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Date: 26/01/2021

### DH-DD(2021)103

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Meeting: 1398<sup>th</sup> meeting (March 2021) (DH)

Communication from the applicant (22/01/2021) in the cases of Navalnyye (Navalnyy and Ofitserov group) and Navalnyy v. Russian Federation (Applications No. 101/15, 29580/12) (appendices in Russian are available at the Secretariat upon request)..

Information made available under Rule 9.1 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 : 1398<sup>e</sup> réunion (mars 2021) (DH)

Communication du requérant (22/01/2021) relative aux affaires Navalnyye (groupe Navalnyy et Ofitserov) et Navalnyy c. Fédération de Russie (requêtes n° 101/15, 29580/12) (des annexes en russe sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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***Communication on behalf of Mr. A. Navalnyy, the applicant in the cases of Navalnyye v Russia  
(Application no. 29492/05) and Navalnyy v Russia [GC] (Application nos. 29580/12 and 4  
other applications: 36847/12, 11252/13, 12317/13 and 43746/14)***

With this communication Mr. Alexey Navalnyy, an opposition leader, an anti-corruption campaigner and an outspoken blogger with millions of Russian followers, seeks to provide the Committee of Ministers of the Council of Europe (hereinafter the Committee) with information on the current stage of the execution of the referred judgments and respectfully requests the Committee to exert all possible avenues to obligate the authorities of the respondent State to fully and effectively execute these judgments and discontinue any kind of persecution against him.

Mr. A. Navalnyy submits that in addition to the failure of the respondent Government to execute in good faith the judgment in the case of *Navalnyye v Russia*, the authorities continue to persecute Mr. A. Navalnyy stating that he did not respect conditions of suspended sentence imposed by the judgement that had been declared by the European Court of Human Rights (hereinafter the ECtHR, or the Court) not to be based on law (violation of Article 7 of the Convention) as well as arbitrary and manifestly unreasonable (violation of Article 6).

The Committee would recall that the Court has found that in this case the criminal law was extensively and unforeseeably construed to the detriment of the accused in the determination of the criminal charges against the applicants and that such an interpretation cannot be said to have constituted a development consistent with the essence of the offence, in breach of Article 7 of the Convention. The Court has also highlighted that the judicial examination of this case was flawed with arbitrariness which was distinct from an incorrect legal classification or a similar error in the application of domestic criminal law. That undermined the fairness of the criminal proceedings in such a fundamental way that it rendered other criminal procedure guarantees irrelevant.<sup>1</sup>

To assist the execution of the case of *Navalnyye v Russia*, the applicants turned to the Presidium of the RF Supreme Court to quash the domestic courts' decisions as stipulated by national law, acquit the applicants as well as immediately release the Mr. O. Navalnyy who was serving his sentence in Orlovskiy region in the relevant period of time.

On 25 April 2018 the Presidium of the RF Supreme Court formally reopened the case and upheld the previous judgments of the national courts without good faith examination of the case.

Mr. A. Navalnyy submits that the decision of the Presidium of the RF Supreme Court makes it evident that the respondent Government were reluctant to effectively execute the judgment of the Court or take such individual measures that will put an end to the violations and erase their consequences so as to achieve as far as possible *restitutio in integrum*. It should be noted that it is a generally recognized practice by the Council of Europe member States to reopen, reexamine and provide redress in cases where the Court found violations of Articles 6 and 7 of the Convention. By contrast, in this case the respondent State disregarded the findings of the Court by upholding

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<sup>1</sup> *Navalnyye v Russia*, no. 101/15, 17 October 2017, §§ 58-68, 83-84

the judgments that were found to be in violation with fundamental principles of fair trial and prohibition of punishment without law. As a consequence of the failure of the respondent State to effectively execute the referred judgment, Mr. A. Navalnyy's suspended judgement was extended numerous and should have ended on 30 December 2020. However, as a result of the political persecution Mr. A. Navalnyy appeared behind bars.

It should be highlighted that in addition to the information provided to the Committee on Mr. A. Navalnyy's persecution<sup>2</sup>, there was a homicide attempt against Mr. A. Navalnyy with the use of a nerve agent prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction. The utilization of the nerve agent allegedly by agents of the Russian Federal Security Services (FSS) resulted in Mr. Navalnyy's falling into coma and in-patient treatment in Charité University Medical Centre (Berlin) for 32 days and further out-patient intensive physiotherapy in Berlin till 17 January 2021. It should be emphasized that Mr. A. Navalnyy has informed the Russian authorities in due course about the reason of his stay in Berlin and his accommodation address there.

Shortly after publication of videos regarding the FSS agents who were engaged in Mr. A. Navalnyy's poisoning and **one** day before the expiration of Mr. Navalnyy's suspended sentence, the authorities made a decision to arrest him for the failure to comply with the conditions of the suspended sentence imposed on him by the verdict that was declared by the ECtHR to be in violation with the right to fair trial and the right not to be punished without law.

On 17 Mr. A. Navalnyy was arrested upon his return to Moscow at the Russian border control and deprived of the right to legal assistance. On the next day the Khimkinskiy City Court of Moscow Region, in violation of national laws, held a hearing in a police station, where Mr. Navalnyy was kept, and made a decision to apply detention as a measure of restraint and ordered Mr. A. Navalnyy's detention till 15 February 2021. Neither calls of national and international human rights organisations, nor those of international community to immediately release Mr. A. Navalnyy and discontinue his persecution were taken into consideration by the Russian Government (please, see Annex 1 for detailed description of the chain of events leading to Mr. A. Navalnyy's arrest on 17 January 2021)

Hence, the non-execution of the case of *Navalnyye v Russia* made it possible for the authorities to continue Mr. A. Navalnyy's persecution, pursuing a hidden agenda of removing him from political and public arena by isolating him, which in its turn demonstrates the reluctance of the respondent State to execute the judgment in the case of *Navalnyy v Russia [GC]* as well as to respect the request of the Committee to take measures to safeguard the applicant's rights<sup>3</sup>.

