



SECRETARIAT

3 February 2009

Synopsis AS/Jur No 2009/01

## To the Members of the Committee on Legal Affairs and Human Rights

### Synopsis

#### of the meetings held in Strasbourg from 26 to 29 January 2009

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg

- **on 26 January 2009 at 14 h**, with Mr Eduard Kukan (Slovak Republic, EPP/CD), oldest member present, then Mrs Herta Däubler-Gmelin (Germany, SOC), in the Chair, as regards:
  - ***Election of the Bureau of the Committee:*** re-elected Mrs Herta Däubler-Gmelin (Germany, SOC) Chairperson, Mr Christos Pourgourides (Cyprus, EPP/CD) 1<sup>st</sup> Vice-Chairperson, Mr Pietro Marcenaro (Italy, SOC) 2<sup>nd</sup> Vice-Chairperson and Mr Rafael Huseynov (Azerbaijan, ALDE) 3<sup>rd</sup> Vice-Chairperson, by acclamation;
  - ***The implementation of Resolution 1633 (2008) on the consequences of the war between Georgia and Russia:***
    - appointed Mr Christos Pourgourides (Cyprus, EPP/CD) rapporteur for opinion
    - held an exchange of views with the participation of:
      - Ms Tanya Lokshina, Human Rights Watch, Deputy Director of the Russia Office
      - Mr Johannes Heiler, Amnesty International, Adviser
  - ***Private military and security firms and the erosion of the state monopoly on the use of force (Rapporteur for opinion: Mr Kimmo Sasi, Finland, EPP/CD):*** considered a report tabled by the Political Affairs Committee and approved an opinion and four amendments to the draft recommendation.

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- **on 27 January 2009 at 8 h 30**, with Mrs Däubler-Gmelin in the Chair, as regards:
    - ***The recent spate of murders in Vienna and Moscow:*** approved a public statement;
    - ***The implementation of Resolution 1633 (2008) on the consequences of the war between Georgia and Russia (Rapporteur for opinion: Mr Christos Pourgourides, Cyprus, EPP/CD):*** considered a report tabled by the Monitoring Committee and approved an opinion and eleven amendments to the draft resolution;
- (with Mr Christos Pourgourides, 1<sup>st</sup> Vice-Chairperson, in the Chair:)
- ***Co-operation with the International Criminal Court (ICC) and its universality (Rapporteur: Mrs Herta Däubler-Gmelin, Germany, SOC):*** took position on the amendments to the draft resolution;

- **Investigation of crimes allegedly committed by high officials during the Kuchma rule in Ukraine – the Gongadze case as an emblematic example** (*Rapporteur: Mrs Sabine Leutheusser-Schnarrenberger, Germany, ALDE*): took position on the amendment to the draft resolution;
- **Nomination of candidates and election of judges to the European Court of Human Rights** (*Rapporteur: Mr Christopher Chope, United Kingdom, EDG*): took position on the amendments to the draft resolution.

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- **on 27 January 2009 at 14 h**, with Mrs Däubler-Gmelin in the Chair, as regards:
  - **Reconstitution of sub-committees:** reconstituted its four sub-committees: Sub-Committee on Human Rights, Sub-Committee on Crime Problems and the Fight against Terrorism, Sub-Committee on Rights of Minorities and Sub-Committee on the Election of Judges to the European Court of Human Rights (see Appendix);
  - **The situation of human rights defenders in Council of Europe member states** (*Rapporteur: Mr Holger Haibach, Germany, EPP/CD*): considered and approved a draft report and adopted a draft resolution and a draft recommendation, with a view to presenting them at the Assembly's June 2009 part-session;
  - **Appointment of rapporteurs:**
    - *The need for a global consideration of human rights implications of biometrics:* Mr Holger Haibach (Germany, EPP/CD)
    - *Fight against extremism: achievements, deficiencies and failures (for opinion):* Mr Pietro Marcenaro (Italy, SOC)
    - *Situation in Kosovo (for opinion):* Mr Pieter Omtzigt (Netherlands, EPP/CD)
  - **Appointment of representatives of the Committee:** decided to propose the following nominations to the Bureau for 2009:
    - European Commission for Democracy through Law ("Venice Commission"):
      - Mr Christos Pourgourides (Cyprus, EPP/CD), titular member
      - Mrs Sabine Leutheusser-Schnarrenberger (Germany, ALDE), alternate member
    - Council for Democratic Elections (of the Venice Commission):
      - Mr Andreas Gross (Switzerland, SOC), titular member
      - Mr Boriss Cilevičs (Latvia, SOC), alternate member
    - European Commission against Racism and Intolerance (ECRI):
      - Mr Boriss Cilevičs (Latvia, SOC), titular member
      - Mr József Berényi (Slovak Republic, EPP/CD), alternate member
    - Group of States against Corruption (GRECO):
      - Mr Dick Marty (Switzerland, ALDE), titular member
      - Mr Kimmo Sasi (Finland, EPP/CD), alternate member
    - European Commission for the Efficiency of Justice (CEPEJ):
      - Mr Michel Hunault (France, EDG)

