance with the decision of June 2016, decided to transfer the 11 friendly settlements[7] mentioned in this decision from the standard to the enhanced supervision procedure and to join them with the *Gharibashvili* group;
11. decided to resume examination of this group of cases at the 1294<sup>th</sup> meeting (September 2017) (DH).

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

**Notes of the meeting**

### *Decisions*

The Deputies

### *As regards individual measures*

1. noting with regret that no further individual measures are objectively possible in the cases of *Gharibashvili* and *Khaidrava and Dzamashvili*, decided to close their supervision of the individual measures in these two cases and adopted Final Resolution [CM/ResDH\(2017\)287](#);
2. noted with concern that, despite the additional efforts of the investigative authorities since the last meeting no tangible progress has been achieved so far in response to the repeated calls of the Committee to accelerate the pending investigations; urged the authorities to give priority to the pending investigations, to avoid prescription, and to inform the Committee regularly of the progress achieved;
3. as regards in particular the cases of *Enukidze and Girgvliani* and *Surmanidze and Others*, invited the authorities to explore all avenues to ensure progress, as far as possible, in the on-going proceedings; and noted that Georgia might request

### Gharibashvili (group)

Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.

support from member States of the Council of Europe with a view to making progress in the execution of the present cases;

- noting also with interest the further investigative activities conducted in response to the concerns expressed by the Committee in its last decision in the cases of *Mikiashvili and Dvalishvili*, urged the authorities to continue the investigations with impartiality and celerity;

*As regards general measures*

- noted with interest the draft constitutional amendments aiming at further strengthening the independence of the Prosecutor’s Office and urged the authorities to take into account the relevant recommendations of the Venice Commission;
- in light of the concerns expressed about the effectiveness of investigations, including those recently reported to the Committee, invited the authorities to continue the dialogue with civil society, the Public Defender of Georgia and national and international expert bodies;
- noted with interest the information on the reforms aimed at improving the independence of the judiciary, on the possibility of challenging decisions to close investigations and on the measures adopted to prevent excessive use of force during arrest and ill-treatment in custody and invited the authorities to pursue determined action in this respect and to keep the Committee informed on a regular basis; in this context noted also with interest the information regarding the establishment of a new mechanism enhancing the role of the national Parliament in the supervision of the execution of the European Court’s judgments as well as regarding the measures taken to prevent further violations of Article 38;
- decided to resume consideration of these cases at their September 2018 DH meeting, at the latest, in the light of the information to be provided by the authorities.

### Tsintsabadze (group)

Lack of effective investigations into allegations of ill-treatment or violations of the right to life; excessive use of force by the police in the course of arrest and/or while detaining suspects.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">35403/06</a>
Judgment(s) final on	18/03/2011
First decision of the Committee of Ministers	1208 <sup>th</sup> meeting (September 2014)

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

- recalled that the present cases concern various violations of Articles 2 and 3 by state agents, under both the substantive and procedural limbs, that these issues were previously examined under the *Gharibashvili* group, which became *Tsintsabadze* since the closure of the *Gharibashvili* case in September 2017 (see Final Resolution [CM/ResDH\(2017\)287](#));

*As regards individual measures*

- recalled the importance attached to the swift conduct of any new investigation reopened after a judgment or decision by the Court in order to avoid, as much as possible, prescription or the loss of evidence by the simple passage of time;
- noted with interest the information provided by the authorities on the ongoing efforts in the framework of the reopened investigations and encouraged the pursuit of these efforts;
- noted with satisfaction in this context that in one of these cases (*Surmanidze and Others*), the reopening has permitted the identification of the perpetrators who were brought to justice and thus adopted Final Resolution [CM/ResDH\(2018\)351](#) for this friendly settlement;

*Gharibashvili (group)*

Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.

5. expressed nonetheless regret that in three of these cases the authorities indicated their intention to close the investigations (engaged to remedy procedural violations of Articles 2 and 3 of the Convention) in view of the absence of results and of further evidentiary opportunities, despite the additional investigative efforts undertaken; invited the authorities to provide more precise information on the possibilities to obtain an independent review of possible closure decisions;
6. invited the authorities also to provide further information on the responses given to the violation of Article 6 of the Convention (notably as regards the extraction of confessions under torture) with respect to the applicants in the *Mindadze and Nemsitsveridze* case;

*As regards general measures*

7. while welcoming the constitutional changes adopted to strengthen the independence of the Prosecutor's Office, nonetheless expressed regret that certain recommendations made by the Venice Commission on this issue were not followed;
8. noted with interest the authorities' aim to establish a new State Inspector's Service (SIS) as an independent investigative mechanism and the adoption of a law to this end on 21 July 2018 by Parliament, following consultations with the Public Defender and other national and international stakeholders, and invited the authorities to submit detailed information on the adopted law and the final set-up of the SIS including its jurisdictional competences;
9. noted also with interest the other recent measures taken, notably the creation of a Victim and Witness Coordinator Service within the Prosecutor's Office, and the training and other measures undertaken to prevent ill-treatment during arrest and/or in police custody as well as those aimed at strengthening the efficiency of the intervention by the courts by means of a new principle of automatic distribution of cases;
10. recalling with concern the enduring nature of the problem of the lack of effective investigations into crimes allegedly committed by state agents despite the numerous ongoing efforts, called upon the authorities to accelerate and reinforce their reform efforts including the further development of independent review of investigative decisions, taking full advantage of all the possibilities offered by the Council of Europe Action Plan for Georgia 2016–2019;
11. invited additionally the authorities to urgently submit information on the general measures taken or envisaged in response to the violation of Article 6 found in the *Mindadze and Nemsitsveridze* case and recalled that no further general measures are necessary as regards the violations of Article 5 and 38 found in two of these cases, given the measures previously adopted in respect of Article 5 (see Final Resolution [CM/ResDH\(2011\)105](#)) and the clear guarantees given by the authorities to always comply with their obligations flowing from Article 38;
12. decided to resume consideration of these cases at their December 2019 meeting (DH).

\* \* \*

*Identoba and Others (group)*

Lack of protection against homophobic attacks during a demonstration.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">73235/12</a>
Judgment(s) final on	12/08/2015
First decision of the Committee of Ministers	1273 <sup>th</sup> meeting (December 2016)

**[1273<sup>th</sup> meeting \(6-8 December 2016\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. given the similarities between the cases of *Identoba and Others*, *Gldani Congregation* and *Begheluri and Others*, decided to examine them jointly under the enhanced procedure as of the present meeting;

*Individual measures*

2. noting that a new investigation has been opened in the case of *Identoba and Others*, invited the authorities to ensure that it is conducted in a prompt and effective manner and to keep the Committee informed of the progress accomplished in this respect;
3. invited the authorities to provide, without further delay, information on the individual measures taken or envisaged concerning the cases of *Gldani Congregation* and *Begheluri and Others*;

*General measures*

4. noted with interest the information provided, notably on the legislative and training measures undertaken;
5. at the same time, bearing in mind the conclusions of the latest report of the European Commission against Racism and Intolerance (ECRI) on Georgia and the concerns expressed by NGOs, invited the authorities to provide further information on the practical impact of these measures and on possible additional measures envisaged, notably in the light of ECRI's recommendations.

**[1318<sup>th</sup> meeting \(5-7 June 2018\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*As regards individual measures*

1. noted with interest the recent information provided regarding the renewed investigations conducted as from 2016 in the cases of *Identoba and Others*, *Members of the Gldani Congregation of the Jehovah's Witnesses and Others*, as well as in *Begheluri and Others*;
2. regretted the information that no criminal charges can be brought due to the application of the limitation period, notably as a result of the length of the investigations conducted, particularly in the cases concerning violence against Jehovah's Witnesses in 1999-2001;
3. noted in this regard that this conclusion also raises questions concerning the classification of the facts investigated and the review of this classification, in light of the different limitation periods set out in Article 71 of the Criminal Code; invited the authorities to provide information on the remedies available at domestic level to challenge the classification of the facts adopted at the end of the investigation;
4. invited also the authorities, given the gravity of the violations established in these cases and the prolonged absence of any adequate individual measure, to inform the Committee about other possible forms of redress for the victims of the violations;

*As regards general measures*

5. noted with interest the important measures that the authorities have continued to take in the framework of the national policy to combat discrimination and intolerance and to enhance the effectiveness of investigations in cases of

*Identoba and Others (group)*

Lack of protection against homophobic attacks during a demonstration.

discrimination on grounds of religion or sexual orientation/gender identity; noted with satisfaction in this respect the establishment in January 2018 of a Human Rights Department within the Ministry of Internal Affairs to investigate offences motivated by discrimination and intolerance;

6. invited the authorities to give full effect to the measures adopted;
7. reiterated their invitation to the authorities to provide their assessment of the impact of the measures taken to date and to provide information on what measures they still intend to undertake, notably in the context of the draft action plan 2018-2020, in the light of this assessment and the conclusions of the latest report of the European Commission against Racism and Intolerance (ECRI) on Georgia, the repeated findings and concerns of the Public Defender, and the concerns voiced by civil society;
8. also invited the authorities to inform the Committee about the follow-up given to the opinion of the Venice Commission on the draft constitutional amendments adopted on 15 December 2017 at the second reading by the Parliament regarding the draft article on freedom of faith, confession and conscience, as well as the Venice Commission's recommendations on freedom of assembly.

\* \* \*

*Merabishvili*

Failure of the domestic courts to give sufficiently reasoned decisions for the continued pre-trial detention of the applicant, a former Prime Minister and Minister of the Interior, and use of the pre-trial detention during this period by the Chief Public Prosecutor for the illegitimate purpose of pressurising the applicant into providing information on matters unrelated to the criminal case against him (violations of Article 5 § 3 and Article 18 taken in conjunction with Article 5 § 1)

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">72508/13</a>
<b>Judgment(s) final on</b>	28/11/2017
<b>First decision of the Committee of Ministers</b>	1331 <sup>th</sup> meeting (December 2018)

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. recalling that this case concerns a violation of Article 5 § 3 because of the absence of sufficiently reasoned judicial decisions for the continued pre-trial detention of the applicant, a former Prime Minister and Minister of the Interior, on reasonable suspicion of having committed one or several offences, and also a violation of Article 18 taken in conjunction with Article 5 § 1, since the pre-trial detention during this continuing period was found to have been used by the Chief Public Prosecutor also for the illegitimate purpose of pressurising the applicant into providing information on matters unrelated to the criminal case against him;

*As regards individual measures*

2. noted that the just satisfaction has been paid in full and that it was open to the applicant to seek the reopening of the criminal proceedings concerned by the judgment whilst observing at the same time that the applicant was serving a consolidated prison sentence, expiring in February 2020, as a result of a series of convictions for crimes unconnected with the present case;
3. noted with interest that a new investigation has been commenced into the facts at the root of the violation of Article 18 and urged the authorities to ensure that it is organised in such a way as to be institutionally and practically independent from any person implicated; capable of establishing the identity and criminal liability of those responsible; sufficiently broad in scope to determine whether the events had any impact on the criminal proceedings; and completed with diligence and speed;
4. invited the authorities to provide information on the above points and relevant developments;

*As regards general measures*

5. noted with interest, in the light of the gravity of the Court’s findings under Article 18 and the importance of preventing the circumvention of legislation for illegitimate purposes, the ongoing reform of the prosecution service and notably the recent constitutional amendments intended to strengthen its independence; encouraged the authorities to reflect on the need for further general measures, taking into account also the outcome of the new investigation;
6. welcomed, in this context, also the changes made in 2015 to the Code of Criminal Procedure which underline the obligation on the courts effectively to supervise pre-trial detention, including by giving well-reasoned rulings for decisions imposing or prolonging measures of restraint, as well as the training and awareness-raising measures undertaken to ensure the implementation of the new provisions;
7. noted, finally, the proposed legislative changes aimed at allowing the investigation to access the relevant mobile telephone data and encouraged the authorities to amend the regulations to require storage of surveillance videos from inside prison and detention facilities beyond the current five-day period;
8. decided to resume its examination of this case at its 1348<sup>th</sup> meeting (June 2019) (DH) at the latest.

*Merabishvili*

Failure of the domestic courts to give sufficiently reasoned decisions for the continued pre-trial detention of the applicant, a former Prime Minister and Minister of the Interior, and use of the pre-trial detention during this period by the Chief Public Prosecutor for the illegitimate purpose of pressurising the applicant into providing information on matters unrelated to the criminal case against him (violations of Article 5 § 3 and Article 18 taken in conjunction with Article 5 § 1)

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. recalling that this case concerns a violation of Article 5 § 3 because of the absence of sufficiently reasoned judicial decisions for the continued pre-trial detention of the applicant, a former Prime Minister and Minister of the Interior, on reasonable suspicion of having committed one or several offences, and also a violation of Article 18 taken in conjunction with Article 5 § 1, since the pre-trial detention during this continuing period was found to have been used by the Chief Public Prosecutor also for the illegitimate purpose of pressurising the applicant into providing information on matters unrelated to the criminal case against him;

*As regards individual measures*

2. noted the information provided about the steps taken so far by the new investigation into the facts at the root of the violation of Article 18 and again urged the authorities to ensure that the current investigation is sufficiently thorough to establish the identity and criminal liability of those responsible, sufficiently broad in scope to determine whether the abuse of power found by the Court had any impact on the criminal proceedings against the applicant, and that it is completed with diligence and speed; requested the authorities to provide further information as to the structural and practical independence of the new investigators from the Division of Prosecution of Corruption Crimes and the steps taken to ensure public scrutiny of the investigative process;
3. noted with concern that the domestic court upheld the decision of the Prosecutor's Office at this stage of the investigation not to grant the applicant victim status; noted further with interest the information from the authorities that the applicant has nonetheless been granted access to the criminal case materials and will enjoy other rights usually afforded to a victim; requested the authorities to re-examine the applicant's victim status and in any event to ensure that he continues to enjoy these rights throughout the investigation;
4. noted that the applicant had the opportunity to apply for reopening of the criminal proceedings against him, but that the courts of appeal rejected his motions on the grounds that there was no causal link between the violations found by the European Court and the convictions he was challenging; noting that the applicant's appeals are pending before the Supreme Court of Georgia, asked the authorities to keep the Committee regularly informed about developments;

*As regards general measures*

5. noted with interest that the legislative changes aimed at allowing the investigation to access the relevant mobile telephone data were adopted by Parliament on 29 May 2019 and came into force on 3 June 2019; welcomed the decree of the Minister of Justice on extending the current five-day time-limit for retention of surveillance videos to 30 days in all prison establishments, to be phased in between 1 July 2019 and 1 January 2021;
6. finally, in view of the gravity of the findings of the Court under Article 18 taken in conjunction with Article 5 § 1, again invited the authorities to reflect on the need for further general measures, taking into account also the outcome of the new investigation;
7. requested the authorities to provide the above information, particularly as regards the individual measures, before 30 September 2019 at the latest.

\* \* \*

**Beka-Koulocheri (group)**

Non-compliance by the administration with domestic court decisions and lack of an effective remedy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">38878/03</a>
<b>Judgment(s) final on</b>	06/10/2006
<b>First decision of the Committee of Ministers</b>	1214 <sup>th</sup> meeting (December 2014)

**[1214<sup>th</sup> meeting \(2-4 December 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. recalled that the execution of domestic judgments is supervised within the framework of Law No. 3068/2002 establishing a mechanism for such execution through Councils of Compliance within the courts that have delivered the initial judgments;
2. noted, with interest, the first set of positive statistics concerning the functioning of the above-mentioned execution mechanism and invited the authorities to provide updated statistics, as well as information on the amendments to that law currently envisaged by the authorities;
3. noted, further, that an additional procedure regarding the execution of judgments, ordering the lifting of expropriation and the modification of district boundary plans, was established by Law No. 4067/2012, and invited the authorities to amend that Law so that the procedure is in line with the Court's judgment in *Bousiou v. Greece* as regards the documents a land owner is required to produce so as to ensure that the obligation to produce documents, other than title documents, is on the administration;
4. also invited the authorities to provide further information on the requirements for the implementation of Article 32§3 of Law No. 4067/2012;
5. strongly invited the authorities to pursue the execution of all pending judgments in this group and to provide promptly updated information on all the above-noted matters.

**[1250<sup>th</sup> meeting \(8-10 March 2016\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. invited the authorities to pursue the execution of all pending judgments in this group and promptly to provide updated information thereon;
2. noted with interest the positive statistics concerning the functioning of the execution mechanism established by Law 3068/2002, as well as the intention of the Greek authorities to reform the legislation regulating the execution of judgments ordering the lifting of expropriation orders and modification of urban plans in light of the Court's case law; invited the authorities to provide further information on the content of the envisaged reform, as well as data on the number of cases pending before the "Councils of Compliance" concerning non executed judgments ordering the lifting of expropriation orders or charges on land.



**Beka-Koulocheri (group)**

Non-compliance by the administration with domestic court decisions and lack of an effective remedy.

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

*Execution of domestic court judgments not concerning lifting of expropriation orders*

1. taking into account that 11 of the *Beka-Koulocheri* group of cases do not concern delayed execution due to recurrent causes, and that individual measures in these cases have been implemented, decided to close the supervision of these cases;
2. adopted therefore Final Resolution [CM/ResDH\(2017\)288](#) in the case *Anagnostou-Dedouli* and ten other cases;

*Execution of domestic courts' judgments concerning lifting of expropriation orders*

3. invited the authorities to ensure the execution of all pending judgments ordering the lifting of expropriation orders and promptly to provide updated information thereon;
4. invited them also to provide information on the content of the envisaged reform concerning the execution of judgments of this kind, as well as data concerning the number of non-executed judgments of this kind.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. recalling that these cases concern in particular non-compliance by prefectural authorities with final domestic court judgments ordering the lifting of land expropriation orders or land charges and the subsequent modification of district boundary plans, as well as re-expropriation of the same plots of land after the lifting of expropriation orders;
2. taking into account that a) in the *Vasiliadou* case the domestic judgment at issue was implemented by the prefecture of Chalkidiki and b) that individual measures have been implemented in the cases of *Georgoulis and Others*, *Kalogranis and Kalograni*, *Moschopoulos-Veinoglou and Others* and *Ventouris and Others*, decided to close the supervision of these cases and adopted Final Resolution [CM/ResDH\(2018\)462](#);
3. invited the authorities to execute fully and effectively the Court's judgments in *Pechlivanidis*, *Kanellopoulos*, *Gikas*, *Valyrakis*, *Rampoti and Rampotis*, *Ventouris and Ventouri* and *Thanopoulou* and to promptly provide updated information thereon;
4. noting with concern the long-standing nature of the issues raised in the present judgments, urged the authorities to provide information about measures taken or envisaged to prevent the recurrence of similar violations emanating in particular from excessive delay in executing domestic court judgments ordering the lifting of land expropriation or land charges, the re-expropriation of the same plot of land for public use without paying compensation within a reasonable time, the excessive burden placed by the administration on individuals by requesting them to make proposals for urban planning modifications, and the non-existence of a remedy to challenge re-expropriation following the lifting of expropriations by court decisions;
5. called upon the authorities to provide a timetable for the implementation of the measures taken or envisaged, which could usefully include wide dissemination of the Court's judgments and provision of guidance particularly to the prefectural authorities responsible for the implementation of the domestic court judgments concerned.

\* \* \*

*Bekir-Ousta and Others (group)*

Refusal of domestic courts to register the applicants' associations.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">35151/05</a>
Judgment(s) final on	11/01/2008
First decision of the Committee of Ministers	<a href="#">1086<sup>th</sup> meeting</a> (June 2010)

[1201<sup>th</sup> meeting \(3-5 June 2014\)](#)[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2014\)84](#).

**Interim resolution CM/ResDH(2014)84****Execution of the judgments of the European Court of Human Rights *Bekir-Ousta and Others* against Greece*****Emin and Others* against Greece*****Tourkiki Enosi Xanthis* against Greece**

*(Adopted by the Committee of Ministers on 5 June 2014 at the 1201st meeting of the Ministers' Deputies)*

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"),

Noting that the present cases concern violations of the applicants' right to freedom of association (Article 11), in particular on account of the refusal by the authorities to register their associations in the *Bekir Ousta and Others* and *Emin and Others* cases, and on account of the dissolution of their association in the *Tourkiki Enosi Xanthis* case;

Noting further that, following the judgments of the European Court, the applicants have not succeeded in having their cases re-examined in the light of the Court's findings;

Recalling the commitment reiterated by the Greek authorities to implementing fully and completely these judgments, without excluding any avenue in that respect, so that the applicants benefit from proceedings in compliance with the Convention requirements, in the light of the Court's case-law;

Recalling further that since June 2013, the Greek authorities have indicated to the Committee that, in response to these judgments, they were considering the most appropriate solution to execute the individual measures;

Strongly regretting that, despite the Committee's call, the Greek authorities have provided no concrete and tangible information on the measures explored to implement the individual measures, accompanied by an indicative calendar for their adoption;

CALLS upon the Greek authorities to take, without any further delay, all necessary measures so that the applicants benefit from proceedings in compliance with the Convention requirements, in the light of the Court's case-law;

CALLS further upon the authorities to provide the Committee, without any further delay, with tangible information on the measures taken or envisaged, accompanied by an indicative calendar for their adoption, to achieve the aforementioned goals in compliance with the Court's judgments.

*Bekir-Ousta and Others (group)*

Refusal of domestic courts to register the applicants' associations.

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. regretted that there has been no response to the interim resolution adopted at the Committee's 1201st meeting;
2. urged the Greek authorities to take, without any further delay, all necessary measures to allow the applicants to benefit from proceedings in compliance with the Convention, and to provide the Committee with tangible information on the measures taken or envisaged to achieve the aforementioned goal and in line with the interim resolution, accompanied by an indicative calendar for their adoption;
3. regretted that, despite the information provided by the Greek authorities at the Committee's 1172nd meeting to the effect that other avenues were being explored, including an amendment to the non-contentious procedure provided in the Code of Civil Procedure, no tangible result has been achieved so far in the execution of these judgments;
4. took note with interest of the information provided by the Greek authorities during the meeting according to which a procedure has started aiming at establishing a special structure responsible for the execution of the Court's judgments;
5. strongly urged the Greek authorities, in the light of the European Court's findings notably in its recent inadmissibility decision of 17 November 2015, to take all necessary measures, without further delay, including, if necessary, legislative measures to allow the reopening of proceedings in civil matters and to ensure that the requests of the applicants' associations for registration are subjected to re-examination on the merits;
6. called upon the Greek authorities to provide updated information regarding the domestic courts' decisions examining requests for registration by associations in the Thrace region;
7. decided to resume consideration of this question at their DH meeting in March 2017 at the latest in order to make a substantive assessment of the developments.

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with interest the information about the establishment of the mechanism for the implementation of the European Court's judgments, including the ones at issue; however, noted with deep concern that, apart from the establishment of this mechanism, no further tangible results have been achieved in the implementation of the individual measures in this group of cases since its last examination by the Committee of Ministers in March 2016;
2. considering the time that has elapsed since these judgments became final, called upon the Greek authorities to take legislative measures in the context of the new mechanism, either by allowing the reopening of proceedings in civil matters or by changing the procedure for registration of associations, while bearing in mind the findings of the European Court in this group of cases;
3. decided to resume examination of this item at their 1294<sup>th</sup> meeting (September 2017) (DH) in light of the concrete information to be provided by the Greek authorities; also decided to instruct the Secretariat to prepare an interim resolution to be circulated with the revised Order of Business, in case no tangible progress has been reported by then.

*Bekir-Ousta and Others (group)*

Refusal of domestic courts to register the applicants' associations.

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. welcomed the initiative of the authorities to prepare and send to Parliament a draft law enabling the applicants to have their applications requesting their associations' registration or the reversal of the judgments ordering the dissolution of their associations re-examined in the light of the European Court's findings in these cases;
2. noted, however, that the legislative procedure of adoption has not been concluded yet and, therefore, considering the importance of the adoption of the law for the execution of these judgments, strongly encouraged the authorities to intensify their efforts with a view to finalising the legislative procedure ;
3. invited the authorities to inform the Committee of the conclusion of the legislative process and of the content of the law as adopted; and instructed the Secretariat to undertake an assessment of this draft law;
4. noted the change in the domestic case law in line with the findings of the European Court in proceedings concerning registration of associations and invited the authorities to keep the Committee informed of further developments on the relevant case law.
5. decided to resume examination of the cases at their 1302<sup>nd</sup> meeting (December 2017) (DH).

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

1. welcomed the adoption of the law allowing the reopening of the proceedings in the applicants' cases;
2. bearing in mind that the applicants may request the reopening of proceedings following the adoption of this law, invited the authorities to take the necessary measures to ensure that the relevant case law of the European Court, in particular the judgments in these cases, as well as the present decision of the Committee, are disseminated to all competent courts of all levels in line with the Committee of Ministers' Recommendation Rec(2002)13 (on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights);
3. invited further the authorities to keep the Committee regularly informed either of the decisions to be taken by domestic courts in the context of the reopened proceedings in these cases or of the fact that no reopening request has been filed by the applicants within the time-limit set by the new legislation;

*As regards general measures*

4. noted with regret that the registration of an association has recently been rejected on similar grounds as in the present group of cases and invited the authorities to provide information on the outcome of the pending proceedings before the Supreme Court;
5. invited the authorities to provide further information on the possible change in the domestic courts' case law concerning registration of associations in Thrace following the adoption of the above-mentioned law;
6. decided to resume consideration of these cases once the Committee has been informed either that a decision has been delivered in the reopened proceedings under the above-mentioned law or that the time-limit for filing a reopening request has elapsed and that no such request has been filed by the applicants.

**1331<sup>th</sup> meeting (4-6 December 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

*Bekir-Ousta and Others (group)*

Refusal of domestic courts to register the applicants' associations.

## The Deputies

1. recalling that these cases concern violations of the right to freedom of association due to the domestic courts' refusal to register associations and decision leading to the dissolution of an association;

*As regards individual measures*

2. deplored that, despite the efforts made by the authorities, notably the 2017 amendment of the Code of Civil Procedure, ten years after the European Court's judgments two of the present associations remain unregistered and one dissolved;
3. recalling that a Contracting State's obligation under Article 46 of the Convention to fully and effectively comply with the Court's judgments extends to the interpretation by domestic courts of domestic legislation, noted with concern the recent judgment of the Thrace Court of Appeal rejecting on procedural grounds the request for re-examination of the order dissolving one of the applicant associations; noted, however, that an appeal against this judgment has been lodged and is currently pending before the Court of Cassation;
4. invited the authorities to rapidly take all necessary measures so that the applicants' cases are examined by the domestic courts in full and effective compliance with Article 11 of the Convention and the European Court's judgments, and to keep the Committee informed of all relevant developments;
5. called upon the authorities to provide regular information about further developments in all the ongoing proceedings relating to this group of cases;

*As regards general measures*

6. noted with deep regret that the registration of another association in the Thrace region was rejected in 2017 by a final judgment of the Court of Cassation on grounds already criticised by the European Court in its 2008 judgments concerning the present cases;
7. exhorted, therefore, the authorities to take additional measures, such as wide dissemination of the Court's case-law and systematic training of domestic judges at all levels, to ensure that the domestic courts make decisions concerning the registration or dissolution of associations which are fully and effectively aligned with the Court's case-law, and to keep the Committee informed of further developments;
8. decided to resume the examination of this group of cases at the first meeting following the delivery of the Court of Cassation's judgment in response to the above-mentioned appeal lodged by one of the applicant associations, or at their 1354<sup>th</sup> meeting (September 2019) (DH) at the latest.

\* \* \*

*Chowdury and Others*

Inadequate response to human-trafficking through exploitation of the vulnerability of unauthorised migrant workers.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">21884/15</a>
<b>Judgment(s) final on</b>	30/06/2017
<b>First decision of the Committee of Ministers</b>	1324 <sup>th</sup> meeting (September 2018)

**[1324<sup>th</sup> meeting \(18-20 September 2018\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*As regards individual measures*

1. invited the authorities to ensure that all applicants are identified and effectively protected as victims of human trafficking and forced labour and to inform the Committee accordingly;

*As regards general measures*

2. welcomed the adoption of legislation aimed at combatting human trafficking including labour exploitation; further welcomed the setting up of coordinating and specialised structures, as well as the provision of training to professionals tasked with combatting human trafficking and the awareness-raising activities which have taken place;
3. urged Greece to provide information about the way the Greek judicial authorities interpret and implement the legislation criminalising human trafficking for labour exploitation and to transmit examples of judgments from which conclusions could be drawn about the implementation of the relevant legislation;
4. invited the authorities to provide information about the number of investigations into human trafficking for labour exploitation that took place during 2015-2017 and the number of persons who were convicted of human trafficking and labour exploitation, as well as the sentences imposed on them; encouraged the authorities to prioritise the identification of gaps in the investigation and prosecution of cases concerning human trafficking for forced labour with a view to ensuring that proceedings are conducted expeditiously and, in case of conviction, lead to effective, proportionate and dissuasive penalties;
5. invited the authorities to inform the Committee about further developments concerning the action plan drafted by the National Rapporteur aimed at combatting trafficking in human beings for 2018-2023, the objectives and concrete activities set therein, as well as the results of the implementation of the plan to date;
6. called upon the authorities to provide statistical data on the number of identified victims of trafficking for labour exploitation for 2016, 2017 and 2018, and the measures taken or envisaged to provide them with effective protection in line with their positive obligations under Article 4 of the Convention; invited the authorities to pursue a proactive approach to the identification of victims of human trafficking for the purpose of labour exploitation by encouraging regular and coordinated multi-agency inspections in the sectors most at risk.

\* \* \*

**Makaratzis (group)**

- a) Use of potentially lethal force by police officers and shortcomings of the domestic law regulating the use of arms by law enforcement officers (Article 2)
- b) Ill-treatment of individuals under police responsibility (Article 3) and
- c) Ineffective investigations or failure to investigate incidents of risk of life due to use of force by police officers or ill-treatment by police (Articles 2 and 3).

**Makaratzis (group)**

- a) Use of potentially lethal force by police officers and shortcomings of the domestic law regulating the use of arms by law enforcement officers (Article 2)
- b) Ill-treatment of individuals under police responsibility (Article 3) and
- c) Ineffective investigations or failure to investigate incidents of risk of life due to use of force by police officers or ill-treatment by police (Articles 2 and 3).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	50385/99
<b>Judgment(s) final on</b>	20/12/2004
<b>First decision of the Committee of Ministers</b>	1157 <sup>th</sup> meeting (December 2012)

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with interest the measures taken to improve internal police investigations on complaints about acts giving rise to a risk to life or ill-treatment by law enforcement officers;
2. noting the findings of the European Court in this group of cases regarding the lack of effective investigations, stressed the importance of the functioning of the "Office for addressing incidents of arbitrariness" and urged the authorities to take, as soon as possible, all the necessary steps so that this Office becomes operational;
3. invited the authorities to keep them updated on the effective functioning of the Office and to provide statistical data on the outcome of its investigations on complaints about ill-treatment by law enforcement officers, so that conclusions can be drawn on the effectiveness of the investigations carried out, in the light of the Court's case-law;
4. invited the authorities to provide information on the work of the Office in respect of the reopening of investigations in the cases where violations were found by the Court.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

1. recalling the findings of the European Court in this group of cases regarding the lack of effective investigations, noted with satisfaction that the Ombudsman has requested the reopening of the disciplinary proceedings found to be inadequate and ineffective by the Court in the *Zontul* case; invited the authorities to provide information on further developments and the outcome of the relevant procedure, as well as information regarding the examination by the Ombudsman of the possibility of reopening administrative proceedings in the remaining cases of the group;

*As regards general measures*

2. noted with interest the establishment of a mechanism within the Ombudsman's Office tasked with collecting, recording, assessing and further transmitting to the competent bodies for investigation complaints concerning acts of torture or ill-treatment by law enforcement agents and staff of detention establishments; noted the information concerning the operation of this mechanism during June and July 2017; invited the authorities to provide further information about the

## *Makaratzis (group)*

- a) Use of potentially lethal force by police officers and shortcomings of the domestic law regulating the use of arms by law enforcement officers (Article 2)
- b) Ill-treatment of individuals under police responsibility (Article 3) and
- c) Ineffective investigations or failure to investigate incidents of risk of life due to use of force by police officers or ill-treatment by police (Articles 2 and 3).

results of the action undertaken by the Ombudsman in his capacity of mechanism for the investigation of arbitrary behaviour by law enforcement agents;

- 3. noted the information about the establishment of a committee tasked with examining whether the definition of torture in Greek law is compatible with the definition in Article 1 of the UN Convention against Torture; also noted the information concerning the examination by the authorities of the matter of conversion of custodial sentences imposed for torture to ensure that that perpetrators of torture or ill-treatment are proportionately and effectively punished; invited the authorities to keep the Committee informed about further relevant developments;
- 4. invited the authorities to provide information on the impact of the measures taken or envisaged.

### 1331<sup>th</sup> meeting (4-6 December 2018)

[List of decisions](#)

#### Notes of the meeting

#### *Decisions*

##### The Deputies

- 1. recalling that these cases concern the use of potentially lethal force and ill-treatment by law enforcement agents as well as the lack of effective investigations capable of leading to adequate disciplinary and criminal sanctions;

##### *As regards individual measures*

- 2. recalled with regret that as a result of the prescription rules in force the reopening of excessively lenient convictions or of ineffective criminal investigations (notably the recent *Andersen* case) is not possible;
- 3. expressed also regret that in the *Zontul* case, due to the state of Greek law at the time, a reopening of the criminal conviction of the responsible coast guard for infringement of sexual dignity would not allow to take into account the European Court's finding that the facts constituted torture within the meaning of Article 3 of the Convention, as the notion of torture in Greek law did not extend to the facts of the case; noted, however, with satisfaction the Ombudsman's decision to reopen the disciplinary investigations into the consequences of the acts at issue;
- 4. expressed regret that in all the cases – apart from *Sidiropoulos and Papakostas* and *Andersen* – the reopening of the disciplinary investigations was not possible due to the fact that the offences were subject to prescription;
- 5. invited the authorities to inform the Committee by 1 September 2019 about the reopened disciplinary investigations concerning the *Sidiropoulos and Papakostas* and *Andersen* cases;
- 6. noting also the particular complexity of the prescription question in the *Zontul* case, invited the authorities to provide the Committee by 1 September 2019 with the full conclusions of the Hellenic Coast Guard concerning the reopening of the disciplinary proceedings, notably as regards the continued employment of those responsible;
- 7. welcomed the authorities' intention to request the heads of the services involved in torture and other forms of ill-treatment to issue written apologies to the applicants; invited the authorities to inform the Committee by 1 September 2019 of any further development;

##### *As regards general measures*

- 8. called upon the authorities to intensify their ongoing efforts to eradicate all forms of ill-treatment by law enforcement officials, taking due account of the CPT's recommendations, and invited them to provide the Committee with concrete and detailed information on the measures taken or envisaged in response to the European Court's judgments in these cases;
- 9. invited, as regards the effectiveness of investigations, the authorities to provide by 1 September 2019 detailed information on the following issues:
  - a) the suspension of the limitation period for offences related to violations similar to those in the present cases;
  - b) the overall possibility to reopen disciplinary investigations in cases where criminal or disciplinary liability has already been decided, taking into account the *ne bis in idem* principle enshrined in Law 4443/2016;



*Makaratzis (group)*

- a) Use of potentially lethal force by police officers and shortcomings of the domestic law regulating the use of arms by law enforcement officers (Article 2)
    - b) Ill-treatment of individuals under police responsibility (Article 3) and
  - c) Ineffective investigations or failure to investigate incidents of risk of life due to use of force by police officers or ill-treatment by police (Articles 2 and 3).
- 
- c) the effectiveness of the new complaint Mechanism (the Ombudsman), notably in the light of the outcome of the investigations into the complaints submitted since the Mechanism started to function on 9 June 2017;
  - d) the impact of the new reinforced legislative protection against racist crime and possible new measures envisaged to ensure the investigation of possible racist motives when ill-treatment occurs in the context of law enforcement;
  - e) the extent to which decisions to close criminal investigations on the basis of prescription can be subjected to judicial or other independent review;
  - f) the measures taken or envisaged in the context of the ongoing revision of the Criminal Code in order to fully align the conduct of criminal investigations into ill-treatment and the relevant sanctions with the requirements of the Court's case-law, in particular as regards the definition of torture and the possibilities to convert terms of imprisonment imposed for torture and other ill-treatment into non-custodial sentences.

\* \* \*

*Martzaklis and Others*

Poor conditions of detention and segregation of 13 HIV-positive prisoners.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">20378/13</a>
<b>Judgment(s) final on</b>	09/10/2015
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

- noted that ten of the 13 applicants have been released under the legislative scheme providing for early release of HIV-positive prisoners serving certain categories of sentence, and considered that no further individual measures are necessary in their respect;
- noted further that, according to the action plan submitted in June 2016, the other three applicants are detained in conditions conducive to their health and well-being, either in Korydallos prison hospital or in the annex for HIV-positive prisoners in Korydallos prison, and invited the authorities to update this information as soon as possible;
- noted with satisfaction the legislative measures taken to facilitate the conditional release of HIV-positive detainees, as well as all other measures taken to improve the conditions of detention and administration of medical treatment to HIV-positive prisoners in the Korydallos prison;
- invited the authorities to increase their efforts towards establishing a health-care system to ensure that all HIV-positive prisoners are treated with the necessary care in decent conditions; furthermore invited the authorities to provide information on the impact of the measures taken and those envisaged;
- invited the authorities to submit information on the measures taken or envisaged to address the practice of separating HIV-positive prisoners from other prisoners;
- invited the authorities to establish a legal remedy which would ensure that allegations of substandard conditions of detention or inadequate administration of health care are examined on the merits and, if well founded, lead to an improvement in the applicant's situation.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

- noted that all applicants have been released under the legislative scheme providing for early release of HIV-positive prisoners serving certain categories of sentence, and considered that no further individual measures are necessary;

*As regards general measures*

- noted with satisfaction the legislative measures taken to facilitate the conditional release of HIV-positive detainees, as well as all other measures taken to improve the conditions of detention and administration of medical treatment to HIV-positive prisoners in Korydallos prison;
- decided to terminate the supervision of the measures required in respect of the violation of Article 3 in conjunction with Article 14 concerning the segregation of HIV-positive detainees in Korydallos prison;
- encouraged the authorities to accelerate the process of establishing a global health system which would ensure that all HIV-positive prisoners are treated in decent conditions and inform the Committee thereof;
- invited the authorities to expedite the procedure of establishing an effective remedy which would ensure that allegations of substandard conditions of detention or inadequate administration of health care are examined on the merits and, if well founded, afford redress to the complainant.\* \* \*

*Michelioudakis / Diamontides No.2 (group)*

Excessive length of criminal (Michelioudakis case, Diamantides group) and civil (Glykantzi case, Konti-Arvaniti group) proceedings and lack of an effective remedy (pilot judgments) (deadline expires on 30/01/2014).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">54447/10 - 71563/01</a>
<b>Judgment(s) final on</b>	03/07/2012 - 19/08/2005
<b>First decision of the Committee of Ministers</b>	<a href="#">1150<sup>th</sup> meeting</a> (September 2012)

**[1193<sup>th</sup> meeting \(4-6 March 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

1. noted with satisfaction that, with a view to responding to the European Court's request in the pilot judgments in the cases of *Michelioudakis* and *Glykantzi* to introduce an effective remedy, a law introducing a compensatory remedy was adopted by the Greek Parliament on 13 February 2014 and entered into force on 20 February 2014 following its publication in the Official Gazette;
2. encouraged the Greek authorities to ensure that the new compensatory remedy regarding the length of civil and criminal proceedings be implemented in compliance with the requirements of the Convention and invited them to keep the Committee informed of the developments in the domestic case-law in this field;
3. recalled its invitation to the authorities to provide comprehensive information (with comparative statistical data) on the impact of the measures taken in order to reduce the length of civil and criminal proceedings as well as to improve the efficiency of civil and criminal courts;
4. invited the authorities to pursue their efforts with a view to ensuring that the proceedings still pending before domestic courts in the *Diamantides No. 2* group of cases are concluded.

## Michelioudakis / Diamontides No.2 (group)

Excessive length of criminal (Michelioudakis case, Diamantides group) and civil (Glykantzi case, Konti-Arvaniti group) proceedings and lack of an effective remedy (pilot judgments) (deadline expires on 30/01/2014).

1214<sup>th</sup> meeting (2-4 December 2014)

[List of decisions](#)

### Notes of the meeting

#### Decisions

#### The Deputies

1. as regards general measures, noted that the European Court concluded that the compensatory remedy introduced by Law No. 4239/2014, in response to the pilot judgments in the cases of *Michelioudakis and Others* and *Glykantzi and Others*, can be considered effective and accessible where a "reasonable time" was exceeded in proceedings before the criminal and civil courts or before the Court of Audit;
2. recalled that they had, in prior meetings, noted with interest the measures aiming at shortening the length of civil and criminal proceedings and the impact of certain measures adopted to prevent excessive length of criminal proceedings;
3. invited the authorities to provide further comprehensive information (with comparative statistical data) on the functioning of the compensatory remedy in practice and on the concrete impact of the measures aimed at reducing the length of civil and criminal proceedings;
4. as regards individual measures, invited the Greek authorities to provide information on the progress of the pending proceedings, as well as on the prospect of their conclusion, in the *Stefanakos v. Greece* and *Getimis v. Greece* cases (the *Diamantides No. 2* group);
5. in view of the positive developments in these cases, decided to continue the supervision of the execution of these groups of cases under the standard procedure.

\* \* \*

**M.S.S. (group)**

Conditions of detention of asylum seekers and irregular migrants (Art. 3) and lack of an effective remedy to challenge conditions of detention (Art 3 and 13); living conditions of asylum seekers (Art. 3); ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Art. 3 and 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">30696/09</a>
<b>Judgment(s) final on</b>	21/01/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1108<sup>th</sup> meeting</a> (March 2011)

**[1222<sup>th</sup> meeting \(11-12 March 2015\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*With respect to individual measures*

- invited the Greek authorities to provide information on the applicants' current situation and on the outcome of the asylum proceedings in respect of those applicants who have filed an asylum application;

*With respect to the asylum procedure*

- while noting with interest that the recently established asylum services (Asylum Service, Appeals Authority, First Reception Service) have had a positive overall impact on the effectiveness of the asylum procedure, encouraged the Greek authorities to ensure the sustainability of past achievements, while pursuing further implementation of the measures envisaged in the action plan with respect to the first reception of asylum-seekers and the asylum procedure, in co-operation with all relevant stakeholders;
- called upon the authorities to ensure, as a matter of priority, the full protection of the rights of unaccompanied minors on the basis of an effective guardianship system;
- invited the authorities to conclude the necessary steps to guarantee the right to free legal aid in the asylum procedure and to eliminate the backlog of asylum applications lodged before 7 June 2013;

*With respect to conditions of detention*

- noted with interest the statement of the Greek authorities that third country nationals subject to deportation are no longer detained at police stations, and welcomed the improvements made as regards the conditions of detention in pre-return centres;
- urged, however, the authorities to take all the necessary measures to improve the conditions of detention in all facilities where asylum seekers and irregular migrants are detained, in particular in the special holding facilities at Athens airport, Fylakio and Petrou Ralli, and ensure access to medical and psychological care to asylum seekers and irregular migrants in all detention facilities;
- urged furthermore the authorities to take, as a matter of priority, all the necessary measures, so that alternatives to detention are sought for all unaccompanied minors, taking into account the "best interests of the child" and that, in the case of their exceptional detention, minors are detained separately from adults and under conditions appropriate to their vulnerable situation, whilst at the same time all efforts are made to release them as soon as possible and to secure their placement in appropriate care;
- invited the authorities to ensure that the remedy to challenge conditions of detention of asylum seekers and irregular migrants is effective in practice and, to this end, to provide further information on the developments of the domestic case-law in this regard;
- decided to resume consideration of the issues regarding the asylum procedure and the conditions of detention, at the latest, at their DH meeting in June 2016.

## M.S.S. (group)

Conditions of detention of asylum seekers and irregular migrants (Art. 3) and lack of an effective remedy to challenge conditions of detention (Art 3 and 13); living conditions of asylum seekers (Art. 3); ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Art. 3 and 13).

### 1230<sup>th</sup> meeting (3-5 June 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. welcomed the commitment of the Greek authorities to treat the situation of unaccompanied minors as a matter of priority and strongly encouraged them vigorously to pursue their efforts to translate their commitment into an effective and sustainable guardianship system for such minors;
2. noted with interest that the commission in charge of reviewing the legislative framework on the guardianship of unaccompanied minors has concluded its work and that the authorities are currently considering its proposals; invited in this respect the authorities to provide, as soon as possible, detailed information on the concrete steps now undertaken, including the content of the proposed legislative measures and the indicative calendar for the completion of the work undertaken;
3. pending the establishment of the effective and sustainable guardianship system, called upon the authorities to take all the necessary steps to adequately and effectively preserve and protect the rights and interests of third country unaccompanied minors and inform the Committee accordingly.

### 1243<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. welcomed the creation of the new administrative authority for immigration and the drafting of the new action plan ("Roadmap");
2. took note of the increase of the accommodation capacity for asylum seekers as well as of the planned further increase and called upon the authorities to intensify their efforts to implement their strategy ensuring sustainable and uninterrupted operation of open reception facilities and provision of services (accommodation, decent material conditions and access to healthcare) to all asylum seekers who are entitled to them, and to inform the Committee thereof;
3. invited the authorities to ensure that all reception facilities meet adequate standards, so that all asylum seekers entitled to such services receive them, in line with the requirements of the European Convention and of European Union law, as set out in the *M.S.S.* judgment;
4. taking note of the data regarding accommodation of unaccompanied minors, strongly invited the authorities to pursue their efforts, so that in the procedure of best interest determination for minors, all unaccompanied minors are immediately referred to special accommodation centres and assisted by specialised personnel, and to provide updated information to the Committee on the concrete steps taken to this effect;
5. decided to resume consideration of all other issues regarding the living conditions of asylum seekers and unaccompanied minors at the latest at their 1273rd meeting (December 2016) (DH).

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. agreed to postpone consideration of the cases *Chiragov and others v. Armenia* and *Sargsyan v. Azerbaijan*;

## M.S.S. (group)

Conditions of detention of asylum seekers and irregular migrants (Art. 3) and lack of an effective remedy to challenge conditions of detention (Art 3 and 13); living conditions of asylum seekers (Art. 3); ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Art. 3 and 13).

2. **agreed to postpone consideration of all aspects of the M.S.S. group v. Greece** (foreseen for the 1259th meeting (June 2016) and the 1273rd meeting (December 2016));
3. agreed to consider the group of cases *United Macedonian Organisation Ilinden and Others v. Bulgaria* at their 1265th meeting (September 2016) (DH);
4. adopted the order of business accordingly revised.

### 1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

The Deputies

#### As regards individual measures

1. invited the authorities to provide information on the applicants' current situation and on the outcome of the asylum proceedings in respect of those applicants who have filed asylum applications;

#### As regards asylum procedure

2. whilst taking note of the measures regarding the registration of new arrivals and the processing of asylum applications taken to cope with the emergency situation, invited the Greek authorities to elaborate, in cooperation with other stakeholders and relying on enhanced synergies with competent international organisations and other state actors, a plan for the registration and processing of asylum applications, so that they are processed within a reasonable timeframe, and to inform the Committee accordingly;
3. invited the authorities to develop a strategy securing the full protection of unaccompanied minors on the basis of an effective guardianship system;

#### As regards conditions of detention

4. invited the authorities to improve conditions of detention in all detention facilities where irregular migrants and asylum seekers are detained, including by providing adequate health-care services;
5. invited the authorities to ensure, as a matter of priority, that alternatives to the detention of minors are found and that where, exceptionally, minors are detained, they are held separately from adults and in conditions adapted to their vulnerable nature.

### 1348<sup>th</sup> meeting (4-6 June 2019)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

The Deputies

1. recalling that these cases concern the degrading treatment of the applicants (asylum seekers or irregular migrants, including unaccompanied minors) on account of their conditions of detention; the degrading treatment of asylum-seeking applicants due to their living conditions; the lack of an effective remedy against expulsion, due to deficiencies in the asylum procedure; and the lack of an effective remedy to complain about the conditions of detention;

#### As regards individual measures

2. noted that no further individual measures need to be taken as regards the cases *A.F., B.M., Bygylashvili, Chkhartishvili, De los Santos and de la Cruz, Horshill, Kaja, Tatishvili, Al.K., H.H., F.H., Chazaryan and others, A.Y., Tenko, S.G., Barjamaj and Housein*; therefore decided to close their supervision of these cases and to adopt Final Resolution [CM/ResDH\(2019\)154](#);

## M.S.S. (group)

Conditions of detention of asylum seekers and irregular migrants (Art. 3) and lack of an effective remedy to challenge conditions of detention (Art 3 and 13); living conditions of asylum seekers (Art. 3); ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Art. 3 and 13).

### *As regards general measures*

#### *Asylum procedure and absence of an effective remedy against expulsion*

3. welcomed the ongoing efforts made by the Greek authorities, in concert with the competent EU institutions and the UNHCR, to improve the national asylum system, and the notable increase in the overall rate of granting asylum;
4. noting, however, with grave concern the increase of arrivals of third country nationals that could adversely affect the functioning of the asylum system and is the reason for the significant increase in the average time taken to register and process asylum applications, and the deficiencies of the asylum appeal procedure which have been reported by the Greek Ombudsman and expert NGOs; called on the authorities to provide information on the asylum appeal procedure and on further measures envisaged or adopted in order to enhance the efficiency of the overall administrative procedure and the effectiveness of existing administrative remedies;

#### *Living conditions of asylum seekers*

5. welcomed the concerted efforts made and the measures taken to ensure decent accommodation, provision of welfare and healthcare services, access to the labour market and to education for asylum seekers;
6. took into account the continuing and increasing arrival of third country nationals, including asylum seekers; noted; furthermore the concerns expressed by the Council of Europe Commissioner for Human Rights and NGOs that the living conditions of asylum seekers have remained critical, despite the commendable efforts and the achievements of the authorities to date; therefore called on the authorities to continue and step up their efforts;
7. also called on the authorities to implement the recommendations of the Council of Europe Commissioner for Human Rights on the need to further enhance the provision of health care services to asylum seekers and irregular migrants in detention;

#### *Reception and protection of unaccompanied minors*

8. welcomed the adoption in 2018 of the law on guardianship and invited the authorities to proceed to its prompt implementation in order to put in place a comprehensive and efficient system of reception and protection of all unaccompanied minors;
9. expressed, however, concern about the inadequate number of suitable places available in accommodation facilities for minors and the significant number of minors placed in “protective custody” or in reception centres at the borders, and called on the authorities to intensify their efforts to increase the capacity of accommodation suitable for unaccompanied minors;

#### *Conditions of detention*

10. noted with satisfaction that domestic case-law has evolved to allow irregular migrants, including unaccompanied minors, to complain about their conditions of detention; noted also the relevant case-law of the Court and decided to close their supervision of this issue;
11. while noting with satisfaction that certain immigration detention facilities visited by the CPT in 2018 provided decent conditions, expressed serious concern at the fact that a number of other immigration facilities and police stations seem to be below Convention standards, and that the detention of unaccompanied minors persists;
12. recalling the Court’s case-law and recommendations of the CPT, called on the authorities to end the practice of detaining unaccompanied minors and transfer them without delay to a (semi-) open establishment specialised for juveniles;
13. invited the authorities to give effect to the recommendations made by the CPT and to improve the conditions in immigration detention facilities, including by providing adequate health-care services;
14. invited the authorities to keep the Committee regularly informed about developments on all of the above-mentioned issues;
15. decided to resume examination of these cases at their September 2020 DH meeting.

\* \* \*



*Nisiotis (group)*

Prison overcrowding and other poor conditions in prisons amounting to inhuman and degrading treatment.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">34704/08</a>
<b>Judgment(s) final on</b>	20/06/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1172<sup>th</sup> meeting</a> (June 2013)

[1230<sup>th</sup> meeting \(3-5 June 2015\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. recalled that the Court indicated under Article 46 in the *Samaras and Others* judgment that the drastic and rapid intervention of the authorities is required, so that appropriate measures are taken in order to bring the conditions of detention [in the Ioannina prison] in line with the requirements of Article 3 and thus avoid further violations such as the ones found in this case; recalled further that, in the *Nisiotis* judgment, the Court observed that prison overcrowding not only gives rise to other problems concerning conditions of detention but also appears to be a structural problem, present in a large number of Greek prisons;
2. concerning overcrowding in the Ioannina prison, urged the authorities vigorously to pursue their efforts substantially to reduce the occupancy rate of the establishment and invited the authorities to keep the Committee informed of the progress made in this prison;
3. concerning the structural problem of overcrowding, took note with interest of the updated information on the measures taken with a view to developing alternatives to imprisonment, which had yielded some positive results, and to improving conditions of detention;
4. considering however that, according to the statistics received, overcrowding remains a matter of serious concern, again urged the Greek authorities to enhance their efforts to draw up a comprehensive strategy capable of providing a lasting and sustainable solution to the problem and which should be guided by the various relevant recommendations of the Committee of Ministers in this field as well as the advice of the Council of Europe specialised bodies;
5. invited the Greek authorities to provide the Committee with updated information on the impact on the reduction of the prison population (both remand and sentenced prisoners) as compared with the official prison capacity;
6. invited in addition the Greek authorities to provide information on the current situation of the applicants in the cases of *Tsokas* and *Athanasiou*.

## Nisiotis (group)

Prison overcrowding and other poor conditions in prisons amounting to inhuman and degrading treatment.

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

#### As regards individual measures

1. found, in the light of the information provided, that all the applicants have been released or transferred to other detention facilities;

#### As regards general measures

2. recalled that the Court indicated under Article 46 in the *Samaras and Others* judgment that the drastic and rapid intervention of the authorities was required to take appropriate measures to bring the conditions of detention in the Ioannina Prison into line with the requirements of Article 3 and thus avoid further violations such as the ones found in this case; recalled further that in the *Nisiotis* judgment the Court observed that prison overcrowding not only gives rise to other problems concerning conditions of detention, but also appears to be a structural problem, present in a large number of Greek prisons;
3. urged the authorities vigorously to pursue their efforts to reduce the occupancy rate of the Ioannina prison;
4. whilst noting with satisfaction the measures taken with a view to developing alternatives to imprisonment and protecting members of vulnerable groups, called upon the authorities vigorously to pursue the drawing up and implementation of a comprehensive strategy capable of providing a lasting solution to prison overcrowding and inadequate conditions of detention, in the light of the relevant recommendations of the Committee of Ministers, as well as the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and domestic specialised bodies;
5. urged further the authorities to address, without further delay, the issue of the lack of an effective domestic remedy to complain about conditions of detention in prison in the light of the European Court's case law;
6. invited the authorities to provide the Committee with updated information on the further measures taken or envisaged, as well as the impact thereof on the reduction of the prison population (both remand and sentenced prisoners) as compared with the official prison capacity.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

#### As regards individual measures

1. taking into account that, according to the authorities, the applicants in all but in the following cases have been released or transferred to detention facilities where conditions of detention are in compliance with the Convention invited the authorities to provide information about the current situation of the applicants in *Cela and Others* (Application No. 10244/14), *Zournatzidis and Others* (Application No. 23261/13), *Kordas* (Application No. 51574/14), *Singh and Others* (Application No. 60041/13) and *Igbo and Others* (Application No. 10244/14);

#### As regards general measures

2. noted with satisfaction the drawing up and implementation of the 'Strategic Plan for Prisons for 2018-2020 as well as the publication of statistical data concerning the capacity of all prisons in relation to their population on the website of the Ministry of Justice and requested the authorities to continue providing the Committee with updated information about the prison population (both remand and sentenced prisoners), compared with actual prison capacity, and on possible measures to remedy the issue of uneven distribution of inmates among prisons;
3. noted also with satisfaction the positive results achieved under the recently adopted emergency measures to reduce overcrowding in prisons;

*Nisiotis (group)*

Prison overcrowding and other poor conditions in prisons amounting to inhuman and degrading treatment.

4. expressed, however, concern at the fact that the Court continues to receive repetitive applications concerning conditions of detention in overcrowded Greek prisons and to issue judgments finding violations of Articles 3 and 13 of the Convention;
5. called, therefore, upon the authorities to adopt, without further delay, legislative and other necessary measures introducing an effective, preventive remedy concerning conditions of pre-trial or post-conviction detention, in conformity with the Court's case law;
6. recalling the Court's indications in *Samaras* and *Tzamalīs* that a drastic and rapid intervention by the authorities is necessary in Ioannina prison, called upon the authorities to take action without further delay to reduce the occupancy rate and improve the conditions of detention in Ioannina prison;
7. invited the authorities to provide information about the content of the 'Strategic Plan for Prisons for 2018-2020' as well as its implementation, so that conclusions can be drawn about its comprehensiveness and capacity to provide a long-term solution to prison overcrowding and inadequate conditions of detention, as well as to ensure the provision of healthcare services in line with the relevant recommendations of the Committee of Ministers, the CPT and the Greek Ombudsman.

\* \* \*

*Sakir*

Inadequate investigation into the assault of the applicant by an anti-immigrant gang. Inhuman and degrading treatment on account of detention conditions in a police station.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">48475/09</a>
<b>Judgment(s) final on</b>	24/06/2016
<b>First decision of the Committee of Ministers</b>	1302 <sup>nd</sup> meeting (December 2017)

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. invited the authorities to provide information about the developments concerning the reopening of the investigation into the assault against the applicant and the outcome thereof;
2. welcomed the adoption of new legislation enhancing penalties for hate crimes and facilitating proof of crime as hate-motivated crime; invited the authorities to provide information about the implementation of the new legislation, in particular whether racist motivation is examined in the early stages of criminal proceedings;
3. noted with interest the establishment of a mechanism for the development of policies against hate-motivated crimes and the appointment of special prosecutors tasked with the investigation of crimes; invited the authorities to provide information and data about the number of reports of hate-motivated crimes as compared to the number of cases in which criminal charges were brought and those in which the perpetrators were punished.

\* \* \*

**Sampani and Others (group)**

Discrimination against Roma children in certain schools.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">59608/09</a>
<b>Judgment(s) final on</b>	29/04/2013
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. welcomed the individual measures taken by the Greek authorities and noted with satisfaction the general measures taken which aim at eliminating the segregation of Roma children and integrating them in the educational system;
2. invited the authorities to take all necessary measures to desegregate the 4th primary school in Sofades in the light of the European Court's judgments and inform the Committee accordingly;
3. invited the Greek authorities to provide information on the impact of the measures taken and possible further measures to tackle any possible situation of segregation in schools.

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

The Deputies decided to close the examination of these cases and adopted Final Resolution [CM/ResDH\(2017\)96](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;

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 order to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents [DH-DD\(2016\)493](#), [DH-DD\(2017\)55](#) and [DH-DD\(2017\)55-add](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

**S.D. (group)**

Unlawful detention of asylum seekers and migrants pending execution of deportation orders.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">53541/07</a>
<b>Judgment(s) final on</b>	29/04/2013
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

**[1265<sup>th</sup> meeting \(20-21 September 2016\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. welcomed the legislative measures taken, as well as the domestic courts' case law on the lawfulness of the detention of asylum seekers and irregular migrants, in line with the European Court's case law;
2. in view of the legislative changes concerning the administrative detention of asylum seekers and irregular migrants and the European Court's case law in this connection, considered that the necessary measures in response to the violations of Article 5 § 1 have been taken and decided to close their supervision of this issue;
3. invited the authorities to provide further information on the domestic court's case law concerning the examination of the lawfulness of the detention of asylum seekers and irregular migrants;
4. pending the submission of the above information, decided to transfer the cases to standard procedure.

\* \* \*

*Siasios and Others (group)*

Discrimination against same-sex couples excluded from the scope of the law establishing civil unions.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">30303/07</a>
Judgment(s) final on	04/09/2009
First decision of the Committee of Ministers	1318 <sup>th</sup> meeting (June 2018)

[1318<sup>th</sup> meeting \(5-7 June 2018\)](#)[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2018\)224](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;

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 order to give effect to the judgments including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2018\)396](#));

Given that, due to the significant decrease in the prison occupancy rate, the phenomenon of detention in facilities other than prisons has been eliminated, and that the authorities have undertaken to stabilise this situation by taking long-term measures;

Also taking into account that the violations of Article 13 concerning the lack of an effective remedy to complain about conditions of detentions is being examined in the *Nisiotis* group of cases, and that the violations of Article 5 § 3 and 5 § 4 found in the cases *Vafiadis*, *Shuvaev* and *Dimitrios Dimopoulos* are being examined in the groups of cases *Nerattini* and *Giosakis (No. 1)*;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

*Vallianatos and Others*

Discrimination against same-sex couples excluded from the scope of the law establishing civil unions.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">29381/09+</a>
<b>Judgment(s) final on</b>	07/11/2013
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

[1265<sup>th</sup> meeting \(20-21 September 2016\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies, in the light of the measures taken by the Greek authorities, decided to terminate the supervision of the present case and adopted Final Resolution [CM/ResDH\(2016\)275](#).

**Final Resolution [CM/ResDH\(2016\)275](#)****Execution of the judgment of the European Court of Human Rights****Vallianatos and Others against Greece**

*(Adopted by the Committee of Ministers on 21 September 2016 at the 1265<sup>th</sup> meeting of the Ministers' Deputies)*

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 violation established;

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 order to give effect to the judgment, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2016\)333](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*



*Vassilios Athanasiou and Others/ Manios (group)*

Excessive length of proceedings before administrative courts and lack of an effective remedy (pilot judgment)

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">50973/08 - 70626/01</a>
<b>Judgment(s) final on</b>	21/03/2011 - 11/06/2004
<b>First decision of the Committee of Ministers</b>	<a href="#">1115<sup>th</sup> meeting</a> (June 2011)

**[1193<sup>th</sup> meeting](#) (4-6 March 2014)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

1. welcomed the fact that the European Court considered as effective the acceleratory and compensatory remedies introduced by Law No. 4055/2012, in response to the pilot judgment in the case of *Vassilios Athanasiou and others*;
2. in view of the above developments, decided to continue the supervision of this case and the *Manios* group of cases under standard procedure;
3. took note with interest of the information provided concerning a significant number of measures taken aimed at reducing the length of administrative proceedings and invited the Greek authorities to provide information on the concrete impact of the measures with detailed statistical data;
4. given that proceedings in certain cases examined under the *Manios* group are still pending at domestic level, invited the Greek authorities to provide information on the termination of these proceedings.

\* \* \*

*Baka*

Lack of access to a court as regards the premature termination of the applicant's mandate as President of the Supreme Court, which also led to a violation of his right to freedom of expression.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">20261/12</a>
<b>Judgment(s) final on</b>	23/06/2016
<b>First decision of the Committee of Ministers</b>	1280 <sup>th</sup> meeting (March 2017)

**1280<sup>th</sup> meeting (7-10March 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the Court found a violation of Article 6 § 1 on account of the lack of any form of judicial review as regards the premature termination of the applicant's mandate as President of the Supreme Court and a violation of Article 10 as the termination was prompted by the views and criticisms of legislative reforms affecting the judiciary that he had publicly expressed in his professional capacity;
2. took note of the information provided by the authorities on the measures taken in response to the Court's judgment;
3. *as regards individual measures*, having particular regard to the basic principles of the Convention and the requirement of *restitutio in integrum*, which applies equally in the absence of an indication of individual measures by the Court, invited the authorities to set out the measures taken or envisaged fully to erase the consequences of the violations suffered by the applicant;
4. *as regards general measures*, invited the authorities to provide information by 1 September 2017 at the latest on:
  - the provision of a complete and effective right to review, by an ordinary tribunal or other body exercising judicial powers, of any measure leading to the removal or dismissal of a judge,
  - the measures taken or envisaged to guarantee that there will be no further premature removals of judges on similar grounds, including the establishment of effective and adequate safeguards against abuse in this regard,
  - the measures taken or envisaged to lift and countervail the "chilling effect" of the violations in the instant case.

\* \* \*

*Gubacsi (group)*

Inhuman and degrading treatment by law enforcement officers and/or the lack of adequate investigations in this respect.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">44686/07</a>
<b>Judgment(s) final on</b>	28/09/2011
<b>First decision of the Committee of Ministers</b>	1324 <sup>th</sup> meeting (September 2018)

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*As regards individual measures*

- invited the authorities to provide information on the measures taken in the present group of cases to ensure the conduct of effective investigations (including in the case of *Borbála Kiss*) into the applicants' allegations of ill-treatment or unwarranted use of potentially lethal force;

*As regards general measures*

- noted with interest the information provided on the administrative measures taken or envisaged and invited the authorities to provide more detailed information on their effective implementation, in particular on the number of police vehicles that are in fact equipped with sound and image recording devices;
- further invited the authorities to provide information on the monitoring of interviews by law enforcement officers, and of the treatment of persons deprived of their liberty such as for example through systematic video recording of interrogations as well as obligatory installation of recording devices in police detention facilities; highlighted in this respect the importance of the concrete recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visits;
- noted the information provided on capacity-building and awareness-raising measures and invited the authorities to provide comprehensive information on their implementation, in particular on their frequency, the content of the curricula and the number of beneficiaries;
- invited the authorities to provide an outline of the pertinent statutory and secondary legislation aimed at preventing ill-treatment by law enforcement officers during arrest, transfer and custody and invited them also to deliver a firm message of "zero tolerance" of ill-treatment;
- noted with regret the lack of information on the measures taken or envisaged to remedy the shortcomings identified by the European Court as regards investigations into allegations of ill-treatment and urged the authorities to provide the information expected in this respect as well as statistics on the number of complaints of ill-treatment, the number of disciplinary and criminal proceedings carried out in this regard and on their respective outcome;
- decided to transfer these cases to the enhanced procedure given the complex and long-standing nature of the problems raised.

\* \* \*

*Horváth and Kiss*

Discriminatory assignment of the Roma applicants to a special school for children with mental disabilities during their primary education (Art. 2 Prot. No. 1 read in conjunction with Art. 14).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">11146/11</a>
<b>Judgment(s) final on</b>	29/04/2013
<b>First decision of the Committee of Ministers</b>	1193 <sup>rd</sup> meeting (March 2014)

**1193<sup>rd</sup> meeting (4-6 March 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

- recalled that the Court found a violation of Article 2 of Protocol No. 1 read in conjunction with Article 14 due to the discrimination against the applicants, who are of Roma origin, on account of their placement in a special school for children with mental disabilities during their primary education;
- took note of the information provided on the measures taken so far in response to the Court's judgment, in particular on the objectivity and non-discriminatory nature of the tests applied to evaluate the school aptitude and mental abilities of Roma children in the Hungarian education system as well as on the procedural safeguards against misdiagnosis and misplacement of Roma pupils in the legislation, and instructed the Secretariat to make an assessment thereof;
- invited the Hungarian authorities to provide further information, in particular on the concrete impact of the measures taken so far;
- encouraged the Hungarian authorities to pursue their efforts with a view to implementing an inclusive education policy and invited them to provide specific information on the impact of this policy, in particular as regards the reduction of the high proportion of Roma children in special schools.

**1243<sup>rd</sup> meeting (8-9 December 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- took note of the information provided on the measures taken so far in response to the European Court's judgment;
- noted, however, that without statistical data on the evolution of the number of Roma children in special education, it is difficult to assess whether the measures taken have had an impact and contributed to solving the problem of overrepresentation and segregation of Roma children in special schools due to the systematic misdiagnosis of mental disability;
- therefore called on the Hungarian authorities to take the necessary steps in order to collect and to submit disaggregated statistical data on :
  - the number of Roma children, compared to non Roma children who have to sit intelligence tests and undergo expert examination in order to assess their learning abilities as well as their respective results (i.e. whether a mental disability was diagnosed or not),
  - the evolution of the number of Roma children, compared to non Roma children, in mainstream and inclusive education as well as in special or segregated schools or classes,
  - the number of Roma-children, compared to non Roma children, diagnosed as having mental disabilities that were or are still being re-examined and re-transferred to standard education on account of programmes such as "Out of the back bench";
- further invited the Hungarian authorities:
  - to submit additional information on the process of standardisation of the newly introduced testing methods to evaluate learning abilities, on the testing methods' concrete role in the examination process, on the selection of children that have to sit the tests and the state of the new testing methods' implementation,

*Horváth and Kiss*

Discriminatory assignment of the Roma applicants to a special school for children with mental disabilities during their primary education (Art. 2 Prot. No. 1 read in conjunction with Art. 14).

- to inform the Committee on whether the new testing methods and the introduced legal safeguards have led to any changes in the number of Roma children diagnosed with mental disabilities and/or assigned to special schools or classes, and
  - to submit information on the means to guarantee that Roma children do not have to undergo examination unless there are objective grounds for this and on the remedies available once a child is diagnosed with a disability and assigned to special education;
5. urged the Hungarian authorities to pursue their efforts with a view to implementing an inclusive education policy and to provide specific information on the impact of this policy, in particular as regards the reduction of the high proportion of Roma children in special schools.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted with interest the information provided according to which the examination process to assess the learning abilities of children appears to provide, at least in theory, for tools allowing an objective assessment of the learning abilities of Roma children, safeguards to prevent misdiagnosis and administrative remedies in relation to the conduct and outcome of the examination process;
2. reiterated, however, their invitation to the authorities to demonstrate the effective implementation of these new standards, to submit statistics on the number of children examined with the new and old testing tools, to indicate how it is ensured that the examination committees exercise their functions in line with the new standards and to submit information as to whether the conduct or outcome of the examination process can be challenged before the domestic courts;
3. noted with interest the efforts undertaken with a view to implementing an inclusive education policy and encouraged the authorities to vigorously further pursue these efforts to achieve a tangible reduction in the high proportion of Roma children in special schools;
4. reiterated, however, that without statistical data on the evolution of the number of Roma children in special education it is difficult to assess whether the measures taken have had an impact and contributed to solving the problem of overrepresentation of Roma children in special schools due to their misdiagnosis as mentally or intellectually disabled and, therefore, renewed their call for updated statistical information in this respect.

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalling that this case concerns the discriminatory misplacement and overrepresentation of Roma children in special schools for children with mental disabilities, due to their systematic misdiagnosis, and that, under the Court's case-law, the State is under a positive obligation to avoid perpetuating discriminative practices;
2. recalled that they already noted with interest that the current examination system assessing the learning abilities of children appears to include tools allowing an objective assessment of the learning abilities of Roma children, safeguards to prevent misdiagnosis, and administrative remedies in relation to the conduct and outcome of the examination process;
3. recalled, however, that during the last five years they have repeatedly invited the authorities to demonstrate the effective implementation and the actual impact of the current examination system and that they have consistently stressed the importance of statistical data in that respect, in particular as regards the evolution of the number of Roma children in special schools;

*Horváth and Kiss*

Discriminatory assignment of the Roma applicants to a special school for children with mental disabilities during their primary education (Art. 2 Prot. No. 1 read in conjunction with Art. 14).

4. expressed their grave concern about the absence of progress in the above regard despite their repeated calls, and urged the authorities to provide the requisite information, in particular the statistical data;
5. noted with interest the authorities' initiative concerning the collection of data with a view to verifying whether the problem of systematic misdiagnosis and misplacement still prevails under the current system; invited them to carry out promptly, without prejudice to the actions required under the previous paragraph, the necessary stock-taking and analysis and to inform the Committee in particular whether the current examination system is applied comprehensively and effectively across the country; further invited them to provide more detailed information on the actions envisaged (e.g. on how the absence of misdiagnosis may be demonstrated) and the possible conclusions to be drawn from such evaluation;
6. invited the authorities to provide by the end of September 2019:
  - examples demonstrating the effectiveness of the administrative and judicial remedies against the findings of the expert committees, and of complaints of ethnic segregation to the Equal Treatment Authority;
  - information on the infringement proceedings launched in 2016 by the European Commission against Hungary, as far as this is related to the overrepresentation of Roma children in special schools, and on the legislative amendments subsequently adopted; as well as
  - information on the developments in the public interest action brought in 2010 before the Eger High Court by the Chance for Children Foundation and the European Roma Rights Centre concerning the systematic misdiagnosis of Roma children in Heves County.

\* \* \*

*Kaluczka*

Failure of the authorities to protect the applicant from the violence of her former partner despite her repeated requests (Article 8).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">57693/10</a>
Judgment(s) final on	24/07/2012
First decision of the Committee of Ministers	<a href="#">1172<sup>th</sup> meeting</a> (June 2013)

[1201<sup>st</sup> meeting](#) (June 2014)

[List of decisions](#)

## Notes of the meeting

*Decision*

## The Deputies

1. noted that the applicant's former partner no longer has ownership or possession rights on the previously jointly owned apartment and that no further assault or threat against the applicant has been reported, and recalled in this context that the Hungarian authorities undertook to take all necessary measures to protect the applicant adequately should further assaults be reported;
2. decided, consequently, to continue its examination of the case under the standard procedure;
3. took note of the information provided on 30 May 2014, in particular on the introduction of a criminal law provision on domestic violence and on the inclusion of common-law partners in the scope of the protection accorded by the "Act on Restraining Order due to Violence among Relatives"; and instructed the Secretariat to carry out an assessment of this information and identify any outstanding questions.

\* \* \*

*László Magyar (group)*

Life sentence without parole in combination with the lack of an adequate review mechanism.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">73593/10</a>
<b>Judgment(s) final on</b>	13/10/2014
<b>First decision of the Committee of Ministers</b>	1318 <sup>th</sup> meeting (June 2018)

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that in this group of cases the European Court found violations of Article 3 on account of the applicants' whole life sentences (i.e. without eligibility for parole) in combination with the lack of an adequate review mechanism of these sentences and that it indicated under Article 46, in the case of *László Magyar*, that "for the proper execution of the present judgment the respondent State would be required to put in place a reform, preferably by means of legislation, of the system of review of whole life sentences";

*As regards individual measures*

2. noted with concern that the applicants in *T.P. and A.T.* continue serving their life sentences without eligibility for parole and that these sentences can only be reviewed under the newly introduced "mandatory clemency procedure", which was found by the Court to be incompatible with the Convention standards; noted that the individual measures required to put these violations to an end are linked to the general measures; invited the authorities to submit information on possible further measures regarding the applicant's situation in *László Magyar* ;

*As regards general measures*

3. noted the authorities' swift reaction to the Court's judgment in *László Magyar* and the adoption of legislative measures aimed at putting in place a review mechanism for prisoners serving life sentences *without* eligibility for parole ("mandatory pardon procedure"); further noted the positive elements of the procedure as established by the new legislation, notably the setting of clear criteria for the Clemency Board's decision on whether to recommend a life prisoner for pardon, which was found by the Court to satisfy the requirement that any such assessment be based on objective, pre-established criteria;
4. nevertheless, having regard to the shortcomings of this new legislation identified by the Court in *T.P. and A.T.*, called on the authorities without further delay to align their legislation with the Court's case-law as regards the time period life prisoners have to wait before they are considered for clemency, to address the concerns raised by the Court regarding the lack of sufficient procedural safeguards in the second part of the review procedure before the President of the Republic, and to take the necessary legislative measures to ensure that this part of the newly-introduced mandatory clemency procedure is likewise carried out in line with the requirements of the Convention as set out in the Court's case-law;
5. invited the authorities to provide statistical data on the number of prisoners serving a whole life sentence, the number of mandatory clemency proceedings carried out since its entry into force as well as the number of cases where clemency was granted;
6. invited the authorities to provide the outstanding information by 31 December 2018 at the latest.

\* \* \*



*R.R. and Others*

Violation of the right to life of a mother and her children due to their exclusion from witness protection as a sanction for the father's breach of the protection agreement (Article 2).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">19400/11</a>
Judgment(s) final on	29/04/2013
First decision of the Committee of Ministers	<a href="#">1172<sup>th</sup> meeting</a> (June 2013)

**[1208<sup>th</sup> meeting](#) (23-25 September 2014)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

1. noted with concern that, although more than one year has passed since the Court's judgment became final and in a situation where the lives of the second applicant and her three minor children are potentially at risk, the Hungarian authorities still have not been able to complete their assessment of the risks faced by these applicants;
2. stressed that the information provided so far continues to be insufficient to allow the Committee of Ministers to assess the situation, notably as regards the question of whether the Hungarian authorities have secured "measures of adequate protection" for the second applicant and her three minor children;
3. strongly urged the Hungarian authorities to provide to the Committee, as soon as possible and at the latest by 1 October 2014, the information requested in its decisions of June and September 2013 which remains outstanding, and instructed the Secretariat to prepare a draft interim resolution for their consideration at the 1214<sup>th</sup> meeting (December 2014) (DH) should no tangible information be provided by then.

**[1214<sup>th</sup> meeting](#) (2-4 December 2014)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. noted that the assessment of the risks faced by the applicants, completed in July 2014 by the authorities, is comprehensive and convincing;
2. also noted with satisfaction that, on the basis of the findings in that risk assessment, the Hungarian authorities have therefore secured "measures of adequate protection" in the sense of the Court's indications under Article 46, by providing for the second applicant and her children "personal protection" by the local police authorities, that is "regular patrolling" and "constant information exchange";
3. given that the situation of the second applicant and her children no longer calls for the taking of urgent individual measures by the authorities of the respondent State, decided to continue the examination of this case under the standard procedure;
4. invited the Hungarian authorities to submit to the Committee, as soon as possible, a consolidated action plan/report setting out the individual and general measures, taken and/or still envisaged, to fully execute the present judgment.

\* \* \*

*Srabó and Vissy*

Insufficient guarantees against abuse in the legislation on secret surveillance.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">37138/14</a>
<b>Judgment(s) final on</b>	06/06/2016
<b>First decision of the Committee of Ministers</b>	1302 <sup>nd</sup> meeting (December 2017)

**[1302<sup>nd</sup> meeting \(5-7 December 2017\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted that no individual measure is required in this case;
2. noted with interest that the government has recognised that legislative amendments are required for the execution of the present judgment and that the necessary preparatory work is currently under way in the competent ministries;
3. invited the authorities to address the entirety of the shortcomings of the legislation on secret surveillance measures identified by the Court in its judgment; to provide comprehensive information on the intended legislative measures by 30 June 2018, at the latest; and to keep the Committee of Ministers informed regularly on the developments in the legislative process.

\* \* \*

*Timar (group)*

Excessive length of judicial proceedings and lack of an effective remedy in this respect (violations of Articles 6§1 and 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">36186/97</a>
<b>Judgment(s) final on</b>	09/07/2003
<b>First decision of the Committee of Ministers</b>	<a href="#">1136<sup>th</sup> meeting</a> (March 2012)

**[1222<sup>th</sup> meeting \(11-12 March 2015\)](#)**

[List of decisions](#)

**[Notes of the meeting](#)***Decisions*

## The Deputies

1. as regards individual measures, invited the Hungarian authorities to provide an update to the Committee of Ministers on the current state of those proceedings still pending at the domestic level and on the measures taken to accelerate these proceedings;
2. noted that in a recent judgment the European Court has indicated, under Article 46 of the Convention, that the respondent State should take all appropriate steps, preferably by amending the existing range of legal remedies or creating new ones, to secure genuinely effective redress for violations similar to the ones at stake in the present group of cases;
3. noted with interest the Hungarian authorities' acknowledgment that general measures are required for the execution of the present group of cases and urged them to intensify their efforts in this respect in order to reduce the length of domestic proceedings and to introduce effective domestic remedies in compliance with the Convention's standards, as set out in the European Court's case-law;
4. invited the Hungarian authorities to provide by the end of April 2015 the Committee of Ministers with information on the exact content of the decisions announced for March 2015 and with a calendar setting out concretely the next steps envisaged for the execution of this group of cases.

