

## PACE SPRING SESSION: UPDATE ON HUMAN RIGHTS IN RUSSIA

15 April 2021

REF: TIGO IOR 30/2021.1651

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The arbitrary arrest and imprisonment of Russian prominent anti-corruption campaigner and opposition figure Aleksei Navalny, and the concurrent arrests and detention on spurious charges of his colleagues from the Anti-Corruption Foundation (FBK), civil society activists and peaceful protesters during mass public protests held at the beginning of the year and in smaller protests that followed, are the latest severe reprisals against all forms of dissent in Russia. The prosecution of Aleksei Navalny and of his colleagues and supporters is politically motivated and their deprivation of liberty is unlawful. They are being held in detention solely for their peaceful political activism and their exercise of the rights to freedom of expression and peaceful assembly. They must be immediately released.

Ahead of the Spring Session of the Parliamentary Assembly, Amnesty International calls on the Council of Europe main bodies to pay close attention to these concerning developments, condemn them in the strongest terms, and call for the immediate release of all those detained for peacefully exercising their rights to freedom of expression and peaceful assembly.

Amnesty International also urges the Council of Europe Secretary General, the Committee of Ministers and the Parliamentary Assembly to call on the Russian authorities to ensure that, pending his release, Aleksei Navalny receives urgent qualified medical assistance from independent medical specialists of his choice, that he is protected from torture and other ill-treatment and that his prison conditions comply with international standards.

This ongoing mass repression of dissent in Russia is unfolding against the background of new laws signed by President Putin in December 2020, February and April 2021 that are severely restricting the rights to freedom of association, peaceful assembly and expression and lead to a further shrinking of civic space in Russia. Amnesty International calls on the Council of Europe leading institutions to urge the Russian authorities to repeal these laws and halt the growing crackdown on civic activism and dissent.

### THE DETENTION OF ALEKSEI NAVALNY

Prominent Russian opposition figure and anti-corruption activist Aleksei Navalny was arbitrarily arrested on 17 January at Moscow Sheremetyevo airport's border control upon arrival from Germany, where he was recovering after his poisoning by a Novichok nerve agent in August 2020.

Aleksei Navalny had been tried and convicted in two separate politically motivated criminal cases in previous years. In 2017, the European Court of Human Rights (ECtHR) found violations of Articles 6(1) (right to a fair trial) and 7 (no punishment without law) of the European Convention of Human Rights, and determined that his conviction was

“arbitrary and manifestly unreasonable”.<sup>1</sup> In 2019, the Court found violations of Article 5 (right to liberty), 10 (freedom of expression and 18 (establishing a political motivation for his house arrest) of the ECHR, in connection with the same case.<sup>2</sup> However, in April 2018, Aleksei Navalny’s conviction and sentence were upheld by the Russian Supreme Court and the binding judgments of the European Court of Human Rights are yet to be implemented .

Following Aleksei Navalny’s poisoning in 2020, and while he was recovering in Germany, the Russian Federal Penitentiary Service (FSIN) demanded that he immediately present himself to a probation officer or face prison for violating the terms of his non-custodial sentence. On 28 December, two days before the sentence expired (before the end of the so-called probation period of his sentence), FSIN requested his arrest and replacement of his non-custodial sentence with a prison term of three and a half years. Aleksei Navalny was then arrested on arrival in Russia “for multiple violations” of the terms of his sentence.

On 18 January, a court hearing took place inside the police station where Aleksei Navalny was held.<sup>3</sup> Neither he nor his lawyers were informed of the hearing in advance and he was deprived of his right to adequate time and facilities to prepare his defence. His lawyers were only allowed in at the last minute. As Navalny informed the court, the confidentiality of his communication with his lawyers had not been respected, in violation of fair trial standards. The court remanded Aleksei Navalny in custody for 30 days pending judicial review of his case. This decision was in violation of Russian law, since the legal provisions quoted by the judge who approved his remand do not provide for a 30-day detention for violation of probation. On 2 February, Moscow’s Simonovsky District Court ruled that Aleksei Navalny’s non-custodial sentence must be replaced with a prison term. Having already spent part of his sentence under house arrest in 2014 and early 2015, the judge ordered him to serve the remaining two and a half years of his sentence in prison.