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- **on 29 January 2009 at 8 h 30**, with Mr Christos Pourgourides, 1<sup>st</sup> Vice-Chairperson, in the Chair, as regards:
  - **Sub-Committee on Human Rights** (*Chairperson: Mr Jean-Charles Gardetto, Monaco, EPP/CD*): heard a report by Mrs Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD), Vice-Chairperson of the Sub-Committee, on the meetings held in Limassol (Cyprus) on 24 November 2008 and in Strasbourg on 28 January 2009; endorsed the proposals of the Sub-Committee concerning the lists of candidates to the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegations of Georgia and Sweden; and declassified the report of the hearing on enforced disappearance which took place in Limassol;

- **Sub-Committee on the Election of Judges to the European Court of Human Rights** (Chairperson: Mr Boriss Cilevičs, Latvia, SOC): heard a report by Mrs Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD), former Chairperson of the Sub-Committee, on the meetings held in Paris on 11 December 2008 and in Strasbourg on 28 January 2009 and approved the follow up which the Sub-Committee intended to give to the lists submitted in respect of Malta and Ukraine;
- **Women in prison** (Rapporteur for opinion: Mrs Gultakin Hajiyeva, Azerbaijan, EPP/CD): considered a report tabled by the Social, Health and Family Affairs Committee and approved an opinion and seven amendments to the draft resolution;
- **Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)** (Rapporteur: Mr Michel Hunault, France, EDG): considered an introductory memorandum;
- **State of human rights in Europe: The need to eradicate impunity** (Rapporteur: Mrs Herta Däubler-Gmelin, Germany, SOC): considered an outline report and approved a preliminary draft programme for the Conference to take place in Berlin on 23 March 2009;
- **Work programme of the Committee: Priorities for 2009**: held an exchange of views and approved the Committee's priorities for 2009;
- **Non-entry into force of Protocol No 14 to the European Convention on Human Rights**: held an exchange of views with Mr Philippe Boillat, Director General of Human Rights and Legal Affairs and decided to make public the minutes of the exchange of views with representatives of the State Duma of the Russian Federation held in Moscow on 10 November 2008;
- **The situation of Roma in Europe and relevant activities of the Council of Europe** (Rapporteur: Mr József Berényi, Slovak Republic, EPP/CD): decided to ask the Bureau for an extension of the mandate until 31 January 2010 and authorised the rapporteur to carry out fact-finding visits to the Czech Republic and Romania;
- **The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans** (Rapporteur: Mr Jean-Charles Gardetto, Monaco, EPP/CD): authorised the rapporteur to carry out fact-finding visits to the region in the course of 2009;
- **For a greater commitment of member states concerning the efficiency and implementation of the Council of Europe Treaty Law** (Rapporteur: Mr John Prescott, United Kingdom, SOC): authorised the rapporteur to call upon an expert to assist him with the preparation of his report;
- **Reports on the death penalty** (Rapporteur: Mrs Renate Wohlwend, Liechtenstein, EPP/CD): decided to deal with the question of "Compliance with the International Court of Justice decision in the Avena case" in the framework of its report on "The death penalty in Council of Europe member and observer countries – an unacceptable violation of human rights", and to inform the Bureau accordingly;
- **An internationally recognised status of election observers** (Rapporteur: Mr Frans Weekers, Netherlands, ALDE): decided to ask the Bureau for an extension of the mandate until 31 December 2009;
- **The need for a global consideration of human rights implications of biometrics** (Rapporteur: Mr Holger Haibach, Germany, EPP/CD): authorised the rapporteur to call upon an expert to assist him with the preparation of his report;
- **Implementation of judgments of the European Court of Human Rights** (Rapporteur: Mr Christos Pourgourides, Cyprus, EPP/CD): authorised the rapporteur to carry out fact-finding visits to Bulgaria, Greece, Italy, Moldova, Romania, Russia, Turkey and Ukraine;

