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Implementation of judgments of the European Court of Human Rights

Addendum to the report¹

Committee on Legal Affairs and Human Rights

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1. Introduction

1. At its meeting on 5 June 2020 (by videoconference), the Committee on Legal Affairs and Human Rights considered my draft report and adopted a draft resolution and a draft recommendation². Before the adoption of the report, at its meeting on 28 January 2020, the Committee decided to ask the European Commission for Democracy through Law ("Venice Commission") for an opinion on the draft amendments to the Constitution of the Russian Federation (as proposed by the President of the Russian Federation on 15 January 2020), according to which international agreements and treaties, as well as decisions by international bodies, may apply only to the extent that they do not entail restrictions on the rights and freedoms of people and citizens, and do not contradict the Russian Constitution. The Venice Commission adopted its opinion on 18 June 2020,³ shortly after the adoption of the 10th report. Moreover, at its meeting on 29 June 2020 (by videoconference), the Committee held an exchange of views on the content of the said opinion with Mr Nicos C. Alivizatos, member of the Venice Commission in respect of Greece (and co-rapporteur of the Venice Commission). For these reasons, I have decided to provide an update to my report in order to take into account the conclusions of the Venice Commission. I will also take the opportunity provide an update on the state of implementation of the judgments analysed in the 10th report.

2. Amendments to the Constitution of the Russian Federation related to the execution of decisions by interstate bodies

2. On 20 January 2020, the Russian President introduced a bill to the State Duma, proposing amendments to 22 provisions of the constitution. The amendments were passed in parliament on 10-11 March and signed by the President on 14 March 2020. On 16 March 2020, the Russian Constitutional Court ruled that they were in conformity with the constitution.⁴ The amendments were further approved in a national vote on 1 July 2020.⁵

3. In its opinion, the Venice Commission concentrated its analysis on two proposed draft amendments which were related to the implementation in the Russian Federation of decisions adopted by "interstate bodies" adopted on the basis of provisions of international treaties ratified by the Russian Federation (now amendments to Articles 79 and 125 of the constitution).

1. Addendum approved by the committee on 9 November 2020.

2. [Doc. 15123](#).

3. CDL-AD(2020)009, Opinion No. 981/2020 of 18 June 2020.

4. See also CDL-REF(2020)022 of 30 April 2020, Extracts from the Conclusion of the Constitutional Court of the Russian Federation n° 1-Z of 16 March 2020.

5. www.dw.com/en/russias-putin-wins-referendum-on-constitutional-reforms/a-54018337.



4. Firstly, the Venice Commission examined an amendment adding to Article 79 of the constitution⁶ the following sentence: “Decisions of interstate bodies adopted on the basis of the provisions of international treaties are not enforceable in the Russian Federation if they contradict the Constitution.”⁷

5. Secondly, it focused on an amendment to Article 125.5.b of the constitution, which raises to the Constitutional level the competence of the Constitutional Court to resolve matters concerning the possibility of enforcing decisions of interstate bodies adopted on the basis of international treaties ratified by the Russian Federation, in case they contradict the Constitution of the Russian Federation.

6. The Venice Commission also examined an amendment which gave the Council of the Federation the power to dismiss the judges of the Constitutional Court upon proposal of the President of the Russian Federation (instead of at least two thirds of the acting judges of the Constitutional Court, as Article 18 Section 4 of the Federal Constitutional Law on the Constitutional Court had provided until then) “in the event of conduct by them that discredits the honour and dignity of a judge, as well as in other cases provided for in federal constitutional law that are indicative of judges' inability to discharge their duties” (amendment to Article 83 and 102 of the constitution).

3. Opinion of the Venice Commission

3.1. Content of the opinion

7. The Venice Commission recalled that by ratifying the European Convention on Human Rights (ETS No. 5, “the Convention”) and accepting the jurisdiction of the European Court of Human Rights (“the Court”), the Russian Federation had committed itself to executing the judgments of the Court, which are binding under Article 46 of the Convention.⁸ It recognised that there were countries where the constitution ranked higher than the Convention and where, as a matter of national law, the constitutional court might find a contradiction between the constitution and a given provision of the Convention as interpreted by the Court, but this finding could not put an end to the question of execution under international law.⁹ The Venice Commission also indicated that “in extreme cases, even the possibility of amending the constitution could be envisaged”.¹⁰

8. The Venice Commission recalled its earlier concerns concerning the Russian Constitutional Court's power to declare a judgment non executable as such (see its previous opinion on the amendments to the Federal Law on the Constitutional Court passed in December 2015¹¹), stressing that such a power contradicts the obligations of the Russian Federation under the Convention. It was “alarmed by the constitutional entrenchment of such a power”.¹²

9. The Venice Commission also noted that the sentence added to Article 79 forbade the execution of decisions which were “contrary to the Constitution”. This formula was broader than that of current Article 79 (“limit[ing] the rights and freedoms of the individual and the citizen or contradict[ing] the fundamentals of the constitutional system of the Russian Federation) and would therefore increase the possibility for the Constitutional Court to declare decisions of interstate bodies non executable, beyond human rights and basic principles of the constitution.¹³

10. Therefore, in the opinion of the Venice Commission, the addition to Article 79 of the constitution should be removed, or its wording should be amended to make it similar to the wording of Article 125.5.b), which underlined the aim to find a solution to possible contradictions.¹⁴

11. Lastly, the Venice Commission was also concerned about the amendment to Article 83 of the constitution (see paragraph 6 above), making the Constitutional Court “more vulnerable to political power”.¹⁵

6. According to the previous version of this provision, “[t]he Russian Federation may participate in interstate organisations and transfer to them part of its powers according to international treaties and agreements, if this does not involve the limitation of the rights and freedoms of man and citizen and does not contradict the principles of the constitutional system of the Russian Federation”.