On 20 January 2021, Navalny lodged an application before the ECtHR under Article 34 of the European Convention on Human Rights and made a request to the Court under Rule 39 of the Rules of Court related to his detention, asking for his release. On 16 February, the ECtHR granted an interim measure in favor of Navalny, with “regard to the nature and extent of risk to the applicant’s life” and asked the Russian government to release him.<sup>4</sup> However, the Russian Ministry of Justice called the ECtHR’s decision on interim measures “interference into judicial affairs of a sovereign state” as well as “unfounded, unjustified and *a priori* impossible to execute” and refused to comply.<sup>5</sup>

In March 2021, the Committee of Ministers adopted a Decision on the implementation of the European Court’s ruling on the case of Navalny and Ofitserov group v. Russian Federation (Application No. [101/15](#)), which includes the case Navalny v. Russian Federation.<sup>6</sup> The Committee of Ministers noted that Aleksei Navalny and the other applicants had been convicted in violation of the principle “no crime or punishment without law” and the right to a fair trial (violations of Articles 7 and 6 of the ECHR). The Committee expressed “profound concern that on 2 February 2021, a Moscow district court granted the request of the Russian Federal Penitentiary Service (“FSIN”) “to convert Mr Alexey Navalny’s suspended sentence, imposed as a result of the arbitrary conviction in this case, into a sentence of real imprisonment”. The Committee of Ministers further noted that the “enforcement of the sentence handed down in such fundamentally flawed proceedings goes entirely against the conclusions and spirit of the Court’s judgment” and urged the Russian authorities to “take all possible measures to quash the convictions in respect of both applicants and to erase all negative consequences against them; awaiting that to release Mr Alexey Navalny without delay”.

Aleksei Navalny’s health has seriously deteriorated since his latest arrest in early 2021. He has complained of debilitating pain in the back, numbness of his legs, and his condition appears to be worsening every day. In spite of his repeated requests, the penitentiary authorities have refused to allow a visit by a medical doctor of his choice or to pass on the medication recommended by the doctor. In protest, Aleksei Navalny announced a hunger strike on 31 March. On 5 April, it was reported that he had been transferred to a prison hospital due to complaints of high fever and cough. On 12 April, it was reported that Aleksei Navalny was transferred back to the penal colony. He continues his hunger strike and has reportedly lost about 15 kg of weight since his arrest. According to a post on his Twitter account of 12 April <sup>7</sup> the penal colony authorities were discussing whether to start to force feed him. Amnesty

<sup>1</sup> Navalny v Russia, Application 101/15

<sup>2</sup> Navalny v Russia (2), Application 43734/14.

<sup>3</sup> <https://www.amnesty.org/en/latest/news/2021/01/russia-authorities-use-farcical-surprise-hearing-to-keep-aleksei-navalny-behind-bars/>.

<sup>4</sup> [https://hudoc.echr.coe.int/eng-press#\(22itemid%22:\[22003-6942317-9334363%22\]\)](https://hudoc.echr.coe.int/eng-press#(22itemid%22:[22003-6942317-9334363%22])).

<sup>5</sup> <https://www.rbc.ru/politics/17/02/2021/602d342b9a79472e64e0dfff>

<sup>6</sup> 1398<sup>th</sup> meeting, 9-11 March 2021 (DH Decision in the case of Navalny ( Navalny and Ofitserov group) v. Russian Federation (Application No. [101/15](#)): “<http://hudoc.exec.coe.int/ENG?i=004-49187>

<sup>7</sup> <https://twitter.com/navalny/status/1381580699656933379>

International is deeply concerned that the lack of adequate health assistance, including by a doctor of his choice, presents a serious danger to his health and life.

## **PROSECUTION OF ALEKSEI NAVALNY'S ASSOCIATES AND OTHER PEACEFUL PROTESTERS**

The authorities have also waged a campaign targeting Aleksei Navalny's supporters and colleagues from the Anti-Corruption Foundation (FBK), with dozens arrested on the day of his arrival in Russia, ahead of, during and after protests on 23 and 31 January and 2 February 2021, in a clear effort to stop them protesting and to intimidate others. Several of Aleksei Navalny's colleagues and supporters, including his spokesperson Kira Yarmysh and Pussy Riot member Maria Alyokhina are currently under house arrest, while others, including FBK lawyer Liubov Sobol and Navalny's brother Oleg, are under strict curfew on spurious criminal charges.