- **Next meetings:**

- Berlin (Germany), Monday 23 (Conference on "State of human rights in Europe: The need to eradicate impunity") and Tuesday 24 March 2009 (Bundestag)
- Strasbourg, during the Assembly's 2<sup>nd</sup> part-session of 2009 (27-30 April)
- Romania, end of May 2009 (dates to be fixed)
- Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2009 (22-26 June)

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**The Sub-Committee on Rights of Minorities** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 January 2009 at 14 h, with Lord Tomlinson (United Kingdom, SOC), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** re-elected Mr József Berényi (Slovak Republic, EPP/CD) Chairperson and elected Mr Ivan Popescu (Ukraine, SOC) Vice-Chairperson, both by acclamation;
- **Next meeting**
  - Monaco, Tuesday 10 March 2009 (14 h – 16 h 30)

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The **Sub-Committee on Crime Problems and the Fight against Terrorism** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 January 2009 at 14 h 05, with Mrs Anna Benaki (Greece, EPP/CD), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** re-elected Mr Dick Marty (Switzerland, ALDE) Chairperson and Mr Michel Hunault (France, EDG) Vice-Chairperson, both by acclamation;
- **Next meeting:** left it to the Chairperson to convene the next meeting.

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 January 2009 at 14 h 10, with Mr Dick Marty (Switzerland, ALDE), oldest member present, and then Mr Gardetto as elected Chairperson, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** re-elected Mr Jean-Charles Gardetto (Monaco, EPP/CD) Chairperson and elected Mrs Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD) Vice-Chairperson, both by acclamation;
- **European Committee for the Prevention of Torture (CPT):** considered and approved its recommendations for the lists of candidates to the CPT in respect of Georgia and Sweden;
- **Next meeting:**
  - Monaco, Tuesday 10 March 2009 (9 h – 12 h 30)

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The **Sub-Committee on the Election of Judges to the European Court of Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 January 2009 at 14 h 30, with Mr Klaas De Vries (Netherlands, SOC), oldest member present, and then Mr Boriss Cilevičs as elected Chairperson, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Boriss Cilevičs (Latvia, SOC) Chairperson, and Mrs Renate Wohlwend (Liechtenstein, EPP/CD) Vice-Chairperson, both by acclamation;
- **Recent developments concerning the elections of judges to the European Court of Human Rights:** held an exchange of views concerning the lists of candidates in respect of Malta and Ukraine; decided to invite the Chairperson of the Maltese parliamentary delegation and the Minister of Justice (or his representative) to an exchange of views at its next meeting; and – in the light of the legal opinion by eminent jurists – instructed its Chairperson to contact the third Ukrainian candidate;
- **Next meeting:** left it to the Chairperson to convene the next meeting.

