

TABLE OF CONTENT

1. [List of meetings](#)
2. [List of cases](#) classified by country
3. [Table-index](#) of cases and decisions adopted during meetings of the Committee of Ministers
4. [List of decisions](#) adopted by the Committee of Ministers (same order as in the table)

In order to use this working document, please see the list of cases classified by country.

Click on the desired case.

Once in the table-index, you have access to all the meetings during which the case you selected was subject to a decision of the Committee of Ministers.

So as to get the decision adopted during a meeting, click on the case's name in the corresponding line.

1. LIST OF MEETINGS

2010

- 1078th meeting (DH), 4-6 March 2010
- 1086th meeting (DH), 2-4 June 2010
- 1092nd meeting (DH), 15-17 September 2010
- 1100th meeting (DH), 2-4 December 2010

2011

- 1108th meeting (DH), 6-10 March 2011
- 1115th meeting (DH), 7-8 June 2011
- 1120th meeting (DH), 13-14 September 2011
- 1128th meeting (DH), 29 november -2 December 2011

2012

- 1136th meeting (DH), 6-8 March 2012
- 1144th meeting (DH), 4-6 June 2012
- 1150th meeting (DH), 24-26 September 2012
- 1157th meeting (DH), 4-6 December 2012

2013

- 1164th meeting (DH), 5-7 March 2013
- 1172nd meeting (DH), 4-6 June 2013
- 1179th meeting (DH), 24-26 September 2013
- 1186th meeting (DH), 3-5 December 2013

2014

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

List of cases classified by country

Albania

- Caka Berhani
- Driza
- Manushaqe Puto and others
- Dybeku Gori
- Xheraj

Armenia

- Meltex Ltd
- Minasyan and Semerjyan

Azerbaijan

- Fatullayev
- Mahmudov and Agazade
- Mirsayev
- Muradova
- Namat Aliyev

Belgium

- Dumont
- M.S.

Belgium and Greece

- M.S.S.

Bosnia and Herzegovina

- Al Husin
- Čolić and others
- Karanović
- Kudić
- Maktouf and Damjanović
- Sejdic and Finci
- Suljagić

Bulgaria

- Al-Nashif and others
- Association for the European integration and Human Rights and Ekimdjiev
- V. G. and others
- Dimitrov and Hamanov
- Finger
- Kitov
- Djangofov
- Kashavelov
- Kehayov
- Nachova and others
- United Macedonian Organisation Ilinden and others
- Raza
- Velikova

Croatia

- Orsus and others
- Skendzic and Krznaric

 **Cyprus and Russian Federation**

■ Rantsev

 **Czech Republic**

■ D.H. and others

 **France**

■ Bousarra

■ Gebremedhin

 **Georgia**

■ Enukidze and Girgvliani

■ FC Mrand ebi

■ Gharibashvili

■ Klaus and Yuri Kiladze

■ Pandjikidze and others

 **Germany**

■ M

■ Surmeli

■ Rumpf

 **Greece**

■ Bekir-Ousta and others

■ Glykantzi

■ Konti-Arvaniti

■ Makaratzis

■ Michelioudakis

■ Diamontides No. 2

■ Nisiotis

■ Sampanis and others

■ Vassilios Athanasiou and others

■ Manios (Group)

 **Hungary**

■ Horváth and Kiss

■ Kalucza

■ R.R.

■ Tímár

 **Ireland**

■ A., B. and V.

 **Italy**

■ Ben Khemays

■ Trabelsi

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

■ Cirillo

■ Cand eroni

■ Luordo

■ Mostacciuolo

■ Gaglione and others

■ Hirsi Jamaa and others

■ M.V. and others

■ Saadi

- Sneersome and Kampanella
- Sulejmanovic
- Torreggiani and others

Lithuania

- L.
- Paksas

Malta

- M.D. and others

Norway

- Lindheim and others

Poland

- Dzwonkowski
- Fuchs
- Grzelak
- Horych
- Hutten-Czapska
- Kaprykowski
- Kudla
- Podbielski
- Orchowski
- Trzaska
- Tysiac
- R.R.

Portugal

- Oliveira Modesto

Republic of Moldova

- Becciev
- Ciorap
- Corsacov
- Eremia
- Olaru and others
- Paladi
- Taraburca

Republic of Moldova and Russian Federation

- Ilaşcu and others
- Ivantoc and others

Romania

- Anghelescu Barbu No. 1
- Association « 21 December 1989 »
- Bragadireanu
- Georgel and Georgeta Stoicescu
- Moldovan
- Nicolau
- Stoianova and Nedelcu
- Predica
- Sacaleanu
- Strain
- Țicu

■ Gheorghe Predescu

■ Maria Atanasiu

 **Russian Federation**

■ Alekseyev

■ Alim

■ Ananyev and others

■ Burdov No. 2

■ Catan and others

■ Garabayev

■ Gladysheva

■ Kalashnikov

■ Kamaliyevy

■ Khanamirova

■ Khashiyev and Akayeva

■ Kiyutin

■ Liu (Group)

■ Mikheyev

■ Ryabykh

 **Serbia**

■ EVT Company

■ Grudić

■ Zorica Jovanović

 **Slovak Republic**

■ Jakub

■ Labsi

 **Slovenia**

■ Kurić and others

 **Spain**

■ Del Río Prada

■ Martinez Martinez

 **The former Yugoslav Republic of Macedonia**

■ Association of citizens Radko & Paunkovski

■ El-Masri

 **Turkey**

■ Ahmand Yildirim

■ Chypre

■ Varnava

■ Demirel

■ Incal

■ Gözel and Özer

■ Ürper

■ Ormanci

■ Ümmühan Kaplan

■ Oya Ataman

■ Hulki Güneş

■ Kakoulli

■ Loizidou

■ Ülke

■ Xenides-Arestis

Ukraine

- Gongadze
- Kharchenko
- Naumenko Svand Iana
- Merit
- Nevmerzhitsky
- Yakovenko
- Melnik
- Logvinenko
- Isayev
- Kaverzin
- Afanasyev
- Lutsenko
- Oleksandr Volkov
- Tymoshenko

- Vasiliy Ivashchenko
- Naydyon
- Vyerentsov
- Zhovner
- Yuriy Nikolayevich Ivanov

United-Kingdom

- Al-Jedda
- Al-Saadoon and Mufdhi
- Al-Skeini and others
- McKerr
- Hirst No. 2
- Othman (Abu Qatada)
- S. and Marper

2. TABLE-INDEX OF CASES AND DECISIONS ADOPTED DURING MEETINGS OF THE CM

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1108 (6-10 March 2011)	CAKA BERHANI (GROUP)	ALBANIA	08/03/2010 04/10/2010	Unfairness of criminal proceedings due in particular to the failure to secure the appearance of certain witnesses at the applicants' trial and the first instance; to a court's failure to have due regard to the testimony of four witnesses given in the applicant's favour (in Caka case) and to the failure to secure convincing evidence domestic judgments justifying the applicant's conviction (in Berhani case) (violations of Article 6§1 taken alone or in conjunction with Article 6§3 (d)).	
2011	1115 (7-8 June 2011)	CAKA (GROUP)	ALBANIA	08/03/2010	See above	
2011	1128 (29 nov.-2dév. 2011)	CAKA (GROUP)	ALBANIA	08/03/2010	See above	
2012	1150 (24-26 September 2012)	CAKA (GROUP)	ALBANIA	08/03/2010	See above	Follow-up in particular of the requests for the reopening of the impugned national proceedings, in accordance with the decision adopted at the 1128th meeting
2013	1164 (5-7 March 2013)	CAKA (GROUP)	ALBANIA	08/03/2010	See above	Follow-up to the decision adopted at the 1150th meeting, in particular of the requests for the reopening of the impugned national proceedings and the reasons why some of the applicants who have obtained a reopening - are still detained.
2014	1193 (4-6 March 2014)	CAKA (GROUP)	ALBANIA	08/03/2010	See above	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.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1086 (2 June 2010)	DRIZA (+ 4 cases)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	
2010	1100 (2 December 2010)	DRIZA (+ 5 cases)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	
2011	1108 (6-10 March 2011)	DRIZA (GROUP) (+ 5 autres cases)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	
2011	1115 (7-8 June 2011)	DRIZA (GROUP)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	
2011	1120 (13-14 September 2011)	DRIZA (GROUP)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	
2012	1144 (4-6 June 2012)	DRIZA (GROUP)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	Assessment of the state of execution of this Group of cases and of the strategy envisaged by the authorities for the future – follow-up of the mission in Tirana end of March.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1150 (24-26 September 2012)	DRIZA (GROUP)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	Follow-up to the decision adopted at the 1144th DH meeting, inviting the authorities in particular to provide the Committee, in good time for the September meeting, with information on the results achieved following the steps taken with a view to establishing a list of final decisions granting restitution or compensation for property nationalised under the communist regime
2012	1157 (4-6 December 2012)	DRIZA (GROUP)	ALBANIA	02/06/2008	Non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalization of property under the communist regime	Follow-up to the decision adopted at the 1150th DH meeting, inviting the authorities in particular to update the Committee on the next set of measures that will be taken with a view to the execution of the final judicial decisions already identified; and to indicate when they will be in a position to draw up a definitive list of the final administrative decisions to be executed.
2013	1164 (5-7 March 2013)	DRIZA (GROUP) MANUSHAQE PUTO AND OTHERS	ALBANIA	02/06/2008 17/12/2012	These cases concern the 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 European Court in the pilot judgement Manushaqe Puto and others fixed a deadline of 18 months for the authorities to set up an effective compensation mechanism.	Follow-up of the decision adopted at the 1157th meeting, asking the authorities to make rapidly concrete progress and in particular: - to establish the final list of all judicial and administrative decisions to be executed - finalise the land value map, - and then, on the basis of these elements, calculate the cost of the execution of the decisions, in order to be able to define the resources needed, adopt the final execution mechanism, and execute - of their own motion - the decisions at issue.
2013	1172 (4-6 June 2013)	DRIZA (GROUP) MANUSHAQE PUTO AND OTHERS	ALBANIA	02/06/2008 17/12/2012	These cases concern the 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 European Court in the pilot judgement Manushaqe Puto and others fixed a deadline of 18 months for the authorities to set up an effective compensation mechanism.	Assessment of the status of execution of this Group of cases and of the appropriate response to be given in the absence of significant progress, despite repeated calls from the Committee (on the basis of a draft interim resolution).

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1186 (3-5 December 2013)	DRIZA (GROUP) MANUSHAQE PUTO AND OTHERS	ALBANIA	02/06/2008 17/12/2012	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.	Express serious concern with the lack of adequate progress in setting-up of an effective compensation mechanism, despite the Committee's repeated requests, the last being made in the Interim Resolution CM/ResDH(2013)115, and despite the approaching deadline set by the Court for the implementation of the Manushaqe Puto judgment.
2014	1193 (4-6 March 2014)	DRIZA (GROUP) MANUSHAQE PUTO AND OTHERS	ALBANIA	02/06/2008 17/12/2012	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 1186th 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	17/12/2012 02/06/2008	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 1193rd 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.
2013	1164 (5-7 March 2013)	DYBEKU GRORI	ALBANIA	02/06/2008 07/10/2009	These cases concern the ill-treatment suffered by the applicants as a result of a lack of adequate medical treatment whilst in detention (violation of Article 3). The case of Grori 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 plan submitted in November 2011. Delay in the submission of the necessary additional information to allow examination of the status of execution of the cases by the Committee.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1208 (23-25 September 2014)	DYBEKU GRORI	ALBANIA	02/06/2008 07/10/2009	<p>Ill-treatment suffered by the applicants as a result of a lack of adequate medical care whilst in detention (violation of Article 3).</p> <p>The <i>Grori</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).</p>	Action report submitted on 25/06/2014. Assessment of the information provided.
2010	1100 (2 December 2010)	XHERAJ	ALBANIA	01/12/2008	Violation of the applicant's right to a fair trial and infringement of the principle of legal certainty due to the quashing of a final judgment acquitting him of murder (violation of Article 6§1).	
2011	1108 (6-10 March 2011)	XHERAJ	ALBANIA	01/12/2008	Violation of the applicant's right to a fair trial and infringement of the principle of legal certainty due to the quashing of a final judgment acquitting him of murder (violation of Article 6§1).	
2011	1128 (29 nov.-2dév. 2011)	XHERAJ	ALBANIA	01/12/2008	Violation of the applicant's right to a fair trial and infringement of the principle of legal certainty due to the quashing of a final judgment acquitting him of murder (violation of Article 6§1).	
2010	1078 (4 March 2010)	MELTEX LTD AND MESROP MOVSESYAN	ARMENIA	17/09/2008	Violation of the applicant company's freedom of expression on account of the refusal, by the National Television and Radio Commission (NTRC), on seven occasions in 2002 and 2003, to deliver to the applicant a broadcasting license (violation of Article 10).	
2010	1092 (15 September 2010)	MELTEX LTD AND MESROP MOVSESYAN	ARMENIA	17/09/2008	Violation of the applicant company's freedom of expression on account of the refusal, by the National Television and Radio Commission (NTRC), on seven occasions in 2002 and 2003, to deliver to the applicant a broadcasting license (violation of Article 10).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1172 (4-6 June 2013)	MINASYAN AND SEMERJYAN (GROUP)	ARMENIA	23/09/2009	Violations of the applicants' right to peaceful enjoyment of their possessions due to the expropriation of their flats or the deprivation of their right to use of flats under conditions that are not prescribed by law (Article 1 of Protocol No. 1).	Take note of the action report provided by the Armenian authorities for the execution of this Group of cases and instruct the Secretariat to present a detailed assessment of the said action report at the latest at the December 2013 DH meeting.
2013	1186 (3-5 December 2013)	MINASYAN AND SEMERJYAN (GROUP)	ARMENIA	23/09/2009	Violations of the applicants' right to peaceful enjoyment of their possessions due to the expropriation of their flats or the deprivation of their right to use of flats under conditions that are not prescribed by law (Article 1 of Protocol No. 1).	Follow-up to the decision taken at the 1172nd meeting.
2010	1100 (2 December 2010)	FATULLAYEV	AZERBAIJAN	04/10/2010	Breaches of the applicants' right to freedom of expression on account of his sentencing to imprisonment after the publication by him, <i>inter alia</i> , of two articles in the newspaper <i>Realny Azerbaijan</i> (violations of Article 10).	
2011	1108 (6-10 March 2011)	FATULLAYEV	AZERBAIJAN	4/10/2010	Breaches of the applicants' right to freedom of expression on account of his sentencing to imprisonment after the publication by him, <i>inter alia</i> , of two articles in the newspaper <i>Realny Azerbaijan</i> (violations of Article 10).	
2010	1078 (4 March 2010)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	
2011	1115 (7-8 June 2011)	MAHMUDOV AND AGAZADE (GROUP) FATULLAYEV	AZERBAIJAN	04/10/2010 18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	
2011	1128 (29 nov.-2dév. 2011)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1136 (6-8 March 2012)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Taking stock of the general measures envisaged and to highlight the necessity to take further measures
2012	1144 (4-6 June 2012)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Assessment of the state of progress in taking general measures following the questions raised by the Committee at its 1136th meeting
2012	1150 (24-26 September 2012)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Assessment of the state of progress in taking general measures following the decision adopted at the 1144th meeting
2012	1157 (4-6 December 2012)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Assessment of the state of progress in taking general measures (in particular with respect to the cooperation with the Venice Commission regarding the elaboration of the Law on defamation) following the decision adopted at the 1150th meeting
2013	1172 (4-6 June 2013)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Take stock of the state of progress regarding the preparation of the law on defamation
2013	1179 (24-26 September 2013)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Examination of a draft interim resolution given the absence of any information provided in response to the decision adopted at the 1172nd meeting.
2013	1186 (3-5 December 2013)	MAHMUDOV AND AGAZADE (GROUP)	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Follow-up to the decision taken at the 1179th meeting.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1188 Réunion ordinaire (15 January 2014)	MAHMUDOV AND AGAZADE (GROUP) FATULLAYEV	AZERBAIJAN	18/03/2009	Violations of the right to freedom of expression of the applicants, journalists, in particular due to their being sentenced to imprisonment for publications made.	Follow-up to the decision taken at the 1186th meeting.
2014	1193 (4-6 March 2014)	MAHMUDOV AND AGAZADE (GROUP) FATULLAYEV	AZERBAIJAN	18/03/2009	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the 1188th meeting.
2014	1201 (3-5 June 2014)	MAHMUDOV AND AGAZADE (GROUP) FATULLAYEV	AZERBAIJAN	18/03/2009	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the 1193th meeting.
2014	1208 (23-25 September 2014)	MAHMUDOV AND AGAZADE (GROUP) FATULLAYEV	AZERBAIJAN	18/03/2009	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the 1201 st meeting. Adoption of an Interim resolution CM/ResDH(2014)183
2011	1108 (6-10 March 2011)	MIRZAYEV (GROUP)	AZERBAIJAN	03/03/2010	Non-enforcement of final judicial decisions ordering the eviction of internally displaced persons (IDP) who were unlawfully occupying the applicants' apartments	
2012	1144 (4-6 June 2012)	MIRZAYEV (GROUP)	AZERBAIJAN	03/03/2010	Non-enforcement of final judicial decisions ordering the eviction of internally displaced persons (IDP) who were unlawfully occupying the applicants' apartments	Taking stock of the individual and general measures taken so far

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1086 (2 June 2010)	MURADOVA (GROUP)	AZERBAIJAN	02/07/2009	Excessive use of force by the police against the applicants (two of them journalists) during demonstrations and lack of an effective investigation in this respect (violations of Article 3 on substantive and procedural limb). Violation of Article 10 due to excessive use of force imposed on the applicant journalist (Najafli case).	
2013	1172 (4-6 June 2013)	MURADOVA (GROUP)	AZERBAIJAN	02/07/2009	Excessive use of force by the police against the applicants (two of them journalists) during demonstrations and lack of an effective investigation in this respect (violations of Article 3 on substantive and procedural limb). Violation of Article 10 due to excessive use of force imposed on the applicant journalist (Najafli case).	Assessment of the status of execution of this Group of cases on the basis also of the recent action plans submitted.
2013	1179 (24-26 September 2013)	NAMAT ALIYEV (GROUP)	AZERBAIJAN	08/07/2010	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Assessment of the measures taken and identification of the outstanding issues.
2013	1186 (3-5 December 2013)	NAMAT ALIYEV (GROUP)	AZERBAIJAN	08/07/2010	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1179th meeting.
2014	1193 (4-6 March 2014)	NAMAT ALIYEV (GROUP)	AZERBAIJAN	08/07/2010	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1186th meeting.
2014	1201 (3-5 June 2014)	NAMAT ALIYEV (GROUP)	AZERBAIJAN	08/07/2010	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1193 rd meeting.
2014	1208 (23-25 September 2014)	NAMAT ALIYEV (GROUP)	AZERBAIJAN	08/07/2010	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the 1201 st meeting.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1179 (24-26 September 2013)	DUMONT (GROUP)	BELGIUM	28/07/2005	Excessive length of civil and criminal proceedings (Article 6§1) and, in several cases, lack of an effective remedy (Article 13).	Call for an update of the information on individual and general measures, with a view to assessing in the near future whether it is possible to close this Group.
2012	1144 (4-6 June 2012)	M.S.	BELGIUM	30/04/2012	Applicant's forced return to Iraq, following unlawful periods of detention	Examination of information provided on the individual measures
2012	1150 (24-26 September 2012)	M.S.	BELGIUM	30/04/2012	Applicant's forced return to Iraq, following unlawful periods of detention	Follow-up to the decision adopted at the 1144th DH meeting, inviting the authorities "to provide, as a matter of urgency, concrete information on the individual measures taken or envisaged in response to the finding of a violation of Article 3"
2012	1157 (4-6 December 2012)	M.S.	BELGIUM	30/04/2012	Applicant's forced return to Iraq, following unlawful periods of detention	Follow-up to the decisions adopted at the 1144th and 1150th DH meetings, inviting the authorities "to provide, as a matter of urgency, concrete information on the individual measures taken or envisaged in response to the finding of a violation of Article 3".
2013	1164 (5-7 March 2013)	M.S.	BELGIUM	30/04/2012	Applicant's forced return to Iraq, following unlawful periods of detention	Follow-up to the decision adopted at the 1157th meeting, in particular concerning the research by the Belgian authorities on whether the applicant faces a risk of inhuman or degrading treatment in Iraq with a view to assessing, as appropriate, the advisability of further measures.
2013	1172 (4-6 June 2013)	M.S.	BELGIUM	30/04/2012	Applicant's forced return to Iraq, following unlawful periods of detention	Assessment of the progress made in respect of the individual measures.
2014	1208 (23-25 September 2013)	M.S.	BELGIUM	30/04/2012	Applicant's forced return to Iraq, following unlawful periods of detention	Assessment of the progress made in respect of the individual and general measures.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1108 (6-10 March 2011)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	
2011	1115 (7-8 June 2011)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	
2011	1120 (13-14 September 2011)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	
2012	1144 (4-6 June 2012)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	Examination of a memorandum from the Secretariat presenting a detailed assessment of the action plans, in accordance with the decision adopted at the 1120th meeting
2012	1150 (24-26 September 2012)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	Assessment, in accordance with the decision adopted at the 1144e DH meeting, of the information regarding the recent case-law of the Aliens' Appeals provided by the Belgian authorities in response to the violation of Article 13
2013	1164 (5-7 March 2013)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	Assessment of the outstanding issues identified in memoranda (2012)19 and (2012)26 following the decisions adopted at the 1144th meeting (regarding Greece) and 1150th meeting (regarding Belgium).
2013	1186 (3-5 December 2013)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	Follow-up to the decision adopted at the 1164th meeting
2014	1201 (3-5 June 2014)	M.S.S.	BELGIUM AND GREECE	21/01/2011	Expulsion of an asylum seeker from Belgium to Greece	Follow-up to the decision adopted at the 1186th meeting

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1150 (24-26 September 2012)	AL HUSIN	BOSNIA AND HERZEGOVINA	09/07/2012	Potential violation of Article 3 of the Convention in the event of the applicant's deportation to Syria	The authorities of Bosnia and Herzegovina are expected to provide assurances that the applicant will not be deported to Syria
2014	1201 (3-5 June 2014)	AL HUSIN	BOSNIA AND HERZEGOVINA	09/07/2012	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.
2012	1150 (24-26 September 2012)	COLIC AND OTHERS (GROUP)	BOSNIA AND HERZEGOVINA	28/06/2010	Non-enforcement of final domestic court decisions ordering payment of compensation in respect of war damages	Assessment of the progress achieved in taking general measures
2010	1086 (2 June 2010)	KARANOVIC	BOSNIA AND HERZEGOVINA	20/02/2008	Discrimination in the enjoyment of pension rights	
2011	1128 (29 nov.-2dév. 2011)	KARANOVIC (GROUP)	BOSNIA AND HERZEGOVINA	20/02/2008	Discrimination in the enjoyment of pension rights	
2012	1136 (6-8 March 2012)	KARANOVIC (GROUP)	BOSNIA AND HERZEGOVINA	20/02/2008	Discrimination in the enjoyment of pension rights	Assessment of the progress achieved in the adoption of general measures
2012	1157 (4-6 December 2012)	KARANOVIC (GROUP)	BOSNIA AND HERZEGOVINA	20/02/2008	Discrimination in the enjoyment of pension rights	Assessment of the general measures adopted and possible closure of these cases Final Resolution CM/ResDH(2012)148

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1086 (2 June 2010)	KUDIC (+ 3 cases)	BOSNIA AND HERZEGOVINA	09/03/2009	Violation of the applicants' right of access to a court due to the administration's failure to enforce final court decisions, including the decisions of the Human Rights Chamber ("HRC") which ordered the applicants' banks to release all sums of "old savings" (foreign currency savings deposited prior to the dissolution of the Socialist Federative Republic of Yugoslavia) plus default interest and legal costs, which were not enforced (violations of Article 6§1).	
2013	1186 (3-5 December 2013)	MAKTOUF AND DAMJANOVIC	BOSNIA AND HERZEGOVINA	18/07/2013	Violation of the rule of non-retroactivity of punishments in war crimes cases (violations of Article 7).	Examination of the action plan.
2010	1078 (4 March 2010)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	
2010	1086 (2 June 2010)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	
2010	1100 (2 December 2010)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	
2011	1108 (6-10 March 2011)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	
2011	1115 (7-8 June 2011)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	
2011	1128 (29 nov.-2dév. 2011)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Adoption of an Interim resolution CM/ResDH(2011)291

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1136 (6-8 March 2012)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Assessment of the progress achieved in the adoption of general measures Interim resolution CM/ResDH(2011)291 (lien externe)
2012	1144 (4-6 June 2012)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Follow-up of the Interim resolution CM/ResDH(2011)291 and of the decision adopted at the 1137th meeting (regular meeting)
2012	1150 (24-26 September 2012)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Assessment of the general measures adopted and possible closure of these cases Follow-up of the Interim resolution CM/ResDH(2011)291 and of the decision adopted at the 1147th meeting (ordinary meeting)
2012	1157 (4-6 December 2012)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Follow-up of the Interim resolution CM/ResDH(2011)291 and of the decision adopted at the 1150th meeting. Adoption of an Interim resolution CM/ResDH(2012)233
2013	1164 (5-7 March 2013)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Follow-up of the Interim resolution CM/ResDH(2012)233 and of the decision adopted at the 1157th meeting.
2013	1169 Réunion ordinaire (30 April 2013)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	
2013	1170 Réunion ordinaire (07 may 2013)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Resume consideration on the basis of discussions held on the 1169th Meeting
2013	1172 (4-6 June 2013)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Follow-up to the decisions adopted at the 1170th meeting

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1179 (24-26 September 2013)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	To hold an exchange of views on the implementation of this judgment with the responsible Minister of Bosnia and Herzegovina, in the light of the decision adopted at 1172 nd meeting.
2013	1186 (3-5 December 2013)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Follow-up to the decision adopted at the 1179th meeting. Adoption of an Interim resolution CM/ResDH(2013)259
2014	1193 (4-6 March 2014)	SEJDIC AND FINCI	BOSNIA AND HERZEGOVINA	22/12/2009	Violation of right to free elections and discrimination against minorities	Follow-up of the Interim resolution adopted at the 1186th meeting.
2010	1086 (2 June 2010)	SULJAGIC	BOSNIA AND HERZEGOVINA	03/02/2010	Violation of the applicant's right to protection of his property as a result of the deficient implementation of the domestic legislation on "old" foreign currency savings (foreign currency savings deposited prior to the dissolution of the Socialist Federative Republic of Yugoslavia) (violation of Article 1 of Protocol No. 1).	
2012	1136 (6-8 March 2012)	AL-NASHIF AND OTHERS (GROUP)	BULGARIA	20/09/2002	Expulsion of aliens on national security grounds	Assessment of the progress achieved and indication of the outstanding issues
2013	1179 (24-26 September 2013)	AL-NASHIF AND OTHERS (GROUP)	BULGARIA	20/09/2002	Lack of adequate protection against arbitrariness in proceedings concerning expulsion measures based on national security grounds.	Assessment of the progress made and identification of the outstanding questions in this Group of cases.
2013	1164 (5-7 March 2013)	ASSOCIATION FOR EUROPEAN INTEGRATION AND HUMAN RIGHTS AND EKIMDJIEV (GROUP)	BULGARIA	30/01/2008	Lack of sufficient guarantees against the risk of abuse in the operation of the secret surveillance system in Bulgaria.	Assessment of the legislative measures taken and of the information provided by the Bulgarian authorities and identification of the questions which remain open.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1179 (24-26 September 2013)	C. G. AND OTHERS (GROUP)	BULGARIA	24/07/2008	Shortcomings found in the judicial control carried out in the area of expulsion based on national security grounds.	Assessment of the progress made and identification of the outstanding questions in this Group of cases.
2011	1128 (29 nov.-2dév. 2011)	DIMITROV AND HAMANOV FINGER GROUPKITOV GROUPDJANGOZOV	BULGARIA	10/08/2011 10/08/2011 03/07/2003 08/10/2004	Excessive length of criminal and civil proceedings (violations of Art. 6 § 1) and lack of effective remedy in that regard (violations of Article 13). Several cases concern violations related to the applicants' detention between 1993 and 2003 (violations of Articles 5 §§ 1, 3, 5 and 5).	
2012	1136 (6-8 March 2012)	DIMITROV AND HAMANOV FINGER GROUPKITOV GROUPDJANGOZOV	BULGARIA	10/08/2011 10/08/2011 03/07/2003 08/10/2004	Excessive length of criminal and civil proceedings (violations of Art. 6 § 1) and lack of effective remedy in that regard (violations of Article 13). Several cases concern violations related to the applicants' detention between 1993 and 2003 (violations of Articles 5 §§ 1, 3, 5 and 5).	Assessment of the progress achieved in adopting an effective remedy
2012	1150 (24-26 September 2012)	DIMITROV AND HAMANOV FINGER GROUPKITOV GROUPDJANGOZOV	BULGARIA	10/08/2011 10/08/2011 03/07/2003 08/10/2004	Excessive length of criminal and civil proceedings (violations of Art. 6 § 1) and lack of effective remedy in that regard (violations of Article 13). Several cases concern violations related to the applicants' detention between 1993 and 2003 (violations of Articles 5 §§ 1, 3, 5 and 5).	Assessment of the law adopted by the Bulgarian authorities in response to the pilot judgments Dimitrov and Hamanov and Finger and of one new Bill submitted to the Bulgarian Parliament.
2012	1157 (4-6 December 2012)	DIMITROV AND HAMANOV FINGER GROUPKITOV GROUPDJANGOZOV	BULGARIA	10/08/2011 10/08/2011 03/07/2003 08/10/2004	Excessive length of criminal and civil proceedings (violations of Art. 6 § 1) and lack of effective remedy in that regard (violations of Article 13). Several cases concern violations related to the applicants' detention between 1993 and 2003 (violations of Articles 5 §§ 1, 3, 5 and 5).	Assessment of the remedies adopted or foreseen by the Bulgarian authorities in response to the pilot judgments Dimitrov and Hamanov and Finger and of the measures taken to reduce the length of judicial proceedings

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1179 (24-26 September 2013)	DIMITROV AND HAMANOV FINGER GROUPKITOV GROUPEJANGOZOV	BULGARIA	10/08/2011 10/08/2011 03/07/2003 08/10/2004	Excessive length of criminal and civil proceedings (violations of Art. 6 § 1) and lack of effective remedy in that regard (violations of Article 13). Several cases concern violations related to the applicants' detention between 1993 and 2003 (violations of Articles 5 §§ 1, 3, 5 and 5).	Assessment of the progress made in the execution of these cases, namely in the light of the inadmissibility decisions delivered by the Court on 18 June 2013 in the cases Balakchiev and Valcheva and Abrashev concerning the compensatory remedies introduced in 2012.
2012	1136 (6-8 March 2012)	KASHAVELOV	BULGARIA	20/04/2011	Systematic handcuffing of a prisoner	Insist on request to receive urgently additional clarification on the applicant's situation
2011	1128 (29 nov.-2dév. 2011)	KEHAYOV (GROUP)	BULGARIA	18/04/2005	Conditions of detention in investigative detention facilities and in prisons (overcrowding, poor sanitary and material conditions, systematic handcuffing of a prisoner) and lack of effective remedy in this respect	
2012	1144 (4-6 June 2012)	KEHAYOV (GROUP)	BULGARIA	18/04/2005	Conditions of detention in investigative detention facilities and in prisons (overcrowding, poor sanitary and material conditions, systematic handcuffing of a prisoner) and lack of effective remedy in this respect	Assessment of the revised action reports provided by the authorities on 15/05/2012 in particular as regards the outstanding issues identified in the Secretariat's memorandum (CM/Inf/DH(2011)45)
2013	1172 (4-6 June 2013)	KEHAYOV (GROUP)	BULGARIA	18/04/2005	Conditions of detention in investigative detention facilities and in prisons (overcrowding, poor sanitary and material conditions, systematic handcuffing of a prisoner) and lack of effective remedy in this respect	Assessment of the state of progress in taking general measures (the authorities submitted a revised action plan on 09/04/2013).
2010	1100 (2 December 2010)	KITOV (GROUP)	BULGARIA	03/07/2003	Excessive length of the criminal proceedings instituted against the applicants between 1986 and 1999 (violations of Article 6§1). Several cases also relate to the lack of an effective remedy at the applicants' disposal against the excessive length of the proceedings (violations of Article 13).	
2011	1115 (7-8 June 2011)	NACHOVA AND OTHERS (GROUP)	BULGARIA	06/07/2005	Unjustified and/or disproportionate use of fire-arms by the police or the military police	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1157 (4-6 December 2012)	NACHOVA AND OTHERS (GROUP)	BULGARIA	06/07/2005	Unjustified and/or disproportionate use of fire-arms by the police or the military police	Assessment of the new legal framework governing the use of fire-arms by the police and identification of outstanding questions
2013	1186 (3-5 December 2013)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (GROUP)	BULGARIA	19/04/2006	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).	Assessment of the status of execution and transfer from standard to enhanced supervision procedure.
2014	1193 (4-6 March 2014)	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS (GROUP)	BULGARIA	19/04/2006	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.
2011	1115 (7-8 June 2011)	RAZA	BULGARIA	11/05/2010	Violation of the applicant's right to respect for his family life (possible violation of Article 8). The Court also found that the judicial proceedings concerning the review of the expulsion order were not an effective remedy within the meaning of Article 13 (violation of Article 13). Finally, this case concerns the unlawfulness of the applicant's detention pending deportation (violation of Article 5§1) and the lack of speedy review by a court of the lawfulness of this detention (violation of Article 5§4).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1115 (7-8 June 2011)	VELIKOVA (GROUP)	BULGARIA	04/10/2000	Death and/or ill-treatment occurred under the responsibility of law enforcement agents, failure to provide medical care in police custody, excessive use of force during arrests, as well as the lack of an effective investigation into the alleged abuses (violations of Articles 2 and/or 3 and 13).	
2013	1164 (5-7 March 2013)	VELIKOVA (GROUP)	BULGARIA	04/10/2000	Death and/or ill-treatment occurred under the responsibility of law enforcement agents, failure to provide medical care in police custody, excessive use of force during arrests, as well as the lack of an effective investigation into the alleged abuses (violations of Articles 2 and/or 3 and 13).	Assessment of the general measures taken and identification of the outstanding questions.
2010	1100 (2 December 2010)	ORSUS AND OTHERS	CROATIA	16/03/2010	Discrimination against Roma in primary education	
2011	1108 (6-10 March 2011)	ORSUS AND OTHERS	CROATIA	16/03/2010	Discrimination against Roma in primary education	
2011	1128 (29 nov.-2dév. 2011)	ORSUS AND OTHERS	CROATIA	16/03/2010	Discrimination against Roma in primary education	
2012	1136 (6-8 March 2012)	ORSUS AND OTHERS	CROATIA	16/03/2010	Discrimination against Roma in primary education	In the light of the developments, proposal to transfer the case to standard procedure
2012	1150 (24-26 September 2012)	SKENDZIC AND KRZNARIC (GROUP)	CROATIA	20/04/2011	Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995) (violations of Article 2 in procedural limb).	Taking stock of the progress achieved in taking general and individual measures

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1208 (23-25 September 2014)	SKENDZIC AND KRZNARIC (GROUP)	CROATIA	20/04/2011	Lack of an effective and independent investigation into crimes committed during the Croatian Homeland War (1991-1995) (violations of Article 2 in procedural limb).	-----
2010	1092 (15 September 2010)	RANTSEV	CYPRUS AND RUSSIAN FEDERATION	10/05/2010	Failure to provide practical and effective protection against human trafficking and exploitation, and failure to conduct an effective investigation into the applicant's daughter's death (Cyprus). Failure to investigate alleged trafficking (Cyprus and Russia)	
2010	1100 (2 December 2010)	RANTSEV	CYPRUS AND RUSSIAN FEDERATION	10/05/2010	Failure to provide practical and effective protection against human trafficking and exploitation, and failure to conduct an effective investigation into the applicant's daughter's death (Cyprus). Failure to investigate alleged trafficking (Cyprus and Russia)	
2011	1115 (7-8 June 2011)	RANTSEV	CYPRUS AND RUSSIAN FEDERATION	10/05/2010	Failure to provide practical and effective protection against human trafficking and exploitation, and failure to conduct an effective investigation into the applicant's daughter's death (Cyprus). Failure to investigate alleged trafficking (Cyprus and Russia)	
2012	1136 (6-8 March 2012)	RANTSEV	CYPRUS AND RUSSIAN FEDERATION	10/05/2010	Failure to provide practical and effective protection against human trafficking and exploitation, and failure to conduct an effective investigation into the applicant's daughter's death (Cyprus). Failure to investigate alleged trafficking (Cyprus and Russia)	(individual measures only) Assessment of the progress made in the Cypriot investigation. Stocktaking of any recent developments presented during the debate by the Cypriot and Russian.
2012	1144 (4-6 June 2012)	RANTSEV	CYPRUS AND RUSSIAN FEDERATION	10/05/2010	Failure to provide practical and effective protection against human trafficking and exploitation, and failure to conduct an effective investigation into the applicant's daughter's death (Cyprus). Failure to investigate alleged trafficking (Cyprus and Russia)	Examination of the general measures , in accordance with the decision adopted at the meeting of March 2012, on the basis of a memorandum concerning Cyprus from the Secretariat (under way)

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1150 (24-26 September 2012)	RANTSEV	CYPRUS AND RUSSIAN FEDERATION	10/05/2010	Failure to provide practical and effective protection against human trafficking and exploitation, and failure to conduct an effective investigation into the applicant's daughter's death (Cyprus). Failure to investigate alleged trafficking (Cyprus and Russia)	Examination of the individual measures in accordance with the decision adopted at the 1136th DH meeting (for info: at their 1144th DH meeting, the Deputies decided to close their examination of the general measures in respect of both states)
2010	1100 (2 December 2010)	D.H. AND OTHERS	CZECH REPUBLIC	Grande Chambre	Discrimination in the enjoyment of the applicants' right to education on account of their Roma origin	
2011	1115 (7-8 June 2011)	D.H. AND OTHERS	CZECH REPUBLIC	13/11/2007	Discrimination in the enjoyment of the applicants' right to education on account of their Roma origin	
2011	1128 (29 nov.-2dév. 2011)	D.H. AND OTHERS	CZECH REPUBLIC	13/11/2007	Discrimination in the enjoyment of the applicants' right to education on account of their Roma origin	
2012	1144 (4-6 June 2012)	D.H. AND OTHERS	CZECH REPUBLIC	13/11/2007	Discrimination in the enjoyment of the applicants' right to education on account of their Roma origin	Examination of state of execution, in accordance with the decision adopted in December 2011. Replies expected to the questions raised in the Secretariat's memorandum and to the specific questions raised by certain Delegations (circulated at the March meeting).
2012	1157 (4-6 December 2012)	D.H. AND OTHERS	CZECH REPUBLIC	13/11/2007	Discrimination in the enjoyment of the applicants' right to education on account of their Roma origin	Examination of status of execution, in accordance with the decision adopted in June 2012 in the light of the consolidated action plan.
2013	1186 (3-5 December 2013)	DH. AND OTHERS	CZECH REPUBLIC	13/11/2007	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).	Assessment of the information provided in June and October 2013 concerning the implementation of the consolidated action plan of the Czech authorities.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1201 (3-5 June 2014)	DH. AND OTHERS	CZECH REPUBLIC	13/11/2007	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 1186th meeting and assessment of the updated action plan to be submitted.
2011	1108 (6-10 March 2011)	BOUSARRA	FRANCE	23/12/2010	Disproportionate interference with the right to respect for family life of the applicant, a Moroccan national, due to a final expulsion order issued against him (violation of Article 8).	
2011	1115 (7-8 June 2011)	BOUSARRA	FRANCE	23/12/2010	Disproportionate interference with the right to respect for family life of the applicant, a Moroccan national, due to a final expulsion order issued against him (violation of Article 8).	
2011	1128 (29 nov.-2dév. 2011)	BOUSARRA	FRANCE	23/12/2010	Disproportionate interference with the right to respect for family life of the applicant, a Moroccan national, due to a final expulsion order issued against him (violation of Article 8).	Adoption of individual measures in order to address the violation of the Convention.
2013	1164 (5-7 March 2013)	GEBREMEDHIN (GABERAMADHIEN)	FRANCE	26/07/2007	Lack of a remedy with automatic suspensive effect against a decision of 2005 refusing the applicant (requesting asylum at the border) the authorization to enter the French territory (violation of Article 13 combined with Article 3).	Assessment of the authorities' proposal to close the supervision of this case, in the light of their action report, the submissions made by several NGO's and national institutions for human rights, as well as a memorandum prepared by the Secretariat. (Case currently classified under the standard procedure)
2012	1157 (4-6 December 2012)	ENUKIDZE AND GIRGVLIANI	GEORGIA	26/07/2011	Violation of the procedural limb of Article 2 of the Convention on account of lack of an effective investigation into the death of the applicant's son. Also violation of Article 38.	Consolidated action plan awaited by 25 November 2012 following the request by the authorities for an extension of the deadline for its submission. Take note of the consolidated action plan that will be submitted and instruct the Secretariat to prepare an assessment for the March meeting.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1164 (5-7 March 2013)	ENUKIDZE AND GIRGVLIANI Included in the Gharibashvili Group (1208th meeting)	GEORGIA	26/07/2011	Violation of the procedural limb of Article 2 of the Convention on account of lack of an effective investigation into the death of the applicant's son. Also violation of Article 38.	Assessment of the action plan presented to the Committee on 3/12/2012 and its update following the decision adopted at the 1157th meeting
2010	1078 (4 March 2010)	FC MRETEBI	GEORGIA	30/01/2008	Infringement of the right of access to a court, and thus to a fair hearing, on account of the impossibility for the applicant to continue proceedings for damages as the Supreme Court refused to grant its request for exemption from court fees (violation of Article 6 § 1).	
2014	1208 (23-25 September 2014)	GHARIBASHVILI (GROUP)	GEORGIA	29/10/2008	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.
2010	1100 (2 December 2010)	KLAUS AND YURI KILADZE	GEORGIA	2/05/2010	Violation of the applicants' right to peaceful enjoyment of possessions (violation of Article 1 of Protocol No. 1)	
2011	1108 (6-10 March 2011)	KLAUS AND YURI KILADZE	GEORGIA	02/05/2010	Violation of the applicants' right to peaceful enjoyment of possessions (violation of Article 1 of Protocol No. 1)	
2011	1115 (7-8 June 2011)	KLAUS AND YURI KILADZE	GEORGIA	02/05/2010	Violation of the applicants' right to peaceful enjoyment of possessions (violation of Article 1 of Protocol No. 1)	
2011	1108 (6-10 March 2011)	PANDJIKIDZE AND OTHERS (GROUP)	GEORGIA	27/01/2010 20/01/2010	Breach of the applicants' right to a fair trial (violations of Article 6§1).	
2011	1128 (29 nov.-2dév. 2011)	PANDJIKIDZE AND OTHERS (GROUP)	GEORGIA	27/01/2010 20/01/2010	Breach of the applicants' right to a fair trial (violations of Article 6§1).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1136 (6-8 March 2012)	M. (GROUP)	GERMANY	10/05/2010	Unlawful extension or imposition of "preventive detention" on the basis of retroactive legislative changes	Stock taking of the measures adopted so far
2014	1201 (3-5 June 2014)	M. (GROUP)	GERMANY	10/05/2010	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
2011	1115 (7-8 June 2011)	RUMPF (GROUP)	GERMANY	02/12/2010	Violation of the right to a fair trial due to excessive length of proceedings and of the right to an effective remedy in this respect (Violations of Articles 6§1 and 13).	
2011	1128 (29 nov.-2dév. 2011)	RUMPF (GROUP)	GERMANY	02/12/2010	Violation of the right to a fair trial due to excessive length of proceedings and of the right to an effective remedy in this respect (Violations of Articles 6§1 and 13).	
2011	1108 (6-10 March 2011)	RUMPF (GROUP) SURMELI (GROUP) (47 CASES)	GERMANY	08/06/2006 02/12/2010	Violation of the right to a fair trial due to excessive length of proceedings and of the right to an effective remedy in this respect (Violations of Articles 6§1 and 13).	
2010	1086 (2 June 2010)	BEKIR-OUSTA AND OTHERS	GREECE	11/01/2008	Dissolution or refusal to register associations established by persons belonging to Muslim minority of Western Thrace (Greece)	
2011	1128 (29 nov.-2dév. 2011)	BEKIR-OUSTA (GROUP)	GREECE	11/01/2008	Violation of the right to freedom of association (Article 11)	
2010	1100 (2 December 2010)	BEKIR-OUSTA (GROUP) AND OTHERS	GREECE	11/01/2008	Violation of the right to freedom of association (Article 11)	
2012	1144 (4-6 June 2012)	BEKIR-OUSTA (GROUP) AND OTHERS	GREECE	11/01/2008	Violation of the right to freedom of association (Article 11)	Taking stock of the developments on individual and general measures

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1157 (4-6 December 2012)	BEKIR-OUSTA (GROUP) AND OTHERS	GREECE	11/01/2008	Violation of the right to freedom of association (Article 11)	Follow up to the decision adopted at the 1144th meeting regarding individual and general measures
2013	1172 (4-6 June 2013)	BEKIR-OUSTA (GROUP) AND OTHERS	GREECE	11/01/2008	Violation of the right to freedom of association (Article 11)	Follow-up to the decision adopted at the 1157th meeting regarding individual and general measures
2013	1186 (3-5 December 2013)	BEKIR-OUSTA (GROUP) AND OTHERS	GREECE	11/01/2008	Violation of the right to freedom of association (Article 11)	Follow-up to the decision adopted at the 1172nd meeting.
2014	1201 (3-5 June 2014)	BEKIR-OUSTA (GROUP) AND OTHERS	GREECE	11/01/2008	Violation of the right to freedom of association (Article 11)	Follow-up to the decision adopted at the 1201th meeting. Adoption of an Interim resolution CM/ResDH(2014)84
2013	1164 (5-7 March 2013)	GLYKANTZI KONTI-ARVANITI GROUP	GREECE	30/01/2013 10/07/2003	Excessive length of civil proceedings and lack of an effective remedy (pilot judgment) (deadline expires on 30/01/2014).	First examination of the case. Stress the importance of timely compliance with the pilot judgment.
2012	1157 (4-6 December 2012)	MAKARATZIS (GROUP)	GREECE	20/12/2004	Group of cases concerning in particular ill treatment by police and absence of effective investigations in this respect	Assessment of consolidated information provided on individual and general measures on the basis of a memorandum.
2012	1150 (24-26 September 2012)	MICHELIOUDAKIS DIAMANTIDES NO. 2 (GROUP)	GREECE	03/07/2012 19/08/2005	Excessive length of criminal proceedings and lack of an effective remedy (pilot judgment) (deadline expires on 03/07/2013).	To stress the importance of timely compliance with the pilot judgment and to invite the Greek authorities to keep the Committee regularly informed on the progress of implementation of the measures envisaged
2013	1164 (5-7 March 2013)	MICHELIOUDAKIS DIAMANTIDES NO. 2 (GROUP)	GREECE	03/07/2012 19/08/2005	Excessive length of criminal proceedings and lack of an effective remedy (pilot judgment) (deadline expires on 03/07/2013).	Stress the importance to promptly take the necessary measures in order to introduce, before the expiry of the time limit set by the Court (03/07/2013), an effective remedy and instruct the Secretariat to prepare an assessment of the actions plan presented by the authorities.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1172 (4-6 June 2013)	MICHELIOUDAKIS DIAMANTIDES (GROUP) NO. 2	GREECE	03/07/2012 19/08/2005	Excessive length of criminal proceedings and lack of an effective remedy (pilot judgment) (deadline expires on 03/07/2013).	Stress the importance to take promptly the necessary measures in order to introduce, within the time-limit set by the Court (03/07/2013), an effective remedy and take stock of the other measures presented by the authorities in their action plan.
2013	1179 (24-26 September 2013)	MICHELIOUDAKIS DIAMANTIDES NO. 2 (GROUP) GLYKANTZI KONTI-ARVANITI (GROUP)	GREECE	03/07/2012 19/08/2005 30/01/2013 10/07/2003	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).	Stress the importance to promptly introduce, within the new time limit set by the Court (30/01/2014), an effective remedy in order to conform with both pilot judgments (Michelioudakis and Glykantzi) and take stock of the other measures presented by the authorities in their action plan in the Glykantzi case.
2013	1186 (3-5 December 2013)	MICHELIOUDAKIS, DIAMANTIDES NO. 2, (GROUP) GLYKANTZI KONTI-ARVANITI (GROUP)	GREECE	03/07/2012 19/08/2005 30/01/2013 10/07/2003	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 1179th meeting.
2014	1193 (4-6 March 2014)	MICHELIOUDAKIS, DIAMANTIDES NO. 2, (GROUP) GLYKANTZI KONTI-ARVANITI (GROUP)	GREECE	03/07/2012 19/08/2005 30/01/2013 10/07/2003	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 1186th meeting.
2013	1172 (4-6 June 2013)	NISIOTIS (GROUP)	GREECE	20/06/2011	Inhuman and /or degrading conditions of detention (overcrowding) in particular regarding the Ioannina prison (Article 46)	Assessment of the action plan and additional information submitted in this Group of cases

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1100 (2 December 2010)	SAMPANIS AND OTHERS	GREECE	05/09/2008	Authorities' failure to provide schooling for the applicants' children during the 2004-2005 school year and their subsequent placement in special preparatory classes in 2005. In particular, the Court concluded that, in spite of the authorities' willingness to educate Roma children, the conditions of school enrolment for those children and their placement in special preparatory classes – in an annexe to the main school building – ultimately resulted in discrimination against them (violation of Article 14 in conjunction with Article 2 of Protocol No.1). The case also concerns the absence of an effective remedy to secure redress for the above violation (violation of Article 13).	
2011	1115 (7-8 June 2011)	VASSILIOS ATHANASIOU AND OTHERS MANIOS (GROUP)	GREECE	21/03/2011 11/06/2004	Violations of the right to a fair trial due to excessive length of proceedings before administrative courts and the Council of State and of the right to an effective remedy in this respect (violations of Articles 6§1 and 13).	
2011	1120 (13-14 September 2011)	VASSILIOS ATHANASIOU AND OTHERS MANIOS (GROUP)	GREECE	21/03/2011 11/06/2004	Violations of the right to a fair trial due to excessive length of proceedings before administrative courts and the Council of State and of the right to an effective remedy in this respect (violations of Articles 6§1 and 13).	
2012	1136 (6-8 March 2012)	VASSILIOS ATHANASIOU AND OTHERS MANIOS (GROUP)	GREECE	21/03/2011 11/06/2004	Excessive length of proceedings, pilot judgment, deadline will expire in March 2012	Assessment of the progress achieved in adopting an effective remedy
2014	1193 (4-6 March 2014)	VASSILIOS ATHANASIOU AND OTHERS MANIOS (GROUP)	GREECE	21/03/2011 11/06/2004	Excessive length of proceedings before administrative courts and lack of an effective remedy (pilot judgment)	Proposal to transfer these cases under standard procedure.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1136 (6-8 March 2012)	TÍMÁR (GROUP)	HUNGARY	09/07/2003	Excessive length of proceedings	Proposal to transfer the Group to enhanced procedure in view of the continuing problem of excessive length of judicial proceeding in Hungary
2014	1193 (4-6 March 2014)	HORVATH AND KISS	HUNGARY	29/04/2013	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.
2013	1172 (4-6 June 2013)	KALUCZA	HUNGARY	24/07/2012	Failure of the authorities to protect the applicant from her violent former partner despite her repeated requests (Article 8).	Assessment of the measures taken and identification of those still outstanding, notably as regards the applicant's current situation.
2014	1201 (3-5 June 2014)	KALUCZA	HUNGARY	24/07/2012	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
2013	1172 (4-6 June 2013)	R.R.	HUNGARY	29/04/2013	Violation of four of the five applicants' right to life on account of their exclusion from the witness protection programme (Article 2).	Information awaited on the urgent individual measures taken to secure adequate protection for these applicants.
2013	1179 (24-26 September 2013)	R.R.	HUNGARY	29/04/2013	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).	Assessment of the measures taken to secure adequate protection for these applicants and identification of those still outstanding.
2014	1208 (23-25 September 2014)	R.R.	HUNGARY	29/04/2013	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.
2011	1120 (13-14 September 2011)	A. B. AND C.	IRELAND	16/12/2010	Absence of any legislative or regulatory regime providing access to lawful abortion when the mother's life is at risk	

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2012	1136 (6-8 March 2012)	A. B. AND C.	IRELAND	16/12/2010	Absence of any legislative or regulatory regime providing access to lawful abortion when the mother's life is at risk	Assessment of the timetable for the adoption of substantive, general measures, as presented in the updated action plan.
2012	1157 (4-6 December 2012)	A. B. AND C.	IRELAND	16/12/2010	Absence of any legislative or regulatory regime providing access to lawful abortion when the mother's life is at risk	Assessment of the state of progress in taking general measures (updated Action plan expected on 30 November 2012).
2013	1164 (5-7 March 2013)	A. B. AND C.	IRELAND	16/12/2010	Absence of any legislative or regulatory regime providing access to lawful abortion when the mother's life is at risk	Assessment of the state of progress in taking general measures (an updated Action plan expected on 8 February 2013).
2013	1172 (4-6 June 2013)	A. B. AND C.	IRELAND	16/12/2010	Absence of any legislative or regulatory regime providing access to lawful abortion when the mother's life is at risk	Preliminary assessment of the the information presented in the updated action plan of 8 May 2013).
2010	1078 (4 March 2010)	BEN KHEMAYS	ITALY	06/07/2009	Expulsion of the applicants to Tunisia where they face the risk of ill-treatment; failure to comply with the European Court's interim measures indicating to the Italyn authorities not to expel the applicants (violations of Articles 3 and 34).	
2010	1086 (2 June 2010)	BEN KHEMAYS	ITALY	06/07/2009	Expulsion of the applicants to Tunisia where they face the risk of ill-treatment; failure to comply with the European Court's interim measures indicating to the Italyn authorities not to expel the applicants (violations of Articles 3 and 34).	Adoption of an Interim resolution CM/ResDH(2010)83
2010	1092 (15 September 2010)	BEN KHEMAYS	ITALY	06/07/2009	Expulsion of the applicants to Tunisia where they face the risk of ill-treatment; failure to comply with the European Court's interim measures indicating to the Italyn authorities not to expel the applicants (violations of Articles 3 and 34).	Interim resolution CM/ResDH(2010)83
2011	1108 (6-10 March 2011)	BEN KHEMAYS TRABELSI	ITALY	06/07/2009 13/07/2010	Expulsion of the applicants to Tunisia where they face the risk of ill-treatment; failure to comply with the European Court's interim measures indicating to the Italyn authorities not to expel the applicants (violations of Articles 3 and 34).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1201 (3-5 June 2014)	CENTRO EUROPA 7 S.R.L. AND DI STEFANO	ITALY	07/06/2012	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.
2013	1179 (24-26 September 2013)	CIRILLO	ITALY	29/04/2013	Inhuman and degrading treatment on account of the inadequacy of the medical care provided to the applicant in prison (violation of Article 3).	Assessment of the individual measures taken and envisaged to secure the applicant in prison regular access to the medical care he requires. Assessment of the advisability to examine all the cases concerning medical care in prison environment in Italy under the enhanced surveillance track.
2011	1128 (29 nov.-2dév. 2011)	CETERONI (GROUP) LUORDO (GROUP) MOSTACCIUOLO (GROUP) GAGLIONE AND OTHERS	ITALY	29/03/2006 20/06/2011	Insufficient amount and delay in payment of awards made in the context of a compensatory remedy available to victims of excessively lengthy proceedings, since 2002 (violation of Article 6§1).	
2012	1136 (6-8 March 2012)	CETERONI (GROUP) LUORDO (GROUP) MOSTACCIUOLO (GROUP) GAGLIONE AND OTHERS	ITALY	15/11/1996 17/10/2003 29/03/2006 20/06/2011	Excessive length of judicial proceedings; insufficient amount and delay in payment of awards made in the context of the Pinto remedy	Follow-up to the decision taken at the 1128th meeting and assessment of further information provided; discussion on the follow-up to be given to the letter from the Court.

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2012	1144 (4-6 June 2012)	GROUP OF LENGTH OF JUDICIAL PROCEEDINGS AND PINTO REMEDY CETERONI (GROUP) LUORDO (GROUP) MOSTACCIUOLO (GROUP) GAGLIONE AND OTHERS	ITALY	15/11/1996	Excessive length of judicial proceedings; insufficient amount and delay in payment of awards made in the context of the Pinto remedy	Examination of the action report received on 30 March 2012 from the Italian authorities and in particular of the issue of the Pinto remedy, in accordance with the decision adopted at the meeting of March 2012
2012	1157 (4-6 December 2012)	GROUP OF LENGTH OF JUDICIAL PROCEEDINGS AND PINTO REMEDY CETERONI (GROUP) LUORDO (GROUP) MOSTACCIUOLO (GROUP) GAGLIONE AND OTHERS	ITALY	15/11/1996 17/10/03 29/03/2006 20/06/2011	Excessive length of judicial proceedings; 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)	Follow-up to the decision taken at the 1144th meeting and assessment of the recent amendments brought to the Pinto law (see (DD-DH(2012)806F) and DD-DH(2012)1001F).

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1172 (4-6 June 2013)	GROUP OF LENGTH OF JUDICIAL PROCEEDINGS AND PINTO REMEDY CETERONI (GROUP) LUORDO (GROUP) MOSTACCIUOLO (GROUP) GAGLIONE AND OTHERS	ITALY	15/11/1996 17/10/2003 29/03/2006 20/06/2011	Excessive length of judicial proceedings; 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)	Follow-up of the reform of the financial system set by the "Pinto" Law announced by the authorities in November 2012. Assessment of the progress in the adoption of the measures aimed at remedying the structural problem of excessive length of judicial proceedings, in the light of the information submitted by the authorities on 10 April 2013 and of the assessment of the status of execution presented by the Execution Department in Memorandum CM/Inf/DH(2013)21
2012	1144 (4-6 June 2012)	HIRSI JAMAA AND OTHERS	ITALY	23/02/2011	Interception at sea and transfer to Libya 11 Somalian and 13 Eritrean nationals	Information expected on the urgent individual measures
2012	1150 (24-26 September 2012)	HIRSI JAMAA AND OTHERS	ITALY	23/02/2011	Interception at sea and transfer to Libya 11 Somalian and 13 Eritrean nationals	Information awaited in particular on the urgent individual measures. At their 1144th DH meeting, the Deputies decided to « follow developments closely and invited the Italian authorities to provide rapidly all relevant new information »
2012	1157 (4-6 December 2012)	HIRSI JAMAA AND OTHERS	ITALY	23/02/2011	Interception at sea and transfer to Libya 11 Somalian and 13 Eritrean nationals	In respect of the individual measures, to recall the decision from the 1150th DH meeting and urge the authorities to obtain the information and assurances required. In depth assessment of the information submitted on the general measures will be presented at the 1164th meeting (March 2013).
2013	1164 (5-7 March 2013)	HIRSI JAMAA AND OTHERS	ITALY	23/02/2012	Interception at sea and transfer to Libya 11 Somalian and 13 Eritrean nationals	Assessment of progress made in the status of execution, notably regarding the individual measures.
2014	1208 (23-25 September 2014)	HIRSI JAMAA AND OTHERS	ITALY	23/02/2012	Interception at sea and transfer to Libya 11 Somalian and 13 Eritrean nationals	Assessment of the Action plan.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1100 (2 December 2010)	LUORDO (+ 23 cases)	ITALY	17/10/03	Restrictions of the applicants' individual rights following to bankruptcy proceedings and, in certain cases, excessive length of judicial proceedings (violations of Art. 6§1, 8, 13, Art. 1 & 3 of Prot. 1, Art. 2 of Prot. 4).	Adoption of an Interim resolution CM/ResDH(2009)42
2014	1193 (4-6 March 2014)	M.C AND OTHERS	ITALY	03/12/2013	<p>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).</p> <p>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.</p>	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.
2014	1199 Réunion ordinaire (13 may 2014)	M.C AND OTHERS	ITALY	03/12/2013	<p>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).</p> <p>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.</p>	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.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1208 (23-25 September 2014)	M.C AND OTHERS	ITALY	03/12/2013	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
2011	1108 (6-10 March 2011)	SAADI (+ 10 OTHER CASES)	ITALY	28/02/2008	Risk for the applicants of being subject to ill-treatment, if expelled to Tunisia (potential violations of Article 3).	
2013	1164 (5-7 March 2013)	SNEERSONE AND KAMPANELLA	ITALY	12/10/2011	Order for return of minor child, who had been living with mother in Latvia, to father in Italy without due consideration of child's best interests.	Assessment of the information provided by the Italian authorities on the progress in the implementation of the individual measures.
2014	1193 (4-6 March 2014)	SNEERSONE AND KAMPANELLA	ITALY	12/10/2011	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).
2012	1136 (6-8 March 2012)	SULEJMANOVIC	ITALY	06/11/2009	Inhuman or degrading conditions of detention (overcrowding)	Request further information to complete that provided in the action plan, in particular regarding the impact of measures adopted and envisaged
2012	1150 (24-26 September 2012)	SULEJMANOVIC	ITALY	06/11/2009	Inhuman or degrading conditions of detention (overcrowding)	Follow-up to the decision adopted at the 1136th DH meeting, during which the Deputies took note of the action plan provided by the authorities and requested additional information
2013	1172 (4-6 June 2013)	SULEJMANOVIC	ITALY	06/11/2009	Inhuman or degrading conditions of detention (overcrowding).	Follow-up to the decision adopted at the 1150th meeting, requesting further information and clarifications on the action plan, and to take account of the pilot judgment Torreggiani and others

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1193 (4-6 March 2014)	TORREGGIANI AND OTHERS SULEJMANOVIC	ITALY	27/05/2013 06/11/2009	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	27/05/2013	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 1193rd meeting (March 2014) and assessment of the progress achieved in the implementation of the pilot judgment.
2014	1208 (23-25 September 2014)	L.	LITHUANIA	31/03/2008	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
2014	1208 (23-25 September 2014)	PAKSAS	LITHUANIA	06/01/2011	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
2013	1164 (5-7 March 2013)	M.D. AND OTHERS	MALTA	17/10/2012	Permanent and automatic forfeiture of a mother's parental rights following her conviction for cruelty to her children (violation of Article 8) and lack of access to court to challenge a final care order over the children (violation of Article 6§1).	Action plan received on 13.02.13 including information on the urgent individual measures needed to provide the applicant the possibility to challenge the permanent forfeiture of her parental rights.
2013	1186 (3-5 December 2013)	LINDHEIM AND OTHERS	NORWAY	22/10/2012	Violation of lessors' right of property due to a statutory provision allowing lessees to claim the indefinite extension of certain long lease contracts on unchanged conditions with the result that rent due bears no relation to the actual value of the land (Article 1 of Protocol No. 1)	Assessment of the measures reported so far.
2014	1201 (3-5 June 2014)	DZWONKOWSKI (GROUP)	POLAND	12/07/2007	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.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1179 (24-26 September 2013)	FUCHS (GROUP)	POLAND	11/05/2003	Excessive length of proceeding before administrative courts and bodies (Article 6§1), lack of an effective remedy against excessive length of proceedings (Article 13).	Assessment of the status of execution of this Group of cases and outstanding issues.
2013	1186 (3-5 December 2013)	GRZELAK	POLAND	22/11/2010	Discrimination against a non-believer pupil, due to the absence of a mark for "religion/ethics" in consequent of the failure to provide alternative ethics classes.	Evaluation of progress made and identification of outstanding questions.
2014	1201 (3-5 June 2014)	GRZELAK	POLAND	22/11/2010	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. Adoption of a Final Resolution CM/ResDH(2014)85
2014	1208 (23-25 September 2014)	HORYCH	POLAND	17/07/2012	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)
2011	1115 (7-8 June 2011)	HUTTEN-CZAPSKA	POLAND	28/04/2008	Continued violation, since 10/10/1994 (date of ratification of Protocol No. 1 by Poland), of the applicant's right to property due to limitations on use of property by landlords, and in particular through the rent control scheme (violation of Article 1, Protocol No. 1).	
2010	1078 (4 March 2010)	KAPRYKOWSKI (+ 2 cases)	POLAND	03/05/2009	Conditions de détention inhumaines ou dégradantes (absence de soins médicaux appropriés).	
2011	1120 (13-14 September 2011)	KAPRYKOWSKI (GROUP)	POLAND	03/05/2009	Inhuman and degrading treatment of the applicants in detention facilities mainly due to lack of adequate medical care (violations of Art. 3). In the case of Wenerski the European Court found also a violation of the applicant's right to respect for his correspondence in that a letter sent to him by the European Court in 2003 had been opened and marked "censored" (violation of Art. 8).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1164 (5-7 March 2013)	KAPRYKOWSKI (GROUP)	POLAND	03/05/2009	Inhuman or degrading conditions of detention (lack of adequate medical care).	Evaluation of developments since the preliminary assessment by the Committee of the Action plan submitted in this Group of cases.
2011	1128 (29 nov.-2dév. 2011)	KUDŁA (GROUP) PODBIELSKI (GROUP) FUCHS (GROUP)	POLAND	26/10/2000 30/10/1998 11/05/2003	These three Groups of cases concern the excessive length of proceedings. The Kudła Group concerns criminal proceedings from 1990 onwards; the Podbielski Group concerns civil proceedings from 1990 onwards and the Fuchs Group concerns proceedings before administrative courts from 2005 onwards (violations of Article 6§1). All three Groups also concern the lack of an effective remedy against the excessive length of proceedings (violation of Article 13).	
2013	1179 (24-26 September 2013)	KUDŁA (GROUP) PODBIELSKI (GROUP)	POLAND	26/10/2000 30/10/1998	Excessive length of criminal and civil proceedings (Article 6§1), and lack of an effective remedy (Article 13).	Assessment of the action plans submitted by the authorities in 2011 and 2013.
2010	1078 (4 March 2010)	ORCHOWSKI (+ 1 affaire)	POLAND	22/01/2010	Inhuman and degrading treatment of the applicants due to imprisonment in inadequate conditions, particularly overcrowding (violations of Article 3) aggravated by factors such as the lack of exercise, particularly outdoor exercise, lack of privacy, insalubrious conditions and frequent transfers.	
2011	1120 (13-14 September 2011)	ORCHOWSKI (GROUP)	POLAND	22/01/2010	Inhuman and degrading treatment of the applicants due to imprisonment in inadequate conditions, particularly overcrowding (violations of Article 3) aggravated by factors such as the lack of exercise, particularly outdoor exercise, lack of privacy, insalubrious conditions and frequent transfers.	
2013	1164 (5-7 March 2013)	ORCHOWSKI (GROUP)	POLAND	22/01/2010	Inhuman or degrading conditions of detention (overcrowding).	Evaluation of developments since the preliminary assessment by the Committee of the Action report submitted in this Group of cases.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1128 (29 nov.-2dév. 2011)	TRZASKA (GROUP)	POLAND	11/07/2000	This Group of cases concerns the excessive length of pre-trial detention and deficiencies in the procedure for reviewing the lawfulness of pre-trial detention (violation of Articles 5§3 and 5§4).	
2012	1136 (6-8 March 2012)	TRZASKA (GROUP)	POLAND	11/07/2000	Excessive length of pre-trial detention	Acknowledge the measures taken and plans for future action and envisage to transfer the Group to standard procedure
2011	1115 (7-8 June 2011)	TYSIAC	POLAND	24/09/2007	Interference with the applicant's right to respect for her private life, due to the absence, in 2000, of an adequate legal framework for the exercise of the right to therapeutic abortion in the event of disagreement between the patient and the specialist doctor empowered to decide on such an abortion (violation of Art. 8).	
2014	1208 (23-25 September 2014)	TYSIAC R.R.	POLAND	24/09/2007 28/11/2011	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>Tysiãc</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
2010	1078 (4 March 2010)	OLIVEIRA MODESTO (+ 24 cases)	PORTUGAL	08/09/00	Length of judicial proceedings	Interim resolution CM/ResDH(2007)108
2013	1164 (5-7 March 2013)	OLIVEIRA MODESTO (GROUP)	PORTUGAL	08/09/2000	Length of judicial proceedings	Assessment of the measures taken to remedy the structural deficiencies revealed by this Group of cases (see also Interim Resolution CM/ResDH(2010)34).
2013	1186 (3-5 December 2013)	CIORAP (GROUP) BECCIEV (GROUP) PALADI (GROUP)	REPUBLIC OF MOLDOVA	19/09/2007	Cases mainly concerning poor material conditions of detention, including lack of adequate access to medical care, and lack of effective remedies (Articles 3 + 13), as well as the non-compliance with an interim measure on medical assistance (Article 34).	Taking stock of the recent information provided by the Moldovan authorities.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1100 (2 December 2010)	CORSACOV (GROUP)	REPUBLIC OF MOLDOVA	04/07/2006	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).	
2014	1208 (23-25 September 2014)	CORSACOV (GROUP)	REPUBLIC OF MOLDOVA	04/07/2006	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.
2014	1193 (4-6 March 2014)	EREMIA (GROUP)	REPUBLIC OF MOLDOVA	28/08/2013	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.
2010	1078 (4 March 2010)	OLARU and others	REPUBLIC OF MOLDOVA	28/10/2009	Non-enforcement of domestic court decisions	
2010	1086 (2 June 2010)	OLARU and others	REPUBLIC OF MOLDOVA	28/10/2009	Non-enforcement of domestic court decisions	
2010	1100 (2 December 2010)	OLARU and others	REPUBLIC OF MOLDOVA	28/10/2009	Non-enforcement of domestic court decisions	
2011	1108 (6-10 March 2011)	OLARU (GROUP)	REPUBLIC OF MOLDOVA	28/10/2009	Non-enforcement of domestic court decisions	
2011	1115 (7-8 June 2011)	OLARU (GROUP)	REPUBLIC OF MOLDOVA	28/10/2009	Non-enforcement of domestic court decisions	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1120 (13-14 September 2011)	OLARU (GROUP)	REPUBLIC OF MOLDOVA	28/10/2009	Non-enforcement of domestic court decisions	
2012	1136 (6-8 March 2012)	OLARU (GROUP)	REPUBLIC OF MOLDOVA	28/10/2009	Non-enforcement of domestic court decisions	Assessment of the progress achieved in adopting an effective remedy in the light of the Court's decision in the case of Balan and proposal to transfer to the standard procedure
2013	1172 (4-6 June 2013)	TARABURCA	REPUBLIC OF MOLDOVA	06/03/2012	Ill-treatment by police during post-election events in April 2009 and ineffective investigation (Art. 3)	Taking stock of the information provided by the authorities
2014	1193 (4-6 March 2014)	ILAȘCU AND OTHERS IVANTOC AND OTHERS	REPUBLIC OF MOLDOVA + RUSSIAN FEDERATION	08/07/2004 15/11/2011	<p><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.</p> <p><u>Ivantoc</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).</p>	<p>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).</p> <p>Adoption of a Final Resolution CM/ResDH(2014)37</p>

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1115 (7-8 June 2011)	ANGHELESCU BARBU NO. 1 (GROUP)	ROMANIA	05/10/2004	<p>Ill-treatment inflicted on the applicants by members of the police amounting to inhuman and degrading treatment or torture, which caused the victim's death in the case of Carabulea (substantive violations of Art. 2 and Art. 3);</p> <p>Ineffectiveness of the investigations into such events (procedural violations of Art. 2 and 3);</p> <p>Lack of an effective remedy to complain of the ill-treatment suffered (violations of Art. 13);</p> <p>Racially-motivated ill-treatment and/or the authorities' failure to investigate possible racial motives in the applicants' ill-treatment (violations of Art. 14 taken in conjunction with Art. 3 and Art. 13).</p> <p>Several other issues related to pre-trial detention, the length of civil and criminal proceedings, the protection of one of the applicants' home and the right to individual application (violations of Art. 5, 6, 8 and 34).</p>	
2013	1164 (5-7 March 2013)	ANGHELESCU BARBU NO. 1 (GROUP)	ROMANIA	05/01/2005	Death or ill-treatment occurred under the responsibility of law enforcement agents; ineffective investigations and domestic remedies.	Assessment of the status of the execution and of the need for additional general measures, in the light of the information provided in the action plan submitted by the authorities on 9/01/2013 (DH-DD(2013)35E).
2012	1136 (6-8 March 2012)	ASSOCIATION « 21 DECEMBRE 1989 » (GROUP)	ROMANIA	28/11/2011	Lack of effective investigation into violent crackdown of 1989 anti-government protests, risk of expiry of limitation periods	Assessment of the action plan submitted by the authorities
2012	1157 (4-6 December 2012)	ASSOCIATION « 21 DECEMBRE 1989 » (GROUP)	ROMANIA	28/11/2011	Lack of an effective investigation into the violent crackdown of 1989 anti-government protests (procedural violation of Article 2); lack of safeguards in the legislation applicable to secret surveillance measures (violation of Article 8).	Assessment of the information provided by the authorities in the revised action plan of 19 October 2012 (DH-DD(2012)1000F) on the progress of the criminal investigation; request for additional information as regards the general measures under adoption in response to the Court's findings under Article 8.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1201 (3-5 June 2014)	ASSOCIATION « 21 DECEMBRE 1989 » (GROUP)	ROMANIA	28/11/2011	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
2011	1115 (7-8 June 2011)	BRAGADIREANU (GROUP)	ROMANIA	06/03/2008	Inhuman and degrading treatment. Failure of the authorities to secure to two of the applicants appropriate medical care and treatment in prison and to provide the facilities required by another applicant's serious health condition. Several other issues regarding the protection of the prisoners' rights (violations of Article 3).	
2012	1144 (4-6 June 2012)	BRAGADIREANU (GROUP)	ROMANIA	06/03/2008	Conditions of detention in prison and police detention facilities (overcrowding, poor material and hygiene conditions) and lack of an effective remedy in this respect; inadequacy of the medical care provided to some of the applicants and other dysfunctions in the protection of the prisoners' rights	Follow-up of the implementation of the measures announced in the action plan of 7 April 2011 concerning prisons: a revised action plan was provided on 29 March 2012 (concerning both prisons and police detention facilities). Assessment of the state of execution in this Group of cases on the basis of the Memorandum prepared by the Secretariat (CM/Inf/DH(2012)13)
2013	1186 (3-5 December 2013)	GEORGEL AND GEORGAND A STOICESCU	ROMANIA	26/10/2011	Failure by the authorities to protect the physical and psychological integrity of the applicant, attacked by a pack of stray dogs in Bucharest, in 2000 (violation of Article 8); Lack of access to court in particular in view of the dismissal of the applicant's civil case without an examination on the merits, on the ground that she had failed to identify the authority against which she should have brought her claim (violation of Article 6§1).	Assessment of the status of execution on the basis of the revised action plan submitted by the authorities on 08/10/2013.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1120 (13-14 September 2011)	MOLDOVAN (GROUP)	ROMANIA	05/07/2005	Racially-motivated violence, against villagers of Roma origin, General discriminatory attitude of the authorities, including their repeated 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).	
2012	1144 (4-6 June 2012)	MOLDOVAN (GROUP)	ROMANIA	05/07/2005	Improper living conditions and discrimination against villagers of Roma origin, following the destruction of their homes in interethnic violent conflicts which occurred between 1990 and 1993 in the villages of Hădăreni (Mureș County), Plăieșii de Sus and Cașinul Nou (Harghita County) and Bolintin Deal (Giurgiu County)	Follow-up of the implementation of the revised action plan dated 12/09/2011. Additional information was provided in February 2012 (see DH-DD(2012)202F)
2014	1193 (4-6 March 2014)	MOLDOVAN (GROUP)	ROMANIA	05/07/2005	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 1144th 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.
2011	1128 (29 nov.- 2 déc. 2011)	NICOLAU (GROUP) STOIANOVA AND NEDELICU (GROUP)	ROMANIA	03/07/2006 04/11/2005	Excessive length of civil (the Nicolau Group) and criminal (the Stoianova and Nedelcu Group) proceedings and the lack of an effective remedy in this respect (the Abramiuc, Paroisse Greco-Catholique Sfantul Vasile Polona, Floarea Pop and Soare cases) (violations of Articles 6§1 and 13).	
2013	1179 (24-26 September 2013)	NICOLAU (GROUP) STOIANOVA AND NEDELICU (GROUP)	ROMANIA	03/07/2006 04/11/2005	Excessive length of civil (Nicolau Group) and criminal (Stoianova and Nedelcu Group) proceedings and lack of an effective remedy.	Assessment of the status of execution of these Groups of cases (assessment of the revised action plan submitted by the authorities on 26/06/2013).

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1157 (4-6 December 2012)	PREDICA	ROMANIA	07/09/2011	Death of the applicant's son occurred under the state's responsibility (in prison) and ineffectiveness of the investigation into the circumstances of the death (substantial and procedural violations of Article 2); lack of an effective remedy allowing the next-of-kin to obtain compensation, in the absence of an effective criminal investigation (violation of Article 13).	Assessment in particular of the progress in the criminal investigation into the circumstances of the death of the applicant's son, in the light of the revised action plan presented by the authorities on the 24 October 2012 (DH-DD(2012)1005E); request for additional information as regards the general measures.
2012	1150 (24-26 September 2012)	SACALEANU (GROUP)	ROMANIA	6/12/2005	Failure or delay of the public authorities or other legal persons under the responsibility of the State to abide by final court decisions	Assessment of the action plan submitted by the authorities on 16 January 2012, on the basis of a Memorandum prepared by the Secretariat
2010	1078 (4 March 2010)	STRAIN (GROUP)	ROMANIA	30/11/2005	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	
2010	1100 (2 December 2010)	STRAIN (GROUP)	ROMANIA	30/11/2005	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	
2011	1115 (7-8 June 2011)	STRAIN (GROUP) AND OTHERS	ROMANIA	30/11/2005	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	
2011	1128 (29 nov.-2dév. 2011)	STRAIN (GROUP) AND OTHERS MARIA ATANASIU	ROMANIA	30/11/2005	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	
2012	1136 (6-8 March 2012)	STRAIN (GROUP) MARIA ATANASIU AND OTHERS	ROMANIA	30/11/2005 12/01/2011	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	Assessment of the progress made in the adoption of general measures
2012	1144 (4-6 June 2012)	STRAIN (GROUP) MARIA ATANASIU AND OTHERS	ROMANIA	30/11/2005 12/01/2011	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	Assessment of the draft law prepared in response to the pilot judgment, provided by the authorities, in conformity with the decision adopted at the March meeting. Assessment of the situation in the light of the Secretariat's memorandum (CM/Inf/DH(2012)18)

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1157 (4-6 December 2012)	STRAIN (GROUP) MARIA ATANASIU AND OTHERS	ROMANIA	30/11/2005 12/01/2011	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	Assessment of the situation in the light of the information on general measures submitted by the authorities on 15 October 2012.
2013	1164 (5-7 March 2013)	STRAIN (GROUP) AND OTHERS MARIA ATANASIU	ROMANIA	30/11/2005	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	Assessment of the situation given the lack of information from the authorities since the last examination by the Committee of Ministers.
2013	1172 (4-6 June 2013)	STRAIN (GROUP) AND OTHERS MARIA ATANASIU	ROMANIA	30/11/2005 12/01/2011	Restitution/ compensation for nationalised property, pilot judgment, extended deadline to expire in May 2013.	Assessment of the new law adopted by the authorities with a view to executing the pilot judgment.
2014	1208 (23-25 September 2014)	ȚICU GHEORGHE PREDESCU	ROMANIA	01/01/2014 25/05/2014	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.
2012	1144 (4-6 June 2012)	ALEKSEYEV	RUSSIAN FEDERATION	11/04/2011	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).	Assessment of the action report provided by the Russian authorities
2012	1150 (24-26 September 2012)	ALEKSEYEV	RUSSIAN FEDERATION	11/04/2011	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).	New examination of the situation in the light of further information to be provided by the authorities (in their decision adopted at 1144th DH meeting, the Deputies underlined the need to receive certain information, in particular statistics)
2013	1164 (5-7 March 2013)	ALEKSEYEV	RUSSIAN FEDERATION	11/04/2011	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).	Follow-up to the decision adopted at the 1150th meeting: assessment of the situation, notably in the light of information provided by the Russian authorities on 25/01/2013 (DH-DD(2013)67) in response to the Committee's invitation to present a global action plan for the execution of this case.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1172 (4-6 June 2013)	ALEKSEYEV	RUSSIAN FEDERATION	11/04/2011	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).	Follow-up to the decision adopted at the 1150th meeting: assessment of the remaining part of the information provided by the Russian authorities on 25/01/2013 (DH DD(2013)67) in response to the Committee's invitation to present a comprehensive action plan for the execution of this case (the issue relating to the so-called anti-propaganda laws was examined at the 1164th meeting).
2013	1179 (24-26 September 2013)	ALEKSEYEV	RUSSIAN FEDERATION	11/04/2011	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 assess the impact of the recently adopted federal law prohibiting the so-called "promotion of non-traditional sexual relations" amongst minors on the execution of the present judgment
2014	1193 (4-6 March 2014)	ALEKSEYEV	RUSSIAN FEDERATION	11/04/2011	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	11/04/2011	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.
2012	1157 (4-6 December 2012)	ALIM	RUSSIAN FEDERATION	27/12/2011	The Court found that there would be a violation of Article 8 if the applicant, a Cameroonian national and father of two Russian children, was removed from Russia. His removal was ordered in 2007 by a domestic court for breaching residence regulations for foreigners.	Proposal to transfer this case from standard procedure to enhanced procedure. According to the information provided on 5/10/2012, all decisions concerning the applicant's removal were quashed. However, no information has been provided on whether the applicant's immigration status was regularised. Therefore it seems that the applicant continues to face a risk of being removed from Russia in breach of Article 8 of the Convention.
2013	1164 (5-7 March 2013)	ALIM	RUSSIAN FEDERATION	27/12/2011	The Court found that there would be a violation of Article 8 if the applicant, a Cameroonian national and father of two Russian children, was removed from Russia. His removal was ordered in 2007 by a domestic court for breaching residence regulations for foreigners.	Follow-up to the decision adopted at the 1157th meeting: evaluation of the situation as regards individual measures

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1144 (4-6 June 2012)	ANANYEV AND OTHERS	RUSSIAN FEDERATION	10/04/2012	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)	First examination to emphasise the importance of the timely compliance with the pilot judgment delivered by the Court
2012	1150 (24-26 September 2012)	ANANYEV AND OTHERS	RUSSIAN FEDERATION	10/04/2012	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)	Assessment of the progress in the preparation of a binding time-frame for the setting-up of domestic remedies requested by the Court (the deadline is 10 October 2012). The Court indicated that this time-frame should be produced in co-operation with the Committee of Ministers
2012	1157 (4-6 December 2012)	ANANYEV AND OTHERS	RUSSIAN FEDERATION	10/04/2012	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)	Preliminary assessment of the action plan submitted by the Russian authorities on 10/10/2012, i.e. within the time-limits set by the Court in its pilot judgment
2013	1164 (5-7 March 2013)	ANANYEV AND OTHERS	RUSSIAN FEDERATION	10/04/2012	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).	Additional clarifications are awaited on the current conditions of detention of Mr. Ananyev
2014	1201 (3-5 June 2014)	ANANYEV AND OTHERS	RUSSIAN FEDERATION	10/04/2012	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.
2010	1078 (4 March 2010)	BURDOV NO. 2	RUSSIAN FEDERATION	04/05/2009	Violation of the applicant's right to a court due to the state authorities' failure to enforce final judicial decisions ordering them to pay certain compensation and allowances for health damage sustained during emergency and rescue operations at the Chernobyl nuclear plant and damages for their delayed enforcement (Article 6§1 and Article 1 of Protocol No. 1) and lack of an effective remedy in respect of the continued non-enforcement of the judgments in the applicant's favour (Article 13).	See Interim Resolution adopted at the 1072nd meeting CM/ResDH(2009)158

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1086 (2 June 2010)	BURDOV NO. 2	RUSSIAN FEDERATION	04/05/2009	Violation of the applicant's right to a court due to the state authorities' failure to enforce final judicial decisions ordering them to pay certain compensation and allowances for health damage sustained during emergency and rescue operations at the Chernobyl nuclear plant and damages for their delayed enforcement (Article 6§1 and Article 1 of Protocol No. 1) and lack of an effective remedy in respect of the continued non-enforcement of the judgments in the applicant's favour (Article 13).	
2011	1120 (13-14 September 2011)	BURDOV NO. 2	RUSSIAN FEDERATION	04/05/2009	Violation of the applicant's right to a court due to the state authorities' failure to enforce final judicial decisions ordering them to pay certain compensation and allowances for health damage sustained during emergency and rescue operations at the Chernobyl nuclear plant and damages for their delayed enforcement (Article 6§1 and Article 1 of Protocol No. 1) and lack of an effective remedy in respect of the continued non-enforcement of the judgments in the applicant's favour (Article 13).	
2011	1128 (29 nov.-2déc. 2011)	BURDOV NO. 2	RUSSIAN FEDERATION	04/05/2009	Violation of the applicant's right to a court due to the state authorities' failure to enforce final judicial decisions ordering them to pay certain compensation and allowances for health damage sustained during emergency and rescue operations at the Chernobyl nuclear plant and damages for their delayed enforcement (Article 6§1 and Article 1 of Protocol No. 1) and lack of an effective remedy in respect of the continued non-enforcement of the judgments in the applicant's favour (Article 13).	Adoption on an Interim resolution CM/ResDH(2011)293
2013	1186 (3-5 December 2013)	CATAN AND OTHERS	RUSSIAN FEDERATION	19/10/2012	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).	To urge the Russian authorities to provide rapidly relevant information, in the form of an action plan or action report.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1193 (6 March 2014)	CATAN AND OTHERS	RUSSIAN FEDERATION	19/10/2012	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).	
2014	1201 (3-5 June 2014)	CATAN AND OTHERS	RUSSIAN FEDERATION	19/10/2012	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 th and 1193 rd meetings.
2014	1208 (23-25 September 2014)	CATAN AND OTHERS	RUSSIAN FEDERATION	19/10/2012	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 st decision. Adoption of an Interim resolution CM/ResDH(2014)184
2012	1136 (6-8 March 2012)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	Cases concernant des extraditions	Assessment of the progress made in adopting the individual and general measures
2012	1144 (4-6 June 2012)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	Different violations related to extradition (Articles 3, 5 and 13)	Follow-up of the decision adopted at the last 1136 th meeting on two issues raised by the Iskandarov case: progress of the domestic investigation into his kidnapping and general measures to prevent new similar violations
2012	1150 (24-26 September 2012)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	Different violations related to extradition (Articles 3, 5 and 13)	Follow-up to the decision adopted at the 1144 th DH meeting on two issues raised by the Iskandarov case: progress of the domestic investigation into his kidnapping and general measures to prevent new similar violations
2012	1157 (4-6 December 2012)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	Different violations related to extradition (Articles 3, 5 and 13); kidnapping and illegal transfer to Tajikistan of the applicant whose extradition had officially been refused in the Iskandarov case	Examination of general measures taken to prevent new similar violations to that found in the Iskandarov judgment in the light of the information according to which a new incident of this kind might have recently taken place

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1164 (5-7 March 2013)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	Different violations related to extradition (Articles 3, 5 and 13); kidnapping and illegal transfer to Tajikistan of the applicant whose extradition had officially been refused in the Iskandarov case.	Follow-up to the decision adopted at the 1157th meeting: the Russian authorities were invited to adopt protective measures in respect of persons in similar situations. Since then a new incident has been reported by the Court
2013	1172 (4-6 June 2013)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	Different violations related to extradition (Articles 3, 5 and 13); abduction and illegal transfer to Tajikistan of the applicants despite the official refusal of their extradition (Iskandarov and Abdulkhakov cases) and the indication by the Court of an interim measure (Abdulkhakov case).	Examination of the measures taken by the Russian authorities in response to an allegation that another similar incident took place on 8/03/2013 concerning another applicant in respect of whom the Court delivered its judgment in 2010 (case Yuldashev v. the Russian Federation). No other incidents have been reported since then.
2013	1176 Réunion ordinaire (10 July 2013)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	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).	
2013	1179 (24-26 September 2013)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	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 made in the light of a draft interim resolution. Adoption of an Interim resolution CM/ResDH(2013)200
2013	1186 (5 December 2013)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	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).	
2014	1193 (4-6 March 2014)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	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 Savriddin Dzhurayev judgment.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1201 (3-5 June 2014)	GARABAYEV (GROUP)	RUSSIAN FEDERATION	30/01/2008	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	30/01/2008	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
2013	1179 (24-26 September 2013)	GLADYSHEVA	RUSSIAN FEDERATION	06/03/2012	Disproportionate dispossession of the applicant of the property title to her flat (Article 1 of Protocol no. 1); eviction order not necessary in a democratic society (Article 8).	Proposal to transfer the case from enhanced to standard procedure following the adoption of individual measures lifting the urgent character at the basis of the initial classification under enhanced procedure (no more risk of eviction).
2010	1078 (4 March 2010)	KALASHNIKOV (+ 30 CASES)	RUSSIAN FEDERATION	15/10/02	Poor conditions of pre-trial detention in the remand centres under the authority of the Ministry of Justice in all cases (Art. 3) and lack of an effective remedy in this respect in a number of cases (Art. 13). In a number of cases also: unlawful detention (Art. 5§1), excessive length of detention (Art. 5§3); violation of the right to an effective judicial review of complaints against remand (Art. 5§4), excessive length of criminal proceedings (Art. 6§1) and lack of an effective remedy in this respect (Art. 13), unfair criminal proceedings (Art. 6§1), interference with the right to individual petition (Art. 34).	Last Interim resolution ResDH(2003)123 Adoption of a new Interim resolution CM/ResDH(2010)35
2010	1100 (2 December 2010)	KAMALIYEVY	RUSSIAN FEDERATION	03/09/2010	Violation of the applicants' right of individual petition on account of the first applicant's deportation to Uzbekistan in December 2007 for a breach of residence regulations despite the European Court of Human Right's indication to the Russian Government under Rule 39 (interim measures) of its Rules of Court not to expel him pending its decision (violation of Art. 34).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1144 (4-6 June 2012)	KHANAMIROVA	RUSSIAN FEDERATION	14/09/2011	Violation of the applicant's right to respect for her family life on account of the authorities' failure to enforce the judgment concerning the applicant's custody of her son (Article 8).	Transfer from the enhanced to the standard procedure following the adoption of the individual measures required
2010	1078 (4 March 2010)	KHASHIYEV AND AKAYEVA (GROUP)	RUSSIAN FEDERATION	06/07/2005	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).	
2010	1086 (2 June 2010)	KHASHIYEV AND AKAYEVA (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.	
2010	1100 (2 December 2010)	KHASHIYEV AND AKAYEVA (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.	
2011	1115 (7-8 June 2011)	KHASHIYEV (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.	
2011	1120 (13-14 September 2011)	KHASHIYEV (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1128 (29 nov.-2dév. 2011)	KHASHIYEV (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.	Adoption of an Interim resolution CM/ResDH(2011)292
2012	1144 (4-6 June 2012)	KHASHIYEV AND AKAYEVA (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.	Follow-up of Interim Resolution CM/ResDH(2011)292
2012	1150 (24-26 September 2012)	KHASHIYEV AND AKAYEVA (GROUP) ISAYEVA AND ABUYEVA AND OTHERS	RUSSIAN FEDERATION	06/07/2005 06/07/2005 11/04/2011	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.	Follow-up to the decision adopted at 1144th DH meeting, during which the authorities were invited to provide a number of clarifications on the issues raised in the framework of domestic investigations (e.g. statute of limitations, application of Amnesty, etc)
2014	1193 (4-6 March 2014)	KHASHIYEV AND AKAYEVA (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1208 (23-25 September 2014)	KHASHIYEV AND AKAYEVA (GROUP)	RUSSIAN FEDERATION	06/07/2005	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.
2012	1150 (24-26 September 2012)	KIYUTIN	RUSSIAN FEDERATION	15/09/2011	Discrimination of the applicant, a foreigner living in Russia with his wife and child, due to the authorities' refusal to issue him a residence permit on the ground that he is HIV positive (Articles 14 in conjunction with 8).	Transfer of the case from the enhanced to standard procedure following the adoption of individual measures (residence permit issued on 21/03/2012).
2012	1157 (4-6 December 2012)	LIU + LIU No.2 (GROUP)	RUSSIAN FEDERATION	08/03/2012	Violation of the applicants' right to family life on account of the authorities' refusal to grant the first applicant a residence permit based on national security considerations and of his subsequent administrative removal to China which were not attended by adequate procedural guarantees and were not "necessary in a democratic society" (Article 8).	No information has been provided on the first applicant's current situation, in particular on whether he can come back to Russia. An action plan on general measures should also be provided. Proposal to transfer the case of Liu and Liu from standard procedure to enhanced procedure.
2013	1164 (5-7 March 2013)	LIU (GROUP)	RUSSIAN FEDERATION	08/03/2012	Violation of the applicants' right to family life on account of the authorities' refusal to grant the first applicant a residence permit based on national security considerations and of his subsequent administrative removal to China which were not attended by adequate procedural guarantees and were not "necessary in a democratic society" (Article 8).	Follow-up to the decision adopted at the 1157th meeting
2013	1179 (24-26 September 2013)	LIU (GROUP)	RUSSIAN FEDERATION	08/03/2012	Violation of the applicants' right to family life on account of the authorities' refusal to grant the first applicant a residence permit based on national security considerations and of his subsequent administrative removal to China which were not attended by adequate procedural guarantees and were not "necessary in a democratic society" (Article 8).	Decision to postpone the examination of this case.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1100 (2 December 2010)	MIKHEYEV (+ 15 CASES)	RUSSIAN FEDERATION	26/04/2006	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).	
2014	1201 (3-5 June 2014)	MIKHEYEV (GROUP)	RUSSIAN FEDERATION	26/04/2006	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.
2010	1078 (4 March 2010)	RYABYKH (GROUP)	RUSSIAN FEDERATION	03/12/2003	Quashing of final judgments through the supervisory review procedure (civil aspects)	
2010	1086 (2 June 2010)	EVT COMPANY (+ 11 cases)	SERBIA	21/09/07	Non-enforcement of final court or administrative decisions	
2011	1108 (6-10 March 2011)	EVT COMPANY (GROUP)	SERBIA	21/09/2007	Non-enforcement of final court or administrative decisions	
2011	1120 (13-14 September 2011)	EVT COMPANY (GROUP)	SERBIA	21/09/2007	Non-enforcement of final court or administrative decisions	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1157 (4-6 December 2012)	EVT COMPANY (GROUP)	SERBIA	21/09/07	Non-enforcement of final court or administrative decisions	Assessment of the state of progress in taking general measures following the decision adopted at the 1120th meeting while stressing the importance of resolving the issue of non-enforcement of decisions rendered against socially-owned companies
2012	1157 (4-6 December 2012)	GRUDIC	SERBIA	24/09/2012	Violation of the applicants' right to peaceful enjoyment of their possession on account of the fact that the payment of their pensions earned in Kosovo* was suspended for more than a decade in breach of the relevant domestic law	To stress the importance of timely compliance with the judgment and to invite the Serbian authorities to provide information to the Committee on the measures envisaged.
2013	1164 (5-7 March 2013)	GRUDIC	SERBIA	24/09/2012	Violation of the applicants' right to peaceful enjoyment of their possession on account of the fact that the payment of their pensions earned in Kosovo* was suspended for more than a decade in breach of the relevant domestic law.	To stress the importance of timely compliance with the judgment (the new deadline set by the Court for taking the necessary measures will expire on 24/09/2013).
2013	1172 (4-6 June 2013)	GRUDIC	SERBIA	24/09/2012	Violation of the applicants' right to peaceful enjoyment of their possession on account of the fact that the payment of their pensions earned in Kosovo* was suspended for more than a decade in breach of the relevant domestic law. The new deadline set by the Court for taking the necessary measures will expire on 24/09/2013.	Taking stock of the measures adopted so far and identifying the outstanding issues.
2013	1179 (24-26 September 2013)	GRUDIC	SERBIA	24/09/2012	Violation of the applicants' right to peaceful enjoyment of their possession since the payment of their pensions earned in Kosovo* was suspended for more than a decade in breach of the relevant domestic law. The new deadline set by the Court for taking the necessary measures will expire on 24/09/2013.	Express serious concern with the lack of adequate progress in securing the resumption of the payment of pensions and arrears at issue, in particular in view of the deadline set by the European Court (24 September 2013).
2013	1186 (3-5 December 2013)	GRUDIC	SERBIA	24/09/2012	Violation of the applicants' right to peaceful enjoyment of their possession since the payment of their pensions earned in Kosovo* was suspended for more than a decade in breach of the relevant domestic law. The new deadline set by the Court for taking the necessary measures expired on 24/09/2013.	Follow-up to the decision adopted at the 1179th meeting.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1193 (4-6 March 2014)	ZORICA JOVANOVIC	SERBIA	09/09/2013	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; neither his body has ever been transferred to her and she has been informed where he had allegedly been buried nor his death has ever been properly investigated and officially recorded (violation of Article 8).	To invite the authorities to submit an action plan.
2014	1208 (23-25 September 2014)	ZORICA JOVANOVIC	SERBIA	09/09/2013	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; neither his body has ever been transferred to her and she has been informed where he had allegedly been buried nor his death has ever been properly investigated and officially recorded (violation of Article 8).	To take stock of the measures envisaged and tourge the Serbian authorities to take them without further delay
2010	1100 (2 December 2010)	JAKUB (GROUP)	SLOVAK REPUBLIC	28/05/2006	These cases mainly concern the excessive length of civil proceedings initiated between 1990 and 2000 and closed, in most of the cases, between 1999 and 2004 (violations of Article 6§1). The Jakub case and some others also concern the lack of an effective remedy against undue length of proceedings (violations of Article 13).	Interim resolution CM/ResDH(2010)225
2012	1157 (4-6 December 2012)	LABSI	SLOVAK REPUBLIC	24/09/2012	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 was despite a Rule 39 indication from the European Court, and lack of an effective remedy in this respect - violation Article 13	Examination of the action plan provided by the authorities, which includes information on the current status of the applicant.
2012	1150 (24-26 September 2012)	KURIC AND OTHERS	SLOVENIA	26/06/2012	Violation of right to private and family life of "erased" persons (i.e. "erasure" of resident status of an entire category of former citizens of Socialist Federal Republic of Yugoslavia at the time of Slovenia's declaration of independence).	To stress the importance of timely compliance with the pilot judgment and to invite the Slovenian authorities to provide information to the Committee on the measures envisaged
2013	1164 (5-7 March 2013)	KURIC AND OTHERS	SLOVENIA	26/06/2012	Violation of right to private and family life of "erased" persons (i.e. "erasure" of resident status of an entire category of former citizens of Socialist Federal Republic of Yugoslavia at the time of Slovenia's declaration of independence).	Given the deadline set by the Court to introduce a compensation scheme (26 June 2013), to decide when to resume consideration of this case with a view to evaluating the action plan submitted tardily by the authorities.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1172 (4-6 June 2013)	KURIC AND OTHERS	SLOVENIA	26/06/2012	Violation of right to private and family life of “erased” persons (i.e. “erasure” of resident status of an entire category of former citizens of Socialist Federal Republic of Yugoslavia at the time of Slovenia’s declaration of independence). The deadline set by the Court to introduce a compensation scheme will expire on 26/06/2013.	Follow-up to the decision taken at the 1164th meeting and assessment of the status of execution, in particular in light of the deadline set by the European Court (26 June 2013).
2013	1179 (24-26 September 2013)	KURIC AND OTHERS	SLOVENIA	26/06/2012	Violation of right to private and family life following the “erasure” of the resident status of an entire category of former citizens of Socialist Federal Republic of Yugoslavia at the time of Slovenia’s declaration of independence. The deadline set by the Court to introduce a compensation scheme expired on 26/06/2013.	Follow-up to the decision taken at the 1172nd meeting.
2013	1186 (3-5 December 2013)	KURIC AND OTHERS	SLOVENIA	26/06/2012	Violation of the right to private and family life following the “erasure” of the resident status of an entire category of former citizens of Socialist Federal Republic of Yugoslavia at the time of Slovenia’s declaration of independence. The deadline set by the Court to introduce a compensation scheme expired on 26/06/2013.	Follow-up to the decision adopted at the 1179th meeting.
2013	1186 (3-5 December 2013)	DEL RIO PRADA	SPAIN	21/10/2013	Retrospective application of a new precedent of the Supreme Court (known as the “Parot doctrine”) which was not foreseeable for the applicant - who was serving a sentence following multiple convictions - and which had the effect of refusing her early release (violations of Articles 7 and 5§1).	Assessment of the information provided on 31 October and 15 November 2013 and classification
2012	1150 (24-26 September 2012)	MARTINEZ MARTINEZ	SPAIN	18/01/2012	Violation of the right to respect for private and family life due to the fact that, since 2001, the applicant and his family are suffering from the noise caused by the music bar on the terrace of a club located at a distance of 3-4 meters from their house (Article 8).	Proposed for transfer to the standard procedure

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1115 (7-8 June 2011)	ASSOCIATION OF CITIZENS RADKO & PAUNKOVSKI	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	15/04/2009	Unjustified dissolution of the applicant association shortly after its foundation following a decision of the Constitutional Court declaring the association's articles null and void without any evidence that the latter had any intention to resort to violence to achieve its aims and without any explanation why a negation of Macedonian ethnicity by the association had been tantamount to violent destruction of the constitutional order (violation of Article 11).	
2012	1144 (4-6 June 2012)	ASSOCIATION OF CITIZENS RADKO & PAUNKOVSKI	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	15/04/2009	Unjustified dissolution of the applicant association without any explanation as to why its negation of Macedonian ethnicity had been tantamount to violent destruction of the constitutional order	Tacking stock of the progress achieved in taking individual and general measures
2014	1193 (4-6 March 2014)	EL-MASRI	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	13/12/2012	Various violations related to the CIA secret rendition operations.	To express concern because no action plan/report has been presented so far.
2010	1078 (4 March 2010)	CYPRUS	TURKEY	10/05/2001	14 violations in relation to the situation in the northern part of Cyprus Last Interim resolution : CM/ResDH(2007)25	
2010	1086 (2 June 2010)	CYPRUS	TURKEY	10/05/2001	14 violations in relation to the situation in the northern part of Cyprus	
2010	1092 (15 September 2010)	CYPRUS	TURKEY	10/05/2001	14 violations in relation to the situation in the northern part of Cyprus	
2011	1128 (29 nov.-2dév. 2011)	CYPRUS	TURKEY	10/05/2001	14 violations in relation to the situation in the northern part of Cyprus	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1136 (6-8 March 2012)	CYPRUS	TURKEY	10/05/2001	14 violations in relation to the situation in the northern part of Cyprus	Continuation of debate from 1128th meeting concerning the issues of property rights of displaced persons, of property rights of enclaved persons and the issue of missing persons
2012	1144 (4-6 June 2012)	CYPRUS VARNAVA	TURKEY	10/05/2001 18/09/2009	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 debate from 1136th meeting, in accordance with the decision adopted at that meeting. Examination of the issues raised in the Varnava case in the framework of the discussions on the questions regarding missing persons in the case of Cyprus against Turkey
2012	1157 (4-6 December 2012)	CYPRUS VARNAVA	TURKEY	10/05/2001 18/09/2009	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 debate from 1144th meeting, in accordance with the decision adopted at that meeting. Examination of the issues raised in the Varnava case in the framework of the discussions on the questions regarding missing persons in the case of Cyprus against Turkey
2013	1164 (5-7 March 2013)	CYPRUS VARNAVA	TURKEY	10/05/2001 18/09/2009	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 debate from the 1157th meeting, in accordance with the decision adopted at that meeting. Examination of the issues raised in the Varnava case in the framework of the discussions on the questions regarding missing persons in the case of Cyprus against Turkey.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1172 (4-6 June 2013)	CYPRUS VARNAVA	TURKEY	10/05/2001 18/09/2009	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 debate from the 1164th meeting, in accordance with the decision adopted at that meeting (in particular examination of the issue of property rights of enclaved persons on the basis of the information document prepared by the Secretariat). Examination of the issue of payment of the just satisfaction in the Varnava case.
2013	1186 (3-5 December 2013)	CYPRUS VARNAVA	TURKEY	10/05/2001 18/09/2009	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 missing persons, in accordance with the decision adopted at the 1164th meeting (March 2013). Examination of the issue of payment of the just satisfaction in the Varnava case.
2014	1193 (4-6 March 2014)	CYPRUS	TURKEY	10/05/2001	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 1172nd meeting (June 2013).
2014	1201 (3-5 June 2014)	CYPRUS	TURKEY	10/05/2001	14 violations in relation to the situation in the northern part of Cyprus. - <i>property rights of the displaced persons</i> : 1208th 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> : 1201st meeting (June 2014) - <i>Missing persons</i> : 1214th meeting (December 2014)	No examination proposed Continuation of the debate, in accordance with the decision adopted at the 1172nd meeting (June 2013). No examination proposed
2013	1172 (4-6 June 2013)	DEMIREL (GROUP)	TURKEY	28/04/2003	Excessive length of detention on remand and lack of sufficient reasons justifying extension of such detention; lack of an effective remedy and lack of right to compensation (Article 5 §§ 3, 4 and 5)	Taking stock of the measures taken and identifying the outstanding issues

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1078 (4 March 2010)	HULKI GUNES (+ 3 cases)	TURKEY	19/09/03	Unfair criminal proceedings (the applicants were sentenced to lengthy prison terms on the basis of statements made by gendarmes or other persons who never appeared before court, or on the basis of statements obtained under duress and in the absence of a lawyer); ill-treatment of applicants while in police custody; lack of independence and impartiality of state security courts; excessive length of criminal proceedings; absence of an effective remedy (violations of Article 6§§1 and 3 and of Articles 3 and 13).	Interim resolution CM/ResDH(2007)150
2010	1086 (2 June 2010)	HULKI GUNES (+ 3 cases)	TURKEY	19/09/03	Unfair criminal proceedings	
2010	1100 (2 December 2010)	HULKI GUNES (+ 3 cases)	TURKEY	19/09/03	Unfair criminal proceedings	
2011	1108 (6-10 March 2011)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	
2011	1120 (13-14 September 2011)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	
2011	1128 (29 nov.-2dév. 2011)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	
2012	1136 (6-8 March 2012)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	Follow-up to the questions raised at the 1120th and 1128th meetings

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1144 (4-6 June 2012)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	Follow-up to the questions raised at the 1136th meeting
2012	1150 (24-26 September 2012)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	Follow-up to the questions raised at the 1144th meeting
2012	1157 (4-6 December 2012)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	State of progress in taking legislative measures (follow-up to the questions raised at the 1150th meeting)
2013	1164 (5-7 March 2013)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	To stress the importance of the adoption of the draft law allowing the reopening of proceedings in the applicants' cases without further delay.
2013	1172 (4-6 June 2013)	HULKI GUNES (GROUP)	TURKEY	19/09/2003	Unfair criminal proceedings	Debate at the request of Turkish authorities
2014	1201 (3-5 June 2014)	INCAL (GROUP) GÖZEL AND ÖZER (GROUP) ÜRPER AND OTHERS (GROUP)	TURKEY	09/06/1998	Violations of the right to freedom of expression	Taking stock of the measures already taken and identifying the outstanding questions
2010	1078 (4 March 2010)	KAKOULLI and 2 cases	TURKEY	22/02/2006	Killing in 1996 of the applicants' husband and father by soldiers on guard duty along the cease-fire line in Cyprus and lack of an effective and impartial investigation into this killing (violation of Art. 2).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1086 (2 June 2010)	LOIZIDOU	TURKEY	18/12/1996	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).	Interim resolution DH(99)680 , DH(2000)105 , ResDH(2001)80
2010	1092 (15 September 2010)	LOIZIDOU	TURKEY	18/12/1996	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).	
2012	1150 (24-26 September 2012)	ORMANCI ÜMMÜHAN KAPLAN (GROUP)	TURKEY	21/03/2005 20/06/2012	Excessive length of judicial proceedings, lack of an effective remedy (pilot judgment, deadline expires on 20/06/2013).	Consolidated action plan setting out measures taken or envisaged (including setting up of an effective remedy) is awaited.
2013	1164 (5-7 March 2013)	ORMANCI ÜMMÜHAN KAPLAN (GROUP)	TURKEY	21/03/2005 20/06/2012	Excessive length of judicial proceedings, lack of an effective remedy (pilot judgment, deadline expires on 20/06/2013).	Taking stock of the measures presented by the Turkish authorities in their Action Plan.
2013	1179 (24-26 September 2013)	OYA ATAMAN (GROUP)	TURKEY	05/03/2007	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).	Transfer from standard to enhanced supervision procedure
2014	1208 (23-25 September 2014)	OYA ATAMAN (GROUP)	TURKEY	05/03/2007	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
2010	1078 (4 March 2010)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	Interim resolution CM/ResDH(2009)45

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1086 (2 June 2010)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	Interim resolution CM/ResDH(2009)45 (external link)
2010	1100 (2 December 2010)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	
2011	1108 (6-10 March 2011)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	
2011	1115 (7-8 June 2011)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	
2011	1120 (13-14 September 2011)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	
2011	1128 (29 nov.-2dév. 2011)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	
2012	1136 (6-8 March 2012)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	Follow-up to the questions raised at the 1120th and 1128th meetings

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1144 (4-6 June 2012)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	Follow-up to the questions raised at the 1136th meeting
2012	1150 (24-26 September 2012)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	Follow-up to the questions raised at the 1144th meeting
2012	1157 (4-6 December 2012)	ULKE	TURKEY	24/04/2006	Degrading treatment as a result of the applicant's repetitive convictions between 1996 and 1999 and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (substantive violation of Article 3).	Assessment on the information provided on the applicants' current situation and necessity to stress the importance of adopting general measures
2010	1078 (4 March 2010)	VARNAVA AND OTHERS	TURKEY	18/09/2009	Lack of effective investigation on the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974.	
2013	1179 (24-26 September 2013)	VARNAVA	TURKEY	18/09/2009	Lack of effective investigation on the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974.	Examination of the issue of payment of the just satisfaction. Adoption of an Interim resolution CM/ResDH(2013)201
2010	1078 (4 March 2010)	XENIDES-ARESTIS	TURKEY	22/03/2006 23/05/2007	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).	Adoption of an Interim resolution CM/Int/ResDH(2010)33
2010	1086 (2 June 2010)	XENIDES-ARESTIS	TURKEY	22/03/2006 23/05/2007	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).	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1092 (15 September 2010)	XENIDES-ARESTIS	TURKEY	22/03/2006 23/05/2007	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).	
2014	1193 (4-6 March 2014)	VARNAVA XENIDES-ARESTIS (GROUP)	TURKEY	18/09/2009 22/03/2006 23/05/2007	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	18/09/2009 22/03/2006 23/05/2007	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	18/09/2009 22/03/2006 23/05/2007	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 CM/ResDH(2014)185
2014	1208 (23-25 September 2014)	YILDIRIM AHMAND	TURKEY	18/03/2013	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.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2011	1115 (7-8 June 2011)	GONGADZE	UKRAINE	08/02/2006	Failure to protect the life of a journalist known to be critical of the authorities; ineffective investigation into his abduction and death	
2012	1157 (4-6 December 2012)	GONGADZE	UKRAINE	08/02/2006	Failure to protect the life of a journalist known to be critical of the authorities; ineffective investigation into his abduction and death	Taking stock of recent developments in the continuing investigations and related proceedings before the domestic courts.
2013	1172 (4-6 June 2013)	GONZADZE	UKRAINE	08/02/2006	Failure to protect the life of a journalist known to be critical of the authorities; ineffective investigation into his abduction and death	Follow-up to the decision adopted in December 2012
2013	1172 (4-6 June 2013)	KAVERZIN AFANASYEV (GROUP)	UKRAINE	15/08/2012 05/07/2005	Ill-treatment by the police and ineffective investigations into such complaints (Art. 3 + 13)	Assessment of the general measures adopted and identification of the outstanding questions
2014	1201 (3-5 June 2014)	KAVERZIN AFANASYEV (GROUP)	UKRAINE	15/08/2012	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.
2011	1120 (13-14 September 2011)	KHARCHENKO (GROUP)	UKRAINE	10/5/2011	Unlawful and/or arbitrary and/or excessively long detention on remand (Article 5).	
2011	1128 (29 nov.-2dév. 2011)	KHARCHENKO (GROUP)	UKRAINE	10/5/2011	Unlawful and/or arbitrary and/or excessively long detention on remand (Article 5).	
2012	1144 (4-6 June 2012)	KHARCHENKO (GROUP)	UKRAINE	10/05/2011	Unlawful and/or arbitrary and/or excessively long detention on remand (Article 5).	Stock-taking of the implementation of the strategy and the measures adopted so far
2013	1164 (5-7 March 2013)	KHARCHENKO (GROUP)	UKRAINE	10/05/2011	Unlawful and/or arbitrary and/or excessively long detention on remand (Article 5).	Stock-taking of the measures reported so far and need to highlight importance of providing further clarifications as well as information on a number of outstanding issues.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2013	1164 (5-7 March 2013)	LUTSENKO	UKRAINE	19/11/2012	Restriction of liberty also for other reasons than those permissible under the Convention (Article 18 in conjunction with Article 5).	First examination by the Committee of the case which raises complex problems in view of the violation found under Article 18.
2013	1172 (4-6 June 2013)	LUTSENKO	UKRAINE	19/11/2012	Restriction of liberty also for other reasons than those permissible under Article 5 (Art. 18 in conjunction with Art. 5).	Follow-up to the decision adopted in March 2013, in particular as regards the information requested from the Ukrainian authorities on the special execution measures required in view of the violation found under Article 18 in conjunction with Article 5
2012	1136 (6-8 March 2012)	NAUMENKO SVAND LANA (GROUP) MERIT (GROUP)	UKRAINE	30/03/2005	Excessive length of judicial proceedings and lack of effective remedy (Article 6§1 + 13).	Up-dated information is required (including the introduction of an effective remedy)
2013	1164 (5-7 March 2013)	NAUMENKO SVAND LANA (GROUP) MERIT(GROUP)	UKRAINE	30/03/2005	Excessive length of judicial proceedings and lack of effective remedy (Article 6§1 + 13).	Request clarifications concerning the measures reported so far and need to highlight the urgency of introducing effective domestic remedies.
2013	1179 (24-26 September 2013)	NAUMENKO SVAND LANA (GROUP) MERIT(GROUP)	UKRAINE	30/03/2005	Excessive length of judicial proceedings and lack of effective remedy (Article 6§1 + 13).	Urge the authorities to provide the information requested by the Committee and insist on the need to introduce domestic remedies.
2012	1144 (4-6 June 2012)	NEVMERZHITSKY (GROUP) YAKOVENKO (GROUP) MELNIK LOGVINENKO (GROUP) ISAYEV (GROUP)	UKRAINE	12/10/2005	Poor material conditions of detention and lack of adequate medical assistance	Stock-taking of the measures adopted and envisaged
2013	1172 (4-6 June 2013)	OLEKSANDR VOLKOV	UKRAINE	27/05/2013	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Art. 6 + 8)	First examination : urgent individual measures (reinstatement of the applicant in his previous position as judge at the Supreme Court); urgent complex general measures (serious dysfunctioning of the Ukrainian judiciary)

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2013	1179 (24-26 September 2013)	OLEKSANDR VOLKOV	UKRAINE	27/05/2013	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Art. 6 + 8)	Follow-up to the decision adopted in June 2013, notably to review the progress made in order to comply with the urgent individual measure indicated by the Court
2013	1186 (3-5 December 2013)	OLEKSANDR VOLKOV	UKRAINE	27/05/2013	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Art. 6 + 8)	Follow-up to the decision adopted at the 1179th meeting.
2014	1193 (4-6 March 2014)	OLEKSANDR VOLKOV	UKRAINE	27/05/2013	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	27/05/2013	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	27/05/2013	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.
2013	1179 (24-26 September 2013)	TYMOSHENKO	UKRAINE	30/07/2013	Restriction of liberty also for other reasons than those permissible under Article 5 (Article 18 in conjunction with Article 5).	First examination, in particular of the issue of individual measures
2013	1186 (3-5 December 2013)	TYMOSHENKO	UKRAINE	30/07/2013	Restriction of liberty also for other reasons than those permissible under Article 5 (Article 18 in conjunction with Article 5).	Assessment of responses given by the Ukrainian authorities to the Committee's requests in its last decision.
2014	1193 (4-6 March 2014)	TYMOSHENKO	UKRAINE	30/07/2013	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.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1193 (4-6 March 2014)	VASILY IVASHCHENKO NAYDYON (GROUP)	UKRAINE	26/10/2012 14/01/2011	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.
2013	1179 (24-26 September 2013)	VYERENTSOV	UKRAINE	11/07/2013	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).	First examination: specific reforms to be implemented urgently to ensure compliance of Ukrainian legislation and practice with the requirements of Articles 7 and 11 (structural problem resulting from absence of a legislative framework governing the exercise of the right to freedom of assembly).
2014	1193 (4-6 March 2014)	VYERENTSOV	UKRAINE	11/07/2013	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.
2014	1201 (3-5 June 2014)	VYERENTSOV	UKRAINE	11/07/2013	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.
2010	1078 (4 March 2010)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010	Failure or substantial delay by the administration or state companies in abiding by final domestic judgments	Last Interim resolution CM/ResDH(2009)159
2010	1086 (2 June 2010)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010	Failure or substantial delay by the administration or state companies in abiding by final domestic judgments	
2010	1092 (15 September 2010)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010	Failure or substantial delay by the administration or state companies in abiding by final domestic judgments	

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2010	1100 (2 December 2010)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010	Failure or substantial delay by the administration or state companies in abiding by final domestic judgments	Adoption of an Interim resolution CM/ResDH(2010)222
2011	1108 (6-10 March 2011)	ZHOVNER (386 cases) (GROUP) YURIY IVANOV	UKRAINE	13/01/2010 29/09/2004	Failure or substantial delay by the administration or state companies in abiding by final domestic judgments	
2011	1115 (7-8 June 2011)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions, pilot judgment, deadline expired in July 2011	
2011	1120 (13-14 September 2011)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions, pilot judgment, deadline expired in July 2011	Adoption Interim resolution CM/ResDH(2011)184
2012	1136 (6-8 March 2012)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions, pilot judgment, deadline expired in July 2011	Information awaited on whether the draft law providing for a remedy has been adopted; if not, whether an alternative strategy is envisaged
2012	1144 (4-6 June 2012)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions, pilot judgment, deadline expired in July 2011	Information is awaited on the adoption of the draft law providing for a remedy (including the revised version of the draft law and a time-table for its adoption)
2012	1150 (24-26 September 2012)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions, pilot judgment, deadline expired in July 2011	Evaluation of the situation in the light of the recent developments (adoption of the law providing for a remedy in June 2012)

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2012	1157 (4-6 December 2012)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions, pilot judgment, deadline expired in July 2011	Follow-up to the questions raised at the 1150th meeting Adoption of an Interim resolution CM/Res/DH(2012)234
2013	1164 (5-7 March 2013)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions (Art. 6§1 + 1 P1), pilot judgment, deadline expired in July 2011	Updated assessment of the measures taken so far and of the measures still envisaged in the light of the most recent information submitted by the Ukrainian authorities
2013	1186 (3-5 December 2013)	ZHOVNER (GROUP) YURIY NIKOLAYEVICH IVANOV	UKRAINE	15/01/2010 29/09/2004	Non-enforcement of domestic court decisions (Art. 6§1 + 1 P1), pilot judgment, deadline expired in July 2011	To take stock of the latest developments in the setting up of a domestic remedy.
2012	1144 (4-6 June 2012)	AL-JEDDA	UNITED- KINGDOM	07/07/2011	Internment of an Iraqi civilian from 2004-2007 in a detention centre in Iraq, run by British forces	Stock-taking of the action plan received on 30 March 2012
2013	1172 (4-6 June 2013)	AL-JEDDA	UNITED- KINGDOM	07/07/2011	Internment of an Iraqi civilian from 2004-2007 in a detention centre in Iraq, run by British forces.	Follow up to the decision adopted at the 1144th meeting (June 2012) and evaluation of the updated Action plan. Examination of the possibility of transferring the case for examination in the standard procedure
2010	1100 (2 December 2010)	AL-SAADON AND MUFDHI	UNITED- KINGDOM	04/10/2010	The United Kingdom authorities' transfer of the applicants (both Iraqi nationals) to Iraqi custody to stand trial for war crimes despite the indication of an interim measure under Rule 39 by the European Court to the effect that the applicants should not be removed from British custody (violations of Articles 3, 34 and 13).	
2011	1108 (6-10 March 2011)	AL-SAADON AND MUFDHI	UNITED- KINGDOM	04/10/2010	The United Kingdom authorities' transfer of the applicants (both Iraqi nationals) to Iraqi custody to stand trial for war crimes despite the indication of an interim measure under Rule 39 by the European Court to the effect that the applicants should not be removed from British custody (violations of Articles 3, 34 and 13).	

