

Russian Federation

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

► *Actions of security forces and effectiveness of investigations*

Actions of security forces during anti-terrorist operations, most linked to the situation in the **Chechen Republic** between 1999 and 2006 (unjustified use of force, killings, enforced disappearances, unacknowledged detentions, torture and ill-treatment, unlawful search and seizure operations and destruction of property), but some linked to that in **other Republics of the Northern Caucasus** and to post 2006 events; **absence of effective investigations**, including insufficient efforts to establish the fate of missing persons, and also of effective domestic remedies to obtain reparation.

Khashiyev and Akayeva group (57942/00)

Judgment final on 06/07/2005

Enhanced supervision

Status of execution

Absence of effective investigations into the disappearance in St Petersburg of persons from Republic of Ingushetia.

Dobriyeva and Others (18407/10)

Judgment final on 14/04/2014

Enhanced supervision

Status of execution

Mass rescue operation of hostages in a theatre in Moscow: failure to take all feasible precautions, with a view to avoiding, or at least, minimising, incidental loss of civilian life; lack of effective investigations into the events.

Finogenov and Others (18299/03)

Judgment final on 04/06/2012

Hostage-taking crisis in a school in Beslan (North Ossetia) in 2004: failure to prevent the threat to life, failure to plan and control the operation, use of lethal force by State agents, lack of effective investigation into the use of force by State agents.

Tagayeva and Others (26562/07)

Judgment final on 18/09/2017

Enhanced supervision

Status of execution

Ill-treatment and/or torture in police custody with a view to extracting confessions and ineffective investigations in this respect.

Mikheyev group (77617/01)

Judgment final on 26/04/2006

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

▶ *Lawfulness of detention and related issues*

Different irregularities surrounding detention on remand, linked notably to repeated unlawful extensions of detention, lengthy appeal proceedings, failure in certain circumstances to adduce relevant and sufficient reasons to justify continued detention, absence of an enforceable right to obtain compensation (**progress achieved: see also the final resolution in the *Bednov* group below**).

Klyakhin group (46082/99)
Judgment final on 06/06/2005

Enhanced supervision

Status of execution

▶ *Conditions of detention*

Poor detention conditions in pre-trial detention in remand centres (“SIZO”) under the authority of the Ministry of Justice and lack of effective remedies in this respect; **absence of adequate medical care**.

Kalashnikov group (47095/99)
Judgment final on 15/10/2002

Enhanced supervision

Status of execution

Poor detention conditions of criminal suspects held in temporary police holding facilities (“IVS”) under the authority of the Ministry of the Interior, mainly resulting from overcrowding.

Fedotov group (5140/02)
Judgment final on 25/01/2006

Enhanced supervision

Status of execution

Adequateness of legal and organizational guarantees against torture and ill-treatment in detention facilities, including effectiveness of investigations.

Buntov (27026/10)
Judgments final on 05/09/2012

Enhanced supervision

Status of execution

▶ *Reception / Expulsion / Extradition*

Absence of clear legal provisions establishing the procedure for ordering and extending detention awaiting expulsion or extradition; **absence of judicial review** at the initiative of the person concerned **of lawfulness of detention pending extradition** and deficiencies of review proceedings initiated by procurators; **detention unduly imposed** (in the absence of concrete action with a view to removal or expulsion); **absence of due assessment of risks faced** in receiving countries; **illegal transfers and abductions** of aliens to other countries (mainly persons subjected to extradition requests from Tajikistan and Uzbekistan).

Garabayev group (38411/02)
Judgment final on 30/01/2008

Enhanced supervision

Status of execution

Absence of judicial review of the continued lawfulness of detention pending expulsion, notably in special detention centres for aliens, and **poor detention conditions** in the centres.

Kim (44260/13)
Judgment final on 17/10/2014

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Administrative removals (expulsions) orders without taking due account of close family ties established in the Russian Federation.

Gablishvili (39428/12)
Judgment final on 26/09/2014

Enhanced supervision

Status of execution

Alim (39417/07)
Judgment final on 27/12/2011

Enhanced supervision

Status of execution

Insufficient judicial review of administrative expulsion decisions based on national security grounds, notably absence of proportionality test and of a procedure allowing an adequate examination of the relevance and sufficiency of the national security reasons invoked.

Liu (No. 2) (29157/09)
Judgment final on 08/03/2012

Enhanced supervision

Status of execution

► **Functioning of justice**

Degrading treatment of accused persons on account of their confinement in metal cages in the courtroom.