On 10 February, the Basmannyi Court in Moscow ruled to remand in custody for two months the FBK's head of staff, Leonid Volkov, as a criminal suspect under Article 151.2 (2) of the Criminal Code ("involvement of minors in unlawful activities which could endanger their life") for purportedly calling on minors via the internet to take part in protests. Leonid Volkov has denied making such calls, although children enjoy the right to freedom of peaceful assembly. The decision was issued *in absentia* and the Russian Investigation Committee placed Volkov on its wanted list. On 14 April, four journalists of the student online magazine DOXA, in Moscow, were charged under this case and put under house arrest for publishing a video appeal where they protested against intimidation of students and called on the youth to defend the right to freedom of peaceful assembly.

The authorities also severely clamped down on peaceful protesters who took to the streets across the country to support Aleksei Navalny and protest against corruption and injustice. According to the Russian monitoring organization OVD-Info, at least 4,033 protesters were arrested on 23 January, at least 5,754 on 31 January and a further 1,512 on 2 February,<sup>8</sup> the largest cumulative number of arrests of participants in protests that lasted a total of three days. Among those arrested were dozens of independent journalists and human rights defenders who were covering or monitoring the protests. Thousands of administrative prosecutions and at least 103 criminal cases were initiated across the country,<sup>9</sup> and further arrests and detentions on spurious charges are ongoing. According to numerous reports, peaceful protesters sentenced to "administrative detention" were subjected to ill-treatment, including *inter alia* being placed in severely overcrowded detention facilities, denied food and water for several hours, and had to spend lengthy (several hours at a time, often at nighttime) periods of time in police vans during transfer. People who participated in the protests have also reported that they were threatened with or were expelled from universities or colleges or have lost their jobs.

Peaceful protesters, including older people and children, were also subjected to excessive use of force by the riot police. For instance, Amnesty International monitors witnessed the vicious police response in Moscow on 23 January when law enforcement officers acted roughly and unreasonably against overwhelmingly peaceful protesters, pushing people down the stairs, beating protesters with batons and deliberately striking their vital organs. On 31 January, officers used electroshock equipment against peaceful, non-resisting protesters.

Amnesty International calls for the immediate release of all those who remain deprived of their liberty solely for organizing, calling for or participating in peaceful protests, for the dropping of all charges and the end of pending investigations related to the peaceful exercise of the right to freedom of peaceful assembly.<sup>10</sup>

## **RECENT LEGISLATION FURTHER RESTRICTING THE RIGHTS TO FREEDOM OF ASSOCIATION, EXPRESSION AND PEACEFUL ASSEMBLY**

### ***NEW LAWS AFFECTING THE RIGHT TO FREEDOM OF ASSOCIATION***

At least 10 new pieces of legislation have been adopted since the end of 2020 [which impose additional restrictions on the activities of civil society organizations, journalists and other media workers, and activists. The new measures

<sup>8</sup> <https://ovdinfo.org/articles/2021/02/03/sud-otpravil-alekseya-navalnogo-v-koloniyu-itogi-akciy-protesta-2-fevralya>;  
<https://ovdinfo.org/news/2021/02/02/spisok-zaderzhannyh-v-svyazi-s-sudom-nad-alekseem-navalnym-2-fevralya-2021-goda>.

<sup>9</sup> <https://zona.media/article/2021/03/29/repressions>

<sup>10</sup> <https://www.amnesty.org/en/latest/news/2021/01/russia-scores-of-activists-arrested-for-protesting-the-detention-of-aleksei-navalny-must-be-released/>.

clearly intend to further stigmatize independent civil society groups that are critical of the government and establish an almost total government control over their activities.

## ***LAW PROVIDING FOR DESIGNATION OF PRIVATE INDIVIDUALS AND UNREGISTERED PUBLIC ASSOCIATIONS AS “FOREIGN AGENTS”***

### **Federal Law No. 481-FZ “On Introducing Changes to Certain Pieces of Legislation of the Russian Federation to Take Further Measures to Combat Threats to National Security”**

The bill was introduced on 17 November 2020, adopted by the State Duma on 23 December 2020, approved by the Federation Council on 25 December and signed by the President on 30 December 2020.

