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Pressure exercised by States on the European Court of Human Rights applicants

Written question No 490 to the Committee of Ministers
presented by Mrs Oskina

Since 1998, Natalia Zakharova, a Russian national living in France, has been separated from her daughter Maria, born to her marriage with French national Patrick Ouary in 1995. After their divorce, French judicial authorities placed Masha, against her mother's will, into an adoptive family where the girl has been staying since. The mother is allowed to see her child only once every three weeks within the premises of the social service in the presence of a supervisor.

Considering the taking away of a child as a grave violation of her human rights, Natalia Zakharova, in despair to find justice in France, applied to the European Court of Human Rights. That application resulted in French authorities' immediate sanctions: a criminal case was fabricated against her on the charge of an attempt of arson of her former husband's house. On this ground, a preventive measure (contrôle judiciaire) has been applied to Mrs Zakharova, prohibiting her to leave her place of residence and obliging her to weekly appear at the police office.

In November 2005, when the Zakharova case was under consideration by the European Court of Human Rights, her criminal case was forwarded to a French court, one of the charges being that her story had become known to the media, thus damaging France's image.

It is absolutely evident that we are dealing with flagrant attempts to intimidate and exercise pressure on an European Court of Human Rights applicant defending her rights.

Considering the right to individual application to the Court and to fair trial as one of the main achievements of the Council of Europe's 50-year existence, Mrs Vera Oskina asks the Committee of Ministers:

- what mechanisms are at the Committee of Ministers' disposal in order to put an end to pressure exercised by States on European Court of Human Rights applicants;

- what specific steps does the Committee of Ministers intend to take in order to protect Natalia Zakharova from the French authorities' persecution with regard to her application to the European Court of Human Rights;

- whether, in particular, the Committee of Ministers or its Chairperson intend to officially address the French authorities, expressing the Council of Europe's concern over the situation;

- whether the Committee of Ministers intends to bring the case of Natalia Zakharova to the attention of the Commissioner for Human Rights so that he offers her necessary assistance, including in the Court proceedings.

Signed overleaf

*Signed*¹:

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BİLGEHAN, Gülsün, Turkey, SOC
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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