



## Case referred to the Grand Chamber

At its last meeting (22 October 2012), the Grand Chamber panel of five judges decided to refer one case and to reject requests to refer 18 other cases<sup>1</sup>.

The following case has been referred to the Grand Chamber of the European Court of Human Rights.

**Del Rio Prada v. Spain** (application no. 42750/09), concerning the postponement of the date of the applicant's release, in application of new case-law (the so-called "Parot doctrine"), adopted by the Supreme Court after she had been sentenced.

### Referral accepted

#### [Del Rio Prada v. Spain \(no. 42750/09\)](#)

The applicant, Ines Del Rio Prada, is a Spanish national who was born in 1958. She is serving a prison sentence in the region of Murcia (Spain). In eight sets of criminal proceedings for offences linked to terrorist attacks, she was sentenced to various prison terms.

In its [judgment of 10 July 2012](#), the Court unanimously held that there had been a violation of Article 7 (no punishment without law) and a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights.

The Court considered that it had been impossible for Ms Del Rio Prada to foresee the retroactive application to her case of the change in the case-law on calculating remission, resulting in an extension of nine years to the length of her sentence.

The Court further held that Spain was to ensure the applicant's release at the earliest possible date.

On 22 October 2012 the case was referred to the Grand Chamber at the Spanish government's request.

### Requests for referral rejected

Judgments in the following 18 cases are now final<sup>2</sup>

**Bajsultanov v. Austria** (no. 54131/10); judgment of 12 June 2012

<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

<sup>2</sup> Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

**Murtić and Ćerimović v. Bosnia and Herzegovina** (no. 6495/09); judgment of 19 June 2012

**Shuvalov v. Estonia** (nos. 39820/08 and 14942/09), judgment of 29 May 2012

**Metalco Bt. v. Hungary** (no. 34976/05); judgment (revision) of 26 June 2012

**Tomić and Others v. Montenegro** (nos. 18650/09, 18676/09, 18679/09, 38855/09, 38859/09, 38883/09, 39589/09, 39592/09, 65365/09 and 7316/10); judgment of 17 April 2012

**Lindheim and Others v. Norway** (nos. 13221/08 and 2139/10); judgment of 12 June 2012

**Ciesielczyk v. Poland** (no. 12484/05); judgment of 26 June 2012

**Rosenzweig and Bonded Warehouses Ltd. v. Poland** (no. 51728/99); judgment (just satisfaction) of 5 June 2012

**Damayev v. Russia** (no. 36150/04); judgment of 29 May 2012

**Kozhayev v. Russia** (no. 60045/10); judgment of 5 June 2012

**Shakurov v. Russia** (no. 55822/10); judgment of 5 June 2012

**Umarovy v. Russia** (no. 2546/08); judgment of 12 June 2012

**Umayevy v. Russia** (no. 47354/07); judgment of 12 June 2012

**Milosavljev v. Serbia** (no. 15112/07); judgment of 12 June 2012

**Mladenović v. Serbia** (no. 1099/08); judgment of 22 May 2012

**Ištván and Ištvánová v. Slovakia** (no. 30189/07); judgment of 12 June 2012

**Komanický v. Slovakia (No. 6)** (no. 40437/07); judgment of 22 May 2012

**Özgürlük ve Dayanışma Partisi (ÖDP) v. Turkey** (no. 7819/03); judgment of 10 May 2012

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en).

#### **Press contacts**

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int) | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

Nina Salomon (tel: + 33 3 90 21 49 79)

Denis Lambert (tel: + 33 3 90 21 41 09)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.