Andrew Drzemczewski, Günter Schirmer, Catherine Maffucci-Hugel, Isild Heurtin

cc: Secretary General and secretariat of the Assembly  
 Secretaries of National Delegations and of Political Groups of the Assembly  
 Observers to the Assembly  
 Secretary General of the Congress  
 Directors General  
 Director of the Private Office of the Secretary General of the Council of Europe  
 Secretary to the Committee of Ministers  
 Director of Communication  
 Permanent Representations to the Council of Europe

## APPENDIX

**Composition of the sub-committees**  
**Composition des sous-commissions**
**i. Sub-Committee on Human Rights**  
**Sous-commission des droits de l'homme**

<u>Titular member / Membre titulaire</u>		<u>Alternate member / Membre remplaçant</u>
M.	GARDETTO Jean-Charles, <i>Chair</i>	Monaco
Mrs	BEMELMANS-VIDEC Marie-Louise, <i>Vice-Chair</i>	Netherlands / Pays-Bas
Mrs	BATET Meritxell	Spain / Espagne
Mr	CILEVIČS Boriss	Latvia / Lettonie
Mme	ERR Lydie	Luxembourg
Mr	FARINA Renato	Italy / Italie
Mr	FEDOROV Valeriy	Russia / Russie
Mrs	FRAHM Pernille	Denmark / Danemark
Mr	FRUNDA György	Romania / Roumanie
Mr	HAKL Karin	Austria / Autriche
Mr	HOLOVATY Serhiy	Ukraine
Mr	HOVANNISIAN Raffi	Armenia / Arménie
Mr	HUSEYNOV Rafael	Azerbaijan / Azerbaïdjan
Mrs	IVANOVA Iglica	Bulgaria / Bulgarie
Mr	JEVTIĆ Miloš	Serbia / Serbie
Mr	LEYDEN Terry	Ireland / Irlande
Mr	MARTINS Alberto	Portugal
M.	MARTY Dick	Switzerland / Suisse
M.	NACHBAR Philippe	France
Mrs	OHLSSON Carina	Sweden / Suède
Mr	POURGOURIDES Christos	Cyprus / Chypre
Mr	PRESCOTT John	United Kingdom / Royaume-Uni
Mr	SASI Kimmo	Finland / Finlande
Mrs	TAKTAKISHVILI Chiora	Georgia / Géorgie
Mrs	TÜRKÖNE Özlem	Turkey / Turquie
M.	VANDENBERGHE Hugo	Belgium / Belgique
Mr	VAREIKIS Egidijus	Lithuania / Lituanie
Mrs	WOHLWEND Renate	Liechtenstein
Mrs	DÄUBLER-GMELIN Herta, <i>ex officio</i>	Germany / Allemagne
Mr		Mr WEEKERS Frans
M.		Mr MUÑOZ ALONSO Alejandro
Mr		Mr FARINA Gianni
Mr		Mr MESSERSCHMIDT Morten
Mr		Mr IVANJI Željko
Mr		Mr COSTELLO Joe
Mr		Mr RODRIGUES Ricardo
Mme		Mme MAURY PASQUIER Liliane
Mr		Mr BLUM Roland
Mrs		Mrs PAPADOPOULOS Antigoni
Mr		Mr CHOPE Christopher
Mr		Mr MINASHVILI Akaki
M.		M. MONFILS Philippe

**ii. Sub-Committee on Crime Problems and the Fight against Terrorism**  
**Sous-commission sur les problèmes criminels et la lutte contre le terrorisme**

<u>Titular member / Membre titulaire</u>		<u>Alternate member / Membre remplaçant</u>
M.	MARTY Dick, <i>Chair</i>	Switzerland / Suisse
M.	HUNAUULT Michel, <i>Vice-Chair</i>	France
M.	ARNAUT José Luís	Portugal
Mrs	BENAKI Anna	Greece / Grèce
M.	CONDE Agustin	Spain / Espagne
Mr	COSTELLO Joe	Ireland / Irlande
M.	GARDETTO Jean-Charles	Monaco
Mr	HERRMANN Jürgen	Germany / Allemagne
Mr	HOVANNISIAN Raffi	Armenia / Arménie
Mr	ISLAMI Kastriot	Albania / Albanie
Mr	KALEMBA Stanisław	Poland / Pologne
Mr	KÜHNEL Franz Eduard	Austria / Autriche
Mr	LAAKSO Jaakko	Finland / Finlande
M.		M. MÜRI Felix
M.		M. POZZO di BORGIO Yves
Mr		Mr PANGALOS Theodoros
M.		M. DÍAZ TEJERO Arcadio
Mr		Mr LEYDEN Terry
M.		M. STEINER Christophe
Mr		Mr HAIBACH Holger
Mr		Mr GRAF Martin