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2011	1115 (7-8 June 2011)	AL-SAADON AND MUFDHI	UNITED-KINGDOM	04/10/2010	The United Kingdom authorities' transfer of the applicants (both Iraqi nationals) to Iraqi custody to stand trial for war crimes despite the indication of an interim measure under Rule 39 by the European Court to the effect that the applicants should not be removed from British custody (violations of Articles 3, 34 and 13).	
2012	1144 (4-6 June 2012)	AL-SKEINI AND OTHERS	UNITED-KINGDOM	07/07/2011	Action of the United Kingdom military forces in Iraq in 2003	Stock-taking of the action plan received on 30 March 2012
2014	1208 (23-25 September 2014)	ASWAT First examination – Final resolution.	UNITED-KINGDOM	09/09/2013	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.
2010	1078 (4 March 2010)	HIRST NO. 2 Last Interim resolution CM/ResDH(2009)160	UNITED-KINGDOM	06/10/2005	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	
2010	1086 (2 June 2010)	HIRST NO. 2	UNITED-KINGDOM	06/10/2005	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	Interim resolution CM/ResDH(2009)160 (lien externe)
2010	1092 (15 September 2010)	HIRST NO. 2	UNITED-KINGDOM	06/10/2005	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	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2010	1100 (2 December 2010)	HIRST NO. 2	UNITED- KINGDOM	06/10/2005	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	
2011	1108 (6-10 March 2011)	HIRST NO. 2 (GROUP)	UNITED- KINGDOM	06/10/2005	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	
2011	1115 (7-8 June 2011)	HIRST NO. 2 (GROUP)	UNITED- KINGDOM	06/10/2005	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	
2011	1120 (13-14 September 2011)	HIRST NO. 2 (GROUP)	UNITED- KINGDOM	06/10/2005	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	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1150 (24-26 September 2012)	HIRST NO. 2 (GROUP)	UNITED-KINGDOM	06/10/2005	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 1120th DH meeting, to examine this Group of cases again once the Grand Chamber judgment in Scoppola No. 3 was delivered, reactivating the 6 months deadline in the Greens and M.T. pilot judgment for the authorities to initiate legislative proposals (the Scoppola judgment was delivered on 22 May 2012)
2012	1157 (4-6 December 2012)	HIRST NO. 2 (GROUP)	UNITED-KINGDOM	06/10/2005	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 1150th DH meeting. Examination of the status of execution for this Group of cases, the deadline for the authorities to introduce legislative proposals expired on 23 November 2012.
2013	1179 (24-26 September 2013)	HIRST NO. 2 (GROUP)	UNITED-KINGDOM	06/10/2005	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 1157th meeting inviting the authorities to submit information on progress made and the proposed timescale for adoption of the legislative proposals.
2013	1186 (3-5 December 2013)	HIRST NO. 2 (GROUP)	UNITED-KINGDOM	06/10/2005	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 1179th meeting inviting the authorities to submit information on the proposed timescale for adoption of the legislative proposals.
2014	1193 (4-6 March 2014)	HIRST NO. 2 (GROUP)	UNITED-KINGDOM	06/10/2005	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.

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2014	1208 (23-25 September 2014)	HIRST NO. 2 (GROUP)	UNITED-KINGDOM	06/10/2005	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 1193rd meeting; to call upon the authorities to introduce a bill to Parliament without further delay.
2014	1201 (3-5 June 2014)	MCKERR (GROUP)	UNITED-KINGDOM	04/08/2001	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>McCaughy and others</i> judgment.
2012	1144 (4-6 June 2012)	OTHMAN (ABU QATADA)	UNITED-KINGDOM	09/05/2012	Potential violation of Article 6 if the applicant were deported to Jordan.	Examination of information provided on the individual measures
2013	1179 (24-26 September 2013)	OTHMAN (ABU QATADA)	UNITED-KINGDOM	09/05/2012	Violation of Article 6 if the applicant were to be deported to Jordan.	Assessment of the information submitted on the individual and general measures and proposal to adopt a final resolution. Adoption of Résolution Finale. CM/ResDH(2013)198
2010	1078 (4 March 2010)	S. AND MARPER	UNITED-KINGDOM	04/12/2008	Unjustified interference with the applicants' right to respect for their private life due to the retention for an indefinite period of cellular samples, fingerprints and DNA profiles taken from them in 2001, in connection with their arrest for offences for which they were ultimately not convicted (violation of Art. 8)	
2011	1115 (7-8 June 2011)	S. AND MARPER	UNITED-KINGDOM	04/12/2008	Unjustified interference with the applicants' right to respect for their private life due to the retention for an indefinite period of cellular samples, fingerprints and DNA profiles taken from them in 2001, in connection with their arrest for offences for which they were ultimately not convicted (violation of Art. 8)	

Year	Meeting	Case	State	Judgment Final on	Violation	Action requested
2012	1150 (24-26 September 2012)	S. AND MARPER	UNITED- KINGDOM	04/12/2008	Unjustified interference with the applicants' right to respect for their private life due to the retention for an indefinite period of cellular samples, fingerprints and DNA profiles taken from them in 2001, in connection with their arrest for offences for which they were ultimately not convicted (violation of Art. 8)	Evaluation of the status of execution in this case, in the light of the legislative measures adopted in England and Wales and the replies given by the authorities to the outstanding questions raised in Secretariat Memorandum (CM/Inf/DH(2011)22rev). Examination of the possibility of transferring the case for examination in the standard procedure

3. TEXTS OF THE DECISIONS

Albania

Application : 44023/02 847/05 Final on 08/03/2010 04/10/2010	CAKA and BERHANI v. Albania	Enhanced procedure
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1108th meeting - (8-10 March 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. recalled that in its judgments the European Court held that where it finds that an applicant has been convicted without being afforded one of the safeguards of a fair trial, the most appropriate form of redress would, in principle, be trial de novo or the reopening of the proceedings in due course and in accordance with the requirements of Article 6 of the Convention;
2. noted in this respect that the authorities have expressed their willingness to amend the Code of Criminal Procedure to allow the reopening of criminal proceedings;
3. therefore urged the respondent state to act without delay, and to provide the Committee with information on the results obtained;
4. encouraged the authorities to provide information on general measures taken or envisaged to prevent similar violations, in particular on training of judges and other authorities concerned by the judgments.

1115th meeting - (7-8 June 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. took note of the revised action plans provided by the Albanian authorities on 12 October 2011;
2. recalled that the European Court found that the most appropriate form of redress would be a trial *de novo* or the reopening of the proceedings – if requested by the applicants – in due course and in accordance with the requirements of Article 6 of the Convention;
3. noted that following the Constitutional Court judgment of 1 June 2011, the applicants Caka, Laska, Lika and Berhani requested the reopening of their cases before the Supreme Court, that their applications have been registered and that the President of the Supreme Court confirmed that the Supreme Court would deal with these cases as a matter of priority;
4. consequently, whilst recalling the urgency of remedying the situation of the applicants, invited the respondent state to keep the Committee informed on the follow-up of these proceedings before the Supreme Court;
5. more generally, invited the respondent state to continue informing the Committee of developments on the legislative process concerning the introduction of a possibility of reopening proceedings following a judgment of the European Court in the Code of Criminal Procedure and recalled that further information is also awaited on the adoption of general measures.

Decision

The Deputies,

1. recalled that the applicants were sentenced to prison in criminal proceedings found to be unfair by the European Court and noted that currently only the applicant Lika has been released on parole until the end of his sentence, while the applicants Caka and Berhani are detained and the applicant Laska, temporarily released on parole, must return to prison;
2. recalled that the European Court found that the most appropriate form of redress would be a trial *de novo* or the reopening of the proceedings – if requested by the applicants – in due course and in accordance with the requirements of Article 6 of the Convention;
3. noted with satisfaction that, pending legislative changes announced by the authorities during the previous examination of these issues, the Constitutional Court, in its decision No. 20 of 1/06/2011 in the case of Xheraj, considered that Articles 10 and 450 (a) of the Code of Criminal Procedure provide a legal basis for reopening criminal proceedings following a judgment of the European Court of Human Rights, and remitted the case before the Supreme Court to decide on its reopening;
4. consequently, emphasising the urgency of remedying the situation of the applicants, invited the respondent state to keep the Committee informed on the follow-up of the case-law of the Constitutional Court by the Supreme Court in the cases pending before the Committee of which it is or will be seised.

Reference texts:

Revised action plan (Caka, Berhani, Laska and Lika, Shkalla) [DH-DD\(2012\)786E](#)

Communication from the authorities [DH-DD\(2012\)724E](#)

Communication from the authorities [DH-DD\(2012\)731E](#)

Decision adopted at the 1128th meeting

The Deputies

1. concerning the individual measures, noted with interest the reopening decisions in the Caka, Berhani and Laska and Lika cases, adopted by the Supreme Court following the decision of the Constitutional Court, by giving direct effect to the Convention and the Court's case law;
2. recalling the importance of the presumption of innocence, underlined the fact that pending the outcome of the new proceedings, the mere initial decisions, imposed following proceedings contrary to the Convention, are not sufficient to justify the applicants' continuous detention;
3. noted in this context that the Albanian legal system contains a possibility for the applicants still detained, depending on the development of their situation, to request their release in conformity with the requirements of the Convention until a new final decision;
4. underlined the importance of bringing the review proceedings rapidly to an end, invited the authorities to inform the Committee of any development of the applicants' individual situation;
5. recalled their invitation to the Albanian authorities to continue informing the Committee of developments on the legislative process concerning the codification of the reopening of proceedings;
6. concerning the general measures, recalled that further information is also awaited on the adoption of measures to remedy the serious shortcomings revealed by the Court's judgments;
7. decided to continue their examination of this Group of cases at their March 2013 meeting (DH) at the latest, in the light of the action plans announced by the authorities.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**

Revised action plan (Caka, Berhani, Laska and Lika, Shkalla) (24/08/2012) [DH-DD\(2012\)786E](#)
 Revised action plan (20/02/2013) [DH-DD\(2013\)195rev2](#)

Communication from Albania (11/07/2012) [DH-DD\(2012\)724E](#)
 Communication from Albania (06/08/2012) [DH-DD\(2012\)731E](#)

[Decision](#) adopted at the 1150th meeting (September 2012)

Decision**The Deputies**

1. noted with interest that the applicants in the cases Laska & Lika and Berhani were released pending the outcome of the reopened proceedings following the judgment of the European Court;
2. also noted that in the case of Caka, following the reopening of the impugned proceedings, the applicant's conviction was upheld; however, noted that this decision has been appealed to the Supreme Court, the applicant alleging that the new proceedings have not remedied the shortcomings identified by the European Court;
3. noted with regret that the Supreme Court rejected the request for reopening of criminal proceedings filed by the applicant Shkalla, requiring him to appeal to the Constitutional Court; deplored that in these circumstances, the applicant remains detained on the basis of the initial decision, in violation of the principle of presumption of innocence;
4. reaffirmed the importance of rapidly completing the review proceedings, addressing so far as possible the shortcomings found by the European Court in the original proceedings; in this context, expressed their concern over the delays and uncertainties surrounding the reopening of proceedings in this Group of cases and urged the Albanian authorities to inform them promptly of any changes in the situation of the applicants;
5. also encouraged the Albanian authorities to intensify their efforts to complete the changes proposed to the Code of Criminal Proceedings to codify the procedure for reopening and to keep the Committee informed of all developments in this regard.

1193rd meeting - (4-6 March 2014)[List of decisions](#)**Reference texts:***Communications from Albania*

Communication concerning the Caka Group (13/01/2014) [DH-DD\(2014\)132](#)
 Action plan (Caka) (19/08/2013) [DH-DD\(2013\)1033](#)
 Action plan (Berhani) (19/08/2013) [DH-DD\(2013\)1032](#)
 Action plan (Cani) (19/08/2013) [DH-DD\(2013\)1031](#)
 Action plan (Laska and Lika) (19/08/2013) [DH-DD\(2013\)1028](#)
 Action plan (Shkalla) (19/08/2013) [DH-DD\(2013\)1030](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Application	Case	Judgment of	Final on
44023/02	CAKA	08/12/2009	08/03/2010
847/05	BERHANI	27/05/2010	04/10/2010
11006/06	CANI	06/03/2012	06/06/2012
12315/04	LASKA AND LIKA	20/04/2010	20/07/2010
26866/05	SHKALLA	10/05/2011	10/08/2011
33192/07+	KAÇIU AND KOTORRI	25/06/2013	09/12/2013

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.

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Application : 33771/02 Final on 02/06/2008	DRIZA and 5 others v. Albania	Structural problem
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1086th meeting - (3 June 2010)[List of decisions](#)

Section 4.2

5 cases against Albania

- 5 cases of non-enforcement of final domestic decisions concerning the right of the applicants to compensation (whether pecuniary or in kind) as a consequence of the nationalisation of property under the communist regime

33771/02	Driza, judgment of 13/11/2007, final on 02/06/2008
7352/03	Beshiri and others, judgment of 22/08/2006, final on 12/02/2007
38222/02	Ramadhi and 5 others, judgment of 13/11/2007, final on 02/06/2008
45264/04	Hamzaraj No.1, judgment of 03/02/2009, final on 06/07/2009
12306/04	Nuri, judgment of 03/02/2009, final on 06/07/2009

[CM/Inf/DH\(2010\)20](#)Decision

The Deputies,

1. recalled that the questions raised in these cases concern the systemic problem of the non-enforcement of final domestic judgments and administrative decisions ordering restitution of properties nationalised during the communist regime or compensation of former owners;
2. welcomed the general measures taken so far by the Albanian authorities to remedy this important problem and took note of the issues still pending;
3. noted however that in order to evaluate fully the adequacy of measures proposed by the authorities, complementary information and explanations as well as a complete action plan/action report should be provided on those measures ;
4. noted that additional information is also still awaited on the individual measures concerning the applicants in the cases of Driza and Ramadhi;
5. decided to declassify the memorandum prepared by the Department for the execution of judgments of the European Court of Human Rights (CM/Inf/DH(2010)20), presenting the measures proposed by the Albanian authorities as well as the pending issues, and to resume consideration of these items at their 1100th meeting (December 2010) (DH), in the light of an action plan/action report to be provided by the Albanian authorities on individual and general measures.

1100th meeting– (2 December 2010)[List of decisions](#)

Section 4.2

- 6 cases against Albania

- 6 cases of non-enforcement of final domestic decisions concerning the right of the applicants to restitution or compensation in respect of property nationalised under the Communist regime

33771/02	Driza, judgment of 13/11/2007, final on 02/06/2008
7352/03	Beshiri and others, judgment of 22/08/2006, final on 12/02/2007
38222/02	Ramadhi and 5 others, judgment of 13/11/2007, final on 02/06/2008
45264/04	Hamzaraj No. 1, judgment of 03/02/2009, final on 06/07/2009
12306/04	Nuri, judgment of 03/02/2009, final on 06/07/2009
35720/04+	Vrioni and others, judgment of 29/09/2009, final on 29/12/2009 ¹

[CM/Inf/DH\(2010\)20](#)

¹ This application was lodged against Italy and Albania but the European Court found no violation in respect of Italy.

Decision

The Deputies,

1. recalled that the questions raised in these cases concern the systemic problem of non-enforcement of final domestic judgments and administrative decisions, ordering restitution of property nationalised during the communist regime or compensation of former owners;
2. noted with interest the preliminary action plan and action report presented by the Albanian authorities, containing proposals made by the inter-ministerial committee which has the specific task of identifying a comprehensive strategy to address these questions;
3. stressed however the crucial importance of urgently addressing the situation criticised by the rulings of the European Court, generating many similar violations; and therefore encouraged the authorities to adopt without further delay a comprehensive action plan, based on a comprehensive and coherent strategy accompanied by a detailed calendar for its implementation;
4. decided to resume consideration of these items at their 1108th meeting (March 2011) (DH), in the light of a comprehensive action plan / action report to be provided by the Albanian authorities on the general measures.

1108th meeting– (10 March 2011)

[↗ List of decisions ↗](#)

- 6 cases contre Albania

33771/02	DRIZA, arrêt du 13/11/2007, Final on 02/06/2008
7352/03	BESHIRI AND OTHERS, arrêt du 22/08/2006, Final on 12/02/2007
38222/02	RAMADHI AND 5 AUTRES, arrêt du 13/11/2007, Final on 02/06/2008
45264/04	HAMZARAJ No. 1, arrêt du 03/02/2009, Final on 06/07/2009
12306/04	NURI, arrêt du 03/02/2009, Final on 06/07/2009
35720/04	VRIONI AND OTHERS, arrêt du 29/09/2009, Final on 29/12/2009 ¹ and du 07/12/2010, éventuellement Final on 07/03/2011 CM/Inf/DH(2010)20

Decision

The Deputies,

1. underlined that the questions raised in these cases concern the systemic problem of non-enforcement of final domestic judgments and administrative decisions ordering restitution of property nationalised during the communist regime or compensation of former owners;
2. recalled their decision taken at the 1100th meeting (November-December 2010) and again urged the Albanian authorities to adopt a comprehensive action plan without further delay, based on a comprehensive and coherent strategy and accompanied by a detailed calendar for its implementation.

1115th meeting - (7-8 June 2011)

[↗ List of decisions ↗](#)

Decision

The Deputies,

1. welcomed the submission by the Albanian authorities, on 2/05/2011, of an action plan aimed at solving the structural problem concerning failure to enforce final court and administrative decisions relating to the applicants' right to restitution of, or compensation (whether pecuniary or in kind) for property nationalised under the communist regime;
2. instructed the Secretariat to make a detailed evaluation in view of a more in depth examination at their 1120th meeting (September 2011) (DH);
3. in this perspective, invited the authorities to submit the additional information still awaited on individual measures concerning the applicants Driza, Gjonbocari and Vrioni and others.

1120th meeting - (13-14 September 2011)[List of decisions](#)Decision

The Deputies,

1. welcomed the various reforms envisaged by the Albanian authorities to simplify the legislative framework and set up a simple and clear compensation mechanism, and noted with interest the setting up of a standardised map and of an electronic database containing the cartographic information and the juridical status of each compensation claim;
2. invited the authorities to clarify the procedure which will be followed in order to calculate the overall cost of the compensation process and the provisional calendar;
3. encouraged the authorities to speed up the establishment of the Fund for compensation in kind and the finalisation of the process of first registration of properties throughout the territory of Albania, crucial for the security of property titles;
4. underlined also the importance of ensuring the existence of a judicial remedy in respect of administrative decisions on compensation claims and reiterated their request for information on the applicability and efficiency of the existing judicial remedies in the event of non-execution of final domestic judgments;
5. decided to declassify the memorandum (CM/Inf/DH(2011)36) prepared by the Secretariat and requested the Albanian authorities to keep the Committee regularly informed on the implementation of the action plan, also in the light of the issues raised in the memorandum.

1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:**Action Plan (general measures for the Driza Group) [DH-DD\(2011\)316](#)Action Plan (individual measures, Driza case) [DH-DD\(2011\)663E](#)Action Plan (individual measures, Gjonbocari case) [DH-DD\(2011\)662E](#)Action Plan (individual measures, case of Vriani and others) [DH-DD\(2011\)661E](#)Information document : [CM/Inf/DH\(2011\)36](#)Decision adopted at the 1120th meetingDecision

The Deputies

1. took note of the elaboration by the Albanian authorities of the draft global strategy on property rights (2012-2020), in which they integrate the general measures for the execution of the present judgments;
2. underlined how important it is, in the context of such a broad project, that the authorities keep in mind their legal obligation to avoid new, similar violations, in particular by executing final domestic judicial and administrative decisions relating to the right to restitution or compensation for property nationalised under the communist regime, and by putting in place an effective remedy in this field;
3. insisted on the necessity for the Albanian authorities to make rapidly concrete progress in this respect and in particular to:
 - establish a list of final decisions,
 - finalise the land value map,
 - and then, on the basis of these elements, calculate the cost of the execution of the decisions, in order to be able to define the resources needed, adopt the final execution mechanism, and execute - of their own motion - the decisions at issue;
4. welcomed in this respect the information provided at the meeting on the steps already under way with a view to establishing a list of final decisions, this first step being crucial for the execution of the cases of this Group;
5. encouraged the authorities to provide the Committee with information on this point in good time for the next examination of this Group of cases and to keep the Committee regularly informed of the measures taken with a view to achieving the next steps within the best possible timeframe;

6. recalled that information is also awaited on the setting-up of an effective remedy to complain about the non-execution of final domestic decisions, as well as on the outstanding individual measures;
7. decided to take stock of the progress achieved in this Group of cases at their 1150th meeting (September 2012) (DH).

1150th meeting - (24-26 September 2012)

[List of decisions](#)

Reference texts:

Action Plan (general measures for the Driza Group) [DH-DD\(2011\)316](#)

Action Plan (individual measures, Driza case) [DH-DD\(2011\)663E](#)

Action Plan (individual measures, Gjonbocari case) [DH-DD\(2011\)662E](#)

Action Plan (individual measures, case of Vroni and others) [DH-DD\(2011\)661E](#)

Communication from the authorities [DH-DD\(2012\)729](#) + [appendix 1](#) and [appendix 2](#)

Communication from the authorities [DH-DD\(2012\)785](#)

Information document : [CM/Inf/DH\(2011\)36](#)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. recalled that at their 1144th meeting (June 2012), they invited the Albanian authorities to:
 - establish a list of final decisions to be executed,
 - finalise the land value map,
 - and then, on the basis of these elements, calculate the cost of the execution of the decisions, in order to be able to define the resources needed, adopt the final execution mechanism, and execute - of their own motion - the decisions at issue;
2. took note of the adoption by the Albanian Council of Ministers, on 27 June 2012, of the global strategy on property rights (2012-2020);
3. noted that the Albanian authorities have drawn up a list of 639 final judicial decisions, delivered between 1995 and 2011, and invited the authorities to update the Committee on the next set of measures that will be taken with a view to the execution of these decisions;
4. took note of the provisional indications given concerning the total number administrative decisions delivered between 1993 and 2011 and invited in this respect the Albanian authorities to indicate when they will be in a position to draw up a definitive list of the final administrative decisions to be executed;
5. in view of the crucial importance for the viability of the Convention system of avoiding a flood of repetitive applications before the European Court of Human Rights, insisted strongly on the importance of taking into account the Court's findings in respect of Article 13 (effective remedy);
6. more generally, while noting the progress obtained thanks to the support from the "Human Rights" Trust Fund (HRTF 1 project), expressed their concern about the absence of concrete result at this stage, where the first judgment of this Group has been final for more than five years;
7. noted that the Court delivered on 31 July 2012 the pilot judgment *Manushaqe Puto and others* against Albania concerning these questions, which is not yet final;
8. concerning individual measures, took note of the information given at the meeting on the *Caush Driza* case; noted that according to the information previously provided by the Albanian authorities, all the individual measures have been adopted in the cases of *Beshiri* and *others*, *Bushati* and *others*, *Hamzaraj* (No. 1), *Nuri*, *Ramadhi* and five *others*, and *Vroni* and *others*; and recalled that additional information is awaited on the outstanding individual measures in the cases of *Driza* and *Gjonbocari*;
9. decided to take stock of the progress achieved in this Group of cases at their 1157th meeting (December 2012) (DH).

Reference texts:

Action Plan (general measures for the Driza Group) [DH-DD\(2011\)316](#)
 Action Plan (individual measures, Driza case) [DH-DD\(2011\)663E](#)
 Action Plan (individual measures, Gjonbocari case) [DH-DD\(2011\)662E](#)
 Updated Action Plan (individual measures, Gjonbocari case) [DH-DD\(2012\)1031E](#)
 Action Plan (individual measures, case of Vrioni and others) [DH-DD\(2011\)661E](#)
 Updated Action Plan (individual measures, Çausht Driza case) [DH-DD\(2012\)1004revE](#)
 Action plan (Gjyli case) [DH-DD\(2012\)1090](#)

Communication from the authorities [DH-DD\(2012\)729](#) + [appendix 1](#) and [appendix 2](#)
 Communication from the authorities [DH-DD\(2012\)785](#)
 Communication from the authorities [DH-DD\(2012\)1091](#)

Information document : [CM/Inf/DH\(2011\)36](#)

Decision adopted at the 1150th meeting

Decision

The Deputies

1. underlined again the urgent need to take all necessary general measures in order to effectively guarantee the right to compensation recognised by final domestic decisions;
2. took note of the information provided by the Albanian authorities on the recent measures undertaken for the implementation of their crosscutting strategy; deplored however the lack of progress in the adoption of the measures identified by the Committee as essential and noted in this respect that the pilot judgment delivered by the European Court in the matter (not yet final) fixes a deadline of eighteen months for the Albanian authorities to put in place an effective compensation mechanism;
3. reiterated therefore their requests addressed to the Albanian authorities at their 1144th meeting (June 2012):
 - to establish the final list of all judicial and administrative decisions to be executed;
 - to finalise the land value map;
 - on the basis of these elements, to calculate the cost of the execution of the decisions, in order to be able to define the resources needed;
 - to adopt the compensation mechanism that should take into account the findings of the Court made under Article 13 of the Convention;
 - and at last, to execute of their own motion, without further delay, the decisions at issue;
4. given the urgency to progress concretely, invited the authorities to set deadlines that are realistic but also binding for each of those steps still pending ; also invited them to update the action plan for this Group of cases, including the timetable thus fixed;
5. recalled that information is awaited on the individual measures still pending in the cases of Driza, Gjonbocari and Çausht Driza;
6. decided to take stock of the progress achieved in this Group of cases at their 1164th meeting (March 2013) (DH).

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Application : 604/07, 33771/02 Final judgment : 17/12/2012, 02/06/2008	MANUSHAQE PUTO AND OTHERS v. Albania DRIZA Group v. Albania	Enhanced procedure : complex problem / pilot judgment
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1164th meeting– (5-7 March 2013)[List of decisions](#)**Reference texts:**Information document: [CM/Inf/DH\(2011\)36](#)

Action Plan (general measures for the Driza Group) (06/05/2011) [DH-DD\(2011\)316](#)
 Action Plan (individual measures, Driza case) (23/08/2011) [DH-DD\(2011\)663E](#)
 Action Plan (individual measures, Gjonbocari case) (23/08/2011) [DH-DD\(2011\)662E](#), (05/11/2012) [DH-DD\(2012\)1031E](#)
 Action Plan (individual measures, case of Vrioni and others) (23/08/2011) [DH-DD\(2011\)661E](#)
 Action Plan (individual measures, Çausht Driza case) (05/11/2012) [DH-DD\(2012\)1004revE](#)
 Action Plan (Çausht Driza case) (25/02/2013) [DH-DD\(2013\)232E](#)
 Action plan (Gjyli case) [DH-DD\(2012\)1090](#)

Communication from Albania (02/08/2012) [DH-DD\(2012\)729](#) + [appendix 1](#) and [appendix 2](#)
 Communication from Albania (07/09/2012) [DH-DD\(2012\)785](#)
 Communication from Albania (19/11/2012) [DH-DD\(2012\)1091E](#)

Letter from the Registry of the European Court (case of Manushaqe Puto and others) (11/01/2013) [DH-DD\(2013\)29E](#)

[Decision](#) adopted at the 1150th meeting (September 2012)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision**The Deputies**

1. recalled that the Committee has already reiterated on many occasions its call to the Albanian authorities to rapidly take all the measures identified as necessary for the establishment of an effective compensation mechanism for property nationalised during the communist regime and the execution without further delay of numerous final domestic decisions delivered in this area (see in particular the decision adopted at the 1144th meeting);
2. stressed that the Committee's approach was endorsed in a pilot judgment delivered by the European Court, which fixed a deadline of 17 June 2014 for the authorities to put in place such a mechanism;
3. deplored in this context that the progress in the execution of these judgments remains very limited and that no new information has been submitted to the Committee since the last examination of this Group of cases;
4. called upon the authorities to submit to the Committee as soon as possible, an action plan with a specific and binding time-table to ensure compliance with the deadline set by the European Court in its pilot judgment ;
5. strongly urged the authorities to also take the individual measures still outstanding in the cases of Driza, Gjonbocari and Çausht Driza and to inform the Committee of these as soon as possible;
6. decided to resume consideration of this Group of cases at their 1172nd meeting (June 2013) (DH), if necessary on the basis of a draft interim resolution.

Reference texts:

Information document: [CM/Inf/DH\(2011\)36](#)

Action Plan (general measures for the Driza Group) (06/05/2011) [DH-DD\(2011\)316](#)
 Action Plan (individual measures, Driza case) (23/08/2011) [DH-DD\(2011\)663](#)
 Action Plan (individual measures, Gjonbocari case) (23/08/2011) [DH-DD\(2011\)662](#),
 (05/11/2012) [DH-DD\(2012\)1031](#)
 Action Plan (individual measures, case of Vrioni and others) (23/08/2011) [DH-DD\(2011\)661](#)
 Action Plan (individual measures, Çausht Driza case) (05/11/2012) [DH-DD\(2012\)1004rev](#)
 Action Plan (Çausht Driza case) (25/02/2013) [DH-DD\(2013\)232](#)
 Updated action Plan (Çausht Driza case) (09/04/2013) [DH-DD\(2013\)449](#)
 Action plan (Gjyli case) [DH-DD\(2012\)1090](#)

Communication from Albania (02/08/2012) [DH-DD\(2012\)729](#) + [appendix 1](#) and [appendix 2](#)
 Communication from Albania (07/09/2012) [DH-DD\(2012\)785](#)
 Communication from Albania (19/11/2012) [DH-DD\(2012\)1091](#)
 Communication from Albania (10/04/2013) [DH-DD\(2013\)412](#)
 Communication from Albania (Gjonbocari and others) (09/04/2013) [DH-DD\(2013\)443](#)
 Communication from Albania (individual measures) (31/05/2013) [DH-DD\(2013\)627](#)
 Communication from Albania (general measures) (31/05/2013) [DH-DD\(2013\)628](#)
 Communication from Albania (on draft interim resolution) (31/05/2013) [DH-DD\(2013\)629](#)
 Communication from Albania (04/06/2013) [DH-DD\(2013\)634](#)

Communication from NGOs and reply of the authorities (May 2013) [DH-DD\(2013\)600](#)

Communication from the applicants' representative (Manushaqe Puto and others) (15/04/2013)
[DH-DD\(2013\)442](#)

Communication from the applicants (Gjonbocari and others) (26/11/2012) [DH-DD\(2013\)444](#)

Communication from the applicant (Driza) (02/04/2013) [DH-DD\(2013\)445](#)

Communication from the applicants' representative (Manushaqe Puto and others) (31/05/2013) [DH-DD\(2013\)630](#)

Letter from the Registry of the European Court (Manushaqe Puto and others) (11/01/2013) [DH-DD\(2013\)29](#)

Memorandum on the individual measures : [H/Exec\(2013\)2](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies adopted Interim Resolution CM/ResDH(2013)115 as it appears in document CM/Del/Dec(2013)1172, Volume of Resolutions.

Draft Interim resolution CM/ResDH(2013)115

Execution of the pilot judgment *Manushaqe Puto* and 11 other judgments of the European Court of Human Rights concerning the failure to enforce final domestic judicial and administrative decisions relating to the right of the applicants to restitution or compensation (whether pecuniary or in kind) for property nationalised during the communist regime in Albania (see Appendix)

(Adopted by the Committee of Ministers on 6 June 2013 at the 1172nd 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 this Group of cases concerns the longstanding structural problem of the non-enforcement of final domestic judicial and administrative decisions relating to the right of the applicants to restitution or compensation (whether pecuniary or in kind) for property nationalised during the communist regime (violations of Article 6 § 1 and Article 1 of Protocol n° 1), as well as the lack of an effective remedy in that regard (violation of Article 13);

Recalling that in view of the scale and persistent ineffectiveness of the current compensation mechanism, the European Court of Human Rights delivered a pilot judgment in the case of *Manushaqe Puto* and others, in which it set

an 18 month deadline – namely until the 17 June 2014 – for the Albanian Government to establish an effective compensation mechanism;

Underlining the support given by the Committee to the Albanian authorities, since it has been supervising the execution of this Group of cases, in the identification of measures to adopt urgently in order to resolve this longstanding structural problem;

Noting with great concern that to date, only one of the measures identified has been finalised, namely the land valuation map, and that no action plan demonstrating the ability of the Albanian authorities to establish an effective compensation mechanism within the deadline set by the Court, has been submitted;

Recalling that the non-enforcement of domestic final decisions represents a grave danger to the rule of law, risks undermining the confidence of citizens in the judicial system, and as such calls into question the credibility of the State;

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 ON the Albanian authorities, at the highest level, to give the highest priority to the preparation of an action plan capable of establishing, within the deadline set by the European Court, an effective compensation mechanism, which takes account of the measures already identified with the support of the Committee.

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Interim Resolution [CM/ResDH\(2013\)115](#)

Information document [CM/Inf/DH\(2011\)36](#)

Memorandum on the individual measures [H/Exec\(2013\)2](#)

Letter from the Registry of the European Court (Manushaqe Puto and others) (11/01/2013) [DH-DD\(2013\)29](#)

Communications from Albania

Driza Group and Manushaqe Puto and others (27/11/2013) [DH-DD\(2013\)1290E](#), (30/08/2013)

[DH-DD\(2013\)1008](#),

Action plan (general measures for the Driza Group) (06/05/2011) [DH-DD\(2011\)316](#)

Information submitted on this Group of cases which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/ALB-Driza_fr.asp

Communications from NGOs

From *Defending Property, Pursuing Justice* (18/07/2013) [DH-DD\(2013\)883](#) and reply by Albania

[DH-DD\(2013\)1011](#)

From "*Pronësi me Drejtësi*" Association (PDA) and "*Bregdeti*" Riveira Association (BA) and reply by Albania (May 2013) [DH-DD\(2013\)600](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. welcomed the presence of the Deputy Minister of Justice of Albania and the determination expressed by the Minister of Justice in his letter dated 27 November 2013, demonstrating the authorities' willingness to implement these judgments;
2. expressed deep concern that, despite the Committee of Ministers' repeated calls for the adoption of the necessary measures, the last being made in Interim Resolution CM/ResDH(2013)115, and the approaching deadline (17 June 2014) set by the Court for the implementation of the Manushaqe Puto pilot judgment, the authorities have still failed to submit tangible information demonstrating that any progress has been achieved and that they have a strategy for implementing the judgment;
3. noted with interest in this regard the commitment expressed by the new Albanian government, in office since September 2013, to put in place, within the time-limit set by the Court, an effective compensation mechanism

and to submit to the Committee, without further delay, a comprehensive and detailed action plan for the implementation of this Group of cases;

4. welcomed the willingness of the authorities to co-operate with the Secretariat in order that such a plan is submitted to the Committee as soon as possible, and in any event in good time for its examination by the Committee at its 1193rd meeting (March 2014) (DH)

1193rd meeting - (4-6 March 2014)

[List of decisions](#)

Reference texts:

Interim Resolution [CM/ResDH\(2013\)115](#)

Information document [CM/Inf/DH\(2011\)36](#)

Memorandum on the individual measures [H/Exec\(2013\)2](#)

Letter from the Registry of the European Court (Manushaqe Puto and others) (11/01/2013) [DH-DD\(2013\)29](#)

Communications from Albania

Information on the preparation of the action plan (13/01/2014) [DH-DD\(2014\)98](#);

Action plan (24/02/2014) [DH-DD\(2014\)267](#) (confidential)

Information submitted previously on this Group of cases which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/ALB-Driza_fr.asp

[Decision](#) adopted at the 1186th meeting (December 2013)

Application	Case	Judgment of	Final on
604/07+	MANUSHAQE PUTO AND OTHERS	31/07/2012	17/12/2012
DRIZA GROUP			
33771/02	DRIZA	13/11/2007	02/06/2008
7352/03	BESHIRI AND OTHERS	22/08/2006	12/02/2007
6397/04	BUSHATI AND OTHERS	08/12/2009 14/02/2012	08/03/2010 14/05/2012
10810/05	CAUSH DRIZA	15/03/2011	15/06/2011
49106/06	DELVINA	08/03/2011 21/05/2013	08/06/2011 07/10/2013
16530/06	ELTARI	08/03/2011	15/09/2011
10508/02	GJONBOÇARI AND OTHERS	23/10/2007	31/03/2008
45264/04	HAMZARAJ No. 1	03/02/2009	06/07/2009
12306/04	NURI	03/02/2009	06/07/2009
38222/02	RAMADHI AND OTHERS	13/11/2007	02/06/2008
35720/04+	VRIONI AND OTHERS ²	29/09/2009 07/12/2010	29/12/2009 11/04/2011

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 fulfill 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

² Cand te Application a été introduite contre l'Italy and Albania mays la Cour européenne n'a constaté aucune violation au titre de l'Italy.

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 1201st meeting (DH) (June 2014) in order to assess the progress achieved until then.

1201st meeting - (June 2014)

[List of decisions](#)

Reference texts:

Interim Resolution [CM/ResDH\(2013\)115](#)

Information document [CM/Inf/DH\(2011\)36](#)

Memorandum on the individual measures [H/Exec\(2013\)2](#)

Letter from the Registry of the European Court (Manushaqe Puto and others) (11/01/2013) [DH-DD\(2013\)29](#)
Communications from Albania

Information on the preparation of the action plan (13/01/2014) [DH-DD\(2014\)98](#);

Presentation of the action plan (10/03/2014) [DH-DD\(2014\)365](#)

Action plan (24/04/2014) [DH-DD\(2014\)539](#)

Updated action plan (20/05/2014) [DH-DD\(2014\)677](#)

Information submitted previously on this Group of cases which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/ALB-Driza_fr.asp

[Decision](#) adopted at the 1193rd meeting (March 2014)

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.

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Application : 41153/06, 25336/04 Final judgment : 02/06/2008, 07/10/2009	Dybeku v. Albania Grori v. Albania	Enhanced procedure
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1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**Action plan (09/11/2011) [DH-DD\(2011\)1041](#)Communication from Albania (03/07/2012) [DH-DD\(2013\)59](#)[Decisions](#) adopted at the 1092nd meeting, p. 3, 4 (September 2010)Decision

The Deputies

1. noted that, according to the information available, the applicants Grori and Dybeku have currently access to the medical treatment required by their state of health;
2. deplored nevertheless, having regard to the age of the cases and the seriousness of the violations in issue, that the authorities have not yet submitted detailed information to the Committee regarding the measures taken to ensure that the applicants, as well as all other detainees, would in the future be able to access medical treatment necessary for their state of health;
3. recalled in that regard that the action plan submitted in November 2011 had referred to legislative amendments under way with a view to responding to the findings of the European Court related to Article 3 of the Convention but that no additional information has been submitted since then;
4. regretted also that more than three years after the case of Grori became final, no information has been submitted concerning the violations of Articles 5§1 and 34 of the Convention found by the European Court in this case;
5. urged the Albanian authorities to submit to the Committee, without any further delay, an updated action plan containing all the missing information including, in particular, detailed information on the legal regime and practice governing the availability of medical treatment for detainees, so as to enable the Committee to assess the status of execution of these two judgments as soon as possible.

1208th meeting - (23-25 September 2014)[List of decisions](#)**Reference texts:**Revised action report (30/07/2014) [DH-DD\(2014\)974](#)Action report (03/07/2014) [DH-DD\(2014\)893](#)Revised action plan (Dybeku and Grori) (10/04/2013) [DH-DD\(2013\)428](#)Action plan (Dybeku and Grori) (09/11/2011) [DH-DD\(2011\)1041](#)Communication (Dybeku) (11/07/2012) [DH-DD\(2013\)59](#)[Decision](#) adopted at the 1164th meeting (March 2013)Decision

The Deputies

1. 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;

2. 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;
3. 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;
4. 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.

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Application : 37959/02 Final on 01/12/2008	XHERAJ v. Albania	Enhanced procedure
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1100th meeting– (2 December 2010)[List of decisions](#)

Section 4.2

1 case against Albania

37959/02 Xheraj, judgment of 29/07/2008, final on 01/12/2008

Decision

The Deputies:

1. deeply regretted the inactivity of the authorities with regard to executing the present judgment, which has already been final for two years, and underlined the fact that the applicant continues to suffer from the consequences of the quashing of his final acquittal;
2. noted in this respect that the authorities have expressed their willingness to amend the Code of Criminal Procedure within six months to allow the reopening of criminal proceedings; also noted that the applicant has lodged a new application with the Constitutional Court, which is currently pending;
3. underlined in this context the urgency of rapidly obtaining confirmation of the applicant's acquittal, the deletion of the conviction from his criminal record and the withdrawal of the extradition request concerning him in Italy, in conformity with the European Court's ruling;
4. therefore urged the respondent state to act without delay, and to provide the Committee with information on the results obtained, for consideration at its next DH meeting;
5. also encouraged the authorities to provide information on general measures taken or envisaged to prevent similar violations;
6. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH) in the light of information to be provided on urgent individual measures and on the general measures.

1108th meeting - (8-10 March 2011)[List of decisions](#)Decision

The Deputies,

1. took note of the revised action plan submitted by the Albanian authorities on 25 February 2011;
2. noted with satisfaction that the Constitutional Court ordered the deferment of the applicant's conviction pending its decision on the merits of the case and that the Albanian authorities have withdrawn the extradition request concerning the applicant in Italy;
3. recalled however the need to obtain confirmation of the applicant's acquittal and the deletion of the conviction from his criminal record in conformity with the European Court's judgment;
4. invited the authorities to keep the Committee informed on the outcome of the proceedings before the Constitutional Court and recalled that information is also awaited on the adoption of the general measures.

Decision

The Deputies,

1. took note of the revised action plan provided by the Albanian authorities on 12 October 2011;
2. noted with satisfaction that, pending legislative changes announced by the authorities during the previous examination of these issues, the Constitutional Court, in its decision No. 20 of 1 June 2011 in the case of Xheraj, considered that Articles 10 and 450 (a) of the Code of Criminal Procedure, as interpreted in the light of the European Convention which is directly applicable in Albanian law, provide a legal basis for the reopening of criminal proceedings following a judgment of the European Court, and remitted the case before the Supreme Court to decide on its reopening; further noting that the case has been registered by the Supreme Court and that the latter decided to deal with it as a matter of priority;
3. consequently, whilst recalling the urgency of remedying the situation of the applicant, i.e. to obtain confirmation of his acquittal and the deletion of the conviction from his criminal record with effect from the day of his acquittal (§82 of the judgment), invited the respondent state to keep the Committee informed on the follow-up of these proceedings before the Supreme Court;
4. more generally, invited the respondent state to continue informing the Committee of developments in the legislative process concerning the introduction in the Code of Criminal Procedure of a possibility of reopening proceedings following a judgment of the European Court, and recalled that further information is also awaited on the adoption of general measures.

Armenia

Application : 32283/04 Final on 17/09/2008	MELTEX LTD AND MESROP MOVSESYAN v. Armenia	Enhanced procedure
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1078th meeting– (4 March 2010)

[List of decisions](#)

Section 4.2

- 1 case against Armenia

32283/04 Meltex Ltd and Mesrop Movsesyan, judgment of 17/06/2008, final on 17/09/2008

Decision

The Deputies,

1. took note with interest of the information provided by the Armenian government confirming the holding of a call for tenders, in which the applicant will be given the possibility to participate, in July 2010; recalled in this context the recommendations and declarations adopted by the Committee of Ministers on freedom of expression, media pluralism and diversity;
2. stressed the importance of the call for tender for the execution of this judgment and took note of the government's position according to which, while awaiting the issue of the procedure, no measure is possible in favour of the applicant company because any measure other than an effective and transparent conduct of a tender process would lead to a situation in which the rights of third parties would be infringed;
3. invited the Armenian authorities to keep the Committee of Ministers informed of the progress of the call for tenders and recalled that detailed information on the developments regarding the remedies pursued by the applicant before the competent national judicial authorities is awaited;
4. decided to resume consideration of this item at the latest at their 1092nd meeting (September 2010) (DH), in the light of further information to be provided by the authorities.

1092nd meeting - (15 September 2010)

[List of decisions](#)

Section 4.2

- 1 case against Armenia

32283/04 Meltex Ltd and Mesrop Movsesyan, judgment of 17/06/2008, final on 17/09/2008

Decision

The Deputies,

1. noted with concern the recent amendments to the TV and Radio Broadcasting Act whose provisions do no longer explicitly require that reasons are given in respect of an unsuccessful competitor or applicant for a broadcasting licence;
2. welcomed the official statement by the Government Agent according to which "Article 49(3) of the TV and Radio Broadcasting Act should be interpreted in accordance with Article 10 of the Convention, and in the light of the Meltex judgment, in a way that a single decision of the Commission provides a full and proper substantiation and reasoning of the results of the points-based vote, including both in respect of the winner of the competition, as well as of all of its other participants";
3. invited the Armenian authorities to provide the Committee of Ministers with a comprehensive overview of the legislative and regulatory framework that substantiates the unambiguous obligation of the NRTC under Armenian law to give reasons for its decisions to award or not, or to revoke broadcasting licences, in the framework of competitions or applications for broadcasting, as well as information as to the concrete implementation of this framework in respect of the ongoing tender procedures;

4. recalled the obligation of the respondent State to provide in due time information on developments regarding the execution of judgments of the European Court of Human Rights;
5. decided to resume consideration of this case at their 1100th meeting (November-December 2010) (DH), in the light of further information to be provided by the authorities, in particular, on competitions which will be held at the end of this year.

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Application : 27651/05 Final judgment : 23/09/2009	MINASYAN AND SEMERJYAN GROUP v. Armenia	Enhanced procedure : complex problem
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1172nd meeting - (4-6 June 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Action report (21/05/2013) [DH-DD\(2013\)583](#)Communication from the applicants' representative [DH-DD\(2013\)631E](#)[Decision](#) adopted at the 1100th meeting (December 2010) (p. 19)Decision

The Deputies

1. noted that, in this Group of cases, the Court considered that the expropriation process for the purpose of implementing State construction projects was not carried out in compliance with "conditions provided for by law" on the grounds that certain applicants were deprived of their property by a number of Government decrees and not by a law as requested by the Constitution and the Constitutional Court, and that certain applicants were deprived of their right of use of accommodation on the basis of rules not applicable to their situation;
2. took note of the action report provided by the Armenian authorities for the execution of this Group of cases and instructed the Secretariat to present a detailed assessment of the said action report at the latest at 1186th meeting (December 2013) (DH).

1186th meeting - (3-5 December 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Action report (21/05/2013) [DH-DD\(2013\)583](#)Communication from the applicants' representative (30/05/2013) (Tunyan and others) [DH-DD\(2013\)631](#)[Decision](#) adopted at the 1172nd meeting (June 2013)Decision

The Deputies

1. recalling the action report submitted on 21/05/2013, noted with satisfaction the adoption by Parliament of the Law "On Expropriation for the Needs of Society and the State" which appears to provide a clear legal framework, as required by the Convention, for deprivation of property in situations similar to the present cases;
2. invited the authorities to clarify whether this law also clearly regulates situations of interference with the right to the use of accommodation;
3. further invited the authorities to provide information on additional measures taken in order to improve domestic court practices as regards the Convention requirement that interferences have to be in accordance with law and in order to prevent arbitrary application of law.

Azerbaïdjan

Application : 40984/07 Final on 04/10/2010	FATULLAYEV v. Azerbaïdjan	Enhanced procedure
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1100th meeting – (2 December 2010)[List of decisions](#)*Section 2.1***- 1 case against Azerbaijan**

*40984/07 Fatullayev judgment of 22/04/2010, final on 4/10/2010

Decision

The Deputies,

1. recalling that under Article 46 of the Convention, the respondent state is required under the supervision of the Committee of Ministers to choose the general measures and/or, if appropriate, individual measures to be adopted within its domestic legal order to put an end to violations found by the Court and as far as possible to erase their consequences;
2. recalled in this context that the Court considered that amongst the means available to the state to fulfil its obligation under Article 46 it should ensure the immediate release of the applicant;
3. noted with satisfaction that the convictions criticised by the European Court were annulled by the Supreme Court on 11 November 2010, thus making it possible in principle for the applicant to be released;
4. noted nonetheless with concern that the applicant is still in custody and that there are a number of questions concerning the erasure of the consequences of his unjustified detention since his arrest on 20 April 2007;
5. called on the competent Azerbaijani authorities to examine rapidly the questions which were raised during the meeting, and in particular to explore all possible means of ending the applicant's detention including, if necessary by alternative, non-custodial measures;
6. invited the Azerbaijani authorities, in close collaboration with the Secretariat, to provide the said information needed to allow an in-depth examination of the case at the latest at their 1108th meeting (March 2011) (DH).

1108th meeting - (8-10 March 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that at their 1100th meeting the Azerbaijani authorities were invited to provide detailed information on the applicant's situation and on points of law, in order to allow an in-depth examination of the case at the present meeting;
2. took note of the bilateral meeting between the Secretariat and the Azerbaijani Government Agent held on 14 January 2011 and the subsequent CM/Inf/DH(2011)7 summarising the outstanding questions;
3. noted with concern that in its decision 12 (102) – 3(a)/2010 of 11 November 2010, the Supreme Court confirmed the applicant's sentence of imprisonment for defamation on the basis of a judicial decision dating back to 2006, notwithstanding the reasoning of the Court in the Fatullayev judgment itself;
4. regretted that no updated and detailed information on the current applicant's situation and on the means the Azerbaijani authorities intend to use to erase the consequences of his previous unjustified detentions were made available in due time for this meeting and noted the information and explanations given by the Azerbaijani Delegation at the meeting;
5. noted with serious concern that the applicant remains detained despite the decision of the Committee of Ministers at its 1100th meeting (November- December 2010) (DH) that the Azerbaijani authorities explore all possible means of ending his detention, including if necessary by alternative non-custodial measures;

6. called upon the Azerbaijani authorities to provide, further to the information given, a clear and comprehensive account of the time the applicant spent in detention since April 2007 and the legal basis for the different periods to identify the period of unjustified detention in order to ensure redress in this respect, including all possibilities to ensure the applicant's immediate release;
7. noted also with concern that the just satisfaction has been transferred to a frozen account;
8. recalled that the European Court considered, in other cases, that the compensation fixed pursuant to Article 41, in particular for non-pecuniary damage, and due by virtue of a judgment of the Court should be exempt from attachment and strongly invited the Azerbaijani authorities to reconsider their position in view of this principle;
9. called upon the Azerbaijani authorities to remove without further delay all obstacles to the implementation of the Court's judgment;
10. decided to examine the issues concerning individual and general measures raised by this case at their 1115th meeting (June 2011) (DH).

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Application : 35877/04 Judgment Final on 18/03/2009	MAHMUDOV AND AGAZADE GROUP	Enhanced procedure : complex problem
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1078th meeting– (4 March 2010)[↗ List of decisions ↖](#)*Section 4.2***- 1 case against Azerbaijan**

35877/04 Mahmudov and Agazade, judgment of 18/12/2008, final on 18/03/2009

Decision

The Deputies,

1. took note of the information provided during the meeting by the authorities concerning the public discussion under way in Azerbaijan on decriminalisation of defamation;
2. recalled that in this judgment, the European Court reiterated its well-established case-law according to which the imposition of a prison sentence for a press offence is compatible with journalists' freedom of expression only in exceptional circumstances, such as hate speech or incitement to violence;
3. invited the authorities to bring the relevant provisions of Azerbaijani legislation into conformity with this case-law, making use where appropriate of expertise available in the Council of Europe, in particular when reviewing the issue of proportionality of sanctions;
4. decided to resume consideration of this item at the latest at their 1092nd meeting (September 2010) (DH), in the light of information to be provided on general measures.

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Applications : 35877/04, 40984/07 Final on 18/03/2009, 04/10/2010	MAHMUDOV and AGAZADE v. Azerbaïdjan FATULLAYEV v. Azerbaïdjan	Enhanced procedure : complex problem
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1115th meeting - (7-8 June 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. welcomed the release of Mr Fatullayev following the Decree of the President of the Republic of Azerbaijan of 26 May 2011 pardoning 90 persons including the applicant;
2. instructed the Secretariat to review, in consultation with the authorities of Azerbaijan, any outstanding issues related to individual measures, in the case of Fatullayev, including payment of the just satisfaction;
3. as regards the general measures required to address the violations found by the Court in this Group of cases, noted with interest the information provided during the meeting regarding the decriminalisation of defamation and invited the authorities to provide detailed information in this respect including how the requirements of the Convention and the case-law of the Court have been taken into account;
4. once more invited the Azerbaijani authorities to provide an action plan on all the measures called for by this Group of cases.

1128th meeting - (29 nov.-2 déc. 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. recalled that this Group of cases concerns mainly violations of the applicant journalists' right to freedom of expression (the Fatullayev case also concerns violations of the right to a fair trial);
2. noted the action plan in these cases, transmitted by the authorities on 28 November 2011;

i) Individual measures:

3. considered that, in the Mahmudov and Agazade case, in the light of the actions taken, namely exemption from serving the sentence, absence of the mention of the sentence in the criminal records, payment within the time limit of the amount of just satisfaction awarded by the Court, the situation of the applicants does not call for other individual measures;
4. as concerns the Fatullayev case and the different questions related to the erasure of the consequences of the violations, in particular linked to the immediate release of the applicant, recalled their former decisions in that respect and noted the summary of the measures taken as presented in the action plan transmitted by the Azerbaijani authorities on 28 November 2011;
5. noted in particular with satisfaction that, over and above the important measures already taken and recorded in their earlier decisions, the applicant has been able since the last examination of the case (June 2011) to take possession, on 25 July 2011, of the sums awarded as just satisfaction by the Court and that the Azerbaijani authorities have taken the necessary measures to erase the convictions criticised by the Court from the applicant's criminal records;
6. considered that the situation of the applicant does not call for other individual measures;

ii) General measures:

7. invited the Azerbaijani authorities to complete the information provided in their action plan and to closely cooperate with the Secretariat in that respect;

8. decided to put the examination of the question regarding general measures raised in this Group of cases, in light of the action plan as completed, on the order of business of the 1136th meeting (March 2012) (DH).

1136th meeting - (6-8 March 2012)

[List of decisions](#)

Reference texts:

Memorandum [CM/Inf/DH\(2011\)7](#)

Replies to the points made in the Memorandum concerning the execution of the Court judgment in the case of Fatullayev against Azerbaijan. Communication from the delegation of Azerbaijan [DH-DD\(2011\)158](#) (restricted):

Action plan / action report (Fatullayev case) [DH-DD\(2011\)55](#)

Communication from a Group of NGOs in the case of Fatullayev [DH-DD\(2010\)560E](#)

Communication from NGOs in the case of Fatullayev [DH-DD\(2011\)136](#)

Second communication from 13 NGOs in the case of Fatullayev [DH-DD\(2011\)157](#)

Communication from 32 NGOs in the case of Fatullayev [DH-DD\(2011\)169E](#)

Communication from the applicant's representative in the Fatullayev case [DH-DD\(2010\)598E](#)

Communication from the applicant's representative in the Fatullayev case [DH-DD\(2011\)137](#)

Communication from the government in the Fatullayev case [DH-DD\(2010\)604E](#)

Communication from the government in the Fatullayev case [DH-DD\(2011\)299E](#)

Communication from the government in the Fatullayev case [DH-DD\(2011\)431E](#)

Communication from the government in the Fatullayev case [DH-DD\(2011\)659E](#)

Communication from the government [DH-DD\(2012\)260E](#)

Action Plan on the Mahmudov Group [DH-DD\(2011\)1078](#)

Action plan in the cases of Farhad Aliyev, Salayev and Muradverdiyev (Applications No. 37138/06, 40900/05 and 16966/06) [DH-DD\(2011\)1081E](#)

Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)33](#)

Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)34](#)

[Decision](#) adopted at the 1100th DH meeting (page 26) (November-December 2010)

[Decision](#) adopted at 1108th DH meeting (March 2011)

[Decision](#) adopted at 1115th DH meeting (June 2011)

[Decision](#) adopted at the 1128th DH meeting (December 2011)

Decision

The Deputies

- noted with satisfaction that, on 27/12/2011, the President of Azerbaijan signed an order approving "[the National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms](#)" which contains provisions aimed at enhancing the effective execution of the European Court's judgments in general and of the present judgments in particular;
- noted further that, according to the National Programme, the Presidential Administration was given the task of elaborating "proposals on improving the legislation in order to decriminalise defamation" within 2012 (item 1.2.7);
- invited the Azerbaijani authorities to provide the Committee with information on:
 - the time table foreseen for the adoption of the legislation on defamation and its content;
 - legislative changes envisaged to align the provisions of the Criminal Code (other than defamation on the basis of which the applicants in these judgments were convicted) with the Convention's requirements;
 - measures envisaged to prevent arbitrary application of these provisions;
 - measures envisaged to prevent violations of Articles 6§1 and 6§2 similar to those found in the case of Fatullayev;

4. noted that bilateral consultations between the authorities and the Secretariat will be held in Baku in April 2012 and instructed the Secretariat to raise the questions above in this context;
5. decided to examine these cases in light of the information to be provided by the Azerbaijani authorities on the above questions at their 1144th meeting (June 2012) (DH).

1144th meeting - (4-6 June 2012)

[List of decisions](#)

Reference texts:

Information document [CM/Inf/DH\(2011\)7](#)

Action Plan on the Mahmudov Group [DH-DD\(2011\)1078](#)

Action plan in the cases of Farhad Aliyev, Salayev and Muradverdiyev [DH-DD\(2011\)1081E](#)

Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)33](#)

Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)34](#)

[Decision](#) adopted at the 1100th meeting (page 26) (November-December 2010)

[Decision](#) adopted at 1108th meeting (March 2011)

[Decision](#) adopted at 1115th meeting (June 2011)

[Decision](#) adopted at the 1128th meeting (December 2011)

[Decision](#) adopted at the 1136th meeting (March 2012)

[Statement](#) of the Secretary General of the Council of Europe, 20/04/2012

National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms: [DH-DD\(2012\)260E](#)

Decision

The Deputies

1. took note of the information provided by the Azerbaijani authorities in response to the questions raised by the Committee at the 1136th meeting (March 2012) (DH) that:
 - the legislative work on defamation was expected to be completed before the end of 2012 as planned in the National Programme for Action,
 - this legislative work aimed at introducing amendments to Articles 147 (defamation) and 148 (insult) of the Criminal Code,
 - no legislative amendments other than those mentioned were planned.
2. called on the Azerbaijani authorities to provide information without further delay on the content of the legislative amendments as well as a clear calendar for their adoption and entry into force;
3. recalled in this respect that in his statement of 20 April 2012, the Secretary General offered the Council of Europe's assistance and advice to the Azerbaijani authorities on how to bring their legislation and practice to the level required of all member States and encouraged the Azerbaijani authorities to take up the offer made by the Secretary General;
4. urged the Azerbaijani authorities to provide information to the Committee on the following outstanding issues:
 - the measures envisaged to prevent arbitrary application of domestic law, in particular examples of domestic court decisions demonstrating that domestic legislation is applied by Azerbaijani courts in compliance with the Convention standards;
 - the measures taken or envisaged to prevent violations of Article 6§§1 and 2 similar to those found in the case of Fatullayev, in particular, on how the measures envisaged in the National Programme for Action will guarantee the right to presumption of innocence.

Reference texts:

Information document [CM/Inf/DH\(2011\)7](#)

Action Plan on the Mahmudov Group [DH-DD\(2011\)1078](#)

Action plan in the cases of Farhad Aliyev, Salayev and Muradverdiyev [DH-DD\(2011\)1081E](#)

Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)33](#)

Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)34](#)

[Statement](#) of the Secretary General of the Council of Europe, 20/04/2012

National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms: [DH-DD\(2012\)260E](#)

Communication from the authorities [DH-DD\(2012\)837E](#)

[Decision](#) adopted at the 1100th meeting (page 26) (November-December 2010)

[Decision](#) adopted at 1108th meeting (March 2011)

[Decision](#) adopted at 1115th meeting (June 2011)

[Decision](#) adopted at the 1128th meeting (December 2011)

[Decision](#) adopted at the 1136th meeting (March 2012)

[Decision](#) adopted at the 1144th meeting

Decision**The Deputies**

1. recalled that information was awaited by the Azerbaijani authorities on the outstanding questions raised by the Deputies since their 1136th meeting (March 2012) (DH) namely on:
 - the content of the legislative amendments on defamation as well as a clear calendar for their adoption and entry into force;
 - the measures envisaged to prevent arbitrary application of domestic law, in particular examples of domestic court decisions demonstrating that domestic legislation is applied by Azerbaijani courts in compliance with the Convention standards;
 - the measures taken or envisaged to prevent violations of Article 6§§1 and 2 similar to those found in the case of Fatullayev, in particular, on how the measures envisaged in the National Programme for Action will guarantee the right to presumption of innocence;
2. welcomed the fact that the Azerbaijani authorities have requested the assistance of the Venice Commission with a view to preparing a law on defamation so that its content is in conformity with the Convention's requirements and, while encouraging them to pursue this work with the Venice Commission speedily and in close co-operation also with the Secretariat, invited the authorities to keep the Committee regularly informed of all the steps of this process, including the precise calendar to be established in that respect;
3. pending the preparation of this law, invited the authorities to take the necessary measures to ensure that the current legislation is applied in accordance with the Convention's requirements;
4. noted further the information submitted by the authorities on 18/09/2012 (DD (2012)837) and instructed the Secretariat to prepare an assessment of this information;
5. agreed to resume consideration of these questions at their 1157th meeting (December 2012) (DH).

Reference texts:

Information document [CM/Inf/DH\(2011\)7](#)

Action Plan on the Mahmudov Group [DH-DD\(2011\)1078](#)

Action plan in the cases of Farhad Aliyev, Salayev and Muradverdiyev [DH-DD\(2011\)1081E](#)

Communication from Azerbaijan (general measures) (24/10/2012) [DH-DD\(2012\)1002E](#)

Communication from Azerbaijan [DH-DD\(2012\)1077E](#)

[Joint statement by the Council of Europe Commissioner for Human Rights, the OSCE Representative on Freedom of the Media and the Vice-President of the European Commission “Enhancing freedom of expression in Azerbaijan” \(7/11/2012\)](#)

Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)33](#)

Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)34](#)

[Statement](#) of the Secretary General of the Council of Europe, 20/04/2012

National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms: [DH-DD\(2012\)260E](#)

Communication from the authorities [DH-DD\(2012\)837E](#)

[Decision](#) adopted at the 1100th meeting (page 26) (November-December 2010)

[Decision](#) adopted at 1108th meeting (March 2011)

[Decision](#) adopted at 1115th meeting (June 2011)

[Decision](#) adopted at the 1128th meeting (December 2011)

[Decision](#) adopted at the 1136th meeting (March 2012)

[Decision](#) adopted at the 1144th meeting

[Decision](#) adopted at the 1150th meeting

Decision**The Deputies**

1. noted that a first meeting between the Venice Commission and the contact persons for Azerbaijan was held on 29 November 2012 on the preparation of the law on defamation and reiterated their call on the authorities to pursue this work speedily and in close co-operation also with the Secretariat and to keep the Committee regularly informed of all the steps of this process, including the precise calendar to be established in that respect;
2. reiterated also their call on the authorities to take the necessary measures, pending the preparation of this law, in order to ensure that the current legislation is applied in accordance with the Convention's requirements;
3. invited the authorities to provide a wider sample of domestic decisions demonstrating that national legislation is not arbitrarily applied by Azerbaijani courts and that these courts apply such legislation in accordance with the Convention standards; within this context, invited the authorities to specify the measures envisaged for this purpose;
4. strongly hoped that updated information will be provided on the measures taken or envisaged to prevent violations of Article 6§§1 and 2 similar to those found in the case of Fatullayev, in particular, on how the measures envisaged in the National Programme for Action will guarantee the right to presumption of innocence.

Reference texts:

Information document [CM/Inf/DH\(2011\)7](#)

Action Plan on the Mahmudov Group (28/11/2011) [DH-DD\(2011\)1078](#)

Action plan in the cases of Farhad Aliyev, Salayev and Muradverdiyev (28/11/2011) [DH-DD\(2011\)1081](#)

Communication from Azerbaijan (18/09/2012) [DH-DD\(2012\)837](#)

Communication from Azerbaijan (general measures) (24/10/2012) [DH-DD\(2012\)1002](#)

Communication from Azerbaijan (19/11/2012) [DH-DD\(2012\)1077](#)

Communication from Azerbaijan (03/12/2012) [DH-DD\(2012\)1130](#)

Communication from Azerbaijan (29/05/2013) [DH-DD\(2013\)619E](#)

[Joint statement by the Council of Europe Commissioner for Human Rights, the OSCE Representative on Freedom of the Media and the Vice-President of the European Commission](#) "Enhancing freedom of expression in Azerbaijan" (7/11/2012)

Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly (29/09/2011) [CommDH\(2011\)33](#)

Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights. Freedom of expression, freedom of association, freedom of peaceful assembly (29/09/2011) [CommDH\(2011\)34](#)

[Statement](#) of the Secretary General of the Council of Europe, 20/04/2012

National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms: [DH-DD\(2012\)260](#)

725/2013 - [Draft Law on Protection from Defamation](#) CDL-REF(2013)022 submitted to the Venice Commission [CommDH014\(2013\)](#) press release

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision**The Deputies**

1. noted with interest that the co-operation with the Venice Commission, within the framework of request for assistance from the authorities of Azerbaijan with a view to preparing a law on defamation, is being pursued;
2. deeply regretted that, while the co-operation process with the Venice Commission was on-going, on 14 May 2013 the Parliament of Azerbaijan adopted amendments to the Criminal Code and the Code of Administrative Offences of Azerbaijan that impose criminal penalties for defamation and insult on the Internet;
3. therefore urged the Azerbaijani authorities to fully co-operate with the Venice Commission with a view to drafting the law on defamation as the adoption of the said law is essential within the framework of the execution of the judgments under consideration;
4. expressed confidence that the co-operation with the Venice Commission will continue and cover all relevant provisions pertaining to defamation in Azerbaijan;
5. urged the authorities to inform them of the measures taken or envisaged so that, pending the adoption of this law, the current legislation is applied in accordance with the Convention's requirements;
6. reiterated their call upon the authorities to provide, without further delay, a wider sample of domestic decisions demonstrating that national legislation is not arbitrarily applied by Azerbaijani courts and that these courts apply such legislation in accordance with the Convention standards, by specifying the measures laid down for this purpose;
7. urged the authorities to provide as soon as possible information on the measures taken or envisaged in order to prevent violations of Article 6 §§1 and 2 similar to those found in the case Fatullayev, and in particular the way in which the measures envisaged in the National Programme for Action will guarantee the right to the presumption of innocence.

Reference texts:

Information document [CM/Inf/DH\(2011\)7](#)

Action Plan on the Mahmudov Group (28/11/2011) [DH-DD\(2011\)1078](#)

Action plan in the cases of Farhad Aliyev, Salayev and Muradverdiyev (28/11/2011) [DH-DD\(2011\)1081](#)

Communication from Azerbaijan (18/09/2012) [DH-DD\(2012\)837](#)

Communication from Azerbaijan (general measures) (24/10/2012) [DH-DD\(2012\)1002](#)

Communication from Azerbaijan (19/11/2012) [DH-DD\(2012\)1077](#)

Communication from Azerbaijan (03/12/2012) [DH-DD\(2012\)1130](#)

Communication from Azerbaijan (29/05/2013) [DH-DD\(2013\)619E](#)

National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms: [DH-DD\(2012\)260](#)

725/2013 - [Draft Law on Protection from Defamation](#) CDL-REF(2013)022 submitted to the Venice Commission
[Draft Law on Protection from Defamation and other Legislative Provisions Regulating the Protection from Defamation in the Republic of Azerbaijan](#) CDL-REF(2013)022rev

[Statement](#) of the Secretary General of the Council of Europe, 20/04/2012

Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly (29/09/2011) [CommDH\(2011\)33](#)

Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights. Freedom of expression, freedom of association, freedom of peaceful assembly (29/09/2011) [CommDH\(2011\)34](#)

[CommDH014\(2013\)](#) press release

[Joint statement by the Council of Europe Commissioner for Human Rights, the OSCE Representative on Freedom of the Media and the Vice-President of the European Commission](#) "Enhancing freedom of expression in Azerbaijan" (7/11/2012)

[Declaration of Council of Europe Commissioner for Human Rights and OSCE media freedom representative](#) (06/06/2013)

Report of the Commissioner for Human Rights, following his visit to Azerbaijan, from 22 to 24 May 2013 ([CommDH\(2013\)14](#), 06/08/2013) and comments of the Azerbaijani authorities ([CommDH/Gov Rep \(2013\)7](#), 06/08/2013)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. thanked the Azerbaijani authorities for the information presented during the meeting according to which a draft law on defamation is still under preparation and that consultations with the Venice Commission will continue;
2. adopted Interim Resolution CM/ResDH(2013)199 as it appears in document CM/Del/Dec(2013)1179 and in the Volume of Resolutions;
3. decided to resume consideration of these issues at their 1186th meeting (December 2013) (DH).

Interim resolution CM/ResDH(2013)199

**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 26 September 2013 at the 1179th 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”),

Noting that the present cases concern violations of the right to freedom of expression of the applicants, in particular on account of their conviction to imprisonment for defamation as well as of arbitrary application of anti-terrorism legislation (violations of Article 10);

Noting further that the Fatullayev case also concerns violations of the right to an impartial tribunal and of the right to presumption of innocence (violations of Articles 6§1 and 6§2);

Recalling that the Azerbaijani authorities had indicated to the Committee that, in response to these judgments, they had been elaborating a draft law on defamation and had requested the assistance of the Venice Commission to that effect;

Expressing its grave concern that to date no progress has been achieved in preparing this draft law despite the time that has elapsed and the Committee's call upon the authorities to cooperate fully with the Venice Commission and to ensure that this cooperation process covers all the provisions pertaining to defamation;

Strongly regretting that amendments were introduced, last June, to the Criminal Code with a view to widening the scope of criminal sanctions for defamation and insult on the internet while the cooperation process with the Venice Commission was underway and that consultation in this context could have facilitated the adoption of legislative measures that would contribute to the execution of these judgments;

Noting also with concern that notwithstanding the questions raised repeatedly by the Committee regarding the non-arbitrary application of domestic legislation by the Azerbaijani courts, the right to an impartial tribunal and the respect of the presumption of innocence, to date the authorities have provided no tangible information demonstrating that the Court's findings have been duly taken into account,

STRONGLY URGES the authorities of Azerbaijan to take, without any further delay, all necessary measures with a view to aligning the relevant legislation pertaining to defamation and its implementation with the Convention requirements as interpreted by the Court's case law;

CALLS upon the authorities to provide the Committee without any further delay with tangible information on the measures taken or envisaged to guarantee a non-arbitrary application of the legislation by the domestic courts and to ensure the right to an impartial tribunal as well as the respect of the presumption of innocence.

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Interim Resolution [CM/ResDH\(2013\)199](#)
Information document [CM/Inf/DH\(2011\)7](#)

Information submitted on this Group of cases which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/AZE-ai2_en.asp
Communication from Azerbaijan (27/11/2013) [DH-DD\(2013\)1293E](#)

Draft Law on Protection from Defamation [CDL-REF\(2013\)022](#) submitted to the Venice Commission

Opinion 692/2012 of the Venice Commission on the Draft Law on Protection from Defamation and other Legislative Provisions Regulating the Protection from Defamation in the Republic of Azerbaijan (14/10/2013)
[CDL-AD\(2013\)024](#)

Communication from NGOs (Media Rights Institute and Helsinki Foundation for Human rights) (07/11/2013)
[DH-DD\(2013\)1292E](#)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision

The Deputies

1. noted with serious concern that the information provided by the Azerbaijani authorities shortly before the meeting only partly responded to the calls made in the Committee's interim resolution, adopted on 26 September 2013;
2. reiterated, in the light hereof, their call upon the authorities to take, without any further delay, all necessary measures with a view to aligning the relevant legislation pertaining to defamation and its implementation with the Convention requirements as interpreted by the Court's case law;
3. called upon the authorities, within this context, to urgently adopt as a very first measure legislation ensuring that prison sanctions for defamation may not be resorted to save in exceptional circumstances, notably where other fundamental rights have been seriously impaired as in cases of hate speech or incitement to violence;
4. invited the authorities to take due account of the Opinion of the Venice Commission adopted on 11 October 2013, on the legislation in Azerbaijan pertaining to the protection against defamation, when defining the additional measures, legislative or other, required in order to comply fully, without further delay, with the present judgments;
5. reiterated furthermore their call upon the authorities to provide the Committee without any further delay with tangible information on the measures taken or envisaged to guarantee a non-arbitrary application of the legislation by the domestic courts and to ensure the right to an impartial tribunal as well as the respect of the presumption of innocence;
6. in view of the importance of rapidly achieving concrete results, decided to resume consideration of these cases at their 1188th meeting (15 January 2014) in the light of substantial information to be provided by the authorities on outstanding questions by 30 December 2013.

1188th meeting– (15 january 2014)

[List of decisions](#)

Point H46-2

Decision

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.

1193rd meeting - (4-6 March 2014)

[List of decisions](#)

Reference texts:

Letter from the Chair of the Committee of Ministers (27/01/2014) [DH-DD\(2014\)149](#)

Interim Resolution [CM/ResDH\(2013\)199](#)

Information document [CM/Inf/DH\(2011\)7](#)

Action plan (26/02/2014) [DH-DD\(2014\)276E](#), (13/01/2014) [DD\(2014\)50](#)

Information submitted on this Group of cases which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/AZE-ai2_en.asp

Draft Law on Protection from Defamation [CDL-REF\(2013\)022](#) submitted to the Venice Commission

Opinion 692/2012 of the Venice Commission on the Draft Law on Protection from Defamation and other Legislative Provisions Regulating the Protection from Defamation in the Republic of Azerbaijan (14/10/2013)

[CDL-AD\(2013\)024](#)

Communication from the authorities (27/11/2013) [DH-DD\(2013\)1293](#)

Questions raised at the 1186th meeting (12/12/2013) [DD\(2013\)1336](#)

Information provided by the authorities in reply to these questions (27/12/2013) [DD\(2014\)2](#)

Additional information provided by the authorities in reply to these questions (06/01/2014) [DD\(2014\)4](#)

Communication from a NGO (Media Rights Institute) (12/09/2013) [DH-DD\(2013\)971](#)

Notes of the [1188th](#) meeting and [addendum](#) to these notes

[Decision](#) adopted at the 1188th meeting (15 January 2014)

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;
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 1201st meeting.

1201st meeting - (June 2014)

[List of decisions](#)

Reference texts:

Letter from the Chair of the Committee of Ministers (27/01/2014) [DH-DD\(2014\)149](#)

Interim Resolution [CM/ResDH\(2013\)199](#)

Information document [CM/Inf/DH\(2011\)7](#)

Action plan (26/02/2014) [DH-DD\(2014\)276](#), (13/01/2014) [DD\(2014\)50](#)

Information previously submitted on this Group of cases which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/AZE-ai2_en.asp

Draft Law on Protection from Defamation [CDL-REF\(2013\)022](#) submitted to the Venice Commission

Opinion 692/2012 of the Venice Commission on the Draft Law on Protection from Defamation and other Legislative Provisions Regulating the Protection from Defamation in the Republic of Azerbaijan (14/10/2013)

[CDL-AD\(2013\)024](#)

Communication from the authorities (27/11/2013) [DH-DD\(2013\)1293](#)

Questions raised at the 1186th meeting (12/12/2013) [DD\(2013\)1336](#)

Information provided by the authorities in reply to these questions (27/12/2013) [DD\(2014\)2](#)

Additional information provided by the authorities in reply to these questions (06/01/2014) [DD\(2014\)4](#)

Observations of the Commissioner for Human Rights on Azerbaijan, [CommDH\(2014\)10](#) (23/04/2014) and comments of the Azerbaijani authorities on the observations of the Commissioner

[Decision](#) adopted at the 1193rd meeting (March 2014)

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.

1208th meeting - (23-25 September 2014)

[List of decisions](#)

Reference texts:

Letter from the Chair of the Committee of Ministers (27/01/2014) [DH-DD\(2014\)149](#)

Communication from the authorities (22/09/2014) [DH-DD\(2014\)1115](#)

Letter from the Secretariat (01/07/2014) Follow-up to the decision adopted at the 1201st meeting [DH-DD\(2014\)859](#) and reply by the authorities (31/07/2014) [DH-DD\(2014\)907](#)

Interim Resolution [CM/ResDH\(2013\)199](#)

Information document [CM/Inf/DH\(2011\)7](#)

Action plan (26/02/2014) [DH-DD\(2014\)276](#), (13/01/2014) [DD\(2014\)50](#)

Information previously submitted on this Group of cases which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/AZE-ai2_en.asp

Draft Law on Protection from Defamation [CDL-REF\(2013\)022](#) submitted to the Venice Commission

Opinion 692/2012 of the Venice Commission on the Draft Law on Protection from Defamation and other Legislative Provisions Regulating the Protection from Defamation in the Republic of Azerbaijan (14/10/2013)

[CDL-AD\(2013\)024](#)

Observations of the Commissioner for Human Rights on Azerbaijan, [CommDH\(2014\)10](#) (23/04/2014) and comments of the Azerbaijani authorities on the observations of the Commissioner

Communication from NGOs Institute for Reporters' Freedom and Safety, Media Rights Institute) (28/05/2014) [DH-DD\(2014\)735](#)

[Statement](#) by the Secretary General on the arrest of Leyla Yunus (01/08/2014)

[Statement](#) by the Commissioner for Human Rights "Concerns over the situation of human rights defenders in Azerbaijan" (07/08/2014)

[Statement](#) by the Secretary General expressing concern for the situation of human rights defenders in Azerbaijan (11/08/2014)

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;

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.* * *

Application 50187/06 Judgment Final on 03/03/2010	MIRZAYEV v. Azerbaïdjan	Enhanced procedure : complex problem
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1108th meeting - (8-10 March 2011)[📖 List of decisions 📖](#)*Decision*

The Deputies,

1. noted with satisfaction that all domestic judgments in these cases were implemented in the deadlines set by the Court;
2. noted with interest the Presidential Order of 21 February 2011 providing specific measures to solve the housing problems of internally displaced persons with a view to restoring the rights of lawful tenants or owners;
3. recalled that this Group of cases concern the failure to implement domestic judgments and that a comprehensive action plan to avoid the repetition of this kind of violation is awaited;
4. urged the Azerbaijani authorities to provide such an action plan as soon as possible.

1144th meeting - (4-6 June 2012)[📖 List of decisions 📖](#)**Reference texts:**Action plan (individual measures) [DH-DD\(2011\)132](#)Action plan (general measures) [DH-DD\(2011\)150](#)Action plan (Ismayilova case) [DH-DD\(2011\)481E](#)Action plan (Soltanov case) [DH-DD\(2012\)420](#)Communication from the applicant (Soltanov case) [DH-DD\(2012\)421](#)Information document [CM/Inf/DH\(2011\)5rev2](#)Decision

The Deputies

1. noted that the Azerbaijani authorities are in the process of finding solutions to the housing problems of internally displaced persons so that domestic court decisions ordering the eviction of unlawfully occupied apartments can be enforced and that the apartments in question are reinstated to their legal owners or tenants;
2. invited the authorities to inform the Committee of the measures taken to enforce the domestic court decisions in the present Group of cases that have not been enforced yet;
3. in order to prevent similar applications brought to the European Court, encouraged the authorities to introduce effective remedies for those who are in the same legal situation as the applicants and to provide adequate compensation in this respect.

* * *

Application : 22684/05 Final judgment : 02/07/2009	MURADOVA GROUP v. Azerbaïdjan	Enhanced procedure : complex problem
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1086th meeting - (3 June 2010)[List of decisions](#)

Section 4.2

Decision

The Deputies,

1. noted that following the judgment of the European Court, the Office of the Government Agent asked the Prosecutor General's Office to carry out an investigation of the facts of the case;
2. invited the Azerbaijani authorities to keep the Committee of Ministers informed of the development of the investigation in this case and recalled in this respect that to comply with the requirements of the Convention, such an investigation should be effective, conducted with reasonable speed and adequate public scrutiny and capable of leading to the identification and punishment of those responsible;
3. noted that the Court's judgment has been transmitted to the Ministry of Internal Affairs and the Prosecutor General's office for dissemination among police officers and prosecutors and invited the authorities also to disseminate the judgment to courts;
4. encouraged the authorities to organise as soon as possible the planned training for police officers and Prosecutors;
5. recalled that when authorities resort to the use of force, there should exist some form of independent monitoring of the action taken, to ensure accountability for the force used and invited the Azerbaijani authorities to inform the Committee rapidly of any existing monitoring of this kind and, where necessary, of any measure envisaged with a view to establishing such independent monitoring;
6. decided to resume consideration of this item at their 1092nd meeting (September 2010) (DH), in the light of further information to be provided on individual and general measures.

1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**Action plan (08/04/2013) (Rizvanov case) [DH-DD\(2013\)389](#)Action plan (22/04/2013) (Najafli case) [DH-DD\(2013\)451](#)National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms:
[DH-DD\(2012\)260](#)[Statement](#) of the Secretary General of the Council of Europe, (08/02/2013)PACE, [Resolution 1917\(2013\)](#) "The honouring of obligations and commitments by Azerbaijan"Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)33](#)Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights. Freedom of expression, freedom of association, freedom of peaceful assembly [CommDH\(2011\)34](#)[Decision](#) adopted at the 1086th meeting (June 2010)[Decision](#) adopted at the 1100th meeting (December 2010) (p. 31)

Decision

The Deputies

1. noted that in the Muradova Group of cases, the Court found violations of Article 3 both under its substantive and procedural limb due to excessive use of force against the applicants by law enforcement officials during demonstrations and to the lack of effective investigations in that respect;
2. while noting the reopening of investigations in the cases Rizvanov and Najafli, recalled that the Committee has been waiting for information on the reopening of the investigation in the Muradova case since June 2010, and urged the authorities to inform the Committee of the developments occurred regarding the re-opening of investigations in the three cases, on measures taken to ensure that these investigations fully comply with the Convention requirements and the Court's case-law and that the shortcomings criticised by the Court are rectified;
3. also urged the authorities to provide the Committee, as soon as possible, with a consolidated and updated action plan on the measures taken/envisaged to prevent excessive use of force by law enforcement officials during demonstrations and to ensure that effective investigations into allegations of ill treatment are carried out without delay;
4. noting that in the Najafli case, the Court also found a violation of the applicant's freedom of expression on the grounds that he was subjected to excessive use of force although he had made clear efforts to identify himself as a journalist who was covering a demonstration, invited the authorities to include in their consolidated action plan information on the specific measures envisaged to prevent such impediments to the exercise of journalistic activity.

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Application : 18705/06 Judgment Final on 08/07/2010	NAMAT ALIYEV GROUP	Enhanced procedure : complex problem
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1179th meeting - (24-26 September 2013)[🏠 List of decisions 🏠](#)**Reference texts:**

Communication from the applicant (10/09/2012) (Kerimova case) [DH-DD\(2013\)823](#)

Action plan (Nadir Orujov case) (04/07/2013) [DH-DD\(2013\)822](#)

Action plan (Khanhuseyn Aliyev case) (03/10/2012) [DH-DD\(2013\)821](#)

National Program for Action to raise effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan (27/12/2011): [DH-DD\(2012\)260](#)

Joint opinion on the proposed amendments at the Electoral Code of the Republic of Azerbaijan by the Venice Commission and OSCE/ODIHR, adopted by the Venice Commission at its 75th plenary session (13-14 June 2008), doc [CDL-AD\(2008\)011](#)

Parliamentary Assembly, [Resolution 1917\(2013\)](#) "The honouring of obligations and commitments by Azerbaijan" and report by the Monitoring Committee ([Doc. 13084](#))

Decision**The Deputies**

1. recalled that these cases concern various violations of Article 3 of Protocol No. 1 (right to free elections) in that the electoral commissions and the courts decided in an arbitrary manner and without motivation upon the complaints of the applicants (members of the opposition parties or independent candidates) regarding the 2005 parliamentary elections, and that the procedures before those instances did not afford safeguards against arbitrariness;
2. underlined the importance, in every democratic society, of an electoral system containing remedies to prevent arbitrariness;
3. regarding the individual measures, noted that it is not possible to eliminate the effects of the violations otherwise than by the just satisfaction awarded by the Court as the elections of November 2005 had been completed and their results confirmed as final (see also the striking out decision of the European Court of 09/02/2010 in the Gambar and others case and the judgment of the Plenum of the Supreme Court of Azerbaijan of 04/03/2011 in the Kerimova case);
4. as concerns the general measures, noted the training and awareness-raising activities put in place for the members of the electoral commissions and invited the authorities to provide an assessment regarding the impact of these activities;
5. considered, however, that these activities alone do not respond to the findings of the Court, in particular the Court's conclusions that the procedures before the electoral commissions and the national courts did not afford safeguards against arbitrariness;
6. consequently invited the authorities to provide, as a matter of urgency, a consolidated action plan with the measures taken or underway, including legislative or statutory, to put in place such safeguards;
7. decided to resume consideration of these issues at their 1186th meeting (December 2013) (DH).

Reference texts:

Communication from Azerbaijan (02/12/2013) [DH-DD\(2013\)1306E](#)

Action plan (Nadir Orujov case) (04/07/2013) [DH-DD\(2013\)822](#)

National Program for Action to raise effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan (27/12/2011) [DH-DD\(2012\)260](#)

Action plan (Khanhuseyn Aliyev case) (03/10/2012) [DH-DD\(2013\)821](#)

Communication from the applicant (10/09/2012) (Kerimova case) [DH-DD\(2013\)823](#)

Joint opinion on the proposed amendments at the Electoral Code of the Republic of Azerbaijan by the Venice Commission and OSCE/ODIHR, adopted by the Venice Commission at its 75th plenary session (13-14 June 2008), doc [CDL-AD\(2008\)011](#)

Parliamentary Assembly, [Resolution 1917\(2013\)](#) “The honouring of obligations and commitments by Azerbaijan” and report by the Monitoring Committee ([Doc. 13084](#))

Communication from a NGO (*Legal Education Society - HMC*) (25/09/2013) (Abil, Khanhuseyn and Atakishi) [DH-DD\(2013\)1125](#)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision**The Deputies**

1. recalled their decision (1179th meeting, September 2013) according to which the training and awareness-raising activities put in place for the electoral commissions alone do not respond to the findings of the Court, in particular, those concerning the lack of safeguards against arbitrariness in the procedures before these commissions and the national courts;
2. recalled that they had consequently invited the authorities to provide, as a matter of urgency, a consolidated action plan with the measures taken or underway, including legislative or statutory, to put in place such safeguards;
3. noting that new information was provided by the Azerbaijani authorities at the meeting, instructed the Secretariat to rapidly make a detailed evaluation of this information, in close co-operation with the authorities;
4. urged the authorities to present, in the light of this evaluation, a comprehensive action plan in due time for examination at their 1193rd meeting (March 2014) (DH).

Reference texts:*Communications from Azerbaijan*

Consolidated Action Plan (27/02/2014) [DH-DD\(2014\)277](#),
 Communication on the Namat Aliyev Group (02/12/2013) [DH-DD\(2013\)1306](#)
 Action plan (Khanhuseyn Aliyev case) (03/10/2012) [DH-DD\(2013\)821](#)
 Action plan (Nadir Orujov case) (04/07/2013) [DH-DD\(2013\)822](#)

National Program for Action to raise effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan (27/12/2011) [DH-DD\(2012\)260](#)

Communication from the applicant (10/09/2012) (Kerimova case) [DH-DD\(2013\)823](#)

Joint opinion on the proposed amendments at the Electoral Code of the Republic of Azerbaijan by the Venice Commission and OSCE/ODIHR, adopted by the Venice Commission at its 75th plenary session (13-14 June 2008), doc [CDL-AD\(2008\)011](#)

Parliamentary Assembly, [Resolution 1917\(2013\)](#) "The honouring of obligations and commitments by Azerbaijan" and report by the Monitoring Committee ([Doc. 13084](#))

Communication from a NGO (*Legal Education Society - HMC*) (25/09/2013) (Abil, Khanhuseyn and Atakishi) [DH-DD\(2013\)1125](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

Application	Case	Judgment of	Final on
18705/06	NAMAT ALIYEV	08/04/2010	08/07/2010
16511/06	ABIL	21/02/2012	21/05/2012
18469/06	ATAKISHI	28/02/2012	28/05/2012
6984/06	HAJILI	10/01/2012	10/04/2012
18475/06+	KERIMLI AND ALIBEYLI	10/01/2012	04/06/2012
20799/06	KERIMOVA	30/09/2010	30/12/2010
19554/06	KHANHUSEYN ALIYEV	21/02/2012	21/05/2012
4641/06	MAMMADOV No. 2	10/01/2012	10/04/2012
4508/06	ORUJOV	26/07/2011	26/10/2011

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).

Reference texts:*Communications from Azerbaijan*Consolidated Action Plan (27/02/2014) [DH-DD\(2014\)277](#)rev,Communication on the Namat Aliyev Group (02/12/2013) [DH-DD\(2013\)1306](#)Action plan (Khanhuseyn Aliyev case) (03/10/2012) [DH-DD\(2013\)821](#)Action plan (Nadir Orujov case) (04/07/2013) [DH-DD\(2013\)822](#)National Program for Action to raise effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan (27/12/2011) [DH-DD\(2012\)260](#)Joint opinion on the proposed amendments at the Electoral Code of the Republic of Azerbaijan by the Venice Commission and OSCE/ODIHR, adopted by the Venice Commission at its 75th plenary session (13-14 June 2008), doc [CDL-AD\(2008\)011](#)Parliamentary Assembly, [Resolution 1917\(2013\)](#) “The honouring of obligations and commitments by Azerbaijan” and report by the Monitoring Committee ([Doc. 13084](#))[Decision](#) adopted at the 1193rd meeting (March 2014)**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;
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).

Reference texts:*Communications from Azerbaijan*

Updated consolidated action plan (03/07/2014) [DH-DD\(2014\)873](#)

Consolidated Action Plan (27/02/2014) [DH-DD\(2014\)277](#)rev,

Communication on the Namat Aliyev Group (02/12/2013) [DH-DD\(2013\)1306](#)

Action plan (Khanhuseyn Aliyev case) (03/10/2012) [DH-DD\(2013\)821](#)

Action plan (Nadir Orujov case) (04/07/2013) [DH-DD\(2013\)822](#)

National Program for Action to raise effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan (27/12/2011) [DH-DD\(2012\)260](#)

Joint opinion on the proposed amendments at the Electoral Code of the Republic of Azerbaijan by the Venice Commission and OSCE/ODIHR, adopted by the Venice Commission at its 75th plenary session (13-14 June 2008), doc [CDL-AD\(2008\)011](#)

Parliamentary Assembly, [Resolution 1917\(2013\)](#) "The honouring of obligations and commitments by Azerbaijan" and report by the Monitoring Committee ([Doc. 13084](#))

[Decision](#) adopted at the 1201st meeting (June 2014)

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.

Belgium

Application : 49525/99 Final judgment : 28/07/2005	DUMONT v. Belgium	Enhanced procedure : complex problem
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1179th meeting - (24-26 September 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Last notes and decision adopted at the [1100th meeting](#) (December 2010, p. 48)

Decision

The Deputies

1. noting that no new information has been submitted in this Group of cases since its last examination in December 2010, invited the Belgian authorities to provide to the Committee with a presentation of the current situation regarding the length of civil and criminal proceedings, both at national level and at the level of the Brussels First instance court, in particular on the effects of the general measures adopted;
2. also took note of the existing remedies at the national level to complain about the length of civil and criminal proceedings, and invited the Belgian authorities to transmit to the Committee examples of court decisions confirming the effectiveness of the compensatory remedy in the criminal field;
3. concerning the individual measures, recalled that in the cases of Barbier, Denée, Heremans and Leroy, they are still awaiting information on whether the impugned proceedings are still pending and, if this is the case, on the measures taken with a view to their acceleration;
4. recalling that this Group of cases has been pending before the Committee since 2005, encouraged the Belgian authorities to provide the awaited information as soon as possible, in an action plan or report, to enable the Committee to conduct a complete evaluation of the state of execution of these cases.

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Application : 50012/08 Judgment Final on 30/04/2012	M.S. v. Belgium	Enhanced procedure : Urgent individual measures + complex problem
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1144th meeting - (4-6 June 2012)[🏠 List of decisions 🏠](#)**Reference texts:**Communication from the applicant's representative: [DH-DD\(2012\)504F](#)Communication from the Belgian authorities: [DH-DD\(2012\)519](#)Decision

The Deputies

1. noted that the Belgian authorities have indicated that steps aimed at execution of the judgment are under way;
2. invited the Belgian authorities to provide, as a matter of urgency, concrete information on the individual measures taken or envisaged in response to the finding of a violation of Article 3.

1150th meeting - (24-26 September 2012)[🏠 List of decisions 🏠](#)**Reference texts:**Communication from the applicant's representative: [DH-DD\(2012\)504F](#)Communication from the Belgian authorities: [DH-DD\(2012\)519](#)[Decision](#) adopted at the 1144th meetingDecision

The Deputies

1. recalled that they had invited the Belgian authorities to provide, as a matter of urgency, concrete information on the individual measures taken or envisaged in response to the finding of a violation of Article 3;
2. noted that the Belgian authorities are currently working on the complex questions raised in this respect and are committed to providing this information as soon as possible and at the latest by 31 October 2012;
3. decided consequently to examine this case again at their 1157th meeting (December 2012).

1157th meeting - (4-6 December 2012)[🏠 List of decisions 🏠](#)**Reference texts:**Action plan [DH-DD\(2012\)1080F](#)Communication from the applicant's representative: [DH-DD\(2012\)504F](#)Communication from the Belgian authorities: [DH-DD\(2012\)519](#)[Decision](#) adopted at the 1150th meetingDecision

The Deputies

1. having examined the action plan provided by the Belgian authorities on 31 October 2012, took note of the fact that the Belgian authorities are currently seeking elements making it possible to determine whether the applicant effectively faces a risk of inhuman or degrading treatment in Iraq with a view to assessing, as appropriate, the advisability of adopting further measures;

2. concerning general measures, noted that the Belgian authorities are currently reflecting on general measures that could be adopted following the findings of violations of Articles 3 and 5§1, and invited them to provide details on the time-frame in which they foresee to complete this reflection;
3. as to the violation of Article 5§4, noted that the Belgian authorities had identified the source of the shortcoming found here and had taken a measure to avoid its repetition, namely a letter to the Board of Prosecutors General, and invited the authorities to inform them of the follow-up given to this letter.

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Action plan (31/10/2012) [DH-DD\(2012\)1080F](#)

Communication from the applicant's representative (15/05/2012) [DH-DD\(2012\)504F](#)

Communication from the Belgian authorities (23/05/2012) [DH-DD\(2012\)519](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. concerning the individual measures, invited the Belgian authorities to inform the Committee of Ministers of the outcome of their actions aimed at determining whether the applicant effectively faces a risk of inhuman or degrading treatment in Iraq with a view to assessing, as appropriate, the advisability of adopting further measures;
2. concerning the general measures, reiterated their invitation to the Belgian authorities, firstly, to provide details on the time-frame in which they foresee to complete their reflection on general measures that could be adopted following the Court's findings regarding the risk of inhuman or degrading treatment and unlawful periods of detention and, secondly, to inform them of the follow-up given to the letter to the Board of Prosecutors General with a view to resolving the problem of lack of clarity of the applicable rule of territorial competence, which caused the delay in the examination of the detention's lawfulness.

1172nd meeting - (4-6 June 2013)

[List of decisions](#)

Reference texts:

Revised action plan (17/05/2013) [DH-DD\(2013\)585](#) + [DH-DD\(2013\)585add](#) (appendices – confidential)

Action plan (31/10/2012) [DH-DD\(2012\)1080](#)

Communication from the applicant's representative (15/05/2012) [DH-DD\(2012\)504](#)

Communication from the Belgian authorities (23/05/2012) [DH-DD\(2012\)519](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. concerning the individual measures, took note of the information in the revised action plan and noted the efforts made by the Belgian authorities aimed at determining whether the applicant really faces a risk of inhuman or degrading treatment in Iraq;
2. invited the authorities to continue to keep the Committee of Ministers informed of all developments and of the concrete results obtained;
3. concerning the general measures, took note of the information provided in the revised action plan;

4. concerning, in particular, the measures relating to the risk of inhuman or degrading treatment and periods of unlawful detention, encouraged the authorities to bring their reflection to an end and to present to the Committee the concrete conclusions that they will reach.

1208th meeting - (23-25 September 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Communication from the Belgian authorities

Action report (09/07/2014) [DH-DD\(2014\)901](#) ; Appendix to the Action report (09/07/2014) (confidential)
[DH-DD\(2014\)901 add](#)

Revised action plan (17/05/2013) [DH-DD\(2013\)585](#) + [DH-DD\(2013\)585add](#) (appendix – confidential)

Action plan (31/10/2012) [DH-DD\(2012\)1080](#)

Communication (23/05/2012) [DH-DD\(2012\)519](#)

Communication from the applicant's representative (15/05/2012) [DH-DD\(2012\)504](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. 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;
2. 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;
3. 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;
4. 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.

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Application : 30696/09 Arrêt du 21/01/2011	M.S.S. v. Belgium and Greece	Enhanced procedure
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1108th meeting - (8-10 March 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. noted with satisfaction that all domestic judgments in these cases were implemented in the deadlines set by the Court;
2. noted with interest the Presidential Order of 21 February 2011 providing specific measures to solve the housing problems of internally displaced persons with a view to restoring the rights of lawful tenants or owners;
3. recalled that this Group of cases concern the failure to implement domestic judgments and that a comprehensive action plan to avoid the repetition of this kind of violation is awaited;
4. urged the Azerbaijani authorities to provide such an action plan as soon as possible.

1115th meeting - (7-8 June 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. took note of the steps taken by the Greek authorities to locate the applicant on Greek territory and to inform him, through his representative, that they are willing to examine his asylum request as a priority and that accommodation is at his disposal;
2. noted however that the Belgian authorities have confirmed that the applicant has lodged an asylum request in Belgium which was transmitted to the General Commissioner for Refugees and Stateless Persons on 21 March 2011 and that this request is currently under examination;
3. noted with interest the information provided during the meeting by the Belgian and the Greek authorities on general measures already taken and envisaged;
4. in particular in the light of the important questions of general character raised by the present judgment, urged the Belgian and Greek authorities to provide, by 21 July 2011 at the latest, their respective action plans outlining the individual and general measures taken and envisaged with a view to the judgment's execution.

1120th meeting - (13-14 September 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. noted with interest the information provided by the Belgian and the Greek authorities in their respective action plans in view of the execution of the present judgment, that were transmitted on 20 July 2011 within the deadline asked for by the Committee;
2. noted also that the asylum request introduced by the applicant is still under consideration in Belgium; invited the Belgian authorities, regarding the individual measures as well as, where appropriate, the general measures related to Article 13, to keep them informed of the outcome of this procedure;
3. welcomed the fact that Belgium has stopped transferring of asylum seekers for which Greece would in principle be responsible under Regulation (EC) No. 343/2003 of 18 February 2003 ("Dublin" Regulation);
4. noted with interest the measures presented by the Greek authorities in their action plan, as well as in the National Action Plan on Migration Management, and in particular the entry into force of law No. 3907/2011 "on

the establishment of an Asylum Service and a First Reception Service”, aimed at bringing the detention and living conditions of asylum seekers and the asylum procedure into conformity with the Court’s conclusions in the present judgment; further noted the information presented during the meeting by the Greek authorities concerning short-term measures related to the improvement of conditions of detention;

5. invited the Greek authorities to keep the Secretariat regularly informed regarding any developments in the implementation of their action plan;
6. instructed the Secretariat to prepare a memorandum containing a detailed assessment of the action plans for their meeting of June 2012 at the latest.

1144th meeting - (4-6 June 2012)

[List of decisions](#)

Reference texts:

Action plan provided by the Belgian authorities [DH-DD\(2011\)566F](#) (restricted)

Action plan provided by the Greek authorities [DH-DD\(2011\)567F](#):

Communication from Greece (02/05/2012): [DH-DD\(2012\)484E](#)

Communication from Greece [DH-DD\(2012\)427](#)

Action Plan Greece (Rahimi and R.U. cases against Greece) [DH-DD\(2012\)333F](#)

Communication from Greece [DH-DD\(2012\)173E](#)

Communication from Greece (Greek Action Plan on Migration Management) [DH-DD\(2011\)670](#)

Communication from Greece (Official Gazette of the Hellenic Republic - 26/01/2011) [DH-DD\(2011\)671E](#)

Communication from Greece (Official Gazette of the Hellenic Republic - 22/11/2010) [DH-DD\(2011\)672E](#)

Communication from Belgium [DH-DD\(2012\)553F](#) and appendices in Dutch [DH-DD\(2012\)553 add](#)

Information on individual measures (Greece) [DH-DD\(2011\)348F](#)

Information provided by the Greek authorities [DH-DD\(2011\)305F](#)

[Decision](#) adopted at the 1108th meeting

[Decision](#) adopted at the 1115th meeting

[Decision](#) adopted at the 1120th meeting (September 2011)

Public statement concerning Greece made under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [CPT/Inf \(2011\)10](#), 15 March 2011

Letter by the Secretary General of the Council of Europe to the Prime Minister of Greece dated 17/03/2011 (<http://www.coe.int/t/secretarygeneral/sg/speeches/2011/20110318.pdf>)

Information document ([CM/Inf/DH\(2012\)19](#))

Decision

The Deputies

1. recalled their request at their 1120th meeting (September 2011) (DH) to the Secretariat to present a memorandum containing a detailed assessment of the action plans presented respectively by the Belgian and the Greek authorities and endorsed the evaluation presented in the said memorandum ([CM/Inf/DH\(2012\)19](#));

Concerning Belgium

2. noted that as from 9 May 2012 the applicant enjoys in Belgium refugee status and consequently decided to close the examination of the individual measures;
3. having regard to the fact that Belgium stopped transferring asylum seekers to Greece and with regard, in general, to the measures adopted concerning the application of the sovereignty clause of the “Dublin II” Regulation, decided to close the examination of the general measures following the violations of Article 3 found against Belgium;
4. noted the information regarding the recent case-law of the Aliens’ Appeals Board (CCE) provided by the Belgian authorities in response to the violation of Article 13 and instructed the Secretariat to provide an assessment at their 1150th meeting (September 2012) (DH);

Concerning Greece

5. noted with satisfaction the inauguration of the Initial Reception Service as well as the efforts made towards the establishment of the First Reception Centres aimed at remedying the shortcomings in the field of conditions of detention and invited the Greek authorities to intensify their efforts with a view to an effective functioning of those centres;
6. welcomed the efforts aimed at improving detention conditions in particular in the Evros region and urged the Greek authorities to intensify those efforts and to pay particular attention in that respect to the recommendations made by national and international actors active in the field;
7. noted with satisfaction the progress made under the new legislative framework on asylum in particular regarding the inauguration of the Asylum Department, the increased participation of the UNHCR in the procedures and the re-establishment of the appeal committees, as well as the progress made by the latter during the transitional phase;
8. invited the Greek authorities to intensify their efforts aiming at restoring full access to the asylum procedure;
9. took note of the information provided in the meeting by the Greek authorities and of their intention to provide information on the issues that are still outstanding as identified in the summary of the assessment presented in the memorandum CM/Inf/DH(2012)19;
10. decided to declassify the memorandum CM/Inf/DH(2012)19 and to resume consideration of all the questions mentioned above at the latest at their March 2013 meeting, in the light of the information provided and if appropriate of additional information to be provided.

1150th meeting - (24-26 September 2012)

[List of decisions](#)

Reference texts:

Action plan provided by the Belgian authorities [DH-DD\(2011\)566F](#) (restricted)

Action plan provided by the Greek authorities [DH-DD\(2011\)567F](#):

Communication from Greece (02/05/2012): [DH-DD\(2012\)484E](#)

Communication from Greece [DH-DD\(2012\)427](#)

Action Plan Greece (Rahimi and R.U. cases against Greece) [DH-DD\(2012\)333F](#)

Communication from Greece [DH-DD\(2012\)173E](#)

Communication from Greece (Greek Action Plan on Migration Management) [DH-DD\(2011\)670](#)

Communication from Greece (Official Gazette of the Hellenic Republic - 26/01/2011) [DH-DD\(2011\)671E](#)

Communication from Greece (Official Gazette of the Hellenic Republic - 22/11/2010) [DH-DD\(2011\)672E](#)

Communication from Belgium [DH-DD\(2012\)553F](#) and appendices in Dutch [DH-DD\(2012\)553 add](#)

Information on individual measures (Greece) [DH-DD\(2011\)348F](#)

Information provided by the Greek authorities [DH-DD\(2011\)305F](#)

Communication from NGOs and reply from Greece [DH-DD\(2012\)625](#)

Public statement concerning Greece made under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [CPT/Inf\(2011\)10](#), 15 March 2011

Letter by the Secretary General of the Council of Europe to the Prime Minister of Greece dated 17/03/2011 (<http://www.coe.int/t/secretarygeneral/sg/speeches/2011/20110318.pdf>)

Information document (CM/Inf/DH(2012)19)

Information document [CM/Inf/DH\(2012\)26](#) (measures in response to the violation of Article 13 by Belgium)

[Decision](#) adopted at the 1108th meeting

[Decision](#) adopted at the 1115th meeting

[Decision](#) adopted at the 1120th meeting (September 2011)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. recalled that, at their 1144th meeting (June 2012) (DH), they had instructed the Secretariat to provide an assessment of the information regarding the recent case-law of the Aliens' Appeals Board (CCE) provided by the Belgian authorities in response to the violation of Article 13;

2. endorsed the evaluation presented, following this request, in memorandum CM/Inf/DH(2012)26 and decided to declassify it;
3. took note of the positive developments observed in the recent CCE case-law concerning the remedy for a stay of execution under the extremely urgent procedure;
4. invited the Belgian authorities to provide the Committee with the announced action plan, while ensuring that clarifications are provided on the outstanding questions identified in the memorandum;
5. decided to resume consideration of the question mentioned above at the latest at their March 2013 meeting, in the light of the information provided and of additional information to be provided.

