



Last update: 31/12/2017

## Russian Federation

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| Membership to the Council of Europe  | 28 February 1996   |
| Entry into force of the European Convention on Human Rights                                    | 5 May 1998   |
| First case under supervision of execution  | <i>Burdov</i> (59498/00)<br>Judgment final on 4 September 2002 |
| Total number of cases transmitted for supervision since the entry into force of the Convention | 2282   |
| Total number of cases closed by final resolution   | 593  |

### 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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



## 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

Status of execution  
Enhanced supervision

### > 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 15/10/2006

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

### > 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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced 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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision



## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

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

Status of execution  
Enhanced supervision

### > 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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced 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

Status of execution  
Enhanced supervision

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

Status of execution  
Standard supervision

### > 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

Status of execution  
Standard supervision



## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

### > 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

Status of execution  
Enhanced supervision

### > 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

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

### > Electoral rights

Blanket ban to vote in elections imposed all persons deprived of liberty under a court sentence.

*Anchugov and Gladkov* (11157/04)  
Judgment final on 09/12/2013

Status of execution  
Enhanced supervision

### > Protection of property

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

*AO Neftyanaya Kompaniya Yukos* (14902/04)  
Judgment final on 08/03/12  
Judgment (just satisfaction) final on 15/12/2014

Status of execution  
Enhanced supervision

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

Status of execution  
Enhanced supervision

### > Right to education

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

*Catan* (43370/04)  
Judgment final on 19/10/2012

Status of execution  
Enhanced supervision

### > Inter-state and related cases

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

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

<sup>1</sup> 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;



## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

remedies in this regard.

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.

Judgment final on 03/07/2014

Status of execution  
Enhanced supervision

*Berdzenishvili and Others* (14594/07)

Judgment final on 20/03/2017

Status of execution  
Enhanced supervision



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Lawfulness of detention and related issues

Improvement of the safeguards surrounding detention on remand to ensure that detention is covered by motivated court decisions containing clear time-limits (legislative reforms and rulings of the Constitutional Court and Supreme Court between 2008 and 2013). These developments also ensure that hearings regarding detention on remand are always conducted in the presence of the accused and his counsel (see the *Klyakhin* group above).

*Bednov* group (21153/02)  
Judgment final on 01/09/2006

Final Resolution  
CM/ResDH(2015)249

## &gt; Respect of the final character of judicial decisions

Improved legal certainty in commercial matters: Supervisory review ("nadzor") has been reformed so that binding and enforceable decisions delivered by commercial courts are no longer liable to challenge indefinitely, but only once, before a supreme judicial instance, on restricted grounds and within a clearly defined and limited time-frame (reform of Code of Civil Procedure 2003).

*Arshinchikova* (73043/01)  
Judgment final on 29/06/2007

Final Resolution  
CM/ResDH(2011)151

Improved legal certainty in civil matters : Supervisory review ("nadzor") in civil matters has been reformed, first by imposing strict time-limits and ensuring that only the parties to the proceedings could initiate such a review and, after the last reform in 2012, by allowing only the Presidium of the Supreme Court to engage such review, with a drastic decrease in its application (reforms of the Code of Civil Procedure in 2003, 2008 and 2012, supplemented by a Constitutional Court decision of 2007 providing a number of directions for the legislative changes required).

*Ryabykh* group (52854/99+)  
Judgment final on 03/12/2003

Final Resolution  
CM/ResDH(2017)83

## &gt; Enforcement of domestic judicial decisions

Improved efficiency of the enforcement of judicial decisions concerning the State's monetary obligations through the adoption of important legislative, regulatory and capacity-building measures, including the setting up of an effective remedy. As regards the enforcement of court decisions in favour of Chernobyl victims, the uncertainty which previously existed as to the bodies responsible was eliminated.

*Burdov No. 1* (59498/00)  
Judgments final on 04/09/2002

Final Resolution  
CM/ResDH(2004)85

*Timofeyev* group (58263/00) and *Burdov No. 2* (33509/04)  
Judgments final on 23/01/2004 and 04/05/2009

Final Resolution  
CM/ResDH(2016)268

\*\* This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the [Department for the Execution of Judgments of the European Court of Human Rights](#).