\* \* \*

*Timar (group) / Gázsó (pilot judgment)*

Excessive length of judicial proceedings and lack of an effective remedy in this respect.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">36186/97 - 48322/12</a>
Judgment(s) final on	09/07/2003 - 16/10/2015
First decision of the Committee of Ministers	<a href="#">1136<sup>th</sup> meeting</a> (March 2012)

**[1250<sup>th</sup> meeting](#) (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. *as regards individual measures*, invited the Hungarian authorities to provide an update to the Committee of Ministers on the current state of those proceedings still pending at domestic level and on the measures taken to accelerate these proceedings as well as information on the outstanding questions on the payment of just satisfaction;
2. *as regards general measures*, recalled that the Court's new pilot judgment in the case of *Gázsó*, concerning the structural problem of excessive length of civil proceedings and lack of effective domestic remedies, required the Hungarian authorities to "introduce without delay, and at the latest" by 16 October 2016, "an effective domestic remedy or combination of such remedies capable of addressing, in an adequate manner, the issue of excessively long court proceedings, in line with the Convention principles as established in the Court's case law";
3. welcomed the Hungarian authorities' indication that they will introduce a compensatory remedy for excessively lengthy civil, criminal and administrative proceedings, which will be adopted by Parliament in October 2016; in this respect strongly encouraged them to respect the deadline of 16 October 2016 set in the Court's judgment;
4. strongly urged the Hungarian authorities to intensify their efforts to reduce the length of domestic judicial proceedings and to introduce effective domestic remedies in compliance with the Convention's standards, as set out in the European Court's case law;
5. invited the Hungarian authorities to provide without delay the outstanding information, in particular as regards the relevant content of the new draft procedural codes and their applicability to administrative proceedings as well as detailed statistical information on the impact of the measures taken as regards the length of domestic judicial proceedings (civil, criminal and administrative);
6. also invited the authorities to provide information as regards the functioning and the conditions of the new remedies to be enacted and as to whether the available remedies will also be applicable for cases already pending before the European Court;
7. decided, in view of the time-limit set by the Court for the introduction of an effective domestic remedy or combination of such remedies, namely 16 October 2016, to examine these cases at the latest at their 1273<sup>rd</sup> meeting (December 2016) (DH).

**[1273<sup>th</sup> meeting](#) (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the Court's new pilot judgment in the case of *Gázsó* concerning the structural problem of excessive length of civil proceedings and lack of effective domestic remedies required the authorities to "introduce without delay, and at the latest by 16 October 2016", "an effective domestic remedy or combination of such remedies capable of addressing, in an adequate manner, the issue of excessively long court proceedings, in line with the Convention principles as established in the Court's case law";
2. noted with regret that the authorities did not meet the deadline set in the Court's pilot judgment, took note of the new calendar provided and strongly encouraged the authorities to review it so that the required compensatory remedy enters into force as soon as possible;

*Timar (group) / Gázsó (pilot judgment)*

Excessive length of judicial proceedings and lack of an effective remedy in this respect.

3. *as regards individual measures*, reiterated their request to the authorities to provide an update to the Committee on the current state of those proceedings still pending at domestic level and on the measures taken to accelerate these proceedings and welcomed the information on the outstanding questions on payment of just satisfaction;
4. *as regards general measures*, noted with regret that still no tangible progress has been achieved as regards shortening the length of judicial proceedings and reiterated their call on the authorities further to intensify their efforts in this respect and to provide without further delay the outstanding information, in particular as regards the content of the relevant position of the new draft procedural codes, their applicability to administrative proceedings as well as detailed statistical information on the impact of the measures taken as regards the length of domestic judicial proceedings (civil, criminal and administrative);
5. invited the authorities to provide, by 1 February 2017 at the latest, information on the content of the draft law setting up a compensatory remedy in respect of excessively lengthy civil, criminal and administrative proceedings and as to whether the remedy will also be applicable for cases already pending before the European Court as well as to keep them informed on the further steps taken in the legislative process;
6. decided to resume consideration of these cases at their 1294<sup>th</sup> meeting (September 2017) (DH).

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

[Notes of the meeting](#)

#### Decisions

#### The Deputies

#### *As regards individual measures*

1. invited the authorities to provide regular updates on the current state of the proceedings still pending at domestic level and the measures taken to accelerate them, and welcomed the information already received in this regard;

#### *As regards general measures*

2. expressed their profound concern that, almost one year after the expiry of the deadline set by the European Court, and contrary to the authorities' previous indications, no tangible progress has been achieved as regards the introduction of an effective domestic remedy or combination of remedies addressing the issue of excessively long court proceedings, and noted that the new calendar provided does not appear reconcilable with the respondent State's obligations deriving from the Court's pilot judgment;
3. strongly urged the authorities to double their efforts in this regard, to speed up the legislative process and to provide a revised calendar for its completion, in particular confirming that a definitive legislative proposal will be put forward by the end of this year; moreover, reiterated their request for information on the content of the announced draft law introducing a remedy for excessively lengthy proceedings before civil, criminal and administrative courts and the functioning of this remedy, in particular as regards its applicability to cases already pending before the European Court, and for the Committee to be kept informed as to the further steps taken in the legislative process;
4. noted with satisfaction the Hungarian Government's explicit expression of commitment to the Convention system and its undertaking to make all necessary efforts to find *ad hoc* solutions as regards cases already pending with the Court, such as friendly settlements or unilateral declarations in line with Convention requirements; in addition, urgently called on all the competent Hungarian authorities to reduce to the greatest extent possible any unnecessary burden on the Convention system and to take all measures necessary to ensure that existing domestic remedies (including as interpreted by the domestic courts) become effective as regards excessive length of proceedings, notably in the light of the direct effect under Hungarian law accorded to the Convention and the judgments of the Court (including the requirement for reasonable length of proceedings);
5. noted the adoption of new codes of procedure for the civil, criminal and administrative jurisdictions, which will enter into force on 1 January 2018 and contain a number of amendments aimed at shortening the length of judicial proceedings, and invited the authorities to examine whether these measures alone will be sufficient to solve the problem and to inform the Committee as to the conclusions of this examination;
6. finally, invited the authorities to provide the information requested above by 31 October 2017 at the latest and decided to resume examination of this case at their 1302<sup>nd</sup> meeting (December 2017) (DH).

*Timar (group) / Gázsó (pilot judgment)*

Excessive length of judicial proceedings and lack of an effective remedy in this respect.

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. noted that the individual measures have been settled in 253 cases in this group and therefore decided to close the supervision of the execution of these cases and adopted Final Resolution [CM/ResDH\(2017\)422](#);
2. decided that the general measures will continue to be closely followed in the context of the pilot judgment in the case of *Gázsó* and the other cases in this group;
3. expressed their grave concern that more than a year after the expiry of the deadline set by the European Court no tangible progress has been achieved as regards the introduction of an effective domestic remedy or combination of remedies addressing the issue of excessively long court proceedings;
4. firmly reiterated their urgent call on the authorities to double their efforts in this regard, to speed up the legislative process and to present a draft legislative proposal;
5. decided to resume examination of these cases at their 1310<sup>th</sup> meeting (March 2018) (DH) and, should no tangible progress be reported by 15 February 2018, instructed the Secretariat to prepare a draft interim resolution for consideration at that meeting.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2018\)106](#).

.....

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 considerable number of judgments of the Court finding violations of Article 6, paragraph 1, and in some of these judgments also violations of Article 13 of the Convention, due to the excessive length of civil and criminal proceedings and the lack of an effective remedy in this respect in Hungary;

Recalling that the first case of this kind became final in 2003 and the problem has thus persisted for over 14 years, and that in view of the scale of the problem the Court delivered a pilot judgment in the case of *Gázsó* which set 16 October 2016 as deadline for the introduction of “an effective domestic remedy or combination of such remedies”;

Recalling that excessive delays in the administration of justice constitute a serious danger for the respect of the rule of law, resulting in a denial of rights enshrined in the Convention;

Reiterating the additional undue burden on the Court due to the high number of similar cases pending (approximately 1,000) and the new similar applications that are being lodged with the Court, and the serious threat to the effectiveness of the Convention system arising from the failure to abide by the obligations deriving from a pilot judgment;

Expressing grave concern that, despite the Committee’s repeated calls, and contrary to the authorities’ own previous indications, almost one and a half years after the expiry of the deadline set by the Court no tangible progress has been achieved as regards the introduction of an effective domestic remedy or combination of such remedies addressing the issue of excessively lengthy court proceedings;

Noting that the Hungarian authorities have informed the Committee of their intention to introduce a compensatory remedy for excessively lengthy court proceedings by 31 October 2018 and recalling that by then the deadline set by the Court will have expired more than two years previously;

CALLED UPON the Hungarian authorities to redouble their efforts to ensure that the legislative process envisaged for the introduction of a compensatory remedy for excessively lengthy court proceedings is completed in line with the new timetable presented, i.e. by 31 October 2018;

*Timar (group) / Gázsó (pilot judgment)*

Excessive length of judicial proceedings and lack of an effective remedy in this respect.

INVITED the authorities to submit the details of their new timetable by 30 April 2018, at the latest, and to keep the Committee of Ministers informed, on a monthly basis, about all relevant developments in the legislative process so as to allow for continuous monitoring of the progress achieved and the steps taken to respect the new timetable;

DECIDED to resume examination of this item, in the light of the information received from the authorities, at one of its next Human Rights meetings and at the latest, at its 1331<sup>st</sup> meeting (December 2018) (DH).

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that this group of cases, the first of which became final in 2003, concerns the structural problem of excessive length of civil and criminal proceedings and the lack of effective domestic remedies in this respect, and that the problem has thus persisted for over 14 years; they recalled further that in view of the scale of the problem the Court delivered a pilot judgment in *Gázsó* which set 16 October 2016 as the deadline for the introduction of an effective domestic remedy or combination of such remedies;

*As regards individual measures*

2. decided, without prejudice to their examination of the general measures, to close the supervision of nine cases in which no further individual measures are required since the just satisfaction has been paid and the domestic proceedings have come to an end; and adopted Final Resolution [CM/ResDH\(2018\)468](#);
3. invited the authorities to provide information on the outstanding issues, notably as regards the payment of the just satisfaction and the state of proceedings in the cases still pending at domestic level as well as the measures taken in this respect;

*As regards general measures*

4. noted with interest the entry into force of the new codes of procedure for the civil, criminal and administrative courts and called on the authorities to closely monitor and assess the practical impact of these legislative reforms as well as to provide relevant statistical information on the length of proceedings before all three jurisdictions allowing an assessment of the impact of the measures taken;
5. further noted with interest that a bill introducing a compensatory remedy for excessively lengthy judicial proceedings is now pending before Parliament but reiterated their grave concern that, more than two years since the expiry of the deadline set by the Court, it has again not been possible to adopt the bill in line with the timetable presented by the authorities in February 2018; therefore urged the authorities to do their utmost in order to promptly bring the legislative process to completion, while ensuring that the law adopted is fully and effectively aligned with the Convention and the Court's case-law;
6. called on the authorities to pursue their close cooperation with the Secretariat, to provide the latter with the outstanding information (notably as regards the amounts of compensation to be awarded) and to take into account all possible shortcomings of the draft bill identified by the Secretariat and to revise the bill, where necessary, before its adoption by Parliament so that it meets the requirements of the Convention and the Court's case-law;
7. decided to resume examination of this group of cases at its 1340<sup>th</sup> meeting (March 2019) (DH).

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that this group of cases, the first of which became final in 2003, concerns the structural problem of excessive length of civil and criminal proceedings and the lack of effective domestic remedies in this respect, and that the problem has thus persisted for more than 15 years; recalled further that in view of the scale of the problem the Court delivered a

*Timar (group) / Gázsó (pilot judgment)*

Excessive length of judicial proceedings and lack of an effective remedy in this respect.

pilot judgment in *Gázsó* which set 16 October 2016 as the deadline for the introduction of an effective domestic remedy or combination of such remedies;

*As regards individual measures*

2. invited the authorities to provide information on the outstanding issues, notably as regards the payment of just satisfaction and the state of proceedings in the cases still pending at domestic level as well as the measures taken in this respect;

*As regards general measures*

3. welcomed the authorities' active co-operation with the Secretariat and their constructive approach with a view to aligning the draft bill introducing a compensatory remedy for excessively lengthy judicial proceedings with the requirements of the Convention and the Court's case-law; strongly encouraged the authorities to continue their close cooperation with the Secretariat and to make every effort to ensure that the revision of the draft bill is carried out swiftly and that a draft bill which is fully and effectively aligned with the Convention and the Court's case-law is presented to Parliament without delay;
4. recalled that the deadline set by the Court in its pilot judgment expired almost two and a half years ago and that the Committee has repeatedly expressed its grave concern in this respect; therefore and in view of the importance of promptly bringing the legislative process to a close, urged the authorities to provide, by the end of March 2019, a timetable for it, to submit a translation of the revised draft bill as soon as possible, and to continue to keep the Committee informed, on a monthly basis, about all relevant developments in the legislative process so as to allow for continuous monitoring of the progress achieved;
5. decided to resume examination of this group of cases at their 1348<sup>th</sup> meeting (June 2019) (DH) and, in view of the gravity and complexity of the issue at stake, instructed the Secretariat to prepare a new draft interim resolution for consideration at that meeting, should no tangible progress be achieved by then.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2019\)152](#).

.....

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 considerable number of judgments of the Court finding violations of Article 6, paragraph 1, and in some of these judgments also violations of Article 13 of the Convention, due to the excessive length of civil and criminal proceedings and the lack of an effective remedy in this respect in Hungary;

Recalling that the first case of this kind became final in 2003 and the problem has thus persisted for more than 15 years, and that in view of the scale of the problem the Court delivered a pilot judgment in the case of *Gázsó* which set 16 October 2016 as deadline for the introduction of "an effective domestic remedy or combination of such remedies";

Recalling that excessive delays in the administration of justice constitute a serious danger for respect for the rule of law, resulting in a denial of the human rights and fundamental freedoms enshrined in the Convention;

Reiterating the additional undue burden imposed on the Court due to the high number of similar cases pending and the new similar applications that are being lodged with the Court, and the serious threat to the effectiveness of the Convention system arising from the respondent State's failure to abide by the obligations deriving from a pilot judgment;

Bearing in mind that the Committee, in its Interim Resolution [CM/ResDH\(2018\)106](#), called upon the authorities to redouble their efforts to ensure that the legislative process envisaged for the introduction of a compensatory remedy for excessively lengthy court proceedings is completed in line with the timetable then presented, i.e. by 31 October 2018;

Recalling that in October 2018 a bill introducing a compensatory remedy for excessively lengthy judicial proceedings was pending before Parliament but that its adoption had to be postponed with a view to aligning it with the requirements of the Convention and the Court's case-law; that since December 2018 the authorities have been reviewing the bill; and that despite the Committee's



*Timar (group) / Gázsó (pilot judgment)*

Excessive length of judicial proceedings and lack of an effective remedy in this respect.

urgent call at its 1340<sup>th</sup> meeting (March 2019) (DH), to date neither a concrete timetable for the legislative process nor a translation of the revised bill has been received;

Likewise bearing in mind the authorities' active co-operation with the Secretariat and their constructive approach with a view to aligning the bill with the requirements of the Convention and the Court's case-law;

Noting with disappointment that despite their previous apparent determination to bring the legislative process to a close, the authorities merely announced the adoption of a bill by 31 December 2019, and underlining with serious concern that, by October 2019, three years will have passed since the expiry of the deadline set by the Court in its pilot judgment;

Emphasising that Hungary is one of the very few, remaining member States faced with the issue of excessively lengthy judicial proceedings which has not yet introduced an effective remedy in this respect;

Stressing that a strong and firm commitment of the respondent State's authorities, involving the political key actors at the highest level, is required in order to fulfil their obligations under the Convention, to adopt the necessary legislation and resolve this problem;

Underlining the obligation of every State, under the terms of Article 46, paragraph 1, of the Convention to abide by the final judgments of the European Court in any case to which they are a party, fully, effectively and promptly;

STRONGLY URGED the Hungarian authorities to accelerate and conclude the law-making process in order to introduce a compensatory remedy for excessively lengthy court proceedings which is in full conformity with Convention standards as established by the Court's case-law;

URGENTLY CALLED on the authorities to provide, by the end of June 2019, a concrete timetable (specifying the different legislative steps envisaged) for bringing the legislative process to a close, to submit a translation of the revised bill without further delay and to continue to keep the Committee informed, on a monthly basis, about all relevant developments in the legislative process so as to allow the Committee to continuously monitor the progress achieved;

DECIDED to resume examination of this item, in the light of the information received from the authorities, at one of its next Human Rights meetings and at the latest, at its 1362<sup>nd</sup> meeting (December 2019) (DH).

\* \* \*

## Tonello

Violation of the applicant's right to respect for his family life on account of the authorities' failure to enforce final decisions of the Hungarian and Italian courts ordering the return of his daughter, born in 2011 and wrongfully removed by her mother from Italy to Hungary in 2012.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	46524/14
<b>Judgment(s) final on</b>	24/04/2018
<b>First decision of the Committee of Ministers</b>	1340 <sup>th</sup> meeting (March 2019)

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that this case concerns a violation of the applicant's right to respect for his family life on account of the authorities' failure to enforce final decisions of the Hungarian and Italian courts ordering the return of his daughter, born in 2011 and wrongfully removed by her mother from Italy to Hungary in 2012;
2. noted with grave concern that, more than nine months after the European Court's judgment became final and more than seven years after her wrongful removal and last contact with the applicant, the child's whereabouts remain unknown;
3. noted that the Hungarian authorities promptly and regularly provided the Committee with information on the measures taken to locate the applicant's child after the Court's judgment became final; further noted that the authorities appear to be actively exploring many different avenues that may yield results;
4. nevertheless underlined that important parts of the information provided in the authorities' submissions lack clarity or appear contradictory, making it difficult to assess the efficiency of the measures taken so far; therefore strongly invited the authorities to provide clear and chronologically ordered information notably on:
  - the measures taken to locate the applicant's child with a focus on the time after the Court's judgment, clarifying in particular which arrest warrants and criminal proceedings are currently pending against the mother;
  - the actions taken to further investigate the elements identified by the Secretariat as appearing more capable of yielding results, providing information notably on: a) whether or not, and for which reasons, the authorities remain under the assumption "that the mother and child reside habitually in Mezőtúr" and the concrete results they have obtained so far from the specific investigative actions undertaken in the Mezőtúr area; b) the concrete follow-up investigative action pertaining to the child's pediatrician; c) the presumption that the child is attending school;
  - the results of these measures;
5. urged the authorities to intensify their search efforts and encouraged them to ensure effective cooperation with their Italian counterparts;
6. invited the authorities to ensure that, upon locating the applicant's child, any possible further steps to re-establish contact between father and daughter are carefully identified by the competent authorities in order to safeguard the child's best interest;
7. invited the authorities to provide all the outstanding information, including on the payment of the just satisfaction, by 28 March 2019 and to regularly keep the Committee of Ministers informed of all relevant developments;
8. decided to resume consideration of this case, in the light of the information received, at one of their next DH meetings in 2019.

\* \* \*

*Varga and Others / István Gábor Kovács*

Structural problem highlighted by the European Court applying the pilot judgment procedure: inhuman and/or degrading treatment due to overcrowding and poor material conditions of detention (Article 3), lack of effective remedies in that regard (Article 13 in conjunction with Article 3) and several other dysfunctions regarding the protection of prisoners' rights.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">14097/12+ - 15707/10</a>
<b>Judgment(s) final on</b>	10/06/2015 - 17/04/2012
<b>First decision of the Committee of Ministers</b>	1236 <sup>th</sup> meeting (September 2015)

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the Court's new pilot judgment in the case of *Varga and others* concerning the structural problem of prison overcrowding required the Hungarian authorities to "produce, under the supervision of the Committee of Ministers, within six months from the date on which this judgment becomes final, a time frame in which to make appropriate arrangements and to put in practice preventive and compensatory remedies in respect of alleged violations of Article 3 of the Convention on account of inhuman and degrading conditions of detention";
2. welcomed the Hungarian authorities' commitment to present the time frame requested by the Court before 10 December 2015 and strongly encouraged them to respect this deadline;
3. in this respect, underlined that any arrangements and measures, in order to be fully effective, need to be underpinned by a comprehensive strategy capable of addressing the structural problem of overcrowding and consequently strongly urged the Hungarian authorities to intensify their efforts in this respect, taking into account the various relevant recommendations of the Committee of Ministers in this field and the relevant CPT's recommendations and standards;
4. invited the Hungarian authorities to provide information on the measures taken in order to address the violations found on account of the conditions of detention under special security regimes and the lack of an effective remedy to challenge the security classification, as well as on the exact content of the amended legislation on family visits in pre-trial detention and on the domestic remedies in case of denial of requests for visits;
5. further invited the Hungarian authorities urgently to submit information on the applicants' current situation in the cases of *Szél, Fehér* and *Varga and others*;
6. decided, in view of the time-limit set by the Court for the elaboration of the time frame for making appropriate arrangements and putting in practice domestic remedies, namely 10 December 2015, to examine this case at the latest at their meeting in March 2016 (DH).

*Varga and Others / István Gábor Kovács*

Structural problem highlighted by the European Court applying the pilot judgment procedure: inhuman and/or degrading treatment due to overcrowding and poor material conditions of detention (Article 3), lack of effective remedies in that regard (Article 13 in conjunction with Article 3) and several other dysfunctions regarding the protection of prisoners' rights.

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted with satisfaction that, in response to the pilot judgment, the Hungarian authorities submitted their action plan on 9 December 2015, within the deadline indicated by the European Court;
2. *as regards individual measures*, noted with regret that no information has been provided on the applicants' situation in a number of cases and that certain applicants are still detained in conditions not meeting the minimum standards for personal living space in prison establishments;
3. called on the Hungarian authorities to provide the outstanding information, to rectify urgently the situation of these applicants by ensuring that their conditions of detention are in line with the Convention;
4. *as regards general measures*, welcomed the recent introduction of the so-called "reintegration custody"; encouraged the Hungarian authorities to take the necessary further steps in order significantly to increase the number of approvals of such requests and to enlarge the application of this option as well as, more generally, to intensify their efforts to promote alternative non-custodial punitive measures and to minimise the recourse to pre-trial detention, and invited them to submit updated information on the impact and further promotion of the alternative sanctions already announced in their submissions;
5. noted with interest the legislative measures taken, in particular the fixing of a minimum living space per detainee, to modify existing remedies so as to allow the provision of effective redress by way of compensation for Convention violations on account of conditions of detention; invited the Hungarian authorities to submit information on the existence of settled domestic practice that would prove the effectiveness of these remedies, on their scope of applicability as well as the planned additional compensatory remedy;
6. noted with regret that no information has been received as regards the putting in place of a preventive remedy in respect of alleged violations of Article 3 of the Convention on account of inhuman and degrading conditions of detention and called on the Hungarian authorities urgently to provide information on a time-frame in which to put in practice such a preventive remedy, as requested by the Court in its pilot judgment;
7. further noted with regret that no information was provided on the measures taken in order to address the violations found on account of the conditions of detention under special security regimes and the lack of an effective remedy to challenge the security classification, and called on the Hungarian authorities urgently to submit information in this regard;
8. noted finally with regret that no information was provided on the content of the amended legislation on family visits and on the domestic remedies in case of denial of requests for visits, and invited the Hungarian authorities urgently to submit information in this regard;
9. invited the Hungarian authorities to provide the information expected by 1 July 2016.

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. welcomed the authorities' commitment to resolve the problem of prison overcrowding in Hungary and noted with interest that the substantive measures taken appear to be showing the first concrete results, in particular a decrease in the rate of overcrowding and a drop in the shortage of prison places;

*As regards individual measures*

2. noted that a number of applicants are still detained in conditions not meeting the minimum standards for personal living space and reminded the authorities of their obligation to rectify the situation by ensuring that all applicants' conditions

## Varga and Others / István Gábor Kovács

Structural problem highlighted by the European Court applying the pilot judgment procedure: inhuman and/or degrading treatment due to overcrowding and poor material conditions of detention (Article 3), lack of effective remedies in that regard (Article 13 in conjunction with Article 3) and several other dysfunctions regarding the protection of prisoners' rights.

of detention are in line with the Convention; invited them to provide the outstanding information, in particular, on other relevant aspects of the material conditions of detention where the available living space is between 3 and 4 m<sup>2</sup> per inmate;

### As regards general measures

3. noted with interest the further extension of the application of “reintegration custody”, the facilitation of and increase in the use of house arrest, and the slight decrease in the number of defendants placed in pre-trial detention; strongly encouraged the authorities further to pursue their efforts in this regard and to find all possible means “to encourage prosecutors and judges to use as widely as possible alternatives to detention and redirect their criminal policy towards reduced use of imprisonment”; invited them to submit updated statistical information on the impact and further promotion of alternative sanctions and the reduction of overcrowding;
4. welcomed the fact that, in response to the *Varga and Others* pilot judgment, the authorities have introduced both a preventive and a compensatory remedy aimed at guaranteeing genuinely effective redress for Convention violations arising from poor material conditions of detention, which took effect on 1 January 2017; invited them to provide further detailed information (including statistical data) on the implementation and functioning of these newly introduced remedies, notably in the light of the monitoring they will undertake in this context, and more concretely on the impact of the preventive remedy on the general problem of prison overcrowding;
5. welcomed the information received as regards the other violations concerned by this group and invited the authorities to submit the outstanding information;
6. in view of the European Court’s decision to suspend the examination of the similar pending applications until 31 August 2017, invited the authorities to provide the information expected by that date, at the latest.

### 1310<sup>th</sup> meeting (13-15 March 2018)

[List of decisions](#)

#### Notes of the meeting

### Decisions

#### The Deputies

1. welcomed the authorities’ continued commitment to resolving the problem of prison overcrowding and noted with interest the continuation of the positive trend identified at the last examination of this group of cases, which is reflected by the further increase in the use of alternative sanctions and the slight further decrease in the prison overcrowding rate in 2017;

### As regards individual measures

2. noted the information indicating that the situation of some of the applicants who were still detained in conditions not meeting the minimum standards for personal living space has been improved; nevertheless, once again, reminded the authorities of their obligation to rectify the situation by ensuring that all the applicants’ conditions of detention are in line with the Convention and invited them to provide the information required to assess the situation of all the applicants;

### As regards general measures

3. having regard to the importance of measures to solve the continuing structural problem of prison overcrowding and guarantee the effective functioning of the new preventive remedy, urgently called on the authorities further to pursue their efforts in promoting alternative sanctions and minimising the use of pre-trial detention, and invited them to submit comprehensive updated statistical information on the use of alternative sanctions and pre-trial detention;
4. emphasised that, in view of the significant progress already achieved, it is of utmost importance that the authorities do not slow down their efforts significantly to reduce the current rate of overcrowding in a sustainable manner; therefore, strongly urged them to find all possible means to achieve this objective and to guarantee the effectiveness of the new remedies by ensuring that detainees are not refused relocation and/or compensation on formalistic grounds, that the domestic proceedings are not excessively long and that domestic case law is in compliance with the requirements of the Convention;
5. invited the authorities, in light of the monitoring undertaken in this context, to provide updated information on the implementation and functioning of the new remedies (including comprehensive statistical data and information on the outcome of preventive and compensatory requests);

*Varga and Others / István Gábor Kovács*

Structural problem highlighted by the European Court applying the pilot judgment procedure: inhuman and/or degrading treatment due to overcrowding and poor material conditions of detention (Article 3), lack of effective remedies in that regard (Article 13 in conjunction with Article 3) and several other dysfunctions regarding the protection of prisoners' rights.

6. finally, invited the authorities to provide a consolidated action plan/report, including the outstanding information, by 1 June 2018 at the latest.

\* \* \*

*A. B. and C.*

Absence of any legislative or regulatory regime providing access to lawful abortion when the mother's life is at risk.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">25579/05</a>
<b>Judgment(s) final on</b>	16/12/2010
<b>First decision of the Committee of Ministers</b>	<a href="#">1120<sup>th</sup> meeting</a> (September 2011)

[1214<sup>th</sup> meeting \(2-4 December 2014\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies decided to close the examination of this case and to adopt Final Resolution [CM/ResDH\(2014\)273](#).

.....

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 violation established;

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;

Recalling that the violation in this case was "the absence of any implementing legislative or regulatory regime providing an accessible and effective procedure by which the third applicant could have established whether she qualified for a lawful abortion in Ireland in accordance with Article 40.3.3 of the Constitution", noting that such a procedure was put in place with the entry into force of the "*Protection of Life during Pregnancy Act 2013*" and of the related regulations and guidance document;

Having examined the action report provided by the Government indicating the measures adopted in order to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2014\)1314](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

**McFarlane (group)**

Lack of effective remedy for excessive length of judicial proceedings.

**McFarlane (group)**

Lack of effective remedy for excessive length of judicial proceedings.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	31333/06
<b>Judgment(s) final on</b>	10/09/2010
<b>First decision of the Committee of Ministers</b>	1288 <sup>th</sup> meeting (June 2017)

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. noted that the domestic proceedings in all the cases except *Rooney* have come to an end and that the just satisfaction awarded by the European Court has been paid; invited the authorities to clarify the status of the proceedings in the *Rooney* case ;

*As regards general measures*

2. as concerns the violation of Article 6 § 1, recalled that the Committee closed its supervision of the issue of excessive length of proceedings in the *Doran* group of cases (see Final Resolution [CM/ResDH\(2011\)224](#)); noted with interest the additional general measures taken to improve further the efficiency of criminal and civil proceedings;
3. as concerns the violation of Article 13, noted with interest the work undertaken by the authorities so far, including the report and recommendations of the Expert Group established in 2011 in response to the judgments of the Court in the *McFarlane* group, to explore various alternatives for putting in place an effective remedy for excessive length of proceedings;
4. noted also the Supreme Court's judgment of 24 October 2016 in the case of *Nash v. DPP* where it held that, in principle, damages may be awarded for excessive length of proceedings, but considered that this judgment alone does not demonstrate the existence of an effective remedy for the purposes of Article 13 of the Convention;
5. regretted that the authorities have not yet established such an effective remedy, even though the oldest judgment in this group of cases has been pending before the Committee for more than six years;
6. strongly encouraged the authorities to take all necessary measures to finalise rapidly the adoption of an effective remedy for excessive length of proceedings in line with Convention principles as established in the Court's case law;
7. in light of the above and to avoid any further delay, decided to transfer this group of cases from the standard to the enhanced supervision procedure;
8. invited the authorities to submit an updated action plan with all developments and an estimated timetable for the establishment of an effective remedy by 1 December 2017.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. decided, without prejudice to their examination of the general measures, to close the supervision of five cases in which no further individual measures are required because the just satisfaction has been paid and the domestic proceedings have come to an end; and adopted Final Resolution [CM/ResDH\(2018\)352](#);



*McFarlane (group)*

Lack of effective remedy for excessive length of judicial proceedings.

*As regards general measures*

2. noted with regret that the national authorities have not yet established an effective remedy for excessive length of proceedings in civil and criminal cases in line with the Convention principles as laid down in the Court's case-law, despite the fact that the oldest case in this group has been pending before the Committee for over seven years;
3. noted with interest that the Irish authorities have, after consultations with key domestic stakeholders, decided to introduce a non-court based remedy for excessive length of both civil and criminal proceedings; regretted however that the authorities have not yet submitted sufficiently detailed information to enable a comprehensive assessment of the proposed remedy;
4. strongly encouraged the authorities to act expeditiously to establish the proposed remedy in line with Convention principles as laid down in the Court's case law and to submit, by 1 December 2018, an updated action plan containing detailed information on the key features of the proposed remedy as well as a timeline for its establishment.

\* \* \*

*O’Keeffe*

Failure in the 1970s to protect the applicant from sexual abuse in a National School and lack of effective remedy (Articles 3 and 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">35810/09</a>
<b>Judgment(s) final on</b>	28/01/2014
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted, as concerns individual measures, that the just satisfaction awarded by the European Court has been paid; recalled that the Court found no violation of the procedural obligations under Article 3 because, as soon as a complaint had been made to the state authorities, a criminal investigation was commenced which led to the criminal conviction of the teacher involved; considered therefore that no further individual measures were necessary;
2. as concerns the general measures, welcomed the significant developments in child protection mechanisms in the school system since the events in question in 1973, aimed at ensuring the detection and direct reporting of child sexual abuse to the police and state authorities, and the fact that those mechanisms will be kept under review;
3. encouraged the authorities to ensure that the recent legislation referred to in the Action Plan, in particular the Children First Act 2015, is brought into force and fully implemented without any delay; also noted with interest that the authorities have signed the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and invited them to consider ratifying it;
4. noted with satisfaction that the State Claims’ Agency is making settlement offers to those whose claims fall within the terms of the judgment; urged the authorities to ensure that it continues to take a holistic and flexible approach to all such claims and concludes its work without delay;
5. noted moreover the existence of a remedy under the European Convention on Human Rights Act 2003, should a child suffer sexual abuse in the school system today;
6. invited the authorities to keep the Committee informed of all relevant developments and decided, in view of the progress achieved, to continue their supervision of this case under the standard procedure.

\* \* \*

**Abenavoli (group)**

Excessive length of proceedings before the administrative courts.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">25587/94</a>
<b>Judgment(s) final on</b>	02/09/1997
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**[1273<sup>th</sup> meeting \(6-8 December 2016\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

- noted the significant measures adopted by the Italian authorities, which show their determination to continue their efforts to solve the problem of the excessive length of administrative proceedings;
- noted with satisfaction that the positive trend observed with respect to reducing the backlog of cases has been consolidated since 2011 and that encouraging results were obtained regarding the average length of certain proceedings before the Council of State;
- in the light of these positive developments, decided to end the monitoring of the execution of 75 cases in which the question of individual measures has been settled and adopted Final Resolution [CM/ResDH\(2016\)358](#);
- decided to continue the examination of the issues still pending in connection with the framework of the remaining cases and, in this context, encouraged the Italian authorities to continue closely monitoring the impact of the measures adopted, especially with regard to the average length of administrative proceedings at first instance;
- invited the authorities to provide the Committee with their analysis of the situation based on complete statistics as soon as possible, so as to enable it fully to assess the status of execution of this group of cases.

**Resolution [CM/ResDH\(2016\)358](#)****Execution of the judgments of the European Court of Human Rights  
75 cases against Italy**

(See Appendix for the list of cases)

*(Adopted by the Committee of Ministers on 8 December 2016 at the 1273<sup>rd</sup> meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of former Article 32 and those of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention"),

Having regard to its decisions adopted under former Article 32 of the Convention and to the final judgments transmitted by the Court to the Committee in these cases, as well as the violations established on account of the excessive length of administrative proceedings;

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 examined the information provided by the government (see document [DH-DD\(2016\)1204](#));

Having noted that the just satisfaction awarded by the Court has been paid by the government of the respondent State and that the proceedings at issue in these cases are now completed;

Having noted the general measures adopted by the Italian authorities which demonstrate their commitment to pursue their efforts to resolve the problem of excessive length of administrative proceedings;

Noting with satisfaction the positive results obtained and consolidated with regard to the reduction of the backlog of administrative proceedings, which has decreased by 42% since 2011;

*Abenavoli* (group)

Excessive length of proceedings before the administrative courts.

Noting also the first encouraging results concerning the average length of certain types of administrative proceedings, in particular before the Council of State;

Noting finally that the outstanding questions concerning the excessive length of administrative proceedings continue to be monitored within the framework of the *Abenavoli* group of cases;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in the cases listed below and

DECIDES to close the examination thereof.

\* \* \*

## Agrati and Others (group)

Retrospective application of legislation to on-going judicial proceedings to calculate the length of service of school staff.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">43549/08+</a>
<b>Judgment(s) final on</b>	28/11/2011
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

### 1273<sup>th</sup> meeting (6-8 December 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. *regarding the individual measures*, invited the authorities to clarify, first, the procedures available under national law to determine and remedy the consequences stemming from the retroactive application of Law No. 266/2005 for the applicants in the cases of *Agrati and Others*, *De Rosa and Others* and *Bordoni and Others*, for the period subsequent to 31 December 2011 and, secondly, the possibility to ensure that the benefit of the internal decision in favour of Ms Peduzzi and Mr Arrighi which was delivered before the application of the disputed legislation, is retained;
2. invited moreover the authorities to clarify whether the other applicants suffered pecuniary damage and, where appropriate, if it is possible to seek compensation in this respect at domestic level;
3. *with respect to the general measures*, noted that the practice of the national courts concerning the application of the disputed provisions of Law No. 266/2005 does not appear to be fully aligned with the requirements of Article 6 highlighted in these cases; invited the authorities to provide the Committee with their assessment in this respect as well as clarification as to how they envisage, if necessary, to solve this problem;
4. invited moreover the authorities to provide information on the measures adopted or envisaged to ensure that laws with retroactive effect are adopted in strict conformity with the requirements of the Convention, as underlined in the present cases;
5. lastly, invited the authorities to provide the Committee of Ministers with a revised action plan containing clarifications on the outstanding questions identified in this group of cases.

### 1348<sup>th</sup> meeting (4-6 June 2019)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that this group of cases concerns the retroactive application, in the absence of compelling public interest reasons, of Law No. 266/2005 to pending judicial proceedings relating to the transfer of the approximately 310 applicants from the local to the national civil service and the pecuniary rights deriving therefrom;

#### *As regards individual measures*

2. expressing their deep concern at the lack of any information in response to the outstanding questions previously identified by the Committee, urged the Italian authorities to indicate, by 30 September 2019 at the latest, the measures taken to ensure that the applicants in *Peduzzi and Arrighi* have retained the benefits flowing from the domestic court decisions delivered before the enactment of the legislation concerned;
3. also urged the authorities to provide, by 30 September 2019 at the latest, information on the procedures available under national law to determine and remedy the consequences stemming from the retroactive application of Law No. 266/2005 for the applicants in *Agrati and Others*, *De Rosa and Others* and *Bordoni and Others*, for the period after 31 December 2011, and to indicate whether the other applicants have suffered pecuniary damage as a result of the violations found and, if so, whether it is possible to seek compensation in this respect at domestic level;

*Agrati and Others (group)*

Retrospective application of legislation to on-going judicial proceedings to calculate the length of service of school staff.

*As regards general measures*

4. noted that the current application of the legislation concerned by domestic courts appears to ensure that no significant disadvantage as regards remuneration is suffered by staff who, like the applicants, are transferred to the national civil service within the Ministry of Education;
5. welcomed the measures taken to ensure that laws with retroactive effect are adopted in strict conformity with the requirements of the Convention as underlined in the present cases, notably the procedures established inside Parliament to secure appropriate and effective verification of the compatibility of draft laws with the Convention and the Court's case-law, and encouraged the Italian authorities to pursue this good practice;
6. decided, in view of the measures taken, to close their examination of the general measures in these cases.

\* \* \*

*Centro Europa 7 S.R.L. and Di Stefano*

Impossibility for the applicant company to operate in the television broadcasting sector between 1999 and 2009, due to deficiencies in the legislative framework adopted to re-allocate frequencies in this sector and to ensure effective media pluralism (violations of Article 10 and Article 1 of Protocol No. 1).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">38433/09</a>
<b>Judgment(s) final on</b>	07/06/2012
<b>First decision of the Committee of Ministers</b>	1201 <sup>th</sup> meeting (June 2014)

**1201<sup>th</sup> meeting (4-6 June 2014)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

## The Deputies

1. noted that this case concerns deficiencies in the legislative framework introduced in Italy to re-allocate frequencies in the television broadcasting sector, which prevented the applicant company from operating in this sector between 1999 and 2009;
2. noted with concern that the Italian authorities have so far provided no information to the Committee on the measures taken or envisaged for the execution of this judgment and urged them to provide this information in the form of an action plan or an action report by 1 September 2014 at the latest.

\* \* \*

*Cestaro*

Ill-treatment by police; inadequate criminal legislation to punish acts of torture and inhuman and degrading treatment.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">6884/11</a>
<b>Judgment(s) final on</b>	07/06/2012
<b>First decision of the Committee of Ministers</b>	1280 <sup>th</sup> meeting (March 2017)

**1280<sup>th</sup> meeting (7-10March 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. as regards the individual measures, noted with deep regret that, due to the statute of limitation, it is no longer possible to open a fresh investigation into the acts of torture suffered by the applicant during the police operation at the origin of the judgment; therefore accepted that no individual measure is any longer possible in the case;
2. with respect to the general measures, noted with concern that, despite the clear indications provided by the Court in the judgment, the Italian legal system is not yet equipped with criminal law provisions capable of leading to appropriate penalties being imposed on those responsible for acts of torture or other forms of ill treatment prohibited by Article 3 of the Convention;
3. noted in this respect that a Bill aimed at creating a crime of torture under domestic law is pending before Parliament; urged the Italian authorities to finalise without further delay this legislative process so as to ensure that the national legal system punishes all forms of treatment prohibited by Article 3 and so that the perpetrators of such acts can no longer benefit from measures incompatible with the case law of the Court;
4. invited moreover the authorities to provide information on the provisions regulating the disciplinary responsibility of law enforcement agents and also the arrangements for the subsequent identification of agents taking part in operations similar to that carried out in this case.

\* \* \*



*Ceteroni*

Excessive length of proceedings before civil courts (Article 6 § 1)

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">22461/93</a>
<b>Judgment(s) final on</b>	15/11/1996
<b>First decision of the Committee of Ministers</b>	1280 <sup>h</sup> meeting (March 2017)

**1243<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted with satisfaction the wide-ranging measures adopted and envisaged, which attest to the determination of the Italian authorities, at the highest level, to resolve the problem of excessive length of civil procedures; noted that these measures are a part of a coherent and promising strategy, placed under the coordination of the Ministry of Justice;
- invited the authorities to provide more detailed information on the impact of the measures adopted and the content of those envisaged, so as to acquire an image of the current global situation and of the general prospects of progress in this area;
- noted that 27 first instance courts have distinguished themselves in clearing the backlog and reducing the average length of proceedings and that encouraging results were obtained as regards the average length of divorce and legal separation proceedings, which should continue over time due to the legislative measures adopted and envisaged in this specific area;
- therefore, decided to close their supervision of the execution of 149 cases concerning civil proceedings under the jurisdiction of the abovementioned first instance courts and 28 cases concerning divorce and legal separation proceedings and adopted the final Resolutions [CM/ResDH\(2015\)246](#) and [CM/ResDH\(2015\)247](#);
- in view of the progress obtained by means of a differentiated treatment of the cases depending on their specific profile, encouraged the authorities to identify – in close co-operation with the Execution Department – other areas in which targeted measures have already yielded or could yield positive results in the future.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

- noted that the individual measures have been settled in all the cases in this group and therefore decided to close their supervision of the execution of 1723 cases and adopted Final Resolution [CM/ResDH\(2017\)423](#);

*As regards general measures*

- noted that encouraging results have been achieved with regard to the average length of civil proceedings before courts of first instance and specialised company courts; encouraged the authorities to continue closely monitoring the impact of the measures adopted in order to consolidate these results and further reduce the average length of contentious civil proceedings;
- noted with satisfaction that the positive trend in backlog clearance noted since 2011 has been consolidated in recent years; encouraged the authorities to continue their efforts to achieve the complete elimination of the multi-year backlog and, in this context, invited them to provide the Committee with updated information on the progress of the specific plan implemented;
- noted with concern a negative trend in terms of an increase in pending cases and the average length of civil proceedings before the Court of Cassation;
- invited the authorities to provide the Committee, as soon as possible, with their analysis of the situation, based on complete and up-to-date statistics, in particular as regards courts of appeal and the Court of Cassation, so that the Committee can fully assess the impact of the measures adopted and the status of execution of this group of cases;

6. decided that questions concerning general measures will continue to be followed in the cases *Trapani* (Application No. 45104/98) and *Muso (No. 1)* (Application No. 40969/98).

\* \* \*

*Costa and Pavan*

Inconsistency in the Italian legal system in the field of medically-assisted procreation.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">54270/10</a>
<b>Judgment(s) final on</b>	11/02/2013
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

[1265<sup>th</sup> meeting \(8-9 December 2015\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2016\)276](#), as it appears below.

**Final Resolution [CM/ResDH\(2016\)276](#)****Execution of the judgment of the European Court of Human Rights****Costa and Pavan against Italy**

*(Adopted by the Committee of Ministers on 21 September 2016  
at the 1265<sup>th</sup> meeting of the Ministers' Deputies)*

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 violation of Article 8 of the Convention established because of the impossibility for the applicants, healthy carriers of a serious genetic disease, to have access to medically assisted procreation with pre-implantation genetic diagnosis despite the fact that Italian law permits medical termination of pregnancy when a foetus has the same disease;

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 order to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2016\)768](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

## *Di Sarno and Others*

Region polluted by non-collected waste: prolonged inability of the Italian authorities to ensure waste collection, treatment and disposal in the region of Campania and absence of a remedy in this regard (Articles 8 and 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">30765/08</a>
<b>Judgment(s) final on</b>	10/04/2012
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

1. took note of the measures adopted by the Italian authorities, including those adopted very recently, to resolve the problems linked to the treatment and disposal of urban waste in the region of Campania as well as the establishment of mechanisms to monitor waste management; noted that the situation on the ground has improved given that there has been no episode of accumulation of refuse in the public streets for more than four years and noted that encouraging results have been obtained with regard to the sorting of waste;
2. invited the Italian authorities to keep the Committee informed of the impact of the measures adopted and to adopt rapidly the additional measures still envisaged in order to ensure that the situation criticised by the judgment of the Court will not happen again; invited them also to provide information on the monitoring mechanisms established, specifically on whether they are entitled to make recommendations and, in the affirmative, on the follow-up given to them;
3. invited also the authorities to provide information on the effective domestic remedies available to citizens to obtain redress for the damage suffered by poor management of waste collection and treatment;
4. considered that in view of the information provided no other individual measure is required in this case.

### 1348<sup>th</sup> meeting (4-6 June 2019)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

1. *with regard to the collection and treatment of waste*, noted with interest the efforts of the Italian authorities aimed at promoting systems of separate collection and the consolidation in recent years of the encouraging results previously achieved in terms of the sorting of waste;
2. *with regard to waste disposal*, noted with concern that, at least until 15 February 2018, only a minimal part of the so-called “historical waste” accumulated prior to 2009 had been removed and called on the authorities to implement without further delay the plan for the removal of this type of waste;
3. invited the authorities to provide also information on the current daily functioning of the waste disposal system, including its capacity in terms of the existing plants to dispose of the waste produced and the long-term strategies and solutions adopted and/or envisaged to ensure the effective and lasting functioning of this segment of the waste management cycle;
4. *with regard to the monitoring mechanisms*, invited the authorities to submit information on the practical functioning and the level of coordination of the different monitoring mechanisms established including, as previously requested, on whether these mechanisms are entitled to make recommendations, and, in the affirmative, on the follow-up given to them and on their legal force; invited them also to clarify the impact of the Memorandum of Understanding signed on 18 November 2018 on monitoring activities;
5. *with regard to lack of an effective remedy*, noting that currently there are no concrete indications that the domestic legal system provides an effective remedy enabling persons to obtain redress for the damage suffered by poor management of waste collection, treatment and disposal, called upon the authorities to rapidly address this shortcoming;
6. noted, in this context, the information provided on the scope of proceedings before the administrative courts and invited the authorities to submit relevant and specific examples of case-law to assess the effectiveness of such proceedings in these particular circumstances;

*Di Sarno and Others*

Region polluted by non-collected waste: prolonged inability of the Italian authorities to ensure waste collection, treatment and disposal in the region of Campania and absence of a remedy in this regard (Articles 8 and 13).

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7. called on the authorities to provide information on all outstanding questions identified above no later than 16 December 2019.

\* \* \*

*Hirsi Jamaa and Others*

Interception at sea and transfer to Libya of 11 Somalian and 13 Eritrean nationals.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">27765/09</a>
<b>Judgment(s) final on</b>	23/02/2012
<b>First decision of the Committee of Ministers</b>	1144 <sup>th</sup> meeting (June 2012)

**[1208<sup>th</sup> meeting \(23-25 September 2014\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

- noted with interest the efforts of the Italian authorities to obtain assurances that the applicants will not be subjected to treatment incompatible with Article 3 of the Convention in Libya or arbitrarily repatriated to Somalia or Eritrea and invited them to undertake that, if they find or receive information in the future which indicates that the applicants risk treatment contrary to Article 3 of the Convention or arbitrary repatriation, they will take all possible measures to secure their Convention rights;
- recalled the firm assurances given by the authorities, both domestically and to the Committee of Ministers, that the clarifications given in the present judgment as to the requirements of the Convention have been incorporated in Italian law and practice to prevent pushbacks such as those at issue in this case; and expressed in this context their interest in receiving more detailed information on the practical measures of implementation taken, including instructions, guidelines and training;
- invited the authorities to provide this information required by 1 December 2014, in order to allow the Committee to examine the possibility of closing the case.

\* \* \*

*Khlaifia and Others*

Absence of clear and accessible legal basis or remedy in respect of the detention in a reception centre of irregular migrants.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">16483/12</a>
<b>Judgment(s) final on</b>	15/12/2016
<b>First decision of the Committee of Ministers</b>	1310 <sup>th</sup> meeting (March 2018)

**1310<sup>th</sup> meeting (13-15 March 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. noted that the applicants are no longer suffering the effects of the violations found by the Court and considered, on the basis of the information provided on the payment of the just satisfaction, that no further individual measure is required in this case;

*As regards general measures*

2. noted that this judgment raises complex problems relating to the lack of a legal basis and judicial review in respect of the deprivation of liberty of migrants placed in reception centres, together with the absence of remedies enabling such persons to complain before a national authority about the conditions of their reception;
3. regretting that the information provided so far does not address these key issues, called on the authorities to provide by the end of June 2018 details on the legislative framework governing the operation of "first aid and assistance centres", the average length of stay of persons placed in such centres before and after their identification and the practice followed with regard to the freedom of movement of these persons after their identification;
4. also called on the authorities to indicate, within the same period, what measures have been adopted or envisaged to ensure that persons placed in such centres are not arbitrarily deprived of their liberty;
5. noted with interest the monitoring activity of the National Ombudsman over places of deprivation of liberty and the possibility for persons deprived of their liberty to submit complaints concerning the reception conditions; in this context, invited the authorities to clarify the powers of that authority to redress the individual situation of complainants and to provide, where appropriate, examples of measures adopted for this purpose.

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

1. recalling that this judgment concerns Convention violations due to the lack of a legal basis, non-provision of information and lack of judicial review in respect of the detention of migrants in initial reception centres, and the absence of an effective remedy concerning conditions of detention;

*As regards the lawfulness and judicial review of migrant detention in hotspots*

2. whilst noting that the Law Decree enacted in 2018 allows the detention of asylum seekers in hotspots for identification purposes and also provides for a judicial review of such detention, considered that more detailed information is necessary to fully assess the compatibility of this Law Decree with Article 5 of the Convention and the Court's case-law;
3. called therefore on the authorities to provide without delay comprehensive information on the current legislation governing detention of asylum seekers in hotspots, in particular on the grounds for detention and its possible extension, the decision-making process leading to it, and the information provided to the persons concerned about the grounds for their detention;
4. also called on the authorities to provide the Committee with details on the scope of judicial review of the decisions to detain asylum seekers in such centres and to prolong the detention, the time-frame set for this review, and the powers of the competent courts where they find the detention to be unlawful;

## *Khlaifia and Others*

Absence of clear and accessible legal basis or remedy in respect of the detention in a reception centre of irregular migrants.

5. invited the authorities to clarify whether migrants who have not applied for international protection may also be detained in hotspots and, if so, to provide information about the relevant legal basis and safeguards surrounding such detention;

*As regards the lack of an effective remedy to complain about the conditions of detention in hotspots*

6. noting that the domestic legal system has yet to provide an effective remedy enabling migrants to complain about the conditions of their detention in hotspots and, if need be, to obtain appropriate redress, called upon the authorities to rapidly address this shortcoming;
7. noted, in this context, the information provided on the possibility to initiate urgent proceedings under Article 700 of the Code of Civil Procedure concerning conditions of detention in hotspots, and invited the authorities to provide additional detailed information on this remedy, together with relevant case-law examples;
8. called on the authorities to provide information on all outstanding questions identified above no later than 31 May 2019 and instructed the Secretariat to prepare, in co-operation with the authorities, a detailed assessment of this information with a view to the future examination of this case by the Committee.

\* \* \*



**Ledonne No.1 (group)**

Excessive length of proceedings before the criminal courts

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">35742/97</a>
<b>Judgment(s) final on</b>	12/08/1999
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noting with interest the criminal law reform bill currently being examined by the Senate, invited the authorities to inform the Committee of the outcome of the legislative process and, where appropriate, of any other measure adopted, since June 2013, or in the process of being adopted, aimed at solving the problem of excessive length of criminal proceedings;
- further invited the authorities to provide, by April 2017, a thorough evaluation of the situation on the ground together with statistical data for the period 2011-2016 particularly as regards the average length of criminal proceedings, the ratio between incoming cases and cases solved and the number of cases pending at the end of each year by level of jurisdiction.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

- noting that the individual measures have been settled in all the cases in this group, decided to close their supervision of 162 repetitive cases and adopted Final Resolution [CM/ResDH\(2018\)353](#);

*As regards general measures*

- noted the overall promising trends over recent years in terms of the average length of criminal proceedings and clearance of the backlog of criminal cases pending before the courts of first instance, juvenile courts and the Court of Cassation;
- welcomed the recent criminal justice reform aimed at resolving the long-standing problem of excessive length of criminal proceedings and noted in particular the measures adopted to streamline proceedings before the courts of appeal, where the situation remains problematic;
- strongly encouraged the authorities to deploy all efforts to ensure that the reform yields the expected results; invited them to monitor it closely and provide the Committee, in good time, with precise and comprehensive data and a detailed assessment of the impact of the reform on the length of criminal proceedings and the clearance of the backlog of criminal cases, in particular those pending before the courts of appeal.

\* \* \*

**Luordo (group)**

Excessive length of bankruptcy proceedings.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">32190/96</a>
<b>Judgment(s) final on</b>	17/10/2003
<b>First decision of the Committee of Ministers</b>	<a href="#">1100<sup>th</sup> meeting</a> (December 2010)

**[1302<sup>nd</sup> meeting](#) (5-7 December 2017)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*As regards individual measures*

1. noted that the payment of just satisfaction and the individual measures have been resolved in 24 cases in this group and therefore decided to close their supervision of the execution of these cases and adopted Final Resolution [CM/ResDH\(2017\)424](#);

*As regards general measures*

2. noted with interest the law delegating to the government the legislative power to carry out a major reform of bankruptcy procedures, recently approved by the Parliament;
3. strongly encouraged the authorities rapidly to take the necessary steps to implement the measures recommended by this reform and invited them to keep the Committee informed of progress made in this regard;
4. decided that questions concerning general measures will continue to be followed in the case *Collarile and Others* (Application No. 10652/02).

\* \* \*

## M.C. and Others

Pilot judgment: Legislative intervention which retrospectively and in a discriminatory manner deprived the applicants of the annual adjustment of the supplementary component of a compensation allowance paid to them following their accidental contamination with different viruses as a result of blood transfusions or the administration of blood derivatives (violations of Article 6§1 and of Article 1 of Protocol No. 1 taken alone or in conjunction with Article 14).

The Italian authorities were bound to set, before 3 June 2014, in co-operation with the Committee of Ministers, a binding time-limit in which they undertake to guarantee the effective and rapid realisation of the entitlement to adjustment, by appropriate legislative and administrative measures.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">5376/11</a>
<b>Judgment(s) final on</b>	03/12/2013
<b>First decision of the Committee of Ministers</b>	1193 <sup>th</sup> meeting (March 2014)

### [1193<sup>th</sup> meeting \(4-6 March 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decision*

#### The Deputies

1. noted that this judgment highlights a systemic problem stemming from the impossibility for the persons benefiting from the compensation allowance provided by Law No. 210/1992 after having been accidentally contaminated following blood transfusions or by the administration of blood derivatives, to obtain an annual adjustment based on the inflation rate of the supplementary component of this allowance;
2. noted that the European Court invited the Italian authorities to set, in co-operation with the Committee of Ministers, before 3 June 2014, a binding time-limit in which the authorities undertake to guarantee to all the persons affected by the problem at the origin of this judgment the effective and rapid realisation of the entitlement to annual adjustment;
3. called upon the authorities to urgently submit an action plan on the general measures envisaged for the implementation of the judgment, together with the indication of the time-limit proposed for their adoption so that the Committee of Ministers is able to take a position on this time-limit before the expiry of the deadline set by the European Court;
4. decided to resume the examination of this question at their 1199<sup>th</sup> meeting (21 May 2014) with a view to setting this time-limit.

### [1199<sup>th</sup> meeting – ordinary meeting \(13 May 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decision*

#### The Deputies

1. noted that the general measures required to guarantee to all the beneficiaries the entitlement to the adjustment of the compensation allowance due to them, fall under the shared competence of the State and the regions;
2. welcomed the fact that the Italian authorities have already adopted an important part of the general measures required for the beneficiaries that are under the competence of the State, noted that they propose to adopt the remaining measures before 31 December 2014 and invited them to adopt these measures in accordance with the timetable set and to keep the Committee informed;
3. noted, however, that the authorities have not been able to indicate as yet a time-limit for the adoption of the general measures required at the regional level; and, underlining the upcoming deadline of 3 June 2014 set by the European Court's judgment, called upon the Italian authorities to indicate as a matter of urgency the general measures required at regional level, as well as the time-frame envisaged for their adoption;
4. decided therefore to resume the examination of the issues outstanding at the regional level, at the latest at their 1208<sup>th</sup> meeting (DH) (23-25 September 2014).

## M.C. and Others

Pilot judgment: Legislative intervention which retrospectively and in a discriminatory manner deprived the applicants of the annual adjustment of the supplementary component of a compensation allowance paid to them following their accidental contamination with different viruses as a result of blood transfusions or the administration of blood derivatives (violations of Article 6§1 and of Article 1 of Protocol No. 1 taken alone or in conjunction with Article 14).

The Italian authorities were bound to set, before 3 June 2014, in co-operation with the Committee of Ministers, a binding time-limit in which they undertake to guarantee the effective and rapid realisation of the entitlement to adjustment, by appropriate legislative and administrative measures.

### 1208<sup>th</sup> meeting (23-25 September 2014)

[List of decisions](#)

#### Notes of the meeting

#### Decision

#### The Deputies

- recalled that the European Court invited the Italian authorities to set, in co-operation with the Committee of Ministers, before 3 June 2014, a binding time-limit in which the authorities undertake to guarantee, to all the persons affected by the problem at the origin of this judgment, the effective and rapid realisation of the entitlement to annual adjustment of the supplementary component of the compensation allowance provided by Law No. 210 of 25 February 1992;
- noted that following the call made by the Committee of Ministers at its 1199<sup>th</sup> meeting (13 May 2014), the Italian authorities provided information on the steps they had taken to this end, but they have not been able to provide complete information on all the general measures required to settle the problem at the origin of the judgment and on the time-frame proposed for their adoption;
- underlining the need to settle the problem related to the adjustment of the *idennità integrativa speciale* (IIS) in a lasting and comprehensive manner, invited the Italian authorities to provide, in due time for their 1214<sup>th</sup> meeting (DH) (December 2014), a proposal for a time-frame:
  - for the adoption of an adequate legal framework to guarantee that the financing required for the annual adjustment of the IIS is automatically earmarked in the subsequent budget laws; and
  - for the adoption and the implementation of an action plan for liquidating the arrears corresponding to the adjustment of the IIS at regional level;
- decided to resume examination of these issues at their 1214<sup>th</sup> meeting (December 2014) (DH).

### 1214<sup>th</sup> meeting (2-4 December 2014)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

- noted that, in response to the judgment, the Italian authorities must pay to the beneficiaries of the compensation allowance provided by Law No. 210/1992 (or to their heirs) arrears corresponding to the adjustment of the supplementary component of this compensation allowance (*idennità integrativa speciale* (IIS)) from the date it was granted to them, and guarantee that the IIS is henceforth submitted to an annual adjustment;
- recalled that, following budget allocations provided to this end, the arrears due in respect of the adjustment of the IIS to the beneficiaries under the competence of the central authorities should be resolved by 31 December 2014 at the latest; invited the Italian authorities to confirm to the Committee of Ministers, as soon as this time-limit expires, that these payments have been finalised according to the indicated time-frame;
- noted that the draft budget law for 2015, under examination by the Parliament, aims to earmark the necessary funds to resolve the arrears due to the beneficiaries under the competence of the regions in three annual instalments between 2015 and 2017; invited the Italian authorities to provide the Committee, as soon as this law is adopted, with details of the provisions and the final time-frame it sets in this respect;
- noted, as regards the current adjustment of the IIS, the information according to which the central and regional authorities now submit the IIS to the annual adjustment, with the exception of two regions;
- having regard to the disparities in the implementation of the entitlement to the adjustment of the IIS, underlined that, in order to settle the problem at the origin of the judgment in a lasting and comprehensive manner, it is still necessary to put in place an adequate legal framework to guarantee that the financing required for the annual adjustment of the IIS is

## *M.C. and Others*

Pilot judgment: Legislative intervention which retrospectively and in a discriminatory manner deprived the applicants of the annual adjustment of the supplementary component of a compensation allowance paid to them following their accidental contamination with different viruses as a result of blood transfusions or the administration of blood derivatives (violations of Article 6§1 and of Article 1 of Protocol No. 1 taken alone or in conjunction with Article 14).

The Italian authorities were bound to set, before 3 June 2014, in co-operation with the Committee of Ministers, a binding time-limit in which they undertake to guarantee the effective and rapid realisation of the entitlement to adjustment, by appropriate legislative and administrative measures.

automatically earmarked in the subsequent budget laws; therefore called upon the Italian authorities to provide the Committee, by 1 April 2015 at the latest, with information on the concrete measures envisaged in this connection, together with a proposal for a time-frame for their adoption;

6. decided to resume consideration of the case, having regard to the above-noted time frame, at the latest at their 1242nd meeting (DH) (December 2015), with a view to examining the status of the adoption and implementation of the general measures that are still required for the full execution of the judgment.

**1243<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

### Notes of the meeting

#### *Decisions*

#### The Deputies

1. recalled that the present case concerns the impossibility for persons accidentally contaminated following blood transfusions or by the administration of blood derivatives to obtain an annual adjustment based on the inflation rate of the supplementary component of the compensation allowance they benefit from (the "IIS");
2. recalled that, in response to the judgment, the Italian authorities must pay to these persons (or to their heirs) arrears corresponding to the adjustment of IIS from the date the compensation allowance at issue was granted to them, and guarantee that the IIS is henceforth submitted to an annual adjustment;
3. welcomed that, following budget allocations made to this effect, the arrears to be paid by the central authorities were cleared according to the time-table announced to the Committee of Ministers (before the end of 2014); took note moreover of the assurances given by the Italian authorities that at the central level, the IIS is now submitted to an annual adjustment based on the inflation rate and paid without delay to the beneficiaries;
4. noted with satisfaction that, following allocations granted to the Regions by the Budget Law for 2015, the arrears to be paid by them should be cleared by the end of 2018; invited the authorities to provide the Committee, by 31 March 2016, with information on the status of the payments made in this respect at regional level and on the measures adopted to ensure that the Regions henceforth submit the IIS to an annual adjustment.

\* \* \*

## *Mostacciolo Giuseppe No. 1 (group) / Gaglione and Others*

Insufficient amount and delay in payment of the awards made in the context of “Pinto” remedy; excessive length of the “Pinto” proceedings (violations of Articles 6 § 1 and/or 1 of Protocol No. 1).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">64705/01 - 45867/07</a>
<b>Judgment(s) final on</b>	29/03/2006 -20/06/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1128<sup>th</sup> meeting</a> (November 2011)

[1236<sup>th</sup> meeting \(22-24 September 2015\)](#)

[List of decisions](#)

[Notes of the meeting](#)

### *Decisions*

The Deputies

*As regards the amount of the “Pinto” compensation*

1. noted with satisfaction that the Italian jurisdictions now consistently award, under the “Pinto” Law, compensation that is compliant with the case-law of the European Court; decided to close the supervision of the 34 cases relating exclusively to this issue and adopted the final Resolution CM/ResDH(2015)155;

*As regards the delay in the payment of the “Pinto” compensation*

2. noted with interest the measures adopted by the Italian authorities, which include allocating substantial extra funds to the Ministry of Justice for the payment of compensation under the “Pinto” Law in 2015-2017, and providing additional human resources; noted with satisfaction that these measures are such as to stop the influx of new repetitive applications before the European Court concerning delays in the payment of such compensation;
3. invited the authorities to keep the Committee informed of the impact of these measures on the payment of both the arrears stemming from the application of the “Pinto” Law and the newly allocated sums; also invited them to provide information on the situation with regard to the payment of compensation by the other ministries concerned;

*As regards the length of “Pinto” proceedings*

4. noted the additional information provided at the meeting on the impact of the simplified procedure introduced in 2012 to reduce the length of “Pinto” proceedings, which needs to be assessed thoroughly;

*As regards reform of the “Pinto” remedy*

5. noted with interest the measures introduced in 2013 in the functioning of the Ministry of Justice budget to overcome the budgetary limit imposed in the “Pinto” Law; invited the authorities to explain what the future of these measures is and how the problem of the statutory budgetary limit will be resolved in the long term; further invited them to provide information on the financing of the “Pinto” compensation to be paid by the other ministries concerned;
6. noted the information provided at the meeting on the establishment of a working group in January 2015, responsible for studying the issues raised by the 2012 reform of the “Pinto” Law which are still relevant (in particular delay in the payment of the compensation; excessive length of “Pinto” proceedings; access to the “Pinto” remedy made conditional upon the termination of the main proceedings and no possibility for compensation for proceedings that have lasted six years or less); called upon the authorities to inform the Committee of the measures already taken or envisaged in this context.

## *Mostacciolo Giuseppe No. 1 (group) / Gaglione and Others / Olivieri and Others*

Delay in payment of awards made in the context of the “Pinto” remedy for excessively long judicial proceedings; excessive length of the “Pinto” proceedings; issues raised by the 2012 reform of the “Pinto” Act; ineffectiveness of the “Pinto” remedy concerning the excessive length of administrative proceedings

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">64705/01 - 45867/07-17708/12</a>
<b>Judgment(s) final on</b>	29/03/2006 - 20/06/2011 – 04/07/2016
<b>First decision of the Committee of Ministers</b>	<a href="#">1128<sup>th</sup> meeting</a> (November 2011)

## *Mostacciuolo Giuseppe No. 1 (group) / Gaglione and Others*

Insufficient amount and delay in payment of the awards made in the context of “Pinto” remedy; excessive length of the “Pinto” proceedings (violations of Articles 6 § 1 and/or 1 of Protocol No. 1).

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

### Notes of the meeting

#### *Decisions*

#### The Deputies

#### *Concerning the delay in the payment of “Pinto” compensation and the length of “Pinto” proceedings*

1. in view of the important developments which have taken place as a result of the measures adopted, decided to close their examination of 119 cases concerning these questions and adopted Final Resolution [CM/ResDH\(2017\)289](#);

#### *Concerning the 2012 reform of the “Pinto” Act*

2. urged the authorities to provide information on the questions raised by the Committee in respect of the 2012 reform of the “Pinto” Act (in particular concerning access to the “Pinto” remedy and the exclusion of compensation for proceedings lasting six years or less);

#### *Concerning the ineffectiveness of the “Pinto” remedy regarding the excessive length of administrative proceedings*

3. considering the findings of the Court in the *Olivieri and Others* judgment that the “Pinto” remedy is ineffective in cases of excessive length of administrative proceedings, invited the authorities rapidly to provide information on the measure taken and/or envisaged to remedy this situation.

\* \* \*

*Oliari and Others*

Absence of a specific legal framework allowing the recognition and protection of same-sex couples.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">18766/11</a>
<b>Judgment(s) final on</b>	21/10/2015
<b>First decision of the Committee of Ministers</b>	1288 <sup>th</sup> meeting (June 2017)

[1288<sup>th</sup> meeting \(6-7 June 2017\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Final Resolution CM/ResDH(2017)182.

.....

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 violation of Article 8 of the Convention established due to the lack of legal recognition and protection for unions between same-sex partners in the Italian legal system;

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 order to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2017\)67](#));

Welcoming the adoption by Italy of a specific legal framework which guarantees the recognition and protection, in the form of a civil union, of committed and stable same-sex relationships, and the swift response thus given to the Court’s judgment;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*



*Sharifi and Others*

Collective expulsion of asylum seekers to Greece.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">16643/09</a>
<b>Judgment(s) final on</b>	21/01/2015
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

**1265<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. encouraged the Italian authorities to provide additional information on the steps taken to clarify the current situation of Mr Karimi, Mr Zaidi and Mr Azimi, who were not granted international protection in Italy;
2. took note with interest of the measures adopted by the Italian authorities to ensure that migrants arriving in the Adriatic ports have effective access to international protection procedures in Italy; noted in this respect that there is still some uncertainty as to the effectiveness of these measures and invited the authorities to provide the Committee with information on the current organisation and functioning of the reception system in these ports and on the financial and human resources allocated thereto;
3. took note also of the assurances provided by the Italian authorities according to which the readmission agreement concluded between Italy and Greece is now being applied within the limits foreseen in its article 6 and in keeping with the requirements of the Convention; noted, however, that the available information relates to 2012-2013 and invited the authorities to provide the Committee with clarifications on the current procedure being followed from the arrival of these persons, on how their effective access to the services provided by NGOs in the Adriatic ports is assured, and on the time-frames and arrangements for sending them back;
4. finally, whilst noting the significant reduction in the numbers returned to Greece reported by the authorities, considered that statistical clarifications are necessary in order to be able fully to evaluate the extent of the same; consequently invited the Italian authorities to provide this information and, in any event, to confirm that they have stopped transferring persons to Greece who seek international protection in Italy.

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that this case concerns the unregistered return by Italy to Greece of irregular migrants intercepted as stowaways on ferries arriving in the Italian port of Ancona in the Adriatic Sea and the resulting impossibility for the applicants to access the asylum procedure in Italy;

*As regards individual measures*

2. invited the Italian authorities to provide additional information on the steps taken to clarify the current situation of the three applicants who were not granted international protection in Italy;

*As regards general measures*

3. took note of the information provided on the measures taken to ensure the proper management of the massive migration flows with which Italy is confronted; noted however that this information does not show whether the shortcomings highlighted by the judgment concerning the treatment of migrants in the ports of the Adriatic Sea has been rectified;
4. called on the authorities therefore to provide, by the end of September 2017, the information previously requested, particularly on the current organisation and functioning of the migrant reception system in these ports and the procedure followed on the arrival of migrants and also to confirm that they have stopped transferring to Greece persons who seek international protection in Italy.

*Sharifi and Others*

Collective expulsion of asylum seekers to Greece.

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that this case concerns the unregistered return by Italy to Greece of irregular migrants intercepted as stowaways on ferries arriving in the Italian port of Ancona and the impossibility to have access to an individual assessment of their situation and of their need for international protection in conformity with the requirements of the Convention;

*As regards individual measures*

2. noted the information submitted by the authorities concerning the difficulties encountered in locating the three applicants who were not granted international protection in Italy and the assurances provided as to the safeguards they would grant them in case they manifest themselves again;
3. noting however in this context that no information indicating the concrete steps taken to locate these applicants and clarify their situation has been provided so far; called therefore on the authorities to provide information on this issue;

*As regards general measures*

4. stressed the crucial importance of ensuring that migrants intercepted in the ports of the Adriatic Sea are protected from expedited unregistered returns to Greece, in view of the persistent deficiencies in the reception system for migrants and the asylum procedure, and have unhindered access in Italy to an individualised examination of their international protection needs in conformity with the requirements of the Convention;
5. noted the information provided on the current organisation and functioning of the reception of migrants, and also on the reduction since the events at issue in this case in the number of irregular migrants arriving at the Adriatic ports as well as in the number returned to Greece, which has been consolidated in recent years;
6. noted however with concern that, notwithstanding the Committee's previous calls, the available information does not make it possible to ascertain the adequacy of the reception system established in the Adriatic ports to ensure that the individual situation of irregular migrants is thoroughly assessed; noted also the concerns expressed by the United Nations High Commissioner for Refugees in that respect;
7. noted with interest that, in response to the Committee's previous decisions, the Italian authorities recently confirmed that since the European Court's judgment no transfer to Greece of asylum-seekers and of unaccompanied minors has been carried out;
8. urged therefore the authorities to provide the information requested by the Committee in its previous decisions by 31 May 2019 at the latest; also invited them, by the same date, to provide their response to the issues raised by the UNHCR in its communication.

\* \* \*

*Sneersome and Kampanella*

Decisions given in 2008 and 2009 ordering the return of a minor child living with his mother in Latvia to his father in Italy, without due consideration of the child's best interest (violation of Article 8).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">14737/09</a>
Judgment(s) final on	12/10/2011
First decision of the Committee of Ministers	<a href="#">1164<sup>th</sup> meeting</a> (March 2013)

[1193<sup>th</sup> meeting](#) (4-6 March 2014)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

## The Deputies

1. noted with satisfaction that on 4 October 2013, the Rome Youth Court set aside the order for the return of the child to Italy and welcomed this response given by the Italian authorities to the urgent individual measure necessary in the present case;
2. noted with interest the information provided by the authorities in the action report presented on 12 December 2013 on the general measures and considered that these are capable of preventing violations similar to the one found in the present case;
3. decided therefore to close their supervision of this case and instructed the Secretariat to prepare a draft final resolution.

\* \* \*

*Talpis*

Failure to comply with the obligation to assess properly the risks to life in a case of domestic violence and to give an adequate response.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">41237/14</a>
<b>Judgment(s) final on</b>	18/09/2017
<b>First decision of the Committee of Ministers</b>	1318 <sup>th</sup> meeting (June 2018)

**[1318<sup>th</sup> meeting \(5-7 June 2018\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*As regards individual measures*

- invited the authorities to conclude promptly the criminal proceedings against the aggressor of the applicant and provide information on their outcome;

*As regards general measures*

- welcomed the wide range of measures taken by the Italian authorities following the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the "Istanbul Convention"), which shows their determination to fight against violence and discrimination on the grounds of sex; also noted that the application of these measures has yielded positive first results;
- strongly encouraged the authorities to continue their efforts aimed at providing a comprehensive response to all aspects of the complex problem of violence against women, including in the framework of the monitoring mechanism for the implementation of the Istanbul Convention, with a view to achieving further progress;
- in order to be able to fully assess the effectiveness of the implementation of the legislative framework put in place, invited the authorities to provide, in a timely manner, detailed information, preferably for the period 2013-2018, on:
  - the criteria used by the competent authorities to respond to requests for preventive and protective measures, the average time to respond and to implement these measures and the number of measures adopted;
  - the average length of investigations and criminal proceedings in relation to incidents of domestic violence and harassment;
  - the number of such cases discontinued and the number of convictions and acquittals handed down in relation to the complaints lodged.

\* \* \*

*Torreggiani and Others/ Sulejmanovic*

Inhuman and degrading treatment of the applicants due to imprisonment in inadequate conditions, particularly overcrowding.  
Pilot judgment setting a deadline of 27 May 2014 for the introduction of a remedy or combination of effective remedies.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">43517/09 - 22635/03</a>
<b>Judgment(s) final on</b>	27/05/2013 - 06/11/2009
<b>First decision of the Committee of Ministers</b>	<a href="#">1172<sup>th</sup> meeting</a> (June 2013) / <a href="#">1136<sup>th</sup> meeting</a> (March 2012)

[1193<sup>th</sup> meeting \(4-6 March 2014\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

## The Deputies

1. recalled that in response to the pilot judgment, the authorities must put in place, by 27 May 2014, a remedy or combination of remedies with preventive and compensatory effect affording adequate and sufficient redress in respect of Convention violations stemming from overcrowding in Italian prisons;
2. expressed concern that the remedy under consideration is only compensatory and only available in limited circumstances;
3. strongly urged the Italian authorities to take concrete steps to put in place a remedy or combination of remedies with preventive and compensatory effect affording adequate and sufficient redress in respect of Convention violations stemming from overcrowding in Italian prisons by the deadline set, and provide the Committee with information on all developments in this respect;
4. recalled that to be fully effective such a remedy needs to be underpinned by substantive measures to address overcrowding and in this respect noted with interest the measures taken in particular, a law decree adopted in July 2013 which includes possibilities to grant early release, maximise use of house arrest, reduce use of pre-trial detention and increases eligibility for release on licence;
5. noted however that further information is needed in order to understand the scale of overcrowding in Italian prisons and assess the effectiveness of the measures taken, in particular on how the total capacity of the prison establishments is calculated, monitoring carried out on detention conditions, up-to-date statistics on the reduction of the prison overcrowding and details on the impact of the different measures adopted so far, along with a timetable for the measures planned, and invited the authorities to provide a consolidated action plan with this outstanding information, so that it can be fully assessed;
6. in the light of the deadline in the pilot judgment, decided to resume examination of these cases at its 1201st meeting (DH) in June 2014.

## *Torreggiani and Others/ Sulejmanovic*

Inhuman and degrading treatment of the applicants due to imprisonment in inadequate conditions, particularly overcrowding.  
Pilot judgment setting a deadline of 27 May 2014 for the introduction of a remedy or combination of effective remedies.

### **1201<sup>th</sup> meeting (June 2014)**

[List of decisions](#)

#### Notes of the meeting

#### *Decision*

#### The Deputies

1. welcomed the authorities' commitment to resolve the problem of prison overcrowding in Italy and the significant results achieved in this area, through the various structural measures adopted in order to comply with the judgments in this group, including an important and continuing drop in the prison population, and an increase in living space to at least 3m<sup>2</sup> per detainee;
2. welcomed further the establishment of a preventive remedy within the deadline set by the *Torreggiani and others* pilot judgment and, in order that it can be fully assessed, invited the authorities to provide further information on its implementation, notably in the light of the monitoring that they will undertake in this context;
3. noted with interest the information provided on the steps taken to establish the compensatory remedy, also required by the pilot judgment, in a Law-Decree which will provide for the possibility of a reduction of sentence for prisoners still serving their penalties and pecuniary compensation for prisoners who have already been released;
4. noted further that the adoption of this Law-Decree is imminent, and invited the authorities to inform the Committee as soon as it is adopted;
5. decided to resume consideration of this group of cases at its DH meeting in June 2015 at the latest, to make a full assessment of the progress made in light of an updated action plan/report to be provided.

### **1214<sup>th</sup> meeting (2-4 December 2014)**

[List of decisions](#)

#### Notes of the meeting

#### *Decisions*

#### The Deputies

1. welcomed the steps taken by the authorities to rapidly put in place the remedies required, following the pilot judgment, and underlined the importance of monitoring their implementation;
2. noted with interest the latest statistics provided by the authorities, which continue to show the positive trend previously observed, and the conclusion of the European Court that, whilst the problem of prison overcrowding persists, it is now of less dramatic proportions;
3. recalled in this respect their invitation to the authorities to provide a consolidated action plan/report, and underlined that this consolidated document should include information on the functioning of the remedies in practice; statistics showing a consolidation of the positive trends achieved so far; along with information on all other measures aimed at improving conditions of detention;
4. invited the authorities to submit this consolidated action plan/report by 1 December 2015, and in light of the progress made in executing these judgments, transferred these cases to the standard procedure.

\* \* \*

## Abu Zubaydah

Various violations related to the applicant's transfer to and from Lithuania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation; as a result, the applicant is exposed to continued arbitrary detention and ill-treatment at the United States Naval Base in Guantanamo Bay.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">46454/11</a>
<b>Judgment(s) final on</b>	08/10/2018
<b>First decision of the Committee of Ministers</b>	1331 <sup>th</sup> meeting (December 2018)

### [1331<sup>th</sup> meeting \(4-6 December 2018\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

- noted that in the present judgment the European Court has established Lithuania's responsibility under the Convention for the applicant's undisclosed detention and inhuman treatment in Lithuania, on account of its knowledge and involvement in the execution of the CIA High-Value Detainee Programme in 2005-2006, as well as for the applicant's subsequent transfer from its territory, which exposed him to a foreseeable serious risk of continued secret, incommunicado and arbitrary detention and further inhuman treatment;

##### *As regards urgent individual measures*

- expressed deep concern that the applicant has been detained without charge since 2002, stripped of any safeguards against arbitrary detention, and continues to be exposed to such detention in Guantánamo Bay Naval Base in Cuba which may continue for the rest of his life; stressed that this situation is the result of an "extraordinary rendition" operation which enabled the CIA to bring the applicant illegally under United States jurisdiction;
- called upon the Lithuanian authorities to use all possible means to urgently obtain diplomatic assurances from the United States authorities that an end will be put to the applicant's continued arbitrary detention; called upon the Lithuanian authorities also to urgently seek guarantees that the applicant is not subject to further inhuman treatment as criticised by the European Court;

##### *As regards other individual measures*

- underlined that the Lithuanian authorities should take without delay the necessary steps to reactivate and advance the pending criminal investigation to elucidate further the circumstances and conditions under which the applicant was brought into Lithuania, treated there and subsequently removed from the State, so as to enable the identification and, where appropriate, punishment of those responsible;
- invited the Lithuanian authorities to rapidly inform the Committee of the steps taken to obtain the required diplomatic assurances from the United States authorities and to reactivate the pending domestic criminal investigation and decided to resume consideration of this case at their 1340<sup>th</sup> meeting (March 2019) (DH).