Mr	MALINS Humfrey	United Kingdom / <i>Royaume-Uni</i>	Mr	ROWEN Paul
Mr	MESSERSCHMIDT Morten	Denmark / <i>Danemark</i>		
Mr	MINASHVILI Akaki	Georgia / <i>Géorgie</i>		
Mr	OMELCHENKO Hryhoriy	Ukraine		
Mrs	PASHAYEVA Ganira	Azerbaijan / <i>Azerbaïdjan</i>		
Ms	de POURBAIX-LUNDIN Marietta	Sweden / <i>Suède</i>	Mrs	ACKETOFT Tina
Mr	POURGOURIDES Christos	Cyprus / <i>Chypre</i>	Mrs	PAPADOPOULOS Antigoni
Mr	TÜRKEŞ Tuğrul	Turkey / <i>Turquie</i>		
Mr	VAKSDAL Øyvind	Norway / <i>Norvège</i>		
Mr	VANDENBERGHE Hugo	Belgium / <i>Belgique</i>	M.	FLAHAUT André
M.	VITALI Luigi	Italy / <i>Italie</i>	M.	VALENTINO Giuseppe
Mr	DE VRIES Klaas	Netherlands / <i>Pays-Bas</i>	Mr	OMTZIGT Pieter
Mrs	WOHLWEND Renate	Liechtenstein		
Mrs	DÄUBLER-GMELIN Herta, <i>ex officio</i>	Germany / <i>Allemagne</i>		

### iii. Sub-Committee on Rights of Minorities *Sous-commission sur les droits des minorités*

#### Titular member / Membre titulaire

Mr	BERÉNYI József, <i>Chair</i>	Slovakia / <i>Slovaquie</i>
Mr	POPESCU Ivan, <i>Vice-Chair</i>	Ukraine
Mr	Van den BRANDE Luc	Belgium / <i>Belgique</i>
Mr	CEBECİ Erol Aslan	Turkey / <i>Turquie</i>
Mr	CILEVIČS Boriss	Latvia / <i>Lettonie</i>
Mrs	CIRCENE Ingrīda	Latvia / <i>Lettonie</i>
M.	CUBREACOV Vlad	Moldova
Mrs	DAŃKOWSKA-CIHOCKA Lena	Poland / <i>Pologne</i>
Mrs	FRAHM Pernille	Denmark / <i>Danemark</i>
Mr	FRUNDA György	Romania / <i>Roumanie</i>
M.	GROSS Andreas	Switzerland / <i>Suisse</i>
Mrs	HAJIYEVA Gultakin	Azerbaijan / <i>Azerbaïdjan</i>
Mrs	ILYAZ Fatme	Bulgaria / <i>Bulgarie</i>
Mr	IVANJI Željko	Serbia / <i>Serbie</i>
Mrs	KONEČNÁ Katařina	Czech Republic / <i>République tchèque</i>
M.	MONFILS Philippe	Belgium / <i>Belgique</i>
Mr	OMTZIGT Pieter	Netherlands / <i>Pays-Bas</i>
M.	PANGALOS Theodoros	Greece / <i>Grèce</i>
Mr	PFLUG Johannes	Germany / <i>Allemagne</i>
Mrs	de POURBAIX-LUNDIN Marietta	Sweden / <i>Suède</i>
M.	RODRIGUES Ricardo	Portugal
M.	RUSTAMYAN Armen	Armenia / <i>Arménie</i>
M.	SANTINI Giacomo	Italy / <i>Italie</i>
Mr	SASI Kimmo	Finland / <i>Finlande</i>
Mrs	TAKTAKISHVILI Chiora	Georgia / <i>Géorgie</i>
Lord	TOMLINSON John	United Kingdom / <i>Royaume-Uni</i>
Mr	VAREIKIS Egidijus	Lithuania / <i>Lituanie</i>
Mr	XUCLA Jordi	Spain / <i>Espagne</i>
Mrs	DÄUBLER-GMELIN Herta, <i>ex officio</i>	Germany / <i>Allemagne</i>

