Pending cases against the Netherlands

Application Number	*English Case Title*	*Date of Judgment*	*Date of Final Judgment*	*Meeting Number*	*Meeting Section*
8196/02	SALAH v. the Netherlands	06/07/2006, 08/03/2007	08/03/2007	1013	3.A
14683/03	SYLLA v. the Netherlands	06/07/2006, 26/04/2007	26/07/2007	1013	3.A
52391/99	RAMSAHAI AND OTHERS v. the Netherlands	15/05/2007	15/05/2007	1013, 1020	3.A, 4.2
50252/99	SEZEN v. the Netherlands	31/01/2006	01/07/2006	1013	4.1
60665/00	TUQUABO-TEKLE and Others v. the Netherlands	01/12/2005	01/03/2006	1013	4.1
10807/04	VERAART v. the Netherlands	30/11/2006	28/02/2007	1013	4.1
48865/99	MORSINK v. the Netherlands	11/05/2004	10/11/2004	1020	4.2
49902/99	BRAND v. the Netherlands	11/05/2004	10/11/2004	1020	4.2
24919/03	MATHEW v. the Netherlands	29/09/2005	15/02/2006	1020	4.2
30810/03	GEERINGS v. the Netherlands	01/03/2007	01/06/2007	1020	4.2
1948/04	SALAH SHEEKH v. the Netherlands	11/01/2007	23/05/2007	1013	4.2
50210/99	DOERGA v. the Netherlands	27/04/2004	27/07/2004	1020	5.1

Cases against the Netherlands the examination of which has been closed in principle on the basis of the execution information received and awaiting the preparation of a final resolution

Application Number	*English Case Title*	*Date of Judgment*	*Date of Final Judgment*
26668/95	VISSER v. the Netherlands	14/02/2002	14/02/2002
31465/96	SEN v. the Netherlands	21/12/2001	21/03/2002
32605/96	RUTTEN v. the Netherlands	24/07/2001	24/10/2001
34549/97	MEULENDIJKS v. the Netherlands	14/05/2002	14/08/2002
35731/97	VENEMA v. the Netherlands	17/12/2002	17/03/2003
37328/97	A.B. v. the Netherlands	29/01/2002	29/04/2002
44760/98	DEL LATTE v. the Netherlands	09/11/2004	09/02/2005
45582/99	LEBBINK v. the Netherlands	01/06/2004	01/09/2004
46300/99	Marpa Zeeland B.V. and Metal Welding Service B.V. v. the Netherlands	09/11/2004	09/02/2005
48086/99	BEUMER v. the	29/07/2003	29/10/2003
50435/99	RODRIGUES DA SILVA and HOOGKAMER v. the Netherlands	31/01/2006	03/07/2006
50901/99	VAN DER VEN v. the Netherlands	04/02/2003	04/05/2003
51392/99	GOCER v. the Netherlands	03/10/2002	21/05/2003
52750/99	LORSE and Others v. the Netherlands	04/02/2003	04/05/2003
54789/00	BOCOS-CUESTA v. the	10/11/2005	10/02/2006

	Netherlands		
62015/00	SCHENKEL v. the Netherlands	27/10/2005	27/01/2006
2345/02	SAID v. the Netherlands	05/07/2005	05/10/2005
5379/02	NAKACH v. the Netherlands	30/06/2005	30/09/2005
13600/02	BAYBASIN v. the Netherlands	06/07/2006, 07/06/2007	06/10/2006
25149/03	VAN HOUTEN v. the Netherlands	29/09/2005	29/12/2005

