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Date: 30/10/2024

DH-DD(2024)1247

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Meeting: 1514th meeting (December 2024) (DH)

Communication from an NGO (Crew Against Torture) (21/10/2024) concerning the case of Verzilov and Others v. Russia (Application No. 25276/15).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1514^e réunion (décembre 2024) (DH)

Communication d'une ONG (Crew Against Torture) (21/10/2024) relative à l'affaire Verzilov et autres c. Russie (requête n° 25276/15) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

Rule 9.2 communication on the implementation of individual and general measures in
the case of case of «*Verzilov and Others v. Russia*»
prepared by NGO Crew Against Torture

DGI

21 OCT. 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Introduction

1. This submission is communicated by Crew against torture (CAT), as a non-governmental organisation under Rule 9(2) of the Rules of the Committee of Ministers, for consideration at the 1514-th meeting in December 2024.
2. The submission addresses the issue of non-implementing the individual and general measures by Russia under the *Verzilov and Others v. Russia* case. CAT demonstrates that the use of force by Cossacks was not regulated on the domestic level, and state agents are still using force to suppress the freedom of speech in Russia.

Findings of the Court

3. On 29 August 2023, the Court has decided the case of «*Verzilov and Others v. Russia*», application № 25276/15.
4. The case concerns a violent attack by Cossacks, carrying out State service for maintaining public order, on members of a feminist punk band, Pussy Riot, during an artistic performance in Sochi during the 2014 Olympic Winter Games and lack of effective investigation (Violation of Article 3 in substantive and procedural parts). The Court held that the State had also been responsible for preventing the applicants from carrying out their performance in Sochi (Violation of Article 10).
5. Particularly, the Court decided that the Cossacks are state agents, and the State should be held responsible for their attack on the applicants (par. 90 of the Court's judgment).
6. The violent attack on the applicants by Cossacks was aimed at preventing the applicants from proceeding with their artistic performance. Thus, Russia also failed to discharge its duty not to interfere unlawfully and disproportionately with the right to freedom of expression and to take reasonable and appropriate measures to enable the exercise of freedom of expression to proceed peacefully in the present case (par. 101 of the Court's judgment).

Implementation of individual measures

7. According to the Court's judgement of 29 August 2023, Russia has to pay each of the applicants 15.000 euros of non-pecuniary damage, and 7.200 euros to their representatives of costs and legal expenses.
8. However, on 11 June 2022, Russia implemented Federal Law № 183, which prohibits execution of the Judgements of the European Court of Human Rights if they came into force after 15 March 2022.
9. Since 28 April 2023, assistance in implementing decisions of international organisations to which the Russian Federation is not a party has been criminalised. It is prohibited under Article 283.3 of the Criminal Code and is punishable by a fine up to 1 million roubles or imprisonment up to 5 years.

10. It may be arguably presumed that Russia has failed to implement the individual measures under this judgement in violation of Article 58 of the Convention.

Implementation of general measures

11. The Court has not indicated general measures which should be taken by Russia.
12. However, the Court noted that the use of force by Cossacks in carrying out State service for maintaining public order was not regulated by the domestic law at the time of the incident. In particular, the domestic law neither expressly prohibited nor regulated the Cossacks' use of a whip, a Cossack attribute, or pepper spray.
13. Besides, this case illustrates the general situation in Russia with the suppression of freedom of speech by state agents using force.
14. Firstly, CAT note that since the events of the present case, use of force by Cossacks is not regulated on the federal level.
15. According to the Decree of the President of the Russian Federation of 9 August 2020 № 505 "On Approval of the Strategy of the State Policy of the Russian Federation regarding the Russian Cossacks for 2021-2030 years"¹, Cossacks now have a right to bear cold bladed weapons.
16. It seems that the use of force by Cossacks was regulated only in Stavropol Region.
17. The Law of Stavropol Region of 26 July 2013 № 69-KZ "On the involvement of members of Cossack associations in public or other service in Stavropol Region" states the following:

Members of Cossack groups, in accordance with federal legislation, have the right to wear and use personal protective equipment and civilian self-defence weapons when performing their service, and may also use physical force when participating in the protection of public order.