### [1340<sup>th</sup> meeting \(12-14 March 2019\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

##### The Deputies

- recalling that in the present judgment the European Court established Lithuania's responsibility under the Convention on account of its knowledge and involvement in the execution of the CIA High-Value Detainee Programme, which exposed the applicant to a foreseeable serious risk of continued secret, incommunicado and arbitrary detention and further inhuman treatment following the "extraordinary rendition" operation which enabled the CIA to bring the applicant illegally under United States jurisdiction;
- noted with satisfaction the prompt action of the authorities in requesting diplomatic assurances from the United States authorities with a view to removing, or at the very least seeking to limit as far as possible, the effects of the Convention violations suffered by the applicant;
- strongly encouraged the authorities to actively follow up their requests and to pursue all possible means to seek to put an end to the applicant's continued arbitrary detention and to seek guarantees that he will not be subject to further

## Abu Zubaydah

Various violations related to the applicant's transfer to and from Lithuania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation; as a result, the applicant is exposed to continued arbitrary detention and ill-treatment at the United States Naval Base in Guantanamo Bay.

- inhuman treatment as criticised by the European Court; invited them to keep the Committee fully informed of all developments and of the current situation of the applicant;
4. noted with satisfaction the steps taken to reactivate the pending criminal investigation, as well as the decision to broaden its scope so as to avoid the risk of the criminal offences becoming time-barred;
  5. invited the authorities to confirm that the investigation team has access to all relevant information, including classified information, that they may require; invited them also to inform the Committee of the next steps envisaged in light of the United States authorities' refusal of the requests for legal assistance and to deploy all possible means to advance the investigation effectively and to inform the Committee regularly of the progress made;
  6. decided to resume consideration of this case at their 1348<sup>th</sup> meeting (June 2019) (DH).

### 1348<sup>th</sup> meeting (4-6 June 2019)

[List of decisions](#)

#### Notes of the meeting

#### *Decisions*

##### The Deputies

1. welcomed the presence of the Minister of Justice, demonstrating the commitment and determination of his authorities to execute this judgment;
2. recalling that in the present judgment the European Court established Lithuania's responsibility under the Convention on account of its knowledge and involvement in the implementation of the CIA High-Value Detainee Programme, which exposed the applicant to a foreseeable serious risk of continued secret, incommunicado and arbitrary detention and further inhuman treatment following the "extraordinary rendition" operation which enabled the CIA to bring the applicant illegally under United States jurisdiction;

##### *As regards individual measures*

3. recalling further that the consequences for the applicant of the violations of the Convention found by the European Court have not been remedied as he remains in "indefinite detention" and at risk of further inhuman treatment;
4. expressed deep regret that, despite the actions taken by the Lithuanian authorities to seek diplomatic assurances regarding the applicant's current situation, the United States authorities have refused to confirm that the applicant will not be subject to treatment criticised by the European Court;
5. underlined that, in order to fulfil their obligations under Article 46 of the Convention, it is crucially important that the Lithuanian authorities continue actively their diplomatic efforts and pursue all possible means to seek to put an end to the applicant's continued arbitrary detention and to seek guarantees that he will not be subject to further inhuman treatment; welcomed therefore the expressed readiness of the Lithuanian authorities to repeat their request for diplomatic assurances; invited them to keep the Committee fully and regularly informed of all developments and of the current situation of the applicant;
6. as regards the criminal investigation, noted with interest that the investigation team has approved a plan of investigation and has access to all relevant information including classified information; recalled also the authorities' assurances that there is no risk that the offences under investigation can become time-barred; noted nevertheless with concern the lack of any tangible progress in the investigation despite the fact it has been pending for almost ten years;
7. noted with concern the United States authorities' refusal of the Lithuanian requests for legal assistance related to the criminal investigation and their statement that they are not in a position to respond to any further requests; noted also with regret that the Lithuanian authorities have not submitted any new information as to the actions envisaged in light of that refusal;
8. underlined the importance of completing this investigation into serious human rights violations to maintain public confidence in Lithuania's adherence to human rights and the rule of law and to prevent any appearance of impunity, collusion in or tolerance of unlawful acts; underlined also that the Lithuanian public has a legitimate interest in being informed about the investigation and invited the authorities to explain how they intend to inform the public about the investigation and its results;



*Abu Zubaydah*

Various violations related to the applicant's transfer to and from Lithuania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation; as a result, the applicant is exposed to continued arbitrary detention and ill-treatment at the United States Naval Base in Guantanamo Bay.

9. urged therefore the Lithuanian authorities to intensify their efforts to complete the investigation, including by pursuing alternative measures in order to overcome the effects of the United States authorities' refusal to provide legal assistance and to provide an outline of the remaining investigative steps foreseen and an estimated time frame for their completion;
10. invited also Council of Europe member States concerned to provide the Lithuanian authorities with any assistance requested to complete their investigation;
11. recalling that the United States has observer status with the Council of Europe and as such shares its ideals and values, considered that this status and such values encourage co-operation; strongly urged the United States authorities therefore to reconsider their position and to provide the necessary assurances and assistance or take other equivalent measures especially as the applicant's present situation is the result of an illegal "extraordinary rendition" operation organised by the CIA on Lithuanian territory;
12. invited the Secretary General to transmit this decision to the Permanent Observer of the United States to the Council of Europe;

*As regards general measures*

13. noted with interest the legislative and policy changes which have taken place since the facts at issue aimed at strengthening control over intelligence and security services;
14. considered that to avoid similar abuses and grave human rights violations in the future, it is imperative that real efforts are made to establish the truth about what happened and how; noted in this context the importance of ensuring also that any future international co-operation will be consistent with overarching human rights obligations under the European Convention;
15. urged the authorities to send an unequivocal message from the highest authorities to the intelligence and security services as to the absolute unacceptability of and zero tolerance towards arbitrary detention, torture and secret rendition operations; invited in this context the authorities to provide details about the measures taken or envisaged to acknowledge Lithuania's role and responsibility for the human rights violations at issue;
16. invited the authorities to provide information on all outstanding issues by 1 December 2019 and decided to resume consideration of this case at their March 2020 meeting (DH).

\* \* \*

## L.

State's failure to ensure respect for private life owing to the lack of implementing legislation to enable a transsexual person to undergo full gender reassignment surgery and change his official documents (violation of Article 8)

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">27527/03</a>
Judgment(s) final on	31/03/2008
First decision of the Committee of Ministers	1208 <sup>th</sup> meeting (September 2014)

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. recalled that the Court found a violation of Article 8 on account of a gap in the legislation governing gender reassignment and noted with concern that all efforts made to enact the necessary legislation have been unsuccessful to date;
2. consequently, urged the Lithuanian authorities to complete the legislative process, which began with the introduction of draft laws No. XIP-2018(2) and No. XIP-2017(2), and to enact the sub-statutory legislation, on the conditions and procedures relating to gender reassignment medical treatment, which steps are required to provide the necessary legal certainty;
3. decided to follow developments closely and, therefore, to transfer the case to the enhanced supervision procedure;
4. decided to resume consideration of this case at their DH meeting in March 2015.

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. *as regards individual measures*, noted that the applicant's individual situation has been resolved and, consequently, decided to close the examination of the individual measures in the present case;
2. *as regards general measures*, noted with interest the establishment of a working group led by a high-level government official in order to ensure the full execution of the present judgment; however, noted with concern that no information has been provided as to when the working group will conclude its work and when the required legislative reform will be brought before Parliament and adopted;
3. renewed their urgent call for concrete results without further delay and invited the Lithuanian authorities to provide updated information by 31 July 2015, at the latest.

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with interest that the working group set up to establish the legislative steps needed for the full execution of this judgment has concluded its work and that the government has adopted a legislative programme for 2016, which appears to indicate that the relevant draft laws are expected to be adopted at the Seimas' autumn session;
2. expressed their concern that the necessary legislative amendments for the full execution of this judgment have still not been adopted despite the fact that the judgment in this case became final more than eight years ago;
3. firmly urged therefore the Lithuanian authorities to complete the legislative process (including sub-statutory legislation) in line with the proposed programme and to take all necessary measures in this respect;

## L.

State's failure to ensure respect for private life owing to the lack of implementing legislation to enable a transsexual person to undergo full gender reassignment surgery and change his official documents (violation of Article 8)

- invited the Lithuanian authorities to provide updated information on the legislative process, by 2 January 2017 at the latest.

**1294<sup>th</sup> meeting (19-21 September 2017)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

- regretted that the legislative process has not been completed more than nine years since the judgment became final;
- noted with interest that the government has now set itself a deadline for the preparation of the draft legislation required to close the lacuna;
- welcomed the authorities' constructive engagement with civil society and close co-operation with the Council of Europe's Sexual Orientation and Gender Identity Unit in drafting the new laws and strongly encouraged them to continue their efforts to ensure that the draft legislation can be completed and presented to Parliament without delay;
- underlined in this connection that the legislation ultimately adopted must regulate the conditions and procedure for gender reassignment and enable persons in the same situation as the applicant to undergo full gender reassignment surgery;
- noted with satisfaction, in the meantime, the evolution of the interpretation of the notion of gender reassignment by the domestic courts so that official documents can be changed even in the absence of full gender reassignment surgery and invited the authorities to provide more information as to whether this has become established case law;
- invited the authorities to keep the Committee informed of all relevant developments in this regard and to submit an updated action plan by 1 March 2018.

**1324<sup>th</sup> meeting (18-20 September 2018)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

- noted with concern that, more than ten years since the judgment became final, the legislative process has still not been completed;
- noted with satisfaction the evolution and consolidation in the meantime of the interpretation of the notion of gender reassignment by the domestic courts so that official documents can be changed even in the absence of full gender reassignment surgery and transgender persons can claim compensation for both non-pecuniary and pecuniary damage for the financial costs of full gender reassignment surgery;
- considered nevertheless the adoption of a clear legal framework regulating the conditions and procedures for gender reassignment and legal recognition to be necessary in line with Convention principles as established in the Court's case law as well as the Committee of Ministers Recommendation [CM/Rec\(2010\)5](#) and the Parliamentary Assembly [Resolution 2048 \(2015\)](#) on discrimination against transgender people in Europe;
- noted therefore with interest the steps taken, in close co-operation with the Council of Europe's Sexual Orientation and Gender Identity Unit, to finalise the draft law on legal gender recognition, the necessary implementing legislation and a detailed medical protocol; strongly encouraged the authorities to continue their efforts to ensure that the draft legislation can be completed, presented to Parliament and adopted without any further delay;-
- invited the authorities to keep the Committee informed of all relevant developments in this regard and to submit an updated action plan by 11 January 2019.

\* \* \*

*Matiošaitis and Others*

Absence of system of review of life sentences.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">22662/13+</a>
<b>Judgment(s) final on</b>	23/08/2017
<b>First decision of the Committee of Ministers</b>	1348 <sup>th</sup> meeting (June 2019)

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies decided to close the supervision of this case in the light of the measures taken by Lithuanian authorities, as described in their action report of 9 April 2019, and adopted Final Resolution [CM/ResDH\(2019\)142](#).

\* \* \*

*Paksas*

Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	34932/04
<b>Judgment(s) final on</b>	06/01/2011
<b>First decision of the Committee of Ministers</b>	1208 <sup>th</sup> meeting (September 2014)

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)**Notes of the meeting***Decision*

## The Deputies

1. recalled that the Court found a violation of Article 3 of Protocol No. 1 on account of the "permanent and irreversible nature" of the applicant's disqualification from standing for elections to Parliament and noted the Lithuanian authorities' efforts to remedy the shortcomings by initiating a legislative reform including changes to the Constitution;
2. noted, however, that despite these efforts, the applicant continues to be banned from standing for parliamentary elections and that the legislative reform initiated is still in its initial phase;
3. therefore urged the Lithuanian authorities to achieve tangible progress, in particular as regards the constitutional changes required to put an end to the persisting violation of the applicant's right to free elections;
4. decided to follow the developments closely and therefore to transfer the case to the enhanced supervision procedure;
5. decided to resume consideration of this case at their DH meeting in March 2015.

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted with concern that, despite the efforts made so far, the situation found to be in breach of the Convention still persists and that the applicant, therefore, continues to be banned from standing for parliamentary elections since 2004;
2. noted with interest that the Parliament's "Ad hoc Investigation Commission" adopted its conclusions containing different proposals on how to proceed in order to implement the judgment of the European Court and urged the Lithuanian authorities to advance rapidly in their efforts to amend the Constitution, in particular in view of the general elections scheduled for October 2016;
3. renewed their urgent call for concrete results without further delay and invited the Lithuanian authorities to provide updated information by 31 July 2015, at the latest.

**1243<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. took note of the new legislative proposal (Draft Law No. XIIP-2841) which appears to provide for a viable solution to remedy the violation found in the European Court's judgment both on the individual and on the general level;
2. noted with interest that this draft law, providing for the necessary amendment of the Constitution, was adopted in first reading on 10 September 2015; noted further with interest that the calendar presented by the Lithuanian authorities in their updated action plan of 2 November 2015 regarding the next steps in the legislative procedure would allow the applicant to run for the upcoming parliamentary elections in October 2016;

## Paksas

Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).

3. stressed the importance of the second voting as regards the respondent State's compliance with its obligations under the Convention and strongly encouraged the Lithuanian authorities to complete the legislative process in accordance with the calendar presented;
4. invited the authorities to keep the Committee of Ministers regularly informed on the progress made in the legislative process.

### 1250<sup>th</sup> meeting (8-10 March 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. noted with deep regret that, on 15 December 2015, at the second reading, the Lithuanian Seimas rejected the draft law amending the Constitution (Draft Law No. XIIP-2841) which would have allowed the applicant to stand in the upcoming parliamentary elections in October 2016;
2. welcomed the presence of the Vice-Minister of Justice of Lithuania and noted with interest the efforts undertaken so far by the government and the explicit commitment expressed to the Convention system as well as the assurance that all necessary further joint efforts will be put in place to ensure the execution of the present judgment;
3. further urged the Lithuanian authorities to adopt the necessary constitutional amendments, in order to lift the permanent and irreversible nature of the applicant's disqualification from standing for elections to Parliament, in order to enable him to stand in the elections in October 2016 and thereby put an end without further delay to the violation found by the Court;
4. in view of the possibility that the issue could still be resolved during the Seimas' spring session, which will be concluded by the end of June 2016, invited the Lithuanian authorities to provide updated information by 15 July 2016 at the latest.

### 1273<sup>th</sup> meeting (6-8 December 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. reiterated that the situation found to be in breach of the Convention still persists and that the applicant continues, therefore, to be banned from standing for parliamentary elections since 2004;
2. expressed their deep concern that, despite the Committee's repeated calls, the constitutional amendments initiated have, once again, failed before Parliament and that in consequence the applicant was unable to stand in the parliamentary elections held in October 2016;
3. emphasised, in face of this situation, that the authorities are under an unconditional obligation to find without further delay the necessary ways and means to lift the permanent and irreversible nature of the applicant's disqualification from standing for elections to Parliament, and that, accordingly, all competent Lithuanian authorities have rapidly to take all necessary remedial actions within their competence to enable him to stand in future elections and thereby put an end to the violation found by the Court, as well as any additional action necessary in order effectively to prevent similar violations in the future;
4. took note with interest of the authorities' continuing commitment to undertake all necessary further joint efforts to ensure execution of the present judgment and renewed their urgent call on all competent authorities to intensify their actions to this effect so as to ensure execution without further delay;
5. invited the authorities to provide updated information on actions taken and progress made by 31 March 2017 at the latest;
6. decided to resume the examination of the case at their 1288<sup>th</sup> meeting (June 2017) (DH).

## Paksas

Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).

### 1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

1. regretted that the situation found to be in breach of the Convention still persists and that the applicant continues, therefore, to be banned from standing for parliamentary elections;
2. noted, however, with interest the new legislative initiative, which consists of including Draft Law No. XIIP-2850 in the working programme of the Seimas' spring 2017 session and invited the authorities to submit further information on, and the translation of, the constitutional amendments provided for in this draft law;
3. nevertheless reiterated that the authorities are under an unconditional obligation to find without further delay the necessary ways and means to lift the permanent and irreversible nature of the applicant's disqualification from standing for elections to Parliament;
4. accordingly, renewed their urgent call on all the authorities to intensify their efforts and take all necessary remedial actions within their competence to enable the applicant to stand in future elections and thereby put an end to the violation found by the Court, as well as any additional action necessary to prevent similar violations;
5. invited the authorities to provide, by 30 September 2017 at the latest, updated information on action taken and progress made, in particular as regards the developments during the Seimas' spring session;
6. decided to resume the examination of the case at their Human rights meeting in March 2018 at the latest.

### 1310<sup>th</sup> meeting (13-15 March 2018)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

1. noted with grave concern that, despite several initiatives to ensure the adoption of the necessary constitutional amendments to lift the permanent ban on participation in parliamentary elections criticised by the European Court, no tangible progress has been achieved, so that the situation found to be in breach of the Convention still persists;
2. recalled, in this respect, that the judgment became final in 2011 and that the applicant continues to be banned from standing for parliamentary elections since 2004;
3. noted in particular that the various efforts of the government since 2011 to move forward have been to no avail and that three successive amendment proposals have failed in the Seimas;
4. regretting in particular the stalemate which has existed in the Seimas since December 2015, strongly urged the authorities and political leaders of Lithuania to take the action required to achieve concrete progress at parliamentary level so that Lithuania can comply with its responsibilities under the European Convention;
5. welcoming in this respect the recent commitments made at the highest level, notably by a number of high state officials and political leaders, such as the Speaker and the Vice-Speaker of the Seimas as well as the Chair of the Seimas' Committee on Legal Affairs, exhorted all concerned to support them in this commitment and to redouble their efforts to ensure that the necessary constitutional amendments are rapidly adopted;
6. noting the information received from the authorities during the meeting, welcomed further that in line with the above-mentioned commitments, the Seimas took the first steps in the parliamentary procedure required to adopt the necessary constitutional amendments by voting on 13 March 2018, by an overwhelming majority, in favour of submitted Draft Law No. XIIP-2850 and by taking necessary steps for its further deliberation and the procedure for adoption;
7. invited the authorities to provide, by 2 July 2018, updated information on further progress made during the Seimas' spring session; decided to resume examination of the case at their 1331<sup>st</sup> meeting (December 2018) (DH) at the latest and, should the legislative process not have led to further tangible results by 26 October 2018, instructed the Secretariat to prepare a draft interim resolution for consideration at that meeting.

## Paksas

Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

### Notes of the meeting

#### *Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2018\)469](#).

.....

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");

Recalling that the Court found a violation of Article 3 of Protocol No. 1 on account of the "permanent and irreversible nature" of the applicant's disqualification from standing for elections to Parliament, that the Court's judgment became final in 2011 and that the applicant continues to be banned from standing for parliamentary elections since 2004;

Having regard to the fact that since 2011 four successive amendment proposals have failed in the Seimas despite the efforts of the government;

Expressing grave concern that, despite the Committee's repeated calls and despite several initiatives to ensure the adoption of the necessary constitutional amendments to lift the permanent ban on participation in parliamentary elections criticised by the European Court, no tangible progress has been achieved, so that almost eight years after the Court's judgment became final, the situation found to be in breach of the Convention still persists;

Recalling that the Lithuanian authorities indicated several viable options on how to proceed further to achieve the adoption of the necessary constitutional amendments, in particular by presenting to the Seimas the previously registered Draft Law No. XIIP-2850;

Recalling the unconditional obligation of Lithuania, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party;

CALLED UPON the authorities and political leaders of Lithuania to redouble their efforts to achieve concrete progress at parliamentary level so that Lithuania can comply with its obligations under the European Convention;

RECALLED in this respect the recent commitments made at the highest level, notably by a number of senior State officials and political leaders, and

EXHORTED all concerned to support them in this commitment and to redouble their efforts to ensure that the necessary constitutional amendments are adopted, at least on the first reading, during the Seimas' 2019 spring session, ending 30 June 2019;

INVITED the authorities to submit information on the outcome of their considerations as regards other options for preparing a draft law adopting the necessary constitutional amendments without further delay, and by 31 December 2018 at the latest, and to keep the Committee of Ministers informed on a monthly basis about all relevant developments;

DECIDED to resume examination of this item, depending on the further developments, at one of its next Human Rights meetings and at the latest at its 1354<sup>th</sup> meeting (September 2019) (DH).

\* \* \*



*Vasiliauskas*

Conviction for genocide by retroactive application of criminal law.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">35343/05</a>
<b>Judgment(s) final on</b>	20/10/2015
<b>First decision of the Committee of Ministers</b>	1302 <sup>nd</sup> meeting (December 2017)

[1302<sup>nd</sup> meeting \(5-7 December 2017\)](#)[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies decided to close this case in the light of the measures taken by the Lithuanian authorities as described in their action report of 5 October 2017 and adopted Final Resolution [CM/ResDH\(2017\)430](#).

.....

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 violation established;

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 order to give effect to the judgment, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2017)1132);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

## Association of citizens "Radko" and Paunkovski

Unjustified dissolution of the applicant association.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">74651/01</a>
<b>Judgment(s) final on</b>	15/04/2009
<b>First decision of the Committee of Ministers</b>	<a href="#">1115<sup>th</sup> meeting</a> (June 2011)

[1294<sup>th</sup> meeting \(19-21 September 2017\)](#)

[List of decisions](#)

[Notes of the meeting](#)

### Decision

The Deputies decided to close this case in the light of the measures taken by the authorities of the respondent State, as described in their action report of 20 April 2017 and adopted Final Resolution [CM/ResDH\(2017\)293](#).

.....

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 violation established;

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 to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2017\)459](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

*El-Masri*

Various violations related to the CIA secret rendition operations.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	39630/09
<b>Judgment(s) final on</b>	13/12/2012
<b>First decision of the Committee of Ministers</b>	1193 <sup>th</sup> meeting (March 2014)

**1193<sup>th</sup> meeting (4-6 March 2014)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. recalled that the European Court in the present case found that the applicant's secret "rendition" amounted to a number of violations of the Convention rights, including the applicant's treatment contrary to Article 3 and the lack of an effective investigation in this respect;
2. noted with concern that the authorities of the respondent State have so far provided no information to the Committee on the measures taken or envisaged for the execution of this judgment;
3. urged these authorities to provide without further delay relevant information, in the form of an action plan or an action report.

**1222<sup>th</sup> meeting (11-12 March 2015)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. recalling that the judgment in the present case became final in December 2012 and noting that the authorities of the respondent State provided an action plan on 25 February 2015, regretted the considerable delay in providing the action plan;
2. noted that the authorities of the respondent State provided no information concerning the reopening of the investigation into the facts of this case and therefore urged the authorities to carry out a fresh investigation with a view to bringing the responsible individuals to justice and to keep the Committee informed;
3. took note of the information on the general measures set out in the action plan and instructed the Secretariat to make an assessment of this information;
4. decided to resume consideration of this case at their 1230<sup>th</sup> meeting (June 2015) (DH) in light of the assessment and of the information to be provided by the authorities.

**1230<sup>th</sup> meeting (3-5 June 2015)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. noted with grave concern that the authorities of the respondent State have provided no information concerning the reopening of the investigation in this case;
2. stressing in this respect the importance of a fresh investigation and the necessity of making available all relevant documents to the investigation authorities, reiterated firmly its call to the authorities to take concrete and tangible steps with a view to bringing the responsible individuals to justice;

*El-Masri*

Various violations related to the CIA secret rendition operations.

3. noted with interest that the authorities of the respondent State have envisaged stepping up external supervision of the intelligence and security services through the establishment of a new supervisory body by 2016 and invited them to provide further information on the content of the relevant legislative amendments;
4. emphasised however that most of the measures set out in the action plan do not address the root causes of the issues identified in the Court's judgment, namely the blatant disregard of the legal framework governing the actions of State agents and are therefore not capable of preventing similar violations;
5. urged therefore the authorities to address these issues and to provide the Committee with information on the measures taken or envisaged in this respect.

**1243<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. noted with regret that due to the passage of time the criminal investigation into the facts of this case has become time-barred and that other measures are therefore called for to provide redress to the applicant;
2. noted with interest that to this end, the authorities envisage setting up an *ad hoc* commission capable of elucidating the relevant facts, establishing the responsibility of the individuals involved and recommending further measures to ensure that full redress is provided to the applicant;
3. invited the authorities to continue pursuing their efforts to ensure that the facts of the case are established and to provide information in this regard on how the members of the *ad hoc* commission will be appointed to ensure its independence, impartiality and its capacity to carry out an effective investigation into the facts of this case;
4. also invited the authorities to provide information on outstanding general measures as set out in the notes as soon as possible following the elections in 2016 and decided to resume consideration of this item at their DH meeting in September 2016 at the latest.

**1265<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the European Court in the present case found that the applicant's secret rendition gave rise to a number of violations of his Convention rights, including his treatment contrary to Article 3 and the lack of an effective investigation in this respect;
2. noted with profound regret that the authorities of the respondent State have so far provided no information on the outstanding issues in response to the Committee's decision of December 2015, while recalling that the judgment in the present case became final in December 2012;
3. bearing in mind that the authorities of the respondent State intend to set up an *ad hoc* commission to establish the relevant facts and responsibility of the individuals involved, firmly urged them to accelerate the setting-up of this *ad hoc* commission and provide an indicative timetable for this as well as information on how its members would be appointed to ensure its independence, impartiality and capacity to carry out an effective investigation into the facts of the present case;
4. as regards general measures, firmly urged the authorities to provide information on the outstanding questions identified by the Committee of Ministers at its 1243<sup>rd</sup> meeting (December 2015) (DH);
5. instructed the Secretariat to prepare a draft interim resolution for their DH meeting in March 2017, at the latest unless information is provided on tangible progress achieved for the execution of this judgment.

*El-Masri*

Various violations related to the CIA secret rendition operations.

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. noted that, in response to the Committee's decision adopted at its 1265<sup>th</sup> meeting (September 2016) (DH), the authorities of the respondent State formulated a Roadmap outlining the individual measures to be taken, including issuing an apology to the applicant and setting up an *ad hoc* committee to investigate the facts in this case;
2. invited the authorities to intensify their efforts with a view to taking, without further delay, the individual measures set out in the Roadmap and strictly to comply with the calendar set out therein;
3. noting that the Roadmap also set out a calendar for tackling the outstanding issues in respect of general measures, urged the authorities to sustain their efforts to address these issues;
4. invited the authorities to provide the Committee, before 1 October 2017 at the latest, with comprehensive information on the progress made;
5. given the authorities' reassurance that the measures envisaged in the Roadmap would be adopted during the course of 2017, decided next to examine this item at their 1302<sup>nd</sup> meeting (December 2017) (DH).

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the European Court in the present case found that the applicant's secret "rendition" gave rise to a number of violations of his Convention rights, including his torture and the lack of an effective investigation in this respect;
2. considering that the judgment in the present case became final in December 2012, expressed their grave concern that the authorities of the respondent State have not so far provided any information in response to the Committee's decision of March 2017;
3. strongly urged the authorities at the highest level of the State to issue a public apology to the applicant without further delay and to inform the Committee of the steps taken in this respect;
4. further, strongly urged the authorities to inform the Committee about the progress made in the implementation of general measures envisaged for the execution of this judgment;
5. invited the authorities to provide the above information before 30 March 2018 at the latest;
6. instructed the Secretariat to prepare a draft interim resolution for their 1318<sup>th</sup> meeting (June 2018) (DH), unless an appropriate public apology is issued to the applicant and information provided on the progress made in the implementation of general measures envisaged for the execution of this judgment.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the European Court in the present case found that the applicant's secret "rendition" gave rise to a number of violations of his Convention rights, including torture and the lack of an effective investigation in this respect;

*As regards individual measures*

*El-Masri*

Various violations related to the CIA secret rendition operations.

2. recalled that due to the passage of time the criminal investigation into the facts of this case has become time-barred and that other measures are therefore called for to provide redress to the applicant;
3. took note that on 26 March 2018 the Minister of Foreign Affairs issued a written apology to the applicant on behalf of his government expressing unreserved regret for the tremendous suffering and damage inflicted on him as a result of the improper conduct of the authorities;
4. urged however the authorities to provide information on the outcome of the proceedings for compensation in respect of non-pecuniary damage claimed by the applicant at domestic level;

*As regards general measures*

5. noted with satisfaction that taking into account the relevant recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), on 28 March 2018 the Minister of the Interior issued a binding instruction to law enforcement and intelligence agents conveying the message of zero tolerance of ill-treatment and torture; and encouraged the authorities to periodically remind them of this instruction;
6. noted further with interest that in early 2018 Parliament adopted several legislative amendments aimed at reinforcing external supervision of law enforcement and intelligence agents, which would include the Ombudsman;
7. noted however with concern that draft amendments to the Law on the Public Prosecution Office and the Law on the Courts have been pending before Parliament since December 2017 and, in this respect, urged the authorities to ensure that these amendments are promptly adopted with a view to establishing as a matter of priority a comprehensive external oversight mechanism over the intelligence and security services;
8. called upon the authorities, taking into account the CPT recommendations, to deliver regularly a clear message to prosecutors reminding them of their obligation to take appropriate action whenever they receive information indicative of torture and other forms of ill-treatment in law enforcement.

\* \* \*

*Hajrulu*

Failure to investigate allegations of ill-treatment and torture during *incommunicado* detention; violation of the right to a fair trial through the use of a confession statement made under duress.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">37537/07</a>
Judgment(s) final on	29/01/2016
First decision of the Committee of Ministers	1288 <sup>th</sup> meeting (June 2017)

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the European Court found that the applicant was tortured at the hands of the special police force and held *incommunicado* in an extraordinary place of detention, which was covertly organised and executed by the security forces outside any judicial framework; recalled further that the Court found that the use to convict the applicant of his confession statement made under torture rendered his trial as whole unfair;

*As regards individual measures*

2. noted with deep regret that, due to the statute of limitation, it is no longer possible to reopen the investigation into the acts of torture suffered by the applicant; therefore accepted that no individual measure is possible in this respect;
3. noting that it is still open to the applicant to request reopening of the criminal proceedings in which his right to a fair trial was breached, invited the authorities to inform the Committee of Ministers about the measures envisaged or taken to sanction those responsible for this breach;

*As regards general measures*

4. noted with interest that the authorities plan to step up external supervision of the special police force through establishing in 2017 a specialised unit within the Public Prosecution Service and a civil review body; in this regard, strongly invited them fully to draw on the projects run by the Council of Europe and the expertise put at their disposal to ensure the effectiveness of the new mechanism and to provide detailed information on the content of the legislative amendments that are currently being prepared, as well as further information on the steps taken to ensure the establishment of this mechanism;
5. strongly invited the authorities to ensure that a vigorous message of zero tolerance of torture of detained persons by the special police force is delivered in a formal statement at the highest political level and to inform the Committee about other measures aimed at preventing torture at the hands of the special police force pending the introduction of the external oversight mechanism;
6. urged the authorities to provide information on the concrete and effective steps envisaged or taken to ensure that the practice of detention in extraordinary places of detention by the state security forces is eliminated, together with impunity for individuals participating in such operations;
7. strongly invited the authorities to sustain their efforts, taking into account the relevant recommendations of the European Committee for the Prevention of Torture (CPT), to deliver regularly a clear message to prosecutors reminding them of their obligation to take appropriate action whenever they receive information indicative of torture as well as to develop and implement a mechanism for monitoring compliance with standards of effective investigation in these cases; strongly invited them further to reflect on abrogating the statute of limitation for the crime of torture;
8. noted with interest the Supreme Court's case law demonstrating that unlawfully obtained evidence is inadmissible in criminal proceedings and strongly invited the authorities to continue implementing the domestic legislation in line with Convention requirements;
9. invited the authorities to provide the above information before 1 November 2017 at the latest.

\* \* \*

*Ivanovski (group)*

Unfairness of lustration proceedings leading to the dismissal and five-year ban from public service of the President of the Constitutional Court.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">29908/11</a>
Judgment(s) final on	21/04/2016
First decision of the Committee of Ministers	1302 <sup>nd</sup> meeting (December 2017)

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that these cases concern violations of the applicants' rights to a fair trial and respect for their private lives on account of shortcomings in the lustration proceedings conducted against them;

*As regards individual measures*

2. having noted that, in the case of *Ivanovski*, the five-year employment ban expired in March 2016 and the applicant can exercise an academic or legal profession; having noted further that he did not avail himself of the possibility to request the reopening of the impugned proceedings or to claim compensation; considered that no other individual measure appears to be required;
3. in the case of *Karajanov*, invited the authorities to provide information as to the developments in the proceedings reopened at the applicant's request and in particular on how the shortcomings identified by the European Court have been rectified;

*As regards general measures*

4. welcomed the change of the case law of the Administrative Court which applies the procedural rights under Article 6 of the Convention and took note of the fact that the Law on Lustration was abrogated on 1 September 2015;
5. in view of the above, considered that no further general measures are required and therefore decided to close its examination of the *Ivanovski* case and to adopt Final Resolution [CM/ResDH\(2017\)428](#); decided further to transfer the *Karajanov* case from enhanced to standard supervision pending information on the outstanding issue.

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*Orthodox Ohrid Archdiocese (group)*  
*(Greek-Orthodox Ohrid Archdiocese Of The Peć Patriarchy)*

Violations of the right to freedom of assembly and association on account of the authorities' refusal to register the applicant association as religious entities.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	3532/07
<b>Judgment(s) final on</b>	30/11/2016
<b>First decision of the Committee of Ministers</b>	1318 <sup>th</sup> meeting (June 2018)

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that these cases concern violations of the right to freedom of association seen in the light of freedom of religion as a result of the unjustified refusal to register the applicant associations as religious entities, in particular on the ground that they were sponsored by a foreign church or State, although this requirement had no basis in law, or the mere fact that their doctrinal sources were identical to those of another already-registered religious organisation;
2. welcomed the fact that following the European Court's judgments of April and September 2018, the Skopje registration court accepted to reopen the impugned proceedings in both cases and that the renewed registration proceedings are progressing, even if encountering objective obstacles in the *Bektashi* case (intervening registration of another association with the same name and absence of up-to-date registration documentation submitted by the applicant association);
3. welcomed in this context in particular the fact that on 22 February 2019 the registration judge acknowledged the obligation to take into account the European Court's findings and relevant case-law and to ensure redress for the applicants in compliance with the Convention, and the ongoing efforts to assist the applicants to overcome the obstacles encountered;
4. encouraged the authorities to continue their fruitful cooperation with the Department for the Execution of Judgments to clarify the execution requirements in these cases;
5. noted further with interest the awareness-raising activities being conducted with the registration courts in the period January-July 2019, involving also the Constitutional Court; in this context, noted also with interest the authorities' intention to organise a round table in April 2019 on the execution requirements in these cases in cooperation with the Council of Europe and in particular the Department for the Execution of Judgments;
6. encouraged the authorities to continue with the implementation of the measures presented in their action plan and in particular to continue to take advantage of all the expertise available within the Council of Europe;
7. invited the authorities to continue to keep the Committee informed about measures taken in response to the Court's judgments in this group of cases and their practical impact.

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## Apap Bologna (group)

Various deficiencies in the Maltese rent control legislation and lack of effective remedy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">46931/12</a>
<b>Judgment(s) final on</b>	30/11/2016
<b>First decision of the Committee of Ministers</b>	1318 <sup>th</sup> meeting (June 2018)

### 1318<sup>th</sup> meeting (5-7 June 2018)

[List of decisions](#)

#### Notes of the meeting

#### *Decisions*

#### The Deputies

1. having regard to the similarities between the cases decided to join the supervision of the *Ghigo* and *Amato Gauci* groups with the *Apap Bologna* group and to transfer them to the enhanced procedure;

#### *As regards individual measures*

2. noted that the just satisfaction has been paid in all cases;
3. noted with satisfaction that no further individual measures are required in the case of *Fleri Soler and Camilleri* as the requisitioned property was returned to the owners in 2007, therefore decided to close the examination of this case and adopted in this respect Final Resolution [CM/ResDH\(2018\)225](#);
4. considered that the progress with the individual measures in the other cases is closely linked to progress in the adoption and successful implementation of the general measures;

#### *As regards general measures*

5. noted with satisfaction the efforts made by the authorities to make changes to the relevant legislative framework which have led to a significant reduction of the number of properties subject to requisition orders, the prohibition of any new imposed indefinite landlord-tenant relationships, and an increase in rents payable;
6. noted nevertheless with concern that, as underlined by the Court, the measures taken thus far have not been adequate to fully respond to the source of the violations and that the Court therefore continues to find violations in relation to the reformed framework;
7. welcomed therefore the authorities' intention to take additional measures to further reform the legislative framework governing this complex subject; underlined that, in light of the fact that the oldest cases have been pending before the Committee for well over a decade, and of the Court's recent call for general measures under Article 46, there is a clear need for the authorities to now act diligently;
8. urged the authorities therefore to strengthen and accelerate their efforts to find a solution and to secure a mechanism maintaining a fair balance between the interests of the landlords and tenants in accordance with Convention principles as established in the Court's case-law, which should include both the possibility of the return of their properties and a reasonable increase in rent;
9. urged the authorities to provide further detailed information as to what measures they propose to respond to the violations of Article 13 and ensure that any affected individuals, in similar positions to the applicants, can obtain sufficient redress at the domestic level;
10. invited the Maltese authorities to provide by 1 December 2018 detailed information on all of the general measures envisaged as well as a clear timetable for their implementation.

\* \* \*

## Suso Musa

Problems related to detention pending asylum and deportation proceedings.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">42337/12</a>
<b>Judgment(s) final on</b>	09/12/2013
<b>First decision of the Committee of Ministers</b>	1214 <sup>th</sup> meeting (December 2014)

### 1214<sup>th</sup> meeting (2-4 December 2014)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. took note with interest of the action plans submitted by the authorities which provide useful information on the measures proposed to increase the speed with which the Immigration Appeals Board will review applications for release; considered, however, that further clarification was required on the functioning and scope of review of this Board;
2. noted with concern the proposed amendment to the Immigration Act, which apparently re-states the provision, criticised by the European Court, which provides that release from custody cannot be granted by the Immigration Appeals Board if the identity of the individual cannot be verified; strongly urged the authorities to reconsider the proposed amendment and to keep the Committee informed of the outcome of this reflection without delay;
3. noted with interest the proposed legislative amendment to limit the detention of asylum seekers to nine months but considered that further clarifications were required as to whether or not decisions to detain asylum seekers are now taken after an individual assessment in each case, and as to the steps taken to improve detention conditions and to ensure that asylum proceedings are pursued with due diligence;
4. decided to transfer the *Louled Massoud* case from the standard to the enhanced procedure;
5. invited the Maltese authorities to provide by 1 April 2015 a consolidated updated action plan responding to the outstanding points identified above.

### 1265<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decision

The Deputies adopted Final Resolution CM/ResDH(2016)277 closing the supervision of the *Suso Musa* group of cases with the exception of *Abdi Mahamud* which will be proposed for closure as soon as the just satisfaction has been paid.

#### **Final Resolution [CM/ResDH\(2016\)277](#)**

#### **Execution of the judgments of the European Court of Human Rights**

#### **Five cases against Malta**

*(Adopted by the Committee of Ministers on 21 September 2016 at the 1265<sup>th</sup> meeting of the Ministers' Deputies)*

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;

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;

*Suso Musa*

Problems related to detention pending asylum and deportation proceedings.

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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 order to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2016\)778](#));

Noting, as concerns individual measures, that all the applicants were released from detention whilst their applications were pending before the European Court and that the just satisfaction awarded by the Court has been paid;

Welcoming, as concerns the general measures, the comprehensive legislative and policy changes undertaken in this domain, putting an end to the automatic detention of asylum seekers and improving review proceedings and detention conditions;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

*Lindheim and Others*

Violation of lessors' property rights due to a statutory provision allowing lessees to claim the indefinite extension of certain long lease contracts on unchanged conditions with the result that the rent due bore no relation to the actual value of the land (Article 1 of Protocol No. 1)

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">13221/08+</a>
<b>Judgment(s) final on</b>	22/10/2012
<b>First decision of the Committee of Ministers</b>	<a href="#">1186<sup>th</sup> meeting</a> (December 2013)

[1236<sup>th</sup> meeting \(22-24 September 2015\)](#)

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. noted that the Court's judgment revealed a major structural and complex problem in the legal regulation of long land leases and that the Court indicated under Article 46 "that the respondent State should take appropriate legislative and/or other general measures to secure in its domestic legal order a mechanism which will ensure a fair balance between the interests of lessors on the one hand, and the general interests of the community on the other hand, in accordance with the principles of protection of property rights under the Convention";
2. noted with satisfaction the information provided and the measures taken in response to the Court's judgment with a view to remedying the shortcomings in the domestic legislation, including the provisional measures rapidly taken pending the adoption of the new legislative framework, and in particular the amendments to the Ground Lease Act 1996, which entered into force on 1 July 2015;
3. invited the Norwegian authorities to provide information in the form of an updated action report, by 31 October 2015, as regards the outstanding questions, in particular on how the newly established system is intended to function in the longer term, i.e. in particular after the first 30 years following indefinite extension of lease contracts, and on how to prevent the rent and market values from falling out of balance again without any subsequent possibility of re-adjustment;
4. decided, in view of the progress achieved, to continue the examination of this case under the standard procedure.

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*Jaloud*

Ineffective investigation into the applicant's son's death in Iraq (Article 2).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">47708/08</a>
Judgment(s) final on	20/11/2014
First decision of the Committee of Ministers	1250 <sup>th</sup> meeting (March 2016)

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted that in the *Jaloud v. the Netherlands* judgment the Court found a procedural violation of Article 2 on account of the ineffectiveness of the investigation into the death of an Iraqi civilian who died of gunshot wounds in Iraq in April 2004;
2. *as regards individual measures*, stressed that the procedural obligation under Article 2 to conduct an effective investigation into an alleged breach of life involving state agents entails, in particular, that the national authorities must take all the reasonable steps available to them in order to secure the evidence concerning the incident and to establish what happened, in particular as regards the cause of the death or the persons responsible;
3. noted, therefore, with regret that the shortcomings identified by the Court during the initial stage of the investigation, namely the failure to prevent any possible collusion before the officer's questioning, the shortcomings related to the autopsy and the loss of bullet fragments, are of an irremediable nature but that it is open to the applicant to put the evidence that was withheld during the initial investigation before the judicial authorities in judicial review proceedings;
4. *as regards general measures*, welcomed the measures adopted by the Dutch authorities in order to improve the effectiveness of criminal investigations with respect to operations conducted by Dutch military personnel deployed abroad;
5. encouraged the Dutch authorities to ensure that the instructions to be adopted by the Public Prosecution Service, including the investigative manual, incorporate the Convention standards as regards the investigation of serious human rights violations, including those conducted in difficult security conditions.

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**Al-Nashiri (group)**

Violations related to secret rendition operations by the CIA (individual and general measures)

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">28761/11</a>
<b>Judgment(s) final on</b>	16/02/2015
<b>First decision of the Committee of Ministers</b>	1222 <sup>th</sup> meeting (March 2015)

**[1222<sup>th</sup> meeting \(11-12 March 2015\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- expressed deep concern, in light of the indications from the European Court, that the trial of Mr Al Nashiri before a Military Commission in which he faces capital charges was set to begin on 2 September 2014 and that the risk he will face the death penalty therefore continues; called upon the Polish authorities to seek urgently assurances from the United States authorities that Mr Al Nashiri will not be subjected to the death penalty;
- also expressed deep concern that both applicants risk a flagrant denial of justice since Mr Al Nashiri faces trial by Military Commission which could use evidence obtained under torture and since Mr Husayn has been detained without charge since 2002 and if charged, may face trial in similar proceedings; called upon the Polish authorities to urgently seek assurances that the applicants are not exposed to such flagrant denials of justice;
- invited the Polish authorities to keep the Committee fully and regularly informed of all developments, both in relation to their contacts with the United States authorities and the current situation of the applicants, and decided to resume consideration of these cases at their 1230<sup>th</sup> meeting (June 2015) (DH).

**[1230<sup>th</sup> meeting \(3-5 June 2015\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted with satisfaction the prompt action of the Polish authorities with a view to requesting from United States authorities diplomatic assurances that Mr Al Nashiri would not be subjected to the death penalty, and that neither applicant would be exposed to a flagrant denial of justice;
- strongly encouraged the Polish authorities to follow up their requests and again invited them to keep the Committee fully informed of all developments, in particular concerning the response of the United States authorities to the requests and the current situation of the applicants;
- decided to resume consideration of the urgent individual measures at their 1236<sup>th</sup> meeting (September 2015) (DH).

**[1236<sup>th</sup> meeting \(22-24 September 2015\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- recalling the applicants' undisclosed detention in Poland in the context of secret rendition operations in 2002-2003 and their subsequent transfer from the country, which exposed them to real risks of a flagrant denial of justice in trials before United States' military commissions and, in the case of Mr Al Nashiri, the risk of being subjected to the death penalty;
- as regards the issue of urgent individual measures, recalled the steps rapidly taken by the Polish authorities in the form of diplomatic notes in March and May 2015 urgently seeking assurances from the United States authorities to eliminate these risks (see Action plan of 13 August 2015);

*Al-Nashiri (group)*

Violations related to secret rendition operations by the CIA (individual and general measures)

3. expressed serious concern about the lack of response to these requests and urged the Polish authorities to continue their efforts to obtain the necessary assurances, taking all possible steps in this respect and keeping the Committee informed of all developments;
4. invited the Secretary General to transmit the present decision to the Permanent Observer of the United States to the Council of Europe;
5. decided to resume the examination of all the issues raised by the present cases at its 1243rd meeting (December 2015) (DH).

**1243<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. as regards the issue of urgent individual measures, recalled the steps rapidly taken by the Polish authorities urgently seeking diplomatic assurances from the United States authorities (see action plan of 17 November 2015);
2. expressed profound concern about the lack of response to those requests and urged the authorities of the United States to respond without further delay;
3. as regards the investigation under the individual measures, called upon the Polish authorities to inform the Committee of the next steps envisaged in light of the United States authorities' refusal of the outstanding requests for legal assistance;
4. recalled moreover that the Polish public has a legitimate interest in being informed about the investigation, and invited the authorities to explain how they intend to inform the public about the investigation and its results, and also ensure that the applicants' representatives have appropriate access to the case files;
5. as regards the general measures, considered that most of the measures set out in the action plan do not address the root causes of the issues identified in the Court's judgments, namely the blatant disregard of the legal framework governing the actions of State agents, and urged the authorities to address these issues;
6. decided to resume consideration of the individual measures in these cases at their 1250th meeting (March 2016) (DH) and invited the authorities to provide updated information concerning the general measures in good time for their 1259th meeting (June 2016) (DH).

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. expressed deep concern about the United States authorities' decision not to support the request for diplomatic assurances against the imposition of the death penalty and flagrant denials of justice in the applicants' cases, despite the active steps taken by the Polish authorities;
2. recalled the Committee of Ministers' recent declaration on the death penalty in the United States of America, underlining that capital punishment contravenes the principles set out in the Universal Declaration of Human Rights and in the European Convention on Human Rights;
3. recalled that the United States has observer status with the Council of Europe and as such shares its ideals and values; considered that this status and such ideals and values encourage co-operation and urged the United States authorities to reconsider their response to the Polish authorities in the context of any future request for assurances;
4. welcomed, in this connection, the readiness of the Polish authorities to repeat their request for assurances and urged them to raise the issue at high political levels, calling also on the Secretary General and representatives of the member States of the Council of Europe to raise the issue of diplomatic assurances in their contacts with the United States



*Al-Nashiri (group)*

Violations related to secret rendition operations by the CIA (individual and general measures)

authorities; and invited the Secretary General to transmit the present decision to the Permanent Observer of the United States to the Council of Europe;

5. noted that steps appear to have been taken in the domestic investigation but that it has been pending for more than seven years still, seemingly, against persons unknown and no information is provided on any concrete developments; urged the authorities to ensure that it is completed without further delay;
6. invited the authorities to provide information on the individual measures in good time for its 1259th meeting (June 2016) (DH).

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*Individual measures*

1. recalled that, at the Committee's last examination of the cases, following the United States' deeply concerning decision not to support the requests for diplomatic assurances, the Committee welcomed the Polish authorities' readiness to renew their request and urged them to raise the issue at high political levels;
2. noted with satisfaction the information from the Polish authorities that a new request for diplomatic assurances is being prepared by the Chancellery of the President of Poland to be sent to its United States counterpart and urged them to submit this request without delay;
3. recalled that the United States has observer status with the Council of Europe and as such shares its ideals and values; considered that these ideals and values encourage co-operation and urged the United States authorities to reconsider their response to the Polish authorities in the context of any future request for assurances;
4. as regards the domestic investigation, remained concerned that concrete results have still not been achieved; therefore urged the Polish authorities to ensure that it is completed without further delay;

*General measures*

5. concerning the violation of Article 38 of the Convention, noted with satisfaction that the Polish authorities have started reflecting on the possibility of putting in place a procedure for unhindered communication and exchange of documents with the European Court, and encouraged them to complete their reflections as soon as possible;
6. in the absence of information convincingly addressing the root causes of the other violations, called on the authorities to reflect not only on the oversight of the daily operational work of the intelligence services, but also to scrutinise high-level decision making in this area;
7. decided to resume consideration of the urgent individual measures in these cases at their 1265th meeting (September 2016) (DH) and invited the authorities to provide updated information concerning the individual and general measures in good time for their 1273rd meeting (December 2016) (DH)

**1265<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

1. noted with satisfaction that a new request for assurances that Mr Al Nashiri would not be subjected to the death penalty and that neither applicant would be exposed to a flagrant denial of justice was sent from the Secretary of State of the Chancellery of the President of the Republic of Poland to the Deputy Secretary of State of the United States of America;
2. considering that this is a fourth request for diplomatic assurances and the second one at a high political level, reiterated that further action by the Polish authorities is crucial to follow it up, aimed at convincing the United States authorities to provide the requested assurances, including raising the issue at the highest political levels;

*Al-Nashiri (group)*

Violations related to secret rendition operations by the CIA (individual and general measures)

3. repeated its strong support for such a request, calling on the Secretary General and representatives of the member States of the Council of Europe to continue to raise the issue of diplomatic assurances for both applicants in their contacts with the United States authorities;
4. recalling that the European Court found that Mr Abu Zubaydah's indefinite detention without trial amounted to a flagrant denial of justice, noted with interest the information that his request for release is being reviewed by the United States authorities for the first time since 2007, with the potential to provide redress in this respect;
5. strongly encouraged the Polish authorities proactively to follow up on the current situation of the applicants and invited them to keep the Committee fully informed of any developments, both concerning the proceedings in the United States and the request for diplomatic assurances;
6. decided to resume consideration of individual and general measures in these cases at their 1273<sup>rd</sup> meeting (December 2016) (DH).

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*Individual measures*

1. recalled that, under the jurisdiction of the United States, Mr Al Nashiri continues to face a real risk of being subjected to the death penalty and both applicants are subjected to a flagrant denial of justice and that this situation results from an "extraordinary rendition" operation organised by a United States body;
2. expressed serious concern at the absence of reply from the United States authorities to the latest Polish request for diplomatic assurances, submitted in July 2016, to prevent the application of the death penalty to Mr Al Nashiri and to put an end to the flagrant denial of justice to which both applicants remain exposed;
3. recalled that the United States has observer status with the Council of Europe and as such shares its ideals and values and once again invited the authorities of the United States to heed the Polish request for diplomatic assurances;
4. recalling the crucial importance for the Polish authorities to follow up actively their request for diplomatic assurances at the highest political levels, urged them regularly to inform the Committee of the concrete steps taken to this effect;
5. also called on the Secretary General and the representatives of the member States of the Council of Europe to continue raising the issue of assurances in their contacts with the United States authorities and invited the Secretary General to transmit this decision to the Permanent Observer of the United States;
6. as regards the domestic investigation into the events, expressed regret at the response given by the United States authorities to the latest Polish request for mutual legal assistance and, in particular, at their declared unwillingness to process any further similar request and invited the Polish authorities to reflect upon means to counter the consequences of this situation;
7. noted with concern the continuing absence of tangible results in the domestic investigation in Poland; and called upon the Polish authorities to increase their efforts, without further delay, in order to make progress; despite the challenges posed by the existing domestic legal framework, invited nevertheless the Polish authorities to bear in mind the exceptional nature of the violations at issue;

*General measures*

8. invited the Polish authorities to complete rapidly their reflection on the measures required to strengthen supervision over the intelligence services, including over the high-level decision-making process;
9. invited the Polish authorities to do the same as regards the necessity of putting in place a procedure for unhindered communication and exchange of documents with the European Court;
10. decided to resume consideration of the urgent individual measures in these cases at their 1280<sup>th</sup> meeting (March 2017) (DH) and invited the authorities to provide updated information concerning the other individual and general measures in good time for their 1288<sup>th</sup> meeting (June 2017) (DH).

*Al-Nashiri (group)*

Violations related to secret rendition operations by the CIA (individual and general measures)

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. expressed their very deep concern that the consequences of the violations of the Convention found by the European Court in these cases have not been remedied as the applicants continue to be subject to the treatment criticised by the European Court: since 2008 Mr Al Nashiri has continuously faced the death penalty and both applicants have, for many years, been subjected to a flagrant denial of justice;
2. stressed, once again, that the applicants' present situation is the result of an "extraordinary rendition" operation organised by a United States' body on Polish soil where, as it follows from the European Court's judgment, on account of their "acquiescence and connivance in the High-Value Detainees Programme", the Polish authorities enabled the CIA to bring the applicants illegally under United States jurisdiction;
3. in this context, also expressed their deep concern that, despite the Committee of Ministers' and the Secretary General's repeated calls on the United States of America, the American authorities do not support the Polish authorities' requests for diplomatic assurances that the applicants will not be exposed to treatment criticised by the European Court; bearing in mind United States' observer status with the Council of Europe, urged the American authorities once again to reconsider their position and to support the Polish requests for diplomatic assurances in respect of the applicants;
4. firmly insisted on the urgency for the Polish authorities to continue actively to use all possible means at the highest levels to seek to remove the risks faced by the applicants in order to fulfil their obligations under Article 46 of the Convention and invited them to keep the Committee regularly informed of the steps taken;
5. should there be no indication of measures taken by the Polish authorities at the highest levels in addition to the letters sent to the United States' authorities, instructed the Secretariat to prepare a draft interim resolution to be circulated with the revised draft Order of Business for their 1288<sup>th</sup> meeting (June 2017) (DH);
6. decided to resume consideration of the individual and general measures in these cases at their 1288<sup>th</sup> meeting (June 2017) (DH).

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*Urgent individual measures*

1. recalling their March 2017 decision in which they expressed their very deep concern that the consequences of the violations of the Convention found by the European Court in these cases have not been remedied as the applicants continue to be subject to the treatment criticised by the European Court; noted in this respect the information on the recent meeting between the Ambassador of the Republic of Poland in the United States and representatives of the United States' Department of State concerning the issue of diplomatic assurances for both applicants, and noted further that another meeting is planned in this respect at the highest possible level;
2. underlining that the Polish authorities must employ all possible means to seek to remove as soon as possible the risk of the death penalty being imposed on Mr Al Nashiri and the risk of both applicants being subjected to a flagrant denial of justice, urged them to continue their efforts at the highest possible level;
3. considering notably the United States' Observer Status with the Council of Europe, remained deeply concerned about the United States' authorities' persistent position not to support the Polish requests for diplomatic assurances that Mr Al Nashiri would not be subjected to death penalty and that neither applicant would be exposed to a flagrant denial of justice;
4. in this respect, recalled that the applicants' present situation is the result of an "extraordinary rendition" operation organised by a United States body on Polish territory where, as it follows from the European Court's judgment, on account

*Al-Nashiri (group)*

Violations related to secret rendition operations by the CIA (individual and general measures)

of their “acquiescence and connivance in the High-Value Detainees Programme”, the Polish authorities enabled the Central Intelligence Agency (CIA) to bring the applicants illegally under United States jurisdiction;

*Individual measures*

5. recalled their previous decisions on the issue of the effective investigation in Poland;
6. recalling that the investigation in Poland has been pending for more than nine years without any tangible progress, urged the Polish authorities to deploy all possible means to complete it and regularly to inform the Committee of the progress made, including the provision of a road-map for the steps to be taken and information on the extended investigation in good time for the December meeting; in this context, called on the member States concerned to provide the Polish authorities with all the necessary assistance to complete the investigation;

*General measures*

7. urged the Polish authorities to complete the reflection on the measures required to strengthen the supervision of the special services and to provide the Committee with the concrete results of this process in good time for the 1302<sup>nd</sup> meeting (December 2017) (DH) at the latest;
8. invited the Polish authorities to send a clear message from the highest authorities to the intelligence and security services involved in these cases as to the inadmissibility of and zero tolerance towards arbitrary detention, torture and secret rendition operations;
9. encouraged the Polish authorities to continue their work on introducing domestic procedures guaranteeing unhindered communication and exchange of documents with the European Court, independently of the on-going reflection on any possible changes in the Court’s Rules of Procedure, and to provide the Committee with the information on concrete results achieved in this respect;
10. decided to resume consideration of the urgent individual measures at their 1294<sup>th</sup> meeting (September 2017) (DH) and of other individual and general measures at their 1302<sup>nd</sup> meeting (December 2017) (DH).

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. noted with concern that the applicants’ situation has for many years remained unchanged, as Mr Al Nashiri continues to face a real risk of being subjected to the death penalty and both applicants still face a flagrant denial of justice; noted in this respect the information on the recent meeting between the Undersecretary of State of the Polish Ministry of Foreign Affairs and representatives of the United States’ Department of State concerning the issue of diplomatic assurances for both applicants;
2. insisted on the importance for the Polish authorities to continue actively using all possible means at the highest levels to ensure that the applicants do not continue to be subject to the treatment criticised by the European Court and invited them to keep the Committee regularly informed of the steps taken;
3. expressed deep regret that, despite the actions taken by the Polish authorities and the repeated calls of the Committee of Ministers and the Secretary General, the United States’ authorities maintain their position not to support the Polish requests for diplomatic assurances that the applicants will not be subject to treatment prohibited by the European Convention on Human Rights; in this respect, recalled that the applicants’ present situation is the result of an “extraordinary rendition” operation organised by a United States body on Polish territory where, as it follows from the European Court’s judgment, on account of their “acquiescence and connivance in the High-Value Detainees Programme”, the Polish authorities enabled the Central Intelligence Agency (CIA) to bring the applicants illegally under United States jurisdiction;
4. recalled that the issue of the domestic investigation into the events and the general measures will be examined at their 1302<sup>nd</sup> meeting (December 2017) (DH) and expressed their expectation of receiving substantive information on the progress achieved in respect of these aspects in time for the meeting.

*Al-Nashiri (group)*

Violations related to secret rendition operations by the CIA (individual and general measures)

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*As regards the domestic investigation*

1. noted with concern that, despite some additional steps taken by the prosecution authorities, there is still no tangible progress in the domestic investigation which has been pending in these cases for more than nine years;
2. urged the authorities to intensify their efforts to complete the investigation and to provide the Committee with an indication on the remaining investigative steps to be taken and the envisaged time-frame for their completion; in this context also reiterated their call to the member States concerned to provide the Polish authorities with the assistance requested to complete the investigation;

*As regards general measures*

3. noted that the reflection on the measures required to strengthen the supervision over the intelligence services has been completed and that legislation for the reform of the present system is currently being drafted; called upon the authorities to provide the Committee by 30 March 2018 with information on the content of the legislative proposals and on the phases to be followed to ensure that the necessary amendments will be introduced diligently;
4. reiterated, in addition, their invitation to the authorities to send a message to the intelligence and security services as to the policy of zero tolerance towards arbitrary detention, torture and secret rendition operations;
5. encouraged the authorities to intensify their work to introduce domestic procedures guaranteeing unhindered communication with the European Court and to provide an indicative time-frame for the further steps to be taken, as well as information on the content of the solutions proposed;
6. decided to resume consideration of these cases at the latest at their 1324<sup>th</sup> meeting (September 2018) (DH) on the basis of information to be provided by the authorities on the above issues.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures*

1. noted with regret that no information was provided on any further action taken by the Polish authorities, subsequent to their meeting with United States representatives on 5 June 2017, to seek diplomatic assurances that Mr Al Nashiri will not be subjected to the death penalty and that both applicants will not continue to be subjected to a flagrant denial of justice;
2. consequently, urged the Polish authorities to continue their efforts at the highest levels to fulfil their obligation under Article 46 of the Convention to ensure that the applicant in the *Al-Nashiri* case will not be exposed to the risk of the death penalty in the United States following his illegal transfer under United States' jurisdiction and that both applicants receive guarantees against any flagrant denial of justice and invited them to regularly inform the Committee of the steps taken;
3. noted in this context with interest a recent decision by a United States military commission on 17 August 2018 regarding the non-admissibility at trial of evidence obtained under torture or coercion and invited the Polish authorities to provide further information on the scope and consequences of this decision with respect to their obligations under the judgments of the European Court;
4. noted with concern that despite the Committee's repeated calls, and notwithstanding some additional steps taken by the prosecution authorities, there is still no tangible progress in the domestic investigation which has been pending for more than ten years, and that the investigation period has been further extended; recalled in this respect the crucial importance of completing this investigation into the serious human rights violations established, notably torture and unacknowledged detention, as well as, bearing in mind the Polish authorities "acquiescence and connivance" in the CIA HVD Programme,

*Al-Nashiri (group)*

Violations related to secret rendition operations by the CIA (individual and general measures)

into “the questions of the legality and legitimacy of both the decisions taken by Polish State officials and of activities in which the national security and intelligence services were engaged in the implementation of [this programme] on Poland’s territory”;

5. urged once again the authorities to intensify their efforts to complete the investigation, including by pursuing alternative measures in order to overcome the effects of the US authorities’ refusal to provide legal assistance, and to inform the Committee of the indicative time frame for the remaining investigative steps; in this context, invited the authorities to provide their assessment of the risk of the criminal offences subject to this investigation becoming time-barred in the near future given that the relevant facts date back to 2002 and 2003;
6. reiterated their call to the member States concerned to provide the Polish authorities with the assistance requested to complete the investigation;
7. recalling the United States’ observer status with the Council of Europe, reiterated their deep regret about its persistent refusal of the Polish requests for diplomatic assurances and legal assistance and the absence of any other equivalent action, especially as the applicants’ present situation is the result of an illegal “extraordinary rendition” operation organised by a United States body on Polish territory, and urged anew the United States’ authorities to provide the necessary assurances and assistance or to take other equivalent measures;

*As regards general measures*

8. noted with regret that no information was provided within the time limit indicated by the authorities on the content of the legislative proposals aimed at strengthening the supervision over the intelligence services; urged the authorities to provide information in this respect, as well as on the phases to be followed to ensure that the necessary amendments will be introduced diligently;
9. insisted on the necessity for a clear message to be sent from the highest authorities to the intelligence and security services as to the policy of zero tolerance towards arbitrary detention, torture and secret rendition operations;
10. welcomed the adoption in February 2018 of the legal opinion prepared by the Foreign Minister’s Advisory Committee on introducing domestic procedures guaranteeing unhindered communication with the European Court; encouraged the authorities to intensify their work to introduce such procedures and to inform the Committee of the solutions proposed and of the further steps for the adoption of the necessary amendments;
11. invited the authorities to provide information on the above issues by the end of December 2018.

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalling that in these judgments the European Court established Poland’s responsibility under the Convention on account of its knowledge of and involvement in the implementation of the CIA High-Value Detainees (HVD) Programme and found serious violations of several Convention rights by Poland in the context of “extraordinary rendition” operations which enabled the CIA to bring the applicants illegally under the United States jurisdiction;

*As regards individual measures*

2. recalling further that the consequences of the violations of the Convention for the applicants have not been remedied as Mr Al Nashiri remains at risk of a flagrant denial of justice in the proceedings before the military commission and at risk of being subjected to the death penalty and Mr Abu Zubaydah remains subjected to a flagrant denial of justice notably due to his “indefinite detention” without charge since 2002;
3. noted with deep regret that, despite the Committee’s repeated calls, no information was provided on any further action taken by the Polish authorities, subsequent to their meeting with United States representatives on 5 June 2017, to seek diplomatic assurances that Mr Al Nashiri will not be subjected to the death penalty and that both applicants will not continue to be subjected to a flagrant denial of justice;
4. consequently, strongly urged the Polish authorities to deploy new efforts at the highest levels to fulfil their obligation under Article 46 of the Convention to ensure that the applicants will no longer be subjected to treatment that is contrary to the Convention and urged them to regularly inform the Committee of the steps taken;

*Al-Nashiri (group)*

## Violations related to secret rendition operations by the CIA (individual and general measures)

5. noted with interest that the scope of the domestic investigation also covers the crime of torture and inhuman and degrading treatment as proscribed by Article 123 § 2 of the Criminal Code and the authorities' assurances that there is no risk that the offences under the investigation will become time-barred;
6. noted, however, with deep concern, that there is still no tangible progress in the domestic investigation despite the fact that it has been pending for more than 11 years; recalled in this respect the crucial importance of completing this investigation into the serious human rights violations established, notably torture and unacknowledged detention, as well as into the questions of the legality and legitimacy both of the decisions taken by Polish State officials and of activities in which the national security and intelligence services were engaged in the implementation of the CIA HVD Programme on Poland's territory;
7. urged once again the authorities to redouble their efforts and, if necessary, to deploy additional resources to the prosecution service in charge of these cases to complete the investigation in this important case without further delay; reiterated their call to the member State concerned to provide the Polish authorities with any assistance requested to complete the investigation;
8. in this context, encouraged the authorities to reflect whether selected elements of information concerning the investigation, in particular its scope and the indicative time frame for the remaining investigative steps, could be made public or at least transmitted to the Committee in a confidential manner;
9. recalling the United States' observer status with the Council of Europe, reiterated their deep regret about its persistent refusal of the requests for diplomatic assurances and legal assistance and the absence of any other equivalent action, especially as the applicants' present situation is the result of an illegal "extraordinary rendition" operation organised by the CIA on Polish territory, and strongly urged anew the United States' authorities to provide the necessary assurances and assistance or to take other equivalent measures;
10. invited the Secretary General to transmit this decision to the Permanent Observer of the United States to the Council of Europe;

*As regards general measures*

11. deeply regretted the lack of progress in the adoption of necessary general measures and urged the authorities to intensify without any further delay their work to introduce measures to strengthen supervision over the intelligence services and to ensure unhindered communication and exchange of documents with the European Court, and to inform the Committee about the concrete results;
12. considered that to avoid similar abuses and grave human rights violations in the future, it is imperative that real efforts are made to establish the truth about what happened and how; noted in this context the importance of ensuring also that any future international co-operation will be consistent with overarching human rights obligations under the European Convention;
13. noted with deep regret a persistent lack of a clear message from the highest authorities to the intelligence and security services as to the absolute unacceptability of and zero tolerance towards arbitrary detention, torture and secret rendition operations; invited in this context the authorities to provide details about the measures taken or envisaged to acknowledge Poland's role and responsibility for the human rights violations at issue;
14. in the light of the lack of concrete progress in the adoption of individual and general measures, instructed the Secretariat to prepare a draft interim resolution if no concrete information on the above issues is provided by the authorities by 1 December 2019 and to resume consideration of these cases at their March 2020 DH meeting.

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*Bqk (group) / Majewski (group) / Rutkowski and Others (group)*

Excessive length of criminal and civil proceedings and lack of an effective remedy.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">7870/04 – 52690/99 – 72287/10</a>
Judgment(s) final on	16/04/2007 – 11/01/2006 – 07/10/2015
First decision of the Committee of Ministers	1302 <sup>nd</sup> meeting (December 2017)

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted with interest the adoption by the authorities of legislative reforms, as well as organisational measures aiming at increasing the efficiency of the judicial system; noted, however, that the situation concerning the length of proceedings remains mixed and invited the authorities to provide to the Committee their analysis of the reasons for this situation and for the difficulties observed in 2016 in respect of some categories of cases and, if relevant, measures to address these difficulties;
- invited also the authorities to provide the Committee with information, including statistics, allowing the assessment of the impact of the measures recently adopted or planned, and in particular of the amendments of the procedural codes, the recruitment of new judges and the transfer of competences to other legal professionals;
- welcomed the amendments to the 2004 Act, which entered into force in 2017, aimed at eliminating the problems noted by the European Court as concerns the application of this remedy; invited the authorities to provide information on the application by the domestic courts of this new legal framework, and in particular on the level of compensation awarded and its conformity with the case law of the European Court;
- decided to close 103 repetitive cases in which no further individual measures are required and adopted Final Resolution [CM/ResDH\(2017\)426](#); decided to continue consideration of the general measures necessary to resolve the problem of the excessive length of civil and criminal proceedings and to ensure the effectiveness of the remedy foreseen in the 2004 Act within the context of its examination of the cases *Bqk*, *Majewski*, *Rutkowski* and *Zaluska*;
- decided to resume consideration of the cases *Bqk*, *Majewski*, *Rutkowski* and *Zaluska* at the latest at their 1331<sup>st</sup> meeting (December 2018) (DH).

**1331<sup>th</sup> meeting (4-6 December 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- recalled that these cases concern the excessive length of criminal and civil proceedings, as well as certain problems in the functioning of the domestic remedy in this respect;
- welcomed the information on the further measures taken to reduce the length of judicial proceedings and improve the functioning of the domestic remedy;
- noted however that information is still required as to whether the legislative reforms announced in the 2017 action plan concerning the use of experts and the adequate organisation of trials were completed, and on the practical impact of the amendments to the Codes of Civil and Criminal Procedure aiming at preventing the repetition of remittal ordered by second-instance courts;
- noted the increase in the number of judicial positions and invited the authorities to clarify the extent to which these positions remain vacant and the measures envisaged to tackle the problem of the shortage of judges;
- encouraged the authorities to reflect on whether the measures already in place and planned are sufficient to further reduce the backlog of cases before the Polish courts;
- noted with concern that despite legislative changes in 2017 and extensive awareness raising among judges, the average award of compensation at domestic level remains almost unchanged, and invited the authorities to engage in a profound reflection on how to improve the impact of measures already implemented and to inform the Committee of their



*Bqk (group) / Majewski (group) / Rutkowski and Others (group)*

Excessive length of criminal and civil proceedings and lack of an effective remedy.

conclusions, together with clarification of the reasons behind the high number of complaints about excessive length of proceedings rejected on formal grounds;

7. invited the authorities to keep the Committee regularly informed of the impact of adopted or ongoing measures and the follow-up put in place.

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**Dzwonkowski (group)**

Ill-treatment inflicted, and in one case a death caused, by the police between 1997 and 2002 (Article 3).and lack of effective investigation in this respect (Article 3).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">46702/99</a>
<b>Judgment(s) final on</b>	12/07/2007
<b>First decision of the Committee of Ministers</b>	1201 <sup>th</sup> meeting (June 2014)

**1201<sup>th</sup> meeting (June 2014)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

The Deputies decided to transfer the *Dzwonkowski* group from the standard to the enhanced procedure, in the light of the recent similar judgment delivered by the Court in the Przemek case.

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

1. noted the information provided by the authorities in the action report and considered that no further individual measures appear necessary or possible in these cases;
2. welcomed the adoption of the Act on Measures of Direct Coercion and Firearms, which takes into account the case law of the European Court, in particular the principles of proportionality and the use of measures of direct coercion only as a last resort; and the steps taken to ensure its effective implementation, including extensive training and awareness-raising;
3. noted with interest the recent guidelines issued by the Prosecutor General on the conduct of proceedings into crimes related to the deprivation of life and inhuman and degrading treatment or punishment allegedly committed by police officers or other officials; noted that these incorporate the requirements for an effective investigation as set out in the case law of the European Court, in particular the obligation to conduct such investigations promptly and thoroughly;
4. noted also with interest the establishment of a mechanism for monitoring the application of those guidelines, and the possibility for the Ombudsman to examine such cases;
5. strongly encouraged the authorities to go ahead with the other measures foreseen including reinforcement of the role of special representatives for the protection of human rights in the police, promotion of the concept of “impeccable reputation” amongst police officers and extension of the deadlines for initiating disciplinary proceedings;
6. considered that, in light of the progress achieved, the Committee can close its supervision of this group of cases and decided to adopt Final Resolution [CM/ResDH\(2016\)148](#).

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## Fuchs (group)

Excessive length of proceedings before administrative bodies and courts; lack of an effective remedy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">33870/96</a>
<b>Judgment(s) final on</b>	11/05/2003
<b>First decision of the Committee of Ministers</b>	<a href="#">1179<sup>th</sup> meeting</a> (November 2011)

### 1250<sup>th</sup> meeting (8-10 March 2016)

[List of decisions](#)

#### Decisions

The Deputies

1. *regarding the cases proposed by one delegation, agreed on the following time-table for the examination of these cases:*

- Groups of *Ciorap, Becciev and Paladi v. Republic of Moldova*: at the 1265<sup>th</sup> meeting (September 2016);
- **Group of *Fuchs v. Poland*: at the latest at the 1273<sup>rd</sup> meeting (December 2016);**
- Group of *Ticu v. Romania*: at the 1273<sup>rd</sup> meeting (December 2016);
- Groups of *Kaverzin and Afanasyev v. Ukraine*: at the latest at the 1273<sup>rd</sup> meeting (December 2016);

### 1273<sup>th</sup> meeting (6-8 December 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

The Deputies

1. noted with interest the recent legislative changes in the Law on Proceedings before Administrative Courts introduced to simplify the procedure before these courts, provide them with power to give judgment on the merits and reform the system of remedies against excessive length of proceedings before administrative bodies;
2. finding that these measures have enabled to bring to an end the practice of remittals of cases after annulment of administrative decisions, a cause of many delays in proceedings decided to close the supervision of those cases in which this practice was a primary source of violation and adopted the final resolution [CM/ResDH\(2016\)359](#);
3. considering however that additional information is necessary for a full assessment of the status of execution in the remaining cases, invited the authorities to submit to the Committee their assessment of the impact of the adopted measures on the length of proceedings before administrative bodies and courts and on the necessity for additional measures;
4. invited the authorities to submit to the Committee clarifications as to the functioning in practice of the remedies concerning administrative bodies and to keep it informed of any developments in the reform of remedies concerning courts.

#### Resolution [CM/ResDH\(2016\)359](#)

##### Execution of judgments of the European Court of Human Rights

##### **34 cases against Poland (See the annex for the list of cases)**

*(Adopted by the Committee of Ministers on 8 December 2016 at the 1273<sup>rd</sup> meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention"),

Having regard to the final judgment transmitted by the Court to the Committee in these cases and to the violations established due to excessive length of administrative proceedings;

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:

## Fuchs (group)

Excessive length of proceedings before administrative bodies and courts; lack of an effective remedy.

- 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 examined the information provided by the government (see document [DH-DD\(2016\)1160](#));

Having noted that just satisfaction awarded by the Court has been paid by the government of the respondent State and that domestic proceedings in these cases are now terminated;

Having noted the general measures adopted by the Polish authorities, which demonstrate their commitment to continue the efforts to solve the problem of the excessive length of administrative proceedings;

Noting with satisfaction that the amendments to the Law on proceedings before administrative courts which entered into force in August 2015 have allowed for termination of the practice of remittals of cases after annulment of administrative decisions, a reason for numerous delays in the proceedings;

Noting that outstanding issues concerning the length of administrative proceedings and the functioning of the remedies remain under supervision in the framework of the *Beller* group of cases;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in the cases enlisted below and  
DECIDES to close the examination thereof.

## Beller (group)

Excessive length of proceedings before administrative bodies and courts; lack of an effective remedy as regards length of proceedings before administrative bodies and problems in the functioning of the remedy as regards length of proceedings before the courts.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">51837/99</a>
<b>Judgment(s) final on</b>	06/06/2005
<b>First decision of the Committee of Ministers</b>	<a href="#">1273<sup>th</sup> meeting</a> (December 2016 – <i>Fuchs</i> group)

**[1331<sup>th</sup> meeting \(4-6 December 2018\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. recalled that this group of cases concerns the excessive length of proceedings before administrative bodies and courts, including the Supreme Administrative Court, and the ineffectiveness of domestic remedies in this respect;
2. welcomed the continued efforts of the Polish authorities to resolve the problem of excessive length of administrative proceedings and in particular the adoption in 2017 of the most recent amendments to the Code of Administrative Procedure aimed at simplifying and streamlining administrative proceedings; noted with satisfaction, in this context, that the changes introduced to the Law on the proceedings before administrative courts in 2015 appear to produce positive results, as the backlog of cases before administrative courts and the Supreme Administrative Court has decreased since 2016;
3. noted, however, that the data presented by the authorities were not sufficient to allow a comprehensive assessment of the situation before administrative bodies, and that the authorities' assessment of the impact of the measures already taken on the length of proceedings before administrative bodies is envisaged only in 2020; in this context, encouraged the authorities to put in place such a monitoring mechanism as soon as possible, on a regular rather than an *ad hoc* basis;
4. noted further with concern that the 2017 amendments to the Code of Administrative Procedure, including also improvements to the remedy against excessive length of proceedings before administrative bodies, are applicable only to proceedings initiated after 1 June 2017, which limits their immediate positive impact;
5. recalled that the general functioning of the remedy introduced in 2004 against excessive length of judicial proceedings is examined in the framework of the *Bak*, *Majewski* and *Rutkowski* cases and invited the authorities to present in addition

*Beller (group)*

Excessive length of proceedings before administrative bodies and courts; lack of an effective remedy as regards length of proceedings before administrative bodies and problems in the functioning of the remedy as regards length of proceedings before the courts.

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information on whether the length of the proceeding before administrative bodies is taken into account for the assessment of the overall length of the administrative proceedings; invited also the authorities to provide additional information on the functioning of the remedies against excessive length of proceedings before administrative bodies;

6. decided to close 35 repetitive cases in which no further individual measures are required and adopted Final Resolution [CM/ResDH\(2018\)465](#).

\* \* \*

*Grabowski*

Deprivation of liberty of a juvenile in the framework of correctional proceedings against him, without a specific court order.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">57722/12</a>
<b>Judgment(s) final on</b>	30/09/2015
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the violations established by the Court in this case resulted from the applicants' continued detention in the juvenile shelter in the absence of a decision extending his initial detention (violation of Article 5 § 1) and the lack of an effective remedy (violation of Article 5 § 4);
2. concerning individual measures, noted that the applicant is no longer detained, the just satisfaction awarded by the Court has been paid and, in consequence, no other individual measure is necessary;
3. with regard to the violation of Article 5 § 4, noted the authorities' assurance that this was an isolated case, which the awareness-raising measures already adopted and the pending measures concerning Article 5 § 1 appear sufficient to remedy;
4. concerning the violation of Article 5 § 1, recalled that the Court found that Article 27 of the Act on the Procedure in Juvenile Cases did not satisfy the test of the "quality of a law" for the purposes of Article 5 § 1 of the Convention and that its imprecision was the source of the domestic courts' practice of not issuing separate decisions for extending the placement of juvenile offenders in juvenile shelters;
5. noted therefore with interest the authorities' intention to amend this provision, as well as the measures implemented in the meantime, which had allowed for a change in the practice of almost all the relevant courts; invited the authorities to provide the Committee with the content of the legislative amendment envisaged together with a time-table for its adoption.