7. For the text of both amendments see CDL-REF(2020)021.

8. Doc. 15123, paragraph 62.

9. Ibid.

10. Doc. 15123, paragraph 57.

11. CDL-AD(2016)016.

12. Doc. 15123, paragraph 64.

13. Ibid., paragraphs 49 and 65.

14. Ibid., paragraph 68.

15. Ibid., paragraphs 60 and 66.

12. It concluded that “whether – and to what extent – the proposed amendments will have adverse effects on honouring Russia's commitments under the Convention depends on the manner in which the amendments will be applied”.¹⁶ In the context of the implementation of the *OAO Neftyanaya Kompaniya YUKOS v. Russia* judgment,¹⁷ it is very important that the Venice Commission stressed that the power of the Constitutional Court to rule on the constitutionality of a judgment of the Court should not extend to individual measures such as orders to pay just satisfaction.¹⁸

3.2. Conclusion

13. There is no choice whether or not to execute a judgment of the European Court of Human Rights: under Article 46 of the Convention, judgments of the Court are binding and the legal obligation to implement them can even require changes in a State's constitution. The examined amendments to the Russian Constitution contravene the principles of the Convention and the case law of the Court and should be modified accordingly. Although the Venice Commission notes that their effects on honouring Russia's commitments stemming from the Convention depend on the manner in which they will be applied, one can easily imagine that the Russian Constitutional Court will use its new (now constitutionalised) powers to rule that a controversial judgment of the Court is “non executable”.

14. This opinion is not only important for the execution of the judgment on just satisfaction in the case of *OAO Neftyanaya Kompaniya YUKOS v. Russia*, but also for the implementation of other judgments of the Court against Russia, which may raise complex issues. The Venice Commission opinion also provides guidance to other States Parties to the Convention which might be confronted with a problem of conflict between constitutional norms and the legal requirements related to the execution of a Court's judgment finding a violation of the Convention.

15. The constitutional developments in the Russian Federation might serve as an encouragement or a precedent for other States Parties to the Convention not to implement the Court's judgments. Therefore, we discourage any departure from the legal obligations to implement the Court's judgments, no matter the national priorities or interests in a given case.

16. In the draft resolution, adopted by the Committee on 5 June 2020, it is proposed that the Assembly calls on States Parties to the Convention not to adopt laws that would hinder the process of implementation of the Court's judgments (paragraph 8.5) and to take into account the relevant opinions of the Venice Commission when taking measures aimed at implementing the Court's judgments (paragraph 8.6). It is also proposed that the Assembly will express its concern about “the increasing legal and political difficulties surrounding the implementation of the Court's judgments” and will note “that any national legislative or administrative measure cannot add further obstacle to this process” (paragraph 5). In light of the findings of the Venice Commission, the wording of the draft resolution should be further strengthened. I therefore propose to add a new paragraph after the current paragraph 8:

“In light of the Venice Commission's opinion 981/2020 of 18 June 2020, the Assembly calls on the Russian Federation to amend the recent amendments to Articles 79 and 125.5.b to the constitution.”

4. Other new important developments after the adoption of the 10th report

17. Some important developments took place concerning the cases analysed in the 10th report as “specific challenges for the execution of Court judgments” (Section 4). As regards the group of cases *Ilgar Mammadov v. Azerbaijan* (see Section 4.1. of the 10th report), at its [1377bis meeting](#) (DH) (1-3 September 2020), the Committee of Ministers welcomed the decisions of the Supreme Court of Azerbaijan of 23 April 2020, quashing the convictions of Ilgar Mammadov and Rasul Jafarov and awarding them compensation for the non-pecuniary damage resulting from their unlawful arrest and imprisonment. As no further individual measures were required, it decided to close the supervision of the cases in respect of these two applicants and adopted Final Resolution CM/ResDH(2020)178,¹⁹ without prejudice to the examination of the general measures required to prevent recurrence of such violations (which continue to be examined within the

16. Ibid., paragraph 67.

17. Application No. 14902/04, judgments of 20 September 2011 (on the merits) and of 31 July 2014 (just satisfaction, Article 41).

18. Doc. 15123, paragraphs 59 and 67.

19. Paragraph 2 of the decision adopted at that meeting.

framework of the Mammadli²⁰ group of cases). The Committee of Ministers also expressed serious concern that the convictions of the other six applicants still stood and urged the authorities to urgently ensure a rapid *restitutio in integrum* for each of them.²¹

18. Concerning the *Sejdić and Finci v. Bosnia and Herzegovina* group (see Section 4.2 of the 10th report), at its [1383rd meeting](#) (DH) (29 September-1 October 2020), the Committee of Ministers reiterated its concern over the lack of consensus on the content of the required amendments to the Constitution of Bosnia and Herzegovina.²² It also noted with interest the conclusion of 28 April 2020 by the Presidency of Bosnia and Herzegovina setting up a high level ad hoc political task force to prepare an action plan for, *inter alia*, the execution of these judgments. Moreover, a political agreement was reached between the Bosnian and Croat political leaders on 17 June 2020 to start negotiations on the implementation of these judgments and to agree on draft constitutional and legislative amendments within six months, with a view to ensuring their adoption by parliament before the end of 2021.²³

19. As regards the implementation of the judgment *Paksas v. Lithuania* (see Section 4.3 of the 10th report), at its [1377bis meeting](#) (DH) (1-3 September 2020), the Committee of Ministers strongly reiterated its “gravest concern” that almost ten years after the Court’s judgment had become final, the situation found to be in breach of the Convention persisted.²⁴ In this regard, it noted with deep regret that Lithuanian authorities were “unable to observe their timeline for the completion of the legislative process regarding Draft Law No. XIIIIP-3867 in time for the upcoming parliamentary elections” (which took place on 11 October 2020) and that consequently the applicant was not able to present himself in these elections. The Committee of Ministers also expressed its understanding of a delayed legislative process due to the Covid-19 pandemic, while inviting the Lithuanian authorities to present a new timetable for the completion of this process.²⁵ Furthermore, it expressed concern about the rejection of the Draft Law XIIIIP-3867 by the Seimas’ Committee on Legal Affairs, but welcomed the decision of the Plenary of the Seimas not to reject it but instead to return it for further improvement in the said committee.²⁶ The authorities were invited to present a new timetable for the completion of the legislative process by the end of December 2020 and to continue to inform the Committee of Ministers on a monthly basis about the relevant developments.²⁷