Svinarenko and Slyadnev (32541/08)
Judgment final on 17/07/2014

Enhanced supervision

Status of execution

Non-enforcement or lengthy enforcement of domestic judicial decisions concerning in-kind obligations, notably in the area of housing, and absence of effective remedies (**for measures adopted to overcome the problem of non-execution in relation to monetary obligations, see the final resolutions in *Burdov No. 1* and in *Tymofeyev/Burdov No. 2* below**).

Gerasimov and Others (29920/05)
Judgment final on 01/10/2014

Standard supervision

Status of execution

Gizatova (5124/03)
Judgment final on 13/01/2005

Enhanced supervision

Status of execution

Unfair criminal convictions: arbitrary construction of law leading to conviction for facts indistinguishable from ordinary commercial activities (*Navalnyy and Ofitserov*); absence of public trial and right to effective cross-examination of the key witness (*Pichugin*).

Navalnyy and Ofitserov (46632/13+)
Judgment final on 04/07/2016

Enhanced supervision

Status of execution

Pichugin (38263/03)
Judgment final on 18/03/13

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Home / Private and family life

Shortcomings in the legal framework governing secret surveillance of mobile telephone communications.

Roman Zakharov (47143/06)
Judgment final on 04/12/2015

Enhanced supervision

Status of execution

Shortcomings in the procedure for home searches in the absence of criminal proceedings (insufficiently precise judicial authorisations - Operational-Search Activities Act); lack of effective remedies.

Avanesyan group (41152/06)
Judgment final on 18/12/2014

Standard supervision

Status of execution

Adoption

Absence of a possibility to apply for restoration of parental rights of adoptive parents in order to take into account new circumstances.

Ageyevy (7075/10)
Judgment final on 09/09/2013

Standard supervision

Status of execution

Environmental protection

Large-scale flood in the area around the Pionerskoye reservoir near Vladivostok in 2001: Absence of legislative, regulatory and supervisory measures aimed at protecting the lives of persons exposed.

Kolyadenko and Others (17423/05)
Judgment final on 09/07/2012

Enhanced supervision

Status of execution

Freedom of assembly

Repeated bans on gay prides and similar public events imposed by local authorities and upheld by courts.

Alekseyev (4916/07)
Judgment final on 11/04/2011

Enhanced supervision

Status of execution

Arbitrary and discriminatory decisions of the authorities operating changes in location, time or manner of conduct of public events, unsatisfactory legislative framework and absence of effective remedy.

Lashmankin and Others (57818/09)
Judgment final on 29/05/2017

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

► *Protection of property*

Different violations related to tax and enforcement proceedings brought against the applicant oil company, contributing to its liquidation in 2007

OAQ Neftyanaya Kompaniya Yukos (14902/04)

Judgment final on 08/03/12

Judgment (just satisfaction) final on 15/12/2014

Enhanced supervision

Status of execution

Manager held personally responsibility for the company's unpaid taxes although such responsibility was not foreseen in legislation or in any existing judicial practice.

Khodorkovskiy and Lebedev (14902/04)

Judgment final on 25/10/13

Enhanced supervision

Status of execution

► *Right to education*

Forced closure of schools located in the Transdnestrian region of the Republic of Moldova ("MRT") teaching in Latin script followed by different measures of harassment.¹

Catan (43370/04)

Judgment final on 19/10/2012

Enhanced supervision

Status of execution

► *Inter-state and related cases*

Arbitrary arrests, detention and collective expulsions of Georgian nationals in the autumn 2006; absence of effective and accessible remedies in this regard.

Georgia v. Russian Federation (I) (13255/07)

Judgment final on 03/07/2014

Enhanced supervision

Status of execution

Individual cases regarding arbitrary arrests, inhuman conditions of detention of Georgian nationals prior to collective expulsion in the autumn 2006; lack of review of the lawfulness of detention and absence of effective remedy to complain about the conditions of detention

Berdzenishvili and Others (14594/07)

Judgment final on 20/03/2017

Enhanced supervision

Status of execution

¹ Whilst observing that there was "no evidence of any direct participation by Russian agents in the measures taken against the applicants" nor "any evidence of Russian involvement in or approbation for the "MRT"'s language policy in general", the Court nonetheless found that "by virtue of its continued military, economic and political support for the "MRT", which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants' rights to education" (see notably the Committee of Ministers interim resolution (2015)157;