Main pending cases against the Netherlands

1007 (October 2007) section 2

52391/99 Ramsahai and others, judgment of 15//05/2007 - Grand Chamber
The case concerns the failure by the respondent state in its obligation to conduct an effective investigation into the killing of Moravia Ramsahai, son and grandson respectively of the applicants (violation of Article 2). The victim was shot and killed by an officer of the Amsterdam/Amstelland Police Force on 19/07/1998, after he had drawn, and had begun to raise, a pistol towards two police officers present at the scene.
The European Court found that the fatal shot fired by the police officer in question was "no more than absolutely necessary". However, the Court found that the subsequent investigation into the incident was inadequate and insufficiently independent.
The Court considered the investigation inadequate because the two police officers' hands were not tested for gunshot residue, no reconstruction of the incident was staged, the weapons and ammunition of the officers were not examined, and no pictorial record of the trauma caused to the victim's body by the bullet was made. In addition, the two officers were not kept separated after the incident and were not questioned until nearly three days later. According to the Court, the mere fact that appropriate steps were not taken to reduce the risk of collusion between the two or with other colleagues, amounted to a significant shortcoming in the adequacy of the investigation.
The Court considered the investigation lacked sufficient independence because the, independent State Criminal Investigation Department only became involved in the investigation 15½ hours after the incident had taken place. In the meantime, essential parts of the investigation, namely the forensic examination of the scene, the door-to-door search for witnesses and the initial questioning of witnesses, including police officers, were carried out by the Amsterdam/Amstelland Police Force, to which the officers involved (and some of the witnesses questioned) belonged.
Individual measures: The European Court established the facts surrounding the death of Moravia Ramsahai and in its assessment of those facts concluded that the force used by the police officer in question was "no more than absolutely necessary".
• *Assessment: accordingly, no individual measure seems necessary.*
General measures: The judgment was published in two legal journals in the Netherlands (*NJB* 2007/27 pp 1678-1679 and *AB* 2007/77).
1) Lack of independence of the investigation: according to the Court's judgment, the duty system of the State Criminal Investigation Department was improved following a decision of the Amsterdam Court of Appeal of 23/06/2004, so that they can be at the place of the incident sooner. As a consequence, the State Criminal Investigation Department reaches the scene of events on average within an hour or an hour and a half after an incident is reported. In addition, on 26/07/2006, following the Chamber judgment in this case, the Board of Prosecutors General issued a new Instruction on how to act in the event of the use of force by a (police) officer. This Instruction applies to all officials exercising police powers.
Whenever an incident has taken place to which the Instruction applies, the investigation will be carried out by the State Criminal Investigation Department. The regional police force is to inform that department of the incident immediately. The duty officer of the State Criminal Investigation Department will proceed to the scene of the incident as quickly as possible. The local police are to take any necessary urgent measures, such as cordoning off the area concerned, caring for any casualties and taking down the names of any witnesses. They are not themselves to carry out any investigations unless and to the extent that their involvement is unavoidable. Any investigations that cannot be carried out by the State Criminal Investigation Department itself are done by the Internal Investigations Bureau of the police region concerned or by members of a neighbouring police force.
• *Assessment: In the light of this information, no further general measures seem necessary with regard to the findings of the Court concerning the lack of independence of the investigation.*

2) Inadequacy of the investigation:

• *Information is awaited on the protocol to be followed after incidents in which police officers use their fire arm, in particular if this leads to casualties.*

The Deputies decided to resume consideration of this item:
1. at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided on payment of the just satisfaction, if necessary;
2. at the latest at their 1020th meeting (4-6 March 2008) (DH), in the light of further information to be provided on general measures.

1007 (October 2007) section 4.1

50252/99 Sezen, judgment of 31/01/2006, final on 03/07/2006

The case concerns a violation of the applicants' right to family life due to the refusal by the respondent state to prolong the residence permit of the first applicant, the husband of the second applicant (violation of Article 8).

The first applicant came to the Netherlands in 1989, where he married the second applicant who had been in the Netherlands since the age of seven. The husband received a residence permit for the purposes of forming a family unit and working in the Netherlands. In 1992, he *ex jure* acquired the right to remain in the Netherlands indefinitely, a right which would expire when he would no longer actually form part of the family unit. In 1993 the first applicant was convicted of a drug offence and sentenced to four year's imprisonment, of which he served approximately two years. He has not re-offended.

Due to marital problems, the applicants did not live together for some time in 1995/1996. During that period however, their second child was conceived and in June 1996 the applicants resumed cohabitation. In May 1996 the applicants applied for an extension of the first applicant's residence permit. This was refused. The first applicant had lost his indefinite right to remain in the Netherlands when he ceased to live with his wife. The fact that cohabitation had been resumed did not revive this right *ex jure*. In view of the first applicant's criminal conviction the authorities considered that it was justified to deny him further residence. The interference with the first applicant's right to respect for his family life was held to be justified in the interests of public order and for the prevention of crime.