20. As regards the implementation of the judgment *OAO Neftyanaya Kompaniya YUKOS v. Russia* (see Section 4.5 of the 10th report), at its [1383rd meeting](#) (DH) (29 September – 1 October 2020), the Committee of Ministers adopted [Interim Resolution CM/ResDH\(2020\)204](#), in which it “strongly regretted” that the comprehensive plan for the distribution of the just satisfaction award in respect of pecuniary damage required by the Court was still awaited and that the payment of just satisfaction in this respect was still pending. Whilst expressing its understanding for the difficulties caused by the Covid-19 pandemic, the Committee of Ministers regretted the authorities’ inability to enter into detailed consultations with the Secretariat and encouraged them to “use any suitable formats” for such consultations as soon as possible.

21. The implementation of the judgments *Catan and Others v. Russia* and *Bobeico and Others v. Russia* (see Section 4.6 of the 10th report) was examined at the [1377bis meeting](#) (DH) (1-3 September 2020). The Committee of Ministers adopted [Interim Resolution CM/ResDH\(2020\)183](#). It noted with “deep regret” that although eight years had passed since the *Catan and Others* judgment was delivered, the Russian authorities “failed to arrive to an acceptable response” as to its execution and the Committee of Ministers’ call on them to present an action plan “setting out the concrete measures to execute the judgments in this group”. It also reiterated the “unconditional obligation of every respondent State” to abide by final judgments of the Court and strongly urged the Russian authorities to present such an action plan and to pay the just satisfaction and default interest owing to the applicants without further delay.

22. The case *Cyprus v. Turkey* was examined at the [1377bis meeting](#) (DH) (1-3 September 2020) (Section 4.7 of the 10th report). The Committee of Ministers decided to close the examination of the issue of the property rights of Greek Cypriots living in the northern part of Cyprus and their heirs and, in this respect, adopted [Interim Resolution CM/ResDH\(2020\)185](#). It recalled that the Court’s judgment on just satisfaction in this case (of 12 May 2014) concerned “non-pecuniary damage suffered by the relatives of missing persons and non-pecuniary damage suffered by the enclaved Greek Cypriot residents of the Karpas peninsula but did

20. Application No. 47145/14, judgment of 19 April 2018.

21. Paragraph 3 of the decision.

22. Paragraph 2 of the decision.

23. Paragraph 3 of the decision.

24. Paragraph 3 of the decision.

25. Paragraph 4 of the decision.

26. Paragraphs 5 and 6 of the decision.

27. Paragraph 7 of the decision.

not concern the issue of the property rights of Greek Cypriots living in the northern part of Cyprus and their heirs".²⁸ Finally, it insisted again on the "unconditional obligation" of Turkey to pay the just satisfaction awarded by the Court in the said judgment without further delay.²⁹

23. In this context, I would like to refer to the cases against Turkey concerning interference in property rights and/or respect for home (properties in the northern part of Cyprus³⁰ – Xenides-Arestis group).³¹ In over 30 cases from this group, the Turkish authorities have not yet paid the just satisfaction awarded to the applicants by the Court. There has recently been an interesting development in one of these cases – *Ramon v. Turkey*.³² The applicant had requested a garnishee order nisi against Turkey and the European Commission, arguing that the just satisfaction should be paid by the European Commission from the funds it had earmarked for Turkey as part of its pre-accession assistance. In June 2019, the District Court of Famagusta (Cypriot court) granted such an order on condition that the European Commission's privileges and immunities would be waived by the Court of Justice of the European Union (CJEU).³³ As the European Commission did not agree to that, in September 2019, the applicant applied to the CJEU requesting the waiver of the European Commission's immunity.³⁴ We are awaiting the outcome of this procedural initiative with interest.

24. The judgment *Georgia v. Russia* (see Section 4.7 of the 10th report) was examined at the [1383rd meeting \(DH\)](#) (29 September -1 October 2020). The Committee of Ministers recalled that the deadline for payment of just satisfaction for non-pecuniary damage (of 10 000 000 EUR) expired on 30 April 2019, expressed deep concern that no payment had yet been made and insisted on the "unconditional obligation" to pay it. It also noted the preliminary informal consultations between the Secretariat and the Russian authorities which had taken place and strongly urged the latter to move forward rapidly with the consultations in order to either pay the just satisfaction directly to the Georgian government or to commit to using the Council of Europe as an intermediary for that payment.³⁵

25. As regards the other cases, concerning Bulgaria, Greece, Hungary, Italy, the Republic of Moldova, Romania, Russian Federation, Turkey, Ukraine, as well as Azerbaijan, Appendices No 1 and No 2 originally appended to the explanatory memorandum of the report have been updated in this addendum.

28. Paragraph 2 of the decision.

29. Paragraph 3 of the decision.

30. For the list of cases see [CM/Notes/1348/H46-29-app](#).

31. See paragraphs 40 and 41 of the 10th report.

32. Application No. 29092/95, judgment (just satisfaction) of 26 October 2010. The Court awarded to the applicant 450 000 EUR in respect of pecuniary and non-pecuniary damage.

33. A copy of this judgment of 26 June 2019 is included in the communication from the applicant to the Committee of Ministers [DH-DD\(2019\)978](#), 12 September 2019.

34. CJEU, case C-675/19 SA. See also the applicant's latest communications to the Committee of Ministers, [DH-DD\(2019\)1448](#), 4 December 2019, and [DH-DD\(2020\)191](#), 24 February 2020.