This law expands the scope of entities that may be put on the “foreign agents” register to public associations and individuals, including civil society organisations and initiatives that are not formally registered. It also broadens the criteria under which financial or other support received by an organization or an individual may be classified as “foreign” for the purpose of this law, and introduces a number of discriminatory restrictions for those included in the “foreign agents” register.

Public associations which receive foreign funding or foreign support in kind, and which engage in broadly and vaguely defined “political activities”, are required to register “voluntarily” as “foreign agents” of face severe consequences, including intrusive inspections and heavy fines.

By introducing these changes, the authorities have eliminated the legal loophole that allowed some groups to close their registered NGOs declared “foreign agents” and continue their work as an unregistered public association, to avoid having to carry this stigmatising label. Upon its registration as a “foreign agent”, a public association must file quarterly reports on the funding and other assets received, and on their use. Moreover, any information about the activities of such association and any materials published, distributed or submitted by the association or persons linked to it (founders, members or executives) in the course of their “political activities” must be marked as “foreign agent” materials.

The same labelling requirement applies to the materials created by staff, executives and members of registered NGOs included in the “foreign agents” register. Media outlets are expressly prohibited from publishing information about “foreign agents” or re-printing their materials without the “foreign agent” marking.

While the “foreign agents” legislation had already been amended in December 2019, under the Law on Mass Media, to enable forcible registration of individuals as “foreign agents”, these latest amendments have expanded the group of people who can be designated as “foreign agents”. As such, any individual who is involved in a broadly and vaguely defined “political activity” or “collects information” about Russia’s military or military-technical operations and is “influenced” by foreign sources of funding or by “Russian citizens or organizations acting on their behalf”, can now be registered as a “foreign agent”. Any foreign support, financial or in kind, can be classified as such “influence”.

The extremely broad definition of “political activity” embraces, among other things, participation in public gatherings, petitions to the authorities or even expressing opinions regarding government’s decisions. Given this, and the vague and overbroad definition of “foreign funding”, countless individuals in Russia now face the risk of being included in the “foreign agents” register. Last December, this happened to three independent journalists, Denis Kamalyagin, Sergei Markelov and Lyudmila Savitskaya, prominent human rights defender Lev Ponomaryov, and St. Petersburg-based activist Darya Apakhonchich, all of whom were included in the registry of “foreign mass media performing the functions of a foreign agent” under the 2019 amendments to the Law on Mass Media.

Russian citizens registered as “foreign agents” cannot hold public or municipal office or access classified information that constitutes state secret. They are obliged to report bi-annually to the authorities about their activities, the amount of foreign funding received and used, and mark all their publications, official petitions and information about their work as “foreign agent” materials.

Foreign nationals, including foreign journalists under certain circumstances, can also be included in the “foreign agents” register. Alien “foreign agents” must notify the Ministry of Justice in advance of their planned arrival in Russia to perform their “foreign agent” activity.

These legislative amendments also introduce further restrictions and reporting requirements on NGOs already designated “foreign agents”, including the requirement to report not only information about their executives but also about each member of their staff, amongst other issues.

### ***LAW INTRODUCING HARSHER CRIMINAL PENALTIES FOR VIOLATING THE “FOREIGN AGENTS” LAW***

The bill was introduced on 17 November 2020 and adopted by the State Duma on 23 December 2020. It was approved by the Federation Council on 25 December 2020 and signed into law by the President on 30 December 2020.

This legislation amends Article 330.1 of the Criminal Code which was first introduced in the 2012 law on “foreign agents”. As in the case of NGOs listed as “foreign agents”, unregistered public associations and their leadership can now be criminally prosecuted and fined up to 300,000 rubles (Euro 3,350) or sentenced to up to two years in prison for “malicious non-compliance” with the above legal requirements.

The new law provides for similar penalties for media outlets registered as “foreign agents” and their Russian legal entities. Individuals who have been put on the register of “foreign mass media performing the functions of a foreign agent” will face similar criminal penalties if they have already been found guilty of repeated violation of the “foreign agents” law under Article 19.34.1(2) of the Administrative Code. The most severe criminal penalty, up to five years in prison, is now envisaged for individuals who fail to voluntarily register as “foreign agents”. The criminal charges may be brought against anyone who is allegedly gathering information about military activities; for all other individuals whose activities fall under this legislation, penalties under Article 19.7.5-4(1) of the Administrative Code apply in the first instance, which can be followed by criminal charges if the individuals fail to comply again. Failure to submit an activity report is also now a criminal offence under this legislation.