#### Alternate member / Membre remplaçant

Mr	KALEMBA Stanisław
M.	MÜRI Felix
Mrs	IVANOVA Iglica
M.	FLAHAUT André
Mr	DE VRIES Klaas
Mr	KEFALOYIANNIS Emmanouil
Mr	HERRMANN Jürgen
M.	MARCENARO Pietro
Mr	LAAKSO Jaakko
Ms	BLANCO Delia

**iv. Sub-Committee on the Election of Judges to the European Court of Human Rights**  
***Sous-commission sur l'élection des juges à la Cour européenne des droits de l'homme***

**Group of the European People's Party (EPP/CD) / Groupe du Parti populaire européen (PPE/DC)**

Titular members / Titulaires

Mrs Marie-Louise BEMELMANS-VIDEC	Netherlands / Pays-Bas
M. Jean-Charles GARDETTO	Monaco
Mr Holger HAIBCH	Germany / Allemagne
Mr Christos POURGOURIDES	Cyprus / Chypre
Mr Kimmo SASI	Finland / Finlande
Mrs Renate WOHLWEND, <i>Vice-Chairperson</i>	Liechtenstein

Alternates / Remplaçants

M. Roland BLUM	France
Mr György FRUNDA	Romania / Roumanie
Mr Jürgen HERRMANN	Germany / Allemagne
Mr Raffi HOVANNISIAN	Armenia / Arménie
M. Hugo VANDENBERGHE	Belgique / Belgique
Mr Luigi VITALI	Italy / Italie

**Socialist Group / Groupe Socialiste (SOC)**

Titular members / Titulaires

Mr Boriss CILEVIČS, <i>Chairperson</i>	Latvia / Lettonie
Mrs Carina HÄGG	Sweden / Suède
M. Pietro MARCENARO	Italy / Italie
M. Alberto MARTINS	Portugal
Mr Klaas de VRIES	Netherlands / Pays-Bas

Alternates / Remplaçants

Mrs Merixtell BATET	Spain / Espagne
Mme Lydie ERR	Luxembourg
Mrs Igllica IVANOVA	Bulgaria / Bulgarie
M. Ivan POPESCU	Ukraine
Lord TOMLINSON	United Kingdom / Royaume-Uni

**Alliance of Liberals and Democrats for Europe (ALDE) / Alliance des Démocrates et des Libéraux pour l'Europe (ADLE)**

Titular members / Titulaires

Mrs Sabine LEUTHEUSSER-SCHNARRENBARGER	Germany / Allemagne
M. Dick MARTY	Switzerland / Suisse

Alternates / Remplaçants

Mrs Tina ACKETOFT	Sweden / Suède
[Mr Serhiy HOLOVATY <sup>1</sup>	Ukraine]

**European Democrat Group (EDG) / Groupe des Démocrates européens (GDE)**

Titular members / Titulaires

M. Michel HUNAULT	France
Mr Humfrey MALINS	United Kingdom / Royaume-Uni

Alternates / Remplaçants

Mr Christopher CHOPE	United Kingdom / Royaume-Uni
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**Group of the Unified European Left (UEL) / Groupe pour la Gauche unitaire européenne (GUE)**

Titular member / Titulaire

Mme Maria POSTOICO	Moldova
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Alternate / Remplaçant

Mr Jaakko LAAKSO	Finland / Finlande
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*ex officio* : Mrs Herta DÄUBLER-GMELIN Germany / Allemagne

<sup>1</sup>As Mr Holovaty is a candidate for the post of Judge in respect of Ukraine, his participation in the work of the Sub-Committee has been suspended upon his request / *M. Holovaty étant candidat pour le poste de Juge au titre de l'Ukraine, sa participation aux travaux de la sous-commission a été suspendue à sa demande.*