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Information document: [CM/Inf/DH\(2012\)19](#)

Information document [CM/Inf/DH\(2012\)26](#) (measures in response to the violation of Article 13 by Belgium)

Action plan (Belgium) (20/07/2011) [DH-DD\(2011\)566F](#) (restricted)

Revised action plan (Belgium) (20/02/2013) [DH-DD\(2013\)175](#)

Action plan (Greece) (12/07/2011) [DH-DD\(2011\)567F](#)

Communication from Greece (11/01/2013) [DH-DD\(2013\)38F](#)

Communication from Greece (10/01/2013) [DH-DD\(2013\)32E](#)

Communication from Greece (02/05/2012): [DH-DD\(2012\)484E](#)

Communication from Greece (26/03/2012) [DH-DD\(2012\)427](#)

Action Plan (Greece) (Rahimi and R.U. cases against Greece) (2802/2012) [DH-DD\(2012\)333F](#)

Communication from Greece (25/01/2012) [DH-DD\(2012\)173E](#)

Communication from Greece (Greek Action Plan on Migration Management) (01/09/2011) [DH-DD\(2011\)670](#)

Communication from Greece (Official Gazette of the Hellenic Republic - 26/01/2011) [DH-DD\(2011\)671E](#)

Communication from Greece (Official Gazette of the Hellenic Republic - 22/11/2010) [DH-DD\(2011\)672E](#)

Communication on individual measures (Greece) (09/05/2011) [DH-DD\(2011\)348F](#)

Communication from Greece [DH-DD\(2011\)305F](#)

Communication from Greece (23/10/2012) [DH-DD\(2012\)1157E](#)

Communication from Belgium (04/06/2012) [DH-DD\(2012\)553F](#) and appendices in Dutch [DH-DD\(2012\)553 add](#)

Communication from Greece (01/03/2013) [DH-DD\(2013\)231](#)

Communication from Greece (01/03/2013) [DH-DD\(2013\)231F](#)

Communication from NGOs and reply from Greece (04/06/2012) [DH-DD\(2012\)625](#)

Communication from NGOs and reply of the Greece (18/02/13) [DH-DD\(2013\)224E](#)

Communication from a NGO and reply of the Greece (06/03/13) [DH-DD\(2013\)253](#)

Public statement concerning Greece made under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [CPT/Inf\(2011\)10](#), (15/03/2011)

Letter by the Secretary General of the Council of Europe to the Prime Minister of Greece dated 17/03/2011 (<http://www.coe.int/t/secretarygeneral/sg/speeches/2011/20110318.pdf>)

[Decision](#) adopted at the 1108th meeting (March 2011)

[Decision](#) adopted at the 1115th meeting (June 2011)

[Decision](#) adopted at the 1120th meeting (September 2011)

[Decision](#) adopted at the 1144th meeting (June 2012)

[Decision](#) adopted at the 1150th meeting (September 2012)

Decision

The Deputies

Concerning Belgium

1. noted that, according to their revised action plan, the Belgian authorities are holding consultations with the relevant bodies with a view to replying to the outstanding questions identified in memorandum

CM/Inf/DH(2012)26, as regards the recent case-law of the Aliens Appeals Board concerning the remedy for a stay of execution under the extremely urgent procedure and invited the authorities to inform the Committee, as soon as possible, about the outcome of these consultations;

Concerning Greece

2. bearing in mind that the effectiveness of the asylum system in Greece is expected to have a positive impact on conditions of detention and living conditions of asylum seekers, decided to focus their present examination on the issues concerning the asylum procedure;
3. noted with interest the efforts made to improve the asylum system, in particular as regards the decrease in the backlog of cases and the improved quality of second instance decisions;
4. urged the Greek authorities to intensify their efforts with a view to accelerating delayed reforms (in particular the functioning of the new Asylum Service) and to resolving practical problems regarding access to the asylum procedure (especially registration of asylum requests at the Aliens Department in Petrou Ralli) and introduction of asylum claims, while in detention;
5. noting with interest the information provided by the Greek authorities in writing and during the meeting, invited the authorities to continue providing updated information and statistical data where appropriate on:
 - the functioning of the new Asylum Service and appeals committees (in particular as regards staffing and training provided),
 - the proportion of asylum requests granted or rejected and the duration of their treatment, including at appeal level,
 - the implementation of the procedure of forced returns including the measures taken to guarantee that the Xenios Zeus programme is carried out with full respect for the principle of *non-refoulement*;
6. in view of the Committee of Ministers' next examination of the issues concerning conditions of detention and living conditions of asylum seekers, invited the Greek authorities to provide updated information on the questions identified in memorandum CM/Inf/DH(2012)19 and in the Notes of the present meeting;
7. decided to resume consideration of all the above outstanding issues regarding Belgium and Greece, on the basis of an assessment to be prepared by the Secretariat, at the latest at their 1186th meeting (December 2013) (DH).

Reference texts:

Information document [CM/Inf/DH\(2012\)19](#)

Information document [CM/Inf/DH\(2012\)26](#) (measures in response to the violation of Article 13 by Belgium)

Communications from Belgium which can be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/BEL-ai_fr.asp

Communication from Greece (08/11/2013) [DH-DD\(2013\)1225](#)

Communications from Greece which can be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/GRC-MSS_fr.asp

Submission by the United Nations Special Rapporteur on the human rights of migrants pursuant to Article 46.2 of the European Convention on Human rights, of his reports on his visits to Italy and Greece (cases of Hirsi Jamaa v. Italy and the Group of cases of M.S.S. v. Greece) (12/07/2013) [DH-DD\(2013\)1289E](#)

Communication from a NGO (HLHR - Hellenic League for Human Rights) (12/11/2013) [DH-DD\(2013\)1277](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

Concerning Belgium

1. urged the Belgian authorities to inform now the Committee about the outcome of the consultations they have referred to with a view to replying to the questions identified in memorandum CM/Inf/DH(2012)26, on the recent case-law of the Aliens Appeals Board concerning the remedy for a stay of execution under the extremely urgent procedure;

Concerning Greece

2. noted with satisfaction that the three services established by law No. 3907/20011 (Asylum service, Appeals Committee, First Reception Centres) have started operating;
3. noted that up-dated information regarding the new asylum procedure was provided by the Greek authorities on 8/11/2013 and instructed the Secretariat to make an assessment thereof;
4. given that it is expected that the functioning of the three services that have recently become operational will have an impact on the Greek asylum system and that the effective functioning of the latter will affect the conditions of detention and the living conditions of asylum seekers, decided to continue focusing their examination on the asylum procedure and invited the authorities to continue providing information in response to the issues raised at the 1164th meeting, as well as on:
 - the number of asylum requests registered and the number of decisions granting asylum in both instances;
 - the state of management of the backlog applications of pending asylum requests;
 - the number of first reception centres already operational, their capacity and the system implemented to assist prospective asylum seekers;
5. decided to focus their forthcoming examination not only on the asylum procedure but on the conditions of detention and, therefore, urged the Greek authorities to provide updated information on the conditions of detention identified in memorandum CM/Inf/DH(2012)19 and in Notes of the 1164th meeting;
6. decided to resume consideration of the outstanding issues regarding Belgium and Greece (asylum procedure and conditions of detention) at the latest at their 1201st meeting (June 2014) and to resume consideration of the issue of the living conditions of asylum seekers in Greece at the latest at their 1214th meeting (December 2014).

Reference texts:

Memorandum on General measures regarding asylum procedure and conditions of detention for the execution by Greece of the judgments of the European Court [H/EXEC\(2014\)4rev](#)

Information document [CM/Inf/DH\(2012\)19](#)

Information document [CM/Inf/DH\(2012\)26](#) (measures in response to the violation of Article 13 by Belgium)

Communications from Belgium

Communications which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/BEL-ai_fr.asp

(03/06/2014) [DH-DD\(2014\)725](#)

Communications from Greece

(03/04/2014) [DH-DD\(2014\)470](#); (08/11/2013) [DH-DD\(2013\)1225](#)

Previous communications which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/GRC-MSS_fr.asp

Communications by the United Nations Special Rapporteur on the human rights of migrants rights on his visits to Italy and Greece (cases of *Hirsi Jamaa v. Italy* and the Group of cases of "M.S.S. v. Greece" (12/07/2013)

[DH-DD\(2013\)1289](#)

Communications from NGOs

From HLHR - Hellenic League for Human Rights) (12/11/13) [DH-DD\(2013\)1277](#)

From Open Society Justice Initiative (31/03/2014) [DH-DD\(2014\)488](#)

From Greek Council for Refugees (28/04/2014) [DH-DD\(2014\)591](#)

From ICJ and ECRE (22/05/2014) [DH-DD\(2014\)721](#)

Communication from the UNHCR (21/05/2014) [DH-DD\(2014\)715](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

*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.

Bosnia and Herzegovina

Application 3727/08 Final judgment : 09/07/2012	AL HUSIN v. Bosnia and Herzegovina	Enhanced procedure : urgent individual measures
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1150th meeting– (24-26 September 2012)

[🏠 List of decisions 🏠](#)

Reference texts:

Action Plan DH-DD(2012)746E

Decision

The Deputies

1. noted that the Court found a potential violation of Article 3 of the Convention in the event of the applicant's deportation to Syria;
2. welcomed the fact that the authorities of Bosnia and Herzegovina have rapidly given assurances that the applicant would not be deported to Syria;
3. invited the authorities to keep the Committee regularly informed on the developments concerning the identification of a safe third country for the possible deportation of applicant, including on the assurances obtained from the third country against his repatriation to Syria;
4. noted that the Parliamentary Assembly of Bosnia and Herzegovina adopted at the first reading legislative amendments in order to ensure that detention of aliens on security grounds will only be possible after a deportation order is issued;
5. invited the authorities to provide more detailed information on the content of these new legislative amendments.

1201st meeting– (June 2014)

[🏠 List of decisions 🏠](#)

Reference texts:

Updated action plan (14/05/2013) [DH-DD\(2013\)543](#)

Action plan (24/08/2012) [DH-DD\(2012\)746](#)

[Decision](#) adopted at the 1150th meeting (September 2012)

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.

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Application : 1218/07+ Final judgment : 28/06/2010	COLIC AND OTHERS GROUP v. Bosnia and Herzegovina	Enhanced procedure : complex problem
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1150th meeting - (24-26 September 2012)[List of decisions](#)**Reference texts:**For Republika Srpska action plan, see [DH-DD\(2011\)56](#)For Federation of Bosnia and Herzegovina action plan, see [DH-DD\(2011\)117](#)For updated action plans, see [DH-DD\(2011\)359E](#), [DH-DD\(2012\)199E](#) and [DH-DD\(2012\)777](#)[Decision](#) adopted at the 1100th meeting**Decision****The Deputies**

1. noted that the European Court held in the case of Čolić that Bosnia and Herzegovina must take measures with a view to solving the problems related to non-enforcement of domestic court decisions in respect of war damages;
2. noted further that, since the judgment in the case of Čolić became final, the authorities in both entities of Bosnia and Herzegovina have taken measures in order to identify and to register all unenforced decisions and to calculate the aggregate debt that these decisions relate to;
3. strongly encouraged the authorities of Bosnia and Herzegovina to ensure that the process of identification and registration in Republika Srpska as well as the process of full enforcement of all decisions in both entities are brought to an end;
4. invited the authorities of Bosnia and Herzegovina to keep the Committee of Ministers informed on the developments concerning the above-mentioned processes, as well as on the payment scheme that the authorities in Republika Srpska are planning to introduce;
5. stressed that, in order to comply with the judgment of the European Court in the case of Čolić, measures should be taken to ensure that compensation is paid in respect of non-pecuniary damages to those who obtained enforceable court decisions in their favour and invited the authorities to take the necessary measures in this respect;
6. strongly encouraged the authorities to grant adequate and sufficient redress to all applicants in the pending applications before the European Court, in compliance with the findings made in the case of Čolić.

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Application : 39462/03 Final judgment : 20/02/2008	KARANOVIĆ GROUP v. Bosnia and Herzegovina	Enhanced procedure : Important structural and complex problem
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1086th meeting – (3 June 2010)[List of decisions](#)

Section 4.2

- 5 cases against Bosnia and Herzegovina

39462/03 Karanović, judgment of 20/11/2007, final on 20/02/2008
[CM/Inf/DH\(2010\)22](#)

- 4 cases concerning the failure or substantial delay by the administration in abiding by final domestic judgments concerning “old” savings denominated in foreign currency

41183/02 Jeličić, judgment of 31/10/2006, final on 31/01/2007
 28971/05 Kudić, judgment of 09/12/2008, final on 09/03/2009
 337/04+ Pejaković and others, judgment of 18/12/2007, final on 18/03/2008
 38945/05 Pralica, judgment of 27/01/2009, final on 27/04/2009
[CM/Inf/DH\(2010\)22](#)

Decision

The Deputies,

- noted that the authorities of Bosnia and Herzegovina have taken legislative and budgetary measures aimed at preventing non-enforcement of court decisions ordering the release of “old savings”;
- invited the authorities of Bosnia and Herzegovina to clarify whether there are still court decisions ordering the release of “old savings” that have not been enforced within their jurisdiction;
- noted that the legislative initiatives aimed at abolishing the difference in treatment with respect to pension rights have not produced any result in the Federation of Bosnia and Herzegovina;
- encouraged the authorities of Bosnia and Herzegovina to intensify their efforts with a view to finding an appropriate solution to eliminate the difference in treatment with respect to pension rights;
- invited the authorities of Bosnia and Herzegovina to determine the exact number of pensioner returnees from the Republika Srpska to the Federation of Bosnia and Herzegovina that are entitled to payment of a difference in pension;
- decided to declassify the Memorandum CM/Inf/DH(2010)22;
- invited the authorities of Bosnia and Herzegovina to provide the Committee with further information on the outstanding issues identified in the Memorandum;
- decided to resume consideration of this case at their 1100th meeting (December 2010) (DH), in the light of further information to be provided on the outstanding general measures

1128th meeting - (29 nov.-2 dec. 2011)[List of decisions](#)Decision

The Deputies,

- noted the structural nature of the problem disclosed in the present cases, which requires specific amendments to be introduced in the relevant legislation;
- stressed in this respect that the Court held in the Šekerović and Pašalić judgment that Bosnia and Herzegovina should secure, within six months from the date the judgment became final, the amendment of the relevant legislation in order to render the applicants and others who are in the same situation eligible to apply, if they so wish, for Federation Fund pensions;

3. invited the authorities of Bosnia and Herzegovina to secure the amendment of the relevant legislation with a view to resolving this structural problem within the deadline set by the Court (15 March 2012).

1136th meeting - (6-8 March 2012)[🏠 List of decisions 🏠](#)**Reference texts**

Memorandum [CM/Inf/DH\(2010\)22](#)
 Initial action plan [DH-DD\(2011\)360E](#)
 Updated action plan [DH-DD\(2012\)136E](#)
 Communication from an NGO [DH-DD\(2011\)118E](#)

Decision**The Deputies**

1. noted with satisfaction that on 28 February 2012 the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina adopted the amendment of the relevant legislation to render the applicants and others in the same situation eligible to apply, if they so wish, for Federation Pension Fund pensions;
2. invited the authorities of Bosnia and Herzegovina to bring the legislative process to an end before the expiry of the deadline set by the Court (15 March 2012).

1157th meeting - (4-6 December 2012)[🏠 List of decisions 🏠](#)**Reference texts:**

Information document [CM/Inf/DH\(2010\)22](#)
 Communication from an NGO and reply of the government (Karanovic case) [DH-DD\(2011\)118E](#)
 Action report (30/07/2012) [DH-DD\(2012\)736E](#)
 Updated action plan [DH-DD\(2012\)136E](#)
 Initial action plan [DH-DD\(2011\)360E](#)

[Decision](#) adopted at the 1128th meeting

Decision**The Deputies**

1. noted with satisfaction that the necessary legislative measures have been taken in compliance with the findings of the Court in these judgments thanks to the co-operation of the authorities of Bosnia and Herzegovina within the context of the Human Rights Trust Fund Project on “removing the obstacles to the non-enforcement of domestic court judgments/ensuring an effective implementation of domestic court judgments”;
2. decided to close the examination of these cases and to adopt Final Resolution CM/ResDH(2012)148 as set out in document CM/Del/Dec(2012)1157 Volume of Resolutions.

Résolution finale CM/ResDH(2012)148**2 cases against Bosnia and Herzegovina****Execution of the judgments of the European Court of Human Rights**

(Karanović, Application No. 39462/02, judgment of 20/11/2007, final on 20/02/2008
 Šekerović and Pašalić, Applications Nos. 5920/04 and 67396/09, judgment of 08/03/2011, final on 15/09/2011)

(Adopted by the Committee of Ministers on 6 December 2012 at the 1157th 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 cases and to the violations established (see document [DH-DD\(2012\)736E](#));

Recalling that the respondent State's obligation under Article 46, paragraph 1, of the Convention to abide to 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 its 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\(2012\)736E](#));

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.

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Application : 28971/05 Final judgment : 09/03/2009	Kudic v. Bosnia and Herzegovina	Standard procedure
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1086th meeting – (2 June 2010)[🏠 List of decisions 🏠](#)**- 5 cases against Bosnia and Herzegovina**

39462/03 Karanović, judgment of 20/11/2007, final on 20/02/2008
[CM/Inf/DH\(2010\)22](#)

- 4 cases concerning the failure or substantial delay by the administration in abiding by final domestic judgments concerning “old” savings denominated in foreign currency

41183/02 Jeličić, judgment of 31/10/2006, final on 31/01/2007
 28971/05 Kudić, judgment of 09/12/2008, final on 09/03/2009
 337/04+ Pejaković and others, judgment of 18/12/2007, final on 18/03/2008
 38945/05 Pralica, judgment of 27/01/2009, final on 27/04/2009
[CM/Inf/DH\(2010\)22](#)

Decision

The Deputies,

1. noted that the authorities of Bosnia and Herzegovina have taken legislative and budgetary measures aimed at preventing non-enforcement of court decisions ordering the release of “old savings”;
2. invited the authorities of Bosnia and Herzegovina to clarify whether there are still court decisions ordering the release of “old savings” that have not been enforced within their jurisdiction;
3. noted that the legislative initiatives aimed at abolishing the difference in treatment with respect to pension rights have not produced any result in the Federation of Bosnia and Herzegovina;
4. encouraged the authorities of Bosnia and Herzegovina to intensify their efforts with a view to finding an appropriate solution to eliminate the difference in treatment with respect to pension rights;
5. invited the authorities of Bosnia and Herzegovina to determine the exact number of pensioner returnees from the Republika Srpska to the Federation of Bosnia and Herzegovina that are entitled to payment of a difference in pension;
6. decided to declassify the Memorandum CM/Inf/DH(2010)22;
7. invited the authorities of Bosnia and Herzegovina to provide the Committee with further information on the outstanding issues identified in the Memorandum;
8. decided to resume consideration of this case at their 1100th meeting (December 2010) (DH), in the light of further information to be provided on the outstanding general measures.

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Application : 2312/08+ Judgment Final on 18/07/2013	MAKTOUF AND DAMJANOVIC v. Bosnia and Herzegovina	Enhanced procedure : complex problem
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1186th meeting - (3-5 December 2013)[List of decisions](#)**Reference texts:**Action plan (23/10/2013) [DH-DD\(2013\)1161E](#)Decision

The Deputies

1. noted that the Court of Bosnia and Herzegovina has decided to reopen proceedings in the applicants' cases and that the second applicant was released following the judgment of the European Court in the present case, and invited the authorities to provide information to the Committee on the outcome of these proceedings;
2. noted in this connection that the Constitutional Court of Bosnia and Herzegovina changed its case-law in a decision it rendered on 27 September 2013 with a view to aligning its case-law with the Court's judgment in the present case;
3. recalled in this respect that the European Court found that it was not "its task to review *in abstracto* whether the retroactive application of the 2003 Code in war crimes cases is, per se, incompatible with Article 7 of the Convention. This matter must be assessed on a case-by-case basis, taking into consideration the specific circumstances of each case and, notably, whether the domestic courts have applied the law whose provisions are most favourable to the defendant" (§65 of the judgment);
4. stressed therefore that the execution of this judgment, as a part of general measures, requires domestic courts, when seized with complaints of violations of Article 7, to assess, in the particular circumstances of each case, which law is most favourable to the defendant including as regards the gravity of the crimes committed;
5. invited the authorities to provide further information to the Committee on how these principles are applied following the change of the case-law of the Constitutional Court in order to give effect to the present judgment. Information is particularly awaited on the scope of review to be exercised by the Court of Bosnia and Herzegovina and on the issue of detention pending a new decision (i.e. ensuring adequate protection against collusion or risk of absconding or committing further crimes or disturbance of public order etc.);
6. stressed in this respect the importance for the domestic authorities to take all necessary measures to secure, wherever required, the continued detention of those convicted awaiting a new examination to be conducted by the Court of Bosnia and Herzegovina provided that their detention is compatible with the Convention;
7. invited the authorities of Bosnia and Herzegovina to work in close cooperation with the Secretariat in order to explore possible solutions to these questions.

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Application : 27996/06 Final on 22/12/2009	SEJDIC and FINCI v. Bosnia and Herzegovina	Enhanced procedure
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1078th meeting - (4 March 2010)[List of decisions](#)*Section 2.1*Decision

The Deputies,

1. recalled that, on becoming a member of the Council of Europe in 2002, Bosnia and Herzegovina undertook to review within one year the electoral legislation in the light of the standards of the Convention, with the assistance of Venice Commission, and to revise it where necessary;
2. noted that the Committee of Ministers has underlined on a number of occasions the importance of bringing the Constitution of Bosnia and Herzegovina, as soon as possible, and in any case before the 2010 general elections, in line with the European Convention and has urged the political actors to renew the dialogue on constitutional reform without further delay;
3. recalled that the Parliamentary Assembly of the Council of Europe has repeatedly invited the authorities of Bosnia and Herzegovina to ensure that the so-called “Others” were given an effective opportunity to stand for election to the Presidency of Bosnia and Herzegovina and to the House of Peoples of Bosnia and Herzegovina;
4. noted that the execution of this judgment will require a number of amendments to be introduced into the Constitution of Bosnia and Herzegovina and its electoral legislation;
5. noted with interest that the authorities of Bosnia and Herzegovina have begun the necessary work to launch the Constitutional reform in response to the judgment of the European Court in this case;
6. strongly encouraged the authorities of Bosnia and Herzegovina to enhance their efforts with a view to eliminating the existing discrimination concerning standing for election to the Presidency of Bosnia and Herzegovina and to the House of Peoples of Bosnia and Herzegovina;
7. invited the authorities of Bosnia and Herzegovina to take into consideration the opinions of the Venice Commission while elaborating the measures to be taken;
8. decided to resume consideration of this case at their 1086th meeting (June 2010) (DH), in the light of further information on the integrated action plan and general and individual measures to be provided.

1086th meeting - (3 June 2010)[List of decisions](#)*Section 4.3*Decision

The Deputies,

1. expressed concern for the lack of political consensus on the content of the constitutional and legislative amendments necessary to execute the present judgment;
2. observed that the measures envisaged in the action plans that had been previously submitted to the Committee of Ministers have not been taken within the deadlines provided therein;
3. took note, however, of the statement of the Minister of Foreign Affairs of Bosnia and Herzegovina, Mr Sven Alkalaj, made during the 120th Ministerial Session that “as a member of the Council of Europe, Bosnia and Herzegovina is obliged to respect the judgment and [it] intends to do so” and that “the effective implementation of the judgment is of crucial political and legal importance for [Bosnia and Herzegovina] and represents a great challenge for Bosnia and Herzegovina”;
4. strongly encouraged the authorities of Bosnia and Herzegovina to bring the country’s Constitution and its Electoral Code in line with the Convention as a matter of priority;

5. reiterated its call upon the authorities of Bosnia and Herzegovina to take into account the relevant opinions of the Venice Commission in this regard;
6. invited the authorities of Bosnia and Herzegovina to continue keeping the Committee informed of the developments regarding the measures to be taken;
7. decided to resume consideration of this case at the latest at their 1100th meeting (December 2010) (DH), in the light of further information to be provided on general measures.

1100th meeting - (2 December 2010)[📄 List of decisions 📄](#)*Section 4.3*Decision

The Deputies,

1. recalled that in the present judgment, delivered on 22 December 2009, the Court found discrimination against persons belonging to Groups other than the constituent peoples in Bosnia and Herzegovina in their right to stand for election to the House of Peoples and the Presidency of Bosnia and Herzegovina;
2. recalled that since its 1078th meeting (March 2010), the Committee has urged Bosnia and Herzegovina to adopt general measures to implement the judgment;
3. deeply regretted that the elections took place in Bosnia and Herzegovina on 3 October 2010 under rules found to be discriminatory by the European Court, and thus in contravention of the present judgment;
4. deplored that no political consensus has been reached on the content of the constitutional and legislative amendments necessary to execute the present judgment;
5. strongly urged as a matter of priority the authorities and political leaders of Bosnia and Herzegovina to work in a constructive manner to bring the country's Constitution and its Electoral Code in line with this judgment and the Convention;
6. reiterated their call to the authorities of Bosnia and Herzegovina to take into account the relevant opinions of the Venice Commission in this regard;
7. invited the authorities of Bosnia and Herzegovina to continue informing the Committee of developments regarding the measures to be taken, in particular to indicate the procedural steps that need to be taken to implement this judgment and of any progress made in this respect, as well as to provide a description of the proposals under consideration, including points on which a consensus exists and those on which no such consensus has yet been reached;
8. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH), in the light of further information to be provided on general measures.

1108th meeting - (8-10 March 2011)[📄 List of decisions 📄](#)Decision

The Deputies,

1. noted with concern that, although there is a strong political will and commitments of all political parties participating in the Parliament of Bosnia and Herzegovina for implementation of the judgment, no political consensus has still been reached on the content of the constitutional and legislative amendments necessary to execute the present judgment despite the Committee's repeated calls since its 1078th meeting (March 2010);
2. reiterated their call on the authorities and political leaders of Bosnia and Herzegovina to work in a constructive manner with the aim of bringing the country's Constitution and its electoral legislation in line with this judgment and the Convention;
3. invited once again the authorities of Bosnia and Herzegovina to take into account the relevant opinions of the Venice Commission in this regard;

4. regretted that, despite their invitation issued at their 1100th meeting (November/December 2010), no information has been provided on developments regarding the procedural steps taken to implement this judgment as well as the different proposals made in this respect;
5. invited the authorities of Bosnia and Herzegovina to inform the Committee of developments regarding the procedural steps taken to implement this judgment and the different proposals made by stakeholders in this respect, including the proposals on which a consensus has been reached and on which no consensus has yet been reached;
6. decided to declassify the memorandum CM/Inf/DH(2011)6.

1115th meeting - (7-8 June 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. took note of the information provided by the authorities of the respondent state in response to the questions raised by the Committee of Ministers at its 1108th meeting (March 2011) (DH);
2. noted with concern that no consensus has been reached among different political stakeholders to bring the country's Constitution and its electoral legislation in line with this judgment and the Convention;
3. regretted that no progress has been made in the execution of this judgment following the elections held in October 2010;
4. reiterated their call on the authorities and political leaders of Bosnia and Herzegovina to take the necessary measures rapidly to bring the country's Constitution and its electoral legislation in line with the present judgment;
5. instructed the Secretariat, should the respondent state fail to make any concrete progress in the execution of this judgment, to prepare a draft interim resolution conveying the Committee of Ministers' concerns for consideration at the 1128th meeting (November-December 2011) (DH).

1128th meeting - (29 nov.-2 déc. 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies adopted draft Interim Resolution CM/ResDH(2011)291 as set out in document CM/Del/Dec(2011)1128 Volume of Resolutions.

Interim resolution CM/ResDH(2011)291

Execution of the judgment of the European Court of Human Rights

Sejdić and Finci against Bosnia and Herzegovina

(Application No. 27996/06, judgment of 22/12/2009 – Grand Chamber)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter “the Convention”);

Having regard to the Grand Chamber judgment of the European Court of Human Rights (“the Court”) of 22 December 2009 in the case of Sejdić and Finci against Bosnia and Herzegovina transmitted to the Committee for supervision of its execution under Article 46 of the Convention;

Recalling that in this judgment the Court:

- found a violation of the right to free elections and discrimination against the applicants, citizens of Bosnia and Herzegovina of Roma and Jewish origin, who were ineligible to stand for election to the House of Peoples of Bosnia and Herzegovina (the second chamber of Parliament) due to the lack of affiliation with a constituent people (Bosniacs, Croats or Serbs) (violation of Article 14 taken in conjunction with Article 3 of Protocol No. 1) and ;
- found that the applicants were discriminated against because of their ineligibility to stand for election to the Presidency of Bosnia and Herzegovina (the collective Head of State) due to their lack of affiliation with a constituent people (violation of Article 1 of Protocol No. 12).

Recalling that, from the beginning of its examination of this case, the Committee considered that the execution of this judgment would require a number of amendments to the Constitution of Bosnia and Herzegovina and to its electoral legislation;

Bearing in mind that, during the Ministerial Session held on 11 May 2010, the outgoing and incoming Chairpersons of the Committee made a joint declaration urging “the authorities of Bosnia and Herzegovina to bring the country’s Constitution and laws in line with the European Convention on Human Rights as a matter of priority”;

Bearing in mind further that, on 7 July 2010, on the occasion of the examination of Bosnia and Herzegovina’s honouring of its obligations and commitments, the Ministers’ Deputies urged the authorities of Bosnia and Herzegovina to bring the Constitution of Bosnia and Herzegovina in line with the Convention, in compliance with the present judgment;

Stressing that, in becoming a member of the Council of Europe in 2002, Bosnia and Herzegovina undertook to “review within one year, with the assistance of the European Commission for Democracy through Law (Venice Commission), the electoral legislation in the light of Council of Europe standards, and to revise it where necessary”³;

Noting also that the Parliamentary Assembly has periodically reminded Bosnia and Herzegovina of this post-accession obligation⁴;

Recalling that, in response to the judgment, the Council of Ministers and the Central Election Commission of Bosnia and Herzegovina prepared two action plans in February and March 2010 in which the authorities responsible for taking the necessary measures were identified and specific deadlines were fixed;

Regretting however that the measures envisaged in these action plans have not been taken within the deadlines set therein as a result of the absence of political consensus on the content of the constitutional and legislative amendments;

³ see Opinion 234(2002) of the Parliamentary Assembly of the Council of Europe of 22 January 2002, § 15 (iv)(b); see also § 21 of the present judgment.

⁴ see Resolution 1383 (2004), Resolution 1513 (2006), Resolution 1626 (2008), Resolution 1701 (2010) and Resolution 1725 (2010).

Recalling that the Committee of Ministers deeply regretted⁵ that the elections took place in Bosnia and Herzegovina on 3 October 2010 in accordance with the legislation which was found to be discriminatory by the Court in the present judgment;

Noting that, in response to the Committee's repeated calls, the "Joint Interim Commission for the Implementation of the Sejdić and Finci judgment of the Parliamentary Assembly of the Bosnia and Herzegovina" was constituted following a decision adopted by the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of People held on 30 September 2011 and at the session of the House of Representatives held on 10 October 2011;

Noting in this respect that the Parliamentary Assembly of Bosnia and Herzegovina set specific deadlines to the Joint Interim Commission of 30 November 2011 for presenting amendments to the Constitution and 31 December 2011 for amendments to the electoral law;

Expressing expectation that the authorities and political leaders of Bosnia and Herzegovina will rapidly reach an agreement on the content and scope of the constitutional and legislative amendments;

Stressing that such an agreement is an indispensable condition for the execution of the present judgment and for ensuring full compliance of future elections with the Convention requirements;

Having regard to the obligation undertaken by the authorities of Bosnia and Herzegovina under Article 46 of the Convention to abide by the judgments of the Court;

REITERATES ITS CALL ON the authorities and political leaders of Bosnia and Herzegovina to take the necessary measures aimed at eliminating discrimination against those who are not affiliated with a constituent people in standing for election to the House of Peoples and the Presidency of Bosnia and Herzegovina and to bring its constitution and electoral legislation in conformity with the Convention requirements without any further delay;

ENCOURAGES the Joint Interim Commission to make tangible progress in its work and present amendments to the Constitution and to the electoral law, taking into consideration the relevant opinions of the Venice Commission in this regard;

INVITES the authorities of Bosnia and Herzegovina to inform the Committee regularly of the progress achieved in the Constitutional reform, as well as the change of relevant electoral legislation.

1136th meeting - (6-8 March 2012)

[List of decisions](#)

Reference texts

Interim Resolution [CM/ResDH\(2011\)291](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan, see [DH-DD\(2010\)108E](#)

Updated Action Plan [DH-DD\(2011\)403](#) and [DH-DD\(2012\)64E](#)

Revised Action Plan: [DH-DD\(2011\)915](#)

Submission under Rule 9.2 [DH-DD\(2010\)307E](#)

Communication from Human Rights Watch and reply of the government [DH-DD\(2011\)1065](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

Decision

The Deputies

⁵ Decision adopted at the 1100th meeting (December 2010).

1. expressed their concern about the lack of progress in implementing the judgment;
2. invited the authorities of Bosnia and Herzegovina to provide information on recent relevant developments at their 1137th meeting (14 March 2012) in order to allow the Committee of Ministers to assess any possible further progress.

Reference texts:

Interim Resolution [CM/ResDH\(2011\)291](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan, see [DH-DD\(2010\)108E](#)

Updated Action Plan [DH-DD\(2011\)403](#) and [DH-DD\(2012\)64E](#)

Revised Action Plan: [DH-DD\(2011\)915](#)

Submission under Rule 9.2 [DH-DD\(2010\)307E](#)

Communication from Human Rights Watch and reply of the government [DH-DD\(2011\)1065](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

[Decision](#) adopted at the 1137th meeting (14 March 2012)

[Declaration](#) of the Chairman of the Committee of Ministers

Decision

The Deputies

1. regretted that no tangible progress had been achieved in the execution of this judgment and no proposal presented to the Parliamentary Assembly of Bosnia and Herzegovina yet with regard to the constitutional and legislative amendments;
2. once again urged the authorities and political leaders of Bosnia and Herzegovina to reach a consensus on the constitutional and legislative amendments necessary to execute the present judgment without any further delay;
3. decided to resume the examination of this case at their 1147th meeting (4 July 2012).

Reference texts:

Interim Resolution [CM/ResDH\(2011\)291](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan, see [DH-DD\(2010\)108E](#)

Updated Action Plan [DH-DD\(2011\)403](#) and [DH-DD\(2012\)64E](#)

Revised Action Plan: [DH-DD\(2011\)915](#)

Updated Action Plan [DH-DD\(2012\)774](#)

Submission under Rule 9.2 [DH-DD\(2010\)307E](#)

Communication from Human Rights Watch and reply of the government [DH-DD\(2011\)1065](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

[Declaration](#) of the Chairman of the Committee of Ministers

Joint statement by Commissioner Füle and Secretary General Jagland on Bosnia and Herzegovina [DC088\(2012\)](#) (04/09/2012)

[Decision](#) adopted at the 1137th meeting (14 March 2012)

[Decision](#) adopted at the 1147th meeting (4 and 6 July 2012)

Decision**The Deputies**

1. recalled the commitment of the representatives of the executive authorities and main political parties of Bosnia and Herzegovina which was conveyed to the Committee of Ministers at the 1147th meeting (July 2012) to amend the Constitution by 30 November 2012 and, to this end, to present draft constitutional amendments to the Parliamentary Assembly of Bosnia and Herzegovina by 31 August 2012;
2. noted with deep regret that, despite their commitment, the executive authorities and political leaders have, once again, failed to reach a consensus and to present draft constitutional amendments to the Parliamentary Assembly of Bosnia and Herzegovina by 31 August 2012;
3. reiterated their call on them to reach a consensus and to amend the Constitution by 30 November 2012 at the latest;
4. reiterated also their appeal to the authorities of Bosnia and Herzegovina to submit, once a consensus has been reached, the draft constitutional amendments to the Council of Europe in good time before their submission to the Parliamentary Assembly of Bosnia and Herzegovina for prior assessment of their compliance with the requirements of the *Sejdić and Finci* judgment;
5. instructed the Secretariat to prepare a second interim resolution for their consideration at their 1157th meeting (December 2012) (DH) in case the Constitution is not amended by the above-mentioned deadline.

Reference texts:

Interim Resolution [CM/ResDH\(2011\)291](#)
 Information document [CM/Inf/DH\(2011\)6](#)
 Action plan, see [DH-DD\(2010\)108E](#)
 Updated Action Plan [DH-DD\(2011\)403](#) and [DH-DD\(2012\)64E](#)
 Revised Action Plan: [DH-DD\(2011\)915](#)
 Updated Action Plan [DH-DD\(2012\)774](#)

Submission under Rule 9.2 [DH-DD\(2010\)307E](#)
 Communication from Human Rights Watch and reply of the government [DH-DD\(2011\)1065](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

[Declaration](#) of the Chairman of the Committee of Ministers

Joint statement by Commissioner Füle and Secretary General Jagland on Bosnia and Herzegovina [DC088\(2012\)](#) (04/09/2012)

[Decision](#) adopted at the 1137th meeting (14 March 2012)
[Decision](#) adopted at the 1147th meeting (4 and 6 July 2012)
[Decision](#) adopted at the 1150th meeting

Decision

The Deputies adopted Interim Resolution [CM/Res/DH\(2012\)233](#) as it appears in document [CM/Del/Dec\(2012\)1157](#), Volume of Resolutions.

Interim resolution [CM/ResDH\(2012\)233](#)**Execution of the judgment of the European Court of Human Rights
Sejdić and Finci against Bosnia and Herzegovina**

(Application No. 27996/06, judgment of 22/12/2009 – Grand Chamber)

(Adopted by the Committee of Ministers on 6 December 2012 at the 1157th 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 Grand Chamber judgment of the European Court of Human Rights ("the Court") of 22 December 2009 in the case of Sejdić and Finci against Bosnia and Herzegovina transmitted to the Committee for supervision of its execution under Article 46 of the Convention;

Recalling that, from the beginning of its examination of this case, the Committee considered that the execution of this judgment would require a number of amendments to the Constitution of Bosnia and Herzegovina and to its electoral legislation;

Underlining that these amendments, by allowing all citizens of Bosnia and Herzegovina to run for elections, would enhance the functioning of democratic institutions in the country and citizens' confidence in them;

Stressing the particular responsibility of the authorities and political leaders of Bosnia and Herzegovina in this respect, having regard also to the bearing that this matter has on Bosnia and Herzegovina's prospect for European integration;

Noting with profound disappointment that, despite their latest commitment to amend the Constitution by 30 November 2012 and, to this end, to present draft constitutional amendments to the Parliamentary Assembly of Bosnia and Herzegovina by 31 August 2012, the executive authorities and political leaders of Bosnia and Herzegovina have, once again, failed to reach a consensus and to amend the Constitution;

Reiterating once again that, in becoming a member of the Council of Europe in 2002, Bosnia and Herzegovina undertook to "review within one year, with the assistance of the European Commission for Democracy through Law

(Venice Commission), the electoral legislation in the light of Council of Europe standards, and to revise it where necessary”⁶;

Reiterating also the willingness of the Council of Europe to assist the authorities of Bosnia and Herzegovina in meeting this commitment;

Bearing in mind that in September 2012, Commissioner Štefan Füle and the Secretary General of the Council of Europe Thorbjørn Jagland noted in a joint statement with great disappointment that, despite their commitments, the executive authorities and political leaders have, once again, failed to reach a consensus and to present draft constitutional amendments to the Parliamentary Assembly of Bosnia and Herzegovina by 31 August 2012;

Stressing that reaching a political consensus is an indispensable condition for the amendment of the Constitution and the electoral legislation in order to ensure not only the execution of the present judgment but also full compliance of future elections with Convention requirements;

FIRMLY RECALLS the obligation of Bosnia and Herzegovina under Article 46 of the Convention to abide by the judgment of the Court in the case of *Sejdić and Finci*;

STRONGLY URGES the authorities and political leaders of Bosnia and Herzegovina to amend the Constitution and the electoral legislation and to bring them in conformity with the Convention requirements without any further delay;

DECIDES to examine the present case at each of its “Human Rights” meeting until the political leaders and authorities of Bosnia and Herzegovina reach a consensus on the measures required for the execution of this judgment.

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [CM/ResDH\(2011\)291](#), [CM/ResDH\(2012\)233](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan (18/02/2010) [DH-DD\(2010\)108E](#)

Updated Action Plan (26/05/2011) [DH-DD\(2011\)403](#) and (20/01/2012) [DH-DD\(2012\)64E](#)

Revised Action Plan (19/10/2011) [DH-DD\(2011\)915](#)

Updated Action Plan (04/09/2012) [DH-DD\(2012\)774](#)

Communication from Human Rights Watch (26/05/2010) [DH-DD\(2010\)307E](#)

Communication from Human Rights Watch and reply of the government (16/11/2011) [DH-DD\(2011\)1065](#)

Communication from NGOs (Cardozo School of Law, Human Rights Watch, and Minority Rights Group International on execution of judgement) (05/12/2012) [DH-DD\(2013\)11E](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

[Declaration](#) of the Chairman of the Committee of Ministers (25/04/2012)

Joint statement by Commissioner Füle and Secretary General Jagland on Bosnia and Herzegovina [DC088\(2012\)](#) (04/09/2012)

[Decision](#) adopted at the 1137th meeting (14/03/2012)

[Decision](#) adopted at the 1147th meeting (4 6 July 2012)

[Decision](#) adopted at the 1150th meeting (September 2012)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. deplored that the authorities and political leaders of Bosnia and Herzegovina have not achieved yet a consensus to amend the Constitution of Bosnia and Herzegovina despite the repeated calls of the Committee

⁶ see Opinion 234(2002) of the Parliamentary Assembly of the Council of Europe of 22 January 2002, § 15 (iv)(b); see also § 21 of the present judgment.

of Ministers, in particular in its two interim resolutions adopted so far (CM/ResDH(2011)291 and CM/ResDH(2012)233), and of the international community to that effect;

2. strongly encouraged Bosnia and Herzegovina to take without any further delay all the necessary steps for the full execution of this judgment;
3. decided to resume consideration of this item at their 1169th meeting (30 April 2013), on the basis of information to be provided by the authorities of Bosnia and Herzegovina on the progress achieved in reaching a consensus on the constitutional amendments.

1169th regular meeting - (30 april 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [CM/ResDH\(2011\)291](#), [CM/ResDH\(2012\)233](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan (18/02/2010) [DH-DD\(2010\)108E](#)

Updated Action Plan (26/05/2011) [DH-DD\(2011\)403](#) and (20/01/2012) [DH-DD\(2012\)64E](#)

Revised Action Plan (19/10/2011) [DH-DD\(2011\)915](#)

Updated Action Plan (04/09/2012) [DH-DD\(2012\)774](#)

Communication from Human Rights Watch (26/05/2010) [DH-DD\(2010\)307E](#)

Communication from Human Rights Watch and reply of the government (16/11/2011) [DH-DD\(2011\)1065](#)

Communication from NGOs (Cardozo School of Law, Human Rights Watch, and Minority Rights Group International on execution of judgement) (05/12/2012) [DH-DD\(2013\)11E](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

[Declaration](#) of the Chairman of the Committee of Ministers (25/04/2012)

Joint statement by Commissioner Füle and Secretary General Jagland on Bosnia and Herzegovina [DC088\(2012\)](#) (04/09/2012)

[Decision](#) adopted at the 1137th meeting (14/03/2012)

[Decision](#) adopted at the 1147th meeting (4 6 July 2012)

[Decision](#) adopted at the 1150th meeting (September 2012)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies agreed to resume consideration of this item at their 1170th meeting (7 May 2013) on the basis of draft decisions to be prepared by the Secretariat in the light of the discussion held at the present meeting.

1170th regular meeting - (7 may 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [CM/ResDH\(2011\)291](#), [CM/ResDH\(2012\)233](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan (18/02/2010) [DH-DD\(2010\)108E](#)

Updated Action Plan (26/05/2011) [DH-DD\(2011\)403](#) and (20/01/2012) [DH-DD\(2012\)64E](#)

Revised Action Plan (19/10/2011) [DH-DD\(2011\)915](#)

Updated Action Plan (04/09/2012) [DH-DD\(2012\)774](#)

Communication from Human Rights Watch (26/05/2010) [DH-DD\(2010\)307E](#)

Communication from Human Rights Watch and reply of the government (16/11/2011) [DH-DD\(2011\)1065](#)

Communication from NGOs (Cardozo School of Law, Human Rights Watch, and Minority Rights Group International on execution of judgement) (05/12/2012) [DH-DD\(2013\)11E](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

[Declaration](#) of the Chairman of the Committee of Ministers (25/04/2012)

Joint statement by Commissioner Füle and Secretary General Jagland on Bosnia and Herzegovina [DC088\(2012\)](#) (04/09/2012)

[Decision](#) adopted at the 1137th meeting (14/03/2012)

[Decision](#) adopted at the 1147th meeting (4 6 July 2012)

[Decision](#) adopted at the 1150th meeting (September 2012)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. recalled that, from the beginning of its examination of this case, the Committee of Ministers considered that the execution of this judgment would require a number of amendments to the Constitution of Bosnia and Herzegovina and to its electoral legislation;
2. recalled further that, since the judgment in the case of Sejdic and Finci became final, the Committee of Ministers has repeatedly invited the authorities and political leaders of Bosnia and Herzegovina to reach a consensus to amend the Constitution of Bosnia and Herzegovina and its electoral legislation;
3. reminded in this context the authorities and political leaders of Bosnia and Herzegovina that, on becoming a member of the Council of Europe in 2002, Bosnia and Herzegovina undertook to “review within one year, with the assistance of the European Commission for Democracy through Law (Venice Commission), the electoral legislation in the light of the Council of Europe standards, and to revise it where necessary”;⁷
4. expressed serious concern that, despite the above-mentioned commitment and the repeated calls of the Committee of Ministers, most notably in its interim resolutions of 2 December 2011 and 6 December 2012, the political leaders have continuously failed in reaching a consensus on the amendments to the Constitution and to the electoral legislation;
5. bearing in mind that on 8 April 2013, for the second time in a joint statement on the issue, Commissioner Štefan Füle and the Secretary General of the Council of Europe Thorbjørn Jagland deeply regretted the lack of progress in reaching an agreement on the implementation of the judgment;
6. firmly recalled once again the obligation of Bosnia and Herzegovina under Article 46, paragraph 1, of the Convention to abide by the judgment of the Court in the case of Sejdić and Finci;
7. stressed that failure to reach a consensus and to amend the necessary legislation would not only amount to a manifest breach of obligations under Article 46, paragraph 1, of the Convention but would also seriously undermine the legitimacy and the credibility of the country’s future elected bodies;
8. therefore strongly urged the authorities and political leaders of Bosnia and Herzegovina to reach a consensus and to amend the Constitution and the electoral legislation to bring them in conformity with the Convention requirements with no further delay.

1172nd meeting - (4-6 June 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [CM/ResDH\(2011\)291](#), [CM/ResDH\(2012\)233](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan (18/02/2010) [DH-DD\(2010\)108](#)

Updated Action Plan (26/05/2011) [DH-DD\(2011\)403](#) and (20/01/2012) [DH-DD\(2012\)64](#)

Revised Action Plan (19/10/2011) [DH-DD\(2011\)915](#)

Updated Action Plan (04/09/2012) [DH-DD\(2012\)774](#)

Communication from Human Rights Watch (26/05/2010) [DH-DD\(2010\)307](#)

Communication from Human Rights Watch and reply of the government (16/11/2011) [DH-DD\(2011\)1065](#)

Communication from NGOs (Cardozo School of Law, Human Rights Watch, and Minority Rights Group International on execution of judgement) (05/12/2012) [DH-DD\(2013\)11](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

⁷ See Opinion 234 (2002) of the Parliamentary Assembly of the Council of Europe of 22 January 2002, § 15 (iv)(b); see also § 21 of the judgment.

[Declaration](#) of the Chairman of the Committee of Ministers (25/04/2012)

Joint statement by Commissioner Füle and Secretary General Jagland on Bosnia and Herzegovina [DC088\(2012\)](#) (04/09/2012)

[Statement](#) by the Commissioner Füle after consultation with political parties in Bosnia and Herzegovina (11/04/2013)

[Decision](#) adopted at the 1169th meeting (30 April 2013)

[Decision](#) adopted at the 1170th meeting (7 May 2013)

Decision

The Deputies

1. reiterated that Bosnia and Herzegovina is under a legal obligation to amend the Constitution and the electoral legislation to bring them in compliance with the Convention requirements;
2. deeply deplored that since the last examination of this case at the 1170th meeting (7 May 2013), the authorities and political leaders of Bosnia and Herzegovina have failed to reach a consensus and to fulfil such obligation, despite their repeatedly expressed commitment to do so;
3. reiterated that the continuing failure to reach a consensus on the required amendments is a matter of very serious concern;
4. stressed that time is running out for the Constitution and electoral legislation of Bosnia and Herzegovina to be brought in compliance with the Convention in view of the forthcoming 2014 elections and reiterated that failure to do so would not only amount to a manifest breach of obligations under Article 46, paragraph 1, of the Convention but would also seriously undermine the legitimacy and the credibility of the country's future elected bodies;
5. therefore firmly urged the authorities and political leaders of Bosnia and Herzegovina to amend the Constitution and the electoral legislation to bring them in conformity with the Convention requirements as a matter of urgency;
6. urged the authorities of Bosnia and Herzegovina to inform the Committee without delay of any steps taken in this direction and decided to resume consideration of this issue at their 1179th meeting (September 2013) (DH);
7. decided that a letter would be sent from the Chair of the Committee of Ministers, inviting the responsible Minister of Bosnia and Herzegovina to the 1179th meeting (September 2013) (DH), for an exchange of views on the implementation of the judgment

1179th meeting - (24-26 September 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [CM/ResDH\(2011\)291](#), [CM/ResDH\(2012\)233](#)

Information document [CM/Inf/DH\(2011\)6](#)

Action plan (18/02/2010) [DH-DD\(2010\)108](#)

Updated Action Plan (26/05/2011) [DH-DD\(2011\)403](#) and (20/01/2012) [DH-DD\(2012\)64](#)

Revised Action Plan (19/10/2011) [DH-DD\(2011\)915](#)

Updated Action Plan (04/09/2012) [DH-DD\(2012\)774](#)

Communication from Human Rights Watch (26/05/2010) [DH-DD\(2010\)307](#)

Communication from Human Rights Watch and reply of the government (16/11/2011) [DH-DD\(2011\)1065](#)

Communication from NGOs (Cardozo School of Law, Human Rights Watch, and Minority Rights Group International on execution of judgement) (05/12/2012) [DH-DD\(2013\)11](#)

[Resolution 1855\(2012\)](#) of the Parliamentary Assembly

[Declaration](#) of the Chairman of the Committee of Ministers (25/04/2012)

Letter sent to the Minister of Foreign Affairs of Bosnia and Herzegovina (24/06/2013) [DH-DD\(2013\)740](#)

Joint statement by Commissioner Füle and Secretary General Jagland on Bosnia and Herzegovina [DC088\(2012\)](#) (04/09/2012) and [DC088\(2012\)](#) (04/09/2012)

[Statement](#) by the Commissioner Füle after consultation with political parties in Bosnia and Herzegovina (11/04/2013)

[Statement](#) by the EU High Representative Ashton and Commissioner Füle (04/07/2013)

Code of Good Practice in Electoral Matters adopted by the Venice Commission: [CDL-STD\(2003\)034](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. welcomed the presence of the Minister of Justice of Bosnia and Herzegovina demonstrating the commitment and determination of his authorities to execute this judgment;
2. expressed nevertheless deep concern that, despite the commitments expressed on numerous occasions by Bosnia and Herzegovina and the Committee's repeated calls to adopt the necessary constitutional and legislative amendments, the authorities and political leaders of Bosnia and Herzegovina have still not reached a consensus on these amendments;
3. strongly urged the authorities and political leaders of Bosnia and Herzegovina to deploy all their efforts to reach such a consensus at the third round of the High-level Dialogue on the Accession Process (HLDAP) with the European Union of 1 October 2013, bearing in mind that next general elections will be held in October 2014;
4. requested the authorities of Bosnia and Herzegovina to provide concrete information on the solutions envisaged by the political leaders regarding the constitutional and legislative amendments as well as a clear time-table for their adoption;
5. decided to resume consideration of this issue at the latest at their 1186th meeting (December 2013) (DH) at the latest and instructed the Secretariat to prepare and circulate a draft interim resolution for examination on that occasion, should the political leaders fail to make any decisive progress in reaching a consensus on the constitutional and legislative amendments.

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [CM/ResDH\(2011\)291](#), [CM/ResDH\(2012\)233](#)

Recommendation [2025\(2013\)](#) of Parliamentary Assembly

[Declaration](#) by the Commissioner Füle after consultation with political parties in Bosnia and Herzegovina (11/04/2013)

[Declaration](#) by the EU High Representative Ashton and Commissioner Füle (04/07/2013)

[Memo 13/840](#) by the European Commission after the first part of the third round of the High Level Dialogue on the Accession Process (HLDAP) (01/10/2013)

Statement by Secretary General Jagland on the first part of the third round of HLDAP [DC112\(2013\)](#) (02/10/2013)

[Conclusions](#) by the Commissioner Füle after the third round of HLDAP (10/10/2013)

EU Commission Bosnia and Herzegovina 2013 Progress Report [SWD\(2013\)415](#) (16/10/2013)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision

The Deputies adopted Interim Resolution CM/ResDH(2013)259 as it appears below and in the volume of Resolutions:

Interim resolution CM/ResDH(2013)259**Sejdić and Finci against Bosnia and Herzegovina
Execution of the judgment of the European Court of Human Rights**

Application n°	Case	Judgment of	Final on
27996/06	SEJDIĆ AND FINCI	22/12/2009	Grand Chamber

(Adopted by the Committee of Ministers on 5 December 2013 at the 1186th 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”) and having regard to the Grand Chamber judgment of the European Court of Human Rights (“the Court”) of 22 December 2009 in the case of Sejdić and Finci against Bosnia and Herzegovina transmitted to the Committee for supervision of its execution,

Recalling the Committee’s repeated calls on the authorities and political leaders of Bosnia and Herzegovina to reach a consensus and to amend the Constitution of Bosnia and Herzegovina and its electoral legislation to comply with this judgment and that these calls have been echoed notably by the Parliamentary Assembly of the Council of Europe (including most recently in its Recommendation 2025(2013)), as well as different bodies of the European Union and the United Nations;

Recalling the assurances given on numerous occasions by the representatives of the executive and the main political parties of Bosnia and Herzegovina that all political stakeholders are fully committed to finding an appropriate solution for the execution of this judgment;

Recalling also that the Constitution of Bosnia and Herzegovina provides that “The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law”;

Expressing the gravest concern that, despite the repeated assurances, including at its last human rights meeting in September 2013, the necessary constitutional and legislative amendments have still not been made and that time is running out for the 2014 elections to be held in compliance with the Convention requirements;

Reiterating that failure to do so would not only amount to a manifest breach of obligations under Article 46, paragraph 1, of the Convention but could also potentially undermine the legitimacy and the credibility of the country’s future elected bodies;

Regretting that the important declaration signed by all political leaders on 1 October 2013 was not followed, despite the commitment expressed, by a detailed agreement on key principles of the electoral system, including the necessity of providing 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;

Noting that political leaders of Bosnia and Herzegovina are presently investing intensive efforts to negotiate 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,

FIRMLY CALLS UPON all authorities and political leaders of Bosnia and Herzegovina to ensure that the constitutional and legislative framework is immediately brought in line with the Convention requirements so that the elections in October 2014 are held without any discrimination against those citizens who are not affiliated with any of the “constituent peoples”.

1193rd meeting - (4-6 March 2014)
[List of decisions](#)
Reference texts:

Interim Resolutions [CM/ResDH\(2011\)291](#), [CM/ResDH\(2012\)233](#), [CM/ResDH\(2013\)259](#)

[Memo 13/840](#) by the European Commission after the first part of the third round of the High Level Dialogue on the Accession Process (HLDAP) (01/10/2013)

Communication from a NGO (20/02/2014) [DH-DD\(2014\)279E](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

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 1214th meeting (December 2014) (DH).

Application : 27912/02 Judgment of 03/11/2009, Final on 03/02/2010	Suljagic v. Bosnia and Herzegovina	Standard procedure
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1086th meeting– (3 June 2010)[🏠 List of decisions 🏠](#)*Section 2.1**Decision*

The Deputies,

1. noted that authorities of the Federation of Bosnia and Herzegovina have issued the government bonds intended for the repayment of “old savings” and undertook to pay default interest at the statutory rate in the event of late payment of any forthcoming instalment related to “old savings”;
2. noted further that the relevant deadlines have been extended throughout Bosnia and Herzegovina to enable those who have not yet obtained a verification certificate in respect of their “old savings” to obtain such a certificate;
3. noted with interest that the authorities of Bosnia and Herzegovina have already taken steps to ensure that until 03/08/2010 at the latest any outstanding instalment in respect of “old savings” is paid in the Federation of Bosnia and Herzegovina;
4. invited the authorities of Bosnia and Herzegovina to keep the Committee of Ministers informed of the developments regarding the payment of outstanding instalments in respect of “old savings” in the Federation of Bosnia and Herzegovina;
5. decided to resume consideration of this case at their 1092nd meeting (September 2010) (DH), in the light of further information to be provided on individual and general measures.

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Bulgaria

Application : 50963/99 Final on 20/09/2002	AL-NASHIF and others Group v. Bulgaria	Enhanced procedure : complex problem
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1136th meeting - (6-8 March 2012)

[List of decisions](#)

Reference texts

Memorandum [CM/Inf/DH\(2012\)3rev](#)

Submission under Rule 9§2 and response of the Bulgarian authorities - 22/06/2010 [DH-DD\(2010\)336](#)

Action report concerning the case of Raza - 02/03/2011 [DH-DD\(2011\)255](#)

Action report concerning the case of Kaushal and others (17/02/2012) [DH-DD\(2012\)207E](#)

Action report concerning the case of Auad (17/02/2012) [DH-DD\(2012\)206E](#)

Last public notes concerning the Raza case and decision adopted at the 1115th meeting.

Decision

The Deputies

having examined the information submitted by the Bulgarian authorities and the assessment of the status of execution of these cases presented by the Secretariat (document CM/Inf/DH(2012)3rev),

Concerning the individual measures

1. noted that in the case of Raza where the applicant has not been expelled the order for his expulsion has been quashed, and that in the case of Bashir and others the applicants have not sought the quashing of the impugned measures; thus considered that no further individual measures are required in those two cases;
2. expressed their serious concern with regard to the applicants' situation in the cases of M. and others and Auad and called on the Bulgarian authorities to ensure that those applicants will not be expelled without having benefitted from a fresh judicial review of the expulsion orders in accordance with the requirements of the Convention;
3. encouraged the Bulgarian authorities to provide clarifications on the applicants' situation in the remaining cases of this Group, in reply to the questions raised by the Secretariat, and to keep the Committee informed of the relevant developments in that respect;

Concerning the general measures

4. noted with satisfaction the evolution of the domestic courts' practice and the legislative amendments introducing judicial review of expulsion orders based on considerations of national security and reforming the system of detention pending such expulsion;
5. noted, however, that outstanding issues remain in this area, as indicated by the Court in the recent judgments of M. and others and Auad, and invited the Bulgarian authorities to present to the Committee a revised action plan covering the outstanding issues identified with a view to a detailed examination of the matter at one of the Committee's forthcoming meetings;
6. decided to declassify the Memorandum CM/Inf/DH(2012)3rev

Reference texts:

Action plan (12/07/2013) [DH-DD\(2013\)817](#)

Memorandum [CM/Inf/DH\(2012\)3rev](#)

[Decision](#) adopted at the 1136th meeting (March 2012)

Decision

The Deputies

1. recalled, as regards general measures that the Bulgarian authorities have introduced, in response to the violation of Articles 8 and 13 found in these cases an independent review before the Supreme Administrative Court of measures and orders to leave the country based on national security grounds; recalled that a review of detention pending expulsion has also been introduced following the findings of violations of Article 5§4;
2. noted, furthermore, that the questions related to the implementation of the judicial control are examined in the context of the C.G. and others v. Bulgaria Group of cases, which concerns more recent facts;
3. recalled, concerning individual measures, that no individual measure is required in the case of Bashir and others, and found that this is also the case concerning the cases of Al-Nashif and Hasan; invited the authorities to provide information in order to clarify the situation of the applicants in the cases of Musa and others and Baltaji.

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Application : 62540/00 Final judgment : 30/01/2008	ASSOCIATION FOR THE EUROPEAN INTEGRATION AND HUMAN RIGHTS AND EKIMDJIEV GROUP v. Bulgaria	Enhanced procedure : complex problem
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1164th meeting - (5-7 March 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Action report (07/08/2012) [DH-DD\(2012\)711E](#)Communication from Bulgaria (10/01/2013) [DH-DD\(2013\)76F](#)Information document [CM/Inf/DH\(2013\)7](#)Decision adopted at the [1028th meeting](#), p. 10 (June 2008)[Decision](#) adopted at the 1043rd meeting (December 2008) (p. 42)**Decision****The Deputies**

1. welcomed the legislative reforms adopted by the Bulgarian authorities in reply to the Court's judgments and the decision taken by the Committee in this Group of cases during the 1028th meeting (June 2008) (DH), and in particular the introduction of an independent control mechanism over the secret surveillance system and of a domestic remedy which allows obtaining compensation for unlawful surveillance;
2. invited the authorities to supplement the domestic provisions to provide for an obligation for the parliamentary Sub-commission in charge of control over the secret surveillance system to carry out a verification at the request of a private person and to specify the procedure and the content of the information communicated to private persons as concerns the results of the verification accomplished;
3. invited, in addition, the authorities to provide information on the investigating powers of the courts examining claims for compensation for unlawful secret surveillance and on the existence of special procedural rules for the examination of such claims;
4. invited the authorities to present their assessment of the possibility to improve the legal framework in some areas, such as the reasons given for surveillance applications based on national security grounds and the procedure allowing to use material obtained through secret surveillance falling outside the scope of the warrant initially granted;
5. invited also the authorities to provide additional information on the procedures governing the filtering, analysis, protection and destruction of data obtained through secret surveillance and to reply, in particular, to the questions identified in the information document CM/Inf/DH(2013)7 in this field;
6. invited, finally, the Bulgarian authorities to provide their assessment of the practical operation of the safeguards provided under domestic law, and more particularly of the practice to submit secret surveillance applications which do not contain adequate reasoning under domestic law and of the capacity of president and vice-presidents of some high-volume courts to carry out an in-depth examination of the very numerous surveillance requests received by them;
7. endorsed the assessments contained in the information document CM/Inf/DH(2013)7, invited the authorities to provide replies to the other questions identified in this document, including on the individual measures in the case of Georgi Yordanov, and decided to declassify this information document.

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Application : 1365/07 Final judgment : 24/07/2008	C.G. AND OTHERS GROUP v. Bulgaria	Enhanced procedure : complex problem
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1179th meeting - (24-26 September 2013)[List of decisions](#)**Reference texts:**Action plan (12/07/2013) [DH-DD\(2013\)817](#)Memorandum [CM/Inf/DH\(2012\)3rev](#)[Decision](#) adopted at the 1136th meeting (March 2012)Decision

The Deputies

- As concerns the individual measures

1. invited the Bulgarian authorities to urgently submit information concerning the individual measures in the cases of *Amie and others* and *Madah and others* and recalled that in these cases measures are required in order to ensure that the applicants will not be expelled without having the expulsion orders against them re-examined in proceedings meeting the requirements of the Convention;
2. invited also the Bulgarian authorities to provide the necessary additional information in the cases *C.G. and others*, *Kaushal* and *M. and others*; noted that no additional individual measure is required in the cases *Auad* and *Raza*;

- As concerns the general measures

3. called upon the Bulgarian authorities to adopt without delay the legislative measures required following the findings and indications of the European Court in the judgments of this Group, in particular concerning the need to give suspensive effect to the remedy in this area in case of risk of ill-treatment in the destination country and to provide that every change of the destination country is amenable to appeal;
4. invited them also to take measures in order to ensure that, in cases in which neither Article 3 nor any other provision of the Convention requiring the establishment of a remedy with suspensive effect is applicable, an expulsion based on public order considerations should not be carried out before the person concerned has had the possibility to exercise his rights guaranteed under Article 1 of Protocol No. 7, unless the circumstances of the case require it;
5. encouraged the authorities 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.

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Application : 37104/97, 45950/99, 48059/06, 37346/05 Final on 03/07/2003, 08/10/2004, 10/08/2011, 10/08/2011	KITOV Group v. Bulgaria DJANGOZOV Group v. Bulgaria DIMITROV AND HAMANOV v. Bulgaria FINGER v. Bulgaria	Enhanced procedure
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1128th meeting - (29 nov.-2 dév. 2011)[🏠 List of decisions 🏠](#)Decision

The Deputies,

1. took note of the information submitted by the Bulgarian authorities on the measures taken with a view to remedying the systemic problem of excessive length of proceedings, in reply to the Interim Resolution adopted by the Committee of Ministers in December 2010 and the two recent pilot judgments given by the European Court;
2. stressed in this context that the time-limit set in these pilot judgments for the adoption of an effective domestic remedy or a combination of effective remedies expires on 10 August 2012 and considered it a matter of concern in this connection that the authorities have not yet provided a time-frame indicating that they would be able to comply with that time-limit;
3. therefore urged the Bulgarian authorities to provide rapidly information on the matter; recalled equally that they had requested the authorities' evaluation of the impact of the reforms undertaken with a view to reducing the length of proceedings and information on the individual measures in a number of cases;
4. given the urgency of achieving concrete results in these Groups of cases, decided to resume consideration of the above questions, on the basis of a detailed action plan to be submitted by the authorities, at the 1136th meeting (March 2012) (DH).

1136th meeting - (6-8 March 2012)[🏠 List of decisions 🏠](#)**Reference texts**Decision adopted by the Committee of Ministers at its 1128th meetingAction report of 12/01/2012 for the Kitov Group [DH-DD\(2012\)87E](#)Action report of 12/01/2012 for the Djangozov Group [DH-DD\(2012\)86E](#)Action report of 12/01/2012 in the Svetlozar Petrov Group [DH-DD\(2012\)88E](#)Action report of 17/02/2012 for the Finger case [DH-DD\(2012\)209E](#)Action report of 17/02/2012 for the case of Dimitrov and Hamanov [DH-DD\(2012\)208E](#)Information on individual measures (17/02/2012) [DH-DD\(2012\)210F](#)Interim Resolution of 02/12/2010 [CM/ResDH\(2010\)223](#)Decision

The Deputies

1. recalled that these cases concern the systemic problem of excessive length of judicial proceedings in Bulgaria and that, faced with that problem, generating numerous repetitive cases, in May 2011 the European Court adopted two pilot judgments requiring the introduction, within a time-limit expiring on 10 August 2012, of an effective domestic remedy or a combination of effective remedies against the length of proceedings;
2. took note of the information submitted by the Bulgarian authorities on the measures aimed at introducing remedies to implement the pilot judgments and of their strong commitment to respect the deadline fixed by the

European Court;

3. expressed their concern however at the fact that the time-frame submitted with their action plans envisages at this stage preparatory steps only and invited the authorities to provide them, before their 1144th meeting (June 2012), with an interim report presenting the state of play of the ongoing work aimed at implementing the pilot judgments;
4. took note of the information also submitted in the action plans of 17 February 2012 concerning the impact of the reforms undertaken with a view to reducing the length of proceedings and noted that this information remained to be assessed in detail; encouraged the authorities to continue their efforts in this field and to keep the Committee informed of the relevant developments;
5. also took note of the recent information on the individual measures in certain cases and invited the authorities to keep the Committee informed of the progress of the domestic proceedings still pending in the case of Kavalovi;
6. given the importance of ensuring the effective execution of the pilot judgments of the European Court, decided to resume consideration of in these cases, at the latest, at their 1150th meeting (September 2012) (DH).

1150th meeting - (24-26 September 2012)

[List of decisions](#)

Reference texts:

Action report of 17/01/2012 for the Kitov Group [DH-DD\(2012\)87E](#)
 Action report of 17/01/2012 for the Djangofov Group [DH-DD\(2012\)86E](#)
 Action report of 17/01/2012 in the Svetlozar Petrov Group [DH-DD\(2012\)88E](#)
 Action report of 17/02/2012 for the Finger case [DH-DD\(2012\)209E](#)
 Action report of 17/02/2012 for the case of Dimitrov and Hamanov [DH-DD\(2012\)208E](#)
 Revised action report [DH-DD\(2012\)732E](#)

Information on individual measures (17/02/2012) [DH-DD\(2012\)210F](#)

Interim Resolution of 02/12/2010 [CM/ResDH\(2010\)223](#)

[Decision](#) adopted at the 1136th meeting

[CM/Inf/DH\(2012\)27](#)

Decision

The Deputies

1. took note with interest of the revised action report submitted by the authorities on 30/07/2012 presenting the introduction of an administrative compensatory remedy in the field of excessive length of proceedings, as well as of a draft bill for the introduction of a judicial compensatory remedy in this field;
2. approved the assessment of the administrative remedy and of the draft judicial remedy contained in information document CM/Inf/DH(2012)27 and invited the Bulgarian authorities to provide clarifications as concerns outstanding questions identified in this information document;
3. invited the Bulgarian authorities to adopt rapidly the proposed judicial remedy and to amend the provision governing the retrospective effect of the administrative remedy in order to take into account the requirements of the Court in this respect;
4. decided to declassify information document CM/Inf/DH(2012)27;
5. decided to resume consideration of these cases, including the question of the measures aimed at reducing the length of the judicial proceedings, during one of their next Human Rights meetings and invited the authorities to provide additional information also on this question.

Reference texts:

Information document [CM/Inf/DH\(2012\)36](#)

Information document [CM/Inf/DH\(2012\)27](#)

Communication from Bulgaria (comments in reply to memorandum CM/Inf/DH(2012)27) [DH-DD\(2012\)977F](#)

Action report of 17/01/2012 for the Kitov Group [DH-DD\(2012\)87E](#)

Action report of 17/01/2012 for the Djangofov Group [DH-DD\(2012\)86E](#)

Action report of 17/01/2012 in the Svetlozar Petrov Group [DH-DD\(2012\)88E](#)

Action report of 17/02/2012 for the Finger case [DH-DD\(2012\)209E](#)

Action report of 17/02/2012 for the case of Dimitrov and Hamanov [DH-DD\(2012\)208E](#)

Communication from Bulgaria (cases of Finger and Dimitrov and Hamanov) (16/05/2012) [DH-DD\(2012\)500](#)

Revised action report [DH-DD\(2012\)732E](#)

Communication from Bulgaria (30/11/2012) [DH-DD\(2012\)1123](#)

Information on individual measures (17/02/2012) [DH-DD\(2012\)210F](#)

Interim Resolution of 02/12/2010 [CM/ResDH\(2010\)223](#)

Decision adopted at the 1150th meeting

Decision

The Deputies

As regards the effective remedies required in this field:

1. recalled their decision adopted during their 1150th meeting (DH) (September 2012) according to which the administrative compensatory remedy recently adopted by the authorities and the judicial compensatory remedy proposed in the field of length of proceedings, taken together, seem capable of meeting the main requirements of the case-law of the Court;
2. noted with satisfaction the adoption by the Bulgarian Parliament, on 28 November 2012, of the legislative amendments aimed at introducing the above-mentioned judicial remedy; noted in this respect that according to the information submitted, the adopted provisions are identical to those already assessed by the Committee, except for those relating to the competent courts; invited the authorities to keep the Committee informed about the entry into force of the adopted provisions and to provide it with their translation;
3. noted with interest the explanations provided by the Bulgarian authorities in relation to some outstanding questions identified in Information document CM/Inf/DH(2012)27, in particular their intention to modify the provision governing the retrospective effect of the administrative remedy in order to ensure its compliance with the requirements of the Court in this respect; invited them to reply to the other outstanding questions contained in Information document CM/Inf/DH(2012)36, namely as concerns the functioning of the administrative compensatory remedy;
4. encouraged the authorities to continue with their works aiming at introducing an acceleratory remedy in criminal matters;

As regards the excessive length of proceedings:

5. took note with interest of the legislative and administrative measures taken by the authorities since the adoption of Interim Resolution CM/ResDH(2010)223 in December 2010, in order to reduce the length of judicial proceedings; noted, however, that an increase of the backlog in dealing with cases is observed after 2009, in particular before the most overburdened courts;
6. invited the authorities to analyse the current situation and to keep the Committee informed of the additional measures which might be taken, in particular as concerns the situation of the large courts which seem to be overburdened;
7. invited the authorities to reply to the other outstanding questions identified in Information document CM/Inf/DH(2012)36 and decided to declassify it.

Reference texts:

Information document [CM/Inf/DH\(2012\)36](#)

Revised action report (30/07/2012) [DH-DD\(2012\)732](#)

Communication from Bulgaria (30/11/2012) [DH-DD\(2012\)1123](#)

Interim Resolution [CM/ResDH\(2010\)223](#)

Comments of the Secretariat concerning the legislative reform aimed at the introduction of a remedy allowing the accused to request that his case be sent to a court [DH-DD\(2013\)901](#) (restricted)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

As concerns the effective remedies required by the pilot judgments

1. recalled that an administrative and a judicial compensatory remedy for excessive length of proceedings have been introduced in 2012 in response to the two pilot judgments delivered by the Court in 2011;
2. noted with interest that in the inadmissibility decisions adopted in the cases Valcheva and Abrashev and Balakchiev and others the Court found that these two remedies, taken together, could be considered to be effective, including as concerns the complaints already submitted by applicants to the Court;
3. invited the Bulgarian authorities to keep the Committee informed of the development of domestic practice in this area, in line with the requirements of the Convention;

Concerning the introduction of a preventive remedy in criminal proceedings

4. noted that the amendment of the Code of Criminal Procedure, allowing for an investigation to be closed if it has lasted more than two years, raises questions concerning its compatibility with the requirements of the Convention, in particular in the area of effective investigation; invited the authorities to submit information to the Committee on the measures envisaged to ensure the compliance of the remedy with these requirements, as clarified, notably, in the pilot judgment of *Dimitrov and Hamanov*;

Concerning the excessive length of proceedings

5. recalled that in spite of the legislative and administrative measures taken by the authorities in order to reduce the length of judicial proceedings since the adoption of the Interim Resolution CM/ResDH(2010)223 in December 2010, an increase of the backlog has been observed since 2009, in particular before courts with the highest workload;
6. called again upon the authorities to take all the necessary additional measures to improve the situation of these large courts which seem overburdened, and to keep the Committee informed of any development in this respect;
7. invited the authorities to respond to the other outstanding questions identified in the information document CM/Inf/DH(2012)36 and to submit a revised action plan for all the measures required for the purpose of the execution of these judgments.

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Application : 891/05 Final on 20/04/2011	KASHAVELOV v. Bulgaria	Enhanced procedure : Complex problem
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1136th meeting - (6-8 March 2012)[🏠 List of decisions 🏠](#)**Reference texts**Memorandum [CM/Inf/DH\(2011\)45](#)Decision adopted by the Committee of Ministers at its 1128th meeting in the Group of cases Kehayov against BulgariaAction plan (17/02/2012) [DH-DD\(2012\)211E](#) (confidential as it contains personal data relating to the applicant)Decision

The Deputies

1. took note of the action plan submitted by the authorities on 17/02/2012, containing information on the applicant's individual situation and the general measures in the case;
2. invited the Secretariat to prepare a detailed assessment of that information, in cooperation with the authorities, for their 1144th meeting (June 2012);
3. decided to declassify the Memorandum CM/Inf/DH(2011)45.

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Application : 41035/98 Final on 18/04/2005	KEHAYOV Group v. Bulgaria	Enhanced procedure
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1128th meeting - (29 nov.-2 déc. 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that these cases raise complex issues, related in particular to the structural problem of prison overcrowding in Bulgaria and to the conditions of detention in prisons and investigation detention facilities;
2. took note of the action report provided by the authorities on 02/03/2011 and the additional information submitted on 16/06/2011 concerning the renovation and other works carried out in the places of detention;
3. noted with interest the adoption by the government on 08/09/2010 of a Programme for improving living conditions in places of detention and an action plan for its implementation for the period of 2011-2013;
4. invited the authorities to provide information on the impact of the measures already adopted in respect of the shortcomings identified in the judgments of the European Court and on the measures planned and the timetable for their implementation;
5. moreover invited the Bulgarian authorities to provide further information on the outstanding questions identified in Memorandum [CM/Inf/DH\(2011\)45](#), in particular as regards the existing compensatory remedy and the need for the introduction of a remedy capable of bringing about specific improvements of conditions of detention in cases where the applicant is still detained;
6. recalled that additional information is needed as regards the individual measures in several cases in this Group, as identified in the Memorandum;
7. invited the authorities to provide urgently additional information on the outstanding questions identified in the Memorandum as regards the individual situation of the applicant in the Kashavelov case;
8. recalled that an action plan or report is awaited as regards the general measures in respect of the specific issues raised in the Shishmanov, Işyar and Kashavelov cases;
9. decided to resume consideration:
 - of this Group of cases at the latest at their June 2012 meeting, on the basis of a revised action plan to be provided by the authorities;
 - of the Kashavelov case at the latest at their March 2012 meeting, considering that additional information is urgently needed on the individual measures.

Reference texts:

Information document [CM/Inf/DH\(2011\)45](#)

Revised action report (15/05/2012) [DH-DD\(2012\)426E](#)

Revised action report (Kashavelov case) [DH-DD\(2012\)516E](#)

Action report (12/04/2012) [DH-DD\(2012\)426E](#)

Information provided on 16/06/2011 on general measures [DH-DD\(2011\)918E](#)

Last [public notes](#) for the Kehayov Group (1043rd meeting, December 2008, p. 31)

Communication from a NGO (Kashavelov case) [DH-DD\(2011\)517E](#)

[Decision](#) adopted for the Kehayov Group at the 1128th meeting (December 2011)

[Decision](#) adopted for the Kashavelov case at the 1136th meeting (March 2012)

Decision**The Deputies**

1. noted with interest the revised action reports presented by the Bulgarian authorities on 15/05/2012 detailing the measures taken or envisaged by the authorities to remedy the issues at the origin of these cases;
2. welcomed the efforts of Bulgaria to solve the important systemic problem of overcrowded detention facilities, namely through more frequent use of alternatives to imprisonment, as well as through measures adopted which aim at the achievement of more adequate distribution of detainees between different penitentiary facilities;
3. welcomed the setting-up of the national prevention mechanism, in accordance with the Optional Protocol to the UN Convention against Torture, which allows the Ombudsman to visit and inspect detention facilities and give recommendations on the treatment of detained persons;
4. noted, however, that additional information and clarifications are still required on a number of questions, in particular the functioning modalities of the domestic monitoring mechanisms, the impact of the construction and renovation works already accomplished, the authorities' precise assessment of the current situation concerning conditions of detention, the construction and renovation works planned for the future, their funding, the time-limits for their implementation as well as their expected impact on the living conditions in the places of detention;
5. took note of the information concerning the domestic legal provisions under which a prisoner may request to be transferred to another penitentiary facility and invited the authorities to provide examples in which this procedure has been used to address a complaint about poor conditions of detention and has brought about specific improvements of the prisoner's situation;
6. welcomed the individual and general measures taken by the authorities in the case of Kashavelov; noted, however, that further clarification is required on the existence of a legal avenue to challenge before the administrative court a decision of the prison governor concerning the use of handcuffs, if it is maintained;
7. encouraged the consultations conducted on these questions between the authorities and the Secretariat and decided to make a comprehensive evaluation of the situation, on the basis of a memorandum prepared by the Secretariat, during one of their next Human Rights meetings.

Reference texts:

Information document [CM/Inf/DH\(2011\)45](#)

Action plan (09/04/2013) [DH-DD\(2013\)417](#)

Information provided on general measures (16/06/2011) [DH-DD\(2011\)918](#)

[Decision](#) adopted at the 1144th meeting (June 2012)

Decision

The Deputies

1. welcomed the efforts of Bulgaria to solve the systematic problem of overcrowding, but noted that additional measures are still necessary in order to overcome it, in particular concerning the current situation in the prisons for men;
2. in this context, encouraged the authorities to develop further the use of alternative measures to imprisonment and preliminary detention and to establish an updated global strategy to address prison overcrowding, taking into consideration the relevant recommendations of the Council of Ministers, as well as other competent bodies of the Council of Europe;
3. noted also with satisfaction the efforts made by Bulgaria to improve the material conditions of detention, namely through the reconstruction projects funded with the assistance of the Norwegian Financial Mechanism ; noted, however, that substantial improvements are still necessary in the majority of the penitentiary facilities and that this situation is due partly to the fact that the national action plans in this field could not be implemented due to budgetary restrictions related to the economic crisis;
4. encouraged the authorities to give the highest priority to seeking solutions which would allow them to achieve their goals to improve the conditions of detention, if necessary by continuing to explore all possibilities of support and cooperation at national and European level; invited the authorities to establish a revised national programme concerning the improvement of conditions of detention for the period after 2013;
5. invited the authorities to take due account, in their efforts to improve the conditions of detention, of the relevant recommendations made by monitoring bodies at national and international level, including the CPT and the Ombudsman;
6. noted that the improvement of the conditions of detention and the reduction of the prison overcrowding should facilitate the setting-up, at the domestic level, of a preventive remedy meeting the requirements of the case-law of the Court and invited the Bulgarian authorities to draw full benefit from project 18 of the Human Rights Trust Fund.

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Application : 37104/97 Final on 03/07/2003	KITOV Group v. Bulgaria	Enhanced procedure
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1100th meeting - (2 December 2010)[List of decisions](#)

Section 4.2

- 84 cases against Bulgaria**- 47 cases of length of criminal proceedings and of lack of an effective remedy
(See [Appendix for the list of cases in the Kitov Group](#))****- 37 cases of length of civil proceedings and lack of an effective remedy**

45950/99	Djangozov, judgment of 08/07/2004, final on 08/10/2004
56793/00	Babichkin, judgment of 10/08/2006, final on 10/11/2006
28583/03	Bratovanov, judgment of 23/04/2009, final on 23/07/2009
27918/02	Demirevi, judgment of 28/05/2009, final on 28/08/2009
47829/99	Dimitrov, judgment of 23/09/2004, final on 23/12/2004
15154/02	Givezov, judgment of 22/05/2008, final on 22/08/2008, rectified on 30/09/2009
62722/00	Gospodinov, judgment of 10/05/2007, final on 10/08/2007
58497/00	Hadjibakalov, judgment of 08/06/2006, final on 08/09/2006
7254/02	Ilievi, judgment of 28/05/2009, final on 28/08/2009
19207/04	Ivanov Petko, judgment of 26/03/2009, final on 26/06/2009
14226/04	Ivanovi, judgment of 07/01/2010, final on 07/04/2010
9143/02	Jeliazkov and others, judgment of 03/04/2008, final on 03/07/2008
55350/00	Kambourov, judgment of 14/02/2008, final on 14/05/2008
60939/00	Karcheva and Shtarbova, judgment of 28/09/2006, final on 28/12/2006
74487/01	Kavalovi, judgment of 17/01/2008, final on 17/04/2008
44626/98	Kiurkchian, judgment of 24/03/2005, final on 24/06/2005
76763/01	Kostova, judgment of 03/05/2007, final on 03/08/2007
9161/02	Kouncheva, judgment of 03/07/2008, final on 03/10/2008
57641/00	Kovacheva and Hadjiilieva, judgment of 29/03/2007, final on 29/06/2007
29802/02	Krastev, judgment of 24/07/2008, final on 01/12/2008
66535/01	Kroushev, judgment of 03/07/2008, final on 03/10/2008
77147/01	Kuiyumdjian, judgment of 24/05/2007, final on 24/08/2007
20568/02	Marinova and Radeva, judgment of 02/07/2009, final on 02/10/2009
50954/99	Maslenkovi, judgment of 08/11/2007, final on 02/06/2008
69316/01	Merdzhanov, judgment of 22/05/2008, final on 22/08/2008
15099/04	Nachev, judgment of 05/11/2009, final on 05/02/2010
72855/01	Parashkevanova, judgment of 03/05/2007, final on 03/08/2007
39855/03	Pavlova, judgment of 14/01/2010, final on 14/04/2010
47877/99	Rachevi, judgment of 23/09/2004, final on 23/12/2004
7148/04	Ruga, judgment of 02/07/2009, final on 06/11/2009
16880/02	Sheremetov, judgment of 22/05/2008, final on 22/08/2008
59523/00	Simizov, judgment of 18/10/2007, final on 18/01/2008
58828/00	Stefanova, judgment of 11/01/2007, final on 11/04/2007
19256/03	Stefanova Donka, judgment of 01/10/2009, final on 01/01/2010
39832/98	Todorov Nikolai Petkov, judgment of 18/01/2005, final on 18/04/2005
2380/03	Tzvyatkov, judgment of 22/10/2009, final on 22/01/2010
55956/00	Vatevi, judgment of 28/09/2006, final on 28/12/2006

Decision

The Deputies,

1. adopted Interim Resolution CM/ResDH(2010)223 as it appears in the Volume of Resolutions;
2. decided to resume consideration of the progress made by the end of 2011 at the latest, with regard to the question of effective remedy and by mid-2012 at the latest, with regard to the question of the excessive length of judicial proceedings.

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Application : 43577/98 Final on 06/07/2005	NACHOVA AND HRISTOVA Group v. Bulgaria	Enhanced procedure
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1115th meeting - (7-8 June 2011)[List of decisions](#)*Decision*

The Deputies,

1. took note of the measures taken by the Bulgarian authorities for the execution of these judgments presented in the information document CM/Inf/DH(2011)24rev and in the action report submitted by the authorities on 2 March 2011;
2. noted with satisfaction the adoption by the Bulgarian Parliament of an amendment to the Criminal Code introducing aggravated qualifications for murder and bodily harm committed with racist or xenophobic motives;
3. noted that this amendment appears to be a sufficient measure with regard to the duty to investigate whether or not possible racist motives played a role in an excessive use of force during arrest, insofar as it would oblige the investigation authorities to examine this issue in order to establish the correct qualification of the facts;
4. noted that a number of outstanding issues remain, in particular concerning the compliance of the legislative and administrative framework governing the use of firearms by the police and the military police with the requirements of Articles 2 and 3 of the Convention;
5. invited the Bulgarian authorities to adopt, as soon as possible, the necessary legislative amendments in this respect (see the information document CM/Inf/DH(2011)24rev, §§17-19 and 25);
6. invited the Bulgarian authorities to provide additional information on the training of the members of the police and the military police on the requirements of the Convention concerning the application of the provisions governing the use of firearms;
7. invited the Bulgarian authorities to provide information concerning the individual measures in the cases of Vlaevi, Vachkovi, Karandja and Vasil Sashov Petrov;
8. decided to declassify the information document CM/Inf/DH(2011)24rev.

1157th meeting - (4-6 December 2012)[List of decisions](#)**Reference texts:**Information document [CM/Inf/DH\(2011\)24rev](#)

Communication from a NGO and reply of the government (cases of Velikova and Nachova and others)

[DH-DD\(2011\)298](#)Action Plan (groups Velikova and Nachova and others) (02/03/2011) [DH-DD\(2011\)256](#)Revised action report (08/11/2012) [DH-DD\(2012\)1008rev](#)[Decision](#) adopted at the 1115th meeting*Decision*

The Deputies

1. noted with satisfaction that the Bulgarian authorities have amended the provisions of the Ministry of Interior Act governing the use of fire-arms by the police and that the new legislative framework seems to comply with the requirements of Articles 2 and 3 of the Convention, in the light of the Court's case-law;
2. invited the Bulgarian authorities to adopt rapidly a similar legal framework in the area of use of fire-arms by the military police with a view to remedying the shortcomings which remain in this field in the Military Police Act;
3. encouraged the Bulgarian authorities to continue their training efforts regarding police officers in order to guarantee the correct application of the recently adopted legal provisions and to inform the Committee of the

practical training provided to all police officers following the amendment of the Ministry of Interior Act;

4. noted that information is still awaited on the training concerning the use of fire-arms provided to the military police officers and invited the authorities to present information in this respect;
5. invited also the Bulgarian authorities to provide rapidly additional information concerning the individual measures taken or envisaged in the cases of Karandja, Vlaevi, Vachkovi and Vasil Sashov Petrov.

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Application : 31465/08 Final on 11/05/2010	RAZA v. Bulgaria	Enhanced procedure
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1115th meeting - (7-8 June 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. recalled that in this case, the European Court considered that if the order for the expulsion of the applicant were put into effect, there would be a violation of his right to respect for his family life, because this expulsion order has not been subject to a review which complies with the requirements of the Convention;
2. noted with satisfaction the concrete measures taken by the Bulgarian authorities to ensure that the applicant will not be expelled without having the order of expulsion against him reviewed in new judicial proceedings;
3. invited the Bulgarian authorities to take all the necessary measures to ensure that in the new proceedings to review the expulsion order the applicant will be offered all the safeguards required by the Court's judgment; invited them to keep the Committee informed of the progress of the new review proceedings concerning the expulsion order criticised by the Court's judgment;
4. recalled that the general measures required for the execution of this judgment are being examined in the group of cases Al-Nashif and others.

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Application : 59491/00 Judgment Final on 19/04/2006	UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS v. Bulgaria	Examination of a possible transfer under enhanced procedure
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1186th meeting - (3-5 December 2013)[📄 List of decisions 📄](#)**Reference texts:**Revised action plan (28/11/2013) [DH-DD\(2013\)1291E](#)Action plan (16/10/2013) [DH-DD\(2013\)1124](#)Communication from an ONG *The Bulgarian Helsinki Committee* (06/03/2011) [DH-DD\(2011\)249](#)[Last public notes and decisions](#) (1100th meeting, December 2010, p. 58).**Decision****The Deputies**

1. recalled the awareness-raising measures taken by the Bulgarian authorities in 2007 and 2008 with a view to aligning the practice of the Bulgarian courts with the requirements of Article 11 of the Convention, as clarified in the judgment *UMO Ilinden and others* No. 1;
2. noted with interest in this respect that the Blagoevgrad Regional Court has taken into consideration some of these requirements in the context of the examination of the new request for registration of *UMO Ilinden*, in particular by allowing the representative of the association to supplement his request;
3. regretted however that the measures adopted have not been sufficient to avoid that new refusals of registration, based partly on grounds which had already been criticised by the Court, be opposed to the applicant association or other similar associations;
4. noted with interest that the Bulgarian authorities have prepared a revised action plan submitted to the Committee on 28/11/2013 containing concrete additional measures to be taken, *inter alia* to clarify with the competent courts that under Bulgarian law the registration of an association does not imply that the State or the court seized approve the statements and the goals of the association or that they accept their validity;
5. noted in addition that the revised action plan also provides measures to clarify in the courts' practice, as well as if necessary in the legislation in force, the scope of the constitutional prohibition for associations to pursue political goals, in the light of the requirements of the Convention, as clarified in the judgments in question;
6. encouraged the authorities to rapidly take the measures envisaged in their revised action plan and invited them to pursue their close co-operation with the Secretariat in this regard;
7. decided to continue the examination of these cases under standard procedure and to review the question of a possible transfer to enhanced procedure at their 1193rd meeting (March 2014) (DH) in the light of further developments.

Reference texts:

Revised action plan (10/02/2014) [DH-DD\(2014\)209](#)

Revised action plan (10/01/2014) [DH-DD\(2014\)55](#)

Revised action plan (28/11/2013) [DH-DD\(2013\)1291](#)

Communication from an NGO *The Bulgarian Helsinki Committee* (06/03/2011) [DH-DD\(2011\)249](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

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.

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Application : 41488/98 Final on 04/10/2000	VELIKOVA Group v. Bulgaria	Enhanced procedure
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1115th meeting - (7-8 June 2011)[List of decisions](#)*Decision*

The Deputies,

1. took note with interest of the measures adopted by the Bulgarian authorities for the execution of these judgments following the adoption of Interim Resolution CM/ResDH(2007)107, summarised in the memorandum CM/Inf/DH(2011)23 and in the action report submitted by the authorities on 2 March 2011;
2. noted that further clarification and information are needed in respect of certain outstanding questions identified in the memorandum CM/Inf/DH(2011)23 ;
3. in this context, invited the authorities to submit additional information on the practical training of the members of the police on the requirements of the Convention concerning the application of the provisions governing the use of force and on the monitoring on the domestic level of incidents of ill-treatment;
4. invited the authorities also to provide additional information on the improvement of certain procedural safeguards during police custody and drew their attention to the recommendations of the CPT in this respect;
5. noted that precise information is also needed concerning the measures taken or envisaged to ensure the objectiveness, the thoroughness and the effectiveness of investigations relating to ill-treatment by the police, as well as the impartiality and the independence of these investigations;
6. recalled their invitation to the Bulgarian authorities to present their assessment of the practical impact of the measures taken and to keep the Committee of Ministers informed of the additional measures taken or envisaged for the execution of these judgments;
7. invited the authorities to submit information or clarification concerning the individual measures in certain cases identified in the memorandum CM/Inf/DH(2011)23;
8. decided to declassify the memorandum CM/Inf/DH(2011)23.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**Interim Resolution [CM/Res/DH\(2007\)107](#)Information document [CM/Inf/DH\(2011\)23](#)Information document [CM/Inf/DH\(2013\)6rev](#)Action plans (02/03/2011) [DH-DD\(2011\)256](#), (04/02/2013) [DH-DD\(2013\)60revE](#)Communication from a NGO and reply of the government (11/03/2011) [DH-DD\(2011\)298](#)[Decision](#) adopted at the 1115th meeting (June 2011)*Decision*

The Deputies

1. welcomed the fact that after the legislative amendments, in force since July 2012, the new legal framework governing the use of force seems at present consistent with the requirements of Articles 2 and 3 of the Convention;
2. noted also with interest the creation of a specialised unit in the Chief Public Prosecutor's office responsible to oversee criminal investigations concerning law-enforcement agents;

3. invited the Bulgarian authorities to provide information on the exact procedure followed in cases of allegations of ill-treatment by the police and on the measures taken to ensure the impartiality and independence of the police investigators who carry out investigative steps against other law-enforcement agents;
4. invited also the authorities to provide information on the precise measures envisaged in order to ensure the possibility of taking statements from agents from the special forces, if allegations of ill-treatment are made against them;
5. encouraged the Bulgarian authorities to continue with their efforts to improve the procedural safeguards during police custody, namely as concerns the systematic notification to the competent prosecutor of cases in which there are indications of ill-treatment, and the possibility of obtaining the assistance of a duty lawyer in police custody;
6. noted, in addition, that it seems useful to put in place a nationally coordinated data collection concerning the allegations of ill-treatment against law enforcement agents notified to all of the institutions, as well as concerning the criminal and disciplinary investigations carried out in this connection, in order to allow full assessment of the impact of the measures taken in this area;
7. decided to declassify the information document CM/Inf/DH(2013)6rev and invited the Bulgarian authorities to submit additional information about the others outstanding questions identified in this document, including as concerns the individual measures.

Croatia

Application : 15766/03 Final on 10/05/2010	ORSUS and others v. Croatia	Enhanced procedure
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1100th meeting– (2 December 2010)

[🏠 List of decisions 🏠](#)

Section 4.2

[CM/Inf/DH\(2010\)46](#)

Decision

The Deputies

1. noted that the Croatian authorities have submitted an action plan outlining a number of general measures and providing a clear timetable for their implementation;
2. noted with interest that this action plan, which is summarised in Memorandum CM/Inf/DH(2010)46, includes a number of positive elements aimed at providing safeguards against discrimination against Roma in primary education in Croatia;
3. decided to declassify the Memorandum CM/Inf/DH(2010)46;
4. invited the Croatian authorities to provide the Committee with further information on the outstanding issues identified in the Memorandum and on the developments regarding the measures to be taken;
5. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH), in the light of further information to be provided on general measures.

1108th meeting - (8-10 March 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. recalled that, at their 1100th meeting (November-December 2010), they invited the Croatian authorities to provide information on the outstanding issues identified in the memorandum CM/Inf/DH(2010)46 and on the developments regarding the measures to be taken;
2. noted that, in response to the Deputies' invitation, the Croatian authorities submitted a revised version of the action plan containing information on the progress of implementation of the measures announced in the initial action plan;
3. instructed the Secretariat to examine the revised action plan and submit its assessment to the Committee.

1128th meeting - (29 nov.-2 déc. 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. noted with satisfaction the measures taken by the Croatian authorities to abolish separate classes for Roma children and integrating them into mainstream education;
2. noted with particular interest that the Croatian authorities are in the process of introducing complementary classes and specific programmes designed to raise the language competence of Roma children;
3. invited the Croatian authorities to keep the Committee of Ministers informed of the concrete results obtained in abolishing "Roma-only" classes;

4. considered however that further efforts are needed to address the problem of poor school attendance and the high drop-out rate of Roma children;
5. consequently invited the Croatian authorities to clarify the measures taken or envisaged to combat high drop-out rates of Roma children in primary schools, including the active involvement of social services in ensuring their school attendance;
6. further invited the Croatian authorities to provide information on the measures taken or envisaged to prevent excessive length of proceedings before the Constitutional Court;
7. decided to declassify Memorandum

1136th meeting - (6-8 March 2012)

[List of decisions](#)

Reference texts

Initial action plan [DD\(2010\)581E](#)

Revised action plan [DH-DD\(2011\)53](#), [DH-DD\(2011\)544E](#) and [DH-DD\(2011\)544addE](#)

Information documents [CM/Inf/DH\(2010\)46](#), [CM/Inf/DH\(2011\)46](#)

Communications from NGOs:

European Roma Rights Center, the Greek Helsinki Monitor and Open Society Initiative [DH-DD\(2010\)586](#)

Amnesty International [DH-DD\(2011\)210E](#)

Decision adopted at the 1128th meeting

Decision

The Deputies

1. noted with satisfaction that, in response to the decision adopted at their 1128th meeting (December 2011), the Croatian authorities have taken a number of measures to address the problem of poor school attendance and the high drop-out rate of Roma children;
2. noted that the measures taken mainly concerned the active involvement of the relevant social services with parents with a view to raising their awareness of the importance of education;
3. welcomed the new working methods adopted by the Croatian Constitutional Court which are expected to reduce the excessive length of proceedings before that court;
4. decided, in the light of these developments, to continue their supervision of this case under the standard procedure with a view to assessing the impact of the measures that are currently being taken by the Croatian authorities, including the concrete results obtained in abolishing “Roma-only” classes at a later stage.

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Application : 16212/08 Final judgment : 20/04/2011	SKENDZIC AND KRZNARIC Group v. Croatia	Enhanced procedure : complex problem
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1150th meeting - (24-26 September 2012)[List of decisions](#)**Reference texts:**

Action plan (21/11/2011) [DH-DD\(2011\)1061E](#)
Updated action plan (20/08/2012) [DH-DD\(2012\)735E](#)

Decision

The Deputies

1. as regards the individual measures, noted with interest the steps taken by the Croatian authorities in response to these judgments, in particular with a view to ensuring the independence of the investigation in the case of Skendžić and Krznarić;
2. strongly encouraged the authorities to ensure that the on-going criminal investigations are concluded rapidly and invited them to continue providing regular information on their progress;
3. as regards general measures, took note with interest of the various reforms adopted with a view to ensuring effective investigations into war crimes committed during the Croatian Homeland War and the authorities strong commitment to resolve all open war crime cases;
4. invited in this respect the authorities to provide further information on the experience gained in the implementation of the measures adopted, in particular as regards the requirements of independence, expedition, promptness and public scrutiny as well as on the special institutional arrangements put in place, and also more detailed statistics regarding the prosecution and convictions for war crimes.

1208th meeting - (23-25 September 2014)[List of decisions](#)**Reference texts:**

Updated action plan (01/04/2014) [DH-DD\(2014\)589](#)
Updated action plan (10/06/2014) [DH-DD\(2014\)780](#)
Updated action plan (20/08/2012) [DH-DD\(2012\)735](#)
Action plan (21/11/2011) [DH-DD\(2011\)1061](#)
[Decision](#) adopted at the 1150th meeting (September 2012)

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.

Cyprus and Russian Federation

Application : 25965/04 Final on 10/05/2010	RANTSEV v. Cyprus and Russian Federation	Enhanced procedure
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1092th meeting – (15 September 2010)

[List of decisions](#)

Section 2.1

Decision

The Deputies,

1. recalled that this judgment concerns the alleged trafficking of the applicant's daughter from the Russian Federation to Cyprus and the European Court's finding that trafficking in human beings threatens the human dignity and fundamental freedoms of its victims and cannot be considered compatible with a democratic society and the values expounded in the Convention and that trafficking itself, within the meaning of Article 3(a) of the UN Palermo Protocol⁸ and Article 4(1) of the Anti-Trafficking Convention⁹ falls within the scope of Article 4 of the Convention;
2. recalled that the European Court in particular found a violation of Article 2, in its procedural aspect and Articles 4 and 5 in respect of Cyprus and a violation of Article 4, in its procedural aspect in respect of the Russian Federation;

As regards individual measures

3. noted that prior to the European Court's judgment, the Cypriot Council of Ministers appointed an independent committee headed by the President of the Independent Authority for the Investigation of Allegations and Complaints Against the Police to investigate Ms Rantseva's death including the question of whether there was any link between her death and allegations of trafficking;
4. noted that in the meantime the Russian authorities opened a single criminal investigation into the Ms Rantseva's death and in the framework of this investigation will examine the allegations of trafficking, including the circumstances of Ms Rantseva's recruitment;
5. stressed the manifest importance of close co-operation between Cypriot and Russian authorities in this respect with a view to ensuring that an effective investigation aimed at identification and punishment of those responsible is carried out;

As regards general measures

6. welcomed the information presented by the Cypriot authorities and in particular confirmation that the system of "artiste" visas has been abolished and noted that detailed information has been presented by the Cypriot authorities on the general measures;
7. took note with interest of the information provided by the Russian authorities on the existing national mechanisms to prevent and to combat trafficking of human beings;
8. noted that the Group of Experts on Action against Trafficking in Human Beings (GRETA) will visit Cyprus this autumn, with a view to having their report on Cyprus adopted in the first quarter of 2011;
9. decided to resume consideration of this item at their 1100th meeting (November-December 2010) (DH), in the light of further information to be provided on the individual and general measures and in the light of the assessment to be made by the Secretariat.

⁸ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime 2000.

⁹ The Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005.

1100th meeting– (2 December 2010)[List of decisions](#)

Section 4.2

Decision

The Deputies,

1. took note of the information provided by the Cypriot and Russian authorities on the progress of the domestic investigations carried out by both states;
2. stressed again the evident importance of close co-operation between Cypriot and Russian authorities in this respect with a view to ensuring that an effective investigation is carried out to identify and punish those responsible;
3. encouraged the Cypriot and Russian authorities to continue their co-operation in this respect;
4. emphasised the importance of ensuring that the applicant is informed of all developments in the domestic investigations and in a position to exercise any rights he may have in this respect;
5. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH), in the light of further information to be provided by the authorities of both states on the progress of domestic investigations and in the light of the assessment of general measures.

1115th meeting - (7-8 June 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that an effective investigation must, *inter alia*, be prompt and carried out with reasonable expedition and involve the next-of-kin to the extent necessary to safeguard his legitimate interests;
2. noted the information provided by the Cypriot authorities on the progress of their domestic investigation, in particular that it is expected to be concluded within a few months and a report presented to the Attorney General of Cyprus;
3. noted the information provided by the Russian authorities on the progress of their domestic investigation, in particular the need to receive rapidly the requested legal assistance from the Cypriot investigators to facilitate a prompt and fully effective investigation into the circumstances of Ms Rantseva's death and the allegations of human trafficking;
4. encouraged the Cypriot authorities' efforts to provide such legal assistance to the Russian investigators as soon as possible, independently of the completion of the investigation, and stressed again the critical importance of close co-operation between the Cypriot and Russian authorities;
5. invited both the Cypriot and Russian authorities to keep the Committee updated on the progress of both investigations.

1136th meeting - (6-8 March 2012)[List of decisions](#)**Reference texts:**Action Plan Cyprus [DH-DD\(2010\)376E](#)Information provided by the Russian Federation [DH-DD\(2010\)411E](#)Communication from the Russian Federation [DH-DD\(2011\)335E](#)Action Plan from the Russian Federation [DH-DD\(2011\)633E](#)Action plan from the Russian Federation [DH-DD\(2012\)159E](#)Information document Memorandum [CM/Inf/DH\(2012\)14](#)

Decision adopted at the 1136th meeting (March 2012)

Decision

The Deputies

Concerning Cyprus

1. took note of the action plan submitted by Cyprus (CM/Inf/DH(2012)14) which sets out the measures taken to execute the judgment, in particular measures aimed at the prevention of human trafficking, and ensuring prosecutions in cases of human trafficking;
2. noted also that the Cypriot authorities confirmed that they will give due consideration to the recommendations of, and will continue to work closely with, the monitoring bodies under the Council of Europe Convention on Action against Trafficking in Human Beings;
3. decided, in light of the above, to close the examination of the general measures in respect of Cyprus;

Concerning the Russian Federation

4. took note of the information provided by the Russian authorities on general measures aimed at preventing similar violations of the Convention (DH-DD(2012)14) and in particular those aimed at ensuring prosecutions in cases of human trafficking, which also cover the recruitment aspect of trafficking;
5. decided, in view of the measures taken, to close the examination of the general measures in respect of the Russian Federation.

1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts**Action Plan Cyprus [DH-DD\(2010\)376E](#)Information provided by the Russian Federation [DH-DD\(2010\)411E](#)Communication from the applicant's lawyer [DH-DD\(2010\)372E](#)Communication from the Russian Federation [DH-DD\(2011\)335E](#)Updated action plan from Cyprus [DH-DD\(2011\)336E](#)Action Plan from the Russian Federation [DH-DD\(2011\)633E](#)Communication from Cyprus [DH-DD\(2011\)357E](#)Communication from Cyprus [DH-DD\(2012\)124](#)Action plan from the Russian Federation [DH-DD\(2012\)159E](#)**Decision**

The Deputies

1. noted that the investigation file was transferred to the Attorney General of the Republic of Cyprus and that he requested the investigators to carry out additional investigative steps and appointed two additional investigators;
2. strongly encouraged the Cypriot authorities to ensure that the investigators have all necessary means to conduct an effective investigation and to complete it without further delay;
3. reiterated the particular importance for the applicant to be involved in the investigation and took note of the Cypriot authorities' continued efforts and commitment to do everything possible in this respect;
4. noted that the investigation carried out by the Russian authorities was suspended but may be reopened following the Cypriot authorities' response to the Russian authorities' request for legal assistance;
5. stressed again the critical importance of close co-operation between the Cypriot and Russian authorities and invited the authorities of both States to keep the Committee updated of the developments in their investigations;
6. decided to resume consideration of general measures at their 1144th meeting (June 2012) (DH) and of individual measures at the latest at their 1150th meeting (September 2012) (DH).

1150th meeting - (24-26 September 2012)[List of decisions](#)**Reference texts:**

Communication from the Russian Federation (14/09/2010) [DH-DD\(2010\)411E](#)
 Updated information from the Russian Federation (06/05/2011) [DH-DD\(2011\)335E](#)
 Action plan - Communication from the Russian Federation (18/08/2011) [DH-DD\(2011\)633E](#)
 Action plan - Communication from the Russian Federation [DH-DD\(2012\)159E](#)
 Communication from the Russian Federation [DH-DD\(2012\)747E](#)

Communication from Cyprus [DH-DD\(2010\)376E](#)
 Updated Action plan Communication from Cyprus (05/05/2011) [DH-DD\(2011\)336E](#)
 Communication from Cyprus in reply to Mr Rantsev's letter (18/05/2011) [DH-DD\(2011\)357E](#)
 Communication from Cyprus Update concerning the individual measures [DH-DD\(2012\)124](#)
 Communication from Cyprus (individual measures-update) [DH-DD\(2012\)804E](#)

Communication from the applicant's lawyer [DH-DD\(2010\)372E](#)

[Decision](#) adopted at the 11364th meeting

[Decision](#) adopted at the 1144th meeting

Decision**The Deputies**

1. noted with interest the information recently provided by the Cypriot authorities (see [DH-DD\(2012\)804](#)) indicating that the criminal investigators submitted their report and investigation file to the Attorney General at the beginning of September 2012 and that the Attorney General will now decide whether to proceed with a criminal prosecution;
2. noted that the applicant has been informed of these developments and that the Attorney General again invited him to provide any information that may be useful;
3. expressed hope that the Attorney General will take his decision as soon as possible and invited the Cypriot authorities to keep the Committee informed of the Attorney General's decision;
4. noted that the investigation carried out by the Russian authorities into Ms Rantseva's alleged recruitment was concluded by a decision of refusal to initiate a criminal case, and that the applicant was informed of this decision and had the possibility to appeal against it (see [DH-DD\(2012\)747](#));
5. invited the Russian authorities to indicate whether, in the light of the close link between the Cypriot and Russian investigations, the investigation into Ms Rantseva's alleged recruitment could be reopened, in the event that the Cypriot investigation reveals any new information.

Czech Republic

Application : 57325/00 Judgment Final on 13/11/2007	D.H. AND OTHERS v. Czech Republic	Enhanced procedure : complex problem
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1100th meeting– (2 December 2010)

[List of decisions](#)

Section 4.2

Decision

The Deputies:

1. noted with satisfaction that the Czech authorities have confirmed that the National Action Plan on Inclusive Education (the "NAPIV") setting out the key measures proposed by the Czech authorities to execute the judgment is now definitively adopted and its implementation has begun;
2. encouraged the Czech authorities to follow the implementation of the NAPIV without delay, particularly concerning measures to address the situation of pupils improperly placed in practical schools (*zakladni skoly prakticke*) to ensure that they are able to transfer to the mainstream education system;
3. decided to declassify the Memorandum CM/Inf/DH(2010)47;
4. invited the Czech authorities to provide the Committee with further information on the outstanding issues identified in Memorandum and on progress achieved in the implementation of the Action plan;
5. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH), in the light of further information to be provided on general measures.

1115th meeting - (7-8 June 2011)

[List of decisions](#)

Decision

The Deputies,

1. noted the confirmation of the Czech authorities that the action plan (particularly the NAPIV) is on going and is currently in a preparatory phase, with its implementation phase due to begin in 2013;
2. noted also the information provided during the meeting on the entry into force in September 2011 of two Ministerial Decrees, that remains to be assessed (see DH-DD(2011)439);
3. noting with concern that considerable progress remains to be achieved on the ground, stressed the importance of the Czech authorities' intensifying and if possible, speeding up the implementation of their action plan;
4. called upon the Czech authorities to provide precise information on the current state of implementation of the Action plan, on the timetable of future steps and on concrete results achieved particularly in the perspective of the next school year and the outstanding questions identified in memorandum CM/Inf/DH(2010)47.

1128th meeting - (29 nov.-2 déc. 2011)[List of decisions](#)Decision

The Deputies,

1. welcomed the information provided by the Czech authorities on the Anti-Discrimination Act, which provides a procedural safeguard against discrimination in the area of education;
2. noted that amended Decrees 72/2005 and 73/2005 came into force on 1 September 2011 ahead of the new school year and that these Decrees appear to be an important step in the implementation of the action plan (NAPIV) which aims at inclusion of Roma children in the education system, in a non-discriminatory manner (see [DH-DD\(2011\)1064](#));
3. also noted with interest that the Ministry of Education, Youth and Sport is currently preparing a number of legislative changes for the purpose of enhancing an inclusive environment and in this connection, is considering the removal of the provision giving rise to concern set out in amended Decree 73/2005 which provides that pupils without disabilities may still be educated in a school, class or study group established for children with disabilities, albeit in limited circumstances (see [DH-DD\(2011\)1064](#));
4. welcomed the intention of the authorities to monitor the impact of the amended Decrees and encouraged them to make a detailed assessment that might be taken into account in the current legislative preparations and, to ensure that the anticipated effects of the legal framework are fully realised;
5. encouraged the authorities to pursue their efforts in the concrete implementation of the action plan and invited them to keep the Committee up to date in detail of all developments in this respect, including on the impact of the two amended decrees on the current school year, the developments made in the legislative preparations, the conclusions of the ongoing reflection and the actual results achieved on the ground;
6. recalled the decision adopted in this case at the 1115th meeting (June 2011) (DH) and decided to hold a debate on this case at the latest at 1144th meeting (June 2012) (DH).