The European Court found that the second applicant and the applicants' children cannot, for several reasons, be expected to follow the first applicant to Turkey. Furthermore, the Court found that the present case concerns a functioning family unit where the parents and children are living together, the splitting up of which is an interference of a very serious order with the right protected by Article 8 of the Convention. In conclusion, the Court held that the respondent state failed to strike a fair balance between the applicants' interests on the one hand and its own interests in preventing disorder and crime on the other.

Individual measures: The first applicant has received a residence permit with retroactive effect as from 20/05/1996, which is valid until 19/01/2008. One of the conditions applicable to this permit is that the applicant exercises family life with his children. The applicant's lawyer has instituted an objection under Dutch administrative law against this condition, stating that the applicant should be allowed to reside in the Netherlands as long as he exercises family life with his children or his wife.

• *Information would be useful on whether the residence permit is expected to be prolonged after 19/01/2008 and whether the authorities are considering inclusion of the exercise of family life by the first applicant with his wife in the conditions applicable to his residence permit.*

General measures: Given the direct effect of European Court's judgments in the Netherlands, all authorities concerned are expected to align their practice to the present judgment. With this aim, the judgment has been published in several legal journals in the Netherlands, in particular the *NJCM-Bulletin* (2006, No.4, p.510-528), *European Human Rights Cases* (2006, no.3, p. 303-309) and *Nederlands Juristenblad* (2006, no. 17, p.952).

The Deputies decided to resume consideration of this case at their 1013th meeting (3-5 December) (DH), in the light of further information to be provided concerning individual measures.

1007 (October 2007) section 4.1

60665/00 Tuquabo-Tekle and others, judgment of 01/12/2005, final on 01/03/2006

The case concerns the Netherlands authorities' refusal to allow Mrs Tuquabo-Tekle's daughter by a previous marriage and living in Eritrea, to join her mother and step-family in The Netherlands and thus develop a family life.

The European Court found that the respondent state had failed in its obligation to strike a fair balance between the applicants' interests (family reunion) and its own interest (controlling immigration) (violation of Article 8). The Court drew attention to the similarity of the case to that of Şen (Section 6.2). The Court further found that, in the particular circumstances of the present case, the fact that the child concerned was older than that in the Şen case, was not an element which should lead to assessing the case differently.

Individual measures:

• *Information is awaited on progress in ensuring family reunion in this case*.

General measures: On 8/09/2006, a new policy was adopted by the Ministry of Justice in cases regarding the right to family reunion of minor children with a parent legally residing in the Netherlands. According to the authorities, the criterion of "factual family ties" used to determine whether a right to family reunion exists, is now interpreted in a manner "similar" to the European Court's interpretation of Article 8 of the Convention. It is now assumed that a child has factual family ties with the parent concerned if family life within the meaning of Article 8 of the Convention exists. Exception is only made to this rule in cases where the child will live independently from his or her parent and will provide for him- or herself; where the child forms an independent family by engaging in marriage or a relationship; or where the child has responsibility for the care of extramarital children. These three exceptions, none of which applied to the child in the present case, also formed part of the previous policy and have been maintained since in such situations it may be assumed that the child has reached a certain level of independence. In those cases the application of a strict immigration policy outweighs the individual interest of the child to join his or her parents in the Netherlands.

The other conditions (proof of a legal family relationship and the requirement of sufficient funds) also remain unchanged.

The judgment was published in the EHRC 2006, p. 648, no. 11.

The Deputies decided to resume consideration of this case at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided concerning individual measures, namely the family reunion of the applicants.

1007 (October 2007) section 4.1

10807/04 Veraart, judgment of 30/11/2006, final on 28/02/2007

The case concerns an interference with the applicant's freedom of expression which the European Court found not to be "necessary in a democratic society" (violation of Article 10).

The applicant is a lawyer and, at the material time, was representing certain members of a family accused by their daughter and sister in a television programme to have committed several crimes against her (including sexual abuse resulting in five pregnancies, three infanticides, one forced abortion and the sale of a baby). The woman in question had stated that she based these claims on memories which she had repressed but had been able to recover with the aid of a therapist. In a radio programme on the issue, the applicant questioned the professional qualifications and competence of this therapist and expressed the opinion that he and his ilk were not fit to administer psychotherapy to patients. The therapist in question lodged a complaint against the applicant with the Dean of the local Bar Association. The Amsterdam Disciplinary Council declared the therapist's complaint unfounded. The therapist appealed however, and the Disciplinary Appeal Tribunal found that the applicant's statements had been unnecessarily wounding for the therapist and declared the complaint well-founded. He was given an admonition.