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<sup>2</sup> Rule 9.1 Communication from the applicant in the case of Navalnyy v. Russian Federation (Application No. 29580/12), 31 August 2020, available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)741E](http://hudoc.exec.coe.int/eng?i=DH-DD(2020)741E)

<sup>3</sup> Committee of Ministres, CM decision on Lashmankin and Others group v. Russian Federation (Application No. [57818/09](#)) and Navalnyy group v. Russian Federation (Application No. [29580/12](#)), 3 September 2020, available at: [http://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2020\)1377bis/H46-33E](http://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2020)1377bis/H46-33E)

In the light of aforementioned, we respectfully request the Committee:

1. To urge the Government to immediately release Mr. Navalnyy and discontinue any kind of persecutions against him;
2. To utilize every and all possible means to assist effective and prompt execution of the judgment in the case of *Navalnyye v Russia* that will provide Mr. A. Navalnyy with a redress, in particular, quashing of all the decisions that were found by the Court to be in violation with the requirements of Articles 6 and 7 of the Convention and termination of this criminal case;
3. To include this case in the list of cases for the upcoming DH meeting of the Committee of Ministers and examine it;
4. To adopt an interim resolution against the respondent State for the deliberate failure to execute the referred judgments;
5. To submit an action plan/action report on the taken measures to execute the referred judgments in the part of individual measures.

22 JAN. 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

### Chain of events leading to Mr. A. Navalnyy's arrest on 17 January 2021

1. On 20 August 2020 Mr. A. Navalnyy took a flight from Tomsk to Moscow during which he lost his consciousness and the flight was diverted to the city of Omsk, where he was admitted to hospital. Mr. Navalnyy was in a coma on ventilation and the medical personnel named different reasons of Mr. Navalnyy's very poor health state. The family's requests to transfer Mr. Navalnyy to a hospital of their own choice (Charité hospital in Berlin), where he could have received qualified medical treatment, were numerous rejected.

2. On 21 August 2020 an interim measure request was lodged with the European Court of Human Rights (hereinafter the Court) asking for Mr. Navalnyy's immediate transportation to the Charité hospital for treatment as otherwise Mr. Navalnyy would face an imminent risk to his life and limb.

3. On the same day the Court has granted the interim measure request (application no. 36418/20) and the next day Mr. Navalnyy was airlifted to Germany in a medical induced coma. Mr. Navalnyy came out of coma and weaned off mechanical ventilation on 7 September, but remained hospitalized till 23 September 2020 and received medical treatment for his poisoning (Attachment 1).

4. Mr. Navalnyy's blood and urine tests revealed the presence of nerve agent identical to "Novichok"<sup>1</sup> in his body. The results of the tests were confirmed by French and Sweden independent laboratories as well. The German authorities had informed the Organisation for the Prohibition of Chemical Weapons (OPCW) about the results of the aforementioned tests (Attachment 2), which released a report on 6 October 2020 according to which the carried-out tests confirmed that "the biomarkers of the cholinesterase inhibitor found in Mr. Navalnyy's blood and urine samples have similar structural characteristics as the toxic chemicals belonging to schedules 1.A.14 and 1.A.15" of the Annex to the Convention on the Prohibition of Chemical Weapons. (Attachment 3).

5. After the discharge from Charité hospital Mr. Navalnyy remained in Germany for his rehabilitation about which he has informed the Russian authorities on 23 November 2020. Mr. Navalnyy also noted the address where he resided in Berlin. (Attachment 4). Furthermore, Mr. Navalnyy has publicly declared that he planned to return to Russia after the rehabilitation (e.g. in the interview with a popular Russian blogger Iuri Doud "The Navalniys Post-poisoning (English subs) available at: <https://youtu.be/vps43rXgaZc>).

6. On 14 December 2020, Mr. Navalnyy published a video "Case revealed: I know everyone who wanted to kill me ", where he brought detailed information about the persons who tailed him for years and allegedly tried to kill him. (available at: <https://youtu.be/smhi6jts97I>)

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<sup>1</sup> A chemical warfare agent prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction

7. Later the RF President stated during an annual nationally televised press conference that if the Russian special services had wanted to poison Mr. Navalnyy, "they would have taken it to the end". (Attachment 5)
8. On 21 December 2020, Mr. Navalnyy published a video on his page entitled "I called my killer. He confessed everything", where Mr. Navalnyy talked to one of the Federal Security Service agents involved in his case, who gave detailed information on how the homicide attempt was organized. (available at: <https://navalny.com/p/6447/>)
9. On 28 December 2020, the Federal Penitentiary Service of Moscow disseminated information according to which Mr. Navalnyy failed to fulfill the duties imposed on him by the court and evades the control of the criminal executive inspection (Attachment 6).
10. On 29 December 2020, the Federal Penitentiary Service of Russia in Moscow delivered a decree on the change of the suspended sentence against Mr. Navalnyy, i.e. a day before the expiry of the suspended sentence. (Attachment 7). On the same day the Investigative Committee of the Russian Federation disseminated information through media as well as through its official website that another criminal case was opened against Mr. Navalnyy. (Attachment 8)
11. On 13 January 2021 Mr. Navalnyy made a statement on his return to Russia on 17 January 2021 and also gave information on the flight he planned to take (available at: <https://www.instagram.com/p/CJ-lt0YoT2s/>).
12. On 14 January 2021 the Federal Penitentiary Service in Moscow disseminated information on the planned arrest of Mr. Navalnyy upon his arrival to Moscow. (Attachment 9).
13. On 17 January 2021 a few minutes before the aircraft with Mr. Navalnyy and hundreds of other passengers should have landed at Vnukovo airport, the authorities re-routed the airplane to Moscow Sheremetyevo Alexander S. Pushkin International Airport where Mr. Navalnyy was arrested at the border control by police officers. (Attachment 10)
14. On 18 January 2021 Khimkinskiy City Court of Moscow Region, in violation of national law, held a hearing in a police station where Mr. Navalnyy was kept and made a decision to apply detention as a measure of restraint and ordered Mr. Navalnyy's detention till 15 February 2021. (Attachment 11)
15. A number of States, including the Netherlands, US, Germany and UK, as well as intergovernmental organizations, including PACE and European Commission of the European Union, urged the RF authorities to immediately release Mr. Navalnyy. (Attachment 12-14) but in vain. Mr. Navalnyy was also named a "prisoner of conscience" by international organisations. (Attachment 15)