**1310<sup>th</sup> meeting (13-15 March 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with interest the encouraging results of the regulatory and awareness-raising measures already taken, namely the development of a practice on the part of the courts of adopting a specific decision for each extension of detention in a juvenile shelter, as required by the European Court's judgment in this case;
2. encouraged the authorities to complete the legislative process with a view to including in the Juvenile Act express provisions on the obligation to issue a specific judicial decision for each extension of a placement in a juvenile shelter; reiterated their invitation to the authorities to provide the Committee with the relevant draft provisions when they become available and invited them to provide information on the progress achieved in the adoption of the relevant amendments by the end of September 2018;
3. recalled that the awareness-raising measures adopted and the envisaged legislative amendments appear sufficient to remedy the violation related to the lack of judicial review of the lawfulness of the prolonged detention in the absence of a specific judicial decision.

\* \* \*

*Grzelak*

Discrimination against a non-believer pupil, due to the absence of a mark for “religion/ethics” in consequence of the failure to provide alternative ethics classes.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">7710/02</a>
<b>Judgment(s) final on</b>	22/11/2010
<b>First decision of the Committee of Ministers</b>	<a href="#">1186<sup>th</sup> meeting</a> (December 2013)

[1201<sup>th</sup> meeting](#) (3-5 June 2014)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2014\)85](#).

**Final Resolution CM/ResDH(2014)85**

**Execution of the judgment of the European Court of Human Rights**

***Grzelak* against Poland**

*(Adopted by the Committee of Ministers on 5 June 2014 at the 1201st meeting of the Ministers’ Deputies)*

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;

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 order to give effect to the judgment (see document [DH-DD\(2014\)483](#)), and noting that no award of just satisfaction was made by the Court in the present case;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

*Horych (group)*

Strict imposition of the “dangerous detainee” regime, exceeding the legitimate requirements of security in prison (violation of Article 3). Restrictions imposed on the applicants’ visiting rights due to their classification as “dangerous detainees” and failure to ensure proper conditions for those visits (violation of Article 8).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	13621/08
<b>Judgment(s) final on</b>	17/07/2012
<b>First decision of the Committee of Ministers</b>	1208 <sup>th</sup> meeting (September 2014)

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)**Notes of the meeting***Decision*

## The Deputies

- noted with interest the measures adopted by the Polish authorities to improve the practice of penitentiary commissions in the implementation of the “dangerous detainees” regime and their positive impact in decreasing the overall number of detainees subjected to the regime;
- took note of the measures taken to improve the treatment of detainees subjected to the regime aimed at combating their isolation, and invited the authorities to clarify the current practices, in particular in relation to solitary confinement, regular handcuffing and strip-searches;
- noted that the authorities are also considering legislative amendments in respect of the “dangerous detainee” regime and invited them to provide, without delay, further information on the scope of the amendments and a time-table for the legislative process, and on the remedies available to detainees to challenge their classification under the regime;
- noted with interest the information about improved visiting conditions in the two facilities criticised in the *Horych* case, and invited the authorities to provide clarification whether such improvements also apply to visiting rights for “dangerous detainees” in other locations, and on any measures taken or envisaged to address the restrictions on visiting rights for “dangerous detainees”;
- invited the authorities to submit the further information awaited as soon as possible and, in any event, before the end of 2014, to allow a full evaluation as regards this group of cases at one of their meetings in 2015.

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

- noted with interest that the number of dangerous detainees continues to decrease, and that such detainees may challenge their classification before the domestic courts, which, following the implementation of awareness raising measures, should examine their complaints in light of international legal norms;
- noted with interest the legislative amendments under way which would eliminate automatic classification of certain categories of detainees under the regime and create a possibility for gradual easing of the restrictions related to it; encouraged the authorities to proceed with the legislative process without delay and reiterated their request for a legislative timetable and to be kept updated on its progress;
- reiterated their request for clarification on the current practices concerning handcuffing, use of solitary confinement and strip-searches and asked the authorities also to explain in detail how those practices will be affected by the legislative amendments under consideration;
- expressed concern about the lack of information on conditions for family visits to dangerous detainees outside Gdansk and Krakow detention centres and urged the authorities to provide information in this respect;
- invited the authorities to submit the outstanding information regarding the timetable for the legislative amendments along with clarification of their intended impact in practice before the end of June 2015, as well as an updated action plan by the end of 2015, to allow a full assessment of this group of cases. \* \* \*



**Kaprykowski (group)**

Poor conditions of detention mainly due to lack of adequate medical care.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">23052/05</a>
<b>Judgment(s) final on</b>	03/05/2009
<b>First decision of the Committee of Ministers</b>	<a href="#">1078<sup>th</sup> meeting</a> (March 2010)

[1265<sup>th</sup> meeting](#) (8-9 December 2015)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2016\)278](#) in the *Kaprykowski* group of cases.

**Final Resolution CM/ResDH(2016)278**

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;  
 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 order to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2016\)790](#));

Noting that all the applicants have been released, except Mr Wenerski, who is held in conditions appropriate to his state of health;

Welcoming the measures taken to improve access to health care in prisons and remand centres, including regulation of access to health care outside prison, in particular for specialist services, imposition of higher standards for the quality and availability of equipment and health care in prison and extensive training and awareness-raising measures;

Noting further the preventive and compensatory remedies available to inmates detained in circumstances amounting to ill-treatment, including through lack of adequate health care;

Welcoming the authorities’ plans to monitor the situation and continue their reforms to improve access to health care and the functioning of the domestic remedies;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

## Kędzior (group)

Lack of review of the lawfulness of admission to social care home and lack of periodic reviews of the continued need to remain in there (Article 5 § 1, Article 5 § 4, Article 6 § 1).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">45026/07</a>
Judgment(s) final on	16/01/2013
First decision of the Committee of Ministers	1250 <sup>th</sup> meeting (March 2016)

### [1250<sup>th</sup> meeting \(8-10 March 2016\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

##### The Deputies

- in respect of the individual measures, noted that both applicants remain placed in social care homes and that, whilst they can access the domestic courts in order to obtain a review of their situation and have done so, this procedural safeguard is not reliable for the applicant in *Kędzior*, as it is not guaranteed in law but depends on the practice of the domestic courts;
- considered that both the creation of a robust procedural safeguard for the applicant in *Kędzior* and the obligation for the authorities regularly to verify the need for the applicants' continued detention are linked to the general measures to be adopted; urged the authorities to ensure in the meantime that the need for the applicants to remain in social care homes is regularly reviewed;
- in respect of the general measures, noted that the failure of the guardianship court to review the request for placement of the applicant in *Kędzior* in a social care home was an isolated incident and that the authorities have undertaken awareness-rising measures to remedy it; also invited them to clarify that in such proceedings guardianship courts consider whether the mental health of the person concerned warrants compulsory confinement;
- noted with interest the information on the envisaged amendments to the Psychiatric Protection Act, which would introduce important safeguards, and encouraged the authorities to ensure those amendments will also give the incapacitated person a right to appeal against a decision on his/her compulsory placement in a social care home;
- expressed concern, however, that these amendments do not appear to introduce a mechanism obliging the authorities to conduct periodic automatic reviews to assess whether a person admitted to a social care home needs to remain there and invited them to confirm that these legislative amendments will introduce such a mechanism and, if not, to indicate the measures planned in this respect;
- strongly encouraged the authorities to ensure that the necessary measures are adopted without further delay and invited the authorities to provide by 1 July 2016 the outstanding information in an updated action plan/report including a timetable for the legislative amendments and any other measures to be adopted.

### [1288<sup>th</sup> meeting \(6-7 June 2017\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

##### The Deputies

- in respect of the individual measures, whilst noting the improvements in the situation of Mr Kędzior and the possibility for Ms K.C. to challenge her placement in the social care home at any time, recalled that the obligation for the authorities regularly to verify the need for the applicants' continued detention is linked to the general measures to be adopted; invited again the authorities to ensure in the meantime that the need for the applicants to remain in social care homes is regularly reviewed *ex officio*;
- noted with satisfaction the information that the required amendments to the Psychiatric Protection Act, including the introduction of a right for an incapacitated person to appeal against a decision on compulsory placement and a periodic automatic review of the grounds for a further stay in a social care home, will soon be approved by the Council of Ministers and put before Parliament for adoption;
- strongly encouraged the authorities to complete the legislative process without further delay.

## Kędzior (group)

Lack of review of the lawfulness of admission to social care home and lack of periodic reviews of the continued need to remain in there (Article 5 § 1, Article 5 § 4, Article 6 § 1).

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

#### As regards individual measures

1. noted that as the applicant in the *Kędzior* case is no longer confined in the social care home and has had access to a court to seek the restoration of his legal capacity, no further individual measure is required in this case;
2. noted further that the applicant in the *K.C.* case and her guardian may challenge her placement in a social care home at any time and that the applicant's need for placement in the social care home was examined in May 2018, in accordance with the amended provision of the Psychiatric Protection Act and was confirmed; consequently, no further individual measure appears to be required in this case;

#### As regards general measures

3. welcomed the adoption of the amendments to the Psychiatric Protection Act, which came into force on 1 January 2018, providing an incapacitated person *inter alia* with a right to appeal against a decision on compulsory placement and putting in place a mechanism for automatic periodic review of the grounds for a further stay in a social care home;

#### Closure of the supervision of the cases

4. decided to close the supervision of these cases and adopted Final Resolution [CM/ResDH\(2018\)228](#).

\* \* \*

*P. and S.*

Failure to provide effective access to reliable information for a mother and her minor daughter on the conditions and procedures to be followed to access lawful abortion, disclosure of the applicants' personal data and unlawful detention of the minor applicant.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">57375/08</a>
<b>Judgment(s) final on</b>	30/01/2013
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted that no further individual measures appear necessary in this case and decided to close their supervision thereof;
- invited the authorities further to reflect on measures to provide women seeking lawful abortion with appropriate consideration and adequate information on the steps they should take to exercise this right, in particular when the pregnancy results from a criminal act;
- invited the authorities to provide information on how, when a doctor invokes the conscience clause, they will ensure that women seeking lawful abortion receive full and credible information about accessing the health care services to which they are entitled;
- in this context, invited the authorities also to provide information on action taken against medical service providers in respect of failure to comply with their contracts with the National Health Fund in respect of lawful abortion, and on the general availability of lawful abortion in the Polish healthcare system;
- invited the authorities to provide additional clarification on why the existing mechanism to protect patient data was not effective in the applicants' case and the conclusions drawn to prevent a similar situation recurring;
- invited the authorities to provide additional information on any general measures undertaken or envisaged to ensure the respectful treatment of minors seeking lawful abortion.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- welcomed the participation in the 1324<sup>th</sup> meeting (September 2018) (DH) and the exchange of views with the Secretary of State of the Ministry of Health;
- recalled that the present case concerns the authorities' failure to provide access to reliable information on the conditions and procedures enabling pregnant women and girls, including victims of rape, to effectively access lawful abortion;
- noted that further information is required on a number of issues concerning the shortcomings identified by the Committee at its 1294<sup>th</sup> meeting (September 2017) (DH), as regards:
  - access to lawful abortion in the Polish healthcare system, in particular: a) when a doctor invokes the conscience clause and b) in case of failure by medical service providers to comply with their contracts with the National Health Fund as regards access to lawful abortion;
  - why the existing mechanism to protect patient data was not effective in the applicants' case;
  - how the authorities envisage further safeguarding the rights of minors seeking lawful abortion so as to prevent new Article 3 violations;
- urged therefore the authorities to provide rapidly more concrete information, including examples of cases and relevant statistical data, on these outstanding questions, as well as on measures adopted to provide women seeking lawful

*P. and S.*

Failure to provide effective access to reliable information for a mother and her minor daughter on the conditions and procedures to be followed to access lawful abortion, disclosure of the applicants' personal data and unlawful detention of the minor applicant.

abortion with appropriate consideration and adequate information on the steps they should take to exercise this right, in particular when pregnancy results from a criminal act;

5. expressed also serious concern about recent indications that the relevant procedures still do not appear to function satisfactorily more than five years after the Court's judgment;
6. exhorted the authorities to ensure, without further delay, that a viable system of effective access to lawful abortion, including access to information on abortion, is not only provided for in domestic law but is also effectively implemented, and that minors seeking lawful abortion are treated with respect in all circumstances;
7. decided to resume consideration of this case at their March 2019 DH meeting.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

**Notes of the meeting**

### Decisions

#### The Deputies

1. recalled that the present case concerns the authorities' failure to provide access to reliable information on the conditions and procedures enabling pregnant women and girls, including victims of rape, to effectively access lawful abortion;
2. expressed serious concern that, more than six years after the judgment became final, no measures have been taken to ensure access to lawful abortion throughout Poland;
3. urged the authorities to introduce clear and effective procedures, for example in the form of guidelines for all hospitals, ensuring that women seeking lawful abortion are provided with adequate information on the steps they need to take, including in the event of a refusal by the doctor to perform an abortion on grounds of conscience;
4. noted the information from the authorities that when a doctor invokes the conscience clause the hospital is under an obligation to refer the woman to another facility which will provide this service; called on the authorities to include this obligation in secondary legislation and to ensure that the use of the conscience clause and compliance with the referral obligation are effectively monitored;
5. urged the authorities to take action to ensure that medical service providers comply with their contractual obligation to the National Health Fund to provide lawful abortion; requested them to provide the Committee with information on the availability of lawful abortion throughout the country;
6. called on the authorities to adopt measures to enhance the effective implementation of the existing mechanism to protect patient data confidentiality and to ensure appropriate treatment of minors seeking lawful abortion, for example through guidelines and training for medical personnel;
7. encouraged the authorities to co-operate closely with the Secretariat with a view to executing the present judgment and decided to resume consideration of this case at the latest at their March 2020 DH meeting.

\* \* \*

*Podbielski (group) / Kudla (group)*

Excessive length of criminal and civil proceedings (Article 6 § 1), and lack of an effective remedy (Article 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">30210/96 - 27916/95</a>
<b>Judgment(s) final on</b>	26/10/2000 - 30/10/1998
<b>First decision of the Committee of Ministers</b>	<a href="#">1128<sup>th</sup> meeting</a> (November 2011)

**[1236<sup>th</sup> meeting \(22-24 September 2015\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted the information provided by the Polish authorities on the measures undertaken and envisaged to reduce the length of proceedings in civil and criminal proceedings, but remained concerned by their limited impact on the length of proceedings in Poland;
2. remained also concerned by the outstanding issues concerning the effectiveness in practice of the remedy and the fact that no information has been provided allowing any conclusions as to the impact of already implemented measures to improve the situation, including the award of appropriate amounts of compensation;
3. called upon the authorities to pay particular attention to this question and to define a precise strategy to ensure that the legislation introducing the remedy against excessive length of proceedings is applied in line with the case-law of the European Court;
4. invited the authorities to provide the Committee with detailed information on these questions, together with a time-table envisaged for the adoption of the necessary additional measures.

**[1243<sup>th</sup> meeting \(8-9 December 2015\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. considered that the situation concerning the length of proceedings appears mixed, with the emergence of some positive trends but no impact on the backlog of cases; noted however that the impact of measures recently adopted is yet to be seen and that the authorities' strategy to follow up those measures appears convincing;
2. invited therefore the authorities to provide the Committee with information on the impact of the measures recently adopted and the follow-up given, along with complete statistics allowing a full assessment of the situation;
3. recalled that in *Rutkowski*, the European Court confirmed that the 2004 Act (as reformed in 2009) had all the features of an effective remedy in law, criticising only its functioning in practice, and decided to adopt Final Resolution [CM/ResDH\(2015\)248 appearing](#) in Appendix in 205 cases in this group which concerned the absence of any remedy;
4. noted with satisfaction that the authorities intend to improve the practice of domestic courts through the publication and dissemination of the European Court's judgments and systematic judicial training and invited them to keep the Committee informed of subsequent developments in the application in practice of the remedy;
5. noted with interest the authorities' decision to further amend the 2004 Act and strongly encouraged them to bring forward their proposed amendments.\* \* \*

*Tysic / R.R.*

Absence of an adequate legal framework for the exercise of the right to therapeutic abortion in the event of a disagreement between the patient and the specialist doctor (*Tysic*) and lack of access to pre-natal testing to enable a woman to take an informed decision on whether to seek an abortion (*R.R.*).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	5410/03 – 27617/04
<b>Judgment(s) final on</b>	24/09/2007 – 28/11/2011
<b>First decision of the Committee of Ministers</b>	1115 <sup>th</sup> meeting (June 2011) / 1208 <sup>th</sup> meeting (September 2014)

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)**Notes of the meeting***Decision*

## The Deputies

1. underlined the importance for pregnant women to be able to effectively contest a decision of a doctor refusing access to lawful, therapeutic abortion or to pre-natal examinations; noted with interest in this regard the legislative modifications envisaged by the authorities in order to improve the efficiency and speediness of the procedure put in place in this domain; and encouraged the authorities to adopt these measures as soon as possible;
2. welcomed also the awareness-raising measures taken to ensure respect by medical staff for the legal provisions in force concerning access to pre-natal examinations, and noted with interest the increase in the number of pre-natal examinations performed;
3. invited the authorities to confirm as soon as possible the adoption of these last outstanding measures, to allow the Committee to examine the possibility of closing these cases, and, in the meantime, decided to continue the supervision of these cases under the standard procedure.

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that these cases concern the inadequate legal framework to enable women effectively to exercise the right under national law to abortion on grounds of maternal or foetal health where the doctor disagrees that such grounds exist (*Tysic*) or that prenatal tests necessary to assess this are justified (*R.R.*);
2. underlined the importance for pregnant women to be able effectively to contest such decisions by doctors and to have their objections decided on rapidly, given that time is of the essence for women considering lawful abortions;
3. noted that the objection procedure introduced in response to the *Tysic* judgment has rarely been used and that it has been criticised by civil society and the Polish Commissioner for Human Rights because of its unnecessarily complex procedural requirements and lack of guarantees of timely decisions;
4. recalling, further, that during the last examination of these cases in September 2014 (1208<sup>th</sup> meeting, DH), the authorities undertook to amend the law to simplify and speed up the objection procedure, urged them therefore to adopt the necessary reforms without any further delay and to provide information on progress in this respect before the end of June 2019;
5. encouraged the authorities to cooperate closely with the Secretariat with a view to executing the present judgments;
6. noting the lack of progress since 2014 in the adoption of the necessary reforms, decided to transfer these cases under the enhanced procedure and to resume consideration of them at the DH meeting in March 2020 at the latest.

\* \* \*

### Oliveira Modesto (group)

Excessive length of judicial proceedings.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">34422/97</a>
Judgment(s) final on	08/09/2000
First decision of the Committee of Ministers	<a href="#">1078<sup>th</sup> meeting</a> (March 2010)

#### [1259<sup>th</sup> meeting \(7-8 June 2016\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

#### The Deputies

- noted with satisfaction the major legislative measures adopted by the Portuguese authorities, which demonstrate their commitment to pursue their efforts to resolve the problem of excessive length of judicial proceedings;
- noted that encouraging results have been obtained and have been consolidated with regard to criminal proceedings, first instance civil declaratory proceedings and civil proceedings in general before the higher courts;
- in view of this progress and of the fact that the European Court recognised the effectiveness of the compensatory remedy established in Portugal in respect of excessive length of proceedings, decided to put an end to their supervision of the execution of 49 cases of this group and adopted Final Resolution [CM/ResDH\(2016\)149](#);
- decided to continue the examination of the outstanding questions within the framework of the remaining cases; in this context, encouraged the Portuguese authorities to continue closely monitoring the impact of the adopted measures, in particular on the proceedings in which no positive trend has been observed to date;
- invited them to provide the Committee, as soon as possible, with their analysis of the situation, based on comprehensive statistics, as well as information on the domestic monitoring mechanisms for length of judicial proceedings, so that the Committee can fully evaluate the status of execution of this group of cases.

### Vicente Cardoso (group)

Excessive length of civil and administrative proceedings.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">30130/10</a>
Judgment(s) final on	12/03/2013
First decision of the Committee of Ministers	<a href="#">1078<sup>th</sup> meeting</a> (March 2010 - <i>Oliveira Modesto and Others</i> group)

#### [1331<sup>th</sup> meeting \(4-6 December 2018\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

#### The Deputies

#### As regards individual measures

- noting that the question of individual measures has been resolved in 10 repetitive cases of this group, decided to close their supervision of the execution of these cases and adopted Final Resolution [CM/ResDH\(2018\)466](#);
- invited the authorities to deploy all means at their disposal to ensure that the domestic proceedings in the cases of *Associação de Investidores do Apartamento Neptuno*, *Mateus Pereira da Silva* and *Marques de Almeida* are completed as rapidly as possible;

#### As regards general measures



*Vicente Cardoso (group)*

## Excessive length of civil and administrative proceedings.

3. welcomed the continuing and sustained efforts of the Portuguese authorities to resolve the problem of excessive length of civil and administrative proceedings and the wide range of measures adopted in response to the specific concerns expressed by the Committee during its last examination of these questions;
4. noted with satisfaction the very positive results obtained over recent years in terms of clearance of the backlog of cases pending before the civil courts of first instance; encouraged the authorities to pursue their efforts to ensure that similar results are achieved as regards the average length of civil proceedings and enforcement proceedings, which remains problematic;
5. regretting that no positive trends can so far be observed in respect of administrative procedures, invited the authorities to keep the Committee informed of the progress in the implementation of the promising measures adopted, in particular the increase in the number of judges and the electronic processing of cases in administrative courts, and as regards the adoption of the legislative measures further envisaged in the field of administrative justice.

\* \* \*

**Boicenco (group)**

Mainly violations of the applicants' right of individual petition (Article 34); also other violations of Articles 3 + 5.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">41088/05</a>
<b>Judgment(s) final on</b>	11/10/2006
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

**Notes of the meeting***Decision*

The Deputies, in the light of the measures taken by the Moldovan authorities and their action report of 6 April 2016, decided to close the examination of the execution of the present judgments and adopted the Final Resolution [CM/ResDH\(2016\)146](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;

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 noted that in the present judgments, the Court found violations of Article 34 on account of the authorities' interference with the applicant's right of individual petition, as well as other violations of Article 3 and 5;

Having examined the action report provided by the government indicating the measures adopted in order to give effect to the judgments including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2016\)459](#));

Having noted with satisfaction the general measures taken in response to the violations of Article 34, including the adoption of new legislation, as well as the necessary individual measures in response to all violations found in these cases;

Recalling that the general measures in response to the other violations found in these cases are being examined in the *Corsacov* group of cases (ill-treatment by the police and lack of effective investigation), *Paladi* group of cases (failure to provide adequate medical assistance while in detention) and *Sarban* group of cases (irregularities related to detention on remand);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

*Ciorap (group) / Becciev (group) / Paladi (group)*

Poor conditions of detention, including lack of access to adequate medical care and lack of an effective remedy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">12066/02 – 9190/03 -39806/05</a>
<b>Judgment(s) final on</b>	19/09/2007 – 04/01/2006 – 10/03/2009
<b>First decision of the Committee of Ministers</b>	<a href="#">1186<sup>th</sup> meeting</a> (December 2013)

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

*Decisions*

The Deputies

1. *regarding the cases proposed by one delegation*, agreed on the following time-table for the examination of these cases:
  - **Groups of *Ciorap, Becciev and Paladi v. Republic of Moldova*: at the 1265<sup>th</sup> meeting (September 2016);**
  - Group of *Fuchs v. Poland*: at the latest at the 1273<sup>rd</sup> meeting (December 2016);
  - Group of *Ticu v. Romania*: at the 1273<sup>rd</sup> meeting (December 2016);
  - Groups of *Kaverzin and Afanasyev v. Ukraine*: at the latest at the 1273<sup>rd</sup> meeting (December 2016);

**1265<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. took note with interest of the updated action plan presented by the Moldovan authorities in July 2016;

*As regards individual measures*

2. as regards poor conditions of detention and lack of medical care, noted that the applicants in 20 cases had been released or transferred to serve their sentences in another country; and considered that no further individual measures are required in these cases;
3. invited the authorities to provide information on the current situation of the applicants in the *Segheti, Silvestru and Mescereacov* cases;
4. as regards other violations, noted the measures adopted by the Moldovan authorities and invited them to submit information on the outstanding issues in the cases of *I.D., Mitrofan and Holomiov*;

*As regards general measures*

5. noted the measures taken by the authorities to improve the material conditions in penitentiary institutions and invited them to intensify their efforts in this field;
6. considered with concern the increase in prison overcrowding in recent years and strongly urged the authorities to adopt, as a matter of priority, a comprehensive strategy drawing full inspiration from the relevant recommendations of the Committee of Ministers and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as well as expert opinion from the project funded by the Human Rights Trust Fund (HRTF);
7. noted the information provided with respect to the creation of judicial remedies with preventive and compensatory effects, as required by the judgment in the *Shishanov* case, and invited the authorities rapidly to provide the Committee with the text of the relevant draft legislation for detailed assessment;
8. invited the authorities to provide information on the outstanding issues, notably on further improvements to material conditions of detention, including the construction of a new prison in Chişinău, provision of food to detainees, sanitary conditions, out-of-cell activities, placement of persons in police detention facilities beyond the statutory 72 hours, medical care, censorship of correspondence, family visits and questions related to the finding of a violation of Article 34;

*Ciorap (group) / Becciev (group) / Paladi (group)*

Poor conditions of detention, including lack of access to adequate medical care and lack of an effective remedy.

- strongly encouraged the authorities to take full advantage of the technical assistance which the Council of Europe can provide through its various cooperation projects.

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures*

- as regards poor conditions of detention and lack of medical care, noted that in 26 cases the applicants have been released or transferred to serve their sentences in another country and considered that no further individual measures are required in these cases;
- invited the authorities to provide information on the current conditions of detention of the applicants in the *Constantin Modarca* and *Silvestru* cases, who were transferred to serve their sentences in other prisons;
- as regards other violations, noted the reopening and completion of the proceedings in the *Mitrofan* and *Holomiov* cases respectively, and considered that no further individual measure is required in these cases; invited further the authorities to submit updated information in the *I.D.* case as concerns the final decision adopted by the domestic courts in the criminal proceedings against the police officers;

*As regards general measures*

- noted with interest the information provided with respect to the systemic approach adopted by the authorities to fight overcrowding and strongly encouraged them to continue taking measures to reduce the number of detainees, especially in Prison No. 13;
- noted the information concerning the construction of a new prison to replace Prison No. 13 and, until this new facility is operational, strongly encouraged the authorities to ensure that Prison No. 13 offers acceptable conditions of detention, bearing in mind the recommendations of the European Committee for the Prevention of Torture to this effect;
- noted further with interest the measures taken to improve material conditions in the TDI of the Chişinău Police Department and invited the authorities to provide information on renovation works in other establishments under the authority of the Ministry of the Interior;
- noted, in addition, with interest, the adoption in first reading of the legislation introducing new remedies to challenge conditions of detention and urged the authorities to ensure that the draft law is adopted; further invited them to inform the Committee by 30 November 2017 on the progress made in this area;
- invited the authorities to take further measures to remedy the violation of Article 8 in the case of *Ostrovar*.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures*

- decided to close their examination of 27 cases of these groups given that the just satisfaction has been paid and the applicants have either been released or transferred to another country or to another penitentiary institution, and adopted Final Resolution [CM/ResDH\(2018\)107](#);
- strongly encouraged the authorities promptly to complete the criminal proceedings against the police officers in the *I.D.* case and to provide information on the outcome;

*Ciorap (group) / Becciev (group) / Paladi (group)*

Poor conditions of detention, including lack of access to adequate medical care and lack of an effective remedy.

*As regards general measures*

3. welcomed the adoption of the legislation introducing new preventive and compensatory remedies to challenge conditions of detention, noted that the legislation will enter into force on 1 January 2019 and invited the authorities to provide information on the measures envisaged to offer redress in the meantime to detainees complaining about their conditions of detention, including in cases pending before the European Court;
4. strongly urged the authorities to intensify their efforts to fight overcrowding, drawing inspiration from the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the relevant recommendations of the Committee of Ministers and to inform the Committee about the progress achieved;
5. furthermore, strongly encouraged the authorities to sustain their efforts in the building of the new prison and, until this new facility is operational, reiterated the importance of complying with the recommendations of the CPT to ensure that Prison No. 13 offers acceptable conditions of detention;
6. invited the authorities to provide information on the measures taken to ensure that the six police detention facilities which were reopened in December 2016 after a three-year suspension period provide Convention-compliant conditions of detention;
7. further invited the authorities in addition to provide information on the outstanding issues, notably:
  - the measures taken to remedy the violations of Article 8 on account of censorship of detainees' correspondence and bans on family visits;
  - provision of food to detainees, sanitary conditions, out-of-cell activities in both prison and police establishments;
  - placement of persons in police detention facilities beyond the statutory 72-hour period and
  - questions related to the finding of a violation of Article 34.

\* \* \*

*Corsacov (group)*

Ill-treatment and torture in police custody; ineffective investigations; lack of an effective remedy.  
Conviction based on evidence obtained under torture.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">18944/02</a>
Judgment(s) final on	04/07/2006
First decision of the Committee of Ministers	<a href="#">1100<sup>th</sup> meeting</a> (December 2010)

**[1208<sup>th</sup> meeting \(23-25 September 2014\)](#)**

[List of decisions](#)

**Notes of the meeting**

*Decision*

The Deputies

*as regards individual measures:*

1. noted, as regards the *Corsacov* case, that the responsible police officers were found guilty by the domestic courts and, as a result, were dismissed and prohibited from engaging in public service in the future; and considered that no further individual measure is required;
2. noted further, as regards the *Buzilo* case, that in a domestic judgment not yet final, the police officers responsible for the applicant's ill-treatment were convicted and invited the Moldovan authorities to inform the Committee on the subsequent developments;
3. urged the Moldovan authorities to finalise speedily pending domestic investigations, taking due account of the Convention requirements, and to inform the Committee of all relevant developments;
4. strongly encouraged the Moldovan authorities to reopen the investigations, irrespective of the applicants' initiatives, in the cases in which no fresh investigation has been carried out following the Court's judgments, and invited them to inform the Committee of all relevant developments;

*as regards general measures:*

5. noted with satisfaction that the Moldovan authorities have introduced important legislative changes aimed at fighting impunity and reinforcing guarantees against ill-treatment; invited them to inform the Committee of their evaluation of the concrete impact of the legislative changes and other measures taken; and also invited them to provide detailed statistics on the number of complaints made of torture and other forms of ill-treatment, the number of cases sent to trial, the number of convictions and the sentences imposed;
6. noted with interest the creation, within the Prosecutor General's Office, of a special prosecution unit exclusively mandated with investigations into ill-treatment allegations, strongly encouraged the Moldovan authorities to provide sufficient financial and human resources to this unit, and invited them to provide information as to whether they have explored the possibility of transforming it into an independent and specialised structure;
7. strongly encouraged the Moldovan authorities to take initiatives aimed at enhancing judicial control over the effectiveness of investigations - whether in the form of legislative measures, further explanatory rulings by the Supreme Court, or other measures - as well as to continue to take full benefit of any future co-operation opportunities offered by the Council of Europe concerning the issues at stake in the present group of cases.

**[1273<sup>th</sup> meeting \(6-8 December 2016\)](#)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

*as regards individual measures*

1. noted that no further individual measures are required in the *Buzilo* case in which the police officers responsible for ill-treatment were convicted by the domestic courts, and in the *Gavriliță* and *Morgoci* cases in which the domestic courts acknowledged the violations of Article 3;

**Corsacov (group)**

Ill-treatment and torture in police custody; ineffective investigations; lack of an effective remedy.

Conviction based on evidence obtained under torture.

2. noted with regret that no further individual measures are possible in the *Ipate* case in which the time-limit to request the reopening of the criminal proceedings in the specific circumstances expired;
3. further noted that, notwithstanding all the reasonable steps taken by the competent authorities, no further individual measures are possible in the cases in which it was established that it was impossible to rectify the shortcomings identified by the Court or to identify the authors of the ill-treatment following a new investigation;
4. urged the authorities promptly to complete the pending investigations in the *Eduard Popa, Gurgurov, Bisir and Tulus* cases and invited them to submit, by 30 June 2017, information on the progress made in these cases as well as on the measures adopted in the *Tcaci, Bulgaru* and *Ciorap (no. 5)* cases and outstanding information on the *Breabin, Pruneanu, Struc, Ghimp and Others* and *Pascari* cases;
5. invited the authorities to submit all the relevant decisions of the domestic courts adopted during the re-hearing of the criminal case against the applicants in the *Levința* case;

*as regards general measures*

6. noted with satisfaction the progress made by the authorities in recent years in preventing and combating police ill-treatment and strongly encouraged them to pursue their efforts, taking inspiration from the recommendations of the European Committee for the Prevention of Torture and the Committee of Ministers' guidelines in respect of the fight against impunity;
7. invited the authorities to provide information on any changes made to the system of specialised unit/prosecutors mandated with investigating ill-treatment allegations following the recent reform of the prosecution service;
8. further invited the authorities to provide information on the outstanding issues, notably as concerns the confidentiality of medical examinations and access to medical assistance in police detention facilities, the practice of awarding monetary compensation by the domestic courts, as well as the measures taken to remedy the violations of Articles 5 § 1 in the *Gavriliță* and *Morgoci* cases and of Article 8 in the *Bisir and Tulus* case.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

**Notes of the meeting***Decisions**The Deputies*

1. recalled that the present cases concern mainly ill-treatment or torture in police custody that occurred from 1998 to 2008 and the lack of effective investigations into these events;

*As regards individual measures*

2. noted that no further individual measures are required in the *Ghimp and Others* and *Struc* cases, in which those responsible for ill-treatment were convicted by the domestic courts; and in the *Greco* case, in which the domestic courts acknowledged the violations of Article 3 and 5 § 1;
3. noted that despite all reasonable steps taken in the course of the new inquiries to identify the perpetrators and to rectify the shortcomings identified by the Court, no further individual measures are possible in the *Pruneanu* and *Bisir and Tulus* cases;
4. noted with regret that no further individual measures are possible in the *Breabin* case, in which the reopened investigations were terminated on procedural grounds and invited the authorities to explore alternative avenues to provide the applicant with redress;
5. considered consequently that the question of individual measures has been addressed in 19 cases and adopted Final Resolution [CM/ResDH\(2018\)463](#);
6. again urged the authorities to rapidly complete the pending investigations in the *Gurgurov* and *Eduard Popa* cases and invited them to provide, by 31 August 2019, information on the progress made as well as the outstanding information and clarifications concerning the *Tcaci, Bulgaru, Ciorap No. 5* and *Pascari* cases;
7. recalled the importance attached to the swift conduct of investigations in order to avoid impunity through the mere operation of prescription;

*Corsacov (group)*

Ill-treatment and torture in police custody; ineffective investigations; lack of an effective remedy.  
Conviction based on evidence obtained under torture.

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*As regards general measures*

8. recalled the important progress achieved so far in setting up effective legal and organisational structures to prevent and combat ill-treatment, notably the abrogation of the prescription periods for crimes involving ill-treatment, improved specialised investigatory structures and enhanced independence and accountability of prosecutors;
9. noted with interest the information provided as concerns the reinforcement of sanctions for ill-treatment and the implementation of the 2016 changes in the current investigatory framework; and invited the authorities to provide further information on the practical effectiveness of these new arrangements; encouraged them to continue their vigorous action to prevent and combat ill-treatment and promote a firm zero-tolerance policy, including by applying adequate sanctions;
10. invited in this context the authorities to provide information on measures taken to ensure victims' involvement in investigations, as well as on existing practices as regards suspension from office or transfer to other functions of police officers under investigation for ill-treatment;
11. invited in addition the authorities to adopt further measures to ensure in practice confidentiality during medical examinations while in police custody and adequate monetary compensation for breaches of Article 3;
12. noted in the light of the awareness-raising measures taken that no further general measures are required concerning the violations of Article 5 § 1 on account of detention for a period longer than authorised by law and detention several days before the official beginning of police custody, as well as concerning the violation of Article 8 on account of home search not in accordance with the law.

\* \* \*



*Eremia (group)*

Authorities' failure to protect women from domestic violence by their (ex-) husbands (Article 3 + 8); discriminatory attitude of domestic authorities towards the victims as women (Article 14 read with Article 3).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">3564/11</a>
Judgment(s) final on	28/08/2013
First decision of the Committee of Ministers	<a href="#">1193<sup>th</sup> meeting</a> (March 2014)

**[1193<sup>th</sup> meeting \(4-6 March 2014\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies

- noted that in the present group of cases, the Court has found violations of the Convention notably on account of the failure of the Moldovan authorities to protect the applicants from ill treatment by their (ex-) husbands and the discriminatory attitude displayed by the authorities towards the applicants as women;
- noted with interest the proactive attitude displayed by the local authorities in respect of the applicant in the *Mudric* case with a view to ensuring her protection and encouraged the Moldovan authorities to explore similar appropriate avenues with respect to the applicants in the *Eremia* and the *B.* cases in order to ensure, if necessary, the applicants' safety;
- as regards general measures, took note of the Court's findings in these cases that the Moldovan authorities have put in place a legislative framework allowing them to take measures against persons accused of family violence, most notably the 2007 Law on Domestic Violence;
- invited the Moldovan authorities to provide information on the measures adopted and/or envisaged with a view to ensuring an effective implementation of the existing legislation in practice by all concerned State bodies.

**[1243<sup>th</sup> meeting \(8-9 December 2015\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies

*As regards individual measures*

- noted the proactive attitude displayed by the Moldovan authorities in taking individual measures in these cases, the fact that no new incidence of violence against the applicants has been reported and the Moldovan authorities' commitment to continue closely supervising the applicants' individual situation and considered, therefore, that no further urgent individual measures are required;
- invited the Moldovan authorities to provide information on the developments in the reopened investigation in the *T.M. and C.M.* case;

*As regards general measures*

- noted the wide range of measures taken in 2012 – 2015 to prevent and combat domestic violence and gender-based discrimination, including legislative, institutional, capacity building and awareness raising measures, and strongly encouraged the Moldovan authorities to continue their efforts in tackling the complex problems at issue in the present group;
- invited the Moldovan authorities to provide information, preferably for the period 1 January 2011 – 31 December 2015, on the number of complaints of domestic violence registered, the number of criminal investigations initiated, the number of requests for protection orders submitted, the number of protection orders adopted, as well as the average time for examination by domestic courts of the requests for protection orders and for execution of these orders by competent authorities as well as on the safeguards available to ensure appropriate action of the police and social care authorities in domestic violence cases and examples of relevant domestic courts' case-law;
- further invited the Moldovan authorities to consider signing and ratifying the Istanbul Convention on preventing and combating violence against women and domestic violence.

## Eremia (group)

Authorities' failure to protect women from domestic violence by their (ex-) husbands (Article 3 + 8); discriminatory attitude of domestic authorities towards the victims as women (Article 14 read with Article 3).

1302<sup>nd</sup> meeting (5-7 December 2017)

[List of decisions](#)

### Notes of the meeting

#### Decisions

The Deputies

#### As regards individual measures

1. considering that it appears that the applicants in the *Eremia*, *B.* and *Mudric* cases are no longer at risk of domestic violence, concluded that no further individual measures are required in these three cases and therefore decided to close their examination by Final Resolution [CM/ResDH\(2017\)425](#);
2. invited the authorities promptly to conclude the criminal proceedings against the aggressor in the *T.M. and C.M.* case and provide information on their outcome;

#### As regards general measures

3. noted with interest the wide range of measures taken in 2015-2017 to prevent and combat domestic violence and gender-based discrimination, in particular the signing of the Istanbul Convention on preventing and combating violence against women and domestic violence, as recommended by the Committee in December 2015, and strongly encouraged the authorities rapidly to ratify it;
4. strongly encouraged the authorities to continue their efforts in tackling the complex problems at issue in the present cases, notably by ensuring a holistic response to domestic violence, including by involving all relevant actors, with a view to achieving further progress;
5. invited the authorities to provide information, by 31 March 2019, preferably for the period January 2016 to December 2018, on: a) the number of complaints of domestic violence registered; b) the number of criminal and administrative investigations initiated and their outcome; c) the number of requests for protection orders submitted and the average time for their examination by the domestic courts; d) the number of protection orders adopted and the average time for their enforcement by the competent authorities; e) the number of emergency restraining orders issued by the police; f) the number of criminal and administrative proceedings initiated for breaches of protection or emergency restraining orders and their outcome;
6. decided to continue supervision of the outstanding individual and general measures under the *T.M. and C.M.* case.

\* \* \*

*I.D. (group)*

Poor conditions of detention in facilities under the authority of the Ministries of the Interior and Justice, including lack of access to adequate medical care; absence of an effective remedy

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">47203/06</a>
Judgment(s) final on	11/04/2011
First decision of the Committee of Ministers	1348 <sup>th</sup> meeting (June 2019) (see <i>Ciorap, Becciev, Paladi</i> groups)

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

- recalled that these cases concern mainly poor conditions of detention and the lack of access to adequate medical care while in detention, as well as the absence of effective domestic remedies in both respects (Articles 3 and 13 of the Convention);

*As regards individual measures*

- noted the conviction of the police officers responsible for the applicant's ill-treatment in the *I.D.* case but expressed regret over the leniency of the sanctions applied by the domestic court;
- decided to close their examination of four repetitive cases for which no further individual measure is required, and adopted Final Resolution [CM/ResDH\(2019\)143](#);

*As regards general measures*

- noted with satisfaction the entry into force, as of January 2019, of the legislation introducing preventive and compensatory remedies to challenge conditions of detention which the European Court considered, in principle, as effective and strongly encouraged the authorities to continue training and capacity building measures for the competent authorities (in particular to ensure adequate awards of monetary compensation, in compliance with the case-law of the European Court) and invited them to provide, by 31 March 2020, information on their functioning in practice;
- noted with interest that the measures taken so far allowed a reduction of the prison population in 2018 and strongly encouraged the authorities to pursue their efforts to further reduce overcrowding, including through reduced recourse to detention on remand, and provide information on the progress achieved;
- strongly urged the authorities to sustain their efforts in the building of the new prison and to abide by the indicated timeframe of end-2022 and, in the meantime, to continue improving conditions of detention in Prison No. 13 as well as other penitentiary establishments, and to provide information on the further measures taken or planned;
- invited again the authorities to provide information on the following outstanding issues:
  - measures taken to remedy the violations of Article 8 on account of censorship of detainees' correspondence and bans on family visits;
  - measures taken to ensure that the six reopened police detention facilities provide Convention-compliant conditions of detention: provision of food, sanitary conditions, out-of-cell activities in police establishments, placement of persons in police detention facilities beyond the statutory 72-hour period;
  - measures taken to ensure adequate and timely medical assistance in detention, including in the detention facility of the National Anti-corruption Centre;
  - questions related to the finding of a violation of Article 34;
- decided to resume their examination of these cases at one of their Human Rights meetings in 2020.

\* \* \*

*Luntre and Others (group)*

Failure or substantial delay in the enforcement of final domestic judicial decisions and lack of effective remedy in this respect; violations of the right to respect for property (Articles 6 § 1 + 13, Article 1 of Protocol No.1).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">2916/02</a>
<b>Judgment(s) final on</b>	15/09/2004
<b>First decision of the Committee of Ministers</b>	1230 <sup>th</sup> meeting (June 2015)

**1230<sup>th</sup> meeting (3-5 June 2015)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*As regards individual measures*

1. urged the Moldovan authorities to take the necessary measures to ensure that all the judgments in this group of cases are enforced without delay or to find *ad hoc* solutions for their enforcement and to provide information to the Committee on the concrete measures taken in this respect;

*As regards general measures*

2. noted with satisfaction that the Moldovan authorities have taken significant measures to resolve the problem of non-enforcement of judgments, including the introduction of a new bailiff system and the reform of the system of allocation of budgetary funds to ensure full and timely enforcement of court judgments;
3. encouraged the Moldovan authorities to pursue their efforts to ensure that the measures adopted so far are implemented effectively and in compliance with the standards set out in the European Court's case-law;
4. invited the authorities to provide concrete statistical information indicating the number of decisions enforced since the measures set out above came into force, the number of unenforced decisions as well as the average period taken for the enforcement of court judgments.

**1280<sup>th</sup> meeting (7-10March 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted that no further individual measures are required in 49 cases in this group;
2. urged the authorities promptly to complete the pending enforcement proceedings in the *Curararu, Cebotari and Others* and *Decevl* cases and to inform the Committee without delay of the concrete steps taken to ensure the execution of the judgments in these cases and the measures taken and/or envisaged by the bailiffs to overcome any hindrance to execution;
3. invited the authorities to provide information on the outstanding issues in the *Grivneac, Mazepa and Tudor-Auto S.R.L. and Triplu-Tudor S.R.L.* cases;
4. invited further the authorities to provide the Committee, by 1 November 2017, with their analysis of the effectiveness of the current system of enforcement, including statistical data, so as to enable it fully to assess the status of execution of this group of cases.

*Luntre and Others (group)*

Failure or substantial delay in the enforcement of final domestic judicial decisions and lack of effective remedy in this respect; violations of the right to respect for property (Articles 6 § 1 + 13, Article 1 of Protocol No.1).

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

*As regards individual measures*

1. decided to close their examination of 53 cases of this group, in which all individual measures have been taken, and adopted Final Resolution [CM/ResDH\(2018\)226](#);
2. strongly encouraged the authorities to explore all possible solutions in the execution of the *Curararu* and *Cebotari and Others* cases;

*As regards general measures*

3. noted with satisfaction the measures adopted to solve the root causes of the problems at issue in cases concerning compensation for depreciated savings in the Savings Bank and for property nationalised on account of political repression and decided that no further general measures are necessary regarding these aspects;
4. strongly encouraged the authorities to put in place without delay a national database of execution proceedings and invited them to provide the Committee, by 1 June 2019, with information on the use of the tools and instruments developed by CEPEJ to analyse the functioning and efficiency of the system of enforcement;
5. decided, in view of the progress achieved thus far, to transfer the remaining two cases (*Curararu* and *Cebotari and Others*) to the standard supervision procedure and to join them to the *Olaru and Others* group.

\* \* \*

*Genderdoc-M*

Violation of the right to peaceful assembly (violation of Article 11); lack of an effective remedy in this respect (violation of Article 13 in conjunction with Article 11); discrimination on account of the authorities' failure to authorise demonstrations which they considered to promote homosexuality (violation of Article 14 in conjunction with Article 11).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	9106/06
<b>Judgment(s) final on</b>	12/09/2012
<b>First decision of the Committee of Ministers</b>	1236 <sup>th</sup> meeting (September 2015)

**1236<sup>th</sup> meeting (22-24 September 2015)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*as regards individual measures*

1. encouraged the Moldovan authorities to continue taking all necessary measures to ensure that the applicant NGO exercises its right to peaceful assembly without undue restrictions and that adequate security protection is provided to it when necessary;

*as regards general measures*

2. noted with satisfaction the reforms made in the Moldovan legislation, in particular with regard to the lifting of the requirement to seek authorisation from the authorities to exercise the right to peaceful assembly as well as the removal of the local authorities' power to ban public events;
3. invited the Moldovan authorities to provide information as to how it is ensured that, in a situation in which a court bans a public event or changes its time or place, subsequent appeal proceedings can be concluded before the event in issue or the appeal court can otherwise intervene in time (e.g. through interim orders);
4. welcomed the adoption of the Anti-discrimination Law as well as the creation of the Anti-discrimination Council and invited in this respect the Moldovan authorities to provide information on the work carried out by the Anti-discrimination Council in the area of monitoring the legislation on anti-discrimination;
5. invited further the Moldovan authorities to provide information on the number of notifications for holding events similar to the one in the present judgment, preferably submitted between 1 June 2008 and 1 June 2015, and the number of court disputes between the local authorities and the organisers in such cases, as well as their outcome, and to provide explanations as to why notifications on small scale events are being made to the authorities;
6. noted the different measures taken by the authorities aimed at providing adequate protection to demonstrators and invited the authorities to provide detailed information on these measures;
7. strongly encouraged the Moldovan authorities to continue their efforts in providing security protection to demonstrators against counter demonstrators in public events similar to the one in the present case.

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted with satisfaction that the applicant organisation has been holding events without undue restriction imposed by the authorities; encouraged the authorities to continue taking all necessary measures to ensure that the applicant can continue to exercise its right to peaceful assembly without undue restriction and that adequate security protection is provided to it when necessary;
2. noted with interest the statistical data provided by the authorities;
3. invited the authorities to provide information as to how it is ensured that, where a court bans a public event or changes its time or place, subsequent appeal proceedings can be concluded before the planned date of the event;

*Genderdoc-M*

Violation of the right to peaceful assembly (violation of Article 11); lack of an effective remedy in this respect (violation of Article 13 in conjunction with Article 11); discrimination on account of the authorities' failure to authorise demonstrations which they considered to promote homosexuality (violation of Article 14 in conjunction with Article 11).

4. expressed serious concern with regard to the legislative initiative aimed at introducing liability for "propaganda of homosexual relations", considered that the adoption of such a law could raise serious questions as to the compliance by the Republic of Moldova with its obligations under Article 46 of the Convention and strongly urged the Moldovan authorities to give full consideration, in this context, to the Venice Commission's Opinion "on the issue of the prohibition of so-called 'propaganda of homosexuality' in the light of recent legislation in some member States of the Council of Europe" before taking a final stand on the issue.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. welcomed the fact that in 2017 and 2018 the applicant organisation held pride events without undue restrictions imposed by the authorities and with adequate police protection, and encouraged the authorities to continue in the same vein for similar public events in future;
2. expressed serious concern with regard to the new legislative initiative of 2017 to outlaw the promotion of homosexuality; in this respect, welcomed the unfavourable opinion issued by the government at this stage and reiterated with insistence its call on the authorities to give full consideration to the principles set out in the relevant judgments of the European Court and the Venice Commission's Opinion before taking a final stand on the issue;
3. encouraged the authorities to continue monitoring the practice of the domestic courts regarding appeal proceedings in cases of court decisions banning public events or changing the time or place thereof, with a view to ensuring that such appeal proceedings are concluded prior to the planned dates of these public events;
4. invited the authorities to continue and further strengthen their awareness-raising efforts, including as regards the general public, on the principle of prohibition of discrimination on grounds of sexual orientation and gender identity; in this context, noted also the information provided on the implementation of the anti-discrimination law and strongly encouraged the authorities to further strengthen their efforts in this respect.

\* \* \*

*Muşuc (group) / Guţu / Brega (group)*

Arrest and detention without reasonable suspicion (Article 5 § 1); failure to promptly inform about charges (Article 5 § 2); insufficient compensation for illegal arrest (Article 5 §§ 1 and 5); other violations of Articles 3, 18+5, 8, 11, 13 +5, 8 and 34.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">42440/06 - 20289/02 - 52100/08</a>
Judgment(s) final on	06/02/2008 - 07/09/2007 - 20/07/2010
First decision of the Committee of Ministers	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalling the importance of the different problems raised in this group of cases, mainly related to the right to liberty and security in the context of arrest and detention on remand, welcomed the action plan of 7 April 2016 and the measures adopted so far by the Moldovan authorities;

*As regards individual measures*

2. noted that all the applicants had already been released at the time of the Court's judgments and that the applicant in the *Cebotari* case (violation of Article 18 in combination of Article 5 of the Convention) had eventually been acquitted of the criminal charges wrongfully brought against him and that the attempt to hinder the exercise of his right of individual petition was unsuccessful;

*As regards general measures*

3. as regards Article 5 § 1, welcomed the efforts made by the Moldovan authorities aimed at aligning Moldovan legislation and practice with the requirements of this Article and encouraged them to adopt rapidly the remaining legislative measures envisaged while duly bearing in mind the Council of Europe's expert opinion issued in this connection;
4. as regards Article 13 taken in conjunction with Article 8, invited the Moldovan authorities to provide information on the measures envisaged and/or adopted in order to redress the lack of effective remedies found by the Court in the *Guţu* case;
5. as regards Article 5 § 2, Article 5 §§ 1 and 5, Article 18 taken in conjunction with Article 5, Article 11 and Article 34, considered that the general measures taken in response to the violations of these articles appear capable of preventing similar violations and therefore closed the examination of these aspects of the general measures required in these cases;
6. decided to close its examination of three cases in this group in which all individual and general measures have already been taken, that is the *Cebotari*, *Ganea* and *Cristina Boicenco* cases, and adopted in this respect final Resolution [CM/ResDH\(2016\)147](#), and to continue its examination of the remaining cases.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*As regards individual measures*

1. regretted that in view of the specific circumstances of the *Stepuleac* case and in light of the explanations given by the prosecutor's office that the shortcomings identified by the Court could not be remedied due to the closure of the detention centre at issue and the destruction of the documentary evidence;

*As regards general measures*

2. as regards Article 5 § 1, noted with satisfaction the legislative amendments, changes in court practice, and the training and awareness measures taken in response to this violation and decided to close its examination on this aspect and adopted Final Resolution [CM/ResDH\(2018\)227](#);



*Muşuc (group) / Guţu / Brega (group)*

Arrest and detention without reasonable suspicion (Article 5 § 1); failure to promptly inform about charges (Article 5 § 2); insufficient compensation for illegal arrest (Article 5 §§ 1 and 5); other violations of Articles 3, 18+5, 8, 11, 13 +5, 8 and 34.

3. as regards Article 13 taken in conjunction with Article 8, invited the Moldovan authorities to submit information on the measures adopted or envisaged to ensure that a remedy is available to claim compensation for unlawful actions of police officers, regardless of the final decision in the criminal or misdemeanour proceedings at issue; and decided to continue its examination of the *Guţu* case in the framework of *Sarban* group of cases.

\* \* \*

*Sarban (group)*

Various violations of Article 5, mainly arising from detention pending trial without court order; lack of relevant and sufficient reasons for detention; the lack of a speedy review of detention order (Article 5 §§1, 3 and 4).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	3456/05
<b>Judgment(s) final on</b>	04/01/2006
<b>First decision of the Committee of Ministers</b>	1236 <sup>th</sup> meeting (September 2015)

**1214<sup>th</sup> meeting (2-4 December 2014)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. welcomed the efforts made by the Moldovan authorities aimed at aligning Moldovan legislation and practice with the Convention requirements and the Court's case-law in relation to detention pending trial;
2. *as regards individual measures*, took note of the measures adopted by the Moldovan authorities and consider that no further individual measure is required;
3. *as regards general measures*, considered with satisfaction that the following issues have been resolved:
  - detention pending trial without legal basis in violation of Article 5§1;
  - lack of confidentiality of lawyer-client communication on account of the glass partition at the then Centre for Fighting against Economic Crimes and Corruption (CFECC) in violation Article 5§4;
4. invited the Moldovan authorities to provide information, before 1 October 2015, on the progress achieved concerning the following outstanding issues:
  - the legislative measures envisaged with regard to the issue of unlawful detention despite a higher court's decision to quash the initial order for detention;
  - the development of judicial practice in line with the Convention requirements and the Court's case-law, following the legislative amendments taken in recent years as well as the recommendations of the Supreme Court in April 2013, as regards providing relevant and sufficient reasons in court orders for detention pending trial;
  - the necessary legislative amendments, to lift the prohibition on releasing certain accused persons from detention pending trial, so as to ensure that all accused persons have the right to be released from detention pending trial;
  - the impact of the legislative amendments and the recommendations of the Supreme Court of April 2013 on the prevention of lengthy appeal proceedings concerning orders for detention pending trial and on the prevention of the violation of principle of equality of arms.

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*as regards individual measures*

1. took note of the measures adopted by the authorities and consider that no further individual measures are required;

*as regards general measures*

2. welcomed the efforts made by the authorities aimed at aligning the domestic legislation with the Convention requirements and the Court's case law in relation to detention on remand;
3. considered with satisfaction that the following issues have been resolved:

*Sarban (group)*

Various violations of Article 5, mainly arising from detention pending trial without court order; lack of relevant and sufficient reasons for detention; the lack of a speedy review of detention order (Article 5 §§1, 3 and 4).

- unlawful detention in violation of Article 5 § 1 following the prosecutor's circumvention of a valid release order by applying for a new detention order to a different court;
  - unlawful detention in violation of Article 5 § 1 ordered by a higher court after quashing the decision of a lower court and sending the case for retrial while leaving the person in detention without giving any reasons for this or specifying the period of detention;
  - prohibition of release of certain categories of accused persons, in violation of Article 5 § 3;
4. invited the authorities to provide information, before 31 March 2018, on the following outstanding issues:
- the development of judicial practice, following the legislative amendments of 2016, as regards the provision of relevant and sufficient reasons in court orders for detention on remand, the length of appeal proceedings concerning such orders and the prevention of violations of the principle of equality of arms;
  - the measures adopted or envisaged to ensure that a possibility to apply for compensation is open to any person detained in breach of Article 5;
5. decided to close its examination of the *Danalachi* case in which all individual and general measures have already been taken and adopted in this respect final Resolution [CM/ResDH\(2017\)290](#).

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. recalled that these cases concern various violations of the applicants' rights to liberty and security as guaranteed under Article 5 of the Convention, arising notably from the lack of relevant and sufficient reasoning when ordering or prolonging their detention on remand;

*As regards individual measures*

2. decided to close their examination of 23 repetitive cases of this group given that the just satisfaction has been paid and that none of the applicants is detained pending trial, and adopted Final Resolution [CM/ResDH\(2019\)144](#);

*As regards general measures*

3. stressed the importance of the fundamental right to physical liberty in a state governed by the rule of law and recalled the principle of the Court's case-law that presumption is always in favour of release;
4. expressed deep concern that the measures adopted so far have not yet resulted in any clear and tangible improvements in judicial practice as concerns the giving of reasons for detention on remand;
5. consequently, called upon the authorities promptly to take additional measures with a view to bringing domestic practice into line with Convention requirements, respecting the presumption of innocence and the presumption in favour of liberty as well as the principle that detention on remand should be a measure of last resort, and invited them to provide information on the progress made in this respect by 31 December 2019;
6. strongly urged the authorities to take full advantage of the technical assistance offered by the Council of Europe, notably through the ongoing Programme "Promoting a human rights compliant criminal justice system in the Republic of Moldova";
7. invited the authorities to provide also the following information on other outstanding issues:
  - the relevant legislative provisions and the recent case law as concerns the length of time taken to examine *habeas corpus* requests;
  - examples of practice of the prosecution service and courts as concerns access of the defence to case files, hearing of evidence from defence witnesses and summoning of lawyers to hearings on detention on remand;
  - the amendments to Law No. 1545;

*Sarban (group)*

Various violations of Article 5, mainly arising from detention pending trial without court order; lack of relevant and sufficient reasons for detention; the lack of a speedy review of detention order (Article 5 §§1, 3 and 4).

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8. as regards the violations of Article 5 § 1 on account of insufficient compensation awarded by the domestic courts, and of Articles 11, and 13 in conjunction with Article 8, considered that the general measures taken appear capable of preventing similar violations and therefore closed the supervision of these aspects;
9. decided to resume their examination of these cases at one of their Human Rights meetings in 2020.

\* \* \*

*Taraburca (group)*

Ill-treatment by the police in connection with violent demonstrations and ineffective investigation thereof (Article 3 substantial and procedural); lack of effective civil remedies to claim compensation for the ill-treatment (Article 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">18919/10</a>
<b>Judgment(s) final on</b>	06/03/2012
<b>First decision of the Committee of Ministers</b>	<a href="#">1172<sup>th</sup> meeting</a> (June 2013)

**[1259<sup>th</sup> meeting \(7-8 June 2016\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that the violations in these cases concern the ill-treatment inflicted on the applicants by the police in connection with the violent demonstrations which occurred in Chişinau in April 2009 after the parliamentary elections as well as the lack of effective investigations in this respect;

*As regards individual measures*

2. noted the fresh investigatory steps taken by the prosecution services following the Court’s judgments with a view to remedying the shortcomings identified in the initial investigations into the applicants’ ill-treatment;
3. noted further that the applicant in the *Taraburca* case is yet to respond to the repeated calls of the prosecution service to participate in the further investigative actions requiring his involvement and further noted the authorities’ commitment to continue looking for other solutions to prompt his active participation;
4. noted, as regards the *Iurcu* and *Buhaniuc* cases, the authorities’ commitment to resume the investigations should new relevant information appear;
5. considered, in the light of these developments, which occurred after the delivery of the Court’s judgments, that no further individual measures are necessary;

*As regards general measures*

6. noted the regulations adopted by the Moldovan authorities on intervention tactics by the police in cases of public disturbance and invited them to inform the Committee on what grounds and conditions force can be used by the police during public gatherings, whether before a police intervention an assessment is made on the proportionality of the use of force and whether any training for the police has been dedicated to these issues;
7. further invited the Moldovan authorities to inform the Committee whether any specific measures have been adopted in response to the Court’s findings in the case of *Tarabuca* concerning legal-aid lawyers, judges and prosecutors.

**[1331<sup>th</sup> meeting \(4-6 December 2018\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2018\)464](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations of Article 3 and 13 established mainly on account of the police action taken in response to demonstrations which turned violent following the parliamentary elections in April 2009 and the need for special measures to allow law enforcement officials to tackle serious disturbances of law and order;

*Taraburca (group)*

Ill-treatment by the police in connection with violent demonstrations and ineffective investigation thereof (Article 3 substantial and procedural); lack of effective civil remedies to claim compensation for the ill-treatment (Article 13).

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 information provided by the government indicating the measures adopted to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents [DH-DD\(2013\)450](#), [DH-DD\(2016\)460](#) and [DH-DD\(2018\)1042](#));

Welcoming the fact that the Government and the Parliament have expressed their regrets for the inappropriate reaction of the national law enforcement bodies and the judiciary following the impugned events and that compensation has been granted at national level to identified victims;

Noting with interest the measures taken to reform the legislative and regulatory framework for policing public assemblies, including safeguards regarding the use of force, the prosecutorial and judicial control available, and also the training and awareness-raising measures directed at all of the actors concerned;

Recalling that other general measures in response to ill-treatment in police custody and the lack of effective investigations continue to be examined within the framework of the *Levința* group (No. 17332/03);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

*Timus and Taurus*

Killing during a police operation and ineffective investigations; absence of a remedy allowing compensation.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">70077/11</a>
<b>Judgment(s) final on</b>	15/01/2014
<b>First decision of the Committee of Ministers</b>	1340 <sup>th</sup> meeting (March 2019)

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled that the present case concerns the killing of a person in the course of a police operation in 2009 and the ineffective investigation into this incident;

*As regards individual measures*

2. urged the authorities to take expeditiously all the investigatory measures necessary to address the outstanding issues identified by the Court, to apply an adequate proportionality test and to base their conclusions on a thorough, objective and impartial analysis of all the relevant elements; invited them to provide, by 30 November 2019, detailed information on the progress made and the results achieved;

*As regards general measures*

3. agreed to concentrate their examination on measures addressing issues related to the preparation of police operations and the use of firearms by police;
4. noted with interest the new legislation and regulations, of 2012 and 2018 respectively, governing more strictly the use of firearms by police;
5. invited the authorities to provide information on whether authorisation for the use of firearms by police officers is conditional on initial and in-service training, whether their theoretical and practical knowledge is regularly assessed, as well as on the existing procedures for documenting incidents of the use of firearms, reporting them and reviewing the legality of such use;
6. invited the authorities to provide information on the existing methods for the planning and review of police operations.

\* \* \*

*Ilaşcu and Others(group) – Ivanţoc and Others*

**Ilaşcu:** violations by the Republic of Moldova and the Russian Federation: applicants’ illegal and arbitrary detention in the “Moldavian Republic of Transdnistria”; ill-treatment sustained in this context; interferences with their right to individual petition (Articles 3, 5 and 34 by the Republic of Moldova and the Russian Federation). Applicants’ immediate release requested by the Court.

**Ivanţoc:** lack of immediate release of two applicants after the Ilaşcu judgment (violations of Articles 3, 5, 8 and 13 by the Russian Federation; no violation by the Republic of Moldova).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">48787/99 - 23687/05</a>
<b>Judgment(s) final on</b>	08/07/2004 - 04/06/2012
<b>First decision of the Committee of Ministers</b>	<a href="#">1193<sup>th</sup> meeting</a> (mars 2014)

[1193<sup>th</sup> meeting \(4-6 March 2014\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Final Resolution CM/ResDH(2014)37 as it appears below.

**Final Resolution CM/ResDH(2014)37**

**Execution of the judgments of the European Court of Human Rights in Two cases against the Republic of Moldova and the Russian Federation**

*(Adopted by the Committee of Ministers on 6 March 2014, at the 1193rd meeting of the Ministers’ Deputies)*

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 judgments transmitted by the Court to the Committee in these cases;

Recalling each 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 each of the respondent States to inform the Committee of the measures taken to comply with the above-mentioned obligations;

Recalling that in the Ilaşcu and others judgment of 8 July 2004, the Court found several violations of the Convention against the Republic of Moldova and the Russian Federation, in relation to the four applicants’ illegal and arbitrary detention in the entity unrecognised by international community called the “Moldavian Republic of Transdnistria”, the ill-treatment they had sustained in this context and the interferences with their right to individual petition;

Underlining that the execution of this judgment required, as indicated by the Court, that both respondent States take “all necessary measures to put an end to the arbitrary detention of the applicants still imprisoned and secure their immediate release”;

Recalling that the Court noted that the applicant Mr Ilaşcu had been released on 5 May 2001, that the Committee rapidly received confirmation of Mr Leşco’s release and that it has closely followed the question of the release of Messrs Ivanţoc and Popa<sup>5</sup>, as shown by the adoption of five interim resolutions (ResDH(2005)42, ResDH(2005)84, ResDH(2006)11, ResDH(2006)26, CM/ResDH(2007)106);

Recalling that following their release on 2 and 4 June 2007, the Committee noted in its last interim resolution that the authorities of the Republic of Moldova had regularly informed it of the efforts they had made to secure the applicants’ release, while expressing its profound regret that, the authorities of the Russian Federation had not actively pursued all effective avenues to comply with the Court’s judgment;

Recalling having deeply deplored the prolongation of the applicants’ unlawful and arbitrary detention after the judgment of the Court, and underlining firmly in this respect that full, effective and rapid execution of the final judgments of the Court is indispensable for the effectiveness of the Convention system;

<sup>5</sup>Formerly Petrov-Popa.



*Ilaşcu and Others(group) – Ivanţoc and Others*

**Ilaşcu:** violations by the Republic of Moldova and the Russian Federation: applicants' illegal and arbitrary detention in the "Moldavian Republic of Transnistria"; ill-treatment sustained in this context; interferences with their right to individual petition (Articles 3, 5 and 34 by the Republic of Moldova and the Russian Federation). Applicants' immediate release requested by the Court.

**Ivanţoc:** lack of immediate release of two applicants after the Ilaşcu judgment (violations of Articles 3, 5, 8 and 13 by the Russian Federation; no violation by the Republic of Moldova).

Recalling that a new application had been lodged against both States because of the prolongation of the two remaining applicants' arbitrary detention after the Ilaşcu judgment, and that the Committee had suspended its supervision of the execution of this judgment pending the Court's decision;

Considering that this application resulted in the second judgment of the Court, Ivanţoc and others, final on 4 June 2012, in which it held that:

- the Russian Federation was responsible by its inaction for violations concerning the prolongation of the applicants' detention and concerning the effects of this prolongation (the latter including violations as regards the conditions of the applicants' detention, as well as their rights to respect for their private and family lives, and for their correspondence with their relatives). It awarded to the applicants just satisfaction covering all the damage caused by the prolongation of their illegal and arbitrary detention until their release;
- the Republic of Moldova had, after the Ilaşcu judgment, discharged its positive obligations towards the applicants;

Considering, in view of the conclusions of the Court in both the Ilaşcu and Ivanţoc judgments, that the only remaining execution measure was the payment by the Russian Federation of the just satisfaction awarded in the Ivanţoc judgment, and having received the confirmation of this payment (see document DH-DD(2013)1074);

Concludes, in these circumstances, that the consequences for the applicants of the violations found have been erased as far as possible;

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

DECIDES to close the examination thereof.

\* \* \*

*Labsi*

Expulsion of the applicant to Algeria where he faced a real risk of treatment contrary to Article 3. Violation of Article 34 as the expulsion took place despite an interim measure indicated by the European Court under Rule 39 of its Rules, and lack of an effective remedy in this respect - violation Article 13.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">33809/08</a>
<b>Judgment(s) final on</b>	24/09/2012
<b>First decision of the Committee of Ministers</b>	1157 <sup>th</sup> meeting (December 2012)

**1214<sup>th</sup> meeting (2-4 December 2014)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted, in respect of the individual measures, the information provided by the Slovak authorities that since May 2012 the applicant is free and enjoying all his constitutional rights and that he has not made any complaint to the Committee of Ministers, and considered consequently that no further individual measures are necessary;
- noted, in respect of the general measures, that the domestic courts apply the same test as the European Court in respect of Article 3 and that, in response to the violation of Article 34, the authorities have declared they will respect any other interim measure indicated in the future by the European Court, and considered, notably given the isolated nature of the latter violation, that no other general measures appear necessary in these respects;
- noted with concern, however, in respect of Article 13, that the complaint procedure before the Constitutional Court, criticised in the judgment of the European Court, remains unchanged and further that the developments in the practice of the Constitutional Court do not permit the conclusion that it amounts to a remedy with automatic, suspensive effect;
- urged the authorities to put in place a remedy with automatic, suspensive effect without delay in response to the violation of Article 13 and to inform the Committee of their progress in this regard in a consolidated action plan/report to be provided by 1 July 2015.

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- recalling that they have already closed their examination of the individual measures and of the general measures concerning the violations of Articles 3 and 34;
- regarding the general measures concerning the violation of Article 13, noted with concern that, despite their decision in December 2014 highlighting that the developments in the practice of the Constitutional Court did not permit the conclusion that it amounted to a remedy with automatic, suspensive effect, the complaint procedure before the Constitutional Court remains unchanged;
- took note of the new information presented in the revised action report concerning the general domestic legal framework governing the expulsion of foreigners;
- in the light of this information, reiterated their call to the Slovak authorities to put in place without further delay a remedy with automatic, suspensive effect, in line with the requirements of the Convention, for individuals in the same situation as the applicant in the present case.\* \* \*

## *D.H. and Others*

Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">57325/00</a>
<b>Judgment(s) final on</b>	13/11/2007
<b>First decision of the Committee of Ministers</b>	<a href="#">1100<sup>th</sup> meeting</a> (December 2010)

### **[1201<sup>th</sup> meeting \(June 2014\)](#)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decision*

#### The Deputies

1. noted the developments made in the implementation of the authorities' action plan and encouraged them to pursue their efforts in this respect and to ensure that the outstanding measures are adopted without delay;
2. welcomed the adoption of the amended decrees, which will enter into force on 1 September 2014, abolishing the possibility of short-term placement of "socially disadvantaged" pupils in groups/classes for children with "mild mental disability"; further encouraged the authorities to pursue their efforts with a view to amending Article 16 of the Education Act;
3. considered that the information available on the implementation of new diagnostic tools and reassessment of pupils raise questions about their effectiveness, particularly in relation to:
  - the low percentage of children diverted to the mainstream education system;
  - the follow-up given to pupils whose transfer to the mainstream education system is recommended; and
  - the fate of children who do not respond to a call for reassessment;
 and invited the authorities to provide further explanations in this regard by 15 September 2014;
4. invited further the Czech authorities to provide the Committee, no later than 10 February 2015, with a revised action plan, including in particular an update on the use of diagnostic tools and the most recent statistics concerning the education of Roma pupils in groups/classes for pupils with "mild mental disability";
5. decided to resume consideration of this case, in light of the information expected from the Czech authorities, at the latest at their DH meeting of March 2015.

### **[1222<sup>th</sup> meeting \(11-12 March 2015\)](#)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. noted that the new legislative framework and diagnostic tools envisaged under the consolidated action plan of 2012 have been put in place; however, expressed concern that, according to the most recent statistics, the percentage of Roma pupils in classes or groups for children with "mild mental disabilities" remains disproportionate;
2. noting the problems identified with the functioning of the testing system and the follow-up for pupils recommended for transfer to mainstream education, underlined the importance of ensuring effective supervision of the use of diagnostic tools and of follow-up to recommendations, and urged the authorities to ensure the necessary support to pupils entering or transferred to mainstream education;
3. welcomed the changes to the legislative framework envisaged under the Education Act for September 2016 and invited the authorities to indicate the measures to be taken to implement effectively this new legislative framework; strongly encouraged the authorities to enhance their ongoing co-operation with civil society in this area, to ensure that future measures adopted have the necessary impact in practice;

## D.H. and Others

Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).

4. invited the authorities to provide, no later than by 1 September 2015, information on the strategy they envisage to implement the new legislative framework, as well as, by the 5 February 2016, an update with the most recent statistics concerning the education of Roma pupils in groups/classes for pupils with "mild mental disability" and information responding to the other concerns raised;
5. decided to resume consideration of this case, in the light of the information expected from the Czech authorities at the latest, at their DH meeting of June 2016.

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

1. noted with interest the ongoing reform of the education system in the Czech Republic, as well as the legislative and practical measures adopted or envisaged by the authorities with a view to putting in place a policy of inclusive education and ensuring that it is fully operational in practice;
2. in light of the absence of a substantial change, to date, in the education of Roma [\[5\]](#) pupils, as illustrated by the most recent statistics, urged the Czech authorities to implement rapidly the reform of the education system, so that it will impact on the upcoming school year;
3. in this respect, encouraged the authorities to ensure that sufficient financial and human resources are allocated to all actors involved and that a relevant monitoring body is duly equipped with all necessary powers, and requested them to provide the Committee with detailed information in this regard;
4. recalled the importance of the role of NGOs and national human rights institutions in providing the solution to this complex problem and advised the authorities to continue their close co-operation in this context;
5. invited the authorities to provide, no later than by 7 September 2016, confirmation of the entry into force of the new reform, as well as, by 10 February 2017, information showing its impact in practice, including the first statistics, and decided to resume consideration of this case, in the light of this information, as well as of the awaited report of the *Ad hoc* Committee of Experts for Roma Issues (CAHROM) on diagnostic tools.

### 1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

1. welcomed the 2015-2016 reform of the education system in the Czech Republic which laid the groundwork for inclusive education, as it introduced the right of pupils with special needs to free individual support measures within the mainstream educational system; strongly encouraged the authorities to ensure its full implementation and to continue to adopt all measures which may be decisive for its ultimate success;
2. noted that the statistical data provided does not yet show the profound change in the education of Roma pupils which has long been awaited, while understanding that it might be too early to see the impact of the reform as the main measures entered into force only in September 2016 and will be implemented gradually over a period of two years;
3. expressed their strong expectation, however, that during the current and upcoming school years increasing numbers of children with special educational needs will receive support measures allowing them to integrate into mainstream schools or classes and that statistical data at the end of 2017 will reflect this process; underlined that it is crucial rapidly to achieve concrete results as regards the inclusion of Roma pupils in the mainstream education system, bearing in mind that the judgment in this case became final almost ten years ago;
4. invited the authorities rigorously to collect all necessary data showing the practical impact of the reform, in particular reflecting the situation of Roma pupils, and to provide, no later than 15 February 2018, extensive information in this

*D.H. and Others*

Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).

respect, including comprehensive statistics; decided to resume consideration of this case, in the light of this information, at the latest at their June 2018 Human Rights meeting.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

*As regards individual measures*

1. recalled that there are no individual measures to be taken in the present case, as the applicants are no longer in the compulsory schooling system,

*As regards general measures*

2. welcomed the profound commitment and the holistic approach displayed by the Czech authorities in implementing the reform on inclusive education;
3. noted with interest the first tangible results, confirmed by statistics indicating a positive trend of a decrease in the share of Roma pupils educated under programmes for children with mild mental disabilities, visible in particular for pupils in the first year of primary education; noted furthermore that the decrease is particularly significant, compared to the situation when the judgment in the present case was adopted and when, according to unofficial estimates, Roma children represented up to 70% of pupils enrolled in special schools;
4. welcomed the fact that the situation of Roma children and the implementation of the reform is closely monitored by a mechanism which can intervene whenever appropriate and adopt or suggest any necessary corrective measures;
5. noted also with interest that the supervisory bodies appear to be reacting competently to alleged malfunctioning of the system and recalled that it is paramount that the close supervision of the counselling centres continues, as the process of replacement of older diagnostic tools with newer ones carries on;
6. expressed their strong expectation that with the upcoming school years the reform will become more and more embedded and that, with each passing year, fewer children will be assigned to reduced education programmes, so that the share of Roma children educated outside the mainstream will continue to decrease;
7. invited the authorities to present a conclusive global assessment of the reform by 15 March 2019, together with the long-term outlook, which could then enable the Committee to determine whether any questions remain open and to explore the possibility of closure of its supervision in the near future.

\* \* \*

*Al Nashiri*

Various violations related to the applicant's transfer to and from Romania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation. As a result, the applicant was exposed to a serious risk of further ill-treatment and conditions of detention in breach of Article 3 as well as of further secret detention and faces a risk of capital punishment in a trial before a United States military commission in which, according to the European Court's judgment, evidence obtained under torture might be used.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">33234/12</a>
<b>Judgment(s) final on</b>	08/10/2018
<b>First decision of the Committee of Ministers</b>	1331 <sup>th</sup> meeting (December 2018)

**[1331<sup>th</sup> meeting \(4-6 December 2018\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

- noting that in this judgment the European Court established Romania's responsibility under the Convention on account of its knowledge of and involvement in the implementation of the CIA High-Value Detainee Programme and found serious violations of several Convention rights by Romania in respect of the applicant's transfer to and from its territory, his secret detention in a CIA detention site and the regime he was subjected to during this detention;

*As regards urgent individual measures*

- recalled their firm, unequivocal opposition to the death penalty and expressed deep concern at the fact that the applicant faces the death penalty in his trial before a United States military commission and that, in this context, evidence obtained under torture could be used; stressed that this situation is the result of an "extraordinary rendition" operation which enabled the CIA to bring the applicant illegally under United States jurisdiction;
- further recalled the unsuccessful attempts by Poland, notwithstanding the efforts deployed, to obtain assurances for this same applicant that he will not be exposed to the death penalty and asked the Romanian authorities to use all possible means to obtain as a matter of the utmost urgency assurances from the United States that Mr Al Nashiri will not be subjected to the death penalty nor exposed to a flagrant denial of justice, and encouraged them in particular to consider acting jointly with their Polish counterparts; invited in this context the Romanian authorities to provide information on the scope and consequences of the decision of the military commission of 17 August 2018 with respect to their obligations under Article 46;

*As regards individual and general measures*

- recalled the necessity of rapidly advancing the criminal investigation into the circumstances and conditions in which the applicant was brought into Romania, treated there, and then transferred from there, which entails in particular investigating possible acts of torture;
- expressed their utmost concern at the ongoing legislative reforms aimed at substantially reducing the limitation periods in cases of torture, taking account of the risk that this entails for the effectiveness of these investigations and the fight against impunity for serious human rights violations in Romania;
- noted likewise with deep concern the Venice Commission's assessment in its "Opinion on amendments to the Criminal Code and the Code of Criminal Procedure" of 20 October 2018 that these reforms will seriously impair the effectiveness of the Romanian criminal justice system in the fight against various forms of serious crimes, including violent crimes, and underlined in this respect the crucial importance of ensuring that the reforms guarantee fully the effectiveness of criminal investigations in order to maintain confidence in respect for the rule of law;
- therefore called firmly upon the Romanian authorities to reconsider the recent amendments to the Criminal Code and Code of Criminal Procedure, in particular those reducing limitation periods for torture, taking due account of the requirements of the Convention as spelled out in the Committee of Ministers "Guidelines on Eradicating Impunity for Serious Human Rights Violations" as well as in the recent Opinion of the Venice Commission;
- invited the Romanian authorities rapidly to inform the Committee of the steps taken to obtain the required diplomatic assurances from the United States authorities and to address the Committee's concerns related to the effectiveness of criminal investigations and decided to resume consideration of this case at their 1340<sup>th</sup> meeting (March 2019) (DH).

*Al Nashiri*

Various violations related to the applicant's transfer to and from Romania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation. As a result, the applicant was exposed to a serious risk of further ill-treatment and conditions of detention in breach of Article 3 as well as of further secret detention and faces a risk of capital punishment in a trial before a United States military commission in which, according to the European Court's judgment, evidence obtained under torture might be used.