35. Paragraphs 3 and 4 of the decision.

Appendix 1 – Major problems encountered in the execution of judgments of the European Court of Human Rights (“the Court”) identified in the 2017 report by Mr Le Borgn’ in respect of nine States Parties to the European Convention on Human Rights (“the Convention”).

State party	Leading case	Case description	Status of execution ³⁶
Bulgaria	Groups of cases <i>Djangozov v. Bulgaria</i> (application No. 45950/99, judgment of 8 October 2004) and <i>Kitov v. Bulgaria</i> (application No. 37104/97, judgment of 3 July 2003).	Excessive length of judicial proceedings and lack of an effective remedy.	Cases closed by final Resolution CM/ResDH(2017)420 .
	<i>Velikova v. Bulgaria</i> (group of cases) (application No. 41488/98, judgment of 18 May 2000).	Cases principally concerning ill-treatment or deaths which took place under the responsibility of the forces of order; ineffective investigations.	Under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September -1 October 2020, see Interim Resolution CM/ResDH(2020)198 .
	<i>S.Z. v Bulgaria</i> (judgment of 3 March 2015, application No. 29263/12) and <i>Kolevi v. Bulgaria</i> (judgment of 5 November 2009, application No. 1108/02).	Systemic problem of ineffective investigations (into crimes committed by private individuals).	Under enhanced supervision procedure, last examined at 1377bis (DH) meeting , 1-3 September 2020.
	<i>C.G. and Others v. Bulgaria</i> (group of cases) (application No. 1365/07, judgment of 24 April 2008).	Violations of the right to respect for family life due to deportation/ order to leave the territory.	Under enhanced supervision procedure, last examined at 1369th (DH) meeting , 3-5 March 2020.
	<i>Kehayov v. Bulgaria</i> (group of cases) (application No. 41035/98, judgment of 18 January 2005) and <i>Neshkov and Others v. Bulgaria</i> (application No. 36925/10+, pilot judgment of 27 January 2015).	Inhuman and degrading treatment of the applicants due to poor conditions of detention in investigative detention facilities and prisons.	Under enhanced supervision procedure, last examined at 1310th (DH) meeting , 13-15 March 2018.
	<i>Stanev v. Bulgaria</i> (group of cases) (application No. 36760/06, judgment of 17 January 2012).	Placement in social care homes of persons with mental disorders.	Under enhanced supervision procedure, last examined at 1288th (DH) meeting , 6-7 June 2017.
	<i>UMO Ilinden and Others v. Bulgaria</i> (group of cases) (application No. 59491/00, judgment of 19 January 2006).	Unjustified refusals to register an association aiming at achieving “the recognition of the Macedonian minority in Bulgaria”.	Under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September – 1 October 2020, see Interim Resolution CM/ResDH(2020)197 .
	<i>Yordanova and Others v. Bulgaria</i> (group of cases) (application No. 25446/06, judgment of 24 April 2012).	Eviction of persons of Roma origin.	Under enhanced supervision procedure, last examined at 1369th (DH) meeting , 3-5 March 2020.

36. For more information, on the progress in the implementation of these judgments, see the search engine [HUDOC-EXEC](#) and the [country factsheets](#) of the Department for the Execution of Judgments of the European Court of Human Rights.

State party	Leading case	Case description	Status of execution ³⁶
Greece	<i>Makaratzis v. Greece</i> (group of cases) (application No. 50385/99, judgment of 20 December 2004).	Use of lethal force and ill-treatment by law enforcement officials and lack of effective investigation into such abuses.	Under enhanced supervision procedure, last examined at 1331st (DH) meeting , 4-6 December 2018.
	<i>M.S.S v. Belgium and Greece</i> (group of cases) (application No. 30696/09, judgment of 21 January 2011, Grand Chamber).	Conditions of detention of irregular migrants and shortcomings in asylum procedure; lack of effective remedy in this respect.	Under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September – 1 October 2020.
	<i>Bekir-Ousta and others v. Greece</i> (group of cases) (application No. 35151/05, judgment of 11 October 2007).	Violations of the right to freedom of association due to the Greek authorities' refusal to register associations and to the dissolution of an association promoting the idea that an ethnic minority existed in Greece (as opposed to the religious minority recognised by the 1923 Treaty of Lausanne).	Under enhanced supervision procedure, last examined at 1377bis (DH) meeting , 1-3 September 2020.
	<i>Nisiotis v. Greece</i> (group of cases) (application No. 34704/08, judgment of 10 February 2011).	Inhuman and degrading treatment on account of poor conditions in prisons.	Under enhanced supervision procedure, last examined at 1324th (DH) meeting , 18-20 September 2018.
	<i>Beka-Koulocheri v. Greece</i> (group of cases) (application No. 38878/03, judgment of 6 July 2006).	Failure or considerable delay in the enforcement of final domestic judgments and absence of effective remedy.	Under enhanced supervision procedure, last examined at 1369th (DH) meeting , 3-5 March 2020.
Hungary	Group of cases <i>Gazsó v. Hungary</i> (pilot judgment) (application No. 48322/12, judgment of 16 July 2015).	Excessive length of civil and criminal proceedings and lack of an effective remedy in this respect.	Under enhanced supervision procedure, last examined at 1377bis (DH) meeting , 1-3 September 2020, see Interim Resolution CM/ResDH(2020)180 .
	<i>István Gábor Kovács v. Hungary</i> (group of cases) (application No. 15707/10, judgment of 17 January 2012) and <i>Varga and Others v. Hungary</i> (pilot judgment) (application No. 14097/12+, judgment of 10 March 2015).	Ill-treatment, mainly due to overcrowded detention facilities.	Under enhanced supervision procedure, last examined at 1377bis (DH) meeting , 1-3 September 2020.
	<i>Horváth and Kiss v. Hungary</i> (application No. 11146/11, judgment of 29 January 2013).	Discriminatory assignment of Roma children to special schools for children with disabilities.	Under enhanced supervision procedure, last examined at 1348th (DH) meeting , 4-6 June 2019.

