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Repetitive non-compliance by Italy with interim measures ordered by the European Court of Human Rights

Written question No. 571 to the Committee of Ministers

by Ms Herta DÄUBLER-GMELIN, Germany

The recent expulsion of Mr Ali Toumi to Tunisia is the fourth case, since 2005, in which the Italian authorities have – in blatant breach of the country's obligations under the European Convention on Human Rights and the Strasbourg Court's clearly established case-law – failed, to respect an interim measures order.

As Chairperson of the Committee on Legal Affairs and Human Rights, Mrs Däubler-Gmelin considers that it is totally unacceptable to ignore binding interim measures ordered by the European Court of Human Rights and that it is disgraceful, for a mature democracy like Italy, to have sent Ali Toumi back to Tunisia, as this is a case in which there exists an imminent risk of irreparable damage to the applicant.

In one of the four cases, that of Mrs Hamidovic (Application No. 31956/05), the applicant has been allowed to return to Italy. The Committee of Ministers, the Council of Europe's executive organ and guardian of respect of European human rights standards, is duty bound to do its utmost to ensure that the other three persons concerned, namely Mr Khemais (Application No. 246/07, judgment of 20 February 2009), Mr Trabelsi (Application No. 50163/08) and Mr Toumi (Application No. 25719/09) are also allowed to return to Italy without further delay. Can the Committee of Ministers confirm that it will deal with this important matter with all necessary expediency?

Mrs Däubler-Gmelin,

To ask the Committee of Ministers,

What steps has the Committee of Ministers taken with respect to the repetitive non-compliance by Italy, a founding member of the Council of Europe, with interim measures ordered by the European Court of Human Rights?

What measures does it intend to take in order to ensure that Italy complies with interim measures ordered by the European Court of Human Rights?

Signed:

DÄUBLER-GMELIN Herta, Germany, SOC

