



SECRETARIAT

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9 March 2016

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

### Synopsis of the meeting held in Paris on 7 March 2016

The Committee on Legal Affairs and Human Rights, meeting in Paris on 7 March 2016, with Mr Alain Destexhe (Belgium, ALDE) in the Chair, as regards:

- **Transparency and openness in European institutions** (*Rapporteur: Ms Nataša Vučković, Serbia, SOC*): considered a draft report, draft resolution and a draft recommendation and decided to postpone adoption until the meeting of the committee in May 2016;
- **Urgent need to prevent human rights violations during peaceful protests** (*Rapporteur: Ms Ermira Mehmeti Devaja, "The former Yugoslav Republic of Macedonia", SOC*): in the absence of the Rapporteur, considered a draft report and adopted a draft resolution;
- **Human Rights compatibility of investor-State arbitration in international investment protection agreements** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): considered an introductory memorandum and authorised the Rapporteur to carry out a fact-finding visit to Brussels and to hold a hearing with three experts at a forthcoming meeting, subject to the availability of funds;
- **Appointment of rapporteurs:**
  - Jurisdictional immunity of international organisations and rights of their staff: appointed Mr Volker Ullrich (Germany, EPP/CD);
  - Azerbaijan's Chairmanship of the Council of Europe: What follow-up on Respect for Human Rights?: appointed Mr Alain Destexhe (Belgium; ALDE), who declared no conflict of interest (re-appointment of a Rapporteur following the election of Mr Pedro Agramunt (Spain, EPP/CD) as President of the Assembly);
- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of the reply from the Committee of Ministers to Assembly Recommendation 2073 (2015) on "Improving the protection of whistle-blowers";
- **Other business:**
  - **Legal remedies to human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities** (*Rapporteur: Marieluise Beck, Germany, ALDE*): agreed to hold a hearing with representatives of international organisations at a forthcoming meeting;
  - **Work programme:** took note of the work programme;

- **Article 52 ECHR:** took note of the Secretary General's decision to close the inquiry under Article 52 of the European Convention on Human Rights: illegal CIA detentions and transport of detainees suspected of terrorist acts as well as the information submitted by State's Parties to the request made in 2015. Invited the Chairperson to write a letter to the Secretary General of the Council of Europe expressing the committee's concern with regard to the closure of the inquiry;

- **Follow-up to Assembly's Resolution 2096 (2016) on "How to prevent inappropriate restrictions on NGO activities in Europe?":** decided to request the Bureau to be seized for another report on the matter (Rule 25.2. of the Assembly's Rules of Procedure);

- **Sub-Committees:** took note of the following changes:

Belgian delegation: on the Sub-Committee on the implementation of judgments of the European Court of Human Rights - Ms Sabien Lahaye-Battheu (ALDE) to be the titular member and Mr Philippe Mahoux (SOC) her alternate;

Turkish delegation: on the Sub-Committee on Crime Problems and the Fight against Terrorism, Mr Haluk Koç (SOC) to become the titular member and Mr İbrahim Mustafa Turhan (EC) to be the alternate (replacing Ms Leyla Şahin Usta (EC) and Mr Şaban Dişli (EPP/CD));

Portuguese delegation: on the Sub-Committee on the implementation of judgments of the European Court of Human Rights, Mr Alberto Martins (SOC) to become the titular member and Mr Sérgio Azevedo (EPP/CD) his alternate;

- **The crash of Polish Air Force Tu-154 transporting the Polish delegation on 10 April 2010 on the Russian Federation's territory** (*Rapporteur* : Mr Michael McNamara, Ireland, SOC): held a hearing with the participation of Mr Timothy Brymer, Attorney, specialist in aviation and aerospace law, Murray, Morin & Herman, P.A, London, UK, and Mr Pablo Mendes de Leon, Head of Department, Executive Chair of the Department of Air and Space Law, Leiden University, the Netherlands;

- **Next meetings:** took note of the forthcoming meetings:

- **Annual ticket:** accepted with thanks the official invitation received from the head of the Italian delegation to hold a meeting of the Committee on Legal Affairs and Human Rights and a joint seminar with the Committee on Rules of Procedure, Immunities and Institutional Affairs in Rome on 17-18 May 2016, subject to authorisation by the Bureau;

- **September meeting:** took note of the change of date of the September meeting now to be held on 6<sup>th</sup> September 2016;

*Plenary Committee:*

- Strasbourg, during the Assembly's 2<sup>nd</sup> part-session of 2016 (18- 22 April 2016)
- Rome, 17-18 May 2016 (plenary meeting and joint seminar with the Committee on Rules of Procedure, Immunities and Institutional Affairs, subject to Bureau authorisation)
- Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2016 (20-24 June 2016)
- Paris, 6 September 2016 (Council of Europe Office), tbc
- Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2016 (10-14 October 2016)
- Paris, 8 November 2016 (Council of Europe Office), tbc
- Paris, 13 December 2016 (Council of Europe Office), tbc

- **Administrative detention** (*Rapporteur*: Lord Richard Balfe, United Kingdom, EC): held a hearing with the participation of Mr Michael Fordham QC, Barrister, Blackstone Chambers, London, UK, Mr Stefan Trechsel, formerly President of the European Commission of Human Rights and Professor of Criminal Law and Procedure, Faculty of Law, University of Zurich, Switzerland, and Mr Jon Petter Rui, Professor of Criminal Law and Procedure, Faculty of Law, University of Bergen, Norway.

Andrew Drzemczewski, Günter Schirmer, Agnieszka Szklanna, Véronique Lerch

cc: Secretary General of the Assembly  
Director General, Director and all staff of the Secretariat of the Assembly  
Secretaries of National Delegations and of Political Groups of the Assembly  
Secretaries of observer and partner for democracy delegations  
Secretary General of the Congress  
Secretary to the Committee of Ministers  
Directors General  
Director of the Private Office of the Secretary General of the Council of Europe  
Director of the Office of the Commissioner for Human Rights  
Director of Communication  
Permanent Representations to the Council of Europe