### ***LAW INTRODUCING FURTHER ADMINISTRATIVE SANCTIONS FOR VIOLATIONS OF THE “FOREIGN AGENTS” LAW***

#### **Federal Law No 14-FZ “On Introducing Amendments to the Code of the Russian Federation on Administrative Offences”**

The bill was introduced on 23 November 2020, adopted by State Duma on 16 February 2021 and by the Federation Council on the day after, and signed into law by the President on 24 February 2021. The law introduces new administrative sanctions that range from warnings to fines from 5,000 to 500,000 roubles (Euro 54- Euro 5,443) for violations of the “foreign agents” law. The penalties can be levied against all types of “foreign agents” and for NGOs’ directors, staff members, founders, members and participants for a wide range of violations of the “foreign agents” law, including non-provision or untimely provision of information and absence of “foreign agent” marking. The law also provides for fines of up to 50,000 roubles (Euro 544) to media outlets that fail to mention the “foreign agent” status of NGOs, unregistered public associations and individuals in their reporting.

### ***LAW AMENDING THE LAW ON NGOS REGISTERED AS “FOREIGN AGENTS”***

#### **Federal Law No 75-FZ “On Introducing Amendments to the Federal Law ‘On Non-Commercial Organizations’**

The Law was introduced on 10 November 2020, adopted by the State Duma on 24 March 2021, approved by the Federation Council on 31 March 2021 and signed into law by the President on 5 April 2021.

This law expands criteria of what is legally defined as “foreign funding” for the purpose of the “foreign agents” law, extending it to funds received from Russian legal entities “whose beneficiary owners are foreign nationals or stateless persons”. It also widens the legal grounds for conducting unscheduled audits of NGOs registered as “foreign agents”, expanding them to cases when the authorities receive information on participation of an NGO in the activities of an “undesirable” organization.

Furthermore, the law obliges such NGOs to inform the Ministry of Justice about their programmes of work and planned activities prior to their implementation and to provide documentation once a year about existing programmes and events, report on their implementation or inform if such programmes or events were not implemented. Similar requirements have been established for subdivisions of foreign NGOs with the timing for provision of the documentation to be decided by the government. As with the subdivisions of foreign NGOs, the Ministry of Justice will have the authority to ban certain activities of Russian NGOs registered as “foreign agents”. Failure to comply with

orders of the Ministry of Justice will lead to liquidation of the respective NGO or subdivision of a foreign non-commercial NGO.

## **NEW LAWS AND DRAFT BILLS AFFECTING THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY**

### ***LAW ON PROHIBITION OF FOREIGN OR ANONYMOUS FUNDING OF MASS EVENTS***

The bill was introduced on 17 November 2020, adopted by the parliament in December, and signed by the President on 30 December 2020.

This legislative initiative compels organizers of mass gatherings with over 500 participants to report on the funding for such events, and requires that all relevant expenses and transactions are cashless and only go through an account in a Russian bank. Upon the bank transfer, all donors must provide detailed information about themselves, including passport numbers, registered taxpayer ID and registration date for legal entities.

Donations for public events from foreign governments, foreign organizations, international organizations or movements, foreign nationals, NGOs and individuals included in the “foreign agents” registry, unregistered public associations, Russian citizens under 16, anonymous donors and legal entities that have been established less than a year prior to transferring money, are prohibited.

### ***LAW ON RECOGNIZING “PICKET LINES” AS MASS EVENTS AND OTHER RESTRICTIONS ON THE RIGHT TO FREEDOM OF ASSEMBLY***

The bill was introduced on 17 November 2020, adopted by the parliament in December, and signed by the President on 30 December 2020.

A single-person picket has remained for several years as the only form of street protest which does not require prior approval from the authorities. Activists have used this legal provision to protest in the form of so-called “picket lines” (lines of single picketers standing 50 metres apart). With the approval of this new law, picket lines are now equated with mass public events, which makes their prior official approval mandatory.

