



EHRAC Legal Skills Development Programme, February 2014, Strasbourg

The Legal Skills Development Programme was attended by six lawyers from the region, representing the following NGOs that EHRAC works with: Rustam Matsev from Memorial (Russia), Nino Jomarjidge from the Georgian Young Lawyers Association (Georgia), Ramute Remezaite from the Media Rights Institute (Azerbaijan), Arayik Zalyan from the Helsinki Citizens' Assembly Vanazdor (Armenia), Tatiana Glushkova from Jurix (Russia) and Halyna Bocheva from the Hebrew Immigrant Aid Society (Ukraine).

The programme was arranged and facilitated by Prof. Philip Leach, Jessica Gavron, Vahe Grigoryan and Oksana Popova from EHRAC. They were accompanied by Simon Cosgrove from the MacArthur Foundation.

The Programme

The focus of the programme this year was both the implementation of European Court judgments and the implications of the very recent important procedural changes for lodging applications in Strasbourg – including a brand new application form which is now mandatory.

At a meeting with Court registry lawyers Musa Khasanov (Russian section) and Pavlo Pushkar (Ukrainian section), the participants were provided with detailed guidance as to how to comply with the new procedures (under Rule 47). They responded to detailed questions about the revised process and emphasised the importance of being succinct in drafting.

Implementation of judgments

In order to develop the participants' understanding of the implementation process, the programme included meetings with officials with the Department for Execution of Judgments who are responsible for ensuring the implementation of judgments. Elisabeth Lambert, the Director of Research at the CNRS (National Centre for Scientific Research) at Strasbourg University encouraged the lawyers to ask for specific recommendations from the Court and to help the Committee of Ministers (CoM) put relevant pressure on the governments, advising that lawyers should also take steps at the national level - through the media, ombudspersons, etc. and seek an Interim Resolution by the CoM. Judge Nona Tsotsoria from Georgia suggested lawyers should help the Court to identify structural problems by emphasising evidence of the scale of the issue. Vugar Fataliyev, Court registry lawyer from Azerbaijan, gave a presentation of Azeri cases regarding Article 5, Article 11 and election-related cases.

We also held a half day meeting with state representatives who are involved in the CoM's implementation process. Hosted by the Norwegian delegation, the meeting was attended by representatives of Belgium, Austria, Denmark, Sweden, Slovenia, France, the UK, Ireland, the Netherlands and Germany. The participants gave presentations to the delegates on the state of implementation of various cases, including *Tymoshenko v Ukraine* (unlawful detention), *Alekseyev v Russia* (freedom of assembly and LGBT rights) and *Virabyan v Armenia* case





(torture in police custody). EHRAC lawyers then debriefed with the participants and agreed a plan of action to provide further follow up to state representatives on specific cases.

During the programme, participants also had the chance to observe the Court in action, attending the Grand Chamber hearing in the case of *Tarakhel v Switzerland*.

Participant feedback

The feedback was very positive, particularly on the sessions relating to Court practice.

One participant commented: ***“the meetings held with the registry lawyers (were) very informative and beneficial for me...the information that was most helpful concerned the new Rule 47 of the Court. The new rule... raises many questions in practice and... it was very helpful to get useful information about the new procedures and approach of the Court The Judge was also interesting. She gave important advice for practitioner lawyers. Also I had a chance to get acquainted with the working methods of Georgian registry lawyers and the Judge.”***

Another said: ***“Visiting the European Court was of great interest in itself. As far as the Grand Chamber hearing was concerned, it was very interesting to see how hearings are run based on a combination of the applicant’s speeches, the government’s defence, and questions from the Court.”***

The participants also saw how useful to was to meet state representatives:

“What was significant was that they were unaware of certain issues, such the Republic of Armenia’s culture of impunity in cases of torture. We went away from this meeting with the realisation that it is crucial to periodically inform the CoM about these and other relevant issues where there is an ECtHR judgment under their supervision.”

“While meeting with the representatives of the CoM I gained theoretical and practical knowledge regarding the work of the Committee and their role in the process of implementing ECtHR judgments. It was useful to understand the issues the CoM faces in ensuring that judgments are implemented and the measures requested by them of state parties.”

EHRAC received very positive feedback from Frank Power, the CoM representative for Ireland:

“Thank you again for the information provided in relation to the Alekseyev case, for this week’s meeting. I cannot stress enough how useful that information was in the debate that we had on the judgment”.

