



RECHTERS VOOR RECHTERS

TO BE DISTRIBUTED TO (THE REPRESENTATIVES OF) THE COMMITTEE OF MINISTERS

Concerns: Execution of ECHR judgment of 9 January 2013 (Volkov v. Ukraine) Application no. 21722/11

The Hague, 29 August 2013

Dear Sir, Madam,

The Foundation Judges for Judges – which aims to support fellow judges who have experienced or may experience problems related to their profession (www.rechtersvoorrechters.nl) – kindly draws your attention to the case of our Ukrainian colleague Oleksandr Volkov.

Mr Volkov was dismissed from his post as a Supreme Court Judge in May 2010. In its judgment of 9 January 2013, which became final on 27 May 2013, the European Court of Human Rights held, unanimously, that there had been several violations of Article 6 (right to a fair trial) and of Article 8 (right to respect for private and family life) of the European Convention on Human Rights. Under Articles 41 and 46 the Court recommended the Ukrainian authorities to urgently reform its system of judicial discipline. It further held that, given the very exceptional circumstances of the case, the Ukrainian authorities should secure Mr Volkov's reinstatement in the post of Supreme Court Judge at the earliest possible date.

We have welcomed the fact that this case was given enhanced status during your 1172nd meeting on 6 June 2013. In your decision of that date (case no. 28) you invited the Ukrainian authorities, *inter alia*, to provide, without delay, information on the measures adopted and/or envisaged to his reinstatement.

We are concerned by the fact that Mr Volkov not only is not reinstated yet as a Supreme Court Judge, but that it seems that no concrete steps have been taken by the Ukrainian authorities to implement the binding European Court of Human Rights judgment since 27 May 2013. The Ukrainian authorities have, as far as we know, neither provided the information as requested in your decision of 6 June 2013.

As was confirmed to Mr. Volkov by the Chief Justice of the Supreme Court of Ukraine in a letter of 8 July 2013, as of that date there are two judicial vacancies at the Supreme Court. Seen the urgent need to put an end to the ongoing violations of Articles 6 and 8 it is therefore not clear which concrete barriers are left preventing the immediate reinstatement of Mr Volkov.

The Foundation Judges for Judges therefore urgently requests you to use in your September meeting all means available to ensure that the Ukrainian authorities comply with their obligations under the Convention.

It would be highly appreciated if you could confirm the receipt of this letter.

Sincerely yours,

On behalf of the Foundation Judges for Judges,


Tamara Trotman, President of the Board of the Foundation

JUDGES FOR JUDGES

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