

## Summary of Points

### **EIN briefing to the Committee of Ministers on 23 November 2018**

The following recommendations were presented at the briefing by:

*ILGA Europe, the Greek Helsinki Monitor (Greece), Mr Kakhidze, MP (Georgia)*

#### ***Alekseyev v Russian Federation (Application No 4916/07) and Bayev v Russia (Application No 67667/09)***

To request to the Russian authorities to :

- put forward a comprehensive and detailed action plan to ensure execution of the Alekseyev and Bayev judgments, including repeal of legislation prohibiting so-called “propaganda of homosexual relations”;
- To continue sending information on the treatment of notifications to hold public events similar to those in the Alekseyev case.

#### ***Makaratzis and others group of cases v Greece (Application No 50385/99)***

To ask the Greek government to:

- reopen all disciplinary investigations in the 13 cases of the *Makaratzis group* so that their conclusions are consistent with the ECtHR judgments and lead to issuing of apologies since the punishment of the culprits is impossible because of prescription, with the possible exception for the *Sidiropoulos-Papakostas case* that can still be properly executed;
- request the Supreme Court Prosecutor to file appeals for cassation for the benefit of law of ten domestic judgments in the Makaratzis group of cases found by the ECtHR to be in violation of ECHR;
- provide before the June 2019 DH meeting detailed information on the punishment of law enforcement officials for misconduct, ill-treatment or disproportionate use of force, in general and specifically for the 400+ cases reported by CPT and NGOs;
- make sure that the Ombudsman investigates himself the torture or ill-treatment allegations
- empower the Ombudsman to impose sanctions at the end of disciplinary investigations, or else replace him with another Independent Authority that will have the right to impose penalties;
- introduce the necessary amendments so that the definition of torture is compatible with Article 1 of UN CAT and hence is punished accordingly.

#### ***Merabishvili v Georgia (Application 72508/13)***

To ask the Georgian authorities to:

- re-open the criminal proceedings against him in order to grant an opportunity of full *restitutio in integrum*;
- pending the outcome of the re-opening of the criminal proceedings, order Mr Merabishvili's release;
- ensure rigorous investigation of his covert removal by an independent body.

#### ***Bekir Ousta and others group of cases v Greece (Application No 35151/05)***

To ask the Greek government to:

- provide explanations for the two domestic court decisions not to register the new Cultural Association of Turkish Women in the Prefecture of Xhanti, and to reject inadmissible the Turkish Union of Xhanti's application to have its dissolution annulled;
- use all available means including third-party interventions in domestic court proceedings, especially in the 7 December 2018 hearings of the applications for reopening by the Cultural

Association of Turkish Women in the Rodopi Prefecture, and by the Minority Youth Association at the Evros Prefecture, making it clear that the *Bekir-Ousta* associations should be (re)registered; and/or

- promptly introduce a legislative amendment that will change the procedure so as to introduce a simple registration of associations, along the French model for instance;
- request the Supreme Court Prosecutor to file appeals for cassation against all domestic judgments that were found by the ECtHR to violate the ECHR, including the four judgments related to the Bekir -Ousta associations.