**List of attachments:**

1. Attachment 1 – Statement given by Charité University Medical Centre on 15 January 2021;
2. Attachment 2 - Introductory statement of the Foreign Minister Heiko Maas on the OPCW findings in the Navalny case during a question-and-answer session in the German Bundestag dated 7 October 2020;
3. Attachment 3 - OPCW statement dated 6 October 2020;
4. Attachment 4 – Mr. Navalnyy’s letter to the Federal Penitentiary Service of Moscow dated 23 November 2020;
5. Attachment 5 – DW, Putin: If Russia poisoned Navalny he’d be dead”, 17 December 2020;
6. Attachment 6 – Statement of the Federal Penitentiary Service of Moscow of 28 December 2020;
7. Attachment 7 – Decree dated 29 December 2020;
8. Attachment 8 – Statement of the Investigative Committee of the Russian Federation dated 29 December 2020;
9. Attachment 9 – Newspaper article on the Statement of the Federal Penitentiary Service in Moscow dated 14 January 2020;
10. Attachment 10 – The Washington Post, Russian opposition leader Alexei Navalny detained on his return to Moscow, 18 January 2021;
11. Attachment 11 – Decision of the Khimkinskiy City Court of Moscow Region dated 18 January 2021;
12. Attachment 12 -Statement from the President of the European Commission following the detention of Alexei Navalny yesterday in Moscow, Brussels, 18 January 2021;
13. Attachment 13 – PACE rapporteurs call for Navalny’s release dated 18 January 2021;
14. Attachment 14 - DW, Alexei Navalny’s detainment is ‘utterly incomprehensible,’ says Germany’s Maas, 18 January 2021;
15. Attachment 15 – Statement of Amnesty International dated 17 January 2021

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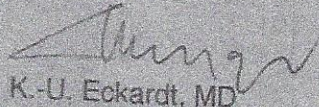
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22 JAN. 2021  
SERVICE DE L'EXECUTION  
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Berlin, den 15.01.2021

Re: Mr. Alexei Nawalny, born July 4, 1976

This is to certify that Mr. Alexei Nawalny was hospitalized at the Charité University Medical Center from August 22 to September 23, 2020. He suffered from severe organophosphate poisoning and was treated on an intensive care unit for 24 days. After discharge from in-hospital care, he was seen as an outpatient and continued to receive intensive physiotherapy. Due to the severity of his illness, a prolonged recovery and rehabilitation period was necessary.

When I saw Mr. Nawalny today as an outpatient, his health status was good and he reported successful rehabilitation. He gained approximately 10% body weight since his discharge from in-hospital care, with his weight now being the same as before the incident. Clinical examination including neurological assessment revealed no abnormalities, except a slight sensitivity disturbance on his left thigh, possibly related to the intensive care treatment. Routine laboratory tests were normal.

  
K.-U. Eckardt, MD  
Professor of Medicine  
Chief of Nephrology and Medical Intensive Care



# Introductory statement by Foreign Minister Heiko Maas on the OPCW findings in the Navalny case during a question-and- answer session in the German Bundestag

07.10.2020 - Speech ¶

We have all watched the dramatic events concerning Alexei Navalny as they have unfolded over the past few weeks. Let me start by saying something that has perhaps not been said loudly enough in the whole debate.

We are all very glad and relieved that he survived what happened. That is due above all to the outstanding work of the doctors at the Charité hospital in Berlin, and to the doctors who initially treated him in Omsk. These medics therefore deserve our great thanks.

Honourable Members of Parliament, we now know what was responsible for the near death of Alexei Navalny. Three specialised laboratories in Germany, France and Sweden have confirmed, independently of one another and beyond doubt, that he was poisoned with a chemical nerve agent from the Novichok group.

As a party to the Chemical Weapons Convention, we immediately informed the OPCW, the Organisation for the Prohibition of Chemical Weapons, that an internationally banned nerve agent had been used. We asked the OPCW to conduct its own independent inquiry. A group of OPCW experts thereupon took biomedical samples from Mr Navalny and had these analysed by OPCW designated laboratories. The OPCW has now unequivocally confirmed that substances were found in Mr Navalny's blood and urine whose structural characteristics identify them as belonging to the Novichok group. The OPCW published a summary of the report on its website yesterday. It is thus available to anyone who wants to read it.

The OPCW member states have already discussed the findings at the OPCW Executive Council session which is currently under way in The Hague. Many questions were raised, above all questions for Russia, which is also an OPCW member, questions that we and our partners have repeatedly asked in the past weeks and which we do not consider to have been answered yet. For example, why has an extremely dangerous and internationally banned chemical warfare agent like Novichok not been declared and destroyed long since? Why has Russia not done its own tests in its own specialised laboratory, although the hospital in Omsk has blood and tissue samples from Mr Navalny? Why hasn't a criminal investigation yet been instigated in Russia, in order to find out by whom, under what

1/20/2021

Introductory statement by Foreign Minister Heiko Maas on the OPCW findings in the Navalny case during a question-and-answer session...

circumstances and why Alexei Navalny was poisoned? Indeed, ladies and gentlemen, the mere development, production and possession of chemical weapons constitutes a flagrant violation of international law.