36. For more information, on the progress in the implementation of these judgments, see the search engine [HUDOC-EXEC](#) and the [country factsheets](#) of the Department for the Execution of Judgments of the European Court of Human Rights.

State party	Leading case	Case description	Status of execution ³⁶
Italy	<i>Sharifi and Others v. Italy and Greece</i> (application No. 16643/09, judgment of 21 October 2014).	Collective expulsion of asylum seekers to Greece, lack of access to asylum procedure and risk of deportation to Afghanistan.	Under enhanced supervision procedure, last examined at 1369th (DH) meeting , 3-5 March 2020.
	<i>Cirillo v. Italy</i> (group of cases) (application No. 36276/10, judgment of 29 January 2013).	Lack of adequate medical care in detention centres.	Cases closed by final Resolution CM/ResDH(2019)327 .
	<i>Trapani v. Italy</i> (judgment of 12 October 2000, application No. 45104/98) and <i>Muso (no. 1)</i> (judgment of 14 December 1999, application No. 40969/98).	Excessive length of civil, criminal, administrative and bankruptcy proceedings.	Under enhanced supervision procedure, last examined at 1302nd (DH) meeting , 5-7 December 2017.
	<i>Ledonne v. Italy (no. 1)</i> (application No. 35742/97, judgment of 12 May 1999).		Under enhanced supervision procedure, last examined at 1324th (DH) meeting , 18-20 September 2018.
	<i>Abenavoli v. Italy</i> (group of cases) (application No. 25587/94, judgment of 2 September 1997).		Under enhanced supervision, last examined at 1273rd (DH) meeting , 6-8 December 2016.
	<i>Collarille v. Italy</i> (application No. 10652/02, judgment of 18 December 2012).		Under enhanced supervision procedure, last examined at 1302nd (DH) meeting , 5-7 December 2017.
	<i>Olivieri and Others v. Italy</i> (group of cases) (application No. 17708/12, judgment of 25 February 2016).	Shortcomings in the “Pinto” compensatory remedy.	Under enhanced supervision, last examined at 1355th (DH) meeting , 23-25 September 2019.
	<i>Belvedere Alberghiera S.R.L v. Italy</i> (group of cases) (application No. 31524/96, judgment of 30 May 2000).	Unlawful deprivation of land by local authorities because of a judge-made rule, the “constructive-expropriation rule”, which precludes restitution if works commenced in the public interest have been completed.	Cases closed by final Resolution CM/ResDH(2017)138 .
	<i>M.C. and Others v. Italy</i> (pilot judgment) (application No. 5376/11, judgment of 3 September 2013).	Legislative intervention which cancelled retrospectively and in a discriminatory manner the benefit of an annual adjustment of a compensation allowance for having suffered accidental viral contamination.	Under enhanced supervision procedure, last examined at 1377th (DH) meeting , 4 June 2020.

36. For more information, on the progress in the implementation of these judgments, see the search engine [HUDOC-EXEC](#) and the [country factsheets](#) of the Department for the Execution of Judgments of the European Court of Human Rights.

State party	Leading case	Case description	Status of execution ³⁶
Republic of Moldova	Group of cases <i>I.D. v. the Republic of Moldova</i> (application No. 47203/06, judgment of 30 November 2010).	Poor conditions of detention in facilities under the authority of the Ministries of the Interior and Justice and lack of access to adequate medical care; absence of an effective remedy.	Under enhanced supervision procedure, last examined at 1377th (DH) meeting , 4 June 2020. <i>Ciorap, Becciev and Paladi</i> closed by final Resolution CM/ResDH(2018)107 .
	<i>Levinta v. the Republic of Moldova</i> (group of cases) (application No. 17332/03, judgment of 16 December 2008).	Ill-treatment and torture during police detention; ineffective investigations; absence of an effective remedy.	Under enhanced supervision procedure, last examined at 1331st (DH) meeting , 4-6 December 2018. <i>Corsacov</i> closed by final Resolution CM/ResDH(2018)463 .
	<i>T.M. and M.C. v. the Republic of Moldova</i> (application No. 26608/11, judgment of 28 January 2014).	Failure to provide protection from domestic violence.	Under enhanced supervision procedure, last examined at 1369th (DH) meeting , 3-5 March 2020. <i>Eremia</i> closed by final Resolution CM/ResDH(2017)425 .
	<i>Genderdoc-M v. the Republic of Moldova</i> (application No. 9106/06, judgment of 12 June 2012).	Unjustified bans on gay marches; lack of an effective remedy; discrimination on grounds of sexual orientation.	Closed by final Resolution CM/ResDH(2019)239 .
	<i>Luntre v. the Republic of Moldova</i> (group of cases) (application No. 2916/02, judgment of 15 June 2004).	Non-enforcement or delayed enforcement of domestic judgments.	Closed by final Resolution CM/ResDH(2018)226 .
	<i>Muşuc v. the Republic of Moldova</i> (group of cases) (application No. 42440/06, judgment of 6 November 2007), <i>Guţu v. the Republic of Moldova</i> (application No. 20289/02, judgment of 7 June 2007) and <i>Brega v. the Republic of Moldova</i> (group of cases) (application No. 52100/08, judgment of 20 April 2010).	Arbitrary arrest and detention in the context of criminal and administrative proceedings; unlawful entry by the police on private premises; absence of effective remedies.	Closed by final Resolutions CM/ResDH(2018)227 and CM/ResDH(2019)144 .
	<i>Sarban v. the Republic of Moldova</i> (group of cases) (application No. 3456/05, judgment of 4 October 2005).	Violations mainly related to unlawful detention on remand (lawfulness, duration, justification).	Under enhanced supervision procedure, last examined at 1377th meeting (DH) , 4 June 2020.
	<i>Taraburca v. the Republic of Moldova</i> (group of cases) (application No. 18919/10, judgment of 6 December 2011).	Ill-treatment by the police in connection with violent post-election demonstrations and ineffective investigations.	Closed by final Resolution CM/ResDH(2018)464 .