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalling that in this judgment the European Court established Romania's responsibility under the Convention on account of its knowledge of and involvement in the implementation of the CIA High-Value Detainee Programme and found serious violations of several Convention rights by Romania in the context of an "extraordinary rendition" operation which enabled the CIA to bring the applicant illegally under United States jurisdiction;

*As regards individual measures*

2. noted with satisfaction the prompt action of the Romanian authorities to request from the United States authorities diplomatic assurances that the applicant will not face capital punishment in his ongoing trial before a US military commission and to clarify whether the risk still remains of a flagrant denial of justice on account of the use at his trial of evidence obtained under torture;
3. strongly encouraged the Romanian authorities actively to follow up both of these initiatives; invited them to keep the Committee fully informed of all relevant developments, including in the situation of the applicant;
4. noted with interest the steps taken and envisaged in the criminal investigation into the serious human rights violations suffered by the applicant and the fact that domestic law guarantees access to classified information to prosecutors and judges; recalling however that the relevant facts date back to 2004 and 2005, called firmly on the authorities to deploy all possible means to expedite the investigation and to ensure that its effectiveness is not hampered by the statutory limitation of criminal liability;

*As regards general measures*

5. recalling the Committee's previously expressed concerns at ongoing amendments of the Criminal Code and Code of Criminal Procedure, in particular those reducing the limitation periods for torture, and its firm call upon the authorities to reconsider these taking due account of the requirements of the Convention in the context of the fight against impunity, asked the authorities to indicate how they intend addressing these concerns;
6. decided to resume consideration of the individual and general measures in this case at their 1348<sup>th</sup> meeting (June 2019) (DH).

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalling that in the present judgment the European Court established Romania's responsibility under the Convention on account of its knowledge of and involvement in the implementation of the CIA High-Value Detainee Programme and found serious violations of several Convention rights by Romania in the context of an "extraordinary rendition" operation which enabled the CIA to bring the applicant illegally under United States jurisdiction;

*As regards individual measures*

2. recalling further that the consequences for the applicant of the violations of the Convention found by the European Court have not been remedied as he remains at risk of a flagrant denial of justice in the proceedings before the military commission and at risk of being subjected to the death penalty;
3. expressed deep regret about the lack of response to the request for diplomatic assurances from the US authorities; urged the Romanian authorities to continue to actively pursue the diplomatic dialogue with the United States authorities;

*Al Nashiri*

Various violations related to the applicant's transfer to and from Romania, his detention in a secret CIA prison and the regime he was subjected to during this detention, in the context of an "extraordinary rendition" operation. As a result, the applicant was exposed to a serious risk of further ill-treatment and conditions of detention in breach of Article 3 as well as of further secret detention and faces a risk of capital punishment in a trial before a United States military commission in which, according to the European Court's judgment, evidence obtained under torture might be used.

4. underlined that, in order to fulfil their obligation under Article 46 of the Convention, the Romanian authorities should intensify their efforts in this respect at the highest possible levels; invited them to keep the Committee fully and regularly informed of all developments and of the current situation of the applicant;
5. as regards the criminal investigation, noted with concern that, despite some steps taken by the prosecution authorities, there is no tangible progress;
6. underlined the importance of completing this investigation into serious human rights violations to maintain public confidence in Romania's adherence to human rights and the rule of law and to prevent any appearance of impunity, collusion in or tolerance of unlawful acts; underlined also that the Romanian public has a legitimate interest in being informed about the investigation and invited the authorities to explain how they intend to inform the public about the investigation and its results;
7. stressed the importance of ensuring that criminal responsibility for these same violations does not become time-barred; urged the Romanian authorities to take all necessary actions to this effect; urged them also to intensify their efforts to complete the investigation and to provide the Committee with an indication on the concrete investigative steps to be taken and an estimated time frame for their completion;
8. invited also Council of Europe member States concerned to provide the Romanian authorities with any assistance requested to complete their investigation;
9. recalling that the United States has observer status with the Council of Europe and as such shares its ideals and values, considered that this status and such values encourage co-operation; strongly urged the United States authorities therefore to respond positively to the request for diplomatic assurances, especially as the applicant's present situation is the result of an illegal "extraordinary rendition" operation organised by the CIA on Romanian territory;
10. invited the Secretary General to transmit this decision to the Permanent Observer of the United States to the Council of Europe;

*As regards general measures*

11. noted with grave concern, in view of the risk of impunity for serious human rights violations such as those at issue in this case, that, despite the Committee's previous firm and repeated calls upon the Romanian authorities to reconsider the amendments significantly reducing the limitation periods for a number of serious criminal offences, including torture, these amendments risk entering into force shortly;
12. urged, consequently, the Romanian authorities to take resolute action, at the highest level possible, to prevent such a development;
13. noted, moreover, with regret that the Romanian authorities have not submitted any information on the general measures envisaged to prevent similar violations from occurring in the future including as regards improved control of intelligence services;
14. considered that to avoid similar abuses and grave human rights violations in the future, it is imperative that real efforts are made to establish the truth about what happened and how; noted in this context the importance of ensuring also that any future international co-operation will be consistent with overarching human rights obligations under the European Convention;
15. urged the authorities to send an unequivocal message from the highest authorities to the intelligence services as to the absolute unacceptability of and zero tolerance towards arbitrary detention, torture and secret rendition operations; invited in this context the authorities to provide details about the measures taken or envisaged to acknowledge Romania's role and responsibility for the human rights violations at issue;
16. requested the authorities to inform the Committee without delay of the action taken to ensure that there is no reduction in the limitation periods for torture and invited them to submit information on all other outstanding issues by 1 December 2019; decided to resume consideration of this case at an appropriate meeting in the light of the information submitted and at the latest at their March 2020 meeting (DH).

\* \* \*



**Anghelescu Barbu No.1 (group)**

Death or ill-treatment under the responsibility of law enforcement agencies; ineffective investigations and domestic remedies; racially-motivated ill-treatment of an applicant of Roma origin and/or failure of the authorities to investigate into such motives (Articles 2 and/or 3, 13 and 14 together with Articles 3 and/or 13).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">46430/99</a>
<b>Judgment(s) final on</b>	05/01/2005
<b>First decision of the Committee of Ministers</b>	<a href="#">1115<sup>th</sup> meeting</a> (June 2011)

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

**Notes of the meeting**

*Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2016\)150](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations of Articles 2, 3 and 13 of the Convention established on account of the abuse suffered by the applicants or their relatives at the hands of law-enforcement officials, the ineffectiveness of the criminal investigations and proceedings and the absence of an effective remedy as regards this abuse; having moreover regard to the violations of Article 14 taken together with Articles 3 and/or 13 established on account of the racially-motivated ill-treatment inflicted to an applicant of Roma origin[1] and/or the failure of the authorities to investigate such motives; finally having regard to the violations of Articles 6, paragraph 1, 8 and 34 found in the cases of *Bursuc*, *Georgescu*, *Damian-Burueană* and *Damian, Iambor (No. 1)* and *Ianoş*;

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 examined the information provided by the government as regards the individual measures in these cases (see DH-DD(2016)554 and DH-DD(2016)461) and noted, in the light of this information, that no individual measure is any longer possible or required in these cases; having moreover noted that the just satisfaction, where awarded, was paid by the government of the respondent State;

Noting with satisfaction the measures adopted by the Romanian authorities to prevent deaths and ill-treatment at the hands of law-enforcement officials, including the establishment of an appropriate legal framework as regards fundamental safeguards against ill-treatment and the efforts made to ensure that this framework is applied by the relevant authorities;

Welcoming in this respect the authorities’ commitment to continue improving this framework and ensuring its strict application in respect to any person deprived of liberty by law-enforcement agencies;

Welcoming the measures adopted to enhance the effectiveness of the criminal investigations conducted into allegations of ill-treatment by law-enforcement officials and noting the reinforced monitoring of their implementation by the General Prosecutor’s Office;

Noting also with interest the authorities’ commitment to ensure an adequate response by the relevant authorities to allegations of ill-treatment, in particular those motivated by racial prejudice, by taking into account the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the work of the Commissioner for Human Rights of the Council of Europe in this field;

Noting finally that the general measures required in response to the other violations of the Convention established in some of these cases are or were examined in the context of the groups of cases *Vlad and Others* and *Bota* (closed by Resolution CM/ResDH(2011)27) and of the cases of *Varga* (closed by Resolution CM/ResDH(2011)23) and *Gagiu* (closed by Resolution CM/ResDH(2015)93);

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

DECIDES to close the examination thereof. \* \* \*

## Association « 21 December 1989 » (group)

Ineffectiveness of criminal investigations into the violent crackdown on anti-governmental protests which surrounded the fall of the communist regime in Romania (procedural violations of Article 2); absence of sufficient safeguards in the Romanian legislation applied to secret surveillance measures based on national security grounds (violation of Article 8).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">33810/07</a>
<b>Judgment(s) final on</b>	28/11/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1136<sup>th</sup> meeting</a> (March 2012)

### [1201<sup>th</sup> meeting \(June 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decision*

#### The Deputies

1. noted that, in these cases, the European Court found that certain aspects of the national legislation governing the status of the military magistrates cast doubt on the institutional and hierarchical independence of military prosecutors, when the persons under investigation belong to the armed forces or to other military forces;
2. invited the Romanian authorities to carry out rapidly a thorough assessment of the consequences to be drawn from these findings, as regards the general and individual measures in these cases, and to keep the Committee of Ministers informed of the conclusions and of the measures that might be defined and adopted in the light of this assessment;
3. invited, moreover, the authorities to present an assessment of the general measures that might be necessary to ensure that, in the future, bodies holding information on facts that are the subject of such investigations, co-operate fully with the investigators;
4. invited once again the Romanian authorities to clarify, by the end of September 2014, whether they hold personal data concerning Mr Mărieș, that was collected and stored under the national security laws, and, if so, to indicate what measures they intend to take in respect of such data.

### [1288<sup>th</sup> meeting \(6-7 June 2017\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

#### *As regards individual measures*

1. in view of the information received, according to which the competent authority in national security matters does not hold any personal data regarding Mr Mărieș, considered that no individual measure is necessary in this respect;
2. noted with satisfaction the progress achieved in the investigation carried out into the crackdown on the demonstrations of 13-15 June 1990 and strongly encouraged the authorities to complete it according to the planned timetable; called upon the authorities to intensify their efforts and to use all available means to conclude the other investigations at issue in these judgments;

#### *As regards general measures:*

3. noted with satisfaction the measures adopted to guarantee the statutory independence of military prosecutors, the access of judges and prosecutors to classified information and the co-operation of state authorities and other legal entities with the investigating authorities in the context of criminal investigations;
4. considering that these measures are of a nature to prevent similar shortcomings to those found by the European Court in these investigations, decided to close their examination of the general measures in these cases;
5. invited the authorities to keep the Committee regularly informed of the progress achieved in the investigations and agreed to resume consideration of these cases at their Human Rights meeting in June 2018 at the latest.

### [1318<sup>th</sup> meeting \(5-7 June 2018\)](#)

[List of decisions](#)

## Association « 21 December 1989 » (group)

Ineffectiveness of criminal investigations into the violent crackdown on anti-governmental protests which surrounded the fall of the communist regime in Romania (procedural violations of Article 2); absence of sufficient safeguards in the Romanian legislation applied to secret surveillance measures based on national security grounds (violation of Article 8).

### Notes of the meeting

#### Decisions

#### The Deputies

1. noted with interest the progress made in the investigation concerning the crackdown on the demonstrations in December 1989; encouraged the authorities to complete it according to the planned timetable and invited them to keep the Committee informed of relevant developments;
2. noted the means deployed by the authorities to clarify the circumstances of the deaths of the relatives of the applicants in the case of *Crăiniceanu and Frumușanu*; encouraged the authorities to pursue the avenues identified to advance this investigation and to inform the Committee of the results of these steps;
3. decided to close their supervision of the execution of the *Mocanu and Others* judgment and adopted Final Resolution [CM/ResDH\(2018\)229](#).

\* \* \*

*Bălșan*

Failure by the authorities to protect the applicant from domestic violence.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">49645/09</a>
<b>Judgment(s) final on</b>	23/08/2017
<b>First decision of the Committee of Ministers</b>	1318 <sup>th</sup> meeting (June 2018)

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. in view of the information provided on the applicant's situation, noted that no further individual measures are required in this case;

*As regards general measures*

2. welcomed the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) by Romania and encouraged the Romanian authorities fully to cooperate with the bodies of this Convention;
3. noting the on-going legislative process to give effect to the commitments undertaken under the Istanbul Convention, encouraged the authorities to complete it rapidly with a view, in particular, to reinforcing the system of preventive/protective measures and to developing the network and range of social services available to victims of domestic violence; invited the authorities to provide information on the measures envisaged to ensure the full implementation of the new provisions;
4. noted the measures adopted to improve the effectiveness of criminal investigations and court proceedings into acts of domestic violence, in particular the wide range of training activities; nonetheless observed, in the light of the data provided on their impact, that these measures do not appear to have sufficed to guarantee an adequate response from the national authorities;
5. noted in this respect that concerns have been expressed at international and national level as regards the legislative framework criminalising such acts and its implementation; invited the authorities to inform the Committee of the measures they envisage taking to address these concerns and strongly encouraged them to draw inspiration from the relevant principles set out in the Istanbul Convention as part of strengthening the capacity of the criminal justice system to respond adequately to acts of domestic violence.

\* \* \*

*Bragadireanu (group) - Rezmiveş and Others*

Overcrowding and poor conditions of detention in prisons and police detention facilities; lack of an effective remedy in that regard; inadequacy of medical care and several other dysfunctions regarding the protection of prisoners' rights.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">22088/04 - 61467/12+</a>
<b>Judgment(s) final on</b>	06/03/2008 - 25/07/2017
<b>First decision of the Committee of Ministers</b>	<a href="#">1115<sup>th</sup> meeting</a> (June 2011)

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted with interest the measures taken by the authorities, as part of the reform of the State's criminal law policy, and encouraged them to put in place rapidly the monitoring they envisage of the real impact of the reform on the number of persons in detention; and noted also with interest the measures taken by the authorities to improve the material conditions in detention facilities in Romania and invited them to intensify their efforts in this field;
- considered with concern that, having regard to the severity of overcrowding affecting penitentiary facilities, the legislative measures adopted in the context of the above-mentioned reform do not appear by themselves capable of leading to a lasting solution to this problem within a reasonable period; consequently, urged the authorities to rapidly define and implement appropriate additional measures to reach this objective;
- noted that the legislative framework put in place under the reform opted to maintain the system of detention on remand in police detention facilities notwithstanding the fact that a part of these facilities are structurally unsuitable to detention; underlined, having regard to this option, the extreme urgency for the authorities to remedy the structural deficiencies which affect these facilities and, pending the achievement of this objective, to adopt measures aimed at keeping to a minimum the length of detention in the facilities that are unsuitable for detention;
- noted, moreover, that the information provided to date does not allow for a conclusion that the available procedures represent adequate and effective remedies for complaints related to overcrowding and material conditions of detention and, therefore, invited the authorities to adopt rapidly measures to ensure the existence of such remedies in domestic law;
- invited the authorities to provide the Committee of Ministers with information on the strategy they envisage to put in place for the implementation of these judgments by 1 June 2015 at the latest; and strongly encouraged them to draw inspiration in this respect from the solutions proposed in the framework of the relevant project of the "Human Rights" Trust Fund.

**1310<sup>th</sup> meeting (13-15 March 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

- noted that no further individual measures are required as regards the Article 3 violations in respect of 202 applicants who are no longer serving the sentence at the origin of the judgments of the European Court; decided to close their supervision of 121 repetitive cases in which the question of individual measures has been fully resolved and adopted Final Resolution [CM/ResDH\(2018\)108](#);
- invited the authorities to clarify the status of the personal data collected during secret surveillance activities in respect of the applicants Burzo and Blaga Pop;

*As regards general measures*

- underlined the urgency of putting an end to the flow of repetitive applications before the European Court and the need rapidly to bring a lasting solution to the long-standing structural problems of overcrowding and poor material conditions of detention in prisons and police detention facilities;

## *Bragadireanu (group)*

Inhuman and/or degrading treatment suffered by the applicants on account of overcrowding and poor material conditions in prisons and police detention facilities and lack of an effective remedy in that regard; inadequacy of the medical care provided to some of the applicants and several other dysfunctions regarding the protection of the prisoners' rights (violations of Article 3; violation of Article 13 in the *Marcu* case).

4. noted with satisfaction the positive impact of the measures adopted to combat prison overcrowding; in view of the importance of sustainably consolidating this trend, encouraged the authorities to pursue the wider application of electronic monitoring, while ensuring that this measure can effectively contribute to attaining the objective pursued; called on them rapidly to make available to the Probation Service all the resources required for it to be able to carry out its functions efficiently and thus to contribute to the global strategy against prison overcrowding;
5. called on the authorities to double their efforts with a view to finding a global and swift solution to the deficiencies in material conditions of detention in prisons and to provide information on the additional measures envisaged in this respect;
6. strongly encouraged the authorities to reconsider the current system of holding prisoners on remand in police detention facilities during pre-trial proceedings, in the light of the indications given by the European Court in the recent pilot judgment *Rezmiveş and Others* and of the long-standing recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
7. noted with satisfaction that the authorities have secured effective redress to persons detained in conditions contrary to Article 3 in the form of a reduction of sentence; encouraged the ongoing legislative work aimed at providing financial compensation to those who have not benefited from a reduction in sentence and have or could still lodge applications with the European Court concerning the conditions of their detention;
8. invited the authorities to provide information on the progress achieved in all these areas as well as the conclusions of their assessment on the functioning of the preventive remedy already in place, by the beginning of September 2018 at the latest.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

### Notes of the meeting

#### *Decisions*

#### The Deputies

1. welcomed the participation in the meeting of the Secretary of State of the Ministry of Justice and the exchange of views with him;
2. recalling that these cases notably concern the long-standing structural problems of overcrowding and poor material conditions of detention in prisons and police detention facilities, as well as shortcomings in the system of remedies available at domestic level for prisoners detained in substandard conditions;

#### *As regards individual measures*

3. noted, in respect of applicants who are still serving the prison sentences at the origin of the judgments, that improvements in their situation are closely linked to the general measures and in particular to the effective functioning of the existing preventive remedy;
4. called on the authorities to clarify the status of the personal data collected in breach of Article 8 of the Convention in respect of the applicants Viorel Burzo and Elena Pop Blaga;

#### *As regards general measures*

5. noting with satisfaction the significant reduction in the prison occupancy rate achieved to date and the continuing downward trend in the size of the prison population, encouraged the authorities to continue to monitor the situation to ensure that the current promising prospects of a near-term solution to prison overcrowding are brought to fruition; invited them to determine whether it is necessary to develop other means to reduce the prison population to make sure that their global strategy against prison overcrowding remains sustainable in the long term;
6. underlining the probation system's crucial contribution to this strategy, called on the authorities to increase staffing levels within the Probation Service according to the time-table presented to the Committee and to indicate how they will ensure that any further staffing shortage is swiftly tackled;
7. noting the ongoing efforts to improve the material conditions of detention in prisons, invited the authorities to clarify the scope of the modernisation work required; also invited them to indicate the steps taken or envisaged to adapt the

## Bragadireanu (group)

Inhuman and/or degrading treatment suffered by the applicants on account of overcrowding and poor material conditions in prisons and police detention facilities and lack of an effective remedy in that regard; inadequacy of the medical care provided to some of the applicants and several other dysfunctions regarding the protection of the prisoners' rights (violations of Article 3; violation of Article 13 in the *Marcu* case).

- infrastructure to the needs of prisoners with locomotor disabilities and to improve personal and collective hygiene and access to out-of-cell activities, and to clarify the concrete impact of the measures adopted to improve the quality of the food provided to prisoners;
8. noted the ongoing reflection on the reform of the current system of holding prisoners on remand in police detention facilities during pre-trial proceedings; acknowledged the challenges inherent in such a reform and strongly encouraged the authorities to rely on the expertise of the Council of Europe in this area;
  9. stressing the crucial importance of rapidly ensuring that an adequate system of remedies is in place, expressed their concern at the authorities' delay in establishing a remedy enabling persons who did not or will not benefit from a reduction in their sentence and have lodged or could lodge complaints with the European Court about their conditions of detention to claim financial compensation; called upon the authorities to intensify their efforts with a view to enacting the required legislation without further delay; also invited them to provide a comprehensive analysis of the effectiveness of the preventive remedy in place since 2014;
  10. invited the authorities to provide information on all outstanding questions identified above by the end of March 2019 at the latest and decided to resume the consideration of these cases at their 1348<sup>th</sup> meeting (June 2019) (DH).

### 1348<sup>th</sup> meeting (4-6 June 2019)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

1. recalling that these cases concern the long-standing structural problems of overcrowding and poor material conditions of detention in prisons and police detention facilities, as well as shortcomings in the system of remedies available at domestic level for prisoners detained in inhuman and degrading conditions;

##### *As regards general measures to resolve the structural problems of overcrowding and inadequate conditions of detention*

2. reiterated their satisfaction at the significant and continuing progress made by Romania in reducing overcrowding across the prison system and noted the authorities' commitment to achieving a durable solution, including, if need be, by extending the use of electronic monitoring; strongly encouraged the authorities, in the immediate term, to take measures allowing them to achieve a balanced distribution of prisoners across the prison system and within prisons;
3. underlining again the probation system's vital contribution to the success of Romania's strategy against prison overcrowding and the significant results achieved so far, expressed their concern at the prolonged staff shortage faced by the Probation Service and firmly called upon the authorities to provide it, as a matter of priority, with the human resources required for it to be able effectively to carry out its mission;
4. noted, as regards the current efforts to upgrade prison infrastructure, that clarifications are still required to enable the Committee conclusively to assess the authorities' strategy; requested them to specify whether the modernisation work envisaged covers all premises in need of such intervention and, should this not be the case, to state their intentions in respect of the rest of these premises;
5. invited the authorities to provide, in due course, information on the impact of the steps taken to ensure suitable accommodation and transport conditions for prisoners with locomotory disabilities; to indicate what financial arrangements are being made to improve the collective and personal hygiene conditions and the food provided to prisoners; and to pursue their efforts to ensure that prisoners, in particular those who are still affected by severe levels of overcrowding, have sufficient access to purposeful out-of-cell activities;
6. recalled that the current system of holding remand prisoners in police arrest detention centres during pre-trial proceedings has given rise to concern due to the structural unsuitability of the existing facilities to accommodate prisoners for more than a few days and noted the authorities' assessment that the transfer of such prisoners to penitentiary facilities is not a viable option;
7. called on the authorities to review and adapt their current plans to modernise and renew the existing network of arrest detention centres, to ensure that all facilities intended for holding remand prisoners before trial offer Convention-compliant conditions, adapted to the length of their stay, including sufficient living space, adequate material conditions

### *Bragadireanu (group)*

Inhuman and/or degrading treatment suffered by the applicants on account of overcrowding and poor material conditions in prisons and police detention facilities and lack of an effective remedy in that regard; inadequacy of the medical care provided to some of the applicants and several other dysfunctions regarding the protection of the prisoners' rights (violations of Article 3; violation of Article 13 in the *Marcu* case).

with direct access to natural light and air, an appropriate regime of out-of-cell activities and suitably equipped premises for such activities;

*As regards general measures required to provide an adequate and effective system of domestic remedies*

8. underlined that, alongside improvements in the living conditions in prisons and pre-trial detention facilities, accessible and effective preventive and compensatory remedies at domestic level are necessary to allow the European Court, in due course, to refer back to national courts the thousands of applications pending before it relating to the problems raised by these judgments;
9. noted in this respect that, while Romania established a preventive remedy in 2014 and a mechanism providing for reduction of sentence of persons detained in inhuman or degrading conditions in 2017, it remains for the authorities to enact legislation allowing persons who did not, or will not, benefit from a reduction in sentence, who have lodged or could lodge complaints with the European Court about their conditions of detention, to claim financial compensation;
10. expressing deep concern at the delay in establishing the financial compensatory remedy, urged the authorities to step up their efforts with a view to finalising draft legislative proposals and engaging the necessary procedures for their adoption; in the event that no tangible progress in the legislative process is reported by 1 October 2019, instructed the Secretariat to prepare a draft interim resolution for consideration at their 1362<sup>nd</sup> meeting (December 2019) (DH).

\* \* \*



*Bucur and Toma*

Conviction of a whistle-blower for having disclosed information on the illegal secret surveillance of citizens by the Intelligence Service; lack of safeguards in the statutory framework governing secret surveillance.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">40238/02</a>
<b>Judgment(s) final on</b>	08/04/2013
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards the individual measures*

- noted with satisfaction that, in response to the European Court's judgment, the domestic courts reopened the criminal proceedings at issue and acquitted the first applicant of all the charges related to his public disclosure of wide-scale illegal telephone tapping by the Romanian Intelligence Service; noted also with satisfaction that the relevant authorities no longer retain recordings of the telephone conversations between the second and third applicants;
- considered, in the light of the above, that no other individual measure is required in this case;

*As regards the general measures*

- noted with interest the important guidance offered by the High Court of Cassation and Justice in its judgment of 11 February 2016 on the balancing of the competing interests in criminal proceedings triggered by the public disclosure of information evidencing misconduct in public office within the intelligence services; noting further that the domestic courts can review the classification status of the information disclosed in order to assess the importance of maintaining its confidentiality; considered that no other measure is required in response to the European Court's findings under Articles 10 and 6 § 1;
- while noting with interest the amendments brought by Law No. 255/2013 to the legal framework on secret surveillance measures justified on considerations of national security, considered that additional measures are required to ensure that this framework fully complies with the requirements of Articles 8 and 13 resulting from the European Court's relevant case law;
- underlining in particular the crucial importance of independent and effective oversight of the activity of the intelligence services, invited the authorities to inform the Committee of Ministers of the additional measures envisaged to remedy the remaining deficiencies in the legal framework, as identified in document H/Exec(2016)6, and also encouraged them to provide clarifications on the other outstanding issues highlighted in this document;
- lastly, noted with satisfaction the commitment of the Romanian authorities to continue fully to cooperate with the European Court and, in this context, the avenues identified by them for the transmission of information requested by the Court irrespective of its classification status; considered that no other measure is required in response to the European Court's findings under Article 38.

\* \* \*

## Centre For Legal Resources on behalf of Valentin Câmpeanu

Deficiencies in the legal protection and medical and social care afforded to a young man with mental disabilities leading to his death in 2004.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">47848/08</a>
Judgment(s) final on	17/07/2014
First decision of the Committee of Ministers	1265 <sup>th</sup> meeting (September 2016)

### [1265<sup>th</sup> meeting \(8-9 December 2015\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

The Deputies

#### As regards the individual measures

- invited the authorities to clarify whether it is still possible to reopen the investigation into the death of Mr. Câmpeanu as regards the facts alleged against state services and persons other than medical personnel involved in his care prior to his death and, if so, to keep the Committee informed of the outcome of the investigation;

#### As regards the general measures

- while taking note of the measures adopted since 2004 to improve the situation in the Poiana Mare neuropsychiatric hospital, invited the authorities to increase the medical staff and to ensure the budgetary stability of this facility and also to explain how they have remedied the critical deficiencies in the management of patients' nutritional needs;
- having regard to the serious shortcomings in the decision-making process regarding Mr. Câmpeanu's placement after he had attained majority, invited the authorities to ensure that the legal framework in this field guarantees that such decisions fully take into account the specific needs of the protected person and to inform the Committee of their assessment and of any measures envisaged in the light of this assessment;
- welcoming the measures adopted by the General Prosecutor's office to guarantee the effectiveness of investigations, invited the authorities to provide information on the measures envisaged to guarantee an effective judicial review of such investigations;
- invited the authorities to provide information on remedies allowing persons in institutions to complain before the courts or before other independent bodies about their treatment;
- given the importance of ensuring that persons with mental disabilities benefit from independent and effective legal protection, tailored to their specific needs, invited the authorities to provide the Committee with updated information on the progress made in the adoption of the general measures required by the end of December 2016; decided to resume the consideration of this issue at their DH meeting in March 2017.

### [1280<sup>th</sup> meeting \(7-10 March 2017\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

The Deputies

#### As regards the individual measures

- noted with regret that due to the statute of limitation it is no longer possible to reopen the criminal investigation into Mr. Câmpeanu's death;

#### As regards the general measures

- noted with satisfaction the work in progress at domestic level to ensure that adults with mental disabilities benefit from independent and effective legal protection, tailored to their specific needs; urged the authorities to endorse rapidly the strategy developed to put an end to this longstanding problem and to provide the Committee with a calendar for its implementation;

## Centre For Legal Resources on behalf of Valentin Câmpeanu

Deficiencies in the legal protection and medical and social care afforded to a young man with mental disabilities leading to his death in 2004.

3. as regards the living conditions and care afforded to patients in Poiana Mare Hospital, invited the authorities to indicate the measures adopted to ensure that the hospital disposes of the resources required to meet the patients' basic needs at any given moment;
4. noted with satisfaction the authorities' initiative to involve the Centre for Legal Resources in their action aimed at ensuring the effectiveness of investigations and strongly encouraged them to put it into practice;
5. invited the authorities to adopt measures to ensure that the investigating authorities are systematically notified of the death of an institutionalised vulnerable person and to indicate whether additional measures are envisaged to guarantee effective judicial review of investigations;
6. recalled that information is awaited on the legal framework governing the placement of protected persons after attaining majority and on the legal remedies allowing them to complain before the courts or other independent bodies of their treatment;
7. invited the authorities to provide the clarification required and updated information on the progress achieved in the adoption of the general measures and decided to resume consideration of this case at their 1302<sup>nd</sup> meeting (December 2017) (DH).

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

**Notes of the meeting**

### Decisions

#### The Deputies

1. noted with interest the authorities' continued efforts to establish a system of independent and effective legal protection, tailored to the specific needs of the adults with mental disabilities; noted in this context the solutions put forward to ensure the independence of the new protection mechanism, while underlining the importance of providing for the participation of the persons concerned in the procedures related to their representation and to make available the resources necessary for the efficient operation of this mechanism;
2. strongly encouraged the authorities to intensify their efforts to achieve a rapid and comprehensive solution to this longstanding problem of lack of representation and invited them to provide the Committee with information on the progress achieved in this process, by the beginning of March 2018;
3. noting with interest the measures adopted to guarantee the effectiveness of investigations into acts and omissions giving rise to breaches of Articles 2 and 3 of the Convention in respect of vulnerable persons in institutions, invited the authorities to provide the Committee in good time with a conclusive assessment of their impact;
4. also invited the authorities to ensure effective judicial review of decisions on the placement of persons who are unable to give valid consent;
5. invited again the authorities to provide, without further delay, information on the legal remedies allowing persons placed in institutions to lodge a complaint concerning their treatment before the courts or other independent bodies;
6. called upon the authorities to ensure, as a matter of priority, that the National Council for the monitoring of the implementation of the United Nations Convention on the Rights of Persons with Disabilities is fully operational;
7. noted the measures taken to improve the living conditions and care afforded to patients in the Poiana Mare Hospital; recalling that the Committee is examining the question of shortage of staff in psychiatric hospitals in the context of the case of *Parascineti v. Romania*, considered that no further measure is required as regards this facility.

## Centre For Legal Resources on behalf of Valentin Câmpeanu

Deficiencies in the legal protection and medical and social care afforded to a young man with mental disabilities leading to his death in 2004.

1331<sup>th</sup> meeting (4-6 December 2018)

[List of decisions](#)

### Notes of the meeting

#### Decisions

##### The Deputies

1. recalling that this case concerns severe shortcomings in the social and medical care afforded to an orphaned young man with mental disabilities, including the failure of the authorities to designate him a form of legal protection once he attained majority, as well as the absence of an effective investigation into the circumstances of his death, which occurred while he was being unlawfully confined in a psychiatric hospital;

##### *As regards the legal protection of vulnerable adults*

2. underlined the crucial importance of a rapid and comprehensive solution to the long-standing problem of lack of adequate legal protection for adults with mental disabilities and called upon the authorities to ensure without delay the adoption of legislative provisions establishing an independent protection mechanism and to guarantee, by every necessary means, its effectiveness;
3. regretting that under the current legal framework the only form of legal protection available for adults with mental disabilities fully deprives them of the exercise of their civil and political rights, recalled the authorities' undertakings to further ensure that the new protection mechanism is adapted to respond to the needs and to the wishes of the beneficiaries and to respect their rights; invited the authorities rapidly to provide an indicative time-table for the adoption of the legislative measures required to this end;

##### *As regards the safeguards in the decision-making process on the placement of protected persons after attaining majority*

4. noted with concern the large-scale deficiencies in the transfers between mental health institutions highlighted by civil society and the National Preventive Mechanism; underlined, in view of the requirements of Article 5 of the Convention, the importance of subjecting decisions on the placement of persons unable to validly consent to an automatic periodic review of a judicial character and invited the authorities rapidly to indicate the measures envisaged in this respect;

##### *As regards the effectiveness of criminal investigations*

5. invited the authorities to assess, in the light of the concerns expressed by the National Preventive Mechanism in 2017 and any new available information, whether additional measures are required to ensure that the investigating authorities are systematically notified of the death of persons placed in social care facilities and to inform the Committee of their conclusions in this respect;

##### *As regards legal remedies*

6. regretting the authorities' delay in addressing the European Court's findings, called upon them to establish accessible and effective remedies allowing persons placed in social care facilities or psychiatric hospitals to complain before the courts or other independent bodies of their treatment; encouraged them, in this context, to draw inspiration from the relevant recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

##### *As regards the National Council for the monitoring of the implementation of the United Nations Convention on the Rights of Persons with Disabilities*

7. recalling the important new responsibilities assigned to it in the context of the execution of this judgment, again called upon the authorities to ensure, as a matter of priority, that the National Monitoring Council is fully operational;
8. underlining the crucial contribution of civil society to the protection of the rights of persons with disabilities, including through the detection and reporting of suspected cases of abuse, strongly encouraged the National Monitoring Council to maintain the good practice established by Romania by allowing non-governmental organisations access to mental health institutions for monitoring purposes;
9. invited the authorities to provide the Committee with information on the progress in the adoption of the outstanding general measures by the end of March 2019 at the latest and decided to resume the consideration of this case at their 1348<sup>th</sup> meeting (June 2019) (DH).

## Centre For Legal Resources on behalf of Valentin Câmpeanu

Deficiencies in the legal protection and medical and social care afforded to a young man with mental disabilities leading to his death in 2004.

1348<sup>th</sup> meeting (4-6 June 2019)

[List of decisions](#)

### Notes of the meeting

#### Decisions

##### The Deputies

1. recalling that this case concerns severe shortcomings in the social and medical care afforded to an orphaned young man with mental disabilities, including the failure of the authorities to designate legal protection for him once he attained majority, as well as the absence of an effective investigation into the circumstances of his death, which occurred while he was being unlawfully confined in a psychiatric hospital;

##### *As regards the legal protection for vulnerable adults*

2. recalled that, in response to the European Court's judgment and the Committee of Ministers' previous decisions, the Romanian authorities have undertaken to carry out reforms to ensure that adults with mental disabilities benefit from independent and effective legal protection, tailored to their specific needs and respectful of their rights and wishes;
3. took note of the legislative proposals aimed at establishing, as a first step in the above reforms, a new representation mechanism, which assign the Council for the Monitoring of the Implementation of the United Nations Convention on the Rights of Persons with Disabilities a central role in its setting up and operation and welcomed the public consultation carried out on these proposals; noting however that Parliament is considering an alternative bill introduced by MPs with provisions aimed at dissolving the Council, invited the authorities to inform the Committee of the background to this legislative process and its outcome;
4. invited the authorities to engage with the Secretariat and clarify the outstanding questions and decided to resume their consideration of the envisaged mechanism, on the basis of a detailed analysis to be carried out by the Secretariat;

##### *As regards the effectiveness of criminal investigations*

5. noting with concern the continuing problems highlighted by the National Preventive Mechanism and civil society in this respect, requested the authorities to inform the Committee of the additional measures taken or envisaged to ensure that the investigating authorities are systematically notified of the death of a person placed in social care facilities;
6. in order to be able to fully assess the impact of the other measures adopted to ensure the effectiveness of investigations into acts and omissions against vulnerable persons in institutions which could fall within the scope of Article 2 or 3 of the Convention, invited the authorities to provide information, preferably for the period 2016-2018, on:
  - the number of investigations initiated upon complaint and *ex officio* for suspected intentional offences and, separately, for suspected unintentional offences related to the medical treatment and care afforded to vulnerable persons in institutions;
  - the number of prosecutors' decisions to terminate such investigations; how many of these have been set aside on judicial review; and whether, as previously reported to the Committee, the investigative authorities have started to communicate such decisions to the Monitoring Council, so that it may exercise its power to challenge them in court;
  - the number of cases referred for trial and the number of persons who have been convicted;
  - concrete measures taken by the investigative authorities to ensure that victims' rights are safeguarded during such investigations;
7. underlining the crucial contribution of civil society in the fight against impunity for serious human rights violations, such as those found by the European Court in the present case, called on the authorities to establish effective cooperation with civil society;

##### *As regards safeguards and remedies regarding placement in residential social care facilities and psychiatric hospitals*

8. called on the authorities to identify, in close cooperation with the Secretariat, appropriate measures to ensure that the decision-making process on the placement in residential social care facilities of persons unable to give valid consent is attended by appropriate safeguards and that such persons as well as those placed in psychiatric hospitals have access to effective legal remedies allowing them to complain before the courts or other independent bodies of their treatment.

\* \* \*

## Moldovan and Others(group)

Consequences of racially-motivated violence, between 1990 and 1993, against villagers of Roma origin, in particular improper living conditions following the destruction of their homes, and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">41138/98</a>
Judgment(s) final on	30/11/2005
First decision of the Committee of Ministers	<a href="#">1120<sup>th</sup> meeting</a> (September 2011)

### [1193<sup>th</sup> meeting](#) (4-6 March 2014)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decision

#### The Deputies

- noted with interest the action report presented on 10 January 2014 by the Romanian authorities in the cases of *Kalanyos and others* and *Gergely* as well as the revised action report in the case of *Tănase and others* and instructed the Secretariat to prepare a detailed assessment of the measures adopted in these cases at the latest for their DH meeting in March 2015;
- expressed, however, their deep concern at the fact that, notwithstanding the call made by the Committee of Ministers more than a year ago, the authorities have still not succeeded in putting in place the organisational and budgetary framework for the general measures which remain to be adopted for the implementation of the judgments *Moldovan and others* (Nos. 1 and 2) and *Lăcătuș and others*;
- exhorted the Romanian authorities to urgently adopt this framework and to implement without further delay the remaining general measures.

### [1214<sup>th</sup> meeting](#) (2-4 December 2014)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

#### The Deputies

- deplored the significant and persistent delay in the adoption and the implementation by the Romanian authorities of the general measures which remain to be taken for the execution of the judgments *Moldovan and Others* (Nos. 1 and 2) and *Lăcătuș and Others*;
- strongly urged the Romanian authorities to submit to the Committee of Ministers, by 1 April 2015 at the latest, a detailed action plan for the full execution of these judgments, with precise and short deadlines for all the measures that are still required;
- decided to resume the examination of these cases at their 1229<sup>th</sup> meeting (June 2015) (DH), while instructing the Secretariat, in the absence of concrete substantial progress in the execution of these judgments, to prepare a draft interim resolution for circulation in the draft revised order of business of that meeting.

### [1230<sup>th</sup> meeting](#) (3-5 June 2015)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

#### The Deputies

- noted that the legislative framework for the construction of a medical centre and of an industrial site in Hădăreni, announced to the Committee of Ministers in 2011, has been put in place; having regard to the significant delay in its adoption, strongly invited the authorities to intensify their efforts to ensure that the works planned are rapidly completed;

## Moldovan and Others(group)

Consequences of racially-motivated violence, between 1990 and 1993, against villagers of Roma origin, in particular improper living conditions following the destruction of their homes, and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).

2. encouraged the authorities to define as a matter of priority the additional measures they envisage adopting in the areas of intervention identified; welcomed in this respect their initiative to co-operate with civil society, which would benefit from being broadened to other areas for further interventions identified;
3. decided to resume consideration of these cases at their DH meeting of March 2016, in the light of the updated information on the implementation of all the measures laid out in the action plan, expected by the end of November 2015, and of an in-depth assessment of the status of execution of these judgments by the Secretariat.

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

#### The Deputies

1. noted with satisfaction that the measures adopted for the implementation of these judgments have allowed encouraging results to be obtained, in particular as regards the integration in schools of pupils belonging to the Roma community in Hădăreni, the prevention of discrimination against this community by the local authorities and its integration into the economic life of the locality;
2. took note also of the current situation of the Roma community as regards housing, assessed as satisfactory by the authorities, and of the efficient operation in Hădăreni of the interethnic conflict prevention mechanism established by the authorities;
3. welcomed the commitment of the Romanian authorities to continue monitoring closely the situation in Hădăreni and, in this context, to adopt supplementary measures in order to consolidate the progress already achieved; noted with satisfaction that the mechanism for monitoring these measures established at domestic level is coordinated at high political level and that the authorities undertake fully to involve civil society in this monitoring;
4. having regard to the above, decided to close their supervision of the implementation of these judgments and adopted the final Resolution [CM/ResDH\(2016\)39](#).

#### Final Resolution [CM/ResDH\(2016\)39](#)

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 judgments transmitted by the Court to the Committee in these cases;

Recalling that these cases concern the consequences of racially-motivated violence perpetrated in 1993 against villagers of Roma origin[1] in the locality of Hădăreni (Mureş County), in particular the improper living conditions following the destruction of their homes and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights;

Recalling that in the judgment *Moldovan and Others (No. 1)*, the Court took note of the friendly settlement reached by the parties and of the government's undertakings to pay each of the applicants certain sums in compensation as well as in respect of costs and expenses and to adopt general measures aimed in particular at fighting discrimination, preventing intercommunity conflict, stimulating Roma participation into the economic, social, educational, cultural and political life of the locality and rehabilitating housing and the environment in the community;

Having considered that the general measures adopted to put into practice the above-mentioned undertakings are also relevant for the implementation of the judgment on the merits *Moldovan and Others (No. 2)* and of the judgment *Lăcătuş and Others*, in which the Court found violations of Articles 3, 6, 8, 13 of the Convention and Article 14 in conjunction with Articles 6 and 8 in connection to the events in Hădăreni;

Having regard to the Rules adopted by the Committee of Ministers concerning the application of Article 46, paragraph 2, of the Convention;

*Moldovan and Others(group)*

Consequences of racially-motivated violence, between 1990 and 1993, against villagers of Roma origin, in particular improper living conditions following the destruction of their homes, and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).

Having invited the government of the respondent State to inform it of the measures it has taken in consequence of the Court's judgments, having regard to its obligation under Article 46, paragraph 1 of the Convention to abide by them;

Having examined the action report provided by the government indicating the measures adopted in order to give effect to the judgments (see document [DH-DD\(2016\)80](#)) and the information provided regarding the payment of the just satisfaction awarded by the Court and of the amounts due under the friendly settlement;

Noting with satisfaction that the measures adopted for the implementation of these judgments has enabled encouraging results to be obtained, in particular as regards the integration in schools of pupils belonging to the Roma community in Hădăreni, the prevention against discrimination of this community by the local authorities and its integration into the economic life of the locality;

Taking also note of the current situation of the Roma community as regards housing, assessed as satisfactory by the authorities, and of the efficient operation in Hădăreni of the interethnic conflict prevention mechanism established by the authorities;

Welcoming the commitment of the authorities to continue monitoring closely the situation in Hădăreni and, in this context, to adopt supplementary measures in order to consolidate the progress already achieved; noting moreover with satisfaction that the mechanism for monitoring these measures established at domestic level is coordinated at a high political level and that the authorities undertake fully to involve civil society in this monitoring;

Having thus satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*



## N.

Unlawful psychiatric confinement as a security measure and deficiencies in the judicial review proceedings regarding the applicant's continued confinement.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	59152/08
<b>Judgment(s) final on</b>	28/02/2018
<b>First decision of the Committee of Ministers</b>	1331 <sup>th</sup> meeting (December 2018)

*Decisions*

The Deputies

1. recalling that this case concerns the applicant's unlawful prolonged psychiatric confinement as a security measure and the authorities' failure to secure his immediate release in conditions meeting his needs, as well as shortcomings in the judicial review of the applicant's continued deprivation of liberty;

*As regards urgent individual measures*

2. noted that in May 2018 the applicant was placed in a recovery centre, as a transitional step until suitable community-based accommodation could be found, and that the authorities have since found him accommodation which he will be able to move to once the necessary staffing arrangements have been made; considered that the applicant's situation no longer calls for the taking of urgent individual measures;
3. encouraged the authorities to continue closely to monitor the situation to ensure that the applicant can move into the sheltered housing procured for his accommodation as soon as qualified staff have been assigned;

*As regards individual measures*

4. deeply regretted that the deficiencies in the current system of legal protection for adults left the domestic courts with no option but to place the applicant under guardianship and thus deprive him of the exercise of his civil and political rights;
5. recalled in this respect that the Committee is supervising the adoption by Romania of legislation establishing a new system of independent and effective legal protection, tailored to the specific needs of adults with mental disabilities, in the case of *Centre for Legal Resources on behalf of Valentin Câmpeanu*;
6. pending the adoption of this legislation or until such time as the domestic courts terminate the applicant's guardianship, invited the authorities to take steps to ensure that the appointed guardian involves the applicant and takes his preferences into account in the decisions concerning him, if consistent with his best interests; also invited them to inform the Committee of the legal safeguards or any arrangements made or envisaged to ensure that the sum awarded as just satisfaction is used in the applicant's best interests;
7. invited the authorities to inform the Committee of relevant developments in the applicant's situation and the concrete general measures envisaged in response to the judgment by the end of February 2019 at the latest.

\* \* \*

*Nicolau (group) / Stoianova and Nedelcu (group)*

Excessive length (Article 6 § 1) of civil (*Nicolau group*) and criminal (*Stoianova and Nedelcu group*) proceedings and lack of an effective remedy (Article 13).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">1295/07 - 77517/01</a>
Judgment(s) final on	03/07/2006 - 04/11/2005
First decision of the Committee of Ministers	<a href="#">1128<sup>th</sup> meeting</a> (November 2011)

**[1259<sup>th</sup> meeting \(7-8 June 2016\)](#)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

- invited the authorities to intensify their efforts so that the proceedings at issue in the cases of *Crăciun* and *SC Concept LTD SRL and Manole* are completed expeditiously;
- welcomed the wide-ranging general measures adopted to resolve the problem of excessive length of civil and criminal proceedings; invited the Romanian authorities to continue to closely monitor the impact of these measures and to provide complete statistical data enabling the Committee of Ministers fully to assess the situation;
- noted with satisfaction that the interested parties can now obtain acceleration of proceedings through the specific remedies introduced to this effect by the new Codes of Civil and Criminal Procedure and encouraged the authorities to assess the advisability of extending the application of these remedies to the proceedings brought before the entry into force of the new Codes;
- without prejudging the assessment that the European Court is called on to make in the cases currently pending before it, noted with interest the compensatory remedy developed in the domestic courts' case law since the judgment of *Vlad and Others*;
- having regard to the progress made in the execution of these judgments, adopted Final Resolution [CM/ResDH\(2016\)151](#) as it appears in the Appendix and decided to continue the examination of the outstanding questions in the context of the case of *Vlad and Others* and the remaining cases of these groups.

\* \* \*

*Parascineti / Cristian Teodorescu (group)*

Issues related to the procedure and safeguards, living conditions and care afforded to patients detained in psychiatric hospitals.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	32060/05 - 22883/05
<b>Judgment(s) final on</b>	13/06/2012 - 19/09/2012
<b>First decision of the Committee of Ministers</b>	1265 <sup>th</sup> meeting (September 2016)

**1265<sup>th</sup> meeting (8-9 December 2015)**
[List of decisions](#)
**Notes of the meeting***Decisions*

The Deputies

*As regards the living conditions of patients in psychiatric hospital facilities and their treatment*

1. noted that the problems highlighted in the case of *Parascineti* appear to persist in some facilities and invited the authorities to inform the Committee of Ministers of the concrete measures envisaged to resolve them;
2. underlining the key role that they could play in monitoring the implementation of these measures, welcomed the establishment of a national preventive mechanism and of a council responsible for monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities, and encouraged the authorities to ensure that the latter becomes operational rapidly;

*As regards involuntary placements in psychiatric hospital facilities*

3. welcomed the fact that the law now provides for an *ex officio* review by the courts of an involuntary placement decision; invited the authorities to introduce such a review also in respect of decisions to renew this measure, to ensure that the applicable legal provisions comply with the requirements of Article 5 § 4 of the Convention;
4. noting with concern that the problems highlighted by the Court persist, invited the authorities to provide information on the concrete measures envisaged to ensure the rigorous and consistent application of the legal procedure and safeguards for involuntary placement in all the facilities authorised to proceed with such placements; given the scale and the need rapidly to resolve these problems, decided to pursue the examination of the cases in the *Cristian Teodorescu* group under the enhanced surveillance procedure;
5. lastly, invited the authorities to provide the Committee with information on the measures taken or envisaged in response to the violation of Article 8 of the Convention found by the European Court in the case of *Atudorei*.

\* \* \*

*Predică (group)*

Deaths/ill-treatment in penitentiary facilities, lack of effective investigations and lack of an effective remedy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">42344/07</a>
<b>Judgment(s) final on</b>	07/09/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1157<sup>th</sup> meeting</a> (December 2012)

[1294<sup>th</sup> meeting \(19-21 September 2017\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Final Resolution [CM/ResDH\(2017\)291](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations of Articles 2, 3 and 13 of the Convention established on account of death or ill-treatment under the responsibility of penitentiary staff, the ineffectiveness of the criminal investigations and the absence of an effective remedy as regards such abuse; having regard also to the violations of Article 3 of the Convention and of Article 3 of Protocol No. 1 established in the case of *Cucu*;

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 examined the action report provided by the government indicating the measures adopted to give effect to the judgments, including the information regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2017\)761](#)), and considering, in view of the information submitted, that no other individual measure is possible or required in these cases;

Noting with satisfaction, as regards the general measures, the efforts made by the authorities to ensure the effective prevention and detection of ill-treatment in prison, through the professional training provided to the staff of the special intervention units, the oversight of their interventions carried out by the National Prison Administration and the establishment of an adequate legal framework regulating the documentation and reporting of medical evidence of ill-treatment;

Underlining the importance for the authorities to continue closely to monitor the implementation and the impact of these measures and noting with satisfaction their commitment to pursue their efforts in this area, taking into account the relevant international standards, in particular those established by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

Welcoming the measures adopted to increase the effectiveness of criminal investigations into allegations of ill-treatment by prison staff and taking note of the first positive results of the Prosecutor General’s monitoring of their implementation;

Noting finally that the general measures required in response to the other violations established in the case of *Cucu* are or were examined in the cases of the groups *Bragadireanu* and *Calmanovici* (closed by Resolution [CM/ResDH\(2014\)13](#)).

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

DECIDES to close the examination thereof.

\* \* \*

**Sacaleanu (group)**

Failure or substantial delay in the enforcement of final domestic judicial decisions.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">73970/01</a>
<b>Judgment(s) final on</b>	06/12/2005
<b>First decision of the Committee of Ministers</b>	<a href="#">1150<sup>th</sup> meeting</a> (September 2012)

**[1280<sup>th</sup> meeting \(7-10March 2017\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. as regards the pending individual measures, requested the Romanian authorities to take steps to speed up the process of implementation of the domestic court decisions that have not yet been complied with;
2. as regards general measures, noted that the violations found by the European Court in these cases reveal the existence of a structural problem related to the failure or delay by the State or legal entities under its responsibility to abide by final court decisions;
3. underlined the crucial importance of rapidly completing the announced promising reforms and of introducing into the domestic legal system the safeguards required to ensure timely and voluntary implementation of court decisions delivered against the State or legal entities under its responsibility, so that this longstanding problem can be definitively resolved;
4. urged the Romanian authorities to put in place without delay adequate and effective legal remedies allowing for the situation contrary to the Convention to be brought to an end; to provide compensation to injured parties for the damage suffered; and to provide, by 1 September 2017, detailed information on the measures envisaged in this context;
5. invited the authorities to keep the Committee regularly informed of the progress made in the implementation of the individual and general measures and agreed to resume consideration of these cases at their DH meeting in March 2018 at the latest.

**[1310<sup>th</sup> meeting \(13-15 March 2018\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

*As regards individual measures*

1. noting that the question of individual measures has been fully resolved in 21 repetitive cases of this group, decided to close their supervision of the execution of these cases and adopted Final Resolution [CM/ResDH\(2018\)109](#);
2. requested the authorities to ensure that the domestic court decisions which have not yet been complied with are swiftly implemented; invited them to keep the Committee informed of the progress made in this respect and rapidly to indicate how they envisage overcoming the difficulties highlighted in the cases of *RJ Import Roger Jaeger A.G. and RJ Import București S.A.* (Application No. 19001/05), *Bod and Others* (Application No. 30403/06) and *Elena Popa* (Application No. 67634/11);

*As regards general measures*

3. noted the solutions proposed to ensure the voluntary and timely implementation by the State of pecuniary awards and encouraged most particularly the establishment of a mechanism at national level with powers of prevention, supervision and intervention; invited the authorities to provide the text of the legislative amendments under preparation so that an assessment can be made in the light of the European Court's findings in these cases;
4. invited the authorities rapidly to indicate the concrete measures envisaged to enable the State to assume the debts of companies under its responsibility subject to compulsory winding up, and to guarantee voluntary and timely implementation of decisions imposing an obligation on the State or on a legal entity under its responsibility to perform a specific act;

*Sacaleanu (group)*

Failure or substantial delay in the enforcement of final domestic judicial decisions.

5. underlined once again the need for the domestic legal system to guarantee effective and full compensation in cases of delay in the implementation of court decisions by the State or legal entities under its responsibility; called upon the authorities to devote special attention to this question when developing the general measures in this group of cases.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. welcomed the participation in the meeting of the President of the Competition Council and the exchange of views with him;
2. recalling that the violations found by the European Court in these cases revealed the existence of structural dysfunctions related to the non-implementation or delayed implementation of final court decisions by the State or legal entities under its responsibility;

*As regards individual measures*

3. expressed their concern about the court proceedings brought by the debtors in the cases of *Elena Popa* and *Chiş* to recover the sums they had earlier paid to the applicants pursuant to final court decisions and requested the authorities to inform them of the outcome of these proceedings; also called on them to ensure the immediate payment of all the sums owed to Mr Chiş and decided to pursue the examination of this case under the enhanced supervision procedure, in the framework of the *Săcăleanu* group;
4. while recalling the unconditional obligation of Romania, under Article 46 of the European Convention of Human Rights, to execute the final judgment of the European Court, noted that Romania has requested an interpretation of the operative part of the judgment in the cases of *S.C. Polyinvest S.R.L.* and *Omegatech Enterprises Ltd.* and that it will shortly lodge a similar request in *Zlatin and Others* as regards the execution obligations incumbent on the State in respect of debts held by the applicants against State-controlled companies which have been wound up or are in bankruptcy; decided to resume its enhanced supervision of these cases at its 1348<sup>th</sup> meeting (June 2019) (DH);
5. noting that the implementation is ongoing or that information is awaited in respect of 21 other applications, requested the authorities to ensure that all the relevant national decisions are swiftly implemented;

*As regards general measures*

6. recalled the Committee's previous decisions supporting the ongoing legislative process aimed at guaranteeing voluntary and timely implementation of court decisions by the State and highlighting the need to provide effective remedies when such implementation is not achieved;
7. regretting the absence of tangible progress, strongly called upon the authorities to step up their efforts to ensure that this process is rapidly completed and stressed the importance of a strong commitment at a high political level to bring about a swift, comprehensive and sustainable resolution of these problems;
8. recalling that under the European Court's case-law, it is for the State to take the initiative to implement fully and in due time decisions given in court disputes to which it is a party, invited the authorities to indicate how they will ensure that the domestic legal system is adequately equipped to respond to situations in which strict compliance is objectively impossible and that the statutory limitation rules in this area are in conformity with this case-law;
9. called again on the authorities to ensure that the ongoing reforms fully respond to the need to provide effective remedies when voluntary or timely implementation is not achieved, in line with the Convention principles as laid down in the Court's case-law;
10. considered that the questions related to the implementation of pecuniary awards when the debtor is a State-controlled company subject to bankruptcy or liquidation call for further consideration, in the light of the information to be provided by the authorities on the concrete difficulties encountered in identifying appropriate solutions;
11. invited the authorities to provide information on the progress achieved with the adoption of the outstanding individual and general measures, together with details on the content of the reforms envisaged, no later than 31 May 2019.

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## S.C. Polyinvest S.R.L. and Others / Zlatin and Others

Unjustified and disproportionate use of fire-arms by the police and ineffective investigations; lack of an adequate statutory and regulatory framework.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">20752/07+ - 24693/07+</a>
<b>Judgment(s) final on</b>	29/03/2018 - 29/03/2018
<b>First decision of the Committee of Ministers</b>	1348 <sup>th</sup> meeting (June 2019)

### 1348<sup>th</sup> meeting (4-6 June 2019)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

##### The Deputies

1. recalling that the European Court's judgments on the applications brought by S.C. Polyinvest S.R.L., Omegatech Enterprises Ltd. and Messrs. Zlatin, Tomiuc and Iordan concern the non-implementation of court decisions or arbitral awards ordering companies with majority public shareholding which have been wound up or are in bankruptcy to pay various sums to the applicants;

##### *As regards the applications brought by S.C. Polyinvest S.R.L. and Omegatech Enterprises Ltd.*

2. recalling that under the operative provisions of the relevant judgment, Romania was required to ensure, by appropriate means, the enforcement of the decisions in favour of the applicants by 29 June 2018, noted that the European Court has refused the request submitted by Romania for interpretation of these provisions as regards the execution obligations incumbent on the State in respect of the debts held by the applicants;
3. recalled in this respect that the European Court has applied its "well established case-law" procedure to these applications and that the relevant case-law in this area provides for the State's direct and full liability for debts of State-controlled companies resulting from domestic court decisions; concluded that in order to comply with the Court's abovementioned indications, Romania is required to pay, from its own funds, all sums still due to the applicants under the arbitral awards at issue;
4. underlined that in line with the European Court's indications, these payments had to be made by 29 June 2018 and that they are accordingly long overdue; recalled the unconditional obligation of Romania, under Article 46 of the European Convention on Human Rights, to abide by the final judgments of the European Court, and called firmly upon the Romanian authorities rapidly to proceed to these payments and decided to resume consideration of these applications at their 1355<sup>th</sup> meeting (September 2019) (DH);

##### *As regards the applications brought by Messrs Zlatin, Tomiuc and Iordan*

5. noted, as regards the interpretation requests referred to in the Committee of Ministers' previous decision with respect to these applications, that no decision by the European Court has yet been taken; invited the authorities swiftly to inform the Committee of any relevant development in the procedures before the Court and decided to resume their consideration of these applications as soon as the Court's decisions on these requests are available.

\* \* \*

*Soare and Others (group)*

Unjustified and disproportionate use of fire-arms by the police and ineffective investigations; lack of an adequate statutory and regulatory framework.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">24329/02</a>
<b>Judgment(s) final on</b>	22/05/2011
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. called on the authorities to intensify their efforts and deploy all available means rapidly to conclude the criminal investigation at issue in the *Soare and Others* judgment; further invited them to inform the Committee of the conclusions of the assessment of the General Prosecutor's Office concerning the reopening of the investigation into attempted murder at issue in the *Ciorcan and Others* case;
2. noted, in view of the information provided by the authorities, that no individual measure is now possible in the cases of *Gheorghe Cobzaru, Grămadă and Boacă and Others*;

*As regards general measures*

3. noted with interest the legislative amendments brought in 2016 to regulate more strictly the use of firearms by the police in situations similar to those at the origin of the cases of *Soare and Others, Gheorghe Cobzaru and Grămadă*; took note also of the regulation adopted in 2009 on the operation of special intervention units, which appears capable of ensuring that the deployment of these units is duly justified;
4. called on the authorities to update the practical instructions given to police officers on the application of the legislative framework governing the use of firearms in line with the provisions introduced in 2016 and to inform the Committee of the measures taken or envisaged to ensure that law enforcement operations are planned so as to avoid, as far as possible, the use of lethal force;
5. noting with interest the measures adopted by the General Prosecutor's Office to guarantee the effectiveness of criminal investigations, encouraged the authorities to extend their application to all investigations concerning the use of firearms by the police and to indicate whether additional measures have been taken or are envisaged to guarantee the effective judicial review of these investigations.

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*Strain and Others(group) / Maria Atanasiu and Others*

Ineffectiveness of the mechanism put in place to allow the restitution/compensation for nationalised property; pilot judgment; extended deadline expired in May 2013.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">57001/00 – 30767/05</a>
Judgment(s) final on	30/11/2005 - 12/01/2011
First decision of the Committee of Ministers	<a href="#">1078<sup>th</sup> meeting</a> (March 2010)

**[1214<sup>th</sup> meeting \(2-4 December 2014\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted with interest that the European Court, in its follow-up judgment to the pilot judgment *Preda and Others v. Romania*, held that the new law reforming the reparation mechanism provided, in principle, an accessible and effective framework of redress for the vast majority of situations arising in the reparation process;
- in this regard, also noted with interest the progress made in the implementation of the first stages of the new law and welcomed the commitment of the authorities demonstrated by the active monitoring mechanism put in place at domestic level;
- recalling the importance of respecting the time-table set out in the new law, encouraged the authorities to finalise the inventory of available land as rapidly as possible and to ensure that in the future the time-limits set by the new reparation law are carefully followed to ensure the effectiveness of the reparation mechanism;
- given the positive assessment by the European Court and the progress made so far, decided to close the examination of cases, concerning situations identified in the *Preda* judgment as covered by the new mechanism and in which all the individual measures have been taken, and adopt the final Resolution CM/ResDH(2014)274;
- stressed, in addition, the importance of the authorities having the capacity to ensure the effectiveness of the reparation mechanism and to solve the outstanding issues identified by the Court, and decided to continue to monitor developments in this regard within the framework of the pilot judgment *Maria Atanasiu and Others* and the other judgments not covered by the above final resolution;
- invited the authorities to provide the Committee with information on:
  - their reflection on the outstanding issues identified by the Court in the *Preda* judgment at the latest by the end of February 2015;
  - the implementation of the various stages set by the new law at the latest by the end of June 2015.

**[1288<sup>th</sup> meeting \(6-7 June 2017\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted the sustained efforts made by the authorities to ensure the effective functioning of the mechanism established in response to the *Maria Atanasiu and Others* pilot judgment, to afford restitution or compensation for the property nationalised during the communist period, in the situations found by the European Court to be covered by this mechanism;
- underlining the importance of complying with the calendar envisaged by Law No. 165/2013 so that these situations can be definitively settled, called upon the authorities to deploy all means at their disposal to complete the administrative stages of the application of this law and to ensure an efficient handling of the related litigation by the domestic courts;
- invited the authorities to provide, by the end of September 2017, the information awaited on the measures adopted in this respect and their expected impact.

*Strain and Others(group) / Maria Atanasiu and Others*

Ineffectiveness of the mechanism put in place to allow the restitution/compensation for nationalised property; pilot judgment; extended deadline expired in May 2013.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*As regards individual measures*

1. noting that the question of individual measures has been resolved in 174 repetitive cases of this group, decided to close their supervision of the execution of these cases and adopted Final Resolutions [CM/ResDH\(2018\)354](#) and [CM/ResDH\(2018\)355](#);

*As regards general measures*

2. whilst recognising the sustained financial effort made by the Romanian authorities to ensure effective compensation for the properties nationalised under the communist regime, expressed concern at the delays in the administrative stages of the reparation process and the backlog of unresolved claims before the Bucharest City Hall and the National Commission for Compensation for Immovable Property;
3. underlining the crucial importance of maintaining the effectiveness of the reparation mechanism, urged the authorities to address these issues without further delay and called on them to provide the competent courts with all the support required to efficiently handle the related litigation;
4. took note of the European Court's judgment in *Dickmann and Gion*, confirming the Court's previous assessment that further measures are required to provide adequate avenues for redress for two categories of former owners of residential properties and called upon the authorities to intensify their efforts to find appropriate solutions to these issues;
5. encouraged the authorities to continue their close cooperation with the Secretariat on all the outstanding questions identified in these cases; decided to resume their examination at their March 2019 DH meeting to assess the progress in the adoption of the required additional measures.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalling that these cases concern long-standing problems resulting from the ineffectiveness of the previous reparation mechanism put in place by Romania to afford restitution of or compensation for properties nationalised under the communist regime;

*As regards individual measures*

2. encouraged the authorities to pursue their bilateral cooperation with the Secretariat with a view to rapidly settling the questions that remain outstanding in the cases of *Gavrileanu*, *Stomff*, *Paula Constantinescu* and *Maria and Dorel-Dănuț Barbu*;

*As regards general measures*

3. recalled that, whilst a major step was achieved in 2013 with the establishment of a new reparation mechanism, it has since given rise to concerns on account of delays in the administrative stages of the processing by the Bucharest City Hall and the National Commission for Compensation for Immovable Property of claims for properties other than agricultural land and woodland, and also the impact of these delays on the workload of the courts responsible for determining undecided claims and related litigation;
4. recalled also that additional measures are required to provide adequate avenues of redress for two categories of former owners of residential properties in respect of whom the European Court found the new mechanism defective or unavailable;

*Strain and Others(group) / Maria Atanasiu and Others*

Ineffectiveness of the mechanism put in place to allow the restitution/compensation for nationalised property; pilot judgment; extended deadline expired in May 2013.

5. noted that the authorities have pursued their cooperation with the Secretariat with a view to developing adequate solutions to the outstanding issues, but deeply regretted the absence of any information on the progress achieved so far in this process;
6. reiterating that these solutions are key to maintaining the effectiveness of the new reparation mechanism, strongly urged the authorities to adopt the outstanding measures without further delay and requested them to inform the Committee of the progress made in this respect by 31 May 2019 at the latest; also requested the authorities to provide, within the same time frame, detailed information on the current status of the process of reparation and compensation regarding agricultural land and woodland.

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*Țicu (group) / Gheorghe Predescu*

Ill-treatment in prison due to the inadequate management of the applicants' psychiatric pathologies (violations of Article 3).  
Lack of investigation into allegations of ill-treatment by other prisoners  
(procedural violation of Article 3 in Țicu case).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	24575/10 – 19696/16
<b>Judgment(s) final on</b>	01/01/2014 – 25/05/2014
<b>First decision of the Committee of Ministers</b>	1208 <sup>th</sup> meeting (September 2014)

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)**Notes of the meeting***Decision*

The Deputies

*As regards the individual measures in the case of Țicu*

1. noted with serious concern that the applicant continues to be held in a cell that offers only very limited living space notwithstanding the Court's judgment, and called upon the Romanian authorities to inform the Committee of Ministers without delay of the measures adopted to put an end to this situation;
2. noted the assurances given by the Romanian authorities that the applicant is now provided with medical care which is adequate to his mental health condition and that there will be a follow-up to ensure that his care remains compatible with the requirements of the Convention; in this context, invited the authorities to inform the Committee whether in the framework of this follow-up, which has been put in place in the Iași prison, the services of a psychiatrist are also available;
3. noted that the Romanian authorities have announced their intention to obtain from the competent authorities an assessment of the possibility of opening an investigation into the acts of violence the applicant alleged to have suffered at the Iași prison; invited the Romanian authorities to inform the Committee, as soon as possible, of the conclusions of this assessment;

*As regards the individual measures in the case of Gheorghe Predescu*

4. noted that a psychiatric examination was ordered to determine whether the applicant is fit for detention, having regard to his mental health, and invited the authorities to inform the Committee, as soon as possible, of the measures taken in the light of the conclusions of this examination; invited, moreover, the authorities to provide information on the measures they intend to take in response to the Court's findings related to the applicant's difficulties with living together with other prisoners;

*As regards the general measures*

5. noted with interest that the Romanian authorities envisage putting in place special psychiatric sections in a number of penitentiary facilities and hospitals and invited the authorities to provide the Committee with an indicative time-table for the adoption and the implementation of these measures; in the meantime, invited the authorities to assess the need to adopt interim measures to ensure the adequate management of prisoners with mental health problems and to inform the Committee of the results of this assessment.

*Țicu (group) / Gheorghe Predescu*

Ill-treatment in prison due to the inadequate management of the applicants' psychiatric pathologies (violations of Article 3).  
Lack of investigation into allegations of ill-treatment by other prisoners  
(procedural violation of Article 3 in Țicu case).

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted the assurances given by the Romanian authorities that the applicants are now provided with medical care and conditions adapted to their health condition and subject to a follow-up aimed at ensuring that they remain compatible with the requirements of the Convention; encouraged the authorities to adopt promptly any other measure that might prove necessary in the light of this follow-up and to keep the Committee of Ministers informed;
2. having regard to the above, considered that the applicants' current situation no longer requires urgent individual measures; decided to continue the examination of these cases in the light of the additional information expected by the end of June 2015, both on the general measures required for the execution of these judgments and on the assessment by the competent authorities of the possibility to open an investigation into the acts of violence Mr Țicu alleged to have suffered at the Iași prison.

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)*Decisions*

## The Deputies

1. *regarding the cases proposed by one delegation*, agreed on the following time-table for the examination of these cases:
  - Groups of *Ciorap, Becciev and Paladi v. Republic of Moldova*: at the 1265th meeting (September 2016);
  - Group of *Fuchs v. Poland*: at the latest at the 1273rd meeting (December 2016);
  - **Group of *Ticu v. Romania*: at the 1273rd meeting (December 2016);**
  - Groups of *Kaverzin and Afanasyev v. Ukraine*: at the latest at the 1273rd meeting (December 2016);

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. concerning the individual measures, having regard to the information provided by the authorities, considered that no further measure is required in response to these judgments;
2. noted with interest the comprehensive action envisaged by the authorities to improve the care afforded to prisoners with mental health problems; noted in this regard the ongoing measures aimed at putting in place, in prisons, separate medical sections for prisoners with severe mental health problems, and strongly encouraged the authorities to deploy all efforts for these sections rapidly to become operational;
3. in order for the specialised medical sections to be fully operational and capable of effectively fulfilling their mission, urged the authorities to ensure that they are equipped with the necessary resources, including qualified medical and nursing staff;
4. noting further the shortage of psychiatrists mentioned by the authorities, asked whether, in addition to the proposal to offer training in psychiatric care to nursing staff working in prisons, the authorities have explored or intend to explore the possibility of taking measures to attract psychiatrists to work in prisons;
5. invited the authorities to keep the Committee of Ministers informed of the adoption of the provisions to be elaborated jointly by the Ministries of Justice and Health on the medical supervision of prisoners with severe psychiatric problems;

*Țicu (group) / Gheorghe Predescu*

Ill-treatment in prison due to the inadequate management of the applicants' psychiatric pathologies (violations of Article 3).  
Lack of investigation into allegations of ill-treatment by other prisoners  
(procedural violation of Article 3 in Țicu case).

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6. also invited the authorities to continue regularly to inform the Committee about the progress in the implementation of all the envisaged measures and their impact.

\* \* \*

*Al-Skeini and Others*

Insufficiently independent and/or effective investigations into deaths in Iraq when the United Kingdom was an occupying force (procedural violations of Article 2).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">55721/07</a>
<b>Judgment(s) final on</b>	07/07/2011
<b>First decision of the Committee of Ministers</b>	<a href="#">1144<sup>th</sup> meeting</a> (June 2012)

[1243<sup>th</sup> meeting](#) (8-9 December 2015)

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. recalled that, in its finding of procedural violations of Article 2 in this case, the European Court criticised the lack of independence of the investigations into the deaths of the applicants' relatives in Iraq as well as, in the fifth applicant's case, a failure to conduct an independent examination, accessible to the victim's family and to the public, of the broader issues of State responsibility for the death;
2. welcomed the measures taken by the United Kingdom authorities to establish specialised investigative processes to conduct investigations into deaths either caused by, or involving, British soldiers in Iraq; in particular noted with satisfaction the restructuring of the Iraqi Historic Allegations Team (IHAT) in response to domestic judgments to make it fully independent, and the establishment of Iraqi Fatality Investigations, to ensure that the investigations are accessible to the victim's families and the public and are able to examine broader issues of State responsibility;
3. welcomed also the fact that the progress of the IHAT and Iraqi Fatality Investigations are under close and active judicial supervision and considered that this supervision is a robust and effective safeguard ensuring their efficiency and good functioning;
4. noted that the investigations in all the individual cases in this judgment are carried out by those specialised bodies, are underway and making progress;
5. encouraged the authorities to ensure that the investigative bodies continue their work, including on the individual cases in this judgment, and decided to continue their supervision of this case under the standard procedure.

\* \* \*

**McKerr (group)**

Actions of security forces in Northern Ireland in the 1980s and 1990s.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">28883/95</a>
<b>Judgment(s) final on</b>	04/08/2001
<b>First decision of the Committee of Ministers</b>	1201 <sup>th</sup> meeting (June 2014)

**[1201<sup>th</sup> meeting \(June 2014\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decision*

The Deputies

*Individual measures*

1. noted that the inquest proceedings in the case of *Hemsworth* have concluded, the Coroner has referred the case to the Director of Public Prosecutions for a decision on prosecution, that a decision on prosecution can be judicially reviewed, and considered that no other individual measures appear necessary in this case;
2. recalled, however, that the Committee has repeatedly urged the United Kingdom authorities to take all necessary measures with a view to bringing to an end, without further delay, the investigations in the cases of *McKerr*, *Shanaghan*, *Jordan* and *Kelly and Others*, expressed serious concern that these investigations, as well as the investigation in *McCaughey*, are still outstanding and strongly urged the authorities to ensure their conclusion as soon as possible;

*General measures*

3. noted with interest the *Haass* process, an all Northern Ireland Party Group to consider issues relating to the Past, and welcomed in particular the proposal to create a single, investigative mechanism (the Historical Investigations Unit); considered that the establishment of such a body would be a significant development with potential to bring meaningful and positive change to the investigation of legacy cases; and strongly encouraged the authorities to use all necessary means to pursue it;
4. noted the efforts being made in the meantime to improve the current system; underlined, in that regard, the importance of the independent domestic review and reform of the Police Ombudsman and the Historical Enquiries Team; and urged the authorities to ensure this work is completed as soon as possible so that these bodies can carry out their work as effectively as possible, including on the investigations pending for the individual applicants in these cases;
5. noted with interest the authorities' commitment to reduce delay and the measures proposed to improve case management, legal expertise, management of disclosure, and efficiency of inquest proceedings; however, considered that further measures may be needed to address the causes of the excessive delay in inquest proceedings; noted in this respect the announced review of Northern Ireland coronial law; and invited the authorities to provide information on any timetable or concrete steps planned for that review;
6. decided to review the progress made in these cases at their DH meeting in September 2015, at the latest;
7. decided to declassify the Memorandum [CM/Inf/DH\(2014\)16rev.](#)

**[1222<sup>th</sup> meeting \(11-12 March 2015\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

1. noted, with interest, the December 2014 Stormont House Agreement and welcomed the announcement therein to establish an independent single investigative body (the Historical Investigations Unit) which will take over the investigations into legacy cases, currently carried out by the Police Ombudsman and by the Historical Enquiries Team, and will, inter alia, have full policing powers and dedicated family support staff;
2. welcomed also the announcement in the Stormont House Agreement that appropriate steps will be taken to improve the way legacy inquests function, and underlined the importance of ensuring a concrete follow-up to this announcement to ensure that the legacy inquest process can provide access to sufficiently effective investigations within an acceptable



## McKerr (group)

Actions of security forces in Northern Ireland in the 1980s and 1990s.

timeframe;

3. urged the authorities to use all necessary means to ensure that the implementation of these announcements in the Stormont House Agreement proceeds according to a clear timetable;
4. invited the authorities to submit a consolidated action plan addressing all of the above issues by 1 June 2015 and decided to review the progress made in these cases at their 1243rd meeting (December 2015) (DH).

### 1243<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

#### Individual measures

1. noted that subsequent to the Committee's decision to close its supervision of the individual measures in 2009, the United Kingdom held a further review into the death of Mr Finucane, namely the de Silva review, which identified new information which had not previously been investigated; further noted that it is not currently known whether this information is material to the earlier criminal investigation or the decision of the Director of Public Prosecutions (Northern Ireland) (DPP(NI)) in 2007 not to prosecute any other individuals;
2. noted with satisfaction that the new information is currently under consideration by the Police Service of Northern Ireland and following this review the DPP(NI) will be invited to determine whether the earlier decision in 2007 not to prosecute needs to be reviewed in light of any evidence which might become available;
3. noted the applicant's request to reopen the individual measures;
4. decided that in light of the ongoing domestic litigation in relation to Mr Finucane's case, which the authorities have committed to updating the Committee about, to resume consideration of reopening the individual measures once these processes have concluded and called upon the authorities to take all measures to ensure that the resumed PSNI and DPP(NI) review is completed as quickly as possible;
5. recalled that the completion of the other outstanding investigations in the group is linked to the progress made under the general measures and underlined the need to take those measures without further delay;

#### General measures

6. noting the outcome of recent talks in Northern Ireland on the implementation of the Stormont House Agreement, strongly encouraged the authorities to introduce into Parliament on an agreed basis legislation to establish the Historical Investigations Unit (HIU) and that it will guarantee the HIU's independence both in law and in practice enabling it to conduct effective investigations which are sufficiently accessible to the victims' families; and to engage with all relevant stakeholders to ensure that their views are taken into account in the legislation to be introduced;
7. as regards legacy inquests, strongly encouraged full implementation of the measures already underway to speed up the proceedings and the establishment of the Legacy Unit within the coroners' service as soon as possible; invited the authorities to submit information on the measures proposed to resolve delays in the disclosure process; and urged them to conduct the review and modernisation of coronial law without any further delay;
8. noted the authorities' indication in their action plan in the case of McDonnell and decided to continue their supervision of delays in non legacy inquests separately from this group of cases;
9. decided to review the progress made in these cases at their 1259th meeting (June 2016) (DH), at the latest.

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. concerning the individual measures, recalled that the completion of the outstanding investigations in the group is linked to the progress made under the general measures and underlined the need to take those measures without further delay;

## McKerr (group)

Actions of security forces in Northern Ireland in the 1980s and 1990s.

- recalled the Committee's decision in December 2015 in relation to Mr Finucane's case to resume consideration of reopening of individual measures once the domestic litigation processes have concluded;
2. concerning the general measures, recalled the Committee's calls to the United Kingdom authorities to introduce into Parliament on an agreed basis legislation to establish the Historical Investigations Unit (HIU), noted the significant progress made on this issue at the cross-party talks in autumn 2015, but deeply regretted that the talks concluded without the necessary consensus to bring forward the legislation required;
  3. called upon the authorities to take all necessary measures to ensure the HIU can be established and start its work without any further delay, particularly in light of the length of time that has already passed since these judgments became final and the failure of previous initiatives to achieve effective, expeditious investigations;
  4. as regards legacy inquests, noted with satisfaction the assumption of the presidency of the coroners courts by the Lord Chief Justice of Northern Ireland and his constructive new approach to the backlog of legacy inquests;
  5. considered that such an approach, as well as a reformed inquest system, has the potential to make significant progress and urged the authorities to take all necessary measures to ensure that the Legacy Inquest Unit is established, properly resourced and staffed, without delay, to enable effective investigations to be concluded, and that the coroners courts receive the full co-operation of the relevant statutory agencies;
  6. decided to review the progress made in these cases at their 1273<sup>rd</sup> meeting (December 2016) (DH), at the latest.