Russia itself should, in our opinion – and I have said this directly to the Russian Foreign Minister on the phone – have a major interest in the full investigation of this crime. We're talking about the poisoning of a significant Russian opposition figure on Russian soil!

In our opinion, no information of value has yet come to light in Russia. Instead, absurd allegations have been made against Germany and against the OPCW – and even against Mr Navalny, who was accused of poisoning himself with Novichok.

We do not believe that this will help to solve the case. We are proceeding on the assumption that light must at long last be shed on this case and that the Russian authorities in particular will accordingly have to answer questions that have also been asked in the OPCW Executive Council. If this is not done, there will be no way of avoiding a clear and unequivocal international response.

This act committed with a chemical nerve agent constitutes a serious breach of international law. It is our firm conviction that such an act must have consequences. We will therefore coordinate a joint response with our partners in the European Union and within the OPCW in the coming days.

If the incident is not investigated and the necessary information is not made available, targeted and proportionate sanctions against figures of responsibility on the Russian side will be unavoidable. Russia would do well to make sure things don't get that far.

Thank you, President.



OPCW

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Attachment No 3

## OPCW Issues Report on Technical Assistance Requested by Germany

6 OCTOBER 2020

THE HAGUE, Netherlands—6 October 2020—The Organisation for the Prohibition of Chemical Weapons (OPCW) transmitted yesterday to the Federal Republic of Germany the report of the OPCW's mission to provide requested technical assistance in regard to the poisoning of Mr Alexei Navalny, on 20 August 2020.

The results of the analysis by the OPCW designated laboratories of biomedical samples collected by the OPCW team and shared with the Federal Republic of Germany confirm that the biomarkers of the cholinesterase inhibitor found in Mr Navalny's blood and urine samples have similar structural characteristics as the toxic chemicals belonging to schedules 1.A.14 and 1.A.15 that were added to the Annex on Chemicals to the Convention during the Twenty-Fourth Session of the Conference of the States Parties in November 2019. This cholinesterase inhibitor is not listed in the Annex on Chemicals to the Convention.

The Permanent Representation of Germany to the OPCW requested that the Technical Secretariat share the summary of this report with all States Parties to the Chemical Weapons Convention and make it publicly available.

The Director-General, H.E. Mr Fernando Arias, thanked the OPCW designated laboratories that supported the technical assistance request for their swift analysis. He further considered that these results constitute a matter of grave concern. States Parties to the Chemical Weapons Convention have declared the use of chemical weapons by anyone under any circumstances as reprehensible and wholly contrary to the legal norms established by the international community. It is therefore important now for States Parties to uphold the norm they have decided to adhere to more than 25 years ago. He reaffirmed the Secretariat's readiness to continue assisting them through independent expertise.

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OPCW Issues Report on Technical Assistance Requested by Germany | OPCW

## Background

The Federal Republic of Germany requested technical assistance from the OPCW Technical Secretariat, under subparagraph 38(e) of Article VIII of the Chemical Weapons Convention, in relation to the alleged poisoning of Mr Alexei Navalny. Article VIII, paragraph 38(e) of the Chemical Weapons Convention states that the Technical Secretariat shall provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of the Convention, including the evaluation of scheduled and unscheduled chemicals.

OPCW experts and designated laboratories are a lynchpin of the Organisation's verification regime and its capacity to investigate allegations of the use of chemical weapons. OPCW designated laboratories must be able to perform off-site analysis of chemical samples collected during OPCW deployments. They offer the necessary assurance to States Parties that chemical analyses needed to make determinations or to clarify issues related to such allegations are carried out competently, impartially, and with unquestionable results.

As the implementing body for the Chemical Weapons Convention, the OPCW, with its 193 Member States, oversees the global endeavour to permanently rid the world of chemical weapons. Since the Convention's entry into force in 1997, it is the most successful disarmament treaty eliminating an entire class of weapons of mass destruction.

Over 98% of all declared chemical weapon stockpiles (over 72,000 metric tonnes of chemical agents) have been destroyed under OPCW verification. For its extensive efforts in eliminating chemical weapons, the OPCW received the 2013 Nobel Peace Prize.

## More Information

Note by the Technical Secretariat: Summary of the Report on Activities Carried Out In Support of a Request for Technical Assistance by Germany (Technical Assistance Visit – TAV/01/20) (</documents/2020/10/s19062020/note-technical-secretariat-summary-report-activities-carried-out>)

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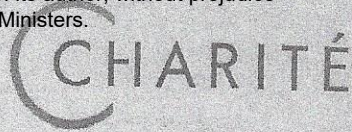
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Director-General (</media-centre/news/category/8>)

Fernando Árias (</media-centre/news/category/52>)      Germany (</media-centre/news/state/1966>)

Technical Assistance Visit (</media-centre/news/category/24>)



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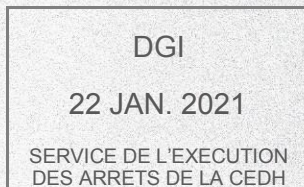
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To whom it may concern



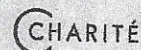
Berlin, den 11.11.2020

**Re: Mr. Alexei Nawalny, born July 4, 1976**

This is to certify that Mr. Alexei Nawalny was hospitalized at the Charité University Medical Center from August 22 to September 23, 2020. He suffered from for severe poisoning and was treated on an intensive care unit for 24 days. After discharge from in-hospital care, he was seen as an outpatient and continued to receive intensive physiotherapy.