The European Court considered that an acceptable assessment of the relevant facts required an investigation into at least whether or not the therapist had the professional competence to establish the truth of the woman's accusations by psychotherapy alone, or whether the applicant was in a position to substantiate and justify his statements himself. The Disciplinary Appeals Tribunal did not conduct such an investigation and its decision was thus based on an inadequate assessment of the facts and the reasons given therefore lacked relevance.

Individual measures:

• *Information is awaited on measures taken or envisaged to remedy the consequences of the violation for the applicant. In particular, information would be useful as to whether the admonition is still inscribed on the applicant's professional record. If so, the erasure of this admonition would seem necessary.*

General measures: The problem at issue in the judgment does not seem to be a systemic one. The judgment was published in EHRC 2007/17 pp 166-174. Given the direct effect of European Court's

judgments in the Netherlands, all authorities concerned are expected to align their practice to the present judgment.

The Deputies decided to resume consideration of this item at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided concerning individual measures:

1007 (October 2007) section 4.2

49902/99 Brand, judgment of 11/05/2004, final on 10/11/2004
48865/99 Morsink, judgment of 11/05/2004, final on 10/11/2004

The cases concern the provisional detention of the applicants (14 and 15 months respectively) pending availability of places in a secure psychiatric facility (violations of Article 5§1).
The applicants, who had been judged responsible for their acts, had been sentenced to imprisonment. In addition, because of problems of mental health, they were ordered to be detained in a secure psychiatric facility upon expiry of their sentences (respectively in 1994 and 1998). This was not a punitive measure but rather aimed at protecting society from the risks posed by the applicants.
The European Court found that the length of time the applicants had to wait was unacceptable. In addition, the Court stated that "[…] even a delay of six months in the admission of a person to a custodial clinic cannot be regarded as acceptable" (see §66 of the judgment in the case of Brand).

General measures:

• *Background*: The Secretariat notes that the current legislation, which entered into force in 1997 (i.e. after the facts in this case), provides a maximum delay for placement in a secure institution of six months. The Minister of Justice may extend this period by three months at a time, if placement proves impossible.

• *Measures concerning the delay in admission to a custodial clinic*: The Netherlands authorities have initiated measures to increase the capacity of secure psychiatric facilities, keeping in mind that following the judgments of the European Court and developments in domestic case-law, persons waiting for six months or more for placement in a custodial clinic need to be given priority. Thus in the years 2006/2007 the capacity of the concerned clinics will be increased by a total of 260 places. In 2006 the capacity was expanded by 146 places and more increases are envisaged. On 16/08/2006, the Netherlands authorities have informed the Secretariat that despite these measures the waiting period has not been reduced to below 6 months in all cases as the number of confinements orders is still high and expanding capacity depends also on finding and appointing qualified staff. Accordingly, three-month extensions are not yet exceptional. In addition, a pilot programme has been initiated under which those in detention awaiting placement may receive treatment in order to shorten their subsequent stay at a clinic.

• *Measures regarding the creation of an effective remedy*: If placement in a custodial clinic is not possible within six months, the person awaiting admission may receive compensation for each month spent waiting in detention. The Netherlands authorities also refer to a recent appeal judgment in which a waiting period of more than four months was found excessive and therefore needs to be compensated. In this judgment, reference was made to the findings of the European Court in these cases.

• *Information awaited*: *on the ongoing expansion of the capacity of custodial clinics. Statistics regarding the average waiting period for placement in such clinics would be useful. In addition, information would be useful on whether the pilot programme mentioned above will become permanent practice. Finally, clarification would be useful as to whether the respondent state has appealed against the appeal judgment mentioned on points of law.*
If so, information on the outcome of this appeal is awaited. If not, information is awaited on whether the judgment of the Court of Appeal is now applied in all cases, in other words, whether persons waiting for placement in a custodial clinic receive compensation for their detention in cases where the waiting period is longer than four months.

The Deputies decided to resume consideration of these items at the latest at their 1020th meeting (4-6 March 2008) (DH), in the light of information to be provided concerning general measures, in particular regarding the ongoing expansion of the capacity of custodial clinics, the pilot programme providing for treatment in detention centres during the waiting period and the judgment of the Court of Appeal setting the maximum waiting period for placement in a custodial clinic at four months.