Moreover, the law allows the authorities to withdraw their approval for any pre-approved public event at any time if the organizers “disseminate information about the change of the purpose of the event” or if a “threat” of a terrorist attack has been reported. If the authorities insist that the organizers change the time or place of the planned event, the organizers cannot insist on their initial proposal or negotiate any alternatives. The only choice they have is either to accept the conditions imposed by the authorities or cancel the event altogether.

Journalists are prohibited from “conducting agitation” or otherwise “promoting” a mass event in the course of their professional activities.

### ***LAW ON CRIMINALIZING OBSTRUCTION OF TRAFFIC***

The bill was introduced on 16 December 2020, adopted by the Parliament the same month and signed by the President on 30 December 2020.

Under this law, blocking traffic on roads, highways and urban streets is a criminal offence even in the absence of any grave consequences. The previous version of Article 267 of the Criminal Code only provided for punishments in cases when transportation infrastructure had been destroyed or damaged or other grave consequences had occurred. These amendments make blocking streets punishable by fines of between 100,000 and 300,000 roubles (Euro 1,100 – 3,300), or community service of up to 240 hours or up to one year of forced labour, or up to one year of imprisonment.

### ***LAW ON ADDING NEW ELEMENTS TO THE CRIME OF “HOOLIGANISM”***

The bill was introduced on 14 December 2020, adopted by the Parliament the same month and signed by the president on 30 December 2020.



These amendments introduce new elements to the crime of “hooliganism” under Article 213 of the Russian Criminal Code and increase penalties for violations of the law. Hooliganism with use of violence or threat of use of violence (instead of actual use of arms, as in the previous version of the article), and hooliganism committed by a “group” (instead of a “group of persons upon their prior conspiracy” or an “organized group”) are now criminal offences carrying a maximum fine of 1 million roubles (Euro 11,100; previously 500,000 roubles or Euro 5,500) and a maximum sentence of seven years in prison (previously five years).

Charges of “hooliganism” are often used in Russia against civil society activists, peaceful protesters and others, for the purpose of stifling peaceful protest and any dissent.

### ***DRAFT BILL ON PENALTIES FOR UNLAWFUL USE OF MASS MEDIA WORKER BADGES***

The bill was introduced on 23 November 2020 and adopted by the Parliament in the second reading on 28 January 2021.

In addition to restrictions on journalists’ participation in mass events, the law will introduce fines of between 20,000 and 30,000 roubles (Euro 220 – 330) and/or community service of up to 50 hours for a person who falsely identifies as a journalist using a mass media worker’s badge at mass events.

### ***LAW ON INCREASED ADMINISTRATIVE PENALTIES FOR DISOBEYING LEGITIMATE POLICE ORDERS AND FAILURE TO COMPLY WITH THE RULES FOR MASS EVENT FUNDING***

The bill was introduced on 23 November 2020 and adopted by the Parliament in its third reading on 10 February 2021. The law is pending signature by the President before it enters into force.

This law increases fines for several administrative offences related to the organization and holding of mass gatherings. It suggests that failure to comply with the rules regulating fundraising and spending for events be punishable by fines of between 10,000 and 20,000 roubles (Euro 111-223) for individuals; fines of between 20,000 and 40,000 roubles (Euro 223-446) for officials; and fines of between 70,000 and 200,000 roubles (Euro 781-2,231) for legal entities. Transferring money for a mass event by an entity that is not allowed to do so will be punishable by fines of between 10,000 and 15,000 roubles (Euro 111-167) for individuals, and between 50,000 and 100,000 roubles (Euro 557-1,115) for legal entities.

The law also provides for increased punishments for non-compliance with “legitimate orders” of police and other officials; although the maximum penalty – 15 days of administrative arrest – remains the same. The fines are raised from 5001,000 roubles (Euro 5.5-11) to 2,000-4,000 roubles (Euro 22-44), and a penalty of community service of between 40 and 120 hours is added. Repeated failure to obey “legitimate orders” may lead to fines of between 10,000 and 20,000 roubles (Euro 111-223) instead of the current penalty of 5,000 roubles (Euro 55), or up to 30 days of administrative arrest (same as in the current version), or community service of between 100 and 200 hours (new).