Due to the severity of his illness, a prolonged recovery and rehabilitation period will be necessary.

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Attachment No 5

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Advertisement

NEWS

# Putin: If Russia poisoned Navalny he'd be dead

Vladimir Putin has denied poisoning the opposition activist. He appeared to confirm, however, that Navalny was being followed by FSB agents.



Putin said the recent investigation was the result of a US intelligence plot

Russian President Vladimir Putin denied state involvement in the poisoning of opposition activist Alexei Navalny in comments during an annual nationally televised press conference on Thursday.

Putin said recent reports that Russian state security agents had poisoned Navalny were part of a US intelligence plot to discredit him.

An investigation by Bellingcat and Russian media outlet The Insider in cooperation with *Der Spiegel* and CNN identified a team of Federal Security Service (FSB) agents who allegedly stalked Navalny over several years. The investigation, endorsed by Navalny, named the agents and the poison laboratories allegedly responsible for the attack based on data including phone logs and travel records.

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## Report says Russian FSB agents followed Navalny for years

However, Putin rejected this, saying: "It's a trick to attack the leaders [of Russia]."

He said Navalny enjoyed the support of US special services, and that Russian intelligence officers were right to tail him.

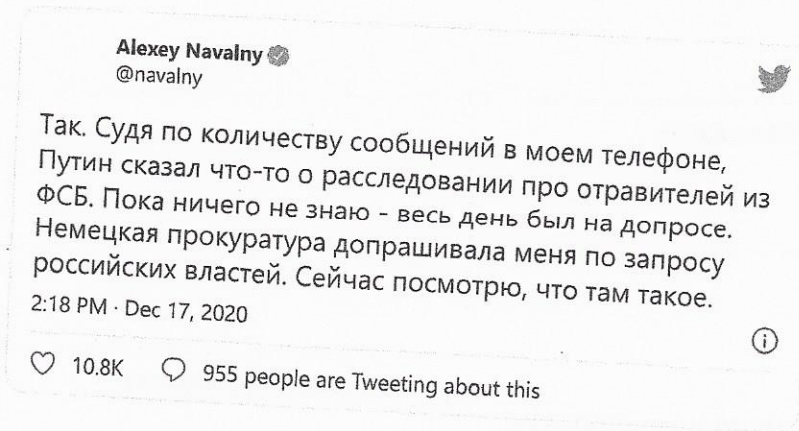
"But that absolutely does not mean he needs to be poisoned," said Putin. "Who needs him?"

If the Russian special services had wanted to poison Navalny, "they would have taken it to the end," he said, implying they would have successfully killed him, instead of just hurting him to the extent that medics put him in an induced coma.

### Navlany, Germany, Bellingcat skeptical

Navalny said he was unable to immediately respond to Putin's comments as he had been questioned by German authorities all day.

"Judging by the number of messages on my phone, Putin said something about the FSB poisoner investigation. I don't know anything yet — I've been under interrogation all day. The German prosecutor's office questioned me at the request of the Russian authorities. I'll see what it is now," he wrote on Twitter.



German Foreign Minister Heiko Maas told reporters in Berlin that Russia had had "plenty of opportunities in the past weeks and months to contribute to the part of the investigation that can only be conducted there [in Russia]." That had not happened, and had been "noted" in Berlin, he said.

Instead, the world had witnessed "many smokescreens released from Moscow" on this issue in recent weeks, suggesting the Kremlin had no

have been humiliated."

The European Union on Thursday imposed new sanctions and entry bans on six Russians, including FSB chief Alexander Bortnikov and one organization over the poisoning.

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## Bellingcat report accuses FSB of Navalny poisoning

### New weapons

Putin made the comments during an almost five-hour question and answer session that has become a year-end tradition for him.

Speaking on the topic of new weapons, Putin blamed the US for starting a new arms race, and said Russia had been forced to develop new hypersonic weapons in response.

He urged the US to agree to a one-year extension of the New START treaty, the only remaining agreement that maintains a nuclear balance between the two countries. It expires in February.

On the economy, he told Russians not to be angry at him, and that the economic outlook was not as bad as expected, with salaries expected to grow in real terms this year.

aw/msh (AP, dpa, Reuters, AFP)



**The Washington Post**  
*Democracy Dies in Darkness*

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Attachment No 10

# Russian opposition leader Alexei Navalny detained on his return to Moscow

By **Isabelle Khurshudyan** and **Loveday Morris**

Jan. 18, 2021 at 1:30 a.m. GMT+1

MOSCOW — On his return to Russia Sunday, five months after he left in a coma from a near-fatal poisoning, Kremlin critic Alexei Navalny made it as far as border control.

Before Navalny's passport could even be stamped, police officers at Moscow's Sheremetyevo Alexander S. Pushkin International Airport surrounded and detained him. He gave his wife a hug and a kiss goodbye before being led to a private room.

The 44-year-old opposition leader's arrest was expected, but he chose to fly to Russia anyway. Before his arrival, Russian authorities said he was on a wanted list for allegedly violating the terms of his suspended sentence from a 2014 embezzlement conviction. Navalny and the European Court of Human Rights have called that case a political prosecution.

But the move to jail him could have far-reaching consequences for the government of President Vladimir Putin. Navalny says Putin ordered Russian state security agents to poison him with a nerve agent during a trip to Siberia in August. The Kremlin has denied the accusation.

Navalny's team said Sunday that the chaos surrounding his return, including the diversion of his flight to Sheremetyevo after supporters gathered at the Moscow airport where he was scheduled to land, show just how serious a threat Putin considers Navalny.

His arrest is expected to trigger protests by his supporters, and a response from Western governments, perhaps in the form of more sanctions, is also possible.

