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Execution of the judgment of the European Court of Human Rights in the **Öcalan** case

Written question No 488 to the Chairman of the Committee of Ministers presented by Mr Austin

Noting the Committee of Minister's reply to the Parliamentary Assembly Recommendation 1576 (2002) concerning the execution of the European Court's Judgments by Turkey and

Welcoming the judgment of the European Human Rights Court of 13 May 2005 which found the original trial to be unfair (Öcalan judgment).

Noting that according to the current legislation the re-opening of domestic proceedings in cases where the Court of Human Rights has found a violation is still not possible for Mr Öcalan and 90 other judgments which became final after 4 February 2003.

To ask the Chairman of the Committee of Ministers.

If the Committee considers the new Turkish regulation of 1 June 2005, so far only applied to Mr Öcalan, to be in compliance with the European Court judgment and Convention, whether the Committee deems it acceptable that the Turkish legislation allowing the re-trial within the domestic proceedings is still inapplicable to European Court of Human Rights judgments becoming final after 4 January 2003, and what measures have been adopted by the Committee.

*Signed*¹:

AUSTIN, John, United Kingdom, SOC

¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group