

Council of Europe
The Secretary General

Strasbourg, 9 March 2023

Minister,

As I informed you in my letter of 9 December 2022, although the Russian Federation ceased to be a member of the Council of Europe on 16 March 2022 and a High Contracting Party to the European Convention on Human Rights as from 16 September 2022, it remains under a binding international law obligation to execute the judgments by the European Court of Human Rights delivered against it. This obligation entails the implementation by Russia of individual measures to put, as far as possible, the applicants back in the position they would have been had the violations not occurred, and to adopt general measures to prevent the repetition of similar violations.

I recall once again that the Committee of Ministers continues to supervise the execution of judgments against the Russian Federation at its quarterly human rights meetings (CM-DH meetings). It is deeply regrettable that the Russian Federation has chosen not to participate in these meetings and has stopped all communications with the Council of Europe in respect of the implementation of the judgments by the Court. The Committee has nevertheless adopted decisions, including interim resolutions, at its CM-DH meetings (in March, June, September and December 2022, respectively) which were transmitted to the Russian authorities after each meeting.

At this week's CM-DH meeting (7-9 March 2023), the Committee deplored the absence of any reply to my letter of 9 December 2022, drawing your attention to the interim resolutions and other decisions adopted by the Committee at the CM-DH meeting in December 2022. Moreover, the Committee urged the Russian authorities once again to comply with their obligations under international law and the Convention to fully abide by the judgments of the European Court.

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Below you may find a brief summary of the decisions adopted by the Committee at this week's CM-DH meeting concerning the Russian Federation, including one interim resolution:

- In *Georgia v. Russia (I)*, concerning the arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals from the end of September 2006 until the end of January 2007, the Committee reiterated its profoundest concern that the payment of the just satisfaction and default interest accrued has not been made despite the passage of nearly four years since the deadline for payment. The Committee noted the newly created public register of just satisfaction owed in all inter-state cases against the Russian Federation which will be regularly updated by the Secretariat as regards the default interest accrued. Finally, the Committee decided to resume consideration of this case at its 1468th meeting (June 2023) (DH) and, in the absence of any information by then, to consider new action at that meeting.
- In *Georgia v. Russia (II)*, concerning various violations of the Convention in the context of the armed conflict between the Russian Federation and Georgia in August 2008, the Committee strongly called upon the Russian authorities to investigate the serious crimes committed during the active phase of hostilities as well as during the period of occupation, and to ensure without delay safe return of persons wishing to return to their homes.
- In the *Navalnyy and Ofitserov group of cases*, concerning the conviction of the applicants of acts indistinguishable from regular commercial activities by judicial decisions that were arbitrary, unforeseeable and manifestly unreasonable, the Committee, having regard to the similarities of the issues at stake in these cases and of the outstanding measures to be taken, decided to examine jointly all eight cases concerning Mr Aleksey Navalnyy, and adopted an interim resolution deploring that despite its repeated calls, Mr Navalnyy is still not released and is detained mainly in solitary confinement without direct and unsupervised access to his lawyers. The Committee exhorted once again the authorities to release him immediately.
- In the *Lashmankin group of cases*, concerning various violations related to the exercise of the right to freedom of assembly, resulting in some cases in the participants' unlawful detention, excessive use of force, unfair trials and disproportionate convictions in respect of participants in peaceful assemblies, the Committee reiterated its deep concern as regards reports of recent oppressive practices, based notably on new repressive laws, including dispersing and arresting across Russia some 19,200 peaceful anti-war demonstrators opposing the aggression of the Russian Federation against Ukraine. The Committee insisted in this context on a comprehensive reform of law and practice.

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- In the Vladimir Kharitonov group of cases, concerning the violation of the applicants' right to freedom of expression on account of different types of blocking of their websites in 2012-2015, the Committee deplored the reported deterioration in the situation as regards freedom of access to information, in particular the recently adopted legislation allowing extrajudicial blocking of websites for "discrediting" the Russian army, as well as reported massive blockings of websites for being critical of the government or political system or for providing a forum for this criticism. The Committee exhorted the authorities to immediately repeal the new repressive legislation and cease their oppressive practices by unblocking the websites critical of the government or political system or by providing a forum for such criticism, including social media platforms, and urged them to undertake a comprehensive reform.

The relevant interim resolution and other decisions are enclosed.

On behalf of the Council of Europe, I urge once again the Russian authorities to comply with their obligations under international law, including the obligation to fully and effectively implement the judgments adopted by the European Court of Human Rights with regard to the Russian Federation.

Yours sincerely,


Marija Pejčinović Burić