1007 (October 2007) section 4.2

24919/03 Mathew, judgment of 29/09/2005, final on 15/02/2006

The case concerns the poor conditions of detention on remand the applicant suffered in the Aruba Correctional Institution (KIA) on Aruba, which in the European Court's view amounted to inhuman treatment (violation of Article 3).
The European Court recognised that the applicant, while detained, was "stubbornly unco-operative and much inclined to acts of violence against property and individuals" and therefore "impossible to control except in conditions of strict confinement" (§198). However, the Court found that "the applicant was kept in solitary confinement for an excessive and unnecessarily protracted period, that he was kept for at least seven months in a cell that failed to offer adequate protection against the weather and the climate, and that he was kept in a location from which he could only gain access to outdoor exercise and fresh air at the expense of unnecessary and avoidable physical suffering" (§217).
Individual measures: The applicant was released on 30/04/2004. The European Court awarded him just satisfaction in respect of the non-pecuniary damages he sustained.
• *Assessment*: *Thus no individual measure seems necessary*.
General measures:
• *Information provided by the authorities of the Netherlands*: The judgment of the European Court was published in several legal journals in the Netherlands (*NJCM-Bulletin* 2006, no. 4, p. 529-543*, NJB* 2005, no. 45/46, p. 2377-2378, and *ECHR* 2005, no. 11, p. 1084-1096). Furthermore, the KIA has recently been renovated, as a result of which the prison cells and the place designated for outdoor activity are now on the ground floor and that they are compatible with international norms.
• *More details are awaited on this renovation, in particular as regards the facilities for prisoners who have to spend part of their detention in solitary confinement*. *Furthermore, information would be appreciated on a possible policy to transfer such "problem prisoner"s to other territories of the Kingdom of the Netherlands if necessary*.

The Deputies decided to resume consideration of this item at their 1020th meeting (4-6 March 2008) (DH), in the light of further information to be provided on general measures, namely more detailed information concerning the renovations of the Aruba Correctional Institution, and in particular the facilities for prisoners who have to spend part of their detention in solitary confinement.

1007 (October 2007) section 2

30810/03 Geerings, judgment of 01/03/2007, final on 01/06/2007
The case concerns the infringement of the applicant's right to be presumed innocent (violation of Article 6§2). The domestic court of appeal, on the basis of article 36e of the Criminal Code, issued an order for the confiscation of illegally obtained advantage in respect of thefts of which the applicant had been partially acquitted. The appellate court indicated in this respect that the applicant's acquittal on some of the counts against him "did not lead to the conclusion that those offences, in view of their nature, may no longer be considered as 'similar offences' within the meaning of article 36e of the Criminal Code" and thus, pursuant to the same provision but contrary to the general rule on the burden of proof in criminal matters, the Prosecutor only had to establish that there was "sufficient indication" that the accused had committed the offences in order to obtain a confiscation order
The court of appeal accordingly found that there were sufficient indications that the applicant had committed the offences of which he had been acquitted and ordered the confiscation of alleged advantages obtained from those offences in addition to those from the offences of which he had been convicted. The Court of Cassation later upheld the judgment of the court of appeal.
The European Court considered that confiscation following on from a conviction is an inappropriate measure having regard to assets which are not known to have been in the possession of the person affected (as was the case here), the more so if the measure concerned relates to a criminal act of which the person affected has not actually been convicted. It further held that the court of appeal's finding amounted to a determination of the applicant's guilt without the applicant having been found guilty according to the law.
Individual measures: The European Court considered that the question of just satisfaction was not ready for decision and reserved the matter in its entirety in the light of the possibility of an agreement between the respondent government and the applicant.
General measures: The judgment was published in several legal journals in the Netherlands (*EHRC* 2007/61, pp 574-577, *Delikt & Delinkwent* 2007/6, *NJB* 2007/22 and *JOL* 2007/389 *(Hoge Raad Strafkamer)).*
• *Information is awaited regarding further possible measures taken or envisaged by the Netherlands authorities to ensure that future confiscation procedures are conducted in accordance with Article 6§2 of the Convention.*
The Secretariat has sent an initial phase letter to this effect on 23/08/07.

The Deputies decided to resume consideration of this item at their 1020th meeting (4-6 March 2008) (DH), in the light of further information to be provided on general measures.