"Mr. Navalny should be immediately released, and the perpetrators of the outrageous attack on his life must be held accountable," Jake Sullivan, President-elect Joe Biden's choice for national security adviser, tweeted Sunday. "The Kremlin's attacks on Mr. Navalny are not just a violation of human rights, but an affront to the Russian people who want their voices heard."

Secretary of State Mike Pompeo, in a statement on Sunday, condemned Navalny's arrest, saying that the United States is concerned about the latest attempt to silence him and demanding his immediate release. "Confident political figures do not fear competing voices, nor commit violence against or wrongfully detain political opponents," he said.

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## **Statement from the President of the European Commission following the detention of Alexei Navalny yesterday in Moscow**

Brussels, 18 January 2021

I condemn the detention of Alexei Navalny yesterday by the Russian authorities, upon his return to Russia. The Russian authorities must immediately release him and ensure his safety.

Detention of political opponents is against Russia's international commitments.

We also continue to expect a thorough and independent investigation on the attack on Alexei Navalny's life.

We will monitor the situation closely.

STATEMENT/21/142

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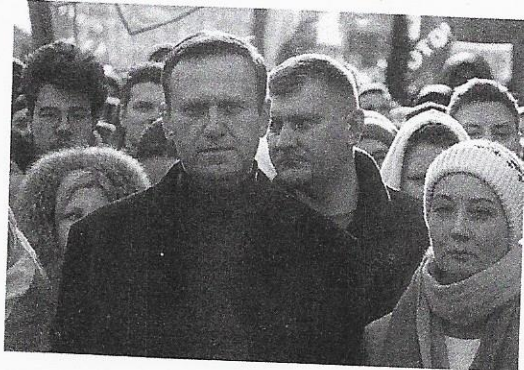
General public inquiries: Europe Direct by phone 00 800 67 89 10 11 or by email

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## PACE rapporteurs call for Navalny's release

18/01/2021 [News](#)

Jacques Maire (ALDE, France), rapporteur on the poisoning of Alexei Navalny for the Parliamentary Assembly of the Council of Europe (PACE), together with the two co-rapporteurs for PACE's monitoring of the Russian Federation, Axel Schäfer (Germany, SOC) and Ria Oomen-Ruijten (Netherlands, EPP/CD), have today issued the following statement on Mr Navalny's arrest, which came shortly before his expected participation in a hearing organised by the Assembly's Committee on Legal Affairs and Human Rights on 19 January.

"We deeply regret the Russian authorities' decision to arrest Mr Navalny upon his return to Russia. Mr Navalny is charged with breaching the conditions of a suspended sentence in a case where the European Court of Human Rights found that the Russian courts had, in effect, fabricated the crime of which he was convicted. This sentence should never have been applied and so Mr Navalny should not have been liable to arrest."

"We call on the Russian authorities to release Mr Navalny immediately. We trust that in any case, they will not prevent his participation in tomorrow's hearing, in accordance with the Russian Federation's duty of good faith co-operation as a member of the Council of Europe. In the meantime, they must ensure that Mr Navalny's rights under Russian and international law, including his rights against arbitrary detention under Article 5 of the European Convention on Human Rights, are fully respected. We also deplore the arrest and detention of dozens of Mr Navalny's supporters who were peacefully awaiting his arrival at Vnukovo airport; they too must be immediately released," they concluded.

"In contrast to their determination to imprison Mr Navalny, the Russian authorities refuse to open an investigation into his attempted murder by Novichok poisoning," added Mr Maire. "Tomorrow's hearing will be an important step to discuss mounting evidence that Russian state agents were directly involved. If nothing else, Russian officials should be desperate to know how an illegal nerve agent, developed in secret state laboratories, came to be used against one of their fellow citizens. The hearing will be an opportunity for the representative of the Russian authorities to present their views on the many urgent questions surrounding Mr Navalny's poisoning."

### Audition hearing

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[Hearing livestream \(10,30am CET on Tuesday 19th January\)](#)



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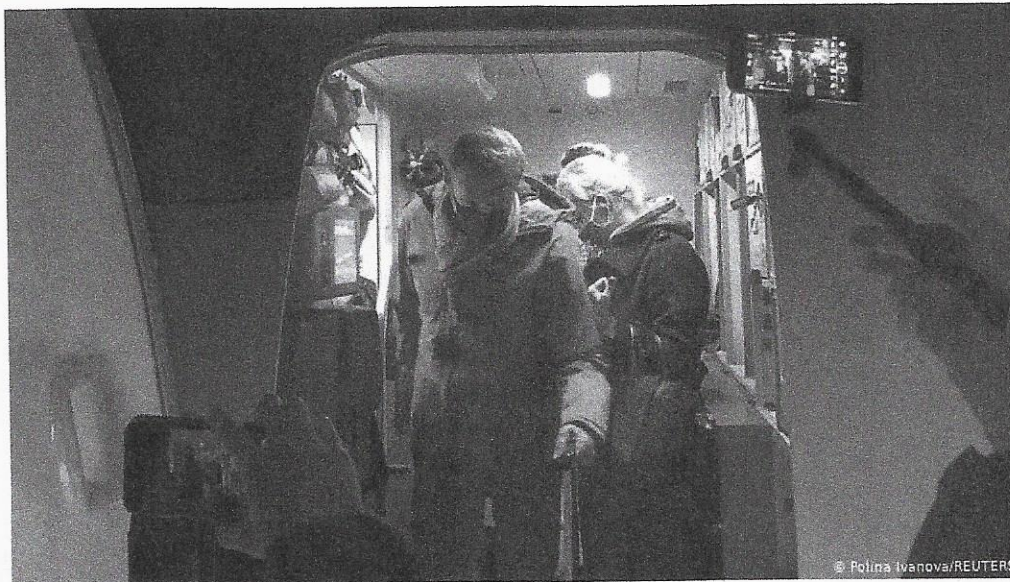
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NEWS

## Alexei Navalny's detainment is 'utterly incomprehensible,' says Germany's Maas

Berlin called for Navalny to be "released immediately" after the his arrest sparked outrage in the US and the EU. Germany said Russian authorities were jailing the poisoning victim rather than the culprits.



