



Doc. 11921

19 May 2009

Ukraine disregarding basic obligations under the European Convention on Human Rights: annulment of the Ukrainian Parliamentary Assembly delegation's credentials

Motion for a resolution

tabled by Mr Dick MARTY and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

All State Parties to the European Convention on Human Rights (ECHR) are under an obligation to submit lists of three candidates for the election of judges to the European Court of Human Rights (Article 22 ECHR).

The procedure for the election of a new judge for Ukraine was launched by the submission, by the Government of Ukraine, of a shortlist of candidates on 29 April 2007.

By letter of 14 September 2007, the President of Ukraine requested the withdrawal of the list, although interviews with the candidates had already been scheduled for 17 September 2007. Two interviews took place, whilst one candidate was unable to attend.

On 28 September 2007 one candidate withdrew from the list. On 1 October 2007, the Assembly found that no exceptional circumstances existed to justify the acceptance of the withdrawal of the Ukrainian list. The following day, the President of the Assembly invited the Ukrainian Government to complete the list.

On 3 October 2007, the Ukrainian Minister of Justice submitted a new third candidate. By letter of 5 November 2007, the new third candidate withdrew his candidature.

Despite repeated requests of the Assembly, the Government of Ukraine persistently refuses to replace the missing candidate on the list.

As a consequence, an ad hoc judge appointed solely by the Government of Ukraine has been sitting on the Court, in effect, on a "permanent" basis. This circumvents the normal procedures foreseen under the ECHR for the election of judges.

This state of affairs undermines the credibility of the Court and is contrary to Ukraine's basic obligations as a High Contracting Party to the ECHR.

The Assembly considers that this is a serious violation of the basic principles of the Council of Europe mentioned in Article 3 of the Statute of the Council of Europe.

Consequently, the Assembly resolves to annul the ratification of the credentials of the Ukrainian delegation to the Parliamentary Assembly, on substantial grounds, in accordance with Rule 9.1.a of the Assembly's Rules of Procedure.

Signed (see overleaf)



Signed¹:

MARTY Dick, Switzerland, ALDE
BEMELMANS-VIDEC Marie-Louise, Netherlands, EPP/CD
CILEVIČS Boriss, Latvia, SOC
GROSS Andreas, Switzerland, SOC
HAIBACH Holger, Germany
HUSS Jean, Luxembourg, SOC
JOHN-CALAME Francine, Switzerland, SOC
KÜHNEL Franz Eduard, Austria, EPP/CD
MAISSEN Theo, Switzerland
MALINS Humfrey, United Kingdom
MARCENARO Pietro, Italy, SOC
MARQUET Bernard, Monaco, ALDE
MAURY PASQUIER Liliane, Switzerland, SOC
MÜRI Felix, Switzerland, ALDE
PAPADOPOULOS Antigoni, Cyprus
POURGOURIDES Christos, Cyprus, EPP/CD
REIMANN Maximilian, Switzerland
ROWEN Paul, United Kingdom, ALDE
VAKSDAL Øyvind, Norway
VRIES Klaas, de, Netherlands, SOC

1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group