1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:****Documents transmitted by the authorities**Communication from the Czech authorities (Decrees 72/2055 and 73/2055) [DH-DD\(2011\)825E](#)Communication from the Czech authorities [DH-DD\(2011\)1064](#)Communication from the Czech authorities [DH-DD\(2011\)439](#)Communication from the Czech authorities [DH-DD\(2012\)498E](#)**Documents transmitted by NGOs (rule 9§2)**[DH-DD\(2012\)334E](#) Communication from NGO (Open Society Justice Initiative)Communication from NGOs (Open Society Justice Initiative + ERRC European Roma Rights Centre) [DH-DD\(2011\)1164E](#)Communication from NGOs (Open Society Justice Initiative + ERRC European Roma Rights Centre) [DH-DD\(2011\)1070](#)Communication from a NGO (Amnesty International) [DH-DD\(2011\)995E](#)Communication from a NGO (Open Society Justice Initiative) [DH-DD\(2011\)644](#)Communication from a NGO (Open Society Justice Initiative) and reply of the authorities [DH-DD\(2012\)530](#)**Other documents**Information document [CM/Inf/DH\(2010\)47](#)[Notes](#) of the 1128th meeting (December 2011)[Decision](#) adopted at the 1128th meeting (December 2011)Request for debate by Finland [DH-DD\(2012\)247](#)Request for debate by Sweden [DH-DD\(2012\)249](#)Decision

The Deputies

1. took note of the information provided on 15/05/2012 by the Czech authorities on legislative and practical measures, ongoing or envisaged, aimed at inclusion of Roma children in the education system in a non-discriminatory manner (see DH-DD(2012)498);
2. regretted that a full assessment of the information provided proves difficult insofar as the information does not clearly link with the action plan initially provided by the authorities (the NAPIV), the status of which needs to be clarified in relation to the Strategy for the fight against social exclusion 2011-2015; also expressed concern on the absence of information to date on the impact of the measures adopted during the current school year and that the results of the monitoring carried out in this area by the Czech School Inspectorate will only be published in July 2012, just a few weeks before beginning of the next school year;
3. underlined the importance of accelerating the implementation of the judgment, which has been final for nearly five years, in order to achieve concrete progress on the ground; called on the authorities to provide a consolidated action plan based on a clear medium- and short-term strategy, with a time-table and budget for the implementation of the measures foreseen, and which responds to all the outstanding questions identified in memorandum CM/Inf/DH(2010)47;
4. invited the authorities to submit in due time for their 1150th meeting (September 2012) (DH) the results of the monitoring of the impact of the measures adopted during the current school year and the report of the Czech Public Defender of Rights (“Ombudsman”) and decided to examine the case at its 1157th meeting (December 2012) (DH) in the light of the consolidated action plan to be prepared in a close co-operation with the Secretariat.

1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference texts:

Documents transmitted by the authorities

Communication from the Czech authorities (Decrees 72/2055 and 73/2055) [DH-DD\(2011\)825E](#)

Communication from the Czech authorities [DH-DD\(2011\)1064](#)

Communication from the Czech authorities [DH-DD\(2011\)439](#)

Communication from the Czech authorities [DH-DD\(2012\)498E](#)

Communication from the Czech authorities [DH-DD\(2012\)803](#)

Action plan [DH-DD\(2012\)1074E](#)

Documents transmitted by NGOs (rule 9§2)

[DH-DD\(2012\)629](#) - Communication from a NGO (Together to School Coalition) - 13.06.2012

[DH-DD\(2012\)579](#) - Communication from NGOs (League of Human Rights and MDAC) - 30.05.2012

[DH-DD\(2012\)530](#) - Communication from NGOs (Open Society Justice Initiative, COSIV and European Rom Rights Centre ERRC) and response from the Czech authorities - 18.05.2012 and 29.05.2012

[DH-DD\(2012\)334](#) - Communication from a NGO (Open Society Justice Initiative) - 02.03.2012

[DH-DD\(2012\)1089](#) - Communication from NGOs (Open society justice Initiative, COSIV, European Rom Rights Centre, Amnesty international et Liga Lydiských Práv)

[DH-DD\(2012\)1137](#) - Communication from a NGO (Open Society Justice Initiative)

Other documents

Information document [CM/Inf/DH\(2010\)47](#)

Notes of the 1128th meeting (December 2011)

[Decision](#) adopted at the 1128th meeting (December 2011)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. noted with interest the consolidated action plan submitted in response to the Committee’s decision at the 1144th meeting (June 2012) (DH) and the measures proposed, in particular the measure to remove the possibility for pupils without a disability to be educated in a class for pupils with disabilities, which directly addresses a concern previously raised by the Committee on the subject;
2. noted however that according to the statistics presented in the consolidated action plan the overall percentage of Roma pupils educated in programmes for pupils with a “slight mental disability” remains disproportionately high even if a slight decrease in this percentage is recorded;

3. welcomed therefore the Czech authorities' commitment to ensure monitoring of the implementation of the measures foreseen and to adopt, on the basis of an assessment of the situation during and after their adoption, all the additional measures which might prove necessary;
4. reiterated the importance of rapidly obtaining concrete results and invited the authorities to keep the Committee regularly informed of all developments in the implementation of the Action plan and in the authorities' reflection on the development of the concrete situation on the ground.

1186th meeting - (3-5 December 2013)[List of decisions](#)**Reference texts:**Information document [CM/Inf/DH\(2010\)47](#)*Communications from the Czech Republic*Consolidated action plan (16/11/2012) [DH-DD\(2012\)1074](#)Updated action plan (18/06/2013) – Information on the implementation [DH-DD\(2013\)718](#)Information on the implementation of the action plan (17/10/2013) [DH-DD\(2013\)1133](#)Communication from the authorities (26/11/2013) [DH-DD\(2013\)1284](#)*Communications from NGOs*From Open Society Justice Initiative (27/11/2012) [DH-DD\(2012\)1137](#),From Open society justice Initiative, COSIV, European Roma Rights Centre, Amnesty international and Liga
Lydkých Práv (13/11/2012) [DH-DD\(2012\)1089](#)From Amnesty International (20/11/2013) [DH-DD\(2013\)1295E](#)[Decision](#) adopted at the 1157th meeting (December 2012)**Decision****The Deputies**

1. welcomed the presence of the First Deputy Minister of Education, Youth and Sports, demonstrating the commitment and determination of his authorities to execute this judgment;
2. took note of the information submitted by the Czech authorities in June and October 2013 on the implementation of the consolidated action plan, as well as of the additional information provided by the authorities on 26 November 2013;
3. underlined that an increasing number of children with a “slight mental disability” is educated in mainstream classes; noted nevertheless that the survey carried out by the Czech authorities on the numbers of Roma pupils educated in programmes for pupils with a “slight mental disability” shows that their overall percentage remains disproportionately high;
4. invited the authorities to provide, in due time for the 1193rd meeting (DH) (March 2014), additional information explaining further, *inter alia*, these statistical developments;
5. reiterated the importance of rapidly obtaining concrete results and encouraged the authorities to accelerate the implementation of outstanding measures, in particular with regard to the revised diagnostic tools and the legislative amendments aimed at removing the possibility to place pupils without a disability in classes or groups for pupils with disabilities, and to consider the adoption of interim measures;
6. invited the authorities to provide updated information on the implementation of the consolidated action plan in due time for the 1201st meeting (DH) (June 2014) and decided to resume consideration of this case at this meeting.

Reference texts:

Information document [CM/Inf/DH\(2010\)47](#)

Communications from the Czech Republic

(17/01/2014) [DH-DD\(2014\)117](#)

Information on the implementation of the action plan (17/10/2013) [DH-DD\(2013\)1133](#)

Updated action plan (18/06/2013) – Information on the implementation [DH-DD\(2013\)718](#)

Communication from the authorities (26/11/2013) [DH-DD\(2013\)1284](#)

Consolidated action plan (16/11/2012) [DH-DD\(2012\)1074](#)

Updated action plan (25/04/2014) [DH-DD\(2014\)541](#)

Communications from NGOs

From Open Society Justice Initiative (27/11/2012) [DH-DD\(2012\)1137](#)

From Open society justice Initiative, COSIV, European Roma Rights Centre, Amnesty international and Liga
Lydkých Práv (13/11/2012) [DH-DD\(2012\)1089](#)

Communication from National Human Rights Institutions

Public Defender of Rights (14/04/2014) [DH-DD\(2014\)569](#) and response of the authorities(13/05/2014)
[DH-DD\(2014\)631](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

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.

France

Application : 25672/07 Final on 23/12/2010	BOUSARRA v. France	Enhanced procedure
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1108th meeting - (8-10 March 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. recalled that the violation of the Convention found by the Court in this case concerns a disproportionate interference with the applicant's right to respect for his family life because of his expulsion due to criminal acts committed in France;
2. recalled that the European Court noted that it could not be reasonably argued that because of the offences committed, the applicant represented an extremely serious threat to public order justifying definitive expulsion from French territory;
3. underlined the urgency of remedying the situation of the applicant who complains in particular of not being able to visit his 80-year-old father, a French national living in France;
4. invited the respondent state to lift the ban on entering French territory imposed on the applicant and in this context to consider any application he might make to return.

1115th meeting - (7-8 June 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. recalled that the violation of the Convention found by the Court in this case concerned a disproportionate breach of the applicant's right to respect for his family life following his expulsion following criminal offences committed in France;
2. recalled that the European Court had underlined that it could not reasonably be contended, in the light of the offences committed, that the applicant constituted an extremely serious threat to public order justifying his definitive removal from the territory of France;
3. recalled that urgent individual measures were needed to redress the situation of the applicant, who complained in particular that he could not visit his father, a French national living in France who is ill and over eighty years old;
4. noted with satisfaction that an order to abrogate the expulsion order was signed on 9 May 2011, which provides that "the French Consulate with territorial competence in Morocco has been instructed to notify the applicant of the decision and to provide him with a copy";
5. recalled their invitation to the French authorities to examine any request for return that the applicant might submit and expressed the wish in this connection to have confirmation of the date upon which the applicant was effectively informed that the expulsion order had been abrogated;
6. decided, in the light of the foregoing, to pursue their supervision of the execution of this judgment under the standard supervisory procedure;
7. invited the authorities to provide an action plan / report by 23 June 2011.

Decision

The Deputies,

1. recalled that the violation of the Convention found by the Court in this case concerns a disproportionate interference with the applicant's right to respect for his family life because of his expulsion due to criminal acts committed in France;
2. recalled that the European Court noted that it could not be reasonably argued that because of the offences committed, the applicant represented an extremely serious threat to public order justifying definitive expulsion from French territory;
3. underlined the urgency of remedying the situation of the applicant who complains in particular of not being able to visit his 80-year-old father, a French national living in France;
4. invited the respondent state to lift the ban on entering French territory imposed on the applicant and in this context to consider any application he might make to return.

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Application : 25389/05 Final on 26/07/2007	GEBREMEDHIN v. France	Enhanced procedure
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1164th meeting– (7 March 2013)[🔗 List of decisions 🔗](#)**Reference texts:**Action report (16/05/2012) [DH-DD\(2012\)636F](#)Communication from the French authorities (07/07/2008) [DD\(2008\)434F](#)Communication from the French authorities (17/01/2013) [DH-DD\(2013\)140F](#)Communication from the French authorities (25/02/2013) [DH-DD\(2013\)196](#)Communication from ANAFE (Association nationale d'assistance aux frontières pour les étrangers) and comments from the French authorities (02/10/2007) [DD\(2007\)531F](#)Communication from ANAFE (Association nationale d'assistance aux frontières pour les étrangers) and comments from the French authorities (26/10/2007) [DD\(2007\)600F](#)Communication from ANAFE (Association nationale d'assistance aux frontières pour les étrangers) and comments from the French authorities (20/02/2008) [DD\(2008\)119F](#)Memorandum [CM/Inf/DH\(2013\)9rev](#)[Decision](#) adopted at the 1051st meeting (March 2009) (p. 40)[DH-DD\(2012\)636F](#), [DD\(2008\)434F](#), [DD\(2007\)531F](#), [DD\(2007\)600F](#), [DD\(2008\)119F](#), [CM/Inf/DH\(2013\)9rev](#)[DH-DD\(2013\)140F](#), [DH-DD\(2013\)196](#)*Decision*

The Deputies

1. recalled their March 2009 decision to resume consideration of this item once the European Court of Human Rights had ruled upon similar pending cases, in which the question of the effectiveness of the appeal provided for by the law of 20 November 2007 was raised;
2. noted that to date, the Court has not decided on the question of the effective nature of the appeal, but that it communicated two applications to the French authorities raising this question and that it might be called upon to decide on this issue;
3. concerning the present case, considered the measures set out in the French authorities' action report satisfactory and requested the Secretariat to prepare a draft final resolution;
4. decided to declassify the memorandum [CM/Inf/DH\(2013\)9rev](#).

Georgia

Application : 25091/07 Judgment Final on 26/07/2011	ENUKIDZE AND GIRGVLIANI v. Georgia	Enhanced procedure : complex problem
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1157th meeting - (4-6 December 2012)

[🏠 List of decisions 🏠](#)

Reference texts:

Communication from the applicants' representative (26/09/2011) [DH-DD\(2011\)1013E](#)
 Communication from Georgia (19/09/2012) [DH-DD\(2012\)938E](#)
 Communication from Georgia (18/10/2012) [DH-DD\(2012\)1003E](#)

Action Plan [DH-DD\(2012\)1134](#)

Decision

The Deputies

1. noted that the action plan on this case was presented to the Committee of Ministers and instructed the Secretariat to prepare an assessment;
2. agreed to resume consideration of this question at their 1164th meeting (March 2013) (DH) on the basis of the assessment by the Secretariat.

1164th meeting - (5-7 March 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Action Plan (03/12/2012) [DH-DD\(2012\)1134](#)
 Action Plan: up-date No.1 (01/02/2013) [DH-DD\(2013\)171](#)
 Communication from the applicants' representative (26/09/2011) [DH-DD\(2011\)1013E](#)
 Communication from Georgia (19/09/2012) [DH-DD\(2012\)938E](#)
 Communication from Georgia (18/10/2012) [DH-DD\(2012\)1003E](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. noted with satisfaction the detailed information provided by the Georgian authorities in their action plan and its update regarding the measures taken and envisaged for the execution of the present judgment;
2. noted that the Georgian authorities will keep the Committee regularly informed on the developments relating to the new investigation and invited the authorities to provide additional information concerning the measures taken to ensure the institutional independence of the authorities in charge of this investigation;
3. invited also the authorities to provide the additional information announced concerning the general measures as well as information on the measures aimed at ensuring the prevention of similar violations of Article 38 of the Convention.

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Application : 38736/04 Judgment Final on 30/01/2008	FC MRAND EBI v. Georgia	Standard procedure
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1078th meeting– (4 March 2010)

[🏠 List of decisions 🏠](#)

Section 4.2

- 1 case against Georgia

*38736/04 FC Mretebi, judgment of 31/07/2007, final on 30/01/2008, rectified on 24/01/2008

Decision

The Deputies,

1. welcomed the draft amendments to the Code of civil procedure which will allow a judgment of the European Court of Human rights to be regarded as a new fact allowing the re-examination or the reopening of civil proceedings;
2. took note that these amendments, once adopted, will enable the FC Mretebi to ask for the re-examination of the proceedings, as suggested by the European Court in its judgment;
3. welcomed the fact that these amendments are part of the implementation of the Committee of Ministers' Recommendation No. R (2000) 2 of to member states on the re-examination or reopening of certain cases at domestic level following judgements of the European Court of Human Rights;
4. decided to resume consideration of this item at the latest at their 1092nd meeting (September 2010) (DH), in the light of information to be provided on the follow-up of the procedure of amendment and on the individual measures awaited in this case.

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Application : 11830/03 Judgment Final on 29/10/2008	GHARIBASHVILI v. Georgia	Enhanced procedure : complex problem
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1208th meeting – (23-25 September 2014)[List of decisions](#)**Reference texts:***Communications from Georgia*Consolidated action plan (17/07/2014) [DH-DD\(2014\)955](#)Updated Action plan (01/02/2013) (case of Enukidzé and Girgvliani) [DH-DD\(2013\)171](#)Action plan (case of Enukidzé and Girgvliani) (03/12/2012) [DH-DD\(2012\)1134](#)Communication (18/10/2012) (case of Enukidzé and Girgvliani) [DH-DD\(2012\)1003](#)Communication (20/09/2012) (case of Enukidzé and Girgvliani) [DH-DD\(2012\)938](#)Action report (20/07/2011) (Tsintsabadze case) [DH-DD\(2011\)615](#)Report by the Commissioner for Human Rights, following his visit to Georgia, from 20 to 25 January 2014
[CommDH\(2014\)9](#)Public Defender of Georgia [Special Report](#) on practice of investigation of alleged crimes committed by law enforcement officials, regulations and international standards on effective investigation (2014)Action Plan for Georgia 2013-2015 [ODGProg/Inf\(2013\)15](#)*Communication from the applicants' representative*(Enukidzé case) (26/09/2011) [DH-DD\(2011\)1013](#)*Communication from NGO*From Human Rights Centre (01/09/2014) [DH-DD\(2014\)1099](#)From *Article 42 of the Constitution* (09/12/2013) [DH-DD\(2014\)956](#)**Decision****The Deputies**

1. 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;
2. 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;
3. 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;
4. 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;
5. 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;
6. 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;
7. 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;
8. 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.

Application : 7975/06 Final on 02/05/2010	KLAUS AND YURI KILADZE v. Georgia	Enhanced procedure
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1100th meeting – (2 December 2010)

[List of decisions](#)

Section 4.2

Decision

The Deputies,

1. recalling that all respondent states have the legal obligation not just to pay any sum awarded by way of just satisfaction, but also to choose, subject to supervision by the Committee of Ministers, the general measures and/or, if appropriate, individual measures to be adopted in their domestic legal order to put an end to the violation found by the Court and to redress so far as possible the effects;
2. as far as general measures are concerned, recalling that in this case it was noted already in the judgment of the Court that the structural problem revealed by the case was clearly capable of generating a great number of applications to the Court and that the necessary legislative, administrative and budgetary measures should thus rapidly be taken in order to ensure that persons falling under Article 9 of the Law of 11 December 1997 may effectively benefit from the right guaranteed by this provision;
3. noted with interest the information provided by the Georgian authorities with respect to the latest developments in this case, in particular the round table organised in Strasbourg on 8 November 2010 and the plan of action under preparation following this meeting;
4. decided to resume the examination of this item, and in particular the issues relating to the general measures and the plan of action, at the latest at their 1108th meeting (March 2011) (DH).

1108th meeting - (8-10 March 2011)

[List of decisions](#)

Decision

The Deputies,

1. took note with satisfaction that the just satisfaction as well as the default interest due have been paid to the applicants;
2. took note with interest of the preliminary action plan which has been submitted by the Georgian authorities according to which a draft law has been prepared which will be submitted to the Parliament in March 2011;
3. invited the Georgian authorities to submit to them a consolidated action plan for their 1115th meeting (June 2011).

1115th meeting - (7-8 June 2011)

[List of decisions](#)

Decision

The Deputies,

1. took note, with satisfaction, of the action plan submitted by the Georgian authorities according to which in April two draft laws were being discussed before Parliament with implementation by the Tbilisi court expected to begin in May 2011: the first amending the law of 11/12/1997 on the Status as a Victim of Political Repression, in order to provide for compensation for victims; the second one amending the Code of Administrative Proceedings in order to organise the practical modalities of granting such compensation;
2. also took note with satisfaction of the subsequent information (adoption on 19/04/2011 of the amendment to the law of 11/12/1997 and publication in the Official Journal of 18 May 2011) showing that the action plan is being implemented within the foreseen timeframe;
3. decided therefore to transfer this case for examination under the standard supervision procedure.

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Application : 30323/02, 4313/04 Final on 27/01/2010	PANDJIKIDZE and others Group, GORGUILADZE v. Georgia	Enhanced procedure
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1108th meeting - (8-10 March 2011)

[List of decisions](#)

Decision

The Deputies,

1. recalled that in its judgments, the Court stated that when there has been a conviction at first instance by a tribunal not established by law contrary to the requirements of Article 6§1 of the Convention and that there has been no general examination of the case on the merits since, a new trial or reopening of the proceedings on the merits at the applicants' request is in principle an appropriate way to redress the violation found;
2. noted with concern that more than one year after the judgments have become final, no information has been provided by the Georgian authorities on the individual measures they intend to take in these cases;
3. recalled Recommendation No. R (2000) 2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights;
4. urged the Georgian authorities to inform the Committee of Ministers of the measures taken or envisaged without further delay.

1128th meeting - (29 nov.-2 déc. 2011)

[List of decisions](#)

Decision

The Deputies,

1. welcomed the measures taken by the Georgian authorities with a view to the adoption of the legislative amendment to the code of criminal proceedings (Article 310 "e") allowing, as of 1 January 2012, the reopening of criminal proceedings following a judgment of the European Court of Human Rights as well as the transitional provisions allowing applicants concerned by judgments of the Court before that date to request the reopening of proceedings before 1 July 2012;
2. took note of the information provided during the meeting and invited the authorities to keep them informed of the entry into force of the said legislative amendment;
3. invited the Georgian authorities to inform the Committee whether the applicants in the cases concerned have used the possibility of re-examination of their cases pursuant to these provisions and on the outcome of these proceedings.

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Germany

Application : 19359/04 Final on 10/05/2010	M. Group v. Germany	Enhanced procedure : complex problem + urgent individual measures
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Reference texts:

Initial action plan in the M. case (04/11/2010) [Initial action plan](#)
Revised action plan in the M. case [DH-DD\(2011\)652E](#)

[Federal Constitutional Court's judgment](#) (English translation of the press release)

Action plan in the Kallweit case (29/06/2011) [DH-DD\(2011\)654E](#)
Action plan in the Mautes case (29/06/2011) [DH-DD\(2011\)653E](#)
Action plan in the Haidn case (13/07/2011) [DH-DD\(2011\)655E](#)
Action plan in the Schummer case (25/07/2011) [DH-DD\(2011\)656E](#)
Action plan in the Jendrowiak case (18/10/2011) [DH-DD\(2011\)952E](#)

1136th meeting - (6-8 March 2012)

[List of decisions](#)

Decision

The Deputies

1. welcomed the measures already taken to ensure that preventive detention of persons in the applicants' situation is terminated, without excluding continued detention on other grounds in conformity with the Convention's requirements (e.g. mental illness);
2. welcomed in particular the judgment of the Federal Constitutional Court which has settled outstanding issues and ensured that new, similar violations can no longer take place;
3. noted with interest the efforts to develop a new legal framework for preventive detention fully in line with the Convention;
4. encouraged the German authorities to pursue the timely implementation of the measures envisaged;
5. invited the German authorities to keep the Committee of Ministers informed of the progress achieved, including as regards the implementation of preventive detention in practice;
6. recalled that updated information is also awaited on the individual measures outstanding.

1201st meeting – (June 2014)

[List of decisions](#)

Reference texts:

Updated action plans (13/03/2013) [DH-DD\(2013\)297](#) ; (07/03/2012) [DH-DD\(2012\)467](#)

Action report (26/09/2013) [DH-DD\(2013\)1188](#)

Communications concerning the different cases of the group which can be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/GER-M_fr.asp

[Decision](#) adopted at the 1136th meeting (March 2012)

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.

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Application : 75529/01 46344/06 Judgment of 08/06/2006 – Grand Chamber Final on 02/12/2010	SURMELI Group v. Germany RUMPF	Enhanced procedure
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1108th meeting - (8-10 March 2011)

[📄 List of decisions 📄](#)

Decision

The Deputies,

1. took note of the information provided on the ongoing legislative process to provide an effective remedy for excessive length of proceedings;
2. stressed the importance of timely compliance with the pilot judgment and called upon all German authorities to give priority to finding appropriate solutions in order to provide adequate and sufficient redress to all persons in the applicants' situation, within the time-limits set by the Court;
3. invited the German authorities to keep them regularly informed on the progress of implementation of the envisaged measures.

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Application : 46344/06 Final on 02/12/2010	RUMPF Group v. Germany	Enhanced procedure
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1115th meeting - (7-8 June 2011)

[🔗 List of decisions 🔗](#)

Decision

The Deputies,

1. observed that the legislative process to provide an effective remedy for excessive length of proceedings was still ongoing before the German Parliament;
2. invited the German authorities to keep them regularly informed on the progress of adoption of an effective remedy and to bring the legislative process to an end before the expiry of the deadline set by the European Court (i.e. 2 December 2011).

1128th meeting - (29 nov.-2 déc. 2011)

[🔗 List of decisions 🔗](#)

Decision

The Deputies,

1. welcomed the fact that the law providing for a remedy against excessive length of proceedings was published on 2 December 2011 in the Federal Law Gazette and will enter into force on 3 December 2011;
2. decided to transfer the Rumpf group of cases for the Committee's examination under the standard procedure.

Greece

Application : 35151/05 Judgment Final on 11/01/2008	BEKIR-OUSTA AND OTHERS Group	Enhanced procedure : complex problem
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1086th meeting– (2 June 2010)
[🏠 List of decisions 🏠](#)
Section 4.2

- 3 cases against Greece

- 3 cases concerning the dissolution or refusal to register associations established by persons belonging to Muslim minority of Western Thrace (Greece)

35151/05	Bekir-Ousta and others, judgment of 11/10/2007, final on 11/01/2008
34144/05	Emin and others, judgment of 27/03/2008, final on 01/12/2008
26698/05	Tourkiki Enosi Xanthis and others, judgment of 27/03/2008, final on 29/09/2008

Decision

The Deputies,

1. took note of the information provided by the Greek authorities according to which the applications submitted by the applicants following the Court's judgments had not as yet been examined as to the merits, as they had been declared inadmissible for the following procedural reasons: first, domestic legislation does not provide reopening of proceedings following the finding of a violation by the European Court, and secondly, because it was not possible, following a judgment by the Court, to annul a final domestic decision in non-contentious proceedings;
2. noted however that these proceedings have not yet been completed: the decisions of the Court of Appeal of Thrace in the Bekir-Ousta and Tourkiki Enosi Xanthis cases (regarding the application to annul that court's earlier dissolution decision No. 31/2002) may be appealed before the Court of Cassation; the decisions of the Multi-Member Court of First Instance of Xanthi in the Tourkiki Enosi Xanthis case (regarding the application to annul that court's earlier decision No. 36/1986) and the decision of the Court of First Instance of Rodopi in the Emin case are pending before the Thrace Court of Appeal;
3. noted moreover that, according to the information provided by the authorities, the applicants are also able under domestic law to submit new applications for registration of their associations before the competent domestic courts;
4. noted with interest the information provided by the Greek authorities regarding a certain number of recent decisions authorising the registration of associations whose title includes the adjective "minority" or indicates in some way that it is of minority origin (for example the Pan-Hellenic Association of Pomaks, decision 59/2009 of the Court of Rodopi; the Minority Cultural Association of Iasmos Municipality of Rodopi; decision 92/2008 of the same Court);
5. expressed their satisfaction that the Greek Prime Minister had underlined before the Parliamentary Assembly of the Council of Europe on 26 January 2010 that "we should implement all the decisions that the Council of Europe and the Court decide upon"; welcomed in this connection the firm commitment of the Greek authorities to implementing fully and completely the judgments under consideration without excluding any avenue in that respect; encouraged the authorities to pursue their co-operation with the Secretariat, in particular through bilateral consultations;
7. decided to resume consideration of these cases at their 1100th meeting (December 2010) (DH).

1100th meeting– (2 December 2010)[List of decisions](#)*Section 4.2*Decision

The Deputies,

1. took note of the bilateral consultations that took place between the Greek authorities and the Secretariat in Athens on 2 and 3 November 2010 with a view to discussing in particular the execution of these three judgments of the European Court;
2. took note of the latest developments concerning the national procedures relating to the registration of the three associations concerned which were initiated following the European Court's judgment, namely that appeals in cassation had been lodged against the national decisions in the Bekir-Ousta and Tourkiki Enosi Xanthis cases and that the hearing in the Tourkiki Enosi Xanthis case has been scheduled for 7/10/2011, whilst the date of the hearing in the Bekir-Ousta case has not yet been fixed;
3. noted, in this respect, that under national law, in the context of civil proceedings, the request for a hearing date to be fixed, or for the acceleration of the examination of a case is made on the applicants' initiative;
4. recalled that the applications submitted by the applicants before the Greek courts have faced, until now, procedural obstacles having prevented their examination on the merits;
5. noted however that according to the information provided by the Greek authorities, the recent case-law of the Court of Cassation could lead to an examination on the merits of the applicants' request;
6. also noted the updated information provided by the Greek authorities that between January 2008 and October 2010, 32 out of 33 requests for the registration of associations whose title includes the adjective "minority" or indicates in some way that it is of minority origin, were accepted;
7. recalled the firm commitment of the Greek authorities to implementing fully and completely the judgments under consideration without excluding any avenue in that respect;
8. decided to resume examination of these items in the light of developments before the Court of Cassation and at the latest at their 1128th meeting (December 2011) (DH).

1128th meeting - (29 nov.-2 déc. 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that at their 1100th meeting (November-December 2010) (DH) they had decided to resume the examination of these cases in the light of the developments with regard to the proceedings pending before the Court of Cassation which concern the request of the applicants regarding the revocation of the judgment of the Court of Appeal of Thrace ordering the dissolution of the association in the case of Tourkiki Enosi Xanthis;
2. took note of the information provided by the Greek authorities and the applicants, that all the applications lodged by the applicant associations requesting the revocation of the decisions of national courts rendered prior to the judgments of the European Court had been rejected at the second level of jurisdiction;
3. noted that a hearing took place on 7 October 2011 before the Court of Cassation in the case of Tourkiki Enosi Xanthis;
4. recalled in this respect that they had noted at the same meeting that "the recent case-law of the Court of Cassation could lead to an examination on the merits of the applicants' request";
5. recalled the firm commitment of the Greek authorities to implementing fully and completely the judgments under consideration without excluding any avenue in that respect;
6. invited the authorities to keep them informed on the outcome of the proceedings pending before the Court of Cassation.

Reference texts:

[Decision](#) adopted at the 1086th meeting

[Decision](#) adopted at the 1100th meeting (page 32)

[Decision](#) adopted at the 1128th meeting

Communication from a NGO (ABTTF) and reply of the government [DH-DD\(2011\)1054](#)

Communication from Greece (26/04/2012) [DH-DD\(2012\)423E](#)

Communication from the chairman of the applicant association [DH-DD\(2012\)554](#)

[Decision](#)

The Deputies

Individual measures

1. recalled that they had noted at their 1128th meeting (November-December 2011) that all the applications lodged by the applicant associations requesting the revocation of the decisions of national courts rendered prior to the judgments of the European Court had been rejected at the second level of jurisdiction and that a hearing took place on 7 October 2011 before the Court of Cassation in the case of Tourkiki Enosi Xanthis;
2. recalled that they had also noted that “the recent case-law of the Court of Cassation could lead to an examination on the merits of the applicants’ request” and had invited the authorities to keep it informed of the outcome of the proceedings pending before the Court of Cassation;
3. noted that the Court of Cassation, in its recent judgment No 353/2012, dismissed the appeal in cassation of the association Tourkiki Enosi Xanthis concluding that, in the context of a non-contentious procedure, such as the present one, the revocation or revision of a final domestic judgment is possible, under Article 758 § 1 of the Code of Civil Procedure on the basis of new real facts or a change in circumstances and while a change of case-law can be described as “change in circumstances”, a judgment of the European Court does not fall within this category;
4. noting the commitment reiterated by the Greek authorities to implementing fully and completely the judgments under consideration without excluding any avenue in that respect, invited them to consider all measures allowing the applicants in these three cases to ask for a new registration of their associations in the framework of proceedings which are in accordance with the requirements of the Convention and in particular of Article 11 and also invited the authorities to provide precise and concrete information on the measures envisaged in that respect;
5. regarding the payment of just satisfaction in the case of Tourkiki Enosi Xanthis in respect of non-pecuniary damage suffered as a result of the violation of Article 6§1, took note of the steps taken by the Greek authorities with the view to placing the sum due (EUR 8000) at the disposal of the applicant association and considered in the light of the information provided that the Greek authorities have fulfilled their obligations in that respect;

General measures

6. noted with interest that, in another recent judgment, the Greek Court of Cassation (No. 24/2012) overturned a judgment of the Thrace Court of Appeal that had refused the application for registration of the "South Evros Cultural and Educational Association of Western Thrace Minority" referring to Article 11 of the Convention and underlying that a mere suspicion resulting from an ambiguity in the title of this association “Western Thrace Minority” could not in itself establish a danger to public order and, therefore, there was no imperative social need to refuse to recognise the association in question;
7. invited the Greek authorities to keep them informed about the impact of this judgment in the Greek legal order with a view to allowing associations to ask for registration in the framework of proceedings which are in accordance with the requirements of the Convention and in particular of Article 11;
8. also noted that according to the information provided at the meeting, amendments were introduced to the civil code and the code of civil procedure with a view to simplifying the procedure of registration of associations and invited them to provide this information in writing.

1157th meeting - (4-6 December 2012)[List of decisions](#)**Reference texts:**

Communication from the chairman of the applicant association (case of Tourkiki Enosi Xanthi and others) [DH-DD\(2012\)554E](#)

Communication from Greece (26/04/2012) [DH-DD\(2012\)423E](#)

Communication from Greece (24/10/12) [DH-DD\(2012\)1022](#)

Communication from the applicants' representative (20/11/12) [DH-DD\(2012\)1085](#)

Communication from a NGO (ABTTF) and reply of the government [DH-DD\(2011\)1054](#)

[Decision](#) adopted at the 1086th meeting

[Decision](#) adopted at the 1100th meeting (page 32)

[Decision](#) adopted at the 1128th meeting

[Decision](#) adopted at the 1144th meeting

Decision**The Deputies**

1. recalled having noted at their 1144th meeting (June 2012) (DH) that the Court of Cassation, in its judgment No 353/2012, dismissed the appeal in cassation of the association Tourkiki Enosi Xanthi concluding that, in the context of a non-contentious procedure, such as the one initiated by the applicant association, the revocation or revision of a final domestic judgment is not possible on the basis of a judgment of the European Court as the latter does not constitute a "change of circumstances" under Article 758 §1 of the Code of Civil Procedure;
2. noted however the Greek authorities' position that decision 24/2012 of the Court of Cassation can have an impact on the registration of associations in the framework of proceedings which are in accordance with the requirements of the Convention and in particular of Article 11;
3. recalled the commitment reiterated by the Greek authorities to implementing fully and completely the judgments under consideration, which have been under the supervision of the Committee of Ministers since 2008 and without excluding any avenue in that respect;
4. invited the Greek authorities to provide precise and concrete information on the measures taken or envisaged in this respect in view of an examination of these questions at the latest at their meeting of June 2013.

1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**

Communication from the chairman of the applicant association (case of Tourkiki Enosi Xanthi and others) [DH-DD\(2012\)554](#)

Communication from Greece (26/04/2012) [DH-DD\(2012\)423](#)

Communication from Greece (24/10/2012) [DH-DD\(2012\)1022](#)

Communication from Greece (08/04/2013) [DH-DD\(2013\)452](#)

Communication from the applicants' representative (20/11/2012) [DH-DD\(2012\)1085](#)

Communication from the applicants' representative (08/01/2013) [DH-DD\(2013\)63](#)

Communication from the applicants' representative (16/04/2013) [DH-DD\(2013\)453](#)

Communication from the applicants' representative (03/06/2013) [DH-DD\(2013\)632](#)

Communication from a NGO (ABTTF) and reply of the government (03/11/2011) [DH-DD\(2011\)1054](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision**The Deputies**

1. recalled that this group of cases has been under the Committee of Ministers' supervision since January 2008 and that the Committee has since then closely followed developments before the domestic courts as well as the Greek authorities' efforts to inform and raise awareness to ensure that the applicants in these cases benefit from proceedings compatible with the Convention requirements in order to have their requests for revocation of previous decisions refusing registration and ordering dissolution of their associations, examined on the merits;
2. also recalled the commitment reiterated by the Greek authorities to implementing fully and completely the judgments under consideration and without excluding any avenue in that respect;
3. while noting with concern that, since the judgment of the Court of Cassation (No. 353/2012), published on 24 February 2012, dismissing the appeal in cassation of the Tourkiki Enosi Xanthis association on procedural grounds, to date no precise and concrete information has been presented to the Committee on the measures taken or envisaged regarding the individual measures in this group of cases, noted with interest the information provided during the meeting according to which other avenues are being explored, including an amendment to the non-contentious procedure provided in the code of civil procedure;
4. consequently, and in particular given the time that has elapsed since the Court's judgments became final, urged the authorities to inform the Committee in writing, with an indicative timetable on measures that they are currently exploring so that the associations' requests for registration could now be subject to an examination on the merits;
5. decided to resume consideration of this question at their 1186th meeting (December 2013) (DH) in order to make a substantive assessment of the developments regarding individual measures, based on the information that the authorities will provide in good time for that meeting.

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Communication from Greece (13/11/2013) [DH-DD\(2013\)1224](#)

Communication from Greece (25/10/2013) [DH-DD\(2013\)1177](#)

Information submitted on this group of cases can be consulted on the Website of the Department for execution of Judgments at: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/GRC-Bekir-Ousta_en.asp

Communication from the applicants' representative (26/11/2013) [DH-DD\(2013\)1288E](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. noted that, following the judgments of the Court, the court proceedings brought by the applicant associations in the cases Bekir-Ousta and others and Emin and others did not lead to the expected results, the applicants' appeals in cassation, as in the case of Tourkiki Enosis Xanthis, having also been dismissed on procedural grounds without an examination on the merits;
2. noted, however, that the avenue consisting of amending the code of civil procedure in order to implement the individual measures of the present judgments appears to be still under consideration;
3. stressed the importance attached by the Committee to 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, as interpreted by the Court's case-law;
4. recalled in this respect that, in June 2013, they had urged the authorities to inform the Committee in writing, with an indicative timetable, of measures currently explored so that the associations' requests for registration could henceforth be subject to an examination on the merits;
5. urged the Greek authorities to provide in due time, in order to enable its examination at their meeting of June 2014, concrete and tangible information on the measures that they are currently exploring in order to implement the individual measures, accompanied by an indicative calendar for their adoption; in the absence

of such information, instructed the Secretariat to prepare a draft interim resolution to be distributed with the revised draft order of business.

1201st meeting - (3-5 June 2014)
[List of decisions](#)
Reference texts:

Communications from Greece

(13/11/2013) [DH-DD\(2013\)1224](#); (25/10/2013) [DH-DD\(2013\)1177](#)

Communication from the applicants' representative

(26/11/2013) [DH-DD\(2013\)1288](#)

Previous communications which can be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/GRC-Bekir-Ousta_en.asp

[Decision](#) adopted at the 1186th meeting (December 2013)

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**

Application	Case	Judgment of	Final on
35151/05	BEKIR-OUSTA AND OTHERS	11/10/2007	11/01/2008
34144/05	EMIN AND OTHERS	27/03/2008	01/12/2008
26698/05	TOURKIKI ENOSI XANTHIS AND OTHERS	27/03/2008	29/09/2008

(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.

* * *

Application : 40150/09, 53401/99 Judgment Final on 30/01/2013, 10/07/2003	GLYKANTZI v. Greece KONTI-ARVANITI Group v. Greece	Enhanced procedure : pilot judgment
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1164th meeting - (5-7 March 2013)[🏠 List of decisions 🏠](#)**Reference texts:**

Final Resolution [ResDH\(2005\)64](#) concerning cases relating to excessive length of civil proceedings in Greece (case of Academy Trading Ltd and others against Greece and other cases)

Interim Resolution [CM/ResDH\(2007\)74](#) on excessively lengthy proceedings in Greek administrative courts and the lack of an effective domestic remedy

[Decision](#) adopted at the 1136th meeting (March 2012) (Konti-Arvaniti group / Manios group)

Decision

The Deputies

1. noted that in the pilot judgment Glykantzi, the third pilot judgment delivered by the Court concerning the length of proceedings in Greece, the Court invited the authorities, within the time limit of one year from the date on which this judgment became final (i.e. by 30/01/2014), to introduce an effective domestic remedy, or a set of remedies, capable of affording adequate and sufficient redress in the event of exceeding the reasonable time;
2. strongly encouraged the Greek authorities to take, within the time-limit indicated by the Court, the necessary measures to this effect, taking duly into account the indications given by the Court in this pilot judgment;
3. in the light of the above, invited the authorities to present by 30/07/2013 at the latest their action plan setting out the individual and general measures taken and envisaged with a view to the execution of this pilot judgment and of the judgments in the Konti-Arvaniti group.

* * *

Application 50385/99 Judgment Final on 20/12/2004	MAKARATZIS Group v. Greece	Enhanced procedure : complex problem
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1157th meeting - (4-6 December 2012)[List of decisions](#)**Reference texts:**Communication from the applicant's representative [DH-DD\(2012\)1131](#)Information document [CM/Inf/DH\(2009\)16rev](#)Information document [CM/Inf/DH\(2012\)40](#)[Decision](#) (and public notes) adopted at the 1100th meeting**Decision****The Deputies**

1. took note of the memorandum containing an assessment of the measures taken and/or envisaged by the Greek authorities in this group of cases and endorsed the evaluation presented in the said memorandum;
2. welcomed the abolishment of Law No. 29/1943 on the use of firearms that was criticised by the European Court, noted that the new national legislation has introduced a modern and comprehensive legislative framework for the use of firearms by the police and decided to close the supervision of the general measures taken by Greece to prevent similar violations of Article 2;
3. welcomed the establishment by Law No. 3938/2011 of a three-member Committee competent both for assessing the possibility of opening new administrative investigations in cases where failures have been identified by the European Court and for the handling of (new) abuse complaints;
4. noting the findings of the European Court in this group of cases regarding the lack of effective investigations, stressed the importance of interpretation and implementation of the law by the said Committee as well as by the competent investigating authorities bearing in mind the Convention's and the Court's case-law;
5. invited the authorities to keep them updated on the establishment and effective functioning of the Committee, in particular also with regard to an expected deterrent and preventive effect as regards potential future violations of Article 3 by members of the police force;
6. also invited the authorities to provide information on the outstanding issues identified in the summary of the assessment presented in the memorandum CM/Inf/DH(2012)40 and decided to declassify the said memorandum.

* * *

Applications : 54447/10, 71563/01 Final judgments : 03/07/2012 and 19/08/2005	MICHELIOUDAKIS v. Greece GROUPDIAMANTIDES No. 2 (liste d'cases)	Enhanced procedure : pilot judgment, structural problem
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1150th meeting - (24-26 September 2012)[List of decisions](#)**Reference texts:**

Final Resolution [ResDH\(2005\)66](#) concerning cases relating to excessive length of criminal proceedings in Greece (case of Tarighi Wageh Dashti against Greece and 7 others)

Interim Resolution [CM/ResDH\(2007\)74](#) on excessively lengthy proceedings in Greek administrative courts and the lack of an effective domestic remedy

[Decision](#) adopted at the 1136th meeting (Manios group including at that time the Diamantides No. 2 group)

Decision**The Deputies**

1. noted that the European Court, in the pilot judgment in the case of Michelioudakis, found a structural problem concerning excessive length of criminal proceedings and invited Greece, within one year from the date on which this judgment became final (i.e. by 03/07/2013), to introduce an effective domestic remedy, or a set of remedies, capable of affording adequate and sufficient redress in the event of the exceeding of the reasonable time requirement and that, during that same period, the proceedings in all the similar applications would be adjourned;
2. underlined the importance of compliance in due course with the pilot judgment and invited the Greek authorities to introduce an effective domestic remedy, or a set of remedies, in accordance with the principles of the Convention as established in the case-law of the Court, taking into consideration the indications given by the Court in the Michelioudakis pilot judgment and also covering the cases relating to the length of criminal proceedings currently pending before the Court (§78);
3. while waiting for the submission of their action plan setting out the individual and general measures taken and envisaged with a view to the execution of this pilot judgment (deadline 03/07/2013) and of the judgments in the Diamantides No. 2 group, invited the Greek authorities to keep the Committee of Ministers regularly informed of the relevant developments.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**

Final Resolution [ResDH\(2005\)66](#) concerning cases relating to excessive length of criminal proceedings in Greece (case of Tarighi Wageh Dashti against Greece and 7 others)

Interim Resolution [CM/ResDH\(2007\)74](#) on excessively lengthy proceedings in Greek administrative courts and the lack of an effective domestic remedy

Action plan (01/02/2013) [DH-DD\(2013\)96](#)

Communication from Greece (17/12/2012) [DH-DD\(2012\)1186F](#)

[Decision](#) adopted at the 1136th meeting (March 2012) (Manios group including at that time the Diamantides No. 2 group)

[Decision](#) adopted at the 1150th meeting (September 2012)

Decision**The Deputies**

1. noted that the action plan on this case was presented to the Committee of Ministers on 1st February 2013 and

instructed the Secretariat to prepare an assessment;

2. strongly encouraged the Greek authorities to promptly take the necessary measures in order to introduce, before the expiry of the time-limit set by the Court in the pilot judgment (03/07/2013), an effective domestic remedy, or set of remedies for excessive length of criminal proceedings, taking duly into account the indications given by the Court in the said pilot judgment;
3. agreed to resume consideration of this question at their 1172nd meeting (June 2013) (DH) on the basis of the assessment by the Secretariat and of any additional information submitted by the authorities regarding the execution of this pilot judgment and of the judgments in the Diamantides No. 2 group.

1172nd meeting - (4-6 June 2013)

[List of decisions](#)

Reference texts:

Final Resolution [ResDH\(2005\)66](#) concerning cases relating to excessive length of criminal proceedings in Greece (case of Tarighi Wageh Dashti against Greece and 7 others)

Interim Resolution [CM/ResDH\(2007\)74](#) on excessively lengthy proceedings in Greek administrative courts and the lack of an effective domestic remedy

Action plan (01/02/2013) [DH-DD\(2013\)96](#)

Communication from Greece (17/12/2012) [DH-DD\(2012\)1186](#)

Communication from Greece (08/04/2013) [DH-DD\(2013\)390](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. recalled that in the pilot judgment in the case of *Michelioudakis*, the European Court found a structural problem concerning excessive length of criminal proceedings and invited Greece, within one year from the date on which this judgment became final (i.e. by 03/07/2013), to introduce an effective domestic remedy, or a set of remedies, capable of affording adequate and sufficient redress in the event of the exceeding of the reasonable time requirement, in accordance with the principles of the Convention as established in the case-law of the Court;
2. while regretting not having had information in good time for the meeting on the preparation of the draft law with a view to its adoption within the deadline set by the Court, noted that the Greek authorities have asked the Court for an extension of the said deadline until 30 January 2014 with a view to introducing an effective remedy or a combination of remedies covering both the excessive length of criminal and civil proceedings so as to comply with the two pilot judgments *Michelioudakis* and *Glykantzi*;
3. without prejudging the Court's response, urged the Greek authorities to actively pursue their efforts with a view to introducing an effective remedy concerning the excessive length of criminal proceedings;
4. urged further the Greek authorities to present to the Committee without delay information on:
 - the concrete steps taken in view of the preparation of the draft law for its adoption;
 - the calendar envisaged for its entry into force and its implementation;
 - the content of the draft law, in particular the scope of the remedy envisaged;
5. while noting with interest the other measures taken and envisaged aimed at reducing the length of criminal proceedings and improving the functioning of the courts, invited the authorities to present to the Committee their assessment on the concrete impact of the measures already adopted and any other relevant developments;
6. noting with satisfaction that the domestic proceedings in the majority of the cases (74 out of 76) in the *Diamantides* No. 2 group have been completed, invited the authorities to expedite the pending proceedings in the remaining two cases of the group;
7. decided to resume consideration of these issues at their 1179th meeting (September 2013) (DH).

Reference texts:

Final Resolution [ResDH\(2005\)66](#) concerning cases relating to excessive length of criminal proceedings in Greece (case of Tarighi Wageh Dashti against Greece and 7 others)

Interim Resolution [CM/ResDH\(2007\)74](#) on excessively lengthy proceedings in Greek administrative courts and the lack of an effective domestic remedy

Action plan (Michelioudakis case) (01/02/2013) [DH-DD\(2013\)96](#)

Communication from Greece (Michelioudakis case) (17/12/2012) [DH-DD\(2012\)1186](#)

Communication from Greece (Michelioudakis case) (08/04/2013) [DH-DD\(2013\)390](#)

Communications from Greece (Michelioudakis case) (03/07/2013 and 04/07/2013) [DH-DD\(2013\)789](#)

Action plan (Glykantzi case) (29/07/2013) [DH-DD\(2013\)892](#)

Letter from the Registry of the European Court (Michelioudakis case) (19/06/2013) [DH-DD\(2013\)788](#)

[Decision](#) adopted at the 1172nd meeting (June 2013) (Michelioudakis)

[Decision](#) adopted at the 1164th meeting (March 2013) (Glykantzi)

Decision

The Deputies

1. noted that the Court decided to extend the deadline for the introduction of a remedy in the case of Michelioudakis until 30 January 2014, which is also the deadline for the execution of the Glykantzi pilot judgment;
2. noted that the Greek authorities prepared a draft law in response to the two pilot judgments aimed at introducing a compensatory remedy;
3. urged the authorities to bring the legislative process to an end before the deadline set by the Court and invited them to keep the Committee informed regularly of the legislative time-table;
4. noted with interest the measures taken with a view to shortening length of proceedings and improving the efficiency of civil courts and invited the authorities to keep the Committee regularly informed of the impact of these measures;
5. strongly encouraged the authorities to provide the information requested at the 1172nd meeting (June 2013) on the concrete impact of the measures already adopted in order to shorten length of criminal proceedings;
6. invited the authorities to take the necessary measures to ensure that the proceedings still pending before domestic courts in the Diamantides No. 2 and Konti-Arvaniti group of cases are concluded;
7. decided to resume consideration of these issues at their 1186th meeting (December 2013) (DH).

Reference texts:

Final Resolution [ResDH\(2005\)66](#) concerning cases relating to excessive length of criminal proceedings in Greece (case of Tarighi Wageh Dashti against Greece and 7 others)

Interim Resolution [CM/ResDH\(2007\)74](#) on excessively lengthy proceedings in Greek administrative courts and the lack of an effective domestic remedy

Action plan – supplementary information (Michelioudakis, Diamantides No. 2 group, Glykantzi and Konti-Arvaniti group) (23/10/2013) [DH-DD\(2013\)1162](#)

Action plan (Glykantzi case) (29/07/2013) [DH-DD\(2013\)892](#)

Action plan (Michelioudakis case) (01/02/2013) [DH-DD\(2013\)96](#)

Communications from Greece (Michelioudakis case) (03/07/2013 and 04/07/2013) [DH-DD\(2013\)789](#)

Communication from Greece (Michelioudakis case) (08/04/2013) [DH-DD\(2013\)390](#)

Communication from Greece (Michelioudakis case) (17/12/2012) [DH-DD\(2012\)1186](#)

Letter from the Registry of the European Court (Michelioudakis case) (19/06/2013) [DH-DD\(2013\)788](#)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision**The Deputies**

1. recalled that the Court decided to extend the deadline for the introduction of a remedy in the case of Michelioudakis until 30 January 2014, which is also the deadline for the execution of the Glykantzi pilot judgment and that the Greek authorities prepared a draft law in response to the two pilot judgments aimed at introducing a compensatory remedy;
2. noting with satisfaction that the draft law was transmitted to Parliament on 29 November 2013 with a view to its adoption, urged the authorities to bring the legislative process to an end before the deadline set by the Court and invited them to keep the Committee informed in good time before the 1193rd meeting (March 2014) (DH) about the progress achieved in that respect as well as about the final version of the draft law;
3. further noted with interest the impact of certain measures taken in the criminal field and encouraged the authorities to provide comprehensive information (with comparative statistical data) on the impact of the measures taken in order to shorten the length of both civil and criminal proceedings and 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 and Konti-Arvaniti group of cases are concluded.

Reference texts:

Final Resolution [ResDH\(2005\)66](#) concerning cases relating to excessive length of criminal proceedings in Greece (case of Tarighi Wageh Dashti against Greece and 7 others)

Interim Resolution [CM/ResDH\(2007\)74](#) on excessively lengthy proceedings in Greek administrative courts and the lack of an effective domestic remedy

Communications from Greece

Action plan – supplementary information (Michelioudakis, Diamantides No. 2 group, Glykantzi and Konti-Arvaniti group) (23/10/2013) [DH-DD\(2013\)1162](#)

Action plan (Glykantzi case) (29/07/2013) [DH-DD\(2013\)892](#)

Action plan (Michelioudakis case) (01/02/2013) [DH-DD\(2013\)96](#)

Communications in the Michelioudakis case: (03/07/2013 and 04/07/2013) [DH-DD\(2013\)789](#), (08/04/2013) [DH-DD\(2013\)390](#); (17/12/2012) [DH-DD\(2012\)1186](#)

Communication (Michelioudakis and Glykantzi cases) (24/01/2014) [DH-DD\(2014\)131](#), (14/02/2014) [DH-DD\(2014\)244](#)

Letter from the Registry of the European Court (Michelioudakis case) (19/06/2013) [DH-DD\(2013\)788](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

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.

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Application : 34704/08 Final judgment : 20/06/2011	NISIOTIS Group v. Greece	Enhanced procedure : structural / complex problem
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1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**Updated action plan (04/04/2013) [DH-DD\(2013\)407](#)Action plan (03/01/2012) [DH-DD\(2012\)187](#)The Greek Ombudsman [Annual Report 2009](#)CPT public statement concerning Greece (15/03/2011) [CPT/Inf\(2011\)10](#)CPT report on the visit to Greece carried out from 19 to 27 January 2011 [CPT/Inf\(2012\)1](#) and Government's response ([CPT/Inf \(2012\)2](#))Communications from the applicants' representative (28/01/13 and 30/07/12) [DH-DD\(2013\)408](#)**Decision****The Deputies**

1. recalled that the Court found that “the drastic and rapid intervention of the authorities is required to take appropriate measures in order to bring the conditions of detention [at Ioannina prison] in line with the requirements of Article 3 and thus avoid further violations such as the ones found in this case”;
2. also noted that, in the *Nisiotis* case, the Court observed that prison overcrowding not only gave rise to other problems concerning conditions of detention, but also appeared to be a structural problem, a situation not specific to Ioannina prison, but present in a large number of Greek prisons;
3. in view of the above, took note with interest of the efforts made to date by the Greek authorities to reduce overcrowding at Ioannina prison and improve conditions of detention in that establishment;
4. urged the authorities to continue their efforts to ensure that, as soon as possible, conditions in that prison fully meet the requirements of Article 3 of the Convention, as specified in the case-law of the Court, and invited them to provide the Committee of Ministers with precise information about the practical impact of the measures taken, in respect of the number of prisoners currently held in the prison as compared to its official capacity, the living space available per prisoner in cell and the amount of time that they spend outside their cells;
5. noted with interest the measures taken or envisaged by the Greek authorities to improve conditions of detention in general, which seem to be moving in the right direction to find a solution to the chronic problem of overcrowding;
6. stressing in this respect that the solving of this problem is vital to the improvement of conditions of detention, urged the Greek authorities to continue their efforts to draw up a comprehensive strategy against overcrowding based on the relevant recommendations of the Committee of Ministers and on the advice of the Council of Europe's specialised bodies, and invited them to inform the Committee thereof.

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Application : 32526/05 Final judgment : 05/09/2008	SAMPANIS v. Greece	Standard procedure
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1100th meeting– (2 December 2010)[🏠 List of decisions 🏠](#)

Section 4.2

Decision

The Deputies,

1. recalled that, at their 1072nd meeting (December 2009), they had noted with interest the information provided by the Greek authorities on the individual measures taken to allow the schooling of the applicants' children in ordinary classes, as well as on general measures aimed at including Roma children in the education system in a non-discriminatory manner;
2. took note of the information provided recently by the Greek authorities as well as of the additional information presented at the meeting on individual and general measures;
3. welcomed the information provided by the Greek authorities about the recent developments further to the launching in 2010, by the Ministry of Education, of a new programme regarding *Active inclusion of Roma children in national education* which provides for Roma Mediators and Social Workers as well as support classes for Roma children and enhanced schooling activities, including in the Roma settlements;
4. encouraged the Greek authorities to accelerate the procedure of implementation of this programme;
5. noted with satisfaction the information given by the Greek authorities to the effect that they will provide the Committee of Ministers with a consolidated action plan containing all the information already provided as well as up-dated information on the progress of the program;
6. decided to resume consideration of this item at the latest at their 1115th meeting (June 2011) (DH), in the light of the consolidated action plan to be provided by the Greek authorities.

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Applications : 50973/08, 70626/01 Final on 21/03/2011, 11/06/2004	VASSILIOS ATHANASIOU AND OTHERS v. Greece MANIOS Group v. Greece	Enhanced procedure
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1115th meeting - (7-8 June 2011)

[List of decisions](#)

Decision

The Deputies,

1. took note of the information provided by the authorities on the legislative measures adopted to accelerate procedures before administrative courts, as well as on the legislative process to adopt an effective remedy for excessive length of judicial proceedings taking into account the judgment in *Vassilios Athanasiou and others*;
2. recalled that the remedy or the combination of remedies must comply with the principles set by the Court and must also apply to proceedings before the Council of State;
3. stressed the importance of timely compliance with the pilot judgment and called upon the competent Greek authorities to give priority to finding appropriate solutions in order to provide adequate and sufficient redress to all persons in the applicants' situation, within the time limit set by the Court (i.e. by 21/03/2012);
4. invited the Greek authorities to keep the Committee regularly informed on the measures envisaged for the execution of this pilot judgment.

1120th meeting - (13-14 September 2011)

[List of decisions](#)

Reference Texts

[Interim Resolution CM/ResDH\(2007\)74](#) on excessive length of proceedings in Greek administrative courts and the lack of an effective domestic remedy in this respect.

[DH-DD\(2011\)349E](#): Information provided by the government (Athanasiou)

Link to last decision: [1115th DH meeting- 8 June 2011](#)

Decision

The Deputies,

1. recalled the importance of timely compliance with the pilot judgment in the case of *Vassilios Athanasiou and others*;
2. strongly encouraged the Greek authorities to continue their efforts aimed at introducing an effective remedy for excessive length of proceedings before administrative courts in compliance with the principles laid down by the European Court within the time limit set by it (21/03/2012);
3. encouraged also the Greek authorities to find appropriate solutions in order to provide adequate and sufficient redress to all persons in the applicants' situation within this deadline;
4. decided to resume consideration of the issues raised by the pilot judgment in light of the action plan to be provided by the Greek authorities by 21 September 2011 at the latest.

1136th meeting - (6-8 March 2012)[List of decisions](#)**Reference texts**Interim Resolution [CM/ResDH\(2007\)74](#)Information provided by the government (Vassilios Athanasiou) [DH-DD\(2011\)349E](#)Action plan (Vassilios Athanasiou) [DH-DD\(2011\)850F](#),[Decision](#) adopted at the 1115th meeting[Decision](#) adopted at the 1120th meeting**Decision****The Deputies**

1. welcomed the adoption on 06/03/2012 by the Greek Parliament of the law establishing a compensatory remedy in cases of excessive length of proceedings before the administrative courts and the Council of State, before the expiry of the deadline set by the Court (21/03/2012) in the Vassilios Athanasiou pilot judgment;
2. encouraged the Greek authorities to ensure that the new remedy 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. took note with interest of the intention of the Greek authorities to follow the implementation of the compensatory remedy and to explore if necessary, in the light of its functioning, the opportunity for possible adjustments;
4. also noted with interest the information presented by the Greek authorities on the measures introduced in Law No. 3900/2010 aimed at reducing the length of proceedings before the ordinary administrative courts and the Council of State as well as on the additional measures introduced by the new law and invited the authorities to keep the Committee regularly informed of the impact of this package of measures.

1193rd meeting - (4-6 March 2014)[List of decisions](#)**Reference texts:**Interim Resolution [CM/ResDH\(2007\)74](#)*Communications from Greece*Revised action plan (Vassilios Athanasiou) (08/04/2013) [DH-DD\(2013\)758](#)Action plan (Vassilios Athanasiou and Manios group) (11/10/2011) [DH-DD\(2011\)850](#)
(05/05/2011) [DH-DD\(2011\)349](#)Information document [H/EXEC\(2014\)1](#)[Decision](#) adopted at the 1136th meeting (March 2012)

Application	Case	Judgment of	Final on
50973/08	ATHANASIOU AND OTHERS	21/12/2010	21/03/2011
70626/01	GROUPMANIOS (list of cases)	11/03/2004	11/06/2004

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.

Hungary

Application : 11146/11 Judgment Final on 29/04/2013	HORVÁTH AND KISS v. Hungary	Enhanced procedure : complex problem
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1193rd meeting - (4-6 March 2014)

[List of decisions](#)

Reference texts:

Initial action report (14/10/2013) [DH-DD\(2013\)1185](#)

Action plan and report (29/01/2014) [DH-DD\(2014\)186](#)

Decision

The Deputies

1. 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;
2. 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;
3. invited the Hungarian authorities to provide further information, in particular on the concrete impact of the measures taken so far;
4. 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.

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Application : 57693/10 Final judgment : 24/07/2012	KALUCZA v. Hungary	Enhanced procedure : urgent individual measures
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1172nd meeting - (4-6 June 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Revised action plan (03/05/2013) [DH-DD\(2013\)292rev](#)Decision

The Deputies

1. took note of the Hungarian authorities' submission that the applicant has not made any requests for protection since September 2010, and of the authorities' assurance to take all necessary measures to adequately protect her should further assaults be reported;
2. invited the Hungarian authorities to take all possible measures to further accelerate the pending civil proceedings concerning ownership of the applicant's apartment with a view to their rapid termination and to keep the Committee informed on the progress made;
3. welcomed, as regards general measures, the introduction of new practical methods on the handling of domestic violence cases in the training of police officers;
4. encouraged the Hungarian authorities to continue their work as regards the introduction of a criminal law provision on domestic violence and invited them to provide concrete information on the content of the legislation under preparation;
5. encouraged further the Hungarian authorities to continue their efforts to find solutions capable of ensuring that proceedings on restraining orders are shortened and invited them to keep the Committee informed on the progress made;
6. invited the Hungarian authorities to provide information demonstrating that the measures taken will ensure that dismissals of requests for restraining orders are sufficiently reasoned;
7. encouraged the Hungarian authorities to take the necessary measures to ensure that common-law partners enjoy the protection accorded by the "Act on Restraining Order due to Violence among Relatives".

1201st meeting– (June 2014)[🏠 List of decisions 🏠](#)**Reference texts:**Revised action plan (03/05/2013) [DH-DD\(2013\)292rev](#)Updated action plan (30/05/2014) [DH-DD\(2014\)719](#)[Decision](#) adopted at the 1172nd meeting (June 2013)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.

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Application : 19400/11 Final judgment : 29/04/2013	R.R. AND OTHERS v. Hungary	Enhanced procedure : urgent individual measures
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1172nd meeting - (4-6 June 2013)[🏠 List of decisions 🏠](#)Decision

The Deputies

1. noted that the Court indicated individual measures under Article 46 for the execution of this judgment, namely that the authorities should secure measures of adequate protection for the first applicant's common-law wife and their three minor children, "including proper cover identities if necessary, equivalent to those provided in section 16 of the Protection Act 2001 until such time as the threat can be proven to have ceased";
2. noted the information provided in this respect by the Hungarian authorities during the meeting;
3. recalling that the first applicant's common-law wife and children might still be exposed to life-threatening circumstances, urged the Hungarian authorities to ensure without delay an up-to-date assessment of the risks faced by these persons and that measures of adequate protection in the sense of the Court's indications under Article 46 are in place;
4. decided to resume consideration of the issue of the individual measures at their 1179th meeting (September 2013) (DH)

1179th meeting - (24-26 September 2013)[🏠 List of decisions 🏠](#)Decision

The Deputies

1. noted the new information provided by the Hungarian authorities to the Committee since its previous meeting, namely as regards the up-to-date assessment of the risks faced by the second applicant and her three minor children as well as the measures for adequate protection in the sense of the Court's indications under Article 46;
2. noted, however, that the information provided so far is insufficient in order to allow the Committee of Ministers to assess the situation, notably as regards the question of whether the Hungarian authorities secured "measures of adequate protection" for the second applicant and her three minor children;
3. urged the Hungarian authorities to provide to the Committee without delay the outstanding information as requested in its decision of June 2013.

1208th meeting - (23-25 September 2014)[🏠 List of decisions 🏠](#)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 1214th meeting (December 2014) (DH) should no tangible information be provided by then.

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Application : 36186/97 Final on 09/07/2003	TIMAR Group v. Hungary	Standard procedure
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1136th meeting - (6-8 March 2012)
[📖 List of decisions 📖](#)
CM reference texts

Last public notes (page 179), 1100th meeting, December 2010

Decision
The Deputies

1. noted with concern that, despite the measures taken by the Hungarian authorities, the situation as regards excessive length of judicial proceedings does not appear to have improved in Hungary as evidenced by the statistical data provided by the Hungarian authorities and the large number of similar cases pending before the European Court;
2. invited the Hungarian authorities to take measures to reduce the excessive 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;
3. recalled in this respect the Committee of Ministers' Recommendation CM/Rec(2010)3 encouraging States to introduce remedies making it possible both to expedite proceedings and to award compensation to interested parties for damage suffered and emphasising the importance of this question where judgments reveal structural problems likely to give rise to a large number of further similar violations;
4. invited the Hungarian authorities to inform the Committee of Ministers of the measures taken to accelerate the proceedings in the present group of cases if those proceedings are still pending at the domestic level;
5. decided to transfer these cases for the Committee's examination under the enhanced procedure given the structural nature of the problem they reveal.

Ireland

Application : 25579/05 Final on 16/12/2010	A. B. and C. v. Ireland	Enhanced procedure
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1120th meeting - (13-14 September 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. acknowledged the action plan submitted in this case and that as regards general measures, the Irish authorities intend to establish an expert group by November 2011 and to outline its terms of reference, membership and meeting schedule by the end of 2011;
2. underlined the importance of putting in place substantive measures to execute the judgment and invited the authorities to keep the Committee informed in relation to the steps taken under the timetable set out in the action plan

1136th meeting - (6-8 March 2012)

[🏠 List of decisions 🏠](#)

Reference texts:

Action plan [DH-DD\(2011\)480](#)

Updated Action plan [DH-DD\(2012\)66E](#)

Communication from a NGO (Irish Council for Civil Liberties) [DH-DD\(2011\)645](#)

Communication from an association (Irish Family Planning Association [DH-DD\(2011\)628E](#)

Decision

The Deputies

1. noted that the expert group tasked with recommending a series of options to the Irish authorities on how to implement the judgment had been established, that the timetable had been fixed for the group and that the group had met twice and established sub-groups on medical and legal affairs;
2. expressed concern regarding the situation of women who believe their life may be at risk due to their pregnancy in circumstances similar to those experienced by the third applicant;
3. welcomed the commitment of the Irish authorities to the expeditious implementation of the judgment, strongly encouraged the authorities to ensure that the expert group completes its work as quickly as possible and invited the authorities to keep the Committee regularly updated on the group's progress and to inform it of the substantive measures that the authorities plan to take as soon as possible.

Reference texts:

Action plan [DH-DD\(2011\)480](#)

Updated Action plan [DH-DD\(2012\)66E](#)

Updated Action plan [DH-DD\(2012\)1124](#)

Communication from Ireland [DH-DD\(2012\)1079E](#)

Communication from an association (Irish Family Planning Association [DH-DD\(2011\)628E](#)

Communication from a NGO (Irish Council for Civil Liberties) [DH-DD\(2011\)645](#)

Communication from a NGO (National Women's Council of Ireland) [DH-DD\(2012\)738E](#)

Communication from a NGO (Irish Family Planning Association (IFPA)) [DH-DD\(2012\)753E](#)

Communication from a NGO (Irish Council for civil liberties) [DH-DD\(2012\)882E](#)

Communication from a NGO (European Centre for Law and Justice) [DH-DD\(2012\)917E](#)

Communication from a NGO (Irish Family Planning Association (IFPA)) [DH-DD\(2012\)1135](#)

Decision adopted at the 1136th meeting

Decision

The Deputies

1. noted with satisfaction that on 13 November 2012 the expert group tasked with advising the Irish authorities on how to implement the judgment, submitted its report which identifies four options – guidelines, secondary legislation, primary legislation and primary legislation coupled with regulations – and that the authorities will decide on the option to be pursued to implement the judgment before 20 December 2012;
2. highlighted, in this connection, that the expert group noted that "Ireland is under a legal obligation to put in place and implement a legislative or regulatory regime providing effective and accessible procedures whereby pregnant women can establish whether or not they are entitled to a lawful abortion in accordance with Article 40.3.3° of the Constitution as interpreted by the Supreme Court in the X case" and considered that this would address the concerns raised by the Court (see §§264-267 of the judgment);
3. recalled also in this context that the European Court found the general prohibition on abortion in criminal law constituted a significant chilling factor for women and doctors because of the risk of criminal conviction and imprisonment, and noted the view of the expert group that only the implementation of a statutory framework would provide a defence from criminal prosecution;
4. underlined again their concern regarding the situation of women who are of the opinion that their life may be at risk due to their pregnancy in circumstances similar to those experienced by the third applicant and invited the Irish authorities to take all necessary measures in that respect;
5. urged the Irish authorities to expedite the implementation of the judgment both in that regard and generally, and invited them to inform the Committee of the option to be pursued to implement the judgment as soon as possible;
6. decided to resume consideration of these issues at the latest at its 1164th meeting (March 2013) (DH).

Reference texts:

Updated Action plan (30/11/2012) [DH-DD\(2012\)1124](#)

Updated Action plan (08/02/2013) [DH-DD\(2013\)129E](#)

Communication from an association (Irish Family Planning Association (04/08/2011) [DH-DD\(2011\)628E](#)

Communication from a NGO (Irish Council for Civil Liberties) (17/08/2011) [DH-DD\(2011\)645](#)

Communication from a NGO (National Women's Council of Ireland) (03/08/2012) [DH-DD\(2012\)738E](#)

Communication from a NGO (Irish Family Planning Association (IFPA)) (10/08/2012) [DH-DD\(2012\)753E](#)

Communication from a NGO (Irish Council for civil liberties) (19/09/2012) [DH-DD\(2012\)882E](#)

Communication from a NGO (European Centre for Law and Justice) (18/09/2012) [DH-DD\(2012\)917E](#)

Communication from a NGO (Amnesty International) (18/02/13) [DH-DD\(2013\)197](#)

Communication from a NGO (Irish Family Planning Association - IFPA) (26/02/13) [DH-DD\(2013\)236E](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. recalled the legal obligation on Ireland to put in place and implement a legislative or regulatory regime providing effective and accessible procedures whereby pregnant women can establish whether or not they are entitled to a lawful abortion, and that only the implementation of a statutory framework would provide a defence for medical doctors from criminal prosecution;
2. noted with satisfaction that the authorities have decided to implement the judgment by way of legislation and regulations;
3. welcomed the indicative timetable presented according to which it is the authorities' intention that the general scheme of a Bill would be published in April and that the Bill itself would be introduced in the Parliament in the summer session with the goal of having it enacted by the end of July, having due regard to the prerogative of parliament;
4. recalled their concern regarding the situation of women who are of the opinion that their life may be at risk due to their pregnancy in circumstances similar to those experienced by the third applicant as well as their invitation to the Irish authorities to take all necessary measures in that respect pending full implementation of the judgment, and in that connection welcomed the development of and intention to roll out shortly the Irish Maternal Early Warning System to standardise the management of acutely ill pregnant women;
5. invited the authorities to keep the Committee informed on developments, including on the content of the legislation and on the timetable.

Reference texts:

Action plan (08/05/2013) [DH-DD\(2013\)535](#)

Updated Action plan (08/02/2013) [DH-DD\(2013\)129](#)

Communication from a NGO (National Women's Council of Ireland) (03/08/2012) [DH-DD\(2012\)738](#)

Communication from a NGO (Irish Family Planning Association (IFPA)) (10/08/2012) [DH-DD\(2012\)753](#)

Communication from a NGO (Irish Council for civil liberties) (19/09/2012) [DH-DD\(2012\)882](#)

Communication from a NGO (European Centre for Law and Justice) (18/09/2012) [DH-DD\(2012\)917](#)

Communication from a NGO (Amnesty International) (18/02/2013) [DH-DD\(2013\)197](#)

Communication from a NGO (Irish Family Planning Association - IFPA) (26/02/2013) [DH-DD\(2013\)236](#)

Communication from a NGO (Irish Family Planning Association (IFPA)) (28/05/13) [DH-DD\(2013\)638](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. recalled that in this case, the Court concluded that “the authorities failed to comply with their positive obligation to secure to the third applicant effective respect for her private life by reason of 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 under Article 40.3.3. of the Constitution” (§267);
2. welcomed the adoption of the General Scheme of the Protection of Life During Pregnancy Bill which sets out the legislative and regulatory framework that the authorities propose to put in place and which constitutes an important step toward executing the judgment;
3. noted further that the legislation and regulations outlined in the General Scheme of the Bill should be enacted by the end of July 2013, having due regard to the prerogative of parliament and the regulations will come into force shortly after;
4. noting with satisfaction the significant progress made, encouraged the authorities to continue their efforts to ensure full compliance with the judgment and invited them to continue to keep the Committee informed of all developments.

Italy

Application : 246/07
Final on 06/07/2009

BEN KHEMAYS v. Italy

Enhanced procedure

1078th meeting– (4 March 2010)

[List of decisions](#)

Section 4.3

Decision

The Deputies,

1. noted that the Italian authorities are fully committed to complying with interim measures indicated by the European Court under Rule 39 of Rules of Court;
2. noted further that the Italian authorities have made certain efforts aimed at collecting information on the applicant's situation in prison in addition to the diplomatic assurances given by the Tunisian authorities;
3. welcomed the Italian authorities' readiness to pursue their efforts in this respect;
4. took note of the information provided by the Italian authorities that, in a similar case in which the European Court indicated an interim measure under Rule 39, an Italian court decided to apply an alternative measure to deportation by way of placing the applicant in a working centre (*casa di lavoro*);
5. invited the Italian authorities to clarify whether this alternative measure, or any other similar measures, will be applied in all other similar cases of new interim measures indicated by the Court under Rule 39 and offer sufficient effective safeguards in order to prevent similar violations in the future;
6. decided to resume consideration of this item at their 1086th meeting (June 2010) (DH), in the light of updated information to be provided on individual and general measures.

1086th meeting– (3 June 2010)

[List of decisions](#)

Section 4.3

Decision

The Deputies,

1. adopted Interim Resolution CM/ResDH(2010)82 as it appears in the Volume of Resolutions;
2. decided to resume consideration of this item at each human rights meeting until the necessary urgent measures are adopted.

Interim resolution [CM/ResDH\(2010\)83](#) (external link)Decision

The Deputies,

1. noted the information provided by the Italian authorities on case-law developments and on the circular letter of the Ministry of Justice, showing a positive trend towards ensuring full compliance with interim measures indicated by the European Court;
2. noted however that it remains to be seen how the indicated measures will be applied in practice, in particular in respect of expulsion orders issued by the Ministry of Interior or by Prefects;
3. decided to resume consideration of this item at their 1100th meeting (November-December 2010) (DH), in the light of information to be provided by the Italian authorities.

Interim resolution CM/ResDH(2010)83**Execution of the judgments of the European Court of Human Rights****Ben Khemais against Italy**

(Application No. 246/07, judgment of 24 February 2009, final on 6 July 2009)

(Adopted by the Committee of Ministers on 3 June 2010 at the 1086th 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 judgment of the Court which was transmitted to the Committee once it had become final;

Recalling that the applicant in the present case was expelled to Tunisia on 2 June 2008 despite the Court's interim measure under Rule 39 of the Rules of the Court requiring the Italian authorities not to do so until further notice;

Noting that the Court consequently found that the applicant's expulsion amounted to violations of Article 3 and of Article 34 of the Convention;

Recalling that, in the context of the examination of the present case, the Committee noted, at its 1078th meeting (March 2010), that the Italian authorities were fully committed to complying with the interim measures indicated by the Court under Rule 39;

Deploring that, despite this commitment, the Italian authorities expelled another applicant, Mr. Mannai, to Tunisia on 1 May 2010 in breach of an interim measure indicated on 19 February 2010 by the Court requiring the Italian authorities not to do so until further notice;

Noting with concern that in at least two other cases the Italian authorities have expelled applicants to Tunisia although the Court had previously indicated not to do so under Rule 39¹;

Recalling firmly that, according to the Court's well-established case-law, Article 34 of the Convention entails an obligation to comply with interim measures indicated pursuant to Rule 39 of the Rules of the Court since the Grand Chamber's judgment of 4 February 2005 in the case of Mamatkulov and Askarov against Turkey,

Stressing once again the fundamental importance of complying with interim measures indicated by the Court under Rule 39 of the Rules of Court;

Expressing confidence however that the Italian authorities will finally take the necessary measures to ensure that interim measures indicated by the Court are strictly complied with, to prevent similar violations in the future;

FIRMLY RECALLS the obligation of the Italian authorities to respect interim measures indicated by the Court;

URGES the Italian authorities to take all necessary steps to adopt sufficient and effective measures to prevent similar violations in the future;

DECIDES to examine the implementation of this judgment at each human rights meeting until the necessary urgent measures are adopted.

<p>Application : 246/07, 50163/08 Final on 06/07/2009, 13/07/2010</p>	<p>BEN KHEMAYS, TRABELSI v. Italy</p>	<p>Enhanced procedure</p>
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1108th meeting - (8-10 March 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. recalled that, according to the Court's well-established case-law, Article 34 of the Convention entails an obligation on states to comply with interim measures indicated pursuant to Rule 39 of the Rules of the Court since the Grand Chamber's judgment of 4 February 2005 in the case of *Mamatkulov and Askarov against Turkey*;
2. stressed again the fundamental importance of complying with interim measures indicated by the Court;
3. invited the Italian authorities to provide, to the maximum extent possible, information on the applicants' current situation in Tunisia;
4. reiterated their request to the Italian authorities to provide examples demonstrating that interim measures issued by the European Court are respected in practice, in particular when Justices of the Peace are required to validate expulsions ordered by the Ministry of Interior and Prefects, as well as to provide information on the feedback requested from courts of appeal by the Ministry of Justice on the implementation of the requirements of the Convention and on measures envisaged to create a mechanism to ensure that all relevant authorities are rapidly informed when an interim measure is indicated by the European Court.

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Application : 38433/09 Judgment Final on 07/06/2012	CENTRO EUROPA 7 S.R.L. AND DI STEFANO	Enhanced procedure : complex problem
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1201st meeting– (June 2014)

[📖 List of decisions 📖](#)

Reference texts:

Communication from Italy (preliminary information) (12/02/2013) [DH-DD\(2013\)391](#)

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.

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Application : 36276/10 Final judgment : 29/04/2013	CIRILLO v. Italy	Enhanced procedure : complex problem
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1179th meeting - (24-26 September 2013)[List of decisions](#)**Reference texts:**Communication from Italy (23/07/2013) [DH-DD\(2013\)887](#)Communication from Italy (03/09/2013) [DH-DD\(2013\)922](#)Revised Action plan (11/07/2013) (Scoppola group of cases) [DH-DD\(2013\)828](#)Decision

The Deputies

1. noted with interest the measures adopted by the Italian authorities to secure the applicant adequate medical care; invited the authorities to provide information on the arrangements made to ensure that the applicant will receive on a regular basis the medical care he might require;
2. as regards the general measures, noted the direct link established by the European Court in the case of Cirillo between the lack of regular access to medical care and the structural problem of prison overcrowding in Italy and underlined the complexity of the issues related to the medical care in a prison environment characterised by structural overcrowding;
3. noted, in this context, that the group of cases Scoppola, placed for the time being under standard surveillance of the Committee, also concerns issues related to material prison conditions inadequate to the health condition of prisoners suffering from serious pathologies and to the impossibility to provide the required medical care to them in a prison environment;
4. noted also that in this group of cases, the Italian authorities have provided to the Committee a revised action plan, which remains to be assessed;
5. decided to continue jointly the examination of the issues raised by the case of Cirillo and by the group of cases Scoppola under the enhanced supervision track.

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<p>Applications : 22461/93, 32190/96, 64705/01, 45867/07+</p> <p>Final judgments : 15/11/1996, 17/07/2003, 29/03/2006, 21/12/2010</p>	<p>CETERONI Group LUORDO Group MOSTACCIUOLO v. Italy GAGLIONE AND OTHERS v. Italy</p>	<p>Enhanced procedure</p>
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1128th meeting - (29 nov.-2 dév. 2011)

[List of decisions](#)

Decision

The Deputies,

1. reiterated 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;
2. took note of the developments as regards length of civil proceedings, which registered for the first time ever a slight decrease in the backlog (-4%) in 2010;
3. expressed once more their utmost concern as regards the repetitive delays in paying the sums awarded by national courts under the “Pinto Act”, as also highlighted by the Court in the quasi-pilot judgment *Gaglione and others*;
4. underlined that the effectiveness of the remedy provided by the “Pinto Act” is currently at risk, as domestic judicial decisions awarding damages for lengthy proceedings cannot be executed within a reasonable time due to a lack of sufficient budgetary resources;
5. considered that this situation creates a serious threat to the effectiveness of the system of the Convention and of the European Court;
6. recalled in this respect that the obligation to abide by the judgments of the Court under Article 46 of the Convention and the principle of subsidiarity which are enshrined therein, entail the obligation for the government to find appropriate means to execute domestic judicial decisions and urged the authorities to find without further delay an immediate solution to the issue related to the “Pinto proceedings”;
7. urged the Italian authorities to follow closely the situation in the field of civil justice and to update without delay their action plan with reference to criminal, administrative and bankruptcy proceedings;
8. decided, in the light of the seriousness of the issues raised by these group of cases, to resume their consideration at the 1136th meeting (March 2012) (DH).

1136th meeting - (6-8 March 2012)

[List of decisions](#)

Reference texts:

Letter from the Registrar of the European Court of Human Rights to the Chair of the Committee of Ministers
[DD\(2012\)4](#)

Action plan (length of civil proceedings) [DH-DD\(2011\)898F](#)

Information documents: [CM/Inf/DH\(2005\)31](#), [CM/Inf/DH\(2005\)31add](#), [CM/Inf/DH\(2005\)31add2](#), [CM/Inf/DH\(2005\)33](#),
[CM/Inf/DH\(2005\)39](#), [CM/Inf/DH\(2008\)42](#)

Interim resolutions: [CM/ResDH\(2010\)224](#); [CM/ResDH\(2009\)42](#); [CM/ResDH\(2007\)2](#); [ResDH\(2005\)114](#);
[ResDH\(2000\)135](#); [DH\(99\)437](#); [DH\(99\)436](#); [DH\(97\)336](#)

Decision

The Deputies

1. noted that, in the light of the information submitted by the Italian authorities, apart from a slight decrease of the length of the bankruptcy proceedings and in the backlog of civil proceedings, the situation concerning the excessive length of proceedings and the malfunction of the existing remedy relating thereto remains deeply worrying and demanded that additional large-scale measures are adopted as a matter of urgency to remedy the problem;
2. recalled their previous decisions underlying that this situation constitutes a serious danger for the respect of the rule of law, resulting in a denial of rights enshrined in the Convention, and creates a serious threat to the effectiveness of the system of the Convention;
3. recalled the letter of 14 December 2011 sent by the Registrar of the European Court (upon instruction of the Court's Bureau) to the Chair of the Committee of Ministers, conveying the concerns of the Court's Bureau, also drawing the Committee's attention to the seriousness of the situation in view of the significant number of cases which continue to pour in the Court, and inviting the Committee to submit comments to the Registrar in relation to this;
4. welcomed the strong and renewed commitment expressed by the Italian authorities towards adopting further measures and monitoring the effects of those already adopted concerning excessively lengthy proceedings, as well as towards finding a solution to delays in payment of the amounts awarded under the Pinto law, both domestically and for cases already pending before the Court, including possible modifications to the Pinto remedy;
5. welcomed also the commitment expressed by the Italian authorities to further strengthen co-operation with the Committee of Ministers, as well as with the Court, on these issues;
6. strongly invited the Italian authorities to submit concrete proposals in an action plan with a calendar aimed at closely monitoring the effects of the measures already adopted and at adopting the other measures envisaged;
7. asked the Secretary of the Committee of Ministers to respond to the said letter of the Registrar of the Court on the basis of the discussions held on this question and decided to resume consideration of these items at their next meeting, in the light of the action plan awaited from the Italian authorities.

1144th meeting - (4-6 June 2012)

[List of decisions](#)

Reference texts:

Action plan (30/03/2012) : [DH-DD\(2012\)395F](#)

Letter from the Registrar of the European Court of Human Rights to the Chair of the Committee of Ministers
[DD\(2012\)4](#)

Reply from the Secretary of the Committee of Ministers to the Registrar [DD\(2012\)4add](#)

Action plan (length of civil proceedings) [DH-DD\(2011\)898F](#)

Information documents: [CM/Inf/DH\(2005\)31](#), [CM/Inf/DH\(2005\)31add](#), [CM/Inf/DH\(2005\)31add2](#), [CM/Inf/DH\(2005\)33](#), [CM/Inf/DH\(2005\)39](#), [CM/Inf/DH\(2008\)42](#)

Interim resolutions: [CM/ResDH\(2010\)224](#); [CM/ResDH\(2009\)42](#); [CM/ResDH\(2007\)2](#); [ResDH\(2005\)114](#); [ResDH\(2000\)135](#); [DH\(99\)437](#); [DH\(99\)436](#); [DH\(97\)336](#)

Decision

The Deputies

1. noted with interest the information provided by the Italian authorities in their latest action plan and orally during the meeting, in particular as regards the plan for payment of part of the backlog of the sums awarded under the Pinto proceedings, with the allocation of 30 million Euros for years 2005 to 2008;
2. noted however that, despite their decision taken at the 1136th meeting (March 2012) (DH), neither updated information on administrative proceedings, nor a calendar aimed at closely monitoring the effects of the measures already adopted and at adopting the other measures envisaged, have been provided so far;

3. referring to their previous decisions, underlined once again that excessive delays in the administration of justice and the malfunctioning of the Pinto remedy result in a denial of the rights enshrined in the Convention and is a serious threat to the effectiveness of the system of the Convention;
4. stressed the necessity for the Italian authorities, as a matter of urgency, to stop the flow of further repetitive applications before the Court and in this respect called upon the Italian authorities to provide to the Committee, in due time for their 1150th meeting (September 2012) (DH), a detailed explanation of the announced plan for payment of the backlog of the sums awarded under the Pinto proceedings;
5. again strongly invited the Italian authorities to submit without further delay a calendar for the evaluation of the measures already adopted as well as for the adoption of the other measures envisaged;
6. recalled that information is also expected from the Italian authorities on the situation of administrative proceedings;
7. invited the authorities to continue implementing and monitoring all necessary measures to address the structural problem of excessive length of proceedings.

1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference texts:

Action report on administrative proceedings (30/07/2012) [DH-DD\(2012\)718F](#)

Action plan (30/03/2012) : [DH-DD\(2012\)395F](#)

Action plan (length of civil proceedings) [DH-DD\(2011\)898F](#)

Letter from the Registrar of the European Court of Human Rights to the Chair of the Committee of Ministers [DD\(2012\)4](#)

Reply from the Secretary of the Committee of Ministers to the Registrar [DD\(2012\)4add](#)

Letter from the Registrar of the European Court of Human Rights to the Chair of the Committee of Ministers [DD\(2012\)4 add2](#)

Reply from the Chair of the Committee of Ministers to the Registrar [DD\(2012\)4add3](#)

Letter from the Secretariat [DH-DD\(2012\)806F](#)

Reply from the authorities to the Secretariat's letter [DH-DD\(2012\)1001F](#)

Communication from Italy [DH-DD\(2012\)1043](#), [DH-DD\(2012\)1043add](#)

Information documents: [CM/Inf/DH\(2005\)31](#), [CM/Inf/DH\(2005\)31add](#), [CM/Inf/DH\(2005\)31add2](#), [CM/Inf/DH\(2005\)33](#), [CM/Inf/DH\(2005\)39](#), [CM/Inf/DH\(2008\)42](#)

Interim resolutions: [CM/ResDH\(2010\)224](#); [CM/ResDH\(2009\)42](#); [CM/ResDH\(2007\)2](#); [ResDH\(2005\)114](#); [ResDH\(2000\)135](#); [DH\(99\)437](#); [DH\(99\)436](#); [DH\(97\)336](#)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. took note with interest of the information provided by the authorities on the ongoing reform of the financing mechanism set by the Pinto law and on the first measures implemented in order to liquidate the compensation arrears to be paid under this law and to settle amicably the cases pending before the European Court which raise such issues;
2. considered that the information presented on these points, notwithstanding the need of a more in-depth assessment, shows that the measures taken and envisaged are aimed at eliminating in a sustainable manner the delays in the payment of the compensation awarded under the Pinto law and encouraged therefore the authorities to bring this reform to a swift conclusion;
3. noted however with concern that recent amendments brought to the Pinto law, which condition the access to the remedy provided by this law upon the termination of the main proceedings and which exclude *de plano* the compensation for the proceedings that have lasted less than or equal to 6 years, may raise issues as to their compatibility with the requirements of the Convention and the Court's case-law on effectiveness of remedies and compensation criteria;

4. noted with interest that an overall decrease of the backlog of administrative proceedings was registered at the end of 2011 as a result of the entry into force in 2010 of the new Code of Administrative Proceedings and invited the authorities to supplement this information with updated statistical data on the average length of these proceedings and with details on the manner in which the impact of this reform is monitored and assessed;
5. noted, as regards the other types of proceedings in question in these cases, that additional information is needed on important outstanding issues, namely the monitoring of the impact of the measures already taken and the calendar for the adoption of the other envisaged measures, to allow the Committee to acquire a precise view of the strategy drawn up by the authorities to remedy this problem;
6. recalled that excessive delays in the administration of justice and the malfunctioning of the Pinto remedy result in a denial of the rights enshrined in the Convention and are a serious threat to the effectiveness of the system of the Convention;
7. underlined again the urgency to stop the flow of further repetitive applications before the European Court and the urgency to find a sustainable solution to the structural problem of excessive length of proceedings;
8. therefore urged the authorities to provide a consolidated action plan, containing the necessary information on all outstanding issues in order to enable the Committee to carry out a thorough assessment of the state of the execution of these judgments at one of their next meetings;
9. encouraged the Italian authorities to co-operate closely with the Secretariat in the drawing up of the consolidated action plan and also to consider making use of the expertise of the Council of Europe in this area with a view to identifying sustainable solutions to the issues raised by these cases.

1172nd meeting - (4-6 June 2013)

[List of decisions](#)

Reference texts:

Action report on administrative proceedings (30/07/2012) [DH-DD\(2012\)718](#)

Action plan (30/03/2012) [DH-DD\(2012\)395](#)

Action plan (length of civil proceedings) (10/11/2011) [DH-DD\(2011\)898](#)

Communication from Italy (16/04/2013) [DH-DD\(2013\)415](#)

Letter from the Registrar of the European Court of Human Rights to the Chair of the Committee of Ministers (14/12/2011) [DD\(2012\)4](#)

Reply from the Secretary of the Committee of Ministers to the Registrar (27/03/2012) [DD\(2012\)4add](#)

Letter from the Registrar of the European Court of Human Rights to the Chair of the Committee of Ministers (22/06/2012) [DD\(2012\)4 add2](#)

Reply from the Chair of the Committee of Ministers to the Registrar (09/10/2012) [DD\(2012\)4add3](#)

Letter from the Registrar of the European Court (13/12/2012) [DH-DD\(2013\)468](#)

Letter from the Secretariat (08/08/2012) [DH-DD\(2012\)806](#)

Reply from the authorities to the Secretariat's letter (19/10/2012) [DH-DD\(2012\)1001](#)

Communication from Italy (25/10/2012) [DH-DD\(2012\)1043](#), (16/11/2012) [DH-DD\(2012\)1043add](#)

Information documents: [CM/Inf/DH\(2005\)31](#), [CM/Inf/DH\(2005\)31add](#), [CM/Inf/DH\(2005\)31add2](#), [CM/Inf/DH\(2005\)33](#), [CM/Inf/DH\(2005\)39](#), [CM/Inf/DH\(2008\)42](#), [CM/Inf/DH\(2013\)21](#)

Interim resolutions: [CM/ResDH\(2010\)224](#); [CM/ResDH\(2009\)42](#); [CM/ResDH\(2007\)2](#); [ResDH\(2005\)114](#); [ResDH\(2000\)135](#); [DH\(99\)437](#); [DH\(99\)436](#); [DH\(97\)336](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. noted with satisfaction that the Italian authorities reiterated their determination to adopt the necessary measures to eradicate the structural problem of the excessive length of judicial proceedings in Italy and to put an end in a sustainable manner to the recurring delays in the payment of the compensation awarded under the "Pinto" Law;

2. took note of the current status of implementation of the general measures in these groups of cases, presented in information document CM/Inf/DH(2013)21, and decided to declassify this document;

As concerns the problem of excessive length of judicial proceedings

3. recalled that encouraging trends began to be recorded between 2008 and 2010 for the bankruptcy proceedings and in 2011 as regards the backlog in the administrative proceedings, and noted that most of the reforms announced to the Committee for the civil proceedings have been adopted;
4. took note of the information provided during the meeting and welcomed the efforts made by the Italian authorities, while observing that additional information (in particular as regards criminal proceedings) and precise and updated data are still necessary for a full assessment of the situation; underlined in this respect that the long-term success of the strategy adopted hinges upon the setting-up at domestic level of a monitoring mechanism for the reforms, allowing the authorities to measure their impact and to adopt rapidly the additional and/or corrective measures which might be required;
5. invited the authorities to finalise, in close co-operation with the Execution Department and by taking into account the comments made in information document CM/Inf/DH(2013)21, a consolidated action plan enabling the Committee to assess the progress in the initiated process;

As regards the dysfunctions of the “Pinto” remedy

6. noted with interest that as a result of the new provisions set forth by the budget law for 2013, the funds allocated for the payments to be made under the “Pinto” Law are henceforth exempted from seizure;
7. reiterated however their invitation to the authorities to provide information on the lifting of the budgetary limitations on the payment of the compensation awarded under the “Pinto” Law and on the earmarking of necessary funds for the payment of the arrears in this compensation, announced to the Committee in December 2012;
8. stressing in this connection the urgency to stop the flow of repetitive applications before the European Court caused by the deficiencies in the “Pinto” remedy, called upon the authorities to adopt these measures without further delay and invited them to keep the Committee regularly informed of the progress achieved in this matter.

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Application 27765/09 Judgment Final on 23/02/2012	HIRSI JAMAA AND OTHERS v. Italy	Enhanced procedure : Urgent individual measures + complex problem
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1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:**Communication from the government of Italy [DH-DD\(2012\)544F](#)Decision

The Deputies

1. recalled that in this case the Court found several violations of the Convention because of the collective removal of the applicants following their interception at sea in May 2009 and their transfer by Italian military ships to Libya notwithstanding the fact that they ran a real risk there of being exposed to ill-treatment and of being arbitrarily returned to their countries of origin, as well as to the lack of a remedy at their disposal on board the ships;
2. noted, as regards individual measures, the Court's indication under Article 46 that the Italian authorities must take all possible steps to obtain assurances from the Libyan authorities that the applicants will not be subjected to treatment incompatible with Article 3 of the Convention, or arbitrarily repatriated;
3. noted with interest the information provided by the Italian authorities about the contacts immediately taken with the Libyan authorities with a view to obtaining the assurances required by the Court's judgment (see DH-DD(2012)544F) and encouraged the Italian authorities to pursue their efforts;
4. noted, as regards general measures, the information provided about the suspension since 2011 of the application of the bilateral agreements with Libya at issue and the renegotiation of these agreements with a view to adapting them to the requirements of the Convention;
5. encouraged the Italian authorities to provide rapidly information as regards the developments of these negotiations and as regards other general measures taken or envisaged to prevent new violations of the kind at issue in the present case;
6. decided to follow developments closely and invited the Italian authorities to provide rapidly all relevant new information.

1150th meeting - (24-26 September 2012)[List of decisions](#)**Reference texts:**Communication from a NGO [DH-DD\(2012\)727E](#)Communication from the government of Italy [DH-DD\(2012\)544F](#)Communication of the applicants' lawyers [DH-DD\(2012\)668](#)Communication of the applicants' lawyers [DH-DD\(2012\)845E](#)Action plan received on 06/07/2012 [DH-DD\(2012\)671F](#)Communication from a NGO (Amnesty International) and reply by the government [DH-DD\(2012\)744](#) + appendix [DH-DD\(2012\)744add](#)Communication from the UNHCR ([DH-DD\(2012\)811](#))Reply from the government [DH-DD\(2012\)856](#)[Decision](#) adopted at the 1144th meetingDecision

The Deputies

1. recalled that in this case, the Court found several violations of the Convention because of the collective removal of the applicants following their interception at sea in May 2009 and their transfer by Italian military

ships to Libya, notwithstanding the fact that they ran a real risk there of being exposed to ill-treatment and of being arbitrarily returned to their countries of origin, as well as to the lack of a remedy at their disposal on board the ships;

2. took note of the new information received, in particular the action plan submitted by the Italian authorities on 6 July 2012 and the additional information provided at the meeting, the submission of the UNHCR, as well as the communications from the applicants' lawyers and a number of NGOs;
3. noted, as regards individual measures, the continuous efforts of the Italian authorities in view of obtaining the information and assurances required by the Court's judgment; strongly encouraged them to pursue their efforts in this respect, in particular considering the communication transmitted by the applicants' lawyers on the fate of certain applicants, and to keep the Committee informed of all developments;
4. noted the problems raised relating to the payment of the just satisfaction and encouraged the Italian authorities, in close contact with the Secretariat, to find rapidly a solution in accordance with the Court's judgment;
5. noted, as regards general measures, the information provided by the Italian authorities according to which the bilateral agreements concluded with Libya remain suspended and there is presently no risk that the violations found by the Court in its judgment will occur again, as the persons possibly intercepted at sea are now sent to specific centres in Italy where they enjoy the guarantees of the Convention;
6. noted further with satisfaction the declaration that collective removals following interceptions at sea will no longer take place and that the *procès verbal* of 3 April 2012 does not imply the resumption of the 2009 collective removal policy to Libya;
7. invited the Italian authorities to provide more precise information on the practical consequences of the new policy announced and how it has been - or it will be - translated into relevant normative texts (legislation, instructions to competent authorities, treaties, agreements etc...) taking into account the European Court's conclusions in the *Hirsi Jamaa* judgment, including as regards the effectiveness of domestic remedies;
8. invited, in this context, the Italian authorities to provide further clarifications on the status of the agreements at the origin of the practice criticised by the Court and on the content of the *procès verbal* of 3 April 2012;
9. decided to resume consideration of these issues at their 1157th meeting (December 2012) (DH), in the light of the new information submitted and the clarifications requested.

1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference texts:

Communication from a NGO [DH-DD\(2012\)727E](#)

Communication from the government of Italy [DH-DD\(2012\)544F](#)

Communication of the applicants' lawyers [DH-DD\(2012\)668](#)

Communication of the applicants' lawyers [DH-DD\(2012\)845E](#)

Action plan received on 06/07/2012 [DH-DD\(2012\)671F](#)

Communication from the authorities [DH-DD\(2012\)1011](#)

Communication from a NGO (Amnesty International) and reply by the government [DH-DD\(2012\)744](#) + appendix [DH-DD\(2012\)744add](#)

Communication from the UNHCR ([DH-DD\(2012\)811](#))

Reply from the government [DH-DD\(2012\)856](#)

[Decision](#) adopted at the 1150th meeting

Decision

The Deputies

1. recalled, as regards the individual measures, that the Committee strongly encouraged the authorities to obtain the information and assurances required by the Court's judgment,
2. noted with concern that no new information has been provided in this respect and therefore urged the

authorities to explore all possible avenues to rapidly obtain those assurances, and to keep the Committee regularly informed of all steps taken in this respect;

3. noted, as regards general measures, the information provided by the Italian authorities on 24 October 2012 (see DH-DD(2012)1011) and requested the Secretariat to prepare an in depth assessment of this information;
4. decided to resume consideration of these issues at their 1164th meeting (March 2013) (DH).

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Action plan (06/07/2012) [DH-DD\(2012\)671F](#)

Communication from Italy (04/03/2013) [DH-DD\(2013\)235](#)

Communication from Italy (06/03/2013) [DH-DD\(2013\)245](#)

Communication from the government of Italy (31/05/2012) [DH-DD\(2012\)544F](#)

Communication of the applicants' lawyers (16/07/2012) [DH-DD\(2012\)668](#)

Communication of the applicants' lawyers (10/09/2012) [DH-DD\(2012\)845E](#)

Communication from a NGO (Forensic union for the protection of human rights) (25/07/2012)

[DH-DD\(2012\)727E](#)

Communication from a NGO (Amnesty International) (14/08/2012) and reply by the government

[DH-DD\(2012\)744](#) + appendix [DH-DD\(2012\)744add](#)

Communication from the UNHCR [DH-DD\(2012\)811](#) (05/09/2012) and reply from Italy [DH-DD\(2012\)856](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. noted, as regards individual measures, the latest information regarding the repeated requests from the Italian to the Libyan authorities to obtain assurances against possible ill-treatment in Libya or the applicants' arbitrary repatriation to Somalia and Eritrea, as required by the Court's judgment, and that the Italian authorities have indicated that they have not been able to obtain the assurances due to objective difficulties arising from developments in Libya;
2. noted, that faced with this situation, the Italian authorities' expressed their intention to continue their contacts with the Libyan authorities and, considering the significant amount of time elapsed since the judgment became final without necessary assurances having been obtained, to also consider other possible actions, in particular in response to possible requests made by the applicants' representatives;
3. noted, as regards general measures, the Government's repeated assurances that the ordinary Convention compliant guarantees contained in Italian laws and regulations as regards the treatment of refugees and asylum seekers, in particular as regards the latter's access to relevant domestic procedures, would be consistently applied in all circumstances, including during military and coast guard operations on the high seas;
4. noted the Italian Government's indication that, in the light of the measures taken and the assurances and commitments made, Italy had complied with its obligations under Article 46 as far as the obligation to take individual and general measures was concerned;
5. noted the recent developments aimed at overcoming the legal obstacles to the payment of the just satisfaction to the applicants' representatives, as ordered by the Court in its judgment, to be held on trust for the applicants, and expressed their expectation that payment as ordered by the Court, together with default interest, would be made without further delay;
6. invited the authorities to submit a comprehensive, consolidated action report with a view to allowing a conclusive assessment of the case

Reference texts:*Communications from Italy*

Action report (25/06/2014) [DH-DD\(2014\)849](#); Action plan (06/07/2012) [DH-DD\(2012\)671](#);
 Communication (04/03/2013) [DH-DD\(2013\)235](#) ; Communication (06/03/2013) [DH-DD\(2013\)245](#);
 Communication (31/05/2012) [DH-DD\(2012\)544](#)

Communications of the applicants' lawyers

(16/07/2012) [DH-DD\(2012\)668](#); (10/09/2012) [DH-DD\(2012\)845](#)

Communications from NGOs

From Amnesty International (11/02/2014) and reply by the government [DH-DD\(2014\)320](#)

From the United Nations Special Rapporteur on the human rights of migrants of his reports on his visits to Italy (A/HRC/23/46/Add.3) and Greece [DH-DD\(2013\)1289](#)

From the UNHCR [DH-DD\(2012\)811](#) (05/09/2012) and reply by the government [DH-DD\(2012\)856](#)

From Amnesty International (14/08/2012) and reply by the government [DH-DD\(2012\)744](#) + [DH-DD\(2012\)744add](#)

From Forensic union for the protection of human rights) (25/07/2012) [DH-DD\(2012\)727](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision**The Deputies**

1. 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;
2. 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;
3. 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.

* * *

Application : 32190/96 Judgment Final on 17/10/2003	LUORDO v. Italy	Enhanced procedure
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1100th meeting – (2 December 2010)[List of decisions](#)

Section 4.2

Section 4.3

- 2207 cases against Italy**- 2183 cases of length of judicial proceedings**

(see also, for more detailed information, [CM/Inf/DH\(2005\)31](#), [CM/Inf/DH\(2005\)31add](#), [CM/Inf/DH\(2005\)31add2](#), [CM/Inf/DH\(2005\)33](#), [CM/Inf/DH\(2005\)39](#), [CM/Inf/DH\(2008\)42](#)

Interim Resolutions [DH\(97\)336](#), [DH\(99\)436](#), [DH\(99\)437](#), [ResDH\(2000\)135](#) ; [ResDH\(2005\)114](#), [CM/ResDH\(2007\)2](#), [CM/ResDH\(2009\)42](#):

- including 118 cases concerning the length of proceedings concerning civil rights and obligations before administrative courts

(See [Appendix for the list of cases](#))

- and including 2065 cases concerning the length of judicial proceedings

(See [Appendix for the list of cases](#))

- 24 cases concerning bankruptcy proceedings (Articles 6§1, 8, 13, 1 of Protocol No. 1 and 2 of Protocol No. 4)

Interim Resolutions [CM/ResDH\(2007\)27](#), [CM/ResDH\(2007\)2](#) and [CM/ResDH\(2009\)42](#)

[CM/Inf/DH\(2008\)42](#)

32190/96	Luordo, judgment of 17/07/03, final on 17/10/03
47778/99	Bassani, judgment of 11/12/03, final on 11/03/04
14448/03	Bertolini, judgment of 18/12/2007, final on 07/07/2008
56298/00	Bottaro, judgment of 17/07/03, final on 17/10/03
13697/04	Carbe and others, judgment of 23/06/2009, final on 23/09/2009
30408/03	Cavalleri, judgment of 26/05/2009, final on 26/08/2009
24824/03	Colombi, judgment of 26/05/2009, final on 26/08/2009
1595/02	De Blasi, judgment of 05/10/2006, final on 12/02/2007
10347/02	Di Ieso, judgment of 03/07/2007, final on 03/10/2007
37360/04	Diurno, judgment of 23/06/2009, final on 23/09/2009
77986/01	Forte, judgment of 10/11/2005, final on 10/02/2006
10756/02	Gallucci, judgment of 12/06/2007, final on 12/11/2007
10481/02	Gasser, judgment of 21/09/2006, final on 12/02/2007
55984/00	Goffi, judgment of 24/03/2005, final on 06/07/2005
6480/03	Mur, judgment of 26/05/2009, final on 26/08/2009
7503/02	Neroni, judgment of 20/04/2004, final on 10/11/2004
39884/98	Parisi and 3 others, judgment of 05/02/04, final on 05/05/04
44521/98	Peroni, judgment of 06/11/03, final on 06/02/04
34562/04	Roccaro, judgment of 23/06/2009, final on 23/09/2009
52985/99	S.C., V.P., F.C. and E.C., judgment of 6/11/03, final on 6/02/04
981/04	Shaw, judgment of 10/03/2009, final on 10/06/2009
13606/04	Vicari Maria, judgment of 26/05/2009, final on 26/08/2009
29070/04	Vinci Mortillaro, judgment of 23/06/2009, final on 23/09/2009
7842/02	Viola and others, judgment of 08/01/2008, final on 08/04/2008

Decision

The Deputies,

1. adopted Interim Resolution CM/ResDH(2010)224 as it appears in the Volume of Resolutions;
2. decided to resume consideration of these cases at their 1108th meeting (March 2011) (DH), in the light of further information to be provided by the Italian authorities.

Interim resolution CM/ResDH(2009)42¹

Execution of the judgments of the European Court of Human Rights concerning the excessive length of judicial proceedings in Italy:

Progress achieved and outstanding issues in the context of general measures to ensure compliance with the judgments of the European Court of Human Rights in:

- *the 2183 cases against Italy concerning the excessive length of judicial proceedings (listed in Appendix I) (Follow-up to Interim Resolutions DH(97)336, DH(99)436, DH(99)437, ResDH(2000)135, [ResDH\(2005\)114](#), and [CM/ResDH\(2007\)2](#)), and*
- *the cases concerning bankruptcy proceedings (Articles 1 of Protocol no.1 and 6§1) (listed in Appendix II) (Follow-up to Interim Resolution [CM/ResDH\(2007\)27](#))*

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”),

Considering the large number of judgments of the European Court of Human Rights (“the Court”) and decisions of the Committee of Ministers (“the Committee”) since the early 1980s finding structural problems underlying the excessive length of civil, criminal and administrative proceedings in Italy;

Recalling the major reforms undertaken in respect of civil and criminal proceedings as well as proceedings before the Court of Audit which led the Committee to close its examination of these aspects of the problem in the 1990s (see Resolutions DH(1992)26, (1995)82 and (1994)26);

Recalling that given the subsequent, continued influx of new findings of violations the Committee resumed its examination of these proceedings;

Recalling that the Committee decided to keep these cases on its agenda until such time as effective reforms were implemented and the reversal of the national tendency in the context of length of proceedings was definitely confirmed (Interim Resolution DH(2000)135);

Recalling that, as in Interim Resolution [ResDH\(2005\)114](#), the Committee in its last Interim Resolution, [CM/ResDH\(2007\)2](#), urged the Italian authorities to hold to their political commitment to resolve the problem of the excessive length of judicial proceedings and invited them to undertake interdisciplinary action involving the main judicial actors and co-ordinated at the highest political level with a view to drawing up a new, effective strategy;

Bearing in mind that in Interim Resolution [CM/ResDH\(2007\)27](#) concerning bankruptcy proceedings the Committee welcomed the 2006 reform of bankruptcy proceedings and its immediate effect in erasing many of the restrictions on rights and freedoms criticised in the Court’s judgments; moreover, it called on the Italian authorities to provide information on the effects of this reform as regards the acceleration of bankruptcy proceedings and decided to examine these cases in conjunction with those related to the more general problem of the excessive duration of judicial proceedings;

Recalling that the dysfunction of the justice system, as a consequence of the length of proceedings, represents an important danger, not least for the respect of the Rule of Law;

Welcoming the regular and close co-operation established between the Italian authorities and the Secretariat in particular through bilateral meetings at high level that took place in Rome in October 2007 and in October 2008, with a view to keeping the Committee of Ministers informed on the progress achieved following Interim Resolution [CM/ResDH\(2007\)2](#) with respect to the structural problem of length of proceedings before the civil, criminal, and administrative courts, and the efficiency of justice in general;

Noting with satisfaction the continuing political commitment of the authorities to overcome the structural problem of the length of judicial proceedings and welcoming the efforts made in recent years focusing simultaneously on legislative reform, reorganisation of the judiciary and management of proceedings by judges;

Underlining the declarations made, at the beginning of 2009, by the Presidents of the highest courts (Constitutional Court and Supreme Court of Cassation), as well as by the Ministry of Justice, which show the authorities’ determination to give the structural problem of the length of proceedings the necessary priority in their own fields of action by ensuring the implementation of the measures already taken and the prompt adoption of further measures intended to improve the efficiency of justice;

Assessment of the Committee of Ministers

Having examined the information provided by the Italian authorities concerning the measures taken since the adoption of Interim Resolutions [CM/ResDH\(2007\)2](#) and [CM/ResDH\(2007\)27](#), as presented in Information Document [CM/Inf/DH\(2008\)42](#) of 28 November 2008 and in Appendix II to the present resolution;

1) Civil and criminal proceedings

Noting that, notwithstanding the measures taken, the statistics for the years 2006-2007 still show an increase in the length of proceedings in particular before certain jurisdictions (justices of peace [*giudici di pace*] and courts of appeal), as well as a substantial backlog in the civil and criminal fields (approximately 5.5 million pending civil cases and 3.2 million pending criminal cases), and that therefore a permanent solution to the structural problem of length of proceedings must be found;

Noting with interest the progress achieved through the measures adopted so far in the field in particular:

- Law-Decree No. 112 of 25 June 2008, converted into Act No. 133 of 6 August 2008, which introduced amendments designed to bring about a significant reduction in civil claims in which the behaviour of litigants delays the proceedings;
- Law-Decree No. 92 of 23 May 2008, converted into Act No. 125 of 24 July 2008, which amended the Code of Criminal Procedure with a view to accelerating and rationalising criminal-law proceedings;

Considering that the reforms adopted will show their results only in the medium term;

Noting also in this respect the Bill (A.S. 1082), currently pending before Parliament, which specifically aims to expedite the processing of civil cases by broadly reforming civil procedure with an underlying strategy of reducing the number of trials; accelerating the on-going trials and developing the use of alternative dispute regulation;

Recalling that in several judgments concerning the remedy against the excessive length of proceedings (Law No. 89/2001, Award of just satisfaction in the event of a breach of the requirement to dispose of proceedings within a reasonable time and amendment of Article 375 of the Code of Civil Procedure, referred to as the Pinto Law), the European Court found that the late payment of compensation to the applicant did not afford adequate redress and considered the applicant continued to be a victim of a breach of the “reasonable-time” requirement, and that the statistics provided by the government show an increase in the length of proceedings before the courts of appeal competent to deal with “Pinto Law” appeals;

CALLS UPON the Italian authorities to pursue actively their efforts to ensure the swift adoption of the measures already envisaged for civil proceedings; to envisage and adopt urgently ad hoc measures to reduce the civil and criminal backlog by giving priority to the oldest cases and to cases requiring particular diligence; to provide the resources needed to guarantee the implementation of all the reforms; and to pursue the consideration of any other measure to improve the efficiency of justice;

ENCOURAGES the authorities to continue implementing awareness-raising activities among judges to accompany the implementation of the reforms;

INVITES the authorities to draw up a timetable for anticipated medium-term results with a view to assessing them as the reforms proceed, and to adopt a method for analysing these results in order to make any necessary adjustments, if need be;

STRONGLY ENCOURAGES the authorities to consider amending Act No. 89/2001 (the Pinto Law) with a view to setting up a financial system resolving the problems of delay in the payment of compensation awarded, to simplify the procedure and to extend the scope of the remedy to include injunctions to expedite proceedings.