### 1273<sup>th</sup> meeting (6-8 December 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. *concerning the individual measures*, recalled that the completion of the outstanding investigations in the group is linked to the progress made under the general measures and underlined the urgent need to take those measures without further delay; recalled also the Committee's decision of December 2015 in relation to the *Finucane* case to resume consideration of the reopening of individual measures once the domestic litigation has concluded;
2. *concerning the general measures*, expressed their concern that the Historical Investigations Unit (HIU) and other legacy institutions agreed upon in December 2014 have still not been established because agreement on the legislation has not yet been reached;
3. called upon the authorities to take all necessary measures to ensure the HIU can be established and start its work without any further delay, particularly in light of the length of time that has already passed since these judgments became final, and the failure of previous initiatives to achieve effective, expeditious investigations;
4. noted the authorities' ongoing engagement and strongly encouraged them further to ensure that the proposed public consultation phase regarding the HIU legislation is launched and concluded within a clear timescale to ensure that the legislation can be presented to Parliament and the HIU established and made operational without any further delay;
5. regretted that the necessary resources have not been provided to enable the Legacy Inquest Unit to be established and for effective legacy inquests to be concluded within a reasonable time; strongly urged the authorities to take, as a matter of urgency, all necessary measures to ensure both that the legacy inquest system can be properly reformed, resourced and staffed as proposed by the Lord Chief Justice of Northern Ireland and that the Coroners' Service receives the full co-operation of the relevant statutory agencies to enable effective investigations to be concluded;
6. decided to review the progress made in these cases at their 1288<sup>th</sup> meeting (June 2017) (DH) at the latest.

### 1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled the decision adopted at their last examination of these cases at the 1273<sup>rd</sup> meeting (December 2016) (DH);

## McKerr (group)

Actions of security forces in Northern Ireland in the 1980s and 1990s.

- decided to postpone examination of these cases until the 1294<sup>th</sup> meeting (September 2017) (DH).

### 1294<sup>th</sup> meeting (19-21 September 2017)

[List of decisions](#)

#### Notes of the meeting

##### Decisions

##### The Deputies

##### As regards individual measures

- recalled that the completion of the outstanding investigations in the group is linked to the progress made under the general measures and reiterated the urgent need to take those measures without further delay; recalled also the Committee's decision of December 2015 in relation to the *Finucane* case to resume consideration of the reopening of individual measures once the domestic litigation has concluded;

##### As regards general measures

- recalled the decision adopted at the 1273<sup>rd</sup> meeting (December 2016) (DH);
- noted with deep concern that the Historical Investigations Unit (HIU) and other legacy institutions agreed upon in December 2014 have still not been established because of a failure to reach agreement on the legislation required;
- considered it imperative that a way forward is found to enable effective investigations to be conducted particularly in light of the length of time that has already passed since these judgments became final, and the failure of previous initiatives to achieve effective, expeditious investigations; called upon the authorities to take all necessary measures to ensure that the planned public consultation phase regarding the HIU is launched and concluded within a clear timescale to ensure that the legislation can be presented to Parliament and the HIU established and made operational without any further delay;
- deeply regretted that the necessary resources have not been provided to allow effective legacy inquests to be concluded within a reasonable time; strongly urged the authorities to take, as a matter of urgency, all necessary measures to ensure both that the legacy inquest system is properly resourced and reformed in accordance with the Lord Chief Justice of Northern Ireland's proposals and that the Coroners' Service receives the full co-operation of the relevant statutory agencies to enable effective investigations to be concluded;
- decided to review the progress made in these cases at their DH meeting in June 2018, at the latest.

### 1318<sup>th</sup> meeting (5-7 June 2018)

[List of decisions](#)

#### Notes of the meeting

##### Decisions

##### The Deputies

##### As regards individual measures

- recalled that the completion of the outstanding investigations in the group is linked to the progress made under the general measures and reiterated the urgent need to take those measures without further delay; recalled also the Committee's decision of December 2015 in relation to the *Finucane* case to resume consideration of the reopening of individual measures once the domestic litigation has concluded;

##### As regards general measures

- recalled their serious concerns about the lack of progress in the establishment of the Historical Investigations Unit and other legacy institutions and underlined that, regardless of the complexity of the broader political picture, it is imperative that a way forward be found to enable effective investigations to be conducted, particularly in light of the length of time that has already passed since these judgments became final and the failure of previous initiatives to achieve effective, expeditious investigations as required by the judgments in this group;
- welcomed, in this context, the publication on 11 May 2018 of a public consultation and draft legislation on the establishment of the Historical Investigations Unit and three other legacy institutions set out in the 2014 Stormont House Agreement to deal with the legacy of Northern Ireland's past;

## McKerr (group)

Actions of security forces in Northern Ireland in the 1980s and 1990s.

4. recalled that, in 2013, the Court indicated under Article 46 that, whatever the specific modalities chosen, the United Kingdom must take as a matter of some priority all necessary and appropriate measures to ensure that, in cases where inquests concerning killings by the security forces in Northern Ireland are pending, the procedural requirements of Article 2 are complied with expeditiously;
5. expressing concern that delays in inquest proceedings continue, noted therefore with interest the judgment of the High Court of Northern Ireland of 8 March 2018 which both underlined the obligation to ensure that the Coroners Service could effectively comply with Article 2, irrespective of whether an overall package was agreed to deal with all legacy issues, and directed a reconsideration of the question of the provision of additional funding for legacy inquests which should not be postponed until broader political agreement is resolved;
6. noted further with satisfaction the authorities' indication that they are discussing anew the approach to legacy inquest funding and strongly encouraged them to accelerate their consideration of further ways and means in this regard and to take all necessary measures without any further delay so that the legacy inquest system is properly resourced and reformed in accordance with the Lord Chief Justice of Northern Ireland's proposals in order that legacy inquests, including those pending for the individual applicants in these cases, can be concluded within a reasonable timeframe;
7. decided to resume consideration of the progress made in these cases at their DH meeting in March 2019, at the latest.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. recalled that this group of cases concerns the effectiveness of investigations into the deaths of the applicants' next-of-kin in Northern Ireland in the 1980s and 1990s, either during security force operations or in circumstances giving rise to suspicions of collusion with those forces;

#### As regards individual measures

2. recalled with serious regret that the investigations and related litigation in the cases of *McKerr, Shanaghan, Jordan, Kelly and Others* and *McCaughy and Others* have still not been completed;
3. recalled also the Committee's decision of December 2015 in relation to the *Finucane* case to resume consideration of the reopening of individual measures once the domestic litigation has concluded; noted in this respect the judgment of the Supreme Court of the United Kingdom of 27 February 2019; invited the authorities to provide their response to the judgment by 21 June 2019;

#### As regards general measures

4. reiterated their serious concerns about the delay in the establishment of the Historical Investigations Unit and other legacy institutions and underlined that, notwithstanding the complexity of the broader political picture, it is imperative that a way forward be found to enable effective investigations to be conducted, particularly in light of the length of time that has already passed since these judgments became final and the failure of previous initiatives to achieve effective, expeditious investigations;
5. noted with interest, in this context, that the public consultation on the draft legislation on the establishment of the Historical Investigations Unit and three other legacy institutions set out in the 2014 Stormont House Agreement concluded in October 2018 and drew a large number of responses from multiple interested stakeholders, including victims' groups and civil society organisations; noted further with satisfaction the authorities' indication that they remain committed to the establishment of those institutions to deal with the legacy of Northern Ireland's past and hope to present amended legislation to Parliament in the near future;
6. strongly encouraged the authorities to act on this commitment, to provide an estimated timetable for the next steps and to ensure that the legislation introduced to Parliament will guarantee the Historical Investigations Unit's independence in both law and practice and enable it to conduct effective investigations which are sufficiently accessible to the victims' families in full compliance with Article 2 of the Convention;
7. noted the announcement on 14 February 2019 of the discovery of significant police documentation of relevance for legacy investigations of the Office of the Police Ombudsman of Northern Ireland (OPONI), including in respect of the *Shanaghan* case; recalled the Committee's ongoing general measure supervising the functioning of the OPONI; welcomed the

*McKerr (group)*

Actions of security forces in Northern Ireland in the 1980s and 1990s.

announcement of an independent review by the Criminal Justice Inspection Northern Ireland into the methods used by the Police Service of Northern Ireland to disclose information in respect of historic cases to the OPONI; looked forward to the outcome of this review;

8. recalling the judgment of the High Court of Northern Ireland of 8 March 2018 which directed a reconsideration of the provision of additional funding for legacy inquests, noted with satisfaction the announcement by the Northern Ireland Department of Justice that funding has been agreed to support reform in accordance with the Lord Chief Justice of Northern Ireland’s proposals and so that legacy inquests, including those pending for the individual applicants in these cases, can be concluded without further delay; looked forward to further updates from the authorities as to implementation;
9. decided to resume consideration of the progress made in these cases at their 1355<sup>th</sup> meeting (September 2019) (DH).

\* \* \*

*Hirst No.2 (group)*

Ban on voting imposed automatically on convicted prisoners serving their sentences.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">74025/01</a>
Judgment(s) final on	06/10/2005
First decision of the Committee of Ministers	<a href="#">1072<sup>nd</sup> meeting</a> (December 2009)

**1193<sup>th</sup> meeting (4-6 March 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

- noted that the parliamentary committee established to examine the legislative proposals on prisoner voting rights has completed its work, and considered this a significant step forward;
- welcomed the recommendation of the parliamentary committee that all prisoners serving sentences of 12 months or less should be entitled to vote as a constructive contribution to the legislative process;
- highlighted the fact that the parliamentary committee chose not to recommend re-enacting the existing ban, and recalled that an option aimed at retaining the blanket restriction criticised by the European Court cannot be considered compatible with the European Convention;
- urged the United Kingdom authorities to adopt the parliamentary committee's recommendation to introduce a bill to parliament at the start of the 2014-2015 parliamentary session and reiterated the importance of rapidly concluding the legislative process.

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

- welcomed the presence of the Minister of State for Civil Justice and Legal Policy, and the assurances presented of the United Kingdom's commitment to fulfil its obligations under the European Convention on Human Rights;
- recalled the number of years that have passed since the judgments *Hirst No. 2* and *Greens and M.T.* became final, and the repeated calls of the Committee of Ministers to execute them;
- noted with profound concern and disappointment that the United Kingdom authorities did not introduce a bill to parliament at the start of its 2014-2015 session as recommended by the competent parliamentary committee; urged the United Kingdom authorities to introduce such a bill as soon as possible and to inform them as soon as this has been done;
- decided to resume consideration of these cases at their DH meeting in September 2015.

**1236<sup>th</sup> meeting (23-25 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- expressed their appreciation for the presence of the Minister for Human Rights and the assurances presented of the United Kingdom's support for the European Convention on Human Rights;
- reiterated their serious concern about the on-going delay in the introduction of a Bill to Parliament (as recommended by the Parliamentary Committee in December 2013) leading to repetitive violations of the Convention (*Firth and Others* and *McHugh and Others*);

*Hirst No.2 (group)*

Ban on voting imposed automatically on convicted prisoners serving their sentences.

3. expressed profound regret that, despite their repeated calls, the blanket ban on the right of convicted prisoners in custody to vote remains in place and reiterated that concrete information is yet to be presented to the Committee on how the United Kingdom intends to abide by the judgment;
4. reiterated, notwithstanding the *Delvigne* case, their call upon the United Kingdom authorities to introduce a Bill to Parliament as recommended by the Parliamentary Committee without further delay, and to inform them as soon as this has been done;
5. decided to resume consideration of these cases at their 1243rd meeting (December 2015) (DH) and, in the event that no Bill has been introduced to Parliament in the meantime, instructed the Secretariat to prepare a draft interim resolution to be distributed with the revised draft order of business.

1243<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

Notes of the meeting

*Decision*

The Deputies adopted the following Interim Resolution [CM/ResDH\(2015\)251](#).

**Interim Resolution [CM/ResDH\(2015\)251](#)**

**Execution of the judgments of the European Court of Human Rights**

**Hirst and three other cases against the United Kingdom**

*(Adopted by the Committee of Ministers on 9 December 2015 at the 1243rd meeting of the Ministers' Deputies)*

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");

Recalling that, in the present judgments, the Court found that the general, automatic and indiscriminate restriction on the right of convicted prisoners in custody to vote fell outside any acceptable margin of appreciation and was incompatible with Article 3 of Protocol No. 1 to the Convention;

Recalling also that following its initial judgment in *Hirst No. 2* (final on 06/10/2005), the European Court adopted the pilot judgment *Greens and M.T.* (final on 11/04/11), which concluded that the authorities had to introduce legislative proposals to amend the blanket ban on prisoner voting; and on 22 November 2012 the authorities introduced to Parliament legislative proposals setting out three options to amend the voting rights of convicted offenders detained in prison;

Recalling that at its examination of the cases in March 2014, the Committee welcomed the specially appointed Parliamentary Committee's recommendation that all prisoners serving sentences of 12 months or less should be entitled to vote as a constructive contribution to the legislative process;

Recalling that at its last examination of the cases, in September 2015, the Committee reiterated its serious concern about the ongoing delay in the introduction of a Bill to Parliament and expressed profound regret that, despite its repeated calls, the blanket ban on the right of convicted prisoners in custody to vote remains in place;

EXPRESSED PROFOUND CONCERN that the blanket ban on the right of convicted prisoners in custody to vote remains in place;

REAFFIRMED that, as for all Contracting Parties, the United Kingdom has an obligation under Article 46 of the Convention to abide by judgments of the Court;

INVITED the Secretary General to raise the issue of implementation of these judgments in his contacts with the United Kingdom authorities, calling on them to take the measures necessary to amend the blanket ban on prisoner voting and encouraged the authorities of the member States to do the same;

CALLED UPON the United Kingdom authorities to follow up their commitment to continuing high-level dialogue on this issue leading to the presentation of concrete information on how the United Kingdom intends to abide by the judgment;

NOTED the United Kingdom's commitment to report regularly on the steps taken and achieved in this respect, and decides to resume consideration of these cases in the light of those reports and in any event at the latest at their 1273rd meeting (December 2016) (DH).

*Hirst No.2 (group)*

Ban on voting imposed automatically on convicted prisoners serving their sentences.

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. welcomed the presence of the Minister of State for Courts and Justice;
2. noted the information provided by the authorities on the enhanced dialogue, which was foreseen in Interim Resolution CM/ResDH(2015)251 and which has taken place since the Committee's last examination of these cases in December 2015, and the authorities' indication that they are actively working on measures to respond to these judgments;
3. emphasised that, as for all Contracting Parties, the United Kingdom has an obligation under Article 46 of the Convention to abide by the judgments of the Court;
4. underlined that, prior to the Committee's next examination of the cases and at the latest by 1 September 2017, the authorities should submit concrete proposals to comply with these judgments, together with an indicative timetable for their implementation;
5. decided to resume consideration of these cases, in light of the proposals submitted, at their 1302<sup>nd</sup> meeting (December 2017) (DH) at the latest.

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. welcomed the presence of the Secretary of State for Justice;
2. noted with satisfaction the package of administrative measures proposed by the authorities, in particular the change in policy and guidance in relation to prisoners released on temporary licence and on home detention curfew;
3. considered that, in light of the wide margin of appreciation in this area, these measures respond to the European Court's judgments in this group of cases; therefore strongly encouraged the authorities to implement the proposed measures as soon as possible;
4. invited the authorities to keep the Committee and the Secretariat informed of all relevant developments in this regard and to provide an update by 1 September 2018 at the latest.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

[Notes of the meeting](#)*Decision*

The Deputies decided to close the supervision of this group of cases in the light of the measures taken by the United Kingdom authorities as described in their action report of 2 September 2018 and adopted **Final Resolution** [CM/ResDH\(2018\)467](#).

\* \* \*



*Alisić and Others*

Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">60642/08</a>
<b>Judgment(s) final on</b>	16/07/2014
<b>First decision of the Committee of Ministers</b>	1222 <sup>th</sup> meeting (March 2015)

**[1214<sup>th</sup> meeting \(2-4 December 2014\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

- noted that the European Court, in the pilot judgment in the present case, identified a systemic problem affecting thousands of people on account of the failure of the Serbian and Slovenian Governments to include the present applicants, and all others in their positions, in their respective schemes for the repayment of “old” foreign-currency savings;
- noted further that the European Court indicated to Serbia and Slovenia that they should make all necessary arrangements, including legislative amendments, within one year (namely, by 16 July 2015) in order to allow the applicants and all others in their position to recover their “old” foreign-currency savings under the same conditions as Serbian citizens who had such savings in domestic branches of Serbian banks or, respectively, under the same conditions as those who had such savings in domestic branches of Slovenian banks;
- consequently, invited the Serbian and Slovenian authorities to provide rapidly action plans setting out the measures taken or envisaged;
- decided to resume consideration of this item at their 1221st meeting (March 2015) (DH) to assess the progress made so far in light of the information to be provided by the authorities of the respondent States.

**[1222<sup>th</sup> meeting \(11-12 March 2015\)](#)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

- noted that the authorities of both respondent States submitted action plans within the deadline set, providing indications on the domestic procedures set up for the execution of the present judgment;

*Concerning Serbia:*

- noted the information provided by the Serbian authorities indicating, in particular, that a task force had been set up to prepare the necessary legislative amendments to be submitted to the Government by the end of May 2015;
- invited the authorities to rapidly inform the Committee in the form of a consolidated action plan of the specific arrangements, including proposed legislative amendments, that are required for the execution of this judgment, bearing in mind the deadline set by the Court;

*Concerning Slovenia:*

- noted the information provided by the Slovenian authorities indicating, in particular, that a draft law introducing the repayment scheme in respect of the “old” foreign-currency savings would be presented to Parliament by the end of June 2015;
- invited the authorities to inform rapidly the Committee of the specific arrangements, including legislative amendments, that are required for the execution of this judgment, bearing in mind the deadline set by the Court;
- invited the authorities in particular, to provide specific information on the question of the interest rate to be applied for the repayment of “old-currency savings”;
- noted the information provided on 25 February 2015 concerning the question of whether relevant outstanding “old” foreign-currency savings might have also been deposited with branches of Slovenian banks outside Slovenia; other than in Ljubljanska Banka branches in Sarajevo and Zagreb and instructed the Secretariat to make an assessment of this information;

*Alisić and Others*

Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.

*Concerning Serbia and Slovenia:*

8. encouraged the authorities of both respondent States to intensify their efforts towards the adoption of the necessary measures within the deadline set by the Court, i.e. 16 July 2015, and decided to resume the consideration of this case at their 1230th meeting (June 2015) (DH).

**1230<sup>th</sup> meeting (3-5 June 2015)**
[List of decisions](#)
[Notes of the meeting](#)*Decisions*

The Deputies

*Concerning Serbia*

1. noted with satisfaction the consolidated action plan provided by the Serbian authorities on 9 April 2015, setting out specific arrangements to be put in place to execute this judgment;
2. noted in particular that the conditions envisaged for repayment of the deposits concerned were based on the same interest rates as were applied to Serbian citizens who had such savings in domestic branches of Serbian banks;

*Concerning Slovenia*

3. noted with satisfaction the additional information provided by the Slovenian authorities on 29 May 2015 on the draft law approved by the Government setting out the mechanism to be put in place to execute this judgment;
4. noted in particular the statement of the Slovenian authorities that their aim was to preserve the actual value of the deposits and invited them to clarify how the Court’s indications in the judgment have been taken into account in the repayment scheme as regards the interest rates and those who have not used their special privatisation accounts;
5. noted with satisfaction the commitment of the authorities of both States to meet the deadline set by the Court and decided to resume consideration of this case at their 1236th meeting (September 2015) (DH).

**1236<sup>th</sup> meeting (22-24 September 2015)**
[List of decisions](#)
[Notes of the meeting](#)*Decisions*

The Deputies

*Concerning Serbia*

1. noted the revised action plan provided by the Serbian authorities on 9 July 2015 on the draft law setting out the repayment scheme for the “old” foreign-currency savings in response to the European Court’s judgment;
2. noted with satisfaction the detailed explanations given by the Serbian authorities as regards the manner in which the proposed repayment scheme will comply with the Court’s judgment;
3. regretted that the draft law has not been adopted within the deadline set by the European Court, which expired on 16 July 2015;
4. urged the Serbian authorities to adopt the draft law and to provide information to the Committee as a matter of priority;
5. decided to resume consideration of this item at the latest at their DH meeting in March 2016 (DH);

*Concerning Slovenia*

6. welcomed the friendly settlements reached between the Slovenian authorities and the applicants Ms Ališić and Mr Sadžak in September 2015 providing for the repayment of their deposits based on the terms set out in the law and noted that once their terms are complied with, no further individual measures will be required;
7. welcomed further that on 3 July 2015 the Slovenian Parliament adopted the Law on the Method of Execution of the European Court of Human Rights’ Judgment in Case Number 60642/08;

*Alisić and Others*

Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.

8. noted with satisfaction the detailed explanations given by the Slovenian authorities that the law as adopted will ensure that the outstanding “old” foreign-currency savings are repaid under substantially the same conditions which were granted in the initial repayment scheme;
9. invited the Slovenian authorities to sustain their efforts to finalise rapidly the practical arrangements to ensure the proper functioning of the repayment scheme;
10. decided to resume consideration of this item at their DH meeting in March 2016 (DH) to assess the progress made in the implementation of the repayment scheme which will start on 1 December 2015.

**1250<sup>th</sup> meeting (8-10 March 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

*Concerning Serbia*

1. noted that the Serbian authorities revised the draft law which was prepared in response to the European Court’s judgment in the present case with a view to allowing depositors who are nationals of other successor States to recover foreign currency savings under the same conditions as Serbian citizens;
2. in view of the deadline of the European Court, which expired on 16 July 2015, firmly urged the Serbian authorities to bring the legislative process to an end without further delay;
3. decided to resume consideration of this item at their 1259th meeting (June 2016) (DH) in the event that no progress is achieved in the adoption of the draft law;

*Concerning Slovenia*

4. welcomed the fact that the scheme aimed at the repayment of “old” foreign currency savings became operational in December 2015 as regards the Zagreb branch of *Ljubljanska Banka*;
5. in view of the conclusions of the meeting held on 24 February 2016 between the authorities of Bosnia and Herzegovina and Slovenia, under the good offices of the Secretariat, noted that further consultations will be held in Sarajevo before the end of April 2016 as regards the repayment of “old” foreign currency savings held in the Sarajevo branch of *Ljubljanska Banka*;
6. decided to examine these issues at their 1259th meeting (June 2016) (DH).

**1259<sup>th</sup> meeting (7-8 June 2016)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

*Concerning Serbia*

1. noted with regret that the draft law aimed at introducing a repayment scheme for the “old” currency-savings deposited in foreign branches of Serbian banks has still not been adopted even though the deadline set by the European Court expired on 16 July 2015;
2. urged therefore the Serbian authorities to ensure that the above-mentioned draft law is adopted as a matter of priority and to provide information to the Committee in this respect no later than 1 October 2016;
3. decided to resume consideration of this issue at their 1273rd meeting (December 2016) (DH) and, in the event that no progress has been achieved in the adoption of the above-mentioned draft law, instructed the Secretariat to prepare a draft interim resolution to be circulated with the draft Order of Business for that meeting;

*Concerning Slovenia*

*Alisić and Others*

Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.

1. welcomed the conclusions of the consultations held between the authorities of Bosnia and Herzegovina and Slovenia under the good offices of the Secretariat in Sarajevo on 6 and 7 April 2016;
2. invited the authorities of Slovenia to keep the Committee updated on the steps taken for the start of the verification procedure as well as all other relevant developments concerning the functioning of the repayment scheme.

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted, as in their previous decisions, that the Serbian authorities have prepared a draft law, in response to the European Court’s judgment with a view to allowing the applicants and all others in their situation to recover their “old” foreign-currency savings under the same conditions as Serbian citizens who had such savings in domestic branches of Serbian banks;
2. noted the assurances given by the Serbian authorities that the revised draft law will be adopted before the end of December 2016 or at the beginning of January 2017 at the latest and strongly urged them to sustain their efforts to adopt this draft law within the announced time frame;
3. decided to resume examination of this item with respect to Serbia at their 1280<sup>th</sup> meeting (March 2017) (DH) and, in case the revised draft law has not by then been adopted, instructed the Secretariat to prepare a draft interim resolution to be circulated with the draft Order of Business for that meeting.

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. noted with satisfaction that on 28 December 2016 the Serbian Parliament adopted the law introducing a repayment scheme with a view to allowing the applicants and all others in their situation (including those whose applications are pending before the European Court) to recover “old” foreign-currency savings under the same conditions as Serbian citizens who had such savings in domestic branches of Serbian banks, and that the law entered into force on 30 December 2016 and will become operational by-mid February 2017;
2. noted that the Serbian authorities have taken measures to ensure the effective implementation of the law, such as securing premises and staff for the treatment of applications from depositors, and invited them to make additional efforts to ensure the proper functioning of the scheme to ensure repayments in line with Convention standards and under the same conditions as Serbian citizens who had such savings in domestic branches of Serbian banks; as well as to provide information regularly to the Committee in this respect;
3. decided to resume consideration of this item at their 1288<sup>th</sup> meeting (June 2017) (DH) on the basis of the information to be provided by the authorities as regards the progress in the implementation of the law.

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that on 28 December 2016 the Serbian Parliament adopted the law introducing a repayment scheme with a view to allowing the applicants and all others in their situation (including those whose applications are pending before the

*Alisić and Others*

Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.

- European Court) to recover “old” foreign-currency savings under the same conditions as Serbian citizens who had such savings in domestic branches of Serbian banks; and that the law entered into force on 30 December 2016;
2. noted with interest the measures taken by the Serbian authorities to ensure the proper functioning of the repayment scheme, notably the adoption of secondary regulation on the verification procedure as well as the public call inviting depositors to file their claims with the Public Debt Administration;
  3. noted further that in the *Muratović* inadmissibility decision the European Court found that the law introducing the repayment scheme met the criteria set out in the *Alisić* pilot judgment, while underlining that it was ready to change its approach as to the potential effectiveness of the remedy should the practice of the domestic authorities show, in the long run, that savers were being refused on formalistic grounds, that verification proceedings were excessively long or that the domestic case law was not in compliance with the requirements of the Convention;
  4. consequently, strongly encouraged the authorities to sustain their efforts to ensure the proper functioning of the repayment scheme, and invited them to keep the Committee updated regularly on the implementation of the verification procedure and the functioning of the repayment scheme in practice.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decision*

The Deputies decided to close this case in the light of the measures taken by the Slovenian authorities as described in their communication of 26 October 2017 and adopted Final Resolution [CM/ResDH\(2018\)111](#).

.....

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 in respect of Slovenia of the applicants’ right to peaceful enjoyment of their property on account of their inability to recover their “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks with head offices in Slovenia;

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 Slovenia 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 to give effect to the judgment, including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents [DH-DD\(2017\)1270](#) and [DH-DD\(2017\)1418-rev](#));

Noting that in its inadmissibility decision in the *Zeljковиć* case (33805/17, 5 September 2017) the European Court held that the depositors whose deposits were transferred to privatisation accounts and whose requests for repayment were rejected on the basis of Slovenian law, were in principle required to exhaust remedies before the Slovenian courts and ultimately to lodge a constitutional claim;

Noting that the Committee of Ministers’ final resolution in this case is entirely without prejudice to the European Court’s conclusions in other cases brought before it, including those addressing the issue of responsibility for repayment of deposits held in the Ljubljanska Banka’s Sarajevo Branch which were transferred to restricted privatisation accounts in accordance with the legislation of Bosnia and Herzegovina;

Having satisfied itself that all the measures required of Slovenia by Article 46, paragraph 1, have been adopted,

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

*Alisić and Others*

Inability to recover “old” foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia.

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DECIDES to close the examination thereof in respect of Slovenia.

\* \* \*

## EVT Company (group)

Non-enforcement of final court and administrative decisions, including against “socially-owned” companies.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">3102/05</a>
<b>Judgment(s) final on</b>	21/09/2007
<b>First decision of the Committee of Ministers</b>	<a href="#">1086<sup>th</sup> meeting</a> (June 2010)

### [1259<sup>th</sup> meeting](#) (7-8 June 2016)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

The Deputies

#### *as regards individual measures*

1. strongly invited the Serbian authorities to take the necessary steps, without further delay, to ensure the enforcement of the domestic decisions in the two cases *EVT Company* (Applications Nos. 3102/05 and 8024/08) and *Kostić and Raguž*;

#### *as regards general measures*

2. noted with satisfaction the measures taken with a view to ensuring the effectiveness of the enforcement of decisions in civil, commercial and family-related matters, as well as eviction orders within the context of the special “protected tenancy regime”, and, in view of the progress made in this respect, decided to adopt Final Resolution [CM/ResDH\(2016\)152](#) as it appears in the Appendix to this decision;
3. noted that the Serbian authorities have established the exact number of unenforced decisions rendered against socially-owned companies in respect of salary arrears and have calculated the amount of aggregate debt; firmly invited them to put in place a payment scheme in respect of this debt without further delay;
4. urged the Serbian authorities to intensify their efforts with a view to establishing the exact number of unenforced decisions rendered against socially-owned companies in respect of their commercial debts;
5. invited the Serbian authorities to provide information on the measures aimed at ensuring the enforcement of decisions rendered against municipal authorities, demolition orders in respect of unauthorised constructions and decisions rendered in the pension matters;
6. as regards the new remedy in respect of excessive length of enforcement proceedings, invited the Serbian authorities to provide information on the following questions:
  - can enforcement proceedings with respect to decisions rendered against socially-owned companies also be accelerated and terminated on the basis of the application of this new remedy?
  - what are the consequences of a failure to enforce a decision despite the order of the president of a court to accelerate enforcement proceedings?
  - what is the experience of the Serbian authorities in the implementation of the new remedy.

### [1288<sup>th</sup> meeting](#) (6-7 June 2017)

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

The Deputies

#### *As regards individual measures*

1. decided to close the examination of the cases *EVT Company* (applications Nos. 3102/05 and 8024/08) and *Raguž* and to adopt Final Resolution [CM/ResDH\(2017\)183](#), since it is open to the applicants to resume the enforcement proceedings that they have previously chosen not to pursue and since the Committee decided to close the examination of the general measures in these cases at its June 2016 meeting (Final Resolution [CM/ResDH\(2016\)152](#));

*EVT Company (group)*

Non-enforcement of final court and administrative decisions, including against “socially-owned” companies.

2. strongly urged the authorities to take all possible steps to ensure the enforcement of the relevant domestic decisions in the cases of *Kostić* and *Šmigić* and invited them to inform the Committee of the results obtained;

*As regards general measures*

3. noted with interest that the authorities are pursuing their efforts to find a general solution to the issue of non-enforcement of domestic final decisions, in particular with respect to socially-owned companies, and that these efforts have resulted in a significant reduction in the number of similar applications pending before the European Court;
4. noted with satisfaction that the authorities have developed a two-tier remedy, by adopting the Law on Protection of the Right to Trial within a Reasonable Time in 2015 and introducing a constitutional complaint mechanism, both of which are applicable to enforcement proceedings;
5. noted, however, that the substantive measures aimed at addressing the roots of the problem of non-enforcement of final decisions delivered against socially-owned companies and municipal authorities remain to be taken;
6. strongly invited therefore the authorities to ensure that these decisions are rapidly registered and enforced without further delay and to inform the Committee of the results obtained.

\* \* \*



*Grudić*

Lack of effective investigations into assaults motivated by

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">31925/08</a>
<b>Judgment(s) final on</b>	24/09/2012
<b>First decision of the Committee of Ministers</b>	<a href="#">1157<sup>th</sup> meeting</a> (December 2012)

[1302<sup>nd</sup> meeting](#) (5-7 December 2017)[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies decided to close the present case in the light of the measures taken by the Serbian authorities as described in their action report of 26 September 2017 and adopted Final Resolution [CM/ResDH\(2017\)427](#).

.....

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 violation established;

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 order to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2017)1088);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

*Milanović*

Lack of effective investigations into assaults motivated by

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">44614/07</a>
<b>Judgment(s) final on</b>	20/06/2011
<b>First decision of the Committee of Ministers</b>	1280 <sup>th</sup> meeting (March 2017)

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*as regards individual measures*

1. noted with concern that the investigation in this case is still pending at domestic level, despite the fact that more than that nine years have passed since the last attack on the applicant and more than five years since the European Court's judgment became final;
2. urged therefore the Serbian authorities to assess what investigatory steps can still be taken, in line with Convention standards and the practice of the Committee of Ministers, and to provide information on their assessment;

*as regards general measures*

3. noted with interest that the Constitutional Court has banned a number of far-right organisations, including "Obraz", members of which were allegedly involved in the attacks on the applicant;
4. recalled, however, the European Court's well-established case law to the effect that, when investigating violent incidents, the authorities have a duty to take all reasonable steps to unmask any religious motive and to establish whether or not religious hatred or prejudice may have played a role in the events; invited the Serbian authorities to provide information on the specific measures taken or envisaged to ensure that investigations are conducted with a view to uncovering and sanctioning religiously motivated crimes;
5. invited the Serbian authorities to provide detailed and concrete information on the practical impact of the measures taken, in particular following the adoption of the new Criminal Procedure Code, and the additional measures envisaged, including information demonstrating how investigations into crimes allegedly inspired by religious hatred are conducted at domestic level.

\* \* \*

## Zorica Jovanović

Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">21794/08</a>
Judgment(s) final on	09/09/2013
First decision of the Committee of Ministers	1193 <sup>th</sup> meeting (March 2014)

### [1193<sup>th</sup> meeting \(4-6 March 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decision

#### The Deputies

- noted that, in view of the significant number of potential applicants, the European Court requested the Serbian authorities to take all appropriate measures, within one year from the date on which the present judgment became final (i.e. until 9 September 2014 at the latest), preferably by means of a *lex specialis*, to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant's;
- noted further that the European Court indicated that this mechanism should be supervised by an independent body, with adequate powers, which would be capable of providing credible answers regarding the fate of each child and affording adequate compensation as appropriate;
- took note of the action plan submitted by the Serbian authorities which set out the general measures the authorities intend to take in order to comply with the European Court's indications in this judgment.

### [1208<sup>th</sup> meeting \(23-25 September 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decision

#### The Deputies

- noted that the Serbian authorities have taken the first steps towards the introduction of a mechanism capable of providing credible answers regarding the fate of each missing baby and affording adequate compensation, as appropriate, which mechanism is to be supervised by an independent body, in line with the Court's findings in the present judgment;
- noted, however, that a number of points concerning the above-mentioned mechanism remain to be clarified, notably the procedures to be introduced to establish the facts surrounding the disappearance of babies; the nature of the criminal-law mechanisms to be applied to bring individuals to justice; the basis and the criteria to be used for the calculation of the compensation to be awarded to parents; and the starting date for the operation of the mechanism;
- as regards the eligibility criterion, invited the Serbian authorities to clarify on what basis the parents, who might have taken steps to find out the fate of their missing babies after 29 December 2010, will be excluded from the mechanism;
- in view of the fact that the deadline set by the Court for establishing a mechanism aimed at providing individual redress to all parents concerned expired on 9 September 2014, urged the Serbian authorities to intensify their efforts with a view to setting up the above-mentioned mechanism and ensuring that it starts operating without further delay;
- decided to resume consideration of the issues raised by this case at their 1214<sup>th</sup> meeting (December 2014) (DH) in light of the information to be provided by the Serbian authorities.

### [1214<sup>th</sup> meeting \(2-4 December 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

#### The Deputies

- noted that the Serbian authorities are in the process of setting up a mechanism that is capable of providing individual redress to the parents of "missing babies" and, in view of the fact that the deadline set by the European Court for the

## Zorica Jovanović

Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

adoption of the measures expired on 9 September 2014, strongly encouraged them to vigorously pursue their efforts with a view to ensuring that these measures are adopted within the deadlines set at domestic level;

2. stressed that a number of questions remain outstanding in the face of the findings of the European Court in the present judgment and therefore invited the Serbian authorities to provide information on these outstanding questions, namely:
  - on the body to be set up to supervise the Commission and on how its independence is to be guaranteed;
  - on the content of the legislative amendments required to vest the Commission with adequate powers (for example, calling witnesses, interrogatory powers, ordering expert reports or taking other investigatory steps) so as to render it capable of establishing the facts, including in cases where a criminal prosecution would be time-barred;
  - on the criteria by which compensation will be awarded and on whether it will ensure individual redress for all damages sustained by the parents concerned.

### 1243<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. expressed concern that the deadline set by the European Court to secure the establishment of a mechanism aimed at providing individual redress to parents of “missing babies” expired more than a year ago; insisted therefore upon the need to adopt as a matter of priority the necessary measures to this end;
2. noted that the Serbian authorities took a number of steps to execute this judgment and, in this respect, prepared a draft law with a view to providing such individual redress, which however leaves a number of issues outstanding;
3. firmly urged the Serbian authorities to address these outstanding issues in order to take fully into account the European Court’s indications and to inform the Committee on the progress achieved in the adoption of the draft law;
4. decided to take stock of the progress achieved at the latest at their 1250th meeting (March 2016) (DH).

### 1250<sup>th</sup> meeting (8-10 March 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. noted with interest that the revised draft law prepared by the Serbian authorities to execute this judgment took into consideration a number of questions identified by the Committee, as well as certain concerns raised by civil society, in particular as regards the eligibility criteria and procedure for obtaining evidence;
2. noted however that the revised draft law still leaves various issues outstanding, including that of the powers to be vested in the civil courts and the special police unit and the procedure for declassification of medical information; encouraged therefore the Serbian authorities to address the outstanding issues and concerns of parents of “missing babies” in consultation with civil society;
3. in view of the time that has elapsed, invited the Serbian authorities to take the necessary measures to adopt the draft law with the highest priority;
4. decided to resume consideration of this item at the latest at their 1265th meeting (September 2016) (DH) in light of the information to be provided by the Serbian authorities.

## Zorica Jovanović

Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

**1265<sup>th</sup> meeting (20-21 September 2016)**
[List of decisions](#)
[Notes of the meeting](#)

## Decisions

## The Deputies

1. recalled that, in view of the significant number of potential applicants, the European Court requested the Serbian authorities to take all appropriate measures, within one year of the date on which the judgment became final (i.e. before 9 September 2014 at the latest), preferably by means of a *lex specialis*, to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant's; recalled further that the European Court indicated that this mechanism should be supervised by an independent body, with adequate powers and should be capable of providing credible answers regarding the fate of each child and of affording adequate compensation as appropriate;
2. in view of the time that has elapsed since this deadline expired, stressed that it is crucial that the legislative process necessary for the execution of this judgment is brought to an end and that the outstanding issues identified by the Committee at its 1250<sup>th</sup> meeting are addressed without further delay;
3. strongly urged the authorities to intensify their efforts with a view to adopting the revised draft law as a matter of utmost priority and, in that context, to continue to engage with the Secretariat in order to ensure that the law addresses the outstanding issues identified by the Committee, including that of the powers to be vested in the civil courts and the special police unit and the procedure for declassification of medical information, as well as the concerns of parents of "missing babies" and civil society;
4. in case no tangible progress is reported in the adoption of the law necessary to execute this judgment, instructed the Secretariat to prepare and circulate a draft interim resolution for their 1273<sup>rd</sup> meeting (December 2016) (DH).

**1273<sup>th</sup> meeting (6-8 December 2016)**
[List of decisions](#)
[Notes of the meeting](#)

## Decisions

## The Deputies

1. noted the detailed explanations given by the authorities on the outstanding issues identified by the Committee at its 1250<sup>th</sup> meeting (March 2016) (DH), notably on the powers to be vested in the civil courts and the police and the procedure for declassification of medical information;
2. noted further the assurances given by the authorities that the revised draft law necessary for the execution of this judgment will be adopted before the end of 2016 and, in this respect, strongly urged them to sustain their efforts to adopt it within this time frame;
3. decided to resume the examination of this item at their 1280<sup>th</sup> meeting (March 2017) (DH) to take stock of the progress made and, in case the revised draft law is not adopted within the above-mentioned time-frame, instructed the Secretariat to prepare a draft interim resolution to be circulated with the draft Order of Business for that meeting.

**1280<sup>th</sup> meeting (7-10 March 2017)**
[List of decisions](#)
[Notes of the meeting](#)

## Decisions

## The Deputies

1. recalled that the present case concerns a violation of the applicant's right to respect for her family life on account of the respondent State's continuing failure to provide her with credible information as to the fate of her son, who allegedly died in 1983, three days after his birth in a maternity ward;
2. recalled further that, in view of the significant number of potential applicants, the European Court held that "the respondent State must" by 9 September 2014 "take all appropriate measures, preferably by means of a *lex specialis* ... to

## Zorica Jovanović

Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

- secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant's";
3. noted that, following the judgment of the European Court, the authorities prepared a draft law to introduce a mechanism in accordance with the Court's indications and that this draft law took into account the assessment made by the Committee of Ministers;
  4. noted further that the above-mentioned draft law was submitted to Parliament in October 2016 and that it was scheduled to be adopted before the end of 2016;
  5. noted, however, that the adoption of the draft law was delayed as a consequence of a letter addressed by the parents of "missing babies", at the end of 2016, raising certain concerns on its content;
  6. took note of the explanations given by the Serbian authorities during the meeting that the authorities reflected on the concerns raised by the parents and concluded that no amendments were necessary in the text of the draft law as it now stands before Parliament;
  7. urged the Serbian authorities to take all the necessary steps to ensure that the legislative process is brought to an end during the next spring parliamentary session;
  8. decided to resume examination of this item at their 1288<sup>th</sup> meeting (June 2017) (DH) in the light of information to be provided by the Serbian authorities.

### 1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that, in view of the significant number of potential applicants, the European Court requested the Serbian authorities to take all appropriate measures before 9 September 2014 at the latest, preferably by means of a *lex specialis*, to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or "sufficiently similar" to that of the applicant;
2. noted with deep regret that, despite several deadlines set and assurances given by the authorities, the adoption of the draft law in question was once again delayed as a consequence of the suspension of parliamentary work due to the presidential elections;
3. noting the authorities' most recent assurances that the draft law will be adopted by mid-June 2017, urged them to provide by 30 June 2017 at the latest updated information on the adoption of the law;
4. in the event that the draft law is not adopted within the above deadline, decided to resume consideration of this item at their 1294<sup>th</sup> meeting (September 2017) (DH) in the light of a draft interim resolution to be prepared and circulated by the Secretariat.

### 1294<sup>th</sup> meeting (19-21 September 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decision

The Deputies adopted Interim Resolution [CM/ResDH\(2017\)292](#).

.....

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");

Recalling that the Court's judgment in the present case became final on 9 September 2013 and that it concerns a violation of the applicant's right to respect for her family life on account of the respondent State's continuing failure to provide her with credible information as to the fate of her son, who allegedly died in a maternity ward in 1983 three days after his birth;

*Zorica Jovanović*

Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

Recalling further that, in view of the significant number of potential applicants, the European Court held that “the respondent State must [by 9 September 2014] take all appropriate measures, preferably by means of a *lex specialis*... to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant’s”;

Expressing grave concern that, despite the Committee’s repeated calls and the assurances repeatedly given by the authorities, the draft law aimed at introducing the above mechanism has still not been adopted;

Recalling the unconditional obligation of Serbia under Article 46 of the Convention to abide by the judgments of the European Court,

CALLED UPON the authorities to take all necessary steps to ensure that the legislative process is brought to an end as a matter of utmost priority,

DECIDED to resume examination of this item at its 1302<sup>nd</sup> meeting (December 2017) (DH).

**1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with profound regret that the authorities have not updated the Committee on the state of play regarding the adoption of the draft law despite the Committee’s call expressed in Interim Resolution [CM/ResDH\(2017\)292](#) adopted at its 1294<sup>th</sup> meeting (September 2017) (DH) as well as in its previous decisions;
2. in view of the humanitarian nature of the measures required and the time that has elapsed since babies allegedly went missing in circumstances similar to this case, strongly urged the authorities to take urgent action to ensure that the draft law is adopted without any further delay;
3. stressed that the adoption of the draft law is an absolute necessity to ensure that the parents of missing babies are provided not only with information on the babies’ fate but also with individual redress;
4. decided to resume examination of this item at their 1310<sup>th</sup> meeting (March 2018) (DH) to consider possible further action to be taken.

**1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

1. noted with interest that the Serbian authorities revised the draft law following consultations with parents of the “missing” babies which were held in January 2018 as well as that on 8 March 2018 the government approved this draft law and transmitted it to Parliament for adoption; noted further the Kikinda First Instance Court’s judgment of 6 February 2018 which, expressly drawing upon the Court’s case-law, awarded compensation of EUR 10,000 to the father of a “missing” baby pending the adoption of the draft law;
2. reiterated however with insistence their call on the authorities to take all necessary measures to adopt this law with a view to introducing a mechanism aimed at providing individual redress to all parents of “missing” babies as a matter of utmost priority; and
3. decided to examine this case at their 1318<sup>th</sup> meeting (June 2018) (DH).

## Zorica Jovanović

Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

1318<sup>th</sup> meeting (5-7 June 2018)

[List of decisions](#)

## Notes of the meeting

## Decisions

## The Deputies

1. deeply deplored that, despite the Committee's repeated calls, the authorities have failed to adopt the measures required by the Court's judgment to secure the establishment of a mechanism aimed at providing individual redress to all parents of "missing" babies;
2. reiterated with insistence their call on the authorities to take all necessary measures to introduce this mechanism as a matter of utmost priority;
3. invited furthermore the authorities to provide information by 1 October 2018 on the measures taken to adopt the draft law aimed at introducing the above mechanism which is currently pending before Parliament;
4. decided to resume examination of this item at their 1331<sup>st</sup> meeting (December 2018) (DH) to take stock of the progress made and, and in case the draft law is not adopted within the above-mentioned time-frame, instructed the Secretariat to prepare a draft interim resolution to be circulated for that meeting calling for the examination of this case at each of the Committee's Human Rights meetings until the required measures are taken.

1331<sup>th</sup> meeting (4-6 December 2018)

[List of decisions](#)

## Notes of the meeting

## Decision

The Deputies adopted Interim Resolution [CM/ResDH\(2018\)470](#).

.....

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");

Recalling that the Court's judgment in the present case became final on 9 September 2013 and that it concerns a violation of the applicant's right to respect for her family life on account of the respondent State's continuing failure to provide her with credible information as to the fate of her son, who allegedly died in a maternity ward in 1983 three days after his birth, but whose body she has never seen and whose burial place she has never been informed of;

Recalling further that, in view of the significant number of potential applicants with "missing" babies, the European Court held that "the respondent State must [by 9 September 2014] take all appropriate measures, preferably by means of a *lex specialis*... to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant's";

Expressing their gravest concern that, despite the Committee of Ministers' repeated calls, including in the interim resolution adopted in September 2017 ([CM/ResDH\(2017\)292](#)), the authorities have still failed to adopt legislation establishing such a mechanism;

Recalling the unconditional obligation of Serbia, under Article 46 of the Convention, to abide by the judgments of the Court fully, effectively and promptly;

REITERATED FIRMLY THEIR CALL UPON the authorities to take all necessary steps to ensure that the legislative process is brought to conclusion as a matter of utmost priority;

DECIDED to examine this case at each of the Committee's Human Rights meetings until the draft law currently pending before Parliament is adopted.



## Zorica Jovanović

Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

**1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. welcomed the recent efforts undertaken by the authorities to overcome the problems encountered in the adoption of a *lex specialis* to set up an independent investigatory mechanism to establish the fate of the “missing babies” in Serbia, including the consultations recently held, at the invitation of the Minister of Justice, between the Secretariat and relevant authorities, the competent parliamentary commission and representatives of parents and civil society in Belgrade on 18 and 19 February 2019, as well as the workshop organised for members of the judiciary on 28 January 2019;
2. recalled that the legislative reform, awaited since 2014, is long overdue, while noting with satisfaction that it is now expected that Parliament will examine the revised draft *lex specialis* during its Spring session in March 2019 with a view to its adoption during the same session, and that Serbian courts have initiated a practice to award parents compensation in line with the principles set in the European Court’s judgment;
3. noted further with interest the interim measures adopted pending the setting-up of the new mechanism, in particular the prosecution authorities’ efforts to collect and review the findings in all individual criminal complaints lodged in the past with a view to establishing if further legal or other steps are still possible, including in the large number of cases that were dismissed because criminal prosecution was found to be time-barred; noted also that the results of this review will be made available upon request to the four domestic courts which will form the core of the mechanism responsible for the new fact-finding procedure;
4. stressed the necessity of rapidly ensuring the adoption of the draft *lex specialis* and also of ensuring that the new investigation mechanism is adequately supported and monitored so as to function efficiently in practice, including by providing relevant training to judges and others concerned, ensuring efficient information sharing between the four investigatory courts and efficient procedures for international fact finding; encouraged in this context the authorities to set up a dedicated and internationally available DNA database for parents of “missing babies” so as to facilitate the truth-seeking process, and also to continue to engage with the Secretariat;
5. noted with satisfaction the measures adopted over the years to ensure that medical records and civil registries contain adequate and reliable information and that any new case of “missing babies” from maternity wards is effectively prevented, including through the introduction of e-birth registration and an obligation to carry out an autopsy in case of death, and also that where the parents of a stillborn baby do not wish to have the body returned to them, they are required to make a written statement to this effect.

**1348<sup>th</sup> meeting (4-6 June 2019)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. welcomed the presence of the Assistant Minister of Justice of Serbia at the meeting;
2. recalled that, in view of the significant number of potential applicants, the European Court requested the Serbian authorities to take all appropriate measures before 9 September 2014 at the latest, preferably by means of a *lex specialis*, to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to that of the applicant;
3. recalled their previous decision stressing the necessity of rapidly ensuring the adoption of the draft *lex specialis* and of ensuring that the new investigation mechanism is adequately supported and monitored so as to function efficiently in practice, including by providing relevant training to judges and others concerned, ensuring efficient information sharing between the four investigatory courts and efficient procedures for international fact-finding and encouraging in this context the authorities to set up a dedicated and internationally available DNA database for parents of “missing babies” so as to facilitate the truth-seeking process, and also to continue to engage with the Secretariat;
4. noted with grave concern that, despite the Committee’s repeated calls and repeated assurances that the draft law would be adopted, the authorities have failed to adopt the measures required by the Court’s judgment;

*Zorica Jovanović*

## Failure to provide information as to the fate of new-born babies alleged to have died in maternity wards.

5. noted further with profound regret that the authorities have not updated the Committee on the state of play regarding the adoption of the draft law and the taking of other measures to put in place an efficient fact-finding mechanism;
6. highlighting anew the humanitarian nature of the issue of the “missing babies” and the long overdue reforms, insisted that the Serbian authorities ensure that the draft law currently pending before Parliament is adopted as a matter of utmost priority;
7. urged the authorities to provide updated information on the adoption of the law and the adoption of other measures to ensure an effective fact-finding mechanism;
8. decided to resume consideration of this item at their 1355<sup>th</sup> meeting (September 2019) (DH) in the light of information to be provided by the authorities in writing in good time beforehand with a view, as appropriate, to considering instructing the Secretariat to prepare and circulate a draft interim resolution for the 1362<sup>nd</sup> meeting (December 2019) (DH).

\* \* \*

*Mandić and Jović (group)*

Poor conditions of detention and lack of an effective remedy.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	5774/10
<b>Judgment(s) final on</b>	20/01/2012
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

- noting the temporary measures introduced for the transfer of convicted and remand prisoners from Ljubljana prison to other facilities, invited the Slovenian authorities to develop a long lasting solution to the problem of overcrowding in Ljubljana prison and to improve the living conditions there through the development of a strategy for that purpose, while bearing in mind the possibility of increased application of non-custodial measures, as highlighted by the European Committee for the Prevention of Torture in its relevant reports;
- invited the authorities to provide their assessment of the impact of the measures taken to resolve the problem of high temperatures in Ljubljana prison during the summer months;
- encouraged the Slovenian authorities to increase the amount of time remand prisoners can spend outside their cells and to continue their efforts in developing a varied programme of activities so that the prisoners can spend their out-of-cell time engaged in purposeful activities;
- welcomed the strengthening of the preventive remedy enabling judicial protection in cases of poor conditions of detention for convicted prisoners; regretted however that such a remedy has not been made available to remand prisoners and urged therefore the authorities to put in place an effective remedy ensuring speedy reaction and redress to their complaints concerning inadequate conditions of detention on remand and, where necessary, their transfer to Convention-compatible conditions;
- invited the authorities to provide clarifications as to the scope and the practical use of the compensatory remedy provided by Article 84 of the Enforcement of Penal Sanctions Act.

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

[Notes of the meeting](#)*Decisions*

## The Deputies

- welcomed the strategic vision pursued by the authorities to combat overcrowding in Ljubljana prison;
- noted further, with satisfaction, that as a result of the comprehensive and multifaceted approach adopted by the authorities to combat overcrowding, each prisoner in Ljubljana prison is currently afforded at least 4.5 square metres of living space;
- recalled that the authorities have introduced a preventive remedy enabling judicial protection in cases of poor conditions of detention for convicted prisoners as well as an effective compensatory remedy for released prisoners;
- noted further with interest that the authorities are currently preparing draft legislative amendments with a view to enabling judges to review conditions of detention and remand prisoners to lodge complaints about poor conditions of detention and invited them to provide further details on their content and the legislative calendar for their adoption;
- invited the authorities to clarify whether the compensatory remedy provided under 179 of the Civil Code can be used successfully by the prisoners still serving their terms to obtain acknowledgment of the violation of their rights not to be subjected to inhuman and degrading conditions of detention, and, where appropriate, adequate compensation in line with the European Court's findings in similar cases.

\* \* \*

*Al-Dulimi and Montana Management Inc.*

Lack of appropriate judicial scrutiny of freezing and confiscation procedures initiated in Switzerland in 2006, pursuant to UN Security Council Resolutions 1483 (2003) and 1518 (2003).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	5809/08
<b>Judgment(s) final on</b>	21/06/2016
<b>First decision of the Committee of Ministers</b>	1310 <sup>th</sup> meeting (March 2018)

**1310<sup>th</sup> meeting (13-15 March 2018)**
[List of decisions](#)
**Notes of the meeting***Decisions*

## The Deputies

1. noted that this judgment concerns the lack of adequate judicial scrutiny of freezing and confiscation procedures initiated in Switzerland in 2006 pursuant to two 2003 United Nations Security Council Resolutions in relation to assets belonging to the applicants;

*As regards individual measures*

2. noted that the revision requests lodged by the applicants remain pending before the Federal Court and underlined the importance of ensuring that the proceedings are handled with the requisite expedition; invited the authorities to continue regularly informing the Committee of further developments;

*As regards general measures*

3. invited the authorities to provide detailed information on the domestic judicial practice developed since the present judgment concerning judicial scrutiny of measures taken in the implementation of UN Security Council Resolutions;
4. welcomed the continued efforts undertaken by the government to contribute to reforming the United Nations sanctions system with a view to achieving compliance of the implementation of such sanctions at national level with Convention requirements and encouraged the authorities to pursue their action in this respect.

\* \* \*

*Tarakhel*

Violation of Article 3 in the event of transfer of the applicant family (an asylum-seeking couple with six minor children) from Switzerland to Italy under the “Dublin Regulation” without receiving sufficient assurances from the Italian authorities about its conditions in Italy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">29217/12</a>
<b>Judgment(s) final on</b>	04/11/2014
<b>First decision of the Committee of Ministers</b>	1230 <sup>th</sup> meeting (June 2015)

[1230<sup>th</sup> meeting \(3-5 June 2015\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies decided to close the examination of the execution of the present judgment in the light of the measures taken by the Swiss authorities and their action report of 1 April 2015, and adopted Final Resolution [CM/ResDH\(2015\)96](#).

.....

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 violation established;

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 noted that in the present judgment, the Court held that there would be a violation of Article 3 if the applicants were to be returned to Italy without the Swiss authorities having first obtained individual guarantees from the Italian authorities that the applicants would be taken charge of in a manner adapted to the age of the children and that the family would be kept together;

Having examined the action report provided by the Government indicating the measures adopted in order to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2014\)1451](#));

Having noted with satisfaction the immediate response of the Swiss authorities on both the individual as well as the general level, most notably the suspension of the enforcement of all returns of asylum-seeking families with minor children in a similar situation as the applicants to Italy and the subsequent practice of seeking detailed individual guarantees from their Italian counterparts for such families;

Having noted, as regards individual measures, that the Swiss authorities obtained the individual assurances required by the Court in the present judgment and that the applicants subsequently returned voluntarily to Italy;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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.

\* \* \*

*Altuğ Taner Akçam (group)*

Criminal investigation for “denigrating Turkishness

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">27520/07</a>
<b>Judgment(s) final on</b>	25/01/2012
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. recalled their previous decisions adopted at their 1201<sup>st</sup>, 1230<sup>th</sup> and 1265<sup>th</sup> meetings (DH) and reiterated their call on the authorities to revise, without further delay, Article 301 of the Criminal Code in line with the European Convention’s “quality of law” and “foreseeability” requirements;
2. noted with satisfaction the recent amendment to Article 158 of the Code of Criminal Procedure, which allows public prosecutors to issue decisions not to investigate without automatically obliging all persons against whom complaints have been lodged to give statements, thus allowing public prosecutors to take into account the guarantees of Article 10 of the Convention;
3. strongly encouraged the authorities to implement this new provision effectively, with a view to ensuring that a climate of self-censorship is not created affecting journalists and others who wish to express opinions that do not incite hatred or violence; invited the authorities to provide information on the implementation of this new legislation;
4. urged the authorities to ensure that no investigations or prosecutions are initiated against individuals for having expressed ideas or opinions unless such investigations or prosecutions are necessary in accordance with Article 10, paragraph 2, of the Convention.

\* \* \*

*Bati and Others*

Ill-treatment by the police and the gendarmerie; ineffective investigations.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">33097/96+</a>
<b>Judgment(s) final on</b>	03/09/2004
<b>First decision of the Committee of Ministers</b>	1243 <sup>th</sup> meeting (December 2015)

**[1243<sup>th</sup> meeting \(8-9 December 2015\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*As regards individual measures*

- invited the Turkish authorities to provide information on the number of cases in which the applicants requested the reopening of investigations in accordance with the amendments introduced in the Code of Criminal Procedure in April 2013;

*As regards general measures*

- welcomed the measures taken so far, in particular that:
  - administrative authorisation is no longer required for the prosecution of crimes of torture, aggravated torture and causing intentional bodily harm;
  - sentences related to torture and aggravated torture were increased and prescription periods for these crimes were lifted or extended;
  - the Constitutional Court and the Court of Cassation delivered judgments in accordance with the relevant case-law of the European Court;
- noted that current legislation needs further reinforcement and/or effective implementation to ensure that investigations are carried out in compliance with Convention standards, and therefore urged the Turkish authorities:
  - to remove any ambiguity regarding the requirement of administrative authorisation for the prosecution of members of security forces of all ranks on account of all crimes which fall within the scope of Articles 2 and 3 of the Convention;
  - to take specific measures to ensure that public prosecutors conduct effective investigations and conclude them within a reasonable time;
  - to take specific measures to ensure that domestic courts comply with the procedural requirements of Articles 2 and 3, such as providing convincing reasons when they refuse to hear witnesses that the parties requested in accordance with the applicable legislation and ordering additional medical reports when necessary;
  - to ensure that members of security forces are suspended from their duties while proceedings against them for crimes that fall within the scope of Articles 2 and 3 are pending, and that lenient sentences are not imposed by applying the relevant provisions on discretionary mitigation;
  - to provide examples of domestic case-law which indicate that the standard set by the Constitutional Court regarding the characterisation of facts concerning crimes of torture and ill-treatment are applied consistently;
  - to provide information and examples regarding the execution of a judgment delivered by the Constitutional Court, in particular as to whether a fresh investigation or a retrial should be carried out following a judgment of the Constitutional Court finding that an applicant's rights are violated on account of the ineffectiveness of an investigation;
  - to consider all necessary measures to ensure that suspension of sentences, postponement of pronouncement of a decision and prescription periods are not applicable to sentences imposed on members of security forces when they are convicted on account of crimes as in the present group of cases;
  - to provide information indicating how the current legislation on imposing disciplinary sanctions on members of security forces is applied in practice;
- invited the Turkish authorities to provide an updated action plan on the above-mentioned outstanding questions before 1 June 2016 and to decide to examine this issue at their 1265<sup>th</sup> meeting (September 2016) (DH).

*Bati and Others*

Ill-treatment by the police and the gendarmerie; ineffective investigations.

1265<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

*As regards individual measures*

1. recalling the Committee's consistent position that respondent States have a continuing obligation to conduct effective investigations into alleged abuses by members of security forces, encouraged the Turkish authorities to give full effect to Article 90 of the Turkish Constitution by conducting *ex officio* evaluations as to the reopening of investigations in this group and invited them to inform the Committee of the results obtained in this respect;

*As regards general measures*

2. noted with interest the setting-up of an inter-institutional group with a view to assessing the administrative authorisation requirement and the status of chief police officers in this procedure and strongly encouraged the Turkish authorities to ensure that this group produces concrete proposals for legislative amendments;
3. noted also with interest the sample judgments of the Court of Cassation and the Constitutional Court and the recent positive trend in judicial practice complying with the procedural requirements of Articles 2 and 3 of the Convention; further invited the Turkish authorities to provide information on the outcome of the cases that were remitted by decisions of the Constitutional Court for reopening of investigations;
4. noted the on-going efforts made by the Turkish authorities, in particular by setting up two working groups to examine the length of prosecution periods and the sentences imposed on members of the security forces, as well as the initiation of an assessment of the 2015 Circular with a view to identifying the measures needed to ensure the effectiveness of the criminal justice system;
5. stressing the importance of focusing on the Court's case law and the Convention requirements in respect of Articles 2 and 3, invited the Turkish authorities to keep the Committee updated of the outcome of the work carried out by the above mentioned working groups and on the assessment on the 2015 Circular;
6. invited the Turkish authorities to provide an updated action plan on the above-mentioned outstanding issues in this group of cases before 1 June 2017.

\* \*



## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">25781/94</a>
<b>Judgment(s) final on</b>	10/05/2001
<b>First decision of the Committee of Ministers</b>	<a href="#">1078<sup>th</sup> meeting</a> (March 2010)

**[1193<sup>th</sup> meeting](#) (4-6 March 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies decided to resume consideration of the property rights of the displaced persons at their 1208th meeting (September 2014) (DH), in the light of all relevant facts or, in any event, at the latest at their DH meeting in March 2015.

**[1201<sup>th</sup> meeting](#) (June 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

The Deputies

- with a view to facilitating their supervision of the execution of this judgment, instructed the Secretariat to present a general stock-taking concerning the different violations established by the Court, as well as an analysis of the impact of the judgment of the 12 May 2014 on just satisfaction, in good time for examination during the 1214th meeting (December 2014) (DH);
- in the light of this examination, will decide at that meeting in December, on the order and the calendar for the examination of the three clusters of the principal judgment concerning the missing persons, the property rights of enclaved persons and the property rights of displaced persons.

**[1214<sup>th</sup> meeting](#) (2-4 December 2014)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

- took note with interest of the document H/Exec(2014)8 prepared by the Secretariat presenting a stock-taking of all violations identified by the Court in the principal judgment, as well as an analysis of the impact of the judgment of 12 May 2014 on the just satisfaction;
- with a view to facilitating their supervision of the execution of the principal judgment, decided on the following timetable :
  - March 2015 meeting (DH) – examination of the issue of the property rights of displaced persons;
  - June 2015 meeting (DH) – examination of the issue of missing persons;
  - September 2015 meeting (DH) – examination of the issue of the property rights of enclaved persons;
- with a view to their March 2015 meeting (DH), invited the delegations to submit, at the latest for the 29 January 2015, any proposed measures that may be requested from the respondent State to ensure a focused debate on full implementation of the judgment in relation to the property rights of displaced persons.

## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

**1222<sup>th</sup> meeting (11-12 March 2015)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

#### The Deputies

1. agreed to postponed consideration of the cases of *Cyprus against Turkey*, *Varnava* against Turkey and the *Xenides-Arestis* group of cases against Turkey and, accordingly, agreed to modify the time-table for the examination of these cases as follows:
  - June 2015 meeting (DH): examination of the issue of missing persons, examination of the individual measures in the *Varnava* case and examination of the just satisfaction issue in the *Varnava* case and in the *Xenides-Arestis* group;
  - September 2015 meeting (DH): examination of the issue of the property rights of enclaved persons; and
  - December 2015 meeting (DH): examination of the issue of the property rights of displaced persons and the individual measures in the *Xenides-Arestis* group;

\* \* \*

*Cyprus / Varnava and Others*

14 violations in relation to the situation in the northern part of Cyprus.

Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC-HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">25781/94 - 16064/90</a>
<b>Judgment(s) final on</b>	10/05/2001 - 18/09/2009
<b>First decision(s) of the Committee of Ministers</b>	<a href="#">1078<sup>th</sup> meeting</a> - <a href="#">1144<sup>th</sup> meeting</a>

[1230<sup>th</sup> meeting](#) (3-5 June 2015)

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

#### The Deputies

1. welcomed the progress made by the Committee on Missing Persons in Cyprus (CMP) in the search for and the identification of missing persons; noted in this respect that 2014 was a landmark year as regards the number of persons identified and, within the context of the supervision of these judgments, reiterated their full support for the CMP's work;
2. recalled, due to the passage of time, the necessity for the Turkish authorities to adopt a proactive approach to providing the CMP with all the assistance it needs to continue to achieve tangible results as quickly as possible;
3. noted with interest in this respect the new information provided by the Turkish authorities as well as the new authorisations of access to military zones granted to the CMP and invited the Turkish authorities of their own initiative to give it access to a greater number of military zones as well as to continue to provide it with all relevant information, including that which may come from military reports and archives;
4. took note with interest of the additional information submitted by the Turkish authorities on the progress in the investigations conducted into the deaths of identified persons and invited them to submit to the Committee additional information on the two investigations referred to during the meeting (including in the case of Hadjipantelli, one of the applicants in the *Varnava* case);
5. invited the Turkish authorities to keep the Committee informed of progress in all investigations, including steps to be taken, in line with the Court's settled case-law;
6. concerning the *Varnava* case, noted the information on the identification of Andreas Varnava and on the opening of an investigation in his case; invited the Turkish authorities to continue to keep the Committee informed on the progress of this investigation, as well as on the individual measures taken in respect of the seven other persons who are still missing;
7. invited the delegations wishing to transmit written questions to the members of the CMP as well as to the Turkish authorities to submit them to the Secretariat by the end of September 2015; decided to resume consideration of the issue of the missing persons at their March 2016 meeting (DH);
8. recalled that the obligation to pay the just satisfaction awarded by the Court is unconditional and invited the Turkish authorities to pay the sums awarded in the judgment on the just satisfaction of 12 May 2014; decided to resume consideration of this issue at their September 2015 meeting (DH).

## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

**1236<sup>th</sup> meeting (22-24 September 2015)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. expressed their appreciation of the measures taken as regards the property rights of enclaved Greek Cypriots and their heirs; wished however to examine the possible consequences on these questions of the judgment of 12 May 2014 on the just satisfaction;
2. decided in consequence to come back to this question in June 2016 following their debate foreseen in December 2015 on the impact of this judgment in the context of the discussion on the property rights of displaced persons;
3. with a view to this debate, invited the delegations to submit to the Secretariat, at the latest for the 22 October 2015, any questions they consider useful to allow a focused debate on the impact of the judgment;
4. recalled the unconditional obligation to pay the just satisfaction awarded by the European Court and their invitation to the Turkish authorities to pay the sums awarded in the judgment of 12 May 2014.

**1243<sup>th</sup> meeting (8-9 December 2015)**
[List of decisions](#)
*Decisions*

## The Deputies

1. agreed to postpone consideration of the case of Cyprus v. Turkey and, accordingly, agreed to modify the time-table for the examination of this case as follows:
  - 1250<sup>th</sup> meeting (March 2016) (DH): examination of the cluster of missing persons;
  - 1259<sup>th</sup> meeting (June 2016) (DH): examination of the cluster of the property rights of displaced persons;
  - 1265<sup>th</sup> meeting (September 2016) (DH): examination of the cluster of the property rights of enclaved persons;

**Cyprus / Varnava and Others**

14 violations in relation to the situation in the northern part of Cyprus.

Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.

**1250<sup>th</sup> meeting (8-10 March 2016)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. noted with satisfaction that in November 2015 the Turkish authorities granted the Committee on Missing Persons in Cyprus (CMP) access to thirty additional military areas;
2. welcomed the call made in December 2015 by the leaders of the two communities, Greek Cypriot and Turkish Cypriot, inviting any person possessing information on the possible burial places of missing persons to submit it to the CMP;
3. reaffirmed, due to the passage of time, the urgency for the Turkish authorities to intensify their proactive approach to providing the CMP with all necessary assistance to continue to achieve tangible results as quickly as possible;
4. in this respect called upon the Turkish authorities to give unhindered access to the CMP to all possible military zones located in the northern part of Cyprus and to examine *proprio motu* the reports and military archives in their possession containing information on burial sites, including of relocated remains, and to transmit it to the CMP;

5. took note with interest of the additional information provided by the Turkish authorities on the progress made in the investigations conducted by the Missing Persons Unit, including the finalisation of a number of these investigations (including that in respect of Savvas Hadjipanteli, one of the missing persons in the *Varnava* case);
6. called upon the Turkish authorities to ensure the effectiveness of these investigations and their rapid conclusion; invited the Turkish authorities to continue to keep the Committee informed of the progress made in these investigations, and in particular in the investigation concerning Andreas Varnava;
7. insisted on the unconditional obligation to pay the just satisfaction awarded by the European Court and called upon the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014;
8. decided to resume consideration of the issue of missing persons at their 1273rd meeting (December 2016) (DH).

## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

### **1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. insisted again on the unconditional obligation to pay the just satisfaction awarded by the European Court and reiterated their call upon the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014;
2. decided to resume consideration of the issue of the homes and immovable property of displaced Greek Cypriots at their DH meeting in March 2017.

### **1265<sup>th</sup> meeting (20-21 September 2016)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. insisted again on the unconditional obligation to pay the just satisfaction awarded by the European Court and reiterated their call upon the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014;
2. decided to resume consideration of the issue of the property rights of enclaved Greek Cypriots and their heirs at their DH meeting in June 2017.

### **1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. took note with interest of the information provided by the Turkish authorities on the measures adopted to accelerate the access of the Committee on Missing Persons in Cyprus (CMP) to the military zones located in the northern part of Cyprus as well as on the setting-up of an archive committee, established by the Turkish side, in August 2016, with the mandate to examine the relevant archives for the information requested by the CMP on the burial sites and the location of remains;
2. in view of the passage of time, called upon the Turkish authorities to pursue their proactive approach to providing the CMP with all necessary assistance to continue to achieve tangible results as quickly as possible;
3. took note moreover of the updated information presented by the Turkish authorities on the progress made in the investigations conducted by the Missing Persons Unit; reiterated their call upon the Turkish authorities to ensure the effectiveness of all these investigations and their rapid conclusion and invited them to continue to keep the Committee informed of the progress made, and in particular in relation to the investigation concerning Andreas Varnava;

## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

4. in this connection, also invited the Turkish authorities to transmit to the Committee information on the conclusion given in the final reports in the investigations finalised so far;
5. insisted once again on the unconditional obligation to pay the just satisfaction awarded by the European Court and reiterated their call upon the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014;
6. decided to resume consideration of the issue of missing persons at their 1294<sup>th</sup> meeting (September 2017) (DH).

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. insisted again on the unconditional obligation to pay the just satisfaction awarded by the European Court and reiterated their call upon the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014;
2. decided to resume consideration of the issue of the property rights of displaced Greek Cypriots at their 1302<sup>nd</sup> meeting (December 2017) (DH).

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. insisted again on the unconditional obligation to pay the just satisfaction awarded by the European Court and reiterated their call on the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014;
2. decided to resume consideration of the issue of the property rights of enclaved Greek Cypriots at their DH meeting in March 2018.

**1294<sup>th</sup> meeting (19-21 September 2017)**

[List of decisions](#)

**Notes of the meeting***Decisions*

## The Deputies

1. recalled their decisions of March and December 2016 (1250<sup>th</sup> and 1273<sup>rd</sup> meetings) (DH) and, due to the passage of time, underlined the urgency for the Turkish authorities to advance their proactive approach to providing the Committee on Missing Persons in Cyprus (CMP) with all necessary assistance to continue to achieve tangible results as quickly as possible, and in this respect called upon the Turkish authorities to give unhindered access to all possible military zones located in the northern part of Cyprus and by providing the CMP *proprio motu* with any information from the relevant archives, including military archives, in their possession on burial sites, and any other places where remains might be found;
2. noted with interest the information submitted by the Turkish authorities in particular on the authorisation given to the CMP in 2017 to proceed with excavations in an eleventh military zone in addition to the ten zones to which the CMP has already had access this year, as well as on the continuation of the activities of the archives committee established by the Turkish side to examine the relevant archives for the information requested by the CMP on the location of remains;
3. took note of the updated information submitted by the Turkish authorities on the progress made in the investigations conducted by the Missing Persons Unit; reiterated their call on the Turkish authorities to ensure the effectiveness of these investigations and their rapid finalisation and to continue to keep the Committee informed of the progress in these investigations, in particular that concerning Andreas Varnava;

## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

4. reiterated also their invitation to the Turkish authorities to transmit to the Committee information on the content of the conclusions reached in the final reports in the investigations finalised so far;
5. insisted again firmly on the unconditional obligation to pay the just satisfaction awarded by the European Court and reiterated their call on the Turkish authorities to pay without delay the sums awarded in the judgment of 12 May 2014;
6. decided to resume consideration of the issue of missing persons at their DH meeting in June 2018.

**1302<sup>nd</sup> meeting (5-7 December 2017)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. recalled that to provide redress for the violations found by the European Court in respect to property rights of Greek Cypriot displaced persons, the Turkish authorities set up in the northern part of Cyprus in 2005 a restitution, exchange and compensation mechanism;
2. recalled further that in its inadmissibility decision *Demopoulos and Others* adopted in 2010 the European Court concluded that the law which set up this mechanism provided for “an accessible and effective framework of redress in respect of complaints about interference with the property owned by Greek Cypriots”; noted in addition that the Court declared the application in the *Meleagrou and Others* case inadmissible in 2013, as the applicants had not made use of all possibilities for redress offered by that mechanism;
3. recalled that in the judgment on the just satisfaction of 12 May 2014 in the *Cyprus v. Turkey* case the European Court expressed the opinion that the compliance with the conclusions of the main judgment “could not be [...] consistent with any possible permission, participation, acquiescence or otherwise complicity in any unlawful sale and exploitation of Greek Cypriot homes and property in the northern part of Cyprus”;
4. noted the information conveyed by the Turkish authorities on the existing avenues within the framework of the above mechanism to address the issue of possible unlawful sale and exploitation of the properties in question and invited them to present additional information on their practical implementation to allow the Committee to assess the effectiveness of these avenues, and if necessary the need for further measures;
5. firmly insisted once again that the obligation to pay the just satisfaction awarded by the European Court is unconditional and invited the Turkish authorities to indicate the steps taken for the payment of the just satisfaction awarded in the judgment of 12 May 2014;
6. decided to resume consideration of the issue of the property rights of displaced Greek Cypriots at their 1324<sup>th</sup> meeting (September 2018) (DH).

**1310<sup>th</sup> meeting (13-15 March 2018)**
[List of decisions](#)
[Notes of the meeting](#)
*Decision*

The Deputies decided to resume consideration of the issue of the property rights of enclaved Greek Cypriots at their 1331<sup>st</sup> meeting (December 2018) (DH).

## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

**1318<sup>th</sup> meeting (5-7 June 2018)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. recalled their decisions of September 2017 (1294<sup>th</sup> meeting) (DH) and reiterated that, due to the passage of time, it remains urgent for the Turkish authorities to sustain their proactive approach to providing the Committee on Missing Persons in Cyprus (CMP) with all necessary assistance to continue to achieve tangible results as quickly as possible; in this respect called upon the Turkish authorities to ensure that the CMP has unhindered access to all possible military zones located in the northern part of Cyprus and to provide the CMP *proprio motu* with any information from the relevant archives, including military archives, in their possession on burial sites and any other places where remains might be found;
2. noted with interest in this respect the information submitted by the Turkish authorities that the CMP will excavate in eight additional military areas in 2018 and on the ongoing work of the archives committee established by the Turkish side to examine the relevant archives for the information requested by the CMP on the location of remains;
3. took note with interest that the CMP has identified a third missing person from the *Varnava* case, Savvas Apostolides, that the Missing Persons Unit (MPU) has initiated an investigation in respect of this person and that the investigation concerning Andreas Varnava is nearing completion; reiterated their call to the Turkish authorities to ensure the effectiveness of the MPU's investigations, as well as their rapid finalisation, and invited the Turkish authorities to continue to transmit to the Committee of Ministers information on the progress of the investigations and the conclusions of the final reports, in particular in the cases relating to Savvas Apostolides and Andreas Varnava;
4. noted further the information given by the Turkish authorities about the additional resources made available to the MPU and asked them to provide more details in this respect in time for the next examination of this issue;
5. insisted again firmly on the unconditional obligation to pay the just satisfaction awarded by the European Court in the judgment of 12 May 2014 without further delay;
6. decided to resume consideration of the issue of missing persons at their DH meeting in March 2019.

**1324<sup>th</sup> meeting (18-20 September 2018)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. deeply regretted the decision of Turkey not to participate in the discussions and called on Turkey to co-operate with the Committee;
2. regretted also that no information has been provided by the Turkish authorities in reply to the Committee's decision of December 2017 (DH) as regards the issue of the property rights of displaced persons and called upon them to provide the requested information in good time for the Committee's next examination of this issue;
3. insisted again firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court in the judgment of 12 May 2014 without further delay;
4. decided to resume consideration of the issue of the property rights of displaced persons at their June 2019 DH meeting.



## Cyprus

14 violations in relation to the situation in the northern part of Cyprus.

**1331<sup>th</sup> meeting (4-6 December 2018)**
[List of decisions](#)
**Notes of the meeting**
*Decisions*

## The Deputies

1. reiterated their deep regret as concerns the decision of Turkey not to participate in the discussions and called once again on Turkey to co-operate with the Committee;
2. insisted again firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court in the judgment of 12 May 2014 without further delay;
3. decided to resume consideration of the issue of the property rights of the enclaved persons at their 1354<sup>th</sup> meeting (September 2019) (DH).

**1340<sup>th</sup> meeting (12-14 March 2019)**
[List of decisions](#)
**Notes of the meeting**
*Decisions*

## The Deputies

1. recalling the important humanitarian issues which arise in this case as regards the issue of missing persons, deeply deplored the decision of Turkey not to participate in the discussions and urged the Turkish authorities to resume cooperation with the Committee;
2. regretted also that no information has been provided by the Turkish authorities in reply to the Committee's decision of June 2018 (DH) as regards the issue of the missing persons and called upon them to provide the requested information in good time for the Committee's next examination of this issue;
3. in this context reiterated that, due to the passage of time, it remains urgent for the Turkish authorities to provide the Committee on Missing Persons (CMP) with all necessary assistance for it to continue to achieve tangible results as quickly as possible; in this respect called upon the Turkish authorities to ensure that the CMP has unhindered access to all areas of interest, including military zones, located in the northern part of Cyprus and to provide the CMP *proprio motu* with any information from the relevant archives, including military archives, in their possession on burial sites and places of possible relocation of remains;
4. reiterated also their call to the Turkish authorities to ensure the effectiveness of the Missing Persons Unit's (MPU) investigations, as well as their rapid finalisation, and invited the Turkish authorities to continue to transmit to the Committee information on the progress of the investigations and the conclusions of the final reports, in particular in the cases relating to Savvas Apostolides and Andreas Varnava; reiterated their request to the Turkish authorities to provide more details about the additional resources made available to the MPU;
5. insisted again firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court in the judgment of 12 May 2014 without further delay;
6. decided to resume consideration of the issue of the missing persons at their 1362<sup>nd</sup> meeting (December 2019) (DH).