36. For more information, on the progress in the implementation of these judgments, see the search engine [HUDOC-EXEC](#) and the [country factsheets](#) of the Department for the Execution of Judgments of the European Court of Human Rights.

State party	Leading case	Case description	Status of execution ³⁶
Romania	<i>Vlad and Others</i> (group of cases) (application No. 40756/06, judgment of 26 November 2013).	Excessive length of civil and criminal proceedings and lack of an effective remedy.	Under enhanced supervision procedure, last examined at 1259th (DH) meeting , 7-8 June 2016.
	<i>Străin and Others v. Romania</i> (group of cases) (application No. 57001/00, judgment of 30 November 2005), and <i>Maria Atanasiu and Others v. Romania</i> (pilot judgment) (application No. 30767/05, judgment of 12 October 2010).	Failure to restore or compensate for nationalised property.	Under enhanced supervision procedure, last examined at 1340th (DH) meeting , 12-14 March 2019.
	Groups of cases <i>Sacaleanu v. Romania</i> (application No. 73970/01, judgment of 6 December 2005), <i>Ruianu v. Romania</i> (application 34647/97, judgment of 17 June 2003) and <i>Strungariu v. Romania</i> (application No. 23878/02, judgment of 29 September 2005).	Non-enforcement or delays in the enforcement of domestic final judicial decisions.	<i>Sacaleanu</i> group of cases under enhanced supervision procedure, last examined at 1340th (DH) meeting , 12-14 March 2019. <i>Ruianu</i> and <i>Strungariu</i> groups of cases closed by final Resolutions CM/ResDH(2017)392 and CM/ResDH(2019)224
	<i>Bragadireanu v. Romania</i> (group of cases) (application No. 22088/04, judgment of 6 March 2008) and <i>Rezmiveş and Others v. Romania</i> (pilot judgment) (application No. 61467/12, judgment of 25 April 2017).	Overcrowding and poor conditions in detention centres.	Under enhanced supervision procedure, last examined at 1369th (DH) meeting , 3-5 March 2020.
	<i>Association '21 Decembre 1989' and others v. Romania</i> (group of cases) (application No. 33810/07, judgment of 24 May 2011).	Ineffectiveness of investigations into violent crackdowns in 1989 on anti-government demonstrations.	Under enhanced supervision procedure, last examined at 1318th (DH) meeting , 5-7 June 2018.
	<i>Centre for Legal resources on behalf of Valentin Câmpeanu v. Romania</i> (application No. 47848/08, judgment of 17 July 2014, Grand Chamber).	Lack of appropriate judicial protection and medical and social care of a vulnerable person with mental disabilities who died in a psychiatric hospital.	Under enhanced supervision procedure, last examined at 1348th (DH) meeting , 4-6 June 2019.
	<i>Țicu v. Romania</i> (group of cases) (application No. 24575/10, judgment of 1 April 2014).	Inadequate management of psychiatric conditions of detainees in prison.	Under enhanced supervision procedure, last examined at 1355th (DH) meeting , 23-25 September 2019.
	<i>Bucur and Toma v. Romania</i> (application No. 40238/02, judgment of 8 January 2013).	Conviction of a whistle-blower for having disclosed information on the illegal secret surveillance of citizens by the intelligence service; lack of safeguards in the statutory framework governing secret surveillance.	Under enhanced supervision procedure, last examined at 1273rd (DH) meeting , 6-8 December 2016.

36. For more information, on the progress in the implementation of these judgments, see the search engine [HUDOC-EXEC](#) and the [country factsheets](#) of the Department for the Execution of Judgments of the European Court of Human Rights.

State party	Leading case	Case description	Status of execution ³⁶
Russian Federation	<i>Gerasimov and Others v. Russia</i> (application No. 29920/05, judgment of 1 July 2014).	Non-enforcement of domestic final judgments and lack of effective remedy in this respect.	Under standard supervision procedure, last examined at 1288th (DH) meeting , 6-7 June 2017.
	<i>Kalashnikov v. Russian Federation</i> (group of cases) (application No. 47095/99, judgment of 15 July 2002), and <i>Ananyev and others v. Russia</i> (pilot judgment) (application No. 42525/07, judgment of 10 January 2012).	Poor conditions in detention centres and lack of an effective remedy in this respect.	Under enhanced supervision procedure, last examined at 1348th (DH) meeting , 4-6 June 2019.
	<i>Klyakhin v. Russia</i> (group of cases) (application No. 46082/99, judgment of 30 November 2004).	Different violations of Article 5 mainly related to detention on remand (lawfulness, procedure and length).	Under enhanced supervision procedure, last examined at 1377th (DH) meeting , 4 June 2020, see Interim Resolution CM/ResDH(2020)100 (on the <i>Pichugin</i> case).
	<i>Mikheyev. v. Russia</i> (group of cases) (application No. 77617/01, judgment of 26 January 2006).	Ill-treatment in police custody and lack of an effective investigation in this respect.	Under enhanced supervision procedure, last examined at 1362nd (DH) meeting , 3-5 December 2019.
	<i>Khashiyev and Akayeva v. Russia</i> (group of cases) (application No. 57942/00, judgment of 24/02/2005).	Various violations of the Convention resulting from and/or relating to the actions of the security forces in the Chechen Republic (mainly unjustified use of force by members of the security forces, disappearances, unacknowledged detentions, torture and ill-treatment, unlawful search and seizure and destruction of property).	Under enhanced supervision procedure, last examined at 1377bis meeting (DH) , 1-3 September 2020.
	<i>Garabayev v. Russia</i> (group of cases) (application No. 38411/02, judgment of 30 January 2008).	Various violations of the Convention related to extradition (Articles 3, 5, 13 and 34 of the Convention). Risk of ill-treatment in cases of extradition and disregard of interim measures indicated by the Court under Rule 39 of the Rules of the Court.	Under enhanced supervision procedure, last examined at 1340th meeting (DH) , 12-14 March 2019.
	<i>Alekseyev v. Russia</i> (application No. 4916/07, judgment of 21 October 2010) and <i>Bayev and Others v. Russia</i> (applications No. 67667/09+, judgment of 20 June 2017).	Violation of the freedom of assembly due to repeated bans of LGBT marches and discrimination on grounds of sexual orientation.	Under enhanced supervision procedure, last examined at 1331st meeting (DH) , 4-6 December 2018.
	<i>Catan and Others v. Russia</i> (application No. 43370/04, judgment of 19 October 2012) and <i>Boboico and Others v. Russia</i> (application No. 30003/04, judgment of 23 October 2018).	Violation of the right to education of children and parents from Latin script schools in the Transdnistrian region of the Republic of Moldova.	Under enhanced supervision procedure, last examined at 1377bis meeting (DH) , 1-3 September 2020, see Interim Resolution CM/ResDH(2020)183 .
	<i>AO Neftyanaya Kompaniya YUKOS v. Russia</i> , application No. 14902/04, judgments of 20 September 2011 (on the merits) and 31 July 2014 (just satisfaction).	Various violations of the Convention (mainly of Article 6.1 and Article 1 of Protocol No. 1) concerning tax and enforcement proceedings brought against the applicant company, leading to its liquidation in 2007.	Under enhanced supervision, last examined at 1383rd meeting (DH) , 29 September -1 October 2020, see Interim Resolution CM/ResDH(2020)204 .

