

Council of Europe
The Secretary General

Strasbourg, 14 March 2024

Minister,

I recall firmly 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 with respect to the Russian Federation at its quarterly human rights meetings (CM-DH meetings).

It is deeply regrettable that your authorities have stopped all communication with the Council of Europe in respect of the implementation of the judgments by the Court, and that so many judgments against the Russian Federation remain unimplemented (see in this respect the outstanding measures set out in the memorandum prepared by the Secretariat H/EXEC(2023)12).

At its last human rights meeting held on 12-14 March 2024, the Committee of Ministers adopted the following decisions:

- In the *Navalnyy and Ofitserov* group, concerning violations relating to various repressive measures taken by the authorities against Mr Aleksey Navalnyy, in respect of individual measures, the Committee deeply deplored the blatant disregard of the Russian authorities to the Committee's previous calls for Mr Navalnyy's release and warnings about his deteriorating health conditions; strongly condemned the Russian authorities for Mr Aleksey Navalnyy's death in detention, which appears to result from the alarming consequences of the pattern of victimisation and his political persecution also revealed by the many violations found by the European Court of Human Rights in this group of cases, in retaliation for his anti-government protests and investigation activities; exhorted the authorities to conduct an effective investigation, which should be independent, impartial, prompt, expeditious, thorough, transparent, involving family members; strongly urged the authorities to carry out this investigation by an ad hoc mechanism, such as an international independent and impartial commission of inquiry, to better ensure the independence, bearing in mind the lack of trust in existing institutions; and urged once again the Russian authorities to carry out an effective investigation into credible allegations of attempted murder in 2020, aggravated, moreover, by the suspected use of substances prohibited by the Chemical Weapons Convention.

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In respect of general measures, recalling once more that the violations found by the European Court of Human Rights in this group of cases reveal a profoundly alarming pattern of arbitrary and unjustified misuse of the criminal and administrative law to convict, detain and silence Mr Aleksey Navalnyy, with the ulterior purpose of suppressing political pluralism; the Committee urged the Russian authorities to abide by their international law obligation and to take comprehensive measures to ensure judicial independence in the Russian Federation; insisted on the urgent need for the authorities to ensure the release of all prisoners currently detained in the Russian Federation in abuse of power and for the purpose of silencing them and deterring other critics of the regime from protesting or speaking out, bearing in mind the risks to their health and security as well as the grave consequences for freedom of expression and political plurality in the Russian Federation; and urged them to allow independent international bodies to monitor the reported political prisoners' state of health and conditions of detention, pending their release or re-examination of their cases.

- In *Yabloko Russian United Democratic Party and Others group, Davydov and Others, OOO Informatsionnoye Agentstvo Tambov-Inform, and Orlovskaya Iskra group*, which concern various election-related violations, in particular prevention of candidacy on formal grounds, failure to address substantiated allegations of serious irregularities in the process of counting and tabulation of votes that could lead to a gross distortion of the voters' intentions; and violation of the right to freedom of expression in the context of the elections, the Committee underlined the European Court of Human Rights' finding of practices that indicated serious dysfunctions of the electoral system during regional and Duma elections in 2011, including those capable of throwing serious doubts on the fairness of the entire process; noted from several publicly available sources that the environment for holding free and fair elections in the Russian Federation appears to have deteriorated further since the violations found by the European Court of Human Rights in these judgments; underlined further that profound and sustained measures, emanating from the highest political level, as well as from the courts, are required to reverse this trend, including, with regard to obstacles to standing for election, the abstention of the authorities from interfering in the internal affairs of parties in such a way as to prevent them from standing for election; lifting of the blanket ban on dual nationals standing for election; ensuring that procedures for the cancellation of candidacies are fair and that effective judicial safeguards ensure that minor clerical errors, for example on lists of signatures for a candidate's nomination and on application forms, do not constitute an obstacle to standing for election.
- In the *Ecodefence* case, concerning the violation of the right to freedom of association of 73 NGOs and their directors due to the disproportionate restrictions and penalties imposed by the legislation on "foreign agents", which is construed in vague terms and violates the principles of a democratic society; the Committee emphasised the obligation of the authorities to ensure payment of just satisfaction and to revoke the decisions penalising and dissolving organisations for non-compliance with the Foreign Agents Act, including the decision to liquidate the International Memorial and the Memorial Human Rights Centre contrary to the

indications under Rule 39 given by the European Court of Human Rights, as well as to return their confiscated property and otherwise to address as far as possible the negative consequences for all applicants of being labelled “foreign agents”; deplored the fact that the problems revealed in the present judgment persist and that the situation continues to deteriorate; underlined the need to rehabilitate all those who have suffered as a result of the application of the law, including by overturning all related decisions, including those that sanctioned and dissolved the NGOs and sanctioned the individuals, as well as by offering compensation, and issuing a public apology; underlined further the need to take legislative or other measures, such as awareness-raising, to address obstacles which might impede compliance with the Rule 39 indications in the Russian legal system and to provide assurances that all the interim measures indicated by the European Court of Human Rights will be respected.

- In the *Catan and others* group, concerning violations of the rights of children, parents and staff members of Latin-script schools located in the Transnistrian region of the Republic of Moldova, the Committee recalled that in addition to the payment of the just satisfaction, the measures for the execution of these judgments, as identified in the Secretariat’s analysis, include the revocation of the “regulatory framework” at the origin of the violations, the return of the Latin-script schools to their former premises or to alternative premises adequate for the educational process, and measures to eliminate the harassment and intimidation of the pupils, parents and staff members; reiterated with firm insistence the unconditional obligation of the Russian Federation under Article 46, paragraph 1 of the Convention, to execute the final judgments of the European Court of Human Rights; repeatedly expressed its gravest concern over the Russian authorities’ continued failure to comply with this obligation by paying the just satisfaction awarded and presenting an action plan setting out concrete measures for the execution of these judgments; strongly exhorted the Russian Federation to comply with this obligation without further delay.

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

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

Yours sincerely,


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