1007 (October 2007) section 2

1948/04 Salah Sheekh, judgment of 11/01/2007, final on 23/05/2007

The case concerns the Netherlands authorities' rejection of the application for asylum made by the applicant, a Somali national and a member of the Ashraf minority. The authorities considered, on the basis of regular country reports drawn up by the Ministry for Foreign Affairs, that the applicant would run no real risk of treatment contrary to Article 3 if he returned to Somalia and that his return would not amount to unduly harsh treatment because he could settle in one of the areas of Somalia identified as "relatively safe".

The European Court found that there could be no guarantee that the applicant, once in a "relatively safe" area, would be allowed to stay in that territory, and in the absence of any monitoring of deported, rejected asylum seekers, the Netherlands authorities could have no means of verifying whether or not the applicant had succeeded in gaining admittance. In view of the positions taken by the *de facto* authorities in the "relatively safe" areas, it seemed in the Court's view somewhat unlikely that the applicant would be allowed to settle there. There was a real chance that he would be removed and obliged to go to areas considered unsafe.

The European Court also took the view that the applicant's treatment before he left Somalia could be classified as inhuman within the meaning of Article 3 and that there was no indication that if he returned he would be in a significantly different situation from that from which he had fled.

Lastly, the Court considered that the applicant's treatment in Somalia was not meted out arbitrarily: if the protection offered by Article 3 were not to be rendered illusory, he could not be required to establish any further special distinguishing feature other than his membership of the Ashraf minority to show that he was at risk.

Thus, the Court found that the expulsion of the applicant to Somalia as envisaged by the Netherlands authorities would be in violation of Article 3.

Individual measures: On 10/03/2006, the applicant was granted asylum on the basis of a temporary categorical protection policy adopted by the Minister of Justice on 24/06/2005 in respect of asylum seekers coming from certain parts of Somalia. It would be reviewed when the European Court had reached a decision in this case, or in one of the similar cases pending before it.

• *Information is therefore awaited on the individual measures envisaged to remedy the violation in respect of the applicant.*

General measures: The judgment was published in numerous legal journals in the Netherlands (among others: *NJB* 2007/362 (special issue on this judgment), *AB* 2007/76, *NJCM* 32(2007) nr. 2 pp 111-113 and 179-194 and *EHRC* 2007/36).

• *Information is awaited on further measures taken or envisaged by the Netherlands authorities to prevent new, similar violations in the future, in particular with regard to the following four points:*

- *possible modification of the policy regarding Somali asylum seekers in situations similar to that of the applicant (see also "Individual measures" above);*
- *possible modification of the general policy of deporting rejected asylum seekers to "relatively safe" areas of countries otherwise deemed "unsafe" or "relatively unsafe";*
- *any changes envisaged to the policy of requiring asylum seekers to show the existence of special distinguishing features beyond membership of groups whose members are exposed to treatment in breach of Article 3 in their country of origin;*
- *dissemination of the judgment of the European Court.*

The Secretariat has written to the Netherlands authorities concerning these points.

The Deputies decided to resume consideration of this item at their 1013th meeting (3-5 December 2007) (DH), in the light of further information to be provided on individual and general measures.

1007 (October 2007) 5.1

50210/99 Doerga, judgment of 27/04/2004, final on 27/07/2004

The case concerns the recording by prison authorities of telephone conversations of the applicant, a prisoner at the time, after he had given the police a false tip-off about an alleged escape attempt by other detainees (violation of Article 8). The tapes were kept for the purposes of an ongoing

investigation. Subsequently the applicant was convicted and sentenced to nine years' imprisonment in a case relating to a bomb explosion in October 1995, wounding the applicant's ex-partner and her son. The European Court stated that although it accepted that it may be necessary to monitor detainees' contacts with the outside world (including contacts by telephone), the Netherlands rules concerning such monitoring were not sufficiently clear and detailed.

Individual measures: The recordings concerned and the transcripts thereof have been destroyed and are thus no longer in the possession of the Netherlands authorities.

General measures: A law which provides a legal basis for a regulation concerning the recording of prisoners' telephone conversations has been adopted. This regulation is currently being drafted within the Ministry of Justice.

• *Information is awaited on a time frame for the adoption of the regulation. Once drafted, the text of the regulation would be appreciated.*

The Deputies decided to resume consideration of this item at the latest at their 1020th meeting (4-6 March 2008) (DH), in the light of information to be provided concerning general measures.