2) Administrative proceedings

Acknowledging the progress achieved following the reform of administrative proceedings (Act No. 205 of 21 July 2000) to expedite them, which has begun to have a concrete effect on the length of such proceedings;

Bearing in mind that the real problem of administrative courts is the backlog, which in 2007 amounted to 640 000 pending cases at first instance and 21 000 pending cases at appeal;

Noting that, with a view to reducing the backlog, specific measures have been adopted, such as

- Act No. 133 of 6 August 2008 which *inter alia* decreased the time limit for the lapsing of an administrative complaint from 10 to 5 years, unless the parties apply to the court for a hearing date, and
- the broader application of information technology (*Nuovo Sistema Informativo della Giustizia Amministrativa*), which should make it easier to identify of time-barred proceedings;

Noting also the measures envisaged in the field (in particular, the setting up of special provisional sections);

- ENCOURAGES** the Italian authorities to continue with their undertakings:
- to measure precisely the backlog in administrative proceedings;
 - to adopt any measures envisaged further to reduce that backlog;
 - and to assess the impact on the backlog of any measure taken.

3) Bankruptcy proceedings

Noting the reform brought in by Act No.80 of 14 May 2005 and Legislative Decree No. 5 of 9 January 2006 on bankruptcy proceedings (the measures of which are detailed in the appendix), which aimed, *inter alia*, at expediting such proceedings and simplifying the different procedural steps;

Noting that, on the basis of the statistics provided by the government, in absolute numbers, the bankruptcy petitions filed, as well as the bankruptcy declarations, decreased by approximately 40% in 2007, (that is after the entry into force of the reform);

Noting also that as far as expedition of proceedings is concerned, the reform has contributed to reducing substantially the phase of auditing claims, now grouped in one hearing ;

Bearing in mind that, as far as the length of bankruptcy proceedings is concerned, the reform has not yet been fully deployed insofar as it applies only to proceedings introduced following its entry into force and statistics are only available up to 2007;

Recalling, however, that the length in days of these proceedings remained stable, even in 2007, around a 2003-2007 average of 3300 days (i.e. approximately 9 years), and that proceedings pending before the entry into force of the reform, to which the reform does not apply, continue to be affected by this length;

CALLS UPON the Italian authorities to continue their efforts to ensure the Bankruptcy Proceedings Reform fully contributes to the acceleration of bankruptcy proceedings, to assess the effects of the reform as it proceeds with a view to adopting any further measures necessary to ensure its effectiveness, and to take also any measures necessary to expedite pending proceedings to which the reform does not apply.

4) Measures for improving the efficiency of the judiciary

Recalling the measures adopted aimed at improving the structural organisation of the judiciary (Law-Decree no. 143 of 16 September 2008, the increase of the number of ordinary judges, and disciplinary procedures against judges), as well as the fact that within the current legal framework, certain courts in different parts of the country have already achieved excellent results in terms of reduction of the backlog and expediting proceedings by improving their organisation and work management;

Noting the Ministry of Justice is continuing its efforts to develop the application of information technology in all judicial offices, in particular by the introduction of the Electronic Civil Trial (*Processo civile telematico*);

INVITES the authorities to ensure the dissemination of these best practices to other courts, implement any organisational measures taken, including the widespread use of information technologies to all jurisdictions, and adopt any additional measures to enhance more responsible and efficient behaviour from all players in the judicial system.

In view of the above, the Committee of Ministers

DECIDES to resume consideration of the progress achieved at the latest:

- at the end of 2009 for administrative proceedings, with a view to considering the possibility of closing the

examination of the cases concerned;
- mid-2010 for civil, criminal, and bankruptcy proceedings;

INVITES the Italian authorities to keep the Committee of Ministers informed of all developments in order to ensure a continued monitoring of the progress, if need be, through bilateral meetings between the authorities and the Secretariat.

Appendix I to Interim Resolution CM/ResDH(2009)42

Information provided by the Italian authorities to the Committee of Ministers on general measures taken to comply with the European Court's judgments on excessive length of judicial proceedings are summarised in the Information Document [CM/Inf/DH\(2008\)42](#) of 28 November 2008 "Stock-taking of the measures adopted by the Italian authorities in 2006-2008 on the excessive length of judicial proceedings".

- 2183 cases against Italy

2183 cases concerning the length of judicial proceedings

(see also, for more detailed information, [CM/Inf/DH\(2005\)31](#) and addendum 1 and 2, [CM/Inf/DH\(2005\)33](#), [CM/Inf\(2005\)39](#), [CM/Inf/DH\(2008\)42](#)

Interim Resolutions DH(97)336, DH(99)436, DH(99)437, ResDH(2000)135 and [CM/ResDH\(2007\)2](#)

(See Appendix for the list of cases)

Appendix II to Interim Resolution CM/ResDH(2009)42

- Cases concerning bankruptcy proceedings (Articles 1 of Protocol No. 1 and 6§1)

Interim Resolution ResDH(2007)27

[CM/Inf/DH\(2008\)42](#)

32190/96 Luordo, judgment of 17/07/03, final on 17/10/03
56298/00 Bottaro, judgment of 17/07/03, final on 17/10/03
47778/99 Bassani, judgment of 11/12/03, final on 11/03/04
14448/03 Bertolini, judgment of 18/12/2007, final on 07/07/2008
1595/02 De Blasi, judgment of 05/10/2006, final on 12/02/2007
10347/02 Di Ieso, judgment of 03/07/2007, final on 03/10/2007
77986/01 Forte, judgment of 10/11/2005, final on 10/02/2006
10756/02 Gallucci, judgment of 12/06/2007, final on 12/11/2007
10481/02 Gasser, judgment of 21/09/2006, final on 12/02/2007
55984/00 Goffi, judgment of 24/03/2005, final on 06/07/2005
7503/02 Neroni, judgment of 20/04/2004, final on 10/11/2004
39884/98 Parisi and 3 others, judgment of 05/02/04, final on 05/05/04
44521/98 Peroni, judgment of 06/11/03, final on 06/02/04
52985/99 S.C., V.P., F.C. and E.C., judgment of 6/11/03, final on 6/02/04
7842/02 Viola and others, judgment of 08/01/2008, final on 08/04/2008

Additional information provided by the Italian authorities with respect to excessive length of bankruptcy proceedings

The reform is based upon two pieces of legislation: Act No.80 of 14 May 2005 and Legislative Decree No. 5 of 9 January 2006 on bankruptcy proceedings. In addition to the changes (concerning the individual restrictions following bankruptcy and remedies against the acts of the liquidators and magistrates) carried out to bring the situation into conformity with the ad hoc indications given by the Court, the reform also dealt with the goal of expediting bankruptcy proceedings, in particular by the following means:

- a) the personal scope of bankruptcy proceedings has been reduced, whereas the amount of debts necessary to obtain a bankruptcy declaration has been increased;
- b) the procedure in the case of bankruptcy adjudicated by a non-competent court, as well as in the case of an appeal lodged against a bankruptcy declaration has been simplified;
- c) higher professional competencies are required to exercise the function of liquidator;
- d) the competencies of the credits committee have been enlarged;
- e) shorter and stricter time-limits have been introduced for the preparatory stages of the proceedings, which precede the declaration of bankruptcy, as well as stricter statutory time-limits for examining liabilities as from the bankruptcy declaration (180 days). Stricter statutory time-limits have also been introduced for auditing liabilities (120 days as from the deposit of the bankruptcy declaration); for lodging requests for admission to the liabilities (30 days before the audit hearing date); and for out-of-time demands. Shorter time limits are also in place for contesting the substantive proceedings, which also have a simplified procedure;

- f) proceedings for the determination of liabilities have been rationalised and simplified, the delegate judge will in principle give immediate approval;
- g) at the beginning of the procedure and no later than 60 days from the compilation of the inventory, the liquidator must present a plan for liquidation of the assets, with particular regard to the modalities and the timetable for claiming them;
- h) introductory and prescription time-limits have been introduced, fixed with respect to the action to set aside a debtor's fraudulent transaction, in order to limit the disputes following the bankruptcy itself;
- i) a simplified procedure for sharing assets has been introduced;
- j) any possibility of early closure of the bankruptcy proceedings by means of economic agreements (agreement with creditors or any similar instrument) has been favoured;
- k) the possible recuperation of the defaulting business or the improvement of the situation of the bankrupt have been favoured, in particular, for the former, by increasing the chances for the business to continue its activities and for the latter by the possibility for the bankrupt to have personal debts which remained unsatisfied at the end of the bankruptcy proceedings, deleted if the bankrupt has co-operated and allowed the proceedings to be expedited (*esdebitazione*);
- l) the possibility of immediate closing of proceedings in the event of insufficient assets has been foreseen;
- m) controlled administration has been abolished: this caused a delay of two years in the bankruptcy proceedings in the event it became clear it was impossible for the business to continue trading.

The reform extended the chamber proceedings to proceedings following from the bankruptcy proceedings, since the chamber proceedings are faster and less complicated proceedings, but preserve the adversarial aspect and the principle of equality of arms.

According to the information provided by the Ministry of Justice, the reform led to a significant reduction of petitions filed to obtain a bankruptcy declaration and, therefore, of the bankruptcy proceedings opened. Moreover, as far as expedition of pending proceedings is concerned, the reform has already shown positive effects with respect to the phase of auditing claims, which has been substantially reduced.

Due to the fact that the reform, under Article 150, applies only to proceedings introduced following its entry into force (16 July 2006) and that statistics available stop at 2007, it is not currently possible to collect information on its effects on the following phases of the bankruptcy proceedings. This information will be provided as soon as it becomes available.

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Application : 5376/11 Judgment Final on 03/12/2013	M.C. AND OTHERS v. ITALY	Enhanced procedure : pilot judgment
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1193rd meeting - (4-6 March 2014)[🏠 List of decisions 🏠](#)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 1199th meeting (21 May 2014) with a view to setting this time-limit.

1199th meeting– réunion ordinaire (13 may 2014)[🏠 List of decisions 🏠](#)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 1208th meeting (DH) (23-25 September 2014).

Reference texts:*Communications from Italy*(03/07/2014) [DH-DD\(2014\)891](#); (28/03/2014) [DH-DD\(2014\)436](#), (22/09/2014) [DH-DD\(2014\)1112](#)[Decision](#) adopted at the 1199th meeting (13/05/2014)Decision

The Deputies

1. 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;
2. noted that following the call made by the Committee of Ministers at its 1199th 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;
3. 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 1214th 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;
4. decided to resume examination of these issues at their 1214th meeting (December 2014) (DH).

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Application : 37201/06 Final on 28/02/2008	SAADI and 10 autres v. Italy	Enhanced procedure
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1108th meeting - (8-10 March 2011)

[📖 List of decisions 📖](#)

Decision

The Deputies,

1. recalled that in these cases the European Court considered that the decisions to expel the applicants to Tunisia, if executed, would violate Article 3 of the Convention;
2. called upon the Italian authorities to provide information on whether the expulsion orders against the applicants Ben Salah, Bouyahia, C.B.Z., Hamraoui, O. and Sellem are still in force, and in the affirmative to lift them;
3. invited the Italian authorities to indicate whether other general measures, besides publication and dissemination, are envisaged or already taken.

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Application : 14737/09 Final judgment : 12/10/2011	SNEERSONE AND KAMPANELLA v. Italy	Enhanced procedure : urgent individual measures
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1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**Action plan (24/01/2012) [DH-DD\(2012\)85E](#)Revised Action plan (30/05/2012) [DH-DD\(2012\)601E](#)Communication from the applicants (22/03/2012) [DH-DD\(2012\)409E](#)Communication from the authorities on individual measures (11/01/2013) [DH-DD\(2013\)34](#)Communication from the authorities on individual measures (05/02/2013) [DH-DD\(2013\)139](#)**Decision****The Deputies**

1. recalled that in this case, the European Court found that the mere existence of the order for the return of the second applicant to Italy, irrespective of its actual enforcement, amounted to an interference with the applicants' right to respect of their family life, due to the adverse psychological effects it causes to the child;
2. noted that the Public Attorney's Office brought proceedings to set aside the return order and that the authorities assured that the order shall not be enforced;
3. noted that, after a stay of the proceedings ordered due to the parents' failure to appear at the first hearing, the father was located by the judicial authorities and the proceedings for setting aside the return order were resumed; the first applicant has the possibility to exercise her right to participate therein personally or by representation;
4. invited the Italian authorities to continue their efforts in order to ensure that these proceedings are brought to a swift conclusion and to inform the Committee of Ministers of the progress made in the adoption of the individual measures in this case.

1193rd meeting - (4-6 March 2014)[List of decisions](#)**Reference texts:**Action report (12/12/2013) [DH-DD\(2014\)15](#)Communication from the applicants and response of the authorities (22/03/2012) [DH-DD\(2012\)409](#)[Decision](#) adopted at the 1164th meeting (March 2013)**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.

Application : 22635/03 Final on 06/11/2009	SULEJMANOVIC v. Italy	Enhanced procedure : complex problem
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1136th meeting - (6-8 March 2012)[🏠 List of decisions 🏠](#)**Reference texts**Action plan [DH-DD\(2011\)1113F](#)Decision

The Deputies

1. underlined the adverse effects of prison overcrowding on the conditions of detention and noted with interest the measures taken and foreseen by the authorities, as presented in their action plan;
2. noted in particular the development of a penitentiary policy aiming at promoting better conditions of detention and measures alternative to detention, as well as the expected construction of new facilities (*Piano Carceri*) and invited the authorities to specify the impact awaited or noted of these measures;
3. noted also the judicial recognition of the right to compensation for detention in an overcrowded cell;
4. recalled that an effective remedy in case of improper detention conditions cannot be solely of a compensatory nature but has also to be capable of bringing about improvements of detention conditions in cases where the applicant is still detained; invited the Italian authorities to indicate whether the Italian judicial system provides for this;
5. decided to reconsider this case at the latest at their 1150th meeting (September 2012), on the basis of a revised action plan to be provided by the authorities.

1150th meeting - (24-26 September 2012)[🏠 List of decisions 🏠](#)**Reference texts:**Communication from the authorities [DH-DD\(2012\)670F](#)Action plan [DH-DD\(2011\)1113F](#)[Decision](#) adopted at the 1136th meetingDecision

The Deputies

1. noted with interest the updated action plan provided by the Italian authorities on the progress made with respect to the new penitentiary policy and providing details on measures taken and foreseen in response to the Sulejmanovic judgment;
2. welcomed the priority given by the Minister of Justice to the fight against prisons' overcrowding;
3. noted with interest the efforts made by the Italian authorities in the framework of the "Prison plan" (*"Piano carceri"* plan) aiming, notably, at increasing the capacity of prison establishments;
4. invited in this respect the Italian authorities to provide clarifications regarding the announced creation of 11573 places and the expected announced result of 1323 new places, as well as further clarifications on the additional total capacity foreseen;
5. also invited the Italian authorities to clarify the meaning and status of the Ministry of Health standard relating to the minimum living space per detainee and to inform the Committee on how the total capacity of the prison establishments is calculated;

6. noted further with interest the measures aimed at encouraging alternatives to detention, the draft law on decriminalisation of petty offences and the widening of the recourse to probation;
7. invited the authorities to provide further information on the monitoring carried out on detention conditions, including up-to-date statistics on the reduction of the prison overcrowding and details on the impact of the different measures adopted so far;
8. strongly encouraged the Italian authorities to redouble their efforts so as to find a lasting solution to the problem of overcrowding taking into account Recommendation (99)22 of the Committee of Ministers concerning prison overcrowding and prison population inflation, and of its other pertinent recommendations in this respect;
9. stressed the importance of the existence, both in theory and practice, of effective domestic remedies;
10. noted in this context with interest the indications given regarding the development of the practice of the judges responsible for the execution of sentences in ensuring respect for the fundamental rights of detainees and the recent decision of the Court of Cassation of 12 July 2012, confirming a decision by the judge responsible for the execution of sentences of Lecce awarding compensation for moral damage to a prisoner owing, in particular, to his detention in an overcrowded cell,
11. invited the authorities to keep the Committee of Ministers informed of the developments of the above-mentioned practice as well as regarding the proceedings currently pending before the Constitutional Court on the conflict of competence between the judiciary and the prison administration

1172nd meeting - (4-6 June 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Updated action plan (29/06/2012) [DH-DD\(2012\)670](#)Action plan (23/11/2011) [DH-DD\(2011\)1113](#)Communication from a NGO (Radicali Italiani) (19/09/2012) [DH-DD\(2013\)380](#)[Decision](#) adopted at the 1150th meeting (September 2012)*Decision***The Deputies**

1. recalled that at its 1150th meeting (September 2012) (DH), the Committee assessed in detail the Action plan submitted by the authorities in the Sulejmanovic case and invited them to submit further information and clarifications on :
 - the exact number of additional places foreseen in prisons, as well as the additional total capacity of the prison estates;
 - the meaning and status of the Ministry of Health standard relating to the minimum living space per detainee and how the total capacity of prison establishments is calculated
 - the monitoring carried out on detention conditions, including up-to-date statistics on the reduction in prison overcrowding, and details on the impact of the different measures adopted so far;
2. recalled that the Committee also underlined in this context the importance of the existence, both in theory and practice, of effective domestic remedies;
3. noted in this respect that the European Court delivered the pilot judgment *Torreggiani and others*, which sets a deadline of one year for the authorities to put in place an effective domestic remedy or a combination of such remedies capable of affording adequate and sufficient redress in cases of overcrowding in prisons;
4. noted that this judgment has become final on 27 May 2013 and encouraged the authorities to deploy all the necessary efforts with a view to submitting an action plan, together with a calendar, for the setting up of such a remedy by the deadline set, namely before the 27 May 2014;
5. furthermore strongly encouraged the Italian authorities to submit the further information and clarifications already requested by the Committee without delay

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Applications : 43517/09, 22635/03 Judgments final on 27/05/2013, 06/11/2009	TORREGGIANI AND OTHERS SULEJMANOVIC v. Italy	Enhanced procedure : pilot judgment, complex problem
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1193rd meeting - (4-6 March 2014)[🏠 List of decisions 🏠](#)**Reference texts:***Communications from Italy*Action plan (Torreggiani (29/11/2013) [DH-DD\(2013\)1368](#)Updated action plan (Sulejmanovic) (29/06/2012) [DH-DD\(2012\)670](#)[Decision](#) (Sulejmanovic) adopted at the 1172nd meeting (June 2013)**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.

Reference texts:*Communications from Italy*(03/04/2014) *Torreggiani* case [DH-DD\(2014\)471](#), *Torreggiani* case [DH-DD\(2013\)1119](#)(22/05/2014) [DH-DD\(2014\)703](#)Action plan (*Torreggiani* (29/11/2013) [DH-DD\(2013\)1368](#)Updated action plan (*Sulejmanovic*) (29/06/2012) [DH-DD\(2012\)670](#)Action plan (*Sulejmanovic*) (23/11/2011) [DH-DD\(2011\)1113](#)*Communication from a NGO*From Nonviolent Radical Party Transnational and Transparty (10/04/2014) [DH-DD\(2014\)585](#)[Decision](#) adopted at the 1193rd meeting (March 2014)*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 3m² 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.

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Lithuania

Application : 27527/03 Judgment Final on 31/03/2008	L. v. Lithuania	Proposal to transfer the case to the enhanced procedure
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1208th meeting - (23-25 September 2014)

[List of decisions](#)

Reference texts:

Communications from Lithuania

Updated action plan (17/07/2014) [DH-DD\(2014\)957](#); Updated action plan (21/03/2014) [DH-DD\(2014\)399](#) ;
Updated action plan (18/04/2013) [DH-DD\(2013\)657](#)

Communications from NGOs

From LGL, HRMI, ILGA-Europe, TGEU) (10/12/2013) and reply of the authorities [DH-DD\(2014\)120](#)

From Association Lithuanian Gay League (10/09/2014) [DH-DD\(2014\)1105](#)

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.

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Application : 34932/04 Judgment Final on 06/01/2011	Paksas v. Lithuania	Proposal to transfer to the enhanced procedure
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1208th meeting - (23-25 September 2014)[🏠 List of decisions 🏠](#)**Reference texts:***Communications from Lithuania*Updated action plan (14/08/2014) [DH-DD\(2014\)978](#); Action plan (21/03/2014) [DH-DD\(2014\)398](#);Updated action plan (27/09/2012) [DH-DD\(2013\)42](#);Action plan (06/06/2011) [DH-DD\(2011\)484](#)*Communications from the applicant's representative*(17/02/2014) [DH-DD\(2014\)550](#); (16/06/2014) [DH-DD\(2014\)894](#)**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.

Malta

Application : 64791/10 Final judgment : 17/10/2012	M.D. AND OTHERS v. Malta	Enhanced procedure : urgent individual measures/ complex problem
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1164th meeting - (5-7 March 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Action plan (11/02/2013) [DH-DD\(2013\)152E](#)

Decision

The Deputies

1. welcomed the diligence shown by the Maltese authorities in responding rapidly to the judgment of the European Court by preparing two draft laws aimed at putting in place a mechanism to provide access to a court to review the forfeiture of parental rights and imposition of final care orders;
2. noted also that although not required by the judgment, steps were rapidly taken in order to take account of the change in circumstances in the applicants' situation, and that they currently live together;
3. invited the authorities to clarify bilaterally with the Secretariat the outstanding questions on the mechanism to provide access to court to review final care orders.

Norway

Application : 13221/08+ Final judgment on 22/10/2012	LINDHEIM AND OTHERS v. Norway	Enhanced procedure : complex problem
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1186th meeting - (3-5 December 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Action plan (104/04/2013) [DH-DD\(2013\)501](#)

Decision

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 so far in response to the Court's judgment, in particular the measures rapidly taken with a view to remedying the shortcomings in the domestic legislation, including the provisional measures pending the adoption of the new legislative framework;
3. noted the information provided on the related pending judicial proceedings and invited the Norwegian authorities to provide information on the outcome of these proceedings;
4. encouraged the Norwegian authorities to continue their efforts to take all necessary measures to execute the present judgment and invited them to provide updated information on all relevant further developments.

Poland

Application : 46702/99 Judgment Final on 12/07/2007	DZWONKOWSKI Group	Standard procedure : proposal to transfer under the enhanced procedure
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1201st meeting– (June 2014)

[🏠 List of decisions 🏠](#)

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 *Przemyk* case.

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Application : 33870/96 Final judgment : 11/05/2003	FUCHS Group v. Pologne	Enhanced procedure : complex problem
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1179th meeting - (24-26 September 2013)

[List of decisions](#)

Reference texts:

Action plan (Fuchs group) (23/11/2011) [DH-DD\(2011\)1073](#)

[Decision](#) adopted at the 1128th meeting (December 2011)

Decision

The Deputies

1. noted with regret that despite the authorities' commitment, expressed in their 2011 action plan, to regularly inform the Committee on the adoption of new measures to execute this group of cases, no further written information has been submitted since then;
2. observed, on the basis of the information available, that the situation remains of concern, as the number of cases pending before the administrative courts has increased and there is no information available on the length of proceedings before administrative bodies;
3. pointed out with interest that a new remedy was introduced in 2011 in the Code of Administrative Procedure and invited the authorities to submit information on its functioning in practice;
4. underlining that issues related to the excessive length of administrative proceedings in Poland have been pending before the Committee for more than ten years, invited the authorities to submit, without further delay, an updated action plan on all measures taken to date and their impact on the length of administrative proceedings together with the functioning of existing remedies.

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Application : 7710/02 Judgment Final on 22/11/2010	GRZELAK v. Pologne	Enhanced procedure : complex problem
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1186th meeting - (3-5 December 2013)[List of decisions](#)**Reference texts:**

Action plan (31/07/2013) [DH-DD\(2013\)957](#)
 Initial action report (15/01/2013) [DH-DD\(2013\)309](#)

Decision

The Deputies

1. noting that the applicant is no longer in compulsory education and that the European Court considered that the non-pecuniary damage he had sustained had been sufficiently compensated by the finding of a violation, decided to close the supervision of the execution of individual measures;
2. welcomed the actions taken by the authorities to ensure that all pupils who do not wish to follow religious education have the opportunity to participate in ethics classes, if necessary by means of online courses;
3. noting however, that the action plan submitted only provides for the implementation of the measures chosen by the authorities, namely the new system of e-learning, as from 2015, underlined the importance to ensure compliance with the foreseen time-table and invited the authorities to keep the Committee regularly informed on progress in this field;
4. moreover, given the time still needed for the adoption of all the measures proposed, also invited the authorities to clarify which measures they intend to take in the meantime to ensure that persons in the situation similar to the applicant's do not suffer from the discrimination mentioned by the Court.

1201st meeting– (3-5 June 2014)[List of decisions](#)**Reference texts:**

Action report (03/04/2014) [DH-DD\(2014\)483](#)
 Revised action plan (13/02/2014) [DH-DD\(2014\)245](#)
 Action plan (31/07/2013) [DH-DD\(2013\)957](#)
 Initial action report (15/01/2013) [DH-DD\(2013\)309](#)
[Decision](#) adopted at the 1186th meeting (December 2013)

Decision

The Deputies adopted Final Resolution [CM/ResDH\(2014\)85](#).

Résolution finale CM/ResDH(2014)85

**Execution of the judgment of the European Court of Human Rights
Grzelak against Poland**

Application No.	Case	Judgment of	Final on
7710/02	GRZELAK	15/06/2010	22/11/2010

(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.

* * *

Application : 13621/08 Judgment Final on 17/07/2012	HORYCH v. Pologne	Enhanced procedure : complex problem
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1208th meeting– (23-25 September 2014)

[List of decisions](#)

Reference texts:

Action plan (20/06/2014) [DH-DD\(2014\)855](#)

Decision

The Deputies

1. 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;
2. 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;
3. 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;
4. 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”;
5. 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.

Application : 35014/97 Final on 28/04/2008	HUTTEN-CZAPSKA v. Pologne	Enhanced procedure Transfert proposé
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1115th meeting - (7-8 June 2011)

[List of decisions](#)

Decision

The Deputies,

1. noted with satisfaction the measures taken by the Polish authorities to implement the judgment, in particular the measures identified by the European Court, in its decision of 08/03/2011 in the case of The Association of Real Property Owners in Łódź against Poland (see notification by the Registry DH-DD(2011)208E), as amounting to a global solution to the systematic problem identified in the pilot judgment, as well as the compensation scheme for landlords affected by the rent control;
2. noted that in its decision quoted above the European Court concluded that these measures allowed it to close the pilot judgment procedure;
3. noted however that in this decision the European Court observed that compensatory refunds are available only to those persons whose property was subject to the rent-control scheme during any period between 12/11/1994 and 25/04/2005, whereas the systemic violation of Article 1 of Protocol No. 1 continued after 25/04/2005;
4. noted also that the European Court held that it is for the Committee of Ministers to assess the impact of the above mentioned measures, as well as of the introduction of the “occasional lease”, on the execution of the pilot judgment;
5. invited the Polish authorities to provide further information on these questions;
6. in the light of the fact that the pilot judgment procedure has been lifted, decided to transfer the case for examination under the standard procedure.

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Application : 23052/05 Final on 03/05/2009	KAPRYKOWSKI v. Pologne	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.2

- 3 cases against Poland

23052/05	Kaprykowski, judgment of 03/02/2009, final on 03/05/2009
28300/06	Musiał Sławomir, judgment of 20/01/2009, final on 05/06/2009
44369/02	Wenerski, judgment of 20/01/2009, final on 20/04/2009

Decision

The Deputies,

1. recalled the systemic nature of the problem of improper conditions of detention and lack of adequate medical treatment of detainees requiring special care in view of their state of health;
2. welcomed the information provided on Mr. Wenerski's stable state of health and on the possibility for him to have the desired plastic surgery on his eye;
3. noted that on 26 February 2010 the Polish authorities submitted an action report and an action plan, presenting practical measures taken and envisaged to reform and modernise penitentiary health-care facilities, as well as some legislative measures under way and considered that this information required more detailed examination;
4. underlined, however, that additional information was already necessary to allow full assessment, particularly on the impact of the measures adopted and on a provisional timetable, and on the impact expected from the additional measures envisaged;
5. thus strongly encouraged the authorities to continue their efforts to remedy the structural problem revealed by these judgments and rapidly submit to the Committee the additional information awaited;
6. decided to resume consideration of these cases at their 1086th meeting (June 2010) (DH), in the light of the action report and action plan completed by the authorities.

1120th meeting - (13-14 September 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that on 26 February 2010 the Polish authorities submitted an action plan but that additional information was deemed necessary to allow a full assessment of the state of execution of the present judgments;
2. in this context, noted with interest the additional information presented during the meeting and the submission on 12 September 2011 of an updated action plan, which remains to be assessed.

Reference texts:

Action plan (17/03/2010) [DH-DD\(2011\)626](#)

Action plan (12/09/2011) [DH-DD\(2011\)710E](#)

Communication from the authorities [DH-DD\(2013\)89](#)

[Decision](#) adopted at the 1120th meeting (September 2011)

Decision

The Deputies

1. noted that in the light of the information recently submitted, according to which Mr Musiał's detention conditions are compatible with his state of health and he has access to the healthcare he needs, no other individual measure appears necessary;
2. concerning the general measures, noted with interest the positive developments presented in the authorities' Action plan, in particular the systematic growth of expenditure on healthcare services in prisons, the implementation of medical assistance programmes for detainees dependant on alcohol or drugs, increasing numbers of medical staff in prisons and on-going training for medical personnel within the penitentiary system;
3. noted also the legislative and regulatory measures presented by the authorities but observed that the general guarantee of access to healthcare in the Code of Execution for Criminal Sentences was already in force at the time the Court gave its judgments in this group of cases, and considered that additional and up to-date information is necessary to clarify the scope and real impact of these measures;
4. invited also the Polish authorities to provide more detailed information on the functioning, in theory and in practice, of the remedies available to prisoners and detainees in relation to access to healthcare;
5. strongly encouraged the authorities to continue their efforts to remedy the structural problem revealed by these judgments and invited the authorities to provide a consolidated action plan/report which includes all of the additional information needed for a full evaluation of the status of execution in this group of cases.

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Application : 30210/96 Final on 26/10/2000 Application : 27916/95 Final on 30/10/1998 Application : 33870/96 Final on 11/05/2003	PODBIELSKI Group KUDLA Group FUCHS Group v. Pologne	Enhanced procedure
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1128th meeting - (29 nov.-2 dév. 2011)
[🏠 List of decisions 🏠](#)
Decision

The Deputies,

1. noted with interest the action plans submitted on 22 and 23 November 2011 and the significant number of measures taken to address the systemic problem of excessive length of proceedings (notably computerisation of proceedings, further legal amendments aimed at the acceleration of proceedings), as well as the regular monitoring of courts' caseloads ensured by the authorities and the comprehensive statistics submitted;
2. noted the commitment of the Polish authorities to monitor closely the implementation and the impact of these measures with a view to assessing their effectiveness, in particular with regard to the functioning of the domestic remedy;
3. instructed the Secretariat to make a detailed assessment of the action plans recently provided with a view to their substantive examination and invited the authorities to keep the Committee informed of the outcome of their assessments and any further measures that may be considered necessary.

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Applications : 30210/96, 27916/95 Final judgments : 26/10/2000, 30/10/1998	KUDŁA Group v. Pologne PODBIELSKI Group v. Pologne	Enhanced procedure : complex problem
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1179th meeting - (24-26 September 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Interim Resolution [CM/ResDH\(2007\)28](#)Action plan (Podbielski and Kudła groups) (23/11/2011) [DH-DD\(2011\)1074](#)Updated action plan (04/07/2013) [DH-DD\(2013\)787](#)[Decision](#) adopted at the 1128th meeting (December 2011)*Decision*

The Deputies

1. noted with interest the wide range of legislative and organisational measures taken by the Polish authorities in order to combat excessive length of civil and criminal proceedings together with the fact that in 2012, for the first time in recent years, a reduction in the backlog of cases pending before the Polish courts was registered;
2. encouraged the authorities to continue their efforts and to develop a clear strategy in order to maintain this recent positive trend;
3. expressed however serious concern in relation to the continued problems with the application of the remedy against excessive length of civil and criminal proceedings and considered that substantive measures are still necessary to correct them;
4. invited the authorities to conduct a deep reflection on the measures still necessary in these two groups of cases and to submit to the Committee an updated action plan, along with an estimated timetable for the adoption of the envisaged measures.

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Application : 17885/04 and 17599/05 Final on 22/01/2010	ORCHOWSKI and SIKORSKI v. Pologne	Enhanced procedure
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1078th meeting – (4 March 2010)[List of decisions](#)Decision

The Deputies,

1. recalled that the European Court found that overcrowding in Polish prisons and remand centres stems from a persistent structural dysfunction and underlined that consistent and long-term efforts by the authorities must be undertaken to achieve compliance with Article 3;
2. welcomed the information that Mr Sikorski has been conditionally released and Mr Orchowski transferred to a prison which is not affected by overcrowding;
3. noted that on 26 February 2010 the Polish authorities submitted an action report and an action plan, presenting practical measures taken and envisaged, as well as relevant legislative measures adopted or under way, intended to remedy the systemic problem of overcrowding in prisons and considered that this recent information still needed more in-depth assessment and some clarification;
4. underlined however that additional information is already necessary to allow full assessment, particularly on the impact of the measures adopted and on a provisional timetable, and on the impact expected from the additional measures envisaged;
5. thus strongly encouraged the authorities to continue their efforts to remedy the structural problem revealed by these judgments and to provide to the Committee the additional information awaited, as well as any relevant information on the implementation of the authorities' action plan;
6. decided to resume consideration of these cases at their 1086th meeting (June 2010) (DH), in the light of the action report and action plan completed by the authorities.

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Application : 17885/04 Final judgment : 22/01/2010	ORCHOWSKI Group v. Pologne	Enhanced procedure : complex problem
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1120th meeting - (13-14 September 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that on 26 February 2010 the Polish authorities submitted an action plan but that additional information was deemed necessary to allow a full assessment of the measures envisaged;
2. noted with interest the submission of information by the authorities during the present meeting and the action report published on 12 September 2011, detailing significant measures taken by the authorities to reduce overcrowding in prisons and remand centres, which remain to be assessed;
3. observed already that the information presented does not appear to include information on the aggravating factors referred to in the European Court's judgments;
4. invited the authorities to complete the action report submitted with information on measures taken in relation to the aggravating factors identified by the European Court so that the status of execution of the cases can be fully assessed.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**

Action plan (17/03/2011) (Orchowski and Sikorski cases) [DH-DD\(2011\)627](#)

Action report (12/09/2011) (Orchowski and Sikorski cases) [DH-DD\(2011\)709E](#)

Communication from Office of the Human Rights Defender (Orchowski and Sikorski cases) and reply of the government (16/11/2011) [DH-DD\(2011\)1108E](#)

Communication from the authorities (11/01/2013) [DH-DD\(2013\)88](#)

[Decision](#) adopted at the 1120th meeting (September 2011)

Decision

The Deputies

1. noted with satisfaction the range of measures adopted by the Polish authorities and presented in the updated action report, in order to tackle the problem of overcrowding in prisons and remand centres;
2. recalled that additional information on measures taken in relation to the aggravating factors identified by the European Court was necessary to allow the status of execution of these cases to be fully assessed;
3. noted in this respect that additional information was submitted on 11 January 2013 on certain aggravating factors but that information is still needed on measures taken to address the lack of privacy, insalubrious conditions and lack of consideration for vulnerable detainees with medical conditions;
4. considered that in order for the Committee to have a full picture of the status of execution of these judgments, further information is also needed in particular concerning the system of electronic surveillance, the impact of the measures adopted to remedy the excessive length of pre-trial detention, examined in the Trzaska group of cases, as well as the functioning of the domestic remedy;
5. noted further with interest the authorities' commitment during bilateral contacts related to other measures envisaged or adopted to follow up, beyond the execution the judgments in the cases Orchowski and Sikorski v Poland, their efforts to take into account the recommendations of the Committee for the Prevention of Torture, notably in respect of living space;

6. invited the authorities to provide a consolidated action report as soon as possible including all the outstanding information

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Application : 25792/94 Final on 11/07/2000	TRZASKA Group v. Pologne	Enhanced procedure
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1128th meeting - (29 nov.-2 déc. 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that on 27 November 2009 the Polish authorities presented detailed information concerning amendments to the Code of Criminal Procedure and other general measures taken or envisaged for this group of cases but that additional information was deemed necessary to allow a full assessment of the measures envisaged;
2. also recalled the exchanges which took place in Warsaw in March 2010 between the Secretariat and the authorities on the questions raised by these judgments, following which the authorities undertook to provide further information to the Committee, in particular on the monitoring by the authorities of developments in the situation concerning the length of detention, together with available statistical information;
3. noted that the information awaited was provided by the authorities on 21 November 2011 in the form of an action plan and invited the Secretariat to make a detailed assessment of the action plan with a view to its substantive examination at the 1136th meeting (March 2012) (DH).

1136th meeting - (6-8 March 2012)[List of decisions](#)**Reference text**

Interim Resolution [CM/ResDH\(2007\)75](#)

Action plan [DH-DD\(2011\)1067](#)

The Deputies

1. noted with satisfaction the progress achieved by the Polish authorities, reflected in the positive trends visible in the recent statistics and the increased application of measures alternative to detention by Polish courts;
2. welcomed the commitment of the authorities, as evidenced by the continued monitoring of the length and grounds for pre-trial detentions, as well as by the training activities for judges and prosecutors;
3. invited the authorities to continue their efforts in relation to training and awareness-raising measures, in particular as regards the promotion of measures alternative to detention and the further reduction of medium- and long-term detentions;
4. decided, in the light of the significant progress achieved and the commitment of the authorities, to continue the supervision of the execution of this group of cases under the standard procedure.

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Application : 5410/03 Final on 24/09/2007	TYSIAC v. Pologne	Enhanced procedure
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1115th meeting - (7-8 June 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. took note of the additional information submitted by the authorities during the meeting on the questions arising from the legal framework adopted in order to provide procedural safeguards in the event of disagreement between the patient and the doctor empowered to deliver the certificate needed to perform a therapeutic abortion;
2. considered that this information necessitates deeper examination and invited the authorities to submit such information to the Committee in writing, so that it can make a complete assessment of the state of execution of this judgment, if possible at their 1120th meeting (September 2011) (DH).

Applications : 5410/03, 27617/04 Judgments final on 24/09/2007 and 28/11/2011	TYSIAC v. Pologne R.R. v. Pologne	Enhanced procedure : complex problem
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1208th meeting - (23-25 September 2014)[🏠 List of decisions 🏠](#)**Reference texts:***Communications from Poland*Updated action report (26/11/2013) (Tysiāc case) [DH-DD\(2014\)104](#)Action report (26/11/2013) (R.R. case) [DH-DD\(2014\)103](#)Action report (24/03/2011) (Tysiāc case) [DH-DD\(2011\)248](#)*Communications from NGOs*From Helsinki Foundation for Human Rights (21/03/2014) and reply from the authorities [DH-DD\(2014\)605](#)From Polish bar Council (02/01/2014) and reply of the authorities (15/01/2014) [DH-DD\(2014\)142](#)From Centre for Reproductive Rights (13/05/2011) [DH-DD\(2011\)413](#)[Decision](#) adopted at the 1115th meeting (June 2011) (Tysiāc case)**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.

Portugal

Application : 34422/97 Final judgment : 08/09/20000	OLIVEIRA MODESTO AND OTHERS v. Portugal	Enhanced procedure : complex problem
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1078th meeting– (4 March 2010)

[List of decisions](#)

Section 4.2

- 25 cases against Portugal

- 25 cases of length of judicial proceedings

[Interim Resolution CM/ResDH\(2007\)108](#)

a. Cases before civil courts

34422/97	Oliveira Modesto and others, judgment of 08/06/00, final on 08/09/00
54926/00	Costa Ribeiro, judgment of 30/04/03, final on 30/07/03
53997/00	Dias Da Silva and Gomes Ribeiro Martins, judgment of 27/03/03, final on 27/06/03
53534/99	Esteves, judgment of 03/04/03, final on 03/07/03
56345/00	Ferreira Alves No. 2, judgment of 04/12/03, final on 04/03/04
53937/00	Ferreira Alves, Limited, judgment of 27/02/03, final on 27/05/03
49671/99	Ferreira da Nave, judgment of 07/11/02, final on 07/02/03
56110/00	Frotal-Aluguer de Equipamentos S.A., judgment of 04/12/03, final on 04/03/04
58617/00	Garcia da Silva, judgment of 29/04/2004, final on 29/07/2004
49279/99	Koncept-Conselho em Comunicação e Sensibilização de Públicos, Lda, judgment of 31/10/02, final on 31/01/03
52412/99	Marques Nunes, judgment of 20/02/03, final on 20/05/03
54566/00	Moreira and Ferreirinha, Lda and others, judgment of 26/06/03, final on 26/09/03
55081/00	Neves Ferreira Sande e Castro and others, judgment of 16/10/03, final on 16/01/04
57323/00	Pena, judgment of 18/12/03, final on 18/03/04
48187/99	Rosa Marques and others, judgment of 25/07/02, final on 25/10/02
59017/00	Soares Fernandes, judgment of 08/04/2004, final on 08/07/2004
44298/98	Tourtier, judgment of 14/02/02, final on 14/05/02

b. Cases before administrative courts

52662/99	Jorge Nina Jorge and others, judgment of 19/02/04, final on 19/05/04
55340/00	Sociedade Agrícola do Peral and other, judgment of 31/07/03, final on 31/10/03

c. Cases before criminal courts

48956/99	Gil Leal Pereira, judgment of 31/10/02, final on 31/01/03
14886/03	Monteiro da Cruz, judgment of 17/01/2006, final on 17/04/2006
50775/99	Sousa Marinho and Marinho Meireles Pinto, judgment of 03/04/03, final on 03/07/03
52657/99	Textile Traders, Limited, judgment of 27/02/03, final on 27/05/03

d. Case before family courts

51806/99	Figueiredo Simoes, judgment of 30/01/03, final on 30/04/03
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e. Case before labour courts

53795/00	Farinha Martins, judgment of 10/07/03, final on 10/10/03
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Decision

The Deputies, recalling Interim Resolution CM/ResDH(2007)108 adopted by the Committee as regards this group of cases in October 2007,

- noted with interest the information provided by the Portuguese authorities on the measures adopted to solve the structural problem of excessive length of judicial proceedings, as well as the statistical data illustrating the evolution of the backlog and of the average length of proceedings in these years;

2. encouraged the authorities to continue their efforts in this field and adopted Interim Resolution CM/ResDH(2010)34 as it appears in the Volume of Resolutions;
3. decided to resume consideration of the question of effective remedy at the latest at their 1100th meeting (December 2010) (DH) in the light of further information to be provided by the authorities in the Martins Castro case;
4. decided to resume consideration of the question of excessive length of judicial proceedings at the latest in mid-2011, in the light of further updated statistical data and information on general and individual measures.

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Interim resolution CM/ResDH(2007)108
concerning the judgments of the European Court of Human Rights
in 25 cases against Portugal (see Appendix II)
relating to the excessive length of proceedings

(Adopted by the Committee of Ministers on 17 October 2007, at the 1007th 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 number of judgments of the European Court of Human Rights ("the Court") finding Portugal in violation of Article 6, paragraph 1, of the Convention on account of the excessive length of judicial proceedings (see Appendix II to this resolution);

Recalling that the obligation of every state, under Article 46, paragraph 1, of the Convention, to abide by the judgments of the Court involves an obligation rapidly to adopt the individual measures necessary to erase the consequences of the violations as well as to adopt general measures preventing new violations of the Convention similar to those found including provision of effective domestic remedies pending the entry into effect of the necessary changes;

Recalling in this respect the Committee of Ministers' Recommendation to member states [Rec\(2004\)6](#) regarding the need to improve the efficiency of domestic remedies;

Recalling furthermore that excessive delays in the administration of justice constitute a serious danger for the respect of the rule of law;

Having invited Portugal to inform it of the measures adopted or being taken in response to these judgments and having examined the information provided by the Portuguese authorities in this respect (as it appears in the Appendix I to this interim resolution);

Individual measures

Having noted the individual measures taken by the authorities to provide the applicants redress for the violations found (*restitutio in integrum*), in particular the payment of the just satisfaction awarded by the Court in all cases and the acceleration, as far as possible, of the proceedings which were still pending after the findings of violations by the Court;

Noting with satisfaction that the domestic proceedings at issue have been brought to an end in 22 of the 25 cases concerned;

Noting however with concern that three of the cases are still pending before the domestic courts, after 19 years and 7 months (Oliveira Modesto and others), 15 years (Garcia da Silva) and 11 years and 9 months (Sociedade Agrícola do Peral and other) respectively;

Noting with satisfaction that the Portuguese authorities are providing the Committee with frequent and detailed updates on the progress in these proceedings;

General measures

Measures to remedy the excessive length of proceedings

Recalling that numerous violations found by the Court were due to excessive delays in various kinds of judicial proceedings in Portugal, thus revealing certain structural problems in the administration of justice;

Welcoming the numerous reforms adopted by the authorities in order to remedy these structural problems (see details in Appendix I), and in particular:

- the increase in the number of judges
- the reduction of the civil litigation and a geographically more even spread of cases among civil courts,
- the setting up of new district administrative tribunals with competences previously vested in the Supreme Administrative Court and the Central Administrative Tribunal,
- the increase of the number of justices of the peace and “mediation services”, which facilitate settlement of disputes by means of conciliation between the parties and the increase of their fields of competence

Considering however that the impact of the reforms adopted on the length of proceedings in Portugal and their actual capacity to prevent new similar violations can only be assessed on the basis of comparative, statistical data;

Noting that the first evaluations of the measures adopted seem to show a positive trend, indicating that in 2006, for the first time in more than 10 years, the number of concluded proceedings was greater than the number of initiated ones;

Considering that more statistical data, over a longer period of time, are necessary for a full assessment of the effectiveness of the measures adopted;

Measures regarding effective remedies

Noting that articles 108 and 109 of the Portuguese Code of Criminal Procedure enable a person to complain of the excessive length of criminal proceedings in Portugal and to request their acceleration, thus providing a true legal remedy, as recognised by the Court in its decision on admissibility in the case of Tomé Mota of 2 December 1999;

Noting further that, as noted by the Court in its decision on admissibility in the case of Gouveia da Silva Torrado of 22 May 2003, the case-law of the Portuguese Supreme Administrative Court has developed so as to ensure that the decree of 1967 on the extra-contractual civil responsibility of the state provides an effective remedy against the excessive length of civil proceedings, but noting that confirmation is awaited of the general application of this case-law;

Welcoming the ongoing legislative process to replace the decree of 1967 by a Law on the regime of extra-contractual civil responsibility of the state and other public entities which would explicitly regulate the extra-contractual responsibility of the state for the violation of the right to a judicial decision within a reasonable time, thus providing a more stable basis for this effective remedy;

Recalling the consistent position of the Convention organs that the existence of an effective domestic remedy does not obviate the obligation to pursue the adoption of general measures required to prevent new violations of the Convention;

INVITES the Portuguese authorities to provide for acceleration as much as possible of the proceedings in the three cases still pending before the Portuguese courts, to bring them to an end as soon as possible, and to keep the Committee informed of the progress in this respect;

ENCOURAGES the Portuguese authorities to continue their efforts in solving the general problem of the excessive length of judicial proceedings before civil, administrative, criminal, family and labour courts, and keep the Committee informed thereof;

INVITES the authorities to provide the Committee with further information on the practical impact of all the reforms on the length of judicial proceedings, and in particular with additional comparative, statistical data in this respect;

INVITES the authorities further to continue the legislative process with a view to the adoption of the draft Law on the regime of extra-contractual civil responsibility of the State and other public entities, which would provide a more stable basis for the effective remedy in civil and administrative proceedings;

DECIDES to resume consideration of the outstanding individual measures and the general measures in these cases at its third meeting in 2008 at the latest.

Appendix I to Interim Resolution CM/ResDH(2007)108

Information provided by the Government of Portugal during the examination of the cases concerning the excessive length of proceedings by the Committee of Ministers

I. Individual measures

The Portuguese authorities have recently provided a comprehensive summary on the progress in the proceedings still pending. Only the cases of Oliveira Modesto and others, Sociedade Agrícola do Peral and Other and Garcia da Silva are currently still pending before the domestic courts. In the case of Oliveira Modesto, the proceedings are expected to be concluded by September 2008. The payments to the creditors would then be made by the end of 2008. In the case of Garcia da Silva, the proceedings are still pending for various reasons, including the lack of cooperation from the parties involved. Finally, in the case of Sociedade Agrícola do Peral a judgment has recently been delivered, which is now the subject of an appeal to the Supreme Administrative Court.

II. General measures

A) Measures taken to reduce the length of criminal and civil proceedings

1) Civil proceedings:

- The possibilities of applying the judicial regime of injunction has been increased and extended to the recovery of debts arising from contracts of a value not higher than almost 15 000 euros. This will ensure the transfer of this type of cases from the courts to their registries.
- Several new laws have been introduced to simplify legal procedures and make them more flexible, for example by regulating the use of electronic documents and signatures and by enabling the judiciary to treat cases jointly.
- The rules as regards the territorial jurisdiction of courts have changed, with the consequence that the number of proceedings is more geographically spread instead of being concentrated in the two biggest cities.
- Bankruptcy procedures have been reformed so that insolvency and bankruptcy cases are begun within reasonable time (Law 39/2003).
- The legal regime concerning the payment of insurance premiums has been changed, with a view to avoiding a great number of declaratory actions before the courts.
- A Law and, subsequently, a decree have been adopted in 2007 amending the rules regarding appeal proceedings in civil cases, aimed at, among other things, reducing the number of appeals brought in general and to the Supreme Court in particular. The new legislation eliminates the difference between two forms of appeal, thus unifying the regime on appeals in civil cases. One of its aims is to prevent that the High Court of Justice often needs to decide on questions that have been previously decided on, thus enhancing its role as "case law guider" of the judicial system. This draft law also allows for a reopening of proceedings when the judgment in question is not in accordance with a decision of an international body.
- A temporary law, applicable only in the year 2006, was adopted, providing tax incentives in compensation for withdrawal of pending proceedings.
- Enforcement proceedings have been reformed by assigning certain functions (e.g. summonses, publications, sale of seized goods) to specialised enforcement officers. The new legislation (Legislative Decree 38/2003) in particular sets out stricter rules and time-limits for enforcement proceedings. Such proceedings represented 52.3% of all civil proceedings in Portugal in 2003. The reform is expected to ensure a more reasonable length of enforcement

proceedings, as under the new regime 80% of applications are no longer dealt with before a court, but passed directly to enforcement officers. The processing of claims is further accelerated with the entry into operation of an online application system via internet.

2) Administrative and fiscal proceedings:

- Laws have been passed to simplify and accelerate administrative proceedings in specific fields (Law 13/2002 approving the new Statute of the administrative and fiscal tribunals and Law 15/2002 approving the Code of procedure applicable in the administrative and fiscal tribunals). In particular, these laws provide the creation and establishment of new district administrative tribunals with competencies previously vested in the Supreme Administrative Court and the Central Administrative Tribunal. The Central Administrative Court has been turned into a Court of Appeal. This reform entered fully into force on 01/01/2004, when 14 new tribunals, in which 83 new magistrates sit, became operational. During the first semester of 2004, 3,686 sets of administrative and 5,595 sets of fiscal proceedings were initiated. At the end of the first trimester, 669 administrative and 547 fiscal proceedings had been closed. The Portuguese authorities state that these reforms have significantly increased both the speed of proceedings and the number of cases closed.

- Several aspects of the fiscal regime applicable to bad debt have been modified so as to decrease the amount of proceedings brought in this field.

- An Action Programme to Modernise Tax Justice was approved by Decree Law 182/2007 and is being implemented since January 2007. This Programme allocated magistrates to pending proceedings and reinforced the technical support to the courts. The recruitment of new magistrates and judicial clerks in this field will continue. The Programme also provides for the creation of a new Administrative and Tax Court and 6 new Liquidation Sections.

3) Criminal proceedings:

- Numerous amendments of the Criminal Code and the Code of Criminal Procedure were adopted and have entered into force on 15 September 2007. One of the main aims of these reforms was to allow criminal proceedings to be conducted simpler and more speedily, without prejudice to the fundamental rights of the suspect in question. Therefore, amendments were made regarding certain time-limits: whenever a time-limit is not met, action is immediately taken within the court system, possibly leading to procedural acceleration by the Public Prosecutors Office. The maximum period of detention on remand has been reduced. In addition, the number of cases in which special, shorter kinds of proceedings, often on basis of consensus, are applicable, has been increased. Several acts may now be performed on non-working days and the time-limits for these actions continue to run during judicial holidays. Procedures regarding a conflict of competence between courts have been simplified. Also, the transcription of recordings of trial proceedings on appeals is no longer mandatory, removing one of the main causes of delays in appeals in criminal cases. Finally, the possibility of mediation has been introduced in criminal proceedings, allowing cases to be settled without the need for a trial.

The reopening of criminal proceedings after a decision of an international Court has also been made possible in the new legislation.

- Several infractions and contraventions have been removed from the criminal jurisdictions and transferred to administrative ones.

- The amount as from which cheques without provision are criminalised has been increased, a previous increase having proved effective in reducing the number of such criminal cases.

4) The length of proceedings in general:

- New judges are being recruited and trained and computer systems for the judiciary are being developed. In 2004, 118 new judges and 69 prosecutors, trained at the School of Magistrates, were appointed. In addition, the amount of vacation judges can take per year has been significantly reduced.

- A law has been passed to regulate the jurisdiction of justices of the peace and “mediation services”, to promote settlement of disputes by means of conciliation between the parties (Law 78/2001). After several increases, there are currently twelve justices of the peace operating in Portugal. Increasing the number of justices of the peace and their fields of competence has meant that they handle many more cases, thus relieving the burden on the courts. In 2004, the number of cases brought before justices of the peace was 2,535, where in 2002 it was 336. This number continues to rise. The average length of proceedings before justices of the peace is two months.

- Currently 32 authorised arbitration centres are operational, with competences in both civil and administrative disputes. 8 of these are technically and financially supported by the State. For example, in 2006 an arbitration centre competent in matters concerning hospital debts was created. Two other centres will be created shortly, competent in matters relating to industrial property and in administrative disputes concerning public contracts.

- Laws have also been adopted to increase the number of judges. In particular, these laws provide: exceptional shortening of magistrates' traineeships, the temporary assignment of lawyers with recognised professional experience as judges in courts of first instance, the recruitment of judges' assistants and the establishment in courts of special sections of retired judges to deal with pending or delayed cases (Legislative Decree 179/2000, Legislative Decree 330/2001, Law 7-A/2003 and Law 3/2000). Between September 2000 and December 2003, 5,438 cases were transferred to these special sections. All in all this reform has had positive effects, although these have been limited due to the total number of cases pending before the courts. The establishment of these sections was a temporary reform, only valid until 2003.

- The Bureau of Legislative Policy and Planning of the Ministry of Justice has, in cooperation with an association belonging to the law faculty of the *Universidade Nova* in Lisbon, prepared a report, evaluating the system of appeal in civil and criminal proceedings. A public debate on this report has been held, which inspired several legislative amendments.

- Several so called e-Justice mechanisms have been introduced, aiming to facilitate the access to justice on the one hand and accelerating judicial proceedings on the other.

- Pending a modernisation of the judicial system in general, which will enter into force in 2008, several urgent reorganisational measures have been adopted, creating for example 22 new specialised Sections of the courts. The above-mentioned more elaborate reform will, among other things, focus on the geographical distribution of courts, with a view to improving rationality, effectiveness and access to justice.

5) The effectiveness of the measures adopted

- The first evaluations of the measures adopted seem to show a positive trend, indicating that in 2006, for the first time in more than 10 years, the number of concluded proceedings was greater than the number of initiated ones. The number of concluded proceedings increased with 14,3% and the number of initiated proceedings decreased with 4,4% as compared to 2005.

B) Legislative measures to introduce an effective domestic remedy in cases of excessive length of judicial proceedings

Articles 108 and 109 of the Portuguese Code of Criminal Procedure enable a person to complain of the excessive length of criminal proceedings in Portugal and to request their acceleration. These articles thus provide a true legal remedy.

In addition, the case-law of the Portuguese Supreme Administrative Court has developed so as to ensure that the decree of 1967 on the extra-contractual civil responsibility of the State provides an effective remedy against the excessive length of civil proceedings.

A legislative process is ongoing to replace this decree with the Law on the regime of extra-contractual civil responsibility of the State and other public entities which explicitly regulates the extra-contractual responsibility of the State for the violation of the right to a judicial decision within a reasonable time. This process is in its final phase.

Reference texts:

Interim Resolutions [CM/ResDH\(2007\)108](#), [CM/ResDH\(2010\)34](#)

Action plan (10/01/2013) [DH-DD\(2013\)56F](#)

Communication from Portugal « *Framework of the Civil Enforcement Proceedings within the Portuguese Judicial System – Report drawn up in the scope of the group of cases “Oliveira Modesto”- April 2011* » (16/05/2011) [DH-DD\(2013\)57E](#) (statistical data and analysis of the length of the enforcement proceedings)

[Decision](#) adopted at the 1078th meeting (March 2010), p. 105

Decision

The Deputies

1. recalled that the violations found by the Court due to excessive length of judicial proceedings in Portugal reveal structural problems in the administration of justice at the time of the relevant facts;
2. noted the legislative measures and the other measures recently adopted or in the process of being adopted, presented in the action plan of 10 January 2013; insisted, in this context, on their call upon the authorities in the two interim resolutions adopted in this group of cases (CM/ResDH(2007)108 and CM/ResDH(2010)34), to present to the Committee an assessment of the impact in practice of the measures adopted before 2010 and invited the authorities to present also an assessment of the more recent measures, as soon as possible;
3. invited the authorities also to present to the Committee an analysis of the statistical data comprised in the action plan and, where appropriate, of the need to adopt further measures aimed at accelerating the judicial proceedings, accompanied by an indicative timetable for their adoption;
4. decided to resume consideration of this group of cases at one of their forthcoming DH meetings, in the light of supplementary information to be submitted by the authorities on the points indicated above, as well as on the measures envisaged by the authorities in their action plan with a view to reducing the length of enforcement proceedings and on the individual measures.

Republic of Moldova

Applications : 12066/02, 9190/03, 39806/05 Judgments final on 19/09/2007, 04/01/2006, 10/03/2009	CIORAP Group BECCIEV Group PALADI Group v. Republic of Moldova	Enhanced procedure : complex problem
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1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Action plan (21/10/2013) [DH-DD\(2013\)1168](#)

[Public notes](#) and decisions adopted at the 1100th meeting (December 2010, pp. 215, 224, 225)

Decision

The Deputies

1. recalled that this group of cases concerns most notably the problem of poor conditions of detention in the Republic of Moldova, the lack of access to medical care in detention, as well as the lack of effective domestic remedies;
2. noted with satisfaction the technical co-operation which has been established between the Moldovan authorities, international experts and the Department for the Execution of the judgments of the European Court with a view to identifying adequate responses to be brought to the aforementioned problems with the support of the project of the Human Rights Trust Fund Project ("implementing pilot, 'quasi-pilot' judgments and judgments revealing systemic and structural problems in the field of detention on remand and remedies to challenge conditions of detention");
3. took note with interest of the updated action plan presented by the Moldovan authorities last October;
4. noted the efforts undertaken by the Moldovan authorities with a view to improving the conditions of detention both in establishments under the authority of the Ministry of the Interior as well as in those under the authority of the Ministry of Justice and strongly encouraged the authorities to pursue their efforts and initiatives in this domain;
5. invited, in this respect, the Moldovan authorities to clarify the manner in which they ensure the strict respect in practice of the legal and regulatory provisions prohibiting the placement of a person deprived of liberty in an establishment of the Ministry of the Interior beyond the statutory limit of 72 hours, and the manner in which breaches are sanctioned;
6. stressed further the importance that the strategy to improve conditions of detention in penitentiary establishments be based on priorities to put in place, defined on the basis of a needs assessment resulting from a precise inventory of the prison estate and of its use, accompanied by a timetable for the implementation of the measures in response to the needs;
7. further encouraged the Moldovan authorities to intensify their efforts to combat overcrowding, notably as regards alternatives to detention;
8. encouraged more generally the Moldovan authorities to take due account of the recommendations of the CPT as well as all relevant recommendation by the Committee of Ministers;
9. noted with interest the Explanatory Decision of the Plenum of the Supreme Court of Justice of 24 December 2012 concerning a compensatory remedy and strongly encouraged the authorities to make rapidly progress in their reflection concerning the setting up of preventive remedies, by taking full benefit of the technical co-operation which is proposed to them in the framework of the aforementioned project of the Trust Fund;
10. invited the authorities to provide all the awaited information on the outstanding questions in relation to access to medical care and to the findings of violation of Articles 8 and 34, as well as on the outstanding individual measures in certain cases of this group.

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Application : 18944/02 Judgment Final on 04/07/2006	CORSACOV Group v. Republic of Moldova	Enhanced procedure : complex problem
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1100th meeting - (2 December 2010)[List of decisions](#)

Section 4.2

The Deputies decided to resume consideration of this item at their 1108th meeting (March 2011) (DH), in the light of information to be provided on individual and general measures.

1208th meeting - (23-25 September 2014)[List of decisions](#)**Reference texts:**

Action plan (19/06/2014) (Corsacov group) [DH-DD\(2014\)836](#)

Action plan (11/02/2014) (Ghimp and others) [DH-DD\(2014\)230](#)

Action plan (24/02/2014) (Eduard Popa) [DH-DD\(2014\)316](#)

Report to the Government of Moldova concerning the visit to Moldova by the European Committee for the prevention of torture and other inhuman or degrading treatment or punishment (CPT) of 1 to 10 June 2011 [CPT/Inf\(2012\)3](#) (French only)

[Decision](#) adopted at the 1100th meeting (December 2010) (p. 219)

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.

Application : 3564/11 Judgment Final on 28/08/2013	EREMIA Group v. Republic of Moldova	Enhanced procedure : complex problem
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Application	Case	Judgment of	Final on
3564/11	EREMIA	28/05/2013	28/08/2013
61382/09	B.	16/07/2013	16/10/2013
74839/10	MUDRIC	16/07/2013	16/10/2013

1193rd meeting - (4-6 March 2014)
[List of decisions](#)

Decision

The Deputies

1. 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;
2. 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;
3. 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;
4. 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.

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Application : 476/07 Final on 28/10/2009	OLARU v. Republic of Moldova	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.3

Decision

The Deputies,

1. noted with satisfaction that the draft law aimed at annulling the right to social housing for twenty-three categories of persons was adopted and that this measure, as indicated by the European Court, is capable of solving the problem for the future;
2. took note of the action plan provided on the measures which are being taken or planned by the Moldovan authorities to provide solutions for the judgments granting social housing rights which already exist, as required by the pilot judgment of the Court;
3. decided to resume consideration of these cases at their 1086th meeting (DH) (June 2010) to assess the progress achieved in the implementation of the above measures, possibly on the basis of a draft interim resolution to be prepared by the Secretariat.

1086th meeting– (3 June 2010)[List of decisions](#)

Section 4.3

-1 case against Moldova

476/07+ Olaru and others, judgment of 28/07/2009, final on 28/10/2009, of 06/04/2010 - Friendly settlement (just satisfaction in the Lungu application, 17911/08) and of 20/04/2010, possibly final on 20/07/2010 – Striking-out (just satisfaction in the Racu application, 13136/07)

Decision

The Deputies,

1. welcomed the government's commitment to execute the pilot judgment, as demonstrated by the participation of the Justice and Finance Ministers in the Round Table on the issue of effective domestic remedies held in Strasbourg on 15 and 16 March 2010;
2. noted with interest that the Moldovan authorities recommend introducing a remedy covering all cases of non-enforcement and unreasonably delayed enforcement of domestic judicial decisions and that draft laws in this respect have already been prepared;
3. observed however that the deadline set by the Court for introducing the remedy required by the pilot judgment had expired;
4. strongly encouraged the Moldovan authorities to give priority to making the general remedy which they have recommended into a practical reality, at the same time ensuring that it fully meets the requirements of the Convention;
5. further encouraged the Moldovan authorities to complete as soon as possible the process of identifying all persons benefiting from a domestic judicial decision entitling them to social housing and rapidly to find appropriate solutions;
6. took note of the information provided by the Moldovan authorities concerning the settlement of individual applications which were submitted to the Court before the delivery of the pilot judgment, and invited them to enhance their efforts to provide the applicants concerned with appropriate redress within the time-limit set by the Court;

7. decided to resume consideration of this case at their 1092nd meeting (September 2010) (DH) in order to assess the progress made in implementing the measures mentioned above.

1100th meeting – (2 December 2010)[🏠 List of decisions 🏠](#)**Section 4.3***Decision*

The Deputies,

1. took note of the progress made in the settlement of individual applications which were lodged with the Court before the delivery of the pilot judgment;
2. encouraged the Moldovan authorities to intensify their efforts to bring to an end the process of settlement of these applications within the new deadline set by the Court;
3. noted that draft laws have been prepared introducing a remedy for non-enforcement or unreasonably delayed enforcement of domestic judicial decisions;
4. regretted that these draft laws have still not been adopted and called upon the Moldovan authorities to give priority to the adoption of a domestic remedy as required by the pilot judgment;
5. noted in this context that there are still approximately 400 unenforced domestic judgments granting social housing rights which might give rise to a substantial risk of repetitive applications to the Court;
6. strongly encouraged the Moldovan authorities, pending the adoption of the reform above-mentioned, to explore other possible solutions aimed at providing adequate and sufficient redress to those who have obtained judgments granting social housing rights to prevent the risk of repetitive applications;
7. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH) to assess the progress made in implementing the above-mentioned measures.

1108th meeting - (8-10 March 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. noted with satisfaction that the draft laws providing a general remedy in case of excessive length of judicial and enforcement proceedings had been approved by the government and sent to Parliament for adoption;
2. recalled that the new deadline set by the European Court for the adoption of a domestic remedy would expire on 15 April 2011;
3. strongly encouraged the Moldovan authorities to adopt these draft laws as a matter of priority and in any event before the expiry of the deadline set by the Court.

1115th meeting - (7-8 June 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. noted that according to the information given by the Moldovan authorities during the meeting, the draft laws providing a general remedy in cases of excessive length of judicial and enforcement proceedings had been adopted and would be published and would enter into force within a few weeks;
2. invited the Moldovan authorities to provide information to the Committee of Ministers on the settlement of individual applications frozen by the European Court.

1120th meeting - (13-14 September 2011)[🏠 List of decisions 🏠](#)Decision

The Deputies,

1. noted with satisfaction that the Acts providing a domestic remedy in case of excessive length of judicial and enforcement proceedings entered into force on 1 July 2011;
2. encouraged the Moldovan authorities to ensure that these Acts are applied in conformity with the requirements of the Convention;
3. invited the Moldovan authorities to provide further information to the Committee of Ministers on the progress made in the settlement of individual applications frozen by the European Court.

1136th meeting– (8 March 2012)[🏠 List of decisions 🏠](#)Decision

The Deputies

1. recalled that a domestic remedy in cases of excessive length of judicial and enforcement proceedings was introduced with effect from 1 July 2011;
2. noted that in its inadmissibility decision of 24 January 2012 in the case of Balan, the Court found it “significant that the Moldovan Government has passed the legal reform introducing the new domestic remedy in response to the Olaru pilot judgment under the supervision of the Committee of Ministers” and accepted that this remedy “was designed, in principle, to address the issue of delayed enforcement of judgments in an effective and meaningful manner, taking account of the Convention requirements”;
3. encouraged the Moldovan authorities to ensure that the new remedy is implemented in compliance with the Convention’s requirements and invited them to keep the Committee informed on the development of the domestic case-law;
4. noted the progress made in the *ad hoc* settlement of applications communicated by the Court in the context of the pilot judgment and invited the Moldovan authorities to enhance their efforts to settle the remaining applications;
5. invited the Moldovan authorities to take the necessary measures to ensure that the remaining judicial decisions granting social housing are enforced in order to prevent a new influx of repetitive applications to the Court;
6. decided to transfer the Olaru group of cases for the Committee’s examination under the standard procedure.

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Application : 18919/10 Final judgment : 06/03/2012	TARABURCA v. Republic of Moldova	Enhanced procedure : complex problem
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1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**Action plan (12/03/2013) [DH-DD\(2013\)450](#)Decision

The Deputies

1. recalled the findings of the European Court according to which the Taraburca case appears to belong in the context of a large number of similar allegations of ill-treatment committed during a relatively short period of time marked by the violent demonstrations which occurred after the elections in April 2009;
2. welcomed that after the post-election events in April 2009, the Government and the Parliament expressed their regrets for the inappropriate reaction of the national law enforcement bodies and the judiciary, and that the Moldovan authorities have expressed their firm engagement to take concrete measures to combat torture and ill-treatment and to prevent arbitrary detention;
3. noted, as regards individual measures, the reopening of the domestic investigation into the applicant's complaint of ill-treatment following the Court's judgment and invited the Moldovan authorities to inform the Committee on the steps taken to ensure that this investigation fully complies with the Convention requirements and the Court's case-law and remedies the shortcomings criticised by the Court, as well as on any developments;
4. noted, as regards general measures, the information outlined in the preliminary action plan and agreed to concentrate their examination in the context of this case on the measures taken or envisaged with a view to preventing similar violations as those found by the Court in cases of important disruptions of law and order;
5. invited the Moldovan authorities to provide, in close co-operation with the Secretariat, additional information in this respect to their preliminary action plan and to present a consolidated and updated action plan as soon as possible.

Republic of Moldova + Russian Federation

Application : 48787/99 Judgment Final on 08/07/2004	ILASCU AND OTHERS Group v. Republic of Moldova and Russian Federation	Standard procedure : examination of the draft final resolution
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1193rd meeting - (4-6 March 2014)
[List of decisions](#)
Reference texts:

Interim resolutions [ResDH\(2005\)42](#), [ResDH\(2005\)84](#), [ResDH\(2006\)11](#), [ResDH\(2006\)26](#), [CM/ResDH\(2007\)106](#)

Action report (Ilaşcu and others and Ivanțoc and others) (26/06/2013) [DH-DD\(2013\)1074](#)

Action report (Ivanțoc and others) (27/02/2013) [DH-DD\(2013\)230](#)

Note from the Secretariat concerning the classification of the cases Ilaşcu and others and Ivanțoc and others (27/11/2012) [DH-DD\(2012\)850 rev](#)

Amendment proposals from the Republic of Moldova to the draft final resolution in the cases of Ilaşcu and others and Ivanțoc and others [DH-DD\(2013\)1297](#)

Comments from the Russian Federation concerning notes and proposals from the Republic of Moldova (11/02/2014) [DH-DD\(2014\)214](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

Application	Case	Judgment of	Final on
48787/99	ILASCU AND OTHERS	08/07/2004	Grand Chamber
23687/05	IVANTOC AND OTHERS ¹⁰	15/11/2011	04/06/2012

Decision

The Deputies adopted Final Resolution CM/ResDH(2014)37 as it appears below.

Résolution finale 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;

¹⁰ Affaire contre la Republic of Moldova and la Russian Federation mays la Cour européenne n'a constaté aucune violation au titre de la Republic of Moldova.

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 Popa¹¹, 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;

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.

¹¹ Formerly Petrov-Popa.

Romania

Application : 46430/99 Final on 05/10/2004	BARBU ANGHELESCU Group (No. 1) v. Romania	Enhanced procedure
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1115th meeting - (7-8 June 2011)

[List of decisions](#)

Decision

The Deputies, having taken note of the state of execution of this group of cases, presented in the Memorandum prepared by the Secretariat CM/Inf/DH(2011)25rev,

1. noted with interest the significant number of measures taken by the Romanian authorities, including legislative measures, to prevent the ill-treatment of detained persons in the hands of the police and enhance the effectiveness of investigations of alleged ill-treatment;
2. underlined the need for the authorities to assess the practical impact of the general measures already implemented and to inform the Committee of their conclusions in this respect and of the existence of any mechanism to monitor this impact at domestic level;
3. noted that a certain number of questions related to the general measures still require to be clarified, in particular as regards the procedural safeguards against ill-treatment in police custody (see part IV of the memorandum CM/Inf/DH(2011)25rev) and the practical in-service training of the members of the police on the requirements of the Convention;
4. noted that information has been recently provided by the Romanian authorities on the measures taken to prevent similar violations to those found by the Court in two cases on account of the racist motives for ill-treatment inflicted by members of the police and the authorities' failure to investigate possible racist motives at the origin of the violence inflicted on the applicants; noted that this information remains to be assessed by the Secretariat;
5. recalled that supplementary information is expected in a certain number of cases as regards the individual measures (for more details see the Memorandum CM/Inf/DH(2011)25rev);
6. invited the authorities to submit the information concerning the outstanding issues in the form of an action plan;
7. decided to declassify the Memorandum CM/Inf/DH(2011)25rev.

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Information document [CM/Inf/DH\(2011\)25rev](#),

Information document [CM/Inf/DH\(2013\)8](#)

Action plan (09/01/2013) [DH-DD\(2013\)35E](#)

[Decision](#) adopted at the 1115th meeting (June 2011)

Decision

The Deputies

1. took note of the action plan provided by the Romanian authorities in this group of cases on 9 January 2013 and of its assessment made in Information document CM/Inf/DH(2013)8, prepared by the Secretariat;
2. noted, as regards the individual measures, that information and clarifications are awaited in a number of cases (for more details see Information document CM/Inf/DH(2013)8);
3. noted with satisfaction that the Romanian authorities have indicated that they were considering the adoption of

additional general measures for the execution of these judgments, having regard to the above-mentioned document;

4. underlined, in this respect, the need for systematic action by all the authorities concerned, accompanied by appropriate monitoring of the impact of the measures taken for the execution of these judgments, in line with a policy of “zero-tolerance” of acts contrary to Articles 2 and 3 of the Convention;
5. decided to declassify Information document CM/Inf/DH(2013)8 and to resume consideration of this group of cases in the light of the information awaited from the Romanian authorities on the outstanding questions identified in this document and on the additional measures defined for the execution of these judgments.

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Application : 33810/07 Final on 28/11/2011	ASSOCIATION '21 DECEMBRE 1989' and MARIES v. Romania	Enhanced procedure : complex problem
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1136th meeting - (6-8 March 2012)[List of decisions](#)**Reference texts**

Action plan [DH-DD\(2012\)98F](#)
[DH-DD\(2012\)98addF](#) (Restricted, confidential additional information)

Communication from a NGO and reply from the government [DH-DD\(2012\)190E](#)

Decision

The Deputies

1. noted that the present case raises complex problems related, first to the ineffectiveness of the criminal investigations into the crackdown on the anti-government protests of December 1989 in Bucharest and other cities of Romania and secondly to the lack of statutory safeguards for the protection of private life in the field of secret surveillance measures in cases of alleged threat to national security;
2. took note of the action plan provided by the Romanian authorities on 19 January 2012, which indicates that the prosecutor's office shall finalise the investigations at issue in this judgment at the earliest opportunity;
3. took note with interest of the information provided during the meeting by the authorities, according to which a draft law repealing the statutory limitation, in particular in respect of intentional offences against life, was recently adopted by the Romanian Parliament;
4. underlined, regardless of the application of these provisions to the facts at the origin of this case, the need for the Romanian authorities to adopt without delay the measures that are necessary to ensure that the investigations at issue are carried out with the required speed and diligence;
5. invited the Romanian authorities to keep the Committee of Ministers informed of the progress in the investigations into the events of December 1989 and of the measures taken to expedite them;
6. decided to grant the Romanian authorities' request for confidentiality of the document [DH-DD\(2012\)98addF](#) and to resume the examination of all the questions raised in this case in the light of a revised action plan to be provided by the Romanian authorities.

1157th meeting - (4-6 December 2012)[List of decisions](#)**Reference texts**

Revised Action plan (19/10/2012) [DH-DD\(2012\)1000F](#)

Action plan [DH-DD\(2012\)98F](#)
[DH-DD\(2012\)98addF](#) (Restricted, confidential additional information)

Communication from the authorities – translation of the draft amendments to the statutory framework in the field of secret surveillance measures (English only) [DH-DD\(2012\)1063](#)

Communication from a NGO and reply from the government [DH-DD\(2012\)190E](#)

Communication from Mrs Elena Vlase (applicant) (04/07/12) and response from the authorities (24/07/12) ([DH-DD\(2012\)824](#))

[Decision](#) adopted at the 1136th meeting

Decision

The Deputies

1. recalled that the present case raises complex problems related, first to the ineffectiveness of the criminal investigations into the crackdown on the anti-government protests of December 1989 in Bucharest and other cities of Romania and secondly to the lack of statutory safeguards for the protection of private life in the field of secret surveillance measures in cases of alleged threat to national security;
2. took note of the revised action plan provided by the Romanian authorities on 19 October 2012;
3. noted, as regards the individual measures, that information is still needed on the status of the data concerning the applicant Mărieş which was collected and stored by the authorities, and invited the authorities to provide this information without delay;

On the investigations into the events of December 1989

4. expressed their concern at the lack of progress in the investigation at issue in the instant case and urged the authorities to provide their assessment on the obstacles in the investigation, as well as information on the measures taken to overcome such obstacles and speed up the investigation;
5. invited the authorities to ensure that the victims' next-of-kin, including the applicant Mrs Vlase, shall continue to be involved in the investigation to the full extent necessary to safeguard their legitimate interests;

On the statutory framework in the field of secret surveillance measures

6. noted with interest the amendments envisaged to the statutory framework in the field of secret surveillance measures, which remain to be assessed in detail, and invited the authorities to provide an indicative timetable for the adoption of these amendments;
7. decided to take stock of the progress achieved in this case at one of their next meetings.

1201st meeting– (June 2014)

[List of decisions](#)

Reference texts:

Communications from Romania

Revised action plans (03/04/2014) [DH-DD\(2014\)498](#), (19/10/2012) [DH-DD\(2012\)1000](#)

Individual measures in the cases of Crainiceanu and Frumusanu (06/03/2014) [DH-DD\(2014\)317](#)

General measures (29/04/2013) [DH-DD\(2013\)523](#), (18/12/2013) [DH-DD\(2014\)41](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

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 Mărieş, 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.

Application 22088/04 Judgment Final on 06/03/2008	BRAGADIREANU Group v. Romania	Enhanced procedure : complex problem
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1115th meeting - (7-8 June 2011)[List of decisions](#)*Decision*

The Deputies,

1. recalled that these cases raise complex issues, related in particular to the structural problem of prison overcrowding in Romania and to the conditions of detention in prisons and police detention facilities;
2. took note with satisfaction of the action plan for the execution of these judgments submitted on 7 April 2011 and of the far-reaching general measures taken by the Romanian authorities to remedy the issues at the origin of these cases;
3. underlined that in order to be able to assess the measures taken, it is important to have at their disposal the authorities' assessment of the impact of the reforms adopted and envisaged on the main issues identified by the Court; invited the Romanian authorities to provide information in this respect;
4. noted in this connection that it would be useful if the monitoring mechanism set up at the domestic level used evaluation criteria similar to those used by the European Court and invited the Romanian authorities to provide clarification on this point;
5. invited moreover the Romanian authorities to provide further information on the outstanding questions identified in the Memorandum CM/Inf/DH(2011)26, in particular as regards the setting up at the domestic level of an effective remedy made available to prisoners in respect of complaints related to the conditions of detention;
6. noted that the action plan submitted by the authorities does not refer to the measures taken or envisaged as regards the conditions of detention in police detention facilities and invited the authorities to provide information on this subject;
7. recalled that information is urgently awaited on the individual situation of two of the applicants and that some details are still necessary as regards the situation of two other applicants (for more details see the abovementioned Memorandum);
8. decided to declassify the Memorandum CM/Inf/DH(2011)26.

1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:**Action plan (07/04/2011) [DH-DD\(2011\)301](#)Revised Action plan (29/03/2012) [DH-DD\(2012\)388F](#)Communications on individual measures [DH-DD\(2012\)290F](#), [DH-DD\(2012\)239F](#), [DH-DD\(2011\)1012F](#)Information documents: [CM/Inf/DH\(2011\)26](#), [CM/Inf/DH\(2012\)13](#)*Decision*

The Deputies

1. noted with interest the revised action plan for the execution of these judgments presented on the 29 March 2012, detailing the measures taken by the authorities to remedy the issues at the origin of these cases;
2. welcomed in particular the fact that the mechanism set up at the domestic level to monitor the evolution of the prison population henceforth uses evaluation criteria similar to those used by the European Court and that its findings are accessible to the civil society; encouraged the Romanian authorities to ensure the setting-up of a similar mechanism to ensure the monitoring of the situation in the police detention facilities;

3. noted however with concern that in most detention facilities the national standards as regards the minimum individual living space guaranteed to the prisoners cannot be observed, despite the measures already taken by the authorities;
4. encouraged the Romanian authorities to intensify their efforts to identify and implement additional measures in order to tackle the overcrowding in detention facilities and to keep the Committee of Ministers regularly informed of the progress achieved;
5. invited moreover the Romanian authorities to provide information on the concrete measures taken in response to the other issues raised in the Memorandum CM/Inf/DH(2012)13, as well as on their effects in practice, in particular as regards the setting-up at the domestic level of effective remedies made available in respect of complaints related to the conditions of detention;
6. noted that clarifications are still necessary in respect of four applicants, who are still in prison (see §§93 - 105 et 110 of the abovementioned Memorandum); invited the authorities to urgently provide these clarifications;
7. noted, moreover, that no further individual measure appears necessary in the cases of Iamandi and Elefteriadis;
8. encouraged the consultations under way between the Romanian authorities and the Secretariat on the outstanding issues in this group of cases;
9. decided to declassify the Memorandum CM/Inf/DH(2012)13 and to resume the examination of all these issues in the light of a revised action plan to be provided by the Romanian authorities.

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Application : 9718/03 Judgment Final on 26/10/2011	GEORGEL AND GEORGETA STOICESCU v. Romania	Enhanced procedure : complex problem
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1186th meeting - (3-5 December 2013)

[List of decisions](#)**Reference texts:**Revised action plan (08/10/2013) [DH-DD\(2013\)1096](#)**Decision****The Deputies**

1. took note with interest of the information presented in the revised action plan submitted on 8 October 2013 and in particular of the new law recently adopted by the Romanian authorities to address the problem of public health and the risk to physical integrity posed by the stray dogs, identified by the European Court;
2. invited the authorities to provide the Committee with additional information on the means available to implement the chosen measures fully, as well as on the impact of these measures on the number of reported accidents;
3. also invited the authorities to provide clarification on the regulations governing similar claims for damages as well as on the practice of the courts concerning the examination of such claims in order to assess fully the conclusion of the Romanian authorities, according to which the publication and dissemination of the Court's judgment represent sufficient execution measures concerning the violation of Article 6§1;
4. finally noted that no further individual measure is required for the execution of this judgment.

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Application : 41138/98 Final on 30/11/2005	MOLDOVAN and others v. Romania	Enhanced procedure
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1120th meeting - (13-14 September 2011)[List of decisions](#)Decision

The Deputies,

1. took note with interest of the information document [CM/Inf/DH\(2011\)37](#) prepared by the Secretariat on the basis of the action plan provided by the Romanian authorities on 15 June 2011;
2. welcomed in particular the envisaged establishment of an interdepartmental working group placed under the chairmanship of the Deputy Vice Minister responsible for the periodic reassessment of the situation with a view to identifying and adopting additional measures, if necessary;
3. noted with satisfaction that on 12 September 2011 the Romanian authorities submitted a revised action plan which appears to address some of the outstanding issues identified in information document CM/Inf/DH(2011)37, but which still needs to be assessed;
4. invited the Romanian authorities to keep the Committee of Ministers informed regularly of the progress achieved in the implementation of the revised action plan;
5. decided to declassify the information document CM/Inf/DH(2011)37.

1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:**Action plan [DH-DD\(2011\)503](#)Revised action plan [DH-DD\(2011\)708F](#)Revised action plan [DH-DD\(2012\)537F](#)Additional information on general measures [DH-DD\(2012\)202F](#)Communication from the applicant in the Tănase case [DH-DD\(2011\)810E](#)Information document [CM/Inf/DH\(2011\)37](#)Communication from an NGO (ERRC) and reply from the government [DH-DD\(2011\)581E](#)Communication from an NGO and reply from the government [DD\(2009\)415](#)Communication from an NGO (ERRC) and reply from the government [DD\(2009\)238](#)Decision adopted at the 1120th meeting (September 2011)Decision

The Deputies

1. took note with interest of the revised action plan presented on 24 May 2012 by the Romanian authorities and of the information provided during the meeting on the implementation of the judgments Moldovan and others (Nos. 1 and 2), Kalanyos and others and Gergely;
2. as regards the cases of Moldovan and others (Nos. 1 and 2), noted that, notwithstanding the authorities' efforts, the new organisational and financial framework for the implementation of the remaining measures for the locality of Hadareni has still not been adopted;
3. urged the authorities to speed up the adoption of this framework and to provide the Committee with a calendar for the implementation of the remaining measures as well as with a detailed assessment of the impact of the measures taken so far at the level of this locality;
4. as regards the judgments Kalanyos and others and Gergely, invited the authorities to provide the Committee of Ministers, as soon as possible, with a detailed assessment of the impact of the measures taken for the

localities concerned by these judgments as well as with clarifications on the additional measures required in the light of this assessment, if any;

5. recalled, in this context, that a working group under the coordination of the Private Office of the Deputy Prime Minister and of the Ministry for Foreign Affairs now ensures the monitoring of the measures taken for the locality of Hadareni; noted that no monitoring is ensured at this level for the other localities concerned by this group of cases and encouraged the authorities to remedy this situation;
6. decided to resume consideration of all these issues in the light of the additional information and the clarifications awaited from the Romanian authorities.

1193rd meeting - (4-6 March 2014)

[List of decisions](#)

Reference texts:

Information document [CM/Inf/DH\(2011\)37](#)

Communications from Romania

Communication (cases of Moldovan and others and Lacatus and others) (10/01/2014) [DH-DD\(2014\)126](#)

Action report (cases of Kalanyos and others and Gergely) (10/01/2014) [DH-DD\(2014\)125](#)

Revised action report (Tănase and others) (10/01/2014) [DH-DD\(2014\)124](#)

Additional information on general measures (16/02/2012) [DH-DD\(2012\)202](#)

Revised action plan (24/05/2012) [DH-DD\(2012\)537](#)

Revised action plan (12/09/2011) [DH-DD\(2011\)708](#)

Action plan (15/06/2011) [DH-DD\(2011\)503](#)

Communication from the applicants

Tănase case [DH-DD\(2011\)810](#)

Communications from NGO

From ERRC and reply from the government (19/07/2011) [DH-DD\(2011\)581](#);

Communication from an NGO and reply of the Government (14/08/2009) [DD\(2009\)415](#),

From ERRC and reply from the government (29/04/2009) [DD\(2009\)238](#)

From the European Roma Rights Centre 2 et Romani CRISS) (24/02/2014) [DH-DD\(2014\)286](#)

[Decision](#) adopted at the 1144th meeting (June 2012)

Application	Case	Judgment of	Final on
41138/98+	MOLDOVAN AND OTHERS, JUDGMENT No.1	05/07/2005	Friendly settlement
41138/98+	MOLDOVAN AND OTHERS, JUDGMENT No. 2	12/07/2005	30/11/2005
57884/00	KALANYOS AND OTHERS	26/04/2007	26/07/2007
12694/04	LĂCĂTUȘ AND OTHERS	13/11/2012	13/02/2013
57885/00	GERGELY	26/04/2007	26/07/2007
62954/00	TĂNASE AND OTHERS	26/05/2009	26/08/2009

Decision

The Deputies

1. 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;
2. 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*;
3. exhorted the Romanian authorities to urgently adopt this framework and to implement without further delay the remaining general measures.

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Applications : 1295/02, 77517/01 Final on 03/07/2006, 04/11/2005	NICOLAU v. Romania STOIANOVA and NEDELCIU v. Romania	Enhanced procedure
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1128th meeting - (29 nov.-2 déc. 2011)[List of decisions](#)Decision

The Deputies,

1. noted that the numerous violations found by the Court due to excessive length of civil and criminal proceedings in Romania reveal structural problems in the administration of justice at the time of the relevant facts;

As regards the excessive length of proceedings

2. noted with satisfaction the action plan for the execution of these judgments, provided on 10 October 2011 and the large-scale legislative measures taken by the Romanian authorities with a view to remedying the problems at the origin of these cases, in particular the adoption of the new Codes of Civil and Criminal Procedure;
3. considered that a certain period of time is necessary for the effectiveness of the reforms to be assessed; called on the authorities to monitor the effects of these reforms as they proceed and to present to the Committee, as soon as possible, their assessment of the achieved results;
4. invited the authorities to keep the Committee informed on the entry into force of the new Codes of Civil and Criminal Procedure, as well as on the consequences of the concrete measures proposed by the Superior Council of Magistracy;

As regards the effective remedies required in this field

5. recalled Committee of Ministers' Recommendation Rec(2010)3 encouraging states to introduce remedies making it possible both to expedite proceedings and to award compensation to interested parties for damage suffered and emphasising the importance of this question where judgments reveal structural problems likely to give rise to a large number of further similar violations;
6. noted with interest, in this respect, the developments of the case-law of the domestic courts which have begun to decide, on the basis of the direct application of the Convention, on claims for compensation for damages caused by the excessive length of proceedings as well as on complaints aimed at accelerating proceedings;
7. invited the authorities to provide clarification on this case-law, in particular on the procedural rules followed (especially the number of degrees), on the concrete results achieved following the proceedings concerning the acceleration of proceedings and on whether the decisions submitted became final;
8. noted with interest that the new Code of Civil Procedure provides the introduction of a remedy aimed at accelerating civil proceedings; invited the authorities to submit a summary of the relevant provisions and to indicate if they also intend to introduce a remedy aimed at accelerating criminal proceedings and a compensatory remedy;
9. regarding individual measures, called on the authorities to expedite as much as possible the pending proceedings in four cases and to keep the Committee

Reference texts:

Revised action plan (26/06/2013) [DH-DD\(2013\)712rev](#)

Action plan (10/10/2011) [DH-DD\(2011\)900](#)

[Last public notes](#) for the Nicolau group of cases (1092nd meeting, September 2010, p. 167)

[Decision](#) adopted at the 1128th meeting (December 2011)

Decision

The Deputies

Regarding the excessive length of proceedings

1. took note of the revised action plan for the execution of these judgments, provided on 26 June 2013, and of the large-scale measures taken by the Romanian authorities since the last examination of these cases, and in particular the coming into force, in February 2013, of the new Code of Civil Procedure;
2. noted with interest the positive impact in 2011 of the legislative measures introduced in 2010 in order to simplify and accelerate the judicial proceedings ("little reform") and underlined that the effects of these measures still need to be consolidated;
3. called on the authorities to continue to monitor the effects of the reforms and to submit to the Committee their assessment of the achieved results as soon as possible; invited, in addition, the authorities to keep the Committee informed of the coming into force of the new Code of Criminal Procedure and the other laws aimed at accelerating the criminal proceedings;

Regarding the effective remedies needed in this field

4. invited the authorities to indicate the reasons for which the acceleratory remedy introduced by the new Code of Civil Procedure only applies to the proceedings initiated after its coming into force on 15/02/2013; reiterated their request for clarification on the concrete results obtained in criminal cases following judicial decisions indicating that the court seized of a complaint concerning the excessive length of proceedings must examine it in conformity with Article 13 of the Convention;
5. regarding the possibility to obtain a reduction of the prison sentence, invited the authorities to clarify whether this measure meets the conditions considered necessary by the Court's case-law for it to be able to redress the breach of the right to a fair trial within a reasonable time;
6. also invited the authorities to provide the clarifications needed to assess whether a civil action for damages against the State, based on the provisions of the Convention, meet all the criteria set by the Court for verifying the effectiveness of compensatory remedies in the field of excessive length of judicial proceedings; reiterated their invitation to the authorities to indicate whether they intend to introduce a compensatory remedy;
7. regarding individual measures, invited the authorities to expedite as much as possible the pending proceedings in four cases and to keep the Committee informed of their progress.

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Application : 42344/07 Final on 07/09/2011	PREDICA v. Romania	Enhanced procedure : complex problem
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1157th meeting - (4-6 December 2012)[List of decisions](#)**Reference texts**Action plan (29/06/2012) [DH-DD\(2012\)674E](#)Revised Action plan (24/10/2012) [DH-DD\(2012\)1005E](#)**Decision****The Deputies**

1. took note of the action plan submitted by the Romanian authorities on 29 June 2012 and noted with satisfaction the additional information contained in the revised action plan presented on 24 October 2012;
2. noted, however, that the information submitted, while indicating positive developments in the conduct of the ongoing investigation into the death of the applicant's son, does not offer a clear perspective for its completion;
3. encouraged the authorities to identify and implement rapidly the measures that can still be taken so that the investigation can be completed rapidly;
4. encouraged moreover the authorities to ensure that the applicant is involved in the investigation to the full extent necessary to safeguard his legitimate interests;
5. noted, as regards the general measures, that additional information is awaited at this stage on the measures needed to remedy the dysfunctions found under Articles 2 (procedural limb) and 13 of the Convention;
6. decided to resume the consideration of all these questions, in the light of a revised action plan to be submitted rapidly by the Romanian authorities.

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Application : 73970/01 Final judgment : 06/12/2005	SACALEANU Group v. Romania	Enhanced procedure : complex problem
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1150th meeting - (24-26 September 2012)[List of decisions](#)**Reference texts:**Information document [CM/Inf/DH\(2012\)24](#)Information document [CM/Inf/DH\(2007\)33](#) Round Table on “Non-enforcement of domestic courts decisions in member states: general measures to comply with European Court judgments”Action plan (Sacaleanu group) (23/01/2012) [DH-DD\(2012\)63F](#)Communication of the Romanian authorities of 6 September 2012 ([DH-DD\(2012\)779](#))[Decision](#) adopted at the 1059th meeting (and notes)**Decision****The Deputies**

1. noted that the violations found by the Court in these cases reveal the existence, at the time of the relevant facts, of important complex problems related to the non-compliance or delay in the compliance with final court decisions by the Administration or by legal persons under the responsibility of the State;
2. noted with interest the action plan for the execution of these judgments provided on 16 January 2012, which contains information on the measures taken and envisaged by the Romanian authorities with a view to remedying the problems at the origin of these cases;
3. noted however with concern that a number of crucial issues relating to the general measures, as regards in particular the mechanisms and the guarantees set forth in the domestic law for ensuring voluntary and prompt implementation of court decisions by the Administration and the remedies available in this respect, remain to date outstanding;
4. noted also that information and clarifications are still needed in a certain number of cases as regards the individual measures (for more details, see §§55 - 82 of the Memorandum of the Secretariat CM/Inf/DH(2012)24);
5. noted that the Romanian authorities have recently begun collecting the necessary information on these issues and on the other issues raised in the above-mentioned Memorandum; encouraged the authorities to submit to the Committee the results of this exercise without delay;
6. decided to declassify the Memorandum CM/Inf/DH(2012)24 and to resume the examination of all these issues in the light of a revised action plan to be submitted promptly by the Romanian authorities.

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Application : 57001/00 Final on 30/11/2005	STRAIN and others Group v. Romania (list of cases)	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.2

- 122 cases against Romania

- 121 cases concerning the failure to restore or compensate for nationalised property sold by the state to third parties
(See [Appendix for the list of cases in the Străin group](#))

75951/01 Viașu, judgment of 09/12/2008, final on 09/03/2009

Decision

The Deputies,

1. recalled that the questions raised in these cases concern an important systemic problem, related particularly to the failure to restore or award compensation for property which had been nationalised and subsequently sold by the state to third parties;
2. noted that the European Court underlined, in particular in the Viașu judgment, that the problem had its origin in deficient Romanian legislation and an administrative practice concerning the restitution of nationalised property; that the authorities must assure, by appropriate legal and administrative measures, the effective and rapid implementation of the right to restitution and that those objectives might be chiefly achieved by amending the current restitution mechanism and establishing simplified and efficient procedures as a matter of urgency;
3. also noted that, given the large number of similar applications before it, the European Court has considered appropriate to apply the pilot judgment procedure in two cases raising the same issues [Solon against Romania (No. 33800/06) and Atanasiu and Poenaru against Romania (No. 30767/05)] ;
4. noted with interest in this context the action plan submitted by the Romanian authorities on 25 February 2010 and invited them to submit complementary information, in particular a projected calendar for the adoption of the measures envisaged;
5. recalled however that in order fully to assess the relevance of the measures proposed by the authorities, a comprehensive action report is needed on the measures taken to date, in particular precise and exhaustive statistical data on the current progress of the compensation process for owners whose property rights have been prejudiced and on the number of claimants yet to be compensated;
6. recalled that information is also still awaited on the current situation of a number of applicants;
7. decided to resume consideration of these items at the latest at their 1100th meeting (December 2010) (DH), in the light of additional information to be provided by the authorities on general measures, as well as on individual measures.

- 240 cases against Romania**240 cases concerning the failure to restore or compensate for nationalised property
(See [Appendix for the list of cases in the Străin group](#))**Decision

The Deputies,

1. recalled that the questions raised in these cases concern a large-scale systemic problem, due to the dysfunctions of the Romanian system of restitution or compensation in respect of property nationalised during the Communist period;
2. recalled that this finding has been confirmed by the European Court in several judgments in which it stated that the respondent state must guarantee, by appropriate legal and administrative measures, the effective implementation of the right to restitution, be it in kind or by award of compensation;
3. also noted that, on 12 October 2010, the Court delivered a pilot judgment, which is not yet final, in the Maria Atanasiu and others case, stating that the Romanian state must take such measures of redress within 18 months from the date on which the judgment becomes final and decided to adjourn the examination of all similar applications during that period;
4. recalled in this context that the Romanian authorities submitted an action plan for the execution of these judgments, in February 2010, as well as supplementary information, in September 2010;
5. noted with interest among the measures taken the creation of a working group the task of which is to propose amendments to the legislation to render the restitution and compensation process more effective; noted in this respect that the Court stated in the pilot judgment that among other things “setting a cap on compensation awards and paying them in instalments over a longer period might also help to strike a fair balance between the interests of former owners and the general interest of the community” (§235 of the judgment);
6. called on the Romanian authorities to set urgently a provisional calendar for the implementation of the various stages specified in the action plan and to keep the Committee informed of the progress made and in particular with the legal reforms envisaged;
7. underlined in addition that in order to be able to assess the relevance of the measures proposed by the authorities, it is important to have as precise and comprehensive report as possible on the progress of the compensation process for owners whose property rights have been prejudiced and on the number of claimants yet to be compensated; invited the authorities to supplement the information already submitted on this issue;
8. recalled, moreover, that information is also awaited on the current situation of a number of applicants;
9. decided to resume consideration of these items at their 1108th meeting (March 2011) (DH), in the light of additional information to be provided on general and individual measures.

Decision

The Deputies,

1. recalled that the questions raised in these cases concern a large-scale systemic problem, due to the dysfunctions of the Romanian system of restitution or compensation in respect of property nationalised during the Communist period;
2. recalled the decision taken at the 1100th meeting (November-December 2010) (DH), in which they called on the Romanian authorities urgently to set a provisional calendar for the implementation of the various stages specified in the action plan for the execution of these judgments and submit some additional information;

3. welcomed the high-level Round Table organised in Bucharest on 17 February 2011 by the Romanian authorities and by the Council of Europe in co-operation with the Human Rights Trust Fund on the issue of the general measures required for the execution of judgments of the European Court concerning the restitution of properties nationalised under communist regimes; noted with interest the conclusions of the Round Table as regards the good practices to be followed in this field;
4. recalled that in conformity with the pilot judgment delivered by the Court in the case of *Maria Atanasiu and others*, the Romanian state must, by 12 July 2012 put in place general measures to guarantee the effective implementation of the right to restitution, be it in kind or by award of compensation;
5. in this context, insisted on their request to the Romanian authorities urgently to set a provisional calendar for the stages specified in the action plan and to submit quickly the additional information indicated in the Committee's decision of December 2010, if possible through a revised action plan.

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Application : 57001/00 Final on 30/11/2005	STRAIN and others Group v. Romania	Enhanced procedure
Application : 30767/05 Final on 12/01/2011	MARIA ATANASIU AND OTHERS	

1128th meeting - (29 nov.-2 dév. 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that the questions raised in these cases concern a large-scale systemic problem, due to the dysfunctions of the Romanian system of restitution or compensation in respect of property nationalised during the Communist period;
2. took note of the revised action plan provided by the Romanian authorities on 10 November 2011 and noted with interest the proposals of legislative amendments drawn up by an interministerial group with a view to making the restitution and compensation process more effective, as well as the corresponding calendar;
3. invited the Romanian authorities to present to them, as soon as possible, a copy of the draft law drawn up in this context, to specify the scheduled date for the entry into force of the envisaged reform and to clarify the data concerning the progress of the compensation and restitution process;
4. decided, given the importance of these questions and the time-limit set by the European Court in the Maria Atanasiu and others pilot judgment (which expires on 12 July 2012), to resume consideration of this group of cases at the 1136th meeting (March 2012) (DH).

1136th meeting - (6-8 March 2012)[List of decisions](#)**Reference texts**Decision adopted by the Committee of Ministers at its 1128th meetingRevised action plan (October 2011) [DH-DD\(2011\)908F](#)Revised action plan (November 2011) [DH-DD\(2011\)1039F](#)Information from Romania on general measures [DH-DD\(2012\)212F](#)Action plan submitted in February 2010 and supplementary information submitted in September 2010
[DH-DD\(2011\)907](#)Public notes [1100th meeting](#) (December 2010, p.281)Conclusions of the Round Table on restitution of properties nationalised under the communist regimesDecision

The Deputies

1. recalled that the issues raised in these cases concern a large-scale systemic problem, due to the dysfunctions of the Romanian system of restitution or compensation in respect of property nationalised during the Communist period;
2. took note of the commitment on the part of the Romanian authorities to adopt, before the expiry of the deadline set by the European Court in the pilot judgment of Maria Atanasiu and others (12 July 2012), the draft law prepared in this context; invited therefore the authorities to present to the Committee of Ministers a revised calendar for the adoption and coming into force of this draft law;
3. reiterated their request to the authorities to provide the Committee of Ministers, as soon as possible, with a copy of the draft law;

4. noted with interest the preliminary data on the progress in the compensation and restitution process provided by the authorities on 2 March 2012 and invited the authorities to finalize without delay the transmission of comprehensive consolidated data in this respect;
5. decided, given the urgency to make progress in the implementation of this group of cases, to continue its examination at their 1144th meeting (June 2012).

1144th meeting - (4-6 June 2012)

[List of decisions](#)

Reference texts:

Communication from Romania of 25/04/2012 (general measures) [DH-DD\(2012\)424F](#)

Communication from Romania: translation into English of the draft law aimed at executing the Maria Atanasiu and others pilot judgment [DH-DD\(2012\)505E](#)

Communication from Romania [DH-DD\(2012\)510F](#)

[Decision](#) adopted at the 1136th meeting (March 2012)

Revised action plan (October 2011) [DH-DD\(2011\)908F](#)

Revised action plan (November 2011) [DH-DD\(2011\)1039F](#)

Communication from Romania (general measures) [DH-DD\(2012\)212F](#)

Action plan (February 2010) and supplementary information (September 2010) [DH-DD\(2011\)907](#)

Communications from 5 NGOs and reply from the government [DH-DD\(2012\)443F](#)

Public notes [1100th meeting](#) (December 2010, p.281)

[Conclusions of the Round Table on restitution of properties nationalised under the communist regimes](#)

Information document [CM/Inf/DH\(2012\)18](#)

Decision

The Deputies

1. took note with great interest of the draft law presented by the Romanian authorities on 15 May 2012, aimed at resolving the systemic problem of dysfunction in the existing mechanism of restitution or compensation in respect of property nationalised during the Communist period;
2. noted that this draft law draws inspiration from the pilot judgment Maria Atanasiu and others, which suggests, as possible measures, setting a cap on compensation awards and paying them in instalments (§ 235 of the judgment);
3. expressed their concern, however, at the level of compensation fixed and at the timetable for its payment in instalments, as well as at the absence of justification of these choices based on precise data; invited the Romanian authorities to provide additional information in this respect, as well as on the other outstanding issues identified in the Secretariat's Memorandum (CM/Inf/DH(2012)18);
4. also invited the authorities to provide the Committee with comprehensive consolidated data on the present state of the compensation and restitution process at the earliest opportunity;
5. noted moreover that the Court has just granted the Romanian Government an extension until 12 April 2013 of the time-limit set by the pilot judgment Maria Atanasiu and others for the adoption of measures capable of affording adequate redress to all the persons affected by the reparation laws;
6. therefore invited the authorities to present to the Committee, as soon as possible, a calendar for the completion, adoption and coming into force of the draft law, having regard to the new time-limit set by the European Court, and to keep the Committee informed of any progress in this process;

7. decided to declassify the Memorandum CM/Inf/DH(2012)18 and, given the urgency of making progress in the execution of the judgments in this group of cases, to continue its examination at the latest at their 1157th meeting (December 2012) (DH).

1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference texts:

Information document [CM/Inf/DH\(2012\)18](#)

Conclusions of the Round Table on restitution of properties nationalised under the communist regimes

Action plan (February 2010) and supplementary information (September 2010) [DH-DD\(2011\)907](#)

Revised action plan (October 2011) [DH-DD\(2011\)908F](#)

Revised action plan (November 2011) [DH-DD\(2011\)1039F](#)

Communication from Romania of 25/04/2012 (general measures) [DH-DD\(2012\)424F](#)

Communication from Romania: translation into English of the draft law aimed at executing the Maria Atanasiu and others pilot judgment [DH-DD\(2012\)505E](#)

Communication from Romania on the compensation process (March 2012) [DH-DD\(2012\)212F](#)

Communication from Romania (15/10/2012) (general measures) [DH-DD\(2012\)971F](#)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. recalled that the issues raised in these cases concern a large-scale systemic problem, due to the dysfunctions of the Romanian system of restitution or compensation in respect of property nationalised during the Communist period;
2. recalled also that the Court granted the Romanian Government an extension until 12 April 2013 of the time-limit set by the pilot judgment *Maria Atanasiu and others* for the adoption of measures capable of affording adequate redress to all the persons affected by the reparation laws;
3. noted that the Romanian authorities are currently improving the draft law on the reform of the reparation mechanism, taking into account the observations comprised in the memorandum of the Secretariat (CM/Inf/DH(2012)18); reiterated that the envisaged solutions, in particular the level of compensation and the timetable for its payment in instalments, should be justified in an objective manner, on the basis of accurate and comprehensive data;
4. noted also the revised calendar for the completion and adoption of the draft law; underlined that it is absolutely necessary that the authorities comply with it, to ensure that the new time-limit set by the Court for the execution of the pilot judgment is observed;
5. invited the authorities to present to the Committee the final version of the draft law and the justifications of the measures it contains, as soon as possible;
6. noted with interest the organisational measures taken or envisaged by the authorities with a view to establishing the current state of the on-going compensation and restitution process and accelerating the processing of pending claims; noted however, with regret, that the authorities are still unable to present to the Committee comprehensive consolidated data on the current state of this process and reiterated their invitation to the authorities to complete without delay the transmission of these data;
7. decided, given the urgency to make progress in the execution of the judgments in this group of cases, to continue its examination at their 1164th meeting (March 2013).

Reference texts:

Information document [CM/Inf/DH\(2012\)18](#)

[Conclusions of the Round Table on restitution of properties nationalised under the communist regimes](#) (17/02/2011)

Action plan (February 2010) and supplementary information (September 2010) [DH-DD\(2011\)907](#)

Revised action plan (October 2011) [DH-DD\(2011\)908F](#)

Revised action plan (November 2011) [DH-DD\(2011\)1039F](#)

Communication from Romania (general measures) (25/04/2012) [DH-DD\(2012\)424F](#)

Communication from Romania: translation into English of the draft law aimed at executing the Maria Atanasiu and others pilot judgment (15/05/2012) [DH-DD\(2012\)505E](#)

Communication from Romania on the compensation process (March 2012) [DH-DD\(2012\)212F](#)

Communication from Romania (general measures) (15/10/2012) [DH-DD\(2012\)971F](#)

Communication from Romania (04/03/2013) [DH-DD\(2013\)237F](#)

Communication from 5 NGOs and reply from Romania (27/04/2012) [DH-DD\(2012\)443F](#)

Communication from several NGOs and reply from Romania (29/11/2012) [DH-DD\(2012\)1128](#)

Communication from a NGO and reply from Romania (05/02/2013) [DH-DD\(2013\)97](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. recalled that the issues raised in these cases concern a large-scale systemic problem, due to the dysfunctions of the Romanian system of restitution or compensation in respect of property nationalised during the Communist period;
2. recalled also that the new time-limit set by the Court for the execution of the pilot judgment Maria Atanasiu and others expires on 12 April 2013;
3. took note of the Romanian authorities' commitment to finalise the ongoing legislative process within this new time-limit and urged them to present to the Committee the final version of the draft law on the reform of the compensation mechanism, as well as the justifications of the measures it contains, before the end of March 2013;
4. in this context, strongly invited the Romanian authorities to remain in close co-operation with the Execution Department on the questions that the draft law might raise;
5. noted that, according to an assessment made by the Romanian authorities, the global sum that remains to be paid as compensation for the nationalised properties amounts to approximately 8.4 billion euros; encouraged the authorities to continue their efforts to complete without delay the transmission to the Committee of comprehensive consolidated data on the current state of the ongoing restitution and compensation process;
6. decided to continue the examination of the issues raised in this group of cases at the latest at their 1172nd meeting (June 2013) (DH).

Reference texts:

Information document [CM/Inf/DH\(2013\)24](#)

Revised action plan (21/05/2013) [DH-DD\(2013\)559](#)

Letter from the Registry of the European Court (13/05/2013) [DH-DD\(2013\)536](#)

Memorandum [H/Exec\(2013\)1](#) + [Addendum](#) – Conclusions of the tripartite consultations between high level representatives of the Romanian Government, the Execution Department and the Registry of the European Court on the draft law of March 2013

Communication from NGOs (Association pour la Propriété Privée – APP, Association de Personnes Dépossédées Abusivement et des Anciens Déportés Réfugiés de Roumanie – APDAADR, APPAE, et RESRO) (11/03/2013) [DH-DD\(2013\)316](#)

Communication from NGOs (APP, APDAFDR and APDAS) (20/03/13) and reply from the authorities (03/04/2013) [DH-DD\(2013\)375](#)

Communication from a NGO (Asociația pentru Proprietatea Privată - APP, Asociația Persoanelor Deposedate Abuziv și a Foștilor Deportați Refugiați din Romania - APDAFDR) (02/04/13) and reply from Romania (12/04/2013) [DH-DD\(2013\)419](#)

Communication from a NGO (Interessenvertretung Restitution in Rumänien e.V.)(17/04/13) and reply of the authorities (24/04/2013) [DH-DD\(2013\)478](#)

Communication from NGOs and reply of the government (31/05/2013) [DH-DD\(2013\)625](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. welcomed the determination demonstrated by the Romanian authorities in the execution of the pilot judgment *Maria Atanasiu and others*, which has allowed the adoption of the new law reforming the reparation mechanism with a view to ensuring its effectiveness and viability; welcomed in this respect their engagement in close consultations with the Execution Department and the Registry of the European Court, in particular at the tripartite meeting held in Strasbourg on 5 April 2013;
2. took note of the decision of the European Court to maintain the freeze on repetitive cases until it could decide by one or several lead decisions on the action taken by the Romanian authorities in response to the pilot judgment *Maria Atanasiu and others*;
3. encouraged the Romanian authorities to continue to cooperate with the Execution Department with a view to clarifying the outstanding issues identified in the Memorandum CM/Inf/DH(2013)24 and decided to declassify this document;
4. underlined the importance of a close and constant monitoring of the application of the new law at the domestic level so that the competent authorities can intervene rapidly if necessary, including by legislative measures, with a view to ensuring an effective operation of the newly established mechanism;
5. invited the Romanian authorities to keep the Committee regularly informed of the implementation of the first stages of the application of the new law, with a view to enabling it to assess the progress made at the latest at its December 2014 DH meeting.

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Application : 24575/10 Final on 01/01/2014 Application : 19696/16 Final on 25/05/2014	TICU v. Romania GHEORGHE PREDESCU v. Romania	Enhanced procedure : complex problem + urgent individual measures
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1208th meeting - (23-25 September 2014)[🏠 List of decisions 🏠](#)**Reference texts:**Communication from the authorities on the individual measures (02/09/2014) [DH-DD\(2014\)1053](#)Action plan (02/07/2014) [DH-DD\(2014\)856rev](#)**Decision****The Deputies***As regards the individual measures in the case of Ticu*

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.