State party	Leading case	Case description	Status of execution ³⁶
Turkey	<i>Hulki Güneş v. Turkey</i> (group of cases) (application No. 28490/95, judgment of 19 June 2003).	Lack of judicial independence and impartiality, unfairness of judicial proceedings, ill-treatment inflicted in police custody.	Closed by final Resolution CM/ResDH(2019)359 .
	<i>Ülke v. Turkey</i> (group of cases) (application No. 39437/98, judgment of 24 January 2006).	Degrading treatment of the applicant as a result of his repeated convictions and imprisonment for having refused to perform military service.	Under enhanced supervision procedure, last examined at 1377th (DH) meeting , 4 June 2020.
	Groups of cases <i>Öner and Türk</i> (application No. 51962/12, judgment of 31 March 2015), <i>Nedim Şener</i> (application No. 38270/11, judgment of 8 July 2014) and <i>Altuğ Taner Akçam</i> (application No. 27520/07, judgment of 25 October 2011) <i>v. Turkey</i> .	Unjustified and disproportionate interferences in the freedom of expression.	Under enhanced supervision procedure, last examined at 1369th (DH) meeting , 3-5 March 2020.
	<i>Bati and Others v. Turkey</i> (group of cases) (application Nos. 33097/96, and 57834/00, judgment of 3 June 2004), and <i>Okkali v. Turkey</i> (group of cases) (application No. 52067/99, judgment of 17 October 2006).	Ill-treatment by the police and security forces; ineffective investigations.	Under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September-1 October 2020. <i>Okkali</i> group of cases closed by final Resolution CM/ResDH(2019)241 .
	<i>Cyprus v. Turkey</i> (inter-state case) (application No. 25781/94, judgments of 10 May 2001 and 12 May 2014, Grand Chamber), <i>Xenides-Arestis v. Turkey</i> (application No. 46347/99, judgments of 22 December 2005 and 7 December 2006), and <i>Varnava and Others v. Turkey</i> (application No. 16064/90+, judgment of 18 September 2009, Grand Chamber).	Various violations of the Convention relating to the situation in the northern part of Cyprus following a Turkish military operation in 1974 (missing persons, living conditions of Greek Cypriots in the northern part of Cyprus, the rights of Turkish Cypriots living in the northern part of Cyprus, and homes and property of displaced persons).	Under enhanced supervision procedure, <i>Varnava and Others</i> , last examined at 1362nd (DH) meeting , 3-5 December 2019. <i>Xenides-Arestis</i> , last examined at 1340th (DH) meeting , 12-14 March 2019. <i>Cyprus v. Turkey</i> , last examined at 1377bis (DH) meeting , 1-3 September 2020, see Interim Resolution CM/ResDH(2020)185 .
	<i>Oya Ataman v. Turkey</i> (group of cases) (application No. 74552/01, judgment of 5 December 2006).	Abusive use of force by security forces in dispersing peaceful demonstrations.	Under enhanced supervision procedure, last examined at 1340th (DH) meeting , 12-14 March 2019.
	<i>Söyler v. Turkey</i> (group of cases) (application No. 29411/07, judgment of 17 September 2013).	Ban on convicted prisoners' voting rights.	Cases closed by final Resolution CM/ResDH(2019)147 .
	<i>Opuz v. Turkey</i> (group of cases) (application No. 33401/02, judgment of 9 June 2009).	Failure to provide protection against domestic violence.	Under enhanced supervision procedure, last examined at 1331st (DH) meeting , 4-6 December 2018.

