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Contact: Zoë Bryanston-Cross
Tel: 03.90.21.59.62

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Meeting: 1398th meeting (March 2021) (DH)

Communication from the applicant (05/02/2021) in the cases of Navalnyye 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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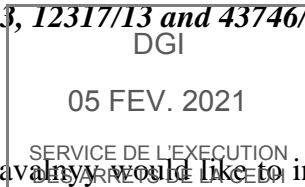
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Réunion : 1398^e réunion (mars 2021) (DH)

Communication du requérant (05/02/2021) relative aux affaires Navalnyye et Navalnyy c. Fédération de Russie (requêtes n° 101/15, 29580/12) (les 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.

Communication on behalf of Mr. A. Navalnyy, the applicant in the cases of Navalnyy 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. Navalnyy would like to inform the Committee of Ministers about further developments regarding the absolute disrespect of the respondent State's Government towards its obligations to execute in good faith the judgment of the European Court of Human Rights in the cases of *Navalnyy v Russia* and *Navalnyy v Russia [GC]*.

As was stated in the communication of 22 January 2021, Mr. Navalnyy was arrested at the Russian border control upon his return to Russia on 17 January 2021. The national courts, first, ordered his detention and later sentenced him to three and half years of imprisonment for allegedly disobeying the terms of his probation imposed by “Yves Rocher” verdict (Attachment 1), which the Court by its judgment in the case of *Navalnyy v Russia* found to be in violation with Articles 6 and 7 of the Convention.

Mr. Navalnyy reiterates that this decision demonstrates the reluctance of the Government to even make the appearance of the respect of their obligation to execute the Court's judgement in the case of *Navalnyy v Russia*. The applicant reminds the Committee that in the case of *Navalnyy v Russia* the Court held that the authorities had extended the interpretation of the criminal law in this case in such broad and ambiguous terms that it did not satisfy the requirements of foreseeability under Article 7 of the Convention. Further, the Court highlighted that this decision was arbitrary and manifestly unreasonable in violation of Article 6 of the Convention.

Mr. Navalnyy emphasizes that his unlawful conviction imposed by “Yses Rocher” judgment became a tool in the hands of the authorities to continue his persecution. Furthermore, as the CoE Commissioner for Human Rights noted “with this decision, the Russian authorities not only further exacerbate human rights violations as already established by the European Court of Human Rights [including in such cases as *Navalnyy and Ofitserov v Russia* (no. 46632/13 28671/14), *Pichugin v Russia* (no. 38623/03), *Izmestyev v Russia* (no. 74141/10), *Razvozhayev v. Russia and Ukraine and Udaltsov v. Russia* (nos. 75734/12 2695/15 55325/15)], they also send a signal undermining

the protection of the rights of all Russian citizens and affecting the integrity of the European system of human rights protection”¹.

With this communication Mr. Navalnyy respectfully requests the Committee:

- To adopt an interim resolution against the Government of the Russian Federation for the flagrant denial of Mr. Navalnyy’s right to receive redress as well as for their constant refusal to abide by the Court’s judgment in the cases of *Navalnyye v Russia* (no. 29492/05) and *Navalnyy v Russia* [GC] (nos. 29580/12, 36847/12, 11252/13, 12317/13 and 43746/14);
- To initiate an infringement proceeding against the Russian Federation as stipulated by Article 46(4) of the Convention and Rule 11 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

¹ Dunja Mijatović, Commissioner for the Human Rights, Council of Europe, *Statement: Navalny judgment contravenes Russia’s international human rights obligations*, available at:
https://www.coe.int/en/web/commissioner/-/navalny-judgment-contravenes-russia-s-international-human-rights-obligations?fbclid=IwAR26hHTiLKwTbGKM1Q15c78mFpJpAs_EZ3hfBCLCXTU9vZpA3Hb6bBm-b24