Russian Federation

Application 4916/07 Judgment Final on 11/04/2011	ALEKSEYEV v. Russian Federation	Enhanced procedure : complex problem
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1144th meeting - (4-6 June 2012)

[List of decisions](#)
Reference texts:

DH-DD(2011)842 - Communication from the Russian authorities

Decision

The Deputies

1. recalled the fundamental importance of the right to freedom of peaceful assembly, as enshrined in Article 11 of the Convention;
2. noted with interest the information provided by the Russian authorities during the meeting that according to the Russian legislation, the right to freedom of peaceful assembly can be effectively enjoyed by all Russian citizens without any discrimination on grounds of sexual orientation;
3. noted however with concern that since the Court's judgment, the applicant was not able to organise the Gay Pride Marches in Moscow and invited the Russian authorities to provide detailed information on the reasons thereof;
4. underlined the need to receive information on how many similar events took place since the Court's judgment, including further details on the recent events referred to by the authorities during the meeting, on how many of them were refused and on what grounds;
5. expressed concerns with regard to different laws on prohibiting propaganda of homosexuality to minors adopted in different regions of the Russian Federation and invited the Russian authorities to clarify how these laws could be compatible with the Court's conclusions made in the present judgment;
6. invited the Russian authorities to provide further examples demonstrating the effectiveness of the domestic remedy they referred to;
7. decided to resume consideration of this case at their 1150th meeting (September 2012) (DH) on the basis of additional information to be provided by the authorities and possibly on the basis of a Memorandum to be prepared by the Secretariat.

1150th meeting - (24-26 September 2012)

[List of decisions](#)
Reference texts:

Communication from the Russian Federation [DH-DD\(2011\)842](#)
 Communication from the Russian Federation [DH-DD\(2012\)754E](#)
 Communication from NGOs (30/08/12) [DH-DD\(2012\)790](#)
 Communication from a NGO (05/09/12) [DH-DD\(2012\)835](#)
 Communication from NGOs (13/09/2012) [DH-DD\(2012\)852](#)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. took note of the information and statistics provided by the Russian authorities according to which out of the total number of notifications submitted in respect of events similar to those envisaged by the applicant, only a very limited number of such events could effectively take place;

2. noted in this respect that in the vast majority of cases, the competent authorities, in particular in Moscow, refused to agree the time and place for such events, and that the information provided does not allow the Committee to satisfy itself that these decisions were based on a thorough and objective assessment of the situation as required by the Court's judgment;
3. reiterated in this context their concerns as regards the use of regional laws prohibiting propaganda of homosexuality among minors to refuse events similar to those concerned by the judgment;
4. observed that this situation calls for further general measures, in particular those regarding the training and awareness raising of the authorities responsible for handling the notifications for holding public events, and invited the Russian authorities to submit a comprehensive action plan in this respect;
5. observed further that the domestic remedy referred to by the Russian authorities may not provide adequate redress in all circumstances as required by the Convention and consequently invited the Russian authorities to adopt the necessary measures, through legislative action if need be;
6. decided to resume consideration of these issues at the latest at their first DH meeting in 2013 in the light of an action plan to be submitted by the authorities.

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Communication from the Russian Federation (13/10/2011) [DH-DD\(2011\)842](#)
 Communication from the Russian Federation (24/08/2012) [DH-DD\(2012\)754E](#)
 Communication from the Russian Federation (25/01/2013) [DH-DD\(2013\)67E](#)

Communication from NGOs (30/08/2012) [DH-DD\(2012\)790](#)
 Communication from a NGO (05/09/2012) [DH-DD\(2012\)835](#)
 Communication from NGOs (13/09/2012) [DH-DD\(2012\)852E](#)
 Communication from a NGO (ICJ) (15/02/2013) [DH-DD\(2013\)193](#)
 Communication from a NGO (ILGA-Europe) (15/02/2013) [DH-DD\(2013\)194](#)
 Communication from a NGO (NWAC and GayRussia.ru Project) (20/02/2013) [DH-DD\(2013\)229](#)

[Decision](#) adopted at the 1144th meeting (June 2012)

[Decision](#) adopted at the 1150th meeting (September 2012)

Decision

The Deputies

1. recalled the assurances given by the Russian authorities according to which the right to freedom of assembly, as provided by Article 11 of the Convention, is guaranteed in Russian law without discrimination on grounds of sexual orientation and called upon the Russian authorities to give direct and practical effect to this right;
2. reiterated in this context their concerns in view of the developments in the law and practice in the Russian Federation, including restrictive practices on the part of the competent local authorities, in particular those of Moscow, and of the adoption of regional laws in an increasing number of regions prohibiting the "promotion of homosexuality" among minors;
3. consequently expressed serious concerns with regard to the current legislative work aimed at introducing prohibition of the "promotion of homosexuality" at federal level and considered that the adoption of such a law could raise serious questions as to the compliance by the Russian Federation with its obligations under Article 46 of the Convention;
4. in the context of this ongoing legislative work, called upon the Russian authorities to give full consideration to the future Venice Commission Opinion "on the issue of the prohibition of so-called propaganda of homosexuality in the light of recent legislation in some Council of Europe member States, including the Republic of Moldova, the Russian Federation and Ukraine" before taking a final stand on these issues.

Reference texts:

Communication from the Russian Federation (13/10/2011) [DH-DD\(2011\)842](#)

Communication from the Russian Federation (24/08/2012) [DH-DD\(2012\)754](#)

Communication from the Russian Federation (25/01/2013) [DH-DD\(2013\)67](#)

Communication from NGOs (30/08/2012) [DH-DD\(2012\)790](#)

Communication from a NGO (05/09/2012) [DH-DD\(2012\)835](#)

Communication from NGOs (13/09/2012) [DH-DD\(2012\)852](#)

Communication from a NGO (ICJ) (15/02/2013) [DH-DD\(2013\)193](#)

Communication from a NGO (ILGA-Europe) (15/02/2013) [DH-DD\(2013\)194](#)

Communication from a NGO (NWAC and GayRussia.ru Project) (20/02/2013) [DH-DD\(2013\)229](#)

Communication from a NGO (Family and Demography Foundation LOC) (02/04/13) [DH-DD\(2013\)418](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision**The Deputies**

1. noted with concern the persistent refusals by the competent authorities of Moscow to grant authorisation for the public events planned by the applicant, thus allowing the situation criticised by the Court in its judgment to persist;
2. noted with regard to the general measures that a number of training and awareness-raising activities were organised for the local authorities and that in some regions public events similar to those described in the judgment have taken place;
3. regretted however that despite the training and awareness-raising activities, the number of the refusals to grant authorisation for the similar events remains high, and noted in this respect the significant divergences in the implementation of the Assemblies Act by the competent authorities and the courts, notwithstanding the clarifications given by the Constitutional Court;
4. therefore strongly reiterated their invitation to the Russian authorities to present a comprehensive action plan for the execution of the present judgment, which should, in particular, describe the measures aiming at:
 - ensuring proper assessment of the security risk by the competent authorities, notably through training and awareness raising activities of the competent administrative and judicial authorities;
 - clarifying and harmonising the implementation of the Assemblies Act, notably through legislative action;
 - ensuring coherence of the domestic judicial practice regarding disputes concerning the organisation of public events;
5. strongly encouraged the Russian authorities, in the framework of the adoption of such measures, to take into account the Opinions of the Venice Commission on the Russian Assemblies Act;
6. noted moreover with interest that the draft Code on Administrative Justice pending before the Parliament contains special provisions to ensure that disputes relating to the organisation of public events are resolved by the domestic courts before the date of the planned events and invited the Russian authorities to provide further information in this respect.

Reference texts:

Communication from the Russian Federation (13/10/2011) [DH-DD\(2011\)842](#)

Communication from the Russian Federation (24/08/2012) [DH-DD\(2012\)754](#)

Communication from the Russian Federation (25/01/2013) [DH-DD\(2013\)67](#)

Communication from NGOs (30/08/2012) [DH-DD\(2012\)790](#)

Communication from a NGO (05/09/2012) [DH-DD\(2012\)835](#)

Communication from NGOs (13/09/2012) [DH-DD\(2012\)852](#)

Communication from a NGO (ICJ) (15/02/2013) [DH-DD\(2013\)193](#)
Communication from a NGO (ILGA-Europe) (15/02/2013) [DH-DD\(2013\)194](#)
Communication from a NGO (NWAC and GayRussia.ru Project) (20/02/2013) [DH-DD\(2013\)229](#)
Communication from a NGO (Family and Demography Foundation LOC) (02/04/13) [DH-DD\(2013\)418](#)

Venice Commission Opinion on the issue of the prohibition of so-called “propaganda of homosexuality” in the light of the recent legislation in some member States of the Council of Europe adopted on 14-15 June 2013 ([CDL-AD\(2013\)022](#))

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. strongly regretted that the new federal law prohibiting the so called propaganda of non-traditional sexual relations amongst minors contains a number of provisions raising serious issues under the Convention and was adopted in circumstances that did not allow full consideration to be given to the Venice Commission Opinion¹²;
2. recalled that the Committee has already expressed its concerns in respect of similar provisions of regional laws;
3. noted that the new law could undermine the effective exercise of the freedom of assembly notably on account of the ambiguous terms it contains giving rise to a risk of arbitrary application and of continuation, if not reinforcement, of restrictive practices of the local authorities;
4. took note however of the assurances given by the Russian authorities that the new law itself does not interfere with holding public events similar to those described in the Alekseyev judgment and invited the authorities to subject its implementation to strict monitoring in order to prevent any arbitrariness in its application;
5. invited in parallel the authorities to adopt specific measures raising awareness among the general public and, in particular, the relevant authorities of the fundamental rights and freedoms of LGBT persons, without discrimination, in order to avoid that the new law contributes to the existing tensions, and to motivate further the refusal of public events for reasons of security and public order;
6. recalling the utmost importance of providing to the Committee of Ministers an action plan, called upon the authorities to submit as soon as possible the comprehensive action plan required in this case;
7. decided to resume consideration of these issues at the latest at their 1193rd meeting (March 2014) (DH).

¹² Document CDL-AD(2013)022

Reference texts:

Communications from the Russian Federation

Action plan (10/01/2014) [DH-DD\(2014\)57](#); (25/01/2013) [DH-DD\(2013\)67](#)

Communications from NGOs can be found on the web site of the Department for the Execution of the Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Alekseyev_en.asp

Communications from NGOs (04/02/2014) [DH-DD\(2014\)228](#), (17/02/2014) [DH-DD\(2014\)280E](#)

Venice Commission Opinion on the issue of the prohibition of so-called "propaganda of homosexuality" in the light of the recent legislation in some member States of the Council of Europe adopted on 14-15 June 2013 ([CDL-AD\(2013\)022](#))

[Decision](#) adopted at the 1179th meeting (September 2013)

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).

Reference texts:

[H/Exec\(2014\)5](#) Statistical information on the organisation of public events similar to those at issue in Moscow, St Petersburg, Kostroma and Arkhangelsk between 1 July 2013 and 1 May 2014

Communications from the Russian Federation

Action plan (15/07/2014) [DH-DD\(2014\)914](#); Action plan (10/01/2014) [DH-DD\(2014\)57](#);
(25/01/2013) [DH-DD\(2013\)67](#)

Communications from NGOs (04/02/2014) [DH-DD\(2014\)228](#), (17/02/2014) [DH-DD\(2014\)280](#);
(11/08/2014) [DH-DD\(2014\)983](#)

Communications from NGOs can be found on the web site of the Department for the Execution of the Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Alekseyev_en.asp

Venice Commission Opinion on the issue of the prohibition of so-called "propaganda of homosexuality" in the light of the recent legislation in some member States of the Council of Europe adopted on 14-15 June 2013 ([CDL-AD\(2013\)022](#))

[Decision](#) adopted at the 1193rd meeting (March 2014)

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;
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.

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Application : 39417/07 Final judgment : 27/12/2011	ALIM v. Russian Federation	Proposal to transfer under enhanced procedure – urgent individual measures
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1157th meeting - (4-6 December 2012)[🏠 List of decisions 🏠](#)**Reference texts**Communication from the Russian Federation (03/10/2012) [DH-DD\(2012\)897E](#)Decision

The Deputies

1. recalled that in the present case the Court found that there would be a violation of Article 8 of the Convention if the applicant, the father of two minor children, were to be expelled from the Russian Federation;
2. noted that the judicial decision ordering his expulsion had been quashed;
3. noted however with concern that it is still unclear whether concrete measures have been taken to regularise the applicant's situation with a view to eliminating any risk of his removal from the Russian territory in violation of the requirements of the Convention;
4. therefore urged the Russian authorities to take such measures and to inform the Committee accordingly without delay;
5. decided, in the light of the foregoing, to pursue their supervision of the execution of this judgment under the enhanced supervisory procedure.

1164th meeting - (5-7 March 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Communication from the Russian Federation (03/10/2012) [DH-DD\(2012\)897E](#)Communication from the Russian Federation (28/01/2013) [DH-DD\(2013\)72E](#)[Decision](#) adopted at the 1157th meeting (December 2012)Decision

The Deputies

1. recalled that the decision concerning the applicant's expulsion was quashed and that the Russian authorities indicated that there is no threat of the applicant's expulsion from the Russian Federation although he remains in an irregular situation;
2. took note of the solution proposed by the Russian authorities with a view to regularising the applicant's status which involves him voluntarily leaving Russia, obtaining a Russian entry visa and, on his return, obtaining a residence permit;
3. invited the Russian authorities to explore, in co-operation with the Secretariat, all possible avenues that might allow the applicant to regularise his status without imposing on him an obligation to leave the country and to be separated from his family;
4. noted with interest in this context the existence of case-law demonstrating that the domestic courts refuse to order the expulsion of persons in an irregular situation with family ties in the Russian Federation;
5. invited consequently the Russian authorities to clarify how the regularisation of such persons is effected and, if there exists such a procedure, under what conditions M. Alim could benefit from it;
6. decided to resume examination of the individual measures required by this judgment at the latest at their 1179th meeting (September 2013) (DH).

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Application 42525/07+ Judgment Final on 10/04/2012	ANANYEV AND OTHERS v. Russian Federation	Enhanced procedure : pilot judgment
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1144th meeting - (4-6 June 2012)

[🏠 List of decisions 🏠](#)

Reference texts:

Letter from the Court DH-DD(2012)415

Interim Resolutions (Kalashnikov group) ResDH(2003)123 and CM/ResDH(2010)35

Decision

The Deputies

1. recalled that the existence of the structural problems and the pressing need for comprehensive general measures had already been stressed by the Committee of Ministers in the Kalashnikov group of cases;
2. in view of the importance of timely compliance with the pilot judgment, invited the Russian authorities to produce, in co-operation with the Committee of Ministers, a binding time-frame for the setting-up of domestic remedies as required by the judgment;
3. recalled that in addition to this binding time frame for the setting-up of domestic remedies, the Russian authorities have an obligation to present to the Committee of Ministers a comprehensive action plan on other general measures aimed at addressing problems underlying the repetitive violations of the Convention;
4. decided, in view of the time-limit set by the Court for the elaboration of the binding time frame for the setting-up of domestic remedies, namely 10 October 2012, to examine this case at their 1150th meeting (September 2012) (DH).

1150th meeting - (24-26 September 2012)

[🏠 List of decisions 🏠](#)

Reference texts:

Letter from the Court [DH-DD\(2012\)415](#)

Interim Resolutions (Kalashnikov group) [ResDH\(2003\)123](#) and [CM/ResDH\(2010\)35](#)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. recalled that the present pilot judgment concerns the structural problem of poor conditions of pre-trial detention and lack of effective remedies in this respect;
2. noted with satisfaction that the Russian authorities are currently engaged in the process of elaboration of a binding time frame for the introduction of domestic remedies and an action plan on the other measures aimed at addressing this situation with the support of the Human Rights Trust Fund project (“on implementation of pilot judgements, “quasi pilot” judgments and judgments revealing structural problems concerning detention on remand and the effectiveness of the remedies to challenge detention conditions”) and in close co-operation with international experts and the Department for the execution of judgment of the European Court;
3. noted further that the Russian authorities will submit this information by 10 October 2012 as required by the judgment of the Court;
4. decided consequently to resume consideration of these issues at their 1157th meeting (December 2012).

1157th meeting - (4-6 December 2012)[List of decisions](#)**Reference texts:**Letter from the Court [DH-DD\(2012\)415](#)Interim Resolutions (Kalashnikov group) [ResDH\(2003\)123](#) and [CM/ResDH\(2010\)35](#)Communication from a NGO (27/09/2012) [DH-DD\(2012\)1026E](#)Action plan (10/10/2012) [DH-DD\(2012\)1009E](#)Communication from the Russian Federation (16/11/2012) [DH-DD\(2012\)1072E](#)[Decision](#) adopted at the 1150th meeting**Decision****The Deputies**

1. recalled that the present pilot judgment concerns the structural problem of poor conditions of pre-trial detention and lack of effective remedies in this respect;
2. welcomed the timely submission by the Russian authorities of an action plan, as required by the pilot judgment;
3. noted with satisfaction that the action plan is based on a comprehensive and long-term strategy for the resolution of the structural problem identified by the Court;
4. encouraged the Russian authorities to implement all measures outlined in the action plan and in particular measures aimed at the introduction of domestic remedies;
5. encouraged in addition the Russian authorities to continue their efforts with a view to resolving similar applications pending before the Court;
6. decided to resume consideration of the issue of individual measures at their 1164th meeting (March 2013) (DH) in the light of the assessment to be made by the Secretariat;
7. decided further to resume consideration of the issue of general measures at one of their next DH meetings in 2013 in the light of the assessment to be made by the Secretariat and of the information to be provided by the authorities on the progress made in the setting-up of domestic remedies.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**Letter from the Court [DH-DD\(2012\)415](#)Interim Resolutions (Kalashnikov group) [ResDH\(2003\)123](#) and [CM/ResDH\(2010\)35](#)Communication from a NGO (27/09/2012) [DH-DD\(2012\)1026E](#)Communication from a NGO (29/11/2012) [DH-DD\(2013\)92](#)Action plan (10/10/2012) [DH-DD\(2012\)1009E](#)Communication from the Russian Federation (16/11/2012) [DH-DD\(2012\)1072E](#)Communication from the Russian Federation (13/02/2013) [DH-DD\(2013\)153E](#)[Decision](#) adopted at the 1150th meeting[Decision](#) adopted at the 1157th meeting (December 2012)**Decision****The Deputies**

1. noted the assurances given by the Russian authorities concerning the current detention conditions of Mr Ananyev, in particular with regard to the available living space, access to natural light and fresh air as well as to the equipment of the cell, and that according to the authorities, these conditions are not likely to raise an

issue under Article 3 of the Convention;

2. recalled that the issue of general improving of detention conditions is examined by the Committee, notably in light of the action plan submitted by the Russian authorities for the execution of the pilot judgment.

1201st meeting– (June 2014)

[List of decisions](#)

Reference texts:

Letter from the Court [DH-DD\(2012\)415](#)

Interim Resolutions (Kalashnikov group) [ResDH\(2003\)123](#) and [CM/ResDH\(2010\)35](#)

Communications from the Russian Federation

Action plans (14/08/2013) [DH-DD\(2013\)936](#), (10/10/2012) [DH-DD\(2012\)1009](#)

(16/11/2012) [DH-DD\(2012\)1072](#), (13/02/2013) [DH-DD\(2013\)153](#)

Updated action plan (30/04/2014) [DH-DD\(2014\)580](#)

Communication from NGOs

(07/10/2013) [DH-DD\(2014\)44](#), (27/09/2012) [DH-DD\(2012\)1026](#), (29/11/2012) [DH-DD\(2013\)92](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. recalled the decision adopted at their 1157th 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;
2. 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;
3. 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;
4. 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;
5. 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;
6. 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.

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Application 33509/04 Judgment Final on 04/05/2009	BURDOV No. 2 v. Russian Federation	Enhanced procedure
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Interim resolution CM/ResDH(2009)158

Execution of the pilot judgement of the European Court of Human Rights in the case Burdov No. 2 against the Russian Federation relative to the failure or serious delay in abiding by final domestic judicial decisions delivered against the state and its entities as well as the absence of an effective remedy

(Application No. 33509/04, judgment of 15/01/2009, final on 04/05/2009)

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 January 2009 in the case of Burdov No. 2 against the Russian Federation transmitted to the Committee for supervision of its execution under Article 46 of the Convention;

Recalling that in this judgment the Court unanimously

- found violations arising from a practice incompatible with the Convention which consists in the state’s recurrent failure to honour judgment debts and in respect of which aggrieved parties have no effective domestic remedy;
- ordered the respondent state to set up such a remedy within six months from the date on which the judgment became final, i.e. by 4 November 2009, and to grant adequate and sufficient redress by 4 May 2010 to all persons in the applicant’s position in the cases lodged with the Court before the delivery of the pilot judgment;
- decided to adjourn the Court proceedings in all similar cases for one year, i.e. until 4 May 2010;

Recalling further the Committee of Ministers’ Interim Resolution [CM/ResDH\(2009\)43](#) concerning the execution of the Court’s judgments in more than 200 similar cases, in which the Committee stressed the urgent need to set up effective domestic remedies in order to enhance the remedial capacity of the national judicial system in addressing repetitive violations of this kind;

Recalling that the Committee of Ministers gave priority to the examination of this case in accordance with Rule 4 § 1 of its Rules for the supervision of the execution of the European Court’s judgments, with particular focus on the urgent requirement to introduce an effective domestic remedy and to settle similar cases lodged with the Court before the delivery of the pilot judgment;

Noting with satisfaction the Russian authorities’ prompt and constructive response to the Court’s pilot judgment and to the Committee of Ministers’ Interim Resolution;

Noting with interest that the Russian authorities have engaged without delay in the *ad hoc* settlement of numerous individual cases pending before the Court and offered redress to the first group of applicants in line with the requirements of the pilot judgment (see the Court’s decision in the case of Uskov and others against Russia (dec.), No. 6394/05 et al., 12 November 2009);

Noting further the efforts deployed within the special inter-ministerial commission set up with the participation of the Presidential Administration, which resulted in the preparation of draft laws setting up a domestic remedy;

Noting with satisfaction that these draft laws were subject to consultations with the Council of Europe’s Department for the execution of the judgments of the European Court;

Recalling that the need to set up such a remedy is widely acknowledged at the domestic level and was underlined in the strong political message delivered by the President of the Russian Federation in his address to the Federal Assembly on 5 November 2008;

Regretting, however, that the deadline set by the Court for the introduction of an effective domestic remedy expired on 4 November 2009 without these draft laws having even been submitted to Parliament;

Considering in this respect that the positive developments of the case-law presented by the Russian authorities, tending to offer redress in certain circumstances, do not obviate the urgent need for the adoption of a law securing the availability and effectiveness of a domestic remedy against the state's recurrent failure to honour judgment debts, as required by the pilot judgment and the Committee's Interim Resolution [CM/ResDH\(2009\)43](#);

Stressing the obligation of every state, under Article 46, paragraph 1, of the Convention, to abide by the judgments of the Court;

Recalling with concern that large categories of persons, including vulnerable groups, continue to be deprived of an effective domestic remedy against violations by the state of its obligation to honour judgment debts, including those in the social domain;

STRONGLY URGES the Russian authorities to adopt without further delay the legislative reform required by the pilot judgment;

ENCOURAGES the Russian authorities to continue to resolve the similar individual cases lodged with the Court before the delivery of the pilot judgment and to keep the Committee regularly informed of the solutions reached and of their subsequent implementation;

DECIDES to resume consideration of the progress in the legislative reform at their 1078th meeting (March 2010) (DH).

1078th meeting– (4 March 2010)

[List of decisions](#)

Section 4.3

Decision

The Deputies,

1. recalled that the deadline set by the Court for the introduction of a domestic remedy to obtain redress for non-enforcement or delayed enforcement of domestic judicial decisions expired on 5 November 2009;
2. regretted anew the fact that despite efforts of the Russian authorities in response to the pilot judgment, the draft laws providing such a remedy have not even been submitted to Parliament;
3. urged with insistence the Russian authorities to take without further delay all necessary measures to ensure the rapid adoption of these draft laws, bearing in mind that the examination of all similar applications was adjourned by the Court until 4 May 2010;
4. took note with satisfaction of the information provided by the Russian authorities on the settlement of individual applications lodged with the Court before the delivery of the pilot judgment and encouraged the Russian authorities to intensify their efforts in order to comply with the deadline set by the Court;
5. took note of the information provided on general measures to solve the problems at the origin of the repetitive violations;
6. decided to resume consideration of these items at their 1086th meeting (June 2010) (DH), possibly in the light of a draft interim resolution.

1086th meeting– (3 June 2010)[List of decisions](#)

Section 4.3

- 211 cases against Russian Federation

33509/04 Burdov No. 2, judgment of 15/01/2009, final on 04/05/2009
[CM/Inf/DH\(2006\)19rev2](#), [CM/Inf/DH\(2006\)19rev3](#), [CM/Inf/DH\(2006\)45](#),
[Interim Resolution CM/ResDH\(2009\)43](#) and [CM/ResDH\(2009\)158](#)

- 210 cases concerning the failure or substantial delay by the administration or state companies in abiding by final domestic judgments

[CM/Inf/DH\(2006\)19rev2](#), [CM/Inf/DH\(2006\)19rev3](#), [CM/Inf/DH\(2006\)45](#),
[Interim Resolution CM/ResDH\(2009\)43](#), [Interim Resolution CM/ResDH\(2009\)158](#)

(See [Appendix for the list of cases in the Timofeyev group](#))

Decision

The Deputies,

1. welcomed the Russian authorities' adoption of the reform to introduce the domestic remedy for non-enforcement or delayed enforcement of domestic judicial decisions;
2. strongly encouraged the Russian authorities, particularly the higher judicial bodies, to take any necessary step to ensure the coherent application of the reform in accordance with the requirements of the Convention;
3. encouraged the Russian authorities to bring to an end the settlement of the "frozen" individual petitions having regard to the extension of the time allowed by the Court in this respect;
4. invited the Russian authorities to provide information on the other measures, taken or envisaged, to resolve the problems underlying violations of the Convention;
5. decided to resume consideration of these cases not later than the 1100th meeting (December 2010) (DH) in the light of information to be provided by the Russian authorities on the progress made with these measures.

1120th meeting - (13-14 September 2011)[List of decisions](#)Decision

The Deputies,

1. took note of the information provided by the Russian authorities on the progress made in the execution of the pilot judgment, in particular on the introduction of a domestic remedy in case of excessive length of enforcement procedures and on the settlement of individual applications frozen by the Court;
2. decided to resume consideration of this case at their 1128th meeting (November-December 2011) (DH) in the light of a draft Interim Resolution to be prepared by the Secretariat taking stock of the measures adopted.

1128th meeting - (29 nov.-2 déc. 2011)[List of decisions](#)Decision

The Deputies adopted Interim Resolution CM/ResDH(2011)293 as set out in document CM/Del/Dec(2011)1128 Volume of Resolutions.

Interim resolution CM/ResDH(2011)293¹**Execution of the judgment of the European Court of Human Rights**

Burdov No. 2 against the Russian Federation

regarding failure or serious delay in abiding by final domestic judicial decisions delivered against the state and its entities as well as the absence of an effective remedy

(Application No. 33509/04, judgment of 15/01/2009, final on 04/05/2009)

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 January 2009 in the case of Burdov No. 2 against the Russian Federation;

Recalling that in this pilot judgment the Court found violations of the Convention on account of a practice resulting from the State's recurrent failure to comply with domestic judicial decisions awarding payments to the applicants and lack of an effective remedy in this respect;

Recalling further that, having regard to the Committee of Ministers' Resolution on judgments revealing an underlying systemic problem ([Res\(2004\)3](#)) and Recommendation on the improvement of domestic remedies ([Rec\(2004\)6](#)), both of 12 May 2004, the Court ordered the respondent state:

- to set up, within six months, a domestic remedy or a combination of such remedies which secure adequate and sufficient redress for non-enforcement or delayed enforcement of domestic judicial decisions in line with the Convention principles as established in the Court's case-law, and
- to grant, within one year, adequate and sufficient redress to all persons in the applicant's position in the cases lodged with the Court before the delivery of the pilot judgment;

Recalling in addition the Committee of Ministers' Interim Resolution [CM/ResDH\(2009\)43](#) concerning the execution of the Court's judgments in more than 200 similar cases, in which the Committee stressed the urgent need to set up effective domestic remedies in order to enhance the remedial capacity of the national judicial system in addressing repetitive violations of this kind;

Recalling that the Committee of Ministers gave priority to the examination of this case in accordance with Rule 4§1 of its [Rules](#) for the supervision of the execution of the European Court's judgments and of the terms of friendly settlements, with particular focus on the urgent requirements to introduce an effective domestic remedy and to ensure domestic settlement of similar cases;

Having satisfied itself that the respondent state paid the applicant the just satisfaction awarded in the judgment and that no individual measures was required in his case since all domestic judgments in his favour have been enforced;

Welcoming the adoption by the Russian Federation in response to the pilot judgment of two federal laws introducing a new domestic remedy in respect of excessive length of judicial proceedings and delayed enforcement of domestic judgments delivered against the State (“the Compensation Act”);

Noting with satisfaction that the Russian authorities promptly reacted to the Committee's Interim Resolution [CM/ResDH\(2009\)158](#) and that the reform entered into force on 4 May 2010, namely on the date the Court was to resume the proceedings in similar cases;

Noting that the Court's assessment of the new domestic remedy led it to decide that all new cases introduced after the pilot judgment and falling under the Compensation Act should be submitted in the first place to the national courts²;

Welcoming that this remedy is already being actively implemented as demonstrated by the numerous examples of judicial practice provided by the Russian authorities and as acknowledged by the Court;

Taking note with interest of a wide set of measures adopted by the Russian authorities, in particular by the federal Supreme Court, by the Supreme Commercial Court, and by the Ministry of Finance and Federal Treasury, in order to guarantee the effectiveness of the new compensation remedy at domestic level (see Appendix);

Noting in this context with great satisfaction that appropriate budgetary arrangements have been made in order to guarantee effective and timely execution of judicial decisions delivered in accordance with the Compensation Act;

Welcoming moreover the comprehensive measures taken with a view to settling similar individual applications lodged prior to the pilot judgment, which resulted in the resolution of the issues raised by the great majority of such applications and that the Court subsequently struck out of its list more than 800 applicants;

Recalling that the respondent State remains under the obligation to adopt other general measures, bearing in mind the Court's findings as set out in the pilot judgment³;

DECIDES to close the examination of the issue relating to the introduction of an effective domestic remedy in case of non-enforcement or lengthy enforcement of domestic judicial decisions providing for the State's payment obligations;

DECIDES to pursue the examination of the other general measures within the context of the Timofeyev group of cases⁴ and consequently to join the present case to this group.

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Application : 43370/04 Judgment Final on 19/10/2012	CATAN AND OTHERS v. Russian Federation	Enhanced procedure : complex problem
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1186th meeting - (3-5 December 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Communication from the applicants (04/03/2013) [DH-DD\(2013\)238](#)

Communication from NGOs (Promox-LEX and Interights) (04/03/2013) [DH-DD\(2013\)287](#)

Decision

The Deputies

1. recalled that the judgment of Catan and others is final since 19 October 2012;
2. noted with concern that no information has been provided in this case by the authorities of the Russian Federation since the examination of the question of its classification at the 1164th meeting (March 2013) (DH);
3. urged these authorities to provide rapidly relevant information, in the form of an action plan or action report.

1193rd meeting– (6 March 2014)

[🏠 List of decisions 🏠](#)

Point b.

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.

Reference texts:*Records (confidential)*[1193rd meeting](#) (March 2014), [1186th meeting](#) (December 2013)*Communication from the Republic of Moldova*(03/03/2014) [DH-DD\(2014\)284](#), (03/06/2014) [DH-DD\(2014\)723](#)*Communications from the applicants*(04/03/2013) [DH-DD\(2013\)238](#), (26/02/2014) [DH-DD\(2014\)275](#), (20/05/2014) [DH-DD\(2014\)683rev](#)*Communication from NGOs*[DH-DD\(2013\)287](#)[Decision](#) adopted at the 1186th meeting (December 2013)[Decision](#) adopted at the 1193rd meeting (March 2014)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 Transdnistrian 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.

* * *

Reference texts:*Records (confidential)*[1193rd meeting](#) (March 2014), [1186th meeting](#) (December 2013)*Communication from the Republic of Moldova*(03/03/2014) [DH-DD\(2014\)284](#), (03/06/2014) [DH-DD\(2014\)723](#); (15/09/2014) [DH-DD\(2014\)1096](#)*Communications from the applicants*(04/03/2013) [DH-DD\(2013\)238](#), (26/02/2014) [DH-DD\(2014\)275](#), (20/05/2014) [DH-DD\(2014\)683rev](#)
(17/09/2014) [DH-DD\(2014\)1107](#)*Communication from NGOs*[DH-DD\(2013\)287](#)[Decision](#) adopted at the 1201st meeting (June 2014)*Decision*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**

Application	Case	Judgment of	Final on
43370/04+	CATAN AND OTHERS ²²	19/10/2012	Grand Chamber

(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).

Application : 38411/02 Final on 30/01/2008	GROUP GARABAYEV v. Russie	Enhanced procedure : complex problem
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1136th meeting - (6-8 March 2012)[List of decisions](#)**Reference texts:***1. Information from the Russian authorities.*

[DH-DD\(2011\)798E](#) Action plan concerning the Gaforov case
[DH-DD\(2011\)584E](#) Communication concerning the Klein case
[DH-DD\(2011\)601](#) Action plan concerning the Klein case
[DH-DD\(2011\)609](#) Action plan concerning the Khaidarov case
[DH-DD\(2011\)623](#) Action plan concerning the Khodzhayev case
[DH-DD\(2011\)739E](#) Action plan concerning the Sultanov case
[DH-DD\(2011\)638E](#) Communication concerning the Yuldashev case
[DH-DD\(2012\)94](#) Communication concerning the Iskandarov case
[DH-DD\(2012\)103](#) Action plan concerning the Iskandarov case
[DH-DD\(2012\)142](#) Communication concerning the Konontsev case
[DH-DD\(2012\)143](#) Communication concerning the Yuldashev case
[DH-DD\(2012\)144](#) Communication concerning the Karimov case
[DH-DD\(2012\)145](#) Communication concerning the Gaforov case
[DH-DD\(2012\)146](#) Communication concerning the Abdulazhon Isakov case
[DH-DD\(2012\)147](#) Communication concerning the Kolesnik case
[DH-DD\(2012\)152E](#) Action plan concerning Garabayev group

2. Communications from the applicants' representatives.

[DH-DD\(2011\)624](#) Communication from the applicant's representative in the Sultanov case
[DH - DD\(2012\)24](#) Communication from the applicant's representative in the Iskandarov case
[DH-DD\(2012\)158E](#) Communication from an NGO

Decision

The Deputies,

- noted that the Russian Constitutional Court, Supreme Court and Prosecutor General Office promptly reacted to the judgments of the European Court by issuing guidelines and instructions;
- noted further with satisfaction that the need for legislative amendments of the relevant provisions of the Code of Criminal procedure was recognised by the Russian authorities and that the Ministry of Justice should finalise a draft law in this respect before the end of 2012;
- invited the Russian authorities to keep the Committee regularly informed of the progress of the reform;
- as regards the Iskandarov case, recalled that the violations of the Convention in this case were due to the applicant's kidnapping by unknown persons, whom the Court found to be Russian State agents, and his forcible transfer to Tajikistan after his extradition had been refused by the Russian authorities;
- noted with profound concern the indication by the Court that repeated incidents of this kind have recently taken place in respect of four other applicants whose cases are pending before the Court where it applied interim measures to prevent their extradition on account of the imminent risk of grave violations of the Convention faced by them;
- took note of the Russian authorities' position that this situation constitutes a source of great concern for them;
- noted further that the Russian authorities are currently addressing these incidents and are committed to present the results of the follow-up given to them in Russia to the Court in the framework of its examination of the cases concerned and to the Committee with regard to the Iskandarov case;
- urged the Russian authorities to continue to take all necessary steps to shed light on the circumstances of Mr. Iskandarov's kidnapping and to ensure that similar incidents are not likely to occur in the future and to inform the Committee of Ministers thereof;

9. took note of the information provided during the meeting on the applicants' current situation in the Iskandarov and Muminov cases and invited the Russian authorities to provide this information in writing for its assessment;
10. decided to resume consideration of these cases at its 1144th (June 2012) DH meeting.

1144th meeting - (4-6 June 2012)

[List of decisions](#)

Reference texts:

1. Information from the Russian authorities.

[DH-DD\(2011\)798E](#) Action plan concerning the Gaforov case
[DH-DD\(2011\)584E](#) Communication concerning the Klein case
[DH-DD\(2011\)601](#) Action plan concerning the Klein case
[DH-DD\(2011\)609](#) Action plan concerning the Khaidarov case
[DH-DD\(2011\)623](#) Action plan concerning the Khodzhayev case
[DH-DD\(2011\)739E](#) Action plan concerning the Sultanov case
[DH-DD\(2011\)638E](#) Communication concerning the Yuldashev case
[DH-DD\(2012\)94](#) Communication concerning the Iskandarov case
[DH-DD\(2012\)103](#) Action plan concerning the Iskandarov case
[DH-DD\(2012\)142](#) Communication concerning the Konontsev case
[DH-DD\(2012\)143](#) Communication concerning the Yuldashev case
[DH-DD\(2012\)144](#) Communication concerning the Karimov case
[DH-DD\(2012\)145](#) Communication concerning the Gaforov case
[DH-DD\(2012\)146](#) Communication concerning the Abdulazhon Isakov case
[DH-DD\(2012\)147](#) Communication concerning the Kolesnik case
[DH-DD\(2012\)152E](#) Action plan concerning Garabayev group
[DH-DD\(2012\)489E](#): Communication from the Russian authorities

2. Communications from the applicants' representatives.

[DH-DD\(2011\)624](#) Communication from the applicant's representative in the Sultanov case
[DH-DD\(2012\)24](#) Communication from the applicant's representative in the Iskandarov case
[DH-DD\(2012\)158E](#) Communication from an NGO
[DH-DD\(2012\)422E](#) Joint communication from NGOs and lawyers

Letter from the registry (Latipov case) [DH-DD\(2012\)538E](#)

Decision adopted at the 1136th meeting (March 2012)

Decision

The Deputies

1. recalled that in the Iskandarov case, despite the government's assertion that the applicant's kidnapping had not been imputable to the State authorities, the Court found violations of the Convention on account of the applicant's arbitrary deprivation of liberty by the Russian State agents and his subsequent removal to Tajikistan in breach of the State's obligation to protect him against the risk of ill-treatment;
2. recalled further that at its last meeting the Committee expressed its profound concern that similar incidents had subsequently taken place in respect of other applicants whose applications are pending before the Court and in which the Court applied interim measures in order to prevent their extradition in view of the imminent risk of serious violations of the Convention faced by them;
3. deplored the fact that, notwithstanding the serious concerns expressed in respect of such incidents by the President of the Court, the Committee of Ministers and by the Russian authorities themselves, they were informed that yet another applicant disappeared on 29 March 2012 in Moscow and shortly after found himself in custody in Tajikistan;
4. took note of the Russian authorities' position according to which the investigation in the Iskandarov case is still ongoing and had not at present established the involvement of Russian State into the applicant's kidnapping;
5. regretted however that up to now, neither in the Iskandarov case nor in any other case of that type have the authorities been able to make tangible progress with the domestic investigations concerning the applicants' kidnappings and their transfer, nor to establish the responsibility of any state agent;

6. noted that, according to the information given by the Russian authorities, following the dissemination in April 2012 of the Committee of Ministers' decision adopted at the 1136th meeting to the Prosecutor General's Office, to the Investigative Committee, the Ministry of the Interior, the Federal Migration Service and to the Federal Bailiffs' Service, no other incidents of this kind had taken place, and invited the Russian authorities to clarify whether they consider that this measure is sufficient to effectively put an end to such an unacceptable practice;
7. invited the Russian authorities to provide information on the concrete steps taken with a view to ensuring, to the maximum extent possible, that Mr Iskandarov is not subject to a treatment contrary to Article 3 of the Convention;
8. decided to continue the examination of these questions at their 1150th meeting (September 2012) (DH).

1150th meeting - (24-26 September 2012)

[List of decisions](#)

Reference texts:

1. Information from the Russian authorities.

Action plan concerning the Gaforov case [DH-DD\(2011\)798E](#)
 Communication concerning the Gaforov case [DH-DD\(2012\)145E](#)
 Communication concerning the Klein case [DH-DD\(2011\)584E](#)
 Action plan concerning the Klein case [DH-DD\(2011\)601](#)
 Action plan concerning the Khaidarov case [DH-DD\(2011\)609](#)
 Action plan concerning the Khodzhayev case [DH-DD\(2011\)623](#)
 Action plan concerning the Sultanov case [DH-DD\(2011\)739E](#)
 Communications concerning the Yuldashev case [DH-DD\(2011\)638E](#), [DH-DD\(2012\)143](#)
 Communications concerning the Iskandarov case [DH-DD\(2012\)94](#), [DH-DD\(2012\)390E](#)
 Action plan concerning the Iskandarov case [DH-DD\(2012\)103](#)
 Communication concerning the Konontsev case [DH-DD\(2012\)142](#)
 Communication concerning the Karimov case [DH-DD\(2012\)144](#), [DH-DD\(2012\)306E](#)
 Communication concerning the Abdulazhon Isakov case [DH-DD\(2012\)146](#)
 Communication concerning the Kolesnik case [DH-DD\(2012\)147](#)
 Communication concerning the Muminov case [DH-DD\(2012\)391E](#)
 Action plan concerning the Garabayev group [DH-DD\(2012\)152E](#)
 Communication concerning the Garabayev group [DH-DD\(2012\)489E](#)
 Additional action plan concerning the Garabayev group [DH-DD\(2012\)755E](#)

2. Communications from the applicants' representatives.

Communication from the applicant's representative in the Sultanov case [DH-DD\(2011\)624](#)
 Communication from the applicant's representative in the Iskandarov case [DH-DD\(2012\)24](#)
 Communication from an NGO (Garabayev group) [DH-DD\(2012\)158E](#)
 Joint communication from NGOs and lawyers(Garabayev group) [DH-DD\(2012\)422E](#)
 Communication from the applicants' representatives [DH-DD\(2012\)854](#)

Letter from the registry (Latipov case) [DH-DD\(2012\)538E](#)

Letter from the Registry (Savridin Dzhrayev case) [DD\(2012\)214E](#)

[Decision](#) adopted at the 1136th meeting

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

As regards individual measures

1. noted with interest the information provided by the Russian authorities at the meeting according to which the applicant in the Ergashev case was granted temporary asylum until May 2013 and that appropriate measures are being taken in order to prevent the applicant's removal from the Russian territory in the Yakubov case;
2. took note of the information provided by the Russian authorities in the Muminov case and invited them to clarify whether, considering the sentence to which the applicant was convicted upon his arrival to Uzbekistan, he is still in detention;
3. took note of the information provided by the Russian authorities on the applicant's current situation in the Iskandarov case and invited the Russian authorities to continue to provide, to the maximum extent possible, information on his situation;

4. noted with regret that to date no-one responsible for the applicant's illegal transfer to Tajikistan has been identified in the Iskandarov case;
5. encouraged the Russian authorities to enhance their efforts aimed at payment of just satisfaction in the Muminov and Iskandarov cases;

As regards general measures

6. noted that no incidents similar to those described in the Iskandarov case took place since the last examination of this case by the Committee and invited the Russian authorities to continue to take all necessary measures in order to ensure that such incidents no longer occur in the future;
7. welcomed the adoption on 14 June 2012 by the Supreme Court of the Russian Federation of a Ruling providing important guidelines on how to apply domestic legislation in the light of the Convention requirements, in particular with regard to Articles 3 and 5 of the Convention;
8. noted further with satisfaction that the measures adopted by the Russian authorities in response to the judgments of this group (the Constitutional Court's decision, instructions issued by the Prosecutor General and the Decisions of the Plenum of the Supreme Court) have already resulted in a number of judgments of the Court finding no violations of the Convention;
9. encouraged the Russian authorities to ensure rapid progress with regard to the preparation and adoption of the legislative reform required by these judgments.

1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference texts:

1. Information from the Russian authorities.

Action plan concerning the Gaforov case [DH-DD\(2011\)798E](#)
 Communication concerning the Gaforov case [DH-DD\(2012\)145E](#)
 Communication concerning the Klein case [DH-DD\(2011\)584E](#)
 Action plan concerning the Klein case [DH-DD\(2011\)601](#)
 Action plan concerning the Khaidarov case [DH-DD\(2011\)609](#)
 Action plan concerning the Khodzhayev case [DH-DD\(2011\)623](#)
 Action plan concerning the Sultanov case [DH-DD\(2011\)739E](#)
 Communications concerning the Yuldashev case [DH-DD\(2011\)638E](#), [DH-DD\(2012\)143](#)
 Communications concerning the Iskandarov case [DH-DD\(2012\)94](#), [DH-DD\(2012\)390E](#)
 Action plan concerning the Iskandarov case [DH-DD\(2012\)103](#)
 Communication concerning the Konontsev case [DH-DD\(2012\)142](#)
 Communication concerning the Karimov case [DH-DD\(2012\)144](#), [DH-DD\(2012\)306E](#)
 Communication concerning the Abdulazhon Isakov case [DH-DD\(2012\)146](#)
 Communication concerning the Kolesnik case [DH-DD\(2012\)147](#)
 Communication concerning the Muminov case [DH-DD\(2012\)391E](#)
 Action plan concerning the Garabayev group [DH-DD\(2012\)152E](#)
 Communication concerning the Garabayev group [DH-DD\(2012\)489E](#)
 Additional action plan concerning the Garabayev group [DH-DD\(2012\)755E](#)

2. Communications from the applicants' representatives.

Communication from the applicant's representative in the Sultanov case [DH-DD\(2011\)624](#)
 Communication from the applicant's representative in the Iskandarov case [DH-DD\(2012\)24](#)
 Communication from an NGO (Garabayev group) [DH-DD\(2012\)158E](#)
 Joint communication from NGOs and lawyers (Garabayev group) [DH-DD\(2012\)422E](#)

Letter from the Registry (Latipov case) [DH-DD\(2012\)538E](#)
 Letter from the Registry (Savridin Dzhurayev case) [DD\(2012\)214E](#)
 Letter from the Registry (Latipov) [DH-DD\(2012\)1046E](#)

[Decision](#) adopted at the 1136th meeting
[Decision](#) adopted at the 1144th meeting
[Decision](#) adopted at the 1150th meeting

Decision

The Deputies

1. recalled that in abiding by a Court's judgment, the State party has an obligation to take all measures to prevent violations similar to those found by the Court;
2. consequently deeply regretted that, notwithstanding the serious concerns expressed by the Court and by the Committee of Ministers in respect of incidents allegedly similar to that in the Iskandarov judgment, they were informed that yet another applicant, who was subject to an interim measure indicated by the Court under Rule 39 in connection with his planned extradition to Tajikistan, would have disappeared from Volgograd on 20 October 2012 (*Latipov v. Russian Federation*, No. 77658/11);
3. noted that such incidents, if confirmed, and lack of appropriate response thereto by the authorities would raise a more general issue as to the compatibility of this situation with the obligations of the Russian Federation under the Convention;
4. reiterated their regret expressed in their earlier decision that up to now, neither in the Iskandarov case nor in any other case of that type have the authorities been able to make tangible progress with the domestic investigations concerning the applicants' kidnappings and their transfer, nor to establish the responsibility of any state agent;
5. consequently called upon the Russian authorities to address without further delay this worrying and unprecedented situation, notably by adopting protective measures in respect of other persons who may be subject to an interim measure indicated by the Court under Rule 39 in connection with their removal from the Russian territory and ensuring that all such incidents are effectively investigated in strict compliance with their Convention obligations;
6. invited the Russian authorities to provide information on the applicant's current situation in the Iskandarov case, in particular as far as guarantees against ill-treatment are concerned

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:****1. Information from the Russian authorities.**

Action plan concerning the Gaforov case (27/09/2011) [DH-DD\(2011\)798E](#)
 Communication concerning the Gaforov case (03/02/2012) [DH-DD\(2012\)145E](#)
 Action plan concerning the Klein case (09/03/2011) [DH-DD\(2011\)601](#)
 Communication concerning the Klein case (29/06/2011) [DH-DD\(2011\)584E](#)
 Action plan concerning the Khaydarov case (09/03/2011) [DH-DD\(2011\)609](#)
 Action plan concerning the Khodzhayev case (09/03/2011) [DH-DD\(2011\)623](#)
 Action plan concerning the Sultanov case (13/09/2011) [DH-DD\(2011\)739E](#)
 Communications concerning the Yuldashev case (08/04/2011) [DH-DD\(2011\)638E](#), (03/02/2012) [DH-DD\(2012\)143](#)
 Communication concerning the Elmuratov case (15/05/2012) [DH-DD\(2012\)691E](#)
 Action plan concerning the Iskandarov case (22/12/2011) [DH-DD\(2012\)103](#)
 Communications concerning the Iskandarov case (30/12/2011) [DH-DD\(2012\)94](#), (29/03/2012) [DH-DD\(2012\)390E](#)
 Communication concerning the Konontsev case (03/02/2012) [DH-DD\(2012\)142](#)
 Communications concerning the Karimov case (03/02/2012) [DH-DD\(2012\)144](#), (02/03/2012) [DH-DD\(2012\)306E](#)
 Communication concerning the Abdulazhon Isakov case (03/02/2012) [DH-DD\(2012\)146](#)
 Communication concerning the Kolesnik case (03/02/2012) [DH-DD\(2012\)147](#)
 Communication concerning the Muminov case (29/03/2012) [DH-DD\(2012\)391E](#)
 Action plan concerning the Garabayev group (09/02/2012) [DH-DD\(2012\)152E](#)
 Communication concerning the Garabayev group (14/05/2012) [DH-DD\(2012\)489E](#)
 Additional action plan concerning the Garabayev group (03/09/2012) [DH-DD\(2012\)755Erev](#)
 Communication from the Russian authorities (01/02/2013) [DH-DD\(2013\)93](#)
 Communication concerning the Yakubov case (18/02/2013) [DH-DD\(2013\)209E](#)
 Communication concerning the Ergashev case (20/02/2013) [DH-DD\(2013\)210E](#)

2. Communications from the applicants' representatives.

Communication from the applicant's representative in the Sultanov case (02/08/2011) [DH-DD\(2011\)624](#)
 Communication from the applicant's representative in the Iskandarov case (14/12/2011) [DH-DD\(2012\)24](#)
 Communication from an NGO (Garabayev group) (15/12/2011) [DH-DD\(2012\)158E](#)
 Joint communication from NGOs and lawyers(Garabayev group) (17/04/2012) [DH-DD\(2012\)422E](#)
 Communication from NGOs (19/02/2013) [DH-DD\(2013\)218E](#)

Letter from the Registry (Latipov case) (18/05/2012) [DH-DD\(2012\)538E](#)
Letter from the Registry (Savridin Dzhurayev case) (26/01/2012) [DD\(2012\)214E](#)
Letter from the Registry (Latipov) (09/11/2012) [DH-DD\(2012\)1046E](#)
Letter from the Registry (Kasymakhunov No. 2) (24/01/2013) [DH-DD\(2013\)75E](#)

[Decision](#) adopted at the 1136th meeting (March 2012)
[Decision](#) adopted at the 1144th meeting (June 2012)
[Decision](#) adopted at the 1150th meeting (September 2012)
[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. took note of the Russian authorities' position according to which the measures taken so far can prevent further abductions and forced transfers of persons in whose respect the Court indicated an interim measure under Rule 39 of its Rules of Procedure;
2. noted however with serious concern that at present several complaints of foreign nationals are pending before the Court concerning alleged violations of their rights and the non-observance of interim measures indicated by the Court with regard to their forced transfer from the territory of the Russian Federation;
3. invited the Russian authorities to clarify the relevance of the measures already taken in circumstances similar to those described in the Iskandarov and Abdulkhakov judgments;
4. reiterated their call upon the Russian authorities to adopt without further delay the necessary measures to put an end to such incidents by taking further special protective measures in respect of the applicants and a set of measures to ensure rapid and effective investigations into disappearances and forced transfers, and to inform the Committee of Ministers accordingly;
5. in view of the persistence of this alarming situation and having regard to the obligations of the Russian Federation under the Convention, invited the President of the Committee of Ministers to address a letter to his Russian counterpart in order to draw his attention to the serious concern of the Committee of Ministers as well as its repeated calls to adopt the above-mentioned measures;
6. decided to resume consideration of these questions at the latest at their 1179th meeting (September 2013) (DH) however agreeing, in the event that a new, similar incident is brought to the Committee's attention, to return to this issue at their first meeting following notification of such an incident.

Reference texts:*1. Information from the Russian authorities.*

Communication concerning the Yuldashev case (26/03/2013) [DH-DD\(2013\)339](#)

Action plan concerning the Garabayev group (09/02/2012) [DH-DD\(2012\)152](#)

Communication concerning the Garabayev group (14/05/2012) [DH-DD\(2012\)489](#)

Additional action plan concerning the Garabayev group (03/09/2012) [DH-DD\(2012\)755rev](#)

Communication from the Russian authorities (01/02/2013) [DH-DD\(2013\)93](#)

Information submitted on the execution of individual cases which could be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Garabayev_en.asp

2. Communications from the applicants' representatives.

Communication from the applicant's representative in the Sultanov case (02/08/2011) [DH-DD\(2011\)624](#)

Communication from the applicant's representative in the Iskandarov case (14/12/2011) [DH-DD\(2012\)24](#)

Communication from the applicant's representative in the Yuldashev case (08/03/2013) [DH-DD\(2013\)259](#)

3. Communication from NGOs

Communication from an NGO (Garabayev group) (15/12/2011) [DH-DD\(2012\)158](#)

Joint communication from NGOs and lawyers(Garabayev group) (17/04/2012) [DH-DD\(2012\)422](#)

Communication from NGOs (Human Rights Institute (Moscow) and the Human Rights Centre "Memorial") (19/02/2013) [DH-DD\(2013\)218](#)

Communication from a NGO (02/05/2013) [DH-DD\(2013\)552](#)

4. Letters from the Registry of the European Court

Letter from the Registry (Latipov case) (18/05/2012) [DH-DD\(2012\)538](#)

Letter from the Registry (Savridin Dzhurayev case) (26/01/2012) [DD\(2012\)214](#)

Letter from the Registry (Latipov) (09/11/2012) [DH-DD\(2012\)1046](#)

Letter from the Registry (Kasymakhunov No. 2) (24/01/2013) [DH-DD\(2013\)75](#)

Letter from the Registry (Abdulkhakov) (28/02/2013) [DH-DD\(2013\)228](#)

Letter from the Chair of the Committee of Ministers (05/04/2013) [DH-DD\(2013\)394](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision**The Deputies**

1. noted with satisfaction the authorities' rapid response to the allegations made by the representative of Mr Yuldashev that he was a victim of an attempted abduction by unknown persons on 8 March 2013 in Moscow, as well as the measures taken to ensure the safety of the applicant and his family;
2. noted in this respect that no other communication has been received from the applicant or his representative since;
3. invited the Russian authorities to keep the Committee informed of the developments with regard to the preliminary enquiry;
4. recalled that the Committee will resume consideration of all the questions relating to the execution of this group of cases at its 1179th meeting (September 2013) (DH) however having agreed, in the event that a new, similar incident is brought to the Committee's attention, to return to this issue at their first meeting following notification of such an incident.

1176th meeting– Regular meeting (10 July 2013)[List of decisions](#)

Point H46-2

Decision

The Deputies

Recalling the decisions adopted at their 1164th meeting (5-7 March 2013) (DH) and 1172nd meeting (4-6 June 2013) (DH) in the Garabayev group of cases against the Russian Federation (see the list below),

1. noted, with grave concern, that a further incident involving allegations of kidnapping and illegal transfer of an applicant protected by an interim measure indicated by the Court under Rule 39 has been reported, this time in the context of the Mamazhonov case;
2. strongly insisted that light be shed on this incident and on the fate of the applicant as quickly as possible;
3. consequently insisted again on the pressing need to adopt as of now measures to ensure an immediate and effective protection of the applicants in a similar situation against kidnappings and irregular removals from the national territory;
4. recalled, in this context, the letter sent by the Chairman of the Committee of Ministers to the Minister of Foreign Affairs of the Russian Federation;
5. agreed that a draft interim resolution will be considered in the light of progress that would have been made, including the updated action plan submitted by the Russian authorities; this text will be circulated in the draft revised order of business of their 1179th meeting (24-26 September 2013) (DH).

1179th meeting - (24-26 September 2013)[List of decisions](#)**Reference texts:**

References are given to some documents only, mainly concerning general measures. References to all the relevant documents, including those concerning individual measures, can be found on the website of the Department for the Execution of the Judgments of the European Court:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Garabayev_en.asp

1. Information from the Russian authorities.

Action plan concerning the Garabayev group (09/02/2012) [DH-DD\(2012\)152](#)
 Communication concerning the Garabayev group (14/05/2012) [DH-DD\(2012\)489](#)
 Additional action plan concerning the Garabayev group (03/09/2012) [DH-DD\(2012\)755rev](#)
 Communication from the Russian authorities (01/02/2013) [DH-DD\(2013\)93](#)
 Action plan (02/07/2013) [DH-DD\(2013\)763](#)
 Communication concerning the Yuldashev case (26/03/2013) [DH-DD\(2013\)339](#)
 Communication concerning the case of Mamazhanov (08/07/2013) [DH-DD\(2013\)768](#)

2. Communication from NGOs

Communication from an NGO (Garabayev group) (15/12/2011) [DH-DD\(2012\)158](#)
 Joint communication from NGOs and lawyers(Garabayev group) (17/04/2012) [DH-DD\(2012\)422](#)
 Communication from NGOs (Human Rights Institute (Moscow) and the Human Rights Centre "Memorial") (19/02/2013) [DH-DD\(2013\)218](#)
 Communication from a NGO (02/05/2013) [DH-DD\(2013\)552](#)
 Communication from a NGO (Human Rights Institute) (18/06/13) [DH-DD\(2013\)720](#)
 Communication from a NGO (Amnesty International) (27/08/2013) [DH-DD\(2013\)917](#)

3. Letters from the Registry of the European Court

Letter from the Registry (Latipov case) (18/05/2012) [DH-DD\(2012\)538](#)
 Letter from the Registry (Savridin Dzhrayev case) (26/01/2012) [DD\(2012\)214](#)
 Letter from the Registry (Latipov case) (09/11/2012) [DH-DD\(2012\)1046](#)
 Letter from the Registry (Kasymakhunov No. 2 case) (24/01/2013) [DH-DD\(2013\)75](#)
 Letter from the Registry (Abdulkhakov case) (28/02/2013) [DH-DD\(2013\)228](#)
 Letter from the Registry (Mamazhonov case) (09/07/2013) [DH-DD\(2013\)783](#)
 Letter from the Registry (Saliyev case) (12/07/2013) [DH-DD\(2013\)926](#)
 Letter from the Registry (Kadirzhanov case) (13/09/2013) [DH-DD\(2013\)970](#)

4. Letter from the Chair of the Committee of Ministers (05/04/2013) [DH-DD\(2013\)394](#)

[Decision](#) adopted at the 1176th meeting (10 July 2013)

Decision

The Deputies adopted Interim Resolution CM/ResDH(2013)200 as it appears in document CM/Del/Dec(2013)1179 and in the Volume of Resolutions.

Interim resolution CM/ResDH(2013)200

**Execution of the judgments of the European Court of Human Rights
Garabayev group of cases against the Russian Federation**

(adopted by the Committee of Ministers on 26 September 2013 at the 1179th 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"),

Considering the cases decided by the Court, in which the latter found violations by the Russian Federation due to the applicants' abductions and irregular transfers from the Russian Federation to States where the applicants face a real risk of torture and ill-treatment, and in breach of an interim measure indicated by the Court under Rule 39 of its Rules of Procedure;

Recalling that given the number of communications received, including from the Court, relating to alleged similar incidents that have been reported, revealing an alarming and unprecedented situation, the Committee has been calling upon the Russian authorities to adopt as a matter of urgency special protective measures for applicants exposed to a risk of kidnapping and irregular transfer;

Noting that the Russian authorities have taken a number of general measures to prevent abductions and illegal transfers from the Russian territory of persons in whose respect extradition requests were filed and the Court has indicated an interim measure under Rule 39 of its Rules;

Deeply regretting that these measures do not appear to have been sufficient to address the need for urgent adoption of special preventive and protective measures that are effective;

Deploring that to date, no reply has been received to the letter sent on 5 April 2013 by the Chairman of the Committee of Ministers to his Russian counterpart conveying the Committee's serious concerns in view of the persistence of this situation and its repeated calls for the urgent adoption of such protective measures;

Underlining that in its judgment in the *Abdulkhakov* case, the Court noted that "any extra-judicial transfer or extraordinary rendition, by its deliberate circumvention of due process, is an absolute negation of the rule of law and the values protected by the Convention"¹³;

Stressing that this situation has the most serious implications for the Russian domestic legal order, the effectiveness of the Convention system and the authority of the Court,

CALLS UPON the Russian authorities to take further action to ensure compliance with the rule of law and with the obligations they have undertaken as a State party to the Convention,

EXHORTS accordingly the authorities to further develop without further delay an appropriate mechanism tasked with both preventive and protective functions to ensure that applicants, in particular in respect of whom the Court has indicated an interim measure, benefit (following their release from detention) from immediate and effective protection against unlawful or irregular removal from the territory of Russia and the jurisdiction of the Russian courts.

¹³ *Abdulkhakov*, § 156.

1186th meeting– (5 December 2013)[List of decisions](#)**Item C1**Decision

The Deputies

1. noted that the following judgments have become final before 3 October 2013, and decided to examine them under the standard procedure ([list of cases](#));
2. decided to examine the following judgments under the enhanced procedure: ([list of cases](#));
3. as far as the Azimov case against the Russian Federation (Garabayev group) is concerned, took note of the fact that an allegation of abduction has been reported and urged the Russian authorities to promptly provide information on the investigation into this incident with a view to resuming its consideration at the latest at their 1193rd meeting (March 2014) (DH).

1193rd meeting - (4-6 March 2014)[List of decisions](#)**Reference texts:**Interim Resolution [CM/ResDH\(2013\)200](#)Letter from the Committee of Ministers' Chairman to the Minister for Foreign Affairs of the Russian Federation (05/04/13) [DH-DD\(2013\)394](#)Information submitted on this group of cases which can be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Garabayev_en.asp*Recent communications from the Russian Federation*Communication concerning the Azimov case (14/01/2014) [DH-DD\(2014\)151E](#); Action plan (10/01/2014)[DH-DD\(2014\)58](#); Communication concerning the case of Mamazhanov (08/07/2013) [DH-DD\(2013\)768](#)Action plan on measures taken to prevent to prevent abduction and forcible removal for the Russian Federation of persons in respect of which requests for extradition have been made and interim measures have been indicated by the European Court (02/07/2013) [DH-DD\(2013\)763](#)Additional action plan / action report (01/02/2013) [DH-DD\(2013\)93](#)Action plan (09/02/2012) [DH-DD\(2012\)152](#)*Letters from the Registry of the European Court*Kadirzhanov case (13/09/2013) [DH-DD\(2013\)970](#); Saliyev case (12/07/2013) [DH-DD\(2013\)926](#),Mamazhonov case (09/07/2013) [DH-DD\(2013\)783](#); Abdulkhakov case (28/02/2013) [DH-DD\(2013\)228](#) ;Kasymakhunov No. 2 case (24/01/2013) [DH-DD\(2013\)75](#) ; Latipov case (09/11/2012) [DH-DD\(2012\)1046](#) ;Savridin Dzhurayev case (26/01/2012) [DD\(2012\)214](#); Latipov case (18/05/2012) [DH-DD\(2012\)538](#)*Recent communications from the applicants*Azimov case (05/12/2013) [DH-DD\(2013\)1313](#)From Human Rights Institute (Mamazhonov case) (18/06/2013) [DH-DD\(2013\)720](#)[Decision](#) adopted at the 1179th meeting (September 2013)[Decision](#) adopted at the 1186th meeting (December 2013) – classification of new casesDecision

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).

Reference texts:

Interim Resolution [CM/ResDH\(2013\)200](#)

Letter from the Committee of Ministers' Chairman to the Minister for Foreign Affairs of the Russian Federation (05/04/13) [DH-DD\(2013\)394](#)

Recent communications from the applicants

Yakubov case (30/04/2014) [DH-DD\(2014\)571](#) and reply of the authorities (30/04/2014) [DH-DD\(2014\)581](#)

Azimov case (05/12/2013) [DH-DD\(2013\)1313](#)

From Human Rights Institute (Mamazhonov case) (18/06/2013) [DH-DD\(2013\)720](#)

Recent communications from the Russian Federation

Communication concerning the Yakubov case (30/04/2014) [DH-DD\(2014\)581](#), (21/05/2014) [DH-DD\(2014\)685](#)

Communication concerning the Azimov case (14/01/2014) [DH-DD\(2014\)151](#);

Action plan (10/01/2014) [DH-DD\(2014\)58](#);

Communication concerning the case of Mamazhanov (08/07/2013) [DH-DD\(2013\)768](#)

Action plan on measures taken to prevent abduction and forcible removal for the Russian Federation of persons in respect of which requests for extradition have been made and interim measures have been indicated by the European Court (02/07/2013) [DH-DD\(2013\)763](#)

Additional action plan / action report (01/02/2013) [DH-DD\(2013\)93](#)

Action plan (09/02/2012) [DH-DD\(2012\)152](#)

Communication from the UNHCR (28/05/2014) [DH-DD\(2014\)717](#)

Information submitted on this group of cases which can be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Garabayev_en.asp

Letters from the Registry of the European Court

Kadirzhanov case (13/09/2013) [DH-DD\(2013\)970](#); Saliyev case (12/07/2013) [DH-DD\(2013\)926](#),

Mamazhonov case (09/07/2013) [DH-DD\(2013\)783](#) ; Abdulkhakov case (28/02/2013) [DH-DD\(2013\)228](#) ;

Kasymakhunov No. 2 case (24/01/2013) [DH-DD\(2013\)75](#) ;

Savridin Dzhurayev case (26/01/2012) [DD\(2012\)214](#)

[Decision](#) adopted at the 1186th meeting (December 2013) – classification of new cases

[Decision](#) adopted at the 1193rd meeting (March 2014)

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](#));
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 *Savridin 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).

Reference texts:

Interim Resolution [CM/ResDH\(2013\)200](#)

Letter from the Committee of Ministers' Chairman to the Minister for Foreign Affairs of the Russian Federation (05/04/13) [DH-DD\(2013\)394](#)

Recent communications from the applicants

From Human Rights Institute (24/07/2014) (Izakov case and Mukhitdinov case) [DH-DD\(2014\)913](#)

Yakubov case (30/04/2014) [DH-DD\(2014\)571](#) and reply of the authorities (30/04/2014) [DH-DD\(2014\)581](#)

Azimov case (05/12/2013) [DH-DD\(2013\)1313](#)

From Human Rights Institute (Mamazhonov case) (18/06/2013) [DH-DD\(2013\)720](#)

Recent communications from the Russian Federation

Abdulazhon Isakov case (18/08/2014) [DH-DD\(2014\)979](#); Updated action plan (15/7/2014) [DH-DD\(2014\)887](#)

Yakubov case (30/04/2014) [DH-DD\(2014\)581](#), (21/05/2014) [DH-DD\(2014\)685](#)

Azimov case (14/01/2014) [DH-DD\(2014\)151](#); Action plan (10/01/2014) [DH-DD\(2014\)58](#);

Mamazhanov case (08/07/2013) [DH-DD\(2013\)768](#)

Action plan on measures taken to prevent abduction and forcible removal for the Russian Federation of persons in respect of which requests for extradition have been made and interim measures have been indicated by the European Court (02/07/2013) [DH-DD\(2013\)763](#)

Additional action plan / action report (01/02/2013) [DH-DD\(2013\)93](#); Action plan (09/02/2012) [DH-DD\(2012\)152](#)

Communication from the UNHCR (28/05/2014) [DH-DD\(2014\)717](#)

Information submitted on this group of cases which can be found on the web site of the Department for the Execution of Court's judgments: http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Garabayev_en.asp

Letters from the Registry of the European Court

Kadirzhanov case (13/09/2013) [DH-DD\(2013\)970](#); Saliyev case (12/07/2013) [DH-DD\(2013\)926](#),

Mamazhonov case (09/07/2013) [DH-DD\(2013\)783](#) ; Abdulkhakov case (28/02/2013) [DH-DD\(2013\)228](#) ;

Kasymakhunov No. 2 case (24/01/2013) [DH-DD\(2013\)75](#) ;

Savridin Dzburayev case (26/01/2012) [DD\(2012\)214](#)

[Decision](#) adopted at the 1201st meeting (June 2014)

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 Savridin Dzburayev 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 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.

* * *

Application : 7097/10 Final judgment : 06/03/2012	GLADYSHEVA v. Russian Federation	Enhanced procedure : urgent individual measures
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1179th meeting - (24-26 September 2013)

[List of decisions](#)

Reference texts:

Action plan (22/04/2013) [DH-DD\(2013\)669](#)

Decision

The Deputies

1. recalled that in the present case, the Court found a violation of the applicant's property rights due to the revocation of her property title to the apartment that she bought as a bona fide buyer on account of a previous owner's fraudulent acquisition of that apartment, as well as a violation of the right to respect for her home due to the domestic courts' failure to assess the proportionality of her eviction from the apartment following the revocation of her property title;
2. noted that the applicant's property rights to the apartment have been restored and that the eviction order has been quashed; invited in this respect the authorities to confirm to the Committee that her property rights have now been duly registered;
3. decided, in the light of the foregoing, to continue their supervision of the execution of this judgment under the standard supervisory procedure;
4. invited the Russian authorities to present a revised action plan/report containing clarifications on whether, and how, rights of persons who might face a situation similar to the applicant's are protected under the Russian legislation.

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Application : 47095/99 Final on 15/10/2002	KALASHNIKOV v. Russie	Enhanced procedure
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Interim resolution ResDH(2003)123

concerning the judgment of the European Court of Human Rights of 15 July 2002, final on 15 October 2002 in the case of Kalashnikov against the Russian Federation

(Adopted by the Committee of Ministers on 4 June 2003 at the 841st 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 referred to as "the Convention"), Having regard to the judgment of the European Court of Human Rights ("the Court") of 15 July 2002 in the Kalashnikov case transmitted to the Committee of Ministers once it had become final under Article 44 of the Convention;

Recalling that the case originated in an application (No. 47095/99) against the Russian Federation, lodged with the Court on 1 December 1998 under Article 34 of the Convention by Mr Valery Yermilovitch Kalashnikov, a Russian national, and that the Court declared admissible the complaints relating to the poor conditions in which the applicant was held in detention before trial between 1995 and 2000, due in particular to severe prison overcrowding and to an insanitary environment; and the complaints concerning the excessive length of both this detention and the criminal proceedings brought against him;

Whereas in its judgment of 15 July 2002 the Court unanimously:

- held that there had been a violation of Article 3 of the Convention in respect of conditions of the applicant's pre-trial detention, which amounted to degrading treatment;
- held that there had been violations of Article 5, paragraph 3, due to the excessive length of the applicant's pre-trial detention;
- held that there had been a violation of Article 6, paragraph 1, due to the excessive length of criminal proceedings;
- held that the government of the respondent state was to pay the applicant, within three months from date on which the judgment became final, the following amounts to be converted into Russian roubles at the rate applicable at the date of the payment: - 5 000 euros in respect of non-pecuniary damage; - 3 000 euros in respect of costs and expenses, and that simple interest at a rate equal to the marginal lending rate of the European Central Bank plus three percentage points should be payable from the expiry of the above-mentioned three months until settlement;
- dismissed the remainder of the claim for just satisfaction;

Recalling the obligation of every state, under Article 46, paragraph 1, of the Convention, to abide by the judgments of the Court, which includes the adoption of general measures preventing new violations of the Convention similar to those found in the Court's judgments;

Stressing that the necessity of adopting such measures is all the more pressing if a judgment reveals structural problems which may give rise to a large number of new, similar violations of the Convention;

Having invited the Russian Federation to inform it of the measures adopted or being taken in consequence of the present judgment;

Having satisfied itself that on 17 December 2002, within the time-limit set, the respondent government paid the applicant the sums provided for in the judgment;

Having examined the information provided by the Russian authorities concerning the measures which have been taken so far, are being adopted or are planned in order to prevent new, similar violations to those found (this information appears in the Appendix to this resolution);

Noting that the general measures required by the present judgment are closely connected to the ongoing reform of the Russian Federation's criminal policy and the penitentiary system and welcoming progress achieved so far in this respect;

Noting in particular with satisfaction the significant decrease of the overcrowding in pre-trial detention facilities (SIZOs) and the ensuing improvement of sanitary conditions, as demonstrated by the recent statistics submitted to the Committee by the Russian authorities (see Appendix);

Considering however that further measures are required in this field to remedy the structural problems highlighted by the present judgment;

Stressing in particular the importance of prompt action by the authorities to remedy the overcrowding in those SIZOs where this problem still remains (57 out of the 89 Russian regions) and to align the sanitary conditions of detention on the requirements of the Convention,

CALLS UPON the Russian authorities to continue and enhance the ongoing reforms with a view to aligning the conditions of all pre-trial detention on the requirements of the Convention, particularly as set out in the Kalashnikov judgment, so as effectively to prevent new, similar violations;

INVITES the authorities to continue to keep the Committee of Ministers informed of the concrete improvement of the situation, in particular by providing relevant statistics relating to the overcrowding and sanitary and health conditions in pre-trial detention facilities;

DECIDES to examine at one of its meetings not later than October 2004, further progress achieved in the adoption of the general measures necessary to effectively prevent this kind of violations of the Convention.

1078th meeting– (4 March 2010)

[List of decisions](#)

Section 4.2

- 31 cases against the Russian Federation

- 31 cases concerning poor conditions of detention, amounting to degrading treatment

47095/99	Kalashnikov, judgment of 15/07/02, final 15/10/02, Interim Resolution ResDH(2003)123
1750/03	Andreyevskiy, judgment of 29/01/2009, final on 06/07/2009
67253/01	Babushkin, judgment of 18/10/2007, final on 18/01/2008
37810/03	Bagel, judgment of 15/11/2007, final on 15/02/2008
28617/03	Belashev, judgment of 04/12/2008, final on 04/05/2009
106/02	Benediktov, judgment of 10/05/2007, final on 24/09/2007
68337/01	Buzychkin, judgment of 14/10/2008, final on 14/01/2009
39420/03	Bychkov, judgment of 05/03/2009, final on 05/06/2009
66802/01	Dorokhov, judgment of 14/02/2008, final on 14/05/2008
205/02	Frolov Andrey, judgment of 29/03/2007, final on 24/09/2007
22/03	Grigoryevskikh, judgment of 09/04/2009, final on 09/07/2009
30983/02	Grishin, judgment of 15/11/2007, final on 02/06/2008
36941/02	Gubkin, judgment of 23/04/2009, final on 23/07/2009
24650/02	Guliyev, judgment of 19/06/2008, final on 19/09/2008
34000/02	Ivanov Igor, judgment of 07/06/2007, final on 30/01/2008
67086/01	Korobov and others, judgment of 27/03/2008, final on 27/06/2008
62208/00	Labzov, judgment of 16/06/05, final on 16/09/05
25664/05	Lind, judgment of 06/12/2007, final on 02/06/2008
6270/06	Lyubimenko, judgment of 19/03/2009, final on 19/06/2009
15217/07	Makarov Aleksandr, judgment of 12/03/2009, final on 14/09/2009
6954/02	Maltabar and Maltabar, judgment of 29/01/2009, final on 29/04/2009
14850/03	Matyush, judgment of 09/12/2008, final on 09/03/2009
63378/00	Mayzit, judgment of 20/01/05, final on 06/07/05
11982/02	Novinskiy, judgment of 10/02/2009, final on 10/05/2009
66460/01	Novoselov, judgment of 02/06/05, final on 02/09/05
1606/02	Popov and Vorobyev, judgment of 23/04/2009, final on 23/07/2009
15591/03	Seleznev, judgment of 26/06/2008, final on 01/12/2008
23691/06	Shteyn (Stein), judgment of 18/06/2009, final on 18/09/2009
3130/03	Sudarkov, judgment of 10/07/2008, final on 01/12/2008
63955/00	Sukhovoy, judgment of 27/03/2008, final on 27/06/2008
36898/03	Trepashkin, judgment of 19/07/2007, final on 19/10/2007

Decision

The Deputies,

1. adopted Interim Resolution CM/ResDH(2010)35 as it appears in the Volume of Resolutions;
2. decided to resume consideration of this group of cases at the latest at their first DH meeting of 2011 in the light of the information to be provided on individual and general measures.

Interim resolution CM/ResDH(2010)35¹⁴

Execution of the judgments of the European Court of Human Rights

in 31 cases against the Russian Federation mainly concerning conditions of detention in remand prisons

(See Appendix I for the list of cases in the Kalashnikov group)

(Adopted by the Committee of Ministers on ... 2010 at the 1078th 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 judgments in which the Court has found violations of Article 3 of the Convention in respect of the conditions under which the applicants were detained in remand prisons (SIZOs) which amounted to degrading treatment due, in particular, to the severe lack of personal space or to the combination of the space factor with other deficiencies of the physical detention conditions such as the impossibility of using the toilet in private, lack of ventilation, lack of access to natural light and fresh air, inadequate heating arrangements, and non-compliance with basic sanitary requirements;

Recalling further that in a number of judgments the Court found violations of Article 5 due to the unlawful detention of the applicants, its excessive length in the absence of relevant and sufficient grounds for prolonged detention and the lack of effective judicial review of the lawfulness of detention;

Recalling finally that the Court also found violations of Article 13 of the Convention due to the lack of an effective domestic remedy in respect of conditions of detention on remand;

Recalling that the existence of structural problems and the pressing need for comprehensive general measures were stressed by the Committee and acknowledged by the Russian authorities since the adoption by the Court of the judgment in the case of Kalashnikov against Russia in 2002;

Recalling furthermore that in its Interim Resolution [ResDH\(2003\)123](#) adopted on 4 June 2003 in the Kalashnikov case, the Committee noted the progress in the adoption of general measures required by the Court's judgments and called upon the authorities to continue and enhance various reforms under way;

Having examined the information provided by the Russian authorities concerning the progress made in the implementation of the judgments mentioned above since the adoption of the first Interim Resolution (this information appears in the Appendix II to this resolution);

As regards material conditions of detention:

Noting with great interest that since the Kalashnikov judgment, the Federal Programme aimed at building new remand prisons and renovating a great number of existing ones, in particular to improve material conditions of detention, has been implemented and that a similar programme with the declared cost of 1 327 million euro was adopted for 2007-2016;

Noting further that according to the information provided by the Russian authorities, the implementation of these programmes resulted in the improvement of material conditions of detention and in particular the average increase of personal space to 4,85 m² per detainee;

¹⁴ Adoptée par le Comité des Ministres le 4 March 2010 lors de la 1078th meeting of Délégués des Ministres.

Noting however that there are still remand prisons where the number of remand prisoners exceeds the design capacity of the facilities, and the requirement of Russian legislation concerning personal space is not complied with;

Noting in this respect additional targeted measures to improve the material conditions of detention in remand prisons posing problems;

Noting in particular the role of prosecutors in ensuring compliance of the conditions of detention with the requirements of domestic law;

Recalling that in any event the creation of new places of detention cannot in itself provide a lasting solution to the problem of prison overcrowding, and that this measure should be closely supported by others aimed at reducing the overall number of remand prisoners;

Noting with satisfaction in this respect the Russian authorities' position that there should be an integrated approach to finding solutions to the problem of overcrowding in remand prisons, including in particular changes to the legal framework, practices and attitudes;

As regards the number of remand prisoners:

Recalling the constant position of the Committee of Ministers that, in view both of presumption of innocence and the presumption in favour of liberty, remand in custody shall be the exception rather than the norm and only a measure of last resort, and that to avoid inappropriate use of remand in custody the widest possible range of alternative, less restrictive measures shall be made available;

Noting the repeated statements by the President of the Russian Federation and high-ranked officials, including the Prosecutor General and the Minister of Justice, that thousands of persons detained on remand – up to 30 % of those currently detained – should not have been deprived of their liberty, being suspected or accused of offences of low or medium gravity;

Welcoming the unambiguous commitment, renewed at the highest political level, to change this unacceptable situation and to adopt urgent legislative and other measures to that effect;

Taking note in this context of legislative initiatives to ensure effective use of alternative preventive measures provided by the Code of Criminal Procedure;

Noting further the rulings of the Supreme Court, namely the Ruling of 29 October 2009 reiterating that remand in custody should be a measure of last resort and providing guidelines on the application of alternative preventive measures,

Noting that the statistical data provided demonstrates a slight but constant decrease in the overall number of remand prisoners;

Further noting that the statistics nonetheless demonstrate wider yet still limited recourse to alternative preventive measures by the Russian courts, prosecutors and investigators;

Considering that efforts should be pursued effectively to induce judges, prosecutors and investigators to use detention on remand as a genuinely exceptional measure;

Recalling in this respect its Recommendations [Rec\(2006\)13](#) on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, R(99)22 concerning prison overcrowding and prison population inflation, and [Rec\(2006\)2](#) on the European Prison Rules;

As regards remedies in respect of conditions of detention on remand:

Recalling the Court's consistent position that available remedies are considered effective if they could have prevented violations from occurring or continuing, or could have afforded the applicant appropriate redress;

Noting that the statistics and several cases presented to the Committee demonstrate a developing practice before domestic courts on compensation for non-pecuniary damage sustained in relation to poor conditions of detention in remand prisons;

Noting further that in view of the problems at issue, any compensatory remedy should as far as possible be supplemented by other remedies capable of preventing violations of Article 3 of the Convention;

Noting in this respect information on the avenues provided by Russian legislation to address the violations of Article 3 at issue;

Noting in particular the provisions of Chapter 25 of the Code of Civil Procedure and the Ruling of the Supreme Court of Russia of 10 February 2009 providing the possibility to challenge before courts acts or inaction of remand prison administrations concerning improper detention conditions;

Considering however that the effectiveness of this remedy in particular with regard to overcrowding, has not yet been demonstrated;

ENCOURAGES the Russian authorities to pursue the ongoing reforms with a view to aligning the conditions of detention in remand prisons with the requirements of the Convention, taking also into account the relevant standards and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

EXPRESS CONCERN that notwithstanding the measures adopted, a number of remand prisons in Russia still do not afford the personal space guaranteed by domestic legislation, and remain overpopulated;

STRONGLY ENCOURAGES the Russian authorities to give priority to reforms aiming at reducing the number of persons detained on remand and to other measures combating the overcrowding of remand facilities by

- ensuring that judges, prosecutors and investigators consider and use detention on remand as a solution of last resort and make wider use of alternative preventive measures;
- ensuring the availability at the national level of effective preventive and compensatory remedies allowing adequate and sufficient redress for any violation of Article 3 resulting from poor conditions of detention on remand;

INVITES the authorities to keep the Committee of Ministers informed of progress in the implementation of general measures to comply with their obligations under the Convention, notably by providing statistics regarding the number of remand prisoners and information on the conditions of their detention;

DECIDES to resume the examination of these cases at the latest at the first DH meeting in 2011.

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Application : 52812/07 Final on 03/09/2010	KAMALIYEVY v. Russie	Standard procedure
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1100th meeting – (2 December 2010)[🏠 List of decisions 🏠](#)*Section 2.1*Decision

The Deputies:

1. recalled that in the present judgment the European Court found a violation of Article 34 of the Convention, on account of the failure to comply with the interim measure indicated by the European Court to the Russian authorities not to deport the first applicant to Uzbekistan;
2. stressed the fundamental importance of complying with interim measures indicated by the European Court under Rule 39 of Rules of Court;
3. took note with interest of the information provided by the Russian authorities during the meeting on the measures taken to ensure compliance with interim measures indicated by the European Court, in particular as regards the wide dissemination of the judgment and other practical arrangements made, such as designating officials whose working hours coincide with the working hours of the Court, and setting up a special procedure for immediate notification of relevant authorities;
4. decided to resume consideration of this item at the 1108th meeting (March 2011) (DH), in the light of the assessment of the information provided by the Russian authorities as well as of further information, if any, to be provided by the Russian authorities.

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Application 21353/10 Judgment Final on 14/09/2011	KHANAMIROVA v. Russian Federation	Enhanced procedure : Transfer proposed
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1144th meeting - (4-6 June 2012)

[📖 List of decisions 📖](#)

Reference texts:

Action plan - communication from the authorities: [DH-DD\(2012\)161](#)

Additional information from the authorities with the request to transfer from enhanced to standard procedure: [DH-DD\(2012\)458](#)

Decision

The Deputies

1. recalled that in the present case the Court found violation of the applicant's right to respect for her family life on account of the authorities' failure to enforce the judgment concerning the applicant's custody of her son;
2. noted with satisfaction that the required urgent individual measures have been taken and the applicant has now custody of her son;
3. decided, in the light of the foregoing, to pursue their supervision of the execution of this judgment under the standard supervisory procedure, with no prejudice to the assessment of general measures.

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Application : 57942/00 Final on 06/07/2005	KHASHIYEV Group v. Russian Federation (list of cases)	Enhanced procedure
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1078th meeting - (4 March 2010)[List of decisions](#)*Section 4.3*Decision

The Deputies,

1. invited the Russian authorities to continue their consultations with the Secretariat with a view to presenting rapidly the results of these consultations in a revised version of the Memorandum [CM/Inf/DH\(2008\)33](#) on general measures taken or planned, in particular on those related to domestic investigations, victims' rights during investigation and remedies accessible to them as well as to the safeguards surrounding any deprivation of liberty, particularly in the course of the antiterrorist-related operations;
2. took note of the recent information provided by the Russian authorities on the state of domestic investigations in certain individual cases but noted that this information remains to be assessed;
3. decided to resume consideration of these cases at their 1086th meeting (June 2010) (DH).

1086th meeting– (3 June 2010)[List of decisions](#)*Section 4.3*Decision

The Deputies,

1. decided to declassify the Memorandum CM/Inf/DH(2010)26;
2. invited the Russian authorities to provide information on the concrete measures taken in response to the issues raised in the Memorandum CM/Inf/DH(2010)26, as well as on their effects in practice;
3. noted that consultations between the Russian authorities and the Secretariat concerning the questions related to the safeguards applicable in case of deprivation of liberty, whatever its nature and legal status, in particular in the course of anti-terrorist related operations, and domestic investigations into alleged abuses are still ongoing;
4. decided to resume consideration of these cases at their 1092nd meeting (September 2010) (DH).

1100th meeting– (2 December 2010)[List of decisions](#)*Section 4.3**Decision*

The Deputies,

1. recalled that the measures taken or being taken by the Russian authorities with a view to increasing the effectiveness of domestic investigations, in particular of those carried out following judgments of the European Court, are summarised in the Memorandum [CM/Inf/DH\(2008\)33](#);
2. recalled further the Committee's position that the assessment of the effectiveness of these measures would very much depend on the results achieved in these individual cases;
3. took note of bilateral contacts between the Secretariat and the Russian authorities on the issues related to individual measures and of the outstanding questions identified by the Secretariat in this regard;
4. invited the Russian authorities to present information on progress in adopting individual measures, bearing in mind the questions raised during the meeting;
5. decided to resume consideration of these items at their 1108th meeting (March 2011) (DH), in the light of the information to be provided on individual and general measures.

1115th meeting - (7-8 June 2011)[List of decisions](#)*Decision*

The Deputies,

1. recalled states' obligation to carry out an effective investigation to secure the effective implementation of domestic laws protecting the right to life and, in those cases involving state agents or bodies, to ensure their accountability for deaths occurring under their responsibility;
2. recalled further that such investigation must be independent, accessible to the victim's family, carried out with reasonable promptness and expedition, effective in the sense that it is capable of leading to a determination of whether the force used in such cases was or was not justified in the circumstances or otherwise unlawful, and afford a sufficient element of public scrutiny of the investigation or its results;
3. noted with regret that the information provided by the Russian authorities has not yet demonstrated the effectiveness of the measures adopted so far for conducting investigations in line with the Convention's requirements;
4. expressed deep concern at the lack of any conclusive results in the investigations, in particular in those cases in which members of the security forces may have been involved;
5. decided to grant the Russian authorities' request for confidentiality of the document DH-DD(2011)129E;
6. decided to reassess the situation at the latest at their 1128th meeting (November-December 2011) (DH), on the basis of a draft interim resolution to be prepared by the Secretariat.

Decision

The Deputies,

1. took note of the information provided during the meeting on the bilateral consultations held by the Secretariat with the authorities of the Russian Federation in the Chechen Republic in June 2011, during which the Secretariat had meetings with judges, prosecutors, investigators, victims and their representatives;
2. noting that questions were asked on specific cases¹⁵ as well as on general measures, invited the Russian authorities to provide information on progress made;
3. recalled that they will continue to consider the situation at their 1128th meeting (November-December 2011) (DH), on the basis of a draft interim resolution to be prepared by the Secretariat.

Decision

The Deputies,

1. adopted Interim Resolution CM/ResDH(2011)292 as set out in document CM/Del/Dec(2011)1128 Volume of Resolutions;
2. decided to grant the Russian authorities' request for confidentiality of the documents DH-DD(2011)934E and DH-DD(2011)935E.

Interim resolution CM/ResDH(2011)292¹⁶**Execution of the judgments of the European Court of Human Rights**

in 154 cases against the Russian Federation concerning actions of the security forces in the Chechen Republic of the Russian Federation

(see Appendix for the list of cases in the Khashiyev group)

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 154 judgments of the European Court of Human Rights ("the 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 mainly between 1999 and 2004 in the Chechen Republic of the Russian Federation concerning unlawful killings, unacknowledged detention, disappearances, torture, destruction of property, lack of effective investigations and of effective domestic remedies in this respect;

Recalling that, since 2005, when the Court rendered the first judgments in this group, the Committee has consistently emphasised that the execution of these judgments requires the adoption of comprehensive measures in particular aimed at:

- improving the legal and regulatory framework governing anti-terrorist activities of security forces, including the use of force and the existence of safeguards to prevent ill-treatment and disappearances;
- ensuring effective accountability of members of the security forces for abuses committed during antiterrorist operations, including effective domestic investigations;
- developing domestic remedies available to victims of such abuses, including compensation;
- enhancing awareness-raising and training of members of security forces;

¹⁵ Abuyeva and others, Isayeva, Khadiso and Tsechoyev, Sadykov, Bazorkina, Akhmadova and others.

¹⁶ Adoptée par le Comité des Ministres le 2 Décembre 2011 lors de la 1128th meeting des Délégués des Ministres.

Recalling that, as a matter of priority, the Committee's current assessment focuses on the effectiveness of domestic investigations as this issue is closely connected to the individual measures required by these judgments and relates to:

- the general framework governing domestic investigations carried out in the cases which gave rise to judgments of the Court or applications before the Court;
- the rights of victims during the pre-trial stage of criminal proceedings;
- the remedies available to victims to complain against the ineffectiveness of domestic investigations;

Having assessed the extensive information provided by the Russian authorities on the measures taken or envisaged following the judgments of the Court, which is summarised in various public memoranda¹⁷ and information recently provided by the Russian authorities to the Committee¹⁸ and having regard to the meetings held with the Secretariat and with judges, prosecutors, investigators and victims and their representatives during the visit to the Chechen Republic in June 2011;

Considering in the light of the above, that the progress achieved and the outstanding issues need to be presented in the present Interim Resolution;

1. General framework for domestic investigations carried out in cases which gave rise to a judgment of the Court or to an application before the Court

Considering the important changes introduced after the events described in the Court's judgments in the general framework governing domestic investigations and in particular those conducted in cases which gave rise to a judgment of the Court or an application before the Court;

Observing that in the setting-up of appropriate regulatory framework governing activities of prosecutors and investigators, due regard was paid to the Convention requirements and the Court's judgments;

Acknowledging that the violations found in these judgments took place in the difficult context of the fight against terrorism as well as the practical difficulties arising out of conducting investigations into past events, which inevitably limit the possibilities open to the investigators;

Noting with interest the efforts reported by the Russian authorities with a view to remedying the shortcomings of the initial investigations, establishing the facts as well as the identities of those responsible, including servicemen and other representatives of federal forces who might have been involved in the events described in the judgments;

Noting further that these efforts have resulted in the identification of particular servicemen in a number of cases and in the arrest of one of the perpetrators in the Sadykov case;

Noting however with concern that despite the efforts made by the Investigative Committee and by other competent authorities, more than six years after the first judgments of the Court, in the vast majority of cases, it has not yet been possible to achieve conclusive results and to identify and to ensure the accountability of those responsible, even in cases where key elements have been established with sufficient clarity in the course of domestic investigations, including evidence implicating particular servicemen or military units in the events¹⁹ ;

Underlining therefore the need to ensure that the investigating authorities make full and effective use of all means and powers at their disposal as well as to reflect on whether any other additional measures are still required, bearing in mind the difficulties inherent in investigations conducted into the consequences of a large-scale antiterrorist operation such as that at issue;

Stressing in addition that the necessary action in this respect should be taken as a matter of priority since with the passage of time, the risk of loss of evidence increases and even if they are eventually identified, the prosecution of those responsible may become impossible given the expiry of the time-limits in the statutes of limitation;

2. Search for disappeared persons

Considering that, in all judgments concerning disappearances, the Court also found a violation of Article 3 of the Convention on account of the applicants' suffering as a result of the disappearance of their relatives and of their inability to find out what had happened to them;

¹⁷ CM/Inf/DH(2008)33, CM/Inf/DH(2008)33 addendum, CM/Inf/DH(2010)26.

¹⁸ DH-DD(2011)130.

¹⁹ See for instance, Isaeyva, Abuyeva, Musaeyv and others, Bazorkina, Khadisov and Tsechoyev judgments.

Taking note of measures aimed at improving the regulatory framework governing the search for disappeared persons in general²⁰ and at enhancing the search for such persons in the Chechen Republic in particular, through the developments in use of DNA tests of relatives of disappeared persons;

Noting however with particular concern that little progress has been made so far in this respect and that fresh applications concerning disappearances are being lodged with the Court;

Considering that the numerous disappearances which took place in the Chechen Republic constitute a specific situation which calls for additional tools and means;

Stressing in this respect the need to intensify further the search for disappeared persons, in particular through better co-ordination between the different agencies involved, collection, centralisation and sharing of all information and data relevant to the disappearances among different authorities concerned, strengthening local forensic institutions, enhanced cooperation with the relatives of disappeared persons, identification of possible burial sites and other relevant practical measures;

Emphasising that the need for such measures is all the more pressing in cases where the continued failure to account for the whereabouts and fate of the missing persons gives rise to a continuing violation of the Convention;

3. Involvement of victims in domestic investigations

Noting the continuous efforts made by the Investigative Committee to improve the regulatory framework governing the participation of victims in domestic investigations, bearing in mind the experience of other countries;

Noting further with satisfaction that the adoption of these measures was already resulted in development in practice of regular meetings with victims' families; reports to the families on progress of domestic investigations and granting greater access to the material in investigative files;

Emphasising the need for continuous efforts aimed at ensuring close co-operation with victims' families and for further improvement of the legal and regulatory framework governing the participation of victims in domestic investigations;

4. Remedies available to the victims

a. Possibility to challenge investigators' actions or omissions before the domestic courts in accordance with Article 125 of the Code of Criminal Procedure

Noting with particular interest the recently adopted measures to guarantee that this remedy is used in line with the requirements of the Convention and taking note of the examples of domestic courts' practice demonstrating positive developments in the application of this remedy as well as of the statistics showing the increasing use of the remedy, in particular by victims;

Recalling that the potential effectiveness of this remedy has not yet been fully demonstrated and accordingly has not yet been recognised by the Court;

Stressing in this respect that the successful exercise of this remedy by victim is not yet sufficient to ascertain its effectiveness; this effectiveness remains closely contingent on whether the investigating authorities acted on the shortcomings identified in the court's decision effectively and promptly;

Underlining in this context the possible role for prosecutors in ensuring that such a follow-up is given by the investigators to the court's decisions and noting with satisfaction the recent measures taken in this direction²¹;

b. Compensatory and acceleratory remedies in case of excessive length of the investigation

Noting the information provided by the Russian authorities that two Federal Laws providing the right to compensation for a violation of the right to judicial and enforcement proceedings within a reasonable time, adopted in response to the pilot judgment of the Court delivered in the Burdov (No. 2) case, also apply to the investigation stage of criminal proceedings;

²⁰ Lastly, a Joint Order of the Prosecutor General and of the Ministry of the Interior of 27 February 2010 n°70/122 approving the Instruction on the procedure of examination of complaints and other information on incidents related to disappearance of persons.

²¹ Since the last examination of these cases, the Prosecutor General of the Russian Federation adopted on 2 June 2011 an Order n°162 on the organisation of prosecutors' supervision over procedural activities of the investigative bodies.

Noting further that in addition to compensation, the Laws mentioned above provide for a possibility to complain of excessive delays in the investigation, to the head of the investigating body or to the prosecutor, who should indicate specific procedural steps to be taken and set the deadlines for their implementation if the complaint is justified;

Considering that it remains to be seen how this remedy will work in practice in the case of domestic investigations,

NOTES WITH SATISFACTION the continuous improvement of the institutional, legal and regulatory framework for domestic investigations in order to bring it in line with the requirements of the Convention and the Russian authorities' efforts aimed at remedying the shortcomings of initial investigations and ensuring their effectiveness;

EXPRESS HOWEVER DEEP CONCERN that notwithstanding the measures adopted, no decisive progress has been made in domestic investigations carried out in respect of the grave human rights' violations identified in the judgments in the vast majority of cases;

URGES the Russian authorities to enhance their efforts so that independent and thorough investigations into all abuses found in the Court's judgments are conducted, in particular by ensuring that the investigating authorities use all means and powers at their disposal to the fullest extent possible and by guaranteeing effective and unconditional co-operation of all law-enforcement and military bodies in such investigations;

STRONGLY URGES the Russian authorities to take rapidly the necessary measures aimed at intensifying the search for disappeared persons;

ENCOURAGES the Russian authorities to continue their efforts to secure participation of victims in investigations and at increasing the effectiveness of the remedies available to them under the domestic legislation;

ENCOURAGES the Russian authorities to take all necessary measures to ensure that the statutes of limitation do not negatively impact on the full implementation of the court's judgments.

INVITES the authorities to keep the Committee of Ministers informed of the progress made in the domestic investigations in particular in individual cases identified by the Committee²² as well as in the implementation of the necessary general measures required by these judgments.

²² See the Committee of Ministers' decision adopted at the 1120th DH meeting (September 2011).

Reference texts:

1) *Information documents prepared in the context of the Committee of Ministers' supervision*
[CM/Inf/DH\(2006\)32rev2](#), [CM/Inf/DH\(2008\)33](#), [CM/Inf/DH\(2008\)33add](#), [CM/Inf/DH\(2010\)26](#)

2) *Interim Resolution* [CM/ResDH\(2011\)292](#)

3) *Information provided by the Russian authorities* [DD-DH\(2011\)130E](#), [DD-DH\(2011\)129E](#) (confidential)

Most recent submissions

Additional report concerning general and individual measures: [DH-DD\(2012\)488Part1E](#),
[DH-DD\(2012\)488Part2E](#)

[DH-DD\(2011\)934E](#) (Confidential): Information on execution of the judgments of the European Court of Human Rights on applications regarding issues of violations of human rights during the crisis settlement in the Chechen Republic

[DH-DD\(2011\)935E](#) (Confidential): Additional information on execution of the judgments of the European Court of Human Rights on applications regarding issues of violation of human rights during the crisis settlement in the Chechen Republic with regard to the questions raised at the meeting of the Committee of Ministers (13-14 September 2011)

[DH-DD\(2011\)977](#): Report on the measures, adopted by the Russian authorities, to ensure search for missing persons and on implementation of limitation period for bringing to criminal responsibility (in the cases connected with violation of human rights during settlement of the crisis in the Chechen Republic)

4) Most recent communications from the injured parties or their representatives

[DH-DD\(2012\)524](#): Communication from a NGO (Russian Justice Initiative) on a number of individual cases

[DH-DD\(2011\)922E](#) Communication from the applicants' representative in the cases of Abuyeva and others (Application No. 27065/05) and Isayeva (Application No. 57950/00) against the Russian Federation

[DH-DD\(2010\)384E](#) Communication from the applicants' representatives in the Khashiyev group of cases against the Russian Federation

[DH-DD\(2010\)291E](#) Communication from the representatives of the applicants in the group of cases Khashiyev against the Russian Federation (section 4.3)

[DH-DD\(2010\)587E](#) Communication from the representatives of the applicants in 3 cases of the Khashiyev group against the Russian Federation

[DH-DD\(2011\)410E](#) Communication from a NGO, legal representative of the applicants, in the Khashiyev group

[DH-DD\(2011\)422E](#): Communication from a NGO in the Khashiyev group against Russian Federation

[Decision](#) adopted at the 1120th meeting

[Decision](#) adopted at the 1128th meeting

Decision**The Deputies**

1. reiterated their concern with regard to the lack of any conclusive results in the vast majority of the investigations conducted following the judgments of the Court, drawing attention by way of examples to the cases of Akhmadova and others, Bazorkina, Khadisov and Tsechoyev, Musayev and others;
2. underlined once again the urgent need to ensure the full and effective use by the investigative authorities of all the means available to them as well as by putting any further possible means at their disposal, given the significant negative effect the expiry of the statute of limitations would have on the implementation of these judgments;
3. encouraged the Russian authorities to continue their action aimed at guaranteeing the effective participation of victims in the investigations and at ensuring unimpeded access to all documents necessary for the effective protection of their rights and interests;
4. underlined further the need to take rapidly measures aimed at enhancing the search for disappeared persons;
5. invited the Russian authorities to provide additional information in response to the questions raised during the meeting and in particular
- on the means used or envisaged to deal with the problems raised by the fact that the matters under investigation date from long ago, including by the destruction of archives and other evidence;

- on the impact the expiry of the statute of limitations may have on effective investigation and prosecution of perpetrators;
 - on the conditions under which the Amnesty Act could be applied, notably on who decides on the qualification of the offence which will trigger or not the application of the Amnesty Act;
 - on the use of DNA tests in the framework of investigations into the fate of disappeared persons;
6. as regards in particular the Isayeva and Abuyeva and others cases, invited the Russian authorities to provide clarification as to what extent the third investigation remedied all the shortcomings repeatedly identified by the Court in its two judgments;
7. decided to resume consideration of these issues at their 1150th meeting (September 2012) (DH).

1150th meeting - (24-26 September 2012)

[List of decisions](#)

Reference texts:

1) *Information documents prepared in the context of the Committee of Ministers' supervision*
[CM/Inf/DH\(2006\)32rev2](#), [CM/Inf/DH\(2008\)33](#), [CM/Inf/DH\(2008\)33add](#), [CM/Inf/DH\(2010\)26](#)

2) *Interim Resolution* [CM/ResDH\(2011\)292](#)

3) *Information provided by the Russian authorities* [DD-DH\(2011\)130E](#), [DD-DH\(2011\)129E](#) (confidential)

Most recent submissions

Communication from the Russian Federation [DH-DD\(2012\)757E](#)

Additional report concerning general and individual measures: [DH-DD\(2012\)488Part1E](#),
[DH-DD\(2012\)488Part2E](#)

[DH-DD\(2011\)934E](#) (Confidential): Information on execution of the judgments of the European Court of Human Rights on applications regarding issues of violations of human rights during the crisis settlement in the Chechen Republic

[DH-DD\(2011\)935E](#) (Confidential): Additional information on execution of the judgments of the European Court of Human Rights on applications regarding issues of violation of human rights during the crisis settlement in the Chechen Republic with regard to the questions raised at the meeting of the Committee of Ministers (13-14 September 2011)

[DH-DD\(2011\)977](#): Report on the measures, adopted by the Russian authorities, to ensure search for missing persons and on implementation of limitation period for bringing to criminal responsibility (in the cases connected with violation of human rights during settlement of the crisis in the Chechen Republic)

4) *Most recent communications from the injured parties or their representatives*

[DH-DD\(2012\)524](#): Communication from a NGO (Russian Justice Initiative) on a number of individual cases
[DH-DD\(2011\)922E](#) Communication from the applicants' representative (cases of Abuyeva and others and Isayeva)

[DH-DD\(2010\)384E](#) Communication from the applicants' representatives in the Khashiyev group

[DH-DD\(2010\)291E](#) Communication from the applicants' representatives in the Khashiyev group

[DH-DD\(2010\)587E](#) Communication from the applicants' representatives in 3 cases of the Khashiyev group

[DH-DD\(2011\)410E](#) Communication from a NGO, legal representative of the applicants, in the Khashiyev group

[DH-DD\(2011\)422E](#): Communication from a NGO in the Khashiyev group

[DH-DD\(2012\)730E](#): Communication from a NGO in the case of Zara Isayeva

[Decision](#) adopted at the 1120th meeting

[Decision](#) adopted at the 1128th meeting

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. recalled that the Committee has already expressed deep concern that no decisive progress has been made in domestic investigations carried out in respect of the grave human rights' violations identified in the judgments in the vast majority of cases;
2. recalled further that the Committee has also emphasised, in particular in its Interim Resolution [CM/ResDH\(2011\)292](#) adopted in December 2011, the need for priority and comprehensive action in order to increase the effectiveness of domestic investigations, bearing in mind the risk that with the passage of time the prosecution of those responsible may become time-barred;

3. drew the attention of the Russian authorities to the Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious human rights violations (Adopted by the Committee of Ministers on 30 March 2011 at the 1110th meeting of the Ministers' Deputies);
4. expressed their grave concern about the application of acts of amnesty to certain situations;
5. called upon the Russian authorities to reshape their strategy for dealing with these cases and underlined that in addition to the time-table for its implementation, such a strategy should necessarily address, amongst many others, the following issues:
 - the authorities' position with regard to the impact the expiry of the statute of limitations will have on domestic investigations and on providing redress to the victims;
 - the authorities' position with regard to the application of the Amnesty Act;
 - the measures taken in order to enhance the search for disappeared persons;
 - the measures aimed at overcoming the absence of the necessary documents in the archives;
 - the evaluation of the impact of the already adopted measures on the effectiveness of domestic investigation together with concrete examples and relevant statistics;
6. invited the authorities to continue to provide information on developments concerning the investigations in the cases previously identified by the Committee;

As regards Isayeva and Abuyeva and others cases

7. recalled that both judgments concern the same facts relating to a security operation carried out in Katyr-Yurt in February 2000 which resulted in numerous civilian casualties following the use of lethal force and heavy combat weapons by Russian security forces;
8. recalled further that this situation and the successive domestic investigations have already given rise to two judgments of the Court which on both occasions found the same violations of the Convention and in the second judgment made a number of conclusions under Article 46 of the Convention in respect of individual measures required;
9. underlined the Court's main conclusion that a new, independent investigation, including a study of the proportionality and necessity of the use of lethal force, attribution of individual responsibility for the aspects of the operation and the evaluation of such aspects by an independent body, appeared to be inevitable;
10. observed that a third investigation was carried out by the Russian authorities following the Abuyeva and others judgment and took note of the information provided according to which the decision to close this investigation has recently been quashed and the case has been sent for additional investigation;
11. called upon the Russian authorities to ensure that this additional investigation eventually addresses all the shortcomings repeatedly identified by the Court and invited them to provide detailed information in this respect so as to enable the Committee to ascertain that this investigation has effectively paid due regard to all the Court's conclusions.

Reference texts:

Information documents [CM/Inf/DH\(2006\)32rev2](#), [CM/Inf/DH\(2008\)33](#), [CM/Inf/DH\(2008\)33add](#), [CM/Inf/DH\(2009\)32](#), [CM/Inf/DH\(2010\)26](#)

Interim Resolution [CM/ResDH\(2011\)292](#),

Communications from the Russian Federation

Action plan (14/08/2013) [DH-DD\(2013\)935](#)

Most recent communications from NGOs

From Russian Justice Initiative, The European Human Rights Advocacy Centre, The Centre for International Protection and The Memorial Human Rights Centre) (18/04/2013) [DH-DD\(2013\)491](#)

From The Human Rights Centre "Memorial " (Moscow) (29/07/2013) [DH-DD\(2013\)873](#)

From The Human Rights Centre "Memorial " (Moscow) (10/01/2014) [DH-DD\(2014\)154](#)

[Decision](#) adopted at the 1150th meeting (September 2012)

Decision**The Deputies**

1. 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);
2. 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;
3. 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;
4. noted the Russian authorities' updated action plan of August 2013, summarising the measures already adopted and laying down a strategy for further action;
5. 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;
6. 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;
7. 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;
8. highlighted the necessity for the Russian authorities to set clear time-frames for the implementation of the different elements of the comprehensive strategy;
9. 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;
10. decided to resume consideration of these issues at their 1208th meeting (September 2014) (DH).

Reference texts:

Information documents [CM/Inf/DH\(2006\)32rev2](#), [CM/Inf/DH\(2008\)33](#), [CM/Inf/DH\(2008\)33add](#), [CM/Inf/DH\(2009\)32](#), [CM/Inf/DH\(2010\)26](#)

Interim Resolution [CM/ResDH\(2011\)292](#),

Communications from the Russian Federation

Action plan (24/07/2014) [DH-DD\(2014\)892](#); Action plan (14/08/2013) [DH-DD\(2013\)935](#)

(23/09/2014) [DH-DD\(2014\)1117](#)

Most recent communications from NGOs

From Russian Justice Initiative, The European Human Rights Advocacy Centre, The Centre for International Protection and The Memorial Human Rights Centre) (18/04/2013) [DH-DD\(2013\)491](#)

From The Human Rights Centre "Memorial " (Moscow) (29/07/2013) [DH-DD\(2013\)873](#)

From The Human Rights Centre "Memorial " (Moscow) (10/01/2014) [DH-DD\(2014\)154](#)

Decision**The Deputies**

1. 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;
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.

Application : 2700/10 Final judgment : 15/09/2011	KIYUTIN v. Russian Federation	Enhanced procedure : urgent individual measures
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1150th meeting - (24-26 September 2012)

[🏠 List of decisions 🏠](#)

Reference texts:

Action plan/report [DH-DD\(2012\)160E](#)

Additional information from the authorities with the request to transfer from enhanced to standard procedure: [DH-DD\(2012\)457E](#)

Decision

The Deputies

1. recalled that the violation of the Convention found by the Court in this case was due to the Russian authorities' refusal to grant to the applicant, a foreign national living in Russia with his Russian wife and their minor child, a residence permit on the grounds that he was HIV positive;
2. noted with satisfaction that the required urgent individual measures have been taken and the applicant has been issued a residence permit;
3. decided, in the light of the foregoing, to pursue their supervision of the execution of this judgment under the standard supervisory procedure, without prejudice to the assessment of general measures;
4. invited the authorities to provide a revised action plan/report by the end of October 2012.

* * *

Application : 29157/09 Final judgment : 08/03/2012	LIU No. 2 v. Russian Federation + LIU AND LIU	Enhanced procedure : Urgent individual measures + Proposal to transfer the case of Liu and Liu from standard to enhanced procedure (complex problem)
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1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference texts

Communication from the Russian Federation (22/10/2012) [DH-DD\(2012\)999E](#)

Decision

The Deputies

1. deeply regretted that the authorities' attitude, in the framework of execution of the first judgment, and qualified as formalistic by the Court, has given rise to a second judgment finding a violation;
2. noted that in its second judgment, the Court concluded that the threat to national security had not been convincingly established, and that the removal of the first applicant was disproportionate;
3. considered, in the light of the foregoing, that it is imperative that, in accordance with Article 46, paragraph 1 of the Convention, the Russian authorities take without delay, the necessary measures to eliminate the consequences of the violation for the applicants;
4. considered also that it is imperative that the Russian authorities provide an action plan outlining the measures taken and/or envisaged to prevent similar violations;
5. decided to join the case of Liu and Liu to the case of Liu No. 2 with a view to their examination under the enhanced supervision procedure and to resume consideration of these cases at their next DH meeting.

Application : 29157/09 Final judgment : 08/03/2012	LIU Group v. Russian Federation	Enhanced procedure : Urgent individual measures + complex problem
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1164th meeting - (5-7 March 2013)

[🏠 List of decisions 🏠](#)

Reference texts

Communication from the Russian Federation (22/10/2012) [DH-DD\(2012\)999E](#)

Action plan (31/01/2013) [DH-DD\(2013\)91](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. recalled the necessity to take individual measures to remedy the violation found;
2. invited the authorities to explore, in co-operation with the Secretariat, what could be the most appropriate way to promptly adopt effective individual measures for the execution of the Court's judgment, taking due account of the family situation of the applicants;
3. decided to resume consideration of these questions at the latest at their 1179th meeting (September 2013) (DH) in the light of the information on individual and general measures.