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

### > Protection of property

Payment of the "Urozhay-90 bonds": the payment procedure required by law, awaited since 1995 was eventually adopted in 2009 (these bonds had been issued by the Government of the Russian Socialist Federative Soviet Republic (RSFSR) in order to encourage agricultural workers to sell produce to the State in exchange for the right to priority purchasing of consumer goods in high demand).

*Malysh and Others group* (30280/03)  
Judgment final on 28/06/2010

Final Resolution  
CM/ResDH(2012)134

A legal basis for the confiscation of smuggled goods was introduced in 2006.

*Baklanov* (68443/01)  
Judgment final on 30/11/2005

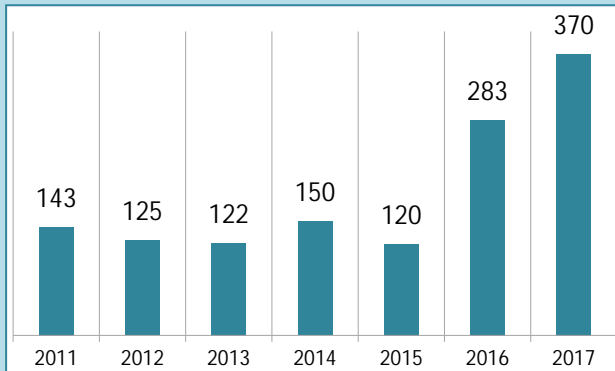
Final Resolution  
CM/ResDH(2011)301



## STATISTICS\*\*\*

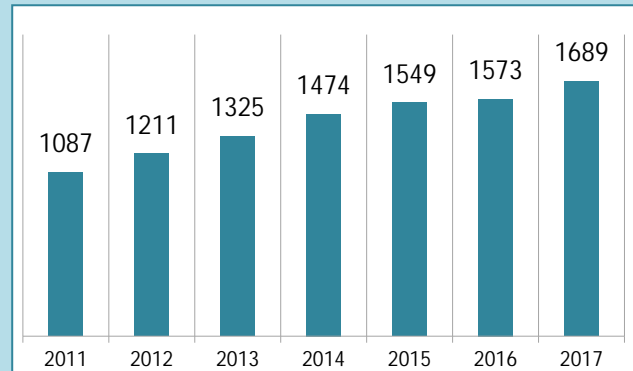
### New cases

(judgments transmitted for supervision of their execution during the year)

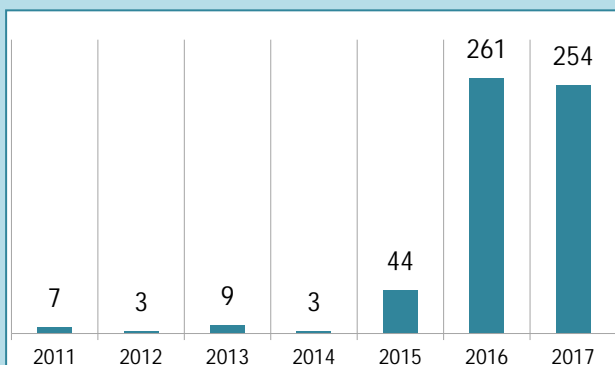


### Total of pending cases

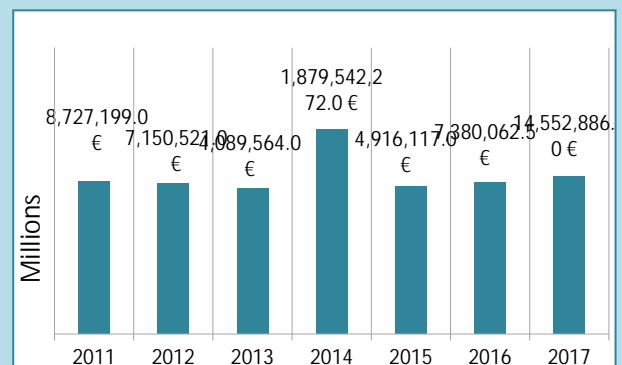
(at 31 December)



### Cases closed by final resolution



### Just satisfaction awarded\*\*\*\*



\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.

\*\*\*\*The presentation is logarithmic in order to facilitate the presentation of the sums awarded in 2014.