



Doc. 13863
29 September 2015

Abuse of pretrial detention in States Parties to the European Convention on Human Rights

Amendment¹ No. 9

In the draft resolution, replace paragraph 12.2.2 with the following paragraph:

"use pre-trial detention only in compliance with Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms and with the standards established by the European Court of Human Rights."

Explanatory note

PACE has no competence to interfere in the jurisdiction of domestic courts and call for the release of detainees in this way. Even the European Court only makes such appeals in exceptional cases. If the current paragraph formulation remains, PACE would violate the principle of independence of the judiciary.

Tabled by:

KOBAKHIDZE Manana, Georgia, SOC
ANDERSON Donald, United Kingdom, SOC
BESELIA Eka, Georgia, SOC
BİLGİÇ Süreyya Sadi, Turkey, EC
BULIGA Valentina, Republic of Moldova, SOC
ÇONKAR Ahmet Berat, Turkey, EC
CRAUSBY David, United Kingdom, SOC
KVATCHANTIRADZE Zviad, Georgia, EC
MAGRADZE Guguli, Georgia, SOC
MEALE Alan, United Kingdom, SOC
ŞAHİN Ali, Turkey, EC
TOMLINSON John E., United Kingdom, SOC

1. 2015 - Fourth part-session