1179th meeting - (24-26 September 2013)

[🏠 List of decisions 🏠](#)

Decisions

The Deputies

1. agreed to postpone consideration of the issues raised by the Alim case and the group of cases Liu No. 2 against the Russian Federation to one of the next Human Rights meetings, in the light of an additional assessment of the information provided;

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Application : 77617/01 Judgment Final on 26/04/2006	MIKHEYEV Group	Enhanced procedure : complex problem
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1100th meeting– (2 December 2010)[List of decisions](#)

Section 4.2

- 16 cases against the Russian Federation**- 16 cases mainly concerning ill-treatment of the applicants while in custody and the lack of an effective investigation**

77617/01	Mikheyev, judgment of 26/01/2006, final on 26/04/2006
5742/02	Akulinin and Babich, judgment of 02/10/2008, final on 02/01/2009
33470/03	Antipenkov, judgment of 15/10/2009, final on 15/01/2010
36220/02	Barabanshchikov, judgment of 31/07/2008, final on 26/01/2009
1748/02	Belousov, judgment of 02/10/2008, final on 06/04/2009
3811/02	Denisenko and Bogdanchikov, judgment of 12/02/2009, final on 12/05/2009
19223/04	Fedorov Vladimir, judgment of 30/07/2009, final on 30/10/2009
2807/04	Gladyshev, judgment of 30/07/2009, final on 30/10/2009, rectified on 15/03/2010
30049/02	Kornev Yevgeniy, judgment of 30/07/2009, final on 30/10/2009
839/02	Maslova and Nalbandov, judgment of 24/01/2008, final on 07/07/2008
9297/02	Nadrosov, judgment of 31/07/2008, final on 26/01/2009
36410/02	Nikitin Oleg, judgment of 09/10/2008, final on 06/04/2009
30033/05	Polonskiy, judgment of 19/03/2009, final on 14/09/2009
64398/01	Samoylov, judgment of 02/10/2008, final on 06/04/2009
65859/01	Sheydayev, judgment of 07/12/2006, final on 23/05/2007
66688/01	Toporkov, judgment of 01/10/2009, final on 01/01/2010

Decision

The Deputies,

1. took note with interest of the modifications in the legislation and administrative practice made by the Russian authorities since the events described in the judgments of the European Court;
2. noted however that notwithstanding these modifications, there are still issues requiring further general measures to ensure effective protection against torture and ill-treatment;
3. noted in this respect with satisfaction that the Russian authorities are currently engaged in a comprehensive reform of the Ministry of the Interior and that on 27 October 2010 a draft law on this subject was submitted to Parliament by the President of the Russian Federation;
4. encouraged the Russian authorities to seize fully the opportunity offered by the ongoing comprehensive reform to ensure that the legal and regulatory framework for police activities contains all necessary safeguards against police arbitrariness and abuses similar to those found by the Court in its judgments;
5. emphasised in this context the need for effective implementation of the requirements of the Convention in the domestic legal order, in particular those related to the safeguards applicable to any form of privation of liberty and effective investigation of alleged abuses, to prevent new, similar applications before the Court;
6. decided to resume consideration of these items at their 1108th meeting (March 2011) (DH) , in the light of further information to be provided by the authorities on individual and general measures.

Reference texts:

Communications from the Russian Federation on general measures

Action plan (16/08/2013) [DH-DD\(2013\)933](#), (23/11/2010) [DH-DD\(2010\)591](#)

Communications from the Russian Federation on individual measures

Bykov case (08/04/2014) [DH-DD\(2014\)484](#)

Tangiyev case (14/03/2014) [DH-DD\(2014\)385](#)

Communications from the applicants' representatives

Bykov case (04/12/2013) [DH-DD\(2014\)47](#), (14/11/2012) [DH-DD\(2014\)48](#)

Tangiyev (13/03/2014) [DH-DD\(2014\)537](#), (16/04/2014) [DH-DD\(2014\)538](#)

Previous communications concerning this group which can be found on the web site of the Department for the Execution of Court's judgments:

http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/RUS-Mikheyev_fr.asp

[Decision](#) adopted at the 1100th meeting (December 2010, p. 304)

Decision**The Deputies**

1. 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;
2. 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;
3. 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;
4. 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;
5. 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;
6. 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;
7. 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;
8. decided to resume examination of this group of cases at the latest at their DH meeting in March 2015.

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Application : 52854/99 Judgment Final on 03/12/2003	RYABYKH v. Russian Federation	Enhanced procedure
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1078th meeting– (4 March 2010)

[List of decisions](#)

Section 4.3

- 55 cases against the Russian Federation

- 55 cases mainly concerning the quashing of final judgments through the supervisory review procedure (civil aspects)

[CM/Inf/DH\(2005\)20](#)

(See [Appendix for the list of cases in the Ryabykh group](#))

Decision

The Deputies,

1. took note with interest of the draft law aimed at the reform of the supervisory review procedure adopted by the State Duma at the first reading and certain developments of the domestic courts' practice demonstrating the reduction of the use of the supervisory review procedure;
2. encouraged the Russian authorities to continue their close consultations with the Secretariat in order to ensure that the aforementioned reform fully takes note of the Convention requirements and effectively prevents new similar violations;
3. decided to resume consideration of this group of cases at their 1086th meeting (June 2010) (DH) in the light of the information on the progress of this reform to be submitted by the Russian authorities.

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Serbia

Application : 3102/05 Final on 21/09/2007	EVT COMPANY Group v. Serbia	Enhanced procedure
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1086th meeting– (3 June 2010)

[List of decisions](#)

Section 4.2

- 12 cases concerning failure or substantial delay by the administration in abiding by final domestic decisions

- Commercial matters

3102/05 EVT Company, judgment of 21/06/07, final on 21/09/07
17556/05 Marčić and 16 others, judgment of 30/10/2007, final on 30/01/2008

- Proceedings against socially owned enterprises

2269/06+ Kačapor and others, judgment of 15/01/2008, final on 07/08/2008
35835/05+ Crnišanić, judgment of 13/01/2009, final on 13/04/2009
16909/06+ Grišević and others, judgment of 21/07/2009, final on 21/10/2009
42619/04 Vlahović, judgment of 16/12/2008, final on 16/03/2009

- Civil matters

37343/05 ZIT Company, judgment of 27/11/2007, final on 27/02/2008
14145/05 Bulović, judgment of 01/04/2008, final on 01/07/2008

- Family-related matters

25959/06 Tomić, judgment of 26/06/07, final on 26/09/07
14011/07 Felbab, judgment of 14/04/2009, final on 14/09/2009

- Administrative matters

(i) Eviction orders in the context of a special “protected tenancy regime”

30132/04 Ilić, judgment of 09/10/2007, final on 09/01/2008

(ii) Demolition orders in the context of unauthorised construction

41760/04 Kostić, judgment of 25/11/08, final on 25/02/09

[CM/Inf/DH\(2010\)25](#)

Decision

The Deputies,

- noted that the Serbian authorities have taken a number of measures, in particular the preparation of the draft Enforcement Act, with a view to improving the efficiency of enforcement procedures;
- invited the Serbian authorities to inform the Committee as to the timetable for the adoption of this draft Act, as well as the measures taken to ensure its effective implementation;
- observed that problems related to the non-enforcement of court decisions rendered in respect of socially-owned companies are a major issue of concern as there are already over 400 similar applications pending before the European Court;
- strongly encouraged the Serbian authorities to take the necessary measures to find appropriate solutions to this problem, first, by identifying the number of such unenforced decisions and making a global assessment of the aggregated debt arising from these decisions and second by ensuring its payment;
- decided to declassify the Memorandum CM/Inf/DH(2010)25;
- invited the Serbian authorities to provide the Committee with further information on the outstanding issues identified in the Memorandum;
- decided to resume consideration of these cases at their 1100th meeting (December 2010) (DH), in the light of further information to be provided on individual and general measures.

1108th meeting - (8-10 March 2011)

[List of decisions](#)

Decision

The Deputies,

1. noted with satisfaction that the draft Enforcement Act, which is expected to facilitate the acceleration of enforcement proceedings and increase their efficiency, was submitted to Parliament for adoption;
2. noted that a task force was established to identify specific measures required for the debts owed by socially owned companies and confirmed by a final decision;
3. recalled that problems related to the non-enforcement of decisions rendered against socially owned companies are a major issue of concern since the number of applications lodged with the European Court is increasing steadily;
4. encouraged the Serbian authorities to ensure the rapid adoption of the draft Enforcement Act and to take other measures aimed at resolving the outstanding issues identified in the memorandum (CM/Inf/DH(2010)25), in particular with respect to the socially-owned companies.

1120th meeting - (13-14 September 2011)

[List of decisions](#)

Decision

The Deputies,

1. noted with satisfaction the adoption and entry into force of the new Enforcement Act, aimed at facilitating the acceleration of enforcement proceedings and increasing their efficiency;
2. recalled that problems related to the non-enforcement of decisions rendered against socially owned companies remain a major issue of concern since the number of applications lodged with the European Court has been steadily increasing;
3. noted the action plan adopted in respect of employment-related debts owed by the socially-owned companies and confirmed by a final decision;
4. noted also that the task force which was established to identify specific measures required for the employment-related debts owed by socially owned companies and confirmed by a final decision has made a preliminary assessment of the aggregate amount of these debts and the number of final decisions involved;
5. encouraged the Serbian authorities to continue with their efforts to implement the action plan, and in particular to adopt, by the end of 2011, a decision on settlement of employment-related debts, which were confirmed by final decisions and owed by socially-owned companies;
6. encouraged the Serbian authorities to take other measures aimed at resolving the outstanding issues identified in the memorandum (CM/Inf/DH(2010)25), in particular with regard to the enforcement of final demolition orders.

Reference texts:

Information document [CM/Inf/DH\(2010\)25](#)

Action plan (April 2011) [DH-DD\(2011\)297](#)

Action plan Updated information (July 2011) [DH-DD\(2011\)548E](#)

Updated action plan (15/10/2012) [DH-DD\(2012\)970E](#)

Communication from Serbia (April 2011) [DH-DD\(2011\)549](#)

[Decision](#) adopted at the 1086th meeting (p. 212)

[Decision](#) adopted at the 1120th meeting

Decision

The Deputies

1. noted with concern that the number of repetitive applications concerning the non-enforcement of domestic court decisions rendered against socially-owned companies lodged with the European Court has been increasing rapidly (around 2400 applications currently pending);
2. noted further that, despite certain efforts made by the Serbian authorities, no concrete progress has yet been achieved in finding a comprehensive solution to this problem;
3. strongly invited the Serbian authorities to intensify their efforts with a view to preventing the influx of new similar applications before the European Court, in particular through establishing the exact number of unenforced decisions concerning socially-owned companies and the amount of aggregate debt as well as the setting-up of a payment scheme by the end of March 2013 at the latest;
4. invited the Serbian authorities to provide information on the efficiency of the constitutional remedy modified in 2011, in particular with respect to the enforcement of decisions rendered against socially-owned companies;
5. as regards other measures needed, encouraged the Serbian authorities (i) to take concrete action to ensure that a solution is found to settle the issue of enforcement of demolition orders, and (ii) to provide concrete information on the impact of the new Enforcement Act and, in particular, the introduction of the system of private bailiffs, on the enforcement of decisions already rendered;
6. as to the outstanding individual measures, invited the Serbian authorities to provide as soon as possible concrete information regarding the steps taken to enforce the domestic decisions in the cases of EVT Company and Kostić.

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Application 31925/08 Judgment Final on 24/09/2012	GRUDIC v. Serbia	Enhanced procedure : complex problem
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1157th meeting - (4-6 December 2012)

[List of decisions](#)

Decision

The Deputies

1. noted that the European Court found a violation of the applicants' right to peaceful enjoyment of their possession on account of unlawful suspension of payment of pensions earned in Kosovo²³;
2. noted further that the European Court, in view of the large number of potential applicants, decided to indicate to the Government of the respondent State that it "must, within six months from the date on which the judgment becomes final [...], take all appropriate measures to ensure that the competent Serbian authorities implement the relevant laws in order to secure payment of the pensions and arrears in question, it being understood that certain reasonable and speedy factual and/or administrative verification procedures may be necessary in this regard";
3. bearing in mind the deadline set by the Court for the introduction of such measures, invited the Serbian authorities to provide, as soon as possible, an action plan setting out the measures taken and/or envisaged and to keep the Committee informed on the developments of the situation;
4. invited also the Serbian authorities to provide information on the payment to the applicants of pension arrears due together with statutory interest.

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Action plan [DH-DD\(2013\)50](#)

Communication from Serbia (11/01/2013) [DH-DD\(2013\)58E](#)

Letter from the Court [DH-DD\(2013\)177](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. noted with satisfaction that the Serbian authorities provided in their action plan a calendar for the measures to be taken for the execution of the present judgment and that the action plan also included information on the measures taken for the identification and verification of persons who will be entitled to the resumption of payment of pensions and arrears;
2. noted in this respect that the verification process is expected to be completed until 20 August 2013;
3. given that the European Court decided on 20 February 2013 to extend the deadline for taking of measures until 24 September 2013, encouraged the Serbian authorities to intensify their efforts with a view not only to bringing the verification process to an end but also to taking all the appropriate measures within this new deadline;
4. decided to resume consideration of this case at their 1172nd meeting (June 2013) (DH) on the basis of further information to be provided by the Serbian authorities.

²³ All reference to Kosovo, whether 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.

1172nd meeting - (4-6 June 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Action plan (10/01/2013) [DH-DD\(2013\)50](#)

Communication from Serbia (11/01/2013) [DH-DD\(2013\)58](#)

Communication from Serbia (08/04/2013) [DH-DD\(2013\)397](#)

Letter from the Registry (20/02/2013) [DH-DD\(2013\)177](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. welcomed the initial steps taken by the Serbian authorities in determining the number of individuals eligible for resumption of payment of their pensions and arrears, in particular the awareness campaign aimed at informing the eligible individuals on this possibility;
2. invited the Serbian authorities to provide information on the number of applications received, including the number of applications with incomplete documentation, and the number of decisions rendered so far, including the breakdown of positive and negative decisions;
3. invited further the Serbian authorities to provide clarifications on the measures aimed at securing the payment of arrears;
4. encouraged the Serbian authorities to take all the appropriate measures aimed at securing resumption of payment of pensions and arrears at issue within the deadline extended by the European Court (i.e. until 24 September 2013);
5. in view of the expiring of the deadline set by the Court, decided to resume consideration of this item at their 1179th meeting (September 2013) (DH).

1179th meeting - (24-26 September 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Action plan (10/01/2013) [DH-DD\(2013\)50](#)

Communication from Serbia (11/01/2013) [DH-DD\(2013\)58](#)

Communication from Serbia (08/04/2013) [DH-DD\(2013\)397](#)

Communication from Serbia (03/07/2013) [DH-DD\(2013\)771](#)

Communication from Serbia (03/09/2013) [DH-DD\(2013\)915](#)

Communication from Serbia (general measures) (20/09/2013) [DH-DD\(2013\)974](#)

Letter from the Registry (20/02/2013) [DH-DD\(2013\)177](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. noted that the Serbian Pension Fund decided recently to resume payment of pensions;
2. noted further that, to date, favourable decisions were taken only in 37 cases while 1 241 applications were rejected and stressed in this respect the importance of ensuring that any refusal of resumption of payment of pension has a clear basis in domestic law and is subject to effective judicial review in line with the Convention requirements;

3. noted that the Serbian authorities consider that no special measure is necessary in order to secure the payment of all unpaid arrears between the date of suspension of the payment of pensions and the date of resumption of such payment;
4. invited the Serbian authorities, in close co-operation with the Secretariat, to provide further information as regards the resumed payment of pensions, including the legislative provisions justifying refusal of such payments and the handling of the payment of arrears;
5. considering that the deadline extended by the European Court expired on 24 September 2013, called upon the Serbian authorities to deploy all their efforts with a view to securing the payment of pensions and arrears at issue without any delay;
6. decided to resume consideration of this issue at their 1186th meeting (December 2013) (DH).

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Communication from Serbia (follow-up report) (24/10/2013) [DH-DD\(2013\)1153](#)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision

The Deputies

1. noted with satisfaction the on-going work of the Serbian Pension Fund, which led to an increase in the number of decisions in favour of the resumption of payment of pensions;
2. noted the explanations given by the Serbian authorities on the legal basis for the rejection of resumption of payment of pensions as well as the judicial review procedures open to those whose applications are rejected, and instructed the Secretariat to carry out an in-depth analysis of this issue in close co-operation with the Serbian authorities;
3. invited further the Serbian authorities to provide, as soon as possible, concrete information to the Committee on the issue of payment of arrears as requested by the Court in its judgment.

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Application : 21794/08 Judgment Final on 09/09/2013	ZORICA JOVANOVIĆ v. Serbia	Enhanced procedure : complex problem
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1193rd meeting - (4-6 March 2014)

[List of decisions](#)

Reference texts:

[DH-DD\(2014\)273](#)

Decision

The Deputies

1. 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;
2. 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;
3. 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.

1208th meeting - (23-25 September 2014)

[List of decisions](#)

Reference texts:

Communication from the authorities (02/09/2014) [DH-DD\(2014\)1054](#)

Action plan (27/02/2014) [DH-DD\(2014\)273](#)

Communication from the Ombudsman and reply by the government (10/03/2014) [DH-DD\(2014\)369](#)

[Decision](#) adopted at the 1193rd meeting (March 2014)

Decision

The Deputies

1. 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;
2. 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;
3. 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;
4. 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;
5. decided to resume consideration of the issues raised by this case at their 1214th meeting (December 2014) (DH) in light of the information to be provided by the Serbian authorities.

Slovak Republic

Application : 2015/02 Judgment Final on 28/05/2006	JAKUB Group v. République slovaque	Standard procedure
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1100th meeting – (2 December 2010)

[🏠 List of decisions 🏠](#)

Section 4.2

- 78 cases against the Slovak Republic

**- 78 cases of length of civil proceedings and lack of an effective remedy
(See [Appendix for the list of cases in the Jakub group](#))**

Decision

The Deputies,

1. adopted Interim Resolution CM/ResDH(2010)225 as it appears in the Volume of Resolutions;
2. decided to resume consideration of these items at their 1108th DH meeting (March 2011).

Interim resolution CM/ResDH(2010)225

on the judgments of the Court of Human Rights

in 78 cases against the Slovak Republic concerning excessive length of civil proceedings

(See [Appendix for the list of cases in the Jakub group](#))

(adopted by the Committee of Ministers on 2 December 2010, at the 1100th 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"),

Considering the number of judgments of the European Court of Human Rights (hereinafter "the Court") finding violations by the Slovak Republic of Article 6, paragraph 1, of the Convention, due to excessive length of civil proceedings (see [Appendix for the list of cases in the Jakub group](#));

Considering that in some of these judgments the Court moreover found a violation of Article 13 of the Convention due to the lack of an effective domestic remedy against excessive length of proceedings (Dobál, Dudičová, Komanický No. 2, Múčková, Preložník, Šidlová);

Recalling that delays in the administration of justice constitute a grave danger to the respect for the rule of law and access to justice;

Recalling furthermore Recommendation [Rec\(2004\)6](#) of the Committee of Ministers to member states on the improvement of domestic remedies;

Having examined the information regularly supplied by the Slovak authorities concerning the measures taken or envisaged in response to these judgments (see Appendix);

Individual measures

Having noted the individual measures taken by the authorities to afford the applicants redress of the violations found (restitutio in integrum), in particular the due payment of the amounts which the Court awarded by way of just

satisfaction and all possible steps to expedite the proceedings that were still pending after the Court's finding of violations;

Welcoming the conclusion of the domestic proceedings at issue in 63 of the 78 cases concerned;

Noting with concern, however, that 15 cases are still pending before the national courts (Hrobová, Lubina, Orel, Rišková, Softel No. 1, Softel No. 2, Dudičová, Komanický No. 2, Rapoš, Španír, Chrapková, Keszeli, Kučera, Majeríková, Sika No. 6);

General measures

Measures to remedy the problem of excessive length of court proceedings

Welcoming the many organisational reforms adopted between 2007 and 2010 by the authorities to remedy these problems, and in particular:

- increase in the number of judges,
- creation of new courts,
- development of the data processing system and of court management;

Noting with interest the additional measures envisaged by the authorities, such as the Bill assigning judicial groundwork to auxiliary judges and registrars, enabling the judges to concentrate exclusively on court decisions, and encouraging the authorities to implement these schemes;

Also welcoming the two reforms to the Code of Civil Procedure ("little" and "big" amendment of the Code) and of the law on court costs, which came into force in 2007 and 2008, with the following results in particular:

- simplification of procedures for service of documents,
- reduction of court costs,
- introduction, in proceedings brought against the administrative authorities, of the possibility for the public prosecutor to lodge with the court an application to compel the administration concerned to act,
- harmonisation of the procedure for challenging judges,
- extension of the possibility for courts to determine a case without a hearing,
- simplification of the inheritance procedure,
- introduction of a simplified procedure for settlement of minor litigation,
- broadening of the scope of the legal rules governing court orders,
- introduction of the possibility for courts to appoint joint counsel for several parties to the one set of proceedings,
- limitation of the possibility for courts of appeal and cassation to challenge or quash rulings delivered by a lower court and to refer them back for review;

Noting that, having undergone constant increase, particularly between 2002 and 2004, the average length of civil proceedings now appears to be decreasing regularly, having dropped from 17.56 months in 2004 to 13 months in 2009;

Considering nonetheless that the impact of the reforms adopted and envisaged concerning the length of civil proceedings and their real capacity to prevent similar violations will be fully ascertainable only on the basis of statistical data gathered over a longer period;

Measures to provide an effective remedy

Noting that a reform to the Constitution which came into force in 2002 introduced a constitutional petition for complaints of violations of human rights protected by international treaties and that the Court has already found, in particular in the decision on admissibility in the case of Andrášik and others of 22/10/2002, that the new procedure represented an effective remedy within the meaning of Article 13 of the Convention;

Recalling that in several cases the Court has nevertheless observed certain difficulties with the application of this remedy:

a) difficulties linked with dismissal of the petition when a case is no longer pending before the court responsible for alleged delays

Noting with satisfaction in this matter that examples of Constitutional Court judgments in 2003 and 2005 were supplied by the authorities, bearing witness to that court's new practice, in accordance with European Court case-law (Jakubíčka and Magyaricsová), of taking into account the length of the proceedings before several degrees of instance when it entertains petitions against the length of proceedings;

b) difficulties linked with the amounts awarded in compensation by the Constitutional Court

Recalling also that the Court noted in several cases (in particular Magura, Rišková, Šidlová) the manifest inadequacy of the compensation awarded by the Slovak Constitutional Court for excessive length of civil proceedings, amounting to sums from under 5 % to 25% of what the Court itself would have awarded under Article 41 of the Convention in respect of these delays;

Noting with interest in this context that in twelve decisions on petitions against the length of civil proceedings, delivered in 2009, the Constitutional Court awarded compensation ranging from 25% to more than 100 % of the amounts that could be awarded by the Court for these delays;

c) difficulties linked with the ineffectiveness of the Constitutional Court's injunctions to expedite proceedings

Recalling furthermore that in some cases (Vičanová, Komanický No. 2) the Court criticised the ineffectiveness of the Constitutional Court's injunction to expedite proceedings;

Noting with interest in this connection that a system to follow up Constitutional Court decisions finding the length of proceedings excessive and ordering that they be expedited was introduced in 2010, but noting that confirmation of the expeditive effect of the Constitutional Court's injunctions is still awaited;

d) difficulties linked with the criteria applied by the Constitutional Court to determine the length of proceedings, including that of suspended proceedings

Recalling, finally, that in its judgments the Court held that the applicants did not have an effective remedy because of the Constitutional Court's practice of dismissing petitions concerning cases where the length of the proceedings had not been considered great enough to justify the complaint (Dudičová) or cases where the domestic proceedings were suspended (Dobál);

Noting in this connection that examples of decisions testifying to the Constitutional Court's present practice are still awaited;

INVITES the Slovak authorities to do their utmost to expedite the proceedings still pending before the Slovak courts, so that they may be concluded rapidly, and to keep the Committee informed of their progress;

ENCOURAGES the Slovak authorities to persevere in their efforts to solve the general problem of excessive length of civil proceedings and to consolidate the promising downward trend currently observed in the average length of proceedings;

INVITES the authorities to continue keeping the Committee informed of developments in the matter, especially as regards the impact of the measures and the trend in the average length of proceedings;

INVITES the authorities furthermore to provide the Committee with additional information enabling it to satisfy itself that the domestic remedy against length of proceedings functions in accordance with the criteria laid down by the Court;

DECIDES to resume consideration of these cases at its 1108th DH meeting (March 2011).

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Application : 33809/08 Final judgment : 24/09/2012	LABSI v. Slovak Republic	Enhanced procedure : complex problem
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1157th meeting - (4-6 December 2012)[📖 List of decisions 📖](#)**Reference texts:**Action plan [DH-DD\(2012\)1013](#)Decision

The Deputies

1. noted the information submitted by the Slovak authorities, according to which, the applicant was liberated on May 2012, and the assurances given that “he is free and enjoying all his constitutional rights”;
2. noted in respect of the general measures the declaration by the authorities that they will respect any other interim measure issued in the future by the European Court and that information in response to the violation of Article 13 found by the Court will be provided in an update to the Action plan;
3. decided to re-examine the case in light of the updated action plan

Slovenia

Application : 26828/06 Final judgment : 26/06/2012	KURIC AND OTHERS v. Slovenia	Enhanced procedure, pilot judgment
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1150th meeting - (24-26 September 2012)

[List of decisions](#)

Decision

The Deputies

1. noted that the European Court, in the pilot judgment in the case of Kurić, found “that the facts of the case disclose[d] the existence, within the Slovenian legal order, of a shortcoming as a consequence of which the whole category of the “erased” are still denied compensation for the infringement of their fundamental rights”;
2. noted further that the European Court decided to indicate to the Government of the respondent State that it should, within one year, set up an ad hoc domestic compensation scheme to redress the applicants and those who are in the same situation;
3. bearing in mind the deadline set by the Court for the introduction of such a scheme, invited the Slovenian authorities to provide, as soon as possible, an action plan setting out the measures taken and envisaged and to keep the Committee informed on the developments of the situation;
4. invited also the Slovenian authorities to provide information on any agreement reached with the applicants in respect of compensation of pecuniary damage sustained or any other individual measures aimed at remedying their individual situation.

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Communication from Slovenia (10/10/2012) [DH-DD\(2012\)957E](#)

Action plan (30/01/2013) [DH-DD\(2013\)83](#)

Letter from the Commissioner for Human Rights (29/1/2013) [CommDH002\(2013\)](#)

[Decision](#) adopted at the 1150th meeting (September 2012)

Decision

The Deputies

1. recalled that the European Court in the pilot judgment of 26 June 2012 in the case of Kurić indicated to the Government of Slovenia that it should set up an *ad hoc* domestic compensation scheme within one year to redress the damages suffered by “erased” persons for the infringement of their fundamental rights;
2. recalled further that, at the 1150th meeting (September 2012) (DH), the Committee of Ministers invited the Slovenian authorities to provide, as soon as possible, an action plan setting out the measures taken and envisaged for the execution of this judgment;
3. regretted that the action plan was only submitted on 30 January 2013 by the Slovenian authorities;
4. bearing in mind that the above-mentioned deadline will expire on 26 June 2013, strongly invited the Slovenian authorities to work in close co-operation with the Secretariat on all outstanding questions, in particular on the steps taken to determine the amount of lump sum compensation to be awarded to “erased” persons, the method of calculation of this compensation, the legal framework that will govern the compensation scheme and how the beneficiaries will be determined;

5. decided to resume consideration of this case at their 1172nd meeting (June 2013) (DH) at the latest.

1172nd meeting - (4-6 June 2013)

[List of decisions](#)

Reference texts:

Communication from Slovenia (14/05/2013) [DH-DD\(2013\)564](#)
 Communication from Slovenia (05/04/2013) [DH-DD\(2013\)405](#)
 Communication from Slovenia (10/10/2012) [DH-DD\(2012\)957](#)

Revised action plan (09/04/2013) [DH-DD\(2013\)406](#)
 Action plan (30/01/2013) [DH-DD\(2013\)83](#)

Letter from the Commissioner for Human Rights (29/1/2013) [CommDH002\(2013\)](#)

Communication from a NGO (Peace Institut) (21/05/2013) [DH-DD\(2013\)620](#)
 Communication from a NGO (Peace Institut) (29/05/2013) [DH-DD\(2013\)640](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. noted that, in response to the questions raised by the Committee at its 1164th meeting (March 2013) (DH), the Slovenian authorities provided the following information:
 - a special law setting up a compensation scheme for the “erased” should be adopted until December 2013,
 - the beneficiaries of the compensation scheme will be the “erased” persons who obtained a residence permit or Slovenian citizenship,
 - the compensation scheme will cover both pecuniary and non-pecuniary damages sustained by “erased” persons;
2. noted however with concern that the compensation scheme will not be introduced before the deadline set by the Court (i.e. 26 June 2013);
3. urged therefore the Slovenian authorities to intensify their efforts with a view to accelerating the adoption of the special law as a matter of priority and to adopt it without any delay;
4. welcomed the presence of the Minister of the Interior of the Republic of Slovenia and took note with interest of the explanations given during the meeting regarding the complexity of the case and the progress made, and in particular of the information provided on the following issues:
 - steps taken to determine the amount and method of calculation of the compensation to be awarded to “erased” persons,
 - statistical information on the number of applications for residence permits lodged by the “erased”, including the number of residence permit granted and rejected so far as well as the number of such applications that are currently being examined,
 - information on the on-going friendly settlement negotiations with the applicants;
5. instructed the Secretariat to provide the Committee with an assessment of these issues;
6. invited further the Slovenian authorities to provide clarifications on the following issues:
 - whether an “erased” person who applied for a residence permit or Slovenian citizenship but was rejected would be entitled to obtain compensation under the compensation scheme,
 - information on the outcome of the friendly settlement negotiations with the applicants;
7. decided to resume consideration of this case at their 1179th meeting (September 2013) (DH) on the basis of the information to be provided on the legislative process as well as on the outstanding questions.

Reference texts:

Communication from Slovenia (14/05/2013) [DH-DD\(2013\)564](#)
 Communication from Slovenia (05/04/2013) [DH-DD\(2013\)405](#)
 Communication from Slovenia (10/10/2012) [DH-DD\(2012\)957](#)
 Communication from Slovenia (04/07/2013) [DH-DD\(2013\)772](#)
 Communication from Slovenia (29/07/2013) [DH-DD\(2013\)880](#)
 Communication from Slovenia (27/08/2013) [DH-DD\(2013\)904](#)

Revised action plan (09/04/2013) [DH-DD\(2013\)406](#)
 Action plan (30/01/2013) [DH-DD\(2013\)83](#)

Letter from the Commissioner for Human Rights (29/1/2013) [CommDH002\(2013\)](#)

Communication from a NGO (Peace Institut) (21/05/2013) [DH-DD\(2013\)620](#)
 Communication from a NGO (Peace Institut) (29/05/2013) [DH-DD\(2013\)640](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision**The Deputies**

1. welcomed the presence of the Minister of Interior of the Republic of Slovenia demonstrating the commitment and determination of his authorities to execute this judgment;
2. welcomed that on 25 July 2013 the Slovenian Government approved and transmitted to Parliament the draft law aimed at introducing the *ad hoc* compensation scheme for the “erased” persons and noted that Parliament approved the draft law in the first reading on 24 September 2013;
3. encouraged the Slovenian authorities to deploy all their efforts with a view to ensuring that the draft law is adopted as a matter of priority and in any event before the end of December 2013 as envisaged by the authorities;
4. urged the Slovenian authorities, in the course of further readings of the law in Parliament and its explanatory notes, to devote special attention to developing a proper solution with regard to the application of the scheme to those beneficiaries who applied for citizenship or permanent residence permits and were rejected;
5. recalled that the Committee of Ministers’ decision is without prejudice to the Court’s conclusions in other cases brought before the Court;
6. decided to resume consideration of these issues at their 1186th meeting (December 2013) (DH) on the basis of the information to be provided on the legislative process as well as on the outstanding questions.

Reference texts:

Communication from Slovenia (23/10/2013) [DH-DD\(2013\)1171](#)

Communication from Slovenia (additional information) (13/11/2013) [DH-DD\(2013\)1276](#)

Communication from Slovenia (additional information) (22/11/2013) [DH-DD\(2013\)1283](#)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision

The Deputies

1. welcomed the presence of the Minister of Interior of the Republic of Slovenia demonstrating the commitment and determination of his authorities to execute this judgment;
2. welcomed that on 21 November 2013, the Slovenian Parliament adopted, the Act on Compensation for Damage to Persons Erased from the Permanent Population Register;
3. welcomed that following the Committee's decision adopted at the 1179th meeting (September 2013) (DH), with regard to the application of the scheme to those beneficiaries who applied for citizenship or permanent residence permits and were rejected, the scope of the beneficiaries has been broadened accordingly in the law as adopted;
4. noted with satisfaction that in the course of readings of the law in the Parliament special attention was devoted to determination of the lump sum in fast track administrative procedure, where the sum was raised from 40 to 50 Euro per month and the limitation of the amount of compensation awarded in judicial proceedings increased from 2.5 to 3 times the amount of compensation determined for a beneficiary in the administrative procedure;
5. decided to transfer this case from enhanced supervision to standard supervision procedure and instructed the Secretariat to prepare a comprehensive assessment of the measures adopted, also in light of the judgment of the European Court to be rendered under Article 41 of the Convention.

Spain

Application : 42750/09 Judgment Final on 21/10/2013	DEL RIO PRADA v. Spain	Classification proposal
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1186th meeting - (3-5 December 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Communication from Spain (11/11/2013) [DH-DD\(2013\)1248](#)Communication from Spain (individual measures) (31/10/2013) [DH-DD\(2013\)1176](#)Communication from NGOs (Collective of victims of terrorism in the Basque country and on behalf of 9 other NGOs) (26/11/2013) and reply of the authorities (29/11/2013) [DH-DD\(2013\)1294E](#)**Decision****The Deputies**

1. noted that the applicant was released on 22 October 2013 following a decision given by the *Audiencia Nacional* and welcomed the response given to the urgent individual measure indicated by the European Court;
2. as regards the payment of the just satisfaction, considered that, in the circumstances of this case, the offset made by the authorities between the applicant's debt towards private parties, which the State holds by subrogation, and the amounts awarded by the European Court is consistent with the practice of the Committee of Ministers in this field;
3. noted moreover that the practice of the criminal courts concerning the recourse to the rules set by judgment No. 197 of 28 February 2006 for the application of remissions of sentence, endorsed by the agreement adopted on 12 November 2013 by the Criminal Division of the Supreme Court, is aligning with the European Court's findings in this judgment;
4. decided therefore to classify and examine this case under the standard procedure, in the light of the additional information announced by the authorities.

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Application : 21532/08 Final judgment : 18/01/2012	MARTINEZ MARTINEZ v. Spain	Enhanced procedure : urgent individual measures
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1150th meeting - (24-26 September 2012)

[List of decisions](#)

Reference texts:

Action plan (20/01/2012) [DH-DD\(2012\)176F](#)
Communication from the authorities [DH-DD\(2012\)676F](#)

Decision

The Deputies

1. recalled that in the present case the Court found a violation of the right to respect for private and family life due to the fact that, since 2001, the applicant and his family are suffering from the noise caused by the music bar on the terrace of a club located at a distance of a few meters from their house;
2. noted with satisfaction the individual measures adopted with a view to remedying that situation;
3. decided, in the light of the foregoing, to pursue their supervision of the execution of this case under the standard procedure.

The former Yugoslav Republic of Macedonia

Application : 74651/01 Final on 15/04/2009	ASSOCIATION OF CITIZENS RADKO & PAUNKOVSKI v.« The former Yugoslav Republic of Macedonia »	Enhanced procedure
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1115th meeting - (7-8 June 2011)

[List of decisions](#)

Decision

The Deputies,

1. noted that the Supreme Court had quashed the decisions of the Administrative Court and the second-instance registration authority which had rejected the applicant association's complaints concerning the dismissal of its request for registration at first instance;
2. noted further that the case has been remitted to the registration authority for re-examination and that in this context the Supreme Court indicated that the latter should take into account the judgment of the European Court when assessing the applicant association's request;
3. invited the authorities to keep them informed on the outcome of proceedings;
4. noted with interest that a new law on associations and foundations was adopted in April 2010;
5. instructed the Secretariat to provide them with an assessment of this law.

1144th meeting - (4-6 June 2012)

[List of decisions](#)

Reference texts:

Action report: [DH-DD\(2011\)399E](#) and [DH-DD\(2011\)399addE](#)

[Decision](#) adopted at the 1115th meeting (June 2011)

[Last public notes](#) (1115th meeting)

Decision

The Deputies

1. invited the authorities to provide information to the Committee on the outcome of the registration proceedings following the decision of the Supreme Court which ordered the registration authority to re-examine the applicants' request for registration in light of the judgment of the European Court in the present case;
2. noted that, under the new Law on Associations and Foundations, an association or a foundation can be banned if its actions are directed at the violent destruction of the constitutional order and invited the authorities to provide information to the Committee on the application of this new law in practice and, in particular, whether an association or a foundation had been banned on the same grounds that were used in the present judgment since the coming into force of the new law.

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Application : 39630/09 Judgment Final on 13/12/2012	EL-MASRI v. « The former Yugoslav Republic of Macedonia »	Enhanced procedure : complex problem
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1193rd meeting - (4-6 March 2014)[🏠 List of decisions 🏠](#)*Décisions*

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.

Turkey

Application : 25781/94 Final on 10/05/2001	Cyprus v. Turkey	Enhanced procedure
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1078th meeting– (4 March 2010)

[List of decisions](#)

Section 4.3

- 1 case against Turkey

25781/94 Cyprus against Turkey, judgment of 10/05/01 – Grand Chamber
[CM/Inf/DH\(2008\)6](#), [CM/Inf/DH\(2007\)10/1rev](#), [CM/Inf/DH\(2007\)10/3rev](#), [CM/Inf/DH\(2008\)6/5](#),
[CM/Inf/DH\(2009\)39](#)
 Interim Resolutions [ResDH\(2005\)44](#) and [CM/ResDH\(2007\)25](#)

Decision

The Deputies,

Concerning the question of missing persons:

1. took note with interest of the presentation of the CMP's activities made at the meeting by the Turkish delegation;
2. recalled their invitation to the Turkish authorities to take concrete measures to ensure the CMP's access to all relevant information and places, without impeding the confidentiality essential to the carrying-out of its mandate;
3. noted in this respect with satisfaction that, according to the information provided, the Turkish authorities had acceded to several requests from the CMP for access to places situated in military zones;
4. insisted on their request that the Turkish authorities inform them already now of the concrete measures envisaged in the continuity of the CMP's work with a view to the effective investigations required by the judgment;
5. decided to resume consideration of this issue at their 1086th meeting (June 2010) (DH).

Concerning the property rights of enclaved persons:

6. recalled that the Secretariat had already presented its assessment of this issue in the Information Document CM/Inf/DH(2009)39, which had been presented at the 1065th meeting (September 2009)(DH) and that, in this respect, the Committee had noted that a number of questions still needed to be examined in depth;
7. recalled also that, in this context, the Cypriot delegation had proposed to submit its own assessment and that, at its request, the Committee had asked the Turkish authorities to provide, before 15 December 2009, a copy of the entirety of the legislation, as amended, and related decisions relevant for the examination of this issue, in particular the entire text of "Law No. 41/77";
8. noted that the Turkish authorities had provided within the time limit set the legislative texts and a related decision they considered relevant for the examination of this issue, as well as the entire text of "Law No. 41/77";
9. noted that the Cypriot delegation considered that it should have at its disposal additional documents in order to be able to assess this issue and offered to explain in writing, for the June 2010 meeting (DH), the reasons why the following documents seem indispensable for this delegation:
 - all the decisions of the "Council of Ministers" under "Article 3 of Law N°41/77" and under "Articles 2 of laws N° 32 and 33 of 1975", accompanied by their English translation;
 - "Law N° 27/82", accompanied by its English translation;
 - "Law N° 52/95", accompanied by its English translation;
 - "Law N° 39/98", accompanied by its English translation;

10. decided to resume consideration of this issue at their 1086th meeting (June 2010) (DH) with a view to assessing the relevance of the texts requested by the Cypriot delegation for the examination of this question.

Concerning the property rights of displaced persons:

11. decided to resume consideration of this issue at their 1086th meeting (June 2010) (DH).

Interim resolution CM/ResDH(2007)25

concerning the judgment of the European Court of Human Rights of 10 May 2001 in the case of Cyprus against Turkey

(Adopted by the Committee of Ministers on 4 April 2007, at the 992nd 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 referred to as "the Convention"),

Having regard to the judgment of the European Court of Human Rights ("the Court") in the case of Cyprus against Turkey (application No. 25781/94) delivered on 10 May 2001 and transmitted the same day to the Committee of Ministers under Article 46 of the Convention;

Recalling that the Court, in this judgment, found fourteen violations of the Convention relating to a number of issues regarding the situation in northern Cyprus since the military intervention by Turkey in July and August 1974;

Recalling that the obligation incumbent on all states to comply with the judgments of the European Court of Human Rights under Article 46, paragraph 1, of the Convention entails an obligation to adopt measures to put an end to the violations found, to erase as far as possible their consequences and to prevent new violations similar to those found by the Court;

Emphasising that the need to adopt such measures in this case is all the more pressing given the violations at issue, as well as the time that has elapsed since they were found;

Recalling that the execution of the judgment by Turkey has been regularly examined by the Committee since June 2001;

Recalling that, on 7 June 2005, a first Interim Resolution in this case was adopted, which concerned in particular the issue of missing persons, certain aspects of the issue of living conditions of Greek Cypriots living in the north, in particular regarding education and the freedom of religion, and the issue relating to the rights of military courts to judge civilians;

Recalling that in view of the abrogation of the right of military courts to judge civilians, the examination of the last mentioned issue was closed by that same Interim Resolution;

Having focused its examination, since the adoption of the above-mentioned Interim Resolution, more particularly on the issue of missing persons, on specific aspects of the living conditions of Greek Cypriots in northern Cyprus, in particular education and freedom of religion, and, since February 2006, on the issue of the home and property of displaced persons; having taken note of developments regarding these issues and the information furnished by Turkey on additional measures taken or envisaged following the judgment (see appendix);

Issue of missing persons

Stressing that the Court noted in particular the continuing absence of effective investigations into the fate of missing Greek Cypriots, as well as the silence of the Turkish authorities in the face of the real concerns of the relatives of missing persons (continuing violation of Articles 2,3 and 5 of the Convention);

Recalling in this respect that, after a long period of inactivity, the Committee on Missing Persons in Cyprus (CMP), set up in 1981 under the aegis of the United Nations, was reactivated at the end of August of 2004 and that a special information unit has been set up for families within the Office of the Turkish Cypriot member of the CMP;

Noting with satisfaction in this context that, in the framework of the Exhumation and Identification Programme, launched in August 2006 under the auspices of the CMP, exhumations have been performed all over Cyprus and

anthropological analysis of remains found is being conducted in an anthropological laboratory established in the buffer zone, for purposes of identification of those remains;

Recalling however once again, that the Court found that “although the CMP’s procedures are undoubtedly useful for the humanitarian purpose for which they were established, they are not of themselves sufficient to meet the standard of an effective investigation required by Article 2 of the Convention, especially in view of the narrow scope of that body’s investigations” (§135 of the judgment) and its territorial jurisdiction, which is limited to the island of Cyprus (§27 of the judgment);

Noting that the CMP has the mandate to draw up an exhaustive list of missing persons of both communities, to determine whether they are alive or dead, and, in the latter case, determine the approximate date of their deaths;

Welcoming the concrete measures taken in the framework of this mandate, and in particular through the aforementioned Exhumation and Identification Programme, which clearly evidence a positive development in the execution of the present judgment;

Recalling however that additional measures are required in order to ensure full compliance with the Court’s judgment as regards the requirements of effective investigations, aimed at clarifying the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances or of whom there is an arguable claim that they were in custody when they disappeared, and regretting that, since the adoption of the first Interim Resolution in this case, Turkey has furnished no information in this respect;

Emphasising again the urgency of this issue,

WELCOMES the progress achieved in the work of the CMP, and in particular through the Exhumation and Identification Programme, and encourages the continuation of the efforts so far deployed;

CALLS UPON Turkey, however, to rapidly provide information on additional measures required to ensure the effective investigations called for by the Court’s judgment;

Issues relating to education

Recalling that the Court found that the schoolbooks destined for use in the primary school of Greek Cypriots living in northern Cyprus were subject to excessive measures of censorship (violation of Article 10) and that the absence of appropriate secondary education facilities constituted a violation of the right to education of Greek Cypriots living in northern Cyprus (violation of Article 2 of Protocol No. 1);

Welcoming the continued functioning of the secondary school in Rizokarpaso since 2004 and in particular the fact that since September 2005 full secondary education to Greek Cypriot children is ensured; noting also the improvement of the regulatory framework aimed at securing the basis for the secondary education offered;

Noting with satisfaction the undertaking of the Turkish authorities to continue to provide for full secondary education for Greek Cypriot children in the future;

Welcoming in this context that censorship of schoolbooks no longer takes place, the censorship procedure having been replaced by a simple and swift screening procedure which takes into account notably the criteria of the European Convention and only results in a report containing recommendations;

DECIDES to close the examination of the issues relating to the violations found under Article 2 Protocol 1 and Article 10 of the Convention;

Issues relating to the freedom of religion

Recalling that the Court considered that restrictions on the freedom of movement of the Greek Cypriot population living in northern Cyprus, as well as the refusal to appoint a second priest in the region of Karpas, had infringed their freedom of religion (violation of Article 9);

Welcoming that such restrictions have been lifted in a satisfactory manner and noting in particular that numerous examples demonstrate that a normal and regular religious life in conformity with the requirements of the Convention is today possible;

Recalling that a request for the appointment of a second priest formulated by the Cypriot authorities through UNFICYP was approved in March 2005 but that the priest in question did not take up his duties due to personal reasons; recalling also that two further requests have been dealt with speedily, the appointment having however been rejected for reasons of security;

Noting that on 29 December 2006, the authorities of the applicant State made a new request for the appointment of a second priest to officiate in the Karpas region through UNFICYP, which has been confirmed by the competent authorities;

DECIDES to close the examination of the issues relating to the violations found under Article 9 of the Convention;

Issues relating to home and property of displaced persons

Recalling that the Court found violations by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus (continuing violation of Article 8), by the fact they were being denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights (continuing violation of Article 1 of Protocol No. 1) and by reason of the absence of a remedy to contest interferences with their rights under Article 8 of the Convention and Article 1 of Protocol No. 1 (violation of Article 13);

Taking note of the information submitted by the Turkish authorities on the adoption of the “Law for the Compensation, Exchange and Restitution of Immovable Properties” (“Law no. 67/2005”), which entered into force on 22 December 2005, and on the establishment and functioning of the “Immovable Property Commission”;

Noting the assessment of this mechanism made by the Third Chamber of Court in its judgment regarding just satisfaction in the case of Xenides-Arestis of 7 December 2006, but underlining the fact that the judgment in question has not become final yet since the applicant party and the Government of the respondent state made requests for the referral of the case to the Grand Chamber;

Reiterating the necessity not to interfere with the current ongoing judicial process before the Court in the Xenides-Arestis case and not to pre-empt or influence in any way the assessment the Court will be called on to make in that context;

Recalling further that detailed and concrete information on changes and transfers of property at issue in the judgment and on the measures taken or envisaged regarding this situation has been regularly requested since June 2006 (966th meeting), in particular in the light of the ongoing property developments in northern Cyprus, and noting in this respect that the information provided in response does not yet clarify this issue;

URGES the Turkish authorities to provide without delay such information, as well as information on measures taken to safeguard the property rights of the displaced persons as these have been recognised in the judgment of the European Court, without prejudging the redress required by the Convention, be it restitution, compensation, exchange or otherwise.

Other outstanding issues

Recalling that additional issues remain outstanding regarding further aspects of the living conditions of Greek Cypriots in northern Cyprus, notably those related to their property rights and their right to effective remedies;

Taking note of the fact that the Turkish authorities have recently submitted further information regarding these issues which remains to be assessed;

* * * * *

Welcomes the progress achieved in the execution of this judgment since the first interim resolution, which now allows the Committee to also close its examination of the violations established in relation to the issues of education and freedom of religion;

Requests Turkey to rapidly take all the additional measures required to ensure the full and complete execution of the judgment;

Decides to resume the consideration of the outstanding issues at their 997th meeting (5-6 June 2007), and

Decides to continue the supervision of progress accomplished until all necessary measures have been taken.

1086th meeting– (2 June 2010)

[List of decisions](#)

Section 4.3

- 1 case against Turkey

25781/94 Cyprus against Turkey, judgment of 10/05/01 – Grand Chamber
[CM/Inf/DH\(2008\)6](#), [CM/Inf/DH\(2007\)10/1rev](#), [CM/Inf/DH\(2007\)10/3rev](#), [CM/Inf/DH\(2008\)6/5](#),
[CM/Inf/DH\(2009\)39](#), [CM/Inf/DH\(2010\)21](#)
Interim Resolutions [ResDH\(2005\)44](#) and [CM/ResDH\(2007\)25](#)

Decision

The Deputies decided to resume consideration of this item at their 1092nd meeting (September 2010) (DH).

1092nd meeting– (15 September 2010)

[List of decisions](#)

Section 4.3

- 1 affaire contre la Turkey

25781/94 Chypre contre Turkey, arrêt du 10/05/01 – Grande Chambre
[CM/Inf/DH\(2008\)6](#), [CM/Inf/DH\(2007\)10/1rev](#), [CM/Inf/DH\(2007\)10/3rev](#), [CM/Inf/DH\(2008\)6/5](#),
[CM/Inf/DH\(2009\)39](#), [CM/Inf/DH\(2010\)21](#) and [CM/Inf/DH\(2010\)36](#)
Résolutions intérimayres [ResDH\(2005\)44](#) and [CM/ResDH\(2007\)25](#)

Decision

The Deputies decided to resume consideration of this item at their next meetings.

1128th meeting - (29 nov.-2 déc. 2011)

[List of decisions](#)

Decision

The Deputies,

1. in respect of the question of the homes and property of displaced Greek Cypriots, took note of the request of the Cypriot delegation to the Committee of Ministers, to suspend its examination of this question until the Court has pronounced itself on their recent application under Article 41 of the Convention;
2. decided to continue their discussion on this question, along with that related to the property rights of enclaved persons at their 1136th meeting (March 2012)DH;
3. in respect of the question of missing persons, renewed with insistence their calls on the Turkish authorities to ensure the CMP's access to all relevant information and places without impeding the confidentiality essential to the carrying-out of its mandate, to inform the Committee of the measures envisaged in the continuity of the CMP's work with a view to the effective investigations required by the judgment and to provide responses to the questions posed by the Committee;
4. deeply regretted the refusal of Turkey to participate in the discussions and called on the defendant state to fully cooperate with the Committee;
5. decided to take up this question again at their 1136th meeting (March 2012) (DH).

Reference texts

Interim resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)

Information document on the issue of property rights of displaced persons [CM/Inf/DH\(2010\)21](#)

Information document on the issue of property rights of persons living in the northern part of Cyprus [CM/Inf/DH\(2009\)39](#)

Records from the 1086th meeting (June 2010) (confidential)

Draft Records from the 1128th meeting (December 2011) (confidential)

Information submitted by the Cypriot authorities on the issue of property rights of persons living in the northern part of Cyprus [DH-DD\(2010\)275E](#)

Public notes 1092nd meeting (September 2010) (page 16)

Communications from Cyprus [DH-DD\(2011\)1075](#), [DH-DD\(2011\)1079E](#) (confidential)
[DH-DD\(2012\)259](#); [DH-DD\(2012\)262](#)

Decision**The Deputies****Concerning questions regarding the property rights of displaced persons**

1. recalled that the Court had been seised of a request under Article 41 of the Convention in this case;
2. decided to resume consideration of these questions at their 1144th meeting (June 2012);

Concerning questions regarding the property of enclaved persons

3. took note of the detailed information provided by the Cyprus delegation on 1 and 2 March 2012 and the detailed clarification provided by the Turkish delegation during the debate and invited the latter to provide them in writing;
4. invited the Secretariat to prepare a synthesis of this information with a view to examining the matter if possible at their 1150th meeting (September 2012);

Concerning questions regarding missing persons

5. recalled the decisions they had adopted since the exchange of views with the members of the CMP in March 2009;
6. reiterated their call to the Turkish authorities to give the CMP access to all relevant information and places and to take concrete measures with a view to effective investigations;
7. in this context, took note with interest of the information provided by the Turkish delegation during the debate;
8. considered that the information provided called for in-depth assessment;
9. invited the authorities to provide them in writing, together with any other relevant information on these issues;
10. decided to resume consideration of this question at their 1144th meeting (June 2012).

Application : 25781/94, 16064/90+ Judgment Final on 10/05/2001, 18/09/2009	CYPRUS v. Turkey VARNAVA AND OTHERS v. Turkey	Enhanced procedure : interstate case
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1144th meeting - (4-6 June 2012)[🏠 List of decisions 🏠](#)**Reference texts:**

Interim resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)

Information document on the issue of property rights of displaced persons [CM/Inf/DH\(2010\)21](#)

Information document on the issue of property rights of persons living in the northern part of Cyprus
[CM/Inf/DH\(2009\)39](#)

[Records](#) from the 1086th meeting (June 2010) (confidential)

[Records](#) from the 1128th meeting (December 2011) (confidential)

[Records](#) from the 1136th meeting (March 2012) (confidential)

Information submitted by the Cypriot authorities on the issue of property rights of persons living in the northern part of Cyprus [DH-DD\(2010\)275E](#)

[Public notes](#) 1092nd meeting (September 2010) (page 16)

Communications from Cyprus [DH-DD\(2011\)1075](#), [DH-DD\(2011\)1079E](#) (confidential), [DH-DD\(2012\)259E](#)

Communication from Turkey [DH-DD\(2012\)523](#)

Communication from Cyprus [DH-DD\(2012\)525](#)

[Decision](#) adopted at the 1136th meeting (March 2012)

Decision**The Deputies**

1. recalled the decisions they had adopted since the exchange of views with the members of the CMP in March 2009;
2. took note with interest of the information provided by the Turkish delegation in writing and orally during the meeting on questions regarding missing persons;
3. encouraged the steps undertaken following the identification by the CMP of missing persons while underlining the urgency to make further progress in the process of effective investigations into deaths of persons identified;
4. called on the Turkish authorities to adopt a proactive approach as regards effective investigations into the fate of persons who are still missing and reiterated their request to obtain further concrete information on the steps taken by the authorities aimed at giving the CMP and investigative officers access to all relevant information and places, in particular concerning military zones;
5. noted that a certain number of questions are raised in this context, among which the investigators' access to forensic data and evidence found and/or conserved by the CMP, and invited the Turkish authorities to provide replies to all the questions raised by the Committee, while also drawing on all relevant information contained in military archives and reports;
6. concerning the Varnava case, called upon the authorities to provide further information on the conduct of investigations in the cases in issue in this judgment, as well as on the payment of just satisfaction granted by the Court;
7. decided to resume consideration of this question at their 1150th meeting (September 2012) (DH).

Reference texts:

Interim resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)

Information document on the issue of property rights of displaced persons [CM/Inf/DH\(2010\)21](#),
[CM/Inf/DH\(2010\)36](#)

Information document on the issue of property rights of persons living in the northern part of Cyprus
[CM/Inf/DH\(2009\)39](#)

Information document on the follow up by the Committee and the classification of the cases [CM/Inf/DH\(2011\)32](#)

[Records](#) from the 1086th meeting (June 2010) (confidential)

[Records](#) from the 1128th meeting (December 2011) (confidential)

[Records](#) from the 1136th meeting (March 2012) (confidential)

[Public notes](#) 1092nd meeting (September 2010) (page 16)

[Information submitted by the Turkish authorities](#)

[DH-DD\(2012\)523](#) (24/05/2012) (property rights of persons living in the northern part of Cyprus, missing persons)

[DH-DD\(2012\)997E](#) (24/10/2012) (property rights of persons living in the northern part of Cyprus)

[DH-DD\(2012\)1136](#) (04/12/2012) (property rights)

[Information submitted by the Cypriot authorities](#)

[DH-DD\(2010\)275E](#) (25/05/2010) (property rights of persons living in the northern part of Cyprus)

[DH-DD\(2011\)1075](#) (25/11/2011) (property rights of displaced persons and of persons living in the northern part of Cyprus)

[DH-DD\(2011\)1079E](#) (29/11/2011) (confidential) (property rights of displaced persons)

[DH-DD\(2012\)259E](#) (01/03/2012) (property rights of displaced persons and of persons living in the northern part of Cyprus)

[DH-DD\(2012\)525](#) (25/05/2012) (missing persons)

[DH-DD\(2012\)905E](#) (property rights of persons living in the northern part of Cyprus)

[DH-DD\(2012\)1107](#) (26/11/12) (enclaved persons)

[CM/Inf/DH\(2012\)37](#) - Synthesis of the information submitted on the issue of property rights of persons living in the northern part of Cyprus, prepared by the Secretariat

[Decision](#) adopted at the 1136th meeting (March 2012)

[Decision](#) adopted at the 1144th meeting (June 2012)

Decision

The Deputies

Concerning questions regarding the property rights of displaced persons

1. recalled that the Court had been seized of a request under Article 41 of the Convention in the case of Cyprus against Turkey;
2. decided to resume consideration of these questions at their 1164th meeting (March 2013) (DH);

Concerning questions regarding the property of enclaved persons

3. took note of the synthesis of the information provided by the Cypriot authorities and Turkish authorities (CM/Inf/DH(2012)37), prepared by the Secretariat;
4. urged the two delegations concerned to provide, in due time for their 1164th meeting (March 2013), all relevant further information concerning property rights of enclaved persons, including answers in writing to the questions raised during the debate;
5. in this context, invited the Turkish delegation to provide in particular the information booklet concerning property rights of enclaved persons and their heirs, to which it made reference during the meeting;
6. decided to resume consideration of these questions at their 1172nd meeting (June 2013) in the light of a synthesis and an updated assessment by the Secretariat;

Concerning questions regarding missing persons

7. recalled the decisions taken at their 1144th meeting (June 2012), took note of the information provided at the meeting and decided to resume consideration of these questions at their 1164th meeting (March 2013) (DH).

1164th meeting - (5-7 March 2013)

[List of decisions](#)

Reference texts:

Interim resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)

Information document prepared by the Secretariat

- on the issue of property rights of displaced persons [CM/Inf/DH\(2010\)21](#), [CM/Inf/DH\(2010\)36](#)
- on the issue of property rights of persons living in the northern part of Cyprus [CM/Inf/DH\(2009\)39](#)
- on the follow-up by the Committee and the classification of the cases [CM/Inf/DH\(2011\)32](#)
- Synthesis of the information submitted on the issue of property rights of persons living in the northern part of Cyprus [CM/Inf/DH\(2012\)37](#)

[Records](#) from the 1086th meeting (June 2010) (confidential)

[Records](#) from the 1128th meeting (December 2011) (confidential)

[Records](#) from the 1136th meeting (March 2012) (confidential)

[Public notes](#) 1092nd meeting (September 2010) (page 16)

Information submitted by the Turkish authorities

Property rights of persons living in the northern part of Cyprus, missing persons (24/05/2012)

[DH-DD\(2012\)523](#)

Property rights of persons living in the northern part of Cyprus(24/10/2012) [DH-DD\(2012\)997E](#)

Property rights (04/12/2012) [DH-DD\(2012\)1136](#)

Booklet of information concerning the rights of enclaved persons (27/02/13) [DH-DD\(2013\)222E](#)

Missing persons (27/02/13) [DH-DD\(2013\)221](#)

Property rights of enclaved persons (27/02/13) [DH-DD\(2013\)220](#)

Information submitted by the Cypriot authorities

Property rights of persons living in the northern part of Cyprus (25/05/2010) [DH-DD\(2010\)275E](#)

Property rights of displaced persons and of persons living in the northern part of Cyprus (25/11/2011)

[DH-DD\(2011\)1075](#)

Property rights of displaced persons (29/11/2011) (confidential) [DH-DD\(2011\)1079E](#)

Property rights of displaced persons and of persons living in the northern part of Cyprus (01/03/2012)

[DH-DD\(2012\)259E](#)

Missing persons (25/05/2012) [DH-DD\(2012\)525](#)

Property rights of persons living in the northern part of Cyprus [DH-DD\(2012\)905E](#)

Enclaved persons (26/11/12) [DH-DD\(2012\)1107](#)

13 cases of property rights of displaced persons (22/02/2013) [DH-DD\(2013\)202](#)

List of the questions raised during the discussion of the 1157th meeting [DH-DD\(2012\)1161](#)

Communication from Cyprus (04/02/2013) Additional questions [DH-DD\(2013\)124](#)

Communication from a NGO (Organisation of relatives of undeclared prisoners and missing persons of Cyprus)

(25/02/13) and reply of the Turkish authorities (04/03/13) [DH-DD\(2013\)234E](#)

[Decision](#) adopted at the 1136th meeting (March 2012)

[Decision](#) adopted at the 1144th meeting (June 2012)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

Concerning questions regarding the property rights of displaced persons

1. recalled that the Court is seized of a request under Article 41 of the Convention in the case of Cyprus against Turkey;
2. decided to resume consideration of these questions at their 1172nd meeting (June 2013) (DH).

Concerning questions regarding the property of enclaved persons

3. took note of the information submitted by the two delegations concerned in response to the decision adopted by the Committee in December 2012, including of the information booklet relating to the property rights of enclaved persons provided by the Turkish authorities;
4. decided to resume consideration of these questions at their 1172nd meeting (June 2013) in the light of an updated assessment to be prepared by the Secretariat on the basis of the information received as of 25 March 2013.

Concerning questions regarding missing persons

5. noted with interest that the Turkish authorities provided substantial information on these questions in writing and during the meeting;
6. recalling the necessity to adopt a proactive approach as regards effective investigations into the fate of persons who are still missing, called on Turkey to continue providing the Committee on Missing Persons in Cyprus (CMP) with all relevant information, and access to all relevant places; in this respect welcomed the permissions granted so far and the assurance of the Turkish authorities that they will continue granting the CMP access to other relevant military zones;
7. as regards identified persons, while underlining once again the urgency to effectively investigate the deaths of these persons, welcomed the additional concrete investigative steps taken by the Turkish authorities and invited them to regularly inform the Committee of the progress made in this respect as well as of any results achieved;
8. on this last point, underlined the crucial importance of investigators having access to forensic data and evidence kept by the CMP; and in addition called upon the Turkish authorities to continue granting them access to the relevant Turkish archives and reports;
9. in respect of the Varnava case, recalled with insistence their request to the Turkish authorities to provide, in the light of the above considerations, information on the individual measures in the cases at issue in this judgment and, in this context, noted with interest the information submitted with regard to the case of Mr. Hadjipanteli; underlined the unconditional obligation to pay the just satisfaction awarded by the Court in this case, urged the Turkish authorities to pay it without further delay and decided to resume consideration of the payment of the just satisfaction in the Varnava case at their 1172nd meeting (June 2013) (DH);
10. agreed to invite the CMP for an exchange of views at one of their forthcoming meetings (DH); a list of questions will be forwarded to the CMP for a better preparation of the meeting;
11. decided to resume consideration of the question of missing persons at the latest at their 1186th meeting (December 2013) (DH).

Reference texts:

Interim resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)

Information document prepared by the Secretariat

- on the issue of property rights of displaced persons [CM/Inf/DH\(2010\)21](#), [CM/Inf/DH\(2010\)36](#)
- on the issue of property rights of persons living in the northern part of Cyprus [CM/Inf/DH\(2009\)39](#), [CM/Inf/DH\(2013\)23](#)
- on the follow-up by the Committee and the classification of the cases [CM/Inf/DH\(2011\)32](#)
- Synthesis of the information submitted on the issue of property rights of persons living in the northern part of Cyprus [CM/Inf/DH\(2012\)37](#)

[Records](#) from the 1086th meeting (June 2010) (confidential)

[Records](#) from the 1128th meeting (December 2011) (confidential)

[Records](#) from the 1136th meeting (March 2012) (confidential)

[Records](#) of the 1164th meeting (March 2013)

Invitation of the CMP at one of the forthcoming meetings (13/03/2013) [DH-DD\(2013\)324](#) (restricted)

Time-table for the submission of questions by delegations to the CMP [DH-DD\(2013\)284](#)

Information submitted by the Turkish authorities

Property rights of persons living in the northern part of Cyprus, missing persons (24/05/2012)

[DH-DD\(2012\)523](#)

Property rights of persons living in the northern part of Cyprus(24/10/2012) [DH-DD\(2012\)997](#)

Property rights (04/12/2012) [DH-DD\(2012\)1136](#)

Intervention from Turkey at the 1157th meeting [DH-DD\(2012\)1147](#)

Booklet of information concerning the rights of enclaved persons (27/02/13) [DH-DD\(2013\)222](#)

Property rights of enclaved persons (27/02/2013) [DH-DD\(2013\)220](#)

Property rights of enclaved persons (11/04/2013) [DH-DD\(2013\)426](#)

Property rights of enclaved persons (06/05/2013) [DH-DD\(2013\)530](#)

Property rights of Greek Cypriots (27/05/2013) [DH-DD\(2013\)604](#)

Property rights of enclaved persons) (31/05/2013) [DH-DD\(2013\)626E](#)

Information submitted by the Cypriot authorities

Property rights of persons living in the northern part of Cyprus (25/05/2010) [DH-DD\(2010\)275](#)

Property rights of displaced persons and of persons living in the northern part of Cyprus (25/11/2011)

[DH-DD\(2011\)1075](#)

Property rights of displaced persons (29/11/2011) (confidential) [DH-DD\(2011\)1079](#)

Property rights of displaced persons and of persons living in the northern part of Cyprus (01/03/2012)

[DH-DD\(2012\)259](#)

Property rights of persons living in the northern part of Cyprus [DH-DD\(2012\)905](#)

Enclaved persons (26/11/12) [DH-DD\(2012\)1107](#)

Intervention from Cyprus at the 1157th meeting (The Property Rights Of Enclaved Greek Cypriots And Their Heirs) (restricted) [DH-DD\(2012\)1148](#)

Property and inheritance rights of enclaved Greek Cypriots and their heirs (26/03/2013) [DH-DD\(2013\)326](#)

Property rights of enclaved persons (28/05/2013) [DH-DD\(2013\)617E](#)

List of the questions raised during the discussion of the 1157th meeting [DH-DD\(2012\)1161](#)

Communication from Cyprus (04/02/2013) Additional questions [DH-DD\(2013\)124](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

Concerning questions regarding the property rights of displaced persons

1. decided to resume consideration of these questions at their DH meeting in March 2014, in the light of all relevant facts;

Concerning questions regarding the property rights of enclaved persons

2. took note of the assessment of these questions presented in Information document CM/Inf/DH(2013)23, prepared by the Secretariat, and decided to declassify this document;
3. invited interested delegations to provide the Secretariat by 30 June 2013 with the precise questions they consider that still need to be clarified in respect of the three violations found by the Court as regards the property rights of the enclaved Greek Cypriots and their heirs;
4. decided to resume consideration of the matter at the latest at their DH meeting in June 2014, in the light of the responses submitted by the Turkish delegation to these questions;

Concerning questions regarding missing persons

5. noted that the the Committee on Missing Persons in Cyprus (CMP) has accepted the invitation for an exchange of views, sent by the Committee and that it has been agreed that this exchange of views would take place at the 1186th meeting (December 2013) (DH);
6. regarding the question of payment of the just satisfaction in the Varnava case, once again underlined the unconditional obligation to pay the just satisfaction awarded by the Court in this case, firmly urged the Turkish authorities to pay the amounts due, including the default interest, without further delay;
7. decided to resume consideration of the question of payment of the just satisfaction in the Varnava case at their 1179th meeting (September 2013) (DH) and instructed the Secretariat in the absence of confirmation of payment of the just satisfaction by that date to prepare a draft interim resolution, which will be circulated in the revised draft order of business.

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)

[Records](#) of the 1164th meeting (March 2013) (confidential)

Information provided by Turkey

Communication concerning the question of missing persons (27/02/2013) [DH-DD\(2013\)221](#)

Intervention at the 1164th meeting (March 2013) (missing persons, property rights of displaced persons) [DH-DD\(2013\)240](#) (restricted)

Intervention at the 1157th meeting (December 2012) (property rights of displaced persons and of enclaved persons, missing persons) [DH-DD\(2012\)1147](#) (restricted)

Communication concerning the question of missing persons (29/11/2013) [DH-DD\(2013\)1302E](#)

Information provided by Cyprus

Property rights of displaced persons and of persons living in the northern part of Cyprus, missing persons (01/03/2012) [DH-DD\(2012\)259](#)

Intervention at the 1157th meeting (December 2012) (Property rights of enclaved Greek Cypriots and their heirs, missing persons) [DH-DD\(2012\)1148](#) (restricted)

Intervention at the 1164th meeting (March 2013) (missing persons) [DH-DD\(2013\)241](#) (restricted)

Communication from a NGO (Organisation of relatives of undeclared prisoners and missing persons of Cyprus) (25/02/13) and reply of the Turkish authorities (04/03/13) [DH-DD\(2013\)234](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. noted with great interest the exchange of views with the members of the Committee on Missing Persons in Cyprus (CMP), which brought important clarifications on different issues raised in the framework of the implementation of these judgments;
2. recalling the necessity of adopting a proactive approach as regards the search of the persons who are still missing, called on the Turkish authorities to continue providing the CMP with all relevant information and to

continue and to intensify their efforts aimed at rapidly giving access to all relevant places;

3. noted with satisfaction in this respect the new information and permissions granted to the CMP so far to access military zones, in particular to a second fenced military area; also noted the assurances of the Turkish authorities that they will continue to grant the CMP access to other military zones;
4. took note of the further information provided by the Turkish authorities on the progress of the investigations conducted into the death of the identified persons and invited them to keep the Committee informed on the progress achieved in this field; in this context, underlined once again the importance for investigators to have access to forensic data and to all the evidence kept by the CMP; noted with satisfaction that the CMP keeps this data, as well as any material element which might constitute evidence in a criminal investigation, with the aim of transferring them to the investigators;
5. as regards the Varnava case, invited the Turkish authorities to continue keeping the Committee informed on the progress of the investigation in the Hadjipantelli case; insisted on their request to receive updated information on the individual measures taken in respect of the eight other persons concerned by this case, taking into account the proactive approach required in the cases of the persons who are still missing;
6. as regards the payment of the just satisfaction awarded by the European Court in the Varnava case, recalled with insistence their Interim Resolution CM/ResDH(2013)201 adopted in September 2013 exhorting Turkey to pay, without further delay, the sums awarded, as well as the default interest due; noted with regret that to date the Turkish authorities did not reply to this Interim Resolution and decided in consequence to resume consideration of this issue at their 1193rd meeting (March 2014) (DH);
7. decided to resume consideration of the issue of missing persons at their 1214th meeting (December 2014) (DH).

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Application : 25781/94 Judgment Final on 10/05/2001	CYPRUS v. TURKEY	Enhanced procedure : interstate case
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1193rd meeting - (4-6 March 2014)[List of decisions](#)**Reference texts:**

Interim Resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)
[Records](#) of the 1086th meeting (June 2010) (confidential)

Information documents

on the property rights and homes of displaced Greek Cypriots - Consequences of the inadmissibility decision adopted by the European Court on 5 March 2010 in the case of Demopoulos v. Turkey and 7 other cases [CM/Inf/DH\(2010\)21](#) and Supplementary memorandum [CM/Inf/DH\(2010\)36](#)
Cases Cyprus against Turkey, Xenides-Arestis against Turkey, Loizidou against Turkey and other cases raising similar issues2: follow-up by the Committee of Ministers [CM/Inf/DH\(2011\)32](#)

Communications from Turkey on home and property rights of the displaced persons

(27/05/2013) [DH-DD\(2013\)604](#), Statement at the 1164th meeting (March 2013) [DH-DD\(2013\)240](#) (restricted),
Statement at the 1157th meeting (December 2012) [DH-DD\(2012\)1147](#) (restricted),
(04/12/2012) [DH-DD\(2012\)1136](#) ; (24/10/2012) [DH-DD\(2012\)997](#)

Communications from Cyprus on home and property rights of the displaced persons

(01/03/2012) [DH-DD\(2012\)259](#) ; (25/11/2011) [DH-DD\(2011\)1075](#)
Application to the Grand Chamber under Article 41 (confidential) (23/11/2011) [DH-DD\(2011\)1079](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

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.

1201st meeting - (June 2014)[List of decisions](#)**Reference texts:**

Interim Resolutions [ResDH\(2005\)44](#), [CM/ResDH\(2007\)25](#)

Information documents on the issue of property rights of the persons residing in the northern part of Cyprus:
[CM/Inf/DH\(2009\)39](#), [CM/Inf/DH\(2013\)23](#)

List of the questions raised during the discussion of the 1157th meeting [DH-DD\(2012\)1161](#)

Information provided by the Turkish authorities

(24/10/2012) [DH-DD\(2012\)997](#), (04/12/2012) [DH-DD\(2012\)1136](#), (27/02/2013) [DH-DD\(2013\)222](#),
(27/02/2013) [DH-DD\(2013\)220](#), (11/04/2013) [DH-DD\(2013\)426](#) ; (14/05/2013) [DH-DD\(2013\)530](#),
(31/05/2013) [DH-DD\(2013\)626](#), (04/04/2014) [DH-DD\(2014\)457](#)

Intervention from Turkey at the 1157th meeting (restricted) [DH-DD\(2012\)1147](#)

Memorandum concerning the cluster regarding property rights of Karpaz residents (02/06/2014)
[DH-DD\(2014\)722](#)

Information provided by the Cypriot authorities on enclaved persons

04/10/2012) [DH-DD\(2012\)905](#), (26/11/2012) [DH-DD\(2012\)1107](#), (26/03/2013) [DH-DD\(2013\)326](#),
(30/05/2013) [DH-DD\(2013\)617](#)

Intervention of Cyprus during the 1157th meeting (restricted) [DH-DD\(2012\)1148](#)

Additional questions on the property rights of enclaved persons (04/02/2013) [DH-DD\(2013\)124](#),
Additional questions on the property rights of enclaved persons (02/07/2013) [DH-DD\(2013\)741](#)

Memorandum on the property rights of enclaved persons (19/05/2014) [DH-DD\(2014\)697](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies

1. 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);
2. 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.

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Application : 39324/98 Final judgment : 28/04/2003	DEMIREL Group v. Turkey	Enhanced procedure : structural and complex problem
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1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**Action plan (01/07/2011) [DH-DD\(2011\)578](#)Action plan (09/04/2013) [DH-DD\(2013\)513](#)[Decision](#) adopted at the 1100th meeting (December 2010) (p. 435)Decision

The Deputies

1. recalled that in the case of Cahit Demirel (Application No.18623/03), the Court considered that the violations in these cases “originated in widespread and systemic problems arising out of the malfunctioning of the Turkish criminal justice system and the state of the Turkish legislation respectively” and underlined that “general measures at national level must be taken [...] in order to ensure the effective protection of the right to liberty and security in accordance with the guarantees laid down in Article 5 §§ 3 and 4 of the Convention”;
2. welcomed the recent efforts made by the Turkish authorities, in particular within the context of the “Third and Fourth Reform Packages”, with the aim of aligning Turkish legislation and practice with Convention requirements;
3. noted with satisfaction the statistical information demonstrating that there is a significant decrease in the length of detention on remand and that the use of preventive measures as an alternative to detention has been increasing thanks to the reforms adopted recently;
4. considering that the Turkish legislation still allows for the possibility of extension of detention on remand up to 10 years for certain crimes, including terrorism, invited the authorities to provide specific statistical information on the detention periods of persons detained in proceedings related to such crimes;
5. invited further the Turkish authorities to provide information on the development of the judicial practice in line with Convention requirements following the legislative reform aimed at improving the reasons given in decisions extending detention on remand, including for crimes related to terrorism;
6. welcomed the introduction of a remedy to challenge the lawfulness of detention on remand and the extension of the scope of the right to compensation;
7. invited the Turkish authorities to clarify whether the right to compensation can be exercised while detention on remand is continuing and proceedings are pending.

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Applications : 22678/93, 43453/04, 14526/07 Judgments final on 09/06/1998, 06/10/2010, 20/01/2010	INCAL Group GÖZEL AND ÖZER Group ÜRPER AND OTHERS Group v. Turkey	Enhanced procedure : structural and complex problem
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1201st meeting– (June 2014)[List of decisions](#)**Reference texts:**

Interim Resolutions [ResDH\(2001\)106](#) and [ResDH\(2004\)38](#);
Information documents [CM/Inf\(2003\)43](#); [CM/Inf/DH\(2008\)26](#)
Action plan (Inçal group) (03/04/2014) [DH-DD\(2014\)502](#)
Action report (Ürper group) (15/11/2012) [DH-DD\(2012\)1098](#)
Action plan (Ölmez and Turgay) (01/02/2012) [DH-DD\(2012\)179](#)
[Decision](#) adopted at the 1100th meeting (December 2010, p. 405)

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.

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Application : 43647/98 Final judgment : 21/03/2005	ORMANCI AND OTHERS Group v. Turkey ÜMMÜHAN KAPLAN v. Turkey	Enhanced procedure : pilot judgment / Structural problem
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1150th meeting - (24-26 September 2012)[List of decisions](#)Decision

The Deputies

1. noted that the European Court, in the pilot judgment in the case of Ümmühan Kaplan, found a structural problem concerning excessive length of proceedings and invited Turkey, within one year from the date on which the present judgment became final, to introduce an effective domestic remedy capable of affording adequate and sufficient redress for excessive length of proceedings;
2. invited the Turkish authorities to introduce an effective domestic remedy in accordance with the principles of the Convention as interpreted by the Court in its case-law, also taking into consideration the indications given by the Court in the Ümmühan Kaplan pilot judgment;
3. invited the Turkish authorities to keep the Committee of Ministers regularly informed of the developments in this respect and to provide information in the form of a consolidated action plan on the measures taken or envisaged for the execution of this pilot judgment, as well as on the current situation of pending proceedings in the Ormanci group of cases.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**Action plan (11/01/2013) [DH-DD\(2013\)82E](#)[Decision](#) adopted at the 1150th meeting (September 2012)Decision

The Deputies

1. took note with satisfaction of the information provided by the Turkish authorities in their action plan concerning a significant number of measures taken to resolve the problem of excessive length of proceedings;
2. noted that the legislative measures aimed at alleviating the judiciary's heavy workload, the increase in the budget allocated to the judiciary and in the number of judges and prosecutors, as well as the measures concerning the computerised court management systems are expected to have a significant impact on shortening excessive length of proceedings;
3. invited the Turkish authorities to provide detailed statistical information in order to demonstrate that the length of proceedings before all jurisdictions has started decreasing as a consequence of the above-mentioned measures;
4. noted with satisfaction that, with a view to responding to the European Court's request to introduce an effective remedy in the pilot judgment in the case of Ümmühan Kaplan, a compensation remedy was introduced by "Law on the Settlement of Cases brought before the European Court of Human Rights by Means of Compensation" on 19 January 2013;
5. invited the Turkish authorities to provide information on the functioning of the compensation remedy, in particular examples of decisions taken by the new commission which was set up under the new legislation, statistical information on the amount of compensation awarded in given cases and information as to whether the commission complies with the deadlines provided by the new legislation;
6. given that proceedings in certain cases examined under the Ormanci group are still pending at domestic level, invited the Turkish authorities to provide information on the termination of these proceedings;
7. in view of the above developments, decided to continue the supervision of these cases under the standard procedure.* * *

Application : 74552/01 Final judgment : 05/03/2007	OYA ATAMAN v. Turkey	Proposal to transfer the group under enhanced procedure
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1179th meeting - (24-26 September 2013)[List of decisions](#)Decision

The Deputies

1. noted that, since the judgment in the case of Oya Ataman became final, the Turkish authorities have issued a series of directives in order to ensure that law enforcement officers do not use excessive and unnecessary force while dispersing demonstrations;
 2. noted however that, despite the above-mentioned measures, the Court continues receiving new, similar applications and delivering judgments finding violations of the Convention on account of unjustified interferences with the right to freedom of peaceful assembly and of excessive use of force during demonstrations as well as lack of an effective remedy in this respect;
 3. stressed therefore that additional measures are necessary in order to ensure the full execution of the judgments in this group of cases and invited the Turkish authorities by taking into account the Court's relevant case-law:
 - to consider amending the Turkish legislation with a view to ensuring that the domestic authorities are 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;
 - to review the already existing rules concerning the use of tear gas (or pepper spray) by law enforcement officers;
- to provide information on the procedures with the aim of reviewing the necessity, proportionality and reasonableness of any use of force after a demonstration is dispersed;
- to provide information on the nature, range and effectiveness of sanctions provided under Turkish law in case officers fail to comply with the terms of directives that are issued concerning the necessity and proportionality of force to be used by law enforcement officers;
4. invited further the Turkish authorities:
 - to provide information on the measures taken or envisaged to ensure that 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;
 - to provide information as to whether or not fresh investigations had been carried out into the applicants' allegations of ill-treatment since the judgments in these cases became final;
 5. in the face of the recurrent and systemic nature of the problem, decided to transfer this group of cases from standard to enhanced supervision procedure.

1208th meeting - (23-25 September 2014)[List of decisions](#)**Reference texts:**Action plan (31/07/2014) [DH-DD\(2014\)915](#)[Decision](#) adopted at the 1179th meeting (September 2013)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.

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Application : 28490/95 Final judgment : 19/09/2003	Hulki Gunes v. Turkey	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.3

- 4 cases against Turkey

28490/95 Hulki Güneş, judgment of 19/06/03, final on 19/09/03
Interim Resolutions [ResDH\(2005\)113](#), [CM/ResDH\(2007\)26](#) and [CM/ResDH\(2007\)150](#)
 72000/01 Göçmen, judgment of 17/10/2006, final on 17/01/2007
 46661/99 Söylemez, judgment of 21/09/2006, final on 21/12/2006
 25060/02+ Erdal Aslan, judgment of 02/12/2008, final on 02/03/2009

Decision

The Deputies,

1. noted that the draft law allowing the reopening of proceedings in the applicants' cases is still before Parliament for adoption;
2. strongly encouraged the Turkish authorities to accord priority to this piece of legislation;
3. decided to resume consideration of these items at their 1086th meeting (June 2010) (DH), in the light of further information to be provided.

Interim resolution CM/ResDH(2007)150

Execution of the judgment of the European Court of Human Rights

Hulki Güneş against Turkey

(Application No. 28490/95, judgment of 19 June 2003, final on 19 September 2003,

Interim Resolutions ResDH(2005)113 and CM/ResDH(2007)26)

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 referred to as "the Convention" and "the Court");

Having regard to the judgment transmitted by the Court to the Committee once it had become final;

Recalling that, in that judgment, the Court found violations of the applicant's right to a fair trial before the Diyarbakır State Security Court, on account of:

- the lack of independence and impartiality of the tribunal due to the presence of a military judge on the bench of the State Security Court (violation of Article 6, paragraph 1);
- the impossibility for the applicant to examine or to have examined the witnesses who testified against him (violation of Article 6, paragraphs 1 and 3(d));

Noting that the Court found that the applicant had been subjected to inhuman and degrading treatment while in police custody (violation of Article 3);

Recalling that, as a result of the unfair proceedings the applicant was sentenced to death, a sentence which was subsequently commuted to life imprisonment;

Reiterating that, since the first examination of the case by the Committee of Ministers dating back to November 2003, it considered that the Court's judgment required the adoption of individual measures in view of the extent of the violations of the right to a fair trial casting serious doubts on the safety of the applicant's conviction;

Noting however that, despite the adoption of Article 90 of the Turkish Constitution, the Code of Criminal Procedure still excludes the reopening of the criminal proceedings in this case as in numerous other cases pending before the Committee for supervision of execution, as it only provides reopening of proceedings in respect of Court judgments which became final before 4 February 2003 or those rendered in applications lodged with the Court after 4 February 2003;

Recalling that the request for the reopening of proceedings lodged by the applicant had been rejected by domestic courts solely on the ground of this temporal limitation and without any assessment of the need for a new trial to remedy the specific violations found by the Court in the particular circumstances of the case;

Stressing that the Committee has adopted two interim resolutions so far (on 30 November 2005 Interim Resolution ResDH(2005)113 and on 4 April 2007 Interim Resolution CM/ResDH(2007)26) calling upon the Turkish authorities to abide by their obligation, under Article 46, paragraph 1, of the Convention, to redress the violations found in respect of the applicant and urging them to remove the legal lacuna preventing the reopening of domestic proceedings in the applicant's case;

Recalling further that the acting Chairmen of the Committee addressed two letters on 21 February 2005 and 12 April 2006 to their Turkish counterpart conveying the Committee's concern at Turkey's continuing failure to comply with the judgment and urging for appropriate measures in respect of the applicant;

Deeply deploring that, notwithstanding the Committee's two Interim Resolutions and the two letters from the Chair, no measures have yet been taken by the Turkish authorities, beyond the payment of just satisfaction, to grant the applicant, who is still serving his life sentence, adequate redress for the violations found;

Noting with grave concern that two similar cases, namely the cases of Göçmen and Söylemez, pending before the Committee also call for reopening of domestic proceedings because the applicants were deprived of their right to a fair trial and are still serving their prison sentences;

Stressing that failure to adopt the necessary measures in the present case prevents the possibility of reopening of proceedings in those cases;

Reiterating that a continuation of the present situation would amount to a manifest breach of Turkey's obligations under Article 46, paragraph 1, of the Convention;

FIRMLY RECALLS the obligation of the Turkish authorities under Article 46, paragraph 1, of the Convention to redress the violations found in respect of the applicant;

STRONGLY URGES the Turkish authorities to remove promptly the legal lacuna preventing the reopening of domestic proceedings in the applicant's case;

DECIDES to examine the implementation of the present judgment at each human rights meeting until the necessary urgent measures are adopted.

1086th meeting – (2 June 2010)

[List of decisions](#)

Section 4.3

- 4 cases against Turkey

28490/95	Hülki Güneş, judgment of 19/06/03, final on 19/09/03 Interim Resolutions ResDH(2005)113, CM/ResDH(2007)26 and CM/ResDH(2007)150
72000/01	Göçmen, judgment of 17/10/2006, final on 17/01/2007
46661/99	Söylemez, judgment of 21/09/2006, final on 21/12/2006
25060/02+	Erdal Aslan, judgment of 02/12/2008, final on 02/03/2009

Decision

The Deputies,

- observed that the draft law allowing the reopening of proceedings in the applicants' cases is still before Parliament for adoption;
- noted that the Turkish authorities informed the Committee that Parliament will resume the debate on the draft law after the summer recess;

3. urged the Turkish authorities to bring the legislative process to an end without any further delay;
4. decided to resume consideration of these items at their 1092nd meeting (September 2010) (DH), in the light of further information to be provided.

1100th meeting– (2 December 2010)

[List of decisions](#)

Section 4.3

- 4 cases against Turkey

28490/95	Hulki Güneş, judgment of 19/06/03, final on 19/09/03 Interim Resolutions ResDH(2005)113 , CM/ResDH(2007)26 and CM/ResDH(2007)150
72000/01	Göçmen, judgment of 17/10/2006, final on 17/01/2007
46661/99	Söylemez, judgment of 21/09/2006, final on 21/12/2006
25060/02+	Erdal Aslan, judgment of 02/12/2008, final on 02/03/2009

Decision

The Deputies,

1. observed that the draft law allowing the reopening of proceedings in the applicants' cases is still before Parliament for adoption;
2. noted the willingness of the Turkish government to ensure the adoption of the necessary legislative changes for the execution of these judgments before the general elections of June 2011;
3. reiterated their call to the Turkish authorities to bring the legislative process to a conclusion without further delay;
4. decided to resume consideration of these items at their 1108th meeting (March 2011) (DH), in the light of information to be provided.

1108th meeting - (8-10 March 2011)

[List of decisions](#)

Decision

The Deputies,

1. recalled that at its 1100th meeting (November-December 2010) the Committee took note of "the willingness of the Turkish government to ensure the adoption of the necessary legislative changes for the execution of these judgments before the general elections of June 2011";
2. regretted that it was still not possible for the Turkish authorities to give effect to this intention;
3. stressed once again the urgency and priority of the adoption of the measures necessary for the execution of these judgments;
4. reiterated their call on the Turkish authorities to bring the legislative process enabling the reopening of proceedings in the applicants' cases to an end without further delay after the elections;
5. invited the Turkish authorities to keep them informed of developments regarding the adoption of the legislative amendments.

1120th meeting - (13-14 September 2011)

[List of decisions](#)

Décisions

Decision

The Deputies,

1. noted that two previous judgments convicting the applicant on account of persistent disobedience became time barred and could not therefore be executed;

2. expressed grave concern with regard to the fact that there was currently a valid arrest warrant against the applicant on account of a criminal investigation pending against him for desertion;
3. stressed that the European Court in its present judgment found that “the numerous criminal proceedings brought against the applicant, the cumulative effects of the ensuing criminal convictions and constant alternation between prosecution and imprisonment together with the possibility that he would face prosecution for the rest of his life, are disproportionate to the aim of ensuring that he performs his military service”;
4. expressed further their grave concern that this judgment still remains to be executed;
5. recalled that Turkey has stated on numerous occasions that legislative measures were required not only to prevent similar violations but also to prevent the continuous prosecutions and convictions of the applicant (see Interim Resolution (2007)109);
6. strongly urged Turkey once more to take the necessary measures to execute this judgment;
7. insisted in this respect that Turkey informs the Committee of Ministers of the legislative measures required in time before the December DH meeting, including on their content and their time table for adoption.
8. decided to resume consideration of this item having in mind document CDDH(2008)014 addendum II.

1128th meeting - (29 nov.-2 dév. 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. took note with satisfaction the political will and determination of the Turkish authorities expressed at the highest political level to take the necessary measures not only to execute the judgments in the Hulki Güneş group of cases and in the case of Ülke, but also in other cases against Turkey that are examined by the Committee of Ministers;
2. strongly encouraged the Turkish authorities to transfer this political will and determination into concrete action, in particular with regard to the execution of the above-mentioned cases;
3. noted, however, with regret that no concrete information has been provided by the Turkish authorities on the questions raised at the September DH meeting, in particular, as to whether the draft law allowing the reopening of proceedings in the applicants' cases in the Hulki Güneş group is still pending before the Turkish Parliament for adoption and as to whether there is still an arrest warrant against the applicant in the case of Ülke and, if so, whether the Turkish authorities intend to withdraw it;
4. reiterated their call on the Turkish authorities to take concrete action and provide tangible information to the Committee of Ministers, in time for the 1136th meeting (March 2012) (DH), on these questions with a clear time-table for the necessary measures to be taken in the form of an action plan.

1136th meeting– (6-8 March 2012)

[🏠 List of decisions 🏠](#)

Reference texts

Interim Resolutions: [ResDH\(2005\)113](#); [CM/ResDH\(2007\)26](#); [CM/ResDH\(2007\)150](#)

Two letters sent by CM Chairmen and the replies provided by Turkey : [DD\(2005\)148](#); [DD\(2005\)494](#)
[CM/Inf/DH\(2009\)5](#)

Decision adopted by the Committee of Ministers at its 1128th meeting

Decision

The Deputies

1. recalled the political will and determination of the Turkish authorities, expressed at the highest political level, to take all the necessary measures to execute these judgments;

2. stressed once again the obligation under Article 46, paragraph 2, of the Convention of the respondent State to execute these judgments;
3. noted that in response to the question raised at the 1128th meeting (December 2011) (DH), the Turkish authorities stated that although extensive work is being carried out at the national level to facilitate the adoption of the necessary legislation, the draft law allowing the reopening of proceedings in the applicants' cases has not been sent to Parliament;
4. strongly urged the Turkish authorities to translate their political will and determination into concrete action and to inform the Committee on the content of the legislative amendment announced in 2009 and to provide a clear time-table for its adoption.

1144th meeting - (4-6 June 2012)

[List of decisions](#)

Reference texts:

Interim Resolutions: [ResDH\(2005\)113](#); [CM/ResDH\(2007\)26](#); [CM/ResDH\(2007\)150](#)

Two letters sent by CM Chairmen and the replies provided by Turkey : [DD\(2005\)148](#); [DD\(2005\)494](#)

Information document [CM/Inf/DH\(2009\)5](#)

Communication from Turkey [DH-DD\(2012\)547](#)

Decision adopted by the Committee of Ministers at its 1128th meeting

Decision

The Deputies

1. took note with satisfaction of the information provided by the Turkish authorities regarding the content of the draft law allowing the reopening of proceedings in the applicants' cases;
2. noted that the Turkish authorities indicated that this draft law could be added to the set of amendments (i.e. "Third package" of laws to be adopted within the context of the "Reform on Judiciary") that are currently pending before the Turkish Parliament and are expected to be adopted in July 2012;
3. noted further that, in case the draft law could not be added to the "Third package", it could also be added to the "Fourth package" of laws that will solely contain draft laws aimed at prevention of human rights violations and that this "Fourth package" is expected to be presented to the Council of Ministers in the near future;
4. noted also that the Turkish authorities are seeking alternative solutions in case difficulties were to arise in the adoption of the draft law in question;
5. invited the Turkish authorities to keep the Committee informed of the ongoing legislative process.

1150th meeting - (24-26 September 2012)[🏠 List of decisions 🏠](#)**Reference texts:**Interim Resolutions: [ResDH\(2005\)113](#); [CM/ResDH\(2007\)26](#); [CM/ResDH\(2007\)150](#)Two letters sent by CM Chairmen and the replies provided by Turkey : [DD\(2005\)148](#); [DD\(2005\)494](#)Information document [CM/Inf/DH\(2009\)5](#)Communication from Turkey [DH-DD\(2012\)547](#)Communication from the authorities [DH-DD\(2012\)851](#)[Decision](#) adopted at the 1144th meeting*Decision*

The Deputies

1. recalled that during the 1144th meeting (June 2012), the Turkish authorities indicated that the draft law allowing the reopening of proceedings in the applicants' cases could be added to the set of amendments (i.e. "Third package") which were expected to be adopted by Parliament in July 2012 and that in case the draft law could not be added to the "Third package", it could be added to the "Fourth package" of draft laws which was expected to be presented to the Council of Ministers in the near future;
2. recalled further that during the same meeting, the Turkish authorities also indicated that they were seeking other options in case difficulties were to arise regarding the adoption of the draft law in question;
3. took note of the information provided by the Turkish authorities during the present meeting that the above-mentioned draft law was not adopted by Parliament in July 2012;
4. noted that, as this draft law was not adopted, the Turkish authorities have prepared an alternative draft law, which allows the reopening of proceedings in cases under the supervision of the Committee of Ministers as of 15 June 2012 and which require the reopening of proceedings as an individual measure;
5. also noted that the Turkish authorities have indicated that this second draft law is expected to be brought before Parliament in the near future within the scope of the "Fourth package" of draft laws;
6. urged the Turkish authorities to provide information to the Committee of Ministers on this legislative process for the 1157th meeting (December 2012) (DH), and to bring it to an end without any further delay in view of the fact that nine years have passed since the judgment in the case of Hulki Güneş became final.

1157th meeting - (4-6 December 2012)[🏠 List of decisions 🏠](#)**Reference texts:**Interim Resolutions: [ResDH\(2005\)113](#); [CM/ResDH\(2007\)26](#); [CM/ResDH\(2007\)150](#)Two letters sent by CM Chairmen and the replies provided by Turkey : [DD\(2005\)148](#); [DD\(2005\)494](#)Information document [CM/Inf/DH\(2009\)5](#)Communication from Turkey [DH-DD\(2012\)547](#)Communication from the authorities [DH-DD\(2012\)851](#)Communication from the authorities (29/10/12) [DH-DD\(2012\)1015](#)[Decision](#) adopted at the 1150th meeting*Decision*

The Deputies

1. noted that the draft law allowing the reopening of proceedings in the applicants' cases will be submitted to the Turkish Parliament before the end of 2012 within the context of the "Fourth package" of draft laws; it will be first examined by the Justice Commission and then brought to the General Assembly;
2. considered that the draft law, if adopted, would constitute an adequate response to the execution of the judgments in the Hulki Güneş group of cases, as well as other cases that are examined by the Committee of Ministers which require reopening of proceedings as an individual measure;
3. strongly encouraged the Turkish authorities to keep the Committee informed of the legislative process and, in any event, to bring it to an end without any further delay.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**Interim Resolutions: [ResDH\(2005\)113](#); [CM/ResDH\(2007\)26](#); [CM/ResDH\(2007\)150](#)Two letters sent by CM Chairmen and the replies provided by Turkey : [DD\(2005\)148](#); [DD\(2005\)494](#)Information document [CM/Inf/DH\(2009\)5](#)Communication from Turkey (04/06/2012) [DH-DD\(2012\)547](#)Communication from the authorities (24/09/2012) [DH-DD\(2012\)851](#)Communication from the authorities (29/10/2012) [DH-DD\(2012\)1015](#)Communication from the authorities (17/01/2013) [DH-DD\(2013\)81](#)[Decision](#) adopted at the 1150th meeting (September 2012)[Decision](#) adopted at the 1157th meeting (December 2012)Decision

The Deputies

1. noted that the Turkish authorities reiterated the Government's commitment and determination to adopt the draft law allowing the reopening of proceedings in the applicants' cases;
2. noted in this respect that the Turkish Minister of Justice provided explanations to parliamentarians on the content of the draft law during the Parliamentary deliberations that took place in January 2013 and called upon the political parties to support its adoption;
3. expressed confidence that the Turkish Government and Parliament will translate their political commitment and determination to adopt the draft law into concrete action and to bring the legislative process to an end without further delay while bearing in mind that the case of Hulki Güneş became final in September 2003.

1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**Interim Resolutions: [ResDH\(2005\)113](#); [CM/ResDH\(2007\)26](#); [CM/ResDH\(2007\)150](#)Two letters sent by CM Chairmen and the replies provided by Turkey : [DD\(2005\)148](#); [DD\(2005\)494](#)Information document [CM/Inf/DH\(2009\)5](#)Communication from Turkey (04/06/2012) [DH-DD\(2012\)547](#)Communication from Turkey (24/09/2012) [DH-DD\(2012\)851](#)Communication from Turkey (29/10/2012) [DH-DD\(2012\)1015](#)Communication from Turkey (17/01/2013) [DH-DD\(2013\)81](#)Communication from Turkey (09/04/2013) [DH-DD\(2013\)420](#)Communication from Turkey (03/05/2013) [DH-DD\(2013\)512](#)[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. welcomed the adoption of the law allowing the reopening of proceedings in the applicants' cases on 11 April 2013 by the Turkish Parliament and its entry into force on 30 April 2013;
2. noted with satisfaction that the Turkish authorities have sent official notifications to all applicants in the present group of cases and informed them of their right to a reopening of proceedings following the coming into force of the above-mentioned law;
3. noted that the applicant in the case of Hulki Güneş has lodged a request for reopening of proceedings which was accepted by the competent domestic court and that a retrial has started;
4. invited the Turkish authorities to provide information to the Committee as to whether the applicants in the other cases in this group have also made such requests and, if so, how the procedural shortcomings identified by the Court will be remedied during the reopened proceedings and their outcome;
5. in view of the above developments, decided to continue the supervision of these cases under the standard procedure.

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Application : 38595/97 Final judgment : 22/02/2006	KAKOULLI v. Turkey	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.2

- 3 cases against Turkey

38595/97 Kakoulli, judgment of 22/11/2005, final on 22/02/2006
 *44587/98 Isaak, judgment of 24/06/2008, final on 24/09/2008
 *36832/97 Solomou and others, judgment of 24/06/2008, final on 24/09/2008

Decision

The Deputies,

Concerning the individual measures:

1. recalled, as regards the Kakoulli case, that the Prosecutor General found, in a decision of 28/03/2007, that a new investigation was impossible at present, particularly since Mr Kakoulli's body was buried in the southern part of Cyprus;
2. recalled that the Cypriot authorities have indicated in this respect that it would be possible to carry out a further forensic examination of Mr Kakoulli's body;
3. found that the other grounds indicated in support of the above mentioned decision do not seem sufficient to justify the absence of a new investigation;
4. considered that, in these circumstances, it is for the competent Turkish authorities to reassess the possibility of carrying out a new investigation into the death of Mr Kakoulli and invited them to submit information in this respect;
5. noted, furthermore, with concern that no information has been provided to date on the individual measures required in the cases of Isaak and Solomou and invited the Turkish authorities to submit information in this respect;

Concerning the general measures:

6. noted that it was not clear from the information provided that the regulatory framework governing the use of firearms by the security forces requires that the use of force must be “absolutely necessary”, that is to say strictly proportionate to the circumstances, and invited the Turkish authorities to provide clarifications in this respect;
7. recalled, moreover, that information is also awaited in the framework of the Isaak and Solomou cases, in particular on the regulatory framework governing the use of force and firearms by the police forces and on the measures taken to ensure that effective investigations are carried out into the killings of civilians in the northern part of Cyprus;
8. decided to resume consideration of these cases at the latest at their 1092nd meeting (September 2010) (DH).

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Application : 15318/89 Final judgment : 18/12/1996	Loizidou v. Turkey	Enhanced procedure
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1086th meeting– (2 June 2010)[List of decisions](#)

Section 4.3

Decision

The Deputies decided to resume consideration of this item at their 1092nd meeting (September 2010) (DH).

**Interim resolution ResDH(2001)80
concerning the judgment of the European Court of Human Rights
of 28 July 1998 in the case of Loizidou against Turkey**

(Adopted by the Committee of Ministers on 26 June 2001 at the 757th meeting of the Ministers' Deputies)

The Committee of Ministers, acting under the terms of former Article 54 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention" below),

Having regard to the judgment of the European Court of Human Rights ("the Court" below) of 28 July 1998 which ordered Turkey to pay to the applicant before 28 October 1998 specific sums for damages and for costs and expenses;

Recalling its Interim Resolution DH (2000) 105, in which it declared that the refusal of Turkey to execute the judgment of the Court demonstrated a manifest disregard for Turkey's international obligations, both as a High Contracting Party to the Convention and as a member State of the Council of Europe, and strongly insisted that, in view of the gravity of the matter, Turkey comply fully and without any further delay with this judgment;

Very deeply deploring the fact that, to date, Turkey has still not complied with its obligations under this judgment;

Stressing that every member State 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;

Stressing that acceptance of the Convention, including the compulsory jurisdiction of the Court and the binding nature of its judgments, has become a requirement for membership of the Organisation;

Stressing that the Convention is a system for the collective enforcement of the rights protected therein,

Declares the Committee's resolve to ensure, with all means available to the Organisation, Turkey's compliance with its obligations under this judgment,

Calls upon the authorities of the member States to take such action as they deem appropriate to this end.

- 1 case against Turkey

15318/89 Loizidou, judgment of 18/12/96 (merits)
Interim Resolutions [DH\(99\)680](#), [DH\(2000\)105](#), [ResDH\(2001\)80](#)
[CM/Inf/DH\(2010\)21](#) and [CM/Inf/DH\(2010\)36](#)

Decision

The Deputies decided to resume consideration of this item at one of their forthcoming meetings.

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Application : 39437/98 Final judgment : 24/04/2006	Ulke v. Turkey	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.3

- 1 case against Turkey

39437/98 Ülke, judgment of 24/01/2006, final on 24/04/2006
Interim Resolutions [CM/ResDH\(2007\)109](#) and [CM/ResDH\(2009\)45](#), [DD\(2009\)556](#)

Decision

The Deputies,

1. noted the reply of the Turkish Minister of Foreign Affairs to the letter of the Chairman of the Committee of Ministers dated 1 October 2009;
2. noted with satisfaction the commitment of the Turkish authorities to execute the judgment of the Court in the present case;
3. invited the Turkish authorities to provide concrete information on the work of legislative amendments mentioned in the above-mentioned response of the Turkish Minister for Foreign Affairs;
4. insisted that these changes should aim to provide redress to the applicant and prevent similar violations;
5. once again stressed the urgency and priority of the adoption of the measures necessary for the execution of the judgment;
6. decided to resume consideration of this case at their 1086th meeting (June 2010) (DH), in the light of additional information to be provided.

Interim resolution [CM/ResDH\(2009\)45](#)**Execution of the judgment of the European Court of Human Rights
Ülke against Turkey**

(Application No. 39437/98, judgment of 24 January 2006, final on 24 April 2006 – Interim Resolution [CM/ResDH\(2007\)109](#))

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 judgment in the case of Ülke transmitted by the Court to the Committee for supervision of its execution once it became final on 24 April 2006;

Recalling that, in its judgment, the Court found that the applicant’s repeated convictions and imprisonment for having refused to perform compulsory military service on account of his beliefs as a pacifist and conscientious objector amounted to degrading treatment within the meaning of Article 3 of the Convention;

Emphasising that, according to the Court, the numerous prosecutions already brought against the applicant and the possibility that he is liable to prosecution for the rest of his life amounted almost to “civil death” which was incompatible with the punishment regime of a democratic society within the meaning of Article 3;

Recalling that the Court further found that the existing legislative framework was insufficient, as there was no specific provision in Turkish law governing the sanctions for those who refused to perform military service on conscientious or religious grounds and that the only relevant applicable rules appeared to be the provisions of the Military Criminal Code, which made any refusal to obey the orders of a superior an offence;

Noting with grave concern that, despite the Court's judgment, the applicant was summonsed on 09 July 2007 to present himself in order to serve his outstanding sentence resulting from a previous conviction and that his request for a stay of execution of his sentence was rejected by the Eskişehir Military Court on 27 July 2007;

Recalling the Committee's first interim resolution adopted at the 1007th meeting (October 2007) in which it urged "the Turkish authorities to take without further delay all necessary measures to put an end to the violation of the applicant's rights under the Convention and to adopt rapidly the legislative reform necessary to prevent similar violations of the Convention";

Strongly regretting that, despite the Committee's interim resolution, no concrete steps have been taken by the Turkish authorities to bring to a close the continuing effects of the violation;

Noting with concern that, in the absence of any measures taken by the Turkish authorities, the applicant's situation remains unchanged in that he is at present in hiding and is wanted by the security forces for execution of his sentence;

FIRMLY RECALLS the obligation of every state, under Article 46, paragraph 1, of the Convention, to abide by the judgments of the Court, including through the adoption of individual measures putting an end to the violations found and removing as far as possible their effects for the applicant, as well as general measures to prevent similar violations;

STRONGLY URGES the Turkish authorities to take without further delay all necessary measures to put an end to the violation of the applicant's rights under the Convention and to make the legislative changes necessary to prevent similar violations of the Convention;

DECIDES to continue examining the implementation of the present judgment at each human rights meeting until the necessary urgent measures are adopted.

1086th meeting– (2 June 2010)

[List of decisions](#)

Section 4.3

- 1 case against Turkey

39437/98 Ülke, judgment of 24/01/2006, final on 24/04/2006
Interim Resolutions [CM/ResDH\(2007\)109](#) and [CM/ResDH\(2009\)45](#), [DD\(2009\)556](#)

Decision

The Deputies,

1. took note of the information provided by the Turkish authorities according to which work on legislative amendments is currently being examined by the monitoring group on legislative reforms and that several authorities concerned have been invited to give an opinion on this amendment;
2. urged the Turkish authorities to ensure that the legislative work aiming at remedying the applicant's situation is carried out without further delay;
3. decided to resume consideration of this case at their 1092nd meeting (September 2010) (DH), in the light of further information to be provided by the Turkish authorities.

- 1 case against Turkey

39437/98 Ülke, judgment of 24/01/2006, final on 24/04/2006

Interim Resolutions [CM/ResDH\(2007\)109](#) and [CM/ResDH\(2009\)45](#), [DD\(2009\)556](#)*Decision*

The Deputies,

1. noted that the Turkish authorities stated that the execution of this judgment raised certain difficulties since it required legislative amendments concerning military service;
2. noted further that the Turkish authorities are in the process of preparing legislative amendments aiming at remedying the applicant's situation;
3. stressed once again the urgency and priority of the adoption of the measures necessary for the execution of the judgment;
4. invited the Turkish authorities to clarify whether the applicant is still being searched for by the authorities to serve his previous sentences;
5. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH), in the light of information to be provided by the authorities on the development of the legislative process.

1108th meeting - (8-10 March 2011)*Decision*

The Deputies,

1. once again stressed the urgency and priority of the adoption of the measures necessary for the execution of the judgment;
2. recalled that, at their 1100th meeting (November-December 2010), the Turkish authorities stated that they were in the process of preparing legislative amendments aiming at remedying the applicant's situation and that the Committee invited the Turkish authorities to provide information on the development of this legislative process;
3. urged once again the Turkish authorities to clarify at the latest for the 1115th meeting (June 2011) (DH) whether the applicant was still being searched for by the authorities to serve his previous sentences;
4. noted with concern that no information has been provided concerning these questions;
5. reiterated their call on the Turkish authorities to provide tangible information on the questions raised by the Committee.

1115th meeting – (7-8 June 2011)*Decision*

The Deputies,

1. took note of the information provided by the Turkish authorities during the meeting that the applicant in this case is not deprived of his liberty;
2. regretted, however, that no information has been provided regarding as to whether the applicant is still being searched for or not;
3. urged the Turkish authorities to provide information to the Committee without any further delay as to the applicant's situation;

4. reiterated that legislative measures are required to prevent similar violations;
5. strongly invited the Turkish authorities to give priority to the adoption of the necessary legislative measures without any further delay after the general elections of June 2011.

1120th meeting - (13-14 September 2011)

[List of decisions](#)

Decision

The Deputies,

1. noted that two previous judgments convicting the applicant on account of persistent disobedience became time barred and could not therefore be executed;
2. expressed grave concern with regard to the fact that there was currently a valid arrest warrant against the applicant on account of a criminal investigation pending against him for desertion;
3. stressed that the European Court in its present judgment found that “the numerous criminal proceedings brought against the applicant, the cumulative effects of the ensuing criminal convictions and constant alternation between prosecution and imprisonment together with the possibility that he would face prosecution for the rest of his life, are disproportionate to the aim of ensuring that he performs his military service”;
4. expressed further their grave concern that this judgment still remains to be executed;
5. recalled that Turkey has stated on numerous occasions that legislative measures were required not only to prevent similar violations but also to prevent the continuous prosecutions and convictions of the applicant (see Interim Resolution (2007)109);
6. strongly urged Turkey once more to take the necessary measures to execute this judgment;
7. insisted in this respect that Turkey informs the Committee of Ministers of the legislative measures required in time before the December DH meeting, including on their content and their time table for adoption.
8. decided to resume consideration of this item having in mind document CDDH(2008)014 addendum II.

1128th meeting - (29 nov.-2 déc. 2011)

[List of decisions](#)

Decision

The Deputies,

1. took note with satisfaction the political will and determination of the Turkish authorities expressed at the highest political level to take the necessary measures not only to execute the judgments in the Hülki Güneş group of cases and in the case of Ülke, but also in other cases against Turkey that are examined by the Committee of Ministers;
2. strongly encouraged the Turkish authorities to transfer this political will and determination into concrete action, in particular with regard to the execution of the above-mentioned cases;
3. noted, however, with regret that no concrete information has been provided by the Turkish authorities on the questions raised at the September DH meeting, in particular, as to whether the draft law allowing the reopening of proceedings in the applicants' cases in the Hülki Güneş group is still pending before the Turkish Parliament for adoption and as to whether there is still an arrest warrant against the applicant in the case of Ülke and, if so, whether the Turkish authorities intend to withdraw it;
4. reiterated their call on the Turkish authorities to take concrete action and provide tangible information to the Committee of Ministers, in time for the 1136th meeting (March 2012) (DH), on these questions with a clear time-table for the necessary measures to be taken in the form of an action plan.

1136th meeting - (6-8 March 2012)[List of decisions](#)**Reference texts**

Interim resolutions: [CM/ResDH\(2007\)109](#) ; [CM/ResDH\(2009\)45](#)

Letter sent by the Chairman and the response of the Turkish authorities: [DD\(2009\)556](#); [DD\(2010\)107](#)

Letter of 20/07/2011 sent by the applicant's representative: [DH-DD\(2011\)600](#)

Decision adopted by the Committee of Ministers at its 1128th

Decision

The Deputies

1. noted that, in response to the question raised by the Committee at the 1128th meeting (December 2011) (DH), the Turkish authorities stated that there was a valid arrest warrant against the applicant for desertion;
2. noting that the Court's judgment leaves no scope for any new arrest of the applicant related to issues that have been dealt with in the judgment, strongly urged the Turkish authorities to withdraw the arrest warrant or in the alternative to find another solution in order to erase the consequences of the violation for the applicant;
3. noted with concern that no information had been provided with regard to the general measures required to execute this judgment;
4. strongly urged the Turkish authorities to provide information to the Committee in writing and in good time before the 1144th meeting (June 2012) (DH) regarding the withdrawal of the applicant's arrest warrant or an alternative solution allowing the erasure of the consequences of the violation, and a clear time-table for the adoption of the general measures envisaged to execute the judgment.

1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:**

Interim resolutions: [CM/ResDH\(2007\)109](#) ; [CM/ResDH\(2009\)45](#)

Letter sent by the Chairman and the response of the Turkish authorities: [DD\(2009\)556](#); [DD\(2010\)107](#)

Letter of 20/07/2011 sent by the applicant's representative: [DH-DD\(2011\)600](#)

Communication from the applicant's representative [DH-DD\(2012\)545E](#)

Decision adopted at the 1136th meeting (March 2012)

Decision

The Deputies

1. noted with satisfaction the decision given on 4 June 2012 by the Eskişehir Military Court to lift the arrest warrant against the applicant for desertion;
2. invited the Turkish authorities to provide a copy of the decision in question, together with an assessment of its impact on the applicant's current situation, in particular as to whether the applicant is still subject to further prosecution or conviction and whether he can exercise his civic rights without hindrance;
3. noted that consultations are currently ongoing among the relevant Turkish authorities with the aim of identifying the general measures required to execute the present judgment;
4. urged the Turkish authorities to keep the Committee informed on the ongoing consultation process and to provide a precise time-table for the adoption of general measures required.