\* \* \*

*Dink*

Failure of the authorities to protect the life and freedom of expression of a journalist, lack of an effective investigation, criminal investigation for "denigrating Turkishness"

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">2668/07+</a>
<b>Judgment(s) final on</b>	14/12/2010
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled that the main cause of the violations in this case was the failure of the authorities to protect the life of a journalist despite the fact that they had been reasonably informed of a real and imminent threat to his life;

*Individual measures*

2. noted that the applicants were compelled to apply to the Turkish Constitutional Court when the authorities failed to carry out effective investigations following the European Court's judgment in this case;
3. noted with satisfaction the judgment of the Constitutional Court which applied the fundamental Convention principles with regard to the effectiveness of investigations, while also referring to the obligation of Contracting States to abide by the judgments of the European Court;
4. noted the investigations which were re-initiated after the Constitutional Court's judgment; urged the Turkish authorities to intensify their efforts to ensure that these investigations are conducted effectively and in compliance with Convention standards so that all those responsible for the violations found in this case are held accountable;

*General measures*

5. strongly urged the Turkish authorities to provide precise and detailed information on the general measures taken or envisaged with a view to protecting the right to life of journalists when they face real and imminent threat to their lives;
6. strongly encouraged the Turkish authorities to take into consideration the relevant materials of the Council of Europe in this respect, including the Recommendation of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors ([CM/Rec\(2016\)4](#));
7. invited the Turkish authorities to provide information to the Committee on individual and general measures before 1 March 2017.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

1. noted with interest that the investigations which were re-initiated after the Constitutional Court's judgment of July 2014 led to the opening of criminal proceedings against a number of public officials, including several high-level officials in respect of whom public prosecutors had previously issued non-prosecution decisions;
2. invited the authorities to provide additional, detailed information, with supporting documentation, to clarify the precise nature of the charges brought against those suspected of responsibility for the violation of Article 2 found in this case and also whether the procedural shortcomings identified by the European Court in relation to the first investigation have been remedied;
3. recalling that Firat Dink was murdered in January 2007 and that the European Court judgment became final in December 2010, strongly urged the authorities to accelerate their efforts so that the proceedings are rapidly brought to conclusion in accordance with Convention standards;

*Dink*

Failure of the authorities to protect the life and freedom of expression of a journalist, lack of an effective investigation, criminal investigation for "denigrating Turkishness"

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*As regards general measures*

4. recalled that in the last decision adopted in this case in December 2016 they strongly urged the authorities to provide precise and detailed information on the general measures taken or envisaged with a view to protecting the right to life of journalists when they face real and imminent threat to their lives, and that no such information has been provided to date;
5. again strongly urged the authorities, therefore, to provide the information already requested and in particular to inform the Committee of any measures taken or envisaged to ensure that journalists have immediate access to protective measures in the light of its Recommendation on the protection of journalism and safety of journalists and other media actors (CM/Rec(2016)4) and to provide up-to-date statistical information regarding the safety of journalists in Turkey;
6. encouraged the authorities to consider legislative or other measures to enhance the safety of journalists and protect their professional activities and also to cooperate actively with the Council of Europe Platform for the Protection of Journalism and Safety of Journalists by promptly reacting to alerts posted on the platform concerning threats and violence against media professionals in Turkey;
7. recalled that the general measures required by the violation of Article 10 of the Convention in this case are examined by the Committee within the context of the *Altuğ Taner Akçam* case.

\* \* \*

*Ergin No. 6 (group)*

Conviction for expressing non-violent opinions inciting to conscientious objection

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">47533/99</a>
<b>Judgment(s) final on</b>	04/08/2006
<b>First decision of the Committee of Ministers</b>	1348 <sup>th</sup> meeting (June 2019)

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

- noted the amendment to Article 318 of the new Criminal Code (No. 5237) and welcomed the fact that the domestic courts apply the new offence in a manner consistent with Article 10 of the Convention;
- decided to close the supervision of this group of cases and adopted Final Resolution [CM/ResDH\(2019\)148](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations established concerning the right to a fair trial on account of the lack of independence and impartiality of military courts trying civilians and the right to freedom of expression on account of the applicants’ convictions for expressing opinions critical of the requirement in Turkey to carry out compulsory military service (violations of Articles 6 and 10);

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 order to give effect to the judgments, in particular the amendment to Article 318 of the new Criminal Code (No. 5237), which restricts liability to incitement of immediate desertion from the armed forces, or abstention from military service, and the practice of the domestic courts in applying the new offence in a manner consistent with Article 10 of the Convention, and also the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2019\)359-rev](#));

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*

*Incal (group) / Gözel and Özer (group) / Ürper and Others*

Violations of the right to freedom of expression

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">22678/93 - 43453/04 - 14526/07</a>
Judgment(s) final on	09/06/1998 - 06/10/2010 - 20/01/2010
First decision of the Committee of Ministers	1201 <sup>th</sup> meeting (June 2014)

**1201<sup>th</sup> meeting (June 2014)**[List of decisions](#)**Notes of the meeting***Decision*

## The Deputies

1. noted, with satisfaction, that the recent legislative amendments made to the Anti-Terrorism Law and the Criminal Code restrict the scope of certain crimes to expression containing incitement to hatred and violence, thereby responding to the violations found by the Court;
2. noted also with satisfaction the abrogation of Article 6 § 5 of the Anti-Terrorism Law and therefore decided to close the supervision of the execution of the *Ürper* group of cases;
3. invited the Turkish authorities to revise Article 301 of the Criminal Code with a view to ensuring that this Article meets the "quality of law" requirement of the Court's settled case-law;
4. welcomed the positive developments in domestic case-law, although stressed that it still appears necessary for domestic courts to incorporate fully the case-law of the Court into their assessment and reasoning, and therefore strongly encouraged the Turkish authorities to ensure that the Court's case-law is fully applied by domestic courts at all levels;
5. invited the Turkish authorities to take the necessary measures to ensure that the convictions of all applicants in the *Incal* and *Gözel* and *Özer* groups of cases are erased from their criminal records;
6. decided to review the progress made in these cases at their DH meeting in June 2015, at the latest.

*Incal (group) / Gözel and Özer (group)*

Violations of the right to freedom of expression

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">22678/93 - 43453/04</a>
Judgment(s) final on	09/06/1998 - 06/10/2010
First decision of the Committee of Ministers	1201 <sup>th</sup> meeting (June 2014)

**1230<sup>th</sup> meeting (3-5 June 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. *as regards individual measures*, noted that the criminal records of the applicants in 70 out of 100 cases were erased from their criminal records and invited the Turkish authorities to take the necessary measures to ensure that the criminal records in the remaining cases are also erased;
2. *as regards general measures*, recalled their decision adopted at the 1201<sup>st</sup> meeting (June 2014) (DH) and reiterated their call on the Turkish authorities to revise Article 301 of the Criminal Code without delay;
3. noted with satisfaction the ongoing positive trend in the manner domestic courts apply Convention standards and strongly encouraged the Turkish authorities to intensify their efforts with a view to continuing the incorporation of the case-law of the Court fully and consistently, both in terms of assessment of the facts and reasoning, at first instance and appeal levels;
4. stressed, in this respect, the important role played by the Constitutional Court in setting precedents following the recognition of the right to individual application in September 2012, and invited the Turkish authorities to provide information on the practice of this court in terms of the implementation of the Court's case law;
5. invited the Turkish authorities to provide comparable statistical information demonstrating that there is a decrease in the number of indictments lodged under Article 216 of the Criminal Code and Article 7 of Antiterrorism Law as well as in the number of convictions imposed under all the articles in question.

**1265<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

1. noted that all the applicants who requested the reopening of proceedings in their cases, apart from the applicant in the *Belek* case, were acquitted, and invited the Turkish authorities to provide information on the reasons for the refusal of the request for reopening in the *Belek* case;

*As regards general measures*

2. recalled their decisions adopted at the 1201<sup>st</sup> and 1230<sup>th</sup> meetings (June 2014 and 2015) (DH) and urged the Turkish authorities to revise Article 301 of the Criminal Code in line with the Court's "quality of law" requirement without further delay;
3. noted with concern that, despite the emerging case law of the Constitutional Court, which follows the European Court's case law; the number of investigations initiated or indictments lodged, in particular pursuant to Article 216 of the Criminal Code and Article 7 of the Anti-Terrorism Law, still remain high;
4. urged therefore the Turkish authorities to take the measures needed to ensure that all levels of the judiciary apply the principles set out in the case law of the Constitutional Court and the European Court in the implementation of the relevant legislation, with a view to reducing the number of investigations opened and to preventing any chilling effect on those who wish to exercise their freedom of expression.

*Incal (group) / Gözel and Özer (group)*

Violations of the right to freedom of expression

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

- invited the Turkish authorities to provide information on the full erasure of the applicants' criminal records in 27 cases;

*As regards general measures*

- expressed their regret that, despite the legislative measures taken and the emerging case law of the Turkish Constitutional Court which aligns its practice with that of the European Court, no progress has been reported in the implementation of the legislation so as to comply with Convention standards; in particular, there is no indication that public prosecutors and first instance courts incorporate fully the emerging case law of the Turkish Constitutional Court and the European Court in their practice, assessment and reasoning;
- with a view to finding a comprehensive solution to this problem, urged the authorities to take:
  - complementary legislative or other measures to ensure that criminal investigations are not initiated solely on the basis of expressions of opinion unless compelling reasons exist, such as incitement to violence or hatred;
  - measures to ensure that individuals are not taken into police custody or detained on remand when the evidence in the investigation or case-file concerns solely expressions of opinion unless compelling reasons exist, such as incitement to violence or hatred;
  - measures to align the practice of prosecutors and first instance courts to ensure that they apply the case law of the Constitutional Court and the European Court under Article 10 of the Convention;
- invited the authorities to draw up an action plan, in cooperation with the Council of Europe, to ensure that the above measures are taken without delay and to inform the Committee of the progress achieved in this respect before 1 March 2018;
- decided to examine the cases concerning convictions under former Article 159 and current Article 301 of the Criminal Code under the *Taner Akçam* group of cases in view of their similar nature.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

- invited the authorities to provide information on the outcome of the reopened proceedings in the *Bayar* case (No. 55060/07) concerning the applicant's conviction under the Anti-Terrorism Law and the erasure of the criminal records of the applicants in the *Altuğ Taner Akçam* group (except the *Akçam* and *Dilipak* cases);
- noted that no further individual measures are required in 117 cases in the *Incal* and *Gözel and Özer* groups and decided, without prejudice to the continuing evaluation of the general measures, to close their examination by adopting Final Resolution [CM/ResDH\(2018\)356](#);

*As regards general measures*

- stressed the serious and continuing nature of the problems in the area of freedom of expression in Turkey as revealed by the Court's judgments since 1998 and underlined that recent findings of the Constitutional Court and the European Court, and the observations of the Commissioner for Human Rights, indicate that the measures taken so far have not proved sufficient to ensure full compliance with Convention standards;
- noted with concern that the action plan submitted in response to the Committee's last decisions concerning the *Incal* and *Gözel and Özer* groups of cases contains no information on additional measures to tackle these problems;

*Incal (group) / Gözel and Özer (group)*

## Violations of the right to freedom of expression

5. invited the authorities, in the light of the foregoing, to consider further legislative amendments, including to Article 301 of the Criminal Code, in line with the Court's judgment notably in the *Akçam* case;
6. welcomed the revocation of the state of emergency and urged the authorities to take rapidly more concrete and results-oriented measures to ensure that the relevant legislation, in particular the Criminal Code and Anti-Terrorism Law, is not interpreted broadly, in breach of Convention rights, so that criminal proceedings are not initiated against individuals for expressing views which do not incite violence or hatred and, in particular, that such individuals are not subjected to detention; and, in this context, also to send a clear message to counteract the continuing chilling effect caused by the numerous past unjustified interferences with freedom of expression as highlighted in judgments of the Court;
7. welcomed the fact that the Constitutional Court's decisions in the cases of the journalists Sahin Alpay and Mehmet Hasan Altan were eventually implemented by the lower courts and invited the authorities to implement further, extensive, training measures to ensure that prosecutors and lower instance courts consistently apply the case law of the Constitutional Court, which follows the reasoning of the European Court and which is binding on them;
8. invited the authorities to submit a new action plan in time for the Committee's next examination of these issues in 2019, and, underlining the importance of the continuing dialogue and cooperation between Turkey and the Council of Europe, invited them to draw inspiration in this connection from the decisions taken at the meetings of the working group between experts of the Council of Europe and representatives of the Turkish authorities;
9. decided to continue examination of the above problems in the context of a new group dealing with certain criminal law aspects which impact on freedom of expression, under the cases of *Bayar* (55060/07), *Güler and Uğur*, *Öner and Türk*, *Döner and Others*, and *Müdür Duman*, in addition to the *Nedim Şener and Altuğ Taner Akçam* groups.

\* \* \*



*Erdoğan and Others (group) / Kasa (group)*

Death of the applicants' next-of-kin as a result of unjustified and excessive force used by members of security forces during military operations. Ineffectiveness of the investigations carried out.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">19807/92 - 45902/99</a>
Judgment(s) final on	13/09/2006 - 20/08/2008
First decision of the Committee of Ministers	1250 <sup>th</sup> meeting (March 2016)

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. noted that the progress in redressing the violations found in these groups of cases has so far been slow; therefore urged the Turkish authorities to intensify their efforts to ensure that effective investigations are conducted in compliance with Convention standards so that all those responsible for the violations which occurred in these groups of cases are held accountable; invited the Turkish authorities to keep the Committee of Ministers informed of all developments in this respect;

*As regards general measures*

2. noted with interest the new directive on special military operations that is being prepared and strongly encouraged the Turkish authorities to ensure that this directive is drafted in compliance with Convention standards;
3. invited in this respect the Turkish authorities to provide information on the existing legislative framework with respect to the planning and conducting of operations by the gendarmerie and police officers as well as by village guards;
4. called upon the Turkish authorities to review Article 16 of the Powers and Duties of the Police Act and section 39 of the Regulation on the Powers and Duties of the Gendarmerie in light of the findings of the European Court in the cases *Ülüfer* and *Atıman*;
5. urged the Turkish authorities to provide information on the measures envisaged to prevent future violations of Article 34 of the Convention such as in the *Benzer and others* case.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. noted with concern that no significant progress has been achieved in taking individual measures since the Committee's latest decision adopted at its 1250<sup>th</sup> meeting (March 2016) (DH);
2. recalling the Committee's consistent position that respondent States have a continuing obligation to conduct effective investigations into alleged abuses by members of security forces, strongly urged the authorities to give full effect to Article 90 of the Constitution by conducting *ex officio* evaluations as to the reopening of investigations in this group and to inform the Committee of the results obtained;
3. strongly urged the authorities to intensify their efforts to ensure that all the pending investigations and proceedings are concluded without further delay and in compliance with Convention standards;

*As regards general measures*

4. noted with regret that there has not been any progress in the review of Article 16 of the Powers and Duties of the Police Act since the last examination of these cases despite the Court's indication to that effect in the *Ülüfer* judgment;
5. noted with interest that section 39 of the Regulation on the Powers and Duties of the Gendarmerie has been abrogated;

## *Erdoğan and Others (group) / Kasa (group)*

Death of the applicants' next-of-kin as a result of unjustified and excessive force used by members of security forces during military operations. Ineffectiveness of the investigations carried out.

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6. called upon the authorities to consider revising the legislative framework, in cooperation with the Council of Europe, so as to ensure that it sets out clearly the rules for the organisation and control of operations carried out by all law enforcement officials, including by village guards.

\* \* \*

*Gülay Çetin*

Inhuman or degrading treatment of a remand prisoner who was diagnosed with cancer (Article 3, Article 14 in conjunction with Article 3).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">44084/10</a>
Judgment(s) final on	05/06/2013
First decision of the Committee of Ministers	1250 <sup>th</sup> meeting (March 2016)

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. *as regards individual measures*, noted that no individual measure, apart from the payment of just satisfaction which has already taken place, is possible because the applicant died in prison on 12 July 2011;
2. *as regards general measures*, noted that the difference of treatment between remand and convicted prisoners in terms of their release on medical grounds has been remedied as a result of the legislative changes introduced in 2013 as well as the change of practice of domestic courts at all levels and the introduction of a judicial review procedure;
3. strongly encouraged, in this respect, the Turkish authorities to continue ensuring that all judicial safeguards for the release of detained prisoners are implemented effectively and appeal proceedings are concluded without delay;
4. invited the Turkish authorities to bring the implementing legislation (i.e. the Rules governing the Prison Service and the Execution of Sentences and Security Measures) into compliance with the above-mentioned legislative changes and provide information on the applicability of the relevant legislation on presidential pardon to remand prisoners;
5. noted with interest the improvements in the change of practice of the Institute of Forensic Medicine and encouraged the Turkish authorities to pursue their efforts with a view to maintaining this positive trend so that opinions on the basis of medical files, where sufficient evidence exists indicating the detainee's medical condition, are issued without delay;
6. decided, on the basis of the considerations above, to transfer this case to the standard supervision procedure.

\* \* \*

*Nedim Şener (group)*

Lengthy and unjustified detention on remand of two investigative journalists (Article 5 § 3, Article 10).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">38270/11</a>
<b>Judgment(s) final on</b>	08/10/2014
<b>First decision of the Committee of Ministers</b>	1250 <sup>th</sup> meeting (March 2016)

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

**[Notes of the meeting](#)***Decisions*

## The Deputies

1. recalled the European Court's well-established case-law that the taking of custodial measures against journalists creates a chilling effect and a climate of self-censorship for journalists;
2. urged the Turkish authorities to take targeted and specific measures and put in place safeguards to ensure that Turkish law and practice do not allow the imposition of disproportionate measures, such as custodial measures as in the present cases, within the context of the exercise of freedom of expression;
3. in the light of the need for general measures, invited the Turkish authorities to provide the Committee, before the 1265th meeting (September 2016) (DH), with statistics, covering the period from 1 March 2012 to 1 June 2016, as to how many journalists have been detained and/or convicted, on what grounds and for how long;
4. noted with satisfaction the co-operation of the Turkish authorities with the Informal Working Group which was established under the auspices of the Secretary General of the Council of Europe and the Minister of Justice of Turkey as part of Turkey's Action Plan to prevent violations of the European Convention on Human Rights;
5. invited the Turkish authorities to inform the Committee of the work carried out by the Informal Working Group and the resulting measures foreseen to prevent future similar violations.

\* \* \*

*Opuz*

Failure of the authorities to protect the life of the applicant's mother who died as a result of violence (violation of Article 2); failure to protect the applicant's bodily integrity (violation of Article 3) and toleration of domestic violence by the authorities (violation of Article in conjunction with Articles 2 and 3).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">33401/02</a>
<b>Judgment(s) final on</b>	08/10/2014
<b>First decision of the Committee of Ministers</b>	1222 <sup>th</sup> meeting (March 2015)

**1222<sup>th</sup> meeting (11-12 March 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*Individual measures*

- invited the Turkish authorities to provide updated information on the applicant's current situation and, in particular, as to whether she is still benefiting from protective measures and, if so, whether those protective measures are effectively enforced;

*General measures*

- noted the measures taken between 2005 and 2010 to prevent domestic violence, including the special national action plan, legislative, capacity building and awareness-raising measures;
- noted, however, that these measures have been reported inadequate to ensure an appropriate response by the domestic authorities in cases of domestic violence and that there has therefore been a serious delay in the implementation of the measures required to execute the present judgment;
- while welcoming, in this respect, the ratification of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), stressed that additional measures were necessary to execute this judgment;
- invited the Turkish authorities to carry out a detailed assessment on the extent to which the measures taken to date have had any impact and to provide updated information, including the results of this assessment, on the further measures consequently envisaged and/or taken to implement this judgment;
- decided, on the basis of the considerations above, to transfer this case to the enhanced supervision procedure.

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

- recalled that in the *Opuz group* of cases the Court found that there had been a generalised and discriminatory pattern of judicial passivity in response to allegations of domestic violence in Turkey;

*Individual measures*

- recalled that it is essential that all necessary measures be taken to ensure that the criminal proceedings pending against the victims' husbands in the *Durmaz* and *M.G.* cases are concluded in a swift and diligent manner and in line with Convention requirements;
- noted that it is crucial that the preventive/protective measures with respect to the applicants in the cases of *Durmaz* and *M.G.* continue, and invited the Turkish authorities provide updated information on the applicants' safety;

*General measures*

- noted with interest the positive trend in the fight against domestic violence, in particular the introduction of Law No. 6284 and the subsequent establishment of Violence Protection and Monitoring Centres, the amendment made in the Code on Criminal Procedure, and the emerging domestic case law;

## Opuz

Failure of the authorities to protect the life of the applicant's mother who died as a result of violence (violation of Article 2); failure to protect the applicant's bodily integrity (violation of Article 3) and toleration of domestic violence by the authorities (violation of Article in conjunction with Articles 2 and 3).

5. noted with concern, however, that it appears that a large number of women are still subjected to domestic violence and that the existing preventive/protective measures are not fully implemented;
6. strongly urged the authorities to provide, therefore, precise and detailed information on the measures envisaged to ensure that the necessary preventive/protective measures are taken in the event of a real and imminent risk of assault, that the existing sanctions are implemented in the event of non-compliance with the protective measure orders, and that proceedings are conducted in a prompt and diligent manner;
7. strongly encouraged the Turkish authorities to draw inspiration from the recommendations of national and international bodies as to appropriate measures to be taken against domestic violence, including the suggestions of the Parliamentary Inquiry Commission, the Ministry of Family and Social Policies, the UN Committee on the Elimination of Discrimination against Women, and civil society.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that this group of cases concerns the failure of the authorities to implement effective protective measures for victims of domestic violence or effective sanctions against perpetrators;
2. further recalled that at its 1280<sup>th</sup> meeting the Committee requested the authorities to provide precise and detailed information on the measures envisaged to ensure that the necessary preventive/protective measures are taken in the event of a real and imminent risk of assault, that the existing sanctions are implemented in the event of non-compliance with protective measure orders, and that proceedings are conducted in a prompt and diligent manner;

#### As regards individual measures

3. considering that no further individual measures are required in the cases of *Civek* and *Halime Kılıç*, decided to close their examination by Final Resolution [CM/ResDH\(2018\)471](#);
4. urged the authorities to ensure the swift conclusion of the criminal proceedings in the *Durmaz* and *M.G.* cases, in line with Convention standards, and to provide information on their outcome;
5. noting the importance of continuing to monitor the applicants' safety in the cases of *Opuz* and *M.G.*, since their former husbands are not in detention, invited the authorities to provide updated information in this respect;

#### As regards general measures

6. noted with interest the information provided by the authorities on the measures taken to prevent domestic violence and the progress achieved in providing effective protection to victims and sanctioning perpetrators, including the emerging case-law of the domestic courts; stressed nevertheless, as shown *inter alia* by the GREVIO report of October 2018, that the measures taken so far cannot be considered sufficient to resolve the issues identified by the European Court in the present group of cases;
7. underlined that it is imperative for the relatively new jurisprudence of the Constitutional Court in this area to become well-established and followed at all levels of the judiciary, to help reverse the generalised and discriminatory pattern of judicial passivity identified by the European Court and to combat the impunity enjoyed by aggressors;
8. strongly encouraged the authorities to draw inspiration from the findings and recommendations of GREVIO and to inform the Committee in an action plan of the additional measures envisaged to achieve tangible progress in respect of the outstanding issues in the execution of the *Opuz* group of cases;
9. requested the authorities, in addition, to provide the following statistical information to assist the Committee in its next examination: the number of domestic violence-related offences reported in the past five years; the number of preventive orders breached and the consequences of such breaches, both in terms of violence suffered by the women and sanctions imposed on the perpetrators; the number of investigations initiated against suspects of domestic violence; final conviction rates for such offences; and the average length of proceedings in domestic violence cases;
10. decided to resume consideration of the *Opuz* group at their December 2020 DH meeting at the latest.\* \* \*

*Oya Ataman*

Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">74552/01</a>
Judgment(s) final on	05/03/2007
First decision of the Committee of Ministers	<a href="#">1179<sup>th</sup> meeting</a> (September 2013)

[1208<sup>th</sup> meeting](#) (23-25 September 2014)

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies

*As regards individual measures*

1. noted with concern that no information has been provided as to whether fresh investigations have been carried out into the applicants' allegations of ill-treatment since the judgments in this group of cases became final, and urged the Turkish authorities to provide information in this respect;

*As regards general measures*

2. noted with satisfaction that preventing violations of the right to freedom of peaceful assembly is one of the aims of the Action Plan adopted by the Turkish Cabinet of Ministers in February 2014 which also provides for the revision of the "Meetings and Demonstrations Marches Act"; invited consequently the Turkish authorities to provide concrete information on the content of the planned legislative amendments and notably, on how they will ensure that the domestic authorities will be under an obligation to assess the necessity of interfering with the right to freedom of assembly, in particular, in situations where demonstrations are held peacefully;
3. noted with concern that no concrete information has been provided on the review of the rules concerning the use of tear gas (or pepper spray) or tear-gas grenade; and therefore urged the Turkish authorities to reinforce, without further delay, the guarantees on the proper use of tear gas (or pepper gas) or tear-gas grenades, in order to minimise the risks of death and injury stemming from their use; and also invited the Turkish authorities to adopt a clearer set of rules in this respect while bearing in mind the European Court's findings, in particular in the judgments in the cases of *Abdullah Yaşa and Others* and *İzci*;
4. expressed concern that no information has been provided regarding procedures in force on the review of the necessity, proportionality and reasonableness of any use of force after a demonstration is dispersed, and urged the Turkish authorities to provide this information;
5. while noting with interest the statistical information provided by the Turkish authorities on the administrative sanctions imposed on law enforcement officers, reiterated their request to obtain precise information on the nature, range and effectiveness of sanctions provided under Turkish law in cases where law enforcement officers fail to comply with the legislation on the necessity and proportionality of the use of force whilst dispersing a demonstration;
6. concerning the statistical information provided on the number of investigations and criminal proceedings conducted against law enforcement officers, expressed concern about the absence of any indication on the question as to whether these investigations had been carried out in compliance with the Convention standards;
7. recalled, in this respect, the European Court's conclusions in the *İzci* judgment and urged the Turkish authorities to provide concrete information on the precise measures taken to ensure that the judicial authorities conduct effective investigations into allegations of ill-treatment in conformity with the obligation under Article 3 of the Convention and in such a way as to ensure accountability of senior police officers;
8. invited the Turkish authorities to provide the above-mentioned information on the outstanding questions before 31 December 2014 and decided to review the progress made in these cases at their March 2015 DH meeting.

## Oya Ataman

Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).

### 1222<sup>th</sup> meeting (11-12 March 2015)

[List of decisions](#)

#### Notes of the meeting

##### Decisions

##### The Deputies

##### As regards individual measures

1. noted with concern that legislation introduced in April 2013, allowing the reopening of investigations, is not applicable to the majority of the cases in the *Ataman* group and, therefore, urged the Turkish authorities to carry out fresh investigations into the applicants' allegations of ill-treatment;
2. urged also the Turkish authorities to take fresh investigative measures into the death of the applicant's son in the case of *Ataykaya* in view of the conclusions of the European Court in that case;

##### As regards general measures

3. urged the Turkish authorities to intensify their efforts to amend the relevant legislation, in particular the "Meetings and Demonstrations Marches Act" (No. 2911), so that Turkish legislation requires an assessment of the necessity of interfering with the right to freedom of assembly, in particular in situations where demonstrations are held peacefully and do not represent a danger to the public order;
4. requested the Turkish authorities to consolidate the diverse legislation which regulates the conduct of law enforcement officers and fixes the standards as regard the use of force during demonstrations;
5. called upon the Turkish authorities to ensure that the relevant legislation requires that any force used by law enforcement officers during demonstrations is proportionate and includes provisions for an adequate *ex post facto* review of the necessity, proportionality and reasonableness of any such use of force;
6. reiterated their call on the Turkish authorities to take the necessary measures to ensure that the authorities and courts act promptly and diligently in carrying out investigations into allegations of ill-treatment and in conducting criminal proceedings initiated against law enforcement officers in compliance with Convention standards and in such a way as to ensure the accountability of all, including senior law enforcement officers.

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### Notes of the meeting

##### Decisions

##### The Deputies

##### As regards individual measures

1. noted the information provided as regards two cases in this group; noted however with concern that no tangible progress has been achieved in carrying out fresh investigations into the applicants' allegations of ill-treatment in the other cases in the group, including in the case of *Ataykaya*;
2. urged the Turkish authorities to intensify their efforts with the aim of ensuring that fresh investigations are carried out in these cases and to take fresh investigative measures into the circumstances of the death of the applicant's son in the case of *Ataykaya* in view of the conclusions of the European Court in this case;

##### As regards general measures

3. noted with satisfaction that an inter-institutional working group has been set up with the aim of preparing concrete proposals for legislative amendments to be introduced to the "Meetings and Demonstrations Act"; strongly encouraged the Turkish authorities to ensure that this working group produces concrete proposals for legislative amendments without delay and invited the Turkish authorities to keep the Committee regularly updated on the progress achieved in this respect;
4. noted with interest that the drafting of the new directive to harmonise the legislation on the use of tear gas has been completed and invited the Turkish authorities to ensure that the draft directive requires law enforcement authorities to



## Oya Ataman

Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).

use force only in situations where a public gathering is not peaceful and represents a danger to the public order and that the force used should always be proportionate in the circumstances;

5. reiterated their call on the Turkish authorities to consolidate the diverse legislation which regulates the conduct of law enforcement officers and fixes the standards as regards the use of force during demonstrations and to ensure that the relevant legislation includes provisions for an adequate *ex post facto* review of the proportionality of any use of force;
6. decided to examine the issues regarding the lack of effective investigations and the conduct of the authorities and the courts in criminal investigations and proceedings into allegations of ill-treatment within the context of the *Batı and Others* group of cases.

1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

### Notes of the meeting

#### Decisions

#### The Deputies

#### Individual measures

1. noted with regret that no progress has been achieved in carrying out fresh investigations into the applicants' allegations of ill-treatment in these cases;
2. recalling the Committee's consistent position that respondent States have a continuing obligation to conduct effective investigations into alleged abuses by members of security forces, strongly urged the authorities to give full effect to Article 90 of the Constitution by conducting *ex officio* evaluations as to the reopening of investigations in this group and to inform the Committee of the results obtained;

#### General measures

3. in view of the systemic nature of the problem, which has been highlighted in numerous judgments, and in particular in the case of *Süleyman Çelebi*, where the Court found that excessive and disproportionate use of force during public demonstrations was liable to make members of the public fearful of participating in peaceful demonstrations and thus discourage them from exercising their rights under Article 11, urged the authorities to take the necessary measures highlighted by the Committee at its 1259<sup>th</sup> meeting (June 2016) (DH);
4. strongly encouraged in this respect the authorities to accelerate the work of the Inter-Ministerial Working Group set up at domestic level and to continue their cooperation with the informal working group of the Council of Europe;
5. invited the authorities to provide the text of the Directive "on Tear Gas, Gas and Defence Rifles, the Use and Storage of Equipment and Ammunitions relating to them and Training of User Personnel";
6. decided to resume consideration of this item at their Human Rights meeting in March 2018.

*Oya Ataman*

Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).

**1310<sup>th</sup> meeting (13-15 March 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

1. noted with concern that no tangible progress has been achieved in the pending investigations concerning the applicants' allegations against law enforcement officials (including in the *Ataykaya* case, despite the Court's indications under Article 46) and therefore:
  - invited the authorities to provide an updated list of the pending investigations and information on their current state;
  - urged the authorities to prioritise and accelerate all pending investigations in this group of cases in order to avoid prescription;
2. recalling the Committee's decision adopted at its 1288<sup>th</sup> meeting, strongly urged the authorities to draw inspiration from the practice of other member States and cooperate with the Secretariat in drawing up an action plan to ensure that *ex officio* evaluations are conducted on the reopening of investigations in this group of cases;

*As regards general measures*

3. while noting the positive developments as regards in the Constitutional Court's recent decisions and the statistical data on police interventions, underlined the continuing need for legislative amendments to fully align domestic law with Convention standards;
4. recalled that the revision of Law No. 2911 (Meetings and Demonstrations Act) was one of the aims of the action plan adopted by the Turkish Cabinet in 2014, and in this respect strongly encouraged the authorities:
  - to ensure that the Inter-Ministerial Working Group intensifies its efforts in making concrete proposals for fully aligning Law No. 2911 with the Court's jurisprudence;
  - to continue their cooperation with the Informal Working Group of the Council of Europe and make an assessment of the measures to be taken within the context of this group of cases;
5. invited the authorities to provide a copy of the Directive "on Tear Gas, and Defence Rifles, the Use and Storage of Equipment and Ammunitions relating to them and Training of User Personnel" (2016) and information on:
  - whether, and if so how, the above directive differs from that of 2008 regulating the use of tear gas;
  - whether it harmonises the diverse legislation on the use of tear gas and related equipment and ammunition by law enforcement agents;
  - whether the "interference assessment meetings" provided under the directive are capable of reviewing the necessity and reasonableness of any use of force;
6. encouraged the authorities to take full benefit of the projects run by the Council of Europe and European Union and the expertise put at their disposal to ensure that investigations into allegations of ill-treatment and excessive use of force by law enforcement officials are conducted in compliance with Convention requirements;
7. invited the authorities to inform the Committee of the progress achieved in this group of cases before 1 March 2019.

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalling that the cases in this group concern violations of the right to freedom of peaceful assembly and/or the use of excessive force to disperse peaceful demonstrations;

*As regards individual measures*

## Oya Ataman

Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).

2. noting that investigations or criminal proceedings concerning the alleged use of excessive force by law enforcement officers in the dispersal of gatherings are continuing in the cases of *İşeri and Others*, *Ataykaya*, *Hasan Yaşar and Others*, *Kemal Baş* and *Mızrak and Atay*, together with administrative proceedings for the payment of damages in the latter case, urged the authorities to ensure that all these investigations and proceedings are completed without delay and in compliance with Convention requirements;
3. noted with regret that, after carrying out *ex officio* evaluations as to the reopening of investigations in this group of cases, the prosecuting authorities have determined that such investigations are now time-barred in 39 cases;
4. noted, as regards the applicants in four cases in this group who were convicted and sentenced for their participation in demonstrations, the applicants in three cases have been acquitted following the reopening of the proceedings, while the applicants in the fourth case declined to make use of the possibility under domestic law to request the reopening of proceedings;
5. concluding that no further individual measures are possible or required in 55 cases, decided to close them, without prejudice to the continuing need for general measures which will continue to be examined in the freedom of assembly group (*Oya Ataman* group), and adopted Final Resolution [CM/ResDH\(2019\)59](#);

### *As regards general measures*

6. while noting the continuing positive developments as regards the Constitutional Court's case-law and the statistical data on police interventions, underlined that legislative reform is still indispensable to ensure the enjoyment of freedom of peaceful assembly in Turkey and therefore urged the authorities to adopt, without further delay, proposals to bring the legislative framework fully into line with the principles set out in the case-law of the European Court and the Constitutional Court;
7. while welcoming that the authorities have provided the Committee with a copy of the 2016 Directive on Tear Gas and Defence Rifles and have clarified that it is currently the only secondary legislation applicable in this domain, encouraged them to review its provisions to ensure that it complies in all respects with international standards and invited them in this connection to make use of the international expertise which could be made available through the Council of Europe;
8. requested the authorities to provide further information, in time for the Committee's next examination of this group, showing for recent years the number of interventions by law enforcement officers to disperse demonstrations and meetings, the number of interventions where tear gas and other crowd control weapons were used, the number of criminal and administrative prosecutions and convictions linked to breaches of Law No. 2911, and examples of reports drawn up after the post-intervention evaluation meetings provided for by the 2016 directive;
9. further requested the authorities to inform the Committee of the progress achieved in this group of cases, particularly as regards the amendment of the relevant primary and secondary legislation, by the end of December 2019 at the latest.

\* \* \*

**Oyal (group)**

Failure to protect the right to life on account of medical negligence or medical errors (substantial and / or procedural violations of Article 2).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">4864/05</a>
<b>Judgment(s) final on</b>	23/06/2010
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. noted with satisfaction that the applicant's medical expenses in the *Oyal* case will be covered by the Social Security Institution throughout his life-time in accordance with the judgment of the European Court;
2. took note of the compensation awarded to the applicants by the Court and by the domestic courts in two cases and noted that no further individual measures are required in these cases;

*As regards general measures*

3. noted with satisfaction the large number of measures taken with a view to increasing the quality of health care services in state-run hospitals, in particular measures to ensure that any patient in a critical medical condition shall be admitted to emergency services without having to pre-pay for services as well as to enhance coordination between hospitals during the transfer of patients;
4. invited the Turkish authorities to provide further information on the measures taken to ensure that the domestic courts examine cases of medical negligence with reasonable diligence, in particular as to whether the relevant legislation and its implementation are adequate and effective when it comes to medical negligence issues, such as the establishment of the facts by domestic courts, the prosecution of health care providers and awarding civil compensation;
5. invited further the Turkish authorities to consider taking measures with a view to lifting the requirement of administrative authorisation prior to bringing charges against health care providers or ensuring that this authorisation is applied solely under specific circumstances and conditions.

\* \* \*

## Özmen (group)

Inadequacy of measures taken in implementation of the Hague Convention on the Civil Aspects of International Child Abduction (Article 8).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">28110/08</a>
Judgment(s) final on	04/03/2013
First decision of the Committee of Ministers	1250 <sup>th</sup> meeting (March 2016)

### [1250<sup>th</sup> meeting \(8-10 March 2016\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

The Deputies

#### Individual measures

- concerning the *Özmen* case, noted, in view of the fact that the applicant now resides in Turkey, that the enforcement of the order for the return of the applicant's daughter to Australia under the Hague Convention on the Civil Aspects of International Child Abduction is no longer an issue for the execution of the present judgment;
- strongly urged the Turkish authorities to take the necessary measures to establish the applicant's daughter's whereabouts and to ensure that, once she is found, she benefits from psychological support under the supervision of social workers given that she has not seen her father for more than ten years;
- further, strongly urged the Turkish authorities to provide information regularly on the steps taken by the authorities to establish the applicant's daughter's whereabouts;
- given these elements, and in particular the child's current age, considered that this case no longer concerns urgent individual measures;

#### General measures

- in view of the fact that no information has been provided by the Turkish authorities on general measures to prevent future violations and that similar violations continue to occur despite the general measures adopted in the *Hansen* case (see the final resolution adopted at the 1028<sup>th</sup> meeting in June 2008), decided to transfer the cases of *Ilker Ensar Uyanik* (60328/09) and *Övüş* (42981/04) from the standard to the enhanced supervision procedure, to join them with the *Özmen* case, and to continue examination of the general measures under the indicator of "complex problem";
- urged the Turkish authorities to prepare a comprehensive action plan indicating specific measures envisaged to remedy the violations found in the above-mentioned three cases as well as to prevent any future violations, while bearing in mind the requirements of the Hague Convention and other relevant international instruments in this respect.

### [1348<sup>th</sup> meeting \(4-6 June 2019\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decisions

The Deputies

- recalling that these cases concern the failure of the domestic courts to apply the principles of the Hague Convention on the Civil Aspects of International Child Abduction ("the Hague Convention") during proceedings relating to divorce, custody or the return of a child in parental abduction cases;

#### As regards individual measures

- noted that the applicant's daughter in the case of *Özmen* was reunited with the applicant, that the domestic courts ordered the return of the child to the United States of America in the *Uyanik* case, and that the applicant's children in the *Övüş* case have attained the age of majority, considered that no further individual measures are required or possible;
- decided in the light of the foregoing to close the cases of *Övüş* and *Uyanik*, without prejudice to the continuing need for general measures which will continue to be examined in the case of *Özmen*, and adopted Final Resolution [CM/ResDH\(2019\)146](#);

## Özmen

## Inadequacy of measures taken in implementation of the Hague Convention on the Civil Aspects of International Child Abduction (Article 8).

*As regards general measures*

4. while noting the continuing positive developments as regards the case-law of the Court of Cassation and the Constitutional Court, underlined that the average length of proceedings before first instance courts as indicated in the statistical data is still excessive, falling far short of the six-week time-limit for completion of proceedings set by the Hague Convention, and that the overall number of cases dismissed between 2012 and 2018 was higher than the number of cases accepted, which does not appear consistent with the Constitutional Court's ruling that such applications should be dismissed only exceptionally;
5. therefore urged the authorities to adopt measures to ensure that first-instance courts consistently apply the case law of the Constitutional Court in this field and the principles of the Hague Convention, including as regards the time-limit for completion of proceedings, for example by giving consideration to the creation of specialised chambers within the family courts;
6. noted that the Law No. 5717 gives the right to request access to the abducted child pending the return proceedings, and invited the authorities to provide further information and sample domestic court decisions and/or enforcement orders indicating that the legislation is duly implemented in practice;
7. welcomed the decision of the Grand Assembly of the Civil Chambers of the Court of Cassation, which held that civil courts must notify the parties to civil proceedings of all stages of the trial and reach a decision only after hearing both parties, and considered that, in light of the binding nature of this decision, it responds to the Article 6 violation found by the European Court in the *Övüş* case;
8. further requested the authorities to inform the Committee of the progress achieved regarding the implementation of the Hague Convention by domestic courts by the end of December 2020 at the latest.

\* \* \*

*Sinan İşik (group)*

Violation of the applicant's freedom not to disclose his religion on his identity card

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">21924/05</a>
<b>Judgment(s) final on</b>	02/05/2010
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted with satisfaction that the new identity cards that will be distributed in the second half of 2016 will no longer contain a "religion box";
- noted in this respect that clarification is needed on the content of the information that will be stored in the electronic chips on the new identity cards and invited, therefore, the Turkish authorities to provide the following information before 1 September 2016, given that preparations are currently underway for the delivery of the new identity cards in the second half of 2016:
  - as to whether the electronic chips on the new identity cards are designed to store information on the religious affiliation of citizens and, if so, on what legal basis and according to which procedures this information will be stored;
  - which public authorities will be able to have access to the information that will be stored on the new identity cards and for what purposes;
  - as to whether the information currently contained in civil registers regarding religious affiliation will be transferred to electronic chips.

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- recalled the decision adopted at their 1259<sup>th</sup> meeting (June 2016) (DH) in which they noted with satisfaction that the new identity cards that would be distributed in the second half of 2016 would no longer contain a "religion box", and stressed that the deletion of the "religion box" from identity cards constitutes the main measure taken in response to the Court's indication under Article 46 of the Convention in this case;
- noted the clarifications provided by the Turkish authorities in response to the questions raised at the above-mentioned meeting and invited them to provide explicit information as to which authorities would have access to the information on religious affiliation which, if the person in question so consents, will henceforth be stored on the electronic chip embedded in the card;
- in view of the progress achieved in the execution of this judgment, decided to transfer this case from enhanced to standard supervision procedure.

\* \* \*

## Söyler (group)

Ban on voting imposed automatically on persons convicted of intentional offences.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">29411/01</a>
Judgment(s) final on	20/01/2014
First decision of the Committee of Ministers	1348 <sup>th</sup> meeting (June 2019)

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)**Notes of the meeting***Decision*

The Deputies decided to close the supervision of this group of cases and adopted Final Resolution [CM/ResDH\(2019\)147](#).

.....

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 judgments transmitted by the Court to the Committee in these cases and to the violations established;

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;

Recalling that the question of the general measures required in response to the violation of Article 10 found by the Court in the *Murat Vural* case continues to be examined under the *Özçelebi* case;

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

Recalling that, in the present judgments, the Court found that the automatic loss by persons sentenced to imprisonment for intentional criminal offences, of the right to vote for the entire duration of the sentence period, even when the person was not in fact in detention on account of suspension of sentence or early release, including conditional release, was incompatible with Article 3 of Protocol No. 1 to the Convention;

Having examined the action report provided by the government indicating the measures adopted in order to give effect to the judgments, including the information provided regarding the payment of the just satisfaction awarded by the Court (see document [DH-DD\(2019\)92](#));

Having noted that the applicants’ sentences ended in 2012 and 2018 and they are now eligible to vote;

Welcoming the decisions of the Supreme Election Board and the Constitutional Court, which have ensured that only those actually serving prison sentences for intentional offences are now excluded from voting;

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

\* \* \*



*Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.

Continuous denial of access to property in the northern part of Cyprus.

Status of execution	HUDOC-EXEC – HUDOC-EXEC
Application(s) No(s).	16064/09 - 46347/99
Judgment(s) final on	18/09/2009 - 22/03/2006
First decision of the Committee of Ministers	1078 <sup>th</sup> meeting (March 2010)

**1193<sup>th</sup> meeting (4-6 March 2014)**[List of decisions](#)[Notes of the meeting](#)Decision

The Deputies

1. recalled the Interim Resolutions CM/ResDH(2010)33 and CM/ResDH(2013)201, adopted respectively in the cases of *Xenides-Arestis*, on 4 March 2010, and *Varnava*, on 26 September 2013 exhorting Turkey to pay without further delay, the sums awarded to the applicants by the Court, as well as the default interest due;
2. deeply regretted that to date the Turkish authorities have not responded to these interim resolutions and invited, in consequence, the Chair of the Committee of Ministers to send a letter to his Turkish counterpart in order to convey the Committee's continuing concern relating to the lack of payment of the just satisfaction awarded in these cases, as well as in 32 other cases in the *Xenides-Arestis* group;
3. decided to resume consideration of the issue of payment of the just satisfaction in these cases at their 1201st meeting (June 2014) (DH).

**1201<sup>th</sup> meeting (June 2014)**[List of decisions](#)[Notes of the meeting](#)Decision

The Deputies

1. recalled that last April the Chairman of the Committee of Ministers sent a letter to his Turkish counterpart informing him of the Committee's continuing concern relating to the lack of payment of the just satisfaction awarded in the *Varnava* case and in 33 cases of the *Xenides-Arestis* group;
2. deplored that this letter remains unanswered to date;
3. decided to resume consideration of this question at their 1208th meeting (September 2014) (DH) and instructed the Secretariat, should the situation remained unchanged, to prepare a draft interim resolution, to be circulated in the draft revised order of business.

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)[Notes of the meeting](#)Decision

The Deputies

1. adopted Interim Resolution CM/ResDH(2014)185 in respect of the judgments listed above;
2. decided to resume consideration of the issue of payment of the just satisfaction in these cases at their 1214th meeting (December 2014) (DH).

## *Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.

Continuous denial of access to property in the northern part of Cyprus.

### Interim resolution [CM/ResDH\(2014\)185](#)

#### Execution of the judgments of the European Court of Human Rights in the cases *Varnava, Xenides-Arestis* and 32 other cases against Turkey

(see the list of cases in the appendix)

*(Adopted by the Committee of Ministers on 25 September 2014*

*at the 1208th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention") ;

Deeply deploring that to date, despite the interim resolutions adopted in the cases of *Xenides-Arestis* and *Varnava*<sup>25</sup>, the Turkish authorities have not complied with their obligation to pay the amounts awarded by the Court to the applicants in those cases, as well as in 32 other cases in the *Xenides-Arestis* group, on the grounds that this payment cannot be dissociated from the measures of substance in these cases;

Recalling in this respect that in two letters addressed to their Turkish counterpart<sup>26</sup>, the then Chairmen of the Committee of Ministers stressed on behalf of the Committee that the obligation to comply with the judgments of the Court is unconditional;

Found that the continued refusal to pay the sums awarded to the applicants amounts to a manifest breach of the obligation assumed by Turkey under Article 46, paragraph 1, of the Convention to abide by the judgments of the Court;

DECLARES that this continued refusal by Turkey is in flagrant conflict with its international obligations, both as a High Contracting Party to the Convention and as a member State of the Council of Europe;

EXHORTS Turkey to review its position and to pay without any further delay the just satisfaction awarded to the applicants by the Court, as well as the default interest due.

### 1214<sup>th</sup> meeting (2-4 December 2014)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. insisted firmly once again on the unconditional obligation to pay the just satisfaction awarded by the European Court;
2. expressed their deepest concern in view of the lack of response from the Turkish authorities to the two letters sent by the Chair of the Committee of Ministers to the Turkish Minister of Foreign Affairs, as well as to their Interim Resolution adopted in September 2014;
3. exhorted once again the Turkish authorities to review their position and to pay without further delay the just satisfaction awarded by the Court to the applicants, as well as the default interest due;
4. decided to resume consideration of the issue of payment of just satisfaction in these cases at their March 2015 meeting (DH), with a view, as appropriate, to taking any necessary action;
5. decided to resume consideration of the other individual measures in the cases of the *Xenides-Arestis* group at their March 2015 meeting (DH) and in the *Varnava* case at their June 2015 meeting (DH).

## *Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.

Continuous denial of access to property in the northern part of Cyprus.

### **1222<sup>th</sup> meeting (11-12 March 2015)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. agreed to postponed consideration of the cases of *Cyprus against Turkey*, *Varnava* against Turkey and the *Xenides-Arestis* group of cases against Turkey and, accordingly, agreed to modify the time-table for the examination of these cases as follows:
  - June 2015 meeting (DH): examination of the issue of missing persons, examination of the individual measures in the *Varnava* case and examination of the just satisfaction issue in the *Varnava* case and in the *Xenides-Arestis* group;
  - September 2015 meeting (DH): examination of the issue of the property rights of enclaved persons; and
  - December 2015 meeting (DH): examination of the issue of the property rights of displaced persons and the individual measures in the *Xenides-Arestis* group;
2. approved the order of business accordingly revised.

### **1230<sup>th</sup> meeting (3-5 June 2015)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. deeply deplored the lack of payment of the just satisfaction awarded by the European Court of Human Rights in these cases and firmly insisted on Turkey's unconditional obligation to pay this just satisfaction;
2. exhorted once again the Turkish authorities to pay without further delay the sums awarded by the Court to the applicants, as well as the default interest due;
3. invited the Secretary General to raise the issue of payment of the just satisfaction in these cases in his contacts with the Turkish authorities, calling on them to take the measures necessary to pay it;
4. agreed to resume consideration of the issue of payment of the just satisfaction in these cases at their September 2015 meeting (DH) with a view to stepping up their action in the absence of this payment.

### **1236<sup>th</sup> meeting (22-24 September 2015)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

#### The Deputies

1. once again deeply deplored the lack of payment of the just satisfaction awarded by the European Court of Human Rights in these cases and firmly insisted on Turkey's unconditional obligation to pay this just satisfaction;
2. exhorted once more the Turkish authorities to pay without further delay the sums awarded by the Court to the applicants, as well as the default interest due;
3. recalled their invitation to the Secretary General to raise the issue of payment of the just satisfaction in these cases in his contacts with the Turkish authorities, calling on them to take the measures necessary to pay it; encouraged the authorities of the member States to do the same;
4. agreed to resume consideration of the issue of payment of the just satisfaction in these cases at their December 2015 meeting (DH).

## *Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  
Continuous denial of access to property in the northern part of Cyprus.

**1243<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

### **Varnava and Others:**

#### *Decision*

The Deputies firmly insisted once again on Turkey's unconditional obligation to pay the just satisfaction awarded by the European Court of Human Rights in this case and agreed to resume consideration of this issue at their 1250th meeting (March 2016) (DH).

### **Xenides-Arestis group:**

#### *Decisions*

The Deputies

1. firmly insisted once again on Turkey's unconditional obligation to pay the just satisfaction awarded by the European Court of Human Rights in these cases and agreed to resume consideration of this issue at their 1250th meeting (March 2016) (DH);
2. decided to postpone consideration of the individual measures in this group to their June 2016 meeting (DH).

**1250<sup>th</sup> meeting (8-10 March 2016)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

#### *Decisions*

The Deputies

1. firmly insisted once again on Turkey's unconditional obligation to pay the just satisfaction awarded by the European Court of Human Rights in these cases;
2. deplored the absence of progress in this respect and exhorted Turkey to comply with this obligation without further delay;
3. reiterated their invitation to the Secretary General and member States to raise the issue of the payment of the just satisfaction in these cases in their contacts with the Turkish authorities, by calling on them to pay it;
4. agreed to resume consideration of this issue at their 1259th meeting (June 2016) (DH).

**1259<sup>th</sup> meeting (7-8 June 2016)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

#### *Decisions*

The Deputies

1. firmly insisted once again on Turkey's unconditional obligation to pay the just satisfaction awarded by the European Court in these cases;
2. deeply deplored the absence of progress in this respect and again exhorted Turkey to comply with this obligation without further delay;
3. noting with interest that, following the Committee of Minister's call at its last examination of these cases, the Secretary General raised the issue of the payment of the just satisfaction in these cases in his letter dated 28 April 2016 to the Minister of Foreign Affairs of Turkey, regretted the absence of any response from the Turkish authorities as yet;
4. agreed to resume consideration of this issue at their 1265th meeting (September 2016) (DH).

*Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.

Continuous denial of access to property in the northern part of Cyprus.

**1265<sup>th</sup> meeting (20-21 September 2016)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. firmly insisted once again on Turkey's unconditional obligation to pay the just satisfaction awarded by the European Court in these cases;
2. deeply deplored the absence of progress in this respect and again exhorted Turkey to comply with this obligation without further delay;
3. agreed to resume consideration of this issue at their 1273<sup>rd</sup> meeting (December 2016) (DH).

**1273<sup>th</sup> meeting (6-8 December 2016)**
[List of decisions](#)
[Notes of the meeting](#)
*Decisions*

## The Deputies

1. strongly reiterated their repeated calls on Turkey to abide by its unconditional obligation to pay the just satisfaction awarded by the European Court in these cases without further delay;
2. agreed to resume consideration of this issue at their 1280<sup>th</sup> meeting (March 2017) (DH).

**1280<sup>th</sup> meeting (7-10 March 2017)**
[List of decisions](#)
[Notes of Varnava and Others / Notes of Xenides-Arestis](#)
*Decisions*

## The Deputies

1. reiterated their call on Turkey to abide by its unconditional obligation to pay the just satisfaction awarded by the European Court in these cases without further delay;
2. agreed to resume consideration of this issue at their 1288<sup>th</sup> meeting (June 2017) (DH).

**1288<sup>th</sup> meeting (6-7 June 2017)**
[List of decisions](#)
[Notes of Varnava and Others / Notes of Xenides-Arestis](#)
*Decisions*

## The Deputies

1. insisted on their call on Turkey to abide by its unconditional obligation to pay the just satisfaction awarded by the European Court in this case without further delay;
2. agreed to resume consideration of this issue at their 1294<sup>th</sup> meeting (September 2017) (DH).

**1294<sup>th</sup> meeting (19-21 September 2017)**
[List of decisions](#)
[Notes of Varnava and Others / Notes of Xenides-Arestis](#)
*Decisions*

## *Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  
Continuous denial of access to property in the northern part of Cyprus.

### The Deputies

1. reiterated firmly, in the light of the interim resolutions adopted by the Committee of Ministers in these cases, their call on Turkey to abide by its unconditional obligation to pay the just satisfaction awarded by the European Court in these cases without further delay;
2. agreed to resume consideration of this issue at their 1302<sup>nd</sup> meeting (December 2017) (DH).

### **1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

### *Decisions*

### The Deputies

1. underlined the importance of the unconditional obligation to pay the just satisfaction awarded by the European Court and exhorted again the Turkish authorities to pay without further delay the just satisfaction in these cases;
2. decided to resume consideration of the issue of the payment of the just satisfaction at their 1310<sup>th</sup> meeting (March 2018) (DH).

### **1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

### **Varnava and Others:**

### *Decisions*

### The Deputies

1. decided to resume consideration of the issue of the payment of the just satisfaction at their 1318<sup>th</sup> meeting (June 2018) (DH);
2. in addition recalled their decision adopted at the 1294<sup>th</sup> meeting to resume consideration of the issue missing persons at their 1318<sup>th</sup> meeting (June 2018) (DH).

### **Xenides-Arestis group:**

### *Decision*

The Deputies decided to resume consideration of the question of individual measures in the cases of the *Xenides-Arestis* group as well as that of the payment of just satisfaction at their 1318<sup>th</sup> meeting (June 2018) (DH).

## *Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.  
Continuous denial of access to property in the northern part of Cyprus.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

### **Varnava and Others:**

#### *Decisions*

The Deputies

- insisted firmly on the unconditional obligation of Turkey to pay without further delay the just satisfaction awarded by the European Court in this case and decided to resume consideration of this issue at their 1324<sup>th</sup> meeting (September 2018) (DH);
- recalled that the Committee decided to resume consideration of the issue of the missing persons at its DH meeting in March 2019.

### **Xenides-Arestis group:**

#### *Decision*

The Deputies decided to resume consideration of this group of cases at their 1324<sup>th</sup> meeting (September 2018) (DH).

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

### **Varnava and Others:**

#### *Decisions*

The Deputies

- deeply regretted the decision of Turkey not to participate in the discussions and called on Turkey to cooperate with the Committee;
- insisted again firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court in this case without further delay and decided to resume consideration of this issue at their 1331<sup>st</sup> meeting (December 2018) (DH).

### **Xenides-Arestis group:**

#### *Decisions*

The Deputies

- deeply regretted the decision of Turkey not to participate in the discussions and called on Turkey to cooperate with the Committee;
- insisted again firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court in 33 cases of the *Xenides-Arestis* group without further delay and decided to resume consideration of this issue at their 1331<sup>st</sup> meeting (December 2018) (DH);
- instructed the Secretariat to prepare draft final resolutions in the cases of *Alexandrou* and of *Eugenia Michaelidou Developments Ltd and Michael Tymvios*;
- decided to resume consideration of the possible closure of the *Loizidou* case at their 1331<sup>st</sup> meeting and of the remaining individual measures in the other cases of the *Xenides-Arestis* group at their June 2019 DH meeting ; noted that certain delegations requested information in relation to the situation of the applicant's property in the *Loizidou* case;

## *Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.

Continuous denial of access to property in the northern part of Cyprus.

5. instructed the Secretariat to prepare an information document on the procedural issues arising under former Article 32 of the Convention in relation to the *Loizidou* case for consideration at the 1331<sup>st</sup> meeting.

### **1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

#### **Varnava and Others:**

##### *Decisions*

##### The Deputies

1. reiterated their deep regret as concerns the decision of Turkey not to participate in the discussions and called once again on Turkey to co-operate with the Committee;
2. insisted again firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court in this case without further delay and decided to resume consideration of this issue at their 1340<sup>th</sup> meeting (March 2019) (DH);
3. recalled that the Committee decided to resume consideration of the issue of the missing persons at its 1340<sup>th</sup> meeting (March 2019) (DH).

#### **Xenides-Arestis group:**

##### *Decisions*

##### The Deputies

1. reiterated their deep regret as concerns the decision of Turkey not to participate in the discussions and called once again on Turkey to co-operate with the Committee;
2. insisted again firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court in 33 cases of the *Xenides-Arestis* group without further delay and decided to resume consideration of this issue at their 1340<sup>th</sup> meeting (March 2019) (DH);
3. decided to resume consideration of the possible closure of the *Loizidou* case at their 1348<sup>th</sup> meeting (June 2019) (DH); recalled that at their 1324<sup>th</sup> meeting (September 2018) (DH) certain delegations requested information in relation to the situation of the applicant's property in the *Loizidou* case;
4. decided to resume consideration of the individual measures in the other cases of the *Xenides-Arestis* group at their 1348<sup>th</sup> meeting (June 2019) (DH);
5. noted that the Secretariat has prepared an information document on the procedural issues arising under former Article 32 of the Convention in relation to the *Loizidou* case and decided to consider it at the 1348<sup>th</sup> meeting (June 2019) (DH).

### **1340<sup>th</sup> meeting (12-14 March 2019)**

[List of decisions](#)

[Notes of Varnava and Others](#) / [Notes of Xenides-Arestis](#)

#### **Varnava and Others:**

##### *Decisions*

##### The Deputies

1. deeply deplored the decision of Turkey not to participate in the discussions and urged the Turkish authorities to resume cooperation with the Committee;



## *Varnava and Others / Xenides-Arestis (group)*

Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.

Continuous denial of access to property in the northern part of Cyprus.

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2. insisted again firmly on the unconditional obligation of Turkey to pay without further delay the just satisfaction awarded by the European Court in this case and decided to resume consideration of this issue at their 1348<sup>th</sup> meeting (June 2019) (DH);
3. recalled their decision to resume consideration of the issue of the missing persons at their 1362<sup>nd</sup> meeting (December 2019) (DH).

### **Xenides-Arestis group:**

#### *Decisions*

#### The Deputies

1. deeply deplored the decision of Turkey not to participate in the discussions and urged the Turkish authorities to resume cooperation with the Committee;
2. insisted again firmly on the unconditional obligation of Turkey to pay without further delay the just satisfaction awarded by the European Court in 33 cases of the *Xenides-Arestis* group and decided to resume consideration of this issue at their 1348<sup>th</sup> meeting (June 2019) (DH);

\* \* \*

*Ahmet Yildirim*

Violation of the applicant's right to freedom of expression as a result of a domestic court's decision to block access to Google Sites, "host websites".

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">3111/10</a>
<b>Judgment(s) final on</b>	18/03/2013
<b>First decision of the Committee of Ministers</b>	1208 <sup>th</sup> meeting (September 2014)

**1208<sup>th</sup> meeting (23-25 September 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

- noted with satisfaction that the relevant decision to block access to the host website, Google Sites, has been lifted, that the applicant can now access his own website and that, therefore, no further individual measures are required;
- considered that the legislative amendments made to Law No 5651, in February 2014 do not satisfy the foreseeability requirement of the Convention and that the legislative framework is still not in compliance with the Court's findings in the present case;
- stressed that these amendments do not respond to the concerns raised by the Court as to the arbitrary effects of decisions on wholesale blocking of access to websites since access to the host websites, Twitter and YouTube, were blocked after these legislative amendments came into force;
- noted, with satisfaction, that in two judgments concerning the above-mentioned bans, the Turkish Constitutional Court found violations of the right to freedom of expression with reference to the European Court's case-law, in particular, regarding the conclusion in the present judgment that the provisions of Law No. 5651 did not meet the requirement of foreseeability and were not clear in terms of scope and substance in setting out the procedure for blocking access to host websites;
- called upon the Turkish authorities, bearing in mind also the judgments of the Turkish Constitutional Court, to amend the relevant legislation to ensure that:
  - it meets the requirements of foreseeability and clarity and provides effective safeguards to prevent abuse by the administration;
  - measures blocking access to websites do not produce arbitrary effects and do not result in wholesale blocking of access to a host website.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- noted that the decisions to block access to Google Sites and YouTube have been lifted, and that therefore no further individual measures are required for the present cases;
- recalled that the Court found that Law No. 5651 did not satisfy the foreseeability requirement of Article 10 of the Convention and did not provide any safeguards to ensure that a blocking order in respect of a specific site was not used as a means of blocking access in general, and that it gave extensive powers to an administrative body in the implementation of a blocking order;
- strongly invited the authorities to draw inspiration from relevant Council of Europe materials in ensuring that Law No. 5651 fully responds to the concerns raised by the Court, in particular by providing effective safeguards to prevent abuse by the administration and imposition of blanket blocking orders on entire Internet sites.

\* \* \*

## Agrokompleks (group)

Unfairness of commercial proceedings involving the applicant company and infringement of the right to peaceful enjoyment of its possessions.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	23465/03
<b>Judgment(s) final on</b>	08/03/2012 - 09/12/2013
<b>First decision of the Committee of Ministers</b>	1236 <sup>th</sup> meeting (September 2015)

### 1236<sup>th</sup> meeting (23-25 September 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

1. recalled that in the *Agrokompleks* judgment, the European Court found different violations of Article 6 § 1 and of Article 1 of Protocol No. 1 in the context of commercial proceedings involving the applicant company;
2. further recalled that the European Court awarded the applicant company 27 million euros for just satisfaction, notably in respect of pecuniary and non-pecuniary damage, to be paid within a specific time-frame;
3. *as regards the just satisfaction*, noted with satisfaction the payment by the Ukrainian authorities of the first instalment of just satisfaction in the amount of 13.5 million euros;
4. invited the Ukrainian authorities to take the necessary measures in order to ensure the payment of the second instalment within the time-limit established by the Court (i.e. 9 December 2015) as well as to settle any possible outstanding issues relating to the payment of the default interest;
5. invited the authorities to provide specific information on the possibility to reopen the proceedings in practice given the fact that the respondent company (LyNOS) was liquidated;
6. *as regards general measures*, invited the Ukrainian authorities to provide information on the measures taken and/or envisaged with a view to ensuring internal judicial independence and encouraged them to take full benefit of all co-operation opportunities offered by the Council of Europe in this respect;
7. further invited the Ukrainian authorities to consider the possibility of taking additional measures, notably of a legislative nature, so as to better circumscribe the revision of final decisions on the basis of newly discovered circumstances in order to prevent similar violations in the future;
8. finally, invited the Ukrainian authorities to provide a comprehensive and updated action plan by 1 December 2015, addressing the progress made in respect of both individual and general measures.

### 1259<sup>th</sup> meeting (7-8 June 2016)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

#### As regards individual measures

1. noted the additional efforts made by the Ukrainian authorities to pay two more instalments of the just satisfaction and their commitment to pay the outstanding amounts in the nearest future and urged the authorities to pay the remaining balance, including the default interest owed, without further delay, thereby abiding by the unconditional obligation to pay the just satisfaction awarded by the European Court;
2. noted that no further individual measures are required apart from the payment of just satisfaction;

#### As regards general measures

3. invited the Ukrainian authorities to take specific measures, in particular by introducing sufficient safeguards in the legal framework governing internal judicial independence, while bearing in mind that these safeguards should be coupled with appropriate disciplinary and/or criminal sanctions against those members of the judiciary who interfere or apply pressure on their fellow judges;

## Agrokompleks (group)

Unfairness of commercial proceedings involving the applicant company and infringement of the right to peaceful enjoyment of its possessions.

- invited also the Ukrainian authorities to provide without delay information on the measures taken and/or envisaged with a view to better circumscribing the review of final domestic judgments in commercial cases on the ground of newly-discovered circumstances in the legislation, both as regards the criteria and the time-frame for such a review.

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

### Notes of the meeting

#### *Decisions*

The Deputies

#### *As regards individual measures*

- noted that the Ukrainian authorities have paid the full amount of just satisfaction to the applicant company but that a minor issue of default interest is still pending resolution; therefore, invited the Ukrainian authorities to pursue their co-operation with the Secretariat, to find a solution to this outstanding issue;

#### *As regards general measures*

- recalled that, in the present case, the Committee is focusing on the issue of internal judicial independence and that broader issues surrounding the independence of the judiciary vis-à-vis the executive and legislative branches of power are examined in the *Oleksandr Volkov* case and the *Salov* group of cases;
- noted with interest the information provided with respect to the internal independence of judges and the review of final judicial decisions;
- invited the Ukrainian authorities to provide additional information on the internal independence of judges in light of the most recent constitutional amendments on the judiciary and on measures other than legislative aimed at eradicating the practice of undue influence on judges, in particular as to the exclusion of the influence of hierarchically superior judges over their peers;
- considered that the measures taken in respect of the review of final judicial decisions are sufficient to prevent similar violations.

\* \* \*

**Balitskiy (group)**

Unfair convictions based on confessions given under duress; abusive use of administrative detention.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">12793/03</a>
<b>Judgment(s) final on</b>	03/02/2012
<b>First decision of the Committee of Ministers</b>	1294 <sup>th</sup> meeting (September 2017)

**[1294<sup>th</sup> meeting \(19-21 September 2017\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

The Deputies

*As regards individual measures*

1. noted that the just satisfaction awarded by the European Court has been paid in most cases; invited the authorities to provide clearer information regarding the precise dates of payment of the just satisfaction in the cases of *Kuripka*, *Omelchenko*, *Sergey Afanasyev* and *Sobko*;
2. noted with satisfaction that the impugned proceedings have been re-opened at the domestic level in most of the cases in which this has been requested by the applicants; invited the authorities to clarify the status of the reopening proceedings in the case of *Balitskiy*;
3. expressed regret, regarding the case of *Yaremenko*, where in a follow-up judgment, *Yaremenko (No. 2)* (66338/09), the European Court found a further violation of Article 6 of the Convention as a result of the re-opened proceedings, where the domestic court had continued to rely, even if indirectly, on the same pieces of evidence obtained under duress without access to a lawyer;
4. invited therefore the authorities to provide information about the outcome of all the re-opened domestic proceedings and the reasoning used by the courts, to enable the Committee to assess whether the self-incriminating statements or confessions, obtained under duress and in violation of the Convention, were properly excluded from the record;

*As regards general measures*

5. welcomed the introduction of the 2012 Code of Criminal Procedure and the 2011 Law of Ukraine on Free Legal Aid and considered that their provisions appear capable of remedying the shortcomings identified by the Court in this group of cases as concerns the violations of Article 6 §§ 1 and 3 (c) by, in particular, providing for legal representation to all detained, accused or suspected persons, whether under administrative or criminal arrest;
6. noted also with satisfaction the practice recommendations issued by the High Specialised Court of Ukraine; considered that they will assist the domestic courts in ensuring an effective right to defence in criminal proceedings in accordance with Convention requirements;
7. urged the authorities to continue to take all necessary measures, including awareness-raising and capacity-building measures for law enforcement officers, to ensure that the provisions of the 2012 Code of Criminal Procedure relating to the right to a lawyer for individuals under arrest are effectively implemented from the commencement of deprivation of liberty by all relevant actors in the judicial system;
8. having regard to the progress made in the execution of these judgments, decided to close the supervision of eight cases in which no further individual measures are required because the just satisfaction has been paid and the applicants have not requested re-opening; and adopted Final Resolution [CM/ResDH\(2017\)295](#);
9. invited the authorities to submit an updated consolidated action plan, providing in particular more detail on the reopened proceedings and the implementation of the new legislation, by 1 March 2018.

\* \* \*

*East/West Alliance Limited*

Interference with the applicant company's property rights resulting from the seizure, sale to third parties, disappearance or the material damage to its property in the course of various proceedings brought against that company by different authorities. (Article 1 of Protocol No. 1) and lack of effective remedy in this respect (Article 13).

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	19336/04
<b>Judgment(s) final on</b>	02/06/2014
<b>First decision of the Committee of Ministers</b>	1259 <sup>th</sup> meeting (June 2016)

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. noted with concern that the Ukrainian authorities have still not paid a large part of the just satisfaction awarded by the European Court and, therefore, urged them to pay the outstanding amount without any further delay;

*As regards general measures*

2. noted that the violations found by the Court in this case originated from unjustified interferences with the applicant company's property rights, which were conducted in an utterly arbitrary manner, in breach of the principle of rule of law and the Ukrainian legislation;
3. therefore, strongly invited the Ukrainian authorities to consider taking specific measures to ensure that similar types of violations are prevented in the future, including by way of issuing instructions by the highest authorities stressing the need for the tax and other competent authorities to act in accordance with the law and recalling that failure to do so could result in criminal and/or disciplinary sanctions;
4. invited also the Ukrainian authorities to consider taking additional measures with a view to preventing the arbitrary application of the law by state officials, as well as enhancing the principle of rule of law, including measures aimed at providing effective judicial review against decisions of the tax authorities.

**1273<sup>th</sup> meeting (6-8 December 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

1. noted that the Ukrainian authorities have paid in full the just satisfaction awarded by the European Court to the applicant company, including the default interest, and that no further individual measure is required in the present case;

*As regards general measures*

2. noted the information provided by the Ukrainian authorities with regard to the liability of officials for failure to comply with final judicial decisions and the reform of the enforcement procedure; invited them to provide additional information in this respect, in light of the recent constitutional amendments on the judiciary, as well as on implementation;
3. noted, in addition, that the authorities have not provided the information requested at the 1259<sup>th</sup> meeting (June 2016) (DH) with regard to other measures required for the full execution of the present case; therefore, strongly invited the authorities to provide the requested information without any further delay;
4. invited the authorities also to provide information on the existence of effective remedies for similar complaints, taking into account the Court's findings in this judgment.

\* \* \*

*Fedorchenko and Lozenko (group)*

Failure to carry out an effective investigation into violent acts against persons of Roma origin and to investigate possible racist motives.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">387/03</a>
<b>Judgment(s) final on</b>	20/12/2012
<b>First decision of the Committee of Ministers</b>	1340 <sup>th</sup> meeting (March 2019)

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

1. recalled that this group of cases concerns the authorities' failure to carry out effective investigations into violent acts allegedly carried out on racial/ethnic grounds;

*As regards individual measures*

2. noted that the just satisfaction has been paid in these cases;
3. noted with interest that six persons have been convicted for their involvement in the arson attack in the *Fedorchenko and Lozenko* case, including one person convicted of wilful destruction of property which caused death and sentenced to nine years' imprisonment; nevertheless, given the need to prevent any appearance of collusion in or State tolerance of unlawful acts, invited the authorities to provide detailed information on the investigative steps taken in order to remedy the specific shortcomings found by the European Court in relation to the possible involvement of a police officer, Major I., in the arson attack;
4. noted that the investigation into the police officers' actions in the *Grigoryan and Sergeyeva* case has been reopened and invited the authorities to provide detailed information regarding the steps taken to identify a possible link between racist attitudes and the actions of the police officers;

*As regards general measures*

5. noted with satisfaction the strengthening of the legislative framework governing criminal responsibility for hate crimes, including those on the basis of racial or ethnic origin; noted also with interest the range of measures taken by the authorities in an effort to ensure that law enforcement authorities effectively investigate possible racist motives, including the development of methodological recommendations for the police, the creation of specialised units, the appointment of specialised investigators and the training of police, prosecutors and judges;
6. noted with concern the recent international reports and the NGO submissions, including on the increase in violent attacks on the Roma community and criticism about often inadequate official responses to such attacks;
7. strongly urged the authorities therefore to redouble their efforts and take all necessary steps to ensure proper identification, classification, investigation and prosecution of hate crimes by all relevant domestic authorities from the outset;
8. called upon the authorities to consider measures to improve the mechanism for accurately recording hate crimes and to monitor the responses of law enforcement authorities and the progress of cases through the justice system so as to be in a position to evaluate the impact of the measures already taken and to identify, where appropriate, the need to take additional targeted measures;
9. invited the authorities to clarify whether the State Bureau of Investigation has the competence to investigate alleged cases of discriminatory motivated misconduct by the police, and to provide more information on the availability of legal aid and procedural protection to victims of racially motivated crime;
10. strongly encouraged the authorities to continue their training, awareness-raising and trust-building activities, and to take advantage of the Council of Europe specialised projects and technical co-operation programmes directly related to the protection of minorities, including Roma;
11. invited the authorities to provide a comprehensive action plan by 1 December 2019.

\* \* \*

## Gongadze

Ill-treatment by the police and ineffective investigations into such complaints (Art. 3 + 13)

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">34056/02</a>
Judgment(s) final on	08/02/2006
First decision of the Committee of Ministers	<a href="#">1115<sup>th</sup> meeting</a> (June 2011)

**[1294<sup>th</sup> meeting \(19-21 September 2017\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

*As regards individual measures*

- noted the confirmation by the Court of Appeal in January 2016 of O. Pukach's life sentence and the continuation of the proceedings before the Court of Cassation and invited the authorities to provide information on the outcome of these proceedings;
- recalled that the Prosecutor General's Office continues its investigation, pending since September 2000, into the instigation and organisation of the disappearance and murder of G. Gongadze, with the possible involvement of former high state officials, and urged the authorities, in view of the considerable time elapsed, further to enhance their efforts to complete the investigation speedily and in compliance with Convention standards.

*As regards general measures*

- welcomed the strengthening of the legislative and institutional framework to enhance the safety of journalists, as well as measures to improve the independence and effectiveness of investigations into crimes against journalists, notably by specific guidelines to the police and prosecutors, training and dissemination activities and invited the authorities to provide information as to the practical effect of these measures;
- noted with interest the information provided on the amendments introduced to the Criminal Code in 2015 and 2016 and the possibility of balancing different rights in the context of criminal proceedings on the basis of the provisions of the new 2012 Code of Criminal Procedure and the judicial practice in this respect;
- invited the authorities to inform the Committee in advance of their DH meeting in June 2018 of any measures taken or envisaged to ensure that journalists have immediate access to protective measures in the light of its Recommendation to member States on the protection of journalism and safety of journalists and other media actors ([CM/Rec\(2016\)4](#)).

**[1324<sup>th</sup> meeting \(18-20 September 2018\)](#)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

The Deputies

- recalling that this case concerns different issues linked to the protection of the safety of journalists and other media actors, following the failure to protect a journalist whose life was threatened and the lack of effective investigation into his subsequent disappearance and killing;

*As regards individual measures*

- reiterated their invitation to the Ukrainian authorities to provide as soon as possible information on the outcome of the cassation proceedings concerning the sentence imposed on O. Pukach, one of the murder perpetrators, and expressed their expectation that these proceedings be rapidly completed;
- deplored that, despite their previous decisions and after almost 18 years, the investigation into the instigation and organisation of the murder of G. Gongadze is still to be fully completed;
- strongly urged the authorities to ensure the swift completion of the investigation in accordance with Convention standards; and invited them to indicate where the investigation presently stands, what difficulties they may face, what measures are under consideration to overcome possible difficulties, and within which timeframe the investigation can be expected to be concluded;



*Gongadze*

Ill-treatment by the police and ineffective investigations into such complaints (Art. 3 + 13)

*As regards general measures*

5. noted with interest that law enforcement authorities and courts appear to be actively applying the new provisions targeting crimes against journalists and journalistic activities; noted however that the statistical information provided is not conclusive in demonstrating the effectiveness of investigations; encouraged therefore the authorities to provide further clarifications of the situation on the ground, to keep the Committee updated on any developments, and to maintain contact with the Secretariat in this regard;
6. noting with concern that the definition of journalist in the Criminal Code is restrictive and might lend itself to a formalistic interpretation, stressed that the Ukrainian authorities have an obligation under the Convention to take a proactive approach when dealing with threats and crimes against persons exercising their freedom of expression, regardless of their formal professional status;
7. noted the authorities' ongoing work to ensure within the legal and institutional framework a system of effective protection for the safety of journalists and other media actors in Ukraine and called on them to provide information about any measures taken or envisaged in this context; reiterated the readiness of the Council of Europe to provide assistance in the further implementation of the reforms, including by providing impact assessments of the legislative measures taken as well as taking part in training activities;
8. invited the authorities to submit by 31 March 2019 an updated and consolidated action plan or report responding to the above decisions with a view to enabling a comprehensive assessment of the impact of the general measures taken.

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*Kaverzin / Afanasyev (group)*

Ill-treatment by the police and ineffective investigations into such complaints (Art. 3 + 13)

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">23893/03 – 38722/02</a>
Judgment(s) final on	15/08/2012 – 05/07/2005
First decision of the Committee of Ministers	1172 <sup>th</sup> meeting (June 2013)

**1201<sup>th</sup> meeting (June 2014)**[List of decisions](#)**Notes of the meeting**Decision

## The Deputies

1. concerning individual measures, noted with concern the information transmitted and invited the Ukrainian authorities to ensure the acceleration of the pending investigations and to provide, by the end of October 2014, further information on the reasons why certain other investigations have not been carried out and why the majority of investigation had been closed without further action;
2. concerning general measures, reiterated their satisfaction with the significant improvements brought about by the new Code of Criminal Procedure and the Law on Free Legal Aid as regards fundamental safeguards against ill-treatment of persons deprived of liberty, and invited the authorities to provide, by end of October 2014, an updated action plan containing their assessment of the practical impact of the reforms introduced and containing the additional measures that they envisage adopting in the light of this assessment and of the relevant recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
3. encouraged, in addition, the authorities to ensure that members of police forces are regularly reminded by their respective hierarchy, at all levels, that ill-treatment is not tolerated and that abuses will be severely punished;
4. decided to concentrate their next examination on the issues related to the effectiveness of investigations and on effective remedies, and invited the Ukrainian authorities to include in the above-mentioned updated action plan concrete information on the measures taken and/or envisaged in these respects.

