

Council of Europe
The Secretary General

Strasbourg, 19 September 2024

Minister,

The Russian Federation has an unconditional and binding international law obligation to implement all final judgments and decisions of the European Court of Human Rights ("the Court"), although it ceased to be a High Contracting Party to the European Convention on Human Rights ("the Convention") on 16 September 2022. In accordance with Article 46 of the Convention, the Committee of Ministers of the Council of Europe ("the Committee") continues to supervise the execution of judgments and friendly settlements with respect to the Russian Federation at its quarterly human rights meetings (CM-DH meetings).

In several decisions adopted at its latest CM-DH meeting (17-19 September 2024), the Committee deplored the absence of response of the Russian authorities to its interim resolutions and decisions, despite several letters of the Secretary General of the Council of Europe informing you of these decisions and resolutions.

It adopted the following decisions in respect of the Russian Federation:

- 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 strongly reiterated once again its profoundest concern that the payment of the just satisfaction and default interest accrued has not been made despite the passage of over five years and firmly reiterated again its insistence on the unconditional obligation under Article 46, paragraph 1, of the Convention to pay the just satisfaction awarded by the Court.
- 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 exhorted once again the authorities to thoroughly, independently, effectively and promptly investigate the serious crimes committed during the active phase of hostilities as well as during the period of occupation, so as to identify all those responsible for the purposes of bringing the perpetrators to justice. The Committee also firmly reiterated its deepest concern about the inability of Georgian nationals to return to their homes in South Ossetia and Abkhazia and its strong insistence that the Russian Federation, which has effective control over these regions, ensures without delay measures to prevent kidnapping, killing, torture or any other incident which impedes the free and safe movement of Georgian nationals and ensures the safe return of persons wishing to return to their homes.

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- In the *Mozer* group of cases, concerning various violations of the Convention in the Transnistrian region of the Republic of Moldova, the Committee deplored that some eight years after the leading judgment in this group became final, the applicants have still not benefited from any form of redress for the violations found. It exhorted once again the Russian authorities to proceed rapidly with the payment of the just satisfaction awarded by the Court, along with the interest accrued, and to provide an action plan setting out concrete steps to implement the above measures.
- In the cases of *Kogan and Others*, and *Kutayev*, concerning restrictions placed on the rights of the applicant human rights activists which the Court found to have been imposed for an ulterior purpose in abuse of power, against the background of the ongoing crackdown on civil society in Russia, the Committee underlined that a solid national judicial practice, stemming from an independent judiciary, and ensuring sufficient protection against external political pressure, should be established, to address the problem of arbitrary arrests and the misuse of restrictions on Convention rights for ulterior purposes. It further stressed that malicious state-sponsored media campaigns against dissidents should be prevented. Finally, the Committee deeply deplored, given the prominent role of human rights defenders in a democratic society, the overall hostile context and the political and social climate in which many NGOs, human rights defenders and other civil society actors have been operating in the past years in Russia, as highlighted by the Court in these judgments.

The Committee also reiterated the unconditional obligation under Article 46, paragraph 1, of the Convention to pay the just satisfaction awarded by the Court. To this end, I recall that in accordance with Interim Resolution CM/ResDH(2022)254, adopted by the Committee at its 1451st meeting (December 2022) (DH) and in line with the Strategy paper regarding the supervision of the execution of cases pending against the Russian Federation (CM/Inf/DH(2022)25), the Secretariat has created and published a public register of just satisfaction owing in all inter-state and individual cases against the Russian Federation. This register is regularly updated as regards the default interest accrued so that both the issue and the sums due can remain under close public scrutiny and be available to the Committee in the light of any future developments.

The relevant decisions adopted by the Committee are enclosed.

On behalf of the Council of Europe, I urge your authorities to comply with the unconditional obligation to abide by the judgments of the European Court of Human Rights in respect of the Russian Federation and to take all required measures to execute them.

Yours sincerely,



Alain Berset