

Council of Europe
The Secretary General

Strasbourg, 7 December 2023

Minister,

I am writing to remind you once again of the Russian Federation's unconditional and binding international law obligation to implement all final judgments and decisions of the European Court of Human Rights, although it has ceased to be a High Contracting Party to the European Convention on Human Rights as from 16 September 2022. In accordance with Article 46 of the Convention, the Committee of Ministers continues to supervise the execution of judgments and friendly settlements at its quarterly human rights meetings (CM-DH meetings).

It is a matter of grave concern that your authorities have stopped all communication with the Council of Europe in respect of the implementation of the judgments by the European Court of Human Rights. I should like to inform you that in accordance with the Committee's decision, all cases pending execution have been transferred to the enhanced supervision procedure.

At its last human rights meeting held on 5-7 December 2023, the Committee of Ministers adopted the following decisions:

- 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 its profoundest concern that the payment of the just satisfaction and default interest accrued has not been made despite the passage of over four years since the deadline for payment expired;
- 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 urged the Russian authorities to pay the just satisfaction, together with the default interest accrued, without any further delay; exhorted them 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; and firmly reiterated its profound concern about the inability of Georgian nationals to return to their homes in South Ossetia and Abkhazia and its 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 Alekseyev group, Bayev and Others group, Berkman group and Zhdanov and Others, concerning discrimination on grounds of sexual orientation in the exercise of the right to freedom of peaceful assembly and the refusal to register LGBTI associations, the Committee deeply deplored the widely reported ongoing deterioration of LGBTI rights in the Russian Federation and reiterated the authorities' obligation to take all possible measures aimed at eradication of discrimination on the basis of sexual orientation, in particular by sending a message of tolerance from the highest authority;
- In the Magnitskiy and Others and Mazepa and Others group, concerning high profile deaths of critics of the Russian authorities and lack of investigation, the Committee called on the Russian authorities to issue a public apology to the family members of all four victims, to expunge Mr Magnitskiy's criminal record, to examine *ex officio* the possibility of remedying the specific investigative shortcomings identified by the European Court of Human Rights in all cases through full, independent, impartial, prompt, expeditious, transparent and thorough investigations, involving the family members, possibly conducted by a special independent national or international commission, and of punishing all perpetrators;
- In Navalnyy and Ofitserov group, concerning violations relating to various repressive measures taken by the authorities against Mr Navalnyy, the Committee strongly condemned that Mr Navalnyy is still in prison and exhorted the Russian authorities to ensure his immediate release, urging them also to ensure his free access to independent doctors and unimpeded visits from his lawyers; and to carry out an effective investigation into credible allegations of attempted murder, aggravated, moreover, by the suspected use of substances prohibited by the Chemical Weapons Convention in the attack against Mr Navalnyy.

The relevant interim resolution and decisions adopted by the Committee are enclosed.

Furthermore, the Committee took note of a memorandum prepared by the Secretariat and publicly available, setting out details of all the leading cases against the Russian Federation currently pending full execution, together with the measures required to be taken by your authorities. The Committee has asked for a similar document to be prepared for its consideration each December.

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

Yours sincerely,



Marija Pejčinović Burić