**1250<sup>th</sup> meeting (8-10 March 2016)**[List of decisions](#)Decisions

## The Deputies

1. *regarding the cases proposed by one delegation*, agreed on the following time-table for the examination of these cases:
  - Groups of *Ciorap, Becciev and Paladi v. Republic of Moldova*: at the 1265<sup>th</sup> meeting (September 2016);
  - Group of *Fuchs v. Poland*: at the latest at the 1273<sup>rd</sup> meeting (December 2016);
  - Group of *Ticu v. Romania*: at the 1273<sup>rd</sup> meeting (December 2016);
  - **Groups of *Kaverzin and Afanasyev v. Ukraine*: at the latest at the 1273<sup>rd</sup> meeting (December 2016);**

\* \* \*

*Kaverzin / Afanasyev (group) / Karabet and Others / Belousov*

Ill-treatment / torture by police and lack of effective investigation.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	23893/03 – 38722/02 - 38906/07 - 4494/07
<b>Judgment(s) final on</b>	15/08/2012 – 05/07/2005 - 17/04/2013 - 07/02/2014
<b>First decision of the Committee of Ministers</b>	1172 <sup>th</sup> meeting (June 2013)

**1265<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. as regards the individual measures, noted with concern that in a large number of cases no progress has been achieved as regards fresh investigations after the European Court's judgments became final;
2. as regards the general measures, regretted that the Ukrainian authorities have not provided in a timely manner their assessment of the practical impact of the reforms introduced by the new Code of Criminal Procedure and noted that effective implementation of this legislation, in particular in terms of enhancing the safeguards in police custody, would constitute a major step for the execution of these groups of cases;
3. strongly urged the Ukrainian authorities to inform the Committee about the implementation of the legislation in question as well as other measures taken to eliminate torture and ill-treatment in custody;
4. called upon the Ukrainian authorities to take measures to ensure that the State Bureau of Investigations becomes operational without delay so that effective investigations in compliance with Convention standards can be carried out;
5. welcomed the commitment expressed by the Ukrainian authorities to engage in bilateral dialogue with the Secretariat and to participate actively in the cooperation activities offered by the Council of Europe and encouraged them to continue to take full benefit of such opportunities in the future;
6. decided to resume the examination of these groups at their DH meeting in March 2017 at the latest.

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. *as regards the individual measures*, noted with concern that the Ukrainian authorities have not provided information in respect of each individual case regarding the investigations carried out to remedy the shortcomings found by the European Court; invited them therefore to submit this information without further delay;
2. *as regards the general measures*, regretted that the information provided by the authorities on the implementation of the new Code of Criminal Procedure remains insufficient to enable a comprehensive assessment of the practical impact of the reforms including whether they are sufficient to eradicate the practice of ill-treatment in custody;
3. reiterated their call on the authorities to submit detailed information about the implementation of this legislation and any other measures taken to eliminate torture and ill-treatment in custody;
4. noted with concern that the State Bureau of Investigations is still not operational and that the authorities have not provided an estimated timeframe for its establishment;
5. reiterated also their call on the authorities to take all necessary measures to ensure that the State Bureau of Investigations becomes operational and is able to conduct effective investigations in compliance with Convention standards without further delay;
6. invited the authorities to submit a consolidated action plan, including an estimated timetable for the establishment of the State Bureau of Investigations, by 1 September 2017 ;
7. decided to resume examination of these cases at their 1302<sup>nd</sup> meeting (December 2017) (DH).

*Kaverzin / Afanasyev (group) / Karabet and Others / Belousov*

Ill-treatment / torture by police and lack of effective investigation.

**1302<sup>nd</sup> meeting (5-7 December 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. noted with satisfaction that the authorities have submitted information concerning the investigations opened after the Court's judgments in 42 of the cases pending;
2. noted nevertheless with concern that the authorities have still to submit information regarding the investigations carried out to remedy the shortcomings found by the European Court in 20 cases; invited them therefore to submit this information together with information on developments in the pending investigations in the *Adnaralov* and *Teslenko* cases by 31 March 2018;
3. invited further the authorities to provide information on the payment of just satisfaction in 13 cases without further delay;
4. instructed the Secretariat to conduct a detailed stocktaking of the information provided on the individual measures with a view to full assessment of the progress made at its next examination of this group;

*As regards general measures*

5. regretted that the information provided by the authorities remains insufficient to discern the overall strategy envisaged to ensure that all forms of ill-treatment in custody are eradicated; urged the authorities to pursue a policy of zero tolerance of ill-treatment and to take all necessary measures, taking into due consideration the Committee's recommendations, to ensure that the provisions of the new Code of Criminal Procedure (and the fundamental safeguards against ill-treatment) are effectively implemented by all relevant actors in the judicial system from the commencement of deprivation of liberty;
6. expressed deep concern that, notwithstanding the Committee's calls, the State Bureau of Investigations is still not operational and urged the authorities to provide an estimated timeframe for its establishment as well as details on its functioning by 31 March 2018;
7. reiterated their call on the authorities to take all necessary measures to ensure that the State Bureau of Investigations becomes operational without further delay and is able to conduct effective investigations in compliance with Convention standards, specifically concerning allegations of ill-treatment;
8. decided to resume consideration of these cases at their 1324<sup>th</sup> meeting (September 2018) (DH) and in the event that no concrete progress has been made on the establishment of the State Bureau of Investigations in the meantime, instructed the Secretariat to prepare a draft interim resolution for that meeting.

**1324<sup>th</sup> meeting (18-20 September 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. noted with interest the information provided by the authorities on the resumption of investigations;
2. deeply regretted nevertheless that, thirteen years after the first judgment in these groups became final, the information provided remains insufficient to ascertain whether all measures have been taken to remedy the shortcomings in the original investigations as identified by the European Court;
3. invited the authorities to explore the necessity of adopting specific measures to enable a competent independent body to carry out a comprehensive review of all of the cases in these groups and adopt reasoned decisions, in accordance with Convention standards; urged them to rapidly submit clear and complete information on the measures taken to address the violations found in these groups of cases;

*As regards general measures*

*Kaverzin / Afanasyev (group) / Karabet and Others / Belousov*

Ill-treatment / torture by police and lack of effective investigation.

4. reiterated that the adoption of the Code of Criminal Procedure remains a fundamental element in the execution of these groups of cases, expressed concern nevertheless that despite several calls from the Committee, the authorities have not submitted a comprehensive analysis of its practical effect on the eradication of all forms of ill-treatment in custody and the conduct of investigations;
5. called therefore upon the authorities to develop relevant assessment tools in order to evaluate the impact of these legislative changes, as well as to conduct an assessment of further needs to improve legislation, including the provisions of the Criminal Code as regards torture, to bring it into compliance with the requirements of Article 3 of the Convention, and to inform the Committee of the results of these assessments;
6. invited the authorities to submit up-to-date information on the impact of the National Preventive Mechanism on the eradication of torture and ill-treatment and to ensure its efficient functioning in complete independence;
7. noted with satisfaction that the State Bureau of Investigations has been established; called upon the authorities to intensify their efforts to ensure its full staffing and effective functioning without further delay; noted in this respect the information submitted by the Director of the State Bureau of Investigations during the meeting; invited the authorities to submit information on follow-up steps to ensure adequate resources to make this body fully operational without further delay, in order that it can conduct effective investigations into allegations of torture and ill-treatment, and invited the authorities to take capacity-building and preventive measures;
8. encouraged the authorities to continue their awareness-raising activities and to make use of the Council of Europe projects and technical co-operation programmes directly related to strengthening the operational capacity of law enforcement agencies and the prosecution service to ensure effective investigations.

**1340<sup>th</sup> meeting (12-14 March 2019)**[List of decisions](#)[Notes of the meeting](#)*Decisions**The Deputies*

1. recalled that these cases mainly concern large-scale violence against prisoners with the involvement of special forces, rapid reaction groups and prison staff, either as punishment or during training exercises, acts towards which the State should apply a zero-tolerance policy;
2. having regard to the similarities between the two cases decided to join their supervision and to transfer the *Davydov and Others* case to the enhanced procedure;

*As regards individual measures*

3. noted that the just satisfaction has been paid to 17 out of the 20 applicants; invited the authorities to explore, in co-operation with the Secretariat, the available ways to discharge their obligation in the three outstanding cases of *Garbuz, Gomenyuk and Tovsultanov*;
4. deeply regretted that the criminal investigations opened by the authorities after these judgments did not lead to any concrete results and appear instead only to have confirmed the findings in the original investigations which were criticised by the European Court;
5. noted also with regret that many of the shortcomings identified by the Court in the initial stages of the investigations, namely the failure to secure evidence, the superficiality of the medical examinations conducted on the applicants at the time and the destruction of documents, are irremediable;
6. expressed their serious concern about the authorities' failure to acknowledge the occurrence of the events and the seriousness of the violations at stake; urged the authorities to explore other avenues in order to provide the applicants with other available forms of redress;

*As regards general measures*

7. noted with concern that the current applicable legislative framework remains excessively broad and continues to allow interventions by special forces and the use of force, special means of restraint and special equipment in very broad circumstances which are not clearly defined;
8. strongly encouraged the authorities to re-examine and amend where necessary the legislative and regulatory framework in order to bring it into line with the relevant criteria developed by the European Court, in particular to ensure that

*Kaverzin / Afanasyev (group) / Karabet and Others / Belousov*

Ill-treatment / torture by police and lack of effective investigation.

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interventions of the special forces in the penitentiary environment occur only in exceptional circumstances and are accompanied by sufficient safeguards;

9. invited the authorities to submit information on the frequency of such interventions in penitentiary institutions in Ukraine and the grounds for the same; urged the authorities to consider training and the elaboration of clear guidelines and protocols to ensure that any exceptional interventions are appropriately prepared, planned and managed so as to minimise the need for use of force;
10. invited the authorities to submit an updated consolidated action plan by 1 December 2019.

\* \* \*

*Kebe and Others*

Lack of adequate safeguards in the border-control procedure to protect against arbitrary removal and lack of effective remedy.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">12552/12</a>
<b>Judgment(s) final on</b>	10/05/2011 - 09/01/2015 - 19/04/2012
<b>First decision of the Committee of Ministers</b>	1331 <sup>th</sup> meeting (December 2018)

[1331<sup>th</sup> meeting \(4-6 December 2018\)](#)

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

The Deputies

1. recalled that this case concerns both the lack of a realistic and practical opportunity for the applicant, a stowaway asylum-seeker, to seek international protection before the decision to refuse his entry into Ukraine, and the lack of an effective remedy with automatic suspensive effect against that decision;

*As regards individual measures*

2. considered that no individual measures are necessary given that the Court did not award any just satisfaction and that the applicant was ultimately able to pursue his international protection claim in Ukraine; noted further that the applicant has been granted refugee status in Sweden, where he now resides;

*As regards general measures*

3. noted the existing legal and regulatory framework which provides that state border guards are obliged to accept applications for international protection from persons at the border and transfer them to the Migration Service for a decision on their claims; noted also with interest the range of measures taken by the authorities to ensure that this legislation is correctly applied, including the adoption of relevant Rules, the training of state border service personnel and other awareness-raising measures;
4. noted nevertheless with concern the recent reports, including from the United Nations High Commissioner for Refugees, about the practical difficulties which continue to be encountered by individuals trying to request international protection at the border of Ukraine;
5. strongly encouraged the authorities therefore to take all necessary steps to ensure that adequate safeguards are in place during the border control procedure so that the individuals concerned receive in a language they understand the necessary information, application forms and advice to enable them to lodge applications for international protection; encouraged further the authorities to allow independent monitoring personnel, such as representatives of the UNHCR and its partners, the Free Legal Aid Centres and relevant NGOs, access to border crossing points;
6. called upon the Ukrainian authorities to put in place an effective remedy with automatic suspensive effect against the decisions of border guards refusing asylum-seekers leave to enter so that their applications for international protection are examined;
7. invited the authorities to provide an updated action plan or report by 1 September 2019.

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**Kharchenko (group) / Chanyev / Korneykova**

Unlawful arrests and unlawful and lengthy detention on remand.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	40107/02 - 46193/13 - 39884/05
<b>Judgment(s) final on</b>	10/05/2011 - 09/01/2015 - 19/04/2012
<b>First decision of the Committee of Ministers</b>	1120 <sup>th</sup> meeting (September 2011)

**1265<sup>th</sup> meeting (8-9 December 2015)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures*

1. recalled that none of the applicants in respect of whom the Court found a violation of Article 5 of the Convention were in detention on remand at the time the Court delivered its judgments (having either been released or convicted);
2. invited, however, the Ukrainian authorities to provide rapidly information on the acceleration and possible termination of the proceedings in the cases of *Baryshevskyy*, *Pleshkov*, *Taran* and *Rudenko* and on the reopening of the criminal proceedings in the *Ruslan Yakovenko* case;

*As regards general measures*

3. noted that the Code of Criminal Procedure, in force since November 2012, has largely improved the procedure for detention on remand;
4. noted, however, that certain violations of Article 5 have not been resolved by the new Code, as demonstrated notably by the European Court's conclusion that detention on remand continues to be imposed in the absence of any court order in certain situations (*Chanyev* judgment) and, more generally, by the 2015 evaluation report on the practical implementation of the new 2012 Code of Criminal Procedure prepared by Council of Europe experts;
5. consequently, strongly invited the Ukrainian authorities to provide, by 31 January 2017 at the latest, a comprehensive action plan or action report addressing fully all the violations of Article 5 found by the Court, in the light of the development of judicial practice, including also the absence of effective remedies in respect of unlawful detention and providing relevant statistical information;
6. insisted on the urgency of rapidly bringing to a conclusion the remaining necessary legislative reforms and on the necessity of ensuring in the meantime that all possible practical measures are taken by courts and prosecutors to prevent further violations of Article 5 with regard to detention on remand;
7. recalled the importance of the authorities' continuing to benefit in full from the ongoing cooperation programmes with the Council of Europe in the area of criminal justice;
8. decided to resume examination of these cases at their DH meeting in March 2017.

**1280<sup>th</sup> meeting (7-10 March 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

## The Deputies

*As regards individual measures*

1. noted the information provided by the Ukrainian authorities and considered, as regards the cases of *Ruslan Yakovenko* and *Baryshevskyy*, that no further individual measures are necessary;
2. invited the authorities to provide additional information, by 12 June 2017, indicating whether the proceedings have been terminated in the cases of *Pleshkov*, *Taran* and *Rudenko*;

*As regards general measures*



*Kharchenko (group) / Chanyev / Korneykova*

Unlawful arrests and unlawful and lengthy detention on remand.

3. having regard to the information provided by the authorities, reiterated their request that they submit to the Committee a comprehensive action plan or action report addressing all aspects of the violations of Article 5 in the present cases; they are requested to provide this information by 12 June 2017 at the latest;
4. as regards, specifically, the *Chanyev* case, noted with interest that proposals for amendment of the legislation have been submitted to Parliament and that the Higher Specialised Court has issued a practice recommendation; strongly urged the authorities to ensure that the legislative process is completed as soon as possible;
5. in this context, encouraged the authorities to cooperate with the Secretariat for the assessment of the legislative proposals submitted to Parliament, as well as any other measure of a general nature aimed at improving the practical implementation of the requirements of Article 5 of the Convention;
6. decided to resume consideration of the present cases at their 1294<sup>th</sup> meeting (September 2017) (DH).

**1294<sup>th</sup> meeting (19-21 September 2017)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

*As regards individual measures*

1. invited the authorities to provide information as regards the payment of just satisfaction in the cases of *Gudz, Livada, Pleshkov, Pankratyev, Semenenko, Shust, Kosteychuk, Ignatov, and Rusyn*, and to indicate whether the criminal proceedings have been concluded in the case of *Pleshkov*;

*As regards general measures*

2. noted the introduction of the 2012 Code of Criminal Procedure and considered that it appears capable of remedying most of the shortcomings identified by the Court under Article 5 §§ 1, 3 and 4 in this group of cases; nevertheless regretted that the Ukrainian authorities have not yet provided a comprehensive evaluation of the 2012 Code of Criminal Procedure which fully addresses all the violations of Article 5 found by the Court, in the light of the development of judicial practice; and urged the authorities to submit this information by 12 March 2018 at the latest;
3. in light of the *Ignatov* judgment, which found that, notwithstanding the adoption of 2012 Code of Criminal Procedure, the applicant was detained on remand in 2013-2014 in breach of Articles 5 §§ 1(c), 3 and 4, urged the authorities to continue taking all necessary measures with due regard to the Court's indications under Article 46 of the Convention, including awareness-raising and capacity-building measures, to ensure that the provisions in the new Code relating to detention on remand are effectively implemented by all relevant actors in the judicial system, including the prosecution;
4. specifically as regards the *Chanyev* case, which requires the amendment of legislation, noted with interest the existence of two draft laws and the pending proceedings before the Constitutional Court regarding the problem of detention without a court order between the end of the investigation and the beginning of the trial; strongly urged the authorities to ensure that the legislative process is completed as soon as possible and that the new legislative provisions respond to the European Court's findings and invited the authorities to provide information concerning the results of this work as well as the outcome of the proceedings before the Constitutional Court;
5. having regard to the steps made in the execution of these judgments, adopted Final Resolution [CM/ResDH\(2017\)296](#) and decided to continue the examination of the outstanding questions in the context of the case of *Ignatov* and the remaining cases of this group at their DH meeting in June 2018, at the latest.

*Ignatov (group) / Chanyev / Korneykova*

Unlawful arrests and unlawful and lengthy detention on remand.

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. decided to close the examination of six cases in this group for which no further individual measures are required, as the applicants are no longer in detention on remand and all required individual measures have also been taken in respect of the other violations found by the Court, and adopted Final Resolution [CM/ResDH\(2018\)231](#);
2. invited the authorities to provide information as regards the payment of just satisfaction in the cases of *Barskyy, Nakonechnyy, Prigarin and Others*, and *Mikhaylov and Others*, and to indicate whether the criminal proceedings have concluded in the case of *Mikhaylov and Others*;

*As regards general measures*

3. noted with interest the ongoing efforts made by the Ukrainian authorities aimed at aligning Ukrainian legislation and practice with the requirements of Articles 5 §§ 1 and 3, in particular the contribution made by the Constitutional Court; nevertheless, in light of the recent judgments of the Court on these issues, invited the authorities to provide further information on the practical impact of the measures taken and the effective implementation of the 2012 Code of Criminal Procedure in this respect;
4. noted with interest the submission to Parliament of a draft law which appears to fill the lacunas criticised by the European Court in the *Chanyev* judgment, if applied properly; called upon the authorities to accelerate and complete the legislative process and keep the Committee informed of all developments in the adoption of the draft law;
5. noted with regret, as regards Articles 5 §§ 4 and 5 and the remaining aspects of Article 5 § 1, that the Ukrainian authorities have not yet provided a comprehensive evaluation of the impact of the adoption and implementation of the 2012 Code of Criminal Procedure as previously requested by the Committee, in the light of the development of judicial practice and any additional measures envisaged;
6. invited the authorities to submit a comprehensive action plan with the all of above information based on complete and up-to-date statistics, including in respect of the detention of minors, as well as information on the dissemination and training activities of all authorities, including prosecutors and courts, by 1 February 2019 at the latest.

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. decided to close the examination of one case in this group for which no further individual measures are required, as the applicant is no longer in detention on remand and the just satisfaction has been paid, and adopted Final Resolution [CM/ResDH\(2019\)149](#);
2. invited the authorities to provide information on the criminal proceedings which are currently pending;

*As regards general measures*

3. welcomed the statistical information on the reduced application by the courts of preventive measures involving deprivation of liberty in 2018; urged the authorities to develop a system of collecting statistics concerning the length of detention on remand, invited them to submit such statistics and to continue to provide updated statistical information reflecting the application of the 2012 Code of Criminal Procedure;
4. invited the authorities to submit a comprehensive overview of domestic detention practices, including prosecutorial and judicial practice, based on the outstanding issues identified in the *Ignatov* judgment;

*Kharchenko (group) / Chanyev / Korneykova*

## Unlawful arrests and unlawful and lengthy detention on remand.

5. encouraged the authorities to accelerate the adoption of the law prepared in response to the *Chanyev* judgment concerning automatic extension of detention between the end of the investigation and the beginning of the trial;
6. also encouraged the authorities to accelerate the adoption of the law codifying the right to compensation for unlawful detention; welcomed the emerging practice of awarding such compensation under the existing legislation and, in case the relevant law is not adopted in time for the next examination of this group of cases, invited the authorities to provide detailed statistics and examples of relevant judicial decisions;
7. welcomed the significant drop in the number of minors detained on remand and invited the authorities to submit more detailed information about the gravity of the crimes of those detained and the reasons for considering that less restrictive preventive measures were not sufficient;
8. welcomed the information on the regular awareness-raising and capacity-building measures for judges and prosecutors on issues related to Article 5;
9. urged the authorities to provide information about the measures adopted or planned to address the violations of Article 5 § 4 and the remaining aspects of Article 5 § 1 by 1 February 2020.

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**Khaylo (group)**

Violations of right to life (in particular on account of medical negligence) and lack of effective investigation.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">39964/02</a>
<b>Judgment(s) final on</b>	13/02/2009
<b>First decision of the Committee of Ministers</b>	1273 <sup>th</sup> meeting (December 2016)

**[1273<sup>th</sup> meeting \(6-8 December 2016\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

1. recalled that in the present group of cases the European Court found procedural violations of Article 2 of the Convention on account of the lack of effective investigations into the deaths of the applicants' relatives caused, *inter alia*, by road traffic accidents, illegal acts of private individuals or in unclear circumstances;
2. *as regards individual measures*, noted with concern that the authorities have not provided information on the status of the pending investigations, nor have they provided information on the measures undertaken with a view to correcting the deficiencies established by the European Court in the cases in which the proceedings were terminated; strongly invited the authorities to provide such information without any further delay;
3. *as regards general measures*, noted the important judicial reforms undertaken relating to the conduct of criminal investigations in general;
4. regretted, however, that the authorities have not provided comprehensive information on the specific measures taken and/or envisaged with a view to addressing deficiencies in investigations into deaths as in the present cases or their assessment of the practical impact of the reforms introduced by the new Code of Criminal Procedure;
5. strongly urged the authorities to inform the Committee about the implementation of the legislation in question as well as other measures taken to respond to the European Court's criticisms concerning the investigations in the present cases;
6. invited the authorities to pursue their bilateral dialogue with the Secretariat and to participate actively in the cooperation activities offered by the Council of Europe and encouraged them to continue to take full benefit of such opportunities in the future;
7. invited the authorities to submit the information requested by 15 March 2017 at the latest;
8. decided to resume consideration of these cases at their 1294<sup>th</sup> meeting (September 2017) (DH) at the latest.

**[1294<sup>th</sup> meeting \(19-21 September 2017\)](#)**[List of decisions](#)**[Notes of the meeting](#)***Decisions*

## The Deputies

*As regards individual measures*

1. noted with satisfaction that the just satisfaction awarded by the European Court has been paid in most cases; invited the authorities to submit information on payment of the just satisfaction in the eight outstanding cases;
2. noted with concern that the authorities have not yet provided any information on the status of the investigations in 17 cases of this group and invited them to do so without delay;
3. noted with satisfaction that the prosecution authorities have either reopened the initial investigations or opened investigations into negligence in the conduct of the initial proceedings in the majority of the cases; invited them both to supplement the information submitted on the status of the pending investigations and to use all measures to expedite them with a view to their full and rapid completion, and subsequently to inform the Committee of their outcome;

*As regards general measures*

4. welcomed the important judicial reforms taken to improve the conduct of criminal investigations, based on the adoption of the 2012 Code of Criminal Procedure, and noted that further legislative reforms are underway in this regard;

*Khaylo (group)*

Violations of right to life (in particular on account of medical negligence) and lack of effective investigation.

5. invited the authorities to provide further detailed information on the implementation of these measures as well as on the administrative steps taken to address all the practical shortcomings identified by the European Court;
6. having regard to the progress made in the execution of these judgments, decided to close the supervision of seven cases in which no further individual measures are required because the just satisfaction has been paid and the criminal proceedings have terminated; and adopted Final Resolution [CM/ResDH\(2017\)294](#);
7. invited the authorities to submit an updated consolidated action plan with all relevant details by 1 April 2018 at the latest.

**1324<sup>th</sup> meeting (18-20 September 2018)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

*As regards individual measures*

1. noted that no further individual measures are required in 14 repetitive cases in this group given that the criminal proceedings have now ended and the just satisfaction, where applicable, has been paid; decided, without prejudice to the Committee's evaluation of the general measures, to close their examination by adopting Final Resolution [CM/ResDH\(2018\)357](#);
2. urged the authorities to take all necessary and possible measures to accelerate the pending investigations with a view to their completion in accordance with Convention principles as laid down in the Court's case law and to keep the Committee updated with all developments and the results of these proceedings;

*As regards general measures*

3. noted with interest the information provided and the authorities' efforts to address the shortcomings identified by the Court at the legislative and institutional levels;
4. noted that many of the outstanding questions on the implementation of the Code of Criminal Procedure and the strengthening of the capacity of law enforcement agencies and prosecutors are presently being worked on in the context of ongoing co-operation projects and the Council of Europe Action Plan for Ukraine 2018-2021;
5. strongly encouraged the authorities therefore to take full advantage of those projects, including the programmes aimed at developing tools for measuring the impact of the Code of Criminal Procedure in practice;
6. invited the authorities to provide, in the light of the experience gained in the context of on-going co-operation projects and the Council of Europe Action Plan for Ukraine, information on the impact of the measures already taken and on further measures, if necessary, envisaged to address the outstanding issues in this group of cases.

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*Nevmerzhitsky (group) / Yakovenko (group) / Logvinenko (group) / Isayev (group) / Melnik (group)*

Ill-treatment / torture by police and lack of effective investigation.

Status of execution	HUDOC-EXEC
Application(s) No(s).	54825/00 - 15825/06 - 13448/07 - 28827/02 - 72286/01
Judgment(s) final on	12/10/2005 - 25/01/2008 - 14/01/2011 - 28/08/2009 - 28/06/2006
First decision of the Committee of Ministers	1144 <sup>th</sup> meeting (June 2012)

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. welcomed the presence of the Deputy Minister of Justice of Ukraine on Prison Matters;

*As regards individual measures*

2. noted that the majority of applicants have been released and considered that no further individual measures are required in those cases; invited the authorities to clarify the current conditions of detention of the applicants in the cases of *Truten*, *Zakshevskiy*, *Logvinenko* and *Petukhov*, and to take all necessary measures to ensure that they are brought into line with the Convention;
3. noted that those applicants who are still detained and require medical treatment are receiving it and encouraged the authorities to ensure that adequate medical care continues to be provided;

*As regards general measures*

4. noted the authorities' commitment to adopting comprehensive measures to resolve the complex issues raised by these judgments and the important legislative and institutional reforms underway;
5. noted the efforts taken to improve conditions of detention in police stations and invited the authorities to confirm that police establishments are no longer used for prolonged detention;
6. with regard to conditions of detention in pre-trial detention facilities and prisons, noted the introduction of the probation system and strongly encouraged the authorities to explore further the use of alternatives to detention to reduce overcrowding;
7. strongly encouraged the authorities to focus on elaborating a coherent strategy to fight overcrowding and remedy the broader shortcomings in detention conditions, drawing inspiration from the relevant recommendations of the European Committee for the Prevention of Torture (CPT) and the Committee of Ministers;
8. noted the efforts taken to improve access to healthcare for detainees and urged the authorities to provide information on coherent long term strategies developed to respond to all the deficiencies found by the Court;
9. urged the authorities to submit information on the measures taken to improve conditions of detainees' transportation in line with CPT and Committee of Ministers' recommendations;
10. noted the elaboration of a draft law aimed at introducing both preventive and compensatory remedies and strongly encouraged the authorities to continue their efforts, in the context of the on-going cooperation activities with the Council of Europe, to put in place an effective remedy or combination of remedies;
11. noted the authorities' indications that they are working on electronic processing and storage of documents in order to prevent similar violations of Article 38; noted also the new legal framework on forced feeding aimed at responding to the violation of Article 3 in the case of *Nevmerzhitsky* and invited the authorities to submit all relevant information on the implementing framework, including any relevant guidelines or medical instructions;

*Future examination*

12. decided to change the classification indicator for all of these groups from complex problem to structural problem, given that it is increasingly clear from the Court's judgments that the issues raised are structural in nature;
13. decided to examine these groups as follows:
  - December 2017 (DH): the establishment of effective remedies and conditions of detention in pre-trial detention centres;

## *Nevmerzhitsky (group) / Yakovenko (group) / Logvinenko (group) / Isayev (group) / Melnik (group)*

Ill-treatment / torture by police and lack of effective investigation.

- March 2018 (DH): conditions of detention in prisons and access to medical care in detention;
- June 2018 (DH): conditions of detention in police establishments and during transportation.

### **1302<sup>nd</sup> meeting (5-7 December 2017)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

The Deputies

#### *As regards individual measures*

1. invited the authorities to clarify the current conditions of detention of the applicants in the cases of *Zakshevskiy* and *Litvina* and to take all necessary measures to ensure that the detention conditions of all the applicants that are still detained are brought into line with the Convention;

#### *As regards general measures*

#### *Conditions of detention in pre-trial detention centres*

2. noted with satisfaction the legislative and administrative measures underway to reform the penitentiary system, and in particular the efforts taken towards the full implementation of the probation system to reduce the overall prison population;
3. strongly encouraged the authorities to continue with these reforms and to put in place a clear global strategy to address all the deficiencies in material conditions in pre-trial detention centres taking into due consideration the recommendations of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

#### *Establishment of effective remedies*

4. considered that, in light of the length of time that this issue has been pending, it is now urgent that the authorities take decisive action to establish both preventive and compensatory remedies in line with the European Court's case law;
5. invited the authorities to submit full details on the content of the draft law currently pending before the Parliament, together with clarifications on the outstanding issues, by 21 December 2017;
6. decided to re-examine the issue of the establishment of effective remedies, together with conditions of detention in prisons and access to medical care, at their 1310<sup>th</sup> meeting (March 2018) (DH).

### **1310<sup>th</sup> meeting (13-15 March 2018)**

[List of decisions](#)

#### [Notes of the meeting](#)

#### *Decisions*

The Deputies

#### *As regards individual measures*

1. noted that no further individual measures are required in 24 repetitive cases in these groups, given that the applicants are no longer in detention and the just satisfaction, where awarded, has been paid; decided, without prejudice to the Committee's evaluation of the general measures, to close their examination by adopting Final Resolution [CM/ResDH\(2018\)110](#);
2. invited the authorities to submit complete information on the payment of just satisfaction, including default interest where applicable, in the 19 remaining cases;
3. reiterated their invitation to the authorities to provide detailed up-to-date information on the situation of the applicants still in detention and to take all necessary measures to ensure that their conditions of detention are brought into line with the Convention;

*Nevmerzhitsky (group) / Yakovenko (group) / Logvinenko (group) /  
Isayev (group) / Melnik (group)*

Ill-treatment / torture by police and lack of effective investigation.

*As regards general measures*

4. noted with interest the information submitted by the authorities regarding the on-going reform of the penitentiary system; regretted however that the information submitted so far is not sufficiently detailed to demonstrate concrete results either in terms of reduction in overcrowding or improvement in material conditions of detention and access to medical care;
5. strongly urged the authorities to adopt a comprehensive long-term strategy capable of leading to the resolution of these problems of a structural nature, drawing due inspiration from the longstanding recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as the Committee of Ministers' recommendations in the areas concerned;
6. expressed profound concern that, despite the Committee's repeated calls, the authorities have not yet taken decisive action to establish, in law and in practice, preventive and compensatory remedies in line with the European Court's case law; considered that the lack of progress and the continuing influx of similar applications put an undue burden on the Court and undermine the credibility of the authorities' commitment to resolve the long-standing issues identified in numerous judgments of the Court;
7. decided to resume examination of these groups of cases at the 1331<sup>st</sup> meeting (December 2018) (DH) at the latest and, in the event that no concrete progress has been made on the establishment of effective compensatory and preventive remedies in the meantime, instructed the Secretariat to prepare a draft interim resolution for that meeting.

**1331<sup>th</sup> meeting (4-6 December 2018)**

[List of decisions](#)

[Notes of the meeting](#)

*Decision*

The Deputies adopted Interim Resolution [CM/ResDH\(2018\)472](#).

.....

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention");

Having regard to the judgments of the European Court of Human Rights ("the Court") in the *Nevmerzhitsky, Yakovenko, Logvinenko, Isayev and Melnik* groups of cases against Ukraine (see list in appendix) transmitted to the Committee for supervision of their execution under Article 46 of the Convention;

Recalling that the problems revealed by the present cases, notably the inhuman and/or degrading treatment suffered by the applicants because of overcrowding, poor material conditions of detention and insufficient medical care in detention and the lack of an effective remedy in respect thereof, for which the Court found violations of Articles 3 and 13 of the Convention, have been pending before the Committee since 2005;

Underlining that, given the structural nature of the problems arising from the judgments of these groups, and the many years that have elapsed since the issues first came to the attention of the Committee, it is of paramount importance that the authorities now take concrete and decisive steps to address all these deficiencies;

Noting with interest the adoption of the Passport for Reform, a strategy paper in which the authorities seem to have identified the main obstacles to the improvement of conditions of detention in Ukraine;

Recalling that in previous decisions the Committee has repeatedly called upon the authorities to take decisive action to establish, in law and in practice, preventive and compensatory remedies in line with the European Court's case-law;

Noting that some steps have been taken to initiate reflection on the adoption of such remedies by the establishment of a working group but that no concrete progress in this respect has so far been reported;

STRESSED the seriousness of the implications based on the nature of the findings in the present judgments relating to the absolute prohibition of torture and ill-treatment in Article 3 of the Convention;

UNDERLINED the urgent need for the authorities to follow up on their Passport for Reform and continue to work on the adoption of a comprehensive long-term strategy capable of leading to the resolution of these problems of a structural



*Nevmerzhitsky (group) / Yakovenko (group) / Logvinenko (group) /  
Isayev (group) / Melnik (group)*

Ill-treatment / torture by police and lack of effective investigation.

nature, with clear and binding timelines for the adoption of the relevant measures and the provision of the necessary human and financial resources;

RECALLED that the lack of concrete steps to establish effective domestic remedies for allegations of ill-treatment on account of overcrowding, poor material conditions of detention and insufficient medical care in detention undermines the credibility of the authorities' commitment to resolve these long-standing issues;

NOTED that, in view of the increasing number of applications brought before the European Court, this lack of progress also puts an additional undue burden on the Convention system;

NOTED that, in order for such remedies to be effective in practice, there should at the same time be an overall improvement of material conditions and medical care in detention;

CALLED UPON the authorities to act on their commitment to resolve the problems linked to conditions of detention and, therefore, to establish, as a matter of priority, effective domestic remedies for allegations of ill-treatment on account of overcrowding, poor material conditions and insufficient medical care in detention.

\* \* \*

## Oleksandr Volkov

Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 + 8).

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">21722/11</a>
Judgment(s) final on	27/05/2013
First decision of the Committee of Ministers	<a href="#">1172<sup>th</sup> meeting</a> (June 2013)

### [1193<sup>th</sup> meeting \(4-6 March 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decision

#### The Deputies

1. as regards individual measures, reiterated their call upon the Ukrainian authorities to abide without further delay by their unconditional obligation to secure the applicant's reinstatement in the post of judge of the Supreme Court;
2. as regards general measures, encouraged the Ukrainian authorities to pursue in close co-operation with the Secretariat the necessary constitutional and legislative reforms to improve the independence of the Ukrainian judicial system, taking fully into account the requirements of the European Convention on Human Rights.

### [1201<sup>th</sup> meeting \(June 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decision

#### The Deputies

1. as regards the individual measures, noted with interest the information provided by the Ukrainian authorities that a draft resolution, allowing the reinstatement of the applicant to his post of judge of the Supreme Court, is pending before Parliament and expressed their confidence that this draft resolution will be adopted without delay;
2. as regards the general measures, urged the Ukrainian authorities to provide, without further delay, a detailed and revised action plan regarding the ongoing constitutional and legislative reforms to improve the independence of the Ukrainian judicial system and to clarify any impact of Law No. 1188-VII "On Restoring Confidence in the Judicial Power in Ukraine" on the general measures required for the full execution of the judgment;
3. reiterated their encouragement to the Ukrainian authorities to pursue in close co-operation with the Secretariat, the constitutional and legislative reforms necessary to improve the independence of the Ukrainian judicial system, taking fully into account the requirements of the European Convention.

### [1208<sup>th</sup> meeting \(23-25 September 2014\)](#)

[List of decisions](#)

#### [Notes of the meeting](#)

#### Decision

#### The Deputies

#### *As regards individual measures,*

1. recalling the Court's decision under Article 46 of the Convention, according to which the applicant should be reintegrated in his post of judge of the Supreme Court at the earliest possible date, expressed their grave concern given the continued lack of progress for almost one and a half years in the different initiatives before Parliament aimed at ensuring the applicant's reinstatement;
2. therefore, urged again the Ukrainian authorities to abide by the Court's judgment without further delay, exploring, if necessary, all available options other than by Parliament, and to inform the Committee before its December 2014 DH meeting about the progress achieved;
3. noted, in this context, the information provided orally during the debate by the Ukrainian authorities according to which a post of judge remains vacant on the Supreme Court;

**Oleksandr Volkov**

Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 + 8).

4. decided to resume detailed consideration of the questions raised by the present case at their 1214th meeting (December 2014) (DH) and instructed the Secretariat, if the reintegration has not taken place in good time for that meeting, to prepare a draft interim resolution to be circulated in the revised draft order of business of the said meeting;

*As regards general measures,*

5. noted with interest the information provided orally by the Ukrainian authorities during the debate and invited the authorities to submit such information in writing by 15 October 2014 at the latest.

**1214<sup>th</sup> meeting (23-25 September 2014)**

[List of decisions](#)

**Notes of the meeting***Decision*

The Deputies adopted Interim Resolution CM/ResDH(2014)275.

**Interim Resolution CM/ResDH(2014)275****Execution of the judgment of the European Court of Human Rights****Oleksandr Volkov against Ukraine**

*(adopted by the Committee of Ministers on 4 December 2014 at the 1214th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (hereinafter "the Convention"),

Recalling that the violations established in the present case stem from the applicant's dismissal as a judge of the Supreme Court in violation of the fundamental principles of procedural fairness enshrined in Article 6 of the Convention and in a manner incompatible with the requirements of lawfulness under Article 8 of the Convention;

Recalling also the urgency of adopting individual measures and that the Court held in its judgment that Ukraine should secure the applicant's reinstatement in the post of judge of the Supreme Court at the earliest possible date;

Expressing grave concern that despite the efforts deployed by the Ukrainian authorities to ensure, by way of a parliamentary resolution, the applicant's reinstatement as required by the Convention, such a resolution has still not been adopted;

Recalling in this context that the Committee of Ministers has called upon the Ukrainian authorities also to explore all reinstatement options available, other than the parliamentary options, and that this call has not yielded any results;

Faced with this situation, underlining the obligation of every State, under the terms of Article 46, paragraph 1, of the Convention to abide by the final judgments of the European Court in any case to which they are a party,

CALLS UPON the Ukrainian authorities to take without any further delay all necessary measures to secure the applicant's reinstatement as a judge of the Supreme Court.

**1222<sup>th</sup> meeting (11-12 March 2015)**

[List of decisions](#)

**Notes of the meeting***Decisions*

The Deputies

1. *as regards individual measures*, welcomed the applicant's reinstatement to his post of judge of the Supreme Court;
2. *as regards general measures*, invited the Ukrainian authorities to transmit an updated and comprehensive action plan on the general measures envisaged and to take full benefit of all co-operation opportunities offered by the Council of Europe to ensure that the judiciary is reformed in line with Convention standards.

**1230<sup>th</sup> meeting (3-5 June 2015)**

[List of decisions](#)

**Notes of the meeting**

*Oleksandr Volkov*

Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 + 8).

*Decisions*

## The Deputies

1. *as regards individual measures*, recalled that the urgent measure as required by the judgment has been taken and decided to resume consideration of any remaining individual measures after the Court has rendered its judgment on the question of just satisfaction;
2. *as regards general measures*, noted with interest the updated action plan of April 2015 detailing the authorities' analysis of the issues identified by the Court in its *Oleksandr Volkov v. Ukraine* judgment which were already addressed, in particular through the recent law "On Ensuring the Right to Fair Trial", and of those issues which still remain to be resolved;
3. stressed that the reform of the Constitution is essential to a full execution of the present judgment in order to restructure the institutional basis of the system of judicial discipline, as called for by the Court's judgment;
4. encouraged therefore the Ukrainian authorities to ensure that rapid advances are made in the constitutional reform and invited them to keep the Committee regularly informed about all relevant developments;
5. welcomed the Ukrainian authorities' active participation in the co-operation activities offered by the Council of Europe and encouraged them to continue to take full benefit of such opportunities in the future.

*Oleksandr Volkov / Salov (group)*

Various violations related to the independence and impartiality of the judiciary; unfair disciplinary proceedings brought against a judge.

<b>Status of execution</b>	HUDOC-EXEC
<b>Application(s) No(s).</b>	21722/11 - 65518/01
<b>Judgment(s) final on</b>	27/05/2013 - 06/12/2005

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. welcomed the adoption by the Ukrainian authorities of the constitutional amendments, in force since 30 September 2016, which provide for a new legal framework for the judiciary in Ukraine, including in respect of judicial discipline;
2. instructed the Secretariat to prepare a detailed assessment of the information provided as well as the measures taken and envisaged to execute the *Oleksandr Volkov* judgment before their 1280<sup>th</sup> meeting (March 2017) (DH) with a view to a full assessment of the progress made;
3. invited the Ukrainian authorities to provide information on the execution of the *Salov* group of cases by 15 December 2016 at the latest and decided to resume consideration of all these cases at their 1280<sup>th</sup> meeting.

**1280<sup>th</sup> meeting (7-10 March 2017)**

[List of decisions](#)

[Notes of the meeting](#)

*Decisions*

## The Deputies

1. noted with satisfaction the progress achieved in the reform of the systems of judicial discipline and careers and in particular the adoption by the Ukrainian authorities of the constitutional amendments and enacting legislation which provide a new comprehensive legal framework for the judiciary, including in respect of discipline and careers;

## *Oleksandr Volkov / Salov (group)*

Various violations related to the independence and impartiality of the judiciary; unfair disciplinary proceedings brought against a judge.

2. welcomed the adoption by the Ukrainian authorities of the Law on the Higher Council of Justice and the Rules of Procedure for that Council, as well as the fact that the Higher Council of Justice is now fully operational under the new regulations;
3. urged the authorities to address the outstanding issues identified in the Secretariat's detailed assessment ([H/Exec\(2017\)1](#)) without undue delay and invited them to keep the Committee informed of further developments in this respect;
4. encouraged in that regard the authorities further to pursue, in close co-operation with the Secretariat and with the assistance of the Council of Europe's cooperation activities and technical advice, the necessary steps to ensure that practical measures are taken to implement the legislative reforms in line with Convention requirements;
5. invited the authorities to provide the Committee, by 1 December 2017 at the latest, with a comprehensive updated action plan or action report specifying further developments in the execution of the *Oleksandr Volkov* and *Salov* groups of cases, together with clarifications on the outstanding issues identified, including on the dismissal of the judges by the Parliament under the procedures in place before 1 October 2016, and decided to resume consideration of these cases at the June 2018 DH meeting.

**1318<sup>th</sup> meeting (5-7 June 2018)**

[List of decisions](#)

### Notes of the meeting

#### *Decisions*

#### The Deputies

#### *As regards individual measures*

1. noted the information submitted by the authorities as to the individual measures adopted in the cases of *Salov*, *Belukha*, and *Feldman*; adopted Final Resolution [CM/ResDH\(2018\)232](#) and decided to continue the examination of the outstanding questions in the context of the *Oleksandr Volkov* group of cases;
2. invited the authorities to provide updated information as regards the reopening of proceedings in the case of *Kulykov and Others*, and encouraged them to complete this process with the aim of fully achieving *restitutio in integrum* as regards the applicants;

#### *As regards general measures*

3. noted with satisfaction the progress achieved on the issues concerning judicial discipline and careers previously identified by the Committee as outstanding;
4. welcomed the fact that the High Council of Justice and its Disciplinary Chambers, as well as the new composition of the Supreme Court, including its Grand Chamber, are now fully operational under the new regulations and that these bodies have developed consistent practice on the application of disciplinary sanctions to judges, based on respect for the fundamental principles identified in the Convention, the case law of the Court and Council of Europe recommendations;
5. noted with interest the information submitted on the outstanding issue related to the appeal procedure against decisions on the careers or promotions of judges and invited the authorities to provide information as to its implementation in practice;
6. noted that the information submitted by the authorities regarding the appeals by judges against their dismissal by Parliament in the transitional period pending the introduction of the Constitutional amendments does not contain the grounds for the decisions taken thus far; and encouraged the authorities to provide detailed information in this regard and to complete rapidly those proceedings still pending in line with Convention principles and the case law of the Court and keep the Committee informed.

\* \* \*

*Tymoshenko*

Restriction of liberty also for other reasons than those permissible under Article 5 (Article 18 in conjunction with Article 5).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">49872/11</a>
<b>Judgment(s) final on</b>	30/07/2013
<b>First decision of the Committee of Ministers</b>	<a href="#">1179<sup>th</sup> meeting</a> (September 2013)

**[1193<sup>th</sup> meeting](#) (4-6 March 2014)**

[List of decisions](#)

**[Notes of the meeting](#)***Decision*

## The Deputies

- noted with satisfaction that the applicant was released on 22 February 2014 following a parliamentary resolution to this effect;
- as regards general measures aimed at preventing circumvention of legislation by prosecutors and judges for undue purposes, noted that the legislative reform of the prosecution service and the constitutional reform aimed at strengthening the independence of the judiciary are under way and invited the Ukrainian authorities to work in close co-operation with the Secretariat in this reform process.

\* \* \*

*Vasiliy Ivashchenko / Naydyon (group)*

Refusal by the authorities to provide the applicants, while in detention, with copies of documents for their application to the European Court (Article 34).

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">760/03 - 16474/03</a>
<b>Judgment(s) final on</b>	26/10/2012 - 14/01/2011
<b>First decision of the Committee of Ministers</b>	1193 <sup>th</sup> meeting (March 2014)

**1193<sup>th</sup> meeting (4-6 March 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

- noted that, in the light of the findings of the European Court under Article 46 of the Convention, the full execution of the judgment in the case of *Vasiliy Ivashchenko v. Ukraine* will require amendments to legislation so that those who are deprived of their liberty have effective access to documents necessary for substantiating their complaints before the European Court;
- took note of the information provided, according to which the Ukrainian authorities indicated that they were considering to amend the "Internal Rules for the Establishments of Enforcement of Sentences (Prison Rules)" in order to ensure the execution of these judgments;
- invited the Ukrainian authorities to provide specific information to the Committee on the content of the proposed measures as well as a clear time-table for their adoption and encouraged them to provide information on the question as to whether further measures are being considered to amend other legislations to align the administrative practice with the findings of the Court in the present cases;
- invited also the Ukrainian authorities to consider taking provisional measures to ensure that, pending the necessary changes in the legislative framework, those who are deprived of their liberty have effective access to documents necessary for substantiating their complaints before the Court;
- invited further the Ukrainian authorities to clarify in the case of *Vasiliy Ivashchenko* whether an investigation into the applicant's ill-treatment, as established by the Court, has been initiated.

**1348<sup>th</sup> meeting (4-6 June 2019)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

- recalled that this group of cases concerns the authorities' failure to provide prisoners with copies of documents necessary for their application to the European Court;

*As regards individual measures*

- decided, without prejudice to their examination of the general measures, to close the examination of eight cases in this group for which no further individual measures are required, as the domestic proceedings have terminated and other complaints made by the applicants were rejected by the Court, and adopted Final Resolution [CM/ResDH\(2019\)150](#);
- invited the authorities to explore, in co-operation with the Secretariat, the available ways to discharge their obligation in the *Vorobyev* case;

*As regards general measures*

- noted with satisfaction the new legislative framework and accompanying administrative measures taken by the authorities which introduce clear procedures enabling prisoners to obtain copies of case documents in their personal files necessary for substantiating their complaints before the Court;
- considered nevertheless that it is essential to ensure that these procedures are effectively implemented in practice; noted with interest therefore the envisaged amendments to regulations to improve co-ordination between the penitentiary and

*Vasiliy Ivashchenko / Naydyon (group)*

Refusal by the authorities to provide the applicants, while in detention, with copies of documents for their application to the European Court (Article 34).

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judicial authorities and to increase access to secondary free legal aid and internet resources which would further assist prisoners obtain access to documents;

6. invited the authorities to finalise rapidly the adoption of the additional measures envisaged and to submit a consolidated action report with all developments by 1 December 2019.

\* \* \*



*Veniamin Tymoshenko and Others*

Unlawful ban of a strike.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	<a href="#">48408/12</a>
<b>Judgment(s) final on</b>	02/01/2015
<b>First decision of the Committee of Ministers</b>	1288 <sup>th</sup> meeting (June 2017)

**1288<sup>th</sup> meeting (6-7 June 2017)**[List of decisions](#)**Notes of the meeting***Decisions*

The Deputies

*As regards individual measures*

1. noted that the just satisfaction awarded has been paid to all the applicants and that no other individual measure is required in the circumstances of the case;

*As regards general measures*

2. noted with interest the submission to Parliament of the draft law which would resolve the inconsistencies between the conflicting legislative acts criticised by the European Court;
3. invited the authorities to provide more precise information as to how the domestic courts have examined requests to prohibit strikes in transport companies since the judgment became final, as well as information about any training activities in this respect;
4. strongly urged the authorities to implement the legislative reform in line with the findings of the Court in this case and invited them to keep the Committee informed of all relevant developments in this regard.

\* \* \*

## Vyerentsov

Deficiencies in the legislation and administrative practices governing the right of freedom of assembly.

Status of execution	<a href="#">HUDOC-EXEC</a>
Application(s) No(s).	<a href="#">20372/11</a>
Judgment(s) final on	11/07/2013
First decision of the Committee of Ministers	<a href="#">1179<sup>th</sup> meeting</a> (September 2013)

**[1193<sup>th</sup> meeting](#) (4-6 March 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. recalled that the violations found in the present case stemmed from a legislative lacuna concerning the right to freedom of assembly;
2. stressed, in this respect, that the right to freedom of assembly as guaranteed by Article 11 is one of the foundations of any democratic society and, therefore, called upon the Ukrainian authorities to bring the legislation and practice into line with the Convention's requirements, taking into account the specific indications given by the Court in the present case;
3. highlighted, in the meantime, the urgency of ensuring that administrative practice is in conformity with the Convention principles;
4. strongly encouraged the Ukrainian authorities to work in close co-operation with the Secretariat in this reform process.

**[1201<sup>th</sup> meeting](#) (June 2014)**[List of decisions](#)[Notes of the meeting](#)*Decision*

## The Deputies

1. concerning individual measures, welcomed the Supreme Court's decision of 3 March 2014 which quashed the applicant's administrative sentence;
2. concerning general measures, stressed that it is of the utmost importance that the legislative framework on freedom of assembly is rapidly brought into conformity with Convention requirements, as set out in the Court's case-law, and that the legislative process is accelerated;
3. noted with satisfaction that the Ukrainian authorities and the Secretariat are co-operating on the draft legislation on freedom of assembly and encouraged them to make full use of this co-operation to ensure that the legislative framework is in conformity with the above-mentioned requirements;
4. pending the adoption of the legislative framework, highlighted once again the urgency of ensuring that the administrative practice is in conformity with the Convention principles.

## Vyerentsov

Deficiencies in the legislation and administrative practices governing the right of freedom of assembly.

**1243<sup>th</sup> meeting (8-9 December 2015)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

The Deputies

#### Concerning individual measures

1. noted that in the absence of a clear and foreseeable legislative framework both applicants might still risk the imposition of an administrative sanction, should they organise new demonstrations, notwithstanding the fact that the applicant's conviction in the *Vyerentsov* judgment was quashed by the Supreme Court following the judgment of the European Court;

#### Concerning general measures

2. noted with concern that, despite the specific indications given by the European Court in the *Vyerentsov* judgment to bring the legislation and practice into line with the Court's conclusions in that judgment and to ensure their compliance with the requirements of Articles 7 and 11 of the Convention, the required measures still remain to be taken;
3. noted with interest the information provided orally during the meeting by the Ukrainian authorities that a draft law "On Guarantees of the Right to Freedom of Peaceful Assembly" was submitted to Parliament on 7 December 2015 and invited the authorities to provide this draft law with a view to its assessment;
4. in this context, noted that the Council of Europe Action Plan for Ukraine 2015-2017 envisages to provide assistance to the Ukrainian authorities in the drafting and adopting of the legal framework for public assemblies, as well as its implementation and, therefore, encouraged the Ukrainian authorities to make full use of this opportunity;
5. noted further the information provided orally during the meeting by the Ukrainian authorities according to which the recent Action Plan for the implementation of the National Human Rights Strategy provides that a law on freedom of assembly will be adopted by Parliament by the end of 2016;
6. called upon the Ukrainian authorities to ensure through appropriate interim measures that, pending the adoption of the required legislative framework, the implementation of the relevant legislation and the court practice are aligned with Convention principles;
7. invited the Ukrainian authorities to provide information on the progress achieved with respect to general measures by 1 February 2016 at the latest.

**1273<sup>th</sup> meeting (6-8 December 2016)**

[List of decisions](#)

[Notes of the meeting](#)

### Decisions

The Deputies

1. welcomed the adoption by the Constitutional Court of the judgment declaring unconstitutional the Decree of the "Presidium of the Supreme Soviet of the USSR" of 28 July 1988 on the procedure for organising and holding meetings, rallies, street marches and demonstrations;
2. noted that two draft laws are currently pending before Parliament and that they have been positively assessed by the Venice Commission, the Directorate of Human Rights of the Directorate General of Human Rights and the Rule of Law (DGI) of the Council of Europe and the OSCE/ODIHR; therefore, called upon the Ukrainian authorities to accelerate the legislative process with a view to adopting the legislation required for the execution of these judgments;
3. urged the Ukrainian authorities to take the necessary measures to ensure that, pending the adoption of the relevant legislation, the practice of the municipal authorities, domestic courts and the police is aligned with the principles of the Convention;
4. welcomed the Ukrainian authorities' active cooperation with the Secretariat and encouraged them to continue such cooperation in the future;
5. decided to resume consideration of these cases at their 1288<sup>th</sup> meeting (June 2017) (DH).

*Vyerentsov*

Deficiencies in the legislation and administrative practices governing the right of freedom of assembly.

**1288<sup>th</sup> meeting (6-7 June 2017)**

[List of decisions](#)

**Notes of the meeting**

*Decisions*

The Deputies

1. noted with interest the efforts made by the authorities to accelerate the legislative process and the examination of two draft laws by a parliamentary committee in May 2017;
2. urged the authorities to ensure that the legislative process is concluded without further delay;
3. noted the information provided by the authorities on the practice of the domestic courts, municipal authorities and the police and encouraged them to continue their efforts to ensure that judicial and administrative practice is in line with Convention principles;
4. invited the authorities to inform the Committee of any developments in the adoption of the legislation required for the execution of the European Court's judgments;
5. encouraged the authorities to benefit from the cooperation activities offered by the Council of Europe to ensure that, after the adoption of the legislation, domestic practice complies with the requirements of the Convention and the Court's case law.

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## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

<b>Status of execution</b>	<a href="#">HUDOC-EXEC</a>
<b>Application(s) No(s).</b>	40450/04 - 56848/00
<b>Judgment(s) final on</b>	15/01/2010 - 29/09/2004
<b>First decision of the Committee of Ministers</b>	1108 <sup>th</sup> meeting (March 2011)

### 1214<sup>th</sup> meeting (2-4 December 2014)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

The Deputies

*As regards individual measures,*

1. noted that in a large number of cases, the just satisfaction awarded by the Court has still not been paid to the applicants, that the payment of default interest remains outstanding in certain other cases, and that the domestic judicial decisions have not been enforced in some other cases;
2. invited, therefore, the Ukrainian authorities to pay the outstanding sums and to ensure that all domestic judicial decisions in question are enforced fully and without any further delay;

*As regards general measures,*

3. given that the measures adopted so far have not prevented similar violations, encouraged the Ukrainian authorities to explore all possibilities for co-operation which the Council of Europe can offer in ensuring a viable solution to this problem;
4. invited the authorities to submit updated information on the results achieved and measures envisaged in all these respects.

### 1230<sup>th</sup> meeting (3-5 June 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

The Deputies

1. *as regards individual measures*, invited the Ukrainian authorities to complete their work in respect of outstanding individual measures and ensure, as soon as possible, the payment of the just satisfaction awarded by the Court, as well as the enforcement of domestic judicial decision;
2. *as regards general measures*, recalled that the problem of non-enforcement or delayed enforcement of domestic judicial decisions persists in Ukraine for more than a decade, notwithstanding the guidance given by the Committee of Ministers over the years, notably through its five interim resolutions, and the European Court's pilot judgment in the case *Yuriy Nikolayevich Ivanov*; noted in this context that the European Court continues to communicate the *Ivanov*-type cases to the Government of Ukraine;
3. noted with concern that the remedy introduced in 2013 appears not to have solved the problem of non-enforcement or delayed enforcement of domestic judicial decisions;
4. noted the information provided with respect to an envisaged alternative payment scheme and expressed their concern that this scheme, if not carefully designed, could run contrary to the authorities' efforts to introduce an effective remedy for cases of the present group and requested further information on the details of the scheme;
5. stressed that the envisaged scheme could not, in any case, be applied to the payment of the just satisfaction awarded by the Court, which should be done exclusively according to the terms and during the time-limits set by the Court.

## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

**1236<sup>th</sup> meeting (22-24 September 2015)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. as regards individual measures, noted the information provided with respect to the payment of just satisfaction and invited the Ukrainian authorities to systemise it, in close co-operation with the Secretariat, so that the concrete progress already achieved can be assessed, together with a calculation of the still outstanding debt;
2. as regards general measures, noted with interest the efforts made by the Ukrainian authorities to overcome the longstanding problem of non-enforcement of domestic court decisions, while noting with grave concern that the progress achieved so far has not produced the results expected, as reflected notably by the large number of applications still pending before the Court (see the communication from the Registry of the European Court of 10 June 2015);
3. therefore, strongly urged the Ukrainian authorities to take additional and resolute measures with a view to finding a long term viable solution to this problem, including by further efforts to ensure sufficient funding to honour outstanding judgment debt and, in view of the gravity of the situation, reiterated their invitation to the Ukrainian authorities to explore all possibilities of co-operation the Council of Europe can offer in ensuring a viable solution to this problem;
4. noted the information provided during the meeting on the adoption of the Government's Regulation on the "alternative bond payment scheme" on 16 September 2015 and called upon the Ukrainian authorities to work in close co-operation with the Secretariat in order to ensure that it complies with the Convention standards; stressed, in this context, the necessity of ensuring that this scheme preserves the unconditional obligation of the State to pay the just satisfaction awarded by the Court;
5. invited the Ukrainian authorities to provide by 1 December 2015 the text of the Regulation mentioned above together with their comments on the scope of persons benefiting from it and the planned manner of its implementation;
6. decided to resume consideration of these issues at the latest at their DH meeting in June 2016.

**1259<sup>th</sup> meeting (7-8 June 2016)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. welcomed the presence of the Deputy Minister of Justice of Ukraine and took note with interest of the explanations given during the meeting;

*As regards individual measures*

2. reiterated their decision adopted at the 1236th meeting (September 2015) (DH) and strongly urged the Ukrainian authorities to provide systemised information with regard to the payment of just satisfaction, including a calculation of the outstanding debt, as well as with regard to the enforcement of still unenforced domestic judicial decisions;

*As regards general measures*

3. insisted on the necessity for the Ukrainian authorities to intensify their efforts with a view to settling the applications pending before the European Court without further delay, bearing in mind that the settlement of presently pending applications is part of Ukraine's obligations under the *Ivanov* pilot judgment;
4. strongly urged the Ukrainian authorities to adopt a three-step strategy to finding a viable long term solution to the problem of non-enforcement of domestic court decisions, including:
  - calculation of the amount of debt arising out of unenforced decisions in Ukraine;
  - introduction of a payment scheme with certain conditions, or containing alternative solutions, to ensure the enforcement of still unenforced decisions;
  - introduction of the necessary adjustments in the State budget so that sufficient funds are made available for the effective functioning of the above-mentioned payment scheme, as well as necessary procedures to ensure that

## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

budgetary constraints are duly considered when passing legislation, so as to prevent situations of non-enforcement of domestic court decisions rendered against the State or State enterprises;

- strongly invited the Ukrainian authorities to take concrete steps on the above-mentioned issues and decided to resume examination of this item at their 1265th meeting (September 2016) (DH).

### 1265<sup>th</sup> meeting (8-9 December 2015)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

- recalled that the problem of non-enforcement or delayed enforcement of domestic judicial decisions has persisted in Ukraine for more than a decade and that no tangible progress has been achieved so far;
- expressed their profound regret that no action has been taken by the Ukrainian authorities in response to their decision adopted at the June 2016 DH meeting, in particular with a view to settling the pending similar applications before the European Court and adopting the three-step strategy aimed at finding a long-lasting solution to the problem of non-enforcement or delayed enforcement of domestic judicial decisions;
- stressed that, in view of the increasing number of new applications brought before the European Court, the continuing inaction of the Ukrainian authorities would put an additional undue burden on the Convention system;
- therefore, called upon the Ukrainian authorities to take resolute action without further delay;
- decided to resume consideration of this group of cases at their DH meeting in March 2017 at the latest.

### 1280<sup>th</sup> meeting (7-10 March 2017)

[List of decisions](#)

#### Notes of the meeting

#### Decisions

#### The Deputies

- reiterated that the problem of non-enforcement or delayed enforcement of domestic judicial decisions has persisted in Ukraine for more than a decade and that no tangible progress has been achieved so far;

#### As regards individual measures

- noted with concern that, despite several requests from the Committee, the Ukrainian authorities have not yet provided comprehensive information relating to the payment of just satisfaction and, where applicable, the enforcement of domestic judicial decisions in the cases in this group;
- strongly urged the authorities to provide the Committee with a clear timeframe for the submission of complete and up-to-date information on the payment of just satisfaction and enforcement of all relevant domestic judicial decisions in the cases in this group;

#### As regards general measures

- noted with utmost concern that the Ukrainian authorities have not yet started to implement the three-step strategy, nor have they formulated a global approach or strategy for the settlement of cases pending before the European Court, notwithstanding the previous decisions of the Committee;
- noted in this respect the expert consultations held in December 2016 and strongly encouraged the authorities to continue their active bilateral cooperation with the Secretariat with a view fully to implementing the three-step strategy and to establishing a long-term viable solution for the problem of non-enforcement of domestic judicial decisions against the State;
- noted with interest the recent Constitutional amendments providing for judicial review over the execution of domestic judicial decisions and invited the Ukrainian authorities to explore this avenue, in bilateral consultations with the Secretariat, with a view to strengthening the role of the judiciary in the execution process;

## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

7. reiterated that, in view of the increasing number of applications brought before the European Court, the lack of progress puts an additional undue burden on the Convention system; underlined that rapid resolute action is absolutely necessary in view of the scope and seriousness of the issues pending before the Committee;
8. urged therefore the authorities to submit without any further delay a clear and realistic timetable for each step of the three-step strategy;
9. decided, in the light of the urgent need for progress in this group of cases, to resume consideration of these issues at their 1288<sup>th</sup> meeting (June 2017) (DH) and, in the absence of information demonstrating that concrete progress has been made, instructed the Secretariat to prepare a draft interim resolution to be distributed with the revised draft Order of Business for that meeting.

1288<sup>th</sup> meeting (6-7 June 2017)

[List of decisions](#)

### Notes of the meeting

#### Decision

The Deputies adopted Interim Resolution [CM/ResDH\(2017\)184](#).

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The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter “the Convention”);

Having regard to the pilot judgment of the European Court of Human Rights (“the Court”) of 15 October 2009 in the case of *Yuriy Nikolayevich Ivanov* against Ukraine and 418 cases in the *Zhovner* group transmitted to the Committee for supervision of their execution under Article 46 of the Convention;

Recalling that the problems revealed by the present cases, notably the non-enforcement or delayed enforcement of final domestic judicial decisions and the lack of an effective remedy in respect thereof, have been pending before the Committee since 2004;

Recalling further that for more than a decade the Committee has, in five interim resolutions and numerous decisions, called upon the authorities to adopt, as a matter of priority, the necessary measures in its domestic legal system and to take resolute action without further delay including to implement the following three-step strategy:

- calculation of the amount of debt arising from unenforced decisions;
- introduction of a payment scheme with certain conditions, or containing alternative solutions, to ensure the enforcement of still unenforced decisions;
- introduction of the necessary adjustments in the state budget so that sufficient funds are made available for the effective functioning of the above-mentioned payment scheme, as well as necessary procedures to ensure that budgetary constraints are duly considered when passing legislation to prevent situations of non-enforcement of domestic court decisions rendered against the State or state enterprises;

Recalling the constant position of the Committee, that the problems at the root of the violations found by the Court in these judgments are large-scale and complex in nature and that their resolution requires the implementation of comprehensive and complex measures at both central and local level;

Noting that some steps have been taken to initiate reflection on the implementation of the three-step strategy but that no concrete progress in this respect has so far been reported;

Noting further the lack of progress as regards a unified approach or global strategy for reaching settlements in the cases already pending before the European Court and preventing an influx of new applications being lodged before it;

RECALLING again that the dysfunction of the justice system, as a consequence of the non-enforcement or delayed enforcement of domestic judgments, represents an important danger for the respect of the rule of law, undermines people’s confidence in the judicial system and puts into question the credibility of the State;

NOTED that, in view of the increasing number of applications brought before the European Court, the lack of progress puts an additional undue burden on the Convention system;

EXPRESSED profound concern about the lack of concrete progress in the implementation of the pilot judgment after so many years;



## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

CALLED UPON the authorities to provide comprehensive information relating to the payment of just satisfaction and, where applicable, the enforcement of domestic judicial decisions, and a clear time-frame for the submission of complete and up-to-date information in respect of individual measures;

STRONGLY URGED the authorities, at the highest political level, to hold to their commitment to resolve the problem of non-enforcement of domestic judicial decisions and to adopt, as a matter of priority, the general measures required fully to comply with the pilot judgment and aimed at finding a long-lasting solution to the problem of non-enforcement or delayed enforcement of domestic judicial decisions;

INVITED the authorities fully to co-operate with the Committee and the Secretariat with a view to achieving tangible progress in the implementation of the three-step strategy on the basis of a clear and realistic timetable and to establish a long-term viable solution for the non-enforcement or delayed enforcement of final judicial decisions;

DECIDED to resume consideration of this group of cases at their 1302<sup>nd</sup> meeting (December 2017) (DH).

1302<sup>nd</sup> meeting (5-7 December 2017)

[List of decisions](#)

## Notes of the meeting

## Decisions

## The Deputies

1. recalled anew that the problem of non-enforcement or delayed enforcement of final domestic judicial decisions has persisted in Ukraine for a long period and that this group of cases has been pending before the Committee since 2004, and in particular that no effective system of redress has been introduced as required by the Convention and explicitly ordered by the Court in its 2010 *Ivanov* pilot judgment;
2. noted that the ineffective execution of this pilot judgment led the Grand Chamber of the Court, in the recent *Burmych and Others* judgment of October 2017, to transmit all pending and future similar cases to the Committee to be dealt with by the domestic authorities in the framework of the general measures required by the pilot judgment;
3. in the light of the gravity of the situation, noted with interest the rapid holding of a high level meeting on 17 November 2017 in Strasbourg, with the participation of the Ministry of Justice, the Presidential Administration and the Parliament, to discuss the creation of an *ad hoc* redress mechanism for all applicants concerned by the *Burmych and Others* judgment, to go hand in hand with the efforts to secure a long-lasting solution addressing the root cause of the problems (see, most recently, Interim Resolution [CM/ResDH\(2017\)184](#) of June 2017);
4. stressed that such an *ad hoc* mechanism should provide, in line with the Convention requirements as developed in the Court's case law, adequate and sufficient redress to all applicants with valid complaints, including the enforcement of domestic court decisions still enforceable, payment of default interest and compensation for non-pecuniary damage and costs and expenses;
5. underlined that such a mechanism must also be provided with the necessary resources to allow efficient and speedy verification and payment procedures and thus called on the authorities to ensure that the necessary staff and administrative resources are allocated and that the necessary budgetary allocations are provided to pay speedily the sums awarded;
6. highlighted the urgency to find in parallel a long-lasting solution to the root cause of the problems, drawing inspiration from the guidance given by the Committee and the Court over the years, and called on the authorities to reinforce their contacts with the Secretariat in this respect;
7. invited the authorities regularly to inform the Committee of the progress achieved in setting up the *ad hoc* mechanism and in their work to establish a long-lasting solution, and in particular to provide a concrete roadmap, with a clear timetable by 15 February 2018;
8. decided to resume consideration of this group of cases at their 1318<sup>th</sup> meeting (June 2018) (DH) at the latest.

## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

**1318<sup>th</sup> meeting (5-7 June 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. recalled anew that the problem of non-enforcement or delayed enforcement of final domestic judicial decisions has persisted in Ukraine for a long period, that this group of cases has been pending before the Committee since 2004, and in particular that no effective system of redress has been introduced as required by the Convention and explicitly ordered by the Court in its 2010 *Yuriy Nikolayevich Ivanov* pilot judgment;
2. stressed that the dysfunction of the justice system, as a consequence of the non-enforcement or delayed enforcement of domestic judgments, represents an important danger for the respect of the rule of law, undermines people's confidence in the judicial system and puts into question the credibility of the State; underlined further that the on-going reform of the judicial system in Ukraine cannot be considered to be completed until this issue has been resolved;
3. welcomed therefore the initiative of the Verkhovna Rada to organise a High Level Round Table in March 2018 with the participation of relevant domestic interlocutors and the Council of Europe;
4. noted with interest the developments reported by the authorities on the plans for the establishment of an *ad hoc* solution to resolve the existing non-enforced judgments, including the ongoing work as regards the applicants in the *Burmych* judgment;
5. deeply regretted, in light of the fast-approaching deadline of October 2019 when the Court may reassess the situation, that these plans have not yet been set in motion and that the authorities have taken no steps to identify the long-lasting solution to address the root causes of the problem and to avoid recurrence of the violations in the future;
6. stressed that the Court was clear that the resolution of the individual applications in the *Burmych* judgment is not a separate process, but is part and parcel of the process of execution and general measures required by the *Yuriy Nikolayevich Ivanov* pilot judgment;
7. expressed deep concern at the persistent lack of a common vision at the domestic level of the root causes of the problem or the potential solutions; considered that a thorough expert analysis, with the input of all relevant domestic interlocutors, of the root causes of the non-enforcement of judgments given against the State, should be an indispensable part of identifying a long-lasting solution;
8. strongly encouraged the authorities therefore to combine their efforts and take full benefit of the Council of Europe dedicated Human Rights Trust Fund project to define rapidly a common vision of the root causes, establish the solutions required and implement them within the deadline set by the Court;
9. decided to resume consideration of this group of cases at their 1331<sup>st</sup> meeting (December 2018) (DH) at the latest and, in order for the Committee to be in a position to properly assess the progress made, invited the authorities to submit all relevant information by 15 September 2018.

**1331<sup>th</sup> meeting (4-6 December 2018)**[List of decisions](#)[Notes of the meeting](#)*Decisions*

## The Deputies

1. reiterated that the problem of non-enforcement or delayed enforcement of domestic judgments has persisted in Ukraine for a long period of time and has been pending before the Committee since 2004, and in particular that no effective system of redress has been introduced notwithstanding the indications given by the Court in the *Yuriy Nikolayevich Ivanov* pilot judgment;
2. underlined that the situation represents an important danger for the rule of law in Ukraine and stressed that the judicial reform cannot therefore be complete until this issue, which goes to the heart of access to justice, is fully resolved;
3. stressed the urgent need for a strong and continuous political commitment at the highest level to give priority to the resolution of this long-standing issue, and to ensure rapid progress until the problem is fully resolved;

## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

4. noted the development regarding the draft law aimed at clarifying the measures required following the *Burmych* judgment and its submission to Parliament; urged the authorities to adopt it without further delay and to supplement it with sufficient further allocations to cover the accumulated debts already quantified in order to provide redress to all victims with non-enforced judgments;
5. noted that the initial vision of the root causes presented by the authorities and the draft law in itself do not make any major contribution to a long-lasting solution but are first steps towards establishing such a solution;
6. deeply regretted, in view of the fast-approaching deadline of October 2019, when the Court may reassess the situation, that no major progress had been made so far in domestic payment and budgetary procedures or the legislative framework in general, in particular as regards the moratoriums and the problems related to in-kind obligations, including the evaluation of outstanding debt under these heads;
7. strongly encouraged the authorities to step up their efforts, including co-operation with the Council of Europe's Human Rights Trust Fund project to enable them to define rapidly a common vision of the root causes with the help of the thorough expert analysis that is indispensable for the elaboration of a global strategy to solve this long-standing problem;
8. decided to resume consideration of this group of cases at their 1340<sup>th</sup> meeting (March 2019) (DH) and, in order for the Committee to be in a position to assess the progress made, invited the authorities to submit all relevant information by 15 January 2019.

1340<sup>th</sup> meeting (12-14 March 2019)

[List of decisions](#)

Notes of the meeting

### Decisions

#### The Deputies

1. reiterated that the problem of non-enforcement or delayed enforcement of domestic judgments, which goes to the heart of the efficient operation of the justice system, has persisted in Ukraine for a long time and has been pending before the Committee since 2004, and in particular that no effective system of redress has been introduced notwithstanding the indications given by the Court in the *Yuriy Nikolayevich Ivanov* pilot judgment;
2. stressed the importance of continuous political commitment at the highest level to give priority to resolving this long-standing issue and to ensure rapid progress until this problem, which represents an important danger for respect for the rule of law, is fully resolved;
3. regretted that the draft law establishing an initial mechanism for the enforcement of judgments with historical debts has not been adopted; recalled nevertheless that this draft does not make a major contribution to a long-lasting solution and called firmly upon the authorities to develop a comprehensive legislative package, in parallel with adopting other practical measures, ensuring automatic enforcement of judgments, and stressed that more comprehensive action is expected from the authorities;
4. noted with interest that the draft law includes a review of certain moratoriums, proposes compensation for delays in enforcement, and would introduce time-limits for the registration of debts; encouraged the authorities to follow up on the intentions expressed in the draft law to lift restrictions on the enforcement of judgments, including moratoriums; invited the authorities to develop a comprehensive legislative package, without delay, based on a thorough expert analysis and encouraged them to take account of the analysis elaborated with the assistance of the Human Rights Trust Fund and the Secretariat;
5. strongly urged the authorities, without any further delay, to complete their work on identification of the root causes, and to move from a preliminary vision of the root causes to a comprehensive strategy identifying the institutional, legislative, financial and other practical measures required based on a thorough expert analysis, the case-law of the Court and the previous guidance given by the Committee;
6. noted with interest the work undertaken by the authorities in enforcing some of the *Burmych* group of domestic judgments; welcomed the efforts of the authorities to unify the electronic registers of court and enforcement proceedings and the steps taken to calculate the judicial debts of the Pension Fund;
7. urged the authorities to complete, without further delay, their unfinished work on calculation of the total amount of debt arising from the unenforced decisions, which should also include debts under judgments subject to moratoriums;

## Yuriy Nikolayevich Ivanov / Zhovner (group)

Non-enforcement of domestic court decisions against the State or State owned enterprises.

8. welcomed the allocation of funds reported by the authorities for 2019 and urged them to ensure further allocation of necessary funds;
9. noted with concern that, with only several months left before the expiry of the deadline of 12 October 2019 set by the European Court to implement the *Burmych* judgment, the authorities have not finalised a comprehensive strategy; stressed the need for the authorities to intensify their efforts in cooperating closely with the Human Rights Trust Fund project and the Secretariat;
10. decided to resume consideration of this group of cases at their 1348<sup>th</sup> meeting (June 2019) (DH) and, in order for the Committee to be in a position to assess the progress made, invited the authorities to provide a consolidated action plan setting out all developments by 15 April 2019.

1348<sup>th</sup> meeting (4-6 June 2019)[List of decisions](#)

## Notes of the meeting

## Decisions

## The Deputies

1. reiterated that the problem of non-enforcement or delayed enforcement of domestic judgments, which goes to the heart of the efficient functioning of the justice system, has persisted in Ukraine for a long period of time and has been pending before the Committee since 2004, and that the indications relating to the need for a system of individual redress were given by the Court in the *Yuriy Nikolayevich Ivanov* pilot judgment and the *Burmych and Others* judgment have still not been sufficiently addressed by the authorities;
2. stressed once again the importance of sustained political commitment at the highest level, and the necessary coordination among the various domestic actors involved, to give priority to a lasting solution to this long-standing and complex issue, achieving rapid progress until this problem, which represents an important danger for respect for the rule of law and access to justice, is fully resolved;
3. noted with interest the consolidated action plan submitted by the authorities, setting out the measures previously taken to follow up the *Ivanov* pilot judgment, as well as the action taken, in co-operation with the Council of Europe, to identify the root causes of the problem of non-enforcement of judgments given against the State and State-owned or controlled entities;
4. recalled that the authorities have taken some significant steps to resolve this complex problem notably by adopting in 2012 a specific law aiming to contribute to a lasting solution and a domestic remedy; regretted, however, that the 2012 Law, as further amended, is still of limited scope and requires further extension of its applicability and corresponding additional budgetary allocations, and also that no comprehensive follow-up has been given to it; expressed regret once again that the draft law No. 8533 establishing an initial mechanism for the enforcement of judgments with historical debts has still not been adopted and that this law by itself is only an initial step for establishing a long lasting solution based on a system of automatic enforcement of judgments and of effective remedies;
5. noted in this context with interest the case-law of the Grand Chamber of the Supreme Court incorporating the *Burmych and Others* judgment into domestic jurisprudence; welcomed the adoption by the Constitutional Court of the judgment of 15 May 2019 "On the constitutionality of the provisions of paragraph 2 of Article 26 of the Law on Enforcement proceedings (as to ensuring enforcement of a court decision by the state)", declaring unconstitutional the obligation to pay an advance fee for enforcement of judgments against the State, thereby establishing a constitutional foundation for the transformation of the system of enforcement of judgments against the State into a system of automatic enforcement; reiterated, nevertheless, that a real comprehensive solution is still needed;
6. welcomed in addition the completion of the authorities' work on identification of the root causes, while recalling with concern that, with only some months left before the expiry of the deadline of 12 October 2019 set by the European Court to implement the *Burmych and Others* judgment, the authorities have not yet adopted a comprehensive strategy; noted with interest the authorities' efforts to develop such a strategy, and in particular the draft presented to the Committee on 31 May 2019, identifying the institutional, legislative, financial and other practical measures required; reiterated that the strategy to be adopted should be based on the thorough expert analysis and be based notably on a system of automatic enforcement of judgments against State debtors as has just been stressed by the Constitutional Court; stressed the need for the authorities to intensify their efforts to finalise this work without further delay, in close cooperation with the Human Rights Trust Fund project and the Secretariat;

*Yuriy Nikolayevich Ivanov / Zhovner (group)*

## Non-enforcement of domestic court decisions against the State or State owned enterprises.

7. encouraged the authorities to look into a possible expansion of the previously assessed 2012 Law, reviewing its scope of application and ensuring funding to cover all potential and existing judgments establishing debts of the State and noted with interest the progress made in the full enforcement of a number of individual judgments of the national courts in the *Burmych* group of cases; however, noted with concern the significant delay in providing adequate and sufficient redress to the applicants within this group of cases, in line with the previous recommendations of the Committee (see in particular the Committee's decision of December 2017, § 4); encouraged the authorities to continue this work in order to achieve full settlement of the remaining cases as soon as possible and to provide the Committee with further information in this respect in time for the next examination of this group of cases;
8. stressed that the resolution of the individual applications in the *Burmych* judgment is not a separate process, but is part and parcel of the process of execution of general measures required by the *Ivanov* pilot judgment;
9. decided to close the examination of 352 cases in the *Zhovner/Yuriy Nikolayevich Ivanov* group of cases for which no further individual measures are required, as the just satisfaction was paid and the respective domestic decisions were enforced, and adopted Final Resolution [CM/ResDH\(2019\)153](#); for the outstanding cases, invited the authorities to work closely with the Secretariat to submit clear information to confirm that the domestic decisions, in particular those with in-kind obligations, have been fully enforced;
10. decided to resume consideration of this group of cases at their 1355<sup>th</sup> meeting (September 2019) (DH) and, in order for the Committee to be in a position to assess the progress made, invited the authorities to provide information as to the developments with respect to the outstanding issues by 1 July 2019.

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