## **RECOMMENDATIONS TO THE COUNCIL OF EUROPE**

Amnesty International calls on the Council of Europe’s Secretary General, Committee of Ministers and Parliamentary Assembly to:

- Condemn in the strongest terms the politically motivated prosecution and arbitrary deprivation of liberty of Aleksei Navalny, his colleagues, associates and supporters, and call on the Russian authorities to immediately release Aleksei Navalny and all those who have been detained for peacefully exercising their rights to freedom of expression, association and peaceful assembly;
- Reiterate the European Court of Human Rights’ decision of 16 February issuing an interim measure under Rule 39 of the Rules of Court to the Government of Russia to release Aleksei Navalny; pending his release, call on the Russian authorities to ensure that Aleksei Navalny is protected from torture and other ill-treatment; that he is allowed to be examined by qualified independent medical specialists of his choice and that he is able to receive the treatment prescribed by them; and that an immediate investigation is conducted into his prison conditions, including into the alleged practice of sleep deprivation;

- Demand an immediate end to the ongoing harassment and prosecution of peaceful political and civil society activists, protesters and all other dissenting voices in Russia, and insist on the full respect of the rights to freedom of expression, peaceful assembly and association in line with the European Convention on Human Rights;
- Urge the Russian authorities to revert and repeal the legislative initiatives that unduly restrict the rights to freedom of expression, association, and peaceful assembly, and bring Russia's legislation into full compliance with its international human rights obligations. Furthermore, urge the Russian authorities to implement the Opinions of the Venice Commission, including the forthcoming Opinion on the Compatibility with international human rights standards of the Bills introduced to the Russian Parliament at the end of 2020 and early 2021 requested by the Parliamentary Assembly;
- Demand that the Russian authorities immediately remove from the list of “undesirable organisations” the Council of Europe School of Political Studies as called for by PACE in Resolution 2363 (2021); and repeal the original laws on “undesirable organisations” and on “foreign agents”, adopted in 2012 and 2015, respectively, as they are incompatible with the right to freedom of association, and lift all restrictive measures subsequently imposed on Russian and foreign organisations under these laws;
- Urge the Russian authorities to enable visits to Russia by the Commissioner for Human Rights, the Council of Europe Parliamentary Assembly's Rapporteurs of the Monitoring Committee on Russia, the PACE Rapporteurs on Political Prisoners in Russia and the Rapporteur on the poisoning of Aleksei Navalny, and others as necessary;
- Pursuant to CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe, ensure that the Moscow Office of the Council of Europe “promotes civil society's, NHRIs' and human rights defenders' work and gives visibility to key judgments of the European Court of Human Rights, recommendations of the Commissioner for Human Rights, the Venice Commission, and Parliamentary Assembly resolutions concerning the safe and enabling environment for human rights defenders”, in particular those pertaining to the host state.<sup>11</sup>

Amnesty International calls on the Committee of Ministers to:

- Prioritize the implementation of *Navalny v. Russia (No.2)* (Application 43734/14) at its June 2021 DH meeting on implementation of judgments and, further to its March 2021 Decision<sup>12</sup> calling for Aleksei Navalny's immediate release and the quashing of his convictions, consider using all the tools available under Article 46 of the ECHR, including the infringement proceedings under Article 46.4 of the ECHR;
- Call for the implementation of general measures to prevent the occurrence of further human rights violations identified by the ECtHR in its binding judgments, notably measures concerning the independence of the judiciary, arbitrary detention and undue restrictions on the rights to freedom of expression, association and peaceful assembly;
- Pursuant to CM/Rec(2018)11 Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe and the Helsinki Ministerial Decision of 2019, organize a thematic debate on threats to civil society, NHRIs and human rights defenders, in particular to address threats and attacks on human rights defenders and to express concern for the unjustified detention and criminal charges which effectively lead to halting civil society work in Council of Europe member States.<sup>13</sup>

<sup>11</sup> Recommendation [CM/Rec\(2018\)11](#) of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe:<sup>11</sup>, para IV b.

<sup>12</sup> 1398<sup>th</sup> meeting, 9-11 March 2021 (DH), *Navalny (Navalny and Ofitserov group) v. Russian Federation* (Application No. [101/15](#)): *Decisions*: <http://hudoc.exec.coe.int/ENG?i=004-49187>

<sup>13</sup> Recommendation [CM/Rec\(2018\)11](#) of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe, para(IV d)).