State party	Leading case	Case description	Status of execution ³⁶
Ukraine	<i>Zhovner v. Ukraine</i> (group of cases) (application No. 56848/00, judgment of 29 June 2004); <i>Yuriy Nikolayevich Ivanov. v. Ukraine</i> (pilot judgment) (application No. 40450/04, judgment of 15 January 2010) and <i>Burmych and Others v. Ukraine</i> (applications No. 46852/13+, judgment of 12 October 2017, Grand Chamber, striking out).	Non-enforcement of domestic final judgments and lack of an effective remedy in this respect.	Under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September -1 October 2020, see Interim Resolution CM/ResDH(2020)211 .
	Groups of cases <i>Svetlana Naumenko v. Ukraine</i> (application No. 41984/98, judgment of 9 November 2004) and <i>Merit v. Ukraine</i> (application No. 66561/01, judgment of 30 March 2004).	Excessive length of civil and criminal proceedings.	Under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September -1 October 2020, see Interim Resolution CM/ResDH(2020)209 .
	<i>Nevmerzhitsky v. Ukraine</i> (group of cases) (application No. 54835/00, judgment of 9 September 2004).	Poor conditions of detention on remand.	Under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September-1 October 2020.
	Groups of cases <i>Afanasyev v. Ukraine</i> (application No. 38722/02, judgment of 5 April 2005) and <i>Kaverzin v. Ukraine</i> (application No. 23893/03, judgment of 15 May 2012).	Ill-treatment by police and lack of procedural safeguards.	Under enhanced supervision procedure, last examined at 1377bis (DH) meeting , 1-3 September 2020.
	Group of cases <i>Ignatov v. Ukraine</i> (application No. 40583/15, judgment of 15 December 2016) and <i>Chanyev v. Ukraine</i> (application No. 46193/13, judgment of 9 October 2014).	Problems regarding the legal framework governing and the use of pre-trial detention.	Under enhanced supervision procedure, last examined at 1348th (DH) meeting , 4-6 June 2019.
	Groups of cases <i>Salov v. Ukraine</i> (application No. 65518/01, judgment of 6 November 2005), and <i>Oleksandr Volkov v. Ukraine</i> (application No. 21722/11, judgment of 9 January 2013).	Lack of independence and impartiality of tribunals. Violations of the applicant's right to a fair hearing on account of his unlawful dismissal from his post as a judge at the Supreme Court of Ukraine.	<i>Salov</i> group of cases closed by final Resolution CM/ResDH(2018)232 . <i>Oleksandr Volkov</i> group of cases under enhanced supervision procedure, last examined at 1383rd (DH) meeting , 29 September -1 October 2020.
	<i>Gongadze v. Ukraine</i> (application No. 34056/02, judgment of 8 November 2005).	Failure to protect life, failure to carry out an effective investigation into a death, lack of an effective remedy in this respect, attitude of the investigatory authorities towards the applicant and her family amounting to degrading treatment.	Under enhanced supervision procedure, last examined at 1324th (DH) meeting , 18-20 September 2018.
	<i>Vyerentsov v. Ukraine</i> (group of cases) (application No. 20372/11, judgment of 11 April 2013).	Violation of the right to freedom of peaceful assembly.	Under enhanced supervision procedure, last examined at 1288th (DH) meeting , 6-8 June 2017.

Appendix 2 – Judgments of the European Court of Human Rights against Azerbaijan pending before the Committee of Ministers under enhanced supervision procedure.

Leading case	Case description	Status of execution ³⁷
<i>Gafgaz Mammadov v. Azerbaijan</i> (application No. 60259/11, on judgment of 15 October 2015).	Dispersals of demonstrations and arrests of demonstrators.	Last examined at 1318th (DH) meeting , 5-7 June 2018.
<i>Humbatov v. Azerbaijan</i> (group) (application No. 13652/06, judgment of 3 October 2009).	Non-enforcement of final domestic judgments (other property rights).	Last examined at 1348th (DH) meeting , 4-6 June 2019.
<i>Ilgar Mammadov v. Azerbaijan</i> (group) (application No. 15172/13, judgment of 22 May 2014).	Imprisonment for reasons other than those permitted by Article 5 of the Convention.	Last examined at 1377bis (DH) meeting , 1-3 September 2020.
<i>Insanov v. Azerbaijan</i> (group) (application No. 16133/08, judgment of 14 March 2013).	Unfair criminal and civil proceedings; inhuman and degrading detention conditions.	Last examined at 1340th (DH) meeting , 12-14 March 2019.
<i>Khadija Ismayilova v. Azerbaijan</i> (application No. 65286/13, judgment of 10 January 2019).	Violations of the applicant's right to privacy and freedom of expression.	An action plan/report is awaited.
<i>Mahmudov and Agazade v. Azerbaijan</i> (application No. 40994/07, judgment of 22 April 2010) and <i>Fatullayev v. Azerbaijan</i> (application No. 35877/04, judgment of 18 December 2008).	Violation of right to freedom of expression, arbitrary application of law of the law on defamation.	Last examined at 1318th (DH) meeting , 5-7 June 2018.
<i>Muradova v. Azerbaijan</i> (group) (application No. 22684/05, judgment of 2 April 2009); <i>Mammadov (Jalaloglu) v. Azerbaijan</i> (group) (application No. 34445/04, judgment of 11 January 2007) and <i>Mikayil Mammadov v. Azerbaijan</i> (group) (application No. 4762/05, judgment of 17 December 2009).	Excessive use of force by the security forces and lack of effective investigations.	Last examined at 1377bis (DH) meeting , 1-3 September 2020.
<i>Mirzayev v. Azerbaijan</i> (group) (application No. 50187/06, judgment of 3 December 2009).	Non-enforcement of final judicial decisions ordering the eviction of internally displaced persons who were unlawfully occupying the applicants' apartments.	Last examined at 1348th (DH) meeting , 4-6 June 2019.
<i>Namat Aliyev v. Azerbaijan</i> (group) (application No. 18705/06, judgment of 8 April 2010).	Various irregularities in the context of the 2005 and 2010 parliamentary elections and lack of safeguards against arbitrariness.	Last examined at 1369th (DH) meeting , 3-5 March 2020.
<i>Sargsyan v. Azerbaijan</i> (application No. 40167/06, judgments of 16 June 2015 and 12 December 2017, Grand Chamber).	Impossibility for persons displaced during the Nagorno-Karabakh conflict to gain access to their homes and properties in the region; lack of effective remedies.	Last examined at 1369th (DH) meeting , 3-5 March 2020.
<i>Tarverdiyev v. Azerbaijan</i> (application No. 33343/03, judgment of 26 July 2007).	Failure or delay in the enforcement of final judgments ordering in kind obligations.	Last examined at 1348th (DH) meeting , 4-6 June 2019.

37. For more information, on the progress in the implementation of these judgments, see the search engine [HUDOC-EXEC](#).