

# EIN and OSJI briefing discusses cases from Azerbaijan, Belgium and Greece, Romania, Moldova and Russia



On 20 February 2017, the European Implementation Network (EIN) and the Open Society Justice Initiative (OSJI) convened its

quarterly civil society briefing to the Committee of Ministers (CM) on cases scheduled for its review at the 1280th CM-DH meeting on 7-9 March 2017. On that occasion, EIN and OSJI briefed CM members on the implementation of cases of Rasul Jafarov v Azerbaijan, M.S.S v Greece and Belgium, Centre for Legal Resources on behalf of Valentin Campeanu v Romania, and Catan and Others v Moldova and Russia. The briefing took place at the premises of the Council of Europe, under the invitation of the Permanent Representations of Ireland and Norway.

[Rasul Jafarov v Azerbaijan \(Appl. No. 69981/14\)](#)

Rasul Jafarov is an Azerbaijani human rights defender and Chairman of the Human Rights Club whose arrest and pre-trial detention in August 2014 the European Court of Human Rights (ECtHR) found unlawful and aimed 'to silence and punish the applicant for his activities in the area of human rights' (violations of Articles 5 and 18, and 34 of the Convention). The Government of Azerbaijan has so far failed to take any individual measures to implement the judgment. It has not yet paid the compensation of €25,000 indicated by the ECtHR despite the deadline of 4 October 2016. The Supreme Court dismissed Jafarov's appeal to re-examine the criminal case that led to his conviction on the basis that the ECtHR judgment of 17 March 2016 is a 'newly discovered fact' provided for in the Criminal Procedure Code of Azerbaijan.

Information on the latest developments in the case was provided by Ramute Remezaite, Legal Consultant of the European Human Rights Advocacy Centre representing Rasul Jafarov before the ECtHR. Two written submissions to the CM can be found [here](#) and [here](#).

### **[M.S.S v Belgium and Greece \(Appl. No. 30696/09\)](#)**

The M.S.S group of cases concerns the degrading treatment of the applicants (asylum seekers or irregular migrants) on account of their conditions of detention such as overcrowding, insufficient ventilation, lack of regular access to toilets or sanitary facilities, unsuitable food or inadequate allowances for food in various detention facilities. The ECtHR found such a treatment amount to a violation of Article 3 of the Convention (degrading ill-treatment). Some of the cases of the group concern the violations of the applicants' right to an effective remedy in relation to deficiencies in the examination of the applicant's asylum application and the conditions of the detention.

At the briefing, Simon Cox, Migration Lawyer, Open Society Justice Initiative, Irem Arf Rayfield, Regional Researcher on

Migration (Europe) – Amnesty International and Eleni Takou, Senior Advocacy Officer, Solidarity Center, Greece provided detailed information on the current state of execution of the cases and the suggested actions to be taken by the CM.

A joint NGO submission has been submitted to the CM and will be available here soon.

**[Centre for Legal Resources on behalf of Valentin Campeanu v Romania \(Appl. No. 47848/08\)](#)**

The case concerns the authorities' failure to protect the right to life of Mr. Câmpeanu, a young man of Roma origin, orphaned, HIV-positive and diagnosed with profound intellectual disability. The ECtHR found a substantial violation of Article 2 of the Convention in relation to severe shortcomings in the social and medical care afforded to the applicant before his death at the neuropsychiatric hospital. Under Article 46 of the Convention, the ECtHR indicated that Romania take the necessary general measures to ensure that persons with mental health problems in a situation comparable to that of Mr Câmpeanu are afforded independent representation, enabling them to have Convention complaints relating to their health and treatment examined before a court or other independent body.

The current state of execution and the latest domestic developments were presented by Georgiana Iorgulescu, Executive Director, and Georgiana Pascu, Programme Manager of the Centre for Legal Resources (CLR), Romania.

The CLR submission of 20 February 2017 to the CM in response to the [revised action plan](#) of the Romanian Government of 2 January 2017 can be found [here](#).

**[Catan and Others v Moldova and Russia \(Appl. Nos. 43370/04, 8252/05 and 18454/06\)](#)**

The case concerns the violation of the right to education of

170 children or their parents from Latin-script schools located in the Transdnestrian region of the Republic of Moldova. Pursuant to the “Moldavian Republic of Transdnestria” “law” on languages, they had suffered from the forced closure of these schools between August 2002 and July 2004, as well as from measures of harassment, which the ECtHR found in violation of Article 2 of Protocol No. 1 by the Russian Federation.

The review of execution of judgments process to date and the latest developments were presented by Alexandru Postica, Human Rights Programme Director, PROMO-LEX, Moldova. A brief summary of the presentation can be found [here](#).

More information on the execution process of the cases supervised by the CM can be found on the [HUDOC-EXEC](#) database of the Department for Execution of Judgments of the European Court of Human Rights.

Source: <http://european-implementation.net>