Reference texts:

Interim resolutions: [CM/ResDH\(2007\)109](#) ; [CM/ResDH\(2009\)45](#)

Letter sent by the Chairman and the response of the Turkish authorities: [DD\(2009\)556](#); [DD\(2010\)107](#)

Letter of 20/07/2011 sent by the applicant's representative: [DH-DD\(2011\)600](#)

Communication from the applicant's representative [DH-DD\(2012\)545E](#)

Communication from the applicant's representative (20/09/2012) [DH-DD\(2012\)844](#)

Communication from the authorities [DH-DD\(2012\)791](#)

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. noted that, according to the information provided by the Turkish authorities, the applicant's name has been removed from the list of persons searched for by the police as a consequence of the decision of the Eskişehir Military Court of 4 June 2012 whereby the arrest warrant against the applicant was lifted;
2. noted with interest the assurances given by the Turkish authorities that the applicant can exercise his civic rights without any hindrance, obtain a passport and travel abroad;
3. noted however that, as a result of the legislation in force, an investigation against the applicant for desertion is still pending and there is a theoretical possibility that the applicant could be subjected to further prosecution and conviction;
4. urged, therefore, the Turkish authorities to take the necessary legislative measures with a view to preventing the repetitive prosecution and conviction of conscientious objectors in order not only to exclude any possibility of the applicant's further prosecution and conviction but also to prevent similar violations in the future.

Reference texts:

Interim resolutions: [CM/ResDH\(2007\)109](#) ; [CM/ResDH\(2009\)45](#)

Letter sent by the Chairman and the response of the Turkish authorities: [DD\(2009\)556](#); [DD\(2010\)107](#)

Letter of 20/07/2011 sent by the applicant's representative: [DH-DD\(2011\)600](#)

Action plan in Erçep, Savda and Feti Demirtaş (29/10/12) [DH-DD\(2012\)1019](#)

Communication from the applicant's representative [DH-DD\(2012\)545E](#)

Communication from the applicant's representative [DH-DD\(2012\)844E](#)

Communication from the authorities [DH-DD\(2012\)791](#)

Communication from the authorities (29/10/12) [DH-DD\(2012\)1014](#)

[Decision](#) adopted at the 1150th meeting

Decision

The Deputies

1. noted that there are no arrest warrants issued against the applicants in the Ülke group of cases for any crimes related to failure to carry out military service;
2. noted, however, with concern that the applicant in the case of Erçep is still under the obligation to pay an administrative fine draft evading and the applicant in the case of Feti Demirtaş was convicted and sentenced to imprisonment for disobedience to a military order, although his conviction is not final yet;

3. urged the Turkish authorities to take the necessary measures to ensure that the consequences of the violations found by the Court in these cases are completely erased for the applicants;
4. urged the Turkish authorities to take the necessary legislative measures with a view to preventing the repetitive prosecution and conviction of conscientious objectors and to ensuring that an effective and accessible procedure is made available to them in order to establish whether they are entitled to conscientious objector status;
5. invited the Turkish authorities to provide information to the Committee of Ministers on the measures taken or envisaged in order to ensure that conscientious objectors are not tried before military courts in the light of the findings of the European Court in the cases of Erçep, Savda and Feti Demirtaş.

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Application 16064/90+ Judgment Final on 18/09/2009	VARNAVA AND OTHERS v. Turkey	Enhanced procedure : complex problem
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.3

Decision

The Deputies,

1. noted that the Court, while fully acknowledging the importance of the CMP's activities and giving full credit to its work, also underlined that "important though these measures are as a first step in the investigative process, they do not exhaust the obligation under Article 2";
2. insisted therefore on their request that the Turkish authorities inform them already now of the measures envisaged in the prolongation of the CMP's work with a view to the effective investigations required by this judgment,
3. decided to resume consideration of this case at their 1086th meeting (June 2010) (DH).

1179th meeting - (24-26 September 2013)[List of decisions](#)**Reference texts:**

Communication from the applicants' representative (25/10/2012) [DH-DD\(2012\)1012](#)
 Communication from the applicants' representative (22/02/2013) [DH-DD\(2013\)201](#)
 Communication from the applicants' representatives (Varnava and six other cases) (29/05/2013) [DH-DD\(2013\)623](#)
 Communication from the applicants' representatives (10/09/2013) [DH-DD\(2013\)948](#)
 Communication from the applicants' representatives (12/09/2013) [DH-DD\(2013\)973](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

Decision

The Deputies adopted Interim Resolution CM/ResDH(2013)201 as it appears in document CM/Del/Dec(2013)1179 and in the Volume of Resolutions.

Interim resolution CM/ResDH(2013)201**Execution of the judgment of the European Court of Human Rights
Varnava against Turkey**

(judgment of 18 September 2009 – Grand Chamber)

*(adopted by the Committee of Ministers on ...
at the 1179th 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 (hereinafter "the Convention");

Recalling that in its judgment of 18 September 2009 the European Court of Human Rights held that Turkey was to pay before 18 December 2009, 12 000 euros per application in respect of non-pecuniary damage and 8 000 euros per application in respect of costs and expenses;

Deeply deploring that Turkey has still not complied with its unconditional obligation to pay these amounts,

EXHORTS Turkey to pay, without further delay, the sums awarded in respect of just satisfaction in the Court's judgment of 18 September 2009, as well as the default interest due.

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Application : 46347/99 Judgment Final on 22/03/2006	XENIDES-ARESTIS Group v. Turkey Varnava	Enhanced procedure : payment of just satisfaction
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.3

- 1 case against Turkey

46347/99 Xenides-Arestis, judgments of 22/12/2005, final on 22/03/2006 and of 07/12/2006, final on 23/05/2007
[CM/Inf/DH\(2007\)19](#), [Interim Resolution CM/ResDH\(2008\)99](#), [DD\(2009\)540](#)

Decision

The Deputies,

1. adopted Interim Resolution CM/Int/ResDH(2010)33 concerning the payment of the sums awarded in respect of just satisfaction in the judgment of the European Court of 7 December 2006,
2. decided to resume consideration of this case at their 1086th meeting (June 2010) (DH).

Interim resolution CM/Int/ResDH(2010)33

**concerning the judgment of the European Court of Human Rights
of 7 December 2006 (final on 23 May 2007)**

in the case of Xenides-Arestis against Turkey

*(Adopted by the Committee of Ministers on 4 March 2010
at the 1078th 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 referred to as “the Convention”);

Deeply deploring the fact that, to date, Turkey has still not complied with its obligations to pay to the applicant the sums awarded in respect of just satisfaction in the Court's judgment of 7 December 2006;

Recalling its Interim Resolution [CM/ResDH\(2008\)99](#) of 4 December 2008, in which, *inter alia*, the Committee of Ministers strongly insisted that Turkey pay the sums awarded in the Court's judgment of 7 December 2006, as well as the default interest due;

Recalling that, subsequently, the Chairman of the Committee of Ministers wrote to his Turkish counterpart underlining once again Turkey's obligation to pay these sums;

Declares that Turkey's continuing refusal to comply with the judgment of the Court 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;

In view of this situation which gives serious cause for concern, strongly urges Turkey to review its position and to pay without any further delay the just satisfaction awarded to the applicant by the Court, as well as the default interest due.

1086th meeting– (2 June 2010)[List of decisions](#)

Section 4.3

- 1 - 1 case against Turkey

46347/99 Xenides-Arestis, judgments of 22/12/2005, final on 22/03/2006 and of 07/12/2006, final on 23/05/2007
[CM/Inf/DH\(2007\)19](#), [CM/Inf/DH\(2010\)21](#)
[Interim Resolution CM/ResDH\(2008\)99](#), [DD\(2009\)540](#)
[Interim Resolution CM/Int/ResDH\(2010\)33](#)

Decision

The Deputies,

1. recalled their Interim Resolution CM/ResDH(2010)33 of 4 March 2010, in which the Committee of Ministers strongly urged Turkey to pay without any further delay the just satisfaction awarded to the applicant by the Court, as well as the default interest due;
2. decided to resume consideration of this item at their 1092nd meeting

1092nd meeting– (15 September 2010)[List of decisions](#)

Section 4.3

- 1 case against Turkey

46347/99 Xenides-Arestis, judgments of 22/12/2005, final on 22/03/2006 and of 07/12/2006, final on 23/05/2007
[CM/Inf/DH\(2007\)19](#), [CM/Inf/DH\(2010\)21](#) and [CM/Inf/DH\(2010\)36](#)
[Interim Resolution CM/ResDH\(2008\)99](#), [DD\(2009\)540](#)
[Interim Resolution CM/Int/ResDH\(2010\)33](#)

Decision

The Deputies,

1. reiterated their decision taken at the 1086th meeting (June 2010) in which they recalled their Interim Resolution CM/ResDH(2010)33 of 4 March 2010, strongly urging Turkey to pay without any further delay the just satisfaction awarded to the applicant by the Court, as well as the default interest due;
2. decided to resume consideration of this item at one of their forthcoming meetings.

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Applications : 16064/90, 46347/99 Judgments final on 18/09/2009 and 22/03/2006	VARNAVA AND OTHERS v. Turkey XENIDES-ARESTIS Group v. Turkey Varnava	Enhanced procedure : complex problem / payment of just satisfaction
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1193rd meeting – (4-6 March 2014)[📄 List of decisions 📄](#)**Reference texts:**Interim Resolution [CM/ResDH\(2013\)201](#)[Decision](#) adopted at the 1186th meeting (December 2013)**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).

1201st meeting - (June 2014)[📄 List of decisions 📄](#)**Reference texts:**Interim Resolutions [CM/ResDH\(2008\)99](#), [CM/Int/ResDH\(2010\)33](#)Letter from the Chair of the Committee of Ministers sent to the Minister of Foreign Affairs of Turkey concerning the cases of Varnava and Xenides-Arestis group (07/04/2014) [DH-DD\(2014\)491](#)Communication from the applicants' representative in 12 cases v. Turkey (05/05/2014) [DH-DD\(2014\)584](#)Communication from the applicant (Orphanides) (07/05/2014) [DH-DD\(2014\)626](#)Communication from the applicant (Josephides) (13/05/2014) [DH-DD\(2014\)651](#)[Decision](#) adopted at the 1193rd meeting (March 2014)**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.

Reference texts:

Memorandum recalling the means at the Committee of Ministers' disposal in case of persistent non-respect by a Respondent State of the obligation to abide by a judgment of the European Court and presenting examples of the approach followed until now by the Committee in similar situations [H/Exec\(2014\)6](#)

Interim Resolutions [CM/ResDH\(2008\)99](#), [CM/Int/ResDH\(2010\)33](#)

Letter from the Chair of the Committee of Ministers sent to the Minister of Foreign Affairs of Turkey concerning the cases of Varnava and Xenides-Arestis group (07/04/2014) [DH-DD\(2014\)491](#)

Communications from the applicants' representatives

Communication in 12 cases (05/05/2014) [DH-DD\(2014\)584](#);

Communication (Orphanides case) (07/05/2014) [DH-DD\(2014\)626](#);

Communication (Josephides case) (13/05/2014) [DH-DD\(2014\)651](#)

[Decision](#) adopted at the 1201st meeting (June 2014)

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).

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*²⁵, 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 counterpart²⁶, 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.

Application : 3111/10 Judgment Final on 18/03/2013	AHMAND YILDIRIM v. Turkey	Enhanced procedure : complex problem
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1208th meeting - (23-25 September 2014)[🏠 List of decisions 🏠](#)**Reference texts:**Action plan (31/07/2014) [DH-DD\(2014\)916](#)Action plan (13/01/2014) [DH-DD\(2014\)161](#)Communication from the applicant's representative (12/06/2014) [DH-DD\(2014\)820](#)Decision

The Deputies

1. 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;
2. 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;
3. 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;
4. 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;
5. 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.

Ukraine

Application : 34056/02 Final on 08/02/2006	GONGADZE v. Ukraine	Enhanced procedure
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1115th meeting - (7-8 June 2011)

[List of decisions](#)

Decision

The Deputies,

1. noted with interest the measures taken by the Ukrainian authorities since the Committee's last interim resolution aimed at establishing the circumstances of abduction and death of the applicant's husband and the persons involved in the crime;
2. noted in this context the developments that have taken place in the investigation, i.e. the completion of the pre-trial investigation against O.Pukach and the initiation of criminal proceedings against the former President of Ukraine, L.Kuchma;
3. invited the Ukrainian authorities to keep the Committee regularly informed of the developments in the pending proceedings against O.Pukach and L.Kuchma as well as of any other measures taken, and the results achieved, to ensure full execution of the judgment of the Court in the present case.

1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference documents:

Interim Resolutions [CM/ResDH\(2008\)35](#), [CM/ResDH\(2009\)74](#)
Updated information from the Ukrainian (13/05/2011) (individual measures) [DH-DD\(2011\)376](#)
Communication from Ukraine (27/01/2012) (individual measures) [DH-DD\(2012\)125](#)
Communication from Ukraine (13/02/2012) (individual measures) [DH-DD\(2012\)172](#)
Communication from Ukraine (31/05/2012) (individual measures) [DH-DD\(2012\)752](#)
Communication from Ukraine (16/08/2012) (individual measures) [DH-DD\(2012\)826](#)
Communication from Ukraine (15/11/2012) (individual measures) [DH-DD\(2012\)1086](#)

Decision adopted at the 1115th meeting

Decision

The Deputies

1. took note of the regular updates provided by the Ukrainian authorities as to the progress in the criminal investigations into the abduction and murder of G. Gongadze;
2. noted that the investigation efforts continue and that the trial against the superior of the three police officers already convicted continues before the first-instance court, with an important number of hearings having been held to elucidate the facts;
3. noted also that the domestic courts recently quashed the prosecutor's decision to institute criminal proceedings against L. Kuchma on the grounds that the so-called "Melnychenko" tapes were inadmissible as evidence having been obtained illegally;
4. recalled in this context the Convention requirements and the Court's case-law as regards the necessity of balancing the right to an effective investigation in order to bring those responsible before justice against other rights and interests, such as the right not to have illegally obtained evidence used at trial;
5. invited the Ukrainian authorities to provide the Committee with information on how Ukrainian law ensures this balancing, including a translated text of the Constitutional Court's decision of 20 October 2011 relied upon by the domestic courts when dismissing the prosecutor's decision to institute criminal proceedings against L. Kuchma and on the prosecutors' assessment of the impact of this decision on the investigation relating to L. Kuchma;

6. insisted on the Ukrainian authorities' obligation to continue their efforts to find the instigators and organisers of the killing of G. Gongadze and, considering the time elapsed, to enhance their efforts to ensure that all necessary investigatory measures to this end are taken as a matter of urgency;
7. decided to come back to the outstanding questions at the latest at their June 2013 meeting (DH).

1172nd meeting - (4-6 June 2013)

[List of decisions](#)

Reference texts:

Interim Resolutions [CM/ResDH\(2008\)35](#), [CM/ResDH\(2009\)74](#)

Communication from Ukraine (13/05/2011) (individual measures) [DH-DD\(2011\)376](#)
Communication from Ukraine (27/01/2012) (individual measures) [DH-DD\(2012\)125](#)
Communication from Ukraine (13/02/2012) (individual measures) [DH-DD\(2012\)172](#)
Communication from Ukraine (31/05/2012) (individual measures) [DH-DD\(2012\)752](#)
Communication from Ukraine (16/08/2012) (individual measures) [DH-DD\(2012\)826](#)
Communication from Ukraine (15/11/2012) (individual measures) [DH-DD\(2012\)1086](#)
Communication from Ukraine (09/04/2013) [DH-DD\(2013\)410](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. recalled their last decision adopted in December 2012 in this case;
2. noted the completion in January 2013 of the trial in first instance against O. Pukach, the superior of the three police officers already convicted, for his involvement in the murder of G. Gongadze;
3. noted that some information requested at the last examination of this case is still awaited, and urged the Ukrainian authorities to provide it as soon as possible;
4. noted in this context that the Prosecutor General's Office continues its investigation into the circumstances of G. Gongadze's death.

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Applications : 23893/03, 38722/02 Final judgments : 15/08/2012, 05/07/2005	KAVERZIN v. Ukraine AFANASYEV Group v. Ukraine	Enhanced procedure : structural and complex problem
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1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**

Action plan (Kaverzin case) (09/04/2013) [DH-DD\(2013\)411](#)
 Action plan (Afanasyev group) (01/08/2012) [DH-DD\(2012\)1182](#)
 Action plan (10/11/2011) (Bilyy case) [DH-DD\(2012\)230](#)
 Action plan (10/11/2011) (Samardak case) [DH-DD\(2012\)229](#)

Communication from Ukraine (04/04/2013) [DH-DD\(2013\)427](#)

[Decision](#) adopted at the 1100th meeting (December 2010) (Afanasyev group) (p. 453)

Decision

The Deputies

1. noted the information provided by the Ukrainian authorities over the last months, in particular the most recent action plan of 9 April 2013 (see DH-DD(2013)411);

as regards individual measures:

2. took note of the authorities' confirmation that the systematic handcuffing of the applicant whenever taken out of his cell in the Kaverzin case has been discontinued;
3. invited the Ukrainian authorities, in close co-operation with the Secretariat, to identify all outstanding questions following the Court's judgments in respect of the domestic investigations into the applicants' complaints of ill-treatment by the police;
4. invited also the Ukrainian authorities to provide information on the other outstanding individual measures;

as regards general measures:

5. as regards the prevention of ill-treatment, welcomed the adoption of a number of legislative and practical measures, in particular the establishment of a National Preventive Mechanism under the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the changes introduced through the new Code of Criminal Procedure, and invited the Ukrainian authorities to keep the Committee informed on their impact in practice;
6. invited the Ukrainian authorities to provide the necessary additional information, in close consultation with the Secretariat, on the measures adopted and/or envisaged to ensure that investigations into ill-treatment allegations comply with the Convention requirements and the Court's case-law;
7. noted that the State Bureau of Investigation is to be created at the latest by 2017 and invited the Ukrainian authorities to provide further details in this respect, notably the measures taken with a view to ensuring the independence of investigations;
8. as regards the security arrangements for life-sentenced prisoners, urged the Ukrainian authorities to study the adoption of concrete measures, taking also into account CPT 's recommendations in this subject;
9. encouraged the Ukrainian authorities to continue to take advantage of the opportunities offered by the Council of Europe under its various co-operation/technical programmes.

Reference texts:*Communications from Ukraine*

Action plan (04/04/2014) [DH-DD\(2014\)463](#), Action plan (Kaverzin) (09/04/2013) [DH-DD\(2013\)411](#), Communication (Kharchenko, Kaverzin, Merit, Khaylo and Balitskiy) (16/04/2013) [DH-DD\(2013\)427](#)

Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in October 2013 , published on 29 April 2014 - [CPT/Inf \(2014\) 15](#)

[Decision](#) adopted at the 1172nd meeting (June 2013)

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.

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Application : 40107/02 Final on 10/05/2011	KHARCHENKO v. Ukraine	Enhanced procedure
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1120th meeting - (13-14 September 2011)[List of decisions](#)Decision

The Deputies,

1. noted the structural nature of the problem disclosed in the present case, which requires specific reforms to be rapidly carried out by the Ukrainian authorities;
2. stressed that the need for such reforms has already been highlighted by a large number of judgments in the Doronin group of cases;
3. stressed the importance of timely compliance with the present judgment and encouraged the Ukrainian authorities to present their strategy with a view to resolving this structural problem within the deadline set by the Court, namely by 10 November 2011.

1128th meeting - (29 nov.-2 déc. 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that in the Kharchenko judgment, the European Court requested the Ukrainian authorities to present, by 10 November 2011, a strategy aimed at resolving the problems of unlawfulness and excessive length of detention on remand as well as the lack of judicial review of the lawfulness of detention;
2. noted with satisfaction that the strategy requested in the Kharchenko judgment was provided by the Ukrainian authorities within the time-limit set by the Court;
3. encouraged the Ukrainian authorities to implement rapidly the measures envisaged in the strategy and in particular to adopt the new Code of Criminal Procedure, having due regard to the Council of Europe's expert study which will be provided to the authorities;
4. invited the Ukrainian authorities to provide information on the measures taken or planned to resolve the remaining problems highlighted in other cases of this group.

1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:**Action plan (Kharchenko case) [DH-DD\(2011\)1066](#)Communication from Ukraine (case of Yuriy Nikolayevich Ivanov and Kharchenko case) [DH-DD\(2011\)705](#):Decision adopted at the 1128th meeting (December 2011)Decision

The Deputies

1. noted the adoption by the Ukrainian Parliament of a new Code of Criminal Procedure on 13 April 2012 and invited the Ukrainian authorities to inform the Committee of its entry into force;
2. invited the Ukrainian authorities to provide the Committee with a comprehensive presentation of the changes introduced in the new Code which are relevant for the execution of this group of cases, together with an assessment on how these changes will remedy the shortcomings identified by the Court;

3. further invited the Ukrainian authorities to provide the Committee with concrete information on the adoption of measures aimed at remedying the shortcomings identified by the Court in the administrative practice (in particular regarding the practice of unregistered detention by the police and the use of administrative arrest for criminal investigation purposes), as well as regarding the lack of an enforceable right to compensation for unlawful detention;
4. encouraged the Ukrainian authorities to provide concrete and updated information on the progress in the implementation of the entire reform strategy, including the monitoring of the practice of the domestic courts.

1164th meeting - (5-7 March 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Action plan (Kharchenko case) (09/11/2011) [DH-DD\(2011\)1066](#)
 Action plan (Kharchenko case) (09/10/2012) [DH-DD\(2012\)1180E](#)
 Revised action report (Balitskiy case) (08/08/2012) [DH-DD\(2012\)1023](#)
 Revised action plan (Kharchenko case) (21/02/2013) [DH-DD\(2013\)190](#)

Communication from Ukraine (cases of Yuriy Nikolayevich Ivanov and Kharchenko (09/09/2011) [DH-DD\(2011\)705](#)

[Decision](#) adopted at the 1144th meeting (June 2012)

Decision

The Deputies

1. noted the recent information provided by the Ukrainian authorities, including at the meeting itself, related to the implementation of the reform strategy announced in November 2011 in response to the violations found by the Court in the Kharchenko group of cases and the Committee of Ministers' earlier decisions;
2. noted that this information deals in particular with legislative changes adopted with a view to remedying the shortcomings found by the Court with respect to the system of detention on remand operating in Ukraine;
3. noted in this context the information presented on a number of connected questions regarding the practical implementation of the reforms by the police, the prosecution authorities and the courts, and also regarding the setting-up of a monitoring mechanism to allow a rapid assessment of the global efficiency of the new system;
4. instructed the Secretariat to prepare an in-depth analysis of the information presented;
5. encouraged the Ukrainian authorities to take advantage of the co-operation opportunities offered within the framework of the Human Rights Trust Fund (HRTF) project 18.

Applications No. 41984/98, 66561/01 Judgments final on 30/03/2005 and 30/06/2004	SVETLANA NAUMENKO Group v. Ukraine MERIT Groupv. Ukraine	Enhanced procedure : structural problem
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1136th meeting - (6-8 March 2012)[List of decisions](#)Decision

The Deputies

1. noted that the numerous violations found by the Court due to excessive length of civil and criminal proceedings in Ukraine reveal the existence of structural problems in the administration of justice;
2. expressed their concern that, since the first judgment delivered by the Court in 2004, no tangible progress has been achieved in introducing an effective remedy against excessive length of judicial proceedings and that this situation has resulted in a massive influx of repetitive applications lodged with the Court;
3. further noted with concern that the Ukrainian authorities have not provided the Committee of Ministers with substantial information on other measures taken or envisaged to reduce the length of judicial proceedings;
4. urged the Ukrainian authorities to take concrete measures to solve the structural problem at issue and recalled in this respect the Committee of Ministers' Recommendation CM/Rec(2010)3 encouraging states to introduce remedies making it possible both to expedite proceedings and to award compensation to interested parties for damage suffered and emphasising the importance of this question where judgments reveal structural problems likely to give rise to a large number of further similar violations;
5. invited the Ukrainian authorities to inform the Committee of Ministers of the measures taken or envisaged in this respect, as well as of the measures taken to accelerate those proceedings which were still pending at the domestic level.

1164th meeting - (5-7 March 2013)[List of decisions](#)**Reference texts:**Action plan(Naumenko Svetlana group) (15/06/2012) [DH-DD\(2012\)709E](#)Communication from Ukraine (Merit group) (14/01/2013) [DH-DD\(2013\)69E](#)Communication from Ukraine (Merit group) (11/02/2013) [DH-DD\(2013\)138E](#)[Decision](#) adopted at the 1136th meeting (March 2012)Decision

The Deputies

1. noted the information provided by the Ukrainian authorities on the measures taken to address the persistent problem of the length of judicial proceedings, measures which seem promising;
2. invited the authorities to complete this information, in due time so as to allow an evaluation by the Committee at the latest at its 1179th meeting (September 2013) (DH), with an analysis specifying how these measures will remedy all the shortcomings found by the Court, as well as their impact in practice on the length of proceedings in civil and criminal matters;
3. instructed the Secretariat to prepare an assessment on the developments which have taken place upon receipt of said additional information;
4. reiterated their serious concern that, despite the Court's numerous judgments and the Committee's previous decisions calling upon the Ukrainian authorities to introduce effective domestic remedies for complaints concerning the length of judicial proceedings, no progress has been achieved in this respect;
5. strongly insisted that the Ukrainian authorities take the necessary steps without further delay with a view to setting up domestic remedies in line with the Convention and the Court's case-law;

6. reminded the Ukrainian authorities of the need to provide information on the outstanding individual measures;
7. decided to come back to the questions raised by the present groups of cases at the latest at their 1179th meeting (September 2013) (DH).

1179th meeting - (24-26 September 2013)

[List of decisions](#)

Reference texts:

Action plan (Naumenko Svetlana group) (15/06/2012) [DH-DD\(2012\)709](#)

Communication from Ukraine (Merit group) (14/01/2013) [DH-DD\(2013\)69](#)

Communication from Ukraine (Merit group) (11/02/2013) [DH-DD\(2013\)138](#)

Communication from Ukraine (cases of Kharchenko, Kaverzin, Merit, Khaylo and Balitskiy) (04/04/2013) [DH-DD\(2013\)427](#)

Communication from Ukraine (Naumenko Svetlana group) (19/07/2013) [DH-DD\(2013\)835](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision

The Deputies

1. noted with concern that the information requested from the Ukrainian authorities at the 1164th meeting (March 2013) (DH) was not received and therefore strongly urged them to provide, by 31 December 2013 at the latest, the required analysis specifying how the measures adopted will remedy all the shortcomings found by the Court, together with an assessment of their impact in practice and relevant statistics on the length of proceedings; within this context, invited the authorities to submit the Resolution of the Plenum of the High Specialised Court on the concept of “reasonable term”;
2. urged, further, the Ukrainian authorities to adopt concrete measures aimed at setting up effective domestic remedies without further delay, in view of the increasing number of similar repetitive applications brought before the Court, and invited them, by 31 December 2013 at the latest, to submit information in this respect;
3. recalled once again the need to receive from the Ukrainian authorities information on the measures taken to ensure that the proceedings still pending before domestic courts in these groups of cases are completed and to enforce the domestic court decision in the *Chervonets* case.

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<p>Applications 54825/00, 15825/06, 72286/01, 13448/07, 28827/02</p> <p>Judgments final on 12/10/2005, 25/01/2008, 28/06/2006, 14/01/2011, 28/08/2009</p>	<p>NEVMERZHITSKY Group</p> <p>YAKOVENKO Group</p> <p>MELNIK</p> <p>LOGVINENKO Group</p> <p>ISAYEV Group v. Ukraine</p>	<p>Enhanced procedure : Structural problem</p>
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1144th meeting - (4-6 June 2012)

[🏠 List of decisions 🏠](#)

Reference texts:

Public notes and decision adopted at the 1100th meeting

Action plan (Logvinenko and Isayev groups) DH-DD(2012)444E

Decision

The Deputies

1. recalled that the first judgment examined in these groups of cases was delivered by the Court in 2005;
2. invited the Ukrainian authorities to provide urgently a comprehensive action plan aimed at responding to the structural problems highlighted by the Court in respect of conditions of detention and medical care, as well as aimed at setting up effective remedies in respect thereof;
3. noted that this action plan should also address the other problems identified in the judgments of the Court;
4. invited further the Ukrainian authorities to provide also their assessment on the impact of the measures adopted so far and the results achieved by these measures;
5. noted further that information is also awaited on the outstanding individual measures.

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Application : 6492/11 Final judgment : 19/11/2012	LUTSENKO v. Ukraine	Enhanced procedure : complex problem
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1164th meeting - (5-7 March 2013)[List of decisions](#)Decision

The Deputies

1. noted the complex execution questions raised by the violations found in the case of Lutsenko against Ukraine, in particular as regards the responses to the violation of Article 18, taken in conjunction with Article 5, of the Convention;
2. noted the information provided by the Government on the measures already adopted;
3. noted, as regards the individual measures, that the criminal proceedings engaged following the measures criticised by the Court are still pending at domestic level and requested the Ukrainian authorities to provide rapidly information on the consequences drawn by domestic courts and authorities from the judgment of the Court;
4. invited the Ukrainian authorities also to provide information on the measures adopted and/or envisaged to ensure compliance with Article 18, taken in conjunction with Article 5, of the Convention in the Ukrainian justice system;
5. recalled further that the issue of responses to other violations of the Convention related to detention on remand is dealt with in the context of the Kharchenko group of cases;
6. decided to come back to these issues, in the light of the information provided, at their 1172nd meeting (June 2013) (DH).

1172nd meeting - (4-6 June 2013)[List of decisions](#)**Reference texts:**Action plan (09/04/2013) [DH-DD\(2013\)409](#)Communication from the authorities (individual measures) (14/05/2013) [DH-DD\(2013\)560](#)[Statement](#) by the Secretary General of the Council of Europe (07/04/2013): Secretary General Jagland welcomes decision of Ukrainian President Yanukovich to pardon former minister Yuri LutsenkoJoint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on the pardoning of Yuri Lutsenko (07/04/2013) [DD\(2013\)383](#)[Statement](#) by the President of the Parliamentary Assembly of the Council of Europe (08/04/2013): PACE President welcomes liberation of Yuri Lutsenko in Ukraine[Decision](#) adopted at the 1164th meeting (March 2013)Decision

The Deputies

1. noted the information provided with respect to the responses given by the domestic courts to the applicant's attempts to obtain redress;
2. recalled, with satisfaction, that the applicant was set free on 7 April 2013;
3. invited the Ukrainian authorities to provide, in light of this situation and in close contact with the Secretariat, all the information necessary for a complete assessment of the question of individual measures;
4. noted, as regards general measures, that the responses to the different violations of Article 5 found in this case are examined in the context of other groups of cases (the Kharchenko group of cases with respect to the

violations of Article 5§§1, 3 and 4 and the Nechiporuk and Yonkalo case with respect to the violation of Article 5§2);

5. considered, as regards the violation of Article 18, taken in conjunction with Article 5, that over and above the reform of the Code of Criminal Procedure, specific general measures are deemed necessary in order to ensure compliance with this requirement of the Convention in the Ukrainian justice system and strongly encouraged the Ukrainian authorities to make full use of the co-operation programmes, of which they are beneficiaries, with a view to putting rapidly in place these measures;
6. and consequently invited the Ukrainian authorities to keep the Committee regularly informed on developments in this field.

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Application : 21722/11 Judgment Final on : 27/05/2013	OLEKSANDR VOLKOV v. Ukraine	Enhanced procedure : Urgent individual measures + complex problem
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1172nd meeting - (4-6 June 2013)[📖 List of decisions 📖](#)Decision

The Deputies

1. noted, as regards the obligation to take individual measures, the specific indications made by the Court under Article 46 of the Convention according to which “the respondent State shall secure the applicant’s reinstatement in the post of judge of the Supreme Court at the earliest possible date”;
2. invited the Ukrainian authorities to provide, without delay, information on the measures adopted and/or envisaged to this effect in order to allow the Committee to assess the progress made in this respect at the 1179th meeting (September 2013) (DH);
3. stressed the Court’s findings that “the present case discloses serious systemic problems as regards the functioning of the Ukrainian judiciary”, and that urgent and complex general measures are required in response to this judgment;
4. invited the Ukrainian authorities to provide, as soon as possible, their action plan setting out the general measures adopted and/or envisaged in response to the Court’s findings and indications, together with a concrete timetable for their adoption;
5. strongly encouraged the Ukrainian authorities to take full benefit of the various opportunities for assistance offered by the Council of Europe concerning the question of independence of judiciary.

1179th meeting - (24-26 September 2013)[📖 List of decisions 📖](#)**Reference texts:**Action plan (22/07/2013) [DH-DD\(2013\)834](#)Communication from the applicant (19/07/2013) [DH-DD\(2013\)836](#)Communication from a NGO (The Law Society) (22/07/13) [DH-DD\(2013\)916](#)Communication from a NGO (Rechters voor Rechters) (29/08/2013) [DH-DD\(2013\)972](#)[Decision](#) adopted at the 1172nd meeting (June 2013)Decision

The Deputies

I) Individual measures

1. considering Ukraine’s unconditional obligation to secure the applicant’s reinstatement in his previous post of judge at the Supreme Court at the earliest possible date, urged the Ukrainian authorities to fulfil this obligation without delay, also noting the present opportunity of vacancies at the Supreme Court;

II) General measures

2. recalled that the Court has stressed that Ukraine must urgently put in place general reforms in its legal system in order to resolve the serious systemic problems as regards the functioning of the Ukrainian judiciary disclosed by the present case;
3. in this context, noted with interest the measures envisaged by the Ukrainian authorities in their action plan, including the reform of the High Council of Justice and of the procedure for the dismissal of judges;

4. emphasised, in this respect, that a number of issues identified in the Court's judgment require measures, notably the effective judicial control by the High Administrative Court over decisions taken by the High Council of Justice; the definition of "breach of oath"; different procedural safeguards, including limitation periods and an appropriate scale of sanctions, and also respect for the principle of proportionality;
5. strongly encouraged the Ukrainian authorities to continue to take full benefit of the various opportunities for co-operation offered by the Council of Europe concerning the question of the independence of the judiciary as well as to take due account of the relevant recommendations by the Venice Commission;
6. considering the importance of a rapid adoption and implementation of both individual as well as general measures required by the judgment, urged the Ukrainian authorities to transmit to the Committee a revised action plan setting out progress achieved and the additional measures envisaged in response to the outstanding questions, accompanied with a provisional timetable for their adoption and implementation, by the end of October 2013 at the latest.

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Action plan (22/07/2013) [DH-DD\(2013\)834](#)

Communication from the authorities (24/10/2013) [DH-DD\(2013\)1166](#)

Communication from the applicant (19/07/2013) [DH-DD\(2013\)836](#)

Communication from the applicant's representative (15/11/2013) [DH-DD\(2013\)1274](#)

Communications from NGOs which can be found on the web site of the Department for the Execution of Court's judgments: (http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/UKR-ai4_en.asp)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision

The Deputies

1. as concerns individual measures, recalled their decision adopted in September 2013 underlining the unconditional obligation to secure the applicant's reinstatement and noted with concern that Parliament did not reinstate the applicant in his position of judge of the Supreme Court of Ukraine when filling one of the two vacancies at the Supreme Court of Ukraine on 5 November 2013;
2. in this connection, urged the Ukrainian authorities to take rapidly measures to reinstate the applicant in the post of judge at the Supreme Court without further delay;
3. as concerns general measures, noted with satisfaction that the proposed amendments to the Constitution aiming at reforming the institutional basis of the system of judicial discipline received a favourable opinion from the Constitutional Court and were subsequently adopted by Parliament in first reading;
4. encouraged the Ukrainian authorities to finalise the constitutional reform, including the necessary implementing legislation, and to adopt rapidly also the additional measures required in response to the different shortcomings revealed by the present judgment, in particular as regards the system of judicial discipline in Ukraine;
5. reiterated, in view of the situation, their request to receive a revised action plan without further delay;
6. reiterated, further, their encouragement to the Ukrainian authorities to continue to take full benefit of the different co-operation opportunities offered by the Council of Europe in the area of independence of the judiciary and invited them to present the concrete results achieved in due time.

Reference texts:*Communications from Ukraine*

(11/01/2014) [DH-DD\(2014\)89](#) ; Action plan (22/07/2013) [DH-DD\(2013\)834](#); (24/10/2013) [DH-DD\(2013\)1166](#)

Communications from the applicant

(19/07/2013) [DH-DD\(2013\)836](#); (15/11/2013) [DH-DD\(2013\)1274](#)

Communication from the applicant's representative (13/02/2014) [DH-DD\(2014\)241](#)

Communications from NGOs which can be found on the web site of the Department for the Execution of Court's judgments: (http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/UKR-ai4_en.asp)

[Decision](#) adopted at the 1186th meeting (December 2013)

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.

Reference texts:*Communications from Ukraine*

Action plan (07/04/2014) [DH-DD\(2014\)462](#), (11/01/2014) [DH-DD\(2014\)89](#) ;

Action plan (22/07/2013) [DH-DD\(2013\)834](#); (24/10/2013) [DH-DD\(2013\)1166](#)

Communications from the applicant or his representative

(13/02/2014) [DH-DD\(2014\)241](#); (15/11/2013) [DH-DD\(2013\)1274](#), (19/07/2013) [DH-DD\(2013\)836](#)

Communications from NGOs which can be found on the web site of the Department for the Execution of Court's judgments: (http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/UKR-ai4_en.asp)

[Decision](#) adopted at the 1193rd meeting (March 2014)

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.

Reference texts:

Communications from Ukraine

Communication (12/06/2014) [DH-DD\(2014\)792](#)

Action plan (07/04/2014) [DH-DD\(2014\)462](#), (11/01/2014) [DH-DD\(2014\)89](#) ;

Action plan (22/07/2013) [DH-DD\(2013\)834](#); (24/10/2013) [DH-DD\(2013\)1166](#)

Communications from the applicant or his representative

(13/02/2014) [DH-DD\(2014\)241](#); (15/11/2013) [DH-DD\(2013\)1274](#), (19/07/2013) [DH-DD\(2013\)836](#)

Communications from NGOs which can be found on the web site of the Department for the Execution of Court's judgments: (http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/UKR-ai4_en.asp)

[Decision](#) adopted at the 1201st meeting (June 2014)

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;
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.

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Application : 49872/11 Final judgment : 30/07/2013	TYMOSHENKO v. Ukraine	Enhanced procedure : Urgent individual measures and complex problem
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1179th meeting - (24-26 September 2013)[List of decisions](#)**Reference texts:**Communication from the applicant (04/09/2013) [DH-DD\(2013\)940](#)Decision

The Deputies

1. noted the complex execution questions raised by the violations found in the case of Tymoshenko against Ukraine, as in the Lutsenko case, in particular as regards the responses to the violation of Article 18 taken together with Article 5 of the Convention;
2. as regards individual measures, noted with concern that the High Specialised Court for Civil and Criminal Cases rejected the applicant's request for a reopening of the criminal proceedings at issue on formal grounds, without any substantial examination of the possible impact of the violation of Article 18 taken together with Article 5 on these proceedings;
3. invited, consequently, the Ukrainian authorities to provide information on further possibilities which could be explored to ensure that the authorities draw all necessary consequences from the Court's findings in this case;
4. recalling their decisions in the Lutsenko case, reiterated the need to receive information from the Ukrainian authorities on the measures adopted and/or envisaged to ensure compliance with Article 18 taken together with Article 5 in the Ukrainian justice system, over and above the reform of the Code of Criminal Procedure, as well as their encouragement to continue to make full use of the co-operation programmes of which Ukraine is a beneficiary, with a view to putting rapidly in place these measures;
1. noted that the general measures in response to the violations of Articles 5§1, 5§4 and 5§5 are examined in the context of the Kharchenko group of cases.

1186th meeting - (3-5 December 2013)[List of decisions](#)**Reference texts:**Action plan (26/11/2013) [DH-DD\(2013\)1282E](#)Communication from the applicant (04/09/2013) [DH-DD\(2013\)940](#)Communication from the authorities (24/10/2013) [DH-DD\(2013\)1167](#)[Decision](#) adopted at the 1179th meeting (September 2013)Decision

The Deputies

1. concerning individual measures, expressed their concern that no substantial examination of the possible impact of the violations of Article 5 and of Article 18 taken together with Article 5 on the criminal proceedings at issue has been carried out and that no other redress has been provided;
2. consequently, urged the Ukrainian authorities to move forward in their reflection on this issue by thoroughly considering all available options with a view to rapidly ensuring that redress is provided to the applicant in an appropriate form;
3. concerning general measures, took note of the information provided by the Ukrainian authorities shortly before the meeting on 27 November 2013 with a view to preventing circumvention of legislation by prosecutors and judges and thus preventing violations of Article 18 taken together with Article 5, in particular as regards the

efforts to improve the functioning of the criminal justice system, including the reform of the prosecution service and the constitutional reform to strengthen the independence of the judiciary;

4. invited the Ukrainian authorities to continue to provide information on the progress of these reforms and on their impact;
5. reiterated their encouragement to the Ukrainian authorities to continue to take full benefit of the co-operation programmes offered by the Council of Europe with a view to realising the necessary reforms, in particular as regards the functioning of the criminal justice system.

1193rd meeting - (4-6 March 2014)

[🏠 List of decisions 🏠](#)

Reference texts:

Opinion on proposals amending the Draft Law on the amendments to the Constitution to strengthen the independence of Judges of Ukraine [CDL-AD\(2013\)034-e](#)

Joint Opinion on the Draft Law on the Public Prosecutor's Office of Ukraine adopted by the Venice Commission at its 96th Plenary Session (Venice, 11-12 October 2013) [CDL-AD\(2013\)025-e](#)

Communications from Ukraine

(11/01/2014) [DH-DD\(2014\)91](#); Action plan (26/11/2013) [DH-DD\(2013\)1282](#) ; (24/10/2013) [DH-DD\(2013\)1167](#)

Communication from the applicant (04/09/2013) [DH-DD\(2013\)940](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

Decision

The Deputies

1. noted with satisfaction that the applicant was released on 22 February 2014 following a parliamentary resolution to this effect;
2. 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.

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Applications : 760/03, 16474/03 Judgments final on 26/10/2012, 14/01/2011	VASILY IVASHCHENKO NAYDYON Group v. Ukraine	Enhanced procedure : complex problem
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1193rd meeting - (4-6 March 2014)[List of decisions](#)**Reference texts:***Communications from Ukraine*

(11/01/2014) [DH-DD\(2014\)90](#); Action report (Ivashchenko) (19/07/2013) [DH-DD\(2013\)928](#); Action plan (Naydyon) (02/09/2011) [DH-DD\(2011\)677](#);

Communication from the Registry of the European Court (Naydyon) (17/01/2011) [DH-DD\(2011\)51](#)

Application	Case	Judgment of	Final on
760/03	VASILY IVASHCHENKO	26/07/2012	26/10/2012
NAYDYON GROUP			
16474/03	NAYDYON	14/10/2010	14/01/2011
33643/03	KOROSTYLYOV	13/06/2013	13/09/2013

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.

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Application : 20372/11 Final judgment : 11/07/2013	VYERENTSOV v. Ukraine	Enhanced procedure : structural problem
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1179th meeting - (24-26 September 2013)[List of decisions](#)Decision

The Deputies

1. noted that in the case of *Vyerentsov against Ukraine*, the Court found violations of Articles 7 and 11 which stem from a legislative lacuna concerning freedom of assembly which remains in the Ukrainian legal system for more than two decades, and indicated under Article 46 that specific reforms in Ukraine's legislation and administrative practice should be urgently implemented in order to bring such legislation and practice into line with the Court's conclusions in the present judgment and to ensure their compliance with the requirements of Articles 7 and 11;
2. consequently and also bearing in mind the risk of repetitive applications, invited the Ukrainian authorities to submit without delay their action plan on the reforms taken and/or envisaged, together with an indicative timetable for their adoption;
3. strongly encouraged in this context the Ukrainian authorities to exploit fully the possibilities offered by the Council of Europe under its co-operation programmes;
4. invited the Ukrainian authorities to also include, in their action plan, information on the general measures adopted and/or envisaged with a view to remedying the new problems identified in this case as regards the violations of Article 6, not yet examined within the context of other cases;
5. as regards individual measures, invited the Ukrainian authorities to provide information on the measures adopted and/or envisaged to erase, as far as possible, the consequences of the violations suffered by the applicant.

1193rd meeting - (4-6 March 2014)[List of decisions](#)**Reference texts:**Action plan (14/11/2013) [DH-DD\(2013\)1270](#)[Decision](#) adopted at the 1179th meeting (September 2013)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.

Reference texts:*Communications from Ukraine*Action plan (07/04/2014) [DH-DD\(2014\)458](#), Action plan (14/11/2013) [DH-DD\(2013\)1270](#)[Decision](#) adopted at the 1193rd meeting (March 2014)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.

* * *

Applications : 40450/04, 56848/00 Final on 15/01/2010, 29/09/2004	YURIY NIKOLAYEVICH IVANOV v. Ukraine ZHOVNER Group v. Ukraine	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Sections 2.1 and 4.2

- 347 cases against Ukraine

*40450/04 Yuriy Nikolayevich Ivanov, judgment of 15/10/2009, final on 15/01/2010

[CM/Inf/DH\(2007\)30rev](#); [CM/Inf/DH\(2007\)33](#)Interim Resolutions [CM/ResDH\(2008\)1](#); [CM/ResDH\(2009\)159](#)**- 346 cases concerning the failure or substantial delay by the administration or state companies in abiding by final domestic judgments**[CM/Inf/DH\(2007\)30rev](#) (English only) and [CM/Inf/DH\(2007\)33](#)Interim Resolution [CM/ResDH\(2008\)1](#), Interim Resolution [CM/ResDH\(2009\)159](#)(See [Appendix for the list of cases in the Zhovner group](#))Decision

The Deputies,

1. recalled the two Interim Resolutions and a number of decisions already adopted in the context of the Zhovner group of cases in which the Committee has repeatedly urged the Ukrainian authorities to rapidly adopt general measures to resolve the problem of non-execution of domestic judicial decisions;
2. noted with satisfaction in this context the swift response of the Ukrainian authorities to the pilot judgment of the European Court in the case of Yuriy Nikolayevich Ivanov by way of providing a plan of action, approved by the government decree, indicating the issues to be dealt with as a matter of priority;
3. underlined that in its pilot judgment the European Court set clear time-limits for the implementation of concrete measures, including the setting up of a remedy or combination of remedies to ensure effective redress in cases of non-execution or delayed execution of final judicial decisions;
4. stressed in this respect the utmost importance of timely compliance with the pilot judgment and called upon all relevant authorities in Ukraine to give priority to resolving rapidly the problems underlying the repetitive violations of the Convention by ensuring effective implementation of all necessary measures, including those listed in the plan of action;
5. invited the Ukrainian authorities to keep the Committee regularly informed on the progress of implementation of the action plan as well as on the other measures taken or envisaged;
6. decided to resume consideration of these cases at their 1086th meeting (June 2010) (DH) in the light of further information to be provided on progress regarding the implementation of the preliminary plan of action as well as on the other necessary measures.

Interim resolution CM/ResDH(2009)159

**Execution of the judgments of the European Court of Human Rights
in 324 cases against Ukraine concerning the failure or serious delay in abiding by final domestic courts'
decisions delivered against the state and its entities as well as the absence of an effective remedy**

(See [Appendix for the list of cases in the Zhovner group](#))

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 continuous flow of judgments of the Court finding Ukraine in violation of Article 6, paragraph 1, of the Convention and of Article 1 of Protocol 1 to the Convention on account of the authorities' failure to comply with or serious delay in abiding by final domestic courts' decisions delivered in the applicants' favour;

Having regard to the fact that in a number of cases the Court has also found a violation of Article 13 of the Convention in that the applicants had no effective domestic remedy whereby they might have secured their right to an enforcement of a domestic judgment within a reasonable time as guaranteed by Article 6, paragraph 1, of the Convention;

Recalling that the Committee of Ministers has been supervising the adoption by Ukraine of general measures to prevent new similar violations of the Convention for more than five years;

Stressing that more than three hundred judgments delivered within this period highlights the existence of complex structural problems at domestic level affecting large categories of persons;

Recalling the consistent position of the Committee of Ministers, shared by the Ukrainian authorities, that the resolution of these problems requires the implementation of comprehensive and complex measures;

Noting that, notwithstanding a number of initiatives reported by the Ukrainian authorities to the Committee since the beginning of its supervision, no satisfactory results have been achieved in their implementation;

Noting further that these initiatives, which are summarized in the Committee's first Interim Resolution ([CM/ResDH\(2008\)1](#) adopted on 6 March 2008), addressed only certain specific aspects of the complex problem of non-enforcement of domestic courts' decisions;

Recalling that in its first Interim Resolution the Committee therefore strongly encouraged the Ukrainian authorities to enhance their efforts in tackling the problem of non-enforcement of domestic courts' decisions by setting up an overall effective strategy, coordinated at the highest political level;

Recalling, in particular, that the Committee requested the Ukrainian authorities to take urgent measures to resolve the structural problems underlying the repetitive violations found by the Court, as well as to set up a domestic remedy against the excessive length of enforcement of domestic courts' decisions;

Noting with grave concern that no concrete or visible progress has been made in this field since the adoption by the Committee of Ministers of its first Interim Resolution;

Recalling that the dysfunction of the justice system, as a consequence of the non-enforcement of the domestic courts' decision, represents an important danger, not least for the respect of the Rule of Law, frustrates citizens' confidence in the judicial system and questions the credibility of the State;

DEPLORES that, despite the urgency of the situation and the Committee's repeated calls to that effect, the Ukrainian authorities have continuously failed to give priority to finding effective solutions to the important problem of non-enforcement of domestic courts' decisions;

REITERATES its call to the Ukrainian authorities at the highest level to adhere to their political commitment to resolving the problem of non-enforcement of domestic courts' decisions and thus complying with Ukraine's obligation under Article 46, paragraph 1, of the Convention, to abide by the judgments of the Court;

STRONGLY URGES the Ukrainian authorities:

- to rapidly adopt general measures, including legislative initiatives previously reported to the Committee of Ministers, to solve structural problems at the origin of these persistent violations of the Convention;
- to set up as a matter of priority a domestic remedy against excessive delays of enforcement of domestic courts' decisions which would secure adequate and sufficient redress in line with the Convention requirements;

DECIDES to resume consideration of the present issues in the context of the Court's judgments concerned at the 1078th meeting (March 2010) (DH) in the light of the information to be submitted by the Ukrainian authorities on outstanding individual and general measures.

- 353 cases against Ukraine

40450/04 Yuriy Nikolayevich Ivanov, judgment of 15/10/2009, final on 15/01/2010
[CM/Inf/DH\(2007\)30rev](#) and [CM/Inf/DH\(2007\)33](#)
 Interim Resolutions [CM/ResDH\(2008\)1](#); [CM/ResDH\(2009\)159](#)

- 352 cases concerning the failure or substantial delay by the administration or state companies in abiding by final domestic judgments

[CM/Inf/DH\(2007\)30rev](#) (English only) and [CM/Inf/DH\(2007\)33](#)
[Interim Resolution CM/ResDH\(2008\)1](#), [Interim Resolution CM/ResDH\(2009\)159](#)
 (See [Appendix for the list of cases in the Zhovner group](#))

Decision

The Deputies,

1. recalled that the Committee of Ministers has been supervising execution by Ukraine of judgments regarding non-enforcement of domestic judicial decisions since 2004 and that the lack of progress in resolving this structural problem has already given rise to two Interim resolutions (CM/ResDH(2008)1 and CM/ResDH(2009)159) and a pilot judgment of the Court;
2. took note of the information provided at the present meeting on different initiatives addressing certain problems underlying the repetitive violations of the Convention;
3. underlined however that this information needs to be assessed by the Committee of Ministers bearing in mind all other initiatives previously reported in the context of the execution of these judgments;
4. strongly hoped in this respect that consultations will be held between the Secretariat and the Ukrainian authorities at the appropriate level in order to clarify the situation;
5. decided to resume consideration of these cases at their 1092nd meeting (September 2010) (DH) in the light of further information to be provided by the authorities and of the results of the consultations.

Decision

The Deputies,

1. recalled that the Committee of Ministers has since 2004 been supervising the execution by Ukraine of more than 300 judgments regarding non-enforcement of domestic judicial decisions; further recalled that the lack of progress in resolving this structural problem has already given rise to two interim resolutions (CM/ResDH(2008)1 and CM/ResDH(2009)159) and a pilot judgment of the Court;
2. recalled further that in its pilot judgment, the Court “stresse[d] that specific reforms in Ukraine’s legislation and administrative practice should be implemented without delay in order to bring it into line with the Court’s conclusions in the present judgment and to comply with the requirements of Article 46 of the Convention[...]” and that “the respondent State must introduce without delay, and at the latest within one year from the date on which the judgement becomes final a remedy or a combination of remedies in the national legal system [...]”;
3. expressed deep concern that although the Ukrainian authorities expressed their commitment to abide by the pilot judgment, no tangible and concrete information has been provided as to whether a comprehensive strategy has been developed with the aim of complying with the judgment and the deadlines set therein;
4. stressed that the Ukrainian authorities’ failure to adopt the necessary measures continues to deprive the broad categories of persons, including vulnerable people, of effective protection at domestic level against non-enforcement of judicial decisions, resulting in numerous applications to the Court;

5. strongly urged the Ukrainian authorities to give priority, at the highest political level, to devising a comprehensive strategy to implement the pilot judgment, in particular with regard to a domestic remedy as required by this judgment, and to inform the Committee of such a strategy without further delay;
6. decided to resume consideration of these items at their 1100th meeting (November-December 2010) (DH), in the light of information to be provided by the authorities and possibly on the basis of a draft Interim resolution to be prepared by the Secretariat.

1100th meeting– (30 november 2010)

[↕ List of decisions ↕](#)

Section 4.3

Decision

1. adopted Interim Resolution CM/ResDH(2010)222 as it appears in the Volume of Resolutions;
2. decided to resume consideration of these items at their 1108th meeting (March 2011) (DH), in the light of information to be provided by the authorities on the measures taken to comply with the judgments.

Interim resolution CM/ResDH(2010)222

(Application No. 40450/04 Yuriy Nikolayevich Ivanov, judgment of 15/10/2009, final on 15/01/2010)

(See Appendix for the list of cases in the Zhovner group)

(Adopted by the Committee of Ministers on 30 November 2010 at the 1100th 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 almost 400 judgments of the Court in which it found violations of the Convention on account of non-execution or delayed execution by the state authorities of final domestic judicial decisions delivered in the applicants' favour and the lack of an effective remedy in this respect;

Recalling the Committee of Ministers' decisions and Interim Resolutions ([CM/ResDH\(2008\)1](#) and [CM/ResDH\(2009\)159](#)) in which the Committee noted with concern the lack of progress in taking general measures to resolve the structural problems underlying the repetitive violations of the Convention;

Noting with deep concern that notwithstanding the Committee's repeated calls, the Ukrainian authorities failed since 2004 to give priority to devising a comprehensive strategy to bring their legislation and administrative practice in line with the Convention requirements, thus generating new massive applications before the Court;

Recalling that in these circumstances the Court delivered on 15 October 2009 a pilot judgment in the case of Yuriy Nikolayevich Ivanov in which:

- stressed that specific reforms in Ukraine's legislation and administrative practice should be implemented without delay in order to bring it into line with the Court's conclusions in the present judgment and to comply with the requirements of Article 46 of the Convention;
- held that in any event the respondent state must introduce without delay, and at the latest within one year from the date on which the judgment becomes final, i.e. by 15 January 2011, a remedy or a combination of remedies capable of securing adequate and sufficient redress for the non-enforcement or delayed enforcement of domestic decisions;
- ordered the respondent state by the same date to grant such a redress to all persons in the applicant's position in the cases lodged with the Court before the delivery of the pilot judgment and decided to adjourn the Court proceedings in all similar cases for one year;

Taking note of the information provided by the Ukrainian authorities during the meeting that a draft law has been prepared "on enforcement of the court decisions for which the state is responsible";

Noting however that no details have been provided concerning the precise content of the draft law as well as on the timetable envisaged for its adoption;

Noting in addition with regret that only little progress has been made in ad hoc settlement of individual applications lodged with the Court before the delivery of the pilot judgment;

Recalling the obligation of every state, under Article 46, paragraph 1, of the Convention, to abide by the judgments of the Court;

STRONGLY URGES once again the Ukrainian authorities at the highest political level to hold to their commitment to resolving the problem of non-enforcement of domestic judicial decisions and to adopt as a matter of priority the specific reforms in Ukraine's legislation and administrative practice required by the pilot judgment;

FIRMLY INVITES the Ukrainian authorities to enhance their efforts in resolving the similar individual cases lodged with the Court before the delivery of the pilot judgment and to keep the Committee regularly informed of the solutions reached and of their subsequent implementation.

DECIDES to resume consideration of these cases at their 1108th meeting (March 2011) (DH), in the light of information to be provided by the authorities on the measures taken to comply with the judgments.

* * *

1108th meeting - (10 March 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. noted with satisfaction that a draft law addressing problems identified by the Court and providing a domestic remedy in cases of non-enforcement or unreasonably delayed enforcement of domestic judicial decision had been tabled before Parliament;
2. called upon the Ukrainian authorities to give priority to the adoption of the domestic remedy as required by the pilot judgment within the new deadline set by the Court, 15 July 2011;
3. stressed that in order to be considered as effective, such a remedy should meet the core requirements of the Convention, namely that:
 - no-one should be required to prove the existence of non-pecuniary damage as it is strongly presumed to be the direct consequence of the violation itself;
 - compensation should not be conditional on establishing fault on the part of officials or the authority concerned as the state is objectively liable under the Convention for its authorities' failure to enforce court decisions delivered against them, within a reasonable time;
 - the level of compensation must not be unreasonable in comparison with the awards made by the European Court in similar cases;
 - adequate budgetary allocations should be provided so as to ensure that compensation is paid promptly;
4. urged the Ukrainian authorities to enhance their efforts to resolve the similar individual cases lodged with the Court before the delivery of the pilot judgment;
5. strongly urged all Ukrainian authorities to comply without further delay with their obligation under the Convention to enforce those domestic judgments in the cases which appear below in the appendix to the present decision.

1115th meeting - (7-8 June 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. observed that the draft law to resolve the problem of non-enforcement of domestic judicial decisions was before the Ukrainian Parliament for adoption;
2. strongly encouraged the Ukrainian authorities to ensure that the draft law meets the key requirements of the Convention and to give priority to its adoption before the expiry of the deadline set by the Court in its pilot judgment, i.e. 15 July 2011;
3. urged the Ukrainian authorities to enhance their efforts to resolve the similar individual cases pending before the Court lodged before the delivery of the pilot judgment;
4. strongly urged the Ukrainian authorities to enforce the domestic judicial decisions in a number of cases in the Zhovner group where this has not yet been done without further delay.

1120th meeting - (13-14 September 2011)

[🏠 List of decisions 🏠](#)

Decision

The Deputies adopted Interim Resolution [CM/ResDH\(2011\)184](#).

Interim resolution CM/ResDH(2011)184

(Application No. 40450/04, judgment of 15/10/2009, final on 15/01/2010)

(Adopted by the Committee of Ministers on 14 September 2011

at the 1120th 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 pilot judgment of the European Court of Human Rights ("the Court") of 15 October 2009 in the case of Yuriy Nikolayevich Ivanov against Ukraine transmitted to the Committee for supervision of its execution under Article 46 of the Convention;

Recalling that in this judgment the Court unanimously:

- found violations arising from a practice incompatible with the Convention which consists in the state's recurrent failure in its obligation to honour judgment debts and in respect of which aggrieved parties have no effective domestic remedy;
- ordered the respondent state to set up such a remedy within one year from the date on which the judgment became final, i.e. by 15 January 2011, and by the same date to grant adequate and sufficient redress to all persons in the applicant's position in the cases lodged with the Court before the delivery of the pilot judgment;
- decided to adjourn examination of all similar cases for one year, i.e. until 15 January 2011;

Recalling further that this deadline was extended by the Court at the request of the Ukrainian authorities until 15 July 2011;

Noting that in response to the Committee's Interim Resolutions ([CM/ResDH\(2008\)1](#), [CM/ResDH\(2009\)159](#) and [CM/ResDH\(2010\)222](#)) a draft law addressing the problems identified by the Court and providing a domestic remedy was prepared;

Noting that this draft law was adopted at the first reading by the Ukrainian Parliament on 9 September 2011;

Regretting however that the Court's extended deadline for ad hoc settlement of all individual applications lodged with the Court before the delivery of the pilot judgment has not been complied with although certain progress has been achieved in this respect;

Recalling that since 2004, the Committee of Ministers has repeatedly called upon the Ukrainian authorities to set up, as a matter of priority, a domestic remedy against excessive delays in enforcement of domestic courts' decisions which would secure adequate and sufficient redress in line with the Convention's requirements ([CM/ResDH\(2008\)1](#) and [CM/ResDH\(2009\)159](#));

Having regard to the obligation undertaken by the Ukrainian authorities under Article 46 of the Convention to abide by the judgments of the Court;

WELCOMES the adoption of the draft law (on guarantees of the State concerning the execution of court decisions) at the first reading in the Ukrainian Parliament;

STRONGLY ENCOURAGES Ukraine to bring the legislative process to an end without any further delay given that the deadline set by the Court has expired;

CALLS UPON the Ukrainian authorities to ensure that the draft law in question meets the principles of the Convention as set out in the Court's case-law in order to constitute an appropriate response to the pilot judgment in the case of Yuriy Nikolayevich Ivanov including the allocation of appropriate budgetary means;

URGES the Ukrainian authorities to redouble their efforts to resolve without further delay the similar individual cases lodged with the Court prior to the delivery of the pilot judgment and to keep the Committee regularly informed of the solutions reached and of their implementation.

Reference texts

Information document [CM/Inf/DH\(2007\)30rev](#)

Interim Resolutions [CM/ResDH\(2008\)1](#), [CM/ResDH\(2009\)159](#), [CM/ResDH\(2010\)222](#), [CM/ResDH\(2011\)184](#)

Communication from the Registry of the European Court [DH-DD\(2011\)54E](#)

Communication from the Registry of the European Court [DH-DD\(2011\)757E](#)

Communication from Ukraine [DH-DD\(2011\)433E](#)

Communication from Ukraine [DH-DD\(2011\)705E](#), [DH-DD\(2012\)263](#)

Decision

The Deputies,

1. expressed their concern, as underlined in their decision adopted at their 1128th meeting (December 2011) (DH), that the present situation, in which the pilot judgment still remains to be fully executed creates a serious threat to the effectiveness of the Convention system;
2. regretted in this respect that the draft law "On State guarantees concerning execution of judicial decisions", which according to the authorities is the most appropriate solution to the problem, has still not been adopted by the Ukrainian parliament;
3. noted that the Ukrainian authorities indicated that the recent decisions of the Constitutional Court of Ukraine are expected to facilitate the adoption of this draft law;
4. took note of the decision of the European Court of 28 February 2012 to resume the examination of applications raising similar issues and of the information provided by the Court that about 1 000 new similar applications have been lodged since 1 January 2011;
5. called again upon the Ukrainian authorities urgently to adopt the effective remedy required by the pilot judgment and invited them to provide the revised version of the draft law mentioned above and a time-table for its adoption;

Reference documents:

Information document [CM/Inf/DH\(2007\)30rev](#)

Interim Resolutions [CM/ResDH\(2008\)1](#), [CM/ResDH\(2009\)159](#), [CM/ResDH\(2010\)222](#), [CM/ResDH\(2011\)184](#)

Communication from the Registry of the European Court [DH-DD\(2011\)54E](#)

Communication from the Registry of the European Court [DH-DD\(2011\)757E](#)

Communication from Ukraine [DH-DD\(2011\)433E](#)

Communication from Ukraine [DH-DD\(2011\)705E](#)

[Press release](#) issued by the European Court on 29 February 2012

[Decision](#) adopted at the 1136th meeting

Decision

The Deputies

1. welcomed the adoption, on 5 June 2012, of the Law of Ukraine "on State guarantees concerning execution of judicial decisions";

2. invited the Ukrainian authorities to provide the Committee of Ministers with the text of the law as adopted by Parliament and information on its entry into force, as well as with information on its compliance with the Convention requirements as set out in the pilot judgment in the case of Yuriy Nikolayevich Ivanov;
3. recalled that the availability of the necessary budgetary allocations is one of the key conditions for the effective functioning of the new mechanism and invited the Ukrainian authorities to inform the Committee of Ministers of the measures taken in this respect;
4. invited the Secretariat to prepare, in close co-operation with the Ukrainian authorities, an evaluation of the situation in the light of these new developments;
5. encouraged the Ukrainian authorities to continue their efforts with a view to resolving similar individual cases lodged with the Court prior to the delivery of the aforementioned pilot judgment.

1150th meeting - (24-26 September 2012)

[List of decisions](#)

Reference documents:

Information document [CM/Inf/DH\(2007\)30rev](#)

Interim Resolutions [CM/ResDH\(2008\)1](#), [CM/ResDH\(2009\)159](#), [CM/ResDH\(2010\)222](#), [CM/ResDH\(2011\)184](#)

Information document ([CM/Inf/DH\(2012\)29](#))

Communication from the Registry of the European Court [DH-DD\(2011\)54E](#)

Communication from the Registry of the European Court [DH-DD\(2011\)757E](#)

Communication from Ukraine [DH-DD\(2011\)433E](#)

Communication from Ukraine [DH-DD\(2011\)705E](#)

Communication from Ukraine ([DH-DD\(2012\)775E](#))

[Press release](#) issued by the European Court on 29 February 2012

[Decision](#) adopted at the 1144th meeting

Decision

The Deputies

1. recalled having invited the Secretariat, in close co-operation with the Ukrainian authorities, to prepare an evaluation of the situation in the light in particular of the adoption on 5 June 2012 of the law of Ukraine “on State guarantees concerning execution of judicial decisions”;
2. took note of the Memorandum [CM/Inf/DH\(2012\)29](#) and endorsed the evaluation therein presented;
3. noted further that the above-mentioned law, which will enter into force on 1 January 2013, could constitute an effective domestic remedy in cases of non-enforcement of domestic judicial decisions which will be taken after the entry into force of the said law, provided that the outstanding questions are addressed, including the allocation of sufficient budgetary means;
4. deeply regretted, however, that the law as adopted is not applicable to the already existing domestic judicial decisions and, therefore, does not permit the repatriation of repetitive applications already pending before the Court, nor to stop the influx of new repetitive applications;
5. noted in this context the first judgment delivered by the Court since the defreezing of the repetitive applications in the case of Kharuk and others against Ukraine;
6. urged the Ukrainian authorities once again to take the necessary measures as a matter of utmost urgency in order to resolve the problem of non-enforcement of already existing domestic judicial decisions;
7. invited the Ukrainian authorities to provide further and detailed information in the light of the above-mentioned memorandum in due time for the 1157th meeting (December 2012) (DH);
8. decided to declassify the memorandum [CM/Inf/DH\(2012\)29](#).

Reference documents:

Information document [CM/Inf/DH\(2007\)30rev](#)

Interim Resolutions [CM/ResDH\(2008\)1](#), [CM/ResDH\(2009\)159](#), [CM/ResDH\(2010\)222](#), [CM/ResDH\(2011\)184](#)

Information document [CM/Inf/DH\(2012\)29](#)

Communication from the Registry of the European Court [DH-DD\(2011\)54E](#)

Communication from the Registry of the European Court [DH-DD\(2011\)757E](#)

Communication from Ukraine [DH-DD\(2011\)433E](#)

Communication from Ukraine [DH-DD\(2011\)705E](#)

Communication from Ukraine [DH-DD\(2012\)775E](#)

Communication from Ukraine [DH-DD\(2012\)1065E](#)

Communication from Ukraine [DH-DD\(2012\)1139](#)

[Press release](#) issued by the European Court on 29 February 2012

[Decision](#) adopted at the 1150th meeting

Décision

The Deputies adopted Interim Resolution CM/Res/DH(2012)234 as it appears in document CM/Del/Dec(2012)1157, Volume of Resolutions.

Interim resolution CM/ResDH(2012)234

Execution of the judgments of the European Court of Human Rights

Yuriy Nikolayevich Ivanov against Ukraine and the Zhovner group of 389 cases against Ukraine ([list of cases](#)) concerning the non-enforcement or delayed enforcement of domestic judicial decisions and the lack of an effective remedy in respect thereof

(Application No. 40450/04, judgment of 15/10/2009, final on 15/01/2010)

(Adopted by the Committee of Ministers on 6 December 2012 at the 1157th 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 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 389 cases in the Zhovner group transmitted to the Committee for supervision of its execution under Article 46 of the Convention;

Recalling that since 2004, the Committee of Ministers has repeatedly called upon the Ukrainian authorities to adopt, as a matter of priority, the necessary measures in its domestic legal system (CM/ResDH(2008)1, CM/ResDH(2009)159, CM/ResDH(2010)222, and CM/ResDH(2011)184);

Recalling in this context that the new law of 5 June 2012 “on State guarantees concerning execution of judicial decisions” concerns, notwithstanding the pilot judgment, only future judicial decisions and, therefore, does not permit the repatriation of repetitive applications already pending before the Court, nor to stop the influx of new repetitive applications;

Recalling further its latest decision adopted in September 2012, in which the Committee urged the Ukrainian authorities once again to take the necessary measures in order to resolve this problem as a matter of utmost urgency, as well as to address the concerns set out in the memorandum CM/Inf/DH(2012)29 regarding the provisions of the new law;

Noting that in response to the Committee’s aforementioned decision, the Ukrainian authorities indicated that they have drafted the law *On amendments to the Law of Ukraine On guarantees of the State concerning the execution of the court decisions* aimed at resolving the problem of outstanding debts and which is currently under consideration by the Cabinet of Ministers of Ukraine;

Deeply regretting however that this draft law has not been introduced yet, and urging therefore the Ukrainian authorities to increase their efforts to swiftly bring the legislative process to an end;

Profoundly deploring that the pilot judgment therefore still remains to be fully executed and that this situation poses a serious threat to the respect of the rule of law and to the effectiveness of the Convention system;

Reaffirming most firmly that the High Contracting Parties to the Convention have undertaken to abide by the final judgment of the Court in any case to which they are parties and that this obligation is unconditional,

URGES the Ukrainian authorities to adopt as a matter of utmost priority the necessary measures in order to resolve the problem of non-enforcement of domestic judicial decisions and to fully comply with the pilot judgment with no further delay;

ENCOURAGES the Ukrainian authorities in particular to make increasingly use of unilateral declarations and friendly settlements in order to resolve the problem of cases pending before the Court.

Reference texts:

Information documents [CM/Inf/DH\(2007\)30rev](#), [CM/Inf/DH\(2012\)29](#)
[CM/Inf/DH\(2013\)11](#)

Interim Resolutions [CM/ResDH\(2008\)1](#), [CM/ResDH\(2009\)159](#), [CM/ResDH\(2010\)222](#), [CM/ResDH\(2011\)184](#),
[CM/ResDH\(2012\)234](#)

Communication from the Registry of the European Court (21/01/2011) [DH-DD\(2011\)54E](#)
 Communication from the Registry of the European Court (09/09/2011) [DH-DD\(2011\)757E](#)

Communication from Ukraine (03/06/2011) [DH-DD\(2011\)433E](#)
 Communication from Ukraine (09/09/2011) [DH-DD\(2011\)705E](#)
 Communication from Ukraine (30/07/2012) [DH-DD\(2012\)775E](#)
 Communication from Ukraine (01/11/2012) [DH-DD\(2012\)1065E](#)
 Communication from Ukraine (05/12/2012) [DH-DD\(2012\)1139E](#)

[Press release](#) issued by the European Court (29/02/2012)

[Decision](#) adopted at the 1150th meeting (September 2012)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. took note of the updated memorandum CM/Inf/DH(2013)11 and endorsed the evaluation presented therein;
2. noted, as regards the execution of new domestic judgments, that a new system has eventually been set up following the entry into force on 1 January 2013 of a new remedy law ("on State guarantees concerning execution of judicial decisions"), but reiterated that questions persist, most notably as regards:
 - the effectiveness of the measures taken to ensure execution within a reasonable time in all situations, notably because of the inflexibility of the new system, including the level of compensation,
 - the absence of adaptation of other legislation (in particular the moratorium laws);
3. also noted the information given as to the viability of the budgetary appropriations foreseen to cover the costs of the new remedy law and stressed the importance of possibilities to increase funds throughout the year, if need be;
4. reiterated, however, their deep regret and concern that the problem of the non-execution of old, already existing, judicial decisions has still not been resolved and that legislation to this end still needs to be adopted; encouraged consequently the Ukrainian authorities to adopt with the utmost urgency the required legislation, taking into account the recommendations made in the updated memorandum, and to develop, awaiting the reforms, a viable practice of friendly settlements and unilateral declarations before the Court;
5. reminded, moreover, the Ukrainian authorities of the urgent need to resolve also the issue of non-enforcement of judicial decisions imposing non-pecuniary obligations and called upon them to provide concrete information on the envisaged measures, including a time-table for their adoption;
6. further reminded the Ukrainian authorities of their obligation to take urgently the necessary individual measures to ensure the full enforcement of all domestic judgments delivered in the applicants' favour in this group of cases and to provide information on progress made without further delay;
7. insisted yet again that urgent and immediate action is still required by Ukraine to resolve this long-standing and overdue problem;
8. decided to declassify the updated memorandum CM/Inf/DH(2013)11.

Reference texts:

Information documents [CM/Inf/DH\(2007\)30rev](#), [CM/Inf/DH\(2012\)29](#), [CM/Inf/DH\(2013\)11](#)

Interim Resolutions [CM/ResDH\(2008\)1](#), [CM/ResDH\(2009\)159](#), [CM/ResDH\(2010\)222](#),
[CM/ResDH\(2011\)184](#), [CM/ResDH\(2012\)234](#)

Communications from the Registry of the European Court

(21/01/2011) [DH-DD\(2011\)54](#), (09/09/2011) [DH-DD\(2011\)757](#)

Press release (29/02/2012) [ECHR 086 \(2012\)](#)

Correspondence between the Chairman of the Ministers' Deputies and the Registrar of the European Court
 (17/07/213) [DH-DD\(2013\)830](#)

Communication from the Registry of the European Court (26/07/2013) [DH-DD\(2013\)861](#)

Communications from Ukraine

Communication on the general measures (24/10/2013) (Ivanov) [DH-DD\(2013\)1165](#)

(20/09/2013) [DH-DD\(2013\)1051](#), (05/12/2012) [DH-DD\(2012\)1139](#), (01/11/2012) [DH-DD\(2012\)1065](#), (09/09/2011)
[DH-DD\(2011\)705](#), (30/07/2012) [DH-DD\(2012\)775](#), (03/06/2011) [DH-DD\(2011\)433](#)

[Decision](#) adopted at the 1164th meeting (March 2013)

Decision**The Deputies**

1. noted with satisfaction that, following the high-level consultations which took place in Kyiv on 12 September 2013 between the Ukrainian authorities and Council of Europe representatives, the Ukrainian Parliament adopted legislative amendments setting up a remedy in respect of the non-enforcement of domestic judicial decisions rendered before 1 January 2013;
2. invited the Ukrainian authorities to take all the necessary measures to ensure that this remedy, in force since 16 October 2013, is implemented effectively and encouraged them to launch an appropriate information campaign on this new remedy for the attention of the persons concerned;
3. invited further the Ukrainian authorities to provide clarifications on all the outstanding issues, notably as regards the budgetary allocations which will be made for the financing of the remedy;
4. as regards the domestic remedy set up in respect of domestic judicial decisions delivered after 1 January 2013, invited the Ukrainian authorities to submit, until the end of January 2014 at the latest, an assessment on its impact in practice since its entry into force;
5. strongly encouraged the Ukrainian authorities to provide information on the different measures envisaged to address the origins of the violations found by the Court in these cases, where necessary by revising moratorium laws and by ensuring that budgetary constraints are duly considered when passing legislation so as to prevent situations of non-enforcement of domestic judicial decisions against the State or its entities;
6. as regards individual measures, recalled once again the obligation of the Ukrainian authorities to ensure the full enforcement of all domestic judgments delivered in the applicants' favour in this group of cases and to provide information without delay on the progress achieved, as well as on the payment of just satisfaction in all cases in which this questions remains outstanding.

United-Kingdom

Application : 27021/08 Judgment Final on 07/07/2011	AL-JEDDA v. United-Kingdom	Enhanced procedure : complex problem
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1144th meeting - (4-6 June 2012)

[🏠 List of decisions 🏠](#)

Reference documents:

Action plan 30/03/2012 [DH-DD\(2012\)437E](#)

Decision

The Deputies

1. noted that the applicant was released from detention in 2007 and consider that no further individual measure is necessary aside from the payment of just satisfaction, which the authorities have paid;
2. in respect of the general measures, noted with interest the policy of settlement negotiations currently undertaken by the authorities to resolve similar cases, with the intention of avoiding the domestic courts or the European Court having to address a significant number of repetitive applications;
3. noted that the United Kingdom authorities will keep the Committee informed in this respect;
4. also noted the authorities' position that the Court's findings in this case have no implications for the United Kingdom's operations elsewhere including detention operations in Afghanistan and invited the authorities to clarify this question with the Secretariat in the context of bilateral consultations;
5. decided to examine this case again on the basis of the additional information and clarifications sought.

1172nd meeting - (4-6 June 2013)

[🏠 List of decisions 🏠](#)

Reference texts:

Updated action plan (18/01/2013) [DH-DD\(2013\)62](#)

Action plan (30/03/2012) [DH-DD\(2012\)437](#)

Communication from a NGO (SIHRG) (19/07/12) [DH-DD\(2012\)712](#)

[Decision](#) adopted at the 1144th meeting (June 2012)

Decision

The Deputies

1. recalled as regards individual measures, that the applicant was released from detention in 2007, that the just satisfaction has been paid and that no further individual measure appears necessary;
2. as regards general measures, noted with interest the clarification that the Court's findings in this case are set in the factual circumstances of United Kingdom's past operations in Iraq and have no implications for its current operations elsewhere including detention operations in Afghanistan in particular because United Kingdom armed forces operate there as part of a United Nations-mandated force authorised by the United Nations Security Council with the consent of the Government of Afghanistan; noted also that this question is currently being examined by the domestic courts;
3. noted with satisfaction the progress of the settlement negotiations undertaken by the authorities to resolve similar cases and that the judgment has been widely published and disseminated within government;

4. invited the authorities to keep the Committee updated on all relevant developments and decided, in the light of the significant progress made, notably in the settlement proceedings, to transfer this case for supervision under the standard procedure.

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Application : 61498/08 Judgment Final on 04/10/2010	Al-Saadoon and Mufdhi v. United-Kingdom	Enhanced procedure
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1100th meeting– (2 December 2010)[List of decisions](#)*Section 2.1*Decision

The Deputies,

1. recalled the Council of Europe's unequivocal condemnation of the death penalty and the conclusion of the European Court that the number of states who have ratified Protocol 13 "together with the consistent State practice in observing the moratorium on capital punishment are strongly indicative that Article 2 has been amended so as to prohibit the death penalty in all circumstances²⁴" and against this background "the Court does not consider that the wording of the second sentence of Article 2§1 continues to act as a bar to its interpreting the words "inhuman or degrading treatment or punishment" in Article 3 as including the death penalty²⁵";
2. recalled that in its judgment, the European Court found, under Article 46 of the Convention, that respect for their obligations under Article 3 of the Convention requires the government of the United Kingdom to seek to put an end to the applicants' suffering as soon as possible by taking all possible steps to obtain an assurance from the Iraqi authorities that the applicants will not be subjected to the death penalty;
3. noted with concern from the information provided by the United Kingdom authorities, that the applicants, who are charged with murder, are currently detained by the Iraqi High Tribunal and face the risk of the death penalty;
4. recalled in this respect that from the date that the European Court's judgment became final until now, the United Kingdom authorities took all possible steps to seek assurances from the Iraqi High Tribunal and the President and Prime Minister of Iraq that the death penalty would not be imposed on the applicants and that the United Kingdom authorities are in continued contact with the Iraqi authorities and representatives from the Iraqi High Tribunal;
5. expressed deep concern, however, that the applicants are faced with the risk of the death penalty and that the Iraqi authorities have so far not given any assurances to the United Kingdom authorities that the death penalty will not be applied;
6. called upon the United Kingdom authorities to take all further possible steps to obtain assurances from the Iraqi authorities that the applicants will not be subjected to the death penalty;
7. invited the United Kingdom authorities to keep the Committee informed of all developments, both in relation to their contacts with the Iraqi authorities and the current situation of the applicants and the progress of their trial;
8. declared the Committee's resolve to ensure, with all means available to the Organisation, the compliance by the United Kingdom with its obligations under this judgment

²⁴ §120 Al Saadoon and Mufdhi v United Kingdom

²⁵ §120 Al Saadoon and Mufdhi v United Kingdom

1108th meeting - (8-10 March 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. recalled that in its judgment, the European Court found under Article 46 of the Convention that respect for their obligations under Article 3 of the Convention requires the government of the United Kingdom to seek to put an end to the applicants' suffering as soon as possible by taking all possible steps to obtain an assurance from the Iraqi authorities that the applicants will not be subjected to the death penalty;
2. recalled that the European Court also found that it is not open to a contracting state to enter into an agreement with another state which conflicts with its obligations under the Convention and that this principle carries all the more force in the present case given the absolute and fundamental nature of the right not to be subjected to the death penalty and the grave and irreversible harm risked by the applicants;
3. noted that the Judge for the Iraqi High Tribunal (IHT) (3rd Felony Trial Panel) and eleven other persons have requested visas to travel to London to interview a number of United Kingdom-based witnesses;
4. welcomed the fact that the United Kingdom authorities had indicated to the IHT that before examining any request for assistance, they would need credible assurances that the death penalty would not be applied; that the President of the Public Prosecution service has provided a signed letter stating that the charges against the applicants carry a maximum penalty of 15 years' imprisonment;
5. welcomed the intention of the United Kingdom authorities to check that the assurances given in this letter effectively guarantee that the applicants no longer face the risk of the death penalty and encouraged them to pursue their efforts by undertaking, if appropriate, any other possible measure to secure such guarantee;
6. invited the United Kingdom authorities to keep the Committee fully informed of all developments, both in relation to their contacts with the Iraqi authorities and the current situation of the applicants and the progress of their trial.

1115th meeting - (7-8 June 2011)[🏠 List of decisions 🏠](#)*Decision*

The Deputies,

1. recalled that the applicants were acquitted by the Iraqi High Tribunal on 27 April 2011 and noted that on 17 May 2011 the Prosecutor appealed the acquittal but did not request application of the death penalty;
2. took note with satisfaction of the information provided by the United Kingdom authorities that the Prosecutor's appeal was rejected on 4 June 2011 and the applicants' acquittal was upheld;
3. noted that there does not appear to be any prospect of a further appeal but that until 27 April 2012, the court may reopen the investigation against the applicants, should new evidence come to light;
4. also welcomed the statement from the United Kingdom authorities that they consider the applicants are no longer at risk of the death penalty and their confirmation that when the Iraqi authorities requested legal assistance, the United Kingdom authorities informed them that credible assurances would be needed that the death penalty would not be imposed;
5. noted that the United Kingdom authorities anticipate receiving a written copy of the relevant verdict and that steps to release the applicants are currently under way;
6. invited the United Kingdom authorities to continue to keep the Committee fully informed of all developments on the current situation of the applicants.

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Application 55721/07 Judgment Final on 07/07/2011	AL-SKEINI AND OTHERS v. United-Kingdom	Enhanced procedure : complex problem
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1144th meeting - (4-6 June 2012)[List of decisions](#)**Reference texts:**

Action plan [DH-DD\(2012\)438E](#) including Minister's statement to Parliament
[R\(Ali Zaki Mousa\) v Secretary of State for Defence & Anr \[2011\] EWCA Civ 1334](#)
 Communication from the Government of the United Kingdom [DH-DD\(2012\)514E](#)

Decision

The Deputies

1. noted with interest the action plan submitted which refers to the establishment of the Iraqi Historic Allegations Team (IHAT) in 2010 to investigate alleged violations of Article 3, arising from mistreatment of individuals by British forces in Iraq during the period March 2003-July 2009, and welcomed the creation of a new team in 2012 within the IHAT to investigate the individual cases in this judgment and other similar cases concerning alleged breaches of Article 2;
2. noted with interest the judgment of the English Court of Appeal on 22 November 2011 which found that the IHAT was not sufficiently independent to satisfy the requirements of the Convention, and the announcement by the Minister of State for the Armed Forces on 26 March 2012 that the IHAT would be restructured in response to this judgment;
3. noted the new Terms of Reference for the IHAT adopted following the above announcement;
4. invited the authorities to provide further clarification on the structure of the new team in the IHAT, as well as on how the new system will take into account the findings of the European Court in these cases, including the specific criticisms concerning the investigation of the death of the fifth applicant's son;
5. also invited the authorities to keep the Committee of Ministers' informed of the progress of the new team within the IHAT investigating the individual cases in this judgment and other similar cases;
6. decided to examine this case again on the basis of the additional information and clarifications sought.

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Application : 28883/95 Judgment Final on 04/08/2001	McKERR Group	Enhanced procedure : structural and/or complex problems
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1201st meeting - (June 2014)[List of decisions](#)**Reference texts:***Interim Resolutions*[ResDH\(2005\)20 CM/ResDH\(2007\)73 CM/ResDH\(2009\)44](#)*Most recent information document*[CM/Inf/DH\(2008\)2rev](#) + [CM/Inf/DH\(2014\)16rev](#)*Communications from the United Kingdom*Action plan (12/02/2014) [DH-DD\(2014\)224](#), (14/10/2013) [DH-DD\(2013\)1127](#)Action plan (McCaughey and Hemsworth) (15/04/2014) [DH-DD\(2014\)505](#)Updated action plan (16/05/2014) [DH-DD\(2014\)663](#)*Most recent communication from the applicants' representatives (concerning individual measures only)*[DH-DD\(2013\)346](#) (concerning Jordan and McKerr dated 23/11/2012)*Most recent communications from NGOs (concerning both general and individual measures)*Committee on the Administration of Justice (12/05/2014) and response from the authorities [DH-DD\(2014\)698](#)Pat Finucane Centre (12/05/2014) and response from the authorities [DH-DD\(2014\)699](#)Committee on the Administration of Justice (11/09/2013) [DH-DD\(2013\)1048](#) and response from the authorities (14/10/2013) [DH-DD\(2013\)1127](#);Committee on the Administration of Justice and response from the authorities (22/11/2012 and 11/12/2012) [DH-DD\(2012\)1173](#);Committee on the Administration of Justice & the Pat Finucane Centre and response from the authorities (16/02/2012 and 29/02/2012) [DH-DD\(2012\)289](#);Relatives for Justice (07/02/2012) [DH-DD\(2012\)244](#)[Decision](#) adopted at the 1086th meeting (June 2010, p. 312)**Decision****The Deputies***Individual measures*

- 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;
- 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

- 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;
- 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;
- 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](#).

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Application : 74025/01 Final on 06/10/2005	HIRST N°2 v. Royaume Uni	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)

Section 4.3

- 1 case against the United Kingdom

74025/01 Hirst No. 2, judgment of 06/10/2005 - Grand Chamber
Interim Resolution [CM/ResDH\(2009\)160](#)

Decision

The Deputies,

1. recalled that in the present judgment, delivered on 6 October 2005, 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;
2. recalled further that at the last DH meeting in December 2009, the Committee of Ministers adopted Interim Resolution CM/ResDH(2009)160, in which it expressed serious concern that the substantial delay in implementing the judgment has given rise to a significant risk that the next United Kingdom general election, which must take place by June 2010, will be performed in a way that fails to comply with the Convention, and urged the respondent state to rapidly adopt measures to implement the judgment;
3. noted that notwithstanding the Grand Chamber's judgment in 2005, a declaration of incompatibility with the Convention under the Human Rights Act 1998 by the highest civil appeal court in Scotland²⁶ and the large number of persons affected, the said automatic and indiscriminate restriction remains in force;
4. reiterated their serious concern that a failure to implement the Court's judgment before the general election and the increasing number of persons potentially affected by the restriction could result in similar violations affecting a significant category of persons, giving rise to a substantial risk of repetitive applications to the European Court;
5. strongly urged the authorities to rapidly adopt measures, of even an interim nature, to ensure the execution of the Court's judgment before the forthcoming general election;
6. decided to resume consideration of this item at their 1086th meeting (June 2010) (DH) in the light of further information to be provided by the authorities on general measures.

Interim resolution CM/ResDH(2009)160²⁷

**Execution of the judgment of the European Court of Human Rights
Hirst against the United Kingdom No. 2**

(Application No. 74025/01, Grand Chamber judgment of 06/10/2005)

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 judgment, 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;

²⁶ The Registration Appeal Court of Scotland (part of the Court of Session): Smith v Scott 2007 S.L.T 137 judgment of 24/01/2007.

²⁷ Adoptée par le Comité des Ministres le 3 Décembre 2009, lors de la 1072th meeting des Délégués des Ministres.

Recalling that the Court, while acknowledging that the rights bestowed by Article 3 of Protocol 1 are not absolute, expressly noted that in the present case the blanket restriction applied automatically to all prisoners, irrespective of the length of their sentence, the nature or gravity of their offence and their individual circumstances;

Recalling further that the Court found “no evidence that Parliament has ever sought to weigh the competing interests or to assess the proportionality of a blanket ban on the right of a convicted prisoner to vote”;

Noting that the blanket restriction imposed by Section 3 of the Representation of the People Act 1983 remains in full force and effect;

Recalling that the United Kingdom authorities, in a revised Action Plan submitted in December 2006, committed to undertaking a two-stage consultation process to determine the measures necessary to implement the judgment of the Court, with a view to introducing the necessary draft legislation before Parliament in May 2008;

Noting that the United Kingdom authorities have provided detailed information as regards the consultation process, and that they are committed to continuing to do so;

Noting however that the second consultation stage ended on 29 September 2009, and the United Kingdom authorities are now undertaking a detailed analysis of the responses thereto, in order to determine how best to implement a system of prisoner enfranchisement based on the length of custodial sentence handed down to prisoners,

EXPRESSES SERIOUS CONCERN that the substantial delay in implementing the judgment has given rise to a significant risk that the next United Kingdom general election, which must take place by June 2010, will be performed in a way that fails to comply with the Convention;

URGES the respondent state, following the end of the second stage consultation period, to rapidly adopt the measures necessary to implement the judgment of the Court;

DECIDES to resume consideration of this case at their 1078th meeting (March 2010) (DH), in the light of further information to be provided by the authorities on general measures.

1086th meeting– (3 June 2010)

[List of decisions](#)

Section 4.3

Decision

The Deputies,

1. recalled that in the present judgment, delivered on 6 October 2005, 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;
2. recalled that in December 2009, the Committee of Ministers adopted Interim Resolution CM/ResDH(2009)160, in which it expressed serious concern that the substantial delay in implementing the judgment had given rise to a significant risk that the United Kingdom general election in 2010 would be performed in a way that fails to comply with the Convention, and urged the respondent state to rapidly adopt measures to implement the judgment;
3. recalled further that in March 2010, the Committee reiterated its serious concern that a failure to implement the Court's judgment before the general election and the increasing number of persons potentially affected by the restriction could result in similar violations affecting a significant category of persons, giving rise to a substantial risk of repetitive applications to the European Court;
4. expressed profound regret that despite the repeated calls of the Committee, the United Kingdom general election was held on 6 May 2010 with the blanket ban on the right of convicted prisoners in custody to vote still in place;
5. expressed confidence that the new United Kingdom government will adopt general measures to implement the judgment ahead of elections scheduled for 2011 in Scotland, Wales and Northern Ireland, and thereby also prevent further, repetitive applications to the European Court;
6. decided to resume consideration of this case at their 1092nd meeting (September 2010) (DH), in light of a draft interim resolution to be prepared by the Secretariat if necessary.

Decision

The Deputies,

1. recalled that in the present judgment, delivered on 6 October 2005, the Court found that the general, automatic and indiscriminate restriction of 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;
2. recalled that since its 1059th meeting (June 2009), the Committee has urged the United Kingdom to prevent future, repetitive applications by adopting general measures to implement the judgment;
3. deeply regretted that despite the Committee's calls to the United Kingdom over the years to implement the judgment, the risk of repetitive applications to the European Court has materialised as the Court has communicated 3 applications to the government with a view to adopting the pilot judgment procedure and has received over 1 340 applications;
4. noted, that according to the information provided by the United Kingdom authorities during the meeting, the new government is actively considering the best way of implementing the judgment;
5. regretted, however, that no tangible and concrete information was presented to the Committee on how the United Kingdom now intends to abide by the judgment;
6. called upon the United Kingdom, to prioritise implementation of this judgment without any further delay and to inform the Committee of Ministers on the substantive steps taken in this respect;
7. highlighted in this connection that, within the margin of appreciation of the state, the measures to be adopted should ensure that if a restriction is maintained on the right of convicted persons in custody to vote, such a restriction is proportionate with a discernible and sufficient link between the sanction, and the conduct and circumstances of the individual concerned;
8. decided to resume consideration of this item at their 1100th meeting (November-December 2010) (DH) and instructed the Secretariat, in the absence of any concrete developments, to prepare a draft second interim resolution.

Decision

The Deputies:

1. recalled that, in the present judgment, delivered on 6 October 2005, 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;
2. recalled that at its meeting in December 2009, the Committee of Ministers adopted Interim Resolution [CM/ResDH\(2009\)160](#), in which it urged rapid adoption of the general measures by the Respondent State;
3. noted that despite this, the United Kingdom general election was held on 6 May 2010 with the blanket ban on the right of convicted prisoners in custody to vote still in place;
4. recalled that in such circumstances the risk of repetitive applications identified by the Committee has materialised, as stated by the European Court in the pilot judgment, Greens and M.T. against the United Kingdom (60041/08 and 60054/08, judgment of 24/11/2010 not yet final), with over 2 500 clone applications received by the European Court;
5. noted that the United Kingdom authorities have confirmed that they will present draft legislation to implement the judgment in the near future as announced on 3 November by the Prime Minister to the United Kingdom Parliament;

6. expressed hope that the elections scheduled for 2011 in Scotland, Wales and Northern Ireland can be performed in a way that complies with the Convention;
7. called upon the United Kingdom authorities to present an Action plan for implementation of the judgment which includes a clear timetable for the adoption of the measures envisaged, without further delay;
8. decided to resume consideration of this item at their 1108th meeting (March 2011) (DH), in the light of further information to be provided by the authorities on general measures.

1108th meeting - (8-10 March 2011)[🏠 List of decisions 🏠](#)

The Deputies,

1. recalled that, in the present judgment, delivered on 6 October 2005, 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;
2. recalled that at the Deputies' 1100th meeting (November - December 2010), the United Kingdom authorities confirmed that they would present draft legislation in the near future, and noted that they remained committed to implementing the judgment;
3. noted the consideration of the issues raised in the judgment by Parliament on 11 January 2011 and 10 February 2011, as referred to by the United Kingdom authorities in their submission to the Committee (see DD(2011)139);
4. noted further that on 22 February 2011 the United Kingdom government requested a referral to the Grand Chamber of the pilot judgment *Greens and M.T.* which reiterates the conclusions in *Hirst No. 2* and establishes a timetable for the United Kingdom authorities to propose legislation in order to execute both judgments;
5. decided, in light of the above, to resume consideration of the questions raised by the judgment once the referral request has been considered.

1115th meeting - (7-8 June 2011)[🏠 List of decisions 🏠](#)

Decision

The Deputies,

1. recalled that in the *Hirst (No. 2)* judgment, final on 6 October 2005, 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;
2. recalled that at their 1108th meeting (March 2011), the Deputies noted that on 22 February 2011 the United Kingdom government had requested a referral to the Grand Chamber of the pilot judgment *Greens and M.T.* and decided consequently to resume consideration of the questions raised by the judgment once the referral request had been considered;
3. noted that the request for a referral to the Grand Chamber in *Greens and M.T.* was refused by the panel of the Grand Chamber on 11 April 2011, and that the pilot judgment subsequently became final on that date;
4. noted further that, according to §115 of the pilot judgment, the United Kingdom authorities have until 11 October 2011 to introduce legislative proposals with a view to the enactment of an electoral law to achieve compliance with the Court's judgments in *Hirst* and *Greens and M.T.* according to any time-scale determined by the Committee of Ministers;
5. consequently invited the United Kingdom authorities to present an action plan to this effect without delay.

1120th meeting - (13-14 September 2011)[List of decisions](#)Decision

The Deputies,

1. recalled that the pilot judgment in Greens and M.T. against the United Kingdom became final on 11 April 2011 and that according to §115 of that judgment, the United Kingdom authorities had until 11 October 2011 to introduce legislative proposals with a view to the enactment of an electoral law to achieve compliance with the Court's judgments in Hirst No. 2 and Greens and M.T.;
2. noted that on 30 August 2011 the European Court granted a request from the United Kingdom authorities to extend that deadline to 6 months after the delivery of the Grand Chamber judgment in the case of Scoppola No. 3 against Italy;
3. decided to suspend its examination of these cases and to resume it after delivery of the Grand Chamber judgment in Scoppola No. 3 against Italy, and in the meantime invited the United Kingdom authorities to keep the Committee informed of any further developments.

1150th meeting - (24-26 September 2012)[List of decisions](#)**Reference texts:**

Interim Resolution [CM/ResDH\(2009\)160](#)

Communication from the United Kingdom (Hirst No. 2) [DH-DD\(2011\)139](#)

Correspondence between the United Kingdom authorities and the Registry of the European Court (Greens and M.T.) [DH-DD\(2011\)679E](#)

[Decision](#) adopted at the 1120th meeting

[Press release](#) of the European Court of 22 May 2012 Implications of Scoppola (no. 3) Grand Chamber judgment 22.05.2012

Decision

The Deputies

1. recalled that the question of voting rights of convicted prisoners in prison has been pending before the Committee of Ministers since it began supervising the execution of the judgment in Hirst No. 2 against United Kingdom, namely almost seven years;
2. recalled that the absence of concrete measures taken by the United Kingdom authorities in response to that judgment gave rise to an interim resolution of the Committee (CM/ResDH(2009)160) as well as the adoption by the European Court of the pilot judgment Greens and M.T. against United Kingdom, which became final on 11 April 2011;
3. underlined that according to §115 of the pilot judgment, the authorities had six months from the date that judgment became final to introduce legislative proposals to amend the electoral law imposing a blanket restriction on voting rights of convicted prisoners in prison, and achieve compliance with the Court's judgment in Hirst No. 2;
4. recalled further that on 30 August 2011 the European Court granted a request from the United Kingdom authorities to extend that deadline to six months after delivery of the Grand Chamber judgment in the case of Scoppola No. 3 against Italy;
5. noted that the Grand Chamber delivered its judgment in Scoppola No. 3 against Italy on 22 May 2012 and that consequently, the United Kingdom authorities have until 23 November 2012 to comply with the pilot judgment;
6. called upon the United Kingdom authorities to take the concrete measures necessary to comply with the pilot judgment within the new deadline set by the Court and invited them to keep the Committee regularly informed of developments in this respect;

7. decided to resume consideration of this question at its 1157th meeting (December 2012) (DH).

1157th meeting - (4-6 December 2012)

[List of decisions](#)

Reference texts:

Interim Resolution [CM/ResDH\(2009\)160](#)

Communication from the United Kingdom (Hirst No. 2) [DH-DD\(2011\)139](#)

Action Plan (23/11/2012) [DH-DD\(2012\)1106](#)

Correspondence between the United Kingdom authorities and the Registry of the European Court (Greens and M.T.) [DH-DD\(2011\)679E](#)

[Decision](#) adopted at the 1150th meeting

Decision

The Deputies

1. recalled that in the judgment Hirst No. 2 and the Greens and M.T. pilot judgment the European Court found violations of Article 3 of Protocol 1 due to the blanket ban on voting imposed automatically on the applicants due to their status as convicted offenders detained in prison;
2. recalled further that the United Kingdom authorities had until 23 November 2012 to introduce legislative proposals to amend the electoral law imposing a blanket restriction on voting rights of convicted prisoners in prison;
3. noted with great interest that the United Kingdom authorities introduced legislative proposals to Parliament on 22 November 2012 to amend the electoral law imposing a blanket restriction on voting rights of convicted prisoners in prison, which include a range of options for a Parliamentary Committee to consider;
4. welcomed and strongly supported the announcement made by the Lord Chancellor and Secretary of State for Justice when presenting the legislative proposals to Parliament that “the Government is under an international legal obligation to implement the [European] Court’s judgment” and “the accepted practice is that the United Kingdom observes its international obligations”;
5. considered that the final version of the legislation that will be proposed to Parliament should be in conformity with the fundamental principles recalled in this announcement;
6. in this respect endorsed the view expressed in the Explanatory Report to the draft bill presenting the legislative proposals, that the third option aimed at retaining the blanket restriction criticised by the European Court cannot be considered compatible with the European Convention on Human Rights;
7. recalled that §115 of the pilot judgment states that the legislative proposals should be introduced “with a view to the enactment of an electoral law to achieve compliance with the Court’s judgment in Hirst No. 2 according to any time-scale determined by the Committee of Ministers” and invited the authorities to keep the Committee regularly informed of progress made and on the proposed time-scale;
8. decided to resume consideration of the case at the latest at its 1179th meeting (September 2013) (DH) in the light of the above.

1179th meeting - (24-26 September 2013)

[List of decisions](#)

Reference texts:

Interim Resolution [CM/ResDH\(2009\)160](#)

Letter from the Registry of the European Court concerning the case of Firth and 2353 others (Greens and M.T. case) (18/03/2013) [DH-DD\(2013\)310](#)

Correspondence between the United Kingdom authorities and the Registry of the European Court (Greens and M.T.) [DH-DD\(2011\)679](#)

Communication from the United Kingdom (Hirst No. 2) (01/03/2011) [DH-DD\(2011\)139](#)

Action Plan (23/11/2012) [DH-DD\(2012\)1106](#)

Communication from the United Kingdom (03/06/2013) [DH-DD\(2013\)680](#)

[Decision](#) adopted at the 1157th meeting (December 2012)

Decision

The Deputies

1. noted with interest that the pre-legislative scrutiny of the government's proposals will be completed by 31 October 2013 at the latest, which will be a significant step towards the execution of this group of cases;
2. underlined, in light of both the next elections in May 2014 as well as the significant number of repetitive applications pending before the Court, the urgency of bringing the legislative process to a conclusion;
3. urged the authorities, accordingly, to provide information on the proposed timescale for the enactment of the relevant legislation without further delay;
4. decided to resume examination of the progress made at their 1186th meeting (December 2013) (DH).

1186th meeting - (3-5 December 2013)

[List of decisions](#)

Reference texts:

Interim Resolution [CM/ResDH\(2009\)160](#)

Letter from the Registry of the European Court of Human Rights concerning the case of Firth and 2,280 others (23/10/2013) [DH-DD\(2013\)1151](#)

Letter from the Registry of the European Court concerning the case of Firth and 2353 others (Greens and M.T. case) (18/03/2013) [DH-DD\(2013\)310](#)

Communication from the United Kingdom (13/11/2013) [DH-DD\(2013\)1261](#)

Communication from the United Kingdom (09/10/2013) [DH-DD\(2013\)1094](#)

Communication from the United Kingdom (03/06/2013) [DH-DD\(2013\)680](#)

Action Plan (23/11/2012) [DH-DD\(2012\)1106](#)

[Decision](#) adopted at the 1179th meeting (September 2013)

Decision

The Deputies

1. welcomed that the Secretary General of the Council of Europe attended to give evidence before the parliamentary committee on 6 November 2013;
2. expressed their serious concern about the on-going delay in the adoption of legislation to comply with the Convention;
3. noted with concern that the European Court has therefore found it necessary to decide not to further adjourn the proceedings in all similar applications pending before it;
4. urged the United Kingdom authorities to rapidly comply with the judgment by adopting legislation to ensure that future elections are held in compliance with the Convention, thus avoiding new repetitive applications before the European Court;
5. decided to resume consideration of these questions at their 1193rd meeting (March 2014) (DH).

Reference texts:

Interim Resolution [CM/ResDH\(2009\)160](#)

Communications from the Registry of the European Court of Human Rights

Case of Firth and 2,280 others (23/10/2013) [DH-DD\(2013\)1151](#); (18/03/2013) [DH-DD\(2013\)310](#)

Communications from the United Kingdom

(18/12/2013) [DH-DD\(2013\)1366](#) ; Action Plan (23/11/2012) [DH-DD\(2012\)1106](#)

[Decision](#) adopted at the 1186th meeting (December 2013)

Application	Case	Judgment of	Final on
74025/01	HIRST No. 2	06/10/2005	Grand Chamber
60041/08+	GREENS AND M.T.	23/11/2010	11/04/2011

Decision

The Deputies

1. 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;
2. 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;
3. 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;
4. 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.

Reference texts:Interim Resolution [CM/ResDH\(2009\)160](#)*Communications from the Registry of the European Court of Human Rights*Case of Firth and 2,280 others (23/10/2013) [DH-DD\(2013\)1151](#); (18/03/2013) [DH-DD\(2013\)310](#)*Communications from the United Kingdom*(05/06/2014) [DH-DD\(2014\)768](#); (04/03/2014) [DH-DD\(2014\)289](#); (18/12/2013) [DH-DD\(2013\)1366](#) ; Action Plan (23/11/2012) [DH-DD\(2012\)1106](#)*Communication from NGOs*From Prison Reform Trust (27/11/2013) and reply of the authorities (05/12/2013) [DH-DD\(2013\)1316](#)[Decision](#) adopted at the 1193rd meeting (March 2014)**Decision****The Deputies**

1. 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;
2. 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;
3. 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;
4. decided to resume consideration of these cases at their DH meeting in September 2015.

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Application 8139/09 Judgment Final on 09/05/2012	OTHMAN (ABU QATADA) v. United-Kingdom	Enhanced procedure : urgent individual measures
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1144th meeting - (4-6 June 2012)[🏠 List of decisions 🏠](#)**Reference documents:**Communication from the United Kingdom authorities [DH-DD\(2012\)529](#)*Decision*

The Deputies noted the information provided by the United Kingdom authorities regarding the applicant's situation and invited them to keep the Committee regularly updated on developments in this respect.

1179th meeting - (24-26 September 2013)[🏠 List of decisions 🏠](#)**Reference texts:**Communication from the United Kingdom (10/05/2012) [DH-DD\(2012\)529](#)Action report (20/03/2013) [DH-DD\(2013\)315](#)Communication from the United Kingdom (09/07/2013) [DH-DD\(2013\)799](#)[Decision](#) adopted at the 1144th meeting (June 2012)*Decision*

The Deputies decided to close the examination of this case and to adopt the Final Resolution CM/ResDH(2013)198 as it appears in document CM/Del/Dec(2013)1179, Volume of Resolutions.

Final Resolution CM/ResDH(2013)198

Othman (Abu Qatada) against the United Kingdom
Execution of the judgment of the European Court of Human Rights

(Application No. 8139/09, judgment of 17 January 2012, final on 9 May 2012)

*(Adopted by the Committee of Ministers on 26 September 2013
at the 1179th 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 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 is 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 its above-mentioned obligation;

Having recalled that the case concerned the United Kingdom government's decision to deport the applicant to Jordan on national security grounds which the European Court found would be in violation of Article 6, on account of the real risk of the admission of evidence at the applicant's retrial in Jordan obtained by torture of third persons;

Having examined the action report and the letter of 9 July 2013 provided by the government indicating the measures adopted in order to give effect to the judgment, and noting that no award of just satisfaction was made by the Court in the present case (see documents [DH-DD\(2013\)315](#) and [DH-DD\(2013\)799](#));

Having noted, in respect of the individual measures, the authorities' indications both that the applicant made clear statements that his return to Jordan was voluntary and that the effect of the Mutual Legal Assistance Treaty is to eliminate the risk that evidence obtained by torture will be used in any criminal proceedings against him there;

Having regretted nevertheless that it was not informed of the developments in the case until after the applicant's deportation had already taken place;

Recalling, in respect of the general measures, that any decision to deport an individual on national security grounds can be reviewed by the domestic courts by an appeal with suspensive effect and having noted with satisfaction that the domestic courts have integrated the European Court's jurisprudence as regards the relevance of Article 6 (as they did in the applicant's case);

Having further noted that the Mutual Legal Assistance Treaty between the United Kingdom and Jordan, which the authorities state binds the Jordanian State Security Court, entered into force on 1 July 2013 and is aimed at eliminating the risk that torture evidence would be used in criminal proceedings against individuals returned from the United Kingdom to Jordan by imposing a burden on the Jordanian prosecutor to prove to a high standard that statements used at trial were provided by free-will and choice and not obtained by torture or ill-treatment;

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

Application 30562/04+ Judgment Final on 04/12/2008	S. and MARPER v. United-Kingdom	Enhanced procedure
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1078th meeting– (4 March 2010)[List of decisions](#)*Section 4.2*Decision

The Deputies,

1. recalled the progress made in the execution of this judgment, as summarised in the Committee of Ministers' decision of 3 December 2009 (1072 DH meeting);
2. recalled the fact that a number of important questions remained outstanding, and that the Committee requested, accordingly, that the Secretariat rapidly clarify such questions bilaterally with the United Kingdom authorities;
3. welcomed the rapid organisation of the bilateral consultations and the constructive climate in which they were engaged and took note of the information provided as to the issues discussed and the results obtained (see also document DD(2010)119E);
4. noted in particular that following the Court's judgment Article 8 of the Convention is now applicable to the retention of the data at issue so that the value of retention has to be weighed against the individuals' right to respect for private life, but that the bilateral consultations have not so far permitted arrival at a common understanding as to how certain factors deemed relevant by the Court for this exercise are reflected in the current proposals, in particular as to whether
 - the latest research material presented by the Government constitutes such an important development, as compared to the factors taken into account by the Court and the material available to it, as to now provide the "weighty reasons" required by the Court to justify a difference in treatment of persons in the applicants' situation, compared to that of other unconvicted people (§123 of the judgment);
 - the draft proposals have adequately addressed the problem identified by the Court that "there is no provision for independent review of the justification for the retention according to defined criteria, including such factors as the seriousness of the offence, previous arrests, the strength of the suspicion against the person and any other special circumstances" (§119 of the judgment).
5. noted in this context also the recent positions taken by the Information Commissioner in his expert evidence to the United Kingdom Parliament on 23 February 2010 and the United Kingdom Parliament Joint Committee of Human Rights on 2 March 2010;
6. recalled the urgency of resolving these outstanding issues as the Crime and Security Bill is currently being examined by Parliament;
7. welcomed the Secretariat's and the United Kingdom authorities' intention to continue their consultations and underlined the importance of rapidly conveying the results to the Committee in an appropriate form, accessible also for the national decision making process;
8. decided to resume consideration of this item at their 1086th meeting (June 2010) (DH).

Decision

The Deputies,

1. recalled that the Court found that “the blanket and indiscriminate nature of the powers of retention of the fingerprints, cellular samples and DNA profiles of persons suspected but not convicted of offences, as applied in the case of the present applicants, fails to strike a fair balance between the competing public and private interests and that the respondent State has overstepped any acceptable margin of appreciation in this regard”;
2. noted, as regards general measures, that the United Kingdom authorities have submitted an action plan which details proposals as laid out in the Protection of Freedoms Bill, which is expected to be passed by Parliament in early 2012;
3. welcomed that the new proposals foresee that all cellular samples should be retained for a maximum of six months from the date on which they were obtained and that a time-limit of three years for the retention of fingerprints and DNA profiles should be introduced, with a possible, single extension of two years upon application of the police to the national courts;
4. nevertheless noted that evidence on how the time-limit was selected would be welcome and that in light of the comments of the European Court concerning treatment of minors (§119 of the judgment), information should also be provided on consideration of the special treatment of minors in this context;
5. invited the authorities also to provide information on the measures to implement the judgment in Northern Ireland;
6. decided to declassify the information memorandum (CM/Inf/DH(2011)22rev) [providing an assessment of the proposals in the Protection of Freedoms Bill];

Reference texts:

Action plan (05/05/2011) [DH-DD\(2011\)333E](#)
 Information document [CM/Inf/DH\(2011\)22rev](#)
 Communication from the United Kingdom: [DH-DD\(2010\)327E](#)
 Communication from the United Kingdom [DH-DD\(2012\)728E](#)
 Communication from a National Human Rights Institution (NHRI) and reply of the government [DH-DD\(2011\)437E](#)

[Decision](#) adopted at the 1115th meeting

Decision

The Deputies

1. recalled that in its last decision concerning this case the Committee of Ministers welcomed the authorities' legislative proposals for England and Wales in response to the European Court's judgment, set out in the Action plan (see decision from its 1115th meeting (DH) 7-8 June 2011), and noted with satisfaction that these proposals were adopted in the Protection of Freedoms Act 2012 on 1st May 2012;
2. noted that when selecting a three year retention period for data taken from minors arrested for serious offences the authorities took into account the particular position of children in society as highlighted in the European Court's judgment;
3. noted with interest that legislative proposals which replicate the Protection of Freedoms Act 2012 are under consideration in Northern Ireland and strongly encouraged the authorities to progress those proposals as quickly as possible;
4. invited the authorities to keep the Committee of Ministers updated on the coming into force of the legislation in England, Wales and subsequently Northern Ireland, and on the deletion of DNA profiles and fingerprints not covered by the new legislation;

5. agreed, in light of the above, to transfer this case for supervision under the standard procedure.