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Creating a right to request for a revision of decisions of the European Court of Human Rights

Written question No. 760 to the Committee of Ministers
by Mr Marko KOVAČEVIĆ, Montenegro, Members not belonging to a Political Group

Pursuant to the Rules of the European Court of Human Rights, a party may request the Court to revise a judgment "in the event of the discovery of a fact which might by its very nature have a decisive influence" (§80.1).

However, a request for a revision is not possible for a decision. When a party discovers a fact which might have a decisive influence on a decision, as this occurred in some recent decisions of inadmissibility of the Court, that party cannot request for its revision.

In the case Knežević v. Montenegro (54228/18), this fact was that the judge Màrtiņš Mits sat in the case. Mr Knežević had strongly criticized Mr Mits in the past and had submitted a written question to the Committee of Ministers (No. 748 of 24 April 2020) about his lack of impartiality in the Court's cases.

Following this serious criticism, Mr Mits could have been motivated by revenge and may have had a bias in the Knežević case. In any event, the applicant has legitimate reasons to think that the fact that the judge Mits sat in the case might have had a decisive influence on the decision of the Court.

In recent cases against Sweden, Grimmark (43726/17) and Steen (62309/17), the applicants also discovered that judge Erik Wennerström sat in their case despite that he had worked for the Swedish Government. The fact that Mr Wennerström had a bias support for one of the parties might have had a decisive influence on the decision of the Court.

Mr Kovačević

To ask the Committee of Ministers:

Does the Committee of Ministers intend to extend the remedy of revision to admissibility decision?