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## **Committee of Ministers examines implementation of human rights judgments**

Strasbourg, 03.12.2015 – The representatives of the 47 member States of the Council of Europe will examine the implementation of judgments and decisions of the European Court of Human Rights on 8-10 December 2015.

This supervisory role of the Committee of Ministers is provided for under Article 46 of the European Convention on Human Rights.

The cases proposed for more detailed examination concern Albania, Azerbaijan, Belgium, France, Greece, Hungary, Italy, Lithuania, the Republic of Moldova, Poland, the Russian Federation, Serbia, the "Former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom (list below).

The decisions and resolutions adopted, together with working documents, will be made public shortly after the meeting, on the website of the [Committee of Ministers](#).

Information regarding the state of execution in all cases pending before the Committee of Ministers can be found on the website of the [Department for the execution of the judgments of the European Court of Human Rights](#).

See below for the list of cases proposed for more detailed examination. If this list is amended before the meeting, an update will be published.

### **Cases against Albania**

- *Manushaqe Puto and others and Driza group* (first judgments in the group final on 17/12/2012 and 02/06/2008): Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation for property nationalised under the communist regime.

### **Cases against Azerbaijan**

- *Namat Aliyev group* (first judgment final on 08/07/2010): Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.

- *Mahmudov and Agazade group* (first judgment final on 18/03/2009): Violation of the right to freedom of expression of journalists, arbitrary application of law.

- *Ilgar Mammadov* (judgment final on 13/10/2014): Arrest and pre-trial detention for reasons other than those permitted by Article 5, namely to punish the applicant for having criticised the government.

### **Cases against Belgium**

- *Trabelsi* (judgment final on 16/02/2015): Extradition, in 2013, of the applicant from Belgium to the United States, where he risks an irreducible life sentence. Failure to respect the Court's interim measure indicating that Belgium should not extradite the applicant before the end of the procedure before it

- *Dumont group* (first judgment final on 28/07/2005): Excessive length of civil and criminal proceedings and lack of an effective remedy in this respect.

### **Case against France**

- *M.K.* (judgment final on 18/07/2013): Violation of the right to respect for private life; collection and retention of fingerprints.

### **Case against Greece**

- *M.S.S.(\*)* and *Rahimi groups* (first judgment final on 21/01/2011): Conditions of detention of asylum seekers and irregular migrants and lack of an effective remedy to challenge conditions of

detention; living conditions of asylum seekers; Ineffective asylum procedure and lack of an effective remedy to challenge the shortcomings of the asylum procedure.

(\*) *Case against Belgium and Greece. Final Resolution CM/ResDH(2014)272 was adopted in respect of the complaints against Belgium.*

### **Case against Hungary**

- *Horváth and Kiss* (judgment final on 29/04/2013): Discriminatory assignment of the Roma (\*\*) applicants to a special school for children with mental disabilities during their primary education  
(\*\*) *The terms "Roma and Travellers" are being used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.*

### **Cases against Italy**

- *M.C. and others* (judgment final on 03/12/2013): Legislative intervention which, retrospectively and in a discriminatory manner, deprived the applicants of the annual adjustment of part of the allocation due because of their accidental contamination with different viruses, as a result of blood transfusions or the administration of blood derivatives.

- *Ceteroni* group (first judgment final on 15/11/1996): Excessive length of civil proceedings.

### **Case against Lithuania**

- *Paksas* (judgment final on 06/01/2011): Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings.

### **Case against the Republic of Moldova**

- *Eremia* group (first judgment final on 28/08/2013): Authorities' failure to protect women from domestic violence by their (ex-) husbands; discriminatory attitude of domestic authorities towards the victims as women.

### **Cases against Poland**

- *Al Nashiri* group (first judgment final on 15/09/2004): Different violations related to secret rendition operations involving the applicants' detention and ill-treatment in the respondent State and risks of flagrant denial of justice and the death penalty after their transfer to the USA.

- *Podbielski* and *Kudła* groups (first judgment final on 26/10/2000): Excessive length of criminal and civil proceedings and lack of an effective remedy.

### **Cases against the Russian Federation**

- *Gerasimov and others* (judgment final on 01/10/2014): Failure or serious delay of the authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations.

- *Klyakhin* group (first judgment final on 06/06/2005): Various violations of Article 5, mainly arising from detentions on remand without prior court decisions or without valid and sufficient reasons; failure to inform applicants about reasons of their arrest; problems with judicial review of detention orders and absence of right to compensation for these violations.

### **Case against Serbia**

- *Zorica Jovanović* (judgment final on 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.

### **Case against "the Former Yugoslav Republic Of Macedonia"**

- *El-Masri* (judgment final on 13/12/2012): Numerous violations related to the applicant's secret rendition, involving his detention and ill-treatment in the respondent State and in Afghanistan.

### **Cases against Turkey**

- *Cyprus v. Turkey* (judgment final on 10/05/2001): 14 violations in relation to the situation in the northern part of Cyprus.

- *Varnava and others* (judgment final on 18/09/2009): Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations undertaken by Turkey in Cyprus in 1974.

- *Xenides-Arestis* group (first judgment final on 22/03/2006): Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof. Violation of the right to respect for the applicants' home in some cases.

- *Batı and others* group (first judgment final on 03/09/2004): Lack of an effective investigation into the death of the applicants' next-of-kin; torture or ill-treatment of applicants; serious shortcomings relating to the criminal and disciplinary proceedings initiated against member of security forces.

#### ***Case against Ukraine***

- *Vyerentsov* (judgment final on 11/07/2013): Administrative conviction of the applicant for holding peaceful demonstration despite lack of law regulating the holding of public assemblies; several violations of the right to a fair trial.

#### ***Cases against the United Kingdom***

- *McKerr* group (first judgment final on 04/08/2001): Various shortcomings in the investigations into the action of the security forces in Northern Ireland in the 1980s and 1990s.

- *Hirst No. 2* group (first judgment final on 06/10/2005): Blanket ban on voting imposed automatically on the applicants due to their status as convicted offenders detained in prison.

- *Al-Skeini and others* (judgment final on 07/07/2011): Insufficiently independent and/or effective investigations into deaths in Iraq when the United Kingdom was an occupying force.