



Last update: 04/10/2018

## Russian Federation

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	<b>Burdov</b> (59498/00) Judgment final on 4 September 2002
Total number of cases transmitted for supervision since the entry into force of the Convention	2492
Total number of cases closed by final resolution	743

### 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

**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

**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 15/10/2002

**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**  
Standard 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

**ОАО Нефтяная Компания 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 Transnistrian 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

<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\*

### > 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

**Status of execution**  
Enhanced supervision

**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

**Status of execution**  
Enhanced supervision



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

### > 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**

### > Length of judicial proceedings

**Legislative measures were taken to reduce the length of civil proceedings and to introduce an effective remedy in this respect.**

*Kormacheva* group (53084/99+)  
Judgment final on 14/06/2004

**Final Resolution**  
**CM/ResDH(2017)168**

### > 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**

### > 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

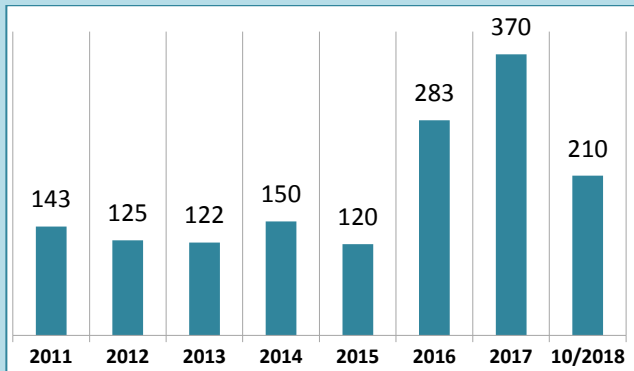
**Final Resolution**  
**CM/ResDH(2011)301**



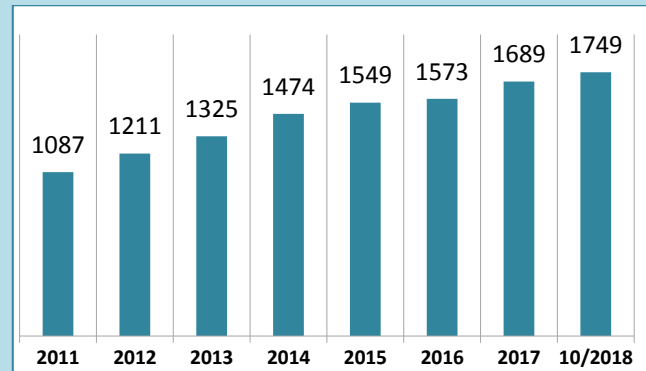
## STATISTICS\*\*\*

### New cases

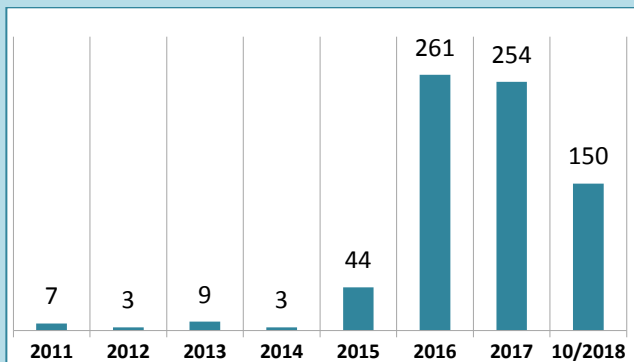
(judgments transmitted for supervision of their execution during the year)



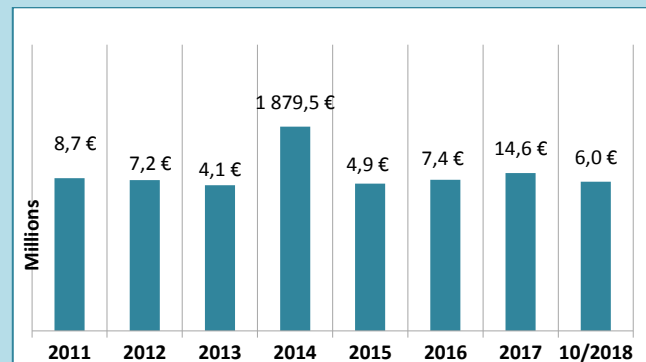
### Total of pending cases



### 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.