18. One of the Deputies of the Stavropol Region Duma commented this law:

*'Currently, Cossacks on patrol cannot influence offenders in any way and fulfil the role of witnesses or statisticians. With amendments to the law, we want to correct this situation and increase the role of Cossacks in law enforcement. If the amendments are adopted, Cossacks will be able to detain offenders, handcuff them, physically prevent them from breaking the law, and not only sign protocols'*²

19. CAT notes that Cossacks operate in all regions of the Russian Federation (see par. 6 of the President's Decree № 505).

¹ Available with VPN at: <http://www.kremlin.ru/acts/bank/45821>

² Available with at: <https://www.kommersant.ru/doc/3305218>

20. Media publishes a large number of articles about the beating of citizens by Cossacks in different regions of Russia³.
21. Russia's failure to regulate the use of force by Cossacks leads to arbitrary use of force by them in contradiction to Article 3 of the Convention.
22. Besides, Cossacks are not the only state agents that suppress freedom of speech in Russia by using force. It is important to note that the police are particularly aggressive if people exercise freedom of speech during peaceful assemblies.
23. For example, on 21 September, demonstrations were held across Russia against the 'partial mobilisation' announced by Vladimir Putin. In St. Petersburg law enforcers detained peaceful protesters and used physical force and special equipment against them. The OMON (riot police) officer hit Alexandra Barabash in the head with a baton⁴. According to CAT, the perpetrator is not yet brought to responsibility. The investigator has already issued 9 decisions not to open criminal case, each of them were appealed.
24. Artemiy Bobrov, a researcher of the Institute of World Economy of the Russian Academy of Sciences, went out on Tverskaya Street in Moscow on 9 May during the 'Immortal Polk' rally and unfurled a banner with the inscription 'Stop the war with Ukraine'. He was immediately detained. Several police officers kicked him on the stomach when he demanded to identify themselves and explain the reason for his detention. One of them called Bobrov a 'scum' and said that he had 'spoiled the holiday'. In the car, the police officer, according to the activist, demanded that he unlock his phone about twenty times and punched him in the face for refusing. In the police station itself, Bobrov said, the policeman slammed his head against the wall, put him 'in a stretch' and beat him on the leg, demanding that he keep his legs wider. This went on until 3 or 4 a.m.⁵. Despite the legal assistance to Mr Bobrov, the perpetrators are not yet brought to responsibility – the investigator issued several decisions not to open a criminal case.
25. To sum up, Russia has failed to regulate the use of force by Cossacks on the domestic level and use them alongside with other law enforcers to suppress the freedom of speech.

Conclusion

26. Russian Federation has failed to implement both individual and general measures in the case of «*Verzilov and Others v. Russia*».

³ See for example the article and video of Lenta.ru. Cossacks beat up a Russian in Gelendzhik. 25 August 2019. Available at: <https://lenta.ru/news/2019/08/25/kazaki/>; Radio Europa. Cossacks beat protesters in Moscow with whips. 6 May 2018. Available at: <https://moldova.europalibera.org/a/moscow-protests-navalny-cossacks-5-may-russia-/29211353.html>; Bloknot Krasnodar. Cossacks beat up public activists in front of Anapa administration. 30 December 2021. Available at: <https://bloknot-krasnodar.ru/news/kazaki-tolpoy-izbili-obshchestvennikov-u-administr-1432727>

⁴ Crew against torture. St. Petersburg resident Alexandra Barabash said that during the rally against mobilisation she had her head struck with a baton. 25 September 2022. Available at: <https://pytkam.net/zhitelnicza-sankt-peterburga-aleksandra-barabash-rasskazala-chto-vo-vremya-mitinga-protiv-mobilizaczii-ej-razbili-golovu-dubinkoj/>

⁵ Radio Svoboda. Detainee in Moscow on 9 May told of torture by police. 4 July 2022. Available at: <https://www.svoboda.org/a/zaderzhannyj-v-moskve-artemiy-bobrov-podvergalsya-pytkam-v-politsii/31928470.html>