Navalny was detained at Moscow's Sheremetyevo airport on Sunday

German Chancellor Angela Merkel said Navalny's arrest violated "the principles of the rule of law," according to her spokesman Steffen Seibert.

Berlin called on Russia to "to release Mr Navalny immediately," Seibert said on Monday.

"Russian authorities arrested the victim of a chemical weapons attack and not the perpetrators," he added.

Earlier on Monday, Foreign Minister Heiko Maas said that Russia was bound by its obligations to civil liberties and the rule of law and that

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"After his convalescence, Alexei Navalny chose consciously and of his own free will to return to Russia because that's where he feels his personal and political home is," Maas said on German public television. "That he was detained on his arrival by Russian authorities is utterly incomprehensible."

### Raab: Navalny targeted in a 'despicable crime'

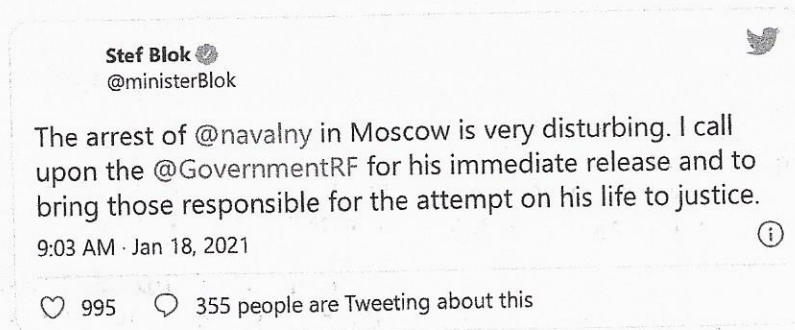
UK Foreign Minister Dominic Raab spoke out against the arrest, calling it "appalling" and saying Navalny had been "the victim of a despicable crime."



"Rather than persecuting Mr Navalny Russia should explain how a chemical weapon came to be used on Russian soil," Raab wrote on Twitter.

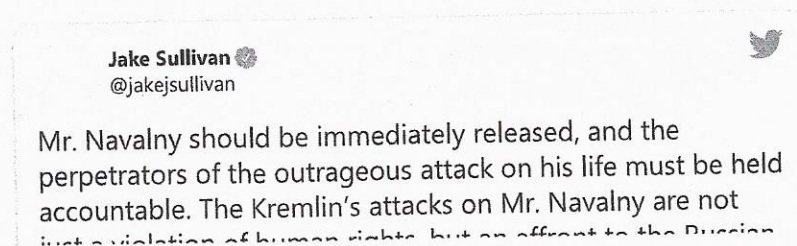
Dutch Foreign Minister Stef Blok called Navalny's arrest "very disturbing."

"I call upon the government of Russia for his immediate release and to bring those responsible for the attempt on his life to justice," he said.



Jake Sullivan, US President-elect Joe Biden's national security adviser, has criticized Moscow for arresting Kremlin critic Alexei Navalny, calling the Russian politician's arrest "not just a violation of human rights, but an affront to the Russian people who want their voices heard."

"Mr. Navalny should be immediately released, and the perpetrators of the outrageous attack on his life must be held accountable," Jake Sullivan wrote on Twitter.



49.3K 13K people are Tweeting about this

US Secretary of State Mike Pompeo also condemned Navalny's arrest in a statement on Sunday.

"We note with grave concern that his detention is the latest in a series of attempts to silence Navalny and other opposition figures and independent voices who are critical of Russian authorities," Pompeo said.

### Lavrov hits back, calling international outcry artificial

Meanwhile, Russia's Foreign Minister Sergey Lavrov said in Moscow on Monday that the Western outcry over Navalny's arrest was overblown and an attempt at misdirection.

"You can feel the joy with which these comments [on Navalny's arrest] are coming out," Lavrov told reporters. "Judging by everything, it allows Western politicians to divert attention away from the deep crisis that the liberal mode of development finds itself in."

He went on to say that Navalny's case had gained international resonance artificially.

### Detained on 'fraud' charges

The Russian opposition politician was detained at Moscow's Sheremetyevo airport on Sunday after he flew to Russia from Germany, defying warnings of his arrest.

The anti-corruption campaigner was nearly killed in a poisoning attack in August last year. Navalny, 44, says the poisoning was ordered by Russian President Vladimir Putin. The Kremlin denies any involvement.



Experts in Germany, where Navalny was being treated, concluded that he was poisoned with Soviet-designed nerve toxin Novichok.

Russia's federal prison service FSIN said Navalny had been arrested over "multiple violations" of a 2014 suspended sentence for fraud charges. The opposition leader "will be held in custody" until a court ruling, they said.

## Alexei Navalny arrested upon return to Russia


### European Union condemns arrest



European Commission President Ursula von der Leyen issued a statement on Monday condemning the arrest, calling for Navalny's

**Ursula von der Leyen**   
@vonderleyen 



I condemn the detention of Alexei Navalny by the Russian authorities. They must immediately release him and ensure his safety.

Detention of political opponents is against Russia's international commitments.

10:32 AM · Jan 18, 2021 


 12K  3.4K people are Tweeting about this

European Council President Charles Michel had made a similar appeal on Sunday.

**Charles Michel**   
@eucopresident 

The detainment of Alexey #Navalny upon arrival in Moscow is unacceptable.

I call on Russian authorities to immediately release him.

8:01 PM · Jan 17, 2021 

 7.8K  2.2K people are Tweeting about this

Reacting to Navalny's arrest, rights group Amnesty International said the Russian politician had become a prisoner of conscience. It accused Russian authorities of waging "a relentless campaign" to silence him.

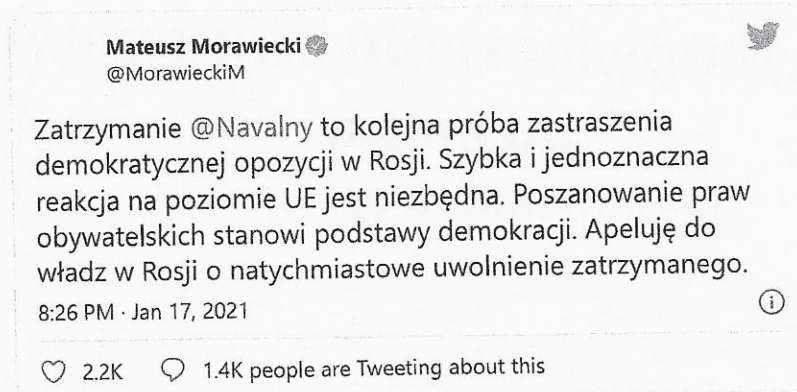
"Navalny's arrest is further evidence that Russian authorities are seeking to silence him. His detention only highlights the need to investigate his allegations that he was poisoned by state agents acting on orders from the highest levels," said Natalia Zviagina, Amnesty International's Moscow Office Director.

#### Call for EU sanctions against Moscow

Lithuania's Foreign Minister Gabrielius Landsbergis called for EU sanctions against Moscow. "The detention of the opposition leader and poisoning survivor Alexei Navalny is totally unacceptable. The EU should discuss further sanctions on those involved," Landsbergis told AFP news agency.

"The detention of Navalny is another attempt to intimidate the democratic opposition in Russia. A swift and unequivocal response at the EU level is essential. Respect for citizens' rights is the cornerstone of democracy," Morawiecki wrote on Twitter.

"I appeal to the authorities in Russia to release the detainee immediately," he said.



In September, Morawiecki suggested that Russia was a "hostile regime," after Germany said Navalny had been poisoned with a Novichok nerve agent.

Italy's Foreign Minister Luigi Di Maio on Sunday dubbed the arrest "a very serious matter."

"We ask for his immediate release. And we expect his rights to be respected", Luigi Di Maio tweeted.



shs, jcg/msh (AP, Reuters, AFP, dpa)

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CENSORSHIP AND FREEDOM OF EXPRESSION

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## Russia: Aleksei Navalny becomes prisoner of conscience after arrest on arrival in Moscow

17 January 2021, 21:22 UTC

Russian authorities must immediately and unconditionally release prominent Kremlin critic, Aleksei Navalny, detained minutes after he arrived at Moscow's Sheremetyevo airport from Berlin, Amnesty International said today. Navalny had been recovering in the German capital after being poisoned in Siberia in August.

"Aleksei Navalny's arrest is further evidence that Russian authorities are seeking to silence him. His detention only highlights the need to investigate his allegations that he was poisoned by state agents acting on orders from the highest levels," said Natalia Zviagina, Amnesty International's Moscow Office Director.

**" Aleksei Navalny's arrest is further evidence that Russian authorities are seeking to silence him. His detention only highlights the need to investigate his allegations that he was poisoned by state agents acting on orders from the highest levels "**

Natalia Zviagina, Amnesty International's Moscow Office Director

1/20/2021

"The Russian authorities have waged a relentless campaign against Navalny. While he was recovering in Germany, the Russian Federal Penitentiary Service demanded that he immediately present himself to a probation officer or face prison for violating a non-custodial criminal sentence, which was based on politically motivated charges. He has now been arrested "for multiple violations of the probationary period."

"The authorities handled Aleksei Navalny's arrival as a fully blown security operation with hundreds of police officers summoned to the Vnukovo Airport, arresting and pushing out Navalny's supporters into -20°C cold. They didn't even stop at redirecting the flight to another airport, Sheremetyevo.




"All Navalny supporters and journalists detained in Moscow Vnukovo Airport must be immediately and unconditionally released. Their only crime - is wishing to greet Aleksei Navalny or to cover his arrival in Russia."

Aleksei Navalny has been deprived of his liberty for his peaceful political activism and exercising free speech. Amnesty International considers him a prisoner of conscience and calls for his immediate and unconditional release. The organization reiterates its call to the Russian authorities to open a criminal investigation into Navalny's poisoning and ensure that all those responsible are brought to justice in fair trial proceedings. The Russian authorities must end their campaign of intimidation and political persecution against their critics, including the staff members and supporters of Navalny's Anti-Corruption Foundation.

## Background

Popular political activist, founder of the Anti-Corruption Foundation and author of numerous groundbreaking investigations exposing corruption among Russia's top officials and politicians, Aleksei Navalny narrowly survived what has since been independently confirmed as poisoning by Novichok nerve agent on 20 August 2020.

He has been tried and convicted in two separate, politically motivated criminal cases in previous years. On 29 December, the Russian Investigative Committee levelled new charges against Navalny, accusing him of embezzling 356 million rubles (4.9 million USD) in donations to the Anti-Corruption Foundation and affiliated non-profit organizations.

-  [Russia: Kremlin must explain the use of nerve agent to poison Aleksei Navalny](#)
-  [Russia: Alleged poisoning of opposition leader Aleksei Navalny must be thoroughly investigated](#)
-  [Russia: 'Foreign agent' blacklisting for the Anti-Corruption Foundation